

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 22, 2014 at 1:30 p.m.

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

Let the record show there is a vacancy for an Architect Appointee.

Also in attendance was Attorney Jennifer Peshke, Attorney for the Board; IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Betty Davis, Vanessa Carter Solomon, Rose Jefferson and Kelly Buck, Code Enforcement Officers; and Reta Smith, Recording Secretary.

13:19:08 Call to Order

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

13:20:09 Approval of Minutes of August 25, 2014

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (6-0) to approve the minutes of August 25, 2014 as presented.

13:20:33 Attorney's Overview of Board Purpose and Procedures

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

13:26:10 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

#2014020087, #2014010030, #2014030033, #2014020013, #2014050112, #2014070035, #2014050005, #2014050114, #2014030069, #2014070164, #2014070129, #2014070065, #2014050136, #2014030020, #2014060022, #2014060041 and #2014040093 - 30 day extension until October 24, 2014; Cases #2014030071 and #2014030039 - 60 day extension until November 21, 2014; Case #2012100236 - 90 day extension until December 19, 2014. Cases #2014080091 and #2014070014 were rescheduled.

In compliance were Cases #2014070168, #2014070015, #2014080002, #2014060005, #2014070120, #2014070056, #2014080138, #2014070202, #2014070211, #2014080097, #2014080006, #2014090047, #2014090068, #2014060101 and #2014050095.

Mr. DeBlois recommended the Lien Release Requests be heard no sooner than 3:00 p.m. Referring to the addendum to the agenda, he advised a teleconference call was scheduled at 3:00 p.m. regarding Rehearing Requests for eight cases involving Eagle Trace Estate Homes LLC.

13:33:23

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Gervasio, the Board voted unanimously (6-0) to accept the Consent Agenda with the revisions and additions.

13:33:50 **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

13:35:03 **Case #2014070165 – Clifford Johnson III (J. P. Morgan Chase Bank N.A.)**

Mr. DeBlois related this case involved a repeat violation for an overgrown weeds violation that came to the Board on September 26, 2011 and was complied, but more recently had recurred along with a property maintenance violation.

Ms. Betty Davis, IRC Code Enforcement Officer, confirmed service on Respondent Johnson on September 8, 2014 and on the bank on September 19, 2014, and submitted three photographs into evidence. She testified she had received complaints from the neighbors about overgrowth weeds on the property

and confirmed as of this morning the front and side yards had been mowed but the rear yard had not been mowed, and recommended an extension of 30 days, until October 24, 2014, for compliance. Inspector Davis clarified the property maintenance violation was for some standing walls relating to an unfinished garage, and Mr. DeBlois advised the violation would be withdrawn and addressed at a later date after IRC Building Department staff had inspected the walls to make sure they were not deteriorating and becoming a hazard.

Mr. Matthew McGuane, representing the bank, stated a foreclosure action against the property had been filed in 2009 but had been dismissed; however he thought another foreclosure action would soon take place because the property taxes had not been paid.

13:40:10

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 days, until October 24, 2014, for compliance or a \$100 per day fine.

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

13:42:55 **Case #2014080019 – Roberto & Yolanda Diaz**

Mr. DeBlois advised this case involved overgrown weeds, swimming pool maintenance and junk vehicle violations.

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, submitted three photographs into evidence and described two vehicles and one boat that were inoperable on the site. She indicated the Respondents had shocked and covered the pool but the grass in the back yard was still overgrown and the vehicles would have to be removed.

Mr. DeBlois confirmed the pool violation was in compliance and recommended an extension of 30 days, until October 24, 2014, for compliance of the overgrown weeds and junk vehicles violations.

The Respondent's mother stated her son had an accident and was not working and was buying parts to repair the car little by little. She asked for more time to get the money to purchase the parts and promised to cut the overgrown weeds.

Mr. DeBlois recommended an extension of 30 days, until October 24, 2014, for the overgrown weeds and 90 days, until December 19, 2014, for compliance of the junk vehicles.

Mr. Myers II asked if the boat was functional. Inspector Carter Solomon stated it had no registration and was not in compliance. Respondent Diaz testified the boat ran and was supposed to be for sale. Mr. DeBlois included the boat along with the automobiles in his recommendation of 90 days for compliance.

