

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, October 26, 2009 at 1:30 p.m.

Present were Chairman **Karl Zimmermann**, Realtor Appointee; **Joe Petrulak**, Subcontractor Appointee; **Joe Garone**, General Contractor Appointee; **John Owens**, Engineer Appointee; **Keith Hedin**, Businessman Appointee and **Dana Stetser**, Architect Appointee.

Absent was **Cliff Suthard**, Member-at-Large Appointee (excused).

Also in attendance was IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Betty Davis, Vanessa Carter Solomon, Debbie Clifford, Rose Jefferson and Kelly Zedek, Code Enforcement Officers. Others present: Attorney Suzanne Vitunac, Attorney for the Board and Reta Smith, Recording Secretary.

12:47:39 Call to Order

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

12:48:32 Approval of Minutes of September 28, 2009

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve the minutes of September 28, 2009 as presented.

12:49:02 Attorney's Overview of Board Purpose and Procedures

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

12:42:58 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 #2008100001; #2009030128, #2009040067, #2009050198, #2008120134, #2009010130, #2009050182, #2009070225, #2009070229, #2009070282, #2009040001, #2009030242, #2009050053, #2009040170, #2009060120, #2009080059, #2009010113, #2009060249, #2009070001, #2009070273, #2009080001 and #2009080003 - 30 day extension until November 20, 2009. Cases #2009020201 and #2009050034 - 60 day extension until December 25, 2009. Case #2008050216 – 90 day extension until January 22, 2010. Cases #2009050161, #2009070163, #2009070228, #2009070164 and #2009080176 were rescheduled.

In compliance were Cases #2009080002, #2009080054, #2009080004, #2009070182, #2009080096, #2009080138, #2009080152, #2009080156, #2009080157, #2009070151, #2009080174, #2009080175, #2009080178, #2009080183, #2009090006, #2009090009, #2009090013, #2009090036, #2009090037, #2009090055, #2009090061, #2009090067, #2009090074, #2009090095, #2009100078, #2009040005, #2009070085, #2009070171, #2009080098, #2009050101, #2008120163, #2009070305 and #2009100065.

Mr. DeBlois requested the Board hear Case #2005080098, Keith & Dian Milligan, at a time certain of 3:00 p.m. He noted there was also an addendum to the agenda involving Lien Release Requests for Cases #2008050130, #2008030162 and #2007100169.

Chairman Zimmermann advised if anyone present had heard their name or case number called for a Consent item and wanted their case to be heard, they should get with their Code Enforcement Officer and the Board would accommodate their request.

1:04:04

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to accept the Consent Agenda with the revisions.

1:04:40 **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.

1:06:33 **Case #2009080132 – Hilda Margolis**

promised to get someone to take care of the violation and if the loan modification did not go through the bank would take the property back.

Mr. DeBlois recommended an extension of 30 days, until November 20, 2009, for compliance.

1:42:50

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens,
the Board voted unanimously (6-0) to approve staff's
recommendation.**

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

1:43:06 **Case #2009070306 – Ezio Vitiello**

Inspector Jefferson submitted an Affidavit of Service dated October 16, 2009 and photographs into evidence, which are on file in the Commission Office. She confirmed the junk, trash and debris violation was in compliance but there was still one junk vehicle on the site.

Mr. Terence Wallace, a tenant on the property, said he had to turn the tag in to keep his license from being suspended and he was trying to fix the car. Mr. DeBlois recommended an extension of 60 days, until December 25, 2009, for compliance.

