

# City of Key West, FL

City Hall 1300 White Street Key West FL 33040

# **Action Minutes - Final**

# **Code Compliance Hearing**

Thursday, December 15, 2022

1:30 PM

**City Hall** 

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

You may also attend these meetings virtually via Zoom by telephoning +1 305 224 1968

Meeting ID: 826 9294 1128 Passcode: 788053 or Online at:

https://cityofkeywest-fl-gov.zoom.us/j/82692941128?

pwd=VjNKN0FORVgyYkllUGhPYXNrRi81Zz09 Meeting ID: 826 9294 1128 Passcode:
788053

**Call Meeting to Order** 

**Code Violations** 

1 Case # 22-1210

Michael Cates 3708 Northside Drive

14-37 Building permits; professional plans; display of permits; address;

exceptions

Officer Sean Davis Certified Mail: 9-12-2022 Initial Hearing: 9-29-2022

In compliance as of 6 December 2022; Request dismissal

**Count 1:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

This case came into compliance as of 6 December 2022. The Special Magistrate granted the dismissal.

2 Case # 22-1456

Sean & Karolina Seaman

2401 Harris Ave

Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions

Sec. 66-87 Business tax receipt required for all holding themselves out to

be engaged in business

Sec. 58-61 Determination and levy of charge

Sec. 90-363 Certificate of occupancy-required

Officer Sean Davis

Certified Mail:

Initial Hearing: 12-15-2022

#### Continuance granted to 26 January 2023

**Count 1:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

**Count 2:** Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.

**Count 3:** Failure to apply and obtain a LUD with the City of Key West Planning Department.

Count 4: Failure to apply and obtain a certificate of occupancy.

This case was previously granted a continuance to 26 January 2023

#### 3 Case # 22-1474

Mangoes Restaurant LLC

700 Duval Street LLC- Property Owner

Daniel Dingeman- Registered Agent

David Bootle- Entertainer

700 Duval Street

Sec. 26-192 Unreasonably excessive noise prohibited- Repeat

Code Officer Sean Davis

Certified Mail: 11-23-2022- **Property Owner**Certified Mail: 11-23-2022- **Registered Agent** 

Certified Mail: 11-23-2022- Entertainer

Initial Hearing: 12-15-2022

#### **New Case**

### Count 1: Failure to keep music sound at a legal level.- Repeat

The Code Officer was Sean Davis. Attorney Van Fischer was present on behalf of the Respondent. Officer Davis read his timeline and evidence was shown. Mr.Fischer submitted evidence to the City and The Special Magistrate for

review. Mr.Fischer questioned Officer Davis about which cases he was referencing in his timeline. Attorney Van Fischer stated his is not disputing the violation against them, but he would like to dispute the repeat count. He stated the last violation was June 29, 2018 and the current now is 4 half years but for 162-04 Florida Statutes defines it as a violation occurring within 5 years. He also stated City code and statutes in 16.09b it indicates that The Special Magistrate shall consider one violator to correct the violation. The Special Magistrate denied the request due to being a problem for Duval Street and can't go unchecked. The Special Magistrate asked why the City wants to fine David Bootle \$500.00. Director Jim Young stated 2018 case Mr. Bootle was the violator that time and was cited with the property owner. The Special Magistrate found the Respondent to be in violation and imposed a \$250.00 court cost and a \$500.00 suspended fine for Mangoes Restaurant LLC and David Bootle if found in violation again the suspended fine will be collectable by the City indefinitely.

#### 4 Case # 22-1262

Corraine A Ybarra

3075 Flagler Ave Unit 12

Sec. 66-87 Business tax receipt required for all holding themselves out to

be engaged in business Officer Sophia Doctoche Hand Posted: 11-23-2022

Initial Hearing: 11-17-2022

#### In compliance as of 7 December 2022; Request dismissal

**Count 1:** Failure to apply and obtain a non-transient license with the City of Key West Licensing Department.

This case came into compliance as of 7 December 2022. The Special Magistrate granted the dismissal.

#### Case # 22-1297

Narmina LLC

Nigora Rakhmanova- Registered Agent

6401 3rd Street

Sec. 18-360 Annual Inspection

Officer Sophia Doctoche Hand Posted: 11-22-2022 Initial Hearing: 12-15-2022

#### **New Case**

**Count 1:** Failure to contact the City of Key West Licensing Department to renew the regulatory license and schedule an annual inspection.

