

STONES & CARDENAS

ATTORNEYS AT LAW

221 SIMONTON STREET, KEY WEST, FL 33040
TELEPHONE (305) 294-0252 FAX (305) 292-5442

ADELE VIRGINIA STONES, P.A.

SUSAN M. CARDENAS, P.A.

August 19, 2009

VIA E-Mail: amonnier@keywestcity.com
and HAND-DELIVERY

Ashley Monnier
City of Key West
P.O. Box 1409
Key West, FL 33401-1409

Re: Charles Street and Telegraph Lane

Dear Ashley:

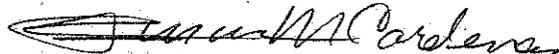
Enclosed please find the following in connection with the above-referenced project:

1. A Memorandum summarizing details of the Neighborhood Meeting held on July 9, 2009; and
2. A Memorandum summarizing our findings as to noise complaints reported to the Key West Police Department and the City Code Compliance Department in the past five years, for properties located on Telegraph Lane and properties located in the 200 block of Duval.

We believe that these matters may be of interest for staff and the Planning Board to consider in connection with this conditional use application.

If you have any questions concerning the enclosed, please do not hesitate to contact me.

Sincerely,



Susan M. Cardenas
SMC/cms

c: Amy Kimball-Murley, Planning Director, via e-mail
Client, via e-mail
Owen Trepanier, Trepanier & Associates, Inc., via e-mail

MEMORANDUM

DATE: August 19, 2009

TO: Ashley Monnier, Planner
City of Key West
P.O. Box 1409, Key West, FL 33401-1409

FROM: Susan M. Cardenas, Esq.
Stones & Cardenas
221 Simonton Street, Key West, FL 33040

RE: Neighborhood Meeting: Charles Street and Telegraph Lane Project



On July 6, 2009, representatives for the owner of the Charles Street and Telegraph Lane Project, hand-delivered notices of an open house / neighborhood meeting to all properties located in the blocks surrounding the subject property, between Whitehead Street and Ann Street, and Greene Street and Caroline Street; and to residences located in Truman Annex from Eaton Street to Caroline Street, and between Whitehead Street and Front Street.

A copy of the flyer that was delivered to the above-described properties is attached hereto. The distribution area is referenced on the attached street plan by hatch mark.

The open house was held on July 9, 2009, from 5:00 pm to 7:00 pm. Although well attended by the applicant's team, the only members of the public who visited the property were: (i) An employee (she declined to provide her name) who works at the parking lot owned by Joyce Walker at 411 Caroline Street; and (ii) Fred and Shelia Tillman who own Greene Street Condominiums at 208 Telegraph Lane and 412-416 Greene Street, as well as Kelly's Caribbean Bar and Grill located at 301 Whitehead Street. Both Ms. Walker's employee and Mr. and Mrs. Tillman expressed support for the project and did not object to the use of the property for a bar / lounge.

There were no objectors in attendance at the open house, nor any members of the public who raised concerns regarding the proposed use or its impacts on the neighborhood.

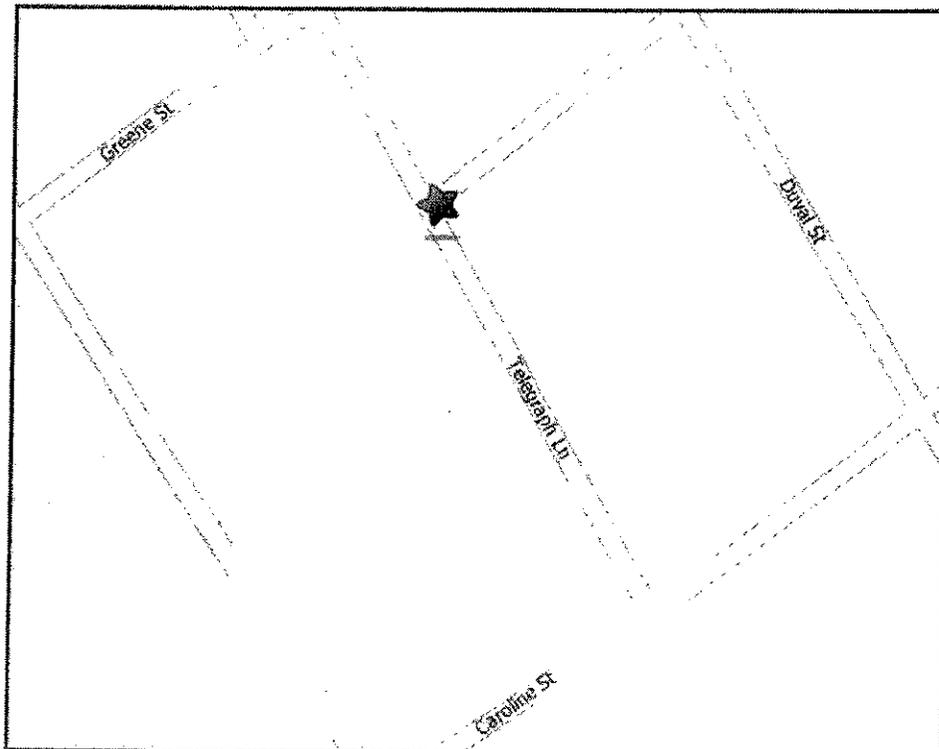
Join us for an Open House

El Alamo Bar

Come see what we're doing and share your thoughts.

Thursday July 9th from 5 to 7PM

The Charles & Telegraph property has been vacant for 4 years. We are creating a beer garden atmosphere inside, cleaning up the corner, adding lights and security to Telegraph Lane, and adding sound proofing measures.



Legend

Road Centerlines

Parcels

Shoreline

Section Lines

Area where flyers were distributed

Project Site

PALMIS

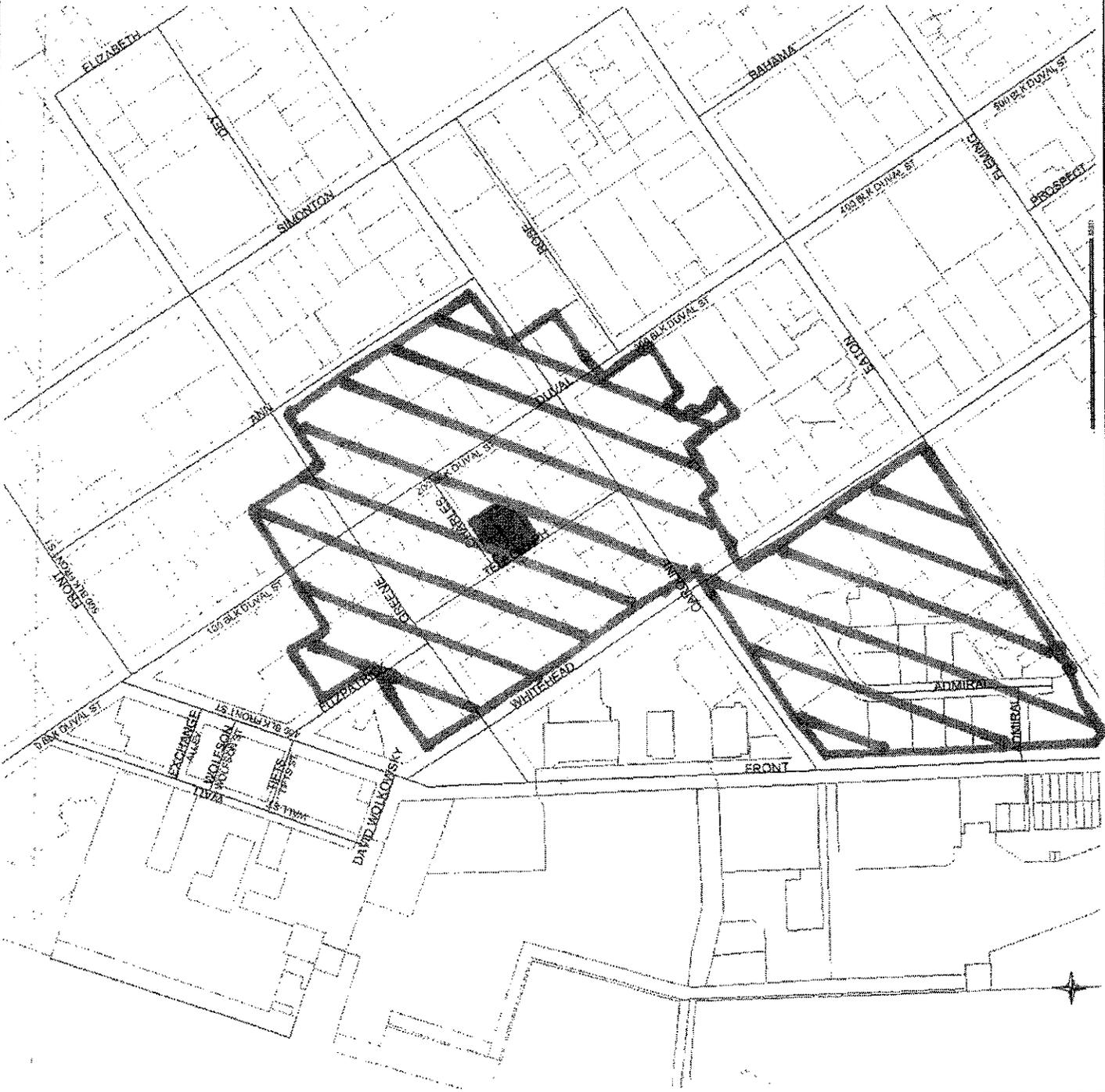
Monroe County Property Appraiser

500 Whitehead Street

Key West, FL

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purposes. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for *ad valorem tax purposes only* and should not be relied on for any other purpose.

Date Created: July 6, 2009 1:39 PM



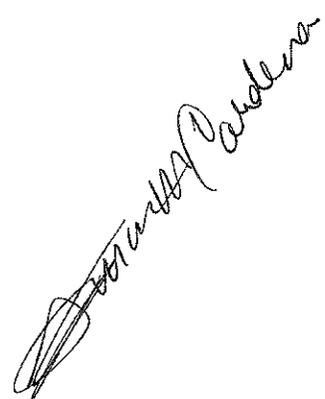
MEMORANDUM

DATE: August 19, 2009

TO: Ashley Monnier, Planner
City of Key West
P.O. Box 1409, Key West, FL 33401-1409

FROM: Susan M. Cardenas, Esq.
Stones & Cardenas
221 Simonton Street, Key West, FL 33040

RE: Noise Complaints: Charles Street and Telegraph Lane Project



In an effort to understand potential noise impacts in the area surrounding the Charles Street and Telegraph Lane project neighborhood, Applicant made inquires of City records custodians regarding noise complaints filed from 2004 to present for the subject property, and adjacent areas. We asked Cheryl Garcia, Records Supervisor for the Key West Police Department, for copies of reports of all noise complaints for Telegraph Lane as well as the 200 block of Duval Street for the past 5 years (records other than capital offenses are not available beyond 5 years); and we asked Debbie Millett in the Code Compliance Department to provide copies of all noise complaint records on file for the 200 block of Duval Street for the past five years.

SUMMARY:

We had hoped to identify property owners whose contacts with the City might indicate that their property was particularly susceptible to noise impacts so that we could speak with them about the proposed project and attempt to address their concerns. In those cases where the identity of the complainant is public record, we learned that the many of noise complaints were filed by bars against other bars. We did not find a pattern of impact, or any particular property owners (other than bar owners) that filed complaints or otherwise notified City officials of adverse impacts from noise during the referenced time period.

BACKGROUND DATA:

Enclosed please find one spreadsheet itemizing noise complaints organized by date, and also another spreadsheet itemizing the same information, but organized by location. The police department records do not disclose the name or address of the complainant. Some, but not all of the Code Compliance records include details on the complaining party.

Copies of all records and background documentation returned by City officials in response to our requests (and copies of the e-mail requests) are enclosed herewith. For ease of reference, records for the code enforcement cases are labeled: "CE 1-14"; records for police department noise calls directed to the 200 block of Duval Street are labeled: "PD Duval 1-20"; and records for police department noise calls directed to Telegraph Lane are labeled: "PD Telegraph 1-10".

Noise Complaints by Date - Page 1 of 2

Date	Complainant / Location	Complaint	Violation Address	Type of Report	Exhibit
6/7/2004	Unknown	Noise / Music	Irish Kevin's Bar - 211 Duval St.	Code Enforcement / 04-924	CE-1
7/23/2004	City Official	Noise / Music	Irish Kevin's Bar - 211 Duval St.	Code Enforcement / 04-1137	CE-2
3/15/2005	Keith Neissel - 310 Duval Street	Noise / Music	Bull & Whistle Bar - 224 Duval St.	Code Enforcement / 05-427	CE-3
4/28/2005	Keith Neissel - 310 Duval Street	Noise / Music	Bull & Whistle Bar - 224 Duval St.	Code Enforcement / 05-587	CE-4
2/11/2006	Unknown	Noise / Music	Bear Bottom Beach Club - 218 Duval St.	Police	PD Duval - 5
2/18/2006	Unknown	Noise / Music	Bear Bottom Beach Club - 218 Duval St.	Police	PD Duval - 6
3/7/2006	Unknown	Noise / Party on Roof	Bear Bottom Beach Club - 218 Duval St.	Police	PD Duval - 7
3/22/2006	Unknown	Noise / Music	Bear Bottom Beach Club - 218 Duval St.	Police	PD Duval - 8
5/26/2006	Jim Young	Noise / Music	Irish Kevin's Bar - 211 Duval St.	Code Enforcement / 06-557	CE-5
7/2/2006	Unknown	Noise / Loud Party	212 Telegraph Lane	Police	PD Telegraph - 1
7/2/2006	Unknown	Noise / Loud Party	212 Telegraph Lane	Police	PD Telegraph - 2
1/1/2007	Unknown	Noise / Camper Engine	212 Telegraph Lane	Police	PD Telegraph - 4
1/6/2007	Unknown	Noise	212 Telegraph Lane	Police	PD Telegraph - 5
3/9/2007	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 10
3/17/2007	Unknown	Noise / Blower	200 Duval Street Intersection	Police	PD Duval - 1
3/29/2007	Unknown	Noise / Music	Shorty's - 215 Duval	Code Enforcement / 07-736	CE-6
4/16/2007	Sharon Louis	Noise / Music	Bull & Whistle Bar - 224 Duval St.	Code Enforcement / 07-901	CE-7
4/18/2007	Joe	Noise / Music	Irish Kevin's Bar - 211 Duval St.	Code Enforcement / 07-944	CE-8
5/27/2007	Unknown	Noise / Music	Bull & Whistle Bar - 224 Duval St.	Police	PD Duval - 9
6/2/2007	Unknown	Noise / Alarm	Naked Lunch - 213 Telegraph	Police	PD Telegraph - 6
6/10/2007	Unknown	Noise / Truck Alarm	200 Telegraph Lane	Police	PD Telegraph - 3
7/5/2007	Rick's Bar - 204 Duval Street	Noise / Music	Irish Kevin's Bar - 211 Duval St.	Code Enforcement / 07-1963	CE-9
10/18/2007	Rick's Bar - 204 Duval Street	Noise / Music	Irish Kevin's Bar - 211 Duval St.	Code Enforcement / 07-3156	CE-10
1/14/2008	Rick's Bar - 204 Duval Street	Noise / Music	Lazy Gecko - 203 Duval Street	Police	PD Duval - 3
1/15/2008	Unknown	Noise / Music	Cheesburger Key West - 217 Duval St.	Police	PD Duval - 4
1/16/2008	Rick's Bar - 204 Duval Street	Noise / Music	Lazy Gecko - 203 Duval Street	Code Enforcement / 08-140	CE-11
2/16/2008	Unknown	Noise	Telegraph / Caroline St. Intersection	Police	PD Telegraph - 10
3/23/2008	Unknown	Noise / Drums	212 Telegraph Lane	Police	PD Telegraph - 7
4/10/2008	Unknown	Noise / Drums	212 Telegraph Lane	Police	PD Telegraph - 8
11/27/2008	Unknown	Noise / Vehicle Music	217 Telegraph Lane	Police	PD Telegraph - 9
3/2/2009	Bull & Whistle Bar - 224 Duval	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 11

Noise Complaints by Date - Page 2 of 2

3/3/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 12
3/3/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 13
3/4/2009	Stephen Manuguerra	Noise / Music	Fogarty's - 227 Duval Street	Code Enforcement / 09-338	CE-12
3/5/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 14
3/8/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 15
3/9/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 16
3/10/2009	Unknown	Noise / Bucket Drummer	Intersection Duval / Green Street	Police	PD Duval - 2
3/11/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 17
3/16/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 18
3/17/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 19
3/18/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 20
7/28/2009	Lazy Gecko - 203 Duval	Noise / Music	Rick's Bar - 202 Duval Street	Code Enforcement / 09-1083	CE-13
7/31/2009	Lazy Gecko - 203 Duval	Noise / Music	Rick's Bar - 202 Duval Street	Code Enforcement / 09-1095	CE-14

