

## 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, August 26, 2013 at 1:30 p.m.

Present were Chairman **Tony Gervasio**, Member-at-Large Appointee; **Joe Petrulak**, Subcontractor Appointee; **Karl Zimmermann**, Realtor Appointee; **Pete Clements**, General Contractor Appointee; and Vice-Chairman **Aaron Bowles**, Engineer Appointee.

Absent was **Keith Hedin**, Businessman 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.

### 10:13:42 **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.

### 10:14:42 **Approval of Minutes of July 22, 2013**

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve the minutes of July 22, 2013 as presented.**

### 10:15:18 **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.

### 10:28:12 **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 #2012110118, #2013010113, #2013040048, #2013050158, #2013060101, #2013040134, #2013060079, #2013050106, #2013030124, #2013070005, #2013010126, #2012110093, #2013050167, #2013050089 and #2013050078 - 30 day extension until September 20, 2013. Cases #2013010187, #2013020065, #2013030057, #2013040135, #2013040139, #2013040055, #2013040057, #2013040017, #2013040140, #2013040137, #2013040145 and #2013040061 - 60 day extension until October 25, 2013. Cases #2013040152 and #2013060063 were rescheduled.

In compliance were Cases #2013050162, #2013060072, #2013060062, #2013070119, #2013070100, #2013070037, #2013070051, #2013070132, #2013060136, #2013070134, #2013060083, #2013070049, #2013060144, #2013060167, #2013070061, #2013040018, #2013060044, #2013060097, #2013060098, #2013060069, #2013060060, #2013050107, #2013050052, #2013020102, #2012120054, #2013040158, #2013040151 and #2013060037.

Mr. DeBlois recommended the Administrative Hearing be heard at a time certain of 2:30 p.m. and the four Lien Release Requests on the agenda be heard no earlier than 3:00 p.m.

10:33:45

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

10:34:28 **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**

10:34: 51 **Case #2013050016 – Ansley Park HOA Inc. (Rosenbaum Mollengarden Janssen & Siracusa)**

Mr. DeBlois recapped this case involved landscape maintenance violations in common areas within a residential development and maintenance of landscape in accordance with the approved site plan.

Ms. Rose Jefferson, IRC Code Enforcement Officer, testified she had inspected the subject property several months ago and met with the HOA representative on site to verify the quantity of dead and missing landscape material. She submitted nine photographs and a landscape plan into evidence and pointed out several areas of deficiency and other discrepancies with the site plan approved on April 9, 2003. Inspector Jefferson also submitted into evidence a list drawn up by the Respondent showing what material was on the site and what had to be replaced; however the plantings did not reflect what was on the approved site plan.

Mr. DeBlois advised the Respondent needed to submit a revised landscape plan for administrative approval or bring the property back into conformance with the approved site plan. He recommended an extension of 60 days, until October 25, 2013, for compliance.

Respondent Ms. Marie Hintemayer, President of the HOA, took issue with the site plan, stating there were never any plants under certain palm trees when the community was developed and nothing would grow there, and certain plants had been substituted for others by the developer.

Discussion followed.

10:58:05

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violations and grant an extension of 60 days, until October 25, 2013, for the Respondent to either submit a revised site plan or bring the property back into conformance with the approved site plan, or a \$100 per day fine.**

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

10:58:49 **Case #2013060038 – LaCrystal Demario & Antonio Yorker**

Ms. Kelly Buck, IRC Code Enforcement Officer, submitted three photographs taken on August 22, 2013 into evidence and described a vacant unsecured property with overgrown weeds on the site.

Mr. DeBlois recommended an extension of 30 days, until September 20, 2013, to resolve the overgrown weeds violation and seven days, until September 2, 2013,

to secure the structure.

Respondent Mr. Melvin Yorker thanked the Board for allowing him time to resolve the violations.

11:02:23

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until September 20, 2013, to resolve the overgrown weeds violation and seven days, until September 2, 2013, to secure the vacant structure, or a \$100 per day fine.**

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

11:02:44 **Case #2013060006 – Rosemary Dean & Forest Demarzo (J.P. Morgan Chase Bank NA)**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on August 16, 2013 and three photographs taken August 26, 2013 into evidence, and confirmed service on the bank on August 5, 2013. She described overgrown weeds at a vacant residence and recommended an extension of 30 days, until September 20, 2013, for compliance.

