

CODE ENFORCEMENT BOARD

A meeting of the Indian River County (IRC) Code Enforcement Board (the Board) was held in the Commission Chambers at the County Administration Building, 1801 27th Street, Building "A", Vero Beach, Florida on Monday, March 25, 2013 at 1:30 p.m.

Present were Chairman **Tony Gervasio**, Member-at-Large Appointee; **Joe Petrulak**, Subcontractor Appointee; **Karl Zimmermann**, Realtor Appointee; **Keith Hedin**, Businessman Appointee; and **Pete Clements**, General Contractor Appointee.

Absent was Vice-Chairman **Aaron Bowles**, Engineer Appointee (excused).

Let the record show there is a vacancy for an Architect Appointee.

Also in attendance was IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Betty Davis, Vanessa Carter Solomon, Rose Jefferson and Kelly Buck, Code Enforcement Officers; Attorney David Hancock, Attorney for the Board; and Reta Smith, Recording Secretary.

10:44:03 **Call to Order**

Chairman Gervasio called the meeting to order and led all in the Pledge of Allegiance. The secretary called the roll, establishing that a quorum was present.

10:44:53 **Approval of Minutes of February 25, 2013**

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve the minutes of February 25, 2013 as presented.

10:45:14 **Attorney's Overview of Board Purpose and Procedures**

Attorney David Hancock, Attorney for the Board, gave a brief overview of the procedures and purpose of the Code Enforcement Board.

10:52:02 **Agenda Additions or Deletions, Consent Items**

Mr. Roland DeBlois, IRC Environmental and Code Enforcement Chief, reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda. Cases #2012090159, #2012090233, #2012100161, #2012110044, #2012120017, #2013010113, #2013010114, #2012120097, #2011120067, #2012080153, #2012100065 and #2012110095 - 30 day extension until April 19, 2013. Cases #2012110117, #2012110118, #2011090199, #2012040165, #2012080126, #2012100142, #2012120015, #2012110093 and #2012120003 - 60 day extension until May 17, 2013. Mr. DeBlois recommended Case #2012120021 be given a two-tier extension of 30 days until April 19, 2013 to resolve the violation of storage of two commercial vehicles at a residence and parking vehicles within designated driveways; and a 120 day extension until July 19, 2013 related to one of the commercial vehicles pending a possible Board of County Commissioners (BCC) code amendment allowing for a change in height that would affect that vehicle. Cases #2013020085, #2013020013 (this case was heard by the Board later this same date) and #2013010229 were rescheduled.

In compliance were Cases #2012110140, #2012120044, #2012120049, #2012110178, #2013010148, #201301010109, #2013010101, #2013010143, #2013020077, #2013020110, #2013020018, #2013020090, #2013010197, #2013020092, #2012120069, #2012100037, #2013010221, #2013010044, #2012100246, #2012100054, #2013030005, #2012030011, #2012090039 and #2012090170.

Mr. DeBlois noted there were two Administrative Hearings involving Cases #2013030074 and #2013030075 scheduled for building contracting citations, and recommended they be heard at a time certain of 2:30 p.m. He advised the additional case on that page, Case #2013020117, was in compliance because Respondent Jung Hwang Yi had paid the fine. Mr. DeBlois recommended the Lien Release Requests be heard no sooner than 3:00 p.m. He referenced an addendum to the agenda with two additional Lien Release Requests and the Board Attorney's request to report to the Board on a lawsuit under Other Matters. Mr. DeBlois requested the Board hear Case #2013030053, William E. Ruetemann, at the beginning of the meeting.

11:03:11

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to accept the Consent Agenda with the revisions.

11:03:27 **Swearing in of Those Who Will Testify**

The secretary proceeded to administer the testimonial oath to everyone who would be testifying at today's hearings.

EVIDENTIARY HEARINGS

11:03:51 **Case #2013030053 – William E. Ruetemann**

Mr. DeBlois recapped at an evidentiary hearing on January 23, 2012 the Board had entered an Order directing the Respondent to obtain an after-the-fact building permit for a pole barn, cease storage of more than one boat at the site and cease a boat repair, fiberglass and painting business on his property. He noted the pole barn and storage violations had been resolved; however the issue before the Board today had to do with the allegation the Respondent was conducting repairs to boats other than his own on the property.