13:50:10

ON MOTION BY Mr. Bowles, SECONDED BY Mr. Gervasio, the Board voted (5-1) to find the violations and grant an extension of 30 days, until October 24, 2014, for compliance of the overgrown weeds and 90 days, until December 19, 2014, for compliance of the junk vehicles and boat violations or a \$100 per day fine. Mr. Zimmermann opposed.

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

13:51:02 **Case #2014050002 – Paul Stauback**

Mr. DeBlois indicated this case had to do with overgrown weeds, junk, trash and debris and an unsecured vacant structure.

Ms. Rose Jefferson, IRC Code Enforcement Officer, submitted three photographs into evidence and recommended an extension of 30 days, until October 24, 2014, for compliance.

Respondent Mr. Paul Stauback explained he had boarded the house up but the wood had been removed so he had to re-secure the building. He promised to resolve the remaining violations within 30 days.

13:54:22

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (6-0) to find the violations and grant an extension of 30 days, until October 24, 2014, for compliance or a \$100 per day fine.

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

13:54:53 **Case #2014080115 – Tillman & Betty Bain (PNC National Bank, N.A.)**

Mr. DeBlois summarized the violations were for overgrown weeds, junk, trash and debris and swimming pool enclosure and maintenance.

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on September 12, 2014 and two photographs into evidence. She confirmed the grass had been mowed and the trash and debris removed; however the pool was still unmaintained and the pool enclosure was not fixed.

Mr. Eric Fisher, representing the bank, explained the bank did not own the property yet but it was presently in foreclosure and would be maintained.

Mr. DeBlois recommended an extension of seven days, until September 29, 2014, to secure the pool and 60 days, until November 21, 2014, for the pool to be cleaned or drained.

13:58:56

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violations and grant seven days, until September 29, 2014, for the pool to be secured and an extension of 60 days, until November 21, 2014, for the pool to be cleaned or drained or a \$100 per day fine.

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

14:00:16 **Case #2014080079 – Marie Simmons (Tenant)**

Mr. DeBlois related this case had to do with a zoning district use violation for auto sales at a single-family residence. He explained the issue was having more than one vehicle for sale and the number of times such sales occurred, and indicated compliance would occur as long as only one vehicle was for sale at one time and provided no more than three vehicles per year were sold from the property on a regular basis.

Inspector Jefferson submitted two photographs dated September 22, 2014 into evidence and observed as of this morning there were currently three vehicles for

sale at the residence. She advised she had received several complaints last year about auto sales occurring on the site and submitted into evidence one photograph dated December 26, 2013 showing one vehicle for sale and one photo dated September 11, 2014 showing two vehicles for sale on the subject property.

Mr. DeBlois recommending the Board grant an extension of 30 days, until October 24, 2014, for the Respondent to comply by having no more than one vehicle for sale at a time on the subject property and enter a Continuing Order whereby no more than three vehicles could be for sale in a given year.

Respondent Mr. James Colucci said two of the vehicles shown in the photographs did not belong to him but the camper and another vehicle belonged to him, adding he understood he was allowed to sell three cars per year from the property.

Discussion followed.

14:14:26

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 days, until October 24, 2014, for the Respondent to comply by having no more than one vehicle for sale on the subject property and no more than three separate vehicles per year can be sold from the property or a \$100 per day fine.

Mr. DeBlois clarified for the record this would effectively mean there was a Continuing Order with a \$100 per day fine if the violation recurred.

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

14:15:54 **Case #2014080011 – Paul Peterson**

Inspector Davis confirmed service on August 23, 2014 and submitted two photographs into evidence showing overgrown weeds on a vacant lot in Roseland. She related as of today the front of the property had been mowed; however there was an area inside a fence that was overgrown, and she recommended an extension of 30 days, until October 24, 2014, for compliance.

Respondent Mr. Paul Peterson promised to mow all of the yard within 30 days.

14:18:40

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 days, until October 24, 2014, for compliance or a \$100 per day fine.

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

LIEN RELEASE REQUESTS

14:19:58 **Case #2014020036 – Sheree Layne**

Mr. DeBlois recalled this case first came to the Board on March 24, 2014 for overgrown weeds and junk, trash and debris, at which time an extension was granted until May 16, 2014 for compliance. He continued when it came back for a compliance hearing on May 19, 2014 a fine of \$100 per day was entered with a start date of May 17, 2014 because nothing had been resolved. Mr. DeBlois verified compliance as of August 25, 2014, which was 100 days of non-compliance for a flat fine in the amount of \$10,000.

