CODE ENFORCEMENT BOARD MEETING  
Wednesday, September 9, 2015 – 2:00 p.m.  
City Hall, Council Chambers, Vero Beach, Florida  

AGENDA  

1. CALL TO ORDER  

2. PLEDGE OF ALLEGIENCE  

3. PRELIMINARY MATTERS  

A) Adoption of Minutes – August 12, 2015  
B) Agenda Additions, Deletions and Adoption  

4. EVIDENTIARY HEARINGS  

A) Citation Appeals  

a. CASE #15-CE-5975 / 1809  
   VIOLATOR: Jeffrey Scott Cole  
   VIOLATION: Unlicensed contracting; failure to apply for a building permit  
   VIOLATION ADDRESS: 600 Riomar Drive, Vero Beach, Florida 32963  

b. CASE #15-CE-5976 / 1810  
   VIOLATOR: Nelson Emilio Nieves  
   VIOLATION: Unlicensed contracting  
   VIOLATION ADDRESS: 600 Riomar Drive, Vero Beach, Florida 32963  

c. CASE #15-CE-5977 / 1811  
   VIOLATOR: John M. Wetzel  
   VIOLATION: Unlicensed contracting  
   VIOLATION ADDRESS: 600 Riomar Drive, Vero Beach, Florida 32963  

B) Notice of Assessment Appeals  

C) Non-Compliance Reports  

1. Request for Board Order  

a. CASE #15-CE-5817 / 0681T  
   VIOLATOR: Anastasios G. Provatas  

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VIOLATION: Stripped, junked, inoperable, or unlicensed motor vehicles or boats, trailers of any description, or parts thereof

VIOLATION ADDRESS: 1655 Highland Avenue, Vero Beach, Florida 32960

b. CASE #15-CE-5893 / 719M
VIOLATOR: R-Max of Indian River Inc.
VIOLATION: Windows installed without a permit
VIOLATION ADDRESS: 2050 / 2054 11th Avenue, Vero Beach, Florida 32960
CIVIL PENALTY OF $100.00 HAS BEEN PAID / REPEAT VIOLATION

c. CASE #15-CE-5890 / 0708T
VIOLATOR: Leslie and Martha Abbondandelo
VIOLATION: Grass, weeds, and undergrowth in excess of 12 inches; items within yard not properly stored or placed curbside for solid waste removal
VIOLATION ADDRESS: 1809 25th Avenue, Vero Beach, Florida 32960

d. CASE #15-CE-5835 / 584M
VIOLATOR: Chris R. Boles
VIOLATION: Automotive repairs are being done on property
VIOLATION ADDRESS: 2450 Cortez Avenue, Vero Beach, Florida 32960

e. CASE #15-CE-5906 / 722M
VIOLATOR: Jatnar, Inc. d/b/a Pet Life
VIOLATION: Business has not obtained business tax receipt
VIOLATION ADDRESS: 3200 43rd Avenue, Suite 1, Vero Beach, Florida 32960

5. UNLICENSED CONTRACTORS/CITATIONS
6. OLD BUSINESS
7. ADMINISTRATIVE MATTERS
8. CLERK’S MATTERS
9. ATTORNEY’S MATTERS
10. CHAIRMAN’S MATTERS
11. MEMBER’S MATTERS
12. ADJOURNMENT

This is a Public Meeting. Should any interested party seek to appeal any decision made by the Board with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and that, for such purpose he may need to ensure that a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs a special accommodation for this meeting may contact the City’s Americans with Disabilities Act (ADA) Coordinator at 978-4920 at least 48 hours in advance of the meeting.
CODE ENFORCEMENT BOARD MINUTES
Wednesday, August 12, 2015 – 2:00 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Harry Howle; Members: Suzanne Shell, Craig Fletcher and Jeffrey McGann
Also Present: City Attorney, Wayne Coment; Code Enforcement Officer, Tom Ramsey; Code Enforcement Officer, Melody Sanderson; Indian River County Licensing Inspector, David Checchi, Indian River County Licensing Inspector, Betty Hunter and Deputy City Clerk, Sherri Philo

Excused Absences: Frank Pizzichillo, Dan Hargett and Kirk Noonan

1. CALL TO ORDER

Today’s meeting was called to order at 2:00 p.m.

2. PLEDGE OF ALLEGIANCE

The Chairman led the Board members and the audience in the Pledge of Allegiance to the flag.

3. PRELIMINARY MATTERS

A) Adoption of Minutes – July 8, 2015

Mr. Fletcher made a motion to adopt the minutes of the July 8, 2015 Code Enforcement Board meeting. Mr. Howle seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Mr. Thomas Ramsey, Code Enforcement Officer, pulled item 4-C) 1h – Titone Properties from today’s agenda. He reported that they are in compliance and the civil penalty has been paid.

Ms. Melody Sanderson, Code Enforcement Officer, pulled item 4-C) 1f – Paul Price and Judith J. Warr from today’s agenda. She reported that they are in compliance and the civil penalty has been paid. She also pulled item 4-C) 1k – John Valdis Zudans and Tracey Lockwood from today’s agenda. She reported that the civil penalty has been paid and the permitting process through the Planning and Development Department is in place.

Ms. Betty Hunter, Indian River County Licensing Inspector, reported that they have not applied for a permit through the Building Department.

Ms. Sanderson explained that the application was submitted to the Planning and Development Department on Friday and is currently under review. They understand that once the Planning and Development Department has reviewed it that they would need to apply for a permit with the Building Department.
Mr. Howle asked Ms. Sanderson if she wanted to pull this case from today’s agenda and see where they are in 30 days.

Ms. Sanderson answered yes.

Mr. David Checchi, Indian River County Licensing Inspector, pulled item 4A) c – Frank Loya, Jr. from today’s agenda. He reported that the citation has been paid.

Ms. Hunter pulled item 4-A) d – Steven B. Thurn from today’s agenda. She reported that the citation has been paid.

Mr. Fletcher made a motion to adopt the agenda as amended. Ms. Shell seconded the motion and it passed unanimously.

4. EVIDENTIARY HEARINGS

A) Citation Appeals

a. CASE #15-CE-5519 / 0657T
   VIOLATOR: Timothy McNames
   VIOLATION: Operating a guesthouse and transient quarters in a residential zone
   VIOLATION ADDRESS: 1350 Indian Mound Trail, Vero Beach, Florida 32963

*Please note that all evidence submitted for this case is on file in the City Clerk’s office.

Mr. Wayne Coment, City Attorney, introduced Mr. John Kessenich, Attorney, to the Board members. He explained that Mr. Kessenich has been retained by the City for prosecution of some of the Code Enforcement cases.

Mr. Timothy McNamee reported that he has been sworn in.

Mr. John Kessenich, Attorney, asked Mr. Ramsey, did you have a chance to investigate the property in question. Mr. Ramsey answered yes.

Mr. Kessenich asked how did you become aware of this property being a possible violation of City ordinances. Mr. Ramsey answered through internet search of vacation rentals by owner.

Mr. Kessenich asked what did the internet search pull up. Mr. Ramsey reported that the search found his (Mr. Timothy McNamee) home property was advertising for less than 30-day rentals.

Mr. Kessenich asked how did you follow up on that initial indication of a possible violation. Mr. Ramsey answered through a warning citation, which was mailed certified.

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Mr. Kessenich asked did you post that citation on the residents. Mr. Ramsey answered yes.

Mr. Kessenich asked did you take a photograph. Mr. Ramsey answered yes.

Mr. Kessenich asked how did your investigation continue from there. Mr. Ramsey said at that point he received a telephone call from Mr. McNamee, who was upset about the posting and the fact that he would not be able to keep previously arranged rentals. Mr. McNamee agreed to come into the Planning office and meet with him and Mr. Tim McGarry, Planning and Development Director. On March 12, 2015 he met with Mr. McNamee and Mr. McNamee’s son in his office who stated that he would change his advertising, which he has. Mr. McNamee had five (5) to seven (7) reservations that he would like to keep and he asked Mr. McNamee to provide him with the dates and he would speak to Mr. McGarry. On March 16, 2015 he received an email from Mr. McNamee again stating his disagreement with the short term rental codes and policies. He did supply six (6) different blocks of times that he rented the home prior to being cited.

Mr. Kessenich asked were any of these blocks of times greater than 30 days. Mr. Ramsey answered no.

Mr. Kessenich questioned these were blocks of times ranging from one week to a couple weeks. Mr. Ramsey answered correct.

Mr. Kessenich asked what happened from there. Mr. Ramsey said that he responded that he spoke with Mr. McGarry and was informed that the City would not be offering any grandfathering or honoring any previous commitments.

Mr. Kessenich asked how did you continue your investigation. Mr. Ramsey said that he continued to monitor the property off and on. From March 18, 2015 through June 28, 2015 there was no activity that he found. On June 29, 2015, he found multiple vehicles there and ran the tags and received the names of the people who were renting. He then made contact with them and they indicated that they were renting for one-week. At that time he issued a citation with penalty to Mr. McNamee.

Mr. Kessenich asked did you post that citation. Mr. Ramsey answered I did.