Noise Complaints by Location - Page 1 of 2

Date	Complainant / Location	Complaint	Violation Address	Type of Report	Exhibit
7/2/2006	Unknown	Noise / Loud Party	212 Telegraph Lane	Police	PD Telegraph - 1
7/2/2006	Unknown	Noise / Loud Party	212 Telegraph Lane	Police	PD Telegraph - 2
1/1/2007	Unknown	Noise / Camper Engine	212 Telegraph Lane	Police	PD Telegraph - 4
1/6/2007	Unknown	Noise	212 Telegraph Lane	Police	PD Telegraph - 5
3/23/2008	Unknown	Noise / Drums	212 Telegraph Lane	Police	PD Telegraph - 7
4/10/2008	Unknown	Noise / Drums	212 Telegraph Lane	Police	PD Telegraph - 8
2/11/2006	Unknown	Noise / Music	Bear Bottom Beach Club - 218 Duval St.	Police	PD Duval - 5
2/18/2006	Unknown	Noise / Music	Bear Bottom Beach Club - 218 Duval St.	Police	PD Duval - 6
3/7/2006	Unknown	Noise / Party on Roof	Bear Bottom Beach Club - 218 Duval St.	Police	PD Duval - 7
3/22/2006	Unknown	Noise / Music	Bear Bottom Beach Club - 218 Duval St.	Police	PD Duval - 8
3/15/2005	Keith Neissel - 310 Duval Street	Noise / Music	Bull & Whistle Bar - 224 Duval St.	Code Enforcement / 05-427	CE-3
4/28/2005	Keith Neissel - 310 Duval Street	Noise / Music	Bull & Whistle Bar - 224 Duval St.	Code Enforcement / 05-587	CE-4
4/16/2007	Sharon Louis	Noise / Music	Bull & Whistle Bar - 224 Duval St.	Code Enforcement / 07-901	CE-7
5/27/2007	Unknown	Noise / Music	Bull & Whistle Bar - 224 Duval St.	Police	PD Duval - 9
1/15/2008	Unknown	Noise / Music	Cheesburger Key West - 217 Duval St.	Police	PD Duval - 4
3/9/2007	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 10
3/2/2009	Bull & Whistle Bar - 224 Duval	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 11
3/3/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 12
3/3/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 13
3/4/2009	Stephen Manquerra	Noise / Music	Fogarty's - 227 Duval Street	Code Enforcement / 09-338	CE-12
3/5/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 14
3/8/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 15
3/9/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 16
3/11/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 17
3/16/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 18
3/17/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 19
3/18/2009	Unknown	Noise / Music	Fogarty's - 227 Duval Street	Police	PD Duval - 20

Noise Complaints by Location - Page 2 of 2

6/7/2004	Unknown	Noise / Music	Irish Kevin's Bar - 214 Duval St.	Code Enforcement / 04-924	CE-1
7/23/2004	City Official	Noise / Music	Irish Kevin's Bar - 211 Duval St.	Code Enforcement / 04-1137	CE-2
5/26/2006	Jim Young	Noise / Music	Irish Kevin's Bar - 211 Duval St.	Code Enforcement / 06-557	CE-5
4/18/2007	Joe	Noise / Music	Irish Kevin's Bar - 211 Duval St.	Code Enforcement / 07-944	CE-8
7/5/2007	Rick's Bar - 204 Duval Street	Noise / Music	Irish Kevin's Bar - 211 Duval St.	Code Enforcement / 07-1963	CE-9
10/18/2007	Rick's Bar - 204 Duval Street	Noise / Music	Irish Kevin's Bar - 211 Duval St.	Code Enforcement / 07-3156	CE-10
1/14/2008	Rick's Bar - 204 Duval Street	Noise / Music	Lazy Gecko - 203 Duval Street	Police	PD Duval - 3
1/16/2008	Rick's Bar - 204 Duval Street	Noise / Music	Lazy Gecko - 203 Duval Street	Code Enforcement / 08-140	CE-11
7/28/2009	Lazy Gecko - 203 Duval	Noise / Music	Rick's Bar - 202 Duval Street	Code Enforcement / 09-1083	CE-13
7/31/2009	Lazy Gecko - 203 Duval	Noise / Music	Rick's Bar - 202 Duval Street	Code Enforcement / 09-1095	CE-14
3/29/2007	Unknown	Noise / Music	Shorty's - 215 Duval	Code Enforcement / 07-736	CE-6
2/16/2008	Unknown	Noise	Telegraph / Caroline St. Intersection	Police	PD Telegraph - 10
3/17/2007	Unknown	Noise / Blower	200 Duval Street Intersection	Police	PD Duval - 1
6/10/2007	Unknown	Noise / Truck Alarm	200 Telegraph Lane	Police	PD Telegraph - 3
11/27/2008	Unknown	Noise / Vehicle Music	217 Telegraph Lane	Police	PD Telegraph - 9
3/10/2009	Unknown	Noise / Bucket Drummer	Intersection Duval / Green Street	Police	PD Duval - 2
6/2/2007	Unknown	Noise / Alarm	Naked Lunch - 213 Telegraph	Police	PD Telegraph - 6

RECORDS REQUESTS TO CODE COMPLIANCE DEPARTMENT

Daniel Strosnider

From: Richard Puente
Sent: Tuesday, June 30, 2009 5:02 PM
To: Daniel Strosnider
Subject: FW: Records Request

Here you go

From: Richard Puente
Sent: Friday, June 26, 2009 10:54 AM
To: 'dmillett@keywestcity.com'
Cc: 'JJyoung@keywestcity.com'
Subject: Records Request

Hi Debbie –

May I have copies of all noise complaint records on file for the 200 block of Duval for the past 5 years? Please call if you should have any questions.

Thank you for all that you do.

As always, Thank you.
Richard Puente
Trepanier & Associates, Inc.
402 Appelrouth Lane
Key West, FL 33040
O (305) 293-8983
F (305) 293-8748
C(305) 923-3237

Richard Puente

From: Barbara Meizis [bmeizis@keywestcity.com]
Sent: Monday, July 13, 2009 9:21 AM
To: Richard Puente
Subject: RE: Records Request

Good Morning Richard, the simple answer is as far back as you want to go. However, by state statute CODE is only required to maintain records in the following categories: if a case goes before the Special Master, we retain paper records for five years, if a case does not go before Special Master, we retain those paper records for three years. Older CODE records are removed from our premises and given to the City Clerk who in turn destroys those paper records. As a reminder, the city computer has some information going back to 1999. Your previous request to me only asked for the last five years so, that's what you got. Have a great day! Barbara

From: Richard Puente [mailto:RPuente@owentrepanier.com]
Sent: Friday, July 10, 2009 5:25 PM
To: Barbara Meizis
Cc: Debbie Millett-Fowley; Jim J. Young
Subject: RE: Records Request

How far back in history can one request records? 10, 15 years?

Richard
Trepanier & Associates, Inc.

From: Barbara Meizis [mailto:bmeizis@keywestcity.com]
Sent: Monday, June 29, 2009 12:03 PM
To: Richard Puente
Subject: FW: Records Request

Hi Richard, There are 55 pages that I copied and are ready for pick up at the City Clerk's office for a total of \$11.00. Take care dear. barbara

From: Debbie Millett-Fowley
Sent: Friday, June 26, 2009 11:06 AM
To: Barbara Meizis
Cc: Jim J. Young
Subject: FW: Records Request

Hi Barbara:

Please get the information that Richard needs. It can be scanned and emailed to him.

Thanks,

Debbie

RECORDS REQUESTS TO POLICE DEPARTMENT

Daniel Strosnider

From: Richard Puente
Sent: Tuesday, June 30, 2009 5:02 PM
To: Daniel Strosnider
Subject: FW: records Request

This was my request for records from the police dept

R.

From: Richard Puente
Sent: Friday, June 26, 2009 11:13 AM
To: 'Cheryl Garcia'
Subject: RE: records Request

Anything you can do is great...

Thank you very much

R.

From: Cheryl Garcia [mailto:cgarcia@keywestcity.com]
Sent: Friday, June 26, 2009 11:06 AM
To: Richard Puente
Subject: RE: records Request

I can't narrow it down to just noise complaints, but I'll print out all calls.

Cheryl Garcia

Records Supervisor
Key West Police Department
Ph: 305-809-1045
Fax: 305-809-1047
Cgarcia@keywestcity.com

From: Richard Puente [mailto:RPuente@owentrepanier.com]
Sent: Friday, June 26, 2009 11:05 AM
To: Cheryl Garcia
Subject: records Request

May I have reports for all noise complaints for Telegraph Lane, as well as the 200 block of Duval street for the last 3-4 years? Please call me if you have any questions.

Thank you for all that you do.

As always, Thank you

Richard Puente
Trepanier & Associates, Inc.
402 Appelrouth Lane
Key West, FL 33040
O(305) 293-8983
F(305) 293-8748
C(305) 923-3237

Richard Puente

From: Cheryl Garcia [cgarcia@keywestcity.com]
Sent: Monday, July 13, 2009 8:14 AM
To: Richard Puente
Subject: RE: Question

Hi,

No, our system goes back 5 years unless it was a Capital Offense.

Cheryl Garcia

Key West Police Department
Records Supervisor
Ph: 305-809-1045
Fax: 305-809-1047
Cgarcia@keywestcity.com

From: Richard Puente [mailto:RPuente@owentrepanier.com]
Sent: Friday, July 10, 2009 5:19 PM
To: Cheryl Garcia
Subject: Question

Hi Cheryl –

Thank you for all your help, How far back do the police dept records go? Would it be possible to request every single call ever recorded for the last 10 to 15 years for the 200 Block Duval address?

Thanks
Richard Puente
Trepanier & Associates, Inc.
(305) 293-8983

Case number : 04 00000924
 Property address, ID . . . : 211 DUVAL ST A
 RE #/PARCEL #/TAX ID etc . : 0000-1290-000100- - 22347
 Previous utility acct # . . :
 Case status, desc : CL CASE CLOSED
 Case type, desc, estbl . . : NC CE NOISE COMPLAINT 6/07/04
 Origination code, desc . . : AC ANONYMOUS COMPLAINT
 Default inspector ID . . . : JB Jeff Berman
 Tenant name, number :
 Case credit balance : .00

Type option, press Enter.

5=View

Opt	Name	Name type
-	211 DUVAL COMPANY	OW OWNER

F3=Exit	F5=Case data	F7=Violations	F8=Charges	Bottom
F10=Case text	F11=Liens	F12=Cancel	F13=Case actions	F9=Print histor.
				F24=More keys

Case number : 04 00001137
 Property address, ID . . . : 211 DUVAL ST A 223.
 RE #/PARCEL #/TAX ID etc . : 0000-1290-000100-
 Previous utility acct # . . :
 Case status, desc : CL CASE CLOSED
 Case type, desc, estbl . . : NC CE NOISE COMPLAINT 7/23/04

Origination code, desc . . : CO CITY OFFICIAL
 Default inspector ID . . . : GFA Gary Addleman
 Tenant name, number . . . :
 Case credit balance : .00

Type option, press Enter.
 5=View

Opt	Name	Name type
_	211 DUVAL COMPANY	OW OWNER

F3=Exit	F5=Case data	F7=Violations	F8=Charges	F9=Print histo
F10=Case text	F11=Liens	F12=Cancel	F13=Case actions	F24=More keys

Botto



THE CITY OF KEY WEST
P. O. BOX 1409
KEY WEST, FL 33041-1409
305.292.8191

NOISE COMPLAINT FORM

DATE 7-22-4 POLICE CAD # _____ CODE CASE # _____
LOCATION OF NOISE IRISH KENNEDY'S
COMPLAINANT CITY OF KEY WEST
ADDRESS OF COMPLAINANT _____
OFFICER PERFORMING TEST G. ADOLMAN
ADDITIONAL OFFICER J. BERMAN

TIME OF TEST START 7:58 FINISH 8:06

WIND VELOCITY UNDER 15 MPH YES N/A NO _____
METER CALIBRATION BEFORE 110 DbA
METER CALIBRATION AFTER 110 DbA
AMBIENT NOISE LEVEL 74 DbA
NOISE SOURCE LEVEL 82.8 DbA
ADJUSTED NOISE SOURCE LEVEL 81.8 DbA

SIGNED [Signature]



THE CITY OF KEY WEST

Code Enforcement Division (305) 292-8191

P.O. Box 1409, Key West, FL 33040

NOTICE OF IRREPARABLE VIOLATION AND ADMINISTRATIVE HEARING

CERTIFIED MAIL RECEIPT#

HAND SERVE

Date: 7-23-2004

To: Kevin Gibson
211 Duval Street A
Key West, FL 33040

Subject Address: Irish Kevin's
211 Duval Street A
Key West, FL 33040

Unreasonable noise on 7-22-04
at 7:58 to 8:06, with the City
Manager of Key West as the
Complainant

Case #: 04-1137

According to the records of The City of Key West, you are the current property owner/ representative or the business owner at the above-referenced property. You are hereby notified that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

Sec. 26-192. Prohibition against unreasonable noise.

No person shall make, continue, or cause to be made any unreasonable noise or disturbing noise.

Sec. 26-194. Citation procedure.

- (a) Except as provided in subsection (e) of this section, all citations for violations issued under this article shall be based on a complaint to the city. The complainant shall be identified by name and address, the sound source shall be identified, and the investigating officer shall verify all information provided by the complainant. The investigating officer shall provide the complainant with a copy of the complaint form which may serve as a record of complaints relating to a property.
- (b) A decibel meter shall be used for a complaint of unreasonable noise made at or within 100 feet of the property line of the sound source. The decibel reading shall be made at the location of the complaint. The investigating officer shall issue a citation for unreasonable noise, unless in his judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning per offending person or establishment.
- (c) A complaint of disturbing noise may be made when the location of the complaint is beyond 100 feet of the property line of a commercial property sound source. Additionally, a complaint of disturbing noise may be made when the location of the complaint is a residential property and the location of the sound source is a residential property or a commercial property that was a residential property as of September 1, 2000, at any distance from each other. A decibel meter measurement is not required to determine disturbing noise. The investigating officer shall issue a citation if the complainant suffers disturbing noise within the boundaries of his property. The investigating officer may issue a warning if in his judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning per offending person or establishment.
- (d) If a complaint arises of unreasonable noise emanating from a multistory structure, the determination of whether such sound constitutes unreasonable noise shall be made from a story height equal to that of the sound source or from the nearest accessible point on the ground floor.
- (e) Upon the authorization of the city manager, the city may act as the complainant of unreasonable noise when a commercial establishment from which alleged unreasonable noise is emanating holds an entertainment license pursuant to division 2 of article II of chapter 18. A code enforcement officer shall conduct the decibel reading at any point beyond the property line of the sound source. In addition to its being subject to citation for unreasonable noise, the establishment shall also be subject to the further penalties set forth in division 2 of article II of chapter 18.
- (f) Citations issued for unreasonable noise or disturbing noise under this article shall be of a content-neutral character.
- (g) Either a police officer or a code enforcement officer may issue a citation to an offender under this article.

Unreasonable noise means:

- (1) Any noise in or emanating from a commercial district which equals or exceeds a measured sound level of 75 dBA (maximum permitted sound level in decibels) collectively for more than 30 seconds of any measurement period which shall not be less than five minutes.
- (2) Any noise in or emanating from a residential district which equals or exceeds a measured sound of 75 dBA between 8:00 a.m. and 7:59 p.m. and 60 dBA from 8:00 p.m. to 7:59 a.m. (maximum permitted sound level in decibels) collectively for more than 30 seconds of any measurement period which shall not be less than five minutes.

This is a notice of a irreparable violation. The case may be presented to the Special Master even if the irreparable violation has been corrected prior to the hearing. In accordance with Florida Statutes 162.06, The City of Key West has scheduled a hearing before the Special Master at Old City Hall, 510 Greene Street, Key West, Florida at 3:00 p.m. on:

August 24, 2004

The purpose of this hearing is to determine if a violation(s) exists, the appropriate action to be taken, if any is required, and if any fines or penalties are to be imposed. **YOU ARE REQUESTED TO APPEAR AT THIS HEARING** to present evidence and/or testimony to show cause, if any, why you should not comply with City Ordinances. **YOUR FAILURE TO APPEAR MAY RESULT IN A FINE OR PENALTY BEING IMPOSED AGAINST YOU AND A LIEN BEING IMPOSED UPON YOUR PROPERTY.**

You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date. Be advised that if you decide to appeal any decision of The Special Master, you shall be responsible to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

PER FLORIDA STATUTES SECTION 162.07 (2) CONDUCT OF HEARING IF THE LOCAL GOVERNING BODY PREVAILS IN PROSECUTING A CASE BEFORE THE ENFORCEMENT BOARD, IT SHALL BE ENTITLED TO RECOVER ALL COSTS INCURRED IN PROSECUTING THE CASE BEFORE THE BOARD AND SUCH COSTS MAY BE INCLUDED IN THE LIEN AUTHORIZED UNDER S. 162.09(3).

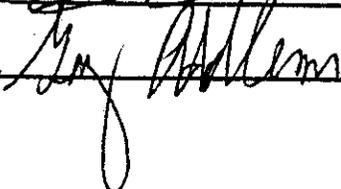
PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MASTER. FINES MAY BE IMPOSED ON A PER DAY PER VIOLATION BASIS.

FINES THAT ARE NOT PAID MAY BECOME LIENS UPON YOUR PROPERTY AND BE RECORDED IN THE PUBLIC RECORDS OF MONROE COUNTY.


Gary Adleman
Code Enforcement Officer
City of Key West
(305)292-8191

Hand Served this 23 day of July, 2004

RECEIVED BY:  KEVIN GIBSON

SERVED BY:  _____

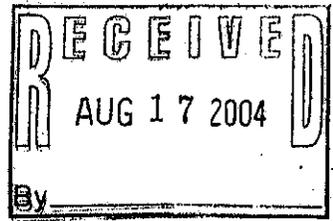
GFA

Hugh J. Morgan
James T. Hendrick
Robert Cintron
Derek V. Howard

LAW OFFICES
MORGAN & HENDRICK
317 Whitehead Street
Key West, Florida 33040

W. Curry Harris
(1907-1988)
Hilary U. Albury
(1920-1999)

August 16, 2004



Hon. J. Jefferson Overby
Special Master, City of Key West Code Enforcement
P.O. Box 126
Key West, Florida 33041

RE: Code Enforcement Case no. 04-1137

Dear Special Master Overby:

Enclosed please find the Notice of Appearance and Request for Issuance of Subpoenaes, a copy of which was served today on the City of Key West Code Enforcement Division. We will be pleased to prepare the requested subpoenaes for your signature, if desired. If so, please forward to me, preferably via e-mail, whatever form you deem appropriate for such subpoenaes.

