

## 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 27, 2020 at 1:30 p.m.

Present were Chairperson **Mr. Bruce Redus**, Member-at-Large Appointee; Vice-Chairperson **Mr. Joe Petrulak**, Subcontractor Appointee; **Mr. Pete Clements**, General Contractor Appointee; **Mr. Stephen Boehning**, Engineer Appointee; and **Mr. David Myers II**, Businessman Appointee.

**Mr. Karl Zimmermann**, Realtor Appointee; was absent.

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

Also, in attendance was Ms. Jennifer Peshke, Attorney for the Board; IRC staff: Mr. Andy Sobczak, Environmental Planning and Code Enforcement Chief; Mr. Roland DeBlois, Interim Community Development Director; Mr. Thomas Allred, Ms. Kelly Buck, Ms. Vanessa Carter Solomon and Ms. Maddie Gierczak, Code Enforcement Officers; Mr. David Checchi, Contractor License Investigator; and Ms. Lisa Carlson, Recording Secretary.

### 00:00:00 Call to Order

Chairperson Mr. Bruce Redus called the meeting to order and led all in the Pledge of Allegiance. The secretary called the roll, establishing that a quorum was present.

### 00:00:10 Election of Officers

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Pete Clements, the Board voted unanimously (5-0) to elect Mr. David Myers II as Code Enforcement Board Chairperson for 2020.**

**ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. David Myers II, the Board voted unanimously (5-0) to elect Mr. Stephen Boehning as Code Enforcement Board Vice-**

**Chairperson for 2020.**

00:02:38 **Approval of Minutes**

**ON MOTION BY Mr. Bruce Redus, SECONDED BY Mr. Joe Petrulak, the Board voted unanimously (5-0) to approve the minutes of November 25, 2019 as presented.**

00:02:56 **Attorney's Overview of Board Purpose and Procedures**

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

00:08:16 **Agenda Additions or Deletions, Consent Items**

Mr. Andy Sobczak, 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 #2019070112, #2019100016, #2019080017, #2019070109, #2019100014, #2019030078, #2019080055, #2019080134, #2019080126, #2018060140, #2019040111, #2018090221, #2019100027 and #2019030095 – thirty-day extension until February 21, 2020. Cases #2019070086, #2019070061, #2019070089, #2019100061, #2019020051, #2018090159, #2019020027, #2019010016 and #2019070015 – sixty-day extension until March 20, 2020. Case #2019050048 – ninety-day extension until April 24, 2020. Cases #2019100141, #2019120034, #2019120038, and #2019070069 were rescheduled.

In compliance were cases #2019080025, #2019090043, #2019090082, #2019100138, #2019100150, #2019120010, #2019120014, #2019080103, #2019090010, #2019050138, #2019100001, #2019100038, #2019060135, #2019030047, #2019060130, #2019110023 and #2019120018.

Mr. Andy Sobczak recommended that the Administrative Hearings be heard at 2:30 p.m. and the Lien Release Requests be heard at 3:00 p.m. or later. He noted that there is one addendum to the agenda which is a Lien Release case.

00:17:37

**ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. Joe Petrulak, the Board voted unanimously (5-0) to accept the Consent Agenda as presented.**

00:18:14 **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**

00:19:12 **Case #2019070116 – Roy D. Thornton**

Mr. Thomas Allred, IRC Code Enforcement Officer, entered four photographs into evidence and described this case related to an unpermitted fence, debris, overgrown weeds, parking in the right-of-way, junk vehicles and zoning district use violations. He added that the Subject Property had been in compliance at one point, but that the violations have returned. He recommended a thirty-day extension, until February 21, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

Respondent Mr. Roy Thornton detailed his efforts toward coming into compliance, asserting that he does not have an auto repair business and only works on his own vehicles. He asked for clarification as to whether he could have a vehicle lift in his yard.

00:33:26

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Pete Clements, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 21, 2020, 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.

00:34:34 **Case #2019100101 – Joe and Mary Wiggins**

Inspector Mr. Thomas Allred entered two photographs into evidence as well as an Affidavit of Service indicating that the Subject Property had been posted on January 15, 2020 after attempts of certified and first-class mail were unsuccessful. He presented this case relating to expired permits for a roof replacement and swimming pool and recommended a thirty-day extension, until February 21, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

Respondents Mr. Joe Wiggins, Ms. Mary Wiggins and Ms. Phylcia Wiggins testified that they were in negotiations with their insurance company to replace the roof and that the swimming pool company is no longer in business to address the failed permit inspection.

00:46:10

**ON MOTION BY Mr. Stephen Boehning, SECONDED BY Mr. Pete Clements, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 21, 2020, 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.

