



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, May 25, 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

1

Case # 23-490

John A Hadfield

2801 Flagler Ave

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

Hand Posted: 5-10-2023

Initial Hearing: 4-27-2023

Continued from 27 April 2023

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

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

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

The Respondent John Hadfield was present. The Respondent explained that he did place the yard waste on the right of way and as soon as he received the notice of violation he had the yard waste cleaned up. The City requested a finding of violation with Administrative Costs. Officer Skinner stated that there was a previous violation in 2021 where the Respondent came into compliance the day of the hearing. The Special Magistrate found that there was a finding of the violation and imposed \$250.00 Administrative Cost.

2

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 27 April 2023**Count 1:** Failure to apply and obtain the appropriate building permits
from the City of Key West Building Department

Director Jim Young was present on behalf of the City. Attorney Van Fischer was present on behalf of the Respondent. Chief Building Official Raj Ramsingh was present on behalf of the City. The Chief Building Official stated that there was a permit submitted by the Respondent, but that permit was denied due to being over the FEMA 50% rule. Chief Building Official Ramsingh also stated that the building needs to be demolished and rebuilt to be in compliance. Attorney Fischer stated that he has not reviewed any plans or the application that was submitted. From his understanding the home is under the FEMA 50% rule. Chief Building Official Raj Ramsingh explained that the Respondent submitted an appraisal that was dated in 2021 which the Building Department could not accept due to Florida Building Code stipulation that the appraisal can not be older than 6 months when submitting an application. The Building Department went off of the Property Tax Assessor number and the home is 67% for the FEMA rule. Attorney Fischer explained that he would like to have a meeting with the Chief Building Official Raj Ramsingh and that he would like more time to review the application and talk about other options. Director Young stated that fines could be imposed to maybe motivate the Respondent to act promptly. The Special Magistrate found that there was a violation and imposed \$250.00 Administrative Cost and \$250.00 per count per day with 30 days to come into compliance.

3

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

Officer Roman Stenko

Certified Mail: 12-7-2022

Initial Hearing: 12-15-2022

Settlement Agreement

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 had two Settlement Agreements, the first agreement was between the City and Adamant Group LLC. The Respondent stipulates to the imposition of a \$250.00 Administrative Cost, and a fine of \$250.00 with a suspended fine of \$250.00. The second agreement was between the City and David Gomez. The Respondent stipulates to the imposition of a fine in the amount of \$250.00 and a suspended fine of \$250.00. Both Settlement Agreements were signed by all parties and the Special Magistrate executed the agreement.

4

Case # 22-1194

Kava Culture Key West Co.

Jacqueline L. Rusher- **Registered Agent**

901 Fleming Street

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

Officer Sean Davis

Certified Mail: 12-16-2022

Initial Hearing: 1-26-2023

Continued from 27 April 2023

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

The Code Officer was Sean Davis. The Respondent did not attend. Officer Davis stated that the Respondent is still waiting on the DEO for the variance and the conditional use permit which the meeting is scheduled for on June 9th. The City requested a continuance. The Special Magistrate granted a continuance to 27 July 2023.

5

Case # 23-128

Kennedy Cafe Inc.

Rahimov Shukhart- **Registered Agent**

924 Kennedy Drive

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

Officer Sophia Doctoche

Certified Mail: 3-10-2023
Initial Hearing: 4-27-2023

In compliance as of 28 April 2023; Request dismissal

Count 1: Failure to contact the City of Key West Licensing Department to update license for the excess seats.

This case came into compliance as of 28 April 2023. The Special Magistrate granted the dismissal.

6

Case # 23-221

Amanda Real Estate Holdings LLC
Michael E. Dana- **Registered Agent**
1207 United Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Sophia Doctoche
Certified Mail: 4-27-2023
Initial Hearing: 5-25-2023

In compliance as of 26 April 2023; Request dismissal

Count 1: Failure to contact the City of Key West Licensing Department to update license for the excess seats.

This case came into compliance as of 26 April 2023. The Special Magistrate granted the dismissal.

7

Case # 23-234

Cafe Des Artistes Inc.
Ryan Timothy- **Registered Agent**
1007 Simonton Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Sophia Doctoche
Certified Mail: 5-2-2023
Initial Hearing: 5-25-2023

In compliance as of 17 May 2023; Request dismissal

Count 1: Failure to contact the City of Key West Licensing Department to update license for the excess seats.

