

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, January 23, 2017 at 1:30 p.m.

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

Let the record show that 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, Kelly Buck, Vanessa Carter Solomon and Rose Jefferson, Code Enforcement Officers; Steven Hitt, Senior Environmental Planner; David Checchi, Betty Beatty-Hunter and Kenneth Johnson, Contractor License Investigators; Dan Wittenberg, IRC Engineering Inspector; and Lisa Carlson, Recording Secretary.

7:50:25 Call to Order

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

7:51:25 Election of Officers

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to elect Mr. Stephen Boehning as Code Enforcement Board Chairman for 2017.

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to elect Mr. Pete Clements as Code Enforcement Board Vice-Chairman for 2017.

7:52:53 **Approval of Minutes**

Mr. Roland DeBlois, IRC Environmental and Code Enforcement Chief, pointed out some typographical errors in the minutes.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (6-0) to approve the minutes of November 28, 2016 with the corrections noted.

7:54:04 **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.

7:59:36 **Agenda Additions or Deletions, Consent Items**

Mr. Roland DeBlois reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda. Cases #2016070050, #2016080092, #2016060082, #2016030011, #2016090134, #2016080073, #2016070094 and #2016080131 – 30-day extension until February 24, 2017. Cases #2016060124, #2016020065, #2016060156, #2015060142, #2015100143, #2015080027, #2016060138, #2016050001, #2015040137, #2016030077, #2015060063, #2016060062 and #2016060037 – 60-day extension until March 24, 2017. Cases #2016100013, #2016110005, #2016100015, #2016110019 and #2016120069 have been rescheduled.

In compliance were Cases #2016080013, #2016090143, #2016110051, #2016120003, #2016120012, #2016120040, #2016120068, #2016120080, #2016120088, #2016120094, #2015090055, #2016090100, #2016100042, #2014100101, #2016080103 and #2017010003.

Mr. DeBlois recommended that the Administrative Hearings be heard at 2:30 p.m. and that the Lien Release Requests be heard at 3:00 p.m. or later. He noted that there was a Rehearing Request and added that there is an Addendum to the agenda which contains a Compliance Hearing, an Administrative Hearing and a Lien Release Request.

8:10:23

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

8:10:45 **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

8:11:22 **Case #2016110003 – Ramesh C. & Rasmi R. Patel**

Ms. Betty Davis, IRC Code Enforcement Officer, submitted three photographs into evidence and summarized that this case involved property maintenance, landscaping and debris violations at a former restaurant in the Roseland area. She reported that the debris and landscape violations have been resolved and that the main issue remaining is the dilapidated parking lot. She recommended a ninety-day extension, until April 21, 2017, for the Subject Property to be brought into compliance.

Respondent Mr. Ramesh Patel stated that he is attempting to sell the Subject Property, along with four other adjacent properties.

Discussion ensued regarding the fact that the ninety-day extension would be for compliance rather than for the sale of the Subject Property.

8:23:51

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to find the violation and grant an extension of ninety days, until April 21, 2017, for compliance or a \$100 per day fine would be imposed.

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

8:24:52 **Case #2016110011 – David J. & Katherine L. Brandes**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, submitted one photograph and a copy of a right-of-way permit into evidence and testified that this

case related to an expired right-of-way permit for a culvert modification. She recommended a thirty-day extension, until February 24, 2017, for the Subject Property to be brought into compliance.

Mr. Dan Wittenberg, IRC Engineering Inspector, explained that the pipe used by the Respondent for the culvert modification did not comply with County requirements and recommended renewal of the permit and modification of the existing culvert by shortening the pipe from 40' to 30'.

Respondent Mr. David Brandes described his culvert modification and the reasons that he constructed it as he did. He went on to say that the culverts on his property that the County built are deeper than all of those of all his neighbors, that they have forced his trees to lean and caused his fiberglass swimming pool to split. He added that he is pursuing litigation against the County.

8:43:31

ON MOTION BY Mr. Myers II to find the violation and grant an extension of thirty days, until February 24, 2017, for compliance or a \$100 per day fine would be imposed. There was not second to this motion and it was withdrawn.

8:43:51

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted (4-2) to find the violation and grant an extension of ninety days, until April 21, 2017, for compliance or a \$100 per day fine would be imposed. MOTION PASSED. Mr. Myers II and Mr. Gervasio were the opposing votes.

