



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, March 30, 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.

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

Meeting ID: 821 0622 9213 Passcode: 100547 or online at:

[https://cityofkeywest-fl-gov.zoom.us/j/82106229213?](https://cityofkeywest-fl-gov.zoom.us/j/82106229213?pwd=NHQyMWxoeEIIIM1BPd1Z0SS9Scnh4QT09)

pwd=NHQyMWxoeEIIIM1BPd1Z0SS9Scnh4QT09 Meeting ID: 821 0622 9213 Passcode: 100547

Call Meeting to Order

Code Violations

1

Case # 22-1518

Catherine Ann 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

In compliance as of 24 February 2023; Request dismissal

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.

This case came into compliance as of 24 February 2023. The Special Magistrate granted the dismissal.

2

Case # 23-46

Sugar Apple Natural Foods
Phillip Crumbley- **Business Owner**
917 Simonton Street
Sec. 62-2 Obstructions
Officer Sean Davis
Certified Mail: 3-17-2023 **Amended Notice**
Initial Hearing: 3-30-2023

In compliance as of 22 March 2023; Request dismissal

Count 1: Failure to remove planters and benches from the City right of way.

This case came into compliance as of 22 March 2023. The Special Magistrate granted the dismissal.

3

Case # 23-48

Key West Chemical & Paper Supply Inc.
Gilda Fernandez- **Registered Agent**
909 Simonton Street
Sec. 62-2 Obstructions
Officer Sean Davis
Certified Mail: 3-14-2023 **Amended Notice**
Initial Hearing: 3-30-2023

Requesting dismissal without prejudice

Count 1: Failure to remove planters, statues, and benches from the City right of way.

The City requested that this case be dismissed without prejudice. The Special Magistrate granted the dismissal without prejudice.

4

Case # 23-57

The Hip Tourist INC
Cathy Fernandez- **Registered Agent**
915 Simonton Street
Sec. 62-2 Obstructions
Officer Sean Davis
Certified Mail: 3-14-2023 **Amended Notice**
Initial Hearing: 3-30-2023

Requesting dismissal without prejudice

Count 1: Failure to remove planters, statues, and benches from the City right of way.

The City requested that this case be dismissed without prejudice. The Special Magistrate granted the dismissal without prejudice.

5

Case # 23-505

Hank's Hair of the Dog Saloon

Nick Brownell- **Musician**

Paul Lopez- **Manager**

409 Caroline Street

Sec. 26-192 Unreasonably excessive noise prohibited

Officer Sean Davis

Hand Served: 3-16-2023

Initial Hearing: 3-30-2023

Continuance granted to 27 April 2023

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

This case was previously granted a continuance to 27 April 2023.

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

In compliance as of 10 March 2023; 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 10 March 2023. The Special Magistrate granted the dismissal.

7

Case # 23-27

Restless 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

City request to vacate findings and order; Request dismissal

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 City requested to dismiss the Findings of Order from 23 February 2023. The Special Magistrate granted the request to dismiss the Findings of Order at the City's request without objection.

8

Case # 23-375

Marc Milstein
Sharon Bartsch
56 Golf Club Drive
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Sophia Doctoche
Certified Mail:
Initial Hearing: 3-30-2023

New Case

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

Sophia Doctoche was the Code Officer who was present. The Respondent did not attend. Officer Doctoche requested a continuance since there was not good service for the notice that was sent. The Special Magistrate granted the continuance to 27 April 2023.

9

Case # 23-377

Pohalski LLC
C/O Tony Willis CPA and Associates
1109 Truman Ave
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Certified Mail:
Initial Hearing: 3-30-2023

New Case

Count 1: Failure to pay all past due, delinquent and collection fees for the delinquent business tax receipt.

Sophia Doctoche was the Code Officer who was present. The Respondent did not attend. Officer Doctoche requested a continuance since she sent an amended notice for the next hearing date. The Special Magistrate granted the continuance to 27 April 2023.

10

Case # 23-175

1700 North Roosevelt LLC
Robert Highsmith Esq Feldman Koenig & Highsmith PA- **Registered Agent**
1708 N Roosevelt Blvd
66-102 Dates due and delinquent; penalties
Officer Ashton Gentry
Certified Mail: 2-14-2023
Initial Hearing: 3-30-2023

In compliance as of 24 February 2023; Request dismissal

Count 1: Failure to pay all past due, delinquent and collection fees for the delinquent business tax receipt.