Mr. Kessenich asked did you take a photograph of that. Mr. Ramsey answered I did.

At this time, Mr. Kessenich presented evidence. He showed on the doc cam a copy of an ad and asked Mr. Ramsey is this a copy of the advertisement that he located and began his investigation. Mr. Ramsey answered yes.

Mr. Kessenich asked did this advertisement indicate weekly rentals. Mr. Ramsey answered nightly rentals, with a minimum stay of four (4) to seven (7) nights.

Mr. Kessenich questioned so there was a minimal period of four (4) nights available for renting. Mr. Ramsey said that is correct.
Mr. Kessenich showed a document on the doc cam and asked Mr. Ramsey if he could identify it. Mr. Ramsey said it was the warning citation that was issued to Mr. McNamee.

Mr. Kessenich showed a photograph on the doc cam and asked Mr. Ramsey if he could identify it. Mr. Ramsey said it is a photograph of the citation in front of the home at 1350 Indian Mound Trail.

Mr. Kessenich showed a document on the doc cam and asked Mr. Ramsey if he could identify it. Mr. Ramsey said it is an affidavit of the posting and mailing of the citation.

Mr. Kessenich showed a document on the doc cam and asked if this is a copy of the email correspondence that you had with Mr. McNamee. Mr. Ramsey answered yes. Mr. Kessenich asked are these the dates that he indicated he anticipated future rentals. Mr. Ramsey answered yes they are.

Mr. Kessenich showed a document on the doc cam and asked can you identify that document. Mr. Ramsey said it is the citation with penalty that he issued subsequent to him finding renters on the property. Mr. Kessenich questioned and those renters indicated that they were there for a short term rental. Mr. Ramsey said that is correct.

Mr. Kessenich showed a photograph on the doc cam and asked can you identify the photograph. Mr. Ramsey said that is citation #0657T posted on the property in front of the home.

Mr. Kessenich did not have any further questions.

Mr. McNames said the warning citation was dated February 6, 2015, but it was not issued until the first week of March. He was not sure why there was a one month delay. He reported that he did indicate to Mr. Ramsey that he had in there was there from January through March and he showed Mr. Ramsey a copy of the lease and told him that the renter was still there and would sign an affidavit. The renter was not there for less than 30 days. His contention at that time was that the warning citation should have been rescinded because he was not in violation at the time. He did tell Mr. Ramsey that he has lived in Vero Beach for 20 years, that he has owned property in Castaway Cove for 16 years and had this property for three (3) years in which he lived there the first two (2) years. He told Mr. Ramsey that before he put the property up for rent he did some research and checked with the Homeowner’s Association to see if there were any restrictions on short term rentals and there was not. He said there were articles about the City abandoning its fight on short term rentals and he knew some of the story about the Carroll case. So, he was aware that was not a current issue or an issue at the time he was renting. The leases that he had in which he freely gave Mr. Ramsey information on were all enacted before January, 2015. They were people who were visiting family, graduations, etc. He said that he had a legal obligation to honor those leases without cancelling them. One, they were enacted in good faith while he was not in violation of anything and two they were done prior to any changes in the City Code in which they were not notified. He said even the City Code was changed without any public input from what he saw. He said that the warning letter states that if he has future rentals to let them know to work out an arrangement, which is what he did. He was open and honest
throughout the whole process in what he was doing. He lives in Castaway Cove and has a vested interest in keeping the property nice and maintaining it. He is not an absentee owner and screens his renters. He has done a good job with the long and short term rentals. He found it disingenuous that he is now being cited on something that he fully disclosed and thought that he had a valid reason to do so. He also saw that they were granting the owners 90 days to be in compliance and given a chance with the leases they have in effect. He said Mr. Ramsey acknowledged that he did tell him this information and that the first warning was issued incorrectly. That person was there for more than 30 days. He asked is that correct Mr. Ramsey.

Mr. Ramsey said that is correct.

Mr. McNames said that he honestly disclosed who the renters were and when they were renting. The citation that was issued was for the person who booked that time frame back in September. He did not know why he should penalize people (the tenants) who made plans when he is legally obligated to honor those leases. Unfortunately, he did not have anything in the lease where he could back out. He did not see why he is having a problem when he has been honest. As soon as he received the warning citation he changed his advertisement to greater than 30 days and he didn’t do any more rentals after that. He does potentially have two people for next season, which is for seven weeks and he also has listed the property for sale. He said if he can sell the property, he will. In the meantime, he has been open and honest and has tried to be in compliance with all the regulations that have been coming through the City with no notification. Even from the time frame of the first warning to today there has not been any follow up on what City regulations were changing, what the process was for trying to be in compliance. He (Mr. Ramsey) had his email, telephone number, and address. The only thing that he received was the warning and citation notices. He felt it was unfair to penalize him and cite him with a fine on something that he has tried to be in compliance with and has been in compliance with since the first warning, which was an incorrect warning that should have been rescinded. He said that he was under the assumption that the warning citation was rescinded and it would invalidate the citation that was issued in June.

Mr. Ramsey said the issuance of the warning citation is a courtesy and not a requirement. Therefore, the fact that he (Mr. McNames) feels it was incorrect does not have any bearing on the citation itself. He said once Mr. McNames was issued the citation with penalty he continued to rent to the obligations that he already had for the reasons stated. He asked is that correct.

Mr. McNames said for that week, yes. He said that he was out of the Country and that was his last rental for the summer. The other one had cancelled.

Mr. Ramsey said that Mr. McNamee stated that he received approval from his Homeowner’s Association.

Mr. McNames said that the Homeowner’s Association does not have restrictions on short term rentals.
Mr. Kessenich noted that Section 2.2-296 of the City Code indicates that a warning is not a prerequisite of any citation so he understood the argument regarding any possible defects in it. He said they are here in terms of a violation of City Ordinances so a Homeowner Association’s bylaws would not have any bearing on that matter. The purpose of the area that house is zoned for is specifically in the City Ordinances not for commercial uses and boarding or renting of a transient population is considered a commercial use. Also any rental less than 30 days is transient and commercial use. He felt that based on the evidence they met the low burden of preponderance of the evidence that it is a violation of City Ordinances.

Mr. McNames asked why were the articles that the City was abandoning the fight of short term rentals publicized.

Mr. Coment said the City doesn’t control the press.

Mr. McNames said the lawsuit that failed with the Carrolls’ was not a legal issue.

Mr. Coment said that does not have any precedence to this case.

Mr. McNames said his point is that when he entered into legal leases with future tenants he did so with the assumption that he was not in violation. He felt it was unfair to penalize him for that. Also the warning citation states that if he had issues with future rentals to contact the City, which is what he did. He acted in good faith. He felt it was unfair to be penalized and fined for something that he acted in good faith on and made the appropriate changes in the time frame he was requested to do so. He told Mr. Ramsey the other day that the house is empty and he is welcome to go there and view it at any time.

Mr. Howle said that he believed Mr. McNamee acted in the best faith possible. What he thinks Mr. McNames did was act in good faith right up to the point of having a short term rental on June 29, 2015. He said that would be in violation whether or not he was looking out for the best interest of the renter. He felt that Mr. McNamee did the right thing by telling Mr. Ramsey what was going on, but the City said they would not allow those obligations.

Mr. McNames said there was an article that said the City was going to allow people with rentals 90 days.

Mr. Howle asked did you check with the City.

Mr. McNames said that he has seen three different articles on it and he has been out of town. He said that he doesn’t know where it stands as he has heard different arguments from different people at different times. He said there was an article about two months ago where people were entering into compliance agreements.

Mr. Howle said that he has read a lot of articles as well and he is having trouble keeping up with it.

Mr. McNames said and you are on the Code Board. He said that he did not receive any communication from the City concerning changes in the Code for rentals. They are saying
they have had these laws for years, but it has been contested and lost before. He is trying to be a good neighbor and maintain property values. He does not feel that he should be penalized.

Mr. McGann said there is an unpaid civil penalty of $500. Mr. Ramsey said that is correct.

Mr. McGann asked Mr. McNames what he is asking for.

Mr. McNames wanted it removed. He did not feel that he should be fined for something that he did not feel was wrong at the time the leases were enacted. He said that he asked that these renters be grandfathered in because they signed the lease before changes were made to the City Code.

Mr. Coment explained that the only changes made were that definitions were added. He noted that the use “guesthouse” or “transient quarters” not being permitted in any residential district has been on the books since 1977 and prior to that it was on the books as “guest houses” and “tourist homes.”

Mr. McNames said none of that information was given to homeowners or people who were renting.

Mr. Coment said Ordinances are advertised as required by the law.

Ms. Shell asked Mr. Ramsey was it the Homeowner’s Association who called him.

Mr. Ramsey said it was initially his investigation on short-term rental websites. Since then he has been receiving telephone calls from the Homeowner’s Association complaining about short-term rentals and it is not just Mr. McNames’ property. He said there are several in the neighborhood.

Mr. McNames said that he has not received anything from the Homeowner’s Association regarding any issues with his property over the course of the entire year. The only communications that he has had regarding rentals of his property were by Mr. Ramsey.

