



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, January 26, 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 646 558 8656, Meeting ID: 817 9923 8893 Passcode: 654351 or online at: <https://cityofkeywest-fl-gov.zoom.us/j/81799238893?pwd=UlpVZW81andZUjIHTG9CL2VrenBhUT09> Meeting ID: 817 9923 8893 Passcode: 654351

Call Meeting to Order

Code Violations

1

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 15 December 2022

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.

Leo Slection was the Code Officer who was present on behalf of the City. The Respondent Carina Borders Perez was present as well. Director Jim Young was present on behalf of the City. The Special Magistrate made a disclosure to the court that he has represented the Borders Family before in a separate dispute, and that he did not represent the Borders Nidia F Revocable Trust 4/26/2020 at that time. The Respondent asked for a continuance due to needing more time for the process of recognizing the unit at the subject address and obtaining after the fact permits. Officer Slection stated that the City would like to move forward with the case and present. The Special Magistrate denied the Respondents motion for a continuance. Officer Slection read his timeline to the court and evidence was shown. The Respondent stated that she has been working on coming into compliance, and that she needs to turn in documents to the Planning Department for her LUD application for a unit that has been rented for over 20 years. The Special Magistrate asked if there was ever a business tax receipt for the property. Director Jim Young stated that there was a non-transient license for the subject address that was issued in 1995 and expired September 2020. The Special Magistrate found that there was an admission to the violations by the Respondent and that there was substantial evidence for a finding of violation. The Special Magistrate imposed an administrative cost of \$250.00 and \$250.00 per count per day if not in compliance by March 10th 2023.

2

Case # 22-1374

JC Electric of the Florida Keys INC

Juan C. Morales- **Registered Agent**

1518 Laird Street

Sec. 14-262 Request for inspection- **Irreparable**

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

Sec. 18-117 Acts declared unlawful- **Irreparable**

Officer Paul Navarro

Certified Mail:

Initial Hearing: 11-17-2022

Continued from 15 December 2022

Count 1: Failure to contact the City of Key West Building Department and schedule an electrical inspection.- **Irreparable**

Count 2: Failure to apply and obtain the appropriate building permits from the City of Key West Building Department.- **Irreparable**

Count 3: Failure to hire a licensed contractor.- **Irreparable**

The Code Officer was Paul Navarro who was present of behalf of the City. Attorney Jared Sonnenklar was present of behalf of the Respondent JC Electric of the Florida Keys INC Juan Morales. Director Jim Young was present as well on behalf of the City. Director Young stated that the Attorney is willing to admit to the violations. Attorney Sonnenklar stated that all parties came to a resolution before the hearing and will admit to the violations with the court cost and minimum fines. The Special Magistrate imposed \$250.00 administrative cost and \$250.00 per 3 counts for a total of \$1,000.00.

3

Case # 22-1373

Key West Electric INC

Jorge A. Sanchez- **Registered Agent**

1518 Laird Street

Sec. 18-150 Certificate of competency required- **Irreparable**

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

Sec. 14-262 Request for inspection- **Irreparable**

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

Officer Paul Navarro

Certified Mail: 10-27-2022

Initial Hearing: 11-17-2022

Continued from 15 December 2022

Count 1: Failure to register Florida State License with the City of Key West Licensing Department.- **Irreparable**

Count 2: Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.- **Irreparable**

Count 3: Failure to contact the City of Key West Building Department and schedule an electrical inspection.- **Irreparable**

Count 4: Failure to apply and obtain the appropriate building permits from the City of Key West Building Department.- **Irreparable**

The Code Officer was Paul Navarro who was present of behalf of the City. Attorney Jared Sonnenklar was present of behalf of the Respondent Key West Electric INC Jorge Sanchez. Director Jim Young was present as well on behalf of the City. Director Young stated that the Attorney is willing to admit to the violations. Attorney Sonnenklar stated that all parties came to a resolution before the hearing and will admit to the violations with the court cost and

minimum fines. The Special Magistrate imposed \$250.00 administrative cost and \$250.00 per 4 counts for a total of \$1,250.00.

