



**CODE COMPLIANCE
SPECIAL MAGISTRATE HEARING**
Marathon Council Chambers
9805 Overseas Highway, Marathon
Thursday, September 17, 2020 at 2:00 P.M.
Minutes

Pursuant to Florida Executive Order No. 20-69, Monroe County Emergency Directive 20-06, and Center for Disease Control (“CDC”) social distancing guidelines established to contain the spread of the COVID-19 virus; this meeting was held virtually via Zoom Meetings.

A. CALL TO ORDER

The Code Compliance Special Magistrate Hearing of September 17, 2020 was called to Order by the Special Magistrate, Jack Bridges at 2:01 P.M., via Zoom Meetings.

Staff Present:

Growth Management Director Douglas Lewis
Code Administrative Asst Maria Thorley
Code Officer Angela Yetter
Code Vacation Rental Officer Jessica Young
Attorney on behalf of the City Gaelan Jones
Paralegal Cody Ward

Members of the Public via Zoom Meetings

B. ADDITIONS/DELETIONS/CORRECTIONS/ANNOUNCEMENTS

DELETIONS:

The following case were withdrawn by compliance:

- | | |
|---------------|----------------|
| 3. C2017-0296 | 10. C2020-0072 |
| 4. C2017-0340 | 13. C2020-0078 |
| 5. C2017-0305 | 11. C2020-0090 |
| 8. C2019-0212 | 14. C2020-0174 |

C. APPROVAL OF MINUTES

- Special Magistrate Bridges approved the minutes of October 16, 2019, hearing.

D. SWEARING IN OF WITNESSES TO TESTIFY

- Special Magistrate Bridges called for witnesses to be sworn in and administered the Oath.

E. NOTICES

- Notices were read into the record.
- There were no Ex-parte Communications.

F. CASES FOR PUBLIC HEARING:

Code Officer, Angela Yetter

1. C2017-0169 (NON-COMPLIANCE)

Estelle Williams C/O Maggie Williams
Sarah Battle, Veronica Williams, Johnetta Tucker
3920 Louisa St., Marathon, FL (RE# 00337360-000000)

This case was originally heard by the Special Magistrate on October 16, 2019, an Order was entered giving the Respondent a compliance date of November 16, 2019. An Affidavit of Non-Compliance was filed after an inspection performed by Code Officer Angela Yetter on June 8, 2020 and determined that the violation was not corrected.

Based on the evidence presented at this hearing, the City was requesting imposition of the fines as the Respondent failed to remedy the violation, by allowing the structure on premises to fall into such disrepair as to render it unsafe for its intended use, and by failing to pay the Administrative Fee previously Ordered, in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days starting from the date of October 17, 2019.

Attorney Gaelan Jones cross-examined Code Officer Angela Yetter, regarding the Respondent(s) appearance at the Special Magistrate's Hearing on October 17, 2019 rulings for said violation.

Ms. Yetter stated that she was aware of the Special Magistrate's rulings on October 17, 2019, and that they have not applied for a permit.

Attorney Gaelan Jones in closing argument pointed out that the violations of the City code existed as alleged in the Findings of Fact, Conclusion of Law and Order of October 17, 2019.

Exhibit A entered and accepted into evidence by Special Magistrate Bridges.

The Respondent was present via Zoom Meetings, was sworn in and was properly noticed of the hearing by certified mail and afforded the opportunity to appear and speak. Estelle Williams admitted to the violations and spoke on behalf of her sisters regarding the unforeseen issues with the property.

RECOMMENDATION(S): The Special Magistrate heard the testimony and a Findings of Fact, Conclusion of Law and Order was entered finding the property in violation of the stated code and Ordered the Respondent to pay a Fine for three hundred thirty-six (336) days of non-compliance, equaling Thirty-Six Thousand Six Hundred Dollars (\$36,600.00) as of the date of this Order, September 17, 2020, which shall accrue One Hundred Dollars (\$100.00) per day, for each day the violation continues to exist until the property is brought into compliance, retroactive starting from the date of October 17, 2019. This Fine is calculated by taking into consideration: the gravity of the violation; the steps taken by the Respondent to correct the violation; and any previous violations, pursuant to Chapter 162.09 (2) (b) (1)-(3), F.S. The Respondent(s) shall pay the Administrative Fee of Three Hundred Dollars (\$300.00) previously Ordered by the Special Magistrate for the hearing dated, October 16, 2019; and an additional Administrative Fee of Three Hundred Dollars (\$300.00) within thirty days (30) for the hearing of non-compliance starting from the date of this Order, September 17, 2020.