Respondent Mr. Jeff Frasier, representing the bank, stated the foreclosure was still underway and J.P. Morgan Chase Bank did not yet have certificate of title.

11:06:26

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until September 20, 2013, for compliance or a \$100 per day fine.**

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

11:06:39 **Case #2013060119 – Kay Reschak**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on August 16, 2013 and two photographs taken August 26, 2013 into evidence. She described overgrown weeds at a vacant residence and recommended an extension of 30 days, until September 20, 2013, for compliance.

Respondent Ms. Kay Reschak stated the house had been in foreclosure since 2010 and promised to take care of the lawn from now on.

11:09:50

**ON MOTION BY Mr. Bowles, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until September 20, 2013, for compliance or a \$100 per day fine.**

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

11:10:09 **Case #2013070063 – Sebastian Riverwalk Investors LLC (Charles Hansen Tree Trimming) (Corporation Service Company)**

Mr. DeBlois advised this case related to over-trimming of landscape trees along the perimeter of property at the Riverwalk Shopping Plaza in Roseland, Florida. He indicated some well-established oaks had been “hat racked” or topped off and it was staff’s position the trees were irreparably damaged.

Ms. Betty Davis, IRC Code Enforcement Officer, submitted an Affidavit of Service indicating the property had been posted on August 6, 2013 and twelve photographs taken on July 7, 2013 into evidence. She stated eight trees were cut off beyond what was allowed, in addition to two other trees that were in such bad health that they needed to be replaced. Inspector Davis testified the eight trees that were cut off had been in excellent condition but had been cut to allow visibility for a sign connected with a new restaurant coming into the plaza. She advised there were also some shrubs and hedges that needed to be replaced as part of the landscape maintenance and site plan non-conformance violations.

Mr. DeBlois read from the County’s code stating replacement canopy trees shall be a minimum of 18 feet in height and four inches in diameter at the time of planting. He noted there were no power lines in the area to justify trimming to keep power lines clear and it was staff’s position there should be a fine of \$250 imposed

for each of the eight damaged trees, for a total of \$2,000, along with a requirement that the trees be replaced to meet the IRC landscape ordinance. Mr. DeBlois recommended an extension of 60 days, until October 25, 2013, for the Respondent to replant the eight trees and replace the remaining dead trees and missing landscape to comply with the site plan.

Respondent Mr. Bill Nixon stated the owner of the shopping center would take care of the violations, adding he had hired the tree trimming company and they were not liable because they had done what they were asked to do by the owner.

Inspector Davis recommended Charles Hansen Tree Trimming should receive a warning and be left on the Order, but Mr. Moolenaar of Moolenaars Lawn Care should be removed.

11:24:01

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to impose a fine in the amount of \$2,000 for the eight irreparably damaged trees and find the violations for site plan non-conformance and landscape maintenance and grant an extension of 60 days, until October 25, 2013, for the Respondent to come into compliance or a \$100 per day fine.**

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

### **ADMINISTRATIVE HEARING**

11:24:24 **Case #2013080002 – D.R. Horton Inc.**

Mr. DeBlois noted nobody that despite notice of the hearing given to the Respondent, nobody was present for the hearing. He requested the Board ratify the citation issued and uphold the \$200 fine for an illegal sign violation after a warning had been given.

11:25:20

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to uphold Citation #0190 and the \$200 fine for illegal sign violation after a warning had been given.**

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

11:26:25 **Case #2013070121 – John Hage (Michael Pelletier)**

Mr. DeBlois related a Notice of Hearing had been sent to Mr. John Hage as the owner and Mr. Michael Pelletier as the contractor for a land clearing violation and excavation beyond what was approved under a pond permit. He clarified an existing pond on an agriculturally-zoned property was cleaned and expanded beyond what was originally approved and was contrary to the approvals.

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on August 6, 2013 and submitted three photographs into evidence, and testified she had received complaints about a pond being dug and fill hauled off the site.

Mr. Andrew Sobczak, IRC Senior Planner, submitted a copy of a pond permit application submitted in April, 2013 by the contractor that was doing the work and two aerial photographs, one taken in 2008 and one dated 2012 into evidence, and related the pond permit was issued to clean out the existing pond, not to expand it or change it in any way. He testified after inspection it appeared there was an enlarged pond on the site that may not meet the pond setback of 50 feet from a property line. He added it also appeared there had been some land clearing on the site and excavation of drainage swales in the property without permits. Mr. Sobczak noted Mr. Michael Pelletier of Mike's Tractor & Excavation had machinery on site and Inspector Davis confirmed he had done the work.