1:46:57

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr.
Hedin, the Board voted unanimously (6-0) to approve
staff's recommendation.**

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

1:48:34 **Case #2008090130 – Daniel & Cassa Rooney**

Mr. DeBlois recapped Elmo Greer and Sons (Greer) were also respondents in this case since they had entered into an agreement with the property owners, Mr. and Mrs. Rooney, to mine fill out of the location and use it for State Road 60 improvements. He related this case had originally been to the Board on October 27, 2008 for excavation/mining violation and site plan nonconformance, and at that time the Board entered an Order to finalize site conditions in accordance with an

foreclosure action on the property, a copy of which is on file in the Commission Office. Mr. DeBlois said staff could support another extension of 90 days, until January 22, 2010, and in the meantime staff would monitor the court action and be in touch with the bank.

Mr. Petrulak was not comfortable with another extension because of the length of time this case had been dragged out.

2:06:45

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board recommended unanimously (6-0) to impose the fine.

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

Chairman Zimmermann called a recess at 2:52 p.m. and reconvened the meeting at 3:00 p.m.

ADMINISTRATIVE HEARINGS

Chairman Zimmermann recused himself from this case and submitted a Voting Conflict form 8B, which is on file in the Commission Office. He noted the Vice Chairman was not present and asked the members to appoint a temporary Chairman.

2:33:40

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to appoint Mr. Hedin as Chairman pro tem for this case.

2:33:59 **Case #2005080098 - Keith & Dian Milligan**

Mr. DeBlois recapped the Respondent had appealed a code enforcement case to circuit court and the court made a finding in favor of the Respondent, who then came back to the Board for consideration of reimbursement for costs related to that process. He summarized this case had last been to the Board on May 18, 2009, at which time the Board entered an Order Acknowledging Prevailing Parties Entitlement to Costs and we were here today to address these costs. Mr. DeBlois reviewed and submitted into evidence Rule 9.400 of the Florida Rules of Appellate Procedure regarding costs and attorneys' fees, which is on file in the Commission

Office.

Mr. DeBlois referenced information contained in the backup on file in the Commission Office of the summary of charges submitted by the Respondent for a total amount of \$15,424.60, and an allocation of his time totaling 244.1 hours. He said in reviewing the information, IRC staff had concerns about whether or not certain costs qualified under the rule of the appellate court. He clarified there were other cases involving the same property but with other parties not specific to the appeal of the CEB Order, and some charges for transcripts, etc. may have pertained to those cases. Mr. DeBlois wanted the Respondent to provide data to assure any costs reimbursed for transcripts under the CEB case was specifically documented as being strictly for the case in question.

Mr. DeBlois advised the Respondent had represented himself, rather than an attorney, and there was the issue of whether or not his time should be eligible for reimbursement since Rule 9.400 solely referenced attorney's expenses. He continued a numbered of items listed the payee as Lexis Nexis, which was a legal search engine, and IRC staff had questions as to whether that would qualify as reimbursable expense.

Mr. William DeBaal, IRC Deputy County Attorney (2:43:38), reiterated the Respondent had several different cases involving the subject property starting from the end of 2005 on forward, and in the summary charges and time submitted by the Respondent there were at least 100 entries with no reference to any specific case.

The Respondent (2:45:39) gave the background of how this case had originally began and said he was asking to be put back into the financial condition he was in before it had all started.

Attorney Vitunac (2:58:03) reminded the Respondent the case before the Board was a motion for costs and not for damages.

The Respondent (2:59:48) continued to explain why he felt he was entitled to certain charges because the other cases emanated from the CEB case.

Attorney Vitunac (3:05:30) asked the Respondent if some of the costs for depositions were incurred in the other cases. The Respondent stated any depositions that occurred were related to cases other than #2006-0293 CA20, which is the CEB case.

Lengthy discussion followed.

Attorney Vitunac (3:14:46) suggested the Board require the Respondent to specify in writing what the fees were for filing and service of process in appellate case #2006-0293 CA20, any charges for preparation of the record sent to the appellate court, bond premiums that may have been paid related to this case and provide in writing any statute or law the Respondent felt supported other costs.

Attorney DeBraul clarified the problem was the Respondent was contending that because of the action of the CEB three other parts of litigation were spawned, and it was staff's contention that while he may be entitled to costs of the code enforcement he was not entitled to costs of any other litigation.