Code Officer, Angela Yetter

2. C2019-0088 (NON-COMPLIANCE)

Joe's Seafood Inc./Maria E Veloso, Registered Agent
520 12th St., Marathon, FL (RE# 00101610-000200)

This case was originally heard by the Special Magistrate on September 18, 2019, an Order was entered giving the Respondent a compliance date of October 19, 2019. An Affidavit of Non-Compliance was filed after an inspection performed by Code Officer Angela Yetter on April 23, 2020, and determined that the Respondent has failed to remedy the violation of §6-52 (a) (1) (b) of the City Code.

Based on the evidence presented at this hearing, the City was requesting imposition of the fines as the Respondent failed to remedy the violation, by not applying for and obtaining permits for the construction of the exterior stairs and deck within thirty (30) days starting from the date of September 19, 2019, and failing to pay the Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days, starting from the date of September 19, 2019.

Exhibit A entered and accepted into evidence by Special Magistrate Bridges.

The Respondent was present at the hearing via Zoom Meetings, was properly noticed of the hearing by certified mail and afforded the opportunity to appear and speak. Danny Yero spoke of behalf of the owner and explained the property sustained hurricane related damages. Mr. Yero stated that he was working with former Code Officer Patti Childress to comply with the violations. At this point the intent is to demolish the property and comply with the City Codes.

The Findings of Fact Conclusion of Law and Order dated September 18, 2019, was read into the record by Attorney Gaelan Jones in pertinent part, the deck, and stairs violations.

Special Magistrate Bridges explained to Mr. Yero since the property is in non-compliance the fines cannot be reduced; however, once the property is in compliance, he can come back to the City to mitigate the fines.

RECOMMENDATION(S): The Special Magistrate heard the testimony and a Findings of Fact, Conclusion of Law and Order was entered finding the property in violation of the stated code and Ordered the Respondent to shall pay a Fine for three hundred sixty-four (364) days of non-compliance, equaling Thirty-Six Thousand Four Hundred Dollars (\$36,400.00) as of the date of this hearing, September 17, 2020, which shall accrue One Hundred Dollars (\$100.00) per day, for each day the violation(s) continues to exist until the property is brought into compliance, retroactive starting from the date of September 19, 2019. This Fine is calculated by taking into consideration: the gravity of the violation; the steps taken by the Respondent to correct the violation; and any previous violations, pursuant to Chapter 162.09 (2) (b) (1)-(3), F.S., the Respondent(s) shall pay the Administrative Fee of Three Hundred Dollars (\$300.00) previously Ordered by the Special Magistrate for the hearing dated, September 18, 2019; and an additional Administrative Fee of Three Hundred Dollars (\$300.00) within thirty days (30) for the hearing of non-compliance starting from the date of this Order, September 17, 2020.

Code Officer, Angela Yetter

6. C2017-0417 (NEW CASES)

Errol Williams

398 116TH St., Marathon, FL (RE#00346050-000000)

Based on the evidence presented at the hearing, the Respondents have violated §6-52 (a) (1) b. of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent, for roof repairs performed without the benefit of permits.

On December 27, 2017, an initial inspection was performed by former Code Compliance Officer Patti Childress and found the property to be in violation of §6-52 (a) (1) b. of the City of Marathon Code. Subsequent inspections performed, as well as review of records by Code Compliance Officer Angela Yetter, showed no permit application has been submitted and the violation(s) of the City Code remains uncorrected.

Exhibits A through D were entered and accepted into evidence by Special Magistrate Bridges.

The Respondent was not present at the hearing via Zoom Meetings but was properly noticed of the hearing by certified mail, and afforded the opportunity to appear and speak.