Ms. Betty Davis, IRC Code Enforcement Officer, confirmed on September 24, 2012 the Board had found a repeat violation of its previous Order for one day and had imposed a fine of \$100; however since that time she had received numerous complaints regarding fumes, fiberglass, sanding and noise created by the Respondent working on boats in his yard. Inspector Davis verified there had been five boats on the property that did not belong to the Respondent and submitted a November 2011 aerial photograph into evidence, along with four photos showing boats registered to people other than the Respondent on the property, along with numerous vehicles.

Mr. DeBlois stated it was staff's position there were five verified events of the previously cited violation with respect to repair of boats not owned by the Respondent on the subject property, and recommended the Board impose a fine in the amount of \$100 for each of the five days.

The Respondent and his associate, Ms. Claudia Wengler, indicated the boats photographed on the property were not being worked on and belonged to friends of the Respondent who came to visit. The Respondent testified he had not done any repairs on any of the boats shown in the photographs submitted into evidence by Inspector Davis, although he admitted he did fiberglass work on his own boats. He testified he bought boats and put them together and then sold them.

Mr. DeBlois asked for clarification if the Respondent meant he bought a boat and registered it to himself, fixed it up and sold it. The Respondent said that was

correct.

Discussion ensued.

Mr. Zimmermann inquired if the Sheriff's deputies had reported to Inspector Davis having observed fiberglass work being done when they had been called to the site. Inspector Davis responded one of the deputies had told her work was being done on one occasion he was called to the site.

Mr. DeBlois called as a witness neighbor Ms. Helen Kurst who testified Sheriff's Officer McCavanaugh reported he was able to smell the fiberglass in her carport, which faced to the east. She testified the Respondent continued to do boat repair work on his property and the odor persisted, adding one morning her pool surface was covered with particles of fiberglass from his dusting, sanding and grinding. Ms. Kurst cited a number of dates she had witnessed work being done and suggested the \$100 per day fine was the cost of doing business to the Respondent and was passed on to the client. She wanted to activity to stop and asked for the imposition of a much steeper fine.

Mr. DeBlois advised boat repair was interpreted the same way as automobile repair as incidental to a residential use; however a threshold must be looked at if someone was buying, registering and restoring boats on their property; and there was also a restriction of two boats allowed to be stored on the property.

A neighbor, Ms. Pat Work, showed the Board a montage of photographs she had taken of boats on the Respondent's property.

Attorney David Hancock, Attorney to the Board, advised Florida Statute 162.09 provided the Board could issue a fine of up to \$500 per day for each repeat violation.

Mr. Clements asked the Respondent if he did anything else for a living other than repair boats. The Respondent said no. Ms. Wengler added if he worked on a boat he did not start before 9:00 a.m. and stopped by at least 5:00 p.m., and usually did not work on weekends.

Ms. Kurst took issue with Ms. Wengler's previous statement.

Mr. DeBlois iterated his recommendation of a \$100 per day fine for five days of verified non-compliance, for a total of \$500.

Mr. Clements said he would rather have more concrete proof of whether there was commercial activity being conducted on the property versus the Respondent working on his own boat.

11:43:25

ON MOTION BY Mr. Hedin, SECONDED BY Chairman Gervasio, the Board voted (3-2) to find a repeat zoning district use violation for a total of five days and impose a \$100 per day fine, for a total of \$500. Mr. Petrulak and Mr. Clements opposed.

It is noted for the record the Respondent was present for this hearing.

ADMINISTRATIVE HEARINGS

11:48:28 **Case #2013030074 – Dollie C. Robinson (Violator: Roney Perry)**

Mr. DeBlois indicated this case and the one following had to do with unlicensed contracting violations at the same property and involved the same owner.

Ms. Betty Beatty-Hunter, IRC Contractor License Investigator, testified she had visited the subject property on March 11, 2013 and witnessed Respondent Mr. Roney Perry painting the exterior of the building. She stated the Respondent admitted he did not have a license and she had issued Citation #1074 in the amount of \$500 and placed a stop work order on the site.

The Respondent stated he was working on his own and did not know he needed a license to paint for a friend.

