



**CODE COMPLIANCE  
SPECIAL MAGISTRATE HEARING**

Marathon Council Chambers  
9805 Overseas Highway, Marathon  
Thursday, December 16, 2021, at 2:00 P.M.

**Action Minutes**

**A. CALL TO ORDER**

The City held its regular Code Compliance hearing December 16, 2021 at 2:00 p.m., in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida. Special Magistrate Jeff D. Vastola, Esq., called the meeting to order at 2:00 p.m.

**CITY STAFF PRESENT:**

Code Director Theodore Lozier  
City Attorney Steven Williams  
Code Administrative Assistant Maria Thorley  
Code Compliance Officer Don Law  
Code Compliance Officer Matt Salata

Members of the public present.

**B. PLEDGE OF ALLEGIANCE** - The Special Magistrate led the Pledge of Allegiance.

**C. ADDITIONS/DELETIONS/CORRECTIONS**

5. C-21-109 continued due to medical emergency.

**D. APPROVAL OF MINUTES**

- Minutes of November 18, 2021 hearing was approved by Special Magistrate Vastola.

**E. SWEARING IN OF WITNESSES TO TESTIFY**

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

**F. NOTICES**

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

**G. CASES FOR PUBLIC HEARING:**

**CODE OFFICER, DON LAW**

**3. C-21-85 (New Case)**

Andrew J Scott  
24 Stirrup Key Rd., Marathon (RE#00104170-000600)

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

An initial inspection conducted of the subject's property on August 20, 2021, revealed renovations including a new deck without the benefit of a permit.

Exhibits A through D, as well as Exhibit 1 (Respondent's Building Permit Application) were entered and accepted into evidence by Special Magistrate Vastola.

The Respondent was given an opportunity to be heard and ask questions of Staff; however, he had none.

The Respondent made mentioned that he had applied online for a permit.

Special Master asked the Respondent some questions, particularly to the building application form handed by Mr. Scott, as it had some highlighted parts and not filled out, except for his notarized signature.

Mr. Scott mentioned that the building application was filed online, and everything was completed as of the date of the hearing, December 16, 2021.

The Respondent stipulated to the allegations brought against him and expressed a genuine desire to rectify the code violations and come into compliance. It was thereafter agreed to by the parties that the Respondent would be given thirty (30) days to close out the permit and come into compliance before any fines would be levied, other than the costs of the hearing.

Based on the evidence and testimony presented, it is determined that the violation of §6-52 (a) (1) b. c. of the City of Marathon Code as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s) is not in compliance. The Respondent has submitted an after-the-fact permit application online, but said permit has not been obtained, nor final inspections approved.

**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) to obtain an after-the-fact building permit for any renovation work performed including the new decking, with final inspections approved and permit closed out, within thirty (30) days from the date of the Order, December 16, 2021. To pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days from the date of the Order, December 16, 2021. In the event the violation(s) is/are not corrected by the date set for compliance, January 16, 2022, 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, DON LAW**

**1. C-20-154 (New Case)**

Yoniel Esquirol and Michelle Card  
57465 Gibson St., Grassy Key, FL (RE#00360510-000000)

The Respondent(s) was not present at the hearing but was properly noticed of the hearing by certified mail and afforded the opportunity to appear and speak.

An initial inspection conducted of the subject's property on July 7, 2020, revealed the installation of a fence without the benefit of a permit.

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

After evidence presented by the City, the Respondents would be given thirty (30) days to apply for and obtain an after-the-fact building permit with final inspections approved and permit closed out, before any fines would be levied, other than the costs of the hearing.

Based on the evidence and testimony presented, it is determined that the violation of §6-52 (a) (I) b. c. of the City of Marathon Code as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s) has not been resolved.

Mr. Williams stated that the property owners have been on noticed regarding the need to apply for a permit since July 9, 2020; however, there have been no efforts on their part to contact the City until the date of the hearing December 16, 2021.