RECOMMENDATION(S): The Special Magistrate heard the testimony and a Findings of Fact, Conclusion of Law and Order was entered finding the property in violation of the stated code and Ordered the Respondent to apply for and obtain after-the-fact building permits with a Florida Licensed Contractor for roof repairs performed and any other unpermitted work completed without the benefit of permits,

within thirty (30) days from the date of this hearing, September 17, 2020; to pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days from the date of this hearing, September 17, 2020. In the event the violation(s) is/are not corrected by the date set for compliance, October 17, 2020 Respondent(s) shall pay a fine in the amount of One Hundred Dollars (\$100.00) per day, which shall accrue for each day the violation(s) continues to exist past the compliance date set forth herein. This fine is calculated by taking into consideration: the gravity of the violation; the steps taken by the Respondent to correct the violation; and any previous violations, pursuant to Chapter 162.09 (2) (b) (1) - (3), F.S.

Code Officer, Angela Yetter

9. C2019-0237 (NEW CASE - STOP WORK ORDER)

Charles Wallace Buttner II and Nayda Buttner
490 James Ave., Marathon, FL (RE# 00323530-000000)

Based on the evidence presented at the hearing, the Respondents have violated §6-52 (a) (1) b. of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent, for ongoing construction of a downstairs enclosure without the benefit of permits.

On December 16, 2019, an initial inspection was performed by former Code Compliance Officer Tim Unger and found the property to be in violation of §6-52 (a) (1) b. c. of the City of Marathon Code, as a result of such action a Stop Work Order was posted for said violation. Subsequent inspections performed, as well as review of records by Code Compliance Officer Angela Yetter, showed no permit application has been submitted, and the violation(s) of the City Code remains uncorrected.

Exhibits A through D were entered and accepted into evidence by Special Magistrate Bridges.

The Respondent(s) was/were present at the hearing via Zoom Meetings, was/were properly noticed of the hearing by certified mail and afforded the opportunity to appear and speak.

RECOMMENDATION(S): The Special Magistrate heard the testimony and a Findings of Fact, Conclusion of Law and Order was entered finding the property in violation of the stated code and Ordered the Respondent to apply for and obtain after-the-fact building permits for the construction of a downstairs enclosure or any other work performed without the benefit of permits, or apply for and obtain permits to remove the unpermitted downstairs enclosure, within thirty (30) days from the date of this hearing, September 17, 2020; to pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days from the date of this hearing, September 17, 2020. In the event the violation(s) is/are not corrected by the date set for compliance, October 17, 2020 Respondent(s) shall pay a fine in the amount of One Hundred Dollars (\$100.00) per day, which shall accrue for each day the violation(s) continues to exist past the compliance date set forth herein. This fine is calculated by taking into consideration: the gravity of the violation; the steps taken by the Respondent to correct the violation; and any previous violations, pursuant to Chapter 162.09 (2) (b) (1) - (3), F.S.

Code Officer, Angela Yetter

12. C2020-0118 (NEW CASE)

Plane Fun Holidays LLC / Raul Segredo, Registered Agent
11600 1st Ave, Unit 17, Marathon FL 33050 (RE# 00104180-001170)

Based on the evidence presented at the hearing, the Respondents have violated §6-52 (a) (1) b. of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent, for work on entry steps performed without the benefit of a permit. A stop work order was posted on the property by the Building Inspector on June 4, 2020, for said violation(s).

Exhibits A through D were entered and accepted into evidence by Special Magistrate Bridges.

The Respondent(s) was present at the hearing via Zoom Meetings, was properly noticed of the hearing by certified mail and afforded the opportunity to appear and speak.

On June 6, 2020, an initial inspection was performed by Code Compliance Officer Angela Yetter and found the property to be in violation of §6-52 (a) (1) b. of the City of Marathon Code. Subsequent inspections performed, as well as review of records by Code Compliance Officer Angela Yetter, showed that the violation(s) of the City Code remains uncorrected.