Sincerely,

James T. Hendrick

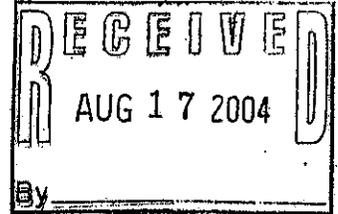
Copy: Code Enforcement Division

Hugh J. Morgan
James T. Hendrick
Robert Cintron
Derek V. Howard

LAW OFFICES
MORGAN & HENDRICK
317 Whitehead Street
Key West, Florida 33040

W. Curry Harris
(1907-1988)
Hillary U. Albury
(1920-1999)

August 16, 2004



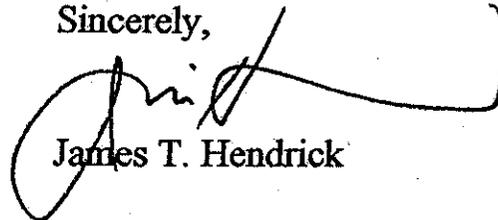
Hon. J. Jefferson Overby
Special Master, City of Key West Code Enforcement
P.O. Box 126
Key West, Florida 33041

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Sincerely,



James T. Hendrick

Copy: Code Enforcement Division

BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF THE CITY OF KEY WEST, FLORIDA

IN RE: Irish Kevin's
211 Duval Street
Key West, FL 33040

CASE NO: 04-1137

GA

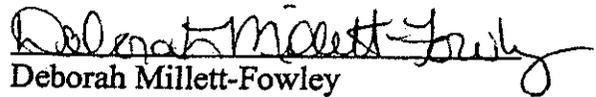
NOTICE OF CONTINUED HEARING

TO: Kevin Gibson
211 Duval Street C
Key West, FL 33040

PLEASE TAKE NOTICE that the **HEARING** on the above-referenced case(s), scheduled for the **28th day of September, 2004 at 3:00 p.m.**, has hereby been continued to the **26th day of October, 2004 at 3:00 p.m.**, or as soon thereafter as may be heard, at Old City Hall, 510 Greene Street, Key West, Florida.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. Mail to the above-named addressee this **30th day of September, 2004**.

By the Code Enforcement Clerk,


Deborah Millett-Fowley

BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF THE CITY OF KEY WEST, FLORIDA

IN RE: Irish Kevin's
211 Duval Street
Key West, FL 33040

CASE NO: 04-1137

NOTICE OF CONTINUED HEARING

TO: Kevin Gibson
211 Duval Street
Key West, FL 33040

PLEASE TAKE NOTICE that the **HEARING** on the above-referenced case(s), scheduled for the **26th day of October, 2004 at 3:00 p.m.**, has hereby been continued to the **1st day of December, 2004 at 3:00 p.m.**, or as soon thereafter as may be heard, at Old City Hall, 510 Greene Street, Key West, Florida.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. Mail to the above-named addressee this **2nd day of November, 2004.**

By the Code Enforcement Legal Analyst,


Deborah Millett-Fowley

BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF THE CITY OF KEY WEST, FLORIDA

IN RE: Irish Kevin's
211 Duval Street
Key West, FL 33040

CASE NO: 04-1137

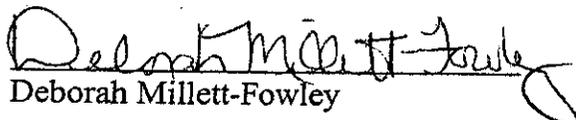
NOTICE OF CONTINUED HEARING

TO: Kevin Gibson
211 Duval Street
Key West, FL 33040

PLEASE TAKE NOTICE that the **HEARING** on the above-referenced case(s), scheduled for the **1st day of December, 2004 at 3:00 p.m.**, has hereby been continued to the **26th day of January, 2005 at 3:00 p.m.**, or as soon thereafter as may be heard, at Old City Hall, 510 Greene Street, Key West, Florida.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. Mail to the above-named addressee this **17th day of December, 2004**.

By the Code Enforcement Legal Analyst,


Deborah Millett-Fowley

BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF THE CITY OF KEY WEST, FLORIDA

IN RE: Irish Kevin's
211 Duval Street
Key West, FL 33040

CASE NO: 04-1137

NOTICE OF CONTINUED HEARING

TO: Kevin Gibson
211 Duval Street
Key West, FL 33040

PLEASE TAKE NOTICE that the HEARING on the above-referenced case(s), scheduled for the 26th day of January, 2005 at 3:00 p.m., has hereby been continued to the 23rd day of February, 2005 at 3:00 p.m., or as soon thereafter as may be heard, at Old City Hall, 510 Greene Street, Key West, Florida.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. Mail to the above-named addressee this 1st day of February, 2005.

By the Code Enforcement Legal Analyst,


Deborah Millett-Fowley

CODE ENFORCEMENT SPECIAL
MASTER IN AND FOR
THE CITY OF KEY WEST,
MONROE COUNTY, FLORIDA

CASE NO. 04-1137

CITY OF KEY WEST, a
Florida Municipal Corporation,

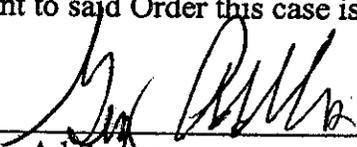
vs.

Kevin Gibson
Irish Gibson
211 Duval Street

AFFIDAVIT OF COMPLIANCE

Before me personally appeared Gary Addleman, who being well known by me to be a Code Enforcement Officer of the City of Key West, Florida deposes and says:

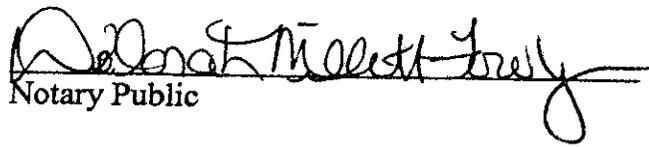
1. That the Respondent has come into compliance with the Codes and Ordinances of the City of Key West, Florida.
2. That the Respondent had come into compliance within the time allotted. There being no other outstanding issues pursuant to said Order this case is now closed.



Gary Addleman
City of Key West
Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF MONROE

SUBSCRIBED AND SWORN TO before me
on May 25, 2005 date by Gary Addleman, who
is personally known to me.



Notary Public



**BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
OF THE CITY OF KEY WEST, FLORIDA**

Kevin Gibson/Irish Kevin's
211 Duval Street
Case: 04-1137

**ORDER ACKNOWLEDGING AFFIDAVIT OF COMPLIANCE AND
CLOSING CASE**

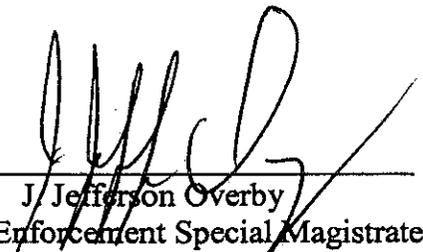
This matter having come before the Code Enforcement Special Magistrate on April 27, 2005, and having reviewed the affidavit of compliance by a Code Enforcement Officer of the City of Key West and being apprised that there are no outstanding fines or costs due, and otherwise being advised of the premise;

IT IS ORDERED:

That compliance in this matter has been achieved, all costs and fines have been paid, and this matter is closed. This Case may serve as a predicate for a repeat violation status should similar violations occur in the future as applicable.

DONE THIS 25th day of May, 2005.

By: _____


J. Jefferson Overby
Code Enforcement Special Magistrate
for the City of Key West



THE CITY OF KEY WEST
Code Enforcement Division (305) 809-3740
P.O. Box 1409, Key West, FL 33041

COMPLAINT INVESTIGATION FORM

Date Time Case #

Complainant Name
Address and Phone

Address of Complaint

Nature of Complaint

Contact made with Violator on: 3-16-05
Comments of Violator and Inspectors Findings: met with mr. neissel
He will call back if problem
3-18-05 checked area at 8:00 & 9:00 PM re "Excessive"
song, checked with PD. Disputed. AT 9:45 PM
CALLS for sound viol on this property. Closed

GARY

CE200I01

CITY OF KEY WEST

Case Inquiry - General Information & Names

6/29/
10:08:

Case number : 05 00000427
 Property address, ID . . . : 224 DUVAL ST DN
 RE #/PARCEL #/TAX ID etc . : 0000-1380-000000- -
 Previous utility acct # . . : 1001406.00
 Case status, desc : CL CASE CLOSED
 Case type, desc, estbl . . : NC CE NOISE COMPLAINT

3/15/05

Origination code, desc . . : CC CITIZEN COMPLAINT
 Default inspector ID . . . : GFA Gary Addleman
 Tenant name, number . . . :
 Case credit balance : .00

Type option, press Enter.

5=View

Opt	Name	Name type
-	FERREL WADE	OW OWNER

F3=Exit	F5=Case data	F7=Violations	F8=Charges	Bott
F10=Case text	F11=Liens	F12=Cancel	F13=Case actions	F9=Print hist
				F24=More keys



THE CITY OF KEY WEST
Code Enforcement Division (305) 809-3740
P.O. Box 1409, Key West, FL 33041

COMPLAINT INVESTIGATION FORM

Date 4/28/05 Time 4:15 Case # 05-587

Complainant Name
Address and Phone

KEITH NEISSEL
360-870-5645

Address of Complaint

224 DUVAL ST

Nature of Complaint

RECEIVED COMPLAINT THAT BULL & WHISTLE IS OPERATING ABOVE
ACCEPTABLE NOISE LEVELS.

Contact made with Violator on: 5/19/05

Comments of Violator and Inspectors Findings: _____

Case closed, no violation observed

ERIC

CE200I01

CITY OF KEY WEST

Case Inquiry - General Information & Names

6/29/
10:08:

Case number : 05 00000587
 Property address, ID . . . : 224 DUVAL ST DN
 RE #/PARCEL #/TAX ID etc . : 0000-1380-000000- -
 Previous utility acct # . . : 1001406.00
 Case status, desc : CL CASE CLOSED
 Case type, desc, estbl . . : NC CE NOISE COMPLAINT
 Origination code, desc . . : CC CITIZEN COMPLAINT
 Default inspector ID . . . : ETO ERIC OCONNELL
 Tenant name, number :
 Case credit balance : .00

4/28/05

Type option, press Enter.

5=View

Opt Name

Name type

- FERREL WADE

OW OWNER

F3=Exit

F5=Case data

F7=Violations

F8=Charges

Botto

F10=Case text

F11=Liens

F12=Cancel

F13=Case actions

F9=Print histo

F24=More keys



THE CITY OF KEY WEST
P. O. BOX 1409
KEY WEST, FL 33041-1409
305.292.8191
NOISE COMPLAINT FORM

DATE 5-26-06 POLICE CAD # _____ CODE CASE # _____

LOCATION OF NOISE 211 C DUVAL STREET

COMPLAINANT JIM YOUNG

ADDRESS OF COMPLAINANT _____

OFFICER PERFORMING TEST GARY ADDLEMAN

ADDITIONAL OFFICER RANDY PERKARIK

TIME OF TEST START 3:02 PM FINISH 3:09 pm

WIND VELOCITY UNDER 15 MPH YES X NO _____

METER CALIBRATION BEFORE 110 Dba

METER CALIBRATION AFTER 110.1 Dba

AMBIENT NOISE LEVEL 71 Dba

NOISE SOURCE LEVEL 80.6 Dba

ADJUSTED NOISE SOURCE LEVEL 80.6 Dba

SIGNED [Signature]

Case 06-557 211-A Duval Street – Irish Kevin's

5-30-06 Received a complaint made by Jim Young

3:02 p.m. – Randy Pekarik and myself performed a sound test and found address in violation of 26-192. Sound coming from 211-A Duval was 80.6 dba. The ambient sound was 71 dba. Adjusting the ambient to sound source the ambient was non-contributing to the sound coming from 211-A Duval (see attached).

Background: I have attended training for the 2800 sound meter in: 1991, 1994, 1999 and 2005 (attached).

I am now trained as an instructor as of May 4, 2006.

Meter calibrated – Certified 8-16-05 (attached), Expires 8-17-06.



THE CITY OF KEY WEST
Code Enforcement Division (305) 809-3740
 P.O. Box 1409, Key West, FL 33041

NOTICE OF CODE VIOLATION

CERTIFIED MAIL RECEIPT# 70053110000202477441 Date: 5/30/06

To: On Pointe Entertainment Group
 LLC
 27065 Dolphin Road
 Summerland Key, FL 33042

Subject Address: Irish Kevin's
 211-C Duval Street
 Key West, FL 33040

Sound Test → For exceeding the acceptable noise levels. *on 5-26-06*
starting 3:02 ending 3:09

Case #: 06-557

According to the records of The City of Key West, you are the current property owner/ representative or the business owner at the above-referenced property. You are hereby noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

Sec. 26-192. Prohibition against unreasonable noise.

No person shall make, continue, or cause to be made any unreasonable noise or disturbing noise.

Sec. 26-194. Citation procedure.

- (a) Except as provided in subsection (e) of this section, all citations for violations issued under this article shall be based on a complaint to the city. The complainant shall be identified by name and address, the sound source shall be identified, and the investigating officer shall verify all information provided by the complainant. The investigating officer shall provide the complainant with a copy of the complaint form which may serve as a record of complaints relating to a property.
- (b) A decibel meter shall be used for a complaint of unreasonable noise made at or within 100 feet of the property line of the sound source. The decibel reading shall be made at the location of the complaint. The investigating officer shall issue a citation for unreasonable noise, unless in his judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning per offending person or establishment.
- (c) A complaint of disturbing noise may be made when the location of the complaint is beyond 100 feet of the property line of a commercial property sound source. Additionally, a complaint of disturbing noise may be made when the location of the complaint is a residential property and the location of the sound source is a residential property or a commercial property that was a residential property as of September 1, 2000, at any distance from each other. A decibel meter measurement is not required to determine disturbing noise. The investigating officer shall issue a citation if the complainant suffers disturbing noise within the boundaries of his property. The investigating officer may issue a warning if in his judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning per offending person or establishment.
- (d) If a complaint arises of unreasonable noise emanating from a multistory structure, the determination of whether such sound constitutes unreasonable noise shall be made from a story height equal to that of the sound source or from the nearest accessible point on the ground floor.
- (e) Upon the authorization of the city manager, the city may act as the complainant of unreasonable noise when a commercial establishment from which alleged unreasonable noise is emanating holds an entertainment license pursuant to division 2 of article II of chapter 18. A code enforcement officer shall conduct the decibel reading at any point beyond the property line of the sound source. In addition to its being subject to citation for unreasonable noise, the establishment shall also be subject to the further penalties set forth in division 2 of article II of chapter 18.
- (f) Citations issued for unreasonable noise or disturbing noise under this article shall be of a content-neutral character.
- (g) Either a police officer or a code enforcement officer may issue a citation to an offender under this article.

2401



THE CITY OF KEY WEST
Post Office Box 1409
Key West, FL 33041-1409

RETURN RECEIPT REQUESTED

RETURNED TO SENDER

Insufficient Address
 Moved, List No Address
 Unclaim ad Refused
 Attempted - Not Known
 No Such Street No
 Vacant Illegible
 No Mail Receptacle
 Box Closed - No Order
 Returned For Better Postage

JUN 20 3:30 PM
 JUN 20 6:17
 JUN 20 6:17

QUALIFIED MAIL



7005 3110 0002 0247 7441

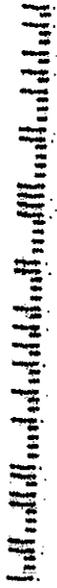
On Pointe Entertainment Group LLC
27065 Dolphin Road
Summerland Key, FL 33042

UNITED STATES POSTAGE

 PITNEY BOWES
 02 1A
\$ 04.64⁰
 0004365265 MAY 31 2006
 MAILED FROM ZIP CODE 33040

JUN 20 2006

3304243310-63 R026



OFFICIAL USE

For delivery information visit our website at www.usps.com

POSTAGE & FEES \$ 4.64
 INSURED MAIL \$ 1.85
 RETURN RECEIPT \$ 2.50
 POSTAGE \$.29

RETURN RECEIPT REQUESTED
 INSURED MAIL (required)
 RETURN RECEIPT (required)

JUN 18 AM
 KEY WEST
 FL 33042

2. and 3. Also complete Delivery is desired. addresses on the reverse of the card to you. the back of the multiples, also permits.

6-557 GHA

On Pointe Entertainment Group LLC
27065 Dolphin Rd
Summerland Key, FL 33042

1. Signature Agent Addressee

2. Received by (Printed Name) C. Date of Delivery

3. Is delivery address different from item 1? Yes No
If YES, enter delivery address below: Yes No

4. Signature Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail O.D.D.
 Restricted Delivery? (Extra Fee) Yes

7005 3110 0002 0247 7441



THE CITY OF KEY WEST
Code Enforcement Division (305) 809-3740
P.O. Box 1409, Key West, FL 33041

NOTICE OF CODE VIOLATION

CERTIFIED MAIL RECEIPT#

70053110000202477434

Date: 5/30/06

To: CT Corporation System, Reg.
Agent
1200 South Pine Island Road
Plantation, FL 33324

Subject Address:

On Pointe Entertainment Group LLC
Re: Irish Kevin's
211-C Duval Street
Key West, FL 33040

For exceeding the acceptable noise levels.

Case #:

06-557

According to the records of The City of Key West, you are the current property owner/ representative or the business owner at the above-referenced property. You are hereby noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

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- (f) Citations issued for unreasonable noise or disturbing noise under this article shall be of a content-neutral character.
- (g) Either a police officer or a code enforcement officer may issue a citation to an offender under this article.



