

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, April 28, 2014 at 1:30 p.m.

Present were Chairman **Pete Clements**, General Contractor Appointee; **Tony Gervasio**, Member-at-Large Appointee; **Joe Petrulak**, Subcontractor Appointee; Vice-Chairman **Aaron Bowles**, Engineer Appointee and **David Myers II**, Businessman Appointee.

Absent was **Karl Zimmermann**, Realtor 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 and Kelly Buck, Code Enforcement Officers; David Hays, Land Development Manager; Betty Beatty-Hunter, Building Department; Attorney David Hancock, Attorney for the Board; and Reta Smith, Recording Secretary.

9:56:07 Call to Order

Chairman Clements called the meeting to order and led all in the Pledge of Allegiance. He welcomed David Myers II as a new Board member and Businessman Appointee.

The secretary called the roll, establishing that a quorum was present.

9:57:22 Approval of Minutes of March 24, 2014

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio the Board voted unanimously (5-0) to approve the minutes of March 24, 2014 as presented.

9:57:40 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.

10:05:29 **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 #2014010094, #2013090134, #2014010070, #2013120012, #2013120020, #2013100092 and #2013100157 – three week extension until May 16, 2014. Cases #2013040024, #2013110068, #2013100130, #2013110012 and #2013100095 - 60 day extension until June 20, 2014. Case #2013110071 – 90 extension until July 25, 2014. Cases #2013120030, #2014020030, #2009030034, #2009030003 and #2014020131 were rescheduled.

In compliance were Cases #2014020093, #2014010061, #2014010052, #2014010058, #2014010060, #2014020001, #2014020005, #2014020033, #2014020045, #2014020046, #2014020025, #2014020088, #2014020078, #2014030050, #2014030037, #2014030043, #2014020139, #2014020133, #2014030018, #2014020100, #2014040048, #2014020077, #2013110008, #2013120041, #2013070138, #2014010014, #2013120003, #2013100135, #2014010004, #2014020062, #2014020058 and #2014040040.

Mr. DeBlois advised there was one Administrative Hearing scheduled and recommended the Board hear that case at a time certain of 2:30 p.m. He noted there were a number of Lien Release Requests in addition to an addendum to the agenda consisting of three Lien Release Requests for Cases #2011090199, #2013080111 and #2009090101, and he recommended they be heard with the other Lien Release Request cases starting no sooner than 3:00 p.m.

Mr. DeBlois stated IRC staff was present for Cases #2014020132 and #2014030013 and requested the Board hear those two cases at the beginning of today's meeting.

10:15:06

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

10:15:53 **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

10:16:10 **Case #2014020132 – Dennis Hulce**

Mr. DeBlois outlined this case related to zoning use of a residential property zoned Rose 4 in Roseland having to do with an annual Mardi Gras event advertised to the general public and with invited live music occurring outdoors on the subject property. He continued a related issue was the level of right-of-way use and blockage of right-of-way and parking associated with this annual event, and staff had issued a citation warning to the Respondent for violation of the County's right-of-way ordinance.

Ms. Betty Davis, IRC Code Enforcement Officer, testified she had received a complaint on February 27, 2014 about this event being held on March 1, 2014 for the third year and blocking access to homes in the vicinity. She submitted an aerial photograph outlining the property into evidence, along with a copy of an internet page advertising the event to the public.

Mr. David Hays, IRC Land Development Manager, testified there was a special permit for block party events whereby the County reviewed access and parking conditions and could re-route traffic if necessary to ensure emergency access to all neighboring residents; however he did not recall ever reviewing such a permit for this event. He noted an event such as this would also require a right-of-way permit because it appeared vehicles were parking along the right-of-way.

Mr. DeBlois observed this event was more than a house-party and had evolved into an outdoor concert event that would be more appropriate at a public venue other than at a single-family home. He acknowledged the case was currently in compliance; however he recommended the Board find the zoning district use violation and enter a Continuing Order so if the violation occurred again a \$250 per day fine would be imposed for non-compliance.

