

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, 1840 25th Street, Vero Beach, Florida on Monday, May 22, 2006 at 1:30 p.m.

Present were Chairman Karl Zimmermann, Realtor Appointee; Vice Chairman Joe Garone, General Contractor Appointee; Joe Petrulak, Subcontractor Appointee; Louis Schacht, Businessman Appointee and Dana Stetser, Architect Appointee.

Absent were John Owens, Engineer Appointee and Cliff Suthard, Member-at-Large Appointee (both excused).

Also in attendance were IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Betty Davis, Debbie Clifford, Vanessa Carter Solomon, Rose Teague and Kelly Zedek, Code Enforcement Officers; and Reta Smith, Assistant to the Executive Aide.

Call to Order

Chairman Zimmermann called the meeting to order and the secretary called the roll, establishing that a quorum was present.

Approval of Minutes of April 24, 2006

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to approve the minutes of April 24, 2006 as presented.

Attorney's Overview of Board Purpose and Procedures

Attorney Vitunac gave a brief overview of the procedures and purpose of the Code Enforcement Board.

Agenda Additions or Deletions, Consent Items

Mr. DeBlois reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda: Cases #2004070061, #2005110061, #2006030194, #2006030075,

#2005110096 and #2006010118 - 30 day extension until June 23, 2006. Cases #2006010075, #2005040052, #2005010034, #2005120050, #2006020029, #2006030060, #2005110033 and #2005120092 - 60 day extension until July 21, 2006. Cases #2005110098, #2005120087, #2005120055 and #2003110010 - 90 day extension until August 25, 2006. Case #2006020009 had been rescheduled.

In compliance were Cases #2005030004, #2005060042, #2006020089, #2005100044, #2006040070, #2006020004, #2006030051, #2005120028, #2005080082, #2004080046, #2006030210, #2006040040, #2006030240, #2006030246, #2006030249, #2006040033, #2006040035, #2006040047, #2006030211, #2006030223, #2006030236 and #2006030016.

Chairman Zimmermann explained if anyone present was on the Consent Agenda and wanted to be heard, they should let the Board know, otherwise their case would be extended, based on staff's recommendation.

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

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.

Case #2005060077 – Cedar Cove Rentals, PA

Mr. DeBlois indicated this Compliance hearing dated back to July 25, 2005 and involved an after-the-fact building permit for a carport, with several extensions being given by the Board since that time. Inspector Davis explained the Respondent had tried to get a variance, but this was not recommended because the structure was built without permits, and now they were talking about tearing it down. She noted it had been almost a year and this matter needed to be resolved.

Ms. Cathy Summerland, Michael Schlitt Construction, stated she was hired by the Respondent to bring the property into compliance. She described the structure was into the setback and submitted photographs into evidence, which are on file in the Commission office. Ms. Summerland indicated she was waiting for IRC Planning Director Stan Boling to give direction on how much of the structure would have to come out and then get the okay from the Building Department, because her company would not take anything off until it was permitted.

Ms. Summerland clarified the Respondent had applied for a permit on December 30, 2005, but had received two incorrect surveys. She continued by the time they had a correct survey they had tried to get a variance, but were told it was a waste of time. Ms. Summerland thought it was possible to take a corner of the room out and make a porch out of the addition, but they needed direction from Mr. Boling.

Mr. DeBlois recommended an extension of 60 days, until July 21, 2006, to allow for the permit and the design to reflect the modification to meet the setback, or to remove the structure.

Ms. Summerland asked if this was 60 days to have the work done or to have the permit in place to do the work. Mr. DeBlois still recommended 60 days, adding if substantial progress was made staff could look at it then.

ON MOTION BY Mr. Schacht, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2005020015 – Bennie Jean Heard

Mr. DeBlois recapped this originally had come to the Board in March, 2005 for Recreation Vehicles (RVs) and mobile homes beyond what would normally be allowed under the County's regulations. He noted there was a certain consideration at the time because of the post-hurricane situation and Federal Emergency Management Agency (FEMA) allowances. Mr. DeBlois related the Board's order in March, 2005 gave the Respondent time to obtain tie-down permits from the IRC Building Department and sewer disposal for the unsecured large mobile home trailer, cease use of an RV as living quarters while both the FEMA trailer and a large mobile home trailer were on the subject property, and another timeframe to remove the large mobile home trailer, with several extensions being giving.