**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) to apply for and obtain an after-the-fact building permit for the installation of a fence with final inspections approved and permit closed out, within thirty (30) days from the date of the Order, December 16, 2021. To an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days from the date of the Order, December 16, 2021. In the event the violation(s) is/are not corrected by the date set for compliance, January 16, 2022, 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, DON LAW**

**2. C-21-74 (New Case)**

Keiichi Okitsu and Akira Okitsu  
735 26th St Ocean, Marathon (RE#00323380-000000)

The Respondent(s) were not present at the hearing but were properly noticed of the hearing by certified mail and afforded the opportunity to appear and speak.

An initial inspection conducted of the subject's property on July 23, 2021, revealed overgrown grass and weeds, in need of maintenance. On December 14, 2021, two emails were received indicating that the Respondents were in Japan on a family emergency.

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

After evidence presented by the City, the Respondents would be given notice via electronic mail until January 10, 2022, to come into compliance before any fines would be levied, other than the costs of the hearing.

Based on the evidence and testimony presented, it is determined that the violation of §22-24 of the City of Marathon Code as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s) has not been resolved.

**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) to mow/trim the property and maintain as needed by January 10, 2022, twenty-five (25) days from the date of the Order, December 16, 2021. To pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days from the date of the Order, December 16, 2021. In the event the violation(s) is/are not corrected by the date set for compliance, January 10, 2022. Respondent(s) shall pay a fine in the amount of Fifty Dollars (\$50.00) 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, DON LAW**

**4. C-21-95 (New Case)**

Kerry Struyf and Debra Struyf  
202 20th St., 16 , Marathon (RE#00326490-001600)

The Respondent(s) were not present at the hearing but were properly noticed of the hearing by certified mail and afforded the opportunity to appear and speak. It is noted for the record that a letter was provided by a local plumber on behalf of the Respondents suggesting that a request for a permit would be forthcoming.

Mr. Williams read the letter dated December 8, 2021, into the record.

An initial inspection of the property on September 7, 2021, revealed several washers and dryers in use onsite, which prompted an inspection of the property records, and it was determined that the property had not been connected to the Central Wastewater System.

Exhibits A through D, as well as Respondent's Exhibit 1 were entered and accepted into evidence by Special Magistrate Vastola.

After evidence presented by the City, the Respondents would be given eighteen (18) days to apply for and obtain building permit with final inspections approved, and permit closed out sixty (60) days of December 16, 2021, before any fines would be levied, other than the costs of the hearing.

Based on the evidence and testimony presented, it is determined that the violation of §34-35 of the City of Marathon Code as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s) has not been resolved.

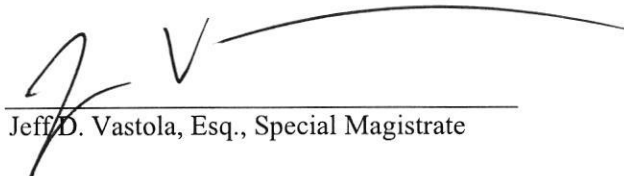
**RECOMMENDATION(S)**: The Special Magistrate heard the testimony, and a Findings of Fact, Conclusion of Law and Order was entered finding the property in violation of the stated code and Ordered Respondent(s) to apply for and obtain a building permit by January 3, 2022 and connect to the Central Wastewater System with final inspections approved and permit closed out withing sixty (60) days from the date of the Order, December 16, 2021. To pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days from the date of the Order, December 16, 2021. In the event the violation(s) is/are not corrected by the date set for compliance, February 14, 2022, 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. OTHER BUSINESS** - January 20, 2022 meeting was cancelled.

**I. ADJOURNMENT OF MEETING** - With no further business to come before the Special Magistrate, the meeting was adjourned at 2:37 P.M.

The above represents a summary of the Code Compliance Hearing held December 16, 2021. This is not a verbatim record. A recorded disc is available upon request.

These minutes were reviewed and approved by Jeff D. Vastola, Esq., Special Magistrate for the City of Marathon, Florida.

  
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Jeff D. Vastola, Esq., Special Magistrate

  
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Date