

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, February 23, 2015 at 1:30 p.m.

Present were Chairman **Karl Zimmermann**, Realtor Appointee; **Pete Clements**, General Contractor Appointee; **Tony Gervasio**, Member-at-Large Appointee (left at 3:30 p.m.); **Joe Petrulak**, Subcontractor Appointee; and **David Myers II**, Businessman Appointee.

Let the record show there are vacancies for an Architect Appointee and an Engineer 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.

10:32:26 Call to Order

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

10:33:34 Approval of Minutes of January 26, 2015

ON MOTION BY Mr. Clements, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to approve the minutes of January 26, 2015 as presented.

10:34:11 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.

10:40:09 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 #2014030031, #2014070175, #2014100112, #2014100050, #2014070169, #2014100153, #2014120015, #2014120061, #2014120090 and #2014100157 - 30 day extension until March 20, 2015. Cases #2014040005, #2012110095, #2013100068 and #2014070141 - 60 day extension until April 24, 2015. Cases #2015010031 and #2014120143 were rescheduled.

In compliance were Cases #2014100126, #2014120021, #2014120055, #2014120128, #2014120145, #2014110015, #2015010002, #2015010027, #2014040056, #2014100144, #2014100090, #2014100158, #2014120014, #2014100169, #2015010052, #2015010050, #2015010064, #2015010030, #2015010058, #2015010010, #2014120121, #2015010040, #2014110026, #2014070146, #2014090106, #2014070053 and #2015010069.

Mr. DeBlois recommended the Administrative Hearing case be heard at a time certain of 2:30 p.m. and the Lien Release Requests be heard no sooner than 3:00 p.m., including the addendum to the agenda for Case #2012020054, Dale & Kathryn Curtis.

Mr. Petrulak pointed out Case #2012110095, Vero Beach Assoc. Retail LLC, had first been heard by the Board in 2012 and had received 13 extensions. He wondered if any progress had been made.

Mr. DeBlois explained the case was tied to completion of 66th Avenue road improvements and it was a matter of IRC staff coordinating with the business plaza to finish up the landscape requirements.

10:49:33

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

10:50:04 **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

10:51:33 **Case #2014080003 – Keith Moskowitz**

Ms. Kelly Buck, IRC Code Enforcement Officer, recapped the Respondent came before the Board on April 28, 2014, and the Board upheld a citation issued by the IRC Building Department for the Respondent having an unlicensed contractor building his outdoor patio/kitchen area. She continued since that time the Respondent applied for after-the-fact building permits; however there were still some unresolved issues. Inspector Buck submitted a copy of the IRC Plans Examiner's request for additional information and four photographs into evidence, and advised the after-the-fact permit had since expired and no inspections had occurred.

Respondent Keith Moskowitz stated he thought everything had been taken care of and promised to re-apply for a building permit.

Mr. DeBlois recommended an extension of 30 days, until March 20, 2015, for the Respondent to apply for and obtain an after-the-fact permit, and approximately 90 days, until May 16, 2015, to finalize inspections and approvals for the structure; and if compliance was not achieved a fine of \$100 per day would be imposed.

10:58:49

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, to find the violation and grant an extension of 30 days, until March 20, 2015, for the Respondent to apply for and obtain an after-the-fact permit, and approximately 90 days, until May 16, 2015, to finalize inspections and approvals for the structure; and if compliance was not achieved a fine of \$100 per day would be imposed.

Mr. Petrulak asked if a Stop Work Order had been issued at the time the case came to the CEB. The Respondent confirmed a Stop Work Order had been issued but after he submitted the application for a permit he had finished the job.

Mr. Clements explained the steps the Respondent had to take after obtaining an after-the-fact permit. He noted the motion gave the Respondent 90 days, until May 16, 2015, to obtain inspections; however he did not think it was necessary

because the work had already been done, and thought 60 days should be adequate.

Discussion followed.

11:03:04

ON AMENDED MOTION BY Mr. Gervasio, AMENDED SECOND BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until March 20, 2015, for the Respondent to apply for and obtain an after-the-fact permit, and approximately 60 days, until April 24, 2015, to finalize inspections and approvals for the structure; and if compliance was not achieved a fine of \$100 per day would be imposed.