Inspector Clifford submitted photographs into evidence, which are on file in the Commission office. She reported she had visited the site on May 19, 2006 and there were three campers/trailers and the Respondent's house on the property. She added there was also an above-ground swimming pool with no enclosure.

The Respondent said she had two mortgages and could not afford to tear the house down and her insurance company had been giving her the runaround. She

indicated she had received some money to replace her roof and it had passed inspection for the drying in. The Respondent testified the little trailer had been moved, and showed pictures of the remaining slab and the temporary enclosure she had put around the pool, copies of which are on file in the Commission office. She stated she had made arrangements with Mr. Willie Thomas of Wabasso to take the big trailer down for her, and asked for more time.

Mr. DeBlois noted it had been 14 months since the Board had entered its order, and staff could support a 60 day extension, to July 21, 2006. Inspector Clifford advised the Respondent she needed to apply for a permit for a permanent fence around the pool if she wanted to keep it.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2005110064 – Richard Vaeth

Mr. DeBlois indicated this was a Compliance hearing relating to a Board order entered in January, 2006 having to do with a dilapidated structure, overgrown weeds and debris. The Respondent was initially given until the end of March, 2006 to obtain a demolition permit and cease storage of unrelated construction materials at the residential property, with another date to carry out the demolition of the structure per the permit that would have been issued, and remove all the debris associated with it. He continued the Board gave another extension in March, 2006, allowing until May 19, 2006 to come into compliance.

Inspector Davis testified she was on the property on May 21, 2006 and a little progress had been made but there was still lumber and building material on the site and the structure had not been removed. She submitted a photograph into evidence, which is on file in the Commission office. She mentioned previously there had been more construction material and debris on the site, but there was still a lot left.

The Respondent stated it was not easy to get a permit for demolition because the house contained asbestos. He confirmed the asbestos had been removed, the permit had been issued and he was in line waiting to get his house taken down as soon as his contractor was finished with another job. Mr. DeBlois recommended a 60 day extension, until July 21, 2006, for compliance.

The Respondent mentioned on June 10, 2006 a warehouse would come available for him to store his construction material in.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006030102 – Ellene Strickland

Mr. DeBlois recapped this Compliance hearing involved junk, trash and debris. Inspector Clifford submitted photographs into evidence, which are on file in the Commission office. She said she was at the site on May 19, 2006 and it was pretty much the same as before. Mr. DeBlois noted this had been brought to the Board last month as a repeat violation, which had occurred on November 22, 2004.

The tenant, Robert Zeh, testified he had been taking things to the dump for the past two months, but he had 40 years worth of stuff to get out of the yard. He mentioned he did not have a driver's license and the only one with a license and a truck was his son, and he had not shown up when he was supposed to.

Inspector Davis stated this was her case in 2004, and she had noticed some clean up was going on now. Mr. DeBlois recommended an extension of 30 days, until June 23, 2006, and provided there was continued progress we could revisit the issue at that time.

ON MOTION BY Mr. Schacht, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2005070013 – Miguel Sandoval Melandrez

Mr. DeBlois confirmed this order dated back to August 22, 2005 for junk vehicles, junk, trash and debris and the need to obtain permits for a replacement mobile home or to remove the mobile home, and the Board had granted an extension until May 19, 2006.

Inspector Clifford described there were originally two mobile homes on two

adjoining properties and the Respondent had removed them. She mentioned she had been at the site on May 19, 2006 and there was another junk vehicle and junk, trash and debris on the premises. She observed this morning the vehicle had been removed but there was still junk, trash and debris on the property. Mr. DeBlois recommended an extension of 30 days, until June 23, 2006, for compliance.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2005110071 – Ernestine Webb Williams

Mr. DeBlois recapped this case had been before the Board on January 23, 2006 for overgrown weeds and junk, trash and debris, and there had been several extensions since that time. Inspector Clifford stated her last inspection was done on May 19, 2006 and all the debris had been pushed into a pile and it was just a matter of getting it into a dumpster and off the site. She submitted a photograph into evidence, which is on file in the Commission office.

