



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, February 23, 2023

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.

Call Meeting to Order

Code Violations

4

Case # 22-799

Ronald & Teresa Dalton
321 Margaret Street
Sec. 90-363 Certificate of occupancy required
Sec. 58-61 Determination and levy of charge
Officer Sophia Doctoche
Certified Mail: 12-19-2022
Initial Hearing: 1-26-2023

Continued from 26 January 2023

Count 1: Failure to apply and obtain a Certificate of Occupancy with the City of Key West Building Department.

Count 2: Failure to apply and obtain a LUD with the City of Key West Planning Department.

The Code Officer was Sophia Doctoche who was present at the hearing. The Respondent Ronald Dalton was present as well. Officer Doctoche stated that this case was previously heard and the Special Magistrate gave a compliance date of February 7. Mr. Dalton stated that he believes he is in compliance since he stopped renting the home and because the lock out definition in ordinance 86-9. Officer Doctoche stated that he is not in compliance and that she gave him all his options to come into compliance and that Mr. Dalton has not done anything. The Special Magistrate ordered for the fines to start to run from the 7th of February and advised Mr. Dalton that he can mitigate the fines once he

does come into compliance.

6

Case # 23-7

Vacasa Florida LLC

CT Corporation System- Registered Agent

12 Kingfisher Lane

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

Officer Sophia Doctoche

Certified Mail: 1-18-2023

Initial Hearing: 2-23-2023

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 Docotche who was present at the hearing. The Respondent Ann Wong who works for Vacasa Florida LLC was present as well. Officer Sophia read her timeline and evidence was shown. Ann Wong stated how she listed the subject address and what she did wrong with not verifying if the home owner obtained a license with the City of Key West. She was also confusing the County with the City since she obtained a license with the County, but not with the City. The Special Magistrate explained that there was an admission to the violation by the Respondent. The Special Magistrate imposed \$250.00 administrative cost and \$250.00 per count per day if not in compliance by 17 March 2023.

16

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

Continued from 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.

The Code Officer was Roman Stenko present at the hearing. Attorney Van Fischer was present on behalf of the Respondent. Officer Stenko stated that the City would like to ask for a continuance because the Respondents might enter into a settlement agreement and they have been cooperative so the City would like to give them more time for compliance. Attorney Fischer did not object to the continuance. The Special Magistrate granted a continuance to 30 March 2023.

8

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 15 December 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 who was not present at the hearing. Chief Licensing Official Amanda Brady was present on behalf of the City. Attorney Van Fischer was also present on behalf of the Respondent. Chief Licensing Official Brady asked the court for a continuance to the March docket. Attorney Fischer did not object. The Special Magistrate granted a continuance to 30 March 2023.

Mitigations

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Case # 22-975

Hector E. Vazquez

3930 S Roosevelt Blvd 113E

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

Officer Sophia Doctoche

Certified Mail: 8-31-2022

Initial Hearing: 9-29-2022

Mitigation

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 who was present at the hearing. The Respondent Hector Vazquez was present as well. Legal Analyst Ashley Dixon was present on behalf of the City. This is a case that was previously heard and fines were imposed for \$250.00 administrative cost and \$250.00 per count per day starting 21 October 2022. The fines ran until 28 December 2022 resulting in a \$17,000.00 plus \$250.00 administrative cost that the Respondent was trying to mitigate. The Respondent was offering to pay \$250.00 total for the fines. The Special Magistrate asked the Respondent why he should mitigate the fine. Hector Vazquez stated that he was confused about who he was talking to whether it was the City of Key West or Monroe County. Officer Doctoche then stated that she doesn't know why he would be confused since the emblems for the City and County are different, and that every notice she sent him it had her contact information so he could contact her and he never did. The Special Magistrate told the Respondent that because of the mitigation ordinance he could only mitigate the fine so much, and in this particular case he could mitigate the fine up to 50%. The Special Magistrate imposed a \$11,000.00 fine instead of the previous fine of \$17,250.00.

Code Violations

2

Case # 22-1518

Catherine Anna Still

Charles Andrew Baxter

610 Dey Street

Sec. 14-364 Storm water retention

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

Officer Sean Davis

Certified Mail: 1-26-2023

Initial Hearing: 2-23-2023

New Case

Count 1: Failure to retain a storm water retention plan.

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

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

The Code Officer was Sean Davis present at the hearing. The Respondent Charles Andrew Baxter was present at the hearing. Officer Davis read his timeline and evidence was shown. While Officer Davis was reading his timeline he stated that the Respondent is renting out the home with an expired business tax receipt from the City. Mr. Baxter showed Officer Davis his current active business tax receipt. The Special Magistrate granted that count 3 be

dismissed since Mr. Baxter did obtain a business tax receipt. Mr. Baxter then explained details about his home where there is a depression under the house, and when there is high tide it fills up under his house like a swimming pool. He didn't think that he had done any electrical work when working on the pool pump. Then he stated that he knows he shouldn't have pumped pool water into the street. Officer Davis stated that he has been by the property and has not noticed water running into the street, but there is still a PVC pipe is there. The Special Magistrate stated that by the Respondents own admission he is going to find that there is a violation and that the PVC pipe will need to be removed. The Special Magistrate granted a finding of the violation with \$250.00 administrative cost and \$250.00 per count per day if not in compliance by 17 March 2023.