Inspector Carter Solomon testified the owner of the property, Respondent. Sheree Lane, was deceased prior to the Order Imposing Fine and the property was in foreclosure; however Ms. Lane's son was living in the house and the bank could not resolve the violations because the property was occupied. She related the property had been a problem with many complaints from the neighbors and the new owner who purchased the property on August 22, 2014 was in compliance three days later.

Mr. DeBlois noted administrative costs associated with the case would be \$1,700, and recommended the fine be set at that amount.

Mr. J. Burklew, the new owner of the property stated he purchased the property thirty days ago at a foreclosure auction and had taken 20 yards of debris from the property and mowed the overgrown weeds.

14:24:22

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Gervasio, the Board voted unanimously (6-0) to find compliance and set the fine at \$1,700 to cover administrative costs.

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

14:24:59 **Case #2010050118 – Gaddis Capital Corp.**

Mr. DeBlois recapped this case first came to the Board on April 25, 2011 for repairs being done at a former junkyard on some dilapidated buildings without a permit, extreme accumulation of improperly stored tires causing a health and safety issues for mosquito breeding, etc., and an unauthorized auto repair business on property zoned light industrial. He related the Board's Order gave the Respondent at that time until July 22, 2011 to obtain after-the-fact permits for repairs done to structures on the property or to obtain permits and remove the structures, to remove all improperly stored tires and dispose of them at an approved disposal facility, and to obtain site plan approval for the auto repair business. Mr. DeBlois stated the case came back to the Board on January 23, 2012, at which time upon hearing the violations had not been resolved, a fine of \$100 per day was imposed with a start date of January 21, 2012.

Mr. DeBlois advised there was also a parallel action being taken by the IRC Environmental Health Department through the Environmental Control Hearing Board (ECHB) on issues of tire storage and chemical materials. He stated nothing had been done towards compliance until Mr. Joseph Paladin had gotten involved with the property on June 12, 2014; however since that time there had been substantial progress made to the point where the site had been totally cleaned up and staff had confirmed compliance as of August 19, 2014.

Mr. DeBlois indicated there had been a passage of 941 days of non-compliance for a total flat fine of \$94,100. He confirmed there had been three Orders Granting Extensions connected with the case and administrative costs would be \$2,600; or 10% of the flat fine would be \$9,410. Mr. DeBlois mentioned the ECHB had assessed fines relating that Board's action, which were parallel to and overlapping action being taken by the CEB.

Mr. Joseph Paladin, representing Respondent Gaddis Capital Corp., explained full compliance had been held up because the previous owner had a great deal of heavy equipment parked at the entrance to the property and access to the property was difficult until the equipment could be removed. He described all the work that had been done to dispose of 250,000 lbs. of concrete slabs and other trash and debris and 7,000 tires from the site, a large amount of which had been buried. Mr. Paladin advised the ECHB had fined the Respondent \$15,000 and the cost to come into compliance without cutting any corners amounted to approximately \$100,000.

Mr. Paladin explained Respondent Gaddis had no idea what the subject property looked like and had come into ownership of the site through a foreclosure action because the previous owner owed him money and had put up the property as collateral on the loan. He promised the site would remain as green space for the foreseeable future and asked the Board to waive the fines.

Mr. DeBlois felt there should be some consideration of the parallel action and fine by the ECHB, adding Code Enforcement staff had worked in concert with Health Department staff and said he could support the fine being set at administrative costs in the amount of \$2,600.

Mr. Bowles advised he would have to recuse himself from this hearing because of a conflict of interest. A form 8B has been completed and is on file in the Commission Office.

Ms. Kelly Buck, IRC Code Enforcement Officer, showed photographs of the property as it existed before it had been cleaned up, and Mr. Paladin showed the Board pictures from his cell phone of the site in its present condition. Mr. DeBlois testified he had visited the property and confirmed it was now an open mowed grassy field, adding there ongoing monitoring and investigation was being conducted to see if anything hazardous had been buried on the site.

14:45:57

ON MOTION BY Mr. Myers II, SECONDED FOR DISCUSSION BY Mr. Gervasio, to find compliance and accept staff's recommendation to reduce the fine to administrative costs in the amount of \$2,600.