Mr. DeBlois recommended the Respondent be given 60 days, until October 25, 2013, to apply for and obtain an after-the-fact land clearing permit and submit an as-built of the pond as it currently existed to verify compliance with the dimensional and set-back criteria, and if it did not meet the County's requirements the pond should be modified to meet the criteria, or a \$100 per day fine would be imposed.

Respondent Mr. John Hage stated he lived out of town and had hired the contractor to do what it said on the permit, and he did not know Mr. Pelletier was selling fill off the property.





at which time a compliance date of December 28, 2009 was granted to resolve the overgrown weeds and junk, trash and debris violations. He indicated the case came back for a compliance hearing on January 25, 2010, and after hearing the violations had not been corrected the Board imposed a fine of \$100 per day with a start date of December 29, 2009. Mr. DeBlois confirmed compliance had been verified as of August 7, 2013, which was 1,317 days for a flat fine of \$131,700.

Inspector Buck testified the case involved a vacant house with an out of town owner and the property had been neglected for some time; however Mr. Williams bought the house six months ago and was unaware of the lien.

Mr. Randy Mosby, representing Mr. Robert Williams, stated he had been retained by the new owner to work on the structural aspects of the house to bring it up to code.

Mr. DeBlois noted there were no extensions granted in this case; however due to the length of time connected with the violations being unresolved he recommended the fine be set at \$3,000 to include administrative costs.

Discussion followed about the purchaser of the property not being aware of the lien.

11:53:53

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find compliance and set the fine at \$3,000 to include administrative costs.**

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

11:55:55     **Case #2011050259 – Paul Thurwanger (Nationstar Mortgage)**

Mr. DeBlois summarized this case initially came to the Board on July 25, 2011, and notice was given to Respondents Mr. Paul Thurwanger and Nationstar Mortgage as the foreclosing bank on the property for overgrown weeds and junk, trash and debris. He related that when the matter came back for a compliance hearing in September, 2011 after one extension, upon hearing nothing had been done the Board imposed a \$100 per day fine with a start date of September 24, 2011. Mr. DeBlois confirmed compliance had been verified as of July 23, 2013, which was 668 days of non-compliance for a flat fine of \$66,800.

Respondent Mr. Marc Brown, representing Nationstar Mortgage, said the foreclosure had been finalized in July, 2013 and the violations had been corrected when the bank obtained title to the property.

Mr. DeBlois recommended the fine be set at \$2,000 to cover administrative costs.

12:00:03

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Clements, 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 bank's representative was present for this hearing.

12:00:21 **Case #2012080094 – Fox Run of Vero Beach LLC**

Mr. DeBlois recalled the evidentiary hearing on this case was held on September 24, 2012 for excessive dumping of junk, trash and debris at an undeveloped subdivision. The Board found the violation and gave the Respondent until October 19, 2012 to clean up the property, and upon learning nothing had been done when it came back for a compliance hearing a \$100 per day fine was imposed with a start date of October 20, 2012. Mr. DeBlois verified compliance had been attained as of August 16, 2013, which was 300 days or a flat \$30,000 fine.

Inspector Buck submitted seven photographs into evidence and confirmed she had received certified mail on all notices that were sent out to the Respondent, although she had not had contact with anyone regarding the violations.

Mr. Barry Segal, representing Fox Run of Vero Beach LLC, related the owners of the property were in the process of a short sale and the dumping that had occurred on the site was done by individuals coming from offsite to discard their trash. He maintained the mail had been sent to a dead-letter office and it was not his client's intent to ignore the notices, and once they learned of the lien the property was brought into compliance.

Mr. DeBlois noted there had not been any extensions connected with the case and the general calculation for administrative costs was \$1,700; however the dumping had occurred near a school and it was up to the Board if it wanted to set a higher fine. He recommended the fine be set at \$1,700 for administrative costs.

Discussion followed.

12:11:29

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted (3-2) to find compliance and set the fine at 10% of the flat fine, for an amount of \$3,000. Mr. Clements and Chairman Gervasio opposed.**

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

12:13:04 **Case #2011080078 – Michael Cangialosi**

Mr. DeBlois summarized this case had first been to the Board in September, 2011 for overgrown weeds, at which time the Respondent was granted until October 21, 2011 to come into compliance. After one extension the case came back for a compliance hearing on November 26, 2011 and upon hearing the weeds had not been mowed, the Board entered an Order Imposing Fine of \$100 per day, with a start date of November 24, 2011. Mr. DeBlois stated compliance had been verified as of August 2, 2012, which was 269 days for a flat fine of \$26,900.