1 Case # 22-1437

Joe Raines
Kathleen Raines
2009 Roosevelt Drive
Sec. 108-680 Recreational vehicles and boats
Officer Sean Davis
Certified Mail: 2-1-2023
Initial Hearing: 2-23-2023

In compliance as of 19 February 2023; Request dismissal

Count 1: Failure to remove RV from property or move RV 50% behind the front structure line of the main dwelling.

This case came into compliance as of 19 February 2023. The Special Magistrate granted the dismissal.

3 Case # 22-1643

Van Allen Bruce
2303 Linda Ave
Sec. 110-259 Duty of private property owner
Sec. 26-126 Clearing of property of debris and noxious material required
Officer Sean Davis
Certified Mail:
Initial Hearing: 1-26-2023

Continued from 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 clear property of overgrown grass.

The Code Officer was Sean Davis present at the hearing. The Respondent did not attend. Officer Davis stated that this case was in compliance as of this

morning 23 February 2023. He requested that the case be dismissed. The Special Magistrate granted the dismissal.

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Case # 22-1585

Key West Hideaways, Inc.

Kenneth H. Schultz- **Registered Agent**

329 Peacon Lane

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

Officer Sophia Doctoche

Hand Posted: 12-20-2022

Initial Hearing: 1-26-2023

Settlement Agreement

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

This case has a Settlement Agreement of \$250.00 Administrative Cost, for a total of \$250.00. The Settlement Agreement was signed by all parties and the Special Magistrate executed the agreement.

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Case # 23-27

Resless Native Charters LLC

Brad Barker- Registered Agent

201 William Street #C18

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations D(9)

Officer Sophia Doctoche

Certified Mail: 2-14-2023

Initial Hearing: 2-23-2023

New Case

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

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

The Code Officer was Sophia Doctoche who was present the hearing. The Respondent did not attend even though there was good service for the notice of hearing. Officer Doctoche read her timeline and evidence was shown. Officer Doctoche stated that as of today the Respondent is still advertising the subject address transiently, but changed the host name from Brad to Maddie.

The reviews for the ad still say Brad and the pictures are still the same. The Special Magistrate thought that there was circumstantial evidence for a finding of violation and imposed \$250.00 administrative cost and \$250.00 per count per day if not in compliance by 28 February 2023.

9

Case # 22-1414

Joel Bernard Lucien Odou

611 Whitehead Street

~~Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions-~~ **Dismiss**

~~Sec. 14-40 Permits in historic districts-~~ **Dismiss**

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 Paul Navarro

Hand Posted: 11-15-2022

Initial Hearing: 11-17-2022

Continued from 26 January 2023

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

~~Count 2: Failure to apply and obtain a certificate of appropriateness with the City of Key West Planning Department.-~~ **Dismiss**

Count 3: Failure to achieve Certificate of Competency.**Count 4:** Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.

The Code Officer was Paul Navarro who was not present at the hearing. The Respondent did not attend. Chief Licensing Official Amanda Brady was present on behalf of the City. Chief Licensing Official Amanda Brady stated that the Respondent came into compliance as of 20 February 2023 and the City is asking for a dismissal of the case. The Special Magistrate granted the dismissal.

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Case # 23-31

Key West Spine & Injury

Michael Norman

1117 Key Plaza

Sec. 14-262 Request for inspection

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

Sec. 18-117 Acts declared unlawful

Officer Paul Navarro

Certified Mail: 2-14-2023

Initial Hearing: 2-23-2023

New Case

Count 1: Failure to schedule inspections for the un permitted work 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 hire a licensed contractor.

The Code Officer was Paul Navarro who was not present at the hearing. The Respondent Michael Norman was present. Chief Licensing Official Amanda Brady was present on behalf of the City. Chief Licensing Official stated that the City would be asking for a continuance due to Officer Navarro not being able to attend for this case and the next case 23-32. Mr.Norman objected to the continuance since he took time out of his day to be here. Chief Licensing Official Brady stated that the reason why he was not present was due to a family emergency and that Officer Navarro will be back in the office on Friday. Mr.Norman then accepted the City's motion for a continuance. The Special Magistrate granted a continuance to 30 March 2023.