The Respondent testified her family had health issues and her husband had to quit work for medical reasons. She mentioned a neighbor had a construction dumpster and she would get with him to see if the debris could be hauled off. Mr. DeBlois recommended an extension of 30 days, until June 23, 2006.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to approve staff's recommendation.

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

ADMINISTRATIVE HEARING

Case #2006050046 – Andre & Marie Rose Nombre

Chairman Zimmermann observed it was now after 2:30 p.m. and hearing no response when he called the case number, he continued on with the rest of the agenda.

Case #2005060083 – Emilee J. Bragg

Mr. DeBlois stated this had to do with a case dating back to an Evidentiary hearing on July 25, 2005 regarding a mobile home brought on to the property without required permits. The Board's order at that time directed the Respondent to either obtain all after-the-fact building permits or remove the mobile home, and a number of extensions had been granted. Mr. DeBlois continued the Respondent had applied for the permits and based on that staff had found it to be substantially in compliance, and had closed the case assuming all aspects would be followed through. He confirmed certain requirements of the permit had not been done and staff was bringing it back to the Board to address the remaining issues.

Inspector Davis submitted an Affidavit of Service, which is on file in the Commission office, and confirmed she had posted the property on May 11, 2006. She explained the Respondent had paid Love Mobil Homes to put the mobile home in for her and they put it in without a permit. Inspector Davis there were still some things that needed to be done to get the permit finalized, but it was not really the fault of the Respondent because she had done what she needed to do to get her mobile home put in properly. She added she did not have a return receipt for the notice to Love Mobil Homes.

The Respondent's friend, Mr. Willy Empers Jr., said the Respondent purchased a mobile through Love Mobil Homes and they were supposed to get permits and install it. She had paid Love Mobil Homes to pull the permit and install the mobile home and did not know it was not in compliance and was never finalized. Mr. Empers did not see how it was the Respondent's responsibility when she had hired a mobile home company and it had not done what it was paid to do.

Inspector Davis related the proper information had not been submitted to the IRC Environmental Health Department for them to sign off on the septic and the set-up had not been completed.

A discussion followed.

Attorney Vitunac noted nobody from Love Mobil Homes had actually been properly noticed about today's hearing, but they did get the original notice of hearing. Chairman Zimmermann stated based on the improper notice there was no action the Board could take against Love Mobil Homes. Inspector Davis mentioned they knew about the violation because she had spoken to them on different occasions. Mr. DeBlois confirmed the County had no verification of service of notice of today's meeting, and for purposes of granting Love Mobil Homes due process of today's

hearing where they could be fined, he recommended postponing or tabling it, with Love Mobil Homes being the main respondent, or granting an extension of 30 days, until June 23, 2006.

Attorney Vitunac told the Respondent to get a copy of the cancelled check for \$13,000.00 she had given to Love Mobil Homes to install the mobile home.

ON MOTION BY Mr. Schacht, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to grant an extension of 30 days, until June 23, 2006, to arrange for proper service to Love Mobil Homes.

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

Case #2006030250 – James Russell Cassels

Mr. DeBlois stated this Evidentiary hearing was for illegal use of an RV, unsafe building violation, boat/trailer storage violation, junk vehicles, overgrown weeds and junk, trash and debris.

Inspector Davis submitted an Affidavit of Service, which is on file in the Commission office, and confirmed she had posted the property on May 9, 2006. She testified the home lost part of its roof in the hurricanes and the Respondent had to move out of his home, and a lady was living in a FEMA trailer on the property. Inspector Davis submitted photographs into evidence, which are on file in the Commission office.

The Respondent stated he was sick and would like to move back into his house but he did not have any insurance and no money to fix it up. He said he had just started back and he would have to pay someone to get rid of the debris in his yard. He promised to get rid of the junk vehicles and make sure the boat was removed from the property.

Mr. DeBlois recommended a two-tier compliance; 60 days, until July 21, 2006, to address the junk, trash and debris, junk vehicles, outdoor storage of boats and overgrown weeds, and 120 days, until September 22, 2006, to resolve the RV and building repair issues.

ON MOTION BY Mr. Schacht, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve staff's recommendation.

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

At 3:03 p.m. Chairman Zimmermann called a recess in the proceedings. The meeting was resumed at 3:09 p.m.