Mr. DeBlois recalled the case came back to the Board for acknowledgment and setting of fine on August 27, 2012 when the Board approved setting the fine at \$2,000 for administrative costs; however a representative had now come forward asking for further consideration of the fine amount.

Ms. Ilene Victor, a realtor representing the Respondent, related when the Respondent left the state he had paid an individual to take care of the lawn but it had not been done. She said the violation was taken care of once the Respondent became aware of it and noted within the short sale the bank was not allowing the code violation cost in the equation to get the transaction approved. Ms. Victor asked if the fine could be reduced to ease the financial hardship on the Respondent.

Discussion ensued.

12:18:08

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to maintain the fine set at \$2,000.**

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

### **COMPLIANCE HEARINGS**

12:20:01 **Case #2013030126 – Robin Dean (Consumer Solutions 3 LLC)**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, submitted one photograph into evidence and related this case had first been to the Board on June 24, 2013 for overgrown weeds, and one extension had been granted. She confirmed the front yard had been mowed, but the rear yard was extremely overgrown.

Attorney Stephanie Galvin, representing the bank, stated all of the notices had been sent to the Respondent's prior counsel; Consumer Solutions 3 LLC was no longer part of the foreclosure action and it had been Home Guardian Trust since February, 2013. She indicated someone had been hired to take care of the violation this morning.

Mr. DeBlois recommended an extension of 30 days, until September 20, 2013, for compliance.

12:24:34

**ON MOTION BY Mr. Bowles, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to grant an extension of 30 days, until September 20, 2013, for compliance or a \$100 per day fine.**

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

12:25:17 **Case #2013050096 – Jimmy & Diana Baird (Deutsche Bank National Trust Co.)**

Mr. DeBlois related this case had been to the Board for an evidentiary hearing on June 24, 2013 for overgrown weeds, at which time the Board found the violation and gave the Respondents until July 19, 2013 to comply, with one extension being granted.

Inspector Carter Solomon submitted two photographs taken August 26, 2013 into evidence and confirmed nothing had been done.

Ms. Erin Rogozinski, representing the bank, explained a foreclosure of the property was ongoing and the bank was in the process of arranging for the property to be maintained.

Mr. DeBlois recommended an extension of 30 days, until September 20, 2013, for compliance.

12:28:16

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to grant an extension of 30 days, until September 20, 2013, for compliance or a \$100 per day fine.**

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

12:28:42     **Case #2013050042 – Patrick Kehoe (U.S. Bank National Assoc.)**

Mr. DeBlois recapped this case initially came to the Board on June 24, 2013 for overgrown weeds and junk, trash and debris violations.

Inspector Carter Solomon submitted three photographs taken on August 26, 2013 into evidence and observed nothing had been done towards compliance.

Mr. Jeff Frasier, representing the bank, indicated the bank did not yet have title to the property and asked for an extension.

Mr. DeBlois recommended an extension of 30 days, until September 20, 2013, for compliance.

Mr. Petrulak noted it could take longer than 30 days for the bank to gain title.

Mr. DeBlois stated even if a lending institution did not have title it was possible for them to maintain the property in most cases.

12:33:01

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Bowles, the Board voted (3-2) to grant an extension of 30 days, until September 20, 2013, for compliance or a \$100 per day fine. Mr. Petrulak and Mr. Zimmermann opposed.**

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

### **EVIDENTIARY HEARINGS**

12:35:58 **Case #2013040161 – Anthony & Marie Cafiero (J.P. Morgan Chase Bank)**

Mr. DeBlois related this case had to do with swimming pool maintenance and overgrown weeds violations at a vacant residence under foreclosure.

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on August 16, 2013 and two photographs into evidence, and confirmed she had received service on the bank on the same date. She testified the overgrown weeds violation had been resolved and Mr. DeBlois recommended an extension of 60 days, until October 25, 2013, for the Respondents to clean the pool or potentially be fined \$100 per day.

12:38:14

**ON MOTION BY Mr. Bowles, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until October 25, 2013, for compliance or a \$100 per day fine.**

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

12:38:22 **Case #2013060018 – Glenda Browning**

Mr. DeBlois stated the only remaining violations had to do with a truck/trailer type shed on the property without permits.