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The Code Officer was Sophia Doctoche. Attorney Van Fischer was present on behalf of the Respondent. Officer Doctoche read her timeline and evidence was shown. Attorney Fisher requested for a continuance due to not having insurance documents. The Special Magistrate denied the request due to safety issues. The Special Magistrate found that there was substantial evidence to find that there is a violation and imposed to \$250.00 court fine and \$250 Administrative fee and compliance by 23 January 2023.

#### 6 Case # 22-1327

CP LTD Partnership

2104 Fogarty Ave

66-87 Business tax receipt required for all holding themselves out to be engaged in business

Officer Sophia Doctoche Hand Posted: 11-1-2022 Initial Hearing: 12-15-2022

#### **New Case**

Count 1: Failure to apply and obtain a non-transient license with the City of Key West Licensing Department.

The Code Officer was Sophia Doctoche. The Respondents did not attend. Officer Doctoche read her timeline and stated that they have not obtained the license to come into compliance. The City asked for a finding of violation \$250.00 court cost and \$250.00 a day until license is obtained. The Special Magistrate granted the finding and imposed \$250.00 court cost and \$250.00 per count per day with compliance date of December 16, 2022.

#### Case # 22-1335

Key West Cottages LLC

Catherine Dishner- Registered Agent

1209 William Street #4

Sec. 66-87 Business tax receipt required for all holding themselves out to

be engaged in business Officer Sophia Doctoche Certified Mail: 11-2-2022 Initial Hearing: 12-15-2022

### In compliance as of 2 November 2022; Request dismissal

Count 1: Failure to apply and obtain a non-transient license with the City of Key West Licensing Department.

This case came into compliance as of 2 November 2022. The Special Magistrate granted the dismissal.

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#### 8 Case # 22-1442

330 Key West LLC 330 Caroline Street

Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions

Sec. 14-40 Permits in historic districts Sec. 18-117 Acts declared unlawful

Officer Sophia Doctoche

Certified Mail:

Initial Hearing: 12-15-2022

### In compliance as of 5 December 2022; Request dismissal

**Count 1:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

Count 2: Failure to apply and obtain the appropriate permits with the

City of Key West HARC Department.

Count 3: Failure to hire a licensed contractor.

This case came into compliance as of 5 December 2022. The Special Magistrate granted the dismissal.

#### 9 Case # 22-1443

Tim Lucas

330 Caroline Street

Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions Officer Sophia Doctoche Certified Mail: 11-14-2022 Initial Hearing: 12-15-2022

# In compliance as of 5 December 2022; Request dismissal

**Count 1:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

This case came into compliance as of 5 December 2022. The Special Magistrate granted the dismissal.

## 10 Case # 22-1472

Victor Olson

330 Caroline Street

Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions

Sec. 14-40 Permits in historic districts Sec. 18-117 Acts declared unlawful

Officer Sophia Doctoche

Certified Mail:

Initial Hearing: 12-15-2022

# In compliance as of 5 December 2022; Request dismissal

**Count 1:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

**Count 2:** Failure to apply and obtain the appropriate permits with the

City of Key West HARC Department.

Count 3: Failure to hire a licensed contractor.

This case came into compliance as of 5 December 2022. The Special Magistrate granted the dismissal.

#### 11 Case # 22-1493

NBA Properties Corp.

Esney Diaz-Registered Agent

1623 Venetian Drive

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings;

regulations D(9)

Sec. 66-87 Business tax receipt required for all holding themselves out to

be engaged in business Officer Sophia Doctoche

Certified Mail:

Initial Hearing: 12-15-2022

## Continuance granted to 26 January 2023

**Count 1:** Failure to apply and obtain a transient medallion with the City of Key West Licensing Department.

**Count 2:** Failure to obtain all required city, county and state licensing to advertise and rent short-term.

**Count 3:** Failure to apply and obtain the appropriate license with the City of Key West Licensing Department.

This case was previously granted a continuance to 26 January 2023

#### 12 Case # 22-1495

Alta Vista Real Estate Partners LLC

Ray McLaughlin- Registered Agent

711 Southard Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings;

regulations D(9)

Sec. 66-87 Business tax receipt required for all holding themselves out to

be engaged in business Officer Sophia Doctoche

Certified Mail:

Initial Hearing: 12-15-2022

### In compliance as of 22 November 2022; Request dismissal

**Count 1:** Failure to apply and obtain a transient medallion with the City of Key West Licensing Department.

**Count 2:** Failure to obtain all required city, county and state licensing to advertise and rent short term.

**Count 3:** Failure to apply and obtain the appropriate licenses with the City of Key West Licensing Department.

This case came into compliance as of 22 November 2022. The Special Magistrate granted the dismissal.