Mr. Petrulak recalled there had been similar cases in the past and the Board it wanted to be consistent in its findings. Chairman Clements pointed out in this instance there were fines imposed by another County Board and the Respondent had done a lot to improve the property and the surrounding neighborhood.

Mr. Paladin stressed he had gone above and beyond what was necessary to comply by removing exotic trees on the border of the property and saving several oak trees.

Mr. Zimmermann agreed with Mr. Petrulak and supported being consistent for the sake of setting a precedent for prior and future cases.

14:50:44

ON MOTION BY Mr. Myers II, SECONDED BY Mr. Gervasio, the Board voted (3-2) to find compliance and accept staff's recommendation to reduce the fine to administrative costs in the amount of \$2,600. Mr. Myers II and Mr. Petrulak opposed. Mr. Boles abstained.

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

REHEARING REQUESTS

14:52:57 **Cases #2013090043, #2013090044, #2013090049, #2013090050, #2013090051, #2013090054, #2013090055 and #2013090056 – Eagle Trace Estates Homes LLC**

Attorney Peshke made a conference call to Attorney Michael Provenzale, representing Respondent Sergio Concepcion and his entity of 623 Mortgage, now known as Vero Seaside Developers.

Mr. DeBlois recapped these case had last been before the Board on August 25, 2014, at which time the Board voted unanimously to find compliance of all eight properties and set the fine at 10% of the original flat fine of \$146,400; for a total amount of \$14,640 or \$1,830 per property. He continued the foreclosing lender, Mr. Sergio Concepcion, had been present at that meeting and indicated he felt the foreclosure negated the CEB liens because they were inferior to the mortgage, and had therefore requested today's rehearing.

Attorney Provenzale reported a foreclosure lawsuit was initiated by his client in early 2013 and a lis pendens filed against the eight properties cited above, as well as other properties, and recorded on January 18, 2013. He understood the code violations at issue on the eight lots occurred on or about August 28, 2013 and fines were recorded against the properties in January, 2014, which was approximately one year after the lis pendens had been filed.

Attorney Provenzale confirmed the foreclosure action had been completed, judgment entered in favor of his client and a certificate of sale was issued on July 14, 2014, with a certificate of title being entered and recorded on July 30, 2014. He explained in this case the violations and CEB fines were levied against the eight lots after the lis pendens, and because nothing further was done about it in the lawsuit

they were all foreclosed upon the foreclosure sale and upon the title passing his client the properties were now clear of any CEB liens.

Attorney Peshke clarified there had been some confusion at last month's hearing because Attorney Provenzale's client was not able to articulate his position; however she believed the Board and IRC staff's understanding was that Mr. Concepcion wanted the Board to set the fine for each lien at administrative costs.

Attorney Provenzale reiterated if any fine was based upon there being a violation it could not attach to the property; so any administrative charge could not be made as a claim against the property.

Mr. DeBlois recommended the Board to enter Partial Release of Lien for the eight subject lots so the Orders Acknowledging Compliance and Setting Fine would still be against the original Respondent; but released from the subject properties on which the foreclosures occurred. He clarified the fine would be against any real or personal property of the cited Respondent, Eagle Trace Estate Homes LLC (Eagle Trace) so technically the lien would still be valid against any property not foreclosed upon at this point.

Discussion followed.

Mr. DeBlois asked Attorney Provenzale if the foreclosure was only against the eight specific lots in question or if there was there a bigger foreclosure the Board needed to account for if the liens were released for all foreclosed properties.

Attorney Provenzale advised his client had foreclosed on approximately 25 lots in the same lawsuit, so to the extent that the lien applied to property previously owned by Eagle Trace and IRC, it would also apply to those other lots.

Mr. DeBlois suggested releasing any lots attached to the Certificate of Title from the foreclosure to make sure all of the affected lots were included.

Mr. Gervasio felt the Board should realize this meant the liens were basically being wiped out because they would be on Eagle Trace and if it no longer existed, neither did the liens because it did not go back to the person who owned Eagle Trace.

Mr. DeBlois explained there were other cases where the Respondent and the foreclosing bank were both cited had been notified from the beginning; however in this case only the Respondent had been cited.