Discussion followed.

11:58:19

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to uphold Citation #1074 in the amount of \$500.

It is noted for the record the Respondent was present for this hearing.

11:58:46 **Case #2013030074 – Dollie C. Robinson (Violator: Willie Alford Lockhart)**

Inspector Beatty-Hunter testified she revisited the subject property on March 15, 2013 and found Respondent Lockhart painting the interior of the house, and upon establishing he had no license she issued Citation #1075 in the amount of \$500.

Respondent Lockhart testified he was a preacher; Ms. Robinson was a member of his church and he did not know he could not help her by painting the inside of her house. He insisted he would not have been on the site if he knew he needed a license, adding he had told Ms. Robinson to make a donation to the church for any work that was done. Pastor Lockhart clarified Mr. Roney Perry did not work for him and was not part of his congregation.

Chairman Gervasio noted the Kiwanis Club and non-profit Christian youth groups painted houses all the time and nobody was licensed.

Discussion ensued.

Mr. DeBlois and Inspector Beatty-Hunter agreed to withdraw Citation #1075, based on the testimony under oath that there was no compensation.

EVIDENTIARY HEARING

12:10:37 **Case #2013020087 – Jody & Stephanie Amacher**

Ms. Rose Jefferson, IRC Code Enforcement Officer, submitted three photographs into evidence showing junk, trash and debris on the subject property.

Respondent Mr. Jody Amacher stated he had taken three loads of trash to the dump and the rest would be cleaned up by this coming weekend.

Mr. DeBlois recommended an extension of 30 days, until April 19, 2013, for compliance.

12:13:16

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until April 19, 2013, for compliance or a \$100 per day fine.

It is noted for the record the Respondent was present for this hearing.

LIEN RELEASE REQUESTS

12:13:35 **Case #2012060171 – U.S. Bank National Assoc.**

Mr. DeBlois recapped this case first came to the Board on July 23, 2012 for overgrown weeds, at which time a 30 extension was granted. He continued when it came back for a compliance hearing on August 27, 2012 staff testified nothing had been resolved and the Board entered an Order Imposing Fine in the amount of \$100 per day with a start date of August 25, 2012. Mr. DeBlois confirmed compliance had been verified on February 1, 2013, which was a passage of 160 days of non-compliance for a flat fine of \$16,000.

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, verified the property was currently in compliance.

Respondent Mr. Jose Marrero, representing the bank, stated the bank had rectified the violation and was in the process of trying to clear title in order to convey the property, which he estimated was worth \$30,000.

Mr. DeBlois recommended the fine be set beyond the minimum to cover administrative costs based on the fact the initial Order Finding Violation cited just the bank and no other owner. He recommended the fine be set at 10% of the \$30,000 value of the home, for an amount of \$3,000.

12:20:03

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find compliance and set the fine at 10% of the estimated value of the home, for an amount of \$3,000.

It is noted for the record the Respondent's representative was present for this hearing.

12:20:21 **Case #2012070087 – Elizabeth A. Caldwell**

Mr. DeBlois advised this case had been rescheduled.

12:20:31 **Case #2009100019 – Jose Otero & Denia Garcia**

Mr. DeBlois summarized this case first came to the Board on November 23, 2009, at which time the Respondents were given until November 30, 2009 to repair the pool enclosure and secure the pool area; and until December 28, 2009 to mow the overgrown weeds. He related the case came back for a compliance hearing on January 25, 2010, and upon learning nothing had been done the Board entered a \$100 per day fine with a start date of December 1, 2009. Mr. DeBlois verified compliance had been attained as of March 11, 2013, which amounted 1,196 days for a flat fine of \$119,600.

Inspector Carter Solomon testified when this case initially started the property was not in foreclosure, and it took a long time for the bank to file a lis pendens. She confirmed the bank had been mowing the grass on a fairly regular basis in the past year; but the fence leading to the pool had not been repaired and March 11, 2013 represented the date the pool enclosure violation was resolved.

Attorney Amanda Friedlander, representing the bank, stated the bank had only obtained judgment on January 16, 2013 and she assumed a Certificate of Title needed to be issued in order to go ahead and fix the fence. She asked for the lien to be reduced to administrative costs.

