

**CODE ENFORCEMENT BOARD
MEETING
FEBRUARY 23, 2011**

MEMBERS PRESENT: Jim Stevens, Chairman
Norman Ashworth, Charles Council, Carol Perry,
Vic Poitras, Gloria Sepanik, Ed Viola

OTHERS PRESENT: Christopher Salsman, Brandon Angelini, Police Officers; Randy Wright, Maricela Perdomo, Dawn Lewis, Code Compliance Officers; David Levin, City Attorney; Randall Cole, Building Official; Teri Tubbs, Zoning Official; David McCarty, Code Compliance Coordinator; James Styke, Steven Bair, David Schall

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting – March 23, 2011
- C. Election of Chairman and Vice Chairman
 - Recording Secretary Kelly opened the floor for nominations for Chairman.
 - Mr. Ashworth NOMINATED Mr. Stevens for Chairman.
 - Ms. Perry NOMINATED Ms. Sepanik for Chairman.
 - After a show of hands, Recording Secretary Kelly announced Mr. Stevens had received a majority of votes and was thus appointed Chairman.
 - Mr. Stevens then opened the floor for nominations for Vice Chairman.
 - Mr. Ashworth NOMINATED Mr. Viola for Vice Chairman.
 - Ms. Perry NOMINATED Ms. Sepanik for Vice Chairman.
 - After a show of hands, Recording Secretary Kelly announced Mr. Viola had received a majority of votes and was thus appointed Vice Chairman.

APPROVAL OF MINUTES

- A. Meeting of January 26, 2011
 - Mr. Viola MOVED, Mr. Ashworth SECONDED approval of the January 26, 2011 minutes.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Recording Secretary Kelly swore in all participants.
- Mr. Stevens provided a detailed review of hearing procedures, explaining the Board had no authority to change existing laws but rather was charged with enforcing same.
- A. 11-42497 – POLICE OFFICERS – CHRISTOPHER SALSMAN & BRANDON M. ANGELINI
 - Respondent: James S. Styke
 - Address of Violation: 3336 Trinidad Court
 - Two (2) violations of Chapter 26, Section 26-3.13(l)(5), Boat trailer on property.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on his behalf.
- Police Officer Christopher Salsman stated on January 28, 2011, he had been contacted by the Code Compliance Division regarding a boat and boat trailer parked in the driveway at the subject property, located within City limits, adding he subsequently went to the location. He explained it appeared the owner had moved the boat off of the trailer and left his truck with the trailer attached parked in the driveway. He noted he drove by the property on January 30, 2011, and issued a warning at 2:10 a.m., adding the violation continued to exist as of January 31, 2011, at approximately 1:30 a.m.; thus, per Police Department policy, he issued a citation for the violation. He mentioned the truck and trailer were parked primarily on the driveway but partially on the grass.
- Mr. Poitras confirmed this was an ongoing problem.
- Ms. Perry asked if the respondent had been fined in the past.
- Officer Salsman replied not to his knowledge.
- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Perry asked if the boat was still parked illegally.
- Officer Salsman expressed uncertainty regarding same.
- Ms. Sepanik asked if the respondent had contested one or two citations.
- Police Officer Brandon Angelini explained he had driven by the property on February 1, 2011, and also observed the same violation; thus, he also issued a citation.
- Mr. Council clarified the respondent was issued a warning followed by two citations on two separate days.
- Mr. Stevens then observed the respondent had arrived at 9:11 a.m., confirming he wished to present a defense.
- Mr. James Styke, respondent, stated he had resided at the subject property for eight years, adding he did not keep his boat at the property on a continuous basis. He explained he visited the property a few times each year for approximately one week per visit. He agreed the boat had been in the driveway; however, a Code Compliance Officer had informed him the boat was not allowed, adding he had put the boat in the water that afternoon. He continued he brought the trailer back to the property, adding he had been unaware of the first or second ticket for a few days as his truck battery had failed. He acknowledged ignorance of the law was no excuse. He maintained he cared about his property and its appearance, adding he wished the Code Compliance Officer had advised him to obtain a permit.