This case came into compliance as of 17 May 2023. The Special Magistrate granted the dismissal.

8

Case # 23-377

Pohalski LLC

C/O Tony Willis CPA and Associates

1109 Truman Ave

Sec. 66-102 Dates due and delinquent; penalties- **Repeat**

Officer Sophia Doctoche

Hand Posted: 5-16-2023 **Amended Notice**

Initial Hearing: 3-30-2023

Continued from 27 April 2023

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

The Code Officer was Sophia Doctoche. The Respondent did not attend. Officer Doctoche read her timeline. The City requested \$250.00 Administrative Cost and \$500.00 for the 1 repeat count. The Special Magistrate thought that there was substantial evidence to find that there was a violation and imposed \$250.00 Administrative Cost and \$500.00 for the repeat count.

9

Case # 23-582

Katharina Tiffany and Veritas Gassmann LLC

Palani Meador- **Registered Agent**

1104 Packer Street

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

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

Sec. 18-601 License required

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

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regulations D(9)
Sec. 58-61 Determination and levy of charge
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Sec. 58-61 Determination and levy of charge
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Ashton Gentry
Hand Posted: 5-3-2023 **Amended Notice**
Initial Hearing: 4-27-2023

Continued from 27 April 2023

Count 1-4: Failure to apply and obtain a non-transient license with the City of Key West Licensing Department.
Count 5-9: Failure to apply and obtain a transient medallion with the City of Key West Licensing Department.
Count 10-14: Failure to apply and obtain all required city, county, and state licensing to advertise and rent short-term.
Count 15-18: Failure to apply and obtain a LUD with the City of Key West Planning Department.
Count 19: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

The Code Officer was Ashton Gentry. The Respondent did not attend. Officer Gentry asked for a continuance to obtain proper service. The Special Magistrate granted a continuance to 27 July 2023.

10

Case # 23-596

Brass Monkey Investments LLC
Patrick J. Madden- **Registered Agent**
923 Eaton Street
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations D(9)
Officer Ashton Gentry
Certified Mail:
Initial Hearing: 4-27-2023

Settlement Agreement

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.

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

11

Case # 23-657

Kirk Rohde & Cara A. Rohde

42 Seaside South CT

Sec. 18-601 License required

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

Sec. 18-601 License required

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

Officer Ashton Gentry

Certified Mail:

Initial Hearing: 5-25-2023

Continuance granted to 27 July 2023

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.

Count 3: Failure to apply and obtain a transient medallion with the City of Key West Licensing Department.

Count 4: Failure to apply and obtain all required city, county, and state licensing to advertise and rent short-term.

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

12

Case # 23-283

Shawn Guinan

1026 Truman Ave

Sec. 66-102 Dates due and delinquent; penalties

Officer Keenan Mellendorf

Certified Mail:

Initial Hearing: 5-25-2023

In compliance as of 4 May 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 4 May 2023. The Special Magistrate granted the dismissal.

13

Case # 23-289

HD Service Divison INC
Alan B. Dubrow
710 South Powerline Road #H
Sec. 66-102 Dates due and delinquent; penalties
Officer Keenan Mellendorf
Certified Mail: 5-16-2023
Initial Hearing: 5-25-2023

Requesting dismissal without prejudice

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

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

14

Case # 23-386

Joshua Martin
Ashley Kaehn
624 Mickens Lane
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 14-40 Permits in historic districts
Officer Keenan Mellendorf
Hand Served: 5-12-2023
Initial Hearing: 4-27-2023

Continued from 27 April 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 certificate of appropriateness with the City of Key West HARC Department.

The Code Officer was Keenan Mellendorf. The Respondent Josh Martin did attend via Zoom. Officer Mellendorf read his timeline and evidence was

shown. The Respondent stated that everything was true and currently he is out of town and as soon as he gets back on June 9th he will pick his permit up to be in compliance. The Special Magistrate found that there was an admission to the violation. The City requested \$250.00 Administrative Cost and \$250.00 per count per day. The Special Magistrate imposed \$250.00 Administrative Cost and \$250.00 per count per day if not in compliance by 9 June 2023.

