

## 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, September 23, 2013 at 1:30 p.m.

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

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 and Kelly Buck, Code Enforcement Officers; Attorney David Hancock, Attorney for the Board; and Reta Smith, Recording Secretary.

### 10:10:56 **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.

### 10:11:55 **Approval of Minutes of August 26, 2013**

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to approve the minutes of August 26, 2013 as presented.**

### 10:12:09 **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.

### 10:20:02 **Agenda Additions or Deletions, Consent Items**

Mr. Roland DeBlois, IRC Environmental and Code Enforcement Chief, reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda. Cases

#2013040024, #2013040133, #2013040059, #2013050084, #2013050045, #2013060006, #2013050173, #2013060168, #2013040147, #2013070001, #2013060149, #2013040134, #2013050115, #2013060079 and #2013070005 - 30 day extension until October 25, 2013. Cases #2008050190, #2012110095, #2012100236, #2012050125, #2012050216, #2013040032, #2013040028, #2013050125 and #2013010126 - 60 day extension until November 22, 2013. Case #2012080061 - 90 extension until December 20, 2013. Cases #2013060019, #2013070099, #2013080069 and #2013080057 were rescheduled.

In compliance were Cases #2013060050, #2013070159, #2013070084, #2013050113, #2013080079, #2013080056, #2013070169, #2013070170, #2013070171, #2013080082, #2013080070, #2013080004, #2013070166, #2012120001, #2013060048, #2013060038, #2013070021, #2013070057, #2013050158, #2013060101, #2013040048, #2013030126 and #2013050096.

Mr. DeBlois noted there was one addendum to the agenda, and recommended the four Lien Release Requests be heard starting no sooner than 3:00 p.m.

10:31:32

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

10:31:58 **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.

Chairman Gervasio advised if anyone on the Consent agenda wanted their case to be heard, they should talk to their Code Enforcement Officer and the Board would accommodate their request.

### **EVIDENTIARY HEARINGS**

10:33:57 **Case #20130060109 – Tracy Sabol**

Mr. DeBlois recapped this case involved a garage structure built without permits and encroachment of the structure within a required yard setback area.

Ms. Betty Davis, IRC Code Enforcement Officer, stated she had received a

complaint from a resident in the Roseland area; however it appeared from records provided by the Respondent and information from the IRC Property Appraiser's office that the case was in compliance because it was grandfathered in. She added prior to 1957 the County did not require zoning setbacks and therefore the encroachment would also be grandfathered.

Mr. DeBlois said based on the previous information staff would withdraw the case as complied.

Respondent Mr. Tracy Sabol related there had been excessive complaints made by one particular Roseland resident and asked the Board to consider putting a cap on how many times a person could complain about their neighbors.

Chairman Gervasio advised this issue was beyond the purview of the Board.

10:40:06     **Case #2013040047 – Titone Properties LLC**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, submitted into evidence an Affidavit of Service indicating the property had been posted on September 13, 2013 and a Notice of Violation dated April 5, 2013 from the IRC Building Department. She related this case had to do with roof repair and interior work done to a fire-damaged residence without permits, and on January 18, 2013 a Stop Work Order had been issued to the Respondent; however as of this morning no permits had been applied for.

Mr. DeBlois recommended the Board find the violation and require the Respondent to obtain the appropriate building permits within 30 days, by October 25, 2013, or be subject to a \$100 per day fine.

Respondent Mr. Mark Titone agreed to obtain the permits.

10:43:53

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 days, until October 25, 2013, for compliance or a \$100 per day fine.**

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

10:44:10 **Case #2013060155 – Manaca Pineapple Center, LLC**

Inspector Davis confirmed service on September 13, 2013 and submitted five photographs into evidence. She advised this case had to do with site plan non-conformance and land maintenance violations for dead trees, missing hedges and excessive trimming of trees on commercially-zoned property.

Ms. Maria Anton, representing the owner, stated the hedges had already been replaced and the landscaper was working on replacing the trees.