00:47:06 **Case #2019090044 – DTS Properties LLC**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, entered eleven photographs into evidence as well as a Landscape Plan drawing and discussed this case related to landscape maintenance and site plan nonconformance violations in a plaza within the Indian River Mall shopping area. She went on to say that the Respondent disconnected the Subject Property from the mall's problematic main irrigation line and created their own system and are now ready to replant. She recommended a sixty-day extension, until March 20, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

Representative for the Respondent, construction manager Mr. Peter Bairaikiaris, agreed to the proposed sixty-day extension.

00:50:46

**ON MOTION BY Mr. Pete Clements, SECONDED**

**BY Mr. Joe Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of sixty days, until March 20, 2020, for compliance or a \$100 per day fine would be imposed.**

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

00:50:56     **Case #2019100137 – Discount Auto Parts**

Inspector Ms. Vanessa Carter Solomon entered a Landscape Plan drawing into evidence and reviewed details of this case related to landscape maintenance and site plan nonconformance violations in the plaza within the Indian River Mall shopping area. She added that the current planting materials do not match up with the Landscape Plan on file. She recommended a sixty-day extension, until March 20, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

Representative for the Respondent, store manager Mr. Lino Luna, agreed to the proposed sixty-day extension.

00:53:16

**ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. Bruce Redus, the Board voted unanimously (5-0) to find the violation and grant an extension of sixty days, until March 20, 2020, for compliance or a \$100 per day fine would be imposed.**

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

00:53:26     **Case #2019110073 – Deborah Jean Hathaway**

Ms. Maddie Gierczak, IRC Code Enforcement Officer, entered fourteen photographs into evidence and reported that this case involved junk vehicles, debris and recreational vehicle (RV) storage violations. She recommended a thirty-day extension, until February 21, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

Respondent Ms. Deborah Hathaway testified that the junk vehicles have been removed, that RV will be titled and that the Subject Property has been cleaned up.

00:55:06

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Bruce Redus, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until January 21, 2020, 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.

### **COMPLIANCE HEARINGS**

00:55:26 **Case #2019110070 – Deborah Jean Hathaway**

Inspector Ms. Maddie Gierczak entered a USPS proof of certified delivery document, fourteen photographs and eight online advertisements for the sale of Alaskan Malamute puppies into evidence. She summarized this Repeat Violation for noise, dog control, zoning district and debris violations. She emphasized that identical violations have been cited three times since 2016 but that the cases were closed each time when the Respondent would remove some of the dogs from the Subject Property before the inspections and then return to the property shortly thereafter. She acknowledged that two litters are allowed at each Subject Property per year without the Respondent being considered a pet breeder. She recommended that a \$100 per day fine be imposed with a start date of November 27, 2019 which is when the Notice of Violation was received.

IRC Animal Control Officer Mr. Richard Hull described multiple visits to the Subject Property and showed a brief video taken on November 8, 2019 depicting two dogs inside the residence and eight dogs in small makeshift kennels inside the garage. As all of the dogs possessed current immunization records, he forwarded the case to Code Enforcement due to the animal debris and number of animals that he observed on the Subject Property.

Respondent Ms. Deborah Hathaway claimed that she was not notified

of this case as she was in the hospital when the Notice of Violation arrived, and it was signed for by her roommate. She continued that she was not home during the November 8, 2019 inspection by Animal Control and that her roommate allowed the inspection. She alleged that the reason that there were extra dogs on the premises on that day was that some were moved there from her other residence while she was hospitalized for ease of taking care of them. She reiterated that as a hobby breeder she is allowed to have two litters per year at each of her two residences and concluded that there are currently only four dogs on the premises.

Mr. Andy Sobczak pointed out that by the Respondent obtaining the required permits and site approvals for formal noncommercial kennel use, multiple violations would be resolved.

01:19:26

**ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. Bruce Redus, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning November 27, 2019.**

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

### **ADMINISTRATIVE HEARINGS**

The secretary administered the testimonial oath to Mr. David Checchi, IRC Contractor License Investigator, as he had arrived after the beginning of the meeting.

01:21:03 **Case #2019100036 – Guanita Gail Place and Maurice E. Shazier [Violator]**

Investigator Mr. David Checchi reviewed details of this case involving unlicensed contracting for truss and metal roof installations. The Respondent and a partner deceived the homeowner by working under a license from their employer, a licensed contractor, without his approval, a practice referred to as “moonlighting”. The Respondent also maintains an active registration on Sunbiz claiming to be a licensed contractor using a name similar to that of his employer. The Respondent denied installing the trusses and metal roof, but when Investigator Mr. David Checchi arranged for a meeting with him on

December 12, 2019 to discuss the alleged identity theft, he did not attend. The homeowner supplied Inspector Mr. David Checchi with a video from a rooftop camera depicting the Respondent and his partner working on the roof and identified the Respondent. He asked the Board to uphold Citation #1159 as written based on the evidence provided.