#### 13 Case # 22-510

Charles Arthur Mcconn

620 White Street

Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions

Sec. 14-40 Permits in historic districts

Officer Keenan Mellendorf Certified Mail: 9-8-2022 Initial Hearing: 9-29-2022

# In compliance as of 12 December 2022; Request dismissal

**Count 1:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

**Count 2:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

This case came into compliance as of 12 December 2022. The Special Magistrate granted the dismissal.

### 14 Case # 22-1435

Daniella Dubrovich- Property Manager

Valbona Vulaj- Property Manager

Thomas & Diane Seiter- Property Owner

1316 Eliza Street

Sec. 18-601 License required- Irreparable

Sec. 66-87 Business tax receipt required for all holding themselves out to

be engaged in business Officer Keenan Mellendorf

Certified Mail: 11-23-2022- Daniella Dubrovich
Certified Mail: 11-23-2022- Daniella Dubrovich

Certified Mail: 11-23-2022- Valbona Vulaj Certified Mail: 11-23-2022- Valbona Vulaj

Certified Mail: 12-1-2022- Thomas & Diane Seiter

Initial Hearing: 12-15-2022

#### **New Case**

**Count 1:** Failure to apply and obtain a transient medallion with the City of Key West Licensing Department.- **Daniella Dubrovich, Valbona Vulaj,** 

Thomas & Diane Seiter- Irreparable

Count 2: Failure to apply and obtain the appropriate licenses with the City of Key West Licensing Department.- Daniella Dubrovich and Valbona Vulaj

The Code Officer was Keenan Mellendorf. The Respondent Diane Seiter was present. The Respondent Valbona Vulaj and Daniella Dubrovich was not present. Officer Mellendorf stated to dismissed Diane Seiter due to she has supplied substantial evidence to indicate that she is not at fault for the violation. Diane Seiter provide a evidence package before code hearing. The Special Magistrate granted the dismissed for Diane Seiter. Diane Seiter was present for the rest of the hearing due to her being the witness. Officer Mellendorf read his timeline and evidence was shown. Officer Mellendorf questions Diane Seiter when did she rent to Valbona Vulaj? Diane Seiter stated September 24th - November 30th. Officer Mellendoft asked if she was aware she was going to rent to someone body else? Diane Seiter stated no the contract they sign said no subletting. Officer Mellendorf asked when did she receive notice? Diane Seiter stated yes on October 26. The City is asking Daniella Dubrovish \$250.00 administrative cost, 18-601 \$5,000.00 Irreparable and 66-87 \$250.00. Valbona Vulaj 18-601 Irreparable \$5,000.00 and 66-87 \$250.00.The Special Magistrate found there was enough evidence for a finding of violation and granted the fines.

Case # 22-1459

Daniella Dubrovich- **Property Manager** Valbona Vulaj- **Property Manager** 

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Thomas & Diane Seiter- Property Owner

1316 Eliza Street

Sec. 18-601 License required- Irreparable

Sec. 66-87 Business tax receipt required for all holding themselves out to

December 15, 2022

be engaged in business
Officer Keenan Mellendorf

Certified Mail: 11-23-2022- Daniella Dubrovich Certified Mail: 11-23-2022- Daniella Dubrovich Certified Mail: 11-23-2022- Valbona Vulaj Certified Mail: 11-23-2022- Valbona Vulaj

Certified Mail: 12-1-2022- Thomas & Diane Seiter

Initial Hearing: 12-15-2022

#### **New Case**

**Count 1:** Failure to apply and obtain a transient medallion with the City of Key West Licensing Department.- **Daniella Dubrovich, Valbona Vulaj,** 

**Thomas & Diane Seiter-Irreparable** 

**Count 2:** Failure to apply and obtain the appropriate licenses with the City of Key West Licensing Department.- **Daniella Dubrovich and Valbona Vulaj** 

The Code Officer was Keenan Mellendorf. The Respondent Diane Seiter was present. The Respondent Valbona Vulaj and Daniella Dubrovich was not present. This case is the same as the previous case that was read. The City requested Valbona Vulaj \$250.00 administrative cost, 18-601 \$5,000.00 Irreparable and 66-87 \$250.00. Daniella Dubrovish 18-601 Irreparable \$5,000.00 and 66-87 \$250.00. The Special Magistrate found that there was substantial evidence for a finding of violation and granted the fines.