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Case # 23-32

Jorge A. Sanchez

1117 Key Plaza

Sec. 14-262 Request for inspection

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 Paul Navarro

Certified Mail: 1-26-2023

Initial Hearing: 1-26-2023

Continued from 26 January 2023

Count 1: Failure to contact the City of Key West Building Department and schedule an electrical inspection.

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

Count 3: Failure to achieve Certificate of Competency.

Count 4: Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.

The Code Officer was Paul Navarro who was not present at the hearing. Chief Licensing Official Amanda Brady was present on behalf of the City. Chief Licensing Official stated in the previous case that was called that the City would be asking for a continuance due to Officer Navarro's absence. The Special Magistrate granted a continuance to 30 March 2023.

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Case # 23-73

Simply Blue Pools LLC
Brain S. Thomas- Registered Agent
1922 Patterson Ave
Sec. 74-31 Unlawful deposits
Officer Paul Navarro
Certified Mail: 2-14-2023
Initial Hearing: 2-23-2023

Settlement Agreement

Count 1: Failure to cease the deposit of any human or animal excrement, garbage, or other waste on any public property within the City.

This case has a Settlement Agreement has been duly executed by the respondent and the City Manger. The respondent stipulates to the imposition of an administrative costs in the amount of \$250.00. The Respondent also stipulates to the imposition of a payment for the cost of the clean-up in the amount of \$279.47 for a total of \$529.47.

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Case # 22-1507

Jackson Square Condominium Association INC.
Eric Wild Lcam
600 Whitehead Street 208
Sec. 58-68 Commercial solid waste accounts
Officer Laurie Skinner
Certified Mail:
Initial Hearing: 2-23-2023

Continuance granted to 30 March 2023

Count 1: Failure to hold a trash account with Waste Management.

This case was previously granted a continuance to 30 March 2023.

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Case # 23-193

Suzanne Desaulniers
Daniel Michaud
221 Petronia Street
Sec. 58-31 Container and receptacle requirements
Sec. 58-35 Requirements for bulk and excess yard waste pickup
Sec. 62-2 Obstructions
Officer Laurie Skinner
Hand Posted: 2-3-2023

Initial Hearing: 2-23-2023

New Case

Count 1: Failure to remove bins from the right of way.

Count 2: Failure to call Waste Management to remove concrete and trash from the right of way.

Count 3: Failure to remove concrete and trash from the right of way.

The Code Officer was Laurie Skinner. The Respondent Suzanne Desaulniers appeared via Zoom. Officer Skinner read his timeline and evidence was shown. Officer Skinner also stated that Suzanne is in compliance 3 February 2023 and that the City would also be asking for a finding of violation with no fees or fines. The Respondent admitted to the violations against her. The Special Magistrate granted a finding of violation with no fees or fines.

15

Case # 22-1233

Marie Rose Guerline Cine

1300 15th CT Lot #20

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

Officer Leo Slecton

Certified Mail: 1-13-2023

Initial Hearing: 1-26-2023

Continued from 26 January 2023

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

The Code Officer was Leo Slecton. The respondent was Marie Rose Guerline Cine with a translator Jean Walls. Officer Slecton read his timeline. Officer Slecton stated a follow-up inspection and found that corrective actions were not taken and violation still exists. The date of compliance given for this case was 20 February 2023. The permit required information. The Special Magistrate asked Jean to translate if she understood that the suture needed to be removed or get a permit. Jean said that Marie understood. The Special Magistrate states the fine is running per day due to not coming in compliance. Marie stated that she had someone who will removed the suture. The Special Magistrate states Marie needs to obtain the appropriate building permits with the City of Key West Building Department or demolishes the structure.

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Case # 23-3

Thomas McGuirk

1909 Blanche Street 1

Sec. 18-117 Acts declared unlawful

Officer Jim Young

Certified Mail: 1-18-2023
Initial Hearing: 1-26-2023

Settlement Agreement

Count 1: Failure to hire a licensed building inspector.

This case has a Settlement Agreement has been duly executed by the respondent and the City Manger. The respondent stipulates to the imposition of an fine in the amount of \$250.00 per 2 counts for a total of \$500.00. Court costs shall be paid by Co-Respondent in this case. The Settlement Agreement was signed by all parties and the Special Magistrate executed the agreement.

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Case # 23-3

Jaime Cutimanco
1909 Blanche Street 1
Sec. 18-146 License required
Sec. 66-87 Business tax required for all holding themselves out to be engaged in business
Officer Jim Young
Certified Mail: 2-1-2023
Initial Hearing: 1-26-2023

Settlement Agreement

Count 1: Failure to apply and obtain a contractors license.

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

This case has a Settlement Agreement has been duly executed by the respondent and the City Manger. The respondent stipulates to the imposition of an fine in the amount of \$250.00 per 2 counts for a total of \$500.00. Court costs shall be paid by Co-Respondent in this case. The Settlement Agreement was signed by all parties and the Special Magistrate executed the agreement.

Adjournment