THE CITY OF KEY WEST
Code Enforcement Division (305) 809-3740
 P.O. Box 1409, Key West, FL 33041

NOTICE OF CODE VIOLATION

CERTIFIED MAIL RECEIPT#

70053110000202477434

Date:

5/30/06

To: CT Corporation System, Reg. Agent
 1200 South Pine Island Road
 Plantation, FL 33324

Subject Address:

On Pointe Entertainment Group LLC
 Re: Irish Kevin's
 211-C Duval Street
 Key West, FL 33040

For exceeding the acceptable noise levels.

Case #:

06-557

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f of unreasonable noise when a commercial t license pursuant to division 2 of article II of ond the property line of the sound source. In be subject to the further penalties set forth in

f a content-neutral character. r under this article.

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

06-557-0657-115E

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to: 06-557 GFA

Corporation System, Reg. Agent
 1200 South Pine Island Road
 Plantation, FL 33324

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) C. Date of Delivery
 6-1-06

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Title Number (transfer from service label)

7005 3110 0002 0247 7434



THE CITY OF KEY WEST
Code Enforcement Division (305) 809-3740
 P.O. Box 1409, Key West, FL 33041

NOTICE OF CODE VIOLATION

CERTIFIED MAIL RECEIPT#	70053110000202477458	Date:	5/30/06
To:	211 Duval Company Charles Ittah, Registered Agent 423 Front Street 2 nd Floor Key West, FL 33040	Subject Address:	Irish Kevin's 211-C Duval Street Key West, FL 33040
For exceeding the acceptable noise levels.		Case #:	06-557

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U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For more information visit our website at www.usps.com

any unreasonable noise or disturbing noise.

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to: **06-557 GFA**

211 Duval Company
 Charles Ittah, Registered Agent
 3 Front Street 2nd Floor
 Key West, FL 33040

COMPLETE THIS SECTION ON DELIVERY

A. Signature 		<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery 6/1/06	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		

3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

Article Number: 7005 3110 0002 0247 7458
 (Transfer from service label)

issued under this article shall be based on a sound source shall be identified, and the investigating officer shall provide the complainant property. Within 100 feet of the property line of the sound investigating officer shall issue a citation for noise. There shall be no more than a total of one citation issued under this article for noise that is beyond 100 feet of the property line of a commercial property that was a residential property. If a measurement is not required to determine if the noise is a disturbing noise within the boundaries of his property, the officer shall be sufficient to cease the violation. There shall be no citation issued under this article if the noise is determined to be a sound source or from the nearest accessible point of unreasonable noise when a commercial property license pursuant to division 2 of article II of the City of Key West Code of Ordinances is beyond the property line of the sound source. In addition, the complainant shall not be subject to the further penalties set forth in

of a content-neutral character. Issued under this article.



THE CITY OF KEY WEST

Code Enforcement Division

P.O. Box 1409, Key West, FL 33040

TEL: (305) 809-3740, FAX (305) 809-3886

NOTICE OF ADMINISTRATIVE HEARING

In accordance with Florida Statutes § 162 and Code of Ordinances, City of Key West, § 2-631 through § 2-647, The City of Key West has scheduled a hearing to be held at Old City Hall, 510 Greene Street, Key West, Florida at 1:30 P.M. on:

July 26, 2006

The purpose of this hearing is to determine if a violation(s) exists, the appropriate action to be taken, if any is required, and if any fines or penalties are to be imposed. **YOU ARE REQUESTED TO APPEAR AT THIS HEARING** to present evidence and/or testimony to show cause, if any, why you should not comply with City Ordinances. **YOUR FAILURE TO APPEAR MAY RESULT IN A FINE OR PENALTY BEING IMPOSED AGAINST YOU AND A LIEN BEING IMPOSED UPON YOUR PROPERTY.** The hearing chambers officially open at 1:00 p.m. These proceedings may be televised.

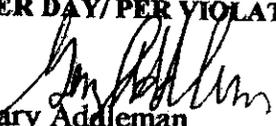
You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

If you intend to request a continuance from the Hearing Date set out above you must submit a written request for a continuance addressed to the Special Magistrate and mailed or delivered to the Special Magistrate's Legal Analyst at 604 Simonton Street, Key West, FL 33040. All requests must be received at least five (5) working days prior to the Hearing Date set out above. If the request is not received five (5) working days prior to the Hearing Date you or your attorney must appear on the Hearing Date to petition the Special Master for a continuance. If any continuance is granted this will not stay discovery and all records previously requested must be supplied to the City or formally objected to.

Be advised that, if you decide to appeal any decision of the Special Magistrate in this code enforcement hearing, you shall be responsible to ensure that a verbatim record of the proceedings of this code enforcement hearing is made, such that any evidence and testimony upon which an appeal may be based can be submitted to the appellate court.

If you are found to be in violation of City of Key West Ordinances, administrative costs in the amount of \$150.00 may be levied for administrative recovery for prosecution and investigation in addition to levied fines associated with the violation(s). Failure to pay these costs will result in a lien against the property in violation.

PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MASTER. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.


Gary Addeleman
Code Enforcement Officer
City of Key West
(305) 809-3735

Hand Served this _____ day of _____, 2006 @ _____ am/pm.

Received by:

Served By:



THE CITY OF KEY WEST

Code Enforcement Division

P.O. Box 1409, Key West, FL 33040

TEL: (305) 809-3740, FAX (305) 809-3886

NOTICE OF ADMINISTRATIVE HEARING

Case No.: 06-557

Date: 6/16/06

To: On Pointe Entertainment Group
LLC
27065 Dolphin Road
Summerland Key, FL 33042

Subject Address: Irish Kevin's
211-C Duval Street
Key West, FL 33040

For exceeding the acceptable
noise levels.

Certified Mail
Receipt #: 70053110000202469576

TAKE NOTICE that the City of Key West Code Enforcement Division has requested the City of Key West Special Magistrate to conduct an administrative hearing regarding code violation(s) reported to you by **NOTICE OF CODE VIOLATION** concerning the above noted subject address. You were noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

Sec. 26-192. Prohibition against unreasonable noise.

No person shall make, continue, or cause to be made any unreasonable noise or disturbing noise.

Sec. 26-194. Citation procedure.

- (a) Except as provided in subsection (e) of this section, all citations for violations issued under this article shall be based on a complaint to the city. The complainant shall be identified by name and address, the sound source shall be identified, and the investigating officer shall verify all information provided by the complainant. The investigating officer shall provide the complainant with a copy of the complaint form which may serve as a record of complaints relating to a property.
- (b) A decibel meter shall be used for a complaint of unreasonable noise made at or within 100 feet of the property line of the sound source. The decibel reading shall be made at the location of the complaint. The investigating officer shall issue a citation for unreasonable noise, unless in his judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning per offending person or establishment.
- (c) A complaint of disturbing noise may be made when the location of the complaint is beyond 100 feet of the property line of a commercial property sound source. Additionally, a complaint of disturbing noise may be made when the location of the complaint is a residential property and the location of the sound source is a residential property or a commercial property that was a residential property as of September 1, 2000, at any distance from each other. A decibel meter measurement is not required to determine disturbing noise. The investigating officer shall issue a citation if the complainant suffers disturbing noise within the boundaries of his property. The investigating officer may issue a warning if in his judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning per offending person or establishment.
- (d) If a complaint arises of unreasonable noise emanating from a multistory structure, the determination of whether such sound constitutes unreasonable noise shall be made from a story height equal to that of the sound source or from the nearest accessible point on the ground floor.
- (e) Upon the authorization of the city manager, the city may act as the complainant of unreasonable noise when a commercial establishment from which alleged unreasonable noise is emanating holds an entertainment license pursuant to division 2 of article II of chapter 18. A code enforcement officer shall conduct the decibel reading at any point beyond the property line of the sound source. In addition to its being subject to citation for unreasonable noise, the establishment shall also be subject to the further penalties set forth in division 2 of article II of chapter 18.
- (f) Citations issued for unreasonable noise or disturbing noise under this article shall be of a content-neutral character.
- (g) Either a police officer or a code enforcement officer may issue a citation to an offender under this article.

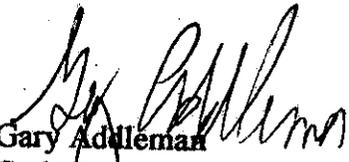
Florida Statutes Chapter 162 and Key West Code of Ordinances Article VI authorize code enforcement proceedings. You have ten (10) days after receipt of this notice to take corrective action on the above-described violation(s). **PLEASE CONTACT THE UNDERSIGNED CODE ENFORCEMENT OFFICER** so that we can assist you in achieving compliance and scheduling a re-inspection. **If corrective action is not taken within the specified 10 days, this matter will be referred to The Special Master for an administrative non-criminal hearing concerning the alleged violation(s).**

The violation listed herein does not necessarily constitute all the violations that may exist with regard to this matter/property. Lack of enforcement proceedings at this time does not constitute a waiver of the right to any future notices of violations.

IF THE VIOLATION IS CORRECTED AND THEN RECURS OR IF THE VIOLATION IS NOT CORRECTED BY THE TIME SPECIFIED BY THE CODE OFFICER, THE CASE MIGHT BE PRESENTED TO THE SPECIAL MASTER EVEN IF THE VIOLATION HAS BEEN CORRECTED PRIOR TO THE HEARING DATE.

PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MASTER. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.

FINES THAT ARE NOT PAID MAY BECOME LIENS UPON YOUR PROPERTY AND BE RECORDED IN THE PUBLIC RECORDS OF MONROE COUNTY.


Gary Adleman
Code Enforcement Officer
City of Key West
(305) 809-3735

Hand Served this day of , 2006

RECEIVED BY:

SERVED BY:



THE CITY OF KEY WEST

Code Enforcement Division

P.O. Box 1409, Key West, FL 33040

TEL:(305) 809-3740, FAX (305) 809-3886

NOTICE OF ADMINISTRATIVE HEARING

Case No.: 06-557

Date: 6/16/06

To: 211 Duval Company
Charles Ittah, Registered Agent
423 Front Street 2nd Floor
Key West, FL 33040

Subject Address: Irish Kevin's
211-C Duval Street
Key West, FL 33040

For exceeding the acceptable noise levels.

Certified Mail Receipt #: 70053110000202469552

TAKE NOTICE that the City of Key West Code Enforcement Division has requested the City of Key West Special Magistrate to conduct an administrative hearing regarding code violation(s) reported to you by **NOTICE OF CODE VIOLATION** concerning the above noted subject address. You were noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

Sec. 26-192. Prohibition against unreasonable noise.

any unreasonable noise or disturbing noise.

In this section, all citations for violations issued under this article shall be based on a sound source identified by name and address, the sound source shall be identified, and the location of the complaint shall be provided by the complainant. The investigating officer shall provide the complainant as a record of complaints relating to a property. If unreasonable noise made at or within 100 feet of the property line of the sound source, the investigating officer shall issue a citation for violation of this article. There shall be no more than a total of one citation per year for any violation of this article. If the violation is a residential property, the measurement is not required to determine if the noise is sufficient to cease the violation. There shall be no more than a total of one citation per year for any violation of this article. If the violation is a commercial property that was a residential property, the measurement is not required to determine if the noise is sufficient to cease the violation. There shall be no more than a total of one citation per year for any violation of this article.



SENDER: COMPLETE THIS SECTION
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to: 06-557 GFA NOH
211 Duval Company
Charles Ittah, Registered Agent
423 Front Street 2nd Floor
Key West, FL 33040

COMPLETE THIS SECTION ON DELIVERY
A. Signature: *[Signature]*
X Agent Addressee
B. Received by (Printed Name): Charles Ittah
C. Date of Delivery: [Blank]
D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below: [Blank]
3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

the determination of whether such sound source or from the nearest accessible point of unreasonable noise when a commercial license pursuant to division 2 of article II of the City of Key West Code of Ordinances and the property line of the sound source. In addition, the complainant shall be subject to the further penalties set forth in this article. This notice shall have a content-neutral character. This notice shall be subject to the further penalties set forth in this article.

Article Number (Transfer from service label) 7005 3110 0002 0246 9552

Florida Statutes Chapter 162 and Key West Code of Ordinances Article VI authorize code enforcement proceedings. You have ten (10) days after receipt of this notice to take corrective action on the above-described violation(s). **PLEASE CONTACT THE UNDERSIGNED CODE ENFORCEMENT OFFICER** so that we can assist you in achieving compliance and scheduling a re-inspection. If corrective action is not taken within the specified 10 days, this matter will be referred to The Special Master for an administrative non-criminal hearing concerning the alleged violation(s).

The violation listed herein does not necessarily constitute all the violations that may exist with regard to this matter/property. Lack of enforcement proceedings at this time does not constitute a waiver of the right to any future notices of violations.

IF THE VIOLATION IS CORRECTED AND THEN RECURS OR IF THE VIOLATION IS NOT CORRECTED BY THE TIME SPECIFIED BY THE CODE OFFICER, THE CASE MIGHT BE PRESENTED TO THE SPECIAL MASTER EVEN IF THE VIOLATION HAS BEEN CORRECTED PRIOR TO THE HEARING DATE.

PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MASTER. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.

FINES THAT ARE NOT PAID MAY BECOME LIENS UPON YOUR PROPERTY AND BE RECORDED IN THE PUBLIC RECORDS OF MONROE COUNTY.


Gary Addleman
Code Enforcement Officer
City of Key West
(305) 809-3735

Hand Served this day of , 2006

RECEIVED BY:

SERVED BY:

BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF THE CITY OF KEY WEST, FLORIDA

IN RE: Irish Kevin's
221-C Duval Street
Key West, FL 33040

CASE NO: 06-557

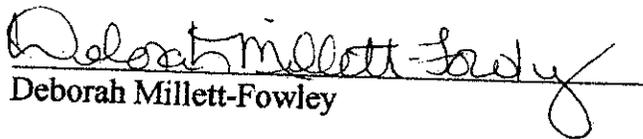
NOTICE OF COMPLIANCE HEARING

TO: Shaun McConnell
William Lay
27065 Dolphin Road
Summerland Key, FL 33042

PLEASE TAKE NOTICE that the **HEARING** on the above-referenced case(s), scheduled for the **26th day of July, 2006 at 1:30 p.m.**, has hereby been continued to the **30th day of August, 2006 at 1:30 p.m.**, or as soon thereafter as may be heard, at Old City Hall, 510 Greene Street, Key West, Florida. The Chambers open at 1:00 P.M. These proceedings may be televised.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. Mail to the above-named addressee this **28th day of July, 2006**.

By the Code Enforcement Legal Analyst,


Deborah Millett-Fowley

BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF THE CITY OF KEY WEST, FLORIDA

IN RE: Irish Kevin's
On Pointe Entertainment Group LLC
221-C Duval Street
Key West, FL 33040

CASE NO: 06-557

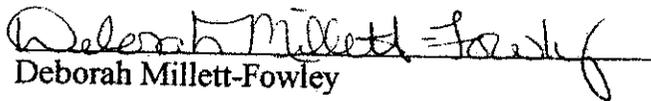
NOTICE OF COMPLIANCE HEARING

TO: CT Corporation System, Reg. Agent
1200 South Pine Island Road
Plantation, FL 33324

PLEASE TAKE NOTICE that the **HEARING** on the above-referenced case(s), scheduled for the **26th day of July, 2006 at 1:30 p.m.**, has hereby been continued to the **30th day of August, 2006 at 1:30 p.m.**, or as soon thereafter as may be heard, at Old City Hall, 510 Greene Street, Key West, Florida. The Chambers open at 1:00 P.M. These proceedings may be televised.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. Mail to the above-named addressee this **28th day of July, 2006**.

By the Code Enforcement Legal Analyst,


Deborah Millett-Fowley

BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF THE CITY OF KEY WEST, FLORIDA

IN RE: Irish Kevin's
221-C Duval Street
Key West, FL 33040

CASE NO: 06-557

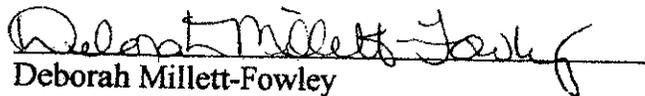
NOTICE OF COMPLIANCE HEARING

TO: 211 Duval Company
Charles Ittah, Reg. Agent
423 Front Street 2nd Floor
Key West, FL 33040

PLEASE TAKE NOTICE that the **HEARING** on the above-referenced case(s), scheduled for the 26th day of July, 2006 at 1:30 p.m., has hereby been continued to the 30th day of August, 2006 at 1:30 p.m., or as soon thereafter as may be heard, at Old City Hall, 510 Greene Street, Key West, Florida. The Chambers open at 1:00 P.M. These proceedings may be televised.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. Mail to the above-named addressee this 28th day of July, 2006.

By the Code Enforcement Legal Analyst,


Deborah Millett-Fowley

BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF THE CITY OF KEY WEST, FLORIDA

IN RE: Irish Kevin's
211 C Duval Street
Key West, FL 33040

CASE NO: 06-557

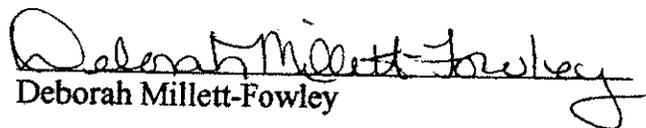
NOTICE OF COMPLIANCE HEARING

TO: 211 Duval Company
Charles Ittah, Reg. Agent
423 Front Street 2nd Floor
Key West, FL 33040

PLEASE TAKE NOTICE that the **HEARING** on the above-referenced case(s), scheduled for the **30th day of August, 2006 at 1:30 p.m.**, has hereby been continued to the **27th day of September, 2006 at 1:30 p.m.**, or as soon thereafter as may be heard, at Old City Hall, 510 Greene Street, Key West, Florida. The Chambers open at 1:00 P.M. These proceedings may be televised.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. Mail to the above-named addressee this **12th day of September, 2006**.