Respondent Dennis Hulce testified he had asked the County if he needed a permit and was told it was not necessary for a private party. He pointed out the event was strictly for his invited friends, he did not charge admission and the music never played past 9:30 p.m. Mrs. Regina Hulce, the Respondent's wife, stated last year she had posted the event on Facebook and put out flyers but she had not done so this year and she did not know where the internet advertisement showing her address came from. She estimated there were 150 to 200 people in attendance at

the Mardi Gras party and stressed they were all invited by herself and her husband.

Mr. Gervasio inquired if a complaint from one neighbor would mean the right-of-way permit would be denied. Mr. Hays said all the facts and the affected parties would be taken into consideration.

Discussion followed.

Ms. Shambala Cooper, owner of the adjoining property and a Respondent in the following case on today's agenda, clarified there were approximately 100 people total in attendance over the course of the event, and about 30 to 35 vehicles. She stressed someone was directing traffic to park on a vacant lot and the rest of the attendees parked on her property out of the right-of-way. Ms. Cooper pointed out there were no noise complaints and this was a family event; however there were a couple of neighbors who did not approve.

10:44:30

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find the violation had occurred but find compliance at this time and enter a Continuing Order so that if the violation recurred in the future a \$250 fine would be imposed.

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

10:45:49 **Case #2014030013 – Shambala Ann Cooper**

Mr. DeBlois related this was essentially the same issue as the previous case involving the adjacent property and the same event, and staff's recommendation was the same. He reiterated that if the event recurred it could not be advertised to the general public and a permit would have to be obtained before the event for any use of the right-of-way.

Respondent Cooper maintained it was not a public party and the parking was controlled.

Chairman Clements observed there was a safety issue if an emergency vehicle could not get to someone in time because of traffic and parking problems.

Discussion followed.

10:52:05

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find the violation had occurred but find compliance at this time and enter a Continuing Order so that if the violation recurred in the future a \$250 fine would be imposed.

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

10:54:02 **Case #2014020061 – Lacey Dahl**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, submitted three photographs into evidence and reported the Respondent had been cited for a junk vehicle stored on the subject property. Mr. DeBlois recommended the Board grant an extension of three weeks, until May 16, 2014, to either demonstrate the vehicle was road-worthy or remove it from the property.

Respondent Dahl stated he had a tag registered to the vehicle but it was not currently on the vehicle because he was doing some modifications and it would be road-worthy as soon as he put in a drive shaft.

Mr. DeBlois revised his recommendation to allow 60 days, until June 20, 2014, for the Respondent to demonstrate that the vehicle was operable and road-worthy.

11:02:10

ON MOTION BY Mr. Petrulak, SECONDED BY Bowles, the Board voted (4-1) to find the violation and grant an extension of 60 days, until June 20, 2014, for compliance or a possible \$100 per day fine. Mr. Gervasio opposed.

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

ADMINISTRATIVE HEARING

11:03:15 **Case #2014030036 – Keith Moskowitz**

Mr. DeBlois recapped this case had to do with a building contractor citation in the amount of \$500 issued to the Respondent for constructing an outdoor kitchen without permits and hiring unlicensed contractors to work on the structure.

Ms. Betty Beatty-Hunter of IRC Building Department displayed photographs contained in the backup on file in the Commission Office and testified she had visited the site after receiving a complaint and found two people working on the structure. She stated the men then telephoned the homeowner, Respondent Moskowitz, to whom she issued Citation #1138 and told him he needed a permit and the workers had to be licensed.

Respondent Moskowitz said he did not think a permit was necessary to build an outdoor kitchen and maintained the person doing the work was a friend and relative of his wife and he had not paid him any money. He stated no work had been done since he received the citation and he had obtained engineering drawings and would apply as a homeowner-builder to get the job done. The Respondent protested he thought \$500 was an exorbitant amount.