- Mr. Randy Wright, Code Compliance Officer, interjected he had advised Mr. Styke to obtain a permit for his boat.
- Mr. Styke responded he did not wish to disagree with Mr. Wright; however, he asserted he did not believe he had been so advised. He reiterated he was a law abiding citizen who tended to his property.
- Mr. Wright noted he had received several complaints from the respondent's neighbors relative to the boat being parked in the driveway, in the right-of-way (ROW) and in the front yard.
- Mr. Ashworth asked where the citations were left.
- Officer Angelini replied Officer Salsman had placed his on the windshield; however, when he issued a citation the following day, there were no other citations on the windshield.
- Mr. Ashworth clarified the original warning and first citation were no longer on the windshield at the time the second citation was issued, stating same indicated the respondent had removed the former.
- Mr. Styke confirmed receipt of both tickets, one of which had been placed in a plastic bag. He further noted he had since obtained a permit.
- Ms. Perry asked when the latter was issued.
- Mr. Styke replied the previous day, February 22, 2011.
- Mr. Council concluded the trailer and truck had been illegally parked, adding the respondent was warned before citations were issued.
- Mr. Styke expressed his sadness the City appeared to be seeking revenue from citizens such as himself.
- Ms. Sepanik MOVED, Mr. Council SECONDED to find the citations were valid, to find the respondent guilty and to impose a fine in the amount of \$50 plus \$25 Court costs, payable immediately upon receipt of the Board's Order. MOTION CARRIED UNANIMOUSLY.

B. 11-42240 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondents: Barbara A. Blair

Address of Violation: 490 West Olympia Avenue

Violations of Chapter 26, Section 26-8.10; and Chapter 9A, Section 9A-12(d), For an unlicensed and inoperative dual axle commercial truck parked and/or stored on the property.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on her behalf.

- Ms. Maricela Perdomo, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating on January 4, 2011, she received a complaint regarding an unlicensed, dual axle, commercial vehicle being parked at the property. She stated the homeowner informed her he was waiting for a part but would have the vehicle removed within 48 hours. She noted the truck remained as of January 10, 2011, adding a Notice of Violation was issued and received on January 13, 2011. She continued the violation remained as of January 20, 2011; thus, a Notice of Hearing was issued and received. She confirmed the vehicle had since been removed; however, she requested a Cease & Desist Order for future violations due to the number of complaints she had received in the past.
- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Perry MOVED, Ms. Sepanik SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

Note: Items C-L were heard following Item A, Unfinished Business.

C. 10-41514 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: Wells Fargo Bank, N.A.

Address of Violation: 439 Via Cintia

Violation of Chapter 9A, Section 9A-17 – Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Dawn Lewis, Code Compliance Officer, announced as of December 13, 2010, the subject property had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on December 17, 2010. She confirmed a Notice of Hearing was received by the respondent on January 28, 2011, with no compliance to date.
- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Sepanik MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance within 10 days of receipt of this Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

D. 10-41563 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: Chase Home Finance, LLC

Address of Violation: 1355 Redbird Court

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of December 13, 2010, the subject property had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on December 18, 2010. She confirmed a Notice of Hearing was received by the respondent on January 29, 2011.
- Mr. Viola MOVED, Ms. Sepanik SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Mr. Council SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance within 10 days of receipt of this Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

E. 10-41565 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: BAC Home Loans Servicing, L.P.

Address of Violation: 1336 Sea Horse Court

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of December 13, 2010, the subject property had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on December 21, 2010. She confirmed a Notice of Hearing was received by the respondent on January 31, 2011.
- Mr. Viola MOVED, Ms. Sepanik SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Ms. Sepanik SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance within 10 days of receipt of this Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

F. 10-41511 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: OCWEN Loan Servicing, LLC

Address of Violation: 801 Brenda Court

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of December 13, 2010, the subject property had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on December 17, 2010. She confirmed a Notice of Hearing was received by the respondent on January 28, 2011, with no response to date.
- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance within 10 days of receipt of this Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

G. 10-41296 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Bank of America, N.A., c/o Bank of America Mortgage

Address of Violation: 98 Vivante Boulevard, Building 6/#203

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of December 2, 2010, the subject property had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on December 6, 2010. She confirmed a Notice of Hearing was received by the respondent on January 31, 2011, with no response to date.
- Mr. Viola MOVED, Ms. Sepanik SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola MOVED, Ms Sepanik SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance within 10 days of receipt of this Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

H. 10-41392 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: CitiMortgage, Inc.

Address of Violation: 2405 Deborah Drive

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of December 2, 2010, the subject property had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on December 6, 2010. She confirmed a Notice of Hearing was received by the respondent on January 31, 2011, with no response to date.
- Mr. Viola MOVED, Ms. Sepanik SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola MOVED, Ms. Perry SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance within 10 days of receipt of this Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