This case came into compliance as of 24 February 2023. The Special Magistrate granted the dismissal.

11

Case # 23-182

Thomas H. Means
1514 Bertha Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Ashton Gentry
Certified Mail: 2-14-2023
Initial Hearing: 3-30-2023

In compliance as of 27 February 2023; Request dismissal

Count 1: Failure to pay all past due, delinquent and collection fees for the delinquent business tax receipt.

This case came into compliance as of 27 February 2023. The Special Magistrate granted the dismissal.

12

Case # 23-259

Suzanne Desaulniers
Daniel Michaud
221 Petronia Street
Sec. 18-601 License required
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations D(9)
Officer Ashton Gentry
Certified Mail:
Initial Hearing: 3-30-2023

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 a non-transient license with the City of Key West Licensing Department.

Count 3: Failure to apply and obtain all required city, county, and state licensing to advertise and rent short term.

Ashton Gentry was the Code Officer who was present on behalf of the City. The Respondents Suzanne Desaulniers and Daniel Michaud was present. Officer Gentry stated that he did not get good service for the notice, but the Respondents were present at the hearing. The Special Magistrate told the Respondents that they have a right to be served the notice and asked if they would like to proceed with the case today. The Respondents agreed to proceed. Officer Gentry read his timeline and evidence was shown. The Respondent Suzanne Desaulniers explained to the court that she asked AirBnB.com to post the ad as 'old' because she knew that she had to wait a year with the non-transient license before applying for a transient license. When the Respondent received the notice she took down the ad immediately. The Special Magistrate explained to the Respondents that ultimately the ad was the home owners responsibility and that she couldn't blame AirBnB.com for the mistake. The Special Magistrate thought that there was an admission to the violation from the Respondents response, and thought that there was substantial evidence for a finding of violation. The Special Magistrate imposed \$250.00 administrative cost and \$250.00 per 3 counts for a total of \$1,000.00.

13

Case # 23-271

Kean Philippa
56 Seaside South Court
Sec. 66-102 Dates due and delinquent; penalties
Officer Ashton Gentry
Certified Mail:
Initial Hearing: 3-30-2023

In compliance as of 3 March 2023; Request dismissal

Count 1: Failure to pay all past due, delinquent and collection fees for the delinquent business tax receipt.

This case came into compliance as of 3 March 2023. The Special Magistrate granted the dismissal.

14

Case # 23-301

Karrie Porter Photography
Karrie Porter Bond
400 Whitehead Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Ashton Gentry
Hand Posted: 3-15-2023
Initial Hearing: 3-30-2023

New Case

Count 1: Failure to pay all past due, delinquent and collection fees for the delinquent business tax receipt.

Ashton Gentry was the Code Officer present on behalf of the City. The Respondent did not attend. Officer Gentry read his timeline. The City was requesting a finding of the violation with \$250.00 administrative cost. The Special Magistrate thought that there was substantial evidence for a finding of violation and imposed \$250.00 administrative cost.

15

Case # 23-378

Ready Software Solutions LLC
Stephen Schroeder- Registered Agent
1015 Windsor Lane
Sec. 66-102 Dates due and delinquent; penalties
Officer Ashton Gentry
Certified Mail: 3-7-2023
Initial Hearing: 3-30-2023

In compliance as of 21 March 2023; Request dismissal

Count 1: Failure to pay all past due, delinquent and collection fees for the delinquent business tax receipt.

This case came into compliance as of 21 March 2023. The Special Magistrate granted the dismissal.

16

Case # 23-387

Ivy Faatuai LLC

Corporate Creations Network INC- **Registered Agent**
1614 Johnson Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Ashton Gentry
Certified Mail: 3-7-2023
Initial Hearing: 3-30-2023

In compliance as of 1 March 2023; Request dismissal

Count 1: Failure to pay all past due, delinquent and collection fees for the delinquent business tax receipt.

This case came into compliance as of 1 March 2023. The Special Magistrate granted the dismissal.