By the Code Enforcement Legal Analyst,


Deborah Millett-Fowley

SHAWN D. SMITH, P.A.

ATTORNEY AT LAW

604 Truman Avenue, Suite 3
Key West, Florida 33040
Telephone (305) 294-7050
Facsimile (305) 294-7016
info@floridakeysattorney.com

July 23, 2006

On Pointe Entertainment Group, LLC
William J. Lay
211-C Duval Street
Key West, Florida 33040

Via certified mail, return receipt

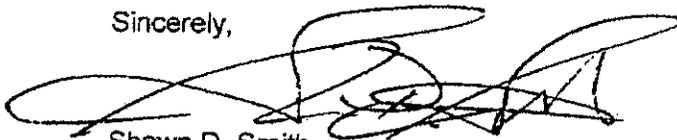
Dear Mr. Lay:

My client, 211 Duval Company, received a notice of code violation based upon On Pointe's alleged "exceeding acceptable noise levels" under the City of Key West Code of Ordinances. As the Landlord, my client has been noticed to appear before a Special Master on Wednesday July 26, 2006 to address the violation. You have likewise received a notice to appear.

211 Duval Company's liability, if any, is directly attributable to the alleged actions of On Pointe. I urge you to take the City's Notice seriously, as repeat violations can subject your business to increasingly severe sanctions by the City. Pursuant to the lease agreement, you are also required to comply with ordinances such as the one at issue in this matter. Your failure to adhere to the terms of the lease could result in a declaration of default. Further, should a violation be found and a monetary penalty imposed against my client, it will be considered additional rent under the terms of the lease. In addition to fines imposed by the City, my client's legal costs in responding to violations are chargeable against On Pointe as well.

As of Friday July 21, 2006, it is my understanding that nobody from your corporation has had contact with the City's Code Enforcement Division regarding the alleged violation. Again, we encourage you to address this situation and work diligently to ensure that the violation, if present, is not repeated.

Sincerely,



Shawn D. Smith

Cc: Inspector Gary Addleman, City of Key West

On Pointe Entertainment Group, LLC
27065 Dolphin Road
Summerland Key, Florida 33042

SHAWN D. SMITH, P.A.

ATTORNEY AT LAW

604 Truman Avenue, Suite 3
Key West, Florida 33040
Telephone (305) 294-7050
Facsimile (305) 294-7016
info@floridakeysattorney.com

September 27, 2006

On Pointe Entertainment Group, LLC
C/o Wayne Smith, Esquire
211-C Duval Street
Key West, Florida 33040

Via facsimile only to 296-9172

Dear Wayne:

As you are aware, I represent the Landlord of the property occupied by your client at the above referenced address. As you also know, your client was cited with a violation of the Key West code of ordinance for unreasonable and/or disturbing noise. We both appeared at a code enforcement proceeding last month wherein the case was continued to allow you to work with the City code department to reach a settlement agreement. During a meeting held outside the presence of the Special Magistrate, you indicated that your clients were amenable to entering into a settlement agreement with the City to resolve the matter. You also recognized that your clients would pay any fines imposed on my clients as a result of your client's actions.

Since that meeting, it is my understanding that a settlement agreement has been sent to you by the City. In speaking with code director Jim Young, he indicated that you had expressed some reservations in entering into any agreement that admitted a violation for fear that the Landlord would declare your client in breach of the lease agreement. I addressed this concern with my client and am authorized to inform you that my client does not intend declare a breach of the lease if an admission is made within the context of a settlement agreement that would end this dispute. They are also willing to waive the fees incurred thus far by my handling of the violation on their behalf. However, if I am forced to again appear at another code proceeding, I have been instructed to recover those fees from your client in addition to the fines, if any, assessed against my client as a result of any finding of violation.

Thank you for your time and attention.

Sincerely,



Shawn D. Smith

Cc: City of Key West Code Enforcement Department

ownership of any person shall be presumed to have been discarded or deposited by such person. This presumption may be rebutted by competent evidence or testimony establishing that such item of solid waste had left the ownership or possession of such person prior to being deposited or discarded in violation of this Code.

(b) Any solid waste placed, with or without a container, on city property in violation of this article or chapter 58 shall be presumed to have been generated by the owner or occupant of the property nearest the location where it is found and shall become the property of the city or its franchise hauler for purposes of removal. No person shall have a claim of action for theft or conversion of property against the city or its agent for removal of the property.

(c) The city shall verbally notify the responsible party, including the property owner and any tenants, that the solid waste referred to in subsection (a) or (b) of this section must be removed for proper disposal within 24 hours. If the solid waste is not so removed, the city, through its agents, may issue a notice to appear in county court pursuant to article VI of chapter 2 and in addition may remove the solid waste and impose upon the property owner and tenants, jointly and severally, an administrative charge for the actual costs incurred in the disposal of the solid waste, including any tipping fees actually paid. The city may place a lien on the subject property for such administrative charge, and such lien may be foreclosed upon in accordance with provisions of the state statutes.

(Code 1986, § 73.16)

Secs. 26-165—26-190. Reserved.

ARTICLE IV. SOUND CONTROL

Sec. 26-191. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial district means the HRO, HRCC-1, HRCC-2, HRCC-3, HNC-1, HNC-2, HCT, HPS (Mallory Square only), CL, CG, CT and A zoning districts.

Decibel means a measure of a unit of sound pressure. Sound waves having the same decibel level "sound" louder or softer to the human ear depending upon the frequency of the sound wave in cycles per second (i.e., whether the pitch of the sound is high or low). Thus, an A-weighted filter, constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches shall be used on any sound level measurements required by this article. Accordingly, all measurements are expressed in dBA to reflect the use of this A-weighted filter.

Disturbing noise means an uninvited or disruptive level of noise that is unreasonably loud or that is raucous and jarring, due to volume, character, or duration, and that causes an actual interference with a person's ability to enjoy peacefully his residence or place of business.

Emergency and emergency work mean any occurrence or set of circumstances involving or creating actual or imminent physical trauma or property damage which demands immediate attention.

Property boundary means the imaginary line along the surface, and its vertical plane extension, which separates the real property owned, rented, or leased by one person from that owned, rented, or leased by another person.

Public right-of-way means any street, avenue, boulevard, lane, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a governmental entity or which has been dedicated to use or access for the benefit of the public or adjacent property owners.

Residential district means the HMDR, HPRD, HPS (except Mallory Square), HHDR, C-OW, C-FW, C-TW, CM, C-UH, LDR-C, SF, MDR-C, MDR, HDR, RO, PRD, and PS zoning districts.

Unreasonable noise means:

- (1) Any noise in or emanating from a commercial district which equals or exceeds a measured sound level of 75 dBA (maximum permitted sound level in decibels)

collectively for more than 30 seconds of any measurement period which shall not be less than five minutes.

- (2) Any noise in or emanating from a residential district which equals or exceeds a measured sound of 75 dBA between 8:00 a.m. and 7:59 p.m. and 60 dBA from 8:00 p.m. to 7:59 a.m. (maximum permitted sound level in decibels) collectively for more than 30 seconds of any measurement period which shall not be less than five minutes.

(Code 1986, § 55.01)

Cross reference—Definitions generally, § 1-2.

Sec. 26-192. Prohibition against unreasonable noise.

No person shall make, continue, or cause to be made any unreasonable noise or disturbing noise. (Code 1986, § 55.02(a))

Sec. 26-193. Exceptions.

The prohibitions contained in this article shall not apply to the following:

- (1) *Emergencies.* The emission of sound for the purpose of alerting persons to the existence of an emergency or emergency vehicle or to the performance of emergency work.
- (2) *Religious service or observance.* Sound levels produced from a religious service or observance.
- (3) *Construction/demolition.* Sound levels produced from tools and equipment in commercial construction, demolition, drilling, or reasonably similar activities. However, such sound levels are limited to the hours of 8:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. The tools and equipment must be muffled and maintained equal to the functional standards of the industry. No exceptions contained in this subsection shall apply on Thanksgiving Day, Christmas Day and New Year's Day.
- (4) *Domestic power tools.* Sound levels produced from any hand-powered or mechan-

ically powered saw, sander, drill, grind, lawn/garden tool or reasonably similar tools. However, to be lawful, sound producing the use must conform to industry standards for the equipment and must occur only between 8:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday and Sunday only.

- (5) *Public events.* Sound levels from public events and celebrations sponsored by the city or approved by resolution of the city commission, but only during the hours designated by the resolution.
- (6) *Government radio transmissions.* Sound levels from equipment used by police, fire and other city department radio or emergency equipment, and from similar equipment used by other government agencies in performance of official duties.
- (7) *Public address systems.* Sound levels from public address broadcast systems used in public stadiums, ballfields, parks and schoolyards.
- (8) *Sunset celebration.* Sound levels produced by performers engaged in activities sponsored by the city's lessee at Mallory Square Dock during sunset celebration.
- (9) *Franchisees.* Narration of tours of the city's franchisees upon the city right-of-way.
- (10) *Industrial equipment.* Noise levels for industrial equipment, including but not limited to air conditioners, generators, and pool pumps, must be set to reasonable industry standards for properly maintained equipment.

(Code 1986, § 55.03)

Sec. 26-194. Citation procedure.

(a) Except as provided in subsection (e) of this section, all citations for violations issued under this article shall be based on a complaint to the city. The complainant shall be identified by name and address, the sound source shall be identified, and the investigating officer shall verify all information provided by the complainant. The inves-

investigating officer shall provide the complainant with a copy of the complaint form which may serve as a record of complaints relating to a property.

(b) A decibel meter shall be used for a complaint of unreasonable noise made at or within 100 feet of the property line of the sound source. The decibel reading shall be made at the location of the complaint. The investigating officer shall issue a citation for unreasonable noise, unless in his judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning per offending person or establishment.

(c) A complaint of disturbing noise may be made when the location of the complaint is beyond 100 feet of the property line of a commercial property sound source. Additionally, a complaint of disturbing noise may be made when the location of the complaint is a residential property and the location of the sound source is a residential property or a commercial property that was a residential property as of September 1, 2000, at any distance from each other. A decibel meter measurement is not required to determine disturbing noise. The investigating officer shall issue a citation if the complainant suffers disturbing noise within the boundaries of his property. The investigating officer may issue a warning if in his judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning per offending person or establishment.

(d) If a complaint arises of unreasonable noise emanating from a multistory structure, the determination of whether such sound constitutes unreasonable noise shall be made from a story height equal to that of the sound source or from the nearest accessible point on the ground floor.

(e) Upon the authorization of the city manager, the city may act as the complainant of unreasonable noise when a commercial establishment from which alleged unreasonable noise is emanating holds an entertainment license pursuant to division 2 of article II of chapter 18. A code enforcement officer shall conduct the decibel reading at any point beyond the property line of the sound source. In addition to its being subject to

citation for unreasonable noise, the establishment shall also be subject to the further penalties set forth in division 2 of article II of chapter 18.

(f) Citations issued for unreasonable noise or disturbing noise under this article shall be of a content-neutral character.

(g) Either a police officer or a code enforcement officer may issue a citation to an offender under this article.

(Code 1986, §§ 55.02(b)—(g), 55.07(b))

Sec. 26-195. Liability; citizen suit.

(a) *Liability.* The maker or creator of unreasonable noise or disturbing noise and the operator and/or owner of the premises that are its sound source shall each be subject to liability for violations of this article. If prosecuted jointly, each shall be jointly and severally liable for any fines imposed pursuant to this article. The sponsor of a special event shall not be liable for unreasonable noise or disturbing noise unless conditions placed upon the sponsor in the special event permit are violated.

(b) *Citizen suit.* In addition to any other remedy available to the city, including code enforcement, the city or any other adversely affected party may enforce the terms of this article in law or equity. Any citizen of the city may seek injunctive relief and damages in a court of competent jurisdiction to prevent a violation of this article. No section of this article shall be interpreted to prevent any person from commencing a civil action on his own behalf against any person who is alleged to be in violation of any section of this article. Attorney's fees and costs incurred in an action to enforce this article may be awarded to a substantially prevailing party in the discretion of the court.

(c) *Mediation services.* Upon request of parties to a residential noise dispute, the city manager shall provide mediation services.

(Code 1986, § 55.07(a), (c), (d))

Sec. 26-196. Motor vehicle noise emissions.

(a) Motor vehicles operating on the public right-of-way are regulated as set forth in F.S. § 403.415. The decibel measurements of this statute shall



ONLINE DATA CENTER

RECORDS SEARCH

PROPERTY INFORMATION FOR:

Alternate Key: 8849851
RE Number: 00001290-000100

[Print](#) [Search Again](#) [Search Results](#)

[Email office about AK: 8849851](#)

Property Details

[Show Property Map](#)

OWNER OF RECORD

211 DUVAL COMPANY
423 FRONT STREET (2ND FLOOR)
KEY WEST FL 33040

PHYSICAL LOCATION

211 - 215 DUVAL ST KEY WEST

LEGAL DESCRIPTION

KW PT LOT 3 SQR 14 OR1314-155/157(LG)

SECTION, TOWNSHIP, RANGE

We do not have this information on file.

MILLAGE GROUP

10KW

[Estimate Taxes](#)

PC CODE

19 - PROFESSIONAL SERVICES BLDGS

Building Details

NUMBER OF BUILDINGS	3	TOTAL LIVING AREA	12414
NUMBER OF COMMERCIAL BUILDINGS	3	YEAR BUILT	1964

Land Details

LAND USE CODE	100D - COMMERCIAL DRY	LAND AREA	13503 SF
----------------------	-----------------------	------------------	----------

Parcel Value History

TAX ROLL YEAR	BUILDING	MISCELLANEOUS IMPROVEMENTS	LAND	JUST	EXEMPTIONS (NOT INCLUDING SENIORS)	TAXABLE
2005	1,190,210	0	1,282,785	3,408,605	0	3,408,605
2004	1,247,065	0	1,282,785	3,408,605	0	3,408,605
2003	1,247,065	0	972,216	3,408,605	0	3,408,605

Parcel Sales History

Monroe County Tax Collector

generated on 5/30/2006 3:36:01 PM EDT

Tax Record

Last Update: 5/30/2006 3:36:01 PM EDT

Ad Valorem Taxes and Non-Ad Valorem Assessments

The information contained herein does not constitute a title search and should not be relied on as such.

Account # (AK) 8849851	Tax Type Real Estate	Tax Year 2005	
Mailing Address 211 DUVAL COMPANY 423 FRONT STREET (2ND FLOOR) KEY WEST FL 33040			
		Folio Number 62340.0000	
Assessed Value \$3,408,605.00	Exempt Amount \$0.00	Taxable Value \$3,408,605.00	
Exemption Detail NO EXEMPTIONS		Millage Rate 10KW 9.57440	
Legal Description KW PT LOT 3 SQR 14 OR1314-155/ 157(LG)			
Tax Districts Detail			
Code	Description	Exemption Amt	Amount
C003	GENERAL REVENUE FUND	\$0.00	\$2,737.79
C004	F&F LAW ENFORCE JAIL JUDICIAL	\$0.00	\$6,725.17
C005	HEALTH CLINIC	\$0.00	\$81.46
S001	SCHOOL STATE LAW	\$0.00	\$6,241.15
S002	SCHOOL LOCAL BOARD	\$0.00	\$5,286.74
T013	CITY OF KEY WEST	\$0.00	\$7,111.37
W025	SO FL WATER MANAGEMENT DIST	\$0.00	\$968.04
W028	OKEECHOBEE BASIN	\$0.00	\$1,066.89
W049	EVERGLADES CONSTRUCTION PRJT	\$0.00	\$340.86
C008	FLORIDA KEYS MOSQUITO CONTROL	\$0.00	\$2,075.84
		Total Gross	\$32,635.31
		Discount	(\$1,305.41)
		Total	\$31,329.90
If Paid By		Amount Due	
		\$0.00	

Date Paid	Transaction	Receipt	Amount Paid
11/28/2005	PAYMENT	6200288.0001	\$31,329.90

Prior Year Taxes Due	
NO DELINQUENT TAXES	

THE CITY OF KEY WEST - OL
License Master Inquiry

Business control nbr . . . : 6044
License Number : 06 19059
Business name : IRISH KEVIN'S BAR
Renew/transfer date . . . : License :
Print flag : N

Applicant/qualifier
ON POINTE ENTERTAINMENT GROUP

Phone :

License comments : 130 SEAT RESTAURANT
License restrictions . . . : UNIT C

Press Enter to continue.

More.

F3=Exit F5=Additional charges F6=Charges F7=Miscellaneous information
F8=Business inquiry F9=Additional requirements F10=Receipts

ADJUSTING FOR THE EFFECTS OF BACKGROUND NOISE

If AMBIENT (background) noise levels are within 10dB of the source noise levels, an adjustment must be made to compensate for the background noise.

1. Subtract the background dB level from the source dB level (which is also known as the TOTAL noise).
2. Adjust according to the following table:

DIFFERENCE BETWEEN SOURCE & AMBIENT	SUBTRACT FROM SOURCE dB LEVEL
0 to 3dB.....	Invalid Test
4 to 5dB.....	2dB
6 to 8dB.....	1dB
9dB or more.....	0dB



SUMMARY REPORT

CITY OF KEY WEST

KEY WEST, FL 33041-1

WORK ORDER: 1040633

Related Event Type

CALIBRATION - STANDARD

Repair Notes:

Model Name

2800

Serial Number

HS1020024

Performed By

ROBERT WORKENTINE

CALIBRATION - STANDARD

Repair Notes:

CA-12B

U1020125

ROBERT WORKENTINE

QUEST

TECHNOLOGIES, INC.