01:26:09

**ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. Joe Petrulak, the Board voted unanimously (5-0) to uphold Citation #1159 as written.**

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

01:26:19 **Case #2019100036 – Guanita Gail Place**

Investigator Mr. David Checchi described this case involving the failure to apply for a permit as well as the unlawful continuance of a Stop Work Order by the homeowner for the same truss and roof installation as the previous case. He stated that the Respondent asked Sunrise City to obtain an after-the-fact permit but later asked for it to be cancelled prior to being issued, saying that she did not want the work completed. Shortly thereafter, Mr. David Checchi discovered that the work had been finished by members of a local religious organization without a permit and while the Stop Work Order was still in effect. He asked the Board to uphold Citation #1170 as written.

01:29:49

**ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. Joe Petrulak, the Board voted unanimously (5-0) to uphold Citation #1170 as written.**

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

Chairperson Mr. David Myers II called a brief recess at 3:04 p.m.

01:38:19 **Case #2017120082 – Martin J. Fee and Louis R. Rivera**

Mr. Andy Sobczak summarized that this case related to overgrown



weeds, debris and junk vehicle violations that originally came before the Board on February 26, 2018 and that after one extension, a \$100 per day fine was imposed on April 21, 2018 when compliance was not met. Compliance was verified on January 22, 2020 after a passage of 641 days, for a flat accrued fine of \$64,100 with administrative costs being \$2,000. He added that the Property Appraiser's estimated market value for the Subject Property is currently \$79,310.

Respondent Mr. Martin Fee cited overwhelming family medical issues as the reason for his delay in coming into compliance, adding that he now has a potential buyer for the Subject Property.

01:47:20

**ON MOTION BY Mr. Pete Clements, SECONDED by Mr. Joe Petrulak, the Board voted unanimously (5-0) to acknowledge compliance and reduce the fine to administrative costs of \$2,000.**

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

01:47:50 **Case #2016060187 – Indian River Beach Properties LLC and Case #2014070124 – Juan & Maria Delossantos**

The secretary administered the testimonial oath to the Respondent as well as other members of the audience that had arrived after the beginning of the meeting.

Mr. Andy Sobczak reported that the case ending is 0187 related to debris and external property maintenance violations on a vacant multiple-family residence that originally came before the Board on August 22, 2016. After two extensions, a \$100 per day fine was imposed on November 26, 2016 when compliance was not met. Compliance was verified 1,114 days later on December 15, 2019 for a flat accrued fine of \$111,400 with administrative costs being \$2,300. The Property Appraiser's estimated market value for the Subject Property is currently \$93,148.

Respondent Ms. Maria Delossantos testified that the Subject Property has been cleaned up, mowed and secured. She reviewed the series of events that occurred since the eviction of all tenants due to mold followed by several

years of negotiations with their insurance company to no avail. She advised that her consistent efforts to keep the property safe and in compliance have been hindered by squatters and thieves, despite the trespass notices affixed to the building. She stated that she has hired a contractor to begin the rehabilitation process of the building.

02:10:00

**ON MOTION BY Mr. Bruce Redus, SECONDED by Mr. Joe Petrulak, the Board voted unanimously (5-0) to table discussion on case #2016060187 until after case #2014070124 is heard.**

Mr. Andy Sobczak informed the Board that the case ending is 0124 related to overgrown weeds and internal property maintenance violations that originally came before them on August 26, 2014 and had some overlap with the case ending in 0187. After one extension, a \$100 per day fine was imposed on November 22, 2014 when compliance was not met. Compliance was verified 1,849 days later on December 15, 2019 for a flat accrued fine of \$184,900 with administrative costs being \$2,000.

Mr. Andy Sobczak advised that the BCC discussed condemnation of the Subject Property at their last meeting but tabled it until their February 18, 2020 meeting pending the outcome of this board. He stressed that the property has been significantly cleaned up and is currently in compliance. The Board discussed the shortage of affordable housing as well as the hardships faced by the Respondent in relation to this Subject Property.

02:15:30

**ON MOTION BY Mr. Joe Petrulak, to acknowledge compliance and reduce the fine for both cases to \$9314 which is ten percent of the assessed market value of the Subject Property. There was no second to this motion and it failed.**

02:17:50

**ON MOTION BY Mr. Pete Clements, SECONDED by Mr. Joe Petrulak, the Board voted unanimously (5-0) to acknowledge compliance and reduce the fine to combined administrative costs of the two cases for a total of \$4,300.**

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

02:20:10 **Case #2017120146 – Keith A. Grainger and Gregory A. Grainger**

Mr. Andy Sobczak reported that this case related to a variety of violations related to debris, overgrown weeds, unpermitted structures and commercial vehicle parking that originally came before the Board on February 26, 2018. After no extensions, a \$100 per day fine was imposed on May 19, 2018 when compliance was not met. Compliance was verified on February 1, 2019 after a passage of 258 days, for a flat accrued fine of \$25,800 with administrative costs being \$1,700. He added that the Property Appraiser's estimated market value for the Subject Property is currently \$54,561.