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

11:04:00 **Case #2014120129 – Paula Geller**

Mr. DeBlois advised this case had to do with junk, trash and debris, boat/trailer storage, junk vehicles and zoning district use violation for outdoor storage.

Ms. Betty Davis, IRC Code Enforcement Officer, submitted an aerial photograph dated February 28, 2014 into evidence. She testified the Respondent had removed some of the boats and cars from the subject property; however several of the remaining vehicles were not roadworthy and there was vehicle parts, tires, etc. on the site.

Mr. Ron McCreary, the Respondent's husband, said he was working to come into compliance and asked for more time.

Mr. DeBlois recommended an extension of 90 days, until May 16, 2015, for compliance.

Discussion followed regarding how the Respondent might be able to store some of his automobiles on the property.

11:02:16

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted (4-1) to find the violations and grant an extension of 90 days, until May 16, 2015,

for compliance or a \$100 per day fine. Mr. Myers II opposed.

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

11:18:58 **Case #2015010004 – Jon Roger Fichtelman**

Mr. DeBlois recapped this case had to do with the conversion of a metal barn, originally built as an agricultural-exempt non-residential farm building, to a living space without required permits.

Inspector Davis submitted an aerial photograph into evidence and explained it appeared a drain field was being put onto the rear of the barn. She advised upon checking with the IRC Health Department there was an old permit on file and a septic tank had been installed but it was never finalled out by the original owners.

Mr. Randy Mosby, representing the Respondent, explained the necessary paperwork would be submitted to the Building Department by next week.

Mr. DeBlois recommended an extension of 60 days, until April 24, 2015, for the Respondent to obtain required permitting and final inspection.

11:22:20

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (5-0) to find the violation for no building permit and grant an extension of 60 days, until April 24, 2015, for compliance or a \$100 per day fine.

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

11:24:17 **Case #2015010047 – Jillian Winterberg (Wells Fargo Bank)**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on February 11, 2015 and one photographs into evidence, and described overgrown weeds on the side and rear of the subject property. She recommended an extension of 30 days, until March 20, 2015, for compliance.

Mr. Shane Fuller, representing Wells Fargo Bank, explained the bank was not

the title owner as the property was in foreclosure and the Respondent owner was represented by counsel and had appealed the judgment. He stated he would forward information regarding the Respondent's attorney to Inspector Davis.

11:28:31

ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

11:30:26 **Case #2015010011 – Richard & Constance Morgan (Tenant)**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, submitted one photograph taken January 6, 2015 into evidence and said she had received a complaint about garbage piled up on the side and rear of the subject property. She confirmed the property was currently in compliance; however there had been previous occurrences of the same violation on the site and she asked the Board to acknowledge compliance and enter a Continuing Order in the event of recurrence of the violation.

Respondent Mrs. Constance Morgan indicated the tenant was her son and she agreed with the issuance of a Continuing Order.

11:33:59

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to find compliance in the junk, trash and debris violation but enter a Continuing Order in the event the violation recurred, so that a \$100 per day fine could automatically be imposed.

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

ADMINISTRATIVE HEARING

11:34:41 **Case #2015020051 – Larmarcus Erebecca Hornbuckle (Mark**

Hornbuckle)

Mr. DeBlois noted it was 2:30 p.m.; however the Respondent was not present. He recommended the Board continue with the regular schedule and hear the case later on as it occurred on the agenda.

11:36:24 Case #2015020040 – Judy Worden

Mr. DeBlois related this case concerned vehicle parking/storage violation in a required area not in a designated driveway.

Inspector Carter Solomon submitted one photograph into evidence and stated she constantly received complaints regarding parking in the Rockridge Subdivision because the lots were fairly small and parking is limited. She indicated she had told the Respondent the driveway could be extended and improved to allow more space.

Respondent Ms. Judy Worden testified she had two parking spaces and owned five vehicles, and did not feel she was in violation because the sidewalk was not blocked.

Chairman Zimmermann suggested the Respondent talk to the IRC Planning and Engineering Departments to see what could be done.

Mr. DeBlois recommended an extension of 30 days, until March 20, 2015, for compliance.