1060 CORPORATE CENTER DRIVE • OCONOMOWOC, WISCONSIN 53066-4828
800-245-0779 • 262-567-9157 • FAX 262-567-4047 • INTERNET ADDRESS: www.questtechnologies.com



Certificate of Training

Quest
TECHNOLOGIES

This certificate is issued to:

Gary Addleman

In recognition of successful completion of a training seminar in:

NOISE MEASUREMENT INSTRUCTOR

Presented This Date May 4, 2006

QUEST TECHNOLOGIES

Doug Prince

Instructor

Certificate of Training



This certificate is awarded to:

GARY ADLERMAN

In recognition of successful completion of an educational summary in:

ENVIRONMENTAL NOISE MEASUREMENT

Presented January 27, 1994 by:

Doug Price

Instructor

QUEST ELECTRONICS
Oconomowoc, Wisconsin

Instructor

Certificate of Training



This certificate is awarded to:

Gary Addleman

In recognition of successful completion of an educational seminar in:

ENVIRONMENTAL NOISE MEASUREMENT

Presented January 25, 1999 by:

QUEST™ TECHNOLOGIES
Oconomowoc, Wisconsin

Doug Ruice

Instructor

Instructor

Certificate of Attendance



This certificate is awarded to:

Gary Addleman

In recognition of attendance and participation in:

NOISE MEASUREMENT SEMINAR

Presented May 14, 1991 by:

DAWSON ASSOCIATES, INC.
Lawrenceville, Georgia

Richard Loyalty
Instructor

Certificate of Training



This certificate is awarded to:
Gary Addleman

In recognition of successful completion of an educational seminar in:

ENVIRONMENTAL NOISE MEASUREMENT

Presented This Date April 28, 2005

QUEST TECHNOLOGIES
Oconomowoc, Wisconsin

Doug Price
Instructor

Doug Price
Instructor



Certificate of Calibration

Certificate No: 4576 1040633

Submitted By: CITY OF KEY WEST
CODE ENFORCEMENT DEPT.
KEY WEST, FL 33041-1409

Serial Number: HS1020024 Date Received: 8/16/2005
Customer ID: Date Issued: 8/17/2005
Model: 2800 Valid Until: 8/17/2006

Test Conditions: Model Conditions:
Temperature: 18°C to 29°C As Found: FUNCTIONAL/OUT OF TOLERANCE
Humidity: 20% to 80% As Left: FULLY FUNCTIONAL/IN TOLERANCE
Barometric Pressure: 890 mbar to 1050 mbar

SubAssemblies:

Description:

TYPE 2 PREAMP
MICROPHONE PRIMO EM-23

Serial Number:

N/A
N/A

Calibrated per Procedure: 59V715

Reference Standard(s):

I.D. Number Device
ET0000366 B&K ENSEMBLE
ET0000388 FLUKE 45 MULTIMETER

Last Calibration Date Calibration Due
10/13/2004 10/13/2005
3/23/2005 3/23/2007

Measurement Uncertainty:

+/- 3.4% ACOUSTIC (0.3DB +/- 1.4% VAC +/- 0.1% VDC
Estimated at 95% Confidence Level (k=2)

Calibrated By: Robert Workentine 8/17/2005
ROBERT WORKENTINE Service Technician

This report certifies that all calibration equipment used in the test is traceable to NIST, and applies only to the unit identified under equipment above. This report must not be reproduced except in its entirety without the written approval of Quest Technologies.

In order to ensure best instrument performance over time and in the event of inspection, audit or litigation, we recommend the instrument be recalibrated annually. Any number of factors may cause the calibration item to drift out of calibration before recommended interval has expired.

QUEST

TECHNOLOGIES, INC.

1060 CORPORATE CENTER DRIVE • OCONOMOWOC, WISCONSIN 53066-4828
800-245-0779 • 262-567-9157 • FAX 262-567-4047 • INTERNET ADDRESS: www.questtechnologies.com



**BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF THE CITY OF KEY WEST, FLORIDA**

CITY OF KEY WEST,
PETITIONER,

CASE NUMBER: CES-06-557

v.

ON-POINTE ENTERTAINMENT LLC
SHAUN MCCONNELL, MANAGER

Owner(s) of the business Irish Kevin's located at 211 C Duval Street, Key West, FL 33040
RESPONDENT(S).

SETTLEMENT AGREEMENT AND RELEASE

IT IS HEREBY AGREED by and between Petitioner, the City Of Key West ("CITY"), and On-Pointe Entertainment LLC, Shaun McConnell, Registered Manager as owner(s) of the business Irish Kevin's, ("RESPONDENTS"), as follows:

1. On-Pointe Entertainment LLC , a Florida Registered Limited Liability Company, Shaun McConnell, the Registered Manager of On-Pointe Entertainment LLC operate as the business Irish Kevin's at the property located at 211 C Duval Street, Key West, Florida, 33040 ("THE PROPERTY")
2. RESPONDENTS plead nolo contende to the charge that on May 30, 2006 they violated the City of Key West Code of Ordinances, Section 26-192, prohibition against unreasonable noise.
3. The parties agree to resolve this case by SETTLEMENT AGREEMENT the terms and conditions of which are set out as follows.
4. RESPONDENTS' understand that:
 - a. they may plead not guilty to any offense charged against them;
 - b. if they choose to plead not guilty the United States Constitution, the Florida Constitution and the Laws of the State of Florida guarantee RESPONDENTS the

right to maintain that plea and;

- i. the right to a public trial before the Code Enforcement Special Magistrate;
- ii. the right to see, hear and face in open court all witnesses called to testify against RESPONDENTS;
- iii. the right to use the power and process of the Code Enforcement Special Magistrate to compel the production of any evidence including the attendance of any witnesses in RESPONDENTS favor;
- iv. the right to have the assistance of a lawyer and
- v. the right to take the witness stand at RESPONDENTS sole option.
- vi. Further, if found in violation of any CITY ordinance, RESPONDENTS would have the right to appeal the Findings and the Order and sentence of the Special Magistrate.

5. RESPONDENTS understand that, by entering into this Settlement Agreement, RESPONDENTS have given up their rights set out in Paragraph four (4) above.
6. RESPONDENTS understand that this Settlement Agreement has the same legal status as an order of the Code Enforcement Special Magistrate after a full public hearing.
7. RESPONDENTS are represented by counsel and each and every term of this SETTLEMENT AGREEMENT, and the implications of each and every term of this SETTLEMENT AGREEMENT, have been carefully explained to RESPONDENTS.
8. TERMS AND CONDITIONS:
 - a. CEASE AND DESIST: RESPONDENTS hereby agrees not to violate Code of Ordinances of the City of Key West, specifically Section 26-192.
 - b. FINES: RESPONDENTS shall pay no fine in connection with this matter.

- c. COSTS: RESPONDENTS hereby agree to pay administrative court costs of \$150.00 to be paid on or before the September 27, 2006 Code Enforcement hearing. All payments shall be on a check or money order and made payable to "The City of Key West" and delivered to the City of Key West Code Enforcement Office.
- d. NO FURTHER ACTION: Except as set forth herein, CITY will not file any code enforcement cases or any other legal action against RESPONDENTS for the prohibition of unreasonable noise occurring at THE BUSINESS, IRISH KEVIN'S prior to the date of this SETTLEMENT AGREEMENT. Further, CITY will request a dismissal of the above styled case against RESPONDENTS. CITY, however, may initiate appropriate code enforcement or other legal actions against RESPONDENTS to remedy any future violations of the City of Key West Code of Ordinances concerning THE BUSINESS, IRISH KEVIN'S.
- e. WAIVER AND RELEASE. In consideration for entering into this SETTLEMENT AGREEMENT, RESPONDENTS waive a hearing on all allegations set forth in the Notice of Code Violation and this SETTLEMENT AGREEMENT incorporates those allegations. RESPONDENTS also waive any appeal or collateral action and civil, statutory or constitutional claim for damages and/or injunctive or declaratory relief against CITY, its agents and employees, both past and present, arising out of or related to this enforcement action for the cited violation for THE BUSINESS, IRISH KEVIN'S. RESPONDENTS waiver and release of damages, claims or other forms of relief are limited to claims or relief arising out of this code enforcement action and this SETTLEMENT AGREEMENT. This waiver and release shall not preclude RESPONDENTS from seeking a declaration of their property rights (or other

appropriate relief) in law or equity, if such alleged rights or relief do not arise out of this code enforcement action or this SETTLEMENT AGREEMENT.

9/27/06
DATE

[Signature]
RESPONDENTS ON-POINTE
ENTERTAINMENT LLC
By SHAUN MCCONNELL,
REGISTERED MANAGER

10-11-06
DATE

[Signature]
JULIO AVAEL,
CITY MANAGER,
For PETITIONER, CITY OF KEY WEST.

STATE OF FLORIDA
COUNTY OF MONROE

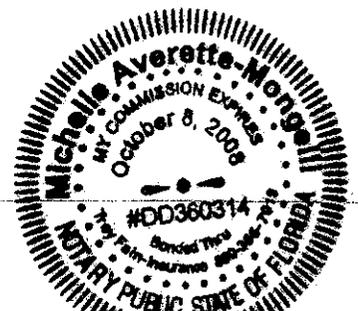
Subscribed and sworn before me, the undersigned authority, by Respondent, **Shaun McConnell**, who is () personally known to me or () who produced identification as

follows: n/a, on this 20th day of September, 2006.

[Signature]

NOTARY PUBLIC
My Commission expires: _____

NOTARY SEAL



appropriate relief) in law or equity, if such alleg
this code enforcement action or this SETTLEME

9/27/06
DATE

[Signature]
RESPONDENT
ENTERTAINM
By SHAUN M
REGISTERED

Code Enforcement costs
CLIENT: 487 - On Pointe Entert
MATTER: 1418.03

AMOUNT: \$150.00
ACCOUNT: GENERAL - 3
PAID TO: City of Key West
Code Enforcement
P. O. Box 1409
Key West
FL
33041

10-11-06
DATE

[Signature]
JULIO AVAEL
CITY MANAG
For PETITION

City of Key West
*** CUSTOMER RECEIPT ***
Oper: AMJDS Type: DC Drawer: 1
Date: 9/29/06 27 Receipt no: 117919

Description	Quantity	Amount
F FINES-CODE ENFORCEMENT	1.00	\$150.00

CASE 06 557

Tender detail		
CK CHECK	6828	\$150.00
Total tendered		\$150.00
Total payment		\$150.00

Trans date: 9/29/06 Time: 12:39:16

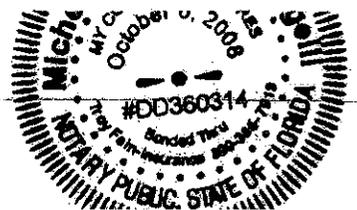
STATE OF FLORIDA
COUNTY OF MONROE

Subscribed and sworn before me, the undersigned autl
McConnell, who is (personally known to me or () who pr
follows: N/A, on t

[Signature]
NOTARY PUBLIC

My Commission expires: _____

NOT



CE200101

CITY OF KEY WEST

Case Inquiry - General Information & Names

6/26/
15:25:

Case number : 06 00000557
 Property address, ID . . . : 211 DUVAL ST A 223
 RE #/PARCEL #/TAX ID etc . . : 0000-1290-000100-
 Previous utility acct # . . :
 Case status, desc : IV INVOLUNTARY COMPLIANCE
 Case type, desc, estbl . . : NC CE NOISE COMPLAINT 5/30/06

Origination code, desc . . : CI KW CODE INSPECTOR
 Default inspector ID . . . : GFA Gary Addleman
 Tenant name, number . . . :
 Case credit balance : .00

Type option, press Enter.
5=View

Opt	Name	Name type
-	211 DUVAL COMPANY	OW OWNER

F3=Exit	F5=Case data	F7=Violations	F8=Charges	F9=Print histo
F10=Case text	F11=Liens	F12=Cancel	F13=Case actions	F24=More keys

Botto

Case number : 07 00000736
Property address, ID . . . : 215 DUVAL ST
RE #/PARCEL #/TAX ID etc . : 0000-1290-000100- -
Previous utility acct # . : 1001317.00
Tenant name, number :

97

Case narrative

03/29/2007 03:11 PM DMILLETT -----
Received a complaint that Shorty's is playing music loud.

3/29/07
3/29/07

Violation comments

Inspection comments

001 - Initial Inspection
Request status

03/29/2007 03:11 PM DMILLETT -----

3/29/07

Results status - INSPECTION COMPLETED

Jeff stopped by and the music has been turned down.

3/29/07

More.

Press Enter to continue.

F3=Exit F12=Cancel

Case number : 07 00000736
 Property address, ID . . . : 215 DUVAL ST
 RE #/PARCEL #/TAX ID etc . : 0000-1290-000100- -
 Previous utility acct # . : 1001317.00
 Tenant name, number . . . :

97

Board meeting comments
Other action comments
Land Management Information
Legal Description
 KW PT LOT 3 SQR 14
 OR1314-155/157(LG)

Press Enter to continue.

Bott

F3=Exit F12=Cancel

CITY OF KEY WEST
Case Inspection Inquiry

Case number : 07 00000736
Property address, ID . . . : 215 DUVAL ST
RE #/PARCEL #/TAX ID etc . : 0000-1290-000100- -
Previous utility acct # . . : 1001317.00
Tenant name, number :

97

Action type code : II Initial Inspection
Inspector ID : JB Jeff Berman
Request schedule date . . . : 3/29/07
Results status, date . . . : IC 3/29/07
Total time spent : .00

Narrative text

----- INSPECTION REQUEST COMMENTS -----

03/29/2007 03:11 PM DMILLETT ----- 3/29/07

----- INSPECTION RESULTS COMMENTS -----

Jeff stopped by and the music has been turned down. 3/29/07

Bott

Press Enter to continue.

F3=Exit F12=Cancel

CITY OF KEY WEST
Case Inquiry - General Information & Names

Case number : 07 00000736
 Property address, ID . . . : 215 DUVAL ST 97
 RE #/PARCEL #/TAX ID etc . : 0000-1290-000100- -
 Previous utility acct # . . : 1001317.00
 Case status, desc : CL CASE CLOSED
 Case type, desc, estbl . . : NC CE NOISE COMPLAINT 3/29/07

Origination code, desc . . : CO CITY OFFICIAL
 Default inspector ID . . . : JB Jeff Berman
 Tenant name, number . . . :
 Case credit balance : .00
 Type option, press Enter.

5=View

Opt	Name	Name type
-	211 DUVAL COMPANY	OW OWNER

F3=Exit	F5=Case data	F7=Violations	F8=Charges	F9=Print histo	Bottom
F10=Case text	F11=Liens	F12=Cancel	F13=Case actions	F24=More keys	



THE CITY OF KEY WEST
Code Compliance Division (305) 809-3740
P.O. Box 1409, Key West, FL 33041

COMPLAINT INVESTIGATION FORM

Date

04/13/2007

Time

[Empty box for Time]

Case #

07-901

Complainant Name
Address and Phone

Sharon Louis
360-870-5644

Address of Complaint:

224 Duval Street

Nature of Complaint

The bull is playing music to loud at night

N/A

Contact made with Violator on: _____

Comments of Violator and Inspectors Findings: _____

Jeff S

CITY OF KEY WEST
Case Inquiry - General Information & Names

Case number : 07 00000901
Property address, ID . . . : 224 DUVAL ST DN
RE #/PARCEL #/TAX ID etc . : 0000-1380-000000-
Previous utility acct # . . : 1001406.00
Case status, desc : CL CASE CLOSED
Case type, desc, estbl . . : NC CE NOISE COMPLAINT

68

4/16/07

Origination code, desc . . : CC CITIZEN COMPLAINT
Default inspector ID . . . : JAS JEFF STOTTS
Tenant name, number :
Case credit balance : .00

Type option, press Enter.

5=View

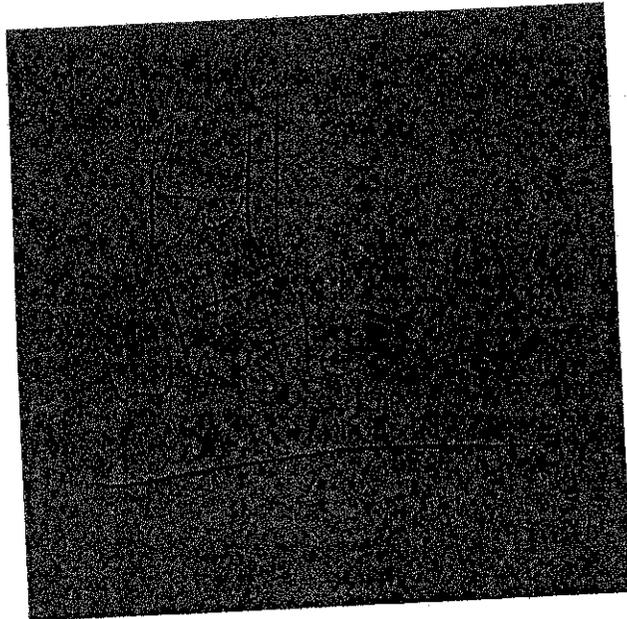
Opt Name

Name type

- FERREL WADE

OW OWNER

F3=Exit F5=Case data F7=Violations F8=Charges F9=Print histo Better
F10=Case text F11=Liens F12=Cancel F13=Case actions F24=More keys





THE CITY OF KEY WEST
Code Compliance Division (305) 809-3740
P.O. Box 1409, Key West, FL 33041

COMPLAINT INVESTIGATION FORM

Date	04/18/2007	Time		Case #	07-944
------	------------	------	--	--------	--------

Complainant Name
Address and Phone

Joe
305-360-2212

Address of Complaint:

211 Duval Street

Nature of Complaint

Person stated that they can hear the music from Irish Kevin's from White Head Street

Contact made with Violator on: _____

Comments of Violator and Inspectors Findings: _____

made contact with mgt about
excessive noise 4/18/07 11:15 pm

He assured they will cooperate and maintain
legal sound levels.