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

8:44:52 **Case #2016120045 – Sebastian Inn & Suites LLC**

Mr. Roland DeBlois reviewed that this case related to a Continuing Order banning long-term rentals at the Subject Property. He stated that it has come to his attention that the Respondent has licensed the establishment through the Department of Business Professional Regulation (DBPR) as a “non-transient apartment” building which is contrary to the Continuing Order. He recommended no fine but a thirty-day extension, until February 24, 2017, for the Subject Property to be brought into compliance.

Inspector Ms. Betty Davis submitted two photographs into evidence as well as correspondence between the Respondent's attorney and the Clerk of Court office verifying long-term rentals at the Subject Property. She also discussed landscape violations.

Respondent Mr. Andrew Tashbar inquired as to how to get the monthly rentals at his establishment grandfathered in since it has been going on for so long. Mr. DeBlois responded that for that to happen the use would have had to have been approved when the Subject Property was originally established. He added that the Subject Property was never approved as apartments but rather as a motel and the fact that the practice occurred over several years but was not cited does not mean that it was grandfathered in as nonconforming use.

Mr. Tashbar discussed the October 1, 2015 Environmental Control Hearing Board meeting when Chairman Cahoy asked him whether the Subject Property was run as a motel and he responded that it was more of a long-term efficiency operation. Nobody told him at that point that he could not operate his business that way yet he was cited in 2016 by the Code Enforcement Board (CEB). Attorney Jennifer Peshke pointed out that he was referring to a different Board and that the CEB commissioners were not privy to those minutes.

Mr. Tashbar contended that there are at least five hotels in the area that are currently operating monthly and that he felt singled out and harassed. Mr. Myers II responded that unless a violation is brought to the attention of the CEB, they don't know that it exists but because the Respondent's case was brought to their attention they had to address it.

9:11:21

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to find the violation and grant an extension of thirty days, until February 24, 2017, for compliance or a \$100 per day fine would be imposed.

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

ADMINISTRATIVE HEARINGS

9:11:59 **Case #2016100041 – Advantaira Trust LLC & Adobe Builders, Inc.**
(Violator)

Mr. David Checchi, IRC Contractor License Investigator, summarized that this case had to do with demolition work being performed without a permit. He stated that although Adobe Builders, Inc. (Violator) did have a permit to install exterior doors, the demolition that he observed going on at the Subject Property was not included under the scope of that permit. Adobe Builders was there appealing the \$500 Citation.

Respondent Mr. David Bistarkey of Adobe Builders, Inc. explained that during the process of installing the exterior doors at the Subject Property, the roof was being replaced, causing some ceilings to fall in and create water damage to the exterior walls and cabinets. At that time the owner asked him if he would do some of the demolition and repair work and he agreed. He asked the prime contractor (in the presence of the owner) whether he would be allowed to begin the demolition of the showers, floors and cabinets before he obtained the permit to do the plumbing and electrical work and he was advised that there was no permit required for the demolition. He stressed to the Board that he was not trying to evade obtaining the permit but that he took advice from the wrong person.

Ms. Betty Beatty-Hunter, IRC Contractor License Investigator, advised that anytime there is extensive interior remodeling going on, a permit is required. She specified that while flooring and painting did not require a permit, plumbing, drywall and cabinetry did.

9:27:53

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted (3-3) to uphold Citation #0011 in the amount of \$500. MOTION FAILED. Mr. Zimmermann, Mr. Clements and Mr. Gervasio were the opposing votes.

9:33:33

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Zimmermann, the Board voted (5-1) to uphold Citation #0011 and rescind the fine of \$500. MOTION PASSED. Mr. Petrulak was the opposing vote.

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

It is noted for the record that Mr. Gervasio excused himself from the meeting at this time.

9:33:53 **Case #2016090118 – Stephen & Ursula Zahn & Clarks Mobile Transport LLC (Violator)**

Mr. Roland DeBlois stated that as the Respondent was not in attendance to exercise his right to appeal, he recommended that the Board uphold the Citation as issued.

9:34:33

ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to uphold Citation #0157 in the amount of \$500.

9:34:53 **Case #2016080166 – Vero Beach Investment LLC**

Mr. Roland DeBlois stated that as the Respondent was not in attendance to exercise his right to appeal, he recommended that the Board uphold the Citation as issued.

9:35:23

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to uphold Citation #0153 in the amount of \$500.

9:35:53 **Case #2016120090 – Carlton C. Coleman**

Inspector Ms. Betty Beatty-Hunter introduced new Contractor License Investigator Kenneth Johnson to the Board.