11:45:38

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

COMPLIANCE HEARINGS

11:47:19 Case #2014090110 – John & Laura Eddy (Tenant)

Mr. DeBlois recapped this case initially came to the Board on November 24,

2014 under the names of the previous owners James & Sherry Moore and adding the tenants on the property were also cited. He continued a realtor had explained at the November meeting that a change of ownership and eviction of the tenants was in progress and the Board granted until January 23, 2015 for the removal of junk vehicles, junk, trash and debris and swimming pool maintenance violations to comply. Mr. DeBlois related when the case came back to the Board on January 26, 2015 there was testimony the property had changed ownership and staff had tabled the matter and issued Notice to the new owners and the tenants.

Ms. Rose Jefferson, IRC Code Enforcement Officer, submitted ten photographs taken February 18 and 23, 2015 into evidence and described a large amount of debris and garbage on the property. She confirmed the junk vehicles violation had been resolved but she was not sure about the swimming pool maintenance violation. Inspector Jefferson testified one of the tenants had told her she would be moving within the next few weeks; however the property was still an eyesore.

Mr. DeBlois noted this case had gone on for some time because of an issue with eviction of the tenants, who would be specifically identified on any Board Order's regarding penalties; however the property owner still had the liability of bringing the property into compliance.

Respondent Mrs. Laura Eddy testified she had received title to the property on January 13, 2015 and a Motion for Writ of Possession was filed on February 3, 2015 and in the meantime the tenants had advised they were moving. She stated she had volunteered to help the tenants' move but had been told not to touch their belongings.

Attorney Peshke advised in a standard eviction the tenants would have 72 hours to vacate the property and 30 days should be enough time for compliance.

Mr. DeBlois recommended an extension of 14 days for compliance, and both the tenants and the owner would be named on the Order.

Mr. Gervasio conceded the case had dragged out but thought 14 days was not adequate time considering the short period of time the Respondents had owned the property.

11:59:13

ON MOTION BY Mr. Gervasio, SECONDED BY Mr.

Petrulak, the Board voted unanimously (5-0) to grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

LIEN RELEASE REQUESTS

12:02:20 **Case #2013040035 – Flagstar Bank FSB**

Mr. DeBlois recapped this case first came to the Board on July 22, 2013 for a utility line maintenance violation leading to a sewer connector line needing repair that was initiated through the IRC Utilities Department. He indicated the Board had found the violation and granted the Respondent until September 23, 2013 to obtain permits and repair the connector sewer line to the property, at which time upon learning compliance had not been attained the \$100 per day fine was imposed with a start date of September 21, 2013.

Mr. DeBlois confirmed compliance had been verified as of December 13, 2014, which was the passage of 448 days of non-compliance for a flat fine in the amount of \$44,800. He noted 10% of the flat fine would be \$4,480 and estimated administrative costs would be \$1,700.

Mr. Randol Masters, representing the bank, asked for a reduction in the fine amount.

Mr. DeBlois observed the bank had owned the subject property when the Notice was originally entered and recommended the find be reduced to \$4,480, or 10% of the accrued amount.

12:06:26

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find compliance and reduce the flat fine to \$4,480, or 10% of the accrued amount.

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

12:07:30 **Case #2013040175 - Nicholas Diaz**

Mr. DeBlois recalled this case originally came to the Board on June 24, 2013 for overgrown weeds, and after granting 30 days with one subsequent extension it came back for a compliance hearing on August 26, 2013, at which time upon learning nothing had been done, the \$100 per day fine was consequently imposed with a start date of August 24, 2013.

Inspector Carter Solomon verified compliance as of February 2, 2015. Mr. DeBlois noted that would be 527 days of non-compliance for a flat fine fee of \$52,700; and 10% of that amount would be \$5,270 or administrative fees in the amount of \$2,000.

Respondent Ron Rennick, the current owner of the subject property, testified he had recently purchased the property through a tax sale and had no control over the site before that time.

Discussion ensued.

Mr. DeBlois recommended the Board reduce the fine to 10% of the accrued amount, or \$5,270.

12:14:49

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (5-0) to find compliance and reduce the flat fine to \$5,270, or 10% of the accrued amount.