Mr. McGann asked is it possible to reduce the amount of the penalty to $250.

Mr. Coment said that is within the Board’s authority.

Mr. McGann made a motion that the Board reduce the civil penalty to $250 and that there has been a violation. The motion died for lack of a second.

Mr. Fletcher made a motion that the Board finds the property in violation and recommends the penalties noted by staff. Mr. Howle seconded the motion and it passed unanimously.

Mr. McNames asked what is the appeal process.
Mr. Coment said it will be listed on the Board Order. He said that he would have 30 days from the date of the Order to appeal to the Circuit Court.

b. CASE #15-CE-5838 / 1803
VIOLATOR: Jerry Fulchini
VIOLATION: Unlicensed contracting; Failure to apply for building permit
VIOLATION ADDRESS: 2500 13th Avenue, Vero Beach, Florida 32960

Ms. Karen Fulchini said that she has been sworn in.

Mr. Checchi reported that on June 23, 2015, at approximately 2:34 p.m., he was driving through the neighborhood and observed construction activity and spoke with an individual who stated that he just sold the property and was loading his belongings into the trailer. Mr. Checchi said that he did confirm this. He said that he took some pictures of interior work, which consisted of some interior demolition work, a front door being installed, and stucco being put on the fascia. When he spoke to the individual who sold the property it was stated that he sold it to Mr. Fulchini and the men who were there were working for him. Mr. Checchi reported that when he went to approach the men, one left. The other man told him that he wasn’t doing any work and was just walking around. Mr. Checchi reported that when he went back to his truck the man left and he has not heard from him since. He reported that he issued Mr. Fulchini a citation for unlicensed contracting in the amount of $500 and for failure to apply for a permit in the amount of $500. He said they are working with the City and with a contractor to get the permit. Mr. and Mrs. Fulchini are present for today’s meeting to appeal the citation. As of today, the permit has not been pulled. He showed on the doc cam photographs of the building (on file in the City Clerk’s office).

Mr. McGann asked is it a commercial building.

Mr. Checchi answered yes.

Mrs. Fulchini said they purchased the building across the street from a mobile home environment where there was illegal activity going on. Therefore, on June 17, 2015 they purchased some temporary doors to secure the building. They also put in a wooden ramp in order to help them wheel things out of the building. She said that they gave the previous owner three months to get everything out of the building. She referred to the picture that showed where everything is stacked in the middle of the building. She said there were panels on the ceiling that were falling and they pulled them down. They did not realize they needed a permit to clean this up. She said that Mr. Randy Mosby was hired to build a legitimate ramp once they had the building cleaned up and they have applied for the permits. She said that she did not think they needed to apply for a permit until they secured the building and cleaned it up. Regarding the stucco and fascia, that was always there. But, because the undercarriage was falling they secured it. They had no intent to not do things the right way. They did hire a contractor, but nothing was ready to be installed. She said that nothing was done to be sneaky. They were only trying to secure the property. She said that they have been speaking with the County and the City to get all the permits needed. What is shown in
the pictures is them trying to clean out 35 years of stuff. She did not think they were doing unlicensed contracting. She said as far as failure to apply for a building permit, she does not know where clean up of the property starts and then ends with needing a permit.

Mr. Fletcher said the contractor is supposed to define that for them.

Mrs. Fulchini said that Mr. Checchi came three days after they closed on the building.

Mr. Howle asked Mr. Checchi, in his opinion do you believe that what was going on in the interior was cleanup only.

Mr. Checchi said that he could not fully confirm that. He said the man that he spoke with told him the gentleman that was there was a licensed electrician. He said that he did not know what was there before he got there. He saw work being done there and equipment trailers in the parking lot. He said as far as unlicensed contracting, it is grey. He based it on the gentlemen leaving and he did not see them actually working.

Ms. Shell asked Mrs. Fulchini did the three months that she allowed the previous owner start in June.

Mrs. Fulchini explained that because there was so much in the building they worked out a deal to give him three months to get everything out. The previous owner took out what he wanted to keep and he had dumpsters there for the rest. She said that they were all using the dumpsters to help him clean out the building because he needed to have it all out by August 1, 2015.

Mr. Fletcher said that he is inclined to be lenient on some of these cases when it comes to construction work, but when an electrician is hired that draws the line for him.

Mrs. Fulchini said that she did not hire an electrician. They were only getting estimates.

Mr. Fletcher asked why would he leave.

Mrs. Fulchini said they left to get Mr. Fulchini. She said they were all very nervous.

Mr. Fletcher said the electrician knew that he was in trouble when the Officer showed up so he left. He fled the scene so he wouldn’t get caught.

Mrs. Fulchini said that he didn’t flee the scene. He went to the shop, which is across the street, to get Mr. Fulchini. She said that is not fair because that is not what this is about. She said they own a lot of properties in town and they worked with Mr. Checchi for years to get their trailer park up to Code. She said that was not fair because they don’t do that kind of business.

Mr. Howle said that he knows they own a lot of businesses in town and he has never seen them before the Board. But, if Mr. Checchi is stating that unlicensed contracting was going on then he would tend to go along with that statement. However, he was not convinced that
work was being done. He understood the reason for them putting in the doors because the building needs to be secured. He asked Mrs. Fulchini when did she think permitting would be necessary. Mrs. Fulchini said that it was probably on the 23rd. Mr. Howle asked to do what. Mrs. Fulchini said to install the doors, put in the ramp, and then actually to figure out what they needed to do to rent the property.

Mr. Howle was not convinced that they needed a permit at that time. He said it is a grey area and he was not convinced there was an infraction.

Mr. McGann questioned Mrs. Fulchini if she subsequently applied for and received permits as soon as she was cited. Mrs. Fulchini said that is correct.

Mr. McGann said one of the photographs shows a ladder and bare wires hanging down from the ceiling. He asked when you purchased the building was the ceiling stripped out like that. Mrs. Fulchini answered no. She said it was about three-quarters collapsed and they pulled the rest of the panels down. She said they moved stuff out of the way and started throwing things in the dumpster to clean the building out and to help the previous owner get his stuff out.

Mr. McGann asked did it occur to you that a permit might be required. Mrs. Fulchini answered no. They thought it was considered cleanup of the property.

Mr. Coment asked Mrs. Fulchini if she has any witnesses present to testify. Mrs. Fulchini answered no.

Mr. Coment explained to the Board that they cannot reduce the penalty in this type of violation. It is all or nothing for the violations they find were committed.

Mr. Howle said that he was not convinced that failure to apply for a building permit was applicable in this situation. He did believe that if Mr. Checchi said there was unlicensed contractors there and work was being done.

Mr. Howle made a motion that the Board removes the second violation of failure to apply for a building permit and let the unlicensed contracting stand for a fine of $500.

Ms. Shell said Mr. Checchi testified that he did not see the unlicensed contractors doing any work.

Mr. Coment asked is this commercial property in that they would have to have a general contractor. Mr. Checchi answered yes. To his knowledge they could not pull an owner/builder permit, they would have to have a licensed contractor to do this scope of work. Ms. Hunter said that is correct. She said to put the doors in it would require a permit. She understood it was for safety, but they could have put up plywood.

Mrs. Fulchini said there was plywood originally, but they could not get in and out of the building.
Mr. Fletcher seconded the motion and it passed unanimously (fine of $1,000 is reduced to $500).

c. CASE #15-CE-5920 / 1804  
VIOLATOR: Frank Loya, Jr.  
VIOLATION: Unlicensed contracting; Failure to apply for building permit  
VIOLATION ADDRESS: 4804 Bethel Creek Drive #2, Vero Beach, Florida 32963

This item was pulled from today’s agenda.

d. CASE #15-CE-5921 / 1806  
VIOLATOR: Steven B. Thurn  
VIOLATION: Licensed contractor or owner hiring unlicensed contractor; Failure to apply for building permit  
VIOLATION ADDRESS: 4804 Bethel Creek Drive #2, Vero Beach, Florida 32963

This item was pulled from today’s agenda.

e. CASE #15-CE-5681 / 539M  
VIOLATOR: Irene Snyder  
REPRESENTATIVE: Barry Segal, Esquire  
VIOLATION: Operating a boarding house  
VIOLATION ADDRESS: 655 Banyan Road, Vero Beach, Florida 32963

*Please note that all evidence submitted for this case is on file in the City Clerk’s office.

Mr. John Kessenich, Attorney, asked Ms. Sanderson isn’t it true that she first became aware of this property and investigated it back in March 13, 2013. Ms. Sanderson said that is correct.

Mr. Kessenich asked during that investigation did Ms. Snyder bring various leases to you. Ms. Sanderson said various leases were brought to the Planning and Development Department and given to the Planning Director.

Mr. Kessenich asked is it correct that those leases were for the current tenants of that property. Ms. Sanderson answered yes.

Mr. Kessenich showed a document on the doc cam and asked can you see the exhibit on the screen. Ms. Sanderson answered yes.

Mr. Kessenich asked is this one of the leases that you were provided. Ms. Sanderson answered yes.
Mr. Kessenich asked does the lease indicate whether a bedroom is offered for lease or whether the entire premises are offered. Ms. Sanderson said it reflects that the northeast bedroom is the leased rental space.