Discussion ensued.

Mr. Hedin (3:23:53) wondered if there was any way this case could be heard on a day separate from a regular CEB meeting so it would not interfere with other business. Mr. DeBlois said if the Board felt a special meeting was necessary he would arrange it; however if the Respondent provided the information Attorney Vitunac recommended it would not be necessary to go over each item line-by-line.

3:28:22

ON MOTION BY Mr. Owens to direct the Respondent to present detailed reports on the four items suggested by Attorney Vitunac and reschedule the case for another day.

Attorney DeBraul asked Mr. Owens to consider giving the Respondent 30 days, until November 20, 2009, to supply IRC staff with the requested information, and then Mr. DeBlois would have 60 days, until January 22, 2010 to put it on the agenda. Mr. Owens agreed.

Mr. Petrulak recommended this case not come before the Board until staff had enough time to review it and be satisfied it was what was necessary to resolve the matter. If this could not be done within the parameters of a normal CEB meeting, he would not have a problem with holding a special meeting.

3:29:51

ON AMENDED MOTION BY Mr. Owens, AMENDED SECOND BY Mr. Petrulak, the Board voted

unanimously (5-0) to direct the Respondent to specify in writing what the fees were for filing and service of process in appellate case #2006-0293 CA20; any charges for preparation of the record sent to the appellate court; bond premiums that may have been paid related to this case; and provide in writing any statute or law the Respondent felt supported other costs; and to allow the Respondent 45 days, until December 10, 2009, to supply IRC staff with the requested information. It was recommended the case not come before the Board until staff had enough time to review it and be satisfied it was what was necessary to resolve the matter, and if necessary a special meeting would be scheduled.

Discussion followed.

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

Chairman Zimmermann resumed the Chair at 4:02 p.m.

3:38:18 Case #2009040098 – John Drumm

Mr. DeBlois related this Compliance hearing first came to the Board in July, 2009 for storage of more than one boat in an unenclosed area of the subject property, with extensions granted thereafter. Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office, and stated the Respondent had constructed a permitted fence to enclose the boats. Mr. DeBlois read the section of County code referring to storage and felt the issue was whether one of the boats was enclosed or not, as it appeared from the pictures there was a canvas canopy-type cover that appeared to be proximate to the house. He clarified it was a question of if the cover was tantamount to an attached carport or if it was an accessory structure without walls.

The Respondent (3:44:05) showed his own photographs and said he had got rid of one boat and nobody could see the remaining boats.

After discussion, the Board decided the canopy cover did not qualify as an attached carport and they were reluctant to set a precedent. Mr. DeBlois recommended an extension of 60 days, until December 25, 2009, for compliance.

3:53:28

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

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

LIEN RELEASE REQUESTS

3:56:19 **Case #2008070146 – James & Nicole Collins (HSBC Bank USA)**

Mr. DeBlois recalled this case first came to the Board in January, 2009 with the issues being a hazardous dead pine tree on the property, overgrown weeds and junk, trash and debris, and after a finding of noncompliance the Board entered an Order Imposing Fine beginning March 21, 2009. He continued the property had come into compliance as of September 29, 2009, which was 192 days for a flat fine of \$19,200.

Mr. Bob Luther, a realtor representing HSBC Bank USA (3:59:23), testified he had taken care of the problem as soon as he learned of the violation. Inspector Jefferson confirmed when she started working with Mr. Luther the property came into compliance within approximately 14 days.

Mr. DeBlois recommended the fine be reduced to administrative costs of \$1,500 plus two weeks at \$100 per day, for a total amount of \$2,900.

4:03:20

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:04:11 **Case #2008040137 – Myriam Barreto**

Mr. Jeff Mitchell, a realtor representing the mortgage holder (4:03:22), advised a property at 5655 59th Terrace owned by the Respondent was being sold and it was

discovered at closing there was a lien on another property she owned at 3355 2nd Street.