Ms. Beatty-Hunter pointed out two items had been checked off on the citation and the fine could have been \$1,000 and she could have cited the men on the job as well as the homeowner.

Mr. DeBlois recommended the Board uphold Citation #1138 in the amount of \$500.

11:12:37

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to uphold Citation #1138 in the amount of \$500.

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

EVIDENTIARY HEARINGS

11:14:36 **Case #2014030007 – Robert Danelski**

Ms. Kelly Buck, IRC Code Enforcement Officer, submitted two photographs taken on April 24, 2014 into evidence. She noted there were originally three untagged vehicles on the property; however one vehicle had recently been removed.

Mr. DeBlois recommended an extension of 60 days, until June 20, 2014, for compliance.

11:17:47

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find the junk vehicles violation and grant an extension of 60 days, until June 20, 2014, for compliance or a possible \$100 per day fine.

It is noted for the record Mrs. Marilyn Danelski and tenant Ms. Tina Barrow were present for this hearing.

11:18:51 **Case #2014020141 – Tracy Paulisin & William Sanford**

Inspector Carter Solomon submitted one photograph into evidence and described a box truck with flat tires on the subject property.

Respondent William Sanford stated the vehicle was his work van and he had let the tag expire because he was not busy enough at present to use it for his business.

Mr. DeBlois recommended an extension of three weeks, until May 16, 2014, for the Respondent to demonstrate the vehicle was roadworthy or remove it from the property.

11:22:14

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation and grant an extension of three weeks, until May 16, 2014, for compliance or a possible \$100 per day fine.

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

11:23:06 **Case #2014040044 – Zhu Ying Li**

Inspector Carter Solomon submitted two photographs into evidence and

stated the tenants in the multi-family property were putting garbage in trash bags by the road although there was no scheduled garbage pickup. She related the trash sometimes remained for days and the neighbors complained because it was a recurring issue, and even though the property was in compliance as of today she requested the Board grant a Continuing Order.

Mr. DeBlois recommended the Board find the violation had occurred and was currently in compliance and enter a Continuing Order so if the violation recurred in the future the Respondent would be fined \$100 per day.

Mr. Zhien Zheng, nephew of the Respondent, said he thought the garbage was usually placed out by the driveway and taken to the restaurant dumpster later in the day.

Discussion ensued.

11:30:45

ON MOTION BY Mr. Bowles, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find the violation had occurred and was currently in compliance and entered a Continuing Order so if the violation recurred the Respondent would be fined \$100 per day.

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

COMPLIANCE HEARING

11:31:34 **Case #2010030109 – Christopher N. Kirrie**

Mr. DeBlois recalled this case had been appealed to circuit court by the Respondent and had last come to the Board on August 22, 2011 for an Order on Motion for Stay Pending Appeal, which meant the Board's Order was stayed until the appeal process ran its course. He advised as of January, 2014 the Respondent's appeals were exhausted and the CEB Order was upheld by the courts. Mr. DeBlois continued the case was being brought back at this time for the Board to lift the stay and grant a period of time for compliance now that the appeal process was over.

Mr. DeBlois summarized the case had to do with a garage attachment to a

warehouse on the subject property, and the Board's Order directed the Respondent to apply for and obtain County approval for a modification to the site plan for the garage addition and obtain related after-the-fact building permits or remove the addition and comply with the approved site plan. He recommended the Board grant the Respondent 90 days, until July 25, 2014, to obtain the appropriate approvals or to remove the garage addition as reflected in the original Order.

Attorney Rich Stringer, representing the Respondent, advised he had met with IRC staff and thought the most likely scenario would be to get the extra 800 square feet approved through the Board of County Commissioners, and it might be necessary to ask for more time.

Mr. DeBlois stated he had no objection to amending his recommendation to 120 days, until August 22, 2014.

11:36:31

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to grant an extension of 120 days, until August 22, 2014, for the Respondent to apply for and obtain County approval for a modification to the site plan for the garage addition and obtain related after-the-fact building permits or remove the addition and comply with the approved site plan, or a possible \$100 per day fine.