Mr. DeBlois recommended an extension of 60 days, until November 22, 2013, for compliance.

10:48:27

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to find the violations and grant an extension of 60 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

10:49:21 **Case #2013080032 – Joel Kist (J.P. Morgan Chase Bank)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on September 13, 2013 and two photographs into evidence, and described overgrown weeds on two adjacent lots.

Attorney Hashi Richards, representing the bank, indicated the bank was in the middle of foreclosure action and did not have title to the property at this time.

Mr. DeBlois observed banks could employ management companies to handle overgrown weed violation even in the midst of foreclosures and recommended an extension of 30 days, until October 25, 2013, for compliance.

10:53:25

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 days, until October 25, 2013, for compliance or a \$100 per day fine.**

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

10:54:31 **Case #2013070174 – Patricia Gilman**

Inspector Davis confirmed service on September 9, 2013 and submitted one photograph into evidence, and related this case involved a fence erected without a permit and located too close to the front property line. She indicated the Respondent had obtained a permit and was in the process of relocating the fence, and recommended an extension of 60 days, until November 22, 2013, for compliance.

Ms. Laurie Ojika, representing the owner, said 60 days would be enough time for compliance.

10:56:29

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of 60 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

### **COMPLIANCE HEARINGS**

10:57:45 **Case #2011070009 – Richard Harper**

Mr. DeBlois explained this case dated back to an Order entered by the Board on May 21, 2012 concerning a property maintenance violation at a fire-damaged residence, and numerous extensions had been granted for the Respondent to obtain the necessary building permits to repair the residence or demolish the structure. He clarified there was an ongoing court case involving an insurance claim and the last time the case had been to the Board was on March 25, 2013, at which time an

extension was granted until September 20, 2013.

Inspector Carter Solomon reported no building permits had been applied for; however after the March, 2013 hearing the case had been referred to the IRC Building Department and condemnation proceedings had been initiated against the property. She confirmed the exterior of the property was being maintained and the residence was secured.

Attorney Michael Kissner, representing the Respondent, testified the civil trial had been delayed and mediation was scheduled for November 18, 2013, with the case being moved to a February, 2014 trial docket. He indicated the insurance company was contesting the case and the Respondent did not have the money to reconstruct the house until a settlement was reached, and was hopeful mediation would offer a solution.

Mr. DeBlois recommended an extension of 90 days, until December 20, 2013, for the situation to be resolved and the Respondent to obtain permits, with a compliance hearing date to be held on January 27, 2014.

11:03:23

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant an extension of 90 days, until December 20, 2013, for the situation to be resolved and the Respondent to obtain permits, or a \$100 per day fine would be imposed.**

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

11:04:02      **Case #2013050132 – Linda Cross**

Mr. DeBlois recalled this case had initially been to the Board on July 22, 2013 for a zoning district use violation for pod storage unit on the subject property, at which time the Respondent was granted until September 20, 2013 to comply.

Ms. Kelly Buck, IRC Code Enforcement Office, submitted one photograph taken September 18, 2013 into evidence and confirmed the pod unit was still on the site.

Respondent Ms. Linda Cross testified the pod contained materials she

intended to use in renovating her home, along with some of her daughter's possessions.

Mr. DeBlois suggested the Respondent meet with IRC Planning Department staff to see if there were any options other than removal of the pod and recommended an extension of 30 days, until October 25, 2013, for compliance.

11:14:32

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to grant an extension of 30 days, until October 25, 2013, for compliance or a \$100 per day fine.**

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

### **LIEN RELEASE REQUEST**

11:17:34      **Case #2007060120 – Francois Pelletier**

Mr. DeBlois recalled this case had been to the Board for an evidentiary hearing in July, 2007 for overgrown weeds and zoning district use violations for unpermitted storage use of the property, at which time the Respondent was granted 30 days to comply. He continued the case came back to the Board on August 27, 2007 and upon hearing the issues were not resolved the Board imposed a \$100 per day fine with a start date of August 25, 2007. Mr. DeBlois submitted two photographs into evidence showing the exposed rebar had been capped and the property was mowed. He advised in September, 2008 the Board had acknowledged compliance and set the fine at a flat fine of \$35,900 for 359 days of non-compliance.