Mr. Kessenich questioned so a single bedroom in contrast to the entire apartment. Ms. Sanderson answered yes.

Mr. Kessenich showed a document on the doc cam and asked is this another lease that you were provided. Ms. Sanderson answered yes.

Mr. Kessenich asked does that indicate a single bedroom that is for rent. Ms. Sanderson answered yes, the northwest bedroom.

Mr. Kessenich showed a document on the doc cam and asked is this one of the leases that you were provided. Ms. Sanderson answered yes.

Mr. Kessenich asked does that indicate a single bedroom for rent. Ms. Sanderson answered the middle bedroom.

Mr. Kessenich showed a document on the doc cam and asked is this also one of the leases you were provided. Ms. Sanderson answered yes.

Mr. Kessenich asked does that indicate a specific room for rent. Ms. Sanderson answered the southeast room.

Mr. Kessenich questioned so in total you were provided four (4) separate leases with four (4) separate bedrooms on the premises. Ms. Sanderson said that is correct.

Mr. Kessenich asked did you do an inspection of the house during the first investigation. Ms. Sanderson said that she did.

Mr. Kessenich asked what did you find. Ms. Sanderson said that she found a common area of a kitchen and living room and individual doors going into the bedroom, she assumed, with locks.

Mr. Kessenich questioned so each room had an individual lock that would prevent access to the other people who live there. Ms. Sanderson said correct, each room had a lock.

Mr. Kessenich asked is it true that you conducted a second investigation on this premises on November 18, 2013. Ms. Sanderson said it probably was an inspection of the outside, yes.

Mr. Kessenich asked were you aware at that time of an advertisement of a single room for rent in a “private room” of the premises. Ms. Sanderson answered yes.

Mr. Kessenich asked did you issue a warning on November 20, 2013 that advertising individual rooms was not permitted. Ms. Sanderson answered yes.
Mr. Kessenich showed a document on the doc cam and asked can you see the exhibit on the overhead. Ms. Sanderson answered yes.

Mr. Kessenich asked can you identify it. Ms. Sanderson said that is a copy of the warning citation.

Mr. Kessenich asked can you see the date. Ms. Sanderson answered November, 2013.

Mr. Kessenich questioned so that is the one we just spoke about. Ms. Sanderson answered yes.

Mr. Kessenich asked is it correct that the third investigation that you did on this property was initiated on July 1, 2014. Ms. Sanderson answered yes.

Mr. Kessenich asked is this in response to a letter from a neighbor indicating that there were still single renters using this establishment. Ms. Sanderson said that is correct.

Mr. Kessenich showed a document on the doc cam and asked can you view the exhibit on the screen. Ms. Sanderson answered yes.

Mr. Kessenich asked can you identify it. Ms. Sanderson said it is a copy of the complaint made by Mr. Catania.

Mr. Kessenich asked is it correct that this complaint indicates that there are multiple individuals, unrelated, living on the premises. Ms. Sanderson answered correct.

Mr. Kessenich asked is it correct that the fourth investigation that you conducted on this property began on April 24, 2015 where you issued a warning for the same exact conduct. Ms. Sanderson said that is correct.

Mr. Kessenich said it was his understanding that you then amended that warning. He asked is that correct. Ms. Sanderson said that she did.

Mr. Kessenich showed a document on the doc cam and asked can you see the exhibit on the screen. Ms. Sanderson answered yes.

Mr. Kessenich asked can you identify it. Ms. Sanderson said it is a copy of the warning citation.

Mr. Kessenich asked what activity does this citation indicate is against City Ordinances. Ms. Sanderson answered a boarding house in a residential area.

Mr. Kessenich questioned that would be a house that rents individual rooms to people. Ms. Sanderson said that is correct.
Mr. Kessenich asked after the second warning, did you receive any response from Ms. Snyder, property owner. Ms. Sanderson said there was no response to her on the amended citation.

Mr. Kessenich asked did you ultimately issue a citation as a result of the conduct on the property. Ms. Sanderson said yes, a citation was issued.

Mr. Kessenich showed a document on the doc cam and asked can you identify the document on the screen. Ms. Sanderson said it is a copy of the citation that was issued.

Mr. Kessenich showed a document on the doc cam and asked what is this document. Ms. Sanderson said it is a certified return receipt that accompanied the citation that was returned to the City showing service.

Mr. Kessenich asked who is it signed by. Ms. Sanderson answered Irene Snyder.

Mr. Kessenich asked is that the owner of the premises. Ms. Sanderson answered yes.

Mr. Kessenich showed a document on the doc cam and asked can you see the document on the screen. Ms. Sanderson answered yes.

Mr. Kessenich asked can you identify it. Ms. Sanderson said it is an advertisement for a room at the property.

Mr. Kessenich asked is that an individual room or for the entire premises. Ms. Sanderson said it is for an individual room if they look down to paragraph four it states “this room is available.”

Mr. Howle asked what is the date of the document.

Mr. Kessenich said this would have been during the second investigation in 2013. He asked is that correct. Ms. Sanderson said that was correct.

Mr. Kessenich showed a document on the doc cam and asked do you recognize the document that is currently being displayed. Ms. Sanderson said it is a copy of an affidavit that was given to them by the neighbor, Frank Catania.

Mr. Kessenich questioned and this precipitated the fourth investigation and ultimate citation of the property. Ms. Sanderson said that is correct.

Mr. Kessenich asked is it correct that paragraph eight (8) indicates that there are two females and an unknown male living at the residence. Ms. Sanderson said that is correct.

Mr. Kessenich asked is it correct that the top sentence of the second page of the affidavit indicates that they use separate entrances to the property. Ms. Sanderson said that is correct.
Mr. Kessenich asked as part of your investigation did you take photographs of the residence. Ms. Sanderson said that she did.

Mr. Kessenich asked did you take photographs of multiple different vehicles titled to different people living at the residence. Ms. Sanderson said that she did.

Mr. Kessenich showed a photograph on the doc cam and asked is this one of the photographs that they just spoke about. Ms. Sanderson said it is.

Mr. Kessenich asked is it correct that it displays two separate vehicles, a Pontiac and a Volkswagen. Ms. Sanderson said that is correct.

Mr. Kessenich showed a photograph on the doc cam and asked is it correct that this is a separate vehicle, a Ford truck, that was located on the residence. Ms. Sanderson said that is correct.

Mr. Kessenich showed a photograph on the doc cam and asked is it correct that this photograph displays two Volkswagens again, one of which is the same vehicle and the second one is a separate vehicle as indicated by the license plates. Ms. Sanderson said that is correct.

Mr. Kessenich showed a document on the doc cam and asked is this a registration of one of the vehicles. Ms. Sanderson said that is correct.

Mr. Kessenich showed a document on the doc cam and asked is it correct that this is a separate registration for a different individual. Ms. Sanderson said that is correct.

Ms. Shell asked is that their home address on the registration.

Mr. Kessenich said yes, one registration lists that and the other lists a P.O. Box.

Mr. Kessenich showed photographs on the doc cam and asked are these photographs that you also took. Ms. Sanderson answered yes.

Mr. Kessenich asked is it correct that it is a Pontiac that they previously saw and then a separate vehicle. Ms. Sanderson answered yes.

Mr. Kessenich said to briefly summarize Ms. Sanderson’s investigation. She had four (4) separate investigations over a two (2) year period with photographic evidence, an actual in-home inspection, she was provided leases that indicate that all renters are renting single rooms as opposed to the entire premises and multiple different people living there.

Mr. Kessenich had no further questions at this time.

Mr. Barry Segal, Attorney, said that Ms. Snyder is present, but he would be speaking on her behalf.
Mr. Segal asked Ms. Sanderson, as a Code Enforcement Officer, is it the policy of the City of Vero Beach that only related individuals may reside in a home together. Ms. Sanderson said that she did not know, that she thought it is just that you can’t rent individual rooms.

Mr. Segal said his question, is, is it a policy of the City of Vero Beach. He said if you don’t know that is okay. Ms. Sanderson said that she did not know.

Mr. Segal asked in the testimony that she gave today that indicated that some of the individuals are unrelated, how is that relevant to your finding the violation. Ms. Sanderson said that she did not know what was being asked. Mr. Segal said you testified that the individuals were unrelated. He asked is that relevant to any of the issues before the Board today. Ms. Sanderson answered no. Mr. Segal said that he agreed with her. Ms. Sanderson said that she did not know how she testified to that by identifying the pictures.

Mr. Segal asked Ms. Sanderson is he correct that she took pictures of cars. Ms. Sanderson said that is correct.

Mr. Segal asked how are the cars relevant to your finding of the violation today. Ms. Sanderson said that it was different occupants. It was verifying that those cars went with the occupants.

Mr. Segal asked is it a violation of the law to have different vehicles. Ms. Sanderson answered no.

Mr. Segal asked was there a parking violation that she has been cited for. Ms. Sanderson answered no.

Mr. Segal asked does it matter in this case if those cars belong to one person or four different people. Ms. Sanderson said that she did not believe so.