15:13:06

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to enter Partial Release of Lien for the eight subject lots and any other lots previously owned by Eagle Trace Estate Homes LLC that were part of the aforementioned foreclosure action.

It is noted for the record the attorney for the foreclosing lender was present (by telephone) for this hearing.

LIEN RELEASE REQUESTS

15:14:11 **Case #2012050161 – Kevin Raphael Champion Sr.**

Mr. DeBlois recalled this case had first been to the Board on June 25, 2012, at which time the Board granted until July 20, 2012 for the Respondent to resolve the overgrown weeds violation, and when the case came back for a compliance hearing upon hearing nothing had been done, a fine of \$100 per day was imposed with a start date of July 21, 2012. He confirmed compliance had been verified as of July 7, 2014, which was 716 days of non-compliance for a flat fine in the amount of \$71,600.

Mr. Fabian Meiguer, representing the current owner of the property, requested the Board reduce the fine to administrative costs.

15:18:06

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers II, the Board voted unanimously (6-0) to find the property in compliance and set the fine at \$7,160, representing 10% of the flat fine.

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

15:20:42 **Case #2012100216 – Maria Kratt (Wells Fargo Bank, NA)**

Mr. DeBlois summarized this case initially came to the Board on January 28, 2013, at which time a representative of the foreclosing bank was present. He related the Board had granted the Respondents until March 22, 2013 to mow the grass, clean and maintain the swimming pool and remove miscellaneous junk, trash and

debris from the subject property. Mr. DeBlois confirmed there had been no Orders Granting Extension and when the case came back for a compliance hearing, upon hearing nothing had been done the \$100 per day fine was imposed with a start date of March 23, 2013. He reported compliance was verified as of September 3, 2014, which was the passage of 529 days for a flat fine calculation of \$52,900.

Mr. Richard Beneduce, representing Fannie Mae, stated his office had received it in March, 2014 at which time all the lawn had been cut except for a separate fenced-in area of the yard, and after it was explained to him what was necessary the rest of the grass had been cut.

Inspector Carter Solomon testified the lender was previously aware the lawn violation was not complied after the other issues were taken care of.

Mr. DeBlois advised 10% of the flat accrued fine would be \$5,290 or the administrative costs would be approximately \$1,700.

15:27:49

ON MOTION BY Mr. Myers II, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to fine compliance and set the fine at \$5,290, representing 10% of the flat fine.

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

15:28:46 **Case #2013120020 – Bank of New York Mellon (Trs)**

Mr. DeBlois related this case first came to the Board on February 24, 2014 for overgrown weeds, swimming pool maintenance and pool enclosure violations, at which time the Board granted the Respondent until March 3, 2014 to secure the pool and until March 21, 2014 to clean and maintain the pool in a sanitary condition. He continued when the case came back for a compliance hearing on May 19, 2014, upon hearing nothing had been done the Board imposed a fine of \$100 per day with a start date of May 17, 2014.

Inspector Jefferson confirmed the pool maintenance and overgrown weeds violations were complied; however the cover on the pool did not meet IRC Building Department requirements and was a health and safety issue.

Mr. Gervasio noted the Board had never set a fine certain on any property that

was not in compliance. Mr. DeBlois stated the Respondent bank had requested this case be heard by the Board. Mr. Petrulak pointed out the initial Order granted seven days to repair the pool enclosure and the lien should have started after that time and not on May 17, 2014. Mr. DeBlois explained there were some extensions granted based of staff recommendations because efforts had been made to address the pool enclosure issue and when it was initially done the immediate hazard was corrected; however the IRC Building Department had subsequently been consulted to be sure the cover was acceptable.

Mr. Richard Van Zyl, representing the bank, stated all the violations were resolved on April 14, 2014, and advised the method of covering the pool had been used by banks for many years and he did not know it was not acceptable until speaking to IRC Building Department staff last week. He indicated extensive damage had been done to the property by the previous owner and instead of the bank going in and redoing the whole swimming pool there was a buyer who was prepared to take on the project with a rehabilitation loan that required him to get quotes from reputable companies. Mrs. Van Zyl explained the sale was set to close at the end of this week and he wanted to resolve the issues in the best interest of all concerned.

15:42:00

ON MOTION BY Mr. Gervasio, SECONDED FOR DISCUSSION BY Mr. Zimmermann, to refuse the Rehearing Request because the violation had not complied and the Board had never and could not release a lien for a violation that still existed.