Inspector Mr. Kenneth Johnson summarized that this case involved a citation for replacing ten external windows on a residence without a permit. He stated that as he drove by the Subject Property, he observed what appeared to be new windows installed on the residence. He proceeded to check the Property Appraiser's website and noted that the louvered windows shown were quite different than the current windows. Upon further investigation, he concluded that the windows were replaced without a permit and included structural changes to the residence. He added that there has not yet been an after-the-fact permit issued.

Respondent Mr. Carlton Coleman testified that he replaced the windows after they were shot out by a pellet gun for which a police report was filed. He went on to say that since he purchased the windows at a local home improvement store, he assumed they would be legal in this county. He acknowledged that he did add concrete block and stucco in order to complete the project.

Mr. Clements contended that the Respondent attempted to circumvent the system by not using a licensed contractor.

Mr. Roland DeBlois asked that the Board not only consider whether the Citation should be upheld but also a timeframe for the Subject Property to be brought into compliance. He recommended a ninety-day timeframe until April 21, 2017 for the Respondent to receive an after-the-fact permit.

Mr. Petrulak pointed out that if the Respondent does attempt to obtain an after-the-fact permit for this work, it will not be approved as the Subject Property is not his primary residence. He would be forced to hire a licensed contractor.

10:04:03

ON MOTION BY Mr. Myers II, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation, uphold Citation 0254 in the amount of \$500 and grant an extension of ninety days, until April 21, 2017, for compliance or a \$100 per day fine would be imposed.

LIEN RELEASE REQUESTS

10:05:24 **Case #2016040041 – Naren Paulson**

Mr. Roland DeBlois informed the Board that this case related to overgrown weeds and debris violations that originally came before the Board on June 27, 2016. After two extensions, the fine was imposed on September 24, 2016 when compliance was not met. Compliance was achieved on October 28, 2016 after a passage of 34 days for a flat fine of \$3,400 with administrative costs being \$2300. He recommended acknowledging compliance and rescindment of the fine.

Inspector Ms. Vanessa Carter Solomon added that the Respondent lived out of state but had been diligent in hiring someone to mow the grass. However, the grass was only getting mowed in the front yard and not the back and as soon as the

Respondent became aware of the situation he replaced the mowing contractor.

Representative for the Respondent, Mr. Mike Church, corroborated Inspector Vanessa Carter Solomon's testimony about the mowing contractor and added that the Subject Property has been in compliance ever since he became aware of the situation.

10:13:07

ON MOTION BY Mr. Petrulak, to acknowledge compliance and rescind the fine. There was not second to this motion and it was withdrawn.

10:14:37

ON MOTION BY Mr. Zimmermann, SECONDED by Mr. Clements, the Board voted (3-2) to acknowledge compliance and reduce the fine to \$2300. MOTION PASSED. Chairman Boehning and Mr. Petrulak were the opposing votes.

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

10:18:24 **Case #2013040168 – Shawn Higgins**

Mr. Roland DeBlois informed the Board that this case related to overgrown weeds and that it originally came before the Board on June 24, 2013. After one extension, the fine was imposed on August 24, 2013 when compliance was not met. Compliance was achieved on November 18, 2016 after a passage of 1182 days for a flat fine of \$118,200 with administrative costs being \$2000. He recommended finding compliance and reducing the fine to \$2747, which is ten percent of the acquired cost.

Representative for the Respondent, Mr. Ron Rennick, stated that his company purchased the Subject Property for \$27,470 at a tax deed sale on November 15, 2016 and immediately brought it into compliance.

10:26:07

ON MOTION BY Mr. Petrulak, SECONDED by Mr. Zimmermann, the Board voted (3-2) to acknowledge compliance and reduce the fine to \$2747. MOTION PASSED. Chairman Boehning and Mr. Myers II were the opposing votes.

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

Discussion followed regarding consistency of fines in Lien Release cases. Attorney Ms. Jennifer Peshke volunteered to work with Staff to create a memo on this issue.

10:31:24 **Case #2016090106 – Said S. Moobark**

Mr. Roalnd DeBlois informed the Board that this case related to debris and that it originally came before the Board on October 24, 2016. The fine was imposed on November 26, 2016 when compliance was not met. Compliance was achieved on December 5, 2016 after a passage of 9 days for a flat fine of \$900 with administrative costs being \$2000. He recommended finding compliance and rescindment of the fine.