02:23:05

**ON MOTION BY Mr. Joe Petrulak, SECONDED by Mr. Pete Clements, the Board voted unanimously (5-0) to acknowledge compliance and reduce the fine to \$2,580 which is ten percent of the flat accrued fine.**

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

02:23:30 **Case #2017100110 – Geoffrey W. Martin**

Mr. Andy Sobczak summarized that this case related to a variety of violations related to debris, overgrown weeds and illegal RV use that originally came before the Board on February 26, 2018. After no extensions, a \$100 per day fine was imposed on March 24, 2018 when compliance was not met. Compliance was verified on December 16, 2019 after a passage of 632 days, for a flat accrued fine of \$63,200 with administrative costs being \$1,700. He added that the Property Appraiser's estimated market value for the Subject Property is currently \$37,338.

Representative for Bank of America, attorney Ms. Rachael Aument stated that the Subject Property went into foreclosure and the Respondent later filed for bankruptcy which stalled the case until June of 2019. The bank obtained a writ of possession on October 23, 2019 when the Subject Property

remained owner occupied and in the interim was unable to go onto the property to alleviate the violations. She added that the violations were cited after the les pendency had been filed on May 23, 2016 and prior to the certificate of title.

02:28:08

**ON MOTION BY Mr. Stephen Boehning, to acknowledge compliance, reduce the fine to \$6,320 which is ten percent of the flat accrued fine, assessed to the former homeowner, and issue a Partial Release of Lien for the Subject Property. There was no second to this motion.**

02:29:348

**ON MOTION BY Mr. Stephen Boehning, SECONDED by Mr. Pete Clements, the Board voted unanimously (5-0) to acknowledge compliance, reduce the fine to \$63,200 which is ten percent of the flat accrued fine, assessed to the former homeowner, and issue a Partial Release of Lien for the Subject Property.**

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

02:31:10 **Case #2006080078 – Dean and Pamela Earl**

Mr. Andy Sobczak revised details of this case related to a swimming pool enclosure violation that originally came before the Board on September 25, 2006. After no extensions, a \$100 per day fine was imposed on October 3, 2006 when compliance was not met. Compliance was verified on December 21, 2006 after a passage of 79 days, for a flat accrued fine of \$7,900 with administrative costs being \$1,700. He added that the Property Appraiser's estimated market value for the Subject Property is currently \$341,077.

Respondent Mr. Dean Earl testified that the swimming pool enclosure was damaged during a hurricane in 2004 at which time he hired a contractor to repair it. The company took his deposit but never repaired the enclosure and a civil suit for fraud followed. In the summer of 2006, he removed the damaged enclosure in frustration which caused the violation. In November of

2006, there was another permit issued to install the enclosure and it was inspected on December 19, 2006. He wasn't aware he was required to contact Code Enforcement at that time and only became aware of the lien when he recently put the house up for sale.

02:37:45

**ON MOTION BY Mr. Bruce Redus, SECONDED by Mr. Stephen Boehning, the Board voted unanimously (5-0) to acknowledge compliance and reduce the fine to administrative costs of \$1,700.**

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

02:38:50 **Case #2019030059 – Deborah S. Thompson**

Mr. Andy Sobczak summarized that this case related to violations related to debris, a dilapidated fence and an unpermitted shed that originally came before the Board on June 24, 2019. After no extensions, a \$100 per day fine was imposed on August 24, 2019 when compliance was not met. Compliance was verified eleven days later on September 4, 2019, for a flat accrued fine of \$1,100 with administrative costs being \$1,700. He added that the Property Appraiser's estimated market value for the Subject Property is currently \$30,273.

Respondent Mr. Ronald Rennick testified that he purchased the Subject Property as a tax deed auction and received title on November 26, 2019, unaware of the lien. After evicting the former homeowner, he brought the Subject Property into compliance very quickly.

02:43:55

**ON MOTION BY Mr. Pete Clements, SECONDED by Mr. Bruce Redus, the Board voted 4-1 to acknowledge compliance, reduce the fine to the flat accrued fine of \$1,100 assessed to the former homeowner, and issue a Partial Release of Lien for the Subject Property. Mr. Joe Petrulak was the opposing vote.**

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

hearing.

02:44:30 **Case #2011120012 – Anthony S. and Patricia E. Lewis**

Mr. Andy Sobczak detailed this case relating to swimming pool maintenance violations that originally came before the Board on January 23, 2012. After no extensions, a \$100 per day fine was imposed on February 25, 2012 when compliance was not met. Compliance was verified 2,882 days later on January 16, 2020, for a flat accrued fine of \$288,200 with administrative costs being \$1,700. He added that the Property Appraiser's estimated market value for the Subject Property is currently \$776,560.