Mr. DeBlois indicated administrative costs without extensions would be \$1,700; however even though the property had been mowed earlier a confirmation of the securing of the pool was not verified until last month and the health/safety violation had lingered for quite some time. He acknowledged the bank had not been involved at the time of the original notice and recommended the fine be set at \$2,500.

12:28:34

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find compliance and set the fine at \$2,500 to cover administrative costs.

It is noted for the record the Respondent's representative was present for this hearing.

12:29:05 **Case #2011080023 – Carol A. Quinn (JP Morgan Chase Bank)**

Mr. DeBlois noted this case and the following one had to do with the same property and involved two liens based on two different issues. He recalled this case came to the Board initially on September 26, 2011 for an unmaintained swimming pool and the Board gave the Respondent until October 21, 2011 to comply. When it came back on November 28, 2011 and staff reported the pool had not been cleaned and maintained, the Board entered an Order Imposing Fine of \$100 per day with a start date of November 26, 2011. Mr. DeBlois confirmed compliance had been verified as of March 4, 2013 after 464 days of non-compliance for a total fine amount of \$46,400.

Mr. Bill Carroll, representing the bank, said the property was assigned to him in January, 2013 when the bank took it over and he had put orders in with a maintenance company to clean up the property when he came on board.

Mr. DeBlois commented the subject of the order connected with this case was swimming pool maintenance and the pool was secured at the time; although securing of the pool became an issue later on and was the subject of the next case on the agenda. He confirmed the bank had been put on notice from the beginning of the process with one Order Granting Extension, and recommended the fine be set at \$2,000 to cover administrative costs.

12:34:38

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find compliance and set the fine at \$2,000 to cover administrative costs.

It is noted for the record the Respondent's representative was present for this hearing.

12:34:59 **Case #2012090010 – Carol A. Quinn (JP Morgan Chase Bank)**

Mr. DeBlois related the violations in this case involved overgrown weeds and an unsecured swimming pool, and when it first came to the Board on October 22, 2012, the Board granted an extension until October 29, 2012 to repair the screen enclosure and until November 23, 2012 to mow the weeds. He continued at a compliance hearing on November 26, 2012, upon hearing of non-compliance the Board imposed a fine of \$100 per day with a start date of October 30, 2012. Mr. DeBlois verified compliance had been reached as of March 4, 2013, which was 125

Mr. DeBlois related a pool demolition permit had been pulled and the final inspection for the pool abandonment or demolition was done on August 6, 2012, which staff considered the date of compliance. He computed there had been 79 days of non-compliance, which translated to a flat fine of \$7,900.

Respondent Ms. Karen Larosiere, representing the bank, maintained the bank had taken action on cleaning up the pool and resolving the overgrown weed violation in January, 2012, and everything was completed by February 26, 2012.

Mr. DeBlois indicated the Respondent was not present at the compliance hearing and staff's position was they opted to fill the pool instead of cleaning it; however it did not meet code requirements for pool demolition and completion.

Inspector Davis testified the pool permit was not pulled until July 26, 2012. She testified PVC, door, windows and paint cans were originally put into the pool, which was then filled, and the whole thing had to be dug back out and filled properly with correct fill.

The Respondent showed photographs taken on February 26, 2012 when all the debris was removed from the pool and fill was put in. Mr. Petrulak asked if the bottom had been knocked out the pool on February 26, 2012. The Respondent said it had not, but the bank was not aware of what steps they had to take to come into compliance.

Inspector Davis showed on the overhead projector a copy of an e-mail dated April 3, 2012 advising the Respondent that a permit was required for the filling of the swimming pool, and on May 21, 2012 at the compliance hearing no permit had been pulled.

Mr. DeBlois felt there had been some effort made to comply and recommended setting the fine amount at \$1,700 to cover administrative costs. Mr. Petrulak pointed out two extensions had been granted, and Mr. DeBlois amended his recommendation to \$2,300.

Chairman Gervasio did not understand why the fine should be reduced at all since the property was under the bank's control at the time of the original Order Finding Violation and it took a long time to comply.

Mr. Zimmermann stated he might be interested in reducing the fine to some degree; but not to the degree of staff's recommendation because he saw no indication of a concerted effort by the Respondent to resolve the problem in a timely

manner.