Inspector Buck submitted one photograph into evidence and confirmed service on August 10, 2013. She related the Respondent had been very cooperative and was working towards getting the violation resolved.

Mr. DeBlois recommended an extension of 60 days, until October 25, 2013, for the Respondent to either obtain an after-the-fact permit for the trailer/shed or remove it.

12:40:10

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until October 25, 2013, for compliance or a \$100 per day fine.**

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

12:40:22     **Case #2013050125 – Oscar & Linda Ross**

Mr. DeBlois noted the only violation remaining in this case was for swimming pool maintenance violation for a pool built prior to the County's enclosure requirements.

Inspector Buck confirmed service on August 13, 2013 and submitted one photographs into evidence. She felt the violation would be taken care of and recommended an extension of 30 days, until September 20, 2013, for compliance.

12:42:12

**ON MOTION BY Mr. Bowles, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until September 20, 2013, for compliance or a \$100 per day fine.**

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

12:42:26     **Case #2013050196 – Catherine Goldstein**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on August 16, 2013 and two photographs showing overgrown weeds into evidence. Mr. DeBlois recommended an extension of 30 days, until September 20, 2013, for compliance.

12:43:20

**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 September 20, 2013, for compliance or a \$100 per day**

**fine.**

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

12:43:30     **Case #2013050115 – Daniel Glover (Interstate Advisors, LLC)**

Mr. DeBlois advised this case involved overgrown weeds at a vacant residence. Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on August 16, 2013 and three photographs into evidence, and confirmed she had received service from the foreclosing bank on August 12, 2013. Mr. DeBlois recommended an extension of 30 days, until September 20, 2013, for compliance.

12:44:42

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until September 20, 2013, for compliance or a \$100 per day fine.**

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

12:44:54     **Case #2013040147 – Ronald Masse (Deutsche Bank National Trust)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on August 16, 2013 and three photographs into evidence. She described overgrown weeds and junk, trash and debris at a vacant residence and recommended an extension of 30 days, until September 20, 2013, for compliance.

12:46:13

**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 September 20, 2013, for compliance or a \$100 per day fine.**

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

12:46:26     **Case #2013060064 – Juana Castro & Jose Molina (Nationstar Mortgage, LLC)**



Mr. DeBlois advised this case had to do with overgrown weeds and junk, trash and debris, noting pool maintenance and pool enclosure violations had recently been resolved.

Inspector Buck submitted an Affidavit of Service indicating the property had been posted on August 8, 2013 into evidence and related she had service on Nationstar Mortgage, LLC on August 16, 2013. She stated she had not had contact with either Respondent but had spoken to the listing real estate agent, who was attempting to resolve the issues through the bank.

Mr. DeBlois recommended an extension of 30 days, until September 20, 2013, for compliance.

12:48:20

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violations for overgrown weeds and junk, trash and debris and grant an extension of 30 days, until September 20, 2013, for compliance or a \$100 per day fine.**

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

12:48:29 **Case #2013070079 – Allison Brown (Deutsche Bank National Trust)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on August 16, 2013 and one photograph into evidence. She indicted the residence was vacant and in foreclosure and the cited violations were for overgrown weeds, junk, trash and debris and property maintenance violations. Inspector Carter Solomon stated the grass had been cut and the debris removed, and the only violation remaining was the property maintenance violation for roof damage, and recommended an extension of 90 days, until November 22, 2013, to secure permits and repair the roof on the property.

12:50:18

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the property maintenance violation and grant an extension of 90days, until November 22, 2013, for compliance or a \$100 per day fine.**

It is noted for the record the Respondents were not present for this hearing.  
12:50:32 **Case #2013070021 – William Metz, Jr.**

Inspector Jefferson confirmed service to the Respondent on August 1, 2013 and submitted one photograph taken on August 26, 2013 into evidence showing overgrown weeds on a vacant lot. She recommended an extension of 30 days, until September 20, 2013, for compliance.

12:51:38

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until September 20, 2013, for compliance or a \$100 per day fine.**

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

12:51:49 **Case #2013070057 – Ruby McMullen (J.P. Morgan Chase Bank)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on August 16, 2013 and two photographs into evidence. She described a vacant residence with overgrown weeds and stated she had not had contact with either of the Respondents. Inspector Carter Solomon recommended an extension of 30 days, until September 20, 2013, for compliance.