#### 16 Case # 21-1690

Lisa & Joseph Querci 3838 Flagler Ave

Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions Officer Paul Navarro Certified Mail: 8-22-2022 Initial Hearing: 9-29-2022

### In compliance as of 11 November 2022; Request dismissal

**Count 1:** Failure to apply and obtain the appropriate building permits from the City of Key West Building Department.

17 Case # 21-1831

Migo 2 LLC

Michael Goldberg- Registered Agent

2016 Roosevelt Drive

Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions
Officer Paul Navarro
Certified Mail: 8-22-2022
Initial Hearing: 9-29-2022

#### Continued from 20 October 2022

**Count 1:** Failure to apply and obtain the appropriate building permits from the City of Key West Building Department

The Code Officer was Paul Navarro. The Respondent Michael Goldberg was present. Mr.Goldberg stated for a continuance due to revisiting the professional plans that were done. The Special Magistrate granted the continuance to 23 February 2023.

#### 18 Case # 22-1373

Key West Electric INC

Jorge Sanchez- Registered Agent

1518 Laird Street

Sec. 18-150 Certificate of competency required- Irreparable

Sec. 66-87 Business tax receipt required for all holding themselves out to

be engaged in business- Irreparable

Sec. 14-262 Request for inspection- Irreparable

Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions- Irreparable

Officer Paul Navarro Certified Mail: 10-27-2022 Initial Hearing: 11-17-2022

### Continuance granted to 26 January 2023

Count 1: Failure to register Florida State License with the City of Key

West Licensing Department.- Irreparable

Count 2: Failure to apply and obtain a business tax receipt with the City

of Key West Licensing Department.- Irreparable

Count 3: Failure to contact the City of Key West Building Department

and schedule an electrical inspection.- Irreparable

**Count 4:** Failure to apply and obtain the appropriate building permits from the City of Key West Building Department.- **Irreparable** 

This case was previously granted a continuance to 26 January 2023

19 Case # 22-1374

JC Electric of the Florida Keys INC Juan C. Morales- Registered Agent

1518 Laird Street

Sec. 14-262 Request for inspection- Irreparable

Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions- Irreparable

Sec. 18-117 Acts declared unlawful- Irreparable

Officer Paul Navarro

Certified Mail:

Initial Hearing: 11-17-2022

#### Continuance granted to 26 January 2023

Count 1: Failure to contact the City of Key West Building Department

and schedule an electrical inspection.- Irreparable

**Count 2:** Failure to apply and obtain the appropriate building permits

from the City of Key West Building Department.- Irreparable

Count 3: Failure to hire a licensed contractor.- Irreparable

This case was previously granted a continuance to 26 January 2023

20 Case # 22-1414

Joel Bernard Lucien Odou

611 Whitehead Street

Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions- Irreparable

Sec. 14-40 Permits in historic districts- Irreparable

Sec. 18-150 Certificate of competency required- Irreparable

Sec. 66-87 Business tax receipt required for all holding themselves out to

be engaged in business- Irreparable

Officer Paul Navarro Hand Posted: 11-15-2022 Initial Hearing: 11-17-2022

# **Continued from 17 November 2022**

**Count 1:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.- **Irreparable** 

Count 2: Failure to apply and obtain a certificate of appropriateness with

the City of Key West Planning Department.- Irreparable

**Count 3:** Failure to achieve Certificate of Competency.- **Irreparable** 

Count 4: Failure to apply and obtain a business tax receipt with the City

of Key West Licensing Department.- Irreparable

The Code Officer was Paul Navarro. The Respondent did not attend. Officer Navarro stated that the City is asking for a continuance due to Building Inspector Tarin Wright did not attend. The Special Magistrate granted the continuance to 26 January 2023

#### 21 Case # 22-1446

Nature's Boundary LLC C/O Peregrin Law Firm, PA 1010/ 1012 Olivia Street Sec. 26-32 Nuisances illustrated

Officer Laurie Skinner Certified Mail: 11-28-2022 Initial Hearing: 12-15-2022

#### **New Case**

**Count 1:** Failure to clear property of over grown grass and trash.

The Code Officer was Laurie Skinner. The Respondent did not attend. Officer Skinner read his timeline and evidence was shown. Officer Skinner also stated that Nature's Boundary LLC is in compliance as of the day of the hearing and that the City would also be asking for a finding of violation with no fees or fines. The Special Magistrate granted a finding of violation with no fees or fines.