I. 10-41431 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Federal Home Loan Mortgage Corporation

Address of Violation: 255 West End Drive, Building 1, #1302

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of December 2, 2010, the subject property had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on December 6, 2010. She confirmed a Notice of Hearing was received by the respondent on January 31, 2011, with no response to date.
- Mr. Viola MOVED, Mr. Poitras SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Perry MOVED, Mr. Poitras SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance within 10 days of receipt of this Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

J. 10-41512 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: U.S. Bank, N.A.

Address of Violation: 2015 El Cerito Court

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.

- Ms. Lewis announced as of December 13, 2010, the subject property had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on December 17, 2010. She confirmed a Notice of Hearing was received by the respondent on January 28, 2011, with no response to date.
 - Mr. Poitras MOVED, Ms. Sepanik SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Poitras MOVED, Mr. Council SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance within 10 days of receipt of this Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- K. 10-41471 - CODE COMPLIANCE OFFICER - DAWN LEWIS
- Respondent: Wells Fargo Bank, N.A.
Address of Violation: 2460 West Marion Avenue
Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.
- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
 - Ms. Lewis announced as of December 13, 2010, the subject property had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on December 17, 2010. She confirmed a Notice of Hearing was received by the respondent on January 28, 2011, with no response to date.
 - Mr. Council MOVED, Ms. Perry SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Ms. Perry MOVED, Ms. Sepanik SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance within 10 days of receipt of this Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- L. 10-41560 - CODE COMPLIANCE OFFICER - DAWN LEWIS
- Respondent: HSBC Bank USA, N.A.
Address of Violation: 3100 Ames Street
Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.
- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
 - Ms. Lewis announced as of December 16, 2010, the subject property had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently

received by the respondent on December 17, 2010. She confirmed a Notice of Hearing was received by the respondent on January 28, 2011, with no response to date.

- Ms. Sepanik MOVED, Mr. Poitras SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance within 10 days of receipt of this Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

Note: Item M was heard following Item B.

M. 10-42179 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Rapid Graphix, Inc., c/o Renee Bair
TYRA Properties, LLC

Address of Violation: 1205 Elizabeth Street, Unit J

Violation of Chapter 24, Section 24-7, A boat with commercial graphics on a trailer and a utility trailer stored in the rear of the property.

- Mr. Steven Bair, respondent, entered a plea of not guilty.
- Mr. Randy Wright, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating on December 21, 2010, he observed a boat on a trailer, an inoperable vehicle on a trailer and a utility trailer in the rear of this property. He explained a Notice of Violation was issued on January 12, 2011, and received by the respondent on January 13, 2011, requiring removal of the above mentioned vehicles/trailers. He reported as of January 27, 2011, the inoperable vehicle had been removed; however, the boat on a trailer and the utility trailer remained. He announced a Notice of Hearing was issued and received on February 1, 2011. He concluded the vehicle, trailer and boat had been removed as of February 22, 2011; however, the boat trailer and utility trailer remained.
- Mr. Viola MOVED, Ms. Sepanik SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Bair stated he understood the problem to be the trailer and the boat/trailer if they were not used for the business, adding he had since been informed the utility trailer was no longer an issue.
- Mr. Wright confirmed same.
- Mr. Bair stated the boat was used to demonstrate the body work provided by the business, adding the boat was brought to boat shows and other sponsored events with which the business was involved.

- City Attorney Levin explained the Board must determine whether or not the use of the trailer was reasonably related to the conduct of the business behind which it was parked. He clarified the Board would make a finding of no violation if they felt that was the case.
- Mr. Council asked Mr. Bair to elaborate on use of the boat.
- Mr. Bair replied the business was a major sponsor for local tournaments, adding the business also participated in boat shows as a marketing tool.
- Mr. Council clarified the graphics displayed on the side of the boat were meant to depict the business' product.
- Mr. Perry questioned the number of boat shows where the respondent's boat was used.
- Mr. Bair replied there had been less than usual over the past three years due to the poor economy.
- Ms. Sepanik pointed out the business' telephone number was displayed in more than one place on the boat, adding she felt it was obvious it was a form of advertising.
- Mr. Council requested clarification of City Code requirements.
- City Attorney Levin displayed Section 24-7 of the City Code, which stated "... the trailer is parked, stored or kept in the rear of a building, is not readily visible from a public street and the use of the trailer is reasonably related to the conduct of the business behind which it is parked, stored or kept."
- Discussion ensued with regard to the exact location of the boat and trailer and their visibility from the ROW.
- Ms. Sepanik MOVED, Mr. Ashworth SECONDED to find the respondent not guilty.
- VOTING AYE: Ashworth, Council, Perry, Poitras, Sepanik, Stevens.
- VOTING NAY: Viola.
- MOTION CARRIED.