Case #2006030251 – Cleatus & Serina Smith

Mr. DeBlois recapped this related to junk vehicles, junk, trash and debris, overgrown weeds and an unsafe structure. Inspector Davis submitted an Affidavit of Service, which is on file in the Commission office, and confirmed she had posted the property on May 9, 2006. She related there was originally a big tree in the front yard, but it had been removed along with an untagged truck. Inspector Davis noted there was a utility trailer in the back that was currently untagged, along with assorted debris. She mentioned the Respondents had made 60% to 70% progress and hopefully they would come into compliance shortly. Mr. DeBlois recommended an extension of 60 days, until July 21, 2006, for compliance.

ON MOTION BY Mr. Schacht, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006040011 – Antonio & Cheryl Martin

Mr. DeBlois related this Evidentiary hearing involved a stormwater maintenance issue causing obstruction to a drainage ditch. Inspector Davis testified she had received a complaint from the IRC Engineering Department regarding a culvert and fill that was put in a swale without permits. She submitted a photograph into evidence, which is on file in the Commission office.

Inspector Davis confirmed the Respondent had obtained a permit on April 18, 2006 to install the culvert, but she was at the site on May 21, 2006 and noted another load of fill had been brought into the area where the culvert was located. She stressed the Respondent needed to follow through with the permit so the drainage would be functioning.

The Respondent stated he had obtained a permit when he first moved into his home in 2004 with the intention of building a patio on the back of the house, but after the hurricanes hit he could not get any cement. In June, 2005 he renewed the permit for the patio and had to install a culvert pipe to get concrete and block

deliveries to the back of his house. Inspector Davis told him the problem was that he had installed the culvert without a permit.

Mr. DeBlois recommended an extension of 30 days, until June 23, 2006, for the Respondent to obtain an after-the-fact permit for the culvert or to take it out and regrade it to the standard elevation. The Respondent revealed he had already obtained a permit and Mr. DeBlois recommended allowing 30 days for him to install and finalize the culvert installation.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006040046 – Deanna M. Carmack

Inspector Davis advised this case was in compliance.

Case 2006040052 – Mattie Wallace

Mr. DeBlois related this involved junk vehicles and junk, trash and debris on agriculturally zoned property in Fellsmere. Inspector Davis submitted photographs into evidence, which are on file in the Commission office, and described a gazebo built on the property that was encroaching onto a neighboring lot. Inspector Davis confirmed the Respondent was going to move the structure. She noted there were barrels on the property along with construction blocks, but the untagged vehicles had been removed.

Mr. DeBlois recommended 30 days until June 23, 2006, to resolve the remaining junk, trash and debris issues.

ON MOTION BY Mr. Schacht, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006020112 – Glenn W. Legwen

Mr. DeBlois indicated this Evidentiary hearing was about overgrown weeds, junk, trash and debris, health, safety public nuisance violation relating to dilapidated greenhouse structures and unsafe buildings, and commercial equipment stored on the property not associated with an active business use on the site.

Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission office. She stated she had received a complaint in February, 2006, and described four rundown buildings that were once used in conjunction with a retail nursery that was no longer in operation. Inspector Carter Solomon indicated IRC Building Inspectors had inspected the buildings and they had been condemned, with condemnation proceedings being in the works. The Respondent was also storing a tractor trailer on the site, and other things were stored in the buildings. The Respondent had told Inspector Carter Solomon before today's meeting two of the buildings were being torn down, but no demolition permits had been pulled. As of today a portion of the lot had been mowed, but there were still tall weeds on the property.

The Respondent contended Inspector Carter Solomon had trespassed on his property and nobody had informed him anyone from the County was going to be inspecting any of his buildings. Inspector Carter Solomon stated all of the pictures had been taken while she was off the property. Mr. DeBlois clarified the Building Department had some authority under its regulations to inspect properties under a condemnation proceeding.

The Respondent recounted he had originally had a nursery on five acres and the County had confiscated 96 feet on 58th Avenue and 50 feet on 5th Street S.W., and his property had been reduced to 3.5 acres. He maintained in the process of the County's building two roads, his property remained inaccessible for over two years and consequently it was difficult to maintain the buildings due to loss of income. He agreed the property was an eyesore, but the 2004 hurricanes had done a great deal of damage to his home and the other buildings.