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

12:15:15 **Case #2011070011 – Henry Rodrigues**

Mr. DeBlois summarized Case #2009070229 originally came to the Board on September 28, 2009 for an evidentiary hearing regarding overgrown weeds, junk, trash and debris and an accessible vacant structure at 231 6th Drive S.W., Vero Beach, at which time the Board found the violations and granted until October 23, 2009 for compliance. He confirmed compliance had been reached in the previous case; however Case #201107011 then came back as a repeat violation for overgrown weeds on July 25, 2011, at which time the \$100 per day fine was imposed with a start date of July 22, 2011. Mr. DeBlois verified compliance as of

August 19, 2011, which was a passage of 28 days of non-compliance for a flat fine in the amount of \$2,800, or using the date of the initial Order, the administrative costs would be \$2,300.

Discussion followed about how to configure administrative costs in the event of a repeat violation.

Respondent Rodrigues maintained he had mowed the front yard and thought he was in compliance. Inspector Carter Solomon advised the rear yard had not been mowed at the time the fine was imposed, adding the green card had been signed by the Respondent on July 13, 2011.

Mr. DeBlois pointed out the time period in the repeat violation was relatively short and it appeared there had been partial compliance. He recommended the fine for Case #2011070011 be set at administrative costs in the amount of \$1,700.

Chairman Zimmermann observed in cases of a repeat violation with an existing Order the fine could be doubled for the second occurrence as a maximum fine.

12:29:20

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted (4-1) to find compliance and reduce the flat fine to \$1,700 to cover administrative costs. Chairman Zimmermann opposed.

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

Mr. Gervasio left the meeting at 3:30 p.m. due to illness.

12:30:21 **Case #2014010070 – Henry Rodrigues**

Mr. DeBlois pointed out this case had to do with property at 5740 60th Avenue, Vero Beach, owned by the same Respondent as the previous case. He recapped the case came to the Board for an evidentiary hearing on March 24, 2014 for overgrown weeds and junk, trash and debris, at which time the Respondent was granted 30 days for compliance. Mr. DeBlois continued the case came back for a compliance hearing on May 19, 2014, after one extension, and upon hearing nothing had been done the \$100 per day fine was imposed with a start date of May 17, 2014. He verified compliance as of January 29, 2015, which was 257 days of non-

compliance for a flat fine in the amount of \$25,700; and advised administrative costs would be \$2,000 and 10% of the flat fine would be the amount of \$2,570.

Respondent Rodrigues stated he had another property at 5826 59th Avenue, Vero Beach, that had been cited at the same time as this case; however the Code Officer had not checked this property when he phoned to advise both properties were complied.

Inspector Buck submitted two photographs dated May 15, 2014 into evidence and described overgrown grass and five-gallon buckets and debris on the subject property. She also submitted two photos taken on February 19, 2015 and testified the case could possibly have been complied before January 29, 2015; however the Respondent had not told her the subject property was in compliance.

Discussion followed.

Mr. DeBlois recommended the find be set at \$2,000 for administrative costs.

12:42:28

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted (3-1) to find compliance and reduce the fine to \$2,000 to cover administrative costs. Mr. Clements opposed.

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

12:43:44 **Case #2010050010 – Victor Ricardo (Previous Owners: Tamra Carlsward, Richard Dole Jr. & Darrin Raymond)**

Mr. DeBlois recapped this case first came to the Board on June 28, 2010 as a zoning district use violation for tents being used as living quarters on a vacant property, at which time the Board granted 30 days until July 23, 2010 for compliance. He continued one extension was granted and the case came back for a compliance hearing on August 23, 2010, at which time the Board imposed the \$100 per day fine with a start date of August 21, 2010.

Mr. DeBlois related Mr. Victor Ricardo, the current property owner, contacted staff and advised he had purchased the property on September 24, 2010, at which time the tent use was resolved; and using the date of purchase as a compliance date it was 34 days of non-compliance for an accrued flat fine of \$3,400.

Respondent Ricardo testified the fine was recorded September 8, 2010 and he had purchased the property over the phone from his home in New Hampshire on September 24, 2010. He maintained he was never advised of the code violation and only became aware of the lien when he attempted to sell the property.

Mr. DeBlois noted it took approximately two to three weeks for an Order to be fully executed and recorded and due to the short turn-around time it was possible the Board's recorded Order might have been after the due diligence window when the title search was done. He recommended the fine be rescinded.

12:51:02

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find compliance and rescind the fine.