Note: Item N was heard following Item L

N. 10-42035 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Wholesale Signs

Address of Violation: 228 East Ann Street

Violation of Chapter 12, Section 12-1, Failure to pay Local Business Tax for 2011.

- Mr. Wright requested the case be dismissed.
- Mr. Viola MOVED, Mr. Ashworth SECONDED to dismiss case 10-42035. MOTION CARRIED UNANIMOUSLY.
- O. 10-42129 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO
- Respondents: Ronald B. & Georgena A. Davis

Address of Violation: 210 Di Vinci Drive

Violation of Chapter 26, Section 26-8.11(c)(e), Tall grass and/or weeds in the rear of the property including over the seawall; and Chapter 6, Section 6-7(b)(2)c, two (2) white poles attached to the seawall; and Chapter 9A, Section 9A-12(a), Outside storage in the front and rear of the property.

- Ms. Perdomo requested a dismissal as the case had come into compliance.
- Ms. Sepanik MOVED, Mr. Ashworth SECONDED to dismiss case 10-42129. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

Note: Item A was heard following Item M, New Business.

A. 11-42304 - BUILDING OFFICIAL - RANDALL COLE (continued from January 26, 2011)

Respondent: Breck and Minervas Painting, Inc.
c/o Michael B. Hankison

Address of Violation: 619 Madrid Boulevard

Pursuant to Florida Statutes, Title XI, Chapter 162, Sections 162.06(4) and 162.09(1), Irreversible and irreparable violation of the Punta Gorda Code, Chapter 7, Section 7-11(a), Performing work without a Certificate of Competency.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Mr. Randall Cole, Building Official, stated he received a complaint regarding work done by the respondent at the subject property, located within City limits, adding he subsequently found no violation of the State Building Code but rather the situation appeared to be a civil matter, which he understood was being pursued separately; however, the contractor failed to register his license and obtain a Certificate of Competency (COC) before performing the work. He mentioned the respondent had been informed he would be seeking a \$250 fine from the Board, adding a COC could subsequently be issued.
- Ms. Sepanik asked if a \$250 fine was standard.
- Mr. Cole replied affirmatively.
- City Attorney Levin explained the violation was considered to be irreparable as it would be impossible to "undo" the work which had been done; thus, there was no way to correct same. He advised State Statute allowed the Board to impose a fine of \$5,000 for such a violation.
- Ms. Perry clarified staff was unaware of any other work performed in the City by the respondent.

- Mr. David Schall, 619 Madrid Boulevard property owner, stated he contracted with the respondent based on a friend's recommendation for a driveway resurfacing. He displayed photographs of his property, noting the respondent was a local contractor who had assured him he was licensed and insured. He noted the driveway had not simply been painted but rather the product was a type of "spray crete." He pointed out the driveway began to crack almost immediately upon completion of the job. He confirmed he attempted to have the respondent, Mr. Michael Hankison, fix the driveway; however, he had refused to do so.
- Mr. Cole confirmed Mr. Hankison had applied for a COC, which had not yet been issued pending the outcome of this hearing.
- Ms. Perry confirmed the business would qualify for a COC.
- Mr. Cole agreed, contingent upon payment of any fine imposed by this Board.
- Mr. Council pointed out the significant damage to Mr. Schall's driveway as evidenced by his photographs nor had any attempt to remedy the situation been made. He confirmed with Mr. Schall the person who recommended the respondent resided in Punta Gorda; thus, Mr. Hankison had indeed performed unlicensed work within City limits within the past year.
- Ms. Sepanik MOVED, Ms. Perry SECONDED the City had presented a prima facie case.
- VOTING AYE: Ashworth, Council, Perry, Poitras, Sepanik, Stevens.
- VOTING NAY: Viola.
- MOTION CARRIED.
- Mr. Viola expressed concern in that the respondent was not present to offer a defense.
- City Attorney Levin countered Mr. Hankison had been properly served and had evidently chosen to not appear.
- Ms. Perry MOVED, Mr. Council SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to impose a fine of \$5,000 to be paid within 10 days of receipt of the Board's Order.
- Mr. Poitras agreed with the recommendation; however, he was somewhat concerned ten days would be insufficient for the respondent to be able to pay such a large fine.
- Mr. Cole explained this case was brought before the Board as there was no other remedy available such as through the Building Board. He clarified there had been no violation of the State Building Code.
- Ms. Sepanik confirmed Mr. Cole had verbal contact with Mr. Hankison, reiterating he had chosen not to be present.
- Mr. Viola confirmed no staff in attendance this date had visited Mr. Schall's property.
- City Attorney Levin countered Mr. Schall testified under oath with respect to same.