Representing Wells Fargo, attorney Mr. Andrew Hamburg testified that Wells Fargo acquired title to the Subject Property on June 18, 2019 after foreclosure proceedings and that any liens should be against the previous owners.

02:47:45

**ON MOTION BY Mr. Pete Joe Petrulak, SECONDED by Mr. Bruce Redus, the Board voted unanimously (5-0) to acknowledge compliance, assess the fine at \$288,200 against the former property owner, and issue a Partial Release of Lien for the Subject Property.**

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

02:48:22 **Case #2018050168 – RK2 Property LLC**

Mr. Andy Sobczak reviewed details of this case related a used vehicle sales business operating without site plan approval as well as sign violations and illegal parking in the right-of-way on a commercial property that originally came before the Board on September 24, 2018. After seven extensions, a \$100 per day fine was imposed on November 23, 2019 when compliance was not met. Compliance has yet been verified but as of this date, there were a passage of 44 days for a flat accrued fine of \$4,400 with administrative costs being \$3,800. He added that the Property Appraiser's estimated market value for the Subject Property is currently \$240,725.

Discussion followed with members of the Board reluctant to set a fine

due to the previous seven extensions.

Respondents Mr. Ryan Hart and Mr. Tony Swain contended that the site plan process was quite lengthy but that they ultimately received the approved Site Plan on January 6, 2020 and have been working diligently on the project.

03:10:15

**ON MOTION BY Mr. Pete Clements for Conditional Setting of the Fine to \$2,200 which is fifty percent of the flat accrued fine if the Subject Property is brought into compliance within thirty days, by February 21, 2020. There was no second to this motion and it failed.**

03:12:07

**ON MOTION BY Mr. Bruce Redus, SECONDED BY Mr. Pete Clements, the Board voted 3-2 for Conditional Setting of the Fine to Administrative costs of \$3,800 if the Subject Property is brought into compliance within thirty days, by February 21, 2020. Mr. David Myers II and Mr. Joe Petrulak were the opposing votes. This motion passed.**

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

03:13:30 **Case #2011120012 – Louise P. Marzorati**

Mr. Andy Sobczak presented this case relating to an unpermitted guest cottage that originally came before the Board on October 22, 2018. After no extensions, a \$100 per day fine was imposed on January 26, 2019 when compliance was not met. Compliance has not yet been verified but as of this date, there has been a passage of 366 days for a flat accrued fine of \$36,600 with administrative costs being \$1,700. He added that the Property Appraiser's estimated market value for the Subject Property is currently \$133,194.

Respondent Mr. Peter Nacion, owner of HomePros Inc., testified that he purchased the Subject Property to be used as a rental property at a

foreclosure auction on January 21, 2020. He asked for a time extension to allow for obtaining several after-the-fact permits or demolishing the structure.

03:27:07

**ON MOTION BY Mr. Bruce Redus, SECONDED BY Mr. Pete Clements, the Board voted 2-3 for Conditional Setting of the Fine to Administrative costs of \$1,700 if the Subject Property is brought into compliance within ninety days, by April 24, 2020. Mr. David Myers II, Mr. Stephen Boehning and Mr. Joe Petrulak were the opposing votes. This motion failed.**

03:28:37

**ON MOTION BY Mr. Bruce Redus for Conditional Setting of the Fine to fifty percent of the flat fine \$18,300 if the Subject Property is brought into compliance within ninety days, by April 24, 2020. There was no second to this motion.**

03:29:07

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Bruce Redus, the Board voted unanimously (5-0) for Conditional Setting of the Fine to \$3,660, which is ten percent of the flat fine, if the Subject Property is brought into compliance within ninety days, by April 24, 2020.**

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

### **COMPLIANCE HEARINGS**

03:30:30 **Case #2019070024 – Ryan Holmes**

The secretary administered the testimonial oath to the Respondents as they had arrived after the beginning of the meeting.

Inspector Mr. Thomas Allred entered five photographs into evidence and discussed this case that originally came before the Board on October 28, 2019 for debris and property maintenance violations as well as the probability



of people residing on the Subject Property despite the absence of running water. He continued that the Respondents appear to be using a garden hose to obtain water from a nearby residence while supplying that neighbor with electricity by way of an electrical cord. He went on to say that the reason there is no water meter on the Subject Property is that there is a nine-thousand-dollar lien from the water department. He concluded that Mr. Ryan Holmes initially purchased the property but later transferred it to his mother, Ms. Barbara Altman, who has since transferred it back, perhaps in an effort to avoid fines.

Respondent Mr. Ryan Holmes and his mother Ms. Barbara Altman testified that they are continuously discovering and removing squatters from residence that migrate from the community of homeless people residing in the woods behind the Subject Property. They stated that the reason for the property transfers was that the Respondent had been in a correctional facility. Mr. Ryan Holmes concluded that he is in the process of setting up a payment plan with the water department at which time he will move into the residence.