17

Case # 23-395

The Keys Carpet Lady and Floor Guy Inc.
United States Corporation Agents Inc.- **Registered Agent**
3144 Northside Drive
Sec. 66-102 Dates due and delinquent; penalties
Officer Ashton Gentry
Certified Mail: 3-1-2023
Initial Hearing: 3-30-2023

New Case

Count 1: Failure to pay all past due, delinquent and collection fees for the delinquent business tax receipt.

Ashton Gentry was the Code Officer present on behalf of the City. Director Jim Young was present on behalf of the City. Chief Licensing Official was present on behalf of the City. The Respondent Officer Gentry read his timeline. The City requested a finding of the violation with \$250.00 administrative cost and \$391.25 in licensing fees. The Special Magistrate asked Director Jim Young if there should be a compliance date set for this delinquent business tax receipt. Director Jim Young stated that we do not set a compliance date for delinquent business tax receipts, and that the Respondents have from the 1st of October of the previous year to come in and renew their business tax receipt. Chief Licensing Official Amanda Brady confirmed that any delinquent fees that would apply to the business tax receipt would roll over onto the next year until they come into compliance. The Special Magistrate granted a finding of the violation with \$250.00 administrative cost.

18

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 23 February 2023

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

Paul Navarro was the Code Officer present on behalf of the City. Director Jim Young was also present on behalf of the City. Attorney Van Fischer was present on behalf of the Respondent. Officer Navarro deferred to Attorney Van Fischer. Attorney Fischer stated that his client is working on hiring a new contractor, and should be getting permits in with in the next month. Attorney Fischer asked the court for a continuance for time to get those permits in. The City did not object to a continuance. Officer Navarro stated that the property owners were in contact with the Chief Building Official Raj Ramsingh, because they were over the FEMA 50% rule. The Special Magistrate granted a continuance to 27 April 2023.

19

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

Continued from 23 February 2023

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.

Paul Navarro was the Code Officer present on behalf of the City. The Respondent Michael Norman was present. Officer Navarro read his timeline. Officer Navarro stated in his timeline that the Respondent Michael Norman did not mention any other company's or contractors doing the work, and that the unlicensed contractor Jorge Sanchez admitted to the violation on January 26, 2023 in code case CC2022-01373. Respondent Michael Norman stated that his intentions are to hire another electrician to do the job, and apply for building

permits as soon as possible. He also stated that this has taken longer than expected since he was out of the country for his honey moon. Respondent Michael Norman asked for a continuance. The City did not object. Officer Navarro asked the Respondent if he was admitting to hiring the unlicensed contractor Jorge Sanchez. Respondent Michael Norman said that he had hired Jorge Sanchez at his home to install ceiling fans, and just assumed that he was licensed to do work at his commercial business. The Special Magistrate granted the continuance to 27 April 2023.

20

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 23 February 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.

Paul Navarro was the Code Officer present on behalf of the City. The Respondent did not attend. Assistant City Attorney Nicolas Trovato was present as well on behalf of the City. Legal Analyst Ashley Dixon was present on behalf of the City. Assistant City Attorney Trovato stated that Attorney Jared Sonnenklar had been emailing him about this case, and wanted the court to be aware of that. Officer Navarro read his timeline. Officer Navarro stated in his timeline that the Respondent admitted to the violation on January 26, 2023 in code case CC2022-01373. The Special Magistrate asked if the Respondent was present at the last hearing. Officer Navarro answered that he was present, but the City asked for a continuance due to Officer Navarro's absence. Legal Analyst Ashley Dixon stated that a notice of continued hearing was sent to the Respondent's residence. The Special Magistrate thought that there was substantial evidence for a finding of the violations and imposed \$250.00 administrative cost and \$250.00 per count per violation for a total of \$1,250.00.

21

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: 1-26-2023
Initial Hearing: 2-23-2023

In compliance as of 21 February 2023; Request dismissal

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

This case came into compliance as of 21 February 2023. The Special Magistrate granted the dismissal.