Mr. DeBlois advised the subject property with the lien had come into compliance as of October 19, 2009 for overgrown weeds. He related the fine had been imposed effective June 21, 2008 which was total of 485 days or \$48,500 in accrued fine.

Mr. Mitchell stated his company had brought the subject property into compliance within a week after learning of the issues holding up the sale of the other property.

Mr. DeBlois recommended the Board release the lien on the property at 5655 59th Terrace, and wondered if the Board wanted to leave the other fine at \$48,500.

Discussion followed.

4:11:48

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to find compliance in the property at 3355 2nd Street and set the fine at \$48,500, and release the lien on 5655 59th Terrace.

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

4:14:35 **Case #2008050177 – Jose Sibilly**

After discussion it was decided staff would withdraw this case and bring it back if necessary.

4:22:23 **Case #2009070140 – Joseph Guider (Suntrust Mortgage)**

Inspector Jefferson submitted an Affidavit of Service dated October 16, 2009 and a photograph into evidence, which are on file in the Commission Office, and described overgrown weeds over 12 inches in height. Mr. DeBlois recommended an extension of 30 days, until November 20, 2009, for compliance.

4:23:30

ON MOTION BY Mr. Petrulak, SECONDED BY Mr.

4:27:39

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:27:49 **Case #2009070287 – Carl Lachnitt**

Inspector Jefferson submitted an Affidavit of Service dated October 16, 2009 and photographs into evidence, which are on file in the Commission Office, and described junk, trash and debris on the subject property. Mr. DeBlois recommended an extension of 30 days, until November 20, 2009, for compliance.

4:28:56

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:29:10 **Case #2009070299 – Scott Chappellear (Citibank Mortgage Inc.)**

Inspector Jefferson submitted an Affidavit of Service dated October 16, 2009 and photographs into evidence, which are on file in the Commission Office. She recommended an extension of 30 days, until November 20, 2009, to resolve the overgrown weed violation.

4:30:04

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:30:14 **Case #2009050187 – Bert & Geraldine Newton**

Inspector Jefferson advised she had not received service on this case.

4:30:48 **Case #2009080129 – Hugo & Sarah Sanchez (Bank of America)**

Inspector Jefferson advised this case involved a swimming pool enclosure and maintenance violations and submitted an Affidavit of Service dated October 16, 2009 and photographs into evidence, which are on file in the Commission Office. Mr. DeBlois recommended the Board find the violations and grant seven days, until November 2, 2009, to secure the pool and 30 days, until November 20, 2009, to clean it.

4:32:11

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:32:18 **Case #2009080142 – Sea Coast National Bank**

Ms. Betty Davis, IRC Code Enforcement Officer, submitted a photograph into evidence, which is on file in the Commission Office. She related she had received complaints from neighbors about overgrown weeds and junk, trash and debris on the property and recommended an extension of 30 days, until November 20, 2009, for compliance.

4:33:43

ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:33:52 **Case #2009080160 – Gary Vargas**

Inspector Davis submitted an Affidavit of Service dated September 15, 2009 and a photograph into evidence, which are on file in the Commission Office. She reported tenants had moved out of the home and left an RV and a junk vehicle; however the Respondent told her he would move them within 30 days. Mr. DeBlois recommended an extension of 30 days, until November 20, 2009, for compliance.

4:34:42

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve

staff's recommendation.

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

4:34:55 **Case #2009080162 – Leonardo Leyva (Wells Fargo Bank)**

Inspector Davis submitted an Affidavit of Service dated September 29, 2009 and a photograph into evidence, which are on file in the Commission Office. She stated she had received a complaint about overgrown weeds and debris from a swimming pool that had been torn down, and recommended an extension of 30 days, until November 20, 2009.