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

12:52:06 **Case #2012020054 – Dale & Kathryn Curtis**

Mr. DeBlois summarized this case first came to the Board on March 26, 2012 for overgrown weeds, and after one extension it came back for a compliance hearing on May 21, 2012; at which time after hearing nothing had been resolved the Board imposed a \$100 per day fine with a start date of May 19, 2012. He verified compliance as of June 13, 2012, which was 25 days of non-compliance for a flat fine in the amount of \$2,500.

Mr. Matthew O'Kell, representing the foreclosing bank, testified the property was abandoned and once the bank obtained the property the site had been maintained.

Mr. DeBlois observed the bank was not on the original notification and recommended the fine be reduced to cover administrative costs in the amount of \$2,000.

12:56:27

ON MOTION BY Mr. Myers II, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find compliance and reduce the fine to \$2,000 to cover

administrative costs.

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

EVIDENTIARY HEARINGS

12:58:04 **Case #2014110017 – AJL Management Corp. (Alexander Lundmark)**

Mr. DeBlois advised there was initially an issue of commercial vehicle storage on the residential property that had been resolved, and the one remaining violation was a fence built without a permit. Inspector Jefferson submitted two photographs into evidence and testified as of this morning no permit had been applied for or issued.

Respondent Lundmark stated he had applied for an after-the-fact permit and was working toward compliance.

Mr. DeBlois recommended an extension of 30 days, until March 20, 2015, for compliance.

13:00:01

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violation and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

Chairman Zimmermann called a recess at 4:00 p.m. and reconvened the meeting at 4:05 p.m.

13:00:56 **Case #2014100188 – Jennifer Adkins (Suntrust Bank)**

Inspector Davis submitted three photographs into evidence and verified service on Respondent Adkins on February 14, 2015 and on the bank on February 11, 2015. Mr. DeBlois advised this case had to do with an unmaintained unsecured structure, overgrown weeds and junk, trash and debris and recommended an

extension of 30 days, until March 20, 2015, for compliance.

13:02:26

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violations and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:02:37 **Case #2014110024 – Calvin Ower**

Inspector Jefferson advised this case was in compliance.

13:02:57 **Case #2014120104 – Daniel Scully**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on February 11, 2015 and two photographs into evidence. She described overgrown weeds, boat/trailer storage violation and junk, trash and debris and noted the property owner was out of the state and recommended an extension of 60 days until April 24, 2015.

13:04:14

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violations and grant an extension of 60 days, until April 24, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:04:33 **Case #2014120113 – Paul & Jodi Aliano (Federal National Mtg. Assoc.)**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on February 11, 2015 and two photographs into evidence, and confirmed service on the bank on February 18, 2015. She related the violation in this case was for overgrown weeds and recommended an extension of 30 days, until March 20, 2015, for compliance.

13:05:12

ON MOTION BY Mr. Clements, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violation and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:05:52 **Case #2014100173 – Daisy Mae Holmes & Elijah Cannon Jr.**

Inspector Buck submitted an Affidavit of Service indicating the property had been posted on February 12, 2015 and one photograph taken on February 19, 2015 into evidence. She testified she was at the site this morning and the overgrown weeds were still there, and recommended an extension of 30 days, until March 20, 2015, for compliance.

13:06:33

ON MOTION BY Mr. Myers II, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violation and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:06:55 **Case #2014120095 – Gennadi Isutin & Agnes Stern**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on February 11, 2015 and one photograph into evidence. She confirmed the violations at this time were for no building permits for a concrete slab and encroachment/obstruction in the right-of-way and recommended an extension of 60 days, until April 24, 2015, for compliance.

Mr. DeBlois added there had originally been a commercial vehicle parked at the residence and recommended the Board find compliance at this time but enter a Continuing Order in the event the violation recurred.

13:09:34

ON MOTION BY Mr. Petrulak, SECONDED BY Mr.

Myers II, the Board voted unanimously (4-0) to find the violations for no building permit and encroachment/obstruction on right-of-way or easement and grant an extension of 60 days, until April 24, 2015, for compliance, and to find compliance of the violation for a commercial vehicle at residence and enter a Continuing Order in the event of recurrence, or a \$100 per day fine would be imposed.