12:52:57

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until September 20, 2013, for compliance or a \$100 per day fine.**

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

12:53:06 **Case #2013070001 – Robert Julian**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on August 16, 2013 and advised she had service on August 15, 2013 from the occupants of the residence. She testified the cited violation was for stormwater drainage and submitted three photographs into evidence showing a pipe on the rear of the property that was causing water to flow

on to adjacent property and causing washouts. Inspector Carter Solomon stated IRC Engineering staff had inspected the site and determined the Respondent's gutters were draining to the south of the property; however the subdivision drainage was set up to the drain to the north front yards.

Inspector Carter Solomon related the Respondent was working to attempt to resolve the violation and recommended an extension of 30 days, until September 20, 2013, for compliance.

12:55:13

**ON MOTION BY Mr. Bowles, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until September 20, 2013, for compliance or a \$100 per day fine.**

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

12:55:24 **Case #2013060149 – Christina O’Keeffe**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on August 16, 2013 and three photographs into evidence. She indicated the property was not in foreclosure and the property was being maintained up until a few months ago; however there was a tattered blue tarp on the roof and the lawn was not being mowed. Inspector Carter Solomon recommended a two-tier compliance with an extension of 30 days, until September 20, 2013, for the overgrown weeds violation to be brought into compliance and 90 days, until November 22, 2013, for the property maintenance violation to be complied by getting a permit and repairing the roof.

12:56:54

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until September 20, 2013, for the overgrown weeds and 90 days, until November 22, 2013, for the property maintenance violation to be complied or a \$100 per day fine.**

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

12:57:05 **Case #2013070139 – Thomas & Elizabeth Jackson (Nationstar Mortgage)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on August 15, 2013 and three photographs into evidence. She related this case had to do with property maintenance and electric maintenance violations, and the IRC Building Department had inspected the property and discovered the house was not eligible for condemnation but some property maintenance issues needed to be addressed, along with some electrical problems.

Inspector Carter Solomon submitted a copy of the building inspection report into evidence, noting the overgrown weeds violation was in compliance. She recommended an extension of 60 days, until October 25, 2013, for compliance of the property maintenance and electrical maintenance violations.

Mr. DeBlois advised this case had been before the Board in 2009 for swimming pool maintenance and an unsecured pool when Respondent Jackson had attended the hearing; however this case was coming back as a repeat violation based on the exterior property maintenance violation.

13:01:08

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violations for property maintenance and electrical maintenance and grant an extension of 60 days, until October 25, 2013, for compliance or a \$100 per day fine.**

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

13:01:19 **Case #2013050045 – Francis Pavlik (Alex Pavlik – Tenant)**

Inspector Buck testified she had posted the property on August 8, 2013 and submitted two photographs into evidence. She said she had received complaints about a commercial generator on the property without permits and related the Respondents had been cited for an illegal business on residential property, noise and/or vibration violation, no building permit for a shed, and junk, trash and debris.

Mr. DeBlois stated the illegal business on residential property violation was being withdrawn and the only violation that had not been addressed was the permit

for the generator, and recommended an extension of 30 days, until September 20, 2013, for compliance.

13:05:41

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation of no permit for a generator and grant an extension of 30 days, until September 20, 2013, for compliance or a \$100 per day fine.**

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

13:06:30 **Case #2013050160 – I.J. & Rachel Pinkney**

Inspector Buck submitted an Affidavit of Service indicating the property had been posted on August 8, 2013 and one photograph into evidence, and advised the overgrown weeds had been taken care of but there was still an unsecured vacant structure on the property. She recommended an extension of 30 days, until September 20, 2013, for compliance.

13:08:03

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation for an unsecured vacant structure and grant an extension of 30 days, until September 20, 2013, for compliance or a \$100 per day fine.**

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

13:08:15 **Case #2013080007 – William Ruetemann**

Mr. DeBlois advised this was a repeat violation for zoning district use violation and boat/trailer storage for a boat repair business on property in a residential district. He recapped an initial Order had been entered on January 23, 2012 where the Respondent was present and gave testimony that he was working on his own boats; however more recently staff had received complaints from neighbors alleging the Respondent was still bringing boats on to his property and working on them.

Inspector Davis testified she had posted the property on August 6, 2013 and stated she regularly received telephone calls and e-mails from neighbors regarding sanding, fiberglassing and painting being done to boats on the subject property.

