



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, June 27, 2024

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 # 24-679

Whitehead & Company LLC- **Business**

Darren M. Horan

Sound Wave Productions- **DJ**

Jimmy Cooper

907 Whitehead Street

26-192 Unreasonably excessive noise prohibited

Officer Erin Buechele

Certified Mail: 4-20-2024- **Business**

Certified Mail: 4-25-2024- **DJ**

Initial Hearing: 5-23-2024

Continued from 23 May 2024

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

The Code Officer was Erin Buechele. The Respondent did not attend. Officer Buechele asked for a continuance so that the Respondent could enter into a settlement agreement with the City. The Special Magistrate granted the continuance to 25 July 2024.

2

Case # 22-1629

Tongo's Mexican Food

1970 N Roosevelt Blvd

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

be engaged in business
Officer Sophia Doctoche
Certified Mail: 6-18-2024
Initial Hearing: 6-27-2024

In compliance as of 24 June 2024; 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 24 June 2024. The Special Magistrate granted the dismissal.

3

Case # 23-1242

Donal Morris Jr
Jeffery Morris
918 James Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Sophia Doctoche
Hand Posted:6-6-2024
Initial Hearing:6-27-2024

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 Respondent Jeffery Morris was present. Officer Doctoche stated that the Respondent has come into compliance with applying for and obtaining a non-transient license. The Special Magistrate granted the dismissal.

4

Case # 24-564

Jesse M. Navarro Revocable Trust 05/09/2019
1119 Simonton Street B
Sec. 18-601 License required- **Irreparable**
Sec. 122-809 Prohibited uses- **Irreparable**
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations D(1)- **Irreparable**
Officer Ashton Gentry
Certified Mail: 3-30-2024- **Amended Notice**

Initial Hearing: 3-28-2024

Settlement Agreement

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

Count 2: Failure to adhere to zoning regulations.- **Irreparable**

Count 3: Failure to display transient medallion- **Irreparable**

This case had a settlement agreement between the City and Jesse M. Navarro Revocable Trust 05/09/2019 of a \$250.00 administrative cost and a fine of \$1,500.00 for a total of \$1,750.00. Further more the Respondent stipulates to donating the proceeds of the unlicensed rental \$2,251.15 to be paid to the City of Key West Affordable Housing Trust Fund. The settlement agreement was signed by all parties and the Special Magistrate executed the agreement.

5

Case # 24-566

Joe M Navarro & Kathy A Navarro

1119 Simonton Street A2

Sec. 18-601 License required- **Repeat**

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

Officer Ashton Gentry

Certified Mail: 3-8-2024

Initial Hearing: 3-28-2024

Settlement Agreement

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

Count 2: Failure to apply and obtain a transient license with the City of Key West Licensing Department.- **Repeat**

This case had a settlement agreement between the City and Joe M. Navarro of a \$250.00 administrative cost and the imposition of a suspended fine from a prior code case 23-931 in the amount of \$3,715.00 and a fine of \$500.00 for a total of \$4,465.00.

6

Case # 24-632

Jesse M. Navarro Revocable Trust 05/09/2019

1119 Simonton Street B

Sec. 18-601 License required- **Repeat**

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

Sec. 18-601 License required- **Repeat**

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

Officer Ashton Gentry
Certified Mail: 3-30-2024
Initial Hearing: 3-28-2024

Settlement Agreement

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

Count 2: Failure to apply and obtain a transient license with the City of Key West Licensing Department.- **Repeat**

Count 3: Failure to apply and obtain a non-transient license with the City of Key West Licensing Department.- **Repeat**

Count 4: Failure to apply and obtain a transient license with the City of Key West Licensing Department.- **Repeat**

This case had a settlement agreement between the City and Jesse M. Navarro Revocable Trust 05/09/2019 of a suspended fine from prior code case 23-930 in the amount of \$1,826.00. The Respondent also stipulates to a fine of \$500.00 for a total of \$2,576.00. The settlement agreement was signed by all parties and the Special Magistrate executed the agreement.

7

Case # 23-886

Harry Aure
1300 15th Court #60
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Keenan Mellendorf
Certified Mail: 11-21-2023
Initial Hearing: 12-7-2023

Continued from 23 May 2024

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

The Code Officer was Keenan Mellendorf. The Respondent Harry Aure and his translator were present at the hearing. Officer Mellendorf stated that there was an extended compliance date imposed by the Special Magistrate of 23 June 2024 and that the Respondent is not in compliance as of today. The Special Magistrate granted for the fines to start running.

8

Case # 24-701

Whitehead & Company LLC
Darren M. Horan

907 Whitehead Street
Sec. 26-192 Unreasonable noise prohibited
Officer Keenan Mellendorf
Certified Mail: 4-20-2024
Initial Hearing: 5-23-2024

Continued from 23 May 2024

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

The Code Officer was Keenan Mellendorf. The Respondent did not attend. Officer Mellendorf asked for a continuance so that the Respondent could enter into a settlement agreement with the City. The Special Magistrate granted the continuance to 25 July 2024.

9

Case # 23-401

901 Fleming Street LLC
Joseph Cohen- **Registered Agent**
901 Fleming Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 90-363 Certificate of occupancy required
Sec. 90-363 Certificate of occupancy required
Sec. 90-363 Certificate of occupancy required
Sec. 58-61 Determination and levy of charge
Sec. 58-61 Determination and levy of charge
Sec. 58-61 Determination and levy of charge
Officer Leo Slection
Certified Mail: 2-29-2024
Initial Hearing: 3-28-2024

Continued from 18 April 2024

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

Count 2-4: Failure to apply and obtain a Certificate of Occupancy with the City of Key West Building Department.

Count 5-7: Failure to apply and obtain a LUD with the City of Key West Planning Department.

The Code Officer was Leo Slection. Thomas Francis Siburg from Trepanier & Associates Office was present on behalf of the Respondents. Ben Gagnon from the Planning Department was present on behalf of the City. Officer Slection stated that at the last hearing the Special Magistrate gave a compliance date of 26 June 2024 and that Ben Gagnon from the Planning Department is here to give an update. Ben Gagnon stated that the Planning Department has received

the LUD application, but it will expect an final answer by late July. The Special Magistrate granted a continuance for this case to 25 July 2024.

10

Case # 24-726

DD 81 Holdings LLC
C/O John Sansac
908 Caroline Street
Sec. 74-31 Unlawful deposits
Sec. 58-34 Unlawful disposal
Officer Laurie Skinner
Hand Served: 5-14-2024
Initial Hearing: 5-23-2024

Continued from 23 May 2024

Count 1: Failure to cease the deposit of any human or animal excrement, garbage, or other waste on any public property within the City.
Count 2: Failure to lawfully deposit hazardous waste.

The Code Officer was Laurie Skinner. The Respondent did not attend. Officer Skinner read her timeline and evidence was shown, and video evidence was shown to the court. Photos that were obtained by City Marine Port Services Tim Tychand and Jiaro Huete Alvarez were also shown to the court. Jiaro Huete Alvarez accompanied by Code Officer Paul Navarro for translation confirmed that he took those photos and saw the violation first hand. The Special Magistrate thought that there was substantial evidence for a finding of violation and imposed \$250.00 administrative cost and \$122.00 for clean up costs. Also imposed was \$5,000.00 per two irreparable counts for a total of \$10,372.00 and payment shall be received by 5 July 2024 by 5:00PM.

Adjournment