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

13:09:52 **Case #2014120071 – Lars & Annette Hakansson**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on February 11, 2015 and two photographs into evidence, and described overgrown weeds on a vacant corner lot that created a visibility issue. She recommended an extension of 30 days, until March 20, 2015, for compliance.

13:10:24

ON MOTION BY Mr. Myers II, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violation and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:10:36 **Case #2014120081 – Julio & Jessica Gomez**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on February 11, 2015 and two photographs into evidence. She stated she had received a complaint about no building permit for a concrete pad and utility building and recommended an extension of 30 days, until March 20, 2015, for compliance.

13:11:23

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violation and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine

would be imposed.

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

13:11:58 **Case #2014110021 – William & Joyce Robertson (U.S. Bank National Association)**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on February 13, 2015 and two photographs into evidence. She indicated she had not received service on the bank and related the case had to do with junk, trash and debris and overgrown weeds, and recommended an extension of 30 days, until March 20, 2015, for compliance.

13:13:06

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violation and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:13:17 **Case #2015010049 – Guy Gerby (BAC Home Loans Servicing)**

Inspector Davis submitted one photograph into evidence and confirmed service by posting the property on February 11, 2015 and by certified mail on BAC Home Loans Servicing on February 2, 2015. She related the violations were for overgrown weeds and junk, trash and debris and advised the overgrown weeds violation had been resolved; but the trash and debris was still on site and she recommended an extension of 30 days, until March 20, 2015, for compliance.

13:14:20

ON MOTION BY Mr. Clements, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violation for junk, trash and debris and grant an extension of 30 days, until March 20, 2015, for

compliance or a \$100 per day fine would be imposed.

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

13:14:34 **Case #2015010046 – Mary Dinino**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on February 11, 2015 and one photograph into evidence. She indicated she had cited the property for overgrown weeds, boat/trailer storage violation, junk vehicles and junk, trash and debris, and advised the RV and one junk vehicle had been tagged and recommended an extension of 30 days, until March 20, 2015, for compliance of the remaining violations.

13:15:26

ON MOTION BY Mr. Clements, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violations for boat/trailer storage and junk, trash and debris and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:15:44 **Case #2015010048 – Curtis Stevens & Sherry Lynn Clark**

Inspector Davis confirmed certified service on February 11, 2015 and said she had received a complaint about no building permit and recommended an extension of 60 days, until April 24, 2015, for compliance.

13:16:50

ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (4-0) to find the violation and grant an extension of 60 days, until April 24, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:16:57 **Case #2015010055 – Lillie Mae Weems**

Inspector Buck submitted an Affidavit of Service indicating the property was posted on February 12, 2015 and two photographs taken February 19, 2015 into evidence. She described an unsecured burnt-out structure and related she had not had any contact with the owner and had turned the matter over to the IRC Building Department for condemnation procedure. She recommended an extension of 30 days, until March 20, 2015, for compliance.

13:17:57

ON MOTION BY Mr. Myers II, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violation and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:18:08 **Case #2015120057 – Luis Rivera**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on February 13, 2015 and two photographs into evidence, and described overgrown weeds in the side yard and junk, trash and debris on the subject property. She recommended an extension of 30 days, until March 20, 2015, for compliance.

13:19:03

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violations and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:19:12 **Case #2015010009 – Wellington Homes of Indian River Inc.**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on February 13, 2015 and three photographs into evidence. She indicated the property was cited for overgrown weeds and property maintenance violations for a dilapidated fence and recommended an extension of 30 days, until March 20, 2015, for compliance.

13:20:05

ON MOTION BY Mr. Myers II, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violations and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:20:18 **Case #2015010066 – Full Gospel Assembly Inc. of Vero Beach**

Inspector Jefferson confirmed the property was posted on February 13, 2015 and cited for illegal vehicle parking in the right-of-way; however it was now in compliance.

Mr. DeBlois related there had been issues with adjacent property owners about vehicles double parking and parking in the right-of-way to the south of the church. He recommended the Board find current compliance and enter a Continuing Order in the event the violations occurred in the future.

13:21:58

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find current compliance of the double parking and parking in the right-of-way violations and enter a Continuing Order in case they recur, at which time a \$100 per day fine would be imposed.