She stated the Respondent had violated the previous Order on September 24, 2012 for a \$100 fine and for five days on March 25, 2013 for a \$500 fine, and submitted into evidence copies of e-mails from a neighbor and five photographs of boats on the property at different times with no registration showing.

Mr. DeBlois recapped the Board's January 23, 2012 Order dealt with a pole barn that had been removed; and the Respondent was ordered to cease the storage of more than one boat on the property in an enclosed area and cease the boat repair/fiberglass and painting business. He said staff had verified one boat registered to someone in another part of Florida for at least eight days, and although there was no verification of the registration on the remaining boats it was evident work was being done on the premises.

Mr. DeBlois recommended the Board find a repeat violation for eight days for the one boat staff had verified as not being registered to the Respondent, for a fine of \$800; and find a violation of more than one boat stored and enclosed on the property and grant 30 days, until September 20, 2013, to resolve the violation or be subject to a \$100 per day fine.

Discussion followed.

Mr. Zimmermann suggested escalating the fine amount based on the fact this was a repeat violation.

Mr. DeBlois amended his recommendation to set the fine at \$250 per day for eight days of verified violation for one boat not registered to the Respondent, for a total of \$2,000; and grant 30 days, until September 20, 2013, to resolve the violation of more than one boat being stored and enclosed on the property.

13:27:57

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find a repeat violation and set the fine at \$250 per day for eight days of verified violation for one boat not registered to the Respondent, for a total of \$2,000; and grant 30 days, until September 20, 2013, to resolve the violation of more than one boat being stored and enclosed on the property.**

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

13:29:20 **Case #2013060168 – Brian Baker (PNC Bank NA)**

Inspector Davis confirmed she had received service on Respondent Baker on August 7, 2013 and on the bank on August 8, 2013 by certified mail. She submitted three photographs into evidence and stated she had received complaints about overgrown weeds and junk, trash and debris. Inspector Davis noted the Respondent had started to clean up the property and recommended an extension of 30 days, until September 20, 2013, for compliance.

13:30:30

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until September 20, 2013, for compliance or a \$100 per day fine.**

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

13:30:39 **Case #2013050173 – Green Action Group, Inc. (Westwinds Nurseries) (Scott Loden)**

Inspector Jefferson advised this case had to do with a sign installed without permits and she had received service only on the tenant Westwinds Nurseries. Inspector Buck testified the Respondent had been in to the Code Enforcement office and asked her what he needed to do to come into compliance.

Mr. DeBlois stated it was staff's intention to focus any action taken today by the Board solely on the tenant Westwinds Nurseries, and recommended an extension of 30 days, until September 20, 2013, for compliance.

13:32:56

**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 September 20, 2013, for compliance or a \$100 per day fine.**

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

## COMPLIANCE HEARINGS

### 13:33:18 Case #2013050172 – Terrie & Charity Banks

Inspector Carter Solomon summarized this case initially came to the Board on July 22, 2013 for junk, trash and debris when a tree was trimmed and the debris was left on the property. She testified she had not had contact with the Respondent and nothing had been done, and recommended a \$100 per day fine be imposed with a start date of August 24, 2013.

13:34:06

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of August 24, 2013.**

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

### 13:34:14 Case #2013060087 – Phillip & Lauren Basso (Wells Fargo Bank)

Inspector Carter Solomon submitted two photographs into evidence and related this case had originally been to the Board on July 22, 2013 for overgrown weeds. She observed the front yard had been mowed but the back yard was still extremely overgrown and recommended a \$100 per day fine be imposed with a start date of August 24, 2013.

13:35:13

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of August 24, 2013.**

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

### 13:35:22 Case #2012040165 – John & Joyce Viesta

Mr. DeBlois recapped this case had first been to the Board on July 23, 2012 for an illegal shed in the right-of-way or easement and there had been a court case going on because of a foreclosure on some neighboring property. He noted staff had been recommending extensions to accommodate the court action; however no



recent progress had been made and he recommended a \$100 per day fine be imposed with a start date of August 24, 2013.

13:38:19

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of August 24, 2013.**

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

13:38:30     **Case #2013030132 – William & Monica Shane Monroe**

Inspector Carter Solomon indicated this case initially came to the Board on June 24, 2013 for overgrown weeds and junk, trash and debris. She confirmed the property had been cleaned up and mowed; however the rear yard was now overgrown and it was a recurring issue. Inspector Carter Solomon recommended the find of \$100 per day be imposed with a start date of August 24, 2013.