Mr. Segal asked then how was that testimony relevant to the issue before them today. He said that he was trying to clear up the issues that he needs to respond to. He was trying to understand why that is even relevant. Ms. Sanderson guessed it was because they document what is there so that is the documentation of the vehicles that were on the property.

Mr. Segal asked are you aware how long Ms. Snyder has rented out the home to individuals. He asked are you aware that it has been about 20 years that she has been renting out the home. Ms. Sanderson answered yes.

Mr. Segal questioned your first cause or concern with this property was when her neighbor, Mr. Catania, moved in and contacted her. Ms. Sanderson said that is correct.

Mr. Segal asked had there had been any violations or issues on the property prior to that. Ms. Sanderson answered no.
Mr. Segal asked do you recall a few years ago when the City changed the boarding house definition and changed the Code regarding boardinghouses. Ms. Sanderson said yes, there were some changes in the Code.

Mr. Segal asked were you present at the meeting when the Planning and Development Director, Mr. McGarry, informed Ms. Snyder that in order for her to maintain being in compliance that she needed individual leases. Ms. Sanderson thought in that meeting that Mr. McGarry said that she would be better to have one lease to one individual.

Mr. Segal asked prior to that time are you aware what her leasing situation was. Ms. Sanderson answered no.

Mr. Segal asked is he correct that you conducted one home investigation. Ms. Sanderson said that is correct.

Mr. Segal gave an example that if he was renting the home by himself as the only occupant and asked how would that home look different to you with one occupant as opposed to Ms. Snyder’s current situation. Ms. Sanderson said that the doors wouldn’t necessarily be locked going into the bedrooms.

Mr. Segal questioned, but they could be locked. Ms. Sanderson said they could be locked.

Mr. Segal asked is a lock on a bedroom uncommon in your practice. Ms. Sanderson said a handle lock is not uncommon, but a lock is.

Mr. Segal questioned other than that the home would have looked the same as any other home that you visited. Ms. Sanderson answered yes.

At this time, Mr. Segal offered testimony on behalf of Ms. Snyder. He noted that Ms. Snyder is present and prepared to give testimony if necessary. He showed on the doc cam an affidavit from Ms. Snyder, which states that she is the homeowner and allows possession of the home through a verbal lease with all the current tenants of the property. She has always maintained the practice of renting the home to individuals by one lease and there was never an issue until there was a change in recent years that precipitated her to meet with Mr. McGarry. What his client heard and what she stated in the affidavit was that Mr. McGarry told her to be in compliance that she would need individual leases. Mr. Segal said that he spoke with Mr. McGarry himself and felt that what Mr. McGarry meant to say or what he said she didn’t hear was that she needs a lease for the house for everyone to be a party to and then there would not be an issue. Immediately after that meeting she told her tenants that they needed individual leases. As soon as he contacted her with the new flurry of violation notices and citations they had a lease burning party. They didn’t want them as they all leased the home together. Mr. Segal said there is no difference in this situation than four people from Flight Safety wanting to lease a home. This is the same situation where there are four roommates leasing the house together. Ms. Snyder has four (4) individuals leasing the house together. He said that Ms. Snyder has been doing this for 20 years with the average tenant staying there for two (2) years. He said one of the biggest reasons the City had to change the Code a few years ago was because it discriminated in violation of Federal Law that the
definition of a family unit had to be related. There is no obligation that they have to be related. He said they have their own room, but they all have access to the entire home. There is one kitchen, one living room, and one dining room. He said they are allowed to park their cars there. Most importantly, they do not have individual leases any longer. Ms. Snyder only put those leases in place because she thought she needed to in order to placate the City of Vero Beach. He noted that they were in place for one or two years before there was a problem. They have a master lease that they have together. He said they do the same as college students where they choose a room. He said this is a very normal situation with all of them living together under one roof and under one lease. Under the language of the violation notice and under the language of the Code, they (the Board) do not have evidence before them to find that she is renting out individual parts of the house.

Ms. Shell asked has she paid any tourist tax.

Mr. Segal explained that the tenants are all long term.

Mr. Kessenich said this is a fact finding Board and what they have in front of them is a conflict in the evidence. Their job is what are the actual facts. The evidence they presented is there are multiple leases that have been designated for specific rooms. They have special types of locks and not a normal lock you would see in a residential house that makes those rooms isolated from one another. He said obviously if you are living with a stranger you wouldn’t want them to have access to your room. Additionally, they showed photographic evidence of unrelated people living in the home throughout this time period. That is what is important about having unrelated people living there. When they look at all the facts together it is disingenuous to say that they have a “group” lease with a bunch of strangers where one person might be there six months and then another person moves in who has access to the entire house. He said it is clear and they have demonstrated though photographic and documented evidence that a pattern of multiple years of renting these individual rooms. He said there also is a conflict in the evidence that Mr. McGarry might have told Ms. Snyder to have the leases this way, but they have testimony from Ms. Sanderson that contradicts that stating that Mr. McGarry told her to lease to one person with one lease. It doesn’t make sense that Mr. McGarry would advise her to do something that violates the Code. He said the individual leases are backed up by the advertisement of an individual room.

Mr. Segal said the evidence you (the Board) saw as to the pictures of cars is completely irrelevant. The Board is required to look at the Code provisions, which does not speak to locks. He said if it is going to be the position of the Board that they are going to prohibit people from putting locks on their homes that is going to be a different story. They are not allowed to look at the relationship between these parties. It is a violation of Federal Law if the City is going to take the position that they are only going to allow rentals with related people. He felt that if the Board even considered that for a moment that would create a great problem and concern. He wanted the Board to remember the law. His client put in her affidavit that her tenants burned the individual leases. The individual leases were only in existence to placate the City. There is nothing in the Code that requires a written or a verbal lease. The Board does not have any evidence of a violation before them today based on what Ms. Snyder affirmed in her affidavit.
At this time, Mr. Coment read the definition of a boarding house: “a dwelling unit within which more than one individual room or one suite but less than the entire dwelling unit is used, maintained, or offered for a rental.” He said in other words, one room is permissible, but more than that would be a boardinghouse.

Mr. Howle asked if they didn’t have a lease at all, would they be in violation.

Mr. Coment said if someone is getting paid for the use of their property there is some type of arrangement.

Mr. Howle realized the Board’s job is to interpret if there is a violation of the Code, but he thought they had situations in the past where four (4) people or less were living together in a home that were unrelated and there was nothing that could be done regarding there being a violation.

Mr. Coment said they can’t say who can live together based on if they are married or related. He said if someone is renting out individual rooms it is a boardinghouse.

Mr. Howle said based on the Ordinance in place today, by having a single lease or multiple leases, because there is more than one room being occupied by unrelated individuals, there is a violation.

Mr. Coment said being unrelated has nothing to do with it. It is whether or not the rooms are being rented out to separate people.

Mr. Howle asked if there is or was one lease, does that fall under what the Code would accept as not being a violation.

Mr. Coment said a rental arrangement written or oral could be entered into by multiple people with the landlord.

Mr. Howle asked currently, is there one lease or multiple leases.

Mr. Segal said there is one lease for all of them.

Mr. Kessenich said his position is that the evidence doesn’t support that contention. He felt that in view of the total circumstances with different people in and out of the house and the fact that they have seen written individual leases for individual rooms he did not believe Ms. Snyder’s affidavit is accurate. He felt there are separate leases, even if they are verbal they are separate verbal agreements per room.

Mr. Howle asked Mr. Segal if he has a copy of the lease agreement that is in place today.

Mr. Segal said there is not a written lease. The parties write checks for the rent and they get to use the house and divvy up who stays in which room amongst themselves.

Ms. Shell asked are they all under the same date on the start and end of the lease.
Mr. Segal said because they had the collective lease burning, yes they all started fresh. He said it has always been like that before they had to make the change.

Ms. Shell asked when does the lease end for the four (4) people who are currently living there.

Mr. Segal said it doesn’t. It is a perpetual lease.

Mr. Howle questioned a perpetual verbal lease.

Mr. Segal said under the law they can have a one year lease without it being in writing. He said his opinion is that under the law it doesn’t matter if a lease is written or oral. If what this Board wants to hear is that there is a written lease and that is what is required to bring it into compliance, that would not be an issue. His clients are happy to do that. For the purpose before the Board, there is no difference between a written or oral lease. If it is a credibility issue then maybe they should hear from Ms. Snyder directly rather than relying on her affidavit.

Mr. Coment asked when is the rent paid.

Mr. Segal answered monthly.

Mr. Coment said then what you are saying is what they have is a month to month tenancy.

Mr. Segal said it is more like a yearly lease because if they had it on a month to month they would have a tourist tax issue.

Mr. Howle said personally that he was against communal living, but at the same time he is not seeing evidence that there has been a violation except for the advertisement.

Mr. Segal thought that advertisement was in 2012.

Mr. Kessenich said it was in 2013 and they don’t have any indication that arrangement has ever stopped and now they have burning of leases.

Ms. Shell asked is there currently an advertisement.

