

DOAH MINUTES

CITY OF KEY COLONY BEACH - CODE COMPLIANCE HEARING

Wednesday, November 8, 2023 - 9:30 a.m.

Key Colony Inn Banquet Room, 700 W. Ocean Drive, Key Colony Beach
& Virtually via Zoom Webinar

- A. Call to Order:** The City of Key Colony Beach Code Compliance Hearing was called to order by Judge Van Laningham at 9:50 am followed by the reading of Florida Statutes pertaining to the Hearing. Present: Judge Van Laningham, Code Officer Barry Goldman, Assistant City Attorneys Ryan Benninger and Michell Kane, Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.
- B. Pursuant to Florida Statutes Section 286.0105,** be advised that, if a person decides to appeal any decision made by the Special Magistrate with respect to any matter considered at today's hearing, that person will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeals it to be based.
- C. Pursuant to Florida Statute Section 162.07,** if the City of Key Colony Beach prevails in prosecuting a case before the Special Magistrate, the City of Key Colony Beach shall be entitled to recover all costs incurred in prosecuting the case before the Special Magistrate and such costs may be included in the lien authorized under Section 162.06(3), Florida Statutes.
- D. Approval of Minutes:** None.
- E. Swearing in of Witnesses to Testify:** Judge Van Laningham administered the Oath of Witness to all planning on testifying.
- F. Mitigation Orders Issued/Summary:** None.

Judge Van Laningham confirmed having received the City's Proposed Findings of Fact, Conclusions of Law, and Final Order provided by Assistant City Attorney Benninger for the Code Enforcement Proceeding concerning property located at 680 11th Street.

Assistant City Attorney Benninger then introduced Michelle Kane, Esq. the new Assistant Attorney to assist with code enforcement proceedings on behalf of the City.

G. CASES FOR TODAY'S HEARING

- 1. Property Address:** 241 12th Street, Key Colony Beach, FL 33051
Owner: 1981 10th, LLC and Koboski Land, LLC
1401 Palm Circle
Lake Clarke Shores, FL 33406
Violation: Construction Activities without a Permit, Sec. 6-6 (1)(b)(d)

Assistant City Attorney Benninger presented the case to Judge Van Laningham including all participating parties.

Assistant City Attorney Benninger summarized the history of the recent fire event that took place at the property, the alleged cause of the fire, and the subsequent code violation issued by the City for Respondent's alleged working without a permit.

The Respondents were introduced to the Court and then testified to the alleged violations. The Respondents stated that they did not dispute the violation of working without a permit but were present to challenge the City's allegations that the work performed was the cause of the fire. The Respondents further stated to have received a report concerning the property fire stating that a light fixture was found to be the cause of the fire.

Code Officer Goldman stated that he was not too aware of the report.

Code Officer Goldman clarified the terms of compliance and enforcement needed to rectify the violation and gave details on code and federal requirements.

Judge Van Laningham asked for consensus by both Parties on a one time fine of \$5,000.00 and a 90-day time frame for accomplishing the list of tasks that need to be done to bring the property into compliance.

After argument and testimony, the parties agreed to a stipulated fine of \$5,000.00 and a 120-day time frame to achieve compliance.

Code Officer Goldman confirmed to send an amended proposed order with a change to Paragraph 5 waiving the cost of prosecution.

Judge Van Laningham thanked all parties and closed the case.

Judge Van Laningham called for a 10 minutes recess at 10:27am.

The Hearing resumed at 10:38 am.

- 2. Property Address:** 211 9th Street, Key Colony Beach, FL 33051
Owner: LEAD LENDING LLC
3601 NW 2nd Ave.
Boca Raton, FL 33431
Violation: Sec. 6-6, Construction Activities without a Permit
Sec. 6-8 Remodeling: Required Performance and Permit Expiration
Sec. 6-34 – Standards
Sec. 6-56 – Maintenance

Assistant City Attorney Benninger presented the matter to the Court and called Code Officer Goldman as the City's first witness.

Code Officer Goldman testified to the history of the case and informed on federal and City Code requirements to achieve compliance with the violations.

Judge Van Laningham administered the Oath of Witness to the Respondent's representative.

The Respondent's representative testified to be able to comply with immediate code compliance requests and to accept the proposed compliance order as presented by the City.

Code Officer Goldman informed on requirements for immediate compliance and a 90-day time frame to produce additional required documentation.

The Respondent had no objections and Judge Van Laningham agreed to issue the compliance order as proposed by the City.

There were no other cases.

Judge Van Laningham adjourned the hearing at 11:03 am.

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: December 13, 2023

Silvia Gransee

City Clerk