Jeff S

IRISH KEVIN'S

Randy Earley
Bar Manager

211C Duval Street
Key West, Florida 33040
(305) 292-1262 Phone
(305) 292-1430 Fax
Irishkevinsbar@yahoo.com

www.IrishKevins.com

04/18/2007
11:15 pm



17

THE CITY OF KEY WEST
Code Compliance Division (305) 809-3740
P.O. Box 1409, Key West, FL 33041

COMPLAINT INVESTIGATION FORM

Date 07/05/2007 Time Case # 07-1963

Complainant Name Rick- 360-3212
Address and Phone

Address of Complaint:
211 Duval Street (A)

Nature of Complaint

Playing the music way too loud.

Contact made with Violator on: _____
Comments of Violator and Inspectors Findings: _____
Please check system notes

Irish Kevin's can be loud at times MGR
usally complies w/request to lower volume

Jeff S

close

CE200I01

CITY OF KEY WEST
Case Inquiry - General Information & Names

6/26/
15:24:

Case number : 07 00001963
Property address, ID . . . : 211 DUVAL ST A
RE #/PARCEL #/TAX ID etc . : 0000-1290-000100-
Previous utility acct # . . :
Case status, desc : CL CASE CLOSED
Case type, desc, estbl . . : NC CE NOISE COMPLAINT

223

7/05/07

Origination code, desc . . : CC CITIZEN COMPLAINT
Default inspector ID . . . : JAS JEFF STOTTS
Tenant name, number . . . :
Case credit balance : .00
Type option, press Enter.

5=View

Opt Name
_ 211 DUVAL COMPANY

Name type
OW OWNER

F3=Exit F5=Case data F7=Violations F8=Charges Bott
F10=Case text F11=Liens F12=Cancel F13=Case actions F9=Print hist
F24=More keys



16

THE CITY OF KEY WEST
Code Compliance Division (305) 809-3740
 P.O. Box 1409, Key West, FL 33041

COMPLAINT INVESTIGATION FORM

Date Time Case #

Complainant Name
Address and Phone

Rick the manager at ricks
305-360-3212

Address of Complaint

211 Duval Street

Nature of Complaint

The music is too loud

Contact made with Violator on: _____

Comments of Violator and Inspectors Findings: _____

Gary

NOISE SURVEY FORM

Date 10-18-07

Location IRISH KETTLES

Project _____

Equipment: Meter _____

Serial # _____

Calibrator _____

Serial # _____

Performed by GARY ADAM LEMMON

Assistant _____

	<u>Start</u>	<u>Finish</u>
Calibration:	<u>170</u>	<u>170</u>
Time of Day:	<u>3:37pm</u>	<u>3:43</u>
Sky:	<u>clear</u>	<u>clear</u>
Wind:	<u>N/A</u>	<u>N/A</u>
Noise Source	<u>IRISH KETTLES</u>	
Noise Source dB level:	<u>74.2</u>	
Ambient Noise dB level:	<u>74.2</u>	
Adjusted Noise Source dB Level:	_____	
Remarks:	<u>BN VALAD</u>	

Signed _____

Title CODE COMP

CITY OF KEY WEST
Case Inquiry - General Information & Names

Case number : 07 00003156
 Property address, ID . . . : 211 DUVAL ST A
 RE #/PARCEL #/TAX ID etc . : 0000-1290-000100- -
 Previous utility acct # . . :
 Case status, desc : IC INVALID COMPLAINT
 Case type, desc, estbl . . : NC CE NOISE COMPLAINT
 Origination code, desc . . : CC CITIZEN COMPLAINT
 Default inspector ID . . . : GFA Gary Addleman
 Tenant name, number . . . :
 Case credit balance : .00
 Type option, press Enter.

223

10/18/07

5=View

Opt	Name
-	211 DUVAL COMPANY

Name type
OW OWNER

F3=Exit	F5=Case data	F7=Violations	F8=Charges	F9=Print histc
F10=Case text	F11=Liens	F12=Cancel	F13=Case actions	F24=More keys

Bottc



THE CITY OF KEY WEST

Code Compliance Division (305) 809-3740

P.O. Box 1409, Key West, FL 33041

13

COMPLAINT INVESTIGATION FORM

Date

1-16-08

Time

Case #

08-140

Complainant Name
Address and Phone

Ben
Rick's

Address of Complaint

203 Duval Street

Nature of Complaint

Received a complaint from Ben, mgr. of Rick's concerning the loud music coming from the Lazy Gecko. He stated that the music is so loud that the performer inside Rick's can not perform because the music is so loud.

Contact made with Violator on: _____

Comments of Violator and Inspectors Findings: _____

Spoke to mgr of LG

he will make sure noise (music)

is not loud

1/17/08

Jeff S



THE CITY OF KEY WEST
Code Compliance Division (305) 809-3740
 P.O. Box 1409, Key West, FL 33041

COMPLAINT INVESTIGATION FORM

Date Time Case #

Complainant Name
Address and Phone

Ben
Rick's

Address of Complaint

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Contact made with Violator on: _____

Comments of Violator and Inspectors Findings: _____

Spoke to mgr of LG
 he will make sure noise ~~is~~ (music)
 is not loud

1/17/08

Jeff S



10
Cl

THE CITY OF KEY WEST
Code Compliance Division (305) 809-3740
 P.O. Box 1409, Key West, FL 33041

COMPLAINT INVESTIGATION FORM

Date 3-4-09 Time Case # 09-338

Complainant Name Stephen Manuguerra
 Address and Phone 429 Caroline
304-1544

Address of Complaint
227 Duval Street

Nature of Complaint
Received a complaint from Stephen Manuguerra (429 Caroline, 304-1544) about the loud music at Fogarty's. He's called the police, they go, but the music get again.

Contact made with Violator on: _____
 Comments of Violator and Inspectors Findings:

7:50 pm 3/4
 Called and spoke to Stephen gave him my cell
 and explained about complaint process/form
 he explained about the DJ during a Spring
 break show WAS the offender
 Case closed
 Spring Break

Jeff S

Case number : 09 00000338
 Property address, ID . . . : 227 DUVAL ST
 RE #/PARCEL #/TAX ID etc . : 0000-1320-000000- -
 Previous utility acct # . : 1001341.00
 Tenant name, number . . . :

97

Case narrative

Time Stamp: 03/04/2009 09:25 AM KEYWDLM -----
 Received a complaint from Stephen Manuguerra (429 Caroline,
 304-1544) about the loud music at Fogarty's. He's called
 the police, they go, but the music get again.

3/04
3/04
3/04
3/04

Time Stamp: 03/04/2009 09:24 PM KEYWJAS1 -----
 I caled the RP, Stephen and spoke with him about incident.
 I gave him my duty cell number and instructed him to call
 if there is any further noise issues. I explained about the
 complaint process including a form that is optional to fill

3/04
3/04
3/04
3/04

More.

Press Enter to continue.

F3=Exit F12=Cancel

Case number : 09 00000338
 Property address, ID . . . : 227 DUVAL ST
 RE #/PARCEL #/TAX ID etc . : 0000-1320-000000- -
 Previous utility acct # . . : 1001341.00
 Tenant name, number :

97:

out. He explained that the new DJ that is catering to the
 spring break crowd was the offender.

3/04

Time Stamp: 03/04/2009 11:55 PM KEYWJAS1 -----
 11:15pm I talked to the staff (music guys, DJ, etc.)of
 Fogarty's and relayed the issues from the complaintant.

3/04

3/04

3/04

3/04

Violation comments

Inspection comments

001 - Initial Inspection

Results status - INSPECTION COMPLETED

Time Stamp: 03/31/2009 04:42 PM KEYWJAS1 -----

3/31

More.

Press Enter to continue.

F3=Exit F12=Cancel

CITY OF KEY WEST
Case Inspection Inquiry

Case number : 09 00000338
 Property address, ID . . . : 227 DUVAL ST
 RE #/PARCEL #/TAX ID etc . : 0000-1320-000000- -
 Previous utility acct # . : 1001341.00
 Tenant name, number . . . :

97

Action type code : II Initial Inspection
 Inspector ID : JAS JEFF STOTTS
 Request schedule date . . : 3/04/09
 Results status, date . . . : IC 3/31/09
 Total time spent : 2.00

Narrative text

11:15pm I talked to the staff (music guys, DJ, etc.) of
 Fogarty's and relayed the issues from the complaintant.

3/31/09
 3/31/09

Bott

Press Enter to continue.
F3=Exit F12=Cancel

CITY OF KEY WEST
Case Inspection Inquiry

Case number : 09 00000338
Property address, ID . . . : 227 DUVAL ST
RE #/PARCEL #/TAX ID etc . : 0000-1320-000000- -
Previous utility acct # . . : 1001341.00
Tenant name, number :

Action type code : II Initial Inspection
Inspector ID : JAS JEFF STOTTS
Request schedule date . . . : 3/04/09
Results status, date : IC 3/31/09
Total time spent : 2.00

Narrative text

----- INSPECTION RESULTS COMMENTS -----
Time Stamp: 03/31/2009 04:42 PM KEYWJAS1 ----- 3/31/09
spring break crowd was the offender. 3/31/09
Time Stamp: 03/04/2009 11:55 PM KEYWJAS1 ----- 3/31/09

More..

Press Enter to continue.
F3=Exit F12=Cancel

Case Inquiry - General Information & Names

Case number : 09 00000338
 Property address, ID . . . : 227 DUVAL ST
 RE #/PARCEL #/TAX ID etc . : 0000-1320-000000- -
 Previous utility acct # . . : 1001341.00
 Case status, desc : CL CASE CLOSED
 Case type, desc, estbl . . : PNC Public Nuisance Commercial 3/04/09
 Origination code, desc . . : CC CITIZEN COMPLAINT
 Default inspector ID . . . : JAS JEFF STOTTS
 Tenant name, number . . . :
 Case credit balance : .00

Type option, press Enter.

5=View

Opt	Name	Name type
-	SK LAND CO	OW OWNER

F3=Exit	F5=Case data	F7=Violations	F8=Charges	F9=Print histo	Botto
F10=Case text	F11=Liens	F12=Cancel	F13=Case actions	F24=More keys	

(10)

W. 2 File

Case number : 09 00001083
 Property address, ID . . . : 202 DUVAL ST
 RE #/PARCEL #/TAX ID etc . : 0000-1480-000100- -
 Previous utility acct # . : 1001538.00
 Tenant name, number . . . : Rick's

6899
 McCarthy
 Telegraph Lane

Case narrative

Time Stamp: 07/28/2009 02:48 PM KEYWDLM -----
 Received a complaint from Peter @ the Lazy Gecko, 203 Duval
 Street, 797-5615. He stated that two speakers were mounted
 outside about 2 weeks ago and he has asked if they would
 turn the sound down, but haven't.

7/28/0
 7/28/0
 7/28/0
 7/28/0
 7/28/0

Violation comments

Inspection comments

001 - Initial Inspection
 Results status - INSPECTION COMPLETED

More...

Press Enter to continue.

F3=Exit F12=Cancel

Case number : 09 00001095
 Property address, ID . . . : 202 DUVAL ST
 RE #/PARCEL #/TAX ID etc . : 0000-1480-000100- -
 Previous utility acct # . : 1001538.00
 Tenant name, number . . . : Rick's

6899

Case narrative

Time Stamp: 07/31/2009 08:40 AM KEYWDLM -----

Received another complaint from Peter at the Lazy Gecko
 about the loud music coming from Rick's. He stated that
 the speakers are still mounted outside.

7/31/0

7/31/0

7/31/0

7/31/0

Violation comments

Inspection comments

001 - Initial Inspection

Board meeting comments

Other action comments

More...

Press Enter to continue.

F3=Exit F12=Cancel

City: 001 KEYWEST

Call#/DP Type/Disposition Time Incident Location Map Reference - P/F/E

070760167 P S65 NOISE/LOUD PARTY 3/17/07 000200 DUVAL ST INTERSECTN P-1032XX1X0 F-1032XX1X0 E-1032XX1X0
NO REPORT 6:40:49 / GREENE ST
Units Responded: P93
Response Time (Call to Arrival-First Unit) Unit #: P93 Time (HH:MM:SS): 0:12:11
Narrative: Blowers going - this happens every morning
caller thinks it may be the couch farm
STACIA WINTER
STACIA WINTER

PD Duval - 1

moved on to whitehead

RACHEL BLACK

090690429 P S65 NOISE/LOUD PARTY 3/10/09 000200 DUVAL ST INTERSECTN P-1032XX1X0 F-1032XX1X0 E-1032XX1X0
NO REPORT 20:49:12 / GREENE ST
Units Responded: P74
Response Time (Call to Arrival-First Unit) Unit #: P74 Time (HH:MM:SS): 0:11:09
Narrative: BUCKER DRUMMER--R/P CALLED ABOUT HIM LAST NIGHT--OFC JOHN DANCIO
RESPONDED AND THE DRUMMER HAS A PERMIT TO PERFORM--ADVSD JOHN DANCIO
R/P THAT HE WOULD SEND AN OPC TO ASK THE DRUMMER TO MOVE TO ANOTHER LOC AS IT IS DISRUPTING THE CALLER'S BUSINESS JOHN DANCIO
R/P WAS ADVSD THAT HE CANNOT MOVE HIM IF HE IS NOT BREAKING JOHN DANCIO
THE LAW OR REFUSES TO MOVE JOHN DANCIO

PD Duval - 2

TOTAL ADDRESS: POLICE # CALL TYPE/DESCRIPTION
1 065 S65 NOISE/LOUD PARTY

080140336 P S65 NOISE/LOUD PARTY 1/14/08 000203 DUVAL ST P-1032XX1X0 F-1032XX1X0 E-1032XX1X0
UNFOUNDED 19:38:41 LAZY GECO P100
Units Responded: P100
Response Time (Call to Arrival-First Unit) Unit #: P100 Time (HH:MM:SS): 0:13:01
Narrative: RP IS THE MANAGER OF RICKS AND IS SAYING THE LAZY GECO KEITH KLINE
MUSIC IS TOO LOUD - GIVEN THE NUMBER TO CODE ENFORCEMENT KEITH KLINE
WOULD LIKE AN OPC TO ASK THEM TO TURN IT DOWN KEITH KLINE

PD Duval - 3

TOTAL ADDRESS: POLICE # CALL TYPE/DESCRIPTION
1 065 S65 NOISE/LOUD PARTY

080150069 P S65 NOISE/LOUD PARTY 1/15/08 000217 DUVAL ST DN P-1032XX1X0 F-1032XX1X0 E-1032XX1X0
NO REPORT 3:32:28 CHEESEBURGER KEY WEST M42
Units Responded: M42
Response Time (Call to Arrival-First Unit) Unit #: M42 Time (HH:MM:SS): 0:00:00
Narrative: elderly female waiting etc down JESSICA STRADER
Call change from PD to S65 BY DISPATCH P 01 0000002789 JESSICA STRADER
loud music on duval JESSICA STRADER
at cheeseburger JESSICA STRADER
lowering music JESSICA STRADER

PD Duval - 4

TOTAL ADDRESS: POLICE # CALL TYPE/DESCRIPTION
1 065 S65 NOISE/LOUD PARTY

060420200 P S65 NOISE/LOUD PARTY 2/11/06 000218 DUVAL ST P-1032XX1X0 F-1032XX1X0 E-1032XX1X0
NO REPORT 13:45:06 BEAR BOTTOM BEACH CLUB
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: MUSIC IS TOO LOUD - CAN HEAR IT THROUGH THE PHONE AT DISPATCH MICHAEL BEATTIE
DISPATCH MICHAEL BEATTIE

PD Duval - 5

060430329 P S65 NOISE/LOUD PARTY 2/18/06 000218 DUVAL ST P-1032XX1X0 F-1032XX1X0 E-1032XX1X0
NO REPORT 20:58:15 BEAR BOTTOM BEACH CLUB P98
Units Responded: P98
Response Time (Call to Arrival-First Unit) Unit #: P98 Time (HH:MM:SS): 0:02:04
Narrative: LOUD MUSIC JESSICA STRADER

PD Duval - 6

06060389 P S65 NOISE/LOUD PARTY 3/07/06 000218 DUVAL ST P-1032XX1X0 F-1032XX1X0 E-1032XX1X0
NO REPORT 20:33:28 BEAR BOTTOM BEACH CLUB M34
Units Responded: M34
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: CLR SAYS THERE IS AN EXTRA SPECIAL LOUD PARTY GOING ON ON DANIEL ROGERS
THE ROOF OF SUBJ CLUB DANIEL ROGERS

PD Duval - 7

Call#/DP Type/Disposition Time Incident Location Map Reference - E/E/E
 060810350 P 565 NOISE/LOUD PARTY 3/22/06 000218 DUVAL ST P-1032XX1XO F-1032XX1XO E-1032XX1XO
 NO REPORT 21:01:29 BEAR BOTTOM BEACH CLUB
 Units Responded: 198
 Response Time (Call to Arrival-First Unit) Unit #: 198 Time (HH:MM:SS): 0:00:00
 Narrative: CALLER FROM 1/2 A BLK AWAY ADVSD THE DJ IS TOO LOUD--198 JOHN DANCIO
 ADVSD HE WOULD TAKE CARE OF IT JOHN DANCIO
 198 ADVSD MUSIC IS AT AN ACCEPTABLE LEVEL--HOWEVER HE SPOKE JOHN DANCIO
 WITH THE MGR AND HE AGREED TO TURN IT DOWN A BIT JOHN DANCIO