Mr. Segal said there is one, which states “home to share.” He thought there was one tenant who was moving. He said if the Board finds there is a violation then they are going to make it impossible for the Minor Leaguers, Flight Safety students, etc., to rent a house.

Mr. Howle asked Mr. Kessenich what are the violations.

Mr. Kessenich said it is a violation of the Zoning Ordinance that they can’t use this as commercial and the commercial activity is that it is a boardinghouse. Ms. Shell asked what are the fines at this point.
Mr. Kessenich answered $500.

Mr. Coment said if the Board was to find a violation it would be up to the Board if they want to impose the initial penalty and the order would state that the activity is to cease by a certain date.

**Mr. Fletcher felt this was clearly in violation and made a motion that the Board finds it in violation. Ms. Shell seconded the motion and it failed 2-2 with Mr. Howle and Mr. McGann voting no.**

Mr. McGann said in the documents the Board was provided there are copies of correspondence in June between Mr. Segal and Mr. McGarry talking about trying to get this residence vested because of the long time operation as a boardinghouse grandfathered in to continue in that manner. He read from the letter dated June 22, 2015 from Mr. McGarry, where it states “Ms. Snyder was well aware that the City still considered she was operating a boardinghouse both before and subsequent to enactment of the ordinance amending the definition of boardinghouse. She had been told by the Planning Director that she could easily resolve this problem by entering into one lease agreement with one or more individuals for the entire single family residential rather than entering into separate leases with each individual for a specific bedroom/suite with access to common living, kitchen, and laundry facilities. She ignored this advice. Therefore, it is my opinion that her property is not eligible for vesting from the new provisions of the amended regulations.” Mr. McGann said that is in contrast to the affidavit from Ms. Snyder, which states, “Mr. McGarry informed me that in order to be in compliance with the applicable provisions of the code, I was required to have individual leases with each of the individuals for less than the entire dwelling.”

Mr. Segal noted that is what he said when he initially presented the affidavit. He thought she misunderstood Mr. McGarry. He asked why else would she go through the effort of creating the other leases. What the Board needs to look at now is that those leases are gone. He felt that the Board should look at it in that was done by a misunderstanding. But, what is before the Board is that has been corrected. They had a lease burning party and went back to one lease, which is the way it had always been.

Mr. McGann said Mr. McGarry stated “one lease agreement with one or more individuals.”

Mr. Segal said that is what she has now.

Mr. McGann said but it is a verbal lease.

Mr. Segal said that is correct. He said if the Board is going to take a position that it mandates written leases for this situation, that is easily accomplished. But, there is not a definition in the City’s Code that would require a written lease over an oral lease.

Mr. Fletcher said this discussion irrelevant. He said a decision has been made, a vote has been taken, so let’s move on.
Mr. Coment explained that the motion failed and if they let it stand as is it is it would be left up in the air. He said the motion was to find there was a violation. If in fact they consider that the motion failed the opposite would hold true that there was a finding of no violation unless the Board takes another vote.

Mr. Segal suggested that if the Board would stay this for one month, Ms. Snyder will submit a written lease to Mr. McGarry so the Board would not have to make a ruling on this violation and it could go away.

Mr. Howle said there is nothing in the Code that states a lease has to be written. But, this Board has been presented with evidence that there were individual leases, but not evidence that there is one lease, except for the affidavit.

Mr. Coment said there is no legal requirement that a lease has to be in writing unless it is for more than one year.

**Mr. McGann made a motion that the Board stays this case for 30 days to give Ms. Snyder the opportunity to come up with a written lease and give the Board the opportunity to further research the situation.**

Mr. Coment said if she (Ms. Snyder) wants to submit that it would be additional evidence to show the Board. He noted that the citation goes back to April 24, 2015 so really what they are concerned with is what was happening on that day. That is the date she is cited for.

Mr. Fletcher noted that there would be more than four (4) Board members present at the next meeting.

Mr. Coment said if Ms. Snyder wants to bring back a written lease that is fine, but there is no legal obligation for her to do that.

Mr. Howle asked if she did bring back a written lease would it change the scenario.

Mr. Fletcher answered no.

Mr. McGann asked what happens if a Code Officer goes there next week. He asked would she still be in violation.

Mr. Fletcher answered no, because by the vote that was taken, she is not in violation and she would not be exposed to that again.

Mr. Coment clarified not as a repeat violation.

Mr. Kessenich said if the Board is finding that she factually has one lease then she would not be in violation. But, if the Code Officer goes back and in fact the tenants have individual leases for individual rooms, even if it is a verbal agreement, and they don't have access to each other’s rooms then it would be a boardinghouse and she would be in violation and could be cited again and would be.
Mr. Howle said with that being said, he would like to change his vote.

The Deputy City Clerk said there is a motion on the floor by Mr. McGann.

The motion failed for lack of a second.

Mr. Fletcher made a motion that the Board finds Ms. Snyder in violation and it passed 3-1 with Mr. McGann voting no.

Mr. Coment explained to the Board that they would need to set a date for compliance and if they are going to impose the initial $500 dollar penalty.

Mr. Fletcher made a motion that the Board gives Ms. Snyder 30 days to come into compliance and to remove the penalty of $500.00.

Mr. Coment explained that the Board could withhold the decision of a penalty until after the 30 days and decide once they receive the compliance report.

Mr. Fletcher amended his motion that the Board waives the $500 dollar civil penalty for 30 days and if Ms. Snyder is not in violation then the fine will not be imposed. Mr. Howle seconded the motion and it passed unanimously.

The Board took a break at 3:41 p.m. and reconvened at 3:48 p.m.

f. CASE #15-CE-5622 / 0600T
   VIOLATOR: John M. Norkus
   REPRESENTATIVE: Barry G. Segal, Esquire
   VIOLATION: Operating a guesthouse and transient quarters in a residential zone
   VIOLATION ADDRESS: 1220 Olde Doubloon Drive, Vero Beach, Florida 32963

Mr. Coment pulled this case from today’s agenda. He explained that this case is still in the administrative appeal process.

B) Notice of Assessment Appeals

a. CASE # 15-CE-5708 / 550M
   VIOLATOR: Frances Jenkins/Tropical Auto Brokers and William E. Eyre
   VIOLATION: Vehicles on the property outside approved display area; no current business tax receipt
   VIOLATION ADDRESS: 2410 US1, Vero Beach, Florida 32960
   PAID $50.00 INITIAL PENALTY 7/17/15
Mr. Coment noted that the initial civil penalty was paid, which is an admission of the violation.

Ms. Frances Jenkins of Jenkins Auto Brokers said that she has been sworn in.

Ms. Sanderson showed on the doc cam a site plan of the location (on file in the City Clerk’s office).

Ms. Jenkins said that she has been in business since 1986 and apparently since January, 2015 they have been in violation of the zoning code with vehicles in improper areas. She said the only defense that she has is that she has been taking care of her parents who have dementia and her mother broke her hip three times since January. Her sons, her son-in-law, and her grandson have been trying to keep her business going while she has been taking care of her parents. She thought that she corrected the violations as soon as she received the notices. She said the vehicles were where they were not supposed to be and was sorry that she didn’t catch it in the beginning. She said that she has not given the City any problems since being in business since 1986.

Mr. Fletcher said by paying the citation, that is an admission of the violation. He asked what is she asking the Board to do.

Mr. Howle felt that was a question for the Code Officer. He asked has the violation been corrected.

Ms. Sanderson reported that there were a couple violations that she was cited for, which have been corrected. She referred to the site plan on the screen explaining that the area in green is the sales display area. There are vehicles under the overhang, there are trucks and trailers north of the building and down the back where it shows customer parking there are 15 or more cars. Ms. Jenkins was given a site plan on August 3rd through the Planning and Development Department and was asked to keep the cars that are for sale in the designated sales area (area in green).

Mr. Coment thought the Notice of Assessment was issued because the violation was not corrected by the correction date. Ms. Sanderson said that is correct.

Mr. Coment said the question is when was the violation corrected and if the Board wants to assess any additional penalties for that time period.

Ms. Sanderson said they need the additional vehicles that are located outside the display area removed.

Mr. Howle asked have the vehicles been removed.

Ms. Jenkins said the trailer has not removed. She noted that it is located between the buildings.

Mr. Howle did not think the trailer was in question.
Ms. Sanderson showed Ms. Jenkins the vehicles that needed to be removed.

Ms. Jenkins noted that those vehicles are not for sale. She explained that is where the vehicles are washed.

Ms. Sanderson showed on the doc cam the vehicles in question (on file in the City Clerk’s office).

Ms. Jenkins explained that the photo on the right is where the vehicles are washed and are not necessarily for sale. She referred to the vehicles that are located between the buildings stating that she has had vehicles there since 1986 and was unaware that was not allowed. Where the arrow is pointing in the photo on the top left shows four vehicles and they used to only have two vehicles. She did not know that was not in compliance.

Mr. Howle said there is a violation and there is an admission of guilt because the penalty was paid.

Ms. Jenkins said if she is still in violation that she would have the vehicles moved.

Mr. Howle asked can the Board give Ms. Jenkins the opportunity to correct the violation.