4:35:33

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:35:44 **Case #2009080177 – Marguely & Ariel Hidalgo (National City Bank)**

Inspector Carter Solomon submitted an Affidavit of Service dated October 16, 2009 and photographs into evidence, which are on file in the Commission Office, and described severely overgrown weeds on the subject property. Mr. DeBlois recommended an extension of 30 days, until November 20, 2009, for compliance.

4:36:22

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:36:38 **Case #2009090024 – Kristina Robinson**

Mr. DeBlois submitted an Affidavit of Service dated October 15, 2009 and a photograph into evidence, which are on file in the Commission Office. He related

there was an issue of overgrown weeds in excess of 12 inches and recommended an extension of 30 days, until November 20, 2009, for the lawn to be mowed.

4:37:08

ON MOTION BY Mr. Owens, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:37:17 **Case #2009090039 – Christopher Parker**

Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office, and pointed out overgrown weeds on the site. She recommended an extension of 30 days, until November 20, 2009, for compliance.

4:37:48

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:38:03 **Case #2009090052 – Sebastian Riverwalk Investors Ltd.**

Inspector Davis submitted photographs into evidence, which are on file in the Commission Office, and outlined this was a combination of sign and landscape violations in a plaza on U.S. Highway #1 in Sebastian. She confirmed she had also cited the individual tenants in this case and recommended an extension of 30 days, until November 20, 2009, for compliance.

4:39:15

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:39:21 **Case #2009090053 – Bank of America Barnett Bank**

Inspector Davis submitted photographs into evidence, which are on file in the Commission Office, and described dead and missing landscape along the Roseland Road area. She recommended an extension of 30 days, until November 20, 2009, for compliance.

4:40:01

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:40:11 **Case #2009090054 – Georgios & Melpomeni Varahidis**

Inspector Davis submitted an Affidavit of Service dated October 15, 2009 and a photograph into evidence, which are on file in the Commission Office. She noted the Respondents were in Canada but said they would have the property mowed this week and recommended an extension of 30 days, until November 20, 2009, for compliance.

4:40:29

ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:40:40 **Case #2009090088 – Randy & Connie Graley (Deutsche Bank National Trust Company)**

Inspector Carter Solomon submitted an Affidavit of Service dated October 16, 2009 and photographs into evidence, which are on file in the Commission Office. She testified this case related to overgrown weeds at an abandoned home and recommended an extension of 30 days, until November 20, 2009, for compliance.

4:41:35

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:41:45 **Case #2009090103 – Queen Ewars**

Inspector Clifford submitted a photograph into evidence, which is on file in the Commission Office, and described overgrown weeds on the subject property. She recommended an extension of 30 days, until November 20, 2009, for compliance.

4:42:18

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:42:27 **Case #2009070107 – Ralph Bentley**

Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office. She advised the overgrown weeds violation was in compliance but there were still two boats in the side yard, and recommended an extension of 30 days, until November 20, 2009, for compliance.

4:43:16

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:43:27 **Case #2009070292 – Sonia Quintana (J.P. Morgan Chase Bank)**

Inspector Jefferson submitted an Affidavit of Service dated October 16, 2009 and a photograph into evidence, which are on file in the Commission Office. She testified this was a vacant house in foreclosure that was cited for overgrown weeds and recommended an extension of 30 days, until November 20, 2009, for compliance.

4:43:57

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to approve

staff's recommendation.

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

4:44:31 **Case #2009070006 – Ronald Anderson**

Inspector Carter Solomon submitted an Affidavit of Service dated October 16, 2009 and photographs into evidence, which are on file in the Commission Office. She advised the violations included a junk vehicle, overgrown weeds, structure exterior maintenance violation and junk, trash and debris. Mr. DeBlois noted the carport qualified as an enclosed structure for the junk vehicle and it was decided to withdraw that violation. He recommended an extension of 60 days, until December 25, 2009, for overall compliance.