Respondent Mr. Ronald McMillan stated he had purchased the property through a tax deed sale and was not aware of the existence of the lien. He indicated the property was assessed at \$4,940 and asked for a reduction of the lien amount.

Mr. DeBlois clarified the lien would apply to the subject property and any other real or personal property of the previous owner, Mr. Francois Pelletier.

Discussion followed.

Mr. DeBlois noted there had been some health/safety issues because of the exposed rebar and recommended the fine be set at \$1,700 to cover administrative costs.

The Respondent asked if the fine amount could be reduced.

Mr. Zimmermann commented if the Board negated administrative costs it would set a precedent and open the door for someone else to ask for the same thing to be applied to their case. He stressed in today's economy anyone with tax deed certificates needed to get a title search done to find out if there were liens on the property before taking it to sale.

11:36:35

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted (5-1) to find compliance and set the fine at \$1,700 to cover administrative costs. Mr. Clements opposed.**

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

### **EVIDENTIARY HEARINGS**

11:38:21      **Case #2013050085 – Gasper Aparisio-Augustin**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on September 13, 2013 and one photograph into evidence. She related the junk, trash and debris violation had been resolved; however there was still the issue of no building permit for a shed located in the rear yard of the subject property and she recommended an extension of 30 days, until October 25, 2013, for compliance.

11:39:56

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the no building permit violation and grant an extension of 30 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.

11:40:04      **Case #2013050135 – Richard & Patricia Donovan**

Inspector Davis confirmed service on September 9, 2013 and submitted seven photographs into evidence. She advised the case involved overgrown weeds, property maintenance violation for broken windows and a falling down pole barn;



unsecured vacant structure and junk, trash and debris. Inspector Davis stated the Respondents told her they were out of town but promised to have the structure removed by the end of October; and she recommended an extension of 60 days, until November 22, 2013, for compliance.

11:41:54

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violations and grant an extension of 60 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

11:42:08     **Case #2013060111 – Brandy Gallegos**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on August 6, 2013 and one photograph into evidence, and described a fence built without a permit on the subject property. She recommended an extension of 60 days, until November 22, 2013, for compliance.

11:43:13

**ON MOTION BY Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of 60 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

11:43:26     **Case #2013070029 – Nichole Devlin**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on September 13, 2013 into evidence and related the case had to do with overgrown weeds and junk, trash and debris. She indicated as of this morning the trash had been cleaned up and the front yard had been mowed; however the rear yard was extremely overgrown. Inspector Carter Solomon recommended an extension of 30 days, until October 25, 2013, for compliance.



11:46:22 **Case #2013080009 – Abdool Khan (Countrywide Home Loans Inc.)**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on August 8, 2013 and one photograph into evidence, and confirmed service on the bank on September 9, 2013. She recommended an extension of 30 days, until October 25, 2013, for compliance of the overgrown weeds violation.

11:47:32

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 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.

11:47:41 **Case #2013070047 – Melanie Kremkau**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on September 13, 2013 and three photographs showing overgrown weeds at a vacant residence into evidence. She confirmed she had not had contact with the Respondent and recommended an extension of 30 days, until October 25, 2013, for compliance.

11:48:43

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 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.

11:48:54 **Case #2013080030 – Douglas & Catherine Woodby (GMAC Mortgage, LLC)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on September 13, 2013 and two photographs into evidence. She indicated the case involved overgrown weeds, property maintenance violation for a damaged roof and a fence or wall violation. She advised the property had been abandoned for over two years and the neighbors were complaining, and

recommended an extension of 30 days, until October 25, 2013, for compliance.

11:50:19

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to find the violations and grant an extension of 30 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.

11:50:28` **Case #2013080014 – Shawn Wienecke**

Inspector Carter Solomon advised she had not received service on this case.

