



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Code Compliance Hearing

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Thursday, November 18, 2021

1:30 PM

City Hall

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**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 +1 301 715 8592 Meeting ID: 865 5862 5399 Passcode: 390811 or online at: <https://cityofkeywest-fl-gov.zoom.us/j/86558625399?pwd=QWlncU90TlpFaUVCNDFaMkZHRUd4QT09> Meeting ID: 865 5862 5399 Passcode: 390811**

**Call Meeting to Order**

#### **Mitigations**

17

**Case # 19-1592**

Rosemie Thomas  
1213 14th Street 54  
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions  
Officer Troy Montero  
Certified Mail: 11-25-2019  
Initial Hearing: 1-30-2020

**Mitigation**

**Count 1:** Failure to obtain all proper building permits.

This case came before the Special Magistrate for a mitigation. The respondent Rosemie Thomas was present. The respondent did not speak much English. The Special Magistrate granted a continuance to 16 December 2021 to give the respondent time to come back with an interpreter.

**Code Violations****3****Case # 21-1451**

Alison Jane Johnson

1610 Trinidad Drive

Sec. 18-601 License required

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

Sec. 58-61 Determination and levy of charge

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

Officer Sophia Doctoche

Hand Posted: 10-8-2021

Initial Hearing: 10-21-2021

**Continued from 21 October 2021****Count 1-27:** Unlawful to lease a residential property for a period of less than 30 days or one calendar month without having obtained a business tax receipt.**Count 28-30:** Failure to obtain the required city, county or state license for holding out/ advertising a short-term rental at this property.**Count 31-58:** Unlawfully holding out this short-term rental for twenty seven nights.**Count 59:** Failure to contact the Planning Department and obtain the necessary legal unit determination for each unit.**Count 60:** Failure to apply and obtain a building permit from the City of Key West Building Department.

The code officer was Sophia Doctoche. The respondent Alison Jane Johnson was present via zoom. The respondent asked for a continuance and the Special Magistrate asked to hear the case before making a decision. Officer Doctoche read her timeline. The Special Magistrate decided to deny the respondents continuance request after hearing Officer Doctoche. The respondent stated her testimony that she did not have any intentions for renting that space illegally, and that she would like to have a chance to gather evidence to present her case. The Special Magistrate stated that within the respondents testimony she admitted to the violation. Director Jim Young stated that he and Officer Doctoche met with the respondent in his office about the case on August 27, 2021. Director Jim Young also stated that the respondent has had ample time to gather evidence and send it to the City before the hearing. The Special Magistrate granted a finding of the violation with \$250.00 Admin fee and no fine.

**14****Case # 21-1650**

Keys IV Health & Hydration  
 Hershoff Lupino Yagel L.L.P.- Registered Agent  
 335 Duval Street #6  
~~Sec. 14-40 Permits in historic districts~~ **Dismissed**  
 Sec. 114-103 Prohibited signs  
 Officer Igor Timus  
 Certified Mail: 11-01-2021  
 Initial Hearing: 11-18-2021

**New Case**

~~Count 1: Failure to apply and obtain a certificate of appropriateness from the City of Key West HARC Department.~~ **Dismissed**

**Count 2:** Failure to apply and obtain a certificate of appropriateness for an "A" frame sign from the City of Key West HARC Department.

The code officer was Igor Timus. The respondent John Macavoy was present. Officer Timus read his timeline. The respondent stated that initially they did not have a permit for the sign, but a application was put in already at the time of the hearing. Director Jim Young stated they can not get a permit for the "A" frame sign from HARC because they are not a bar or restaurant. The City is asking for a finding of violation with no fines or costs due to miscommunication. The Special Magistrate granted the finding.

1

**Case # 21-1311**

Charles Means  
 515 Bahama Street  
 Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions  
 Sec. 14-40 Permits in historic districts  
 Officer Sophia Doctoche  
 Certified Mail: 8-20-2021  
 Initial Hearing:10-21-2021

**In compliance as of 10 November 2021; 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 for the HARC district.

The code officer was Sophia Doctoche. This case has come into compliance as of 10 November 2021 and the City is requesting a dismissal. The Special Magistrate granted the dismissal.