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

LIEN RELEASE REQUESTS

11:38:39 **Case #2008100098 – Daniel LoPresti**

Mr. DeBlois recapped this case had originally been before the Board on February 23, 2009, at which time the Board found the overgrown weeds violation and granted the Respondent until March 20, 2009 to comply. He continued the case came back for a compliance hearing on April 27, 2009 after one Order Granting Extension, at which time the Board found non-compliance and entered a \$100 per day fine with a start date of April 25, 2009. Mr. DeBlois verified compliance on January 6, 2010, which was 256 days of non-compliance for a flat accrued fine

amount of \$25,600.

Ms. Arlene Velasco, a realtor representing the owner, advised there was presently a contract on the property for a short sale through the bank and asked the Board for a reduction of the fine. She clarified the home was worth approximately \$40,000 and there was quite a lot of work to do because the home had been vacant since 2007.

Mr. DeBlois explained if a foreclosure action was occurring at the time of the violation staff would typically cite or notify the bank; however it appeared there was no notice to any bank when this first came to the Board. He noted once the property came into compliance the bank had kept the grass mowed, and recommended the Board reduce the fine to \$2,000 for administrative costs.

11:45:55

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

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

11:46:36 **Case #2011120038 – Jill Price**

Mr. DeBlois indicated this case had first been to the Board on February 27, 2012 for unenclosed storage of two trailers on the property, at which time Respondent Price was present. He continued the Board granted the Respondent until April 20, 2012 to comply and when the case came back on April 23, 2012 upon hearing nothing had been done the Board imposed a \$100 per day fine with a start date of April 21, 2012. Mr. DeBlois confirmed compliance as of July 2, 2012, which was 72 days of non-compliance for a flat accrued fine in the amount of \$7,200.

Ms. Georgann Schreiber, representing Fannie Mae, advised the bank recorded the Certificate of Title on February 21, 2014 and had nothing to do with the property at the time of the violation but had been taking care of the property.

Mr. DeBlois recommended the fine be set at \$1,700 to cover administrative costs.

11:51:02

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find compliance and set the fine at \$1,700 to cover administrative costs.

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

11:51:35 **Case #2013080111 – PNC National Bank**

Mr. DeBlois recapped this case came to the Board for an evidentiary hearing on October 28, 2013, at which time the Board found an overgrown weeds violation and granted until November 22, 2013 to comply. He observed the Respondent at that time was PNC National Bank and when the case came back for a compliance hearing on November 25, 2013, upon hearing nothing had been done the \$100 per day fine was imposed with a start date of November 23, 2013. Mr. DeBlois confirmed compliance had been verified as of January 13, 2014, which was a passage of 51 days since the initiation of the fine for a flat fine in the amount of \$5,100.

Respondent Mr. Bill Carroll, representing the bank, testified once the tenant had moved out it had taken some time to clean up the property at a cost of more than \$7,000, and asked for the fine to be reduced to administrative costs.

Mr. DeBlois observed it appeared the bank was diligent in moving forward in view of the fact the tenant was still on the property, and recommended the fine be reduced to \$1,700 to cover administrative costs.

11:56:34

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to find compliance and set the fine at \$1,700 to cover administrative costs.

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

11:56:58 **Case #2009090101 – Foxwood Homeowners Association, Inc.**

Mr. DeBlois related this case dated back to January 25, 2010 and involved

landscape maintenance violations in the common areas of Foxwood subdivision, and the Board had found the violations and granted until April 23, 2010 to remove and replace dead and missing landscape and mow overgrown weeds on the site. He reported the case came back to the Board in August, 2010 after two 60-day extensions, at which time the \$100 per day fine was imposed with a start date of August 21, 2010. Mr. DeBlois confirmed compliance as of May 20, 2013, which was 1,003 days of non-compliance for a flat accrued fine of \$100,300.