The Respondent said he had hired a company to inspect his buildings to see if they could be saved or if they needed to be torn down. He related he had a backhoe on the property which he used during the summer months to make extra money moving trees, etc. The Respondent detailed the problems he had encountered in running a nursery business on the property.

Chairman Zimmermann interjected the County said the Respondent had

started dismantling the buildings without a demolition permit and regardless of what kind of buildings they were, he needed a permit. Secondly, condemnation proceedings were progressing against the Respondent that would result in court actions where he would have an opportunity to either defend or agree with those proceedings.

Attorney Vitunac agreed we needed to narrow the hearing down to what the charges were against the Respondent. The Respondent agreed to remove the junk, trash and debris, mow the overgrown weeds, and if it was found the structures on the property needed to be torn down he was willing to do so. Attorney Vitunac said Code Enforcement staff would have to get with the Respondent to find out what he had done and advise which structures needed to be repaired or demolished. Inspector Carter Solomon stated she had explained to the Respondent specifically what needed to be done to come into compliance.

A discussion followed regarding the backhoe being stored on the property. Mr. DeBlois clarified the County allowed one commercial vehicle on agriculturally zoned property, because it was a little different from residential property, but it needed to be limited to one and deemed to be appropriate for the zoning district. He recommended a finding of violation with respect to the cited items other than the backhoe, with an extension of 60 days, until July 21, 2006, for compliance, or a fine of \$100 per day. He clarified this was specific to the cited sections and separate from any action that might be taking place as far as the IRC Building Department was concerned.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to approve staff's recommendation.

Mr. Schacht noted he had joined the Board in 2003 and he seemed to remember this Respondent coming before them for the same issues since that time. Mr. Petrulak agreed with Mr. Schacht, and they wondered why this had not come back as a repeat violation. Mr. DeBlois said it would probably qualify but it had been brought in as a new violation. Chairman Zimmermann suggested the Respondent get together with County staff to lay out a timeline to accomplish what needed to be done.

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

LIEN RELEASE REQUESTS

Case #2005090058 – Richard Tallman (Unit Owner: Carl Jensin)

Mr. DeBlois recalled this related to a non-conforming mobile home park owned by Respondent Tallman, and last month the Board had voted to impose the fine on several cases that had not come into compliance. He specified this case had to do with an unpermitted addition to a mobile home.

Inspector Zedek submitted a photograph into evidence, which is on file in the Commission office. She confirmed she had been working with Respondent Tallman, who had obtained the title to Respondent Jensin's mobile home on May 5, 2006 and removed 95% of the addition.

Respondent Tillman testified the reason he had not been present at the April 24, 2006 meeting was because Code Enforcement staff told him he did not have to attend because the cases would be extended until today's meeting. He asked the Board to set aside the fine because he could not do anything until he had obtained the title to the mobile home from the Respondent owner or gone through the eviction process.

Mr. Petrulak indicated there had been some conversation at last month's meeting about the park being sold and he had made the motion to impose the fine because in the past properties had been sold and cases had come back to the Board time and time again. Respondent Tallman related the sale of the park had fallen through for other reasons and there would be no more problems.

A discussion followed about who said what to whom about getting an extension at the April 24, 2006 meeting.

Mr. DeBlois agreed the mobile homes in the park were essentially in compliance or about to be complied and he thought the message sent in imposing the fine was effective in bringing the properties into compliance. He recognized there was a challenge in mobile home parks with the unit owner being different than the park owner and it was difficult to coordinate compliance in some instances. Mr. DeBlois noted most of the properties had come into compliance approximately two weeks after the compliance date of April 21, 2006, which would be \$1,400 per case, and staff could support a reduction or elimination of the fines.

A lengthy discussion followed.

Mr. DeBlois recommended the Board rescind the fine and grant a short extension to allow for removal of the debris. Mr. Petrulak was concerned about making sure staff followed through to ensure the site got cleaned and someone certified in mobile homes put the structure back together again, and how expeditiously this would happen. He pointed out it was the Board's policy not to release a lien until the property was in compliance, and he would not mind setting a fine certain and revisiting the issue after compliance was achieved. Chairman Zimmermann agreed with Mr. Petrulak because of the issue of setting precedents.