11:50:38 **Case #2013070152 – PNC Bank NA**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on September 13, 2013 and two photographs into evidence. She confirmed the overgrown weeds violation had been resolved; however there was a pile of vegetation in the rear yard and even though the pool was enclosed by a locked screen and was secure, the pool had not been maintained. Inspector Carter Solomon said she had been in contact with the bank to clarify that they were the owners and recommended an extension of 30 days, until October 25, 2013, for compliance.

11:51:00

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to find the violations for junk, trash and debris and pool maintenance and grant an extension of 30 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.

11:52:08 **Case #2013070131 – Wells Fargo Bank NA**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on September 13, 2013 and four photographs into evidence, and described overgrown weeds at a vacant residence. She



2013, for compliance.

11:57:01

**ON MOTION BY Mr. Zimmermann, SECONDED BY Hedin, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 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.

11:57:10 **Case #2013080018 – Neil Ali**

Inspector Buck submitted three photographs taken September 18, 2013 into evidence and described overgrown weeds on a vacant lot. She reported the Respondent had been very cooperative and recommended an extension of 30 days, until October 25, 2013, for compliance.

11:58:12

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Bowles, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 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.

11:58:25 **Case #2013070138 – Mary Brown**

Inspector Buck submitted an Affidavit of Service indicating the property had been posted on September 11, 2013 and two photographs into evidence. She related the case involved an unsecured vacant structure and overgrown weeds and recommended an extension of 30 days, until October 25, 2013, for compliance.

11:59:33

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violations and grant an extension of 30 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.

11:59:45 **Case #2013070153 – Cora Brown**

Inspector Buck submitted an Affidavit of Service indicating the property had been posted on September 11, 2013 and one photograph into evidence, and described overgrown weeds on the subject property. She recommended an extension of 30 days, until October 25, 2013, for compliance.

12:00:25

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 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.

12:00:35 **Case #2013070136 – Alfred & Miriam Davis**

Inspector Buck submitted one photograph taken on September 18, 2013 and an inspection report dated July 25, 2013 from IRC Building Inspector Shawn Doutrich into evidence. She confirmed service by posting the property on September 11, 2013 and advised this case had to do with an unsecured vacant structure that had been damaged by fire and the structure had been condemned by the County. Inspector Buck recommended an extension of 30 days, until October 25, 2013, for compliance.

12:02:58

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 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.

12:03:00 **Case #2013090033 – Henry Rodrigues**

Inspector Carter Solomon confirmed service via certified mail on September 11, 2013 and submitted three photographs taken on September 23, 2013 into evidence, and described overgrown weeds and junk, trash and debris at a vacant

residence. She recommended an extension of 30 days, until October 25, 2013, for compliance.

12:04:37

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 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.

12:04:47 **Case #2013090037 – Brenda Wilber**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on September 10, 2013 and one photograph into evidence. She stated the Respondent had been cited for junk vehicles, property maintenance for broken windows and junk, trash and debris. She confirmed the only violation remaining was replacement of the window panes and recommended an extension of 30 days, until October 25, 2013, for compliance.

12:06:13

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to find the violation for property maintenance and grant an extension of 30 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.

### **COMPLIANCE HEARINGS**

12:06:23 **Case #2013030095 – Kipp Ahrens**

Inspector Carter Solomon submitted three photographs into evidence and related this case first came to the Board on June 24, 2013 for no building permit for an addition to the rear of a residence. She stated the Respondent was granted 90 days, until September 20, 2013 to apply for a permit, and as of today none had been applied for. Inspector Carter Solomon recommended the \$100 per day fine be imposed with a start date of September 21, 2013.



12:07:10

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Clements, the Board voted unanimously (6-0) to find non-compliance and impose the fine of \$100 per day with a start date of September 21, 2013.**

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

12:07:22     **Case #2013040043 – Terrie & Charity Banks**

Inspector Carter Solomon recapped this case came to the Board for an evidentiary hearing on July 22, 2013 for a utility line maintenance violation, at which time the Respondents were given 60 days, until September 20, 2013, to bring the property into compliance. She reported as of today no progress had been made and recommended the \$100 per day fine be imposed with a start date of September 21, 2013.