# 22 Case # 22-831

Borders Nidia F Revocable Trust 4/26/2020

1415 1st Street

Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions

Sec. 14-359 Permit display

Sec. 14-262 Request for inspection

Sec. 58-61 Determination and levy of charge Sec. 90-363 Certificate of occupancy-Required

Sec. 66-87 Business tax receipt required for all holding themselves out to

be engaged in business Officer Leo Slecton

Hand Posted: 9-19-2022- Amended Notice

Initial Hearing: 7-28-2022

### Continuance granted to 26 January 2023

**Count 1:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

**Count 2:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

**Count 3:** Failure to schedule an inspection for all work that has been completed.

**Count 4:** Failure to apply and obtain a LUD with the City of Key West Planning Department.

**Count 5:** Failure to apply and obtain a Certificate of Occupancy with the City of Key West Building Department.

**Count 6:** Failure to apply and obtain a business tax receipt from the City of Key West Licensing Department.

This case was previously granted a continuance to 26 January 2023

#### 23 Case # 22-1417

Dennis & Leigh Hooten 2829 Seidenberg Ave

Sec. 26-126 Clearing of property of debris and noxious materials

required

Officer Leo Slecton

Certified Mail: 11-10-2022 Initial Hearing: 11-17-2022

#### **Continued from 17 November 2022**

Count 1: Failure to clear property of overgrown grass

The Code Officer was Leo Slecton. The Respondent did not attend. Officer Slecton stated that at the last hearing The Special Magistrate imposed a fine with a compliance date and the respondent is not in compliance. The Special Magistrate granted for the fines to start running.

#### 24 Case # 22-1449

Tubs Refinishing Services INC.

Lissette B Calmo- Registered Agent

3920 S Roosevelt Blvd Apt. 305W

Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions

Sec. 18-150 Certificate of competency required

Sec. 66-87 Business tax receipt required for all holding themselves out to

be engaged in business

Officer Roman Stenko Certified Mail: 11-14-2022 Initial Hearing: 12-15-2022

### In compliance as of 30 November 2022; Request dismissal

**Count 1:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

**Count 2:** Failure to register Florida State License with the City of Key West Licensing Department.

**Count 3:** Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.

This case came into compliance as of 30 November 2022. The Special Magistrate granted the dismissal.

#### 25 Case # 22-1450

Tubs Refinishing Services, INC

Lissette B Calmo- Registered Agent

3920 S Roosevelt Blvd Apt. 105N

Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions

Sec. 18-150 Certificate of competency required

Sec. 66-87 Business tax receipt required for all holding themselves out to

be engaged in business Officer Roman Stenko Certified Mail: 11-14-2022 Initial Hearing: 12-15-2022

### In compliance as of 30 November 2022; Request dismissal

**Count 1:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

**Count 2:** Failure to register Florida State License with the City of Key West Licensing Department.

**Count 3:** Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.

This case came into compliance as of 30 November 2022. The Special Magistrate granted the dismissal.

#### 26 Case # 22-1501

David Gomez 2308 Patterson Ave

Sec. 18-150 Certificate of competency required

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business

Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions Officer Roman Stenko Certified Mail: 12-7-2022 Initial Hearing: 12-15-2022

# Continuance granted to 26 January 2023

Count 1: Failure to achieve Certificate of Competency.

**Count 2:** Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.

**Count 3:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

### This case was previously granted a continuance to 26 January 2023

#### 27 Case # 20-524

Gregory G Farrelly- Registered Agent

828 Windsor Lane

Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions

Sec. 58-61 Determination and levy of charge

Sec. 66-87 Business tax receipt required for all holding themselves out to

be engaged in business

Officer Jim Young

Certified Mail: 6-30-2021 Initial Hearing: 6-24-2021

### In compliance as of 13 December 2022; Request dismissal

Count 1: Failure to submit as built certifications to the City of Key West.

Count 2: Failure to apply and obtain an LUD with the City of Key West

Planning Department.

Count 3: Failure to apply and obtain a non-transient license from the City

of Key West Licensing Department.

This case came into compliance as of 13 December 2022. The Special Magistrate granted the dismissal.

#### 28 Case # 21-722

Key Home Investors LLC C/O The Mack Company 2811 North Roosevelt Blvd Sec. 26-126 Clearing of property of debris and noxious material required- **Dismiss** 

Sec. 14-364 Stormwater retention

Officer Jim Young Hand Served: 6-8-2022 Initial Hearing: 7-28-2022

# In compliance as of 14 December 2022; Request dismissal

Count 1: Failure to trim the landscaping and remove the refuse and

trash. Dismiss

Count 2: Failure to develop and maintain a storm water retention plan.

This case came into compliance as of 14 December 2022. The Special Magistrate granted the dismissal.

# Adjournment