4:46:23

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:46:38 **Case #2009070106 – David Weaver (Chase Home Finance LLC**

Inspector Jefferson submitted an Affidavit of Service dated October 16, 2009 and photographs into evidence, which are on file in the Commission Office, and described an overgrown weeds violation at a vacant home. She recommended an extension of 30 days, until November 20, 2009, for compliance.

4:47:02

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:47:10 **Case #2009070145 – W. Rickwood & Rita Samson (U.S. National Bank et al**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office. She reported she had received complaints about overgrown

weeds on foreclosed property and recommended an extension of 30 days, until November 20, 2009, for compliance.

4:47:10

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:48:21 **Case #2009100077 – James Anderson (Trs)**

Inspector Davis submitted a photograph into evidence, which is on file in the Commission Office, and noted this was a repeat violation for overgrown weeds. Mr. DeBlois recommended the Board impose a \$200 fine and grant an extension of 30 days, until November 20, 2009. If the property was not in compliance within 30 days, the fine would commence to accrue at \$100 per day.

4:48:53

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:49:07 **Case #2009060238 – William Overton (HSBC Bank USA National Association)**

Mr. DeBlois related this Compliance hearing had to do with overgrown weeds on a property in foreclosure. Inspector Carter Solomon submitted a photograph into evidence, which is on file in the Commission Office, and confirmed the property was still not in compliance. Mr. DeBlois recommended the Board impose the fine.

4:50:34

ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.

4:54:12

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:54:22 **Case #2008080068 – Reina Pellicer (Amtrust Bank) (Nationwide Adjusters LLC)**

Mr. DeBlois stated this case initially came to the Board in September, 2008 for health and safety hazard, structure maintenance and overgrown weeds violations. He clarified there had been a fire at the home and a number of extensions had been granted over the past year when the Respondent advised she was trying to get insurance money. Inspector Davis submitted a photograph into evidence, which is on file in the Commission Office, and reported the property was now in foreclosure.

Mr. DeBlois recommended the Board impose the fine.

4:55:41

ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:55:50 **Case #2009060074 – Jovel Oliva (Bank of New York)**

Mr. DeBlois related this Compliance case had to do with overgrown weeds on a foreclosed property. Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and Mr. DeBlois noted compliance had not been achieved and recommended the fine be imposed.

4:56:25

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:56:33 **Case #2009060149 – Jaime & Yazmin Gonzalez**

Mr. DeBlois stated this was an overgrown weed case that had gone to the Board in August, 2009 and the Respondents were granted 60 days. Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and reported nothing had been done. Mr. DeBlois recommended the fine be imposed.

4:57:07

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:57:20 **Case #2009070161- Camilo Orjuela (U.S. Bank National Association)**

Inspector Carter Solomon submitted a photograph into evidence, which is on file in the Commission Office, and testified there was no compliance on the overgrown weeds violation. Mr. DeBlois noted this had originally gone to the Board in August, 2009 and recommended the fine be imposed.

4:57:51

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:58:00 **Case #2009060021 – Joan Russell Rovirosa (Greenpoint Mortgage)**

Mr. DeBlois related this overgrown weeds violation had first been to the Board in August, 2009. Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office, and confirmed noncompliance. Mr. DeBlois recommended the fine be imposed.

4:58:36

ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:58:58 Case #2009050166 – Rafael Medina

Inspector Carter Solomon submitted a photograph into evidence, which is on file in the Commission Office, and reported the junk vehicle and junk, trash and debris were still on the property. Mr. DeBlois noted this had initially gone to the Board in August, 2009 with one extension, and recommended the fine be imposed.

4:59:44

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to approve staff's recommendation.

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

4:59:54 Case #2009060264 – Sed Enuff Inc.

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and confirmed the overgrown weeds had not been mowed. Mr. DeBlois stated the Board had granted an extension last month after the case had first been heard in August, 2009, and recommended the fine be imposed.

5:00:29

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to approve staff's recommendation.