Mr. DeBlois related there had been occasions when the Board had conditionally set fines if there was compliance by a future date, and if compliance was not met by that date the fine would revert to the accruing fine.

Discussion followed.

Mr. DeBlois said because the nature of the violation was a health/safety issue, something more than administrative costs should be assessed even under a conditional setting of the fine. He noted in this case 10% of the flat fine would be less than administrative costs in the amount of \$2,300, and he recommended conditionally setting the fine at \$3,000 contingent on the violation being resolved within 60 days, by November 21, 2014; meaning the fine could be paid if compliance was attained by that date and otherwise the fine would revert to its current accruing amount.

Mr. Gervasio pointed out the bank could have gone out two weeks ago and put the proper cover on the pool and the Board would have been able to confirm compliance and set a fine to release the lien.

Chairman Clements noted there was a motion on the floor and called the question.

15:51:36

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Zimmermann, the Board voted (4-2) to refuse the Rehearing Request. Chairman Clements and Mr. Bowles opposed.

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

15:53:11 **Case #2012020039 – National Oil & Gas Distributor (Mobil Gas Station)**

Mr. DeBlois recapped this case originally came to the Board on April 23, 2012 for a U-Haul business on the property without site plan approval and landscape maintenance violations, at which time Mr. Aziz Darediya, representing the tenant Mobil Gas Station was present. He continued the Board gave the Respondent until June 22, 2012 to comply and when it came back for a compliance hearing on September 24, 2012 after two extensions had been granted, after learning compliance had not been attained the Board imposed a fine of \$100 per day with a start date of September 22, 2012. Mr. DeBlois confirmed compliance had been verified as of December 28, 2012, which was the passage of 97 days of non-compliance for a flat fine amount of \$9,700.

Respondent Mr. Aziz Darediya advised he had taken care of the landscaping at the time of the violation; however it turned out the landlord did not have any sprinkler system and all of the landscaping died; however after the landlord put in sprinklers he had installed new hedges and trees.

Inspector Carter Solomon confirmed the landscape had been maintained after the property was in compliance. She stated the Respondent had been going through the site plan approval process and thought it was complied but realized it was not when the fine was imposed.

Mr. DeBlois recommended the fine be set at \$2,300 to cover administrative

costs.

15:59:18

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to find compliance and set the fine at \$2,300 to cover administrative costs.

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

Chairman Clements called a recess at 4:10 p.m. and reconvened the meeting at 4:15 p.m. (Mr. Myers II returned at 4:21 p.m.).

EVIDENTIARY HEARINGS

16:00:41 **Case #2014060112 – Samuel Lee & Catheren Ealy (The Bank of New York Mellon)**

Mr. DeBlois advised this case was for an illegal structure consisting of a concrete pad and basketball in the right-of-way.

Inspector Davis confirmed service by certified mail on Respondents Lee and Ealy on September 10, 2014 and on the bank on September 11, 2014, and submitted a plat map and two photographs into evidence. She pointed out the owner of the subject property had constructed a concrete slab in the right-of-way in front of two other houses. Ms. Davis indicated Respondent Ealy originally thought she was grandfathered in but after finding out differently had agreed to remove the slab, and she recommended an extension of 30 days, until October 24, 2014, for compliance.

16:03:35

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until October 24, 2014, for compliance or a \$100 per day fine. (Mr. Myers II not present)

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

16:04:28 **Case #2014070105 – Richard & June West**

Inspector Davis confirmed service on August 29, 2014 and submitted two photographs into evidence. She described a leaning fence and unmaintained swimming pool on the subject property, and recommended an extension of 30 days, until October 24, 2014, for compliance.

16:05:24

ON MOTION BY Mr. Bowles, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until October 24, 2014, for compliance or a \$100 per day fine. (Mr. Myers II not present)

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

Mr. Myers II returned to the CEB meeting at 4:21 p.m.

16:05:45 **Case #2014070140 – Randy & Connie Graley**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on September 11, 2014 and three photographs into evidence. She confirmed service on the foreclosing bank on August 19, 2014 and related the cited violations were for property maintenance, unsecured vacant structure and overgrown weeds. Inspector Jefferson said she had received complaints about graffiti on sheds on the property and explained the house had been boarded up but the door needed shoring up. She recommended an extension of 30 days, until October 24, 2014, for compliance.