15

Case # 23-397

Rebecca Nakoneczna
912 James Street Rear
Sec. 66-102 Dates due and delinquent; penalties
Officer Keenan Mellendorf
Certified Mail:
Initial Hearing: 5-25-2023

In compliance as of 9 May 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 9 May 2023. The Special Magistrate granted the dismissal.

16

Case # 23-443

The Zimmerman Agency LLC
Corporation Service Company- **Registered Agent**
1821 Miccosukee Commons DR
Sec. 66-102 Dates due and delinquent; penalties
Officer Keenan Mellendorf
Certified Mail: 5-11-2023
Initial Hearing: 5-25-2023

Requesting dismissal without prejudice

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

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

17

Case # 22-1644

Dunkin Donuts #24
DBA HZ Coffee Group, LLC
Corporation Service Company- **Registered Agent**
3124 N Roosevelt Blvd

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Paul Navarro
Certified Mail: 3-14-2023
Initial Hearing: 4-27-2023

In compliance as of 28 April 2023; Request dismissal

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

This case came into compliance as of 28 April 2023. The Special Magistrate granted the dismissal.

18

Case # 23-360

Estep Thomas and Susan B Revocable Trust 07/07/2021
826 Eaton Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Laurie Skinner
Certified Mail: 4-27-2023
Initial Hearing: 5-25-2023

In compliance as of 17 May 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 17 May 2023. The Special Magistrate granted the dismissal.

19

Case # 23-210

Mayanjali
1114 White Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Leo Slecton
Hand Posted: 5-15-2023
Initial Hearing: 5-25-2023

Continuance granted to 27 July 2023

Count 1: Failure to contact the City of Key West Licensing Department to update license for the excess seats.

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

20

Case # 23-264

Milagro Restaurant & Bar LLC

Magdalena Montoya- **Registered Agent**

1401 Simonton Street

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

Officer Leo Slecton

Certified Mail:

Initial Hearing: 4-27-2023

In compliance as of 10 May 2023; Request dismissal

Count 1: Failure to contact the City of Key West Licensing Department to update license for the excess seats.

This case came into compliance as of 10 May 2023. The Special Magistrate granted the dismissal.

21

Case # 23-274

Mellow Enterprises Key West Inc.

Richard Klitenick- **Registered Agent**

1605 N Roosevelt Blvd

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

Officer Leo Slecton

Certified Mail: 4-4-2023

Initial Hearing: 4-27-2023

Continuance granted to 27 July 2023

Count 1: Failure to contact the City of Key West Licensing Department to update license for the excess seats.

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

22

Case # 23-300

Mo's Restaurant

Jean L. Delice- **Owner**

1116 White Street

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

Officer Leo Slecton

Certified Mail: 3-31-2023
Initial Hearing: 4-27-2023

Continuance granted to 27 July 2023

Count 1: Failure to contact the City of Key West Licensing Department to update license for the excess seats.

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

23

Case # 23-306

JM Conch Farm LLC
Gregory Mcmenaman- **Registered Agent**
2798 N Roosevelt Blvd
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Leo Slecton
Certified Mail: 4-3-2023
Initial Hearing: 4-27-2023

In compliance as of 15 May 2023; Request dismissal

Count 1: Failure to contact the City of Key West Licensing Department to update license for the excess seats.

This case came into compliance as of 15 May 2023. The Special Magistrate granted the dismissal.

24

Case # 23-312

Pho King Awesome
DBA Kojin Noodle Bar Inc.
Rahimov Shukhrat- **Registered Agent**
626 Duval Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Leo Slecton
Certified Mail: 4-14-2023
Initial Hearing: 4-27-2023

Continuance granted to 27 July 2023

Count 1: Failure to contact the City of Key West Licensing Department to update license for the excess seats.

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

25

Case # 23-481

Leaping Lizard Tree Service Inc.
410 Avenue C
Sec. 66-102 Dates due and delinquent; penalties
Officer Leo Slection
Hand Posted: 5-11-2023
Initial Hearing: 5-25-2023

New Case

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

The Code Officer was Leo Slection. The Respondent did not attend. Officer Slection read his timeline. The City requested a finding of violation with \$250.00 Administrative Cost and no fines. The Special Magistrate stated that there was proper notice for the Respondent to attend the hearing and found that there was a violation, and imposed \$250.00 Administrative Cost.