03:49:50

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Pete Clements, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning December 21, 2019.**

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

03:50:30 **Case #2019040006 – Joy L. and Phillip T. Smith**

Inspector Mr. Thomas Allred entered four photographs into evidence and reminded the Board that this case came before them on May 20, 2019 for debris, an unpermitted metal roof, above ground swimming pool and multiple shed structures. He recommended a thirty-day extension, until February 21, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

Respondent Mr. Phillip Smith stated that he is in the process of removing the pole barn structure that is too close to the easement. As for the metal roof, he asserted that he applied for a permit in 2005 after the

hurricanes and proceeded to install the roof with his sons as a “roof over”, unaware that the permit had not been issued or that he would have needed a final inspection. The code law changed in 2007 and no longer allows for roof overs and he has been told that in order to obtain an after-the fact permit, inspectors would need to see the nailing structure of the underlayment which means he would have to tear off the metal roof and asphalt shingles to get to the plywood. He concluded that his wish is to be allowed to do what was admissible in 2005 when the roof was installed and outlined family hardships that have caused financial constraints that will not allow him to do more.

Mr. Roland DeBlois, Interim Community Development Director, agreed to explore the issue with the Building Department.

04:08:20

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Bruce Redus, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 21, 2020, 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.

### **EVIDENTIARY HEARINGS**

04:09:10 **Case #2019120032 – Quantum Investment Strategies LLC**

Inspector Mr. Thomas Allred entered one photograph into evidence as well as an Affidavit of Service indicating that the Subject Property had been posted on January 15, 2020 after attempts of certified and first-class mail were unsuccessful. He advised that this case related to debris, junk vehicles and an unpermitted fence. He confirmed that the only remaining issue was the fence permit and recommended a thirty-day extension, until February 21, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

Current tenant Mr. Tyler O’Toole stated that the fence installation and most of the other violations were by the previous tenant and staff agreed to amend the proposed order to remove the tenant.

04:13:56

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Bruce Redus, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 21, 2020, for compliance or a \$100 per day fine would be imposed.**

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

04:14:10 **Case #2019100103 – Licio Dalessandro**

Inspector Mr. Thomas Allred entered one photograph into evidence as well as an Affidavit of Service indicating that the Subject Property had been posted on January 15, 2020 after attempts of certified and first-class mail were unsuccessful. He stated that this case related to an overgrown vacant lot that is encroaching onto the neighboring home and recommended a thirty-day extension, until February 21, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

04:15:06

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Stephen Boehning, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 21, 2020, 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.

04:15:15 **Case #2019100098 – Alan B. Thomas**

Inspector Ms. Maddie Gierczak entered three photographs into evidence and presented this case relating to overgrown weeds, debris, a dilapidated/unpermitted fence and solid waste disposal violations. She recommended a thirty-day extension, until February 21, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

04:15:30

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Bruce Redus, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 21, 2020, 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.

04:16:38 **Case #2019100011 – Dawn Jividen**

Inspector Mr. Thomas Allred entered six photographs into evidence as well as an Affidavit of Service indicating that the Subject Property had been posted on January 15, 2020 after attempts of certified and first-class mail were unsuccessful. He noted that this case related to debris, overgrown weeds and solid waste disposal violations and recommended a thirty-day extension, until February 21, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

04:17:34

**ON MOTION BY Mr. Stephen Boehning, SECONDED BY Mr. Joe Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 21, 2020, 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.

04:17:50 **Case #2019100039 – Rodolfo Jesus Carrillo Fernancez**

Inspector Mr. Thomas Allred entered two photographs into evidence as well as an Affidavit of Service indicating that the Subject Property had been posted on January 15, 2020 after attempts of certified and first-class mail were unsuccessful. He reported that this case related to an overgrown vacant lot that is encroaching onto a neighboring home and recommended a thirty-day extension, until February 21, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

04:19:06

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Stephen Boehning, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 21, 2020, 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.

04:19:20     **Case #2019100117 – Diane M. Palmacci**

Inspector Mr. Thomas Allred entered four photographs into evidence as well as an Affidavit of Service indicating that the Subject Property had been posted on January 17, 2020 after attempts of certified and first-class mail were unsuccessful. He stated that this case related to overgrown weeds and an unmaintained swimming pool and recommended a thirty-day extension, until February 21, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

04:21:06

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Bruce Redus, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 21, 2020, 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.

04:21:16     **Case #2019100143 – Jacqueline McCorkle**

Inspector Ms. Vanessa Carter Solomon entered two photographs into evidence as well as an Affidavit of Service indicating that the Subject Property had been posted on January 17, 2020 after attempts of certified and first-class mail were unsuccessful. She detailed this case related to illegal parking in the right-of-way, junk vehicles, debris and vehicle storage violations and recommended a thirty-day extension, until February 21, 2020, for the Subject

Property to be brought into compliance or a \$100 per day fine would be imposed.

