



**CODE COMPLIANCE  
SPECIAL MAGISTRATE HEARING**  
Marathon Council Chambers  
9805 Overseas Highway, Marathon  
Thursday, November 19, 2020 at 2:00 P.M.  
Minutes

**A. CALL TO ORDER**

The Code Compliance Special Magistrate Hearing of November 19, 2020 was called to Order by Special Magistrate, James (Jack) Bridges at 2:04 P.M., at the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida.

**Staff Present:**

Growth Management Director Douglas Lewis  
Code Administrative Asst Maria Thorley  
City of Marathon Attorney Steven Williams  
Code Compliance Officer Angela Yetter  
Code Compliance Officer Erin Dafoe  
Vacation Rental Code Officer Jessica Young

Members of the public present.

**B. ADDITIONS/DELETIONS/CORRECTIONS/ANNOUNCEMENTS**

**DELETIONS:**

The following cases were withdrawn:

- |                |                |
|----------------|----------------|
| 1. C2018-0034  | 14. C2020-0167 |
| 8. C2020-0055  | 15. C2020-0238 |
| 13. C2020-0156 |                |

The following cases were continued:

- |               |               |
|---------------|---------------|
| 2. C2017-0305 | 4. C2019-0212 |
| 3. C2018-0447 | 5. C2012-0363 |

**C. APPROVAL OF MINUTES**

- Special Magistrate Bridges approved the minutes of September 17, 2020, 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, Erin Dafoe**

**6. C2020-0078 and C2020-0128**

Yunielkis De Leon  
718 68th St Ocean, Marathon, FL (RE# 00339040-000000)

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 the replacement of the Tiki-Hut rethatching renovations and repairs performed without the benefit of a permit.

An initial inspection on May 19, 2020 and a follow-up inspection on May 26, 2020 was performed by Code Compliance Officer Erin Dafoe, revealed thatching in right of way and the tiki hut rethatching repairs had been completed and as result of such action a stop work order was posted for said violation.

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

The Respondent was present at the hearing and sworn in, was properly noticed of the hearing by certified mail, and afforded the opportunity to appear and speak. Arianna Aguilar admitted to the violation and stated she was not aware that a permit was necessary to rethatch and repair the Tiki-Hut; however, she is willing to work with the City to correct the violation.

**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 Respondent(s) shall apply for and obtain after-the-fact building permit for the replacement of the Tiki-Hut rethatching renovations and repairs performed without the benefit of a permit, within ninety (90) days from the date of this hearing, November 19, 2020. Respondent(s) shall pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days from the date of this hearing, November 19, 2020. In the event the violation(s) is/are not corrected by the date set for compliance, February 18, 2021, 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, Erin Dafoe**

**7. C2020-0028**

Russell Warren Young Jr.  
1999 Grouper Dr., Marathon, FL 33050 (RE#00331550-000000)

Based on the evidence presented at the hearing, the Respondents have violated §22-24 and §22-20 of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent, by having an overgrown lawn, piles of yard waste and debris.

Code Compliance Officer Erin Dafoe performed an initial inspection on March 10, 2020 and found the Property to be in violation of §22-24 and §22-20 of the City of Marathon Code. A Follow-up reinspection of the property showed no change to the Property and the violation remains uncorrected.

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

The Respondent was present at the hearing and sworn in, was properly noticed of the hearing by certified mail, and afforded the opportunity to appear and speak. Mr. Russell admitted to the violation and stated due to the rain he has not had the time to finish mowing; however, he will try to comply with the City.

**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 mow/trim the Property and maintain as needed, within fifteen (15) days from the date of this hearing November 19, 2020. Respondent shall pay an Administrative Fee in the amount of Three

Hundred Dollars (\$300.00) within thirty (30) days, starting from the date of this hearing, November 19, 2020. In the event the violation(s) is/are not corrected by the date set for compliance, December 4, 2020, Respondent shall pay a fine in the amount of Fifty Dollars (\$50.00) per day, which shall accrue for each day the violation 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, Erin Dafoe**

**10. C2020-0099**

Mercedes and Simeon G Prieto  
922 66th St., Marathon (RE#00341320-000000)

Based on the evidence presented at the hearing, the Respondents have violated §22-20 and §5-21 of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent, by having yard waste, debris, barnyard animals, and a chicken coop like structure.

An initial inspection on May 27, 2020 was performed by Code Compliance Officer Erin Dafoe and found the Property to be in violation of §22-20 and §5-21 of the City of Marathon Code. A Follow-up reinspection of the property on September 21, 2020 showed no change to the Property and the violation remains uncorrected.