22

Case # 23-45

1724 Rose LLC
Att Scott Oropeza- **Registered Agent**
1724 Rose Street
Sec. 58-35 Requirements for bulk and excess yard waste pickup
Sec. 62-2 Obstructions
Sec. 58-31 Container and receptacle requirements
Officer Laurie Skinner
Certified Mail: 3-1-2023
Initial Hearing: 3-30-2023

New Case

Count 1: Failure to call Waste Management and schedule a bulk waste pick up.

Count 2: Failure to remove trash from the right of way.

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

Laurie Skinner was the Code Officer present on behalf of the City. The Respondent did not attend. Officer Skinner read her timeline and evidence was shown. The City was requesting a finding of violation with \$250.00 administrative cost and \$250.00 per count per day until compliance. The Special Magistrate found that there was substantial evidence for a finding of violation and imposed \$250.00 administrative cost and \$250.00 per count per day if not in compliance by 31 March 2023.

23

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

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 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.

The Code Officer was Leo Slecton who was present on behalf of the City. The Respondent did not attend. Officer Slecton read his timeline stating that at the last hearing the Special Magistrate imposed fines and a compliance date. The Respondent did not come into compliance. The Special Magistrate ordered for the fines to start running.

24

Case # 22-1568

JLB and Assoc Key West LLC
Paula Crewe- **Registered Agent**
1116 Truman Ave
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 14-40 Permits in historic districts
Officer Leo Slecton
Certified Mail: 3-28-2023
Initial Hearing: 3-30-2023

New Case

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 certificate of appropriateness with the City of Key West HARC Department.

Leo Slecton was the Code Officer present on behalf of the City. Director Jim

Young was present as well on behalf of the City. The Respondent did not attend. The Special Magistrate asked the Code Officer when did the Respondent receive the notice. Director Young stated that the certified mail was received by the Respondent on 15 March 2023. Officer Slection read his timeline and evidence was shown. The City was requesting a finding of the violation with \$250.00 administrative cost and \$250.00 per count per day until compliance. The Special Magistrate thought that there was substantial evidence for a finding of violation and imposed \$250.00 administrative cost and \$250.00 per count per day if not in compliance by 26 April 2023.

25

Case # 22-1501Adamant Group LLC- **Property Owner**David Gomez- **Unlicensed Contractor**

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 23 February 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 who was present on behalf of the City. Director Jim Young was present as well on behalf of the City. Attorney Van Fischer was present on behalf of the Respondents. Director Young stated that two settlement agreements drafted and are awaiting the signatures. The City requested a continuance. Attorney Van Fischer did not object. The Special Magistrate granted a continuance to 27 April 2023.

26

Case # 23-478Beyer Holdings LLC- **Home Owner**Steven E. Krejci- **Registered Agent**

Hands on Deck LLC

Susan M. Corbin- **Registered Agent**

829 Eaton Street

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

Sec. 14-40 Permits in historic districts

Officer Roman Stenko
Certified Mail: 3-23-2023
Initial Hearing: 3-30-2023

New Case

Count 1: Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.

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 certificate of appropriateness with the City of Key West HARC Department.

The Code Officer was Roman Stenko who was present on behalf of the City. The Respondents did not attend. Officer Stenko stated that the City would be requesting a continuance for time to get good service back on the homeowner notice that was sent. The Special Magistrate granted a continuance to 27 April 2023.

Mitigations

27

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

Mitigation

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.

Legal Analyst Ashley Dixon was present as well on behalf of the City. Assistant City Attorney Nicolas Trovato was present on behalf of the City as well. The Respondent Ronald Dalton was present via Zoom. The Special Magistrate asked when the finding of violation was imposed. Legal Analyst Ashley Dixon answered that the Special Magistrate imposed a finding of violation at the 26 January 2023 hearing with \$250.00 administrative cost and \$250.00 per count per day if not in compliance by 7 February 2023. She also stated that the Respondent came into compliance on 2 March 2023 after the fines ran for 23 days, which according to the mitigation ordinance the Respondent is eligible for a 90% mitigation. The Respondent Ronald Dalton stated that he spent most of his time trying to find the documents to obtain the LUD, and was

unsuccessful. He also had a misunderstanding about the lock out, but after talking with the Code Department he fully understood and removed the lock from the door. The Special Magistrate imposed \$250.00 administrative cost and a \$4,750.00 fine for a total of \$5,000.00.