



**CODE COMPLIANCE
SPECIAL MAGISTRATE HEARING**

Special Magistrate, Jack Bridges
Marathon Council Chambers
9805 Overseas Highway, Marathon
Wednesday, May 15, 2019 at 2:00 P.M.

Action Minutes

A. CALL TO ORDER

The Code Compliance Special Magistrate Hearing of May 15, 2019, was called to Order by the Special Magistrate, Jack Bridges at 2:00 P.M., at the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida.

Staff Present:

Growth Management Director/Building Official Douglas Lewis
Code Admin/Recording Secretary Maria Thorley
Code Compliance Officer Patti Childress
Code Compliance Officer Forest King
Paralegal Cody Ward

Also in attendance were members of the public.

B. PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was recited.

C. ADDITIONS/DELETIONS/CORRECTIONS/ANNOUNCEMENTS

DELETIONS:

The following cases were withdrawn by compliance:

- | | |
|---------------|---------------|
| 2. C2018-0111 | 5. C2019-0016 |
| 3. C2018-0441 | 6. C2019-0040 |
| 4. C2018-0464 | |

D. APPROVAL OF AGENDA AND MINUTES

- Special Magistrate Bridges approved the agenda and the minutes of April 17, 2019 hearing.

E. SWEARING IN OF WITNESSES TO TESTIFY

- Special Magistrate Bridges 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, Forest King

1. C2019-0074 (NOTICE TO APPEAR) *CITATION NO. 3406

East Sister Rock Inc./Robert Raymond Williford Sr., Registered Agent
Island Offshore Islands (RE#00105590-000000)

Based on the evidence and testimony that were presented, the Respondent has violated Section 8-12 (a) (1) and Section 8-14 (16) of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent, by advertising the Property as a Vacation Rental with confirmed bookings on the online calendar, without a valid Vacation Rental License and as a result of such action Citation No. 3406 was issued for said violation. On April 22, 2019, the Respondent appealed Citation No. 3406 in writing.

Code Compliance Officer, Forest King performed a case review, on April 23, 2019 and determined that the Respondent was still advertising the Property. A follow-up case review on April 24, 2019, showed the Respondent had disabled the main website; however, the Facebook and Instagram links were still active.

A Notice to Appear before the Special Magistrate was sent to the Respondent on April 30, 2019, to appeal Citation No. 3406.

Exhibits A through F 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. Robert Williford admitted to the violation and for unforeseen reasons they haven't complied; however, stated that he stopped renting the property as a vacation rental. Wesley Williford (the son), stated that they took down the website, but forgot about Facebook and Instagram links. He will take down the links and comply with the City.

Paralegal Cody Ward, posted a question to Special Magistrate Bridges regarding the due process steps specifically appealing the Citation, since it was owed to the City and the hearing was based on appeal.

Special Magistrate Bridges stated that at his discretion, he waived the Citation fee.

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 all advertisement and/or rental of the Property as a Vacation Rental within twenty-four hours, 2:30 P.M., May 16, 2019 and shall keep advertisements down until a Vacation Rental license has been issued. In the event the violation(s) is/are not corrected by the date set for compliance, 2:30 P.M., May 16, 2019, 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 was 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.; Respondent shall pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days starting from the date of May 16, 2019. the Order replaces the fine set in Citation No. 3406.

H. OLD BUSINESS - None

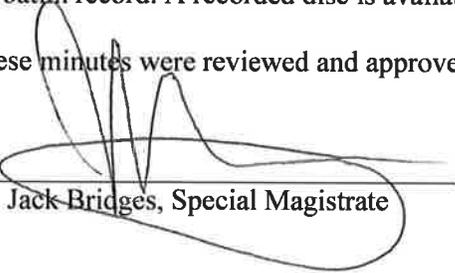
I. NEW BUSINESS - None

J. DISCUSSION ITEMS - None

K. ADJOURNMENT - With no further business to come before the Special Magistrate, the meeting was adjourned 2:24 P.M.

The above represents a summary of the Code Compliance Hearing held May 15, 2019. 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

06/19/2019

Date