26

Case # 23-478

Beyer 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

Settlement Agreement

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.

This case had a Settlement Agreement of \$250.00 Administrative Cost and a fine of \$500.00. The Settlement Agreement was signed by all parties and the Special Magistrate executed the agreement.

27

Case # 23-493

Marathon Electric Sign & Light Inc.
Randall Frank Mearns- **Registered Agent**
3850 N Roosevelt Blvd
Sec. 74-31 Unlawful deposits- **Irreparable**
Officer Roman Stenko
Certified Mail: 3-28-2023
Initial Hearing: 4-27-2023

Continued from 27 April 2023

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

The Code Officer was Roman Stenko. The Respondent Randall Mearns was present. Director Jim Young was present as well on behalf of the City. Officer Stenko read his timeline and evidence was shown. The Respondent explained the situation that his company rented a lift and the said lift started leaking oil. They cleaned up the site immediately and used pads in the storm drain to soak up the oil. The Respondent provided photos of the oil leak and the process of the clean up with before and after pictures. Director Young stated that as soon as the Respondent received the notice of hearing he provided the photos of the mitigation. The Respondent explained that he had not contacted the City about the spill until he received a notice in the mail and then told the City that he supervised the clean up efforts and made sure it was done correctly. The City requested a finding of the violation with \$250.00 Administrative Cost and would like to defer to the Special Magistrate for the fine cost for the irreparable charge which could be up to \$5,000.00. The Special Magistrate found that there was a violation due to the Respondent admitting to the violation and imposed \$250.00 Administrative Cost and \$1,000.00 suspended fine.

28

Case # 23-640

On The Lane LLC
Corporation Service Company- **Registered Agent**
204 Southard Street 8
Officer Roman Stenko
Hand Posted: 5-15-2023
Initial Hearing: 5-25-2023

In compliance as of 22 May 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 22 May 2023. The Special Magistrate granted the dismissal.

31

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

Continued from 27 April 2023

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

Code Officer Keenan Mellendorf was present. Attorney Christopher Carver was present of behalf of the Respondent. Assistant City Attorney Nicolas Trovato was present as well on behalf of the City. Assistant City Attorney asked Officer Mellendorf a series of questions about operating the sound meter. Officer Mellendorf answered those questions with yes or no answers. City Attorney Nicolas Trovato asked Officer Mellendorf to show and explain the three core components used for the operation of the sound meter. Officer Mellendorf showed the court the sound meter and identified those components. There was a 5 minute break in the middle of this case due to a power outage. Assistant City Attorney Nicolas Trovato asked Officer Mellendorf about what happened the night of March 15, 2023 when Hank's was found in violation. Officer Mellendorf explained that night in question and how the procedure was performed. Assistant City Attorney Nicolas Trovato also asked questions about wind when using the sound meter and what the wind was like on that night. Officer Mellendorf answered those questions. Officer Mellendorf was cross examined by the Respondents Attorney Christopher Carver. A continuance was requested by Attorney Carver. The Special Magistrate granted a continuance to 27 July 2023.

29

Case # 23-716

135 Duval Company

C/O Duval Group 7860

501 Greene Street

Sec. 109-4 Expiration and revocation

Officer Roman Stenko

Hand Served: 5-15-2023

Initial Hearing: 5-25-2023

In compliance as of 16 May 2023; Request dismissal

Count 1: Failure to pay delinquent fees with the City of Key West Licensing Department for the revocable license.

This case came into compliance as of 16 May 2023. The Special Magistrate granted the dismissal.

30

Case # 22-1571

Janker Living Trust 11/16/2021

Peter Janker- **Property Owner**

1301 Whitehead Street 1

Sec. 58-61 Determination and levy of charge

Sec. 90-363 Certificate of occupancy required

Officer Jim Young

Hand Posted: 4-19-2023

Initial Hearing: 4-27-2023

Continuance granted to 27 July 2023

Count 1: Failure to apply and obtain a LUD with the City of Key West Planning Department.

Count 2: Failure to apply and obtain a Certificate of Occupancy with the City of Key West Building Department.

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

Adjournment