



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, February 24, 2022

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 +1 312 626 6799 Meeting ID: 823 1452 9766 Passcode: 825039 or online at <https://cityofkeywest-fl-gov.zoom.us/j/82314529766?pwd=bmNJbWZZSHpMVGJCR0hEek1Qa3I5QT09> Meeting ID: 823 1452 9766 Passcode: 825039

Call Meeting to Order

Code Violations

1

Case # 12-586

Michael Coppola

1109 Fleming Street

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

Sec. 58-63 Delinquency

Officer Bonnita Badgett

Certified Service: 7-30-2012

Initial Hearing: 8-22-2012

Mitigation

Count 1: A business tax receipt is required to rent your property.

Count 2: The sewer/solid waste accounts are delinquent.

This was a Mitigation case where the Respondent Michael Coppola was imposed a fine of \$16,250.00 and offered to pay \$5,000.00. Director Jim Young was present on behalf of the City. Attorney Robert Cintron was present

representing the Respondent. The Respondent took 99 days to come into compliance so the City Ordinance states that the fine can be mitigated no more than 50%. Attorney Cintron gave a testimony that Mr. Coppola was apart of a mortgage scam which led to this code case. The Special Magistrate asked Attorney Cintron how did the Respondent get into short term rentals. Attorney Cintron answered stating that Mr. Coppola inherited some of the property rentals. Director Jim Young stated that Mr. Coppola was not in the short term rental business he actually had a long term renter where he failed to renew his Business Tax Receipt. Director Young also said when Mr. Coppola came to renew his Business Tax Receipt the Cheif Licensing Official denied his application due to unpaid utility bill. The Special Magistrate stated that the \$5,000.00 the Respondent is offering to pay does not meet the requirements of the City Ordinance. Director Young stated that Attorney Cintron wanted to come to the hearing today because of the clause of Mitigation Ordinance about frustrating mitigations. The Special Magistrate asked Attorney Cintron why did it take Mr. Coppola 99 days to come into compliance. Attorney Cintron stated that he was so caught up in attending hearings for the mortgage scam and testifying against that person. The Special Magistrate decided on the 50% Mitigation where the Respondent is imposed \$7,875 and \$250.00 Administration fee.

2

Case # 20-676

Futterman Phenphak

1704 Jamaica Drive

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

Sec. 14-262 Request for inspection

Officer Jim Young

Certified Mail: 4-10-2021

Initial Hearing: 4-29-2021

Continued from 16 December 2021

Count 1: Failure to apply and obtain the after the fact permits for all un-permitted work.

Count 2: Failure to schedule an inspection for all work that has been completed.

Director Jim Young was present on behalf of the City. Assistant City Attorney Ron Ramsingh was present. Attorney Greg Orpeaza was present as well on behalf of the Respondent. Attorney Orpeaza asked the City for a continuance due to waiting on Planning Department. Assistant City Attorney Ramsingh stated that the City would not object to the continuance if the Respondent agrees to an inspection due to a fear of a life safety issue.

3

Case # 21-1808

Rent Key West Vacations Inc.

Paul N Hayes- Registered Agent

Michael A. Mele- Property Owner

504 Catherine Street
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(9)- **Irreparable**
Officer Sophia Doctoche
Certified Mail: 11-22-2021- Rent Key West Vacations Inc.
Certified Mail: Michael A. Mele
Initial Hearing: 12-16-2021

In compliance as of 24 February 2022; Request dismissal

Count 1-5: Unlawful to lease a residential property for a period of less than thirty days or one calendar month without having obtained a business tax receipt.- **Irreparable**

Count 6-8: Failure to obtain the required city, county or state license for holding out/ advertising a short-term rental at this property.- **Irreparable**

Count 9-13: Unlawfully holding out this short-term rental for five nights.- **Irreparable**

The Code Officer was Sophia Doctoche. This case came into compliance as of 24 February 2022. The Special Magistrate granted the dismissal. It was also said on the record that there was a finding of violation for the obtained lease in the amount of \$4,144.51. Imposed by the Special Magistrate was a one time of \$4,144.51 and \$250.00 Administrative Cost. The fines were paid before the hearing making the case in compliance.