2

**Case # 21-1349**Patrick & Terri Labrada- **Heard at October Hearing**William Salvatore- **Settlement Agreement**

1901 S Roosevelt Blvd 305N

Sec. 18-601 License required - **Irreparable**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Irreparable**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (D)(3) - **Irreparable**

Officer Sophia Doctoche

Certified Mail: 8-20-2021- Patrick &amp; Terri Labrada

Certified Mail: 8-18-2021- William Salvatore

Initial Hearing: 10-21-2021

**Continued from 21 October 2021**

**Count 1-7:** Unlawful to lease a residential property for a period of less than 30 days or one calendar month without having obtained a business tax receipt. - **Irreparable**

**Count 8-10:** Failure to obtain the required city, county or state license for holding out/ advertising a short-term rental at this property. - **Irreparable**

**Count 11-17:** Unlawfully holding out this short-term rental for seven nights. - **Irreparable**

The code officer was Sophia Doctoche. This case has a settlement agreement for respondent William Salvatore for a fine of \$1,575.00 and a suspended fine of \$5,000.00. The Special Magistrate executed the agreement.

4

**Case # 21-1693**

Rent Key West Vacations Inc.

Paul N. Hayes- Registered Agent

918 Southard Street #108

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

Officer Sophia Doctoche

Certified Mail: 11-01-2021

Initial Hearing: 11-18-2021

**In compliance as of 3 November 2021; Request finding**

**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 did not attend. This case did come into compliance 3 November 2021 and the City is asking for a finding of violation and \$250.00 admin fee. Officer Doctoche read her timeline. The Special Magistrate did find that the respondent is in violation and granted the \$250.00 admin fee.

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**Case # 21-1695**

Rent Key West Vacations Inc.

Paul N. Hayes- Registered Agent

1124 Olivia Street

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

Officer Sophia Doctoche

Certified Mail: 10-27-2021

Initial Hearing: 11-18-2021

**In compliance as of 3 November 2021; Request finding**

**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 did not attend. This case did come into compliance 3 November 2021 and the City is asking for a finding of violation and \$250.00 admin fee. Officer Doctoche read her timeline. The Special Magistrate did find that the respondent is in violation and granted the \$250.00 admin fee.

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**Case # 21-1699**

Rent Key West Vacations, Inc.

Paul N. Hayes- Registered Agent

607 Margaret Street

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

Officer Sophia Doctoche

Certified Mail: 10-27-2021

Initial Hearing: 11-18-2021

**In compliance as of 2 November 2021; Request finding**

**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 did not attend. This case did come into compliance 2 November 2021 and the City is asking for a

finding of violation and \$250.00 admin fee. Officer Doctoche read her timeline. The Special Magistrate did find that the respondent is in violation and granted the \$250.00 admin fee.

7

**Case # 20-227**

Tadd Mallard  
3359 Flagler Ave  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Officer Paul Navarro  
Hand Posted: 9-30-2021  
Initial Hearing: 10-21-2021

**Continued from 21 October 2021**

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

The code officer was Paul Navarro and he was not present. Director Jim Young asked for a continuance due to Officer Navarro out on Family Medical Leave. The Special Magistrate granted the continuance to 16 December 2021.

8

**Case # 21-1644**

National Car Rental  
C/O Enterprise Holding INC  
2516 N Roosevelt Blvd  
Sec. 122-1406 Obstructions to visibility- **Repeat**  
Officer Laurie Skinner  
Certified Mail:  
Initial Hearing: 11-18-2021

**New Case**

**Count 1:** Failure to remove cars parked in front of the fence of the subject property.- **Repeat**

The code officer was Laurie Skinner. The respondents Jesse Shurman and Duane Sheard were present via zoom. Officer Skinner read her timeline. The respondent Jesse Shurman stated they are working on the issue. Assistant City Attorney Ron Ramsingh stated that the dumpster they have is on the public right-of-way and they are advised to move the dumpster before it becomes another code case for them. The City is asking for a \$250.00 admin cost and \$500.00 fine for a repeat offense. The Special Magistrate granted the cost and fine.

9

**Case # 21-1125**

Peter N Brawn

1413 South Street  
 Sec. 110-259 Duty of private property owner  
 Sec. 26-126 Clearing of property of debris and noxious material required  
 Sec. 26-32 Nuisances illustrated  
 Sec. 62-2 Obstructions  
 Officer Roman Stenko  
 Certified Mail: 10-15-2021  
 Initial Hearing: 10-21-2021

**In compliance as of 10 November 2021; Request dismissal**

- Count 1:** Failure to cut the overgrown plants around the subject property.
- Count 2:** Failure to remove all noxious materials, beehive, and unsanitary conditions from the subject property.
- Count 3:** Failure to remove all nuisances conditions and stagnant water from the subject property.
- Count 4:** Failure to remove all plants obstructing the ordinary use of the right-of-way.