12:07:58

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Clements, the Board voted unanimously (6-0) to find non-compliance and impose the fine of \$100 per day with a start date of September 21, 2013.**

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

12:08:11     **Case #2013040035 – Flagstar Bank FSB**

Inspector Carter Solomon indicated this case initially came to the Board on July 22, 2013 for a utility line maintenance violation, at which time the Respondent was granted 60 days, until September 20, 2013. She confirmed compliance had not been attained and recommended the \$100 per day fine be imposed with a start date of September 21, 2013.

12:08:50

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Clements, the Board voted unanimously (6-0) to find non-compliance and impose the fine of \$100 per day with a start date of September 21, 2013.**

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

12:09:05 **Case #2013050160 – I.J. & Rachel Pinkney**

Inspector Buck stated this case had first been to the Board on August 26, 2013 for overgrown weeds and an unsecured vacant structure, and submitted one photograph taken on September 18, 2013 into evidence. She related nothing had been done and recommended the \$100 per day fine be imposed with a start date of September 21, 2013.

12:09:49

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Bowles, the Board voted unanimously (6-0) to find non-compliance and impose the fine of \$100 per day with a start date of September 21, 2013.**

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

12:10:05 **Case #2012110118 – Judith Walker Smith**

Inspector Buck submitted one photograph into evidence and related this case first came to the Board on January 28, 2013 for zoning district use violation for a box truck being used as a storage shed and junk, trash and debris. She confirmed the zoning district use violation was in compliance; however there was still junk, trash and debris on the property. Inspector Buck recommended the \$100 per day fine be imposed with a start date of September 21, 2013.

12:11:26

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to find non-compliance and impose the fine of \$100 per day with a start date of September 21, 2013.**

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

12:11:36 **Case #2013010113 – Kenny Holmes**

Inspector Buck testified this case had initially come before the Board on February 25, 2013 for no building permit for a shed and a fence or wall violation. She related the Respondent had moved out of the area and compliance had not been reached. Inspector Buck submitted one photograph taken on August 22, 2013 into evidence and observed the shed had been relocated but as of today no permits

had been pulled. She recommended a fine of \$100 per day fine be imposed with a start date of September 21, 2013.

12:12:44

**ON MOTION BY Mr. Bowles, SECONDED BY Mr. Clements, the Board voted unanimously (6-0) to find non-compliance and impose the fine of \$100 per day with a start date of September 21, 2013.**

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

12:12:44     **Case #2013050167 – Keith Mason**

Inspector Buck recapped this case had first come to the Board for a compliance hearing on July 22, 2013 for commercial vehicles being stored on residential property and a zoning district use violation. She submitted one photograph taken on September 18, 2013 into evidence and noted the commercial vehicle was still on the property and no effort had been made to come into compliance, and recommended a \$100 per day fine be imposed with a start date of September 21, 2013.

12:13:56

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to find non-compliance and impose the fine of \$100 per day with a start date of September 21, 2013.**

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

12:14:07     **Case #2013050089 – Emilia Neto**

Inspector Buck related this case first came to the Board on July 22, 2013 for overgrown weeds and junk, trash and debris. She confirmed the property was not in compliance and recommended a \$100 per day fine be imposed with a start date of September 21, 2013.

12:15:12

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to find non-compliance and impose the fine of \$100 per day with a start date of September 21, 2013.**

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

12:15:28     **Case #2012110093 – Marie Simmons**

Mr. DeBlois advised the only violation remaining was for a fence built without a permit and the Respondent had told him she would be obtaining a permit. He recommended an extension of 30 days, until October 25, 2013, for compliance.

12:16:05

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (6-0) to grant an extension of 30 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.