4

Case # 21-1884

Maouad Varela I LLC
1011 Varela Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Sophia Doctoche
Hand Posted: 2-14-2022
Initial Hearing: 2-24-2022

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 did not attend. Officer Doctoche read her timeline and evidence was shown. The Special Magistrate found that there was substantial amount of evidence for a finding of violation.

The City is asking for \$250.00 Administrative Cost and \$250.00 per count per day. The Special Magistrate granted the finding of \$250.00 Administrative Cost and \$250.00 per count per day with a compliance date of 20 March 2022.

5

Case # 21-1885

Maouad- Varela 2 LLC

1011 Varela Street 2

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

Officer Sophia Doctoche

Hand Posted: 2-14-2022

Initial Hearing: 2-24-2022

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 did not attend. Officer Doctoche read her timeline and evidence was shown. The Special Magistrate found that there was substantial amount of evidence for a finding of violation. The City is asking for \$250.00 Administrative Cost and \$250.00 per count per day. The Special Magistrate granted the finding of \$250.00 Administrative Cost and \$250.00 per count per day with a compliance date of 20 March 2022.

6

Case # 21-1926

Historic Key West Vacation Rentals LLC

Brenda Donnelly- Registered Agent

711 Galveston Lane

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

Officer Sophia Doctoche

Certified Mail:

Initial Hearing: 2-24-2022

In compliance as of 29 December 2022; Request dismissal

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

This case came into compliance as of 29 December 2021. The City requested a dismissal and The Special Magistrate granted the dismissal.

7

Case # 22-3

Liberty Noma LLC

416 Petronia Street #4

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

Officer Sophia Doctoche
Certified Mail:
Initial Hearing: 2-24-2022

Continuance granted to 24 March 2022

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

This case was previously granted a continuance to 24 March 2022.

8

Case # 22-125

Coconut Mallory Properties LLC
Celeste P Gosselin
1445 S Roosevelt Blvd 412
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Certified Mail:
Initial Hearing: 2-24-2022

In compliance as of 4 February 2022; 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 February 2022. The City requested a dismissal and The Special Magistrate granted the dismissal.

9

Case # 22-141

Secret Villa 1, LLC
James Heslin- Registered Agent
603 Free School Alley
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Certified Mail: 2-11-2022
Initial Hearing: 2-24-2022

In compliance as of 15 February 2022; 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 15 February 2022. The City requested a dismissal and The Special Magistrate granted the dismissal.

10

Case # 22-160

Secret Villa II LLC

James Heslin- Registered Agent

605 Free School Alley

Sec. 66-102 Dates due and delinquent; penalties

Officer Sophia Doctoche

Certified Mail: 2-11-2022

Initial Hearing: 2-24-2022

Continuance granted to 24 March 2022

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

This case was previously granted a continuance to 24 March 2022.

11

Case # 20-524

Gregory G Farrelly- Registered Agent

828 Windsor Lane

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

Sec. 58-61 Determination and levy of charge

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

Officer Edward Keane

Certified Mail: 6-30-2021

Initial Hearing: 6-24-2021

Continued from 27 January 2022

Count 1: Failure to submit as built certifications to the City of Key West.

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

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

Director Jim Young was present on behalf of the City. The Respondent did not attend. Assistant City Attorney Ron Ramsingh was present as well. Director Young stated that the Planning Director denied the LUD application who then reconsidered the application and the Planning Department did issue a LUD letter. So now they are waiting DEO appeal period. The Special Magistrate said he would continue the case to 24 March 2022 for a status update. Assistant City Attorney Ramsingh stated that Assistant City Attorney Nathalia Mellies said a 60 day continuance would be better. The Special Magistrate granted the continuance to 28 April 2022.

12

Case # 22-189

Pohalski LLC
C/O Tony Willis CPA
1109 Truman Ave
Sec. 66-102 Dates due and delinquent; penalties
Officer Michal Matloch
Certified Mail:
Initial Hearing: 2-24-2022

New Case

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

The Code Officer was Michal Matloch. The Respondent did not attend. Officer Matloch asked for a continuance due to not getting good service. The Special Magistrate granted the continuance to 24 March 2022.