16:07:05

ON MOTION BY Mr. Bowles, SECONDED BY Mr. Gervasio, the Board voted unanimously (6-0) to find the violations and grant an extension of 30 days, until October 24, 2014, for compliance or a \$100 per day fine.

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

16:07:12 **Case #2014070167 – Jody & Stephanie Amacher**

Inspector Jefferson submitted an Affidavit of Service indicating the property

had been posted on September 11, 2014 and four photographs into evidence. She described junk, trash and debris on the site and recommended an extension of 30 days, until October 24, 2014, for compliance.

16:08:17

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 days, until October 24, 2014, for compliance or a \$100 per day fine.

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

16:08:29 **Case #2014050115 – High Ridge Mobile Park Inc.**

Inspector Buck reported there was no service on this case.

16:08:40 **Case #2014050108 – High Ridge Mobile Park Inc.**

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

16:08:51 **Case #2014080001 – Indigo Development Inc.**

Inspector Davis confirmed service on August 5, 2014 and submitted three photographs into evidence. She testified this case had to do with landscape maintenance and site plan non-conformance violations at a commercial property in Roseland, Florida, and recommended an extension of 60 days, until November 21, 2014, for compliance.

Mr. DeBlois noted this case was a repeat violation of previous Order entered on March 26, 2012 for the same issues; however since the site had come into compliance in a timely manner in the past he was not recommending a fine at this time.

16:10:34

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (6-0) to find the violations and grant an extension of 60 days, until November 21, 2014, for compliance or a \$100 per day fine.

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

16:10:42 **Case #2014080016 – Barnett Bank of Ind. Riv. Co. (Bank of America)**

Inspector Davis confirmed service on Barnett Bank on August 11, 2014 and on Bank of America on August 6, 2014, and submitted four photographs into evidence. She described landscape maintenance and site plan non-conformance violations due to lack of irrigation and recommended an extension of 30 days, until October 24, 2014, for compliance.

Mr. DeBlois explained this was a repeat violation of an Order entered on February 27, 2012; but he recommended no fine at this time.

16:12: 27

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violations and grant an extension of 30 days, until October 24, 2014, for compliance or a \$100 per day fine.

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

16:12:46 **Case #2014080076 – Odessa Clark (Estate)**

Inspector Buck reported there was no service on this case.

16:13:00 **Case #2014080111 – Lilly Mae Wadley**

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

16:13:19 **Case #2014080028 – Gregory Fisher**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on September 11, 2014 and one photograph into evidence. She described overgrown weeds on a vacant lot and recommended an extension of 30 days, until October 24, 2014, for compliance.

16:14:08

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 days, until October 24, 2014, for compliance or a \$100 per day fine.

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

16:14:47 **Case #2014080026 – J.P. Morgan Chase Bank**

Inspector Carter Solomon submitted three photographs into evidence and confirmed service on September 12, 2014. She indicated the cited violation was for overgrown weeds and recommended an extension of 30 days, until October 24, 2014, for compliance.

16:15:40

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 days, until October 24, 2014, for compliance or a \$100 per day fine.

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

16:15:51 **Case #2014070203 – Raymond & June Scent (Green Tree Servicing LLC)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on September 12, 2014 and three photographs into evidence, and described overgrown weeds at a vacant residence. She confirmed service by certified mail on Green Tree Servicing LLC on September 11, 2014, and advised Respondents Mr. and Mrs. Scent were both deceased and she had not had any correspondence with the bank. Inspector Carter Solomon recommended an extension of 60 days, until November 21, 2014, for compliance.

16:17:15

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (6-0) to find the violation and grant an extension of 60 days, until November 21, 2014, for compliance.

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

16:17:27 **Case #2014070218 – Victor Torres**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on September 12, 2014 and one photograph showing overgrown weeds at a vacant residence into evidence. She recommended an extension of 30 days, until October 24, 2014, for compliance.

16:18:22

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of 30 days, until October 24, 2014, for compliance or a \$100 per day fine.