04:22:36

**ON MOTION BY Mr. Stephen Boehning, SECONDED BY Mr. Bruce Redus, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 21, 2020, 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.

04:22:56     **Case #2019110039 – Florida Power & Light Co.**

Inspector Ms. Vanessa Carter Solomon entered four photographs into evidence and noted that this case related to landscape maintenance violations at a lift station with pepper trees overtaking other vegetation. She recommended a sixty-day extension, until March 20, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

04:25:36

**ON MOTION BY Mr. Bruce Redus, SECONDED BY Mr. Joe Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of sixty days, until March 20, 2020, 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.

04:26:00     **Case #2019110030 – Ray Holbrook (LE)**

Staff indicated that this case was mistakenly left off of the consent agenda earlier in the meeting but has in fact been rescheduled.

04:26:50

**ON MOTION BY Mr. Bruce Redus, SECONDED**

**BY Mr. Joe Petrulak, the Board voted unanimously (5-0) accept staff recommendations to reschedule this case.**

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

04:27:07 **Case #2019100024 – Kevin S. Hawkins**

Inspector Mr. Thomas Allred entered two photographs into evidence and noted that this case related to overgrown weed and debris violations and recommended a thirty-day extension, until February 21, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

04:28:00

**ON MOTION BY Mr. Stephen Boehning, SECONDED BY Mr. Joe Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 21, 2020, 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.

04:28:20 **Case #2019110018 – Joseph B. & Jane Kundrot**

Inspector Mr. Thomas Allred entered two photographs into evidence as well as an Affidavit of Service indicating that the Subject Property had been posted on January 15, 2020 after attempts of certified and first-class mail were unsuccessful. He reviewed details of this case relating to an unpermitted carport and recommended a sixty-day extension, until March 20, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

04:29:02

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Stephen Boehning, the Board voted unanimously (5-0) to find the violation and grant an extension of sixty days, until March 20,**

**20209, 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.

04:29:16 **Case #2019120013 – Rene A. Rodriguez & Janet Lahit-Bignotte**

Inspector Ms. Vanessa Carter Solomon entered six photographs, two site plan sketches and three building permits into evidence as well as an Affidavit of Service indicating that the Subject Property had been posted on January 17, 2020 after attempts of certified and first-class mail were unsuccessful. She stated that this case related to overgrown weeds and an unpermitted fence and recommended a thirty-day extension, until February 21, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

04:32:16

**ON MOTION BY Mr. Bruce Redus, SECONDED BY Mr. Joe Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 21, 2020, 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.

04:32:25 **Case #2019120036 – Bridgeton Real Fund I LP**

Inspector Ms. Maddie Gierczak entered three photographs into evidence and presented this case relating to boat/trailer storage and debris violations. She recommended a fourteen-day extension, until February 5, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

04:33:10

**ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. Stephen Boehning, the Board voted unanimously (5-0) to find the violation and grant**



**an extension of fourteen days, until February 5, 2020, 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.

04:33:25     **Case #2019120067 – Leo and Eunice Llonch**

Inspector Ms. Maddie Gierczak entered one photograph and a building permit list for the Subject Property into evidence and detailed this case relating to unpermitted signage and several expired permits. She recommended a thirty-day extension, until February 21, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

04:34:30

**ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. Joe Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 21, 2020, 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.

04:34:35     **Case #2019120069 – Elizabeth A. Caldwell**

Inspector Ms. Maddie Gierczak entered five photographs as well as e-mail correspondence from the IRC Public Works Traffic Engineering department into evidence and presented this case relating to reflectors and trees in the right-of-way and an expired permit for a swimming pool enclosure. She recommended a thirty-day extension, until February 21, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

04:35:40

**ON MOTION BY Mr. Bruce Redus, SECONDED BY Mr. Joe Petrulak, the Board voted unanimously (5-0) to find the violation and grant**

**an extension of thirty days, until February 21, 2020, 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.

04:35:55     **Case #2019120072 – Hale 580 US1 LLC**

Inspector Ms. Maddie Gierczak entered twelve photographs into evidence and presented this case relating to debris and property maintenance violations at an abandoned warehouse. She recommended a thirty-day extension, until February 21, 2020, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

04:36:55

**ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. Stephen Boehning, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until February 21, 2020, 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.

### **COMPLIANCE HEARINGS**

04:37:10     **Case #2017060225 – Kevin S. Hawkins**

Inspector Ms. Vanessa Carter Solomon reported that this case originally came before the Board on January 22, 2018 for change of site plan violations. She added that there has been very little progress toward compliance and recommended that a \$100 per day fine be imposed with a start date of January 25, 2020.

04:38:50

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

**25, 2020.**

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

04:39:10 **Case #2019030067 – Julio P. Ordonez Campoverde**

Inspector Ms. Vanessa Carter Solomon noted that this case originally came before the Board on August 26, 2019 for a variety of violations including junk vehicles, vehicle parking, an unpermitted fence and an unpermitted carport. She added that there has been very little progress toward compliance and recommended that a \$100 per day fine be imposed with a start date of January 25, 2020.