Mr. J. Burklew, representing the new owner, said they were in the process of developing the property and asked for the loan to be reduced. He added he had gained control of the property in December, 2012 and had mowed the site and started to address the remaining violations at that time, noting \$111,000 had been spent on landscaping so far.

Mr. DeBlois advised the calculation for administrative costs would amount to \$2,300.

Mr. Petrulak noted somebody was always in attendance at the previous hearings and still the case had gone on for some period of time.

Discussion followed.

12:07:12

ON MOTION BY Mr. Bowles, SECONDED BY Mr. Gervasio, the Board voted (4-1) to find compliance and set the fine at \$2,300 to cover administrative costs. Mr. Petrulak opposed.

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

12:08:06 **Case #2012050217 – Timothy Johns (U.S. Bank NA)**

Mr. DeBlois recalled this case first came to the Board in July, 2012 for junk, trash and debris, at which time Mr. Johns and the bank were identified as Respondents, and the Board initially gave the Respondents until August 24, 2012 to comply. He continued when the case came back for a compliance hearing on September 24, 2012 after one extension, staff testified nothing had been done and consequently the Board imposed the \$100 per day fine with a start date of September 22, 2012. Mr. DeBlois verified compliance as of January 6, 2014, which

was 471 days of non-compliance for a flat accrued fine in the amount of \$47,100.

Ms. Amanda Murphy, representing Bank of America, stated the bank took over the property in 2013 and corrected the violation before obtaining final judgment of foreclosure in March, 2014. She advised a foreclosure sale of the property was scheduled for the coming week and asked for the fine to be reduced to administrative costs.

Mr. DeBlois observed it appeared the bank had made an effort to clean up the property prior to the final closing and recommended the fine be set at \$2,000 to cover administrative costs.

12:11:50

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, 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.

12:12:26 **Case #2011090199 – John & Marlene Cairns**

Let the record show Mr. Bowles abstained from the case and submitted a Conflict of Interest form, which is on file in the Commission Office.

Mr. DeBlois recalled this case dated back to an evidentiary hearing held on November 28, 2011 for a land clearing violation that had been resolved with a \$500 fine being paid, and a site plan non-conformance violation where drainage was not constructed in accordance with the approved site plan. He continued the Board initially gave the Respondent until March 26, 2012 to complete drainage improvements per the approved site plan or modify the site plan and construct the improvements in accordance with an approved modified site plan.

Mr. DeBlois observed many extensions had been granted because of drainage design issues and the involvement of the St. Johns River Water Management District; however a modified revised site plan had eventually been approved. The case had last been before the Board on October 28, 2013, at which time an extension of two months was granted and the Respondent was given until December 20, 2013 to construct the drainage improvements, with a compliance hearing ultimately being held on January 27, 2014. He advised the Board learned

at that time the improvements had not yet been completed in accordance with the revised approved site plan and the \$100 per day fine had been imposed with a start date of December 21, 2013, and as of April 25, 2014 the fine had been running for 125 days for an accrued amount of \$12,500.

Mr. DeBlois related the reason the case was before the Board today was because staff had been contacted by the Respondent's engineer who advised they had moved towards construction of the improvements; however in order to complete the improvements for full compliance the Respondent needed to get financing from a bank. He explained the problem was the bank would not approve financing to complete the improvements because of the CEB lien on the property.

Mr. DeBlois indicated staff could potentially support a conditional setting of the fine in the amount of \$2,900 to cover administrative costs if the Respondent brought the property into compliance within 90 days, by July 25, 2014, which could enable the loan to go through.

Mr. Randy Mosby, representing the Respondent, reported the project was 60% complete and the Respondent had funded the project out of pocket up until this time; however he was now at the point where it was necessary to obtain a loan to complete the project. He stressed there were unusual conditions on the site because of the amount of rock but a contractor was moving ahead towards completion, and he asked the Board to consider Mr. DeBlois' proposal, adding the project would be completed within the proposed 90 days.

Respondent Cairns stated there had been unforeseen complications that dragged the project out but he was anxious to move forward and finish it up.