4

Case # 23-32

Jorge A. Sanchez

1117 Key Plaza

Sec. 14-262 Request for inspection- **Irreparable**

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

Sec. 18-150 Certificate of competency required- **Irreparable**

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

Officer Paul Navarro

Certified Mail: 1-26-2023

Initial Hearing: 1-26-2023

New Case

Count 1: Failure to contact the City of Key West Building Department and schedule an electrical inspection.- **Irreparable**

Count 2: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.- **Irreparable**

Count 3: Failure to achieve Certificate of Competency.- **Irreparable**

Count 4: Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.- **Irreparable**

The Code Officer was Paul Navarro who was present on behalf of the City. Attorney Jared Sonnenklar was present on behalf of the Respondent Jorge Sanchez. Attorney Sonnenklar asked for a continuance for more time to gather information. The City did not object to a continuance. The Special Magistrate granted a continuance to 23 February 2023.

5

Case # 23-3

Thomas McGuirk

1909 Blanche Street 1

Sec. 18-117 Acts declared unlawful

Officer Jim Young

Certified Mail: 1-18-2023

Initial Hearing: 1-26-2023

New Case

Count 1: Failure to hire a licensed building inspector.

The Code Officer was Director Jim Young who was present on behalf of the City. The Respondent Thomas McGuirk was present as well. Director Young

stated that the Respondent will be asking for a continuance for more time to comply with the subpoena that was issued to him. The Respondent asked for a continuance and the City did not object. The Special Magistrate granted a continuance to 23 February 2023.

6

Case # 23-3

Jaime Cutimanco
1909 Blanche Street 1
Sec. 18-146 License required
Sec. 66-87 Business tax required for all holding themselves out to be engaged in business
Officer Jim Young
Certified Mail: 1-18-2023
Initial Hearing: 1-26-2023

New Case

Count 1: Failure to apply and obtain a contractors license.

Count 2: Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.

The Code Officer was Director Jim Young who was present on behalf of the City. The Respondent Jaime Cutimanco was present as well. Interim City Attorney Ron Ramsingh was present on behalf of the City. The Respondent asked for a translator, but the City can not provide a translator for the Respondent and that the Respondent needs to provide his own translator. Director Young stated that Jaime Cutimanco is a Co-Respondent for the same case that was previously heard and that it would be best to continue both. Interim City Attorney Ramsingh asked the Respondent on the record if he has received the Notice of Hearing that was sent to him by the City. The Respondent had the exact notice Ramsingh was referencing with him. Interim City Attorney Ramsingh wanted the court to know that the Respondent received good service for the notice. The Respondent asked for a continuance and the City did not object. The Special Magistrate granted a continuance to 23 February 2023.

7

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

New Case

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 who was present at the hearing. The Respondent Catherine Kahle was present via Zoom. Officer Davis read his timeline and evidence was shown. The Respondent asked for a continuance so they can have additional time to apply for a parking lot variance so that they can obtain a business tax receipt. The Respondent will attend the next Planning board meeting on April 20th 2023 for the parking lot variance and asked for a continuance to the April Hearing. The City did not object to a continuance. The Special Magistrate granted the continuance to 27 April 2023.

8

Case # 22-1355

Absolute Comfort Home Services Inc.
Gary W. Humphries -**Registered Agent**
1201 Duval Street
Sec. 14-256 Required
Sec. 14-262 Request for inspection
Officer Sean Davis
Certified Mail:
Initial Hearing: 1-26-2023

In compliance as of 23 September 2022; Request dismissal

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

Count 2: Failure to contact the City Of Key West Building Department and schedule an electrical inspection.

This case came into compliance as of 23 September 2023. The Special Magistrate granted the dismissal.

9

Case # 22-1360

1201 Duval LLC
Patrick T. Greene- **Registered Agent**
1201 Duval Street
Sec. 14-256 Required
Sec. 14-262 Request for inspection
Officer Sean Davis
Certified Mail: 12-30-2022
Initial Hearing: 1-26-2023

In compliance as of 23 September 2022; Request dismissal

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

Count 2: Failure to contact the City Of Key West Building Department

and schedule an electrical inspection.

This case came into compliance as of 23 September 2023. The Special Magistrate granted the dismissal.

10

Case # 22-1456

Sean & Karolina Seaman

2401 Harris Ave

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

Sec. 58-61 Determination and levy of charge

Sec. 90-363 Certificate of occupancy- Required

Officer Sean Davis

Certified Mail:

Initial Hearing: 12-15-2022

In compliance as of 25 January 2023; 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 a business tax receipt with the City of Key West Licensing Department.

Count 3: Failure to apply and obtain a LUD with the City of Key West Planning Department.

Count 4: Failure to apply and obtain a certificate of occupancy.

This case came into compliance as of 25 January 2023. The Special Magistrate granted the dismissal.