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

13:22:13 **Case #2015010035 – Kathleen Doran**

Inspector Carter Solomon submitted one photograph into evidence and confirmed she had posted the property on February 13, 2015. She indicated the cited violations were for overgrown weeds and junk, trash and debris at a vacant

residence, and advised the overgrown weeds were now in compliance; however there was still a large pile of debris on the site. Inspector Carter Solomon recommended an extension of 30 days, until March 20, 2015, for compliance.

12:23:14

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violation for junk, trash and debris and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:23:25 **Case #2015010037 – Lakes at Brookhaven POA**

Inspector Carter Solomon confirmed service via certified mail on February 13, 2015 and submitted five photographs into evidence. She advised the property was a subdivision that had been approved and roads had been put in but the site was never developed, and she had cited the Respondent for junk, trash and debris due to dumping from offsite. Inspector Carter Solomon recommended an extension of 30 days, until March 20, 2015, for compliance.

13:25:53

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violation and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:26:02 **Case #2014110033 – Larry Evans Jr. (HSBC Bank USA, NA)**

Inspector Jefferson confirmed service on February 2, 2015 and submitted three photographs into evidence depicting overgrown weeds at a vacant residence. She recommended an extension of 30 days, until March 20, 2015, for compliance.

Mr. DeBlois recommended keeping the lender on the Order since a bank representative had indicated to Inspector Jefferson they would send someone to

mow the grass.

13:27:10

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violation and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:27:46 **Case #2014110016 – Grutis Inc.**

Inspector Buck submitted two photographs into evidence and confirmed service on February 19, 2015. She indicated she had cited the property for junk, trash and debris and no building permit for enclosing a room; and advised the sign violation, junk vehicle and home occupation violations had been resolved. Inspector Buck recommended an extension of 60 days, until April 24, 2015, for compliance.

12:29:18

ON MOTION BY Mr. Clements, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violations for junk, trash and debris and no building permit and grant an extension of 60 days, until April 24, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:29:32 **Case #2014120085 – Ronald Andrews**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on February 13, 2015 and three photographs into evidence. She related the cited violations were for junk, trash and debris, junk vehicles and overgrown weeds on a vacant lot, and recommended an extension of 30 days, until March 20, 2015, for compliance.

13:30:49

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violations and grant an extension of 30 days, until March 20, 2015, for compliance or a \$100 per day fine would be imposed.

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

13:31:05 **Case #2015010023 – Ching Hai Lin**

Inspector Buck submitted an Affidavit of Service indicating the property had been posted on February 6, 2015 and six photographs taken February 19, 2015 into evidence. She described junk vehicles, junk, trash and debris and zoning district use violation, and recommended an extension of 60 days, until April 24, 2015, for compliance.

13:33:04

ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (4-0) to find the violations and grant an extension of 60 days, until April 24, 2015, for compliance or a \$100 per day fine would be imposed.

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

COMPLIANCE HEARINGS

13:33:17 **Case #2015010067 – D.R. Horton**

Mr. DeBlois recapped the Respondent had been before the Board on March 24, 2014 for a repeat violation of an previous Order for illegal signs, at which time a \$2,000 fine was imposed. He continued the Respondent had obtained a permit for the signs in questions; however subsequently signs had not been placed where they were allowed.

Inspector Carter Solomon submitted three photographs into evidence showing signs posted in the right-of-way and noted two signs had been removed; however there were still three signs in violation.

Mr. DeBlois related the Notice of Hearing for the previous case was dated

January 29, 2015. He felt it would be appropriate to either set the fine accruing as of that date or from today's date, and recommended one fine of \$100 per day with a start date of January 29, 2015.

Discussion followed about whether or not the fine should be increased and if there should be a fine for each of the signs.

Mr. DeBlois amended his recommendation to impose a fine of \$100 per day per sign with a start date of January 29, 2015, for a total fine of \$300 per day.

13:41:34

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find non-compliance of the Board's previous Orders and impose a \$100 per day fine per sign, for a total fine of \$300 per day, with a start date of January 29, 2015.

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

13:41:53 **Case #2014090125 – Joan Rovirosa & Crescenzo Lombardi (U.S. Bank NA)**

Inspector Jefferson summarized this case initially came to the Board on November 24, 2014 for overgrown weeds, at which time an extension of 30 days was granted. She submitted two photographs into evidence and reported nothing had been done and recommended a \$100 per day fine be imposed with a start date of February 21, 2015.