RECOMMENDATION(S): The Special Magistrate heard the testimony and a Findings of Fact, Conclusion of Law and Order was entered finding the property in violation of the stated code and Ordered the Respondent to apply for and obtain a building permit with a Florida Licensed Contractor for work performed and any other unpermitted work completed without the benefit a permit, within thirty (30) days from the date of this hearing, September 17, 2020. The Respondent(s) Vacation Rental License, PLR2020-00096, shall be immediately suspended until such time that a permit for the unpermitted work has been issued, approved, and finalized by the Building Department; to pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days from the date of this hearing, September 17, 2020. In the event the violation(s) is/are not corrected by the date set for compliance, October 17, 2020 Respondent(s) shall pay a fine in the amount of Two Hundred Fifty Dollars (\$250.00) per day, which shall accrue for each day the violation(s) continues to exist past the compliance date set forth herein. This fine is calculated by taking into consideration: the gravity of the violation; the steps taken by the Respondent to correct the violation; and any previous violations, pursuant to Chapter 162.09 (2) (b) (1) - (3), F.S.

Code Officer, Angela Yetter

7. C2018-0440 (NEW CASE)

Mariners Place Land Corporation / Carlos G Berdeal, Registered Agent
20 Coco Plum Dr, Coco Plum Key, FL 33050 (RE# 00362840-000000)

Based on the evidence presented at the hearing, the Respondents have violated §6-52 (a) (1) b. of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent, for stucco and drywall work performed without the benefit of a permit. A stop work order was posted on the property on December 5, 2019 by former Code Compliance Officer Cody Ward, for said violation(s).

On December 5, 2018, an initial inspection was performed by former Code Compliance Officer Cody Ward and found the property to be in violation of §6-52 (a) (1) b. of the City of Marathon Code. Subsequent inspections performed, as well as review of records by Code Compliance Officer Angela Yetter, showed that the violation(s) of the City Code remains uncorrected.

The Respondent(s) was present at the hearing via Zoom Meetings, was properly noticed of the hearing by certified mail and afforded the opportunity to appear and speak.

Former Code Officer Cody Ward appeared via Zoom Meetings, was sworn in and was crossed examined by Attorney Gaelan Jones regarding Exhibit D pg. 2 of 11, dated December 5, 2018, and stated all photos are true and accurate copy of the subject property.

RECOMMENDATION(S): The Special Magistrate heard the testimony and a Findings of Fact, Conclusion of Law and Order was entered finding the property in violation of the stated code and Ordered the Respondent to apply for and obtain a building permit with a Florida Licensed Contractor for work performed and any other unpermitted work completed without the benefit a permit, within thirty (30) days from the date of this hearing, September 17, 2020; to pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days from the date of this hearing, September 17, 2020. In the event the violation(s) is/are not corrected by the date set for compliance, October 17, 2020 Respondent(s) shall pay a fine in the amount of One Hundred Dollars (\$100.00) per day, which shall accrue for each day the violation(s) continues to exist past the compliance date set forth herein. This fine is calculated by taking into consideration: The gravity of the violation; the steps taken by the Respondent to correct the violation; and any previous violations, pursuant to Chapter 162.09 (2) (b) (1) - (3), F.S.

H. OLD BUSINESS - None

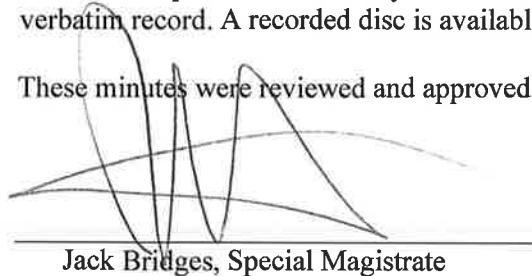
I. NEW BUSINESS - None

J. DISCUSSION ITEMS - None

K. ADJOURNMENT - With no further business to come before the Special Magistrate, the meeting was adjourned at 3:54P.M.

The above represents a summary of the Code Compliance Hearing held September 17, 2020. This is not a verbatim record. A recorded disc is available upon request.

These minutes were reviewed and approved by Jack Bridges, Special Magistrate.



Jack Bridges, Special Magistrate

11/19/2020
Date