11

Case # 22-1643

Van Allen Bruce

2303 Linda Ave

Sec. 110-259 Duty of private property owner

Sec. 26-126 Clearing of property of debris and noxious material required

Officer Sean Davis

Certified Mail:

Initial Hearing: 1-26-2023

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 clear property of overgrown grass.

The Code Officer was Sean Davis who was present on behalf of the City. The Respondent did not attend. The Special Magistrate asked Officer Davis if there was good service for the notice, and Officer Davis stated that the co-owner of the property Paul contacted the Code Office and spoke with the Legal Analyst Ashley Dixon and stated that he believes he is in compliance. Officer Davis explained that he did cut some of the over grown grass, but failed to cut the grass on the other side of the property which is on Flagler Ave so the Respondent is not in compliance. Officer Davis did try to contact the Respondent Paul to advise him he is not in compliance. The Special Magistrate suggested that the City continue the case so that they can achieve proper service. The City did not object. The Special Magistrate granted a continuance to 23 February 2023.

12

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

New Case

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.

The Code Officer was Sophia Doctoche who was present on behalf of the City. The Respondent did not attend. Officer Doctoche read her timeline and evidence was shown. The Special Magistrate stated to Officer Doctoche that the Respondent made an admission to the violation against his interest when he told Officer Doctoche that he split the unit back into 2 units after purchasing the home. The City is asking for a finding of the two violations with \$250.00 court cost and \$250.00 fine per count per day. The Special Magistrate granted a finding of violation with \$250.00 administrative cost and \$250.00 per count per day if not in compliance by February 7, 2023.

13

Case # 22-1297

Narmina LLC
Nigora Rakhmanova- **Registered Agent**
6401 3rd Street
Sec. 18-360 Annual Inspection
Officer Sophia Doctoche
Hand Posted: 11-22-2022
Initial Hearing: 12-15-2022

In compliance as of 18 January 2023; Request dismissal

Count 1: Failure to contact the City of Key West Licensing Department to renew the regulatory license and schedule an annual inspection.

This case came into compliance as of 18 January 2023. The Special Magistrate granted the dismissal.

14

Case # 22-1502

Mark D Watkins

Judith Watkins

71 Spoonbill Way

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

Officer Sophia Doctoche

Certified Mail:

Initial Hearing: 1-26-2023

In compliance as of 29 December 2022; 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 29 December 2022. The Special Magistrate granted the dismissal.

15

Case # 22-1583

Patrick Otoole

1223 Royal Street

Sec. 18-60 License required

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

Officer Sophia Doctoche

Certified Mail:

Initial Hearing: 1-26-2023

In compliance as of 19 December 2022; Request dismissal

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

Count 2: Failure to obtain all required city, county, and state licensing to advertise and rent short-term.

This case came into compliance as of 19 December 2022. The Special Magistrate granted the dismissal.

16

Case # 22-1585

Key West Hideaways, Inc.

Kenneth H. Schultz- **Registered Agent**

329 Peacon Lane

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

Officer Sophia Doctoche

Hand Posted: 12-20-2022

Initial Hearing: 1-26-2023

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 who was present on behalf of the City. Attorney Van Fischer was present on behalf of the Respondent. Director Jim Young was present as well on behalf of the City. Director Young stated Attorney Fischer was attending a County Code Compliance Hearing in Marathon Florida and might not be able to attend. Attorney Fischer was signed into the Zoom meeting, but was not responding. The court decided to table the case until Attorney Fischer can join. Attorney Fischer did finally show up to the Commission Chambers and the case was bought back. Officer Doctoche stated that the Respondents want to enter into a Settlement Agreement and a draft was sent to the Respondent for review and the City is waiting for the signed Settlement Agreement. Attorney Fischer also stated that Officer Doctoche's statement was correct, and he would ask for a continuance. The Special Magistrate granted the continuance 23 February 2023.

17

Case # 22-1493

NBA Properties Corp.

Esney Diaz- **Registered Agent**

1623 Venetian Drive

Sec. 18-601 License required

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

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

Officer Sophia Doctoche

Hand Posted: 1-4-2023

Initial Hearing: 12-15-2022

Continued from 15 December 2022

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

Count 2: Failure to obtain all required city, county and state licensing to advertise and rent short-term.

Count 3: Failure to apply and obtain the appropriate license with the City of Key West Licensing Department.

The Code Officer was Sophia Doctoche. The Respondent did not attend. Officer Doctoche stated that the Respondent came into compliance this morning before the hearing and the City is requesting to dismiss the case. The Special Magistrate granted the dismissal.

18

Case # 22-1414

Joel Bernard Lucien Odou

611 Whitehead Street

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

Sec. 14-40 Permits in historic districts- **Irreparable**

Sec. 18-150 Certificate of competency required- **Irreparable**

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

Officer Paul Navarro

Hand Posted: 11-15-2022

Initial Hearing: 11-17-2022

Continued from 15 December 2022

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

Count 2: Failure to apply and obtain a certificate of appropriateness with the City of Key West Planning Department.- **Irreparable**

Count 3: Failure to achieve Certificate of Competency.- **Irreparable**

Count 4: Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.- **Irreparable**

The Code Officer was Paul Navarro who was present on behalf of the City. The Respondent did not attend. Officer Navarro explained to the court that the subject counts are not considered Irreparable, and that the City would like to dismiss counts 1 and 2 as they are in compliance. The Special Magistrate granted the dismissal of counts 1 and 2. Officer Navarro then read his timeline and evidence was shown. The Special Magistrate thought that 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 2 February 2023.

19

Case # 22-1233

Marie Rose Guerline Cine
1300 15th CT Lot #20
Sec. 14-37 Building permits; professional plans; display of permit;
address; exceptions
Officer Leo Slecton
Certified Mail: 1-13-2023
Initial Hearing: 1-26-2023

New case

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

The Code Officer was Leo Slecton. The respondent Marie Rose Guerline Cine with a translator who did not present his name. Officer Slecton read his timeline and evidence was shown. Officer Slecton states no action had been taken to achieve compliance whether that was demolition of the structure or to obtain after the fact permits. The Special Magistrate asked the translator why hasn't been fixed the translator stated it was to keep her kids from not safe while playing. The Special Magistrate stated this is a safety issues and she needs to get a permit. The City asked for a finding of violation \$250.00 court cost and \$250.00 a day until license is obtained and come into compliance on 10 February 2023. The Special Magistrate granted the finding and imposed \$250.00 court cost and \$250.00 per count per day with compliance date of 20th February 2023.

20

Case # 22-1369

Suzanne DeSaulniers
221 Petronia Street
Sec. 14-37 Building permits: professional plans; display of permits;
address; exceptions
Sec. 14-40 Permits in historic districts
Officer Leo Slecton
Hand Served: 12-12-2022
Initial Hearing: 1-26-2023

In compliance as of 24 January 2023; 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 a certificate of appropriateness with the City of Key West HARC Department.

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

21

Case # 22-1524

GFS Marketplace
2508 N Roosevelt Blvd
Sec. 30-1 Fee for false alarms and fire code inspections
Officer Leo Slecton
Hand Served: 1-9-2023
Initial Hearing: 1-26-2023

In compliance as of 19 January 2023; Request dismissal

Count 1: Failure to contact the Revenue Department to submit payment for the delinquent fire inspection fees.

This case came into compliance as of 19 January 2023. The Special Magistrate granted the dismissal.

22

Case # 22-1533
Banana Republic
501 Duval Street
Sec. 30-1 Fee for false alarms and fire code inspections
Officer Leo Slecton
Hand Served: 1-9-2023
Initial Hearing: 1-26-2023

In compliance as of 19 January 2023; Request dismissal

Count 1: Failure to contact the Revenue Department to submit payment for the delinquent fire inspection fees.

This case came into compliance as of 19 January 2023. The Special Magistrate granted the dismissal.

23

Case # 22-1501
David Gomez
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 15 December 2022

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. Attorney Van Fischer was present on behalf of the Respondent. Van Fisher stated he's been in discussion with Director Jim Young having a draft settlement agreement with David Gomez. Van Fisher also stated there is a draft settlement agreement with Group LLC Adam Murry property owner. The Special Magistrate asked if its the same case. Director Jim Young stated the property owner was issued a notice of code violation and not a notice of hearing, there 2 settlement agreements one for Davis Gomez and one for Adam Murry property owner. Adam Murry settlement agreement there is a paragraph he acknowledges of this hearing. Van Fisher request continuance for both parties to sign the draft settlement agreement. The Special Magistrate granted the continuance to 23 February 2023.

24

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: 10-6-2021

Initial Hearing: 10-21-2021

City request to vacate findings and order; Request dismissal

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 City is requesting to dismiss the Findings of Order from 21 October 2021. The Special Magistrate granted the request to dismiss the Findings of Order at the City's request without objection.