Mr. Gervasio suggested the Respondent pay the \$12,500 fine and the Board could release the lien and set a new compliance date of July 25, 2014 without any fines accruing in the 90-day extension period. He noted the case had been going on since 2011 and he did not think it was fair if the Board forgave the lien when the project was not finished.

Mr. DeBlois said there had been nine extensions in this case and using staff's calculation of \$300 per extension, this would amount to \$2,700. He continued if that amount was added to basic administrative costs in the amount of \$1,700, the sum would be \$4,400. He explained after meeting with Mr. Mosby staff had acknowledged there had been four extensions granted after he had the permits in hand, which was the logic of how staff had come up with \$1,200 on top of the basic

\$1,700, for the recommended amount of \$2,900.

Mr. DeBlois mentioned there was also an issue with the superiority of the County's lien to the bank's loan, and one way to resolve this would be to specify in the Order Conditionally Setting Fine that the County agreed to have its lien be subordinate to the bank's lien.

Mr. DeBlois recommended the Board conditionally set the fine in the amount of \$2,900 to cover administrative costs, grant 90 days, until July 25, 2014, for compliance and agree to subordinate the County's lien to the banks' mortgage; and if compliance was not attained by that time the fine would revert to what it would otherwise be.

Attorney Hancock clarified if the CEB lien was subordinate to the bank's loan the County would be junior to the bank's lien and be in a second lien position if there was a foreclosure; however if the loan was made and compliance was met the lien would go away. He felt as long as there was sufficient equity in the property so the County would still have some recourse; it would be fine for the County to be in a second lien position.

Discussion followed.

Mr. Petrulak had a problem with staff's recommendation being less than administrative costs.

Respondent Cairns pointed out he did not get the permit to do the work until May, 2013, which was 11 months ago, and the main reason the project had taken so much time was because of holdups by the County.

Attorney Hancock advised another thing the Board could do, rather than addressing concerns with the amount of the fine, would simply agree to subordinate the CEB lien to the bank's loan and defer reducing the amount of the fine until a later date.

12:37:06

ON MOTION BY Mr. Myers to accept staff recommendation to conditionally set the fine in the amount of \$2,900 to cover administrative costs, grant 90 days, until July 25, 2014, for compliance and agree to subordinate the County's lien to the banks'

mortgage; and if compliance was not attained by that time the fine would revert to what it would otherwise be.

There being no second the motion failed.

12:37:29

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (4-0) to make the Code Enforcement Board lien subordinate to the bank's loan so that the County is in second place to the bank and the fine will continue to accrue. Mr. Bowles abstained.

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

12:38:31 **Case #2013070063 – Sebastian Riverwalk Investors LLC (Charles Hansen Tree Trimming) (Corporation Service Company)**

Mr. DeBlois recapped this case first came to the Board on August 26, 2013 for dead and dying landscape and excessive tree topping resulting in the killing of trees, and the Board imposed an up-front fine of \$2,000 for destruction of the trees along with an extension until October 25, 2013 for the Respondent to replace the trees and bring the overall landscape into compliance. He continued the case came back to the Board in January, 2014 after one extension, and after learning the violations still existed the \$100 per day fine was imposed with a start date of January 25, 2014. Mr. DeBlois confirmed compliance had been verified on February 26, 2014, which was 32 days of non-compliance for a flat accrued fine of \$3,200 in addition to the \$2,000 fine that was initially imposed.

The Respondent's representative said he had been working with staff to find a solution and had no idea the fine had been imposed.

Mr. DeBlois recommended the fine be reduced to \$2,000 for administrative costs with the understanding there was also an additional fine of \$2,000 that needed to be resolved.

12:44:14

MOTION BY Mr. Gervasio, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find compliance

and set the fine at \$2,000 for administrative costs, with the understanding there was also an additional fine of \$2,000 that needed to be resolved.

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

Chairman Clements called a recess at 4:20 p.m. and reconvened the meeting at 4:25 p.m.