13:39:13

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of August 24, 2013.**

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

13:39:25     **Case #2013040175 – Nicholas Diaz**

Inspector Carter Solomon submitted two photographs into evidence and related this case had first been to the Board for overgrown weeds on June 24, 2013. She indicated the property was vacant but it was not in foreclosure and nothing had been done towards compliance, and recommended the \$100 per day fine be imposed with a start date of August 24, 2013.

13:40:36

**ON MOTION BY Mr. Bowles, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of August 24, 2013.**

It is noted for the record the Respondent was not present for this hearing.  
13:40:45 **Case #2013040168 – Shawn Higgins**

Inspector Carter Solomon related this case involved overgrown weeds at a vacant residence and submitted two photographs into evidence. She stated the case initially came to the Board on June 24, 2013 and one extension had been granted but nothing had been done. Inspector Carter Solomon recommended the \$100 per day fine be imposed with a start date of August 24, 2013.

13:41:47  
**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of August 24, 2013.**

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

13:41:56 **Case #2013050071 – Gwendolyn Sheppard**

Inspector Jefferson submitted two photographs into evidence. Mr. DeBlois related this case had first been to the Board for overgrown weeds on June 24, 2013 and one extension had been granted. He indicated nothing had been done towards compliance and recommended the \$100 per day fine be imposed with a start date of August 24, 2013.

13:42:37  
**ON MOTION BY Mr. Bowles, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of August 24, 2013.**

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

13:42:48 **Case #2013050072 – Martha Williams**

Mr. DeBlois related this case had first come to the Board on June 24, 2013 with one extension being granted. Inspector Jefferson submitted two photographs into evidence and said nothing had been done to bring the overgrown weeds and junk, trash and debris violations into compliance. Mr. DeBlois recommended the \$100 per day fine be imposed with a start date of August 24, 2013.

13:43:26

**ON MOTION BY Mr. Bowles, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of August 24, 2013.**

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

13:44:32     **Case #2013060040 – Lara Eliseo**

Mr. DeBlois recalled this case had been to the Board for an evidentiary hearing on July 22, 2013 for overgrown weeds. Inspector Buck submitted a photograph into evidence and reported nothing had been done. Mr. DeBlois recommended the Board impose the fine of \$100 per day with a start date of August 24, 2013.

13:45:22

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of August 24, 2013.**

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

13:45:33     **Case #2013050122 – Debbie Brown**

Mr. DeBlois recalled this case had been to the Board for an evidentiary hearing on July 22, 2013 for overgrown weeds and junk, trash and debris. Inspector Buck submitted two photographs taken August 22, 2013 into evidence and reported nothing had been done. Mr. DeBlois recommended the Board impose the fine of \$100 per day with a start date of August 24, 2013.

13:45:22

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of August 24, 2013.**

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

13:46:43 **Case #2013050020 – New Jerusalem In Its Power, Inc.**

Inspector Buck advised this case was closed.

13:46:55 **Case #2012110121 – Rodolfo Ramirez**

Mr. DeBlois related this was the location of a business called El Torito Groceries and the case originally came to the Board on May 20, 2013 for a building addition without required approvals, with extensions subsequently being granted. Inspector Buck submitted one photograph into evidence and stated plans had been submitted in May and nothing had been done since then towards coming into compliance.

Mr. DeBlois recommended a \$100 per day fine be imposed with a start date of August 24, 2013.

13:48:47

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of August 24, 2013.**

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

13:48:58 **Case #2013050008 – Juan Acuna Cabrales**

Mr. DeBlois recapped this case had first been before the Board for overgrown weeds on June 24, 2013 and the Board granted 30 days, with one extension being granted. Inspector Buck submitted one photograph into evidence and reported nothing had been done towards compliance. Mr. DeBlois recommended the \$100 per day fine be imposed with a start date of August 24, 2013.

13:49:59

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of August 24, 2013.**

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

13:50:04    **Authorization for Notices to Appear**

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to authorize the Notices to Appear for cases leading up to the September 23, 2012 meeting.**

**Other Matters**

Mr. DeBlois reminded the members there were five Mondays in September and the CEB would meet on the fourth Monday, which was the 23 of September, 2013.

**Adjournment**

There being no further business, the meeting was adjourned at 5:10 p.m.