**Mr. Fletcher made a motion that the Board gives Ms. Jenkins 30 days to correct the violation and if the violation still exists that Board impose the fine. Mr. Howle seconded the motion.**

Mr. Coment explained that the Board does not need to find the violation because there was a violation. They can give her 30 days to correct the violation and that it is brought back before the Board for a compliance report.

Ms. Shell asked are they asking that she remove the cars from under the canopy. She asked isn’t that part of the sales floor.

Ms. Jenkins answered yes.

Ms. Shell asked is the Board telling Ms. Jenkins that she cannot have cars there.

Mr. Coment said it is whatever the site plan shows.

Ms. Jenkins said the site plan doesn’t show the vehicles. She said the canopy is about four (4) feet past the cars. They have room to walk in the front and in the back of the vehicles. If they are only to have two (2) vehicles there rather than four (4), she was okay with that. She said that she would do anything needed in order to come into compliance.

Mr. Howle said that he would like Ms. Jenkins to find out where the cars are allowed and where they are not allowed and then make the changes accordingly.

Ms. Jenkins said that is not a problem.
The motion passed unanimously.

C) Non-Compliance Reports

1. Request for Board Order

   a. CASE #15-CE-5706 / 0599T
      VIOLATOR: Joshua and Gloria Jenkins / Dagwoods
      VIOLATION: Construction without a permit or site plan approval
      VIOLATION ADDRESS: 835 17th Street, Vero Beach, Florida 32960
      REPEAT VIOLATION - $100.00

Mr. Ramsey reported as of today a permit has not been pulled and the civil penalty has not been paid.

Mr. Josh Jenkins said that he has been sworn in. He reported that he is trying to get a permit issued. He reported that he hired a new architect explaining that his original architect did not follow through.

Ms. Hunter reported that the permit was applied for on June 11th, comments were made on July 1st and July 22nd.

Mr. Howle asked is the penalty $100 dollars.

Mr. Ramsey reported that there is a civil penalty of $100 dollars and there is a cost of enforcement in the amount of $50.85.

Mr. Jenkins said that he would pay the penalties. He said the last thing that is holding up the permits is the seating. He explained that he can’t go over 50 seats and if they count his benches as six (6) he would go over that and if they count them as four (4) he would be under it. His architect and his engineer felt that the Building Department was misinterpreting what the width of the booth could be for the amount of occupants that could sit on it. That is the only thing holding up the permit.

Ms. Hunter said it does have to do with the occupancy load.

Mr. Howle made a motion that the Board finds there is a violation and that the civil penalty of $100.00 and the cost of enforcement in the amount of $50.85 stands. Mr. Fletcher seconded the motion and it passed unanimously.

Mr. Coment said the Board needs to order correction by a date certain, such as 30 days. They could impose the penalties and costs or they could wait. If in 30 days the Board finds it still has not been corrected as ordered they could impose substantially more penalties.
Mr. Howle made a motion that the Board gives 30 days to correct the violation and that the civil penalty of $100.00 and the cost of enforcement in the amount of $50.85 stands. Mr. Fletcher seconded the motion and it passed unanimously.

b. **CASE #15-CE-5770 / 569M**
   
   **VIOLATOR:** Justin Russ and Randall Flinchum  
   **VIOLATION:** Garage being used as a residence; boat, jet skis, and trailers parked in the front yard; mail truck does not have a current license plate  
   **VIOLATION ADDRESS:** 2325 18th Avenue, Vero Beach, Florida 32960  
   **PAID $50.00 INITIAL PENALTY 6/26/15**

Mr. Randall Flinchum said that he has been sworn in.

Ms. Sanderson reported that service was provided by return receipt dated June 25, 2015 and no request for a hearing was received. Therefore, a hearing to contest the citation was waived and the violation deemed admitted by the violator. She reported that the violation of a boat, jet skis, and trailers parked in the front yard has been corrected, the violation of unlicensed or inoperable vehicles has been corrected, and the accessory structure is still being utilized as an apartment. She was not requesting enforcement costs.

Mr. Randall Flinchum reported that he purchased the home 20 years ago and it was apartment then and looked like it had been an apartment since the 1950’s. He said most of the lots in the area are about the same size. He said the City qualified it as two units explaining that there are two electric bills, two garbage bills, and two meters. He said this citation was a big surprise to him.

Mr. Howle asked has anything changed in the Code that prompted this.

Ms. Sanderson said a complaint was made and they investigated it, which showed that the garage apartment was there and was verified by utilities. She reported that the Planning and Development Director who determined that based on the lot size it does not permit two units.

Mr. Flinchum said that he has lived there for 14 years and about 50% of the buildings in Original Town are not in compliance. He questioned Ms. Sanderson about that and she stated that they would have to make changes as well.

Mr. Howle asked is the property platted as one address.

Mr. Russell said it is one piece of property and the Post Office lists it as a) and b).

Mr. Howle said this sounds like the City made a mistake in the beginning.

Mr. Coment asked what do you have down as zoning. He said the Property Appraiser is showing it as single-family.
Ms. Sanderson said it is zoned single-family.

Mr. Coment asked then how could they have two living units.

Ms. Sanderson said the zoning is RM-10/12. She said that the Planning and Development Director looked at the lot size and the calculation and stated that it does not support two dwelling units.

Mr. Flinchum said the lot across the street from him is the same size lot and it has a duplex on it. He said on his way here he wrote down four (4) addresses in the neighborhood that were exactly the same as his.

Mr. Howle said the problem is how he could have known this was a problem.

Mr. Flinchum said a lot of places in the neighborhood are not in compliance and that is the way it was back in the 1950’s. He did not think it was right to make them change their lifestyle.

Mr. Fletcher said some of them are grandfathered in because of the date they were built.

Mr. Howle said that Mr. Flinchum’s property could be grandfathered in because of the date it was built. He asked Ms. Sanderson could that be a possibility.

Mr. Coment said it could be a legal non-conforming use if it was permissible at the time it was built.

Mr. Howle was not convinced that it wasn’t non-conforming.

Mr. Coment said they would need to do some more research on this property.

Mr. Fletcher suggested that they continue this case until their next meeting.

Ms. Hunter said the house was built in 1940. She said the Building Department has records that goes back to 1936 so they could have what was permitted.

Mr. Howle made a motion that the Board continues this case for 30 days. Mr. Fletcher seconded the motion and it passed unanimously.

c. CASE #15-CE-5637 / 0592T
VIOLATOR: Lawrence W. Thompson
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12 inches; unsheltered storage of stripped, junked, inoperable, unlicensed motor vehicle
VIOLATION ADDRESS: 1531 32nd Avenue, Vero Beach, Florida 32960
Mr. Ramsey reported that the property remains in violation and there is a cost of enforcement in the amount of $111.77.

Mr. Coment said the Board would issue an order to correct the violation.

**Mr. Howle made a motion that the Board finds that the violation has been corrected and that the cost of enforcement in the amount of $61.77 and the civil penalty of $50.00 stands. Mr. Fletcher seconded the motion and it passed unanimously.**

d. **CASE #15-CE-5602 / 526M**  
VIOLATOR: J. T. and Jordan Wakeland  
VIOLATION: Deck, windows, and addition added without code compliance or building permit  
VIOLATION ADDRESS: 735 Royal Palm Boulevard, Vero Beach, Florida 32960  
PAID $50.00 INITIAL PENALTY 4/30/15

Ms. Sanderson reported that Mrs. Jordan Wakeland contacted her this morning stating that they just returned to town and would hire an engineer to draw up plans. Ms. Sanderson told her that as soon as she receives code compliance and obtains a permit that she would be happy to bring this back before the Board to request a reduction in costs. Ms. Sanderson reported that the initial civil penalty has been paid.

**Mr. Howle made a motion that the Board finds there is a violation and that they issue an order to correct the violation, that the civil penalties stands and to impose continuing penalties.**

Mr. Coment asked was there a cost of enforcement.

Ms. Sanderson answered no.

**Mr. Fletcher seconded the motion and it passed unanimously.**

e. **CASE #15-CE-5670 / 535M**  
VIOLATOR: Citimortgage / Cecil R. Bays  
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12 inches throughout the property; household garbage and debris throughout the property  
VIOLATION ADDRESS: 2245 27th Avenue, Vero Beach, Florida 32960

Ms. Sanderson reported that the property came into compliance as of July 13, 2015. She requested that the Board stop the continuing penalties as of July 13, 2015.

Ms. Lauren Wages, Attorney representing Citimortgage, said that she spoke with Ms. Sanderson and advised her that the property was brought into compliance. She reported that the citation was mailed to both Citimortgage and Mr. Cecil Bays. She said they are in the
process of foreclosing the property. She said that her client would like to determine if they are responsible for these penalties or if Mr. Bays is responsible. She noted that the bank does not have the certificate of title, but they are preserving the property. If the Board finds that her client is responsible for the penalties they would like to request a reduction.

Mr. Coment said technically Citimortgage is not the owner so they are not going to be liable for the penalties. He said Mr. Bays would be responsible until the property is sold.

Ms. Sanderson reported that the City has had a long history of cleaning up this property.