EVIDENTIARY HEARINGS

12:45:31 **Case #2013100068 – Hotoniel Bedolla**

Inspector Buck confirmed service on April 12, 2014 and submitted one photograph into evidence. She related this case was referred to her by the IRC Building Department for remodeling and alterations done to a structure without permits, and the Respondent was working with IRC staff to obtain the required after-the-fact permits. Inspector Buck recommended an extension of 60 days, until June 20, 2014, for compliance.

12:47:08

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until June 20, 2014, for compliance or a possible \$100 per day fine.

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

12:47:14 **Case #2014020099 – Wells Fargo Bank NA**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on April 18, 2014 and four photographs into evidence. She indicated this case had to do with overgrown weeds, landscape maintenance and site plan non-conformance at an abandoned commercially-zoned property that had been foreclosed and was bank-owned. She added she had not had any contact with bank representatives and recommended an extension of 60 days, until June 20, 2014, for compliance.

12:48:20

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 June 20, 2014, for compliance or a possible \$100 per day fine.

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

12:48:29 **Case #2014010063 – Strategies LLC Quantum Investment**

Inspector Carter Solomon indicated this case would be rescheduled for lack of service.

12:48:54 **Case #2014010057 – Scott McCracken**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on April 18, 2014 and one photograph into evidence. She described a vacant residence with overgrown weeds and recommended an extension of three weeks, until May 16, 2014, for compliance.

12:49:38

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find the violation and grant an extension of three weeks, until May 16, 2014, for compliance or a possible \$100 per day fine.

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

12:49:44 **Case #2014010033 – Michael Staszewski**

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

12:49:55 **Case #2014010034 – Michael Staszewski**

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

12:50:05 **Case #2014020069 – Ancel & Sheila Brown (Tenant)**

Inspector Carter Solomon submitted two photographs into evidence and confirmed service by certified mail on Ancel & Sheila Brown on April 14, 2014 and on the tenant on April 12, 2014. She described junk, trash and debris and three junk vehicles on the site and confirmed some progress had been made to clean up the property. Inspector Carter Solomon recommended an extension of 60 days, until June 20, 2014, for compliance.

12:51:15

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violations and grant an extension of 60 days, until June 20, 2014, for compliance or a possible \$100 per day fine.

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

12:51:22 **Case #2013010229 – Davis Temple Church of God in Christ**

Inspector Buck reported she had not received service on this case.

12:51:42 **Case #2014030006 – TRN Investment Inc.**

Inspector Buck submitted one photograph into evidence and confirmed service on April 10, 2014. She recommended an extension of three weeks, until May 16, 2014, for the overgrown weeds violation to come into compliance.

12:52:27

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation and grant an extension of three weeks, until May 16, 2014, for compliance or a possible \$100 per day fine.

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

12:52:36 **Case #2014020119 – Minnie (Purvis) Mallard**

Inspector Buck submitted an Affidavit of Service indicating the property had been posted on April 17, 2014 and two photographs into evidence and described

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find the violations had occurred but were currently in compliance and enter a Continuing Order so if the violations recurred there would be a \$100 per day fine imposed.

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

12:57:19 **Case #2014030004 – Estate of Audrey Underwood (Seattle Bank)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on April 18, 2014 and two photographs into evidence and described overgrown weeds at a vacant residence. She confirmed service on the bank on April 16, 2014 by certified mail and stated she had not had contact with either the bank or the Respondent's estate and recommended an extension of 60 days, until June 20, 2014, for compliance.

12:58:14

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until June 20, 2014, for compliance or a possible \$100 per day fine.

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

12:58:24 **Case #2014020143 – William & Lydia Perez**

Inspector Carter Solomon submitted three photographs into evidence and confirmed service by certified mail on April 16, 2014. She advised this case had to do with overgrown weeds on a vacant lot and recommended an extension of 60 days, until June 20, 2014, for compliance.

12:59:12

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until June 20, 2014, for compliance or a possible \$100 per day

fine.