071470504 P 565 NOISE/LOUD PARTY 5/27/07 000224 DUVAL ST DOWN1 P-1032XX1XO F-1032XX1XO E-1032XX1XO
 NO REPORT 20:25:19 BULL AND WHISTLE
 Units Responded: P98
 Response Time (Call to Arrival-First Unit) Unit #: P98 Time (HH:MM:SS): 0:22:32
 Narrative: CALLER WOULD LIKE CODE ENF TO CHECK OUT THE BULL'S NOISE ANNA NELSON
 LEVEL ANNA NELSON
 CONTACTING CODE ENF SPOKES ANNA NELSON
 UNABLE TO REACH SPOKES - NEEDED TO SEND AN OPC ANNA NELSON
 CALLER WANTS TO meet at 310 duval at the cigar stand ANNA NELSON

070680992 P 565 NOISE/LOUD PARTY 3/09/07 000227 DUVAL ST P-1032XX1XO F-1032XX1XO E-1032XX1XO
 NO REPORT 3:30:45 POSKERRY 1875 HOUSE RESTAU
 Units Responded: 149
 Response Time (Call to Arrival-First Unit) Unit #: 149 Time (HH:MM:SS): 0:14:13
 Narrative: CALLER ADV THE AMPLIFIED MUSIC FROM THIS LOC IS KEEPING ANNA NELSON
 HIM AWAKE - CALLER WANTS TO KNOW WHY THEY CAN VIOLATE ANNA NELSON
 THE NOISE ORDINANCE ANNA NELSON
 CALLER WANTS TO MEET AT SOUTHERNCROSS HOTEL FRONT DESK ANNA NELSON

090610407 P 565 NOISE/LOUD PARTY 3/02/09 000227 DUVAL ST P-1032XX1XO F-1032XX1XO E-1032XX1XO
 VERBAL WARNING 23:38:16 FOGARTYS RESTAURANT
 Units Responded: P65
 Response Time (Call to Arrival-First Unit) Unit #: P65 Time (HH:MM:SS): 0:04:58
 Narrative: bouncer at bull and whistle adv that music at fogarty's is NICHOLAS SMITH
 too loud NICHOLAS SMITH

090620016 P 565 NOISE/LOUD PARTY 3/03/09 000227 DUVAL ST P-1032XX1XO F-1032XX1XO E-1032XX1XO
 NO REPORT 0:35:11 FOGARTYS RESTAURANT
 Units Responded: P65
 Response Time (Call to Arrival-First Unit) Unit #: P65 Time (HH:MM:SS): 0:05:12
 Narrative: RP ADV'D LOUD ANNOUNCER AGAIN FROM THIS LOC... JASON GAINBY
 SECOND RP WAS A NEARBY RESD THAT COMPLAINED KEITH KLINE

090620005 P 565 NOISE/LOUD PARTY 3/05/09 000227 DUVAL ST P-1032XX1XO F-1032XX1XO E-1032XX1XO
 PASS-ON/INFORMATION 0:08:26 FOGARTYS RESTAURANT
 Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
 Narrative: loud voice on the microphone from the business turned over to jeff stotts PAULA HODGES
 SPOKE TO ALL PARTIES - MUSIC TURNED DOWN KEITH KLINE

PD Duval - 7
continued

PD Duval - 8

PD Duval - 9

PD Duval - 10

PD Duval - 11

PD Duval - 12

PD Duval - 13

PD Duval - 14

City: 001 KEYWEST
 Call#/DP Type/Disposition Time Incident Location Map Reference - P/F/E

090670345 P S65 NOISE/LOUD PARTY 3/08/09 000227 DUVAL ST P-1032XX1XO F-1032XX1XO E-1032XX1XO
 NO REPORT 23:22:58 FOGARTYS RESTAURANT P76 V74
 Units Responded: P76 V74 Time (HH:MM:SS): 0:01:58
 Narrative: loud noise from the restaurant
 MICHAEL BEATTIE

Call change from S139 to S65 BY DISPATCH2 P 01 0000002836 MICHAEL BEATTIE

090680360 P S65 NOISE/LOUD PARTY 3/09/09 000227 DUVAL ST P-1032XX1XO F-1032XX1XO E-1032XX1XO
 NO REPORT 23:35:07 FOGARTYS RESTAURANT P129
 Units Responded: P129 V184
 Response Time (Call to Arrival-First Unit) Unit #: 129 Time (HH:MM:SS): 0:24:19
 Narrative: LOUD MUSIC
 JASON GAINNEY

090700521 P S65 NOISE/LOUD PARTY 3/11/09 000227 DUVAL ST P-1032XX1XO F-1032XX1XO E-1032XX1XO
 NO REPORT 23:13:14 FOGARTYS RESTAURANT V11
 Units Responded: V11
 Response Time (Call to Arrival-First Unit) Unit #: V11 Time (HH:MM:SS): 0:06:52
 Narrative: LOUD NOISE AT LOC
 MICHAEL BEATTIE

090750396 P S65 NOISE/LOUD PARTY 3/16/09 000227 DUVAL ST P-1032XX1XO F-1032XX1XO E-1032XX1XO
 NO REPORT 23:14:20 FOGARTYS RESTAURANT V62
 Units Responded: V62
 Response Time (Call to Arrival-First Unit) Unit #: V62 Time (HH:MM:SS): 0:00:58
 Narrative: LOUD ANNOUNCER AGAIN
 JASON GAINNEY

090760029 P S65 NOISE/LOUD PARTY 3/11/09 000227 DUVAL ST P-1032XX1XO F-1032XX1XO E-1032XX1XO
 CANCELLED BY CALLER 1:38:44 FOGARTYS RESTAURANT V62
 Units Responded: V62
 Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
 Narrative: NP COMPLAINING ABOUT THE NOISE AT HIS LOC AGAIN.. HE KEPT SAYING THAT HE WOULD TAKE CARE OF IT AND THAT NOTHING IS EVER DONE ABOUT THE COMPLAINTS... WHEN ASKED IF HE WANTED TO MEET HE STATED HE WOULD GET A LAWYER... WHEN ASKED AGAIN IF HE WANTED AN OPC TO RESPOND HE CONTINUED AND BECAME INDECISIVE AND EVENTUALLY D.C'D THE LINE... 2978
 JASON GAINNEY

090770409 P S65 NOISE/LOUD PARTY 3/18/09 000227 DUVAL ST P-1032XX1XO F-1032XX1XO E-1032XX1XO
 NO REPORT 23:49:06 FOGARTYS RESTAURANT V71
 Units Responded: V71
 Response Time (Call to Arrival-First Unit) Unit #: V71 Time (HH:MM:SS): 0:02:40
 Narrative: amplified music - ongoing problem - has spoken to code comp PAULA HODGES
 frustrated that he has to continually call reporting the same problem
 PAULA HODGES
 not louder than normal ref V71 - code enforcement is on.
 code compliance Jim young adv no one available
 MICHAEL BEATTIE

TOTAL ADDRESS: 11 065 S65 NOISE/LOUD PARTY
 POLICE # CALL TYPE/DESCRIPTION
 TOTAL CITY: 001 KEYWEST
 POLICE # CALL TYPE/DESCRIPTION
 20 065 S65 NOISE/LOUD PARTY
 20 TOTAL POLICE ALL CALL TYPES
 20 TOTAL P/F/E ALL CALL TYPES

GRAND TOTAL:
 POLICE # CALL TYPE/DESCRIPTION
 20 065 S65 NOISE/LOUD PARTY
 20 TOTAL POLICE ALL CALL TYPES
 20 TOTAL P/F/E ALL CALL TYPES

PD Duval - 20

PD Duval - 19

PD Duval - 18

PD Duval - 17

PD Duval - 16

PD Duval - 15

SYSTEM: HTE Date Range: 1/01/06 - 12/31/06 Computer Aided Dispatch Date: 7/06/09
Program: CAD306A Time Window: 0:00:00 - 99:99:99 Call Summary Dpt: 001 Page: 1
Selections by Address Range: From: Street #: 000000 Dir: Name: TELEGRAPH Stx: IN Modf:
To: Street #: 999999 Dir: Name: TELEGRAPH Stx: IN Modf:

Common Name.....:

City: 001 KEYWEST

Call#/OP	Type/Disposition	Time	Incident Location	Map Reference - P/F/E
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061830055 P	S65 NOISE/LOUD PARTY NO REPORT	7/02/06 000212 3:41:26	TELEGRAPH LN	P-1032XX1XO F-1032XX1XO E-1032XX1XO
-------------	-----------------------------------	---------------------------	--------------	-------------------------------------

Units Responded: P91 Time (HH:MM:SS): 0:07:19
Response Time (Call to Arrival-First Unit) Unit #: P91 JESSICA STRADER
Narrative: across the street from 212 telegraph JESSICA STRADER
Very loud noise going on JESSICA STRADER
caller would like them to turn it down

061830061 P	S65 NOISE/LOUD PARTY NO REPORT	7/02/06 000212 4:20:06	TELEGRAPH LN	P-1032XX1XO F-1032XX1XO E-1032XX1XO
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Units Responded: B97
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00

TOTAL ADDRESS:
POLICE # 065 S65 NOISE/LOUD PARTY

TOTAL CITY: 001 KEYWEST
POLICE # 065 S65 NOISE/LOUD PARTY

2 TOTAL POLICE ALL CALL TYPES

2 TOTAL P/F/E ALL CALL TYPES

2 TOTAL P/F/E ALL CALL TYPES

PD#Telegraph -01

PD#Telegraph - 2

Common Name.....
City: 001 KEYWEST

Call#/DP Type/Disposition Time Incident Location Map Reference - P/F/E

071610433 P 565 NOISE/LOUD PARTY 6/10/07 000200 TELEGRAPH LN P-1032XX1XO F-1032XX1XO E-1032XX1XO

Units Responded: P98
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: r/p a truck that parks there all the time has the alarm going off and he is tired of it
Gregory Schemer
Gregory Schemer
veb will be moved
DEGIYS CHAVARRIA

PD Telegraph - 3

TOTAL ADDRESS:
POLICE # CALL TYPE/DESCRIPTION

1 065 565 NOISE/LOUD PARTY

070010375 P 565 NOISE/LOUD PARTY 1/01/07 000212 TELEGRAPH LN P-1032XX1XO F-1032XX1XO E-1032XX1XO

Units Responded: P88
Response Time (Call to Arrival-First Unit) Unit #: P88 Time (HH:MM:SS): 0:02:47
Narrative: CAMPER ENGINE REVVING - BEEN THERE IN THE PARKING LOT STACIA WINTER
FOR ABOUT TWO MONTHS. - CALLERS THINKS HE IS LIVING OUT STACIA WINTER
OF IT - ENGINE DOES NOT SOUND TO GOOD AND IT KEEPS BACK STACIA WINTER
FIRING STACIA WINTER
LOCATED IN THE PARKING LOT BESIDE THIS LOC STACIA WINTER

PD Telegraph - 4

070060182 P 565 NOISE/LOUD PARTY 1/06/07 000212 TELEGRAPH LN P-1032XX1XO F-1032XX1XO E-1032XX1XO

Units Responded: P88
Response Time (Call to Arrival-First Unit) Unit #: P93 Time (HH:MM:SS): 0:24:40
Narrative: A VERY ANNOYED CALLER ADVS THE NEIGHBOORS ARE AT IT AGAIN DEGIYS CHAVARRIA
THEY ARE BEING VERY LOUD WOULD OFC TO TALK TO THEM IF DEGIYS CHAVARRIA
POSS.. DEGIYS CHAVARRIA
OFC BUINES ADV HE HAS LISTENED FOR A FEW MINUTES RACHEL BLACK
AND NOTHING CAN BE HEARD RACHEL BLACK
No loud noise anywhere. Clear no report. P88

PD Telegraph - 5

TOTAL ADDRESS:
POLICE # CALL TYPE/DESCRIPTION

2 065 565 NOISE/LOUD PARTY

071530084 P 565 NOISE/LOUD PARTY 6/02/07 000213 TELEGRAPH LN P-1032XX1XO F-1032XX1XO E-1032XX1XO

Units Responded: P49
Response Time (Call to Arrival-First Unit) Unit #: P91 Time (HH:MM:SS): 0:10:14
Narrative: ALARM KEEPS GOING OFF- NO ONE IS BREAKING IN JESSICA STRADER
ACORDING TO THE CALLER ADV THAT IT JUST KEEPS JESSICA STRADER
SOUNDING- ALSO ADV THE VEH IS ILLEGALLY PANKED AND DOES SO ALL THE TIME JESSICA STRADER
PANKED AND DOES SO ALL THE TIME JESSICA STRADER
located r/o taking car eof it MICHAEL BEATTIE

PD Telegraph - 6

TOTAL ADDRESS:
POLICE # CALL TYPE/DESCRIPTION

1 065 565 NOISE/LOUD PARTY

TOTAL CITY: 001
POLICE # CALL TYPE/DESCRIPTION
4 065 565 NOISE/LOUD PARTY
4 TOTAL POLICE ALL CALL TYPES

4 TOTAL P/F/E ALL CALL TYPES

GRAND TOTAL:
POLICE # CALL TYPE/DESCRIPTION

SYSTEM: RFE Date Range: 1/01/07 - 12/31/07 Computer Aided Dispatch Div: 001 Page: 2
Program: CAD306A Time Window: 01:00:00 - 99:99:99 Call Summary Dpt: 001 Date: 7/06/09

Selections by Address Range...: From: Street #: 000000 Dir: Name: TELEGRAPH Stx: LN Modf:
To: Street #: 999999 Dir: Name: TELEGRAPH Stx: LN Modf:

Common Name.....: City: 001 KEYWEST

Call#/DP Type/Disposition Time Incident Location Map Reference - P/F/E

GRAND TOTAL:
POLICE # CALL TYPE/DESCRIPTION
4 065 565 NOISE/LOUD PARTY
4 TOTAL POLICE ALL CALL TYPES
4 TOTAL P/F/E ALL CALL TYPES

Selections by Address Range... From: Street #: 000000 Dir: Name: TELEGRAPH
To: Street #: 999999 Dir: Name: TELEGRAPH
Common Name:.....
STX: LN Modf:
STX: LN Modf:

City: 001
KEYWEST

Call#/DP Type/Disposition Time Incident Location Map Reference - F/F/E
080830100 P 565 NOISE/LOUD PARTY 3/23/08 000212 TELEGRAPH LN P-1032XX1X0 F-1032XX1X0 E-1032XX1X0
UNFOUNDED 5:51:12
Units Responded: P54
Response Time (Call to Arrival-First Unit) Unit #: P54 Time (HH:MM:SS): 1:03:48
Narrative: ACROSS THE STREET UPSHINS APT CALLER DID NOT KNOW THE EXACT DEGLYS CHAVARRIA
ADDRESS JUVIS PLAINING DRUMS VERY LOUD DEGLYS CHAVARRIA
CALLER WOULD LIKE IT STOPPED

briefing notified
PAULA HODGES

081010014 P 565 NOISE/LOUD PARTY 4/10/08 000212 TELEGRAPH LN P-1032XX1X0 F-1032XX1X0 E-1032XX1X0
NO REPORT 0:55:26
Units Responded: P90
Response Time (Call to Arrival-First Unit) Unit #: P90 Time (HH:MM:SS): 0:38:31
Narrative: rp adv that some kids are playing NOEL DIAZ
there drum set to loud in the area NOEL DIAZ
from the house across the street NOEL DIAZ

PD Telegraph - 8

TOTAL ADDRESS:
POLICE # CALL TYPE/DESCRIPTION
2 065 565 NOISE/LOUD PARTY
083320070 P 565 NOISE/LOUD PARTY 11/27/08 000217 TELEGRAPH LN D P-1032XX1X0 F-1032XX1X0 E-1032XX1X0
FIELD INTERVIEW 5:00:11
FIELD INTERVIEW 0:00:00
FIELD INTERVIEW 0:00:00
Units Responded: P58 P84
Response Time (Call to Arrival-First Unit) Unit #: P58 Time (HH:MM:SS): 0:08:41
Narrative: 2 MEN IN A BLK NISSAN - DOORS OPEN - MUSIC BLARING PAULA HODGES
ACROSS THE ST FROM THIS COMPLEX PAULA HODGES
Call change from 513V to 565 BY D070014 P 01 0000083200 PAULA HODGES

PD Telegraph - 9

TOTAL ADDRESS:
POLICE # CALL TYPE/DESCRIPTION
1 065 565 NOISE/LOUD PARTY
080470096 P 565 NOISE/LOUD PARTY 2/16/08 000217 TELEGRAPH LN INTERSECTN P-1032XX1X0 F-1032XX1X0 E-1032XX1X0
NO REPORT 5:31:07 / CAROLINE ST
Units Responded: P100
Response Time (Call to Arrival-First Unit) Unit #: P100 Time (HH:MM:SS): 0:03:32
Narrative: IN THE PARKING LOT IN THE AREA NOEL DIAZ
A GROUP OF HIPPY KIDS LIVING IN A VAN NOEL DIAZ
MAKING TO MUCH NOISE NOEL DIAZ
THE ENTER TO THE PARKING LOT IS ON TELEGRAPH NOEL DIAZ

PD Telegraph - 10

TOTAL ADDRESS:
POLICE # CALL TYPE/DESCRIPTION
1 065 565 NOISE/LOUD PARTY
TOTAL CITY: 001
POLICE # CALL TYPE/DESCRIPTION
4 065 565 NOISE/LOUD PARTY
4 TOTAL POLICE ALL CALL TYPES
4 TOTAL P/F/E ALL CALL TYPES

GRAND TOTAL:
POLICE # CALL TYPE/DESCRIPTION
4 065 565 NOISE/LOUD PARTY
4 TOTAL POLICE ALL CALL TYPES
4 TOTAL P/F/E ALL CALL TYPES