13:42:35

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find non-compliance and impose a \$100 per day fine with a start date of February 21, 2015.

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

13:42:54 **Case #2014100070 – Erin Swabby**

Inspector Jefferson reported this case had first been before the Board on November 24, 2014 for junk, trash and debris, at which time the Respondent was

granted a 30 day extension. She submitted two photographs taken on February 23, 2015 into evidence showing non-compliance and recommended a \$100 per day fine be imposed with a start date of February 21, 2015.

13:43:32

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find non-compliance and impose a \$100 per day fine with a start date of February 21, 2015.

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

13:43:55 **Case #2013100037 – Jeramy Zych**

Inspector Carter Solomon recapped this case initially came to the Board on March 24, 2014 regarding a pole barn built without a permit. She submitted one photograph into evidence and testified the Respondent had obtained a permit in May, 2014; however the permit had expired twice and five extensions had been granted. Inspector Carter Solomon recommended the \$100 per day fine be imposed with a start date of February 21, 2015.

13:44:39

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find non-compliance and impose a \$100 per day fine with a start date of February 21, 2015.

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

ADMINISTRATIVE HEARING

13:45:01 **Case #2015020051 – Larmarcus Erebecca Hornbuckle**

Mr. DeBlois recapped this case related to a citation issued concerning signs placed without permits at various locations throughout the County to advertise a U-Pick Strawberry Farm. He continued after being given one warning the Respondent

was cited on February 7, 2015 and February 8, 2015 for posting two different signs at two locations.

Mr. DeBlois summarized the citation was in the amount of \$100 per sign for a total fine of \$200, and reported the Respondent had eventually obtained a seasonal permit that will allow him to put up some signs at the intersection close to his business. He recommended the Board uphold the citation.

13:47:38

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to uphold Citation #2015020051 in the amount of \$200.

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

LIEN RELEASE REQUESTS

13:48:12 **Case #2011070102 – Craig Jerome & Tim Daughtrey (Deutsche Bank National Trust)**

Mr. DeBlois stated this case was in compliance and there had been a tax deed sale with proceeds available to be disbursed by the IRC Tax Collector's office, and he requested the Board set the fine amount. He recalled the Board had entered an Order Finding Repeat Violation on August 22, 2011 for overgrown weeds, at which time the Board granted 30 days for compliance, and after one extension the case came back to the Board on October 24, 2011, at which time a \$100 per day fine was imposed with a start date of October 22, 2011.

Mr. DeBlois confirmed compliance had been verified as of January 28, 2015, which was 1,194 days of non-compliance for a flat accrued fine in the amount of \$119,400. He noted 10% of the flat fine would be \$11,940 and since there was one Order Granting Extension the administrative costs would be \$2,000. He advised the IRC Property Appraiser's 2014 market value of the property was \$51,000 and recommended the Board set the fine at approximately 10% of the appraised market value, for an amount of \$5,000.

13:52:18

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find compliance and set the fine at approximately 10% of

the appraised market value of the property, for an amount of \$5,000.

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

13:52:36 **Case #2010090072 – Janet Mabry (U.S. Bank)**

Mr. DeBlois recalled this case came to the Board last month when an attempt was made to have a bank representative participate by telephone, which unfortunately had not worked out. He continued he had received information from the bank about a lis pendens in the foreclosure process and ultimately the foreclosure wiped out the County's lien against property at 875 23rd Place S.W., Vero Beach.

Mr. DeBlois summarized at the January 26, 2015 meeting the Board set the fine at \$13,410, based on 10% of the accrued flat fine amount of \$134,100, and he was bringing the case back to recommend the Board enter a Partial Release of Lien to release the subject property at 875 23rd Place S.W., which would mean there would still be a lien against any other property owned by Respondent Mabry.

Discussion followed.

Mr. DeBlois advised the bank's representative had indicated the bank would be willing to pay administrative costs to fully release the lien if the Board reduced the lien to administrative costs.

13:57:40

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to reduce the fine to administrative costs in the amount of \$2,000.

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

13:58:08 **Authorization for Notices to Appear**

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to authorize the Notices to Appear for cases leading up to the March 23, 2015 meeting.

Other Matters

There were none.

Adjournment

There being no further business, the meeting was adjourned at 5:03 p.m.