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

5:00:38 Case #2009050152 – Jacqueline & Julius Reason

Inspector Clifford submitted a photograph into evidence, which is on file in the Commission Office, and advised this case involving a junk vehicle had originally gone to the Board in August, 2009 with one extension granted. She confirmed noncompliance and Mr. DeBlois recommended the Board impose the fine.

5:01:18

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

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

5:01:33 **Case #2009070093 – Bobbiann Jones (Citimortgage Inc.)**

Mr. DeBlois summarized this case had first come to the Board in August, 2009 for overgrown weeds. Inspector Carter Solomon submitted a photograph into evidence, which is on file in the Commission Office, and stated the grass was still in excess of 12 inches in height. Mr. DeBlois recommended the fine be imposed.

5:02:02

ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.

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

LIEN RELEASE REQUESTS

5:02:34 **Case #2008100232 – Charles Johnson & Tina Negly**

Mr. DeBlois recapped this case was for junk, trash and debris, commercial vehicles and a shed built without permits potentially in the right-of-way. He noted some progress had been made, but eventually it came to the Board for compliance in August, 2009 after some extensions and the fine was imposed. Mr. DeBlois reported IRC staff had subsequently met with the Respondent and learned there were mitigating circumstances because of health problems and other issues, and he recommended the Board rescind the fine and grant 60 days, until January 22, 2010, for compliance.

Inspector Davis confirmed the commercial and junk vehicles had been removed. She explained the Respondent had to obtain an abandonment of right-of-

way and get a survey done to take care of the illegal structure.

Chairman Zimmermann suggested leaving the fine in place and using it as a motivator to try and move this forward, because it could always be removed if things are accomplished in a timely manner. Mr. Petrulak and Mr. Owens agreed, pointing out a lot of extensions had already been granted.

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

5:08:06 **Case #2007070023 – Kelly Construction & Development Inc.**

Mr. DeBlois said he would withdraw this case and reschedule it when the Respondent could be present.

5:09:18 **Mike Oliver (Deutsche Bank Trustee) (Karen Thompson)**

Mr. DeBlois related this case had complied two days after the compliance date and the Respondent had paid the \$200 fine. He recommended the Board acknowledge compliance and authorize release of the lien.

5:09:46

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to approve staff's recommendation.

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

5:09:54 **Case #2008030162 & Case #2007100169 – Brenda Woodard**

Mr. DeBlois reported staff had received a request from First American REO Servicing, as per the back up on file in the Commission Office, and this case was on the agenda to acknowledge compliance and set a fine. He noted once the bank took control of the property they took care of the violations on the subject property at 5755 38th Place, Vero Beach, Case #2008030162.

Mr. DeBlois advised Case #2007100169 involved the same Respondent for property at 4455 17th Street, Vero Beach, for junk, trash and debris violations; however that property was not in compliance. He clarified the bank was requesting the Board acknowledge compliance on the property at 5755 38th Place, set the fine at a certain amount and release the lien on this site.

Mr. DeBlois recommended the Board find compliance, release the lien on 5755 38th Place and set the fine at \$5,000; and release it from the separate lien on property at 4455 17th Street owned by the same Respondent.

5:14:45

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, to approve staff's recommendation.

Discussion followed about the best way to phrase the motion. Mr. DeBlois recommended it was best for the Board to acknowledge compliance and set the fine at \$5,000 in Case #2008030162 for property at 5755 38th Place, Vero Beach, and enter a separate Order that would release this property from the lien on 4455 17th Street, Vero Beach.

5:16:33

ON AMENDED MOTION BY Mr. Petrulak, AMENDED SECOND BY Mr. Garone, the Board voted unanimously (6-0) to approve staff's recommendation.

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

5:16:55 **Authorization for Notices to Appear**

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to Authorize Notices to Appear for November, 2009.

There being no further business, the meeting was adjourned at 5:50 p.m.