- VOTING AYE: Ashworth, Council, Perry, Poitras, Sepanik, Stevens.
- VOTING NAY: Viola.
- MOTION CARRIED.

Note: Item B was heard following Item O, New Business.

B. Hearing Imposing Penalty

10-39399 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Money Consultants, Inc.

Address of Violation: 412 Allen Street

Violation of Chapter 9A, Section 9A-12(e), Inoperative and unregistered watercraft stored in the rear yard; and Chapter 9A, Section 9A-12(d), Inoperative and unlicensed black pick-up truck with a flat tire and expired tags parked in the driveway; and Chapter 9A, Section 9A-12(a), lamps, wood, bird cages, a cooler, bins, doors, a trailer with no wheels and other miscellaneous debris stored outside; and Chapter 9A, Section 9A-12(b), Several broken pieces of concrete in the rear yard; and Chapter 26, Section 26-8.11(b), a broken window on the front of the house.

- Mr. Wright reported an additional 29 days of non-compliance from January 25 through February 22, 2011.
- Ms. Perry confirmed no fines had been paid.
- Mr. Wright confirmed the respondents had been served by certified mail.
- Mr. Ashworth noted fines had accrued to over \$50,000 on the subject property.
- City Attorney Levin reported authorization had been given to pursue foreclosure of the liens.
- Mr. Council MOVED, Ms. Sepanik SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$7,250 representing \$250 per day for 29 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

C. Hearing Imposing Penalty

10-40776 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Elbert H. Van Nostrand & Bonnie Jacobs

Address of Violation: 551 Toulouse Drive

Violation of Chapter 9A, Section 9A-12(a)(e), Inoperative and unregistered boat which is in a state of decay.

- Mr. Wright reported this was a repeat violation with an additional 29 days of non-compliance from January 25 to February 22, 2011.
- Mr. Poitras MOVED, Ms. Sepanik SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$7,250 representing \$250 per day for 29 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

D. Hearing Imposing Penalty

10-39946 – CODE COMPLIANCE OFFICER – RANDY WRIGHT

Respondent: Elbert H. Van Nostrand & Bonnie Jacobs

Address of Violation: 551 Toulouse Drive

Violation of Chapter: 26 Section 26-8.11(a), more than 20% of the roof structure is discolored and mildewed.

- Mr. Wright reported the case had an additional 29 days of non-compliance from January 25 to February 22, 2011.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$7,250 representing \$250 per day for 29 days of non-compliance. MOTION CARRIED UNANIMOUSLY.
- City Attorney Levin stated it was apparent the respondent in this and the previous case had no interest in complying with the Board's Order, adding as the property was homesteaded, foreclosure was not a viable option. He suggested the Board recommend City Council take advantage of Section 9A-17(e) of the City Code to abate the nuisances and demand reimbursement of expenditures, opining if payment was not made, a special assessment would be added to the property's tax bill.
- Ms. Sepanik MOVED, Mr. Ashworth SECONDED to find violations in Case #10-40776 and Case #10-39946 constituting public nuisances and to recommend City Council direct the City Manager to take all reasonable actions deemed necessary to bring the property into compliance and to exercise his authority to abate nuisances pursuant to Section 9A-17(e). MOTION CARRIED UNANIMOUSLY.
- City Attorney Levin announced the Ordinance also authorized the City to lien any other property owned by the respondent, whereby fines previously imposed could be foreclosed upon.

E. Hearing Imposing Penalty

10-41196 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: Washington Mutual
c/o Chase Home Finance, LLC

Address of Violation: 2609 Rio Plato Drive

Violation of Chapter: 9A, Section: 9A-17 – Failure to submit a Distressed Real Property Registration.