12:16:24     **Case #2013050106 – Marlene Ferrara (Chase Bank)**

Inspector Carter Solomon recalled this case had first come to the Board on July 22, 2013 for a health/safety hazard for a dead oak tree and junk, trash and debris. She submitted two photographs into evidence and indicated no progress had been made and she had heard nothing from either of the Respondent. Inspector Carter Solomon recommended the \$100 per day fine be imposed with a start date of September 21, 2013.

12:17:23

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Bowles, the Board voted unanimously (6-0) to find non-compliance and impose the fine of \$100 per day with a start date of September 21, 2013.**

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

12:17:33     **Case #2013030124 – Norman Welch Jr. (J.P. Morgan Chase Bank)**

Inspector Carter Solomon stated this case initially came to the Board on July 22, 2013 for a swimming pool maintenance violation and overgrown weeds. She submitted one photograph into evidence and confirmed the grass had been cut; however the pool had not been cleaned. Inspector Carter Solomon recommended the \$100 per day fine be imposed with a start date of September 21, 2013.

12:18:30

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Clements, the Board voted unanimously (6-0) to find non-compliance and impose the fine of \$100 per day with a start date of September 21, 2013.**

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

12:18:42     **Case #2013050042 – Patrick Kehoe (U.S. Bank National Assoc.)**

Inspector Carter Solomon summarized this case first came to the Board on June 24, 2013 for overgrown weeds and junk, trash and debris, at which time the Respondents were granted 30 days until July 19, 2013 for compliance, with two extensions being given since that time. She confirmed nothing had been done and recommended the \$100 per day fine be imposed with a start date of September 21, 2013.

12:19:32

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find non-compliance and impose the fine of \$100 per day with a start date of September 21, 2013.**

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

### **LIEN RELEASE REQUESTS**

12:20:08     **Case #2010050122 – Emily Fagnant (Aurora Loan Services)**

Mr. DeBlois indicated he would reschedule this case.

12:20:20     **Case #2012080153 – James Collucci & Marie Simmons**

Mr. DeBlois stated he would reschedule this case.

12:20:26     **Case #2010060116 – Richard & Rhea Jeppson (Bank of America)**

Mr. DeBlois stated this case initially came to the Board for an evidentiary hearing on July 26, 2010 for overgrown weeds on property located at 360 40<sup>th</sup> Court S.W., Vero Beach, at which time the Board granted the Respondent until September

24, 2010 to resolve the violation. He indicated when staff reported non-compliance the Board entered an Order Imposing Fine in the amount of \$100 per day with a start date of September 5, 2010.

Mr. DeBlois continued on March 26, 2012 the case came back to Board and staff confirmed compliance as of December 1, 2010, which was 67 days of non-compliance, and the Board acknowledged compliance and set the fine at \$6,700. He submitted a copy of a letter dated September 13, 2013 from the Respondents into evidence and related they owned a separate property located at 1215 37<sup>th</sup> Avenue, Vero Beach that was scheduled for a short sale. Mr. DeBlois stated the Respondents were requesting the short sale property be released from the lien, with the lien to remain at the subject property at 360 40<sup>th</sup> Court S.W.

Mr. DeBlois recommended the Board enter a Partial Release of Lien on the property at 1215 37<sup>th</sup> Avenue, Vero Beach to allow for a short sale to take place. He recommended in addition to releasing the above-mentioned short sale property, the Board set the fine on the subject property at 360 40<sup>th</sup> Court S.W., Vero Beach at \$1,700 to cover administrative costs.

12:24:52

**ON MOTION BY Mr. Bowles, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to enter a Partial Release of Lien on property at 1215 37<sup>th</sup> Avenue, Vero Beach; and enter a separate Order setting the fine on property at 360 40<sup>th</sup> Court S.W., Vero Beach at \$1,700 to cover administrative costs.**

12:25:49 **Authorization for Notices to Appear**

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin the Board voted unanimously (6-0) to authorize the Notices to Appear for cases leading up to the October 28, 2013 meeting.**

### **Other Matters**

There were none.

### **Adjournment**

There being no further business, the meeting was adjourned at 3:40 p.m.