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

12:59:23 **Case #2014010022 – Terri Moody-Floyd & Ruthie Moody**

Inspector Buck submitted an Affidavit of Service indicating the property had been posted on April 17, 2014 and one photograph taken April 24, 2014 into evidence. She related she had cited the Respondents for land clearing debris on the subject property and recommended an extension of 60 days, until June 20, 2014, for compliance.

13:00:24

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 June 20, 2014, for compliance or a possible \$100 per day fine.

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

13:00:35 **Case #2014020107 – Lottie Shedrick Johnson (Terry Smith)**

Inspector Davis confirmed she had received service on Respondent Johnson on April 19, 2014 but had not received service on the tenant Terry Smith. She submitted four photographs into evidence and described junk, trash and debris and a property maintenance violation for a boarded up structure in the rear of the property. Inspector Davis advised the Respondent had told her she would remove the structure and recommended an extension of 60 days, until June 20, 2014, for compliance.

13:02:13

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violations and grant an extension of 60 days, until June 20, 2014, for compliance or a possible \$100 per day fine.

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

COMPLIANCE HEARINGS

13:02:22 **Case #2014010091 – Robert Weber**

Mr. DeBlois related this case had to do with a property maintenance violation. Inspector Davis testified she had checked the property on April 25, 2014 and the soffit, gutter and rotten wood on the building had not been repaired, and recommended the fine be imposed with a start date of April 26, 2014.

13:03:14

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of April 26, 2014.

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

13:03:14 **Case #2013100151 – Regina Ginn & Kent Stuckey**

Inspector Carter Solomon reported this case had initially been to the Board on February 24, 2014 for junk, trash and debris and junk vehicles, with one extension subsequently being granted. She submitted three photographs into evidence and observed nothing had been done, and recommended the \$100 per day fine be imposed with a start date of April 26, 2014.

13:04:24

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of April 26, 2014.

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

13:04:30 **Case #2014020049 – David Henson (Bank of America)**

Inspector Carter Solomon advised this case initially came to the Board on March 24, 2014, at which time the Respondents were given 30 days until April 25, 2014 to resolve the overgrown weeds and junk, trash and debris violations. She submitted two photographs into evidence and reported nothing had been done, she had no contact with the bank and the owners had vacated the home. Carter Solomon recommended the \$100 per day fine be imposed with a start date of April

26, 2014.

13:05:31

ON MOTION BY Mr. Bowles, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of April 26, 2014.

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

LIEN RELEASE REQUEST

13:05:59 **Case #2013030051 – Joseph Sorota**

Mr. DeBlois recapped this case originally came to the Board on April 22, 2013 for overgrown weeds, an unmaintained swimming pool, a torn and open pool enclosure and a broken damaged garage door, at which time the Board gave the Respondent seven days to secure the pool and until May 17, 2013 to correct the remaining violations. He confirmed the case eventually came back to the Board in July, 2013 and upon hearing of non-compliance the Board imposed the \$100 per day fine with a start date of July 20, 2013.

Mr. DeBlois reported there had been some compliance since the fine was imposed; however it was not totally in compliance and the homeowner's association (HOA) of the subdivision had requested the Board consider raising the daily fine amount from \$100 per day to \$250 per day as an incentive for the Respondent to clean up the remainder of the property.

Inspector Davis submitted five photographs into evidence and testified the Respondent was 92 years old and lived out of town and it was his understanding the violations had been taken care of. She confirmed the pool enclosure violation was in compliance and the pool had been cleaned at one time; however it was turning dark again. Inspector Davis stressed there were no health/safety violations but neighbors were complaining about the appearance of the property.

Mr. DeBlois advised the fine had been accruing for 279 days for an amount of \$27,900 and he was not sure how raising the daily fine amount would have an effect on compliance. Attorney Hancock opined the fine could be increased in the event of a repeat violation but he did not think the Board could raise the fine once an Order Finding Violation had been issued.