Attorney Steven Williams brought to the Magistrate attention, Exhibit D Pg5 of 17 as it relates to the chicken coop like structure.

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

The Respondent(s) was/were not present at the hearing, but was/were properly noticed of the hearing by certified mail, and afforded the opportunity to appear and speak; however, Ednan Prieto (son) was sworn in and spoke on behalf of the Respondent(s) and admitted the violation. He stated that the structure is a dog pen, and he would like to keep the structure if possible.

**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 Respondent shall remove all debris and noxious material from the Property, as well as the barnyard animals; to apply for and obtain an after-the-fact building permit for the chicken coop like structure or apply for and obtain a demolition permit to remove the chicken coop like structure within sixty (60) days from the date of this hearing November 19, 2020. The Respondent shall pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days from the date of this hearing, November 19, 2020. In the event the violation(s) is/are not corrected by the date set for compliance, January 18, 2021, Respondent shall pay a fine in the amount of One Hundred Dollars (\$100.00) per day, which shall accrue for each day the violation 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, Erin Dafoe**

**11. C2020-0107**

Steve James Edlund and Tamara T Hopkinson  
216 Tropical Ave., Grassy Key, FL 33050 (RE#00373180-000000)

Based on the evidence presented at the hearing, the Respondent(s) has violated §22-24 of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s), by having an overgrown lawn with high grass/weeds.

Code Compliance Officer Erin Dafoe performed an initial inspection on April 13, 2020 and found the Property to be in violation of §22-24 of the City of Marathon Code.

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

The Respondent was present at the hearing and sworn in, was properly noticed of the hearing by certified mail, and afforded the opportunity to appear and speak. Mr. Edlund admitted the violation; however, he stated that due to the rainy season he has not been able to catch up on the mowing.

**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 Respondent(s) shall mow/trim the Property and maintain as needed, within fifteen (15) days from the date of this hearing November 19, 2020. Respondent(s) shall pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days, from the date of this hearing, November 19, 2020. In the event the violation(s) is/are not corrected by the date set for compliance, December 4, 2020, Respondent(s) shall pay a fine in the amount of Fifty Dollars (\$50.00) per day, which shall accrue for each day the violation 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, Erin Dafoe**

**9. C2020-0081**

Spencer Blanton

900 Camino Real, Marathon (RE#00356230-000000)

Based on the evidence presented at the hearing, the Respondent(s) has violated §103.19 and §22-20 of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent, by having an abandoned and/or inoperative watercraft and the accumulation of yard waste/debris.

An initial inspection on May 13, 2020 as well as subsequent inspections performed by Code Compliance Officer Erin Dafoe and showed no change to the Property and the violation remains uncorrected.

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

The Respondent(s) was/were not present at the hearing but 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 remove or register the watercraft on the property; to remove and properly dispose of all accumulation of yard waste/debris and maintain as required, within Fifteen (15) days from the date of this hearing November 19, 2020. Respondent shall pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days, from the date of this hearing, November 19, 2020. In the event the violation(s) is/are not corrected by the date set for compliance, December 4, 2020, Respondent shall pay a fine in the amount of Fifty Dollars (\$50.00) per day, which shall accrue for each day the violation 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, Erin Dafoe**

**12. C2020-0032**

Margaret A Broz

427 26th Street, Ocean, Marathon, FL (RE#00321270-000000)

Based on the evidence presented at the hearing, the Respondent(s) has violated §8-12 (a) (1) and §8-14 (16) of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s), by advertising the property as a Vacation Rental with confirmed bookings on the online calendar, without a valid Vacation Rental License.

An initial inspection on May 23, 2020 by Vacation Rental Code Officer Jessica Young, revealed the property being advertised on Airbnb without a Vacation Rental License.

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

The Respondent(s) was/were not present at the hearing but 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 cease and desist all advertisement and rental of the Property as a Vacation Rental immediately, until a Vacation Rental license has been issued. The Respondent shall pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days from the date of this hearing November 19, 2020. The Respondent shall pay a fine in the amount of One Thousand Six Hundred Dollars (\$1600) within thirty (30) days from the date of this hearing November 19, 2020. 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 2:42P.M.

The above represents a summary of the Code Compliance Hearing held November 19, 2020. This is not a verbatim record. A recorded disc is available upon request.

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

  
James (Jack) Bridges, Special Magistrate

  
Date