Respondent Tallman stated if a certified mobile home contractor had to rebuild the trailer he would probably have it demolished because it would not be worth it.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to freeze the fine at \$500, with an extension of 30 days, until June 23, 2006, to confirm compliance and revisit the matter.

Mr. DeBlois clarified the fine would go against both of the Respondents and the property, even though there was probably no collection basis relative to the former unit owner. Attorney Vitunac specified the accruing fine was basically suspended for the next 30 days, until June 23, 2006, and at the June 26, 2006 hearing the Board would consider rescinding the fine if the property was cleaned up. If it was not in compliance, the Board start the fine accruing again.

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

Case #2005080009 – Brian & Sandra Sowell

Mr. DeBlois related this related to a Board order entered in November, 2005 for junk, trash and debris and junk vehicles. After an extension of time, in February 27, 2006 the Board acknowledged although the property had largely been cleaned up there was still an unlicensed vehicle on the property, and an Order Imposing Fine was issued with a beginning date of February 25, 2006. Staff had since confirmed compliance with a compliance date of May 10, 2006, which would be 74 days for a flat accrued fine of \$7,400.

Inspector Clifford submitted a photograph dated October 19, 2005 into evidence, which is on file in the Commission office, and confirmed the junk vehicle had been removed on May 10, 2006.

The Respondent stated she had been in and out of a mental hospital and had lost contact with Inspector Clifford while she was recuperating. She testified she had gotten rid of the vehicle on Tuesday, February 28, 2006, but did not know she had to report it and had left town soon after that. Chairman Zimmermann asked if the Respondent had a receipt from the scrap dealer she took the vehicle to. She said she had lost it in the confusion and had been there this morning to get a duplicate receipt but they were closed on Mondays.

Mr. DeBlois pointed out the Compliance hearing on this case was on February 27, 2006 and we had testimony compliance occurred on February 28, 2006. He recommended setting a fine of \$100.

ON MOTION BY Mr. Schacht, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006010055 – Richard Tallman (Unit Owner: Antonia Olivera)

Mr. DeBlois recapped this was a case with a two-tiered compliance, one to obtain an after-the-fact permit on April 21, 2006 and ultimately to either comply with the permit or remove the structure by June 23, 2006. At the April 24, 2006 meeting a fine had been imposed by the Board based on the conclusion the permit had not been applied for. Since that time, staff had found out Respondent Olivera owned another lot in the park and a shed permit was pulled for that lot, but there was no shed on that lot. Mr. DeBlois thought it was conceivable she had pulled a shed permit, but it was tied to the other unit ownership within the park.

Mr. DeBlois said he could support a rescindment of the fine with an ultimate June 23, 2006 compliance date with respect to the shed being inspected and approved, with the correction of which property the permit was tied to.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to rescind the fine.

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

Case #2006010056 – Richard Tallman (Unit Owner: Lynn Bobo)

Mr. DeBlois related this was a two-tiered Board Order entered in March 27, 2006, for the Respondent to submit after-the-fact permits by April 21, 2006 for a screen porch and shed and by June 23, 2006 to comply with the issued permits. At the April 24, 2006 meeting the Board had imposed the fine based on the finding a permit had not been applied for. Inspector Zedek testified both structures had been removed by May 9, 2006.

Mr. DeBlois thought the Respondent Bobo had met the ultimate deadline of June 23, 2006 when he opted not to pull the permits to remove the structures, and he felt they had complied within the timeframe.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to rescind the fine.

It is noted for the record both the Respondents were present for this hearing.

Case #2006010063 – Richard T. Tallman (Unit Owner: Miguel Chaverin)

Mr. DeBlois indicated this was similar to the previous case and the illegal structure had been removed by May 4, 2006. He thought the Respondent Chaverin had met the ultimate deadline of June 23, 2006 where he opted not to pull the permits to remove the structures, and therefore had complied within the timeframe.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to rescind the fine.

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

Case #2006010068 = Richard T. Tallman (Unit Owner: Guadelope Robles)

Mr. DeBlois directed the Board's attention to page 449 in the backup on file in the Commission office. He noted the actual Board order did not have a two-tiered compliance date of April 21, 2006 and June 23, 2006, it just had the ultimate June 23, 2006 compliance date. This meant the Respondents were not in violation of the order, and Mr. DeBlois recommended the Board rescind the fine.