Inspector Ms. Vanessa Carter Solomon testified that when the case initially came to the Board she was unaware that Mr. Moobark and a tenant were involved in an eviction proceeding and that Mr. Moobark was instructed not to go onto the Subject Property. The Respondent did clean up the Subject Property immediately after the eviction was finalized.

Respondent Mr. Said Moobark testified that this tenant had assured him that the violations had been taken care of but they obviously had not.

10:36:27

ON MOTION BY Mr. Clements, SECONDED by Mr. Petrulak, the Board voted unanimously (5-0) to acknowledge compliance and rescind the fine.

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

10:37:04 **Case #2007100110 – Jodi Rea**

Mr. Roland DeBlois informed the Board that this case related to an unpermitted garage enclosure and that it originally came before the Board in February of 2004. After four extensions, the fine was imposed on November 22, 2008 when compliance was not met. Compliance was achieved on December 13, 2016 by removal of the structure after a passage of 2943 days for a flat fine of \$294,300 with administrative costs being \$2900. He recommended finding compliance and reducing the fine to \$2900.

Representative for the Respondent, Attorney Ms. Barrie Krumholz of US Bank testified that foreclosure proceedings began in 2013 but the Respondent fought them for over two years before she was finally evicted.

10:43:07

ON MOTION BY Mr. Zimmermann, SECONDED by Mr. Petrulak, the Board voted (2-3) to acknowledge compliance and reduce the fine to \$2900. MOTION FAILED. Chairman Boehning, Mr. Clements and Mr. Myers II were the opposing votes.

10:44:27

ON MOTION BY Mr. Myers II, SECONDED by Mr. Clements, the Board voted (3-2) to acknowledge compliance and reduce the fine to \$29,430. MOTION PASSED. Mr. Petrulak and Mr. Zimmermann were the opposing votes

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

10:45:24 **Case #2016060194 – National City Bank**

Mr. Roland DeBlois informed the Board that this case related to overgrown weeds and that it originally came before the Board on August 22, 2016. The fine was imposed on October 21, 2016 when compliance was not met. Compliance was achieved on November 28, 2016 after a passage of 37 days for a flat fine of \$3,700 with administrative costs being \$2000. He pointed out that there is some overlap between this case and the next one and recommended finding compliance and rescindment of the fine for this case.

Representative for the Respondent, Attorney Ms. Luciana Ugarte, stated that this foreclosed property was assigned to Fannie Mae but upon discovery of a second mortgage, they did not accept the title and deeded it back to the Respondent. National City did not become aware of this until 2016 but they have kept the Subject Property in compliance ever since. There is not yet a buyer for the Subject Property but they would like to clear the title before marketing it.

10:56:37

ON MOTION BY Mr. Myers II, SECONDED by Mr. Zimmermann, the Board voted unanimously (5-0) to acknowledge compliance and rescind the fine.

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

10:57:04 **Case #2014050059– National City Bank**

Mr. Roland DeBlois informed the Board that this case related to overgrown weeds and that it originally came before the Board on July 28, 2014. The fine was imposed on September 20, 2014 when compliance was not met. Compliance was achieved on November 28, 2016 after a passage of 800 days for a flat fine of \$80,000 with administrative costs being \$2000. He pointed out that there is some overlap between this case and the previous one and recommended finding compliance and reducing the fine to \$2000.

10:57:37

ON MOTION BY Mr. Myers II, SECONDED by Mr. Zimmermann, the Board voted unanimously (5-0) to acknowledge compliance and reduce the fine to \$8000.

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

10:59:14 **Case #2016060110 – James C. Linus**

Mr. Roland DeBlois informed the Board that this case related to land clearing stockpiles and that it originally came before the Board on October 22, 2016. After one extension, the fine was imposed on November 26, 2016 when compliance was not met. Compliance was achieved on December 9, 2016 after a passage of 13 days for a flat fine of \$1,300 with administrative costs being \$2000. He recommended finding compliance and rescindment of the fine.

Representative for the Respondent, Tenant Mr. Joseph Webb, testified that he was unaware of the accruing fines because he was unable to attend the November 28, 2016 meeting.

11:07:07

ON MOTION BY Mr. Petrulak, to acknowledge compliance and rescind the fine. There was not second to this motion and it was withdrawn.