04:40:04

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Pete Clements, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning January 25, 2020.**

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

04:40:10 **Case #2019030089 – Aayust Corporation**

Inspector Ms. Vanessa Carter Solomon advised that this case originally came before the Board on July 22, 2019 for unpermitted interior demolitions on a commercial building. She added that there has been very little progress toward compliance and recommended that a \$100 per day fine be imposed with a start date of January 25, 2020.

04:41:30

**ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. Joe Petrulak, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning January 25, 2020.**

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

04:41:50 **Case #2019070048 – R/Max Corp**

Inspector Mr. Thomas Allred entered two photographs into evidence and reminded the Board that this case that originally came before them on September 23, 2019 for an unpermitted trailer and shed, commercial vehicle parking, debris, overgrown weeds and junk vehicles. He added that there has been very little progress toward compliance and recommended that a \$100 per day fine be imposed with a start date of January 25, 2020.

04:43:18

**ON MOTION BY Mr. Stephen Boehning, SECONDED BY Mr. Joe Petrulak, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning January 25, 2020.**

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

04:43:30 **Case #2019070113 – Gloria J. Watts**

Inspector Mr. Thomas Allred entered four photographs into evidence and discussed this case that originally came before the Board on September 23, 2019 for debris, overgrown weeds, vehicle storage and unpermitted structure violations on a vacant residential property. He added that there have been no efforts toward compliance and recommended that a \$100 per day fine be imposed with a start date of January 25, 2020.

04:45:20

**ON MOTION BY Mr. Stephen Boehning, SECONDED BY Mr. Joe Petrulak, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning January 25, 2020.**

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

04:45:40 **Case #2019090051 – Sheri Winchester-Lucas (SUC-CO-TRS)**

Inspector Ms. Maddie Gierczak reported that this case originally came before the Board on November 25, 2019 for unpermitted front and back porches and electrical work violations. She added that there has been very little progress toward compliance and recommended that a \$100 per day fine be imposed with a start date of December 21, 2019.

04:46:13

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Pete Clements, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning December 21, 2019.**

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

04:46:26 **Case #2019090063 – Douglas L. Mull**

Inspector Ms. Vanessa Carter Solomon entered four photographs into evidence as well as an Affidavit of Service indicating that the Subject Property had been posted on October 18, 2019 after attempts of certified and first-class mail were unsuccessful. She advised that this case related to overgrown weeds, debris and boat storage. She added that there has been very little progress toward compliance and recommended that a \$100 per day fine be imposed with a start date of January 25, 2020.

04:47:32

**ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. Bruce Redus, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning January 25, 2020.**

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

04:47:50 **Case #2019110025 – Suncor Ft. Pierce LLC**

Inspector Ms. Vanessa Carter Solomon entered six photographs into evidence and stated that this case that originally came before the Board on November 25, 2019 for overgrown weeds as well as swimming pool

maintenance and enclosure violations. She added that there has been very little progress toward compliance and recommended that a \$100 per day fine be imposed with a start date of December 3, 2019.

04:49:10

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Bruce Redus, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning December 3, 2019.**

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

04:49:30 **Case #2019110031 – Andrew L. and Mary Margaret Poole**

Inspector Ms. Vanessa Carter Solomon entered seven photographs into evidence and noted that this case is a Repeat Violation that originally came before the Board on July 27, 2015 for debris and property maintenance violations. She added that there has been very little progress toward compliance and recommended that a \$100 per day fine be imposed with a start date of December 21, 2019.

04:50:42

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Stephen Boehning, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning December 21, 2019.**

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

### **LIEN RELEASE REQUESTS**

04:51:10 **Case #2011090052 – Earl R. & Betty Thomas**

Mr. Andy Sobczak summarized that this case related to overgrown weed violations that originally came before the Board on October 24, 2011 and that after one extension, a \$100 per day fine was imposed on January 23, 2012 when compliance was not met. Compliance was verified on

February 25, 2014 after a passage of 766 days, for a flat accrued fine of \$76,600 with administrative costs being \$2,000. He added that the Property Appraiser's estimated market value for the Subject Property is currently \$12,671.

04:52:47

**ON MOTION BY Mr. Joe Petrulak, SECONDED by Mr. Bruce Redus, the Board voted unanimously (5-0) to acknowledge compliance and reduce the fine to administrative costs of \$2,000.**

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

04:52:55     **Authorization for Notices to Appear**

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Stephen Boehning, the Board voted unanimously (5-0) to authorize the Notices to Appear for cases leading up to the February 24, 2020 meeting.**

### **Adjournment**

There being no further business, the meeting was adjourned at 6:26 p.m.