The code officer was Roman Stenko. This case came into compliance 10 November 2021 and the City is requesting to dismiss this case. The Special Magistrate granted the dismissal.

10

**Case # 21-1496**

Phyllis Squires  
 1513 Seminary Street  
 Sec. 26-32 Nuisances illustrated  
 Sec. 26-126 Clearing of property of debris and noxious material required  
 Officer Roman Stenko  
 Certified Mail: 10-06-2021  
 Initial Hearing: 10-21-2021

**Continued from 21 October 2021**

- Count 1:** Failure to remove all miscellaneous items and clean the property from all overgrown weed, grasses and trees.
- Count 2:** Failure to remove all miscellaneous items and clean the property from all overgrown weed, grasses and trees.

The code officer was Roman Stenko. The respondent was not present. Officer Stenko stated that the subject property is not in compliance from the compliance date that was given at the previous hearing. The Special Magistrate ordered that the fines of \$250.00 per count per day start running from the compliance date 15 November 2021 and \$250.00 admin cost.

11

**Case # 19-1707**

211 Duval Company  
C/O Duval Group  
Charles Ittah- Registered Agent  
215 Duval Street

~~Sec. 2-939 Licenses-~~ **Dismissed**

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 114-108 Maintenance of all signs  
Sec. 14-40 Permits in historic districts  
Officer Igor Timus  
Certified Mail: 10-4-2021  
Initial Hearing: 11-18-2021

**Continuance granted to 16 December 2021**

~~Count 1: Failure to apply and obtain a revocable license from the City of  
Key West Licensing Department.-~~ **Dismissed**

**Count 2:** Failure to apply and obtain a permit from the City of Key West  
Building Department.

**Count 3:** Failure to restore historic sign.

**Count 4:** Failure to apply and obtain a certificate of appropriateness  
from the City of Key West HARC Department.

Igor Timus was the code officer. Officer Timus asked for a continuance to 16  
December 2021. The Special Magistrate granted the continuance.

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**Case # 20-31**

Florida Limited Liability Company  
530 William Street LLC  
F&L Corp- Registered Agent  
719 Fleming Street

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Officer Igor Timus  
Certified Mail: 10-25-2021  
Initial Hearing: 11-18-2021

**Continuance granted to 27 January 2022**

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

Igor Timus was the code officer. Officer Timus asked for a continuance to 27  
January 2022. The Special Magistrate granted the continuance.



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**Case # 21-1526**

Summer Breeze Oxygen Bar, LLC  
Hershoff Lupino Yagel L.L.P.- Registered Agent  
335 Duval Street #6  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Igor Timus  
Certified Mail: 10-15-2021  
Initial Hearing: 10-21-2021

**In compliance as of 12 November 2021; Request dismissal**

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

The code officer was Igor Timus. This case came into compliance 12 November 2021 and the City is requesting a dismissal. The Special Magistrate granted the dismissal.

15

**Case # 21-1557**

Donna Chavis  
827 Emma Street  
Sec. 110-292 Failure to achieve a settlement agreement  
Officer Jim Young  
Certified Mail: 11-01-2021- **Amended Notice**  
Initial Hearing: 11-18-2021

**New Case**

**Count 1:** Failure to comply with the settlement agreement.

The code officer was Jim Young. The respondent was not present. Director Young stated that the notice of hearing was amended and that the case will be presented by the City's Urban Forestry Manager Karen DeMaria. Karen DeMaria read her timeline of the case. The Special Magistrate granted \$250.00 admin cost and \$250.00 per count per day if not in compliance by 13 December 2021.

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**Case # 21-1562**

Michael Donoghue  
1501 George Street  
Sec. 110-292 Failure to achieve a settlement agreement  
Officer Jim Young

Certified Mail: Amended Notice  
Initial Hearing: 11-18-2021

**Continuance granted to 16 December 2021**

**Count 1:** Failure to comply with the settlement agreement.

Jim Young was the code officer. Officer Young asked for a continuance to 16 December 2021. The Special Magistrate granted the continuance.

**Adjournment**