- Ms. Lewis reported on December 22, 2010, the respondent was ordered to come into compliance; however, the respondent continued to be in violation for 40 days from January 14 to February 22, 2011.

- Mr. Poitras MOVED, Ms. Sepanik SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$10,000 representing \$250 per day for 40 days of non-compliance. MOTION CARRIED UNANIMOUSLY.
- F. Hearing Imposing Penalty
 10-41261 - CODE COMPLIANCE OFFICER - DAWN LEWIS
 Respondent: Countrywide Home Loans, Inc.
 Address of Violation: 380 Capri Isles Court
 Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration.
- Ms. Lewis reported the respondent continued to be in violation for 47 days from January 7 to February 22, 2011.
 - Ms. Sepanik MOVED, Mr. Viola SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$11,750 representing \$250 per day for 47 days of non-compliance. MOTION CARRIED UNANIMOUSLY.
- G. Hearing Imposing Penalty
 10-41215 - CODE COMPLIANCE OFFICER - DAWN LEWIS
 Respondent: Bank of America, N.A.
 Address of Violation: 1021 Francesca Court
 Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration.
- Ms. Lewis reported the respondent continued to be in violation for 47 days from January 7 to February 22, 2011.
 - Mr. Council MOVED, Ms. Sepanik SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$11,750 representing \$250 per day for 47 days of non-compliance. MOTION CARRIED UNANIMOUSLY.
- H. Hearing Imposing Penalty
 10-40758 - CODE COMPLIANCE OFFICER - DAWN LEWIS
 Respondent: U.S. Bank, N.A.
 Address of Violation: 26161 Seminole Lakes Boulevard
 Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration.
- Ms. Lewis reported the respondent continued to be in violation for 47 days from January 7 to February 22, 2011.
 - Ms. Sepanik MOVED, Mr. Poitras SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$11,750 representing \$250 per day for 47 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

- I. Hearing Imposing Penalty
 10-41173 – CODE COMPLIANCE OFFICER – DAWN LEWIS
 Respondent: U.S. Bank, N.A.
 c/o U.S. Bank Home Mortgage
 Address of Violation: 1711 Belle Court
 Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration.
- Ms. Lewis requested a dismissal.
 - Mr. Ashworth MOVED, Mr. Viola SECONDED to dismiss Case #10-451173. MOTION CARRIED UNANIMOUSLY.
- J. Hearing Imposing Penalty
 10-41262 – CODE COMPLIANCE OFFICER – DAWN LEWIS
 Respondent: Wells Fargo Bank, N.A.
 Address of Violation: 490 Sorrento Court
 Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration.
- Ms. Lewis reported the respondent continued to be in violation for 47 days from January 7 to February 22, 2011.
 - Ms. Sepanik MOVED, Mr. Poitras SECONDED to find the respondent in violation of the Board’s Order and to impose a fine of \$11,750 representing \$250 per day for 47 days of non-compliance. MOTION CARRIED UNANIMOUSLY.
- K. Hearing Imposing Penalty
 10-41276 – CODE COMPLIANCE OFFICER – DAWN LEWIS
 Respondent: BAC Home Loans Servicing, LP
 Address of Violation: 7251 North Plum Tree
 Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration.
- Ms. Lewis reported the respondent continued to be in violation for 36 days from January 18 to February 22, 2011.
 - Mr. Ashworth MOVED, Ms. Perry SECONDED to find the respondent in violation of the Board’s Order and to impose a fine of \$9,000 representing \$250 per day for 36 days of non-compliance. MOTION CARRIED UNANIMOUSLY.
- L. Hearing Imposing Penalty
 10-41198 – CODE COMPLIANCE OFFICER – DAWN LEWIS
 Respondent: BAC Home Loans Servicing, LP
 Address of Violation: 419 San Marie Drive

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration.

- Ms. Lewis reported the respondent continued to be in violation for 36 days from January 18 to February 22, 2011.
- Mr. Poitras MOVED, Mr. Council SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$9,000 representing \$250 per day for 36 days of non-compliance. MOTION CARRIED UNANIMOUSLY.
- Ms. Lewis mentioned 120 properties had been had been brought into compliance as of this date.

ADJOURNMENT

- Meeting Adjourned: 11:16 a.m.

Jim Stevens, Chairman

Mary Kelly, Recording Secretary