Attorney Vitunac clarified this case would be coming back to the Board at the

June meeting if they were not in compliance by that time.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006010070 – Richard T. Tallman (Unit Owner: Gregory Murriata)

Inspector Zedek reported the illegal structure had been removed by May 4, 2006 but there was still a pile of debris on the property. Mr. DeBlois indicated this was similar to the previous cases where there was a two-tiered compliance date of April 21, 2006 to submit for after-the-fact building permits and until June 23, 2006 to obtain all required permits or remove the structure. He recommended the Board's order stay in effect for an ultimate June 23, 2006 compliance date, but rescind the fine.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006030104 – Mark Lehr

Mr. DeBlois related this was for an illegal vehicle parked in County right-of-way and a commercial vehicle at a residence. Inspector Teague submitted a photograph into evidence, which is on file in the Commission office. Mr. DeBlois noted there had been no progress towards compliance and recommended the fine be imposed.

ON MOTION BY Mr. Garone, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006020111 – Richard & Jane Dupee

Mr. DeBlois summarized this was a repeat violation of an order entered by the

Board in June, 2005 for junk, trash and debris, junk vehicle and RV storage violation. Inspector Clifford submitted an Affidavit of Service, which is on file in the Commission office, and confirmed she had posted the property on May 8, 2006. Mr. DeBlois recommended the fine be imposed, with the start date of the fine being the date the property was posted.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2005120014 – Jessie Lewis

Inspector Davis reported the Respondent had done a lot of work to clear up the junk, trash and debris, but there was still some debris on the property. Mr. DeBlois recommended an extension of 30 days, until June 23, 2006, for compliance.

ON MOTION BY Mr. Schacht, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve staff's recommendation.

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

A discussion followed about the problem of the Board's orders being sent out in a timely manner. Mr. DeBlois said it took longer to get the orders of all types combined ready to go and thought there could be an opportunity to get certain orders out earlier. Chairman Zimmermann encouraged him to do that, adding he would not mind coming into the office twice to sign the orders at different times.

The prevalence of snipe signs and what was being done about them was discussed.

Case #2005120008 – Willie Lewis III

Mr. DeBlois summarized this case involved junk, trash and debris, junk vehicles and health and safety hazard/public nuisance violations. Inspector Davis recommended an extension of 30 days, until June 23, 2006, for compliance.

ON MOTION BY Mr. Schacht, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2005120010 – Isola Gunder Clayton

Inspector Davis indicated this was for junk, trash and debris and junk vehicles and recommended an extension of 30 days, until June 23, 2006, for compliance.

ON MOTION BY Mr. Schacht, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006020102 – DiVosta Homes LP

Inspector Davis summarized this was for signs in the right-of-way and she had talked to the Respondents and their attorneys about them on the telephone, but the signs were still there. Mr. DeBlois recommended the fine be imposed.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006030079 – Howard N. & Regina P. Barte

Inspector Teague reported she had no service in this case.

Case #2006030195 – Clifford & Susanne Garrison

Inspector Carter Solomon submitted an Affidavit of Service, which is on file in the Commission office, and confirmed she had posted the property on May 10, 2005. She related this had to do with overgrown weeds, and the Respondent had called this morning and asked for some more time. Mr. DeBlois recommended an extension of 30 days, until June 23, 2006, for compliance.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006030161 – Donald Dupuis & Rosa Garrison

Mr. DeBlois related this concerned a structural overhang encroachment onto adjacent property. Inspector Carter Solomon stated the Respondents told her they had removed the shed and overhang and were waiting for someone to come in and tear up the concrete. Mr. DeBlois recommended a finding of violation and an extension of 60 days, until July 21, 2006, for removal of the concrete.

ON MOTION BY Mr. Schacht, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006020093 – Charles & Joyce Linn

Mr. DeBlois clarified this was about a junk vehicle belonging to an elderly man who needed to make certain arrangements to get rid of the vehicle. He recommended an extension of 60 days, until July 21, 2006, for compliance.