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

COMPLIANCE HEARINGS

16:18:41 **Case #2014020095 – Leroy Miller (Floridascapes Lawn & Landscape Service)**

Mr. DeBlois summarized this case involved a nursery-type business in agriculturally zoned property, and the Board's Order gave the Respondent until September 19, 2014 to modify the site so the commercial landscape business was an accessory to the bona fide agricultural use of a nursery and cease stockpiling of debris on the site, and if the site was not modified to meet the criteria of a nursery then to cease the landscape business use. He reported the Respondent had met with staff and was moving toward compliance and recommended an extension of 30 days, until October 24, 2014, for compliance.

16:20:53

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant an extension of 30 days, until October 24, 2014, for compliance or a \$100 per day fine.

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

16:21:10 **Case #2014060025 – SE4OW&L LLC**

Inspector Carter Solomon recalled this case first came to the Board on July 28, 2014, at which time an extension was granted to bring the overgrown weeds violation into compliance, with one extension later being granted until September 19, 2014. She submitted one photograph into evidence and observed nothing had been done and recommended a \$100 per day fine be imposed with a start date of September 20, 2014.

16:21:54

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (6-0) to find non-compliance and impose a fine in the amount of \$100 per day with a start date of September 20, 2014.

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

16:22:15 **Case #2014050059 – National City Bank**

Mr. DeBlois recapped this case initially came to the Board on July 28, 2014 for overgrown weeds at a vacant residence, at which time the Board granted until August 27, 2014 for compliance with on extension later being granted until September 19, 2014.

Inspector Jefferson testified the property was in the same condition and nothing had been done and recommended a \$100 per day fine be imposed with a start date of September 20, 2014.

16:23:20

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (6-0) to find non-compliance and impose a fine in the amount of \$100 per day with a start date of September 20, 2014.

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

16:23:39 **Case #2014050125 – Robert & Nilia Barber (The Bank of New York Mellon)**

Inspector Jefferson stated this case originally came to the Board on July 28, 2014 for property maintenance, overgrown weeds and junk, trash and debris

violations, at which time an extension was granted until August 27, 2014. She reported she had inspected the property this morning and no progress had been made, and recommended a \$100 per day fine be imposed with a start date of September 20, 2014.

16:24:11

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers II, the Board voted unanimously (6-0) to find non-compliance and impose a fine in the amount of \$100 per day with a start date of September 20, 2014.

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

16:24:41 **Case #2014030041 – Regina Ginn & Kent Stuckey**

Inspector Carter Solomon recalled this case initially came to the Board on July 28, 2014 for a small carport installed on the property without permits, and submitted one photograph into evidence. She indicated an extension had been granted for the Respondents to obtain the required permit; however nothing had been done, and she recommended a \$100 per day fine be imposed with a start date of September 20, 2014.

16:25:35

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find non-compliance and impose a fine in the amount of \$100 per day with a start date of September 20, 2014.

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

16:25:50 **Case #2014040037 – Brandy Gallegos (Bank of America N.A.)**

Mr. DeBlois summarized this case involved junk, trash and debris, overgrown weeds and no building permit for an interior fence, and the Board had entered an Order on June 23, 2014 giving the Respondents until August 22, 2014 to comply. He continued there was one Order Granting Extension based on staff recommendation bringing the compliance date to September 19, 2014.

Inspector Davis submitted four photographs into evidence and reported the property was still in the same condition. Mr. DeBlois recommended the Board find non-compliance and impose the fine of \$100 per day with a start date of September

20, 2014.

16:27:15

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (6-0) to find non-compliance and impose a fine in the amount of \$100 per day with a start date of September 20, 2014.

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

16:27:27 **Case #2014040088 – John T. Reilly Jr. (Bank of New York Mellon)**

Mr. DeBlois related this case originally came to the Board on July 28, 2014 for overgrown weeds, at which time an extension was granted until August 22, 2104, with one extension later recommended by staff until September 19, 2014.

Inspector Davis submitted one photograph into evidence and testified the property was still in non-compliance and nothing had been done. Mr. DeBlois recommended the \$100 per day fine be imposed with a start date of September 20, 2014.

16:28:30

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to find non-compliance and impose a fine in the amount of \$100 per day with a start date of September 20, 2014.

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

16:29:07 **Authorization for Notices to Appear**

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to authorize the Notices to Appear for cases leading up to the October 27, 2014 meeting.

Other Matters

There were none.

Adjournment

There being no further business, the meeting was adjourned at 4:45 p.m.