Discussion followed.

13:25:51

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted (3-2) to find compliance and set the fine at \$4,000. Chairman Gervasio and Mr. Zimmermann opposed.

It is noted for the record the bank's representative was present for this hearing.

EVIDENTIARY HEARING

13:27:12 **Case #2013010100 – Mallia Investments LLC**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on March 13, 2013, and advised this case involved a fence built without permits. She indicated the previous owner of the property had been cited for a dirty swimming pool in 2011, and submitted into evidence one photograph taken in 2012 showing there was no fence on the north or east side of the property. She submitted three photographs dated March 22, 2013 into evidence and indicated a fence had been installed on the north and east side of the property. Inspector Jefferson testified there was a record of an existing fence permit dating back to 1979; however it appeared that the 1979 permit did not relate to the current fence existing on the site.

Mr. DeBlois stated it was staff's position that a fence had been erected on the property within the past two years without permits and he recommended an extension of 30 days, until April 19, 2013, for the Respondent to obtain an after-the-fact fence permit.

Respondent Mr. Edward Mallia pointed out there were some panels in the 2011 photograph submitted into evidence by Inspector Jefferson. He testified when he bought the property a year ago he had found stacks of beams in the back of the house and all he did was put the panels back and screw them on. The Respondent admitted he had added three panels in the front and side of the house; but said he had removed them after receiving the Notice of Violation.

Mr. DeBlois was not debating whether or not there was once a fence there

and whether or not this was some of the same material from 1979; but he maintained the fence was reconstructed on site and it went beyond simple repair or replacement of boards from a fence that was already up. The Respondent advised he had to go out of town and asked for more time than 30 days to obtain the permit. Mr. DeBlois amended his recommended to an extension of 60 days, until May 17, 2013.

13:37:08

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until May 17, 2013, to obtain an after-the-fact fence permit or a \$100 per day fine.

It is noted for the record the Respondent was present for this hearing.

COMPLIANCE HEARING

13:38:05 **Case #2011070009 – Richard Harper**

Mr. DeBlois related this case related to property maintenance at a fire-damaged residence, and the Board's original Order Finding Violation dated May 21, 2012 directed the Respondent until July 20, 2012 to apply for and obtain necessary building permits to repair the residence or demolish the structure. He indicated since that time there had been a numbers of Orders Granting Extension, the latest of which was issued on September 24, 2012 and gave the Respondent until March 22, 2013 to comply. Mr. DeBlois explained the reason for the extensions had to do with an ongoing court case with respect to insurance of the burnt structure, and he wanted to hear from the Respondent's attorney as to what was going on with the case.

Attorney Michael Kissner, representing the Respondent, advised the case was being aggressively defended by the insurance company and moving the case along had taken some time. He explained without an insurance payout the Respondent did not have the money to demolish or rebuild his home, and although there was no firm date as to when the case might be resolved, he felt a fair assessment would be this calendar year.

Mr. DeBlois recalled the house had initially burned in October, 2010 and although the Respondent had mowed the property and kept it secured, staff received regular complaints from neighbors and how the burnt-out structure affected their

properties.

Chairman Gervasio asked if it was the Respondent's intention to rebuild or demolish the structure. The Respondent stated he wanted to rebuild.

Discussion ensued.

Mr. DeBlois recommended granting an extension of six month's, until September 22, 2013, and in the meantime staff would coordinate with the IRC Building Department to initiate the condemnation process in a parallel action.

13:50:03

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to grant an extension of six month's, until September 22, 2013, and in the meantime staff would coordinate with the IRC Building Department to initiate the condemnation process in a parallel action.

It is noted for the record the Respondent and his attorney were present for this hearing.

EVIDENTIARY HEARINGS

13:53:45 **Case #2013020013 – Alex Lundmark**

Mr. DeBlois noted the Board had rescheduled this case earlier today on his recommendation under the Consent agenda; however the Respondent was present and the case would therefore be heard today.

Inspector Carter Solomon stated she had received a complaint from a neighbor about a junk boat on the subject property, and submitted a photograph into evidence.