Ms. Wages thought that if the City imposes a lien on the property if the penalties are not paid that Citimortgage would ultimately have the pay them. She requested a reduction in fees.

Mr. Howle felt they would need to make that assessment at the time the title changes.

Mr. Coment explained that once the Order is recorded they would have to go before the City Council to request a reduction. He said the Board could at this time reduce it to a set amount.

Mr. Fletcher did not think Mr. Bays deserved any consideration. The City has been putting time and money into this property for a long time.

Ms. Wages understood, but stated that she did not think Mr. Bays would pay and it would ultimately be something the bank is going to have to pay.

Mr. Howle made a motion that the Board finds the violation has been corrected and to cease the continuing penalties as of July 12, 2015. Mr. Fletcher seconded the motion and it passed unanimously.

f. CASE #15-CE-5731 / 643M
VIOLATOR: Paul Price and Judith J. Warr
VIOLATION: Sheds and fence installed without Code compliance certification or building permits
VIOLATION ADDRESS: 2136 33rd Avenue, Vero Beach, Florida 32960
PAID $50.00 INITIAL PENALTY 7/27/15

This item was pulled from today’s agenda.

g. CASE #15-CE-5860 / 714M
VIOLATOR: Learning Garden
VIOLATION: Prohibited signs
VIOLATION ADDRESS: 2715 Atlantic Boulevard, Vero Beach, Florida 32960

Ms. Sanderson reported that service was provided by return receipt on July 20, 2015. The violation has been corrected and there is no cost of enforcement. She requested a Board order to pay the initial civil penalty of $50.00.
Mr. Howle made a motion that the Board finds the violation has been corrected as of July 20, 2015 and that the initial penalty of $50.00 stands. Mr. Fletcher seconded the motion and it passed unanimously.

h. CASE #15-CE-5796 / 0668T
VIOLATOR: Titone Properties, LLC
VIOLATION: Trash and debris throughout the property; broken windows
VIOLATION ADDRESS: 1910 9th Avenue, Vero Beach, Florida 32960

This item was pulled from today’s agenda.

i. CASE #15-CE-5775 / 0667T
VIOLATOR: Bank of America
VIOLATION: Grass, weeds, and undergrowth in excess of 12 inches; garbage, rubbish and trash strewn throughout the property
VIOLATION ADDRESS: 905 Coquina Lane, Vero Beach, Florida 32963

Mr. Ramsey reported that the Board issued an order to pay the initial civil penalty of $50.00 and the cost of enforcement in the amount of $60.37. He reported that service of the citation was provided by certified mail and the property is not in compliance. He requested continuing penalties.

Mr. Coment asked if Bank of America the owner and actually has the title.

Mr. Ramsey answered yes.

Mr. Howle made a motion that the Board finds the property not in compliance and that they issue an order to correct, that the citation of $50.00 stands, the cost of enforcement in the amount of $60.37 stands, as well as $50.00 continuing penalties. Ms. Shell seconded the motion and it passed unanimously.

j. CASE #15-CE-5451 / 488M
VIOLATOR: The Saussie Pig – c/o Airport Chevron / Tashiema Brown
VIOLATION: Business tax receipt required
VIOLATION ADDRESS: 3365 Aviation Boulevard, Vero Beach, Florida 32960

Ms. Sanderson reported that service was provided by certified receipt and the violation has not been corrected. There was no request for a hearing on the citation. She said there is a difference of opinion on the Code.
Mr. Coment noted that the violator did not request a hearing and therefore the violation was admitted.

Mr. Sanderson said that she understood that the violator thinks that he is under the occupational license of Airport Chevron, but he is not. He is under a different name and a different entity. The Code states, “any person operating more than one type of business at the same location shall obtain a separate business tax.” She said Airport Chevron has obtained a business tax, but that is for Airport Chevron. In order for the Saussie Pig to have signage and run a business through Airport Chevron they need to have a business tax.

Mr. Tashiema Brown said that he was sworn in. He said that in this location he does not need to have a business tax because it is ran through Airport Chevron. The Saussie Pig, as an entity, is a business that he created.

Mr. Fletcher said it doesn’t work that way. It is a separate entity.

Mr. Brown said that he will take the Saussie Pig name off. Airport Chevron is legally allowed to operate a kitchen. If the problem is that they are calling the kitchen the Saussie Pig then he would take that name off. He said that he would take that name off all the paperwork. He reported that the owner of Airport Chevron just purchased the business and asked to use the name the Saussie Pig. Mr. Brown said that he owns a restaurant in Fellsmere and previously owned a restaurant at the Chevron on 17th Street. The man who owned the Chevron on 17th sold it, purchased Airport Chevron and asked to use the name the Saussie Pig because he was with him for four (4) years when he owned the Chevron on 17th Street. If the name is an issue for the owner’s kitchen then they will change the name. He said that he was cited a citation of $50.00 for a sign.

Mr. Coment asked do you operate the kitchen at this location.

Mr. Brown answered no. He said that he advises the owner, who has his own employees. Mr. Brown said that he agreed to allow the owner to use the name because it would help both of them.

Mr. Coment said the property owner operates the kitchen and is just using the name.

Mr. Brown said that he does advise him.

Mr. Coment asked does the owner pay him for advising him.

Mr. Brown answered no. Mr. Brown asked is there a law that states he cannot use that name.

Mr. Howle said it would depend if it was two separate businesses.

Mr. Brown said it is not two separate businesses. He said if the name the Saussie Pig is creating all this fuss then he will change the name. He noted that he was still going to advise the owner on how to make that kitchen the best it could be.
Mr. Coment was not clear on what facts the citation was based on.

Ms. Sanderson said that it was a separate entity doing business there.

Mr. Coment asked how do they know it is a separate entity.

Ms. Sanderson said they don’t.

Mr. Brown said that he is not the owner of the kitchen. He said that initially he was told that they could not have the sign there and now the Officer is saying it is not a sign issue, but a kitchen issue.

Mr. Coment asked Mr. Brown if he was served the citation.

Ms. Sanderson said the citation was mailed certified to Airport Chevron at 3365 Aviation Boulevard.

Mr. Coment looked up on the internet the Florida Division of Hotels and Restaurants. He reported that the Saussie Pig was located at 12798 County Road 512 and 1615 US1. Mr. Coment noted that the address on US1 is the business that Mr. Brown closed.

Mr. Howle asked is the location of Aviation Boulevard listed.

Mr. Coment answered no.

Mr. Howle said then there is not a violation.

Mr. Coment said there is not a restaurant listed by the name the Saussie Pig at that location. He asked what was the previous name of the restaurant at Airport Chevron.

Mr. Brown answered Airport Chevron Deli.

Mr. Coment said Chevron has a current active restaurant license at that location.

Mr. Howle said then there is no violation and they can keep the name.

Mr. Coment said as long as Mr. Brown is not operating the business.

**Ms. Shell made motion that the Board finds there is no violation. Mr. Howle seconded the motion and it passed 3-1 with Mr. Fletcher voting no.**

Mr. Brown said that he paid the citation in the amount of $50.00.

Mr. Howle asked Mr. Brown to leave his contact information with the City Clerk’s office and he would receive a refund.
k. **CASE #15-CE-5805 / 576M**

**VIOLATOR:** John Valdis Zudans and Tracey Lockwood

**VIOLATION:** Dock and boat lift installed without permits and Code compliance

**VIOLATION ADDRESS:** 3845 Indian River Drive East, Vero Beach, Florida 32963

**PAID $50.00 INITIAL PENALTY 7/10/15**

This item was pulled from today’s agenda.

l. **CASE #15-CE-5505 / 0502T**

**VIOLATOR:** Hogar Community Reinvestments, LLC

**VIOLATION:** Weeds, grass, or undergrowth at a height of more than 12 inches; unsecure and stagnant swimming pool

**VIOLATION ADDRESS:** 1455 28th Avenue, Vero Beach, Florida 32960

The Deputy City Clerk swore in Mr. Steve Croce.

Mr. Coment reported that there was a previous order to correct the violation that has been recorded and if there is a finding the violation has been corrected the Board would need to set the total amount of penalties and costs and he thought the woman present was in attendance to request a reduction.

Mr. Ramsey reported that the initial civil penalty has been paid and the property was found in compliance on July 30, 2015. He said there was an order requesting continuing penalties until finding compliance, which had an estimated total penalties of $16,863.77.

Ms. Bernadine Jones said that she was sworn in. She reported that the violations were from the previous owner of the property. Once they purchased the property they had their Property Manager bring it into compliance within 60 days. She requested a reduction in the costs because they were not the violators. She reported that they spent a little more than $17,000.00 to rehab the property.

Mr. Steve Crose, Property Manager, reported that as soon as he received the property to manage the first thing he did was have someone take care of the lawn and the swimming pool.

Mr. Howle asked how long did it take to bring the property into compliance.

Mr. Croce said that he started working on the property immediately.

Mr. Coment thought that the bank foreclosed on the property.

Ms. Jones reported that they purchased it from the actual property owner with a special warranty deed.
Mr. Coment said the property owner sold the property rather than having it foreclosed on.

Ms. Jones said that is correct. She said the property was rundