



## EXECUTIVE SUMMARY

To: Jim Scholl, City Manager  
Cc: Greg Veliz, Assistant City Manager  
From: Jim Young Director of Code Compliance *JY*  
Date: June 28, 2019  
Subject: 1420 Whalton Street Mitigation of Lien

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### **Action statement:**

On November 16, 2018 the attorney representing the estate of the deceased property owner, Charles Hoffman, Albert Kelley, P.A. submitted a request to mitigate liens placed on the property located at 1420 Whalton Street, Key West, FL. The total amount of the liens are Eight Thousand Seven Hundred and Fifty Dollars, (\$8,750.00). Mr. Kelley is offering no money for the release of the liens placed by the City of Key West Code Compliance Department on the subject property pursuant to City of Key West Code of Ordinances Sec 2.635 and FL Statute 162.09 (to place the lien) and Sec. 2-646 (to remove lien).

### **Recommendation:**

The City Manager as well as City Staff recommends the City Commission accept the full amount of the accrued liens, Eight Thousand Seven Hundred and Fifty Dollars, (\$8,750.00).

### **Background:**

#### **Case Number 15-0500**

On April 21, 2015 the property owner was advertising on AirBnB the subject property being available for short term rental with a three-night minimum stay at a rate of One Hundred and Fifty Dollars, (\$150.00) per night. A Notice of Code Violation/Notice of Hearing was issued via certified mail to the subject property owner. The Hearing date was May 27, 2015.

On May 4, 2015 the certified mail receipt is signed by the subject property owner, Charles Hoffman.

On May 27, 2015 the subject property owner signed a settlement agreement admitting to violating Section 18-601, Transient License Required and Section 122-1371(d)(9), Holding Out or Advertising without a Transient License. Respondent agreed to cease and desist the short-term rental of his property. The Special Magistrate assessed an Administrative Cost of Two Hundred and Fifty Dollars, (\$250.00).

**Case Number 16-0219**

On March 1, 2016 the subject property owner was advertising on AirBnB the subject property being available for short term rental with a three-night minimum stay at a rate of One Hundred and Twenty-Five Dollars, (\$125.00) per night. A Notice of Repeat Code Violation/Notice of Hearing was issued via certified mail to the subject property owner. The hearing date was March 30, 2016.

On March 3, 2016 the certified mail receipt is signed by the subject property owner, Charles Hoffman.

On March 30, 2016 the Special Magistrate found the subject property owner in violation of City of Key West Code of Ordinance Section 18-601, Transient License Required and Section 122-1371(d)(9), Holding Out or Advertising without a Transient License. The Special Magistrate assessed an Administrative Cost of Two Hundred and Fifty Dollars, (\$250.00), and a Fine of Seven Hundred and Fifty Dollars, (\$750.00). Total amount One Thousand Dollars, (\$1,000.00).

On May 4, 2016 a lien in the amount of One Thousand Dollars (\$1,000.00) is filed on the subject property with the Monroe County Clerk of Courts. See Book # 2794, Page # 2311.

**Case Number 16-0574**

On May 6, 2016 the subject property owner was advertising on Trip Advisor the subject property being available for a short-term rental of seven nights at a total cost of One Thousand and Twenty Dollars, (\$1,020.00).

On May 13, 2016 A Notice of Repeat Code Violation/Notice of Hearing was issued via certified mail to the subject property owner. The Hearing date was July 27, 2016.

On May 18, 2016 the certified mail receipt is signed by the subject property owner, Charles Hoffman.

On August 31, 2016 the Special Magistrate found the subject property owner in violation of City of Key West Code of Ordinance Section 18-601, Transient License Required, Section 122-1371, Renting without the Required Medallion and Section 122-1371(d)(9), Holding Out or Advertising without a Transient License. The Special Magistrate assessed an Administrative Cost of Two Hundred and Fifty Dollars, (\$250.00), and a Fine of Five Hundred Dollars, (\$500.00). Total amount Seven Hundred and Fifty Dollars, (\$750.00).

On September 13, 2016 a lien in the amount of Seven Hundred and Fifty Dollars (\$750.00) is filed on the subject property with the Monroe County Clerk of Courts. See Book # 2815, Page# 586.

**Case Numbers 16-0976, 16-0977, 16-0978**

On July 21, 2016 the subject property owner was advertising on AirBnB, three different units at the subject property available for a short-term rental of seven nights. Subject property owner was advertising unit one available for a total cost of One Thousand One Hundred and Fifty Dollars, (\$1,150.00), unit two available for a total cost of Eight Hundred and Sixty-Six Dollars, (\$866.00), and unit three available for a total cost of Nine Hundred and Twenty-Five Dollars, (\$925.00). A Notice of Repeat Code Violation/Notice of Hearing for each case was issued via certified mail to the subject property owner. The Hearing date was August 31, 2016.

On July 23, 2016 the certified mail receipts were signed by the subject property owner, Charles Hoffman.

On August 31, 2016 the Special Magistrate found the subject property owner in violation of City of Key West Code of Ordinance Sections 18-601, Transient License Required, Sections 122-1371, Renting without the Required Medallion and Sections 122-1371(d)(9), Holding Out or Advertising without a Transient License per each case. The Special Magistrate assessed an Administrative Cost of Two Hundred and Fifty Dollars, (\$250.00), and a Fine of Five Hundred Dollars, (\$500.00) per case for a total of Two Thousand Two Hundred and Fifty Dollars (\$2,250.00).

On September 13, 2016 three liens are filed in the amount of One Thousand Seven Hundred and Fifty Dollars, (\$1,750.00) on the subject property with the Monroe County Clerk of Courts. See Book #'s 2815, Page #'s 589, 590, and 592.

**Case Number 16-1597**

On November 30, 2016 the subject property owner was advertising on AirBnB the subject property being available for a short-term rental of eight nights at a total cost of One Thousand Two Hundred and Ninety-Five Dollars, (\$1,295.00). A Notice of Repeat Code Violation/Notice of Hearing for each case was issued via certified mail to the subject property owner. The Hearing date was January 25, 2017.

On December 3, 2016 the certified mail receipt is signed by the subject property owner, Charles Hoffman.

On January 25, 2017 the Special Magistrate found the subject property owner in violation of City of Key West Code of Ordinance Sections 18-601, Transient License Required, Sections 122-1371, Renting without the Required Medallion and Sections 122-1371(d)(9), Holding Out or Advertising without a Transient License per each case. The Special Magistrate assessed an Administrative Cost of Two Hundred and Fifty Dollars, (\$250.00), and a Fine of Five Thousand Dollars, (\$5,000.00) for a total of Five Thousand Two Hundred and Fifty Dollars (\$5,250.00).

On March 2, 2017 a lien in the amount of Five Thousand Two Hundred and Fifty Dollars (\$5,250.00) is filed on the subject property with the Monroe County Clerk of Courts. See Book # 2841, Page #1453.

The total amount owed to the City is Eight Thousand and Seven Hundred and Fifty Dollars, (\$8,750.00).