11:08:07

ON MOTION BY Mr. Zimmermann, SECONDED by Mr. Myers II, the Board voted (4-1) to acknowledge compliance and reduce the fine to \$1300. MOTION PASSED. Mr. Petrulak was the opposing vote.

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

Chairman Boehning called a five-minute recess at 4:51 p.m.

EVIDENTIARY HEARINGS

11:13:33 **Case #2016120081 – Tracey Scarborough**

Inspector Ms. Vanessa Carter Solomon submitted two photographs into evidence and testified that this case related to vehicle and trailer storage violations. She recommended a thirty-day extension, until February 24, 2017, for the Subject Property to be brought into compliance.

Representative Mr. Tracey Scarborough clarified what vehicles were in his yard and stated that he is in the process of selling most of them.

11:24:33

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 24, 2017, for compliance or a \$100 per day fine would be imposed.

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

LIEN RELEASE REQUESTS

11:25:54 **Case #2013080030 – Douglas M. Jr. and Catherine Woodby**

Mr. Roland DeBlois informed the Board that this case related to overgrown weeds as well as fence and roof violations that originally came before the Board on September 23, 2013. The fine was imposed on October 26, 2013 when compliance was not met. Compliance has not yet been achieved but he recommended a conditional setting of the fine with a timeframe for compliance. As of the December 13, 2016 date of inquiry, the flat fine would be \$114,400 with administrative costs being \$1700.

Representative for the Respondent, contractor Mr. Timothy Rose, stated that Mr. Kevin Hawkins purchased the Subject Property at a tax deed sale and that he has been hired for demolition. He added that he had already applied for the demolition permit and could complete the job within sixty days if the fine was not prohibitive.

11:33:47

ON MOTION BY Mr. Clements, to accept Staff recommendation for conditional setting of the fine to \$1,700 if the Subject Property is brought into compliance within sixty days, by March 24, 2017. There was not second to this motion and it was withdrawn.

11:37:37

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted (3-2) for conditional setting of the fine to \$5,500 if the Subject Property is brought into compliance within sixty days, by March 24, 2017. MOTION PASSED. Mr. Clements and Chairman Boehning were the opposing votes.

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

COMPLIANCE HEARINGS

11:38:13 **Case #2015070003 – Kelly Garceau**

Mr. Roland DeBlois reviewed this case that initially came before the Board on November 23, 2015 for site plan nonconformance issues regarding a shared access driveway. The Respondent has since gone through the process of hiring an engineer and has obtained a site plan for project design. There have been several extensions and at the November 28, 2016 meeting, the Board granted an extension until December 12, 2016 to resolve the vehicle parking issue and until February 24, 2017 to modify the site in conformance with the approved site plan.

Inspector Ms. Vanessa Carter Solomon entered one photograph into evidence and testified that it appeared that although the Respondent does seem to be trying to comply, she felt that it might not be possible until his site work is complete.

Respondent Mr. Kelly Garceau explained details of the project and stated that he is making efforts to comply but was doubtful that he would be able to meet the February 24, 2017 deadline.

11:52:33

ON MOTION BY Mr. Clements, SECONDED BY Mr. Myers II, the Board voted (4-1) to find the violation and grant an extension of thirty days, until February 24, 2017, for compliance on all issues or a \$100 per day fine would be imposed. Mr. Petrulak was the opposing vote.

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

REHEARING REQUESTS

11:53:13 **Case #2016020092 – NTIC-Vero Beach LLC**

Mr. Roland DeBlois reviewed this case that initially came before the Board on May 23, 2016 for an Evidentiary Hearing regarding dune restoration violations and was fined \$11,000 in accordance with Code Section 927.17(1)(c). The Respondent returned to the Board on November 8, 2016 for a Compliance Hearing after the Subject Property had been brought into compliance and asked for a reduction in the fine which the Board denied. Mr. DeBlois concluded that the work occurred beyond the scope of what was permitted and outside the expiration of the permits and

therefore he did not support a rescindment of the fine. The Respondent is requesting a rehearing as the DEP and County permits had not been produced for the Board to review at previous meetings.

Representative for the Respondent, Attorney Mr. Sean Mickley, detailed his motion for rehearing regarding the dune clearing and the replanting process. He contended that everything his client did was allowed under the initial permit and asked the Board to reconsider a rescindment of the fine. He concluded that if there was any Code violation, it was in failing to complete the work permitted within the initial permit time frame which does not warrant an \$11,000 fine.