ON MOTION BY Mr. Schacht, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2005110035 – Pacific Financial LLC

Mr. DeBlois recapped this Evidentiary hearing had to do with junk, trash and debris, junk vehicles and overgrown weeds. He understood the junk vehicle violation had been resolved and recommended a finding of violation on the remaining issues and an extension of 30 days, until June 23, 2006, for compliance.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006030241 – James & Patricia Wawrzyniak

Mr. DeBlois specified this was about concrete being poured for a patio and sidewalk without a permit, and the Respondents had taken the position they were merely doing repairs to an existing patio. He stated it was very apparent to County staff that concrete had been poured well beyond any previous patio. Mr. DeBlois recommended a finding of violation and requirement of after-the-fact permitting and compliance with the permitting for the concrete pouring, and allowing 60 days, until July 21, 2006 for compliance.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006040023 – Melissa & John Miller Sr.

Mr. DeBlois stated his office had received complaints from neighbors about the Respondents moving dilapidated furniture outside and into the rear yard of the property, which was a health nuisance, along with junk, trash and debris and overgrown weeds. Inspector Teague submitted a photograph into evidence, which is on file in the Commission office. She confirmed the Respondents were going to have the furniture removed and the yard mowed sometime this week. Mr. DeBlois recommended a finding of violation and an extension of 30 days, until June 23, 2006, for compliance.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006040024 – Hilda Margolis

Inspector Teague had no service on this case and Mr. DeBlois said he would reschedule it.

Case #2006040025 – Anne E. Musial

Inspector Teague reported she had not received service.

Case #2006040048 – Roseland Plaza LLC

Mr. DeBlois requested this case be rescheduled.

Case #2006040053 – Angel & Janet Morrow

Inspector Teague confirmed the case was in compliance.

Case #2006040064 – Blake Wright Bishop

Inspector Davis submitted an Affidavit of Service, which is on file in the Commission office, and confirmed she had posted the property on May 9, 2006. Mr. DeBlois described overgrown weeds and junk, trash and debris violations and recommended 30 days, until June 23, 2006, for compliance.

ON MOTION BY Mr. Schacht, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006040087 – Susan Skirvin

Mr. DeBlois stated this case was currently in compliance but staff was recommending the Board enter a finding of violation to serve as a continuing order. He noted the Respondent had been storing boats and equipment on adjacent vacant property, which was unauthorized accessory storage and an ongoing problem.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to find the violation had been complied with but to issue a continuing order in case of future violations.

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

Case #2006030225 – Samuel & Jean Jones

Inspector Carter Solomon stated she had not received service and Mr. DeBlois said it would be rescheduled.

Case #2006030229 – Richard E. Berry

Inspector Carter Solomon confirmed there was not service on this case.

Case #2006030233 – Wayne Majeski

Mr. DeBlois related this was for a building addition put on a house without permits, and it needed to either be torn down or permitted and completed. Inspector Carter Solomon submitted a photograph into evidence, which is on file in the Commission office. She said the Respondent had been here today and told her he had spoken to an engineer and within two weeks he should have some engineering drawings to submit to the Building Department. Mr. DeBlois recommended a two-tier compliance with 30 days, until June 23, 2006, to submit an application for a permit and 90 days, until August 25, 2006, to get the permit and comply.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006020114 – Marshall A. & Barbara K. Summerlin

Inspector Teague submitted an Affidavit of Service, which is on file in the Commission office, and confirmed she had posted the property on May 11, 2006. She submitted photographs into evidence, which are on file in the Commission office. Mr. DeBlois recapped this was an issue of RV use for living quarters, junk, trash and debris and junk vehicle violations. Inspector Teague related the junk, trash and debris and junk vehicles had been resolved. She stated the RV use as living quarters had ceased and the Respondents were requesting a 30 day extension to remove one of the RVs from the property. Mr. DeBlois recommended a finding of violation specific to the issue of the RV, requiring removal of one of the two RVs within 30 days, by June 23, 2006, for compliance.

ON MOTION BY Mr. Schacht, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve staff's recommendation.

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

Case #2006030155 – Roger Rucker

Inspector Teague related this case was in compliance.

Authorization for Notices to Appear

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Schacht, the Board voted unanimously (5-0) to grant Authorization for Notices to Appear for June, 2006.

There being no further business, the meeting was adjourned at 5:28 p.m.