

#1 HOA Letter CGPOA

Item #3 Fernandez – Home Occ  
Exhibits 1 through 11 from applicant

Cudjoe Gardens Property Owners Association

PO Box 420121

Cudjoe Key, FL 33042

Jan 9<sup>th</sup>, 2017

Mr. Omar Fernandez

643 Sawyer Drive

Cudjoe Key, FL 33042

Dear Mr. Fernandez,

Following your input at our December board meeting regarding your intent to conduct an internet based business to buy and sell guns from your home at 643 Sawyer Drive, the Cudjoe Gardens Property Owners Association board of directors discussed the ramifications of the business in regard to our deed restrictions. We have found that the business with the restrictions mandated by Monroe County i.e. no signs and no customers visiting the home, meets the intent of our deed restrictions as recorded in 1998 and we have no objection to your operation. We do, however, reserve the right to object if the conditions mandated are violated or abused in the future.

Sincerely,



Larry Francisco

President, CGPOA

## #2 Email to S. Gouze with Phone number

From: **Omar Fernandez** [keywasted@bellsouth.net](mailto:keywasted@bellsouth.net)  
Subject: Home occupation  
Date: December 3, 2016 at 11:07 AM  
To: [sgouze@aol.com](mailto:sgouze@aol.com)



Good afternoon Mr Gouze.

My name is Omar Fernandez.  
My wife, TJ and I are your neighbors at 643 Sawyer.

I firmly believe most issues can be resolved by civil and honest communication between the parties.  
If you feel discussing your concerns with me personally would be a positive step toward resolving our issue, please feel free to call me at your convenience.

Best regards,

Omar Fernandez  
305-986-5566

#3 Previously issued  
Home Occ Permit



Doc# 2071751 04/14/2016 1:28PM  
Filed & Recorded in Official Records of  
MONROE COUNTY AMY HEAVILIN

Doc# 2071751  
Bk# 2791 Pg# 2129

**Home Occupation Special Use Permit  
Approval # HO 16-01**

**Property Owner:** Omar O. Fernandez

**Applicant:** Omar O. Fernandez

**Business Name:** ACTO Guns

**Type of Business:** Firearm Sales & Transfers

**Address:** 20751 2nd Avenue West, Cudjoe Key, FL 33042

**Legal Description:** Block 22, Lot 14, Cudjoe Gardens Eighth Addition (PB7-16), Monroe County, Florida

**Real Estate #:** 00174635.003100

This permit hereby authorizes such use to the undersigned applicant, subject to the following conditions:

1. Prior to the issuance of the Home Occupation Special Use Permit, the applicant shall provide the Planning & Environmental Resources Department with documentation from the Monroe County Office of the Fire Marshal stating that the office is aware of the home occupation and that such an activity is permissible by local laws, ordinances and regulations enforced by the Fire Marshal.
2. All of the conditions outlined in the Applicant's signed Home Occupation Special Use Permit Affidavit are understood and shall be met, under penalty of Monroe County Code Compliance Department action.
3. If required by the Monroe County Tax Collector, the property owner shall apply for and maintain a business tax receipt for the home occupation.
4. If required by the Bureau of Alcohol, Tobacco, Firearms and Explosives, the property owner shall apply for and maintain a Federal Firearms License.
5. The permit and affidavit shall be recorded with the Monroe County Clerk of the Court in the public records prior to effectiveness of the Home Occupation Special Use Permit.
6. Pursuant to Section 130-124(d)(5) of the Monroe County Land Development Code (LDC), no customers will visit the residence.
7. No work related to the Home Occupational Special Use Permit shall be conducted outdoors.

  
Mayté Santamaria  
Senior Director of Planning & Environmental Resources

4/11/16

Date

#4 FFL License from ATF

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

**Federal Firearms License**  
**(18 U.S.C. Chapter 44)**

In accordance with the provisions of Title I, Gun Control Act of 1968, and the regulations issued thereunder (27 CFR Part 478), you are licensed to engage in the business specified in this license, within the limitations of Chapter 44, Title 18, United States Code, and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 478.51.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF Correspondence To	ATF - Chief, FFLC 244 Needy Road Martinsburg, WV 25405-9431	License Number	<b>1-59-087-01-9B-45752</b>
Chief, Federal Firearms Licensing Center (FFLC)		Expiration Date	<b>February 1, 2019</b>
Name	<i>Tracy Robertson</i> ACTO GUNS		

Premises Address (Changes? Notify the FFLC at least 30 days before the move.)

**643 SAWYER DRIVE  
SUMMERLAND KEY, FL 33042-**

Type of License

**01-DEALER IN FIREARMS OTHER THAN DESTRUCTIVE DEVICES**

**Purchasing Certification Statement**

The licensee named above shall use a copy of this license to assist a transferor of firearms to verify the identity and the licensed status of the licensee as provided by 27 CFR Part 478. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Firearms Licensee (FFL) or a responsible person of the FFL. I certify that this is a true copy of a license issued to the licensee named above to engage in the business specified above under "Type of License."

Mailing Address (Changes? Notify the FFLC of any changes.)

**FERNANDEZ, OMAR ORLANDO  
ACTO GUNS  
643 SAWYER DRIVE  
SUMMERLAND KEY, FL 33042-**

<i>[Signature]</i>	<i>OWNER</i>
Licensee Responsible Person Signature	Position Title
<i>OMAR D FERNANDEZ</i>	<i>6-1-16</i>
Printed Name	Date

# #5 County Tax Receipt

## 2016 / 2017 MONROE COUNTY BUSINESS TAX RECEIPT EXPIRES SEPTEMBER 30, 2017

Business Name: ACTO GUNS

RECEIPT# 48210-117646

Owner Name: OMAR O FERNANDEZ  
Mailing Address:

643 SAWYER DR  
CUDJOE KEY, FL 33042

Business Location: 643 SAWYER DR  
CUDJOE KEY, FL 33042

Business Phone: 305-986-5566  
Business Type: RETAIL SALES (GUNS)

Employees 1

STATE LICENSE: 1-59-087-01-9B-45752

Tax Amount	Transfer Fee	Sub-Total	Penalty	Prior Years	Collection Cost	Total Paid
30.00	0.00	30.00	0.00	0.00	0.00	30.00

Paid 125-15-00004784 07/01/2016 30.00

THIS BECOMES A TAX RECEIPT  
WHEN VALIDATED

**Danise D. Henriquez, CFC, Tax Collector**  
PO Box 1129, Key West, FL 33041

THIS IS ONLY A TAX.  
YOU MUST MEET ALL  
COUNTY AND/OR  
MUNICIPALITY PLANNING  
AND ZONING REQUIREMENTS.

# #6 FL Resale Tax Certificate



## 2017 Florida Annual Resale Certificate for Sales Tax

DR-13  
R. 10/16

THIS CERTIFICATE EXPIRES ON DECEMBER 31, 2017

Business Name and Location Address

Certificate Number

OMAR O. FERNANDEZ  
ACTO GUNS  
643 SAWYER DR  
SUMMERLAND KEY, FL 33042-4047

54-8016910616-3

By extending this certificate or the certificate number to a selling dealer to make eligible purchases of taxable property or services exempt from sales tax and discretionary sales surtax, the person or business named above certifies that the taxable property or services purchased or rented will be resold or re-rented for one or more of the following purposes:

- Resale as tangible personal property.
- Re-rental as tangible personal property.
- Resale of services.
- Re-rental as commercial real property.
- Incorporation into and sale as part of the repair of tangible personal property by a repair dealer.
- Re-rental as transient rental property.
- Incorporation as a material, ingredient, or component part of tangible personal property that is being produced for sale by manufacturing, compounding, or processing.

### **Florida law provides for criminal and civil penalties for fraudulent use of a *Florida Annual Resale Certificate*.**

The *Florida Annual Resale Certificate* is issued to active, registered sales and use tax dealers. **As a buyer**, use your certificate to purchase or rent property or services tax exempt that you intend to resell or re-rent to your customers. You cannot use this certificate to purchase or rent property or services that you will use in your business. **As a seller**, you must collect sales tax and discretionary sales surtax imposed on retail sales or rentals of taxable property or services, unless the transaction is exempt.

**Seller Certificate Verification** – Verify resale or exemption certificates using a customer’s sales tax certificate number:

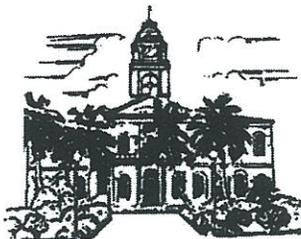
- Phone: **877-FL-RESALE** (877-357-3725)
- Online: Go to **www.myflorida.com/dor** and select “*More e-Services*” and then “*Verify resale and exemption certificates*”
- Mobile App: **Florida Tax (FL Tax)** mobile app for iPhone, iPad, Android phones and tablets, Windows Phone

If you obtain an authorization number for each tax-exempt sale, or for all sales to a specific customer, you do **not** need to keep a copy of the customer’s *Florida Annual Resale Certificate*.

#7 Fire Dept. Inspection

**County of Monroe**  
**The Florida Keys**

**OFFICE OF THE FIRE MARSHAL**  
490 63<sup>rd</sup> Street Ocean  
Marathon, FL 33050  
305-289-6368 – Phone  
305-289-6369 – Fax



**BOARD OF COUNTY COMMISSIONERS**

Mayor Heather Carruthers, District 3  
Mayor Pro Tem George Neugent, District 2  
Danny L. Kolhage, District 1  
David Rice, District 4  
Sylvia J. Murphy, District 5

19 October, 2016

Omar Fernandez  
643 Sawyer Dr.  
Cudjoe Key, FL 33042

Fire Safety Inspection:  
643 Sawyer Dr., Cudjoe Key, FL 33042

Mr. Fernandez,

A Fire Safety Inspection was performed at the property; 643 Sawyer Dr., Cudjoe Key, FL 33042; Omar Fernandez / DBA ATCO Guns. The Monroe County Fire Marshal's Office found no Fire Safety deficiencies; this property is in compliance with NFPA 101. If you have any questions or concerns, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Marston'.

Craig Marston,  
Deputy Fire Marshal

Cc: File

#8 Fictitious Name filed with paper



The Florida Keys Only Daily Newspaper, Est. 1876  
Cooke Communications, LLC  
Florida Keys

PO Box 1800  
Key West FL 33041  
Office...305-292-7777  
Extension...x219  
Fax.....305-295-8025  
legals@keynews.com

INTERNET PUBLISHING  
keywest.com  
keynews.com  
floridakeys.com  
key-west.com  
Web Design Services

NEWSPAPERS  
The Citizen  
Florida Keys Free Press

MARKETING SERVICES  
Commercial Printing  
Direct Mail

FLORIDA KEYS OFFICES  
Printing / Main Facility  
3420 Northside Drive  
Key West, FL  
33040-1800  
Tel 305-292-7777  
Fax 305-294-0768  
citizen@keywest.com

Internet Division  
Tel 305-292-1880  
Fax 305-294-1699  
sales@keywest.com

Upper Keys Office  
91731 Overseas Hwy  
Tavernier, FL 33070  
Tel 305-853-7277  
Fax 305-853-0556  
freepress@floridakeys.com

STATE OF FLORIDA  
COUNTY OF MONROE

Before the undersigned authority personally appeared Tommy Todd, who on oath says that he is Advertising Director of the Key West Citizen, a daily newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of

Fictitious Name

Acto Guns

was published in said newspaper in the issue(s) of

JANUARY 9, 2016

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspaper has heretofore been continuously published in said Monroe County, Florida every day, and has been entered as second-class mail matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

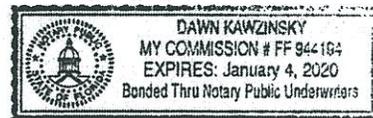
[Signature]  
Signature of Affiant

Sworn and subscribed before me this 9 day of January, 2016

Notary Public:

Dawn Kawzinsky

Dawn Kawzinsky  
Expires: 1/4/2020



Notary Seal

Personally Known x Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

FICTITIOUS NAME

NOTICE IS HEREBY GIVEN that the undersigned desiring to engage in a business under the fictitious name Acto Guns located at 20751 2nd Ave West, Cudjoe Key, FL 33042 intends to register the said name with the Florida Department of State, Tallahassee, Florida.

DATED this 7th day of January, 2016

Sole Owner: Omar O. Fernandez

January 9, 2016  
Key West Citizen

## #9 Pedersen (Letter from neighbor)

To Whom It May Concern.

I have been acquainted with Omar Fernandez for 13 years since he moved into his home on second ave west with his wife TJ and his two sons. He has been a hardworking neighbor who is always willing to lend a helping hand to another neighbor.

After Omar retired from the Monroe County FD as a Captain in 2015, he got involved in the buying and selling of weapons and secured his FFL license. While he was living on second ave there was never any problem with any facet of his operation. There is no signage to indicate anything in a commercial nature and there was absolutely no additional traffic on the road.

There is no reason why his occupational license should not be transferred from his old address on second ave to his new address on Sawyer Dr.

John C. Pedersen  
20711 2nd Ave. W  
Cudjoe Key, FL 33042

305-744-9802

Copy of original hand written letter attached.  
OF.

TO WHOM IT MAY CONCERN:

I HAVE BEEN ACQUAINTED WITH OMAR FERNANDEZ FOR 13 YRS SINCE HE MOVED INTO HIS HOME ON SECOND AVE WEST. WITH HIS WIFE TJ AND HIS TWO SONS. HE HAS BEEN A HARDWORKING NEIGHBOR WHO IS ALWAYS WILLING TO LEND A HELPING HAND TO ANOTHER NEIGHBOR.

AFTER OMAR RETIRED FROM THE MONROE COUNTY PD AS A CAPTAIN IN 2015, HE GOT INVOLVED IN THE BUYING & SELLING OF WEAPONS AND SECURED HIS FL LICENSE. WHILE HE WAS LIVING ON SECOND AVE, THERE WAS NEVER ANY PROBLEM WITH ANY FACET OF HIS OPERATION. THERE IS NO SIGNAGE TO INDICATE ANYTHING IN A COMMERCIAL NATURE AND THERE WAS ABSOLUTELY NO ADDITIONAL TRAFFIC ON THE ROAD. THERE IS NO REASON WHY HIS OCCUPATIONAL LICENSE SHOULD NOT BE TRANSFERRED FROM HIS OLD ADDRESS ON SECOND AVE TO HIS NEW ADDRESS ON SAWYER DR.

JOAN C. PEDERSEN



20711 2ND AVE W.

CURRIE FL, FL 33042

305-744-9802

#10 Burns (Letter from neighbor)

**MSG (Ret.) JEFFREY W. BURNS**  
**20731 2ND AVENUE, WEST**  
**CUDJOE KEY, FLORIDA 33042**

**(305) 304-1090 Cell**

**Kwonthe-fly@aol.com**

January 12, 2017

RE: Omar Orlando Fernandez  
643 Sawyer Drive  
Cudjoe Key, Florida 33042

To Whom It May Concern:

It gives me genuine pleasure in providing a character reference and letter of recommendation for my neighbor Omar Orlando Fernandez.

I have known Omar for over three years personally and through his service as an Aircraft Rescue and Fire Fighting (ARFF) paramedic Captain with Monroe County at the Key West Airport (EYW). His duties as Shift Captain required the utmost responsibility and knowledge for the safety of structures, planes and personnel.

I have also known Omar as his next door neighbor. I was introduced to him at his previous home located at 20751 2<sup>nd</sup> Avenue West, Cudjoe Gardens, Florida. After meeting Omar and his family, my wife and I decided to follow through with the purchase of the empty lot next door to the Fernandez family. We built and now currently reside in our retirement home at that location. Omar and his family immediately welcomed us as their new neighbors. The Fernandez family is the best example of what every homeowner would dream for as neighbors. As I got to know Omar more he shared his plans with me for his upcoming retirement that included his desire to acquire his Federal Firearms License (FFL). At that time unbeknownst to Omar, and probably because of my professional background I paid very special attention to make sure I understood his intentions in acquiring a Federal Firearms License.

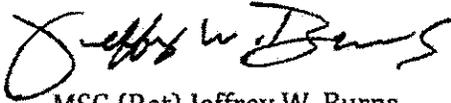
I would like to qualify my ability to provide my professional opinion and recommendations allowing Omar Fernandez to hold a FFL as a business license holder in Monroe County. I retired from a twenty-eight year career as a U.S. Army Special Forces "Green Beret" (1980-2008). As a Green Beret we are expected to be familiar with all weapons of the world and their safety, handling and operating procedures. We are also tasked with teaching these weapons and weapon safety to others and sometimes in other languages. With my trained and qualified experience in firearms safety I asked Omar about his intentions in becoming a business holding a Federal Firearms License (FFL). The answers from Omar to my questions gave me the confidence to make my recommendation to Monroe County Code Enforcement to allow him to proceed in becoming fully licensed. Following the Federal Government's approval to grant Omar his FFL I never saw a weapon, a customer, or any sign of business at his house next door and less than fifty feet away from my house. In Special Forces this is what we call "Quiet Professionals" - Omar is that.

January 12, 2017

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In closing I would like you to know that Omar Orlando Fernandez is a man and father with high morals and sound integrity. It is my hope that you allow him to continue his dream to be as productive in retirement as possible by issuing him a Monroe County Business License as a Federal Firearms Licensed business. If you have any questions or require additional information, please do not hesitate to contact me directly.

Very Respectfully,

A handwritten signature in black ink, appearing to read "Jeffrey W. Burns". The signature is written in a cursive style with a large initial "J".

MSG (Ret) Jeffrey W. Burns  
U.S. Army Special Forces

# 11 Fulwider (Letter from neighbor)

THOMAS E. FULWIDER  
20761 SECOND AVE. W  
CUDJOE KEY, FL 33042

TO WHOM IT MAY CONCERN,

I HAVE KNOWN OMAR FERNANDEZ AS MY NEXT DOOR NEIGHBOR FOR  
APPROXIMATELY TWELVE OR THIRTEEN YEARS.

HE IS ONE NEIGHBOR THAT I HATED TO SEE HIM, AND HIS WIFE MOVE.  
NEVER DO I RECALL EVER SEEING ANY BUSINESS TRAFFIC AT HIS HOUSE,  
AND I DO NOT BELIEVE THAT ANY OCCUPATIONAL LICENSE SHOULD BE  
DENIED.

SINCERELY,

*Thomas E. Fulwider*