Mr. Steven Hitt, IRC Senior Environmental Planner, detailed the case from his perspective, adding that staff and DEP are satisfied with the restoration that has occurred.

12:51:13

ON MOTION BY Mr. Clements, SECONDED BY Mr. Zimmermann, the Board voted (3-2) to acknowledge compliance and rescind the fine. MOTION PASSED. Chairman Boehning and Mr. Myers II were the opposing votes.

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

EVIDENTIARY HEARINGS

12:52:23 **Case #2016120024 – Beachland Property Group LLC**

Inspector Ms. Vanessa Carter Solomon submitted two photographs into evidence and testified that this case related to overgrown weeds on a vacant lot. She recommended a thirty-day extension, until February 24, 2017, for the Subject Property to be brought into compliance.

12:52:53

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 24, 2017, for compliance or a \$100 per day fine would be imposed.

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

12:53:13 **Case #2016120025 – Red Warrior Holding Corp**

Inspector Ms. Betty Davis entered two photographs into evidence and testified that this case related to landscaping and outdoor vehicle and boat storage violations. She recommended a thirty-day extension, until February 24, 2017, for the Subject Property to be brought into compliance.

12:54:33

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 24, 2017, for compliance or a \$100 per day fine would be imposed.

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

COMPLIANCE HEARINGS

12:55:03 **Case #2016080078 – Waldo Development Inc.**

Inspector Ms. Betty Davis testified that this case initially came before the Board on September 26, 2016 for site plan nonconformance and sign violations. She stated that there has been no progress and recommended that a \$100 per day fine be imposed with a start date of December 24, 2016.

12:55:53

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning December 24, 2016.

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

12:56:13 **Case #2016080033 – Joseph A. Pasco III**

Inspector Ms. Vanessa Carter Solomon entered one photograph into evidence and testified that this case initially came before the Board on October 24, 2016 for junk vehicle and vehicle parking violations. She stated that there has been no

progress and recommended that a \$100 per day fine be imposed with a start date of December 24, 2016.

12:57:03

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning December 24, 2016.

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

12:57:13 **Case #2015110006 – Melissa M. Clements**

Mr. Roland DeBlois recommended a thirty-day extension, until February 24, 2017 for this Subject Property to be brought into compliance by finalizing the permit on a shed.

12:57:43

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 24, 2017, for compliance or a \$100 per day fine would be imposed.

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

12:57:43 **Case #2016060017 – Treasure Coast Surf & Swim Inc.**

Inspector Ms. Betty Davis testified that this case initially came before the board on July 25, 2016 for violations relating to property maintenance, junk vehicles, overgrown weeds, debris, permitting and zoning use. She stated that after several extensions, there has been no progress towards compliance.

Mr. Roland DeBlois interjected that the owner has recorded changes in corporate names and ownership in what appeared to be an effort to prevent code enforcement actions from taking effect. He recommended that a \$100 per day fine be imposed with a start date of January 21, 2017.

13:01:33

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning January 21, 2017.

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

13:01:53 **Case #2016090054 – Carolyn Matlak**

Ms. Kelly Buck, IRC Code Enforcement Officer, entered four photographs into evidence and testified that this case initially came before the board on November 28, 2016 for violations relating to debris, a dilapidated fence and unsecured buildings. She stated that there has been no progress towards compliance and recommended that a \$100 per day fine be imposed with a start date of January 21, 2017.

13:02:33

ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning January 21, 2017.

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

13:02:53 **Case #2016070085 – Elisha C. Lofton Jr.**

Inspector Ms. Kelly Buck entered one photograph into evidence and testified that this case initially came before the board on November 28, 2016. She stated that the only remaining violation was an unpermitted shed, that there has been no progress towards compliance, and recommended that a \$100 per day fine be imposed with a start date of January 21, 2017.

13:03:33

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning January 21, 2017.

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

13:03:53 **Case #2016090053 – Ernestine Roker**

Inspector Ms. Kelly Buck entered one photograph into evidence and testified that this case initially came before the board on October 24, 2016 for violations relating to debris and overgrown weeds. She stated that there has been no progress towards compliance and recommended that a \$100 per day fine be imposed with a start date of December 24, 2016.

13:04:33

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning December 24, 2016.

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

13:04:54 **Authorization for Notices to Appear**

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to authorize the Notices to Appear for cases leading up to the February 27, 2017 meeting.

Other Matters

There were none.

Adjournment

There being no further business, the meeting was adjourned at 6:48 p.m.