13

Case # 21-1904

Steven Kunkemoeller
708 South Street 1
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 14-40 Permits in historic districts
Officer Keenan Mellendorf
Certified Mail: 1-24-2022
Initial Hearing: 2-24-2022

Continuance granted to 24 March 2022

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

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

This case was previously granted a continuance to 24 March 2022.

14

Case # 21-391

Christian E Teves and Michael S Burau
533 Petronia Street
Sec. 62-2 Obstructions
Officer Paul Navarro
Certified Mail: 6-7-2021

Initial Hearing: 6-24-2021

Continued from 27 January 2022

Count 1: Failure to remove obstructing palm trees from the right-of-way.

The Code Officer was Paul Navarro. Director Jim Young was present on behalf of the City. Assistant City Attorney Ron Ramsingh was present as well. Assistant City Attorney Ramsingh stated that they were supposed to receive the new ordinance but it was pushed back due to Cruise Ship issues. Assistant City Attorney asked for a 60 day continuance. The Special Magistrate granted the continuance to 28 April 2022.

15

Case # 21-1630

Ocean Key Resort & Spa
C/O Noble House Hotels
0 Duval Street
Sec. 14-325 Permits required
Sec. 14-327 Inspection
Officer Paul Navarro
Certified Mail: 1-20-2022
Initial Hearing: 2-24-2022

In compliance as of 20 January 2022; Request dismissal

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

Count 2: Failure to schedule an inspection with the City of Key West Building Department.

This case came into compliance as of 20 January 2022. The City requested a dismissal and The Special Magistrate granted the dismissal.

16

Case # 21-1631

Tadd Mallard
3359 Flagler Ave
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Officer Paul Navarro
Hand Posted: 12-1-2021
Initial Hearing: 12-16-2021

In compliance as of 17 February 2022; Request dismissal

Count 1: Failure to apply and obtain permits from the City of Key West

Building Department.

This case came into compliance as of 17 February 2022. The City requested a dismissal and The Special Magistrate granted the dismissal.

17

Case # 21-1632

Elite Development and Mechanical Corp
Nelson Medina Jr.
0 Duval Street
Sec. 14-325 Permits required
Sec. 14-327 Inspection
Officer Paul Navarro
Certified Mail: 1-20-2022
Initial Hearing: 2-24-2022

In compliance as of 20 January 2022; Request dismissal

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

Count 2: Failure to schedule an inspection with the City of Key West Building Department.

This case came into compliance as of 20 January 2022. The City requested a dismissal and The Special Magistrate granted the dismissal.

18

Case # 22-184

Rite-way of the Florida Keys
Richard Bellizzi
1711 Seminary Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Paul Navarro
Certified Mail: 2-17-2022
Initial Hearing: 2-24-2022

In compliance as of 22 February 2022; 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 February 2022. The City requested a dismissal and The Special Magistrate granted the dismissal.

19

Case # 22-147

Paul S Mills CPA
1541 5th Street

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

Officer Leo Slecton

Certified Mail: 2-17-2022

Initial Hearing: 2-24-2022

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 Slecton. Officer Slecton read his timeline. The City is asking for a finding of violation with \$250.00 Administrative Cost and \$500.00 fine for a Repeat offence and also \$250.00 Administrative Cost of \$250.00 and \$500.00 from Case# 14-885 and \$750.00 for Case# 16-929 which was all documented in a signed and executed Settlement Agreement from Case# 18-1082. The total due to the City is \$3,250.00. The Special Magistrate granted the finding of violation with a compliance date of 20 March 2022.

The Code Officer was Leo Slecton. Officer Slecton read his timeline. The City is asking for a finding of violation with \$250.00 Administrative Cost and \$500.00 fine for a Repeat offence and also \$250.00 Administrative Cost of \$250.00 and \$500.00 from Case# 14-885 and \$750.00 for Case# 16-929 which was all documented in a signed and executed Settlement Agreement from Case# 18-1082. The total due to the City is \$3,250.00. The Special Magistrate granted the finding of violation with a compliance date of 20 March 2022.