Mr. DeBlois recommended the Board find the violation for junk, trash and debris and grant extension of 30 days, until April 19, 2013, to either store the boat in an enclosed area or remove it from the property.

Respondent Mr. Alex Lundmark explained he was renting the property and would see that his tenant complied.

13:57:34

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until April 19, 2013, for compliance or a \$100 per day fine.

It is noted for the record the Respondent was present for this hearing.

OTHER MATTERS

13:58:44 **Case #2012080124 – Minor Platt**

Deputy County Attorney William DeBaal recapped the CEB had been sued by Respondent Platt claiming the Board acted outside the scope of its authority in ordering him to cease using his gun range. He indicated the Respondent had cited Florida Statutes Section 790.33 which pertained to the prohibition for any local, county or municipality from enacting or enforcing any ordinances concerning guns or ammunition; however Attorney DeBaal advised the action of the Board fell within one of the exceptions of the State statute, which would be zoning laws.

Attorney DeBaal related IRC Attorney Polackwich intended to file a Motion to Dismiss and it depended on the judge how successful it would be. He assured the Board members they were not at risk because in the event the lawsuit was not dismissed the County planned on answering and defending it.

Attorney Hancock pointed out the lawsuit named the CEB as a defendant rather than any of the members individually.

EVIDENTIARY HEARINGS

14:01:40 **Case #2012120076 – Gary & Sandra Gehrke**

Inspector Davis submitted into evidence an Affidavit of Service indicating the property had been posted on March 15, 2013 and one aerial photograph. She related she had received a complaint of an accessory barn structure that had been changed into an apartment with permits. Inspector Davis indicated the Respondent was in the process of getting after-the-fact the permits and recommended an extension of 60 days, until May 17, 2013, for compliance.

14:03:05

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violations for no building permit and use established without site plan approval, and grant an extension of 60 days, until May 17, 2013, for compliance or a \$100 per day fine.

It is noted for the record the Respondent was not present for this hearing.

14:03:17 **Case #2012120059 – Philip Frey Jr.**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on March 15, 2013 and one photograph into evidence. She recapped she had cited the vacant lot for overgrown weeds and junk, trash and debris and recommended an extension of 30 days, until April 19, 2013, for compliance.

14:03:58

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until April 19, 2013, for compliance or a \$100 per day fine.

It is noted for the record the Respondent was not present for this hearing.

14:04:09 **Case #2012110143 – Alhambra Investment Properties LLC**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on March 15, 2013 and one photograph into evidence, and indicated this was a repeat violation for overgrown weeds that she had cited before on numerous occasions. She recommended a \$100 fine be imposed with a start date of March 15, 2013, the day the property was posted.

14:04:38

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the repeat violation for overgrown weeds and impose a \$100 per day fine with a start date of March 15, 2013, the date the property was posted.

violations for an unsecured property that had been vandalized and was extremely accessible. Inspector Carter Solomon recalled the property had been cited last year and the Respondent owner indicated he would be demolishing the structure; however there had been no activity in that direction. She recommended an extension of 30 days, until April 19, 2013, for the Respondent to obtain a building permit to demolish the structure; and 90 days, until June 21, 2013 to complete the work.

14:08:37

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until April 19, 2013, for the Respondent to obtain a building permit to demolish the structure; and 90 days, until June 21, 2013 to complete the work or a \$100 per day fine.

It is noted for the record the Respondent was not present for this hearing.

14:08:47 **Case #2012050020 – Clemann Avenue Acquisition Group LLC**

Inspector Carter Solomon confirmed service on March 14, 2013 by certified mail and submitted eight photographs into evidence. She noted the structure was next door to the property owned by the same Respondent as the previous case, and had also been cited for health and safety hazard/public nuisance and property maintenance violations. She recommended an extension of 30 days, until April 19, 2013, for the Respondent to obtain a building permit to demolish the structure; and 90 days, until June 21, 2013 to complete the demolition work.

14:09:57

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until April 19, 2013, for the Respondent to obtain a building permit to demolish the structure; and 90 days, until June 21, 2013 to complete the work or a \$100 per day fine.

It is noted for the record the Respondent was not present for this hearing.