20

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-~~ **Dismissed**

Sec. 114-108 Maintenance of all signs

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

Officer Igor Timus

Certified Mail: 10-4-2021

Initial Hearing: 11-18-2021

In compliance as of 23 February 2022; Request dismissal

~~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.-~~ **Dismissed**

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.~~ - **Dismissed**

This case came into compliance as of 23 February 2022. The City requested a dismissal and The Special Magistrate granted the dismissal.

21

Case # 18-1639

Jessica Clark
 1824 Fogarty Ave 1
 Sec. 90-363 Certificate of occupancy required
 Sec. 58-61 Determination and levy of charge
 Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
 Sec. 14-72 Minimum facilities
 Officer Jim Young
 Certified Mail: 1-27-2021
 Initial Hearing: 2-18-2021

In compliance as of 10 February 2022; Request dismissal

Count 1: Failure to apply and obtain a certificate of occupancy for the unit located in the rear side of the property.
Count 2: Failure to contact the Planning Department to apply and obtain cost of impact fees.
Count 3: Failure to provide an as-built certificate to the Building Department.
Count 4: Failure to remove the tarp and bed from this area.

This case came into compliance as of 10 February 2022. The City requested a dismissal and The Special Magistrate granted the dismissal.

22

Case # 20-1335

John Lindle
 1617 White Street
 Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
 Officer Jim Young
 Certified Mail: 2-2-2021
 Initial Hearing: 2-18-2021

Continued from 16 December 2021

Count 1: Failure to apply and obtain after the fact permits for building, electrical and plumbing.

Director Jim Young was present. The Respondent did not attend. Director Young asked for a 60 day continuance due to waiting on an appeal for a variance to be presented to the City Commission. The Special Magistrate granted the continuance to 28 April 2022.

23

Case # 21-128

Singh Business Trust V

518 Elizabeth Street

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

Sec. 122-629 Prohibited uses

Officer Jim Young

Certified Mail: 11-15-2021

Initial Hearing: 12-16-2021

In compliance as of 17 February 2022; Request dismissal

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

Count 2: Conducting tours in the Historic High Density Residential District which prohibits this type of activity.

This case came into compliance as of 17 February 2022. The City requested a dismissal and The Special Magistrate granted the dismissal.

24

Case # 21-1910

Rose Petals in Paradise, LLC

Monica Woodbury- C/O Manager

4 Charles Street

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

Officer Jim Young

Certified Mail:

Initial Hearing: 1-27-2022

In compliance as of 3 February 2022; 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 3 February 2022. The City requested a dismissal and The Special Magistrate granted the dismissal.

Mitigations

25

Case # 21-1537

Edward A. Chilton

1011 Windsor Lane

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

Sec. 14-40 Permits in historic districts

Sec. 14-256 Permit required

Sec. 14-262 Request for inspection

Sec. 14-359 Permit display

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 Leo Slection

Certified Mail: 11-01-2021

Initial Hearing: 10-21-2021

Mitigation**Count 1:** Failure to apply and obtain 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.**Count 3:** Failure to apply and obtain electrical permits with the City of
Key West Building Department.**Count 4:** Failure to schedule a required inspection with the City of Key
West Building Department.**Count 5:** Failure to apply and obtain a plumbing permit with the City of
Key West Building Department.**Count 6:** Failure to achieve Certificate of Competency.**Count 7:** Failure to apply and obtain a Business Tax Receipt with the
City of Key West Licensing Department.

The Code Officer was Leo Slection. Director Jim Young was present on behalf of the City. Assistant City Attorney Ron Ramsingh was also present. The Respondent Edward Chilton attended as well. This was a Mitigation case where the Respondent was imposed a fine of \$1,750.00 and he offered to pay 0. The Special Magistrate wanted to know how long it took Mr.Chilton to come into compliance and Officer Slection responded with less than 30 days. The Respondent gave a testimony that he only worked for an hour and a half and did not know that he was hired by an unlicensed contractor. He needed money really bad and was willing to do any kind of work. Director Young stated that the ordinance states this matter can be mitigated up to 90% and that the City would only ask for the Administrative Costs that Mr.Hoy would was also involved in the case agreed to pay. The Special Magistrate granted the \$0.00

Mitigation due to the Respondent being very honest.

Adjournment