14:10:11 **Case #2013010102 – Sandra & Dennis Jenkins**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on March 13, 2013 and three photographs into evidence, and described overgrown weeds at a vacant residence. She recommended an extension of 30 days, until April 19, 2013, for compliance.

14:11:07

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until April 19, 2013, for compliance or a \$100 per day fine.

It is noted for the record the Respondent was not present for this hearing.

14:11:21 **Case #2013020103 – Demarcus & Takeisha Harris (Space Coast Credit Union)**

Inspector Carter Solomon submitted into evidence an Affidavit of Service indicating the property had been posted on March 15, 2013 and two photographs. She related this case had to do with overgrown weeds at a vacant house in foreclosure and recommended an extension of 30 days, until April 19, 2013, for compliance.

14:12:10

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until April 19, 2013, for compliance or a \$100 per day fine.

It is noted for the record the Respondent was not present for this hearing.

14:12:26 **Case #2013020002 – Juan & Maria Delossantos**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on March 15, 2013 and four photographs into evidence. She related the case involved a structure that had been cited for unsecured vacant structure and exterior maintenance violation, noting the overgrown weeds violation was in compliance. She recommended an extension of 30 days, until April 19, 2013, for compliance.

14:14:03

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until April 19, 2013, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

14:14:16 **Case #2013020019 – Titone Properties LLC**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on March 15, 2013 and four photographs into evidence, and described overgrown weeds in the rear yard of the subject property. She recommended an extension of 30 days, until April 19, 2013, for compliance.

14:15:09

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until April 19, 2013, for compliance or a \$100 per day fine.

It is noted for the record the Respondent was not present for this hearing.

14:15:23 **Case #2013010045 – Outlier Investments LLC**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on March 15, 2013 and three photographs into evidence. She testified the junk, trash and debris and overgrown weeds violations had been resolved and the remaining violation was for an unsecured accessible vacant structure. Inspector Carter Solomon stated the owner had told her he would be boarding up the structure but to date his had not been done, and she recommended an extension of 30 days, until April 19, 2013, for compliance.

14:16:24

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation for unsecured vacant structure and grant an extension of 30 days, until April 19, 2013, for

reported she had inspected the property this morning and none of the violations had been resolved, and requested a \$100 per day fine be imposed with a start date of March 23, 2013.

14:21:08

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find non-compliance and impose a fine in the amount of \$100 per day with a start date of March 23, 2013.

It is noted for the record the Respondent was not present for this hearing.

LIEN RELEASE REQUEST

14:21:29 **Case #2012040197 – Fred Pearson**

Mr. DeBlois advised the Respondent in this case was deceased and staff had been contacted by a representative of the estate. He referred to an e-mail dated March 20, 2013 from Ms. Sonja Kobrin contained in the backup on file in the Commission office. Mr. DeBlois recapped this case had first come to the Board on June, 2012 for overgrown weeds and the Board had entered an Order Imposing Fine of \$100 per day with a start date of July 21, 2012.

Inspector Carter Solomon testified she had inspected the property this morning and it was still in violation.

Mr. DeBlois said Ms. Kobrin was trying to get the fine resolved under a Conditional Setting of the Fine so she could sell the property and close out the estate, and recommended a conditional setting of the fine in the amount of \$500, with a time frame of 30 days, until April 19, 2013 for compliance; and if compliance was not attained the fine would revert to its accrued amount. He explained the reason he was recommending an amount below administrative costs in this case was because of the circumstances outlined in the e-mail involving an elderly, now-deceased Respondent who had not been able to respond to the notices, lack of family, and the manager at the geriatric care home who was trying to resolve the issue.

14:24:36

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to conditionally set the fine at \$500 due to this case involving an elderly, now-deceased Respondent who had not been able to respond to the notices, lack of family, and the manager at the geriatric care home who was trying to resolve the issue. If compliance was not attained within 30 days, by April 19, 2013, the fine would revert to its accrued amount.

It is noted for the record the Respondent was not present for this hearing.

14:24:33 **Authorization for Notices to Appear**

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin the Board voted unanimously (5-0) to authorize the Notices to Appear for cases leading up to the April 19, 2013 meeting.

Other Matters

There were none.

Adjournment

There being no further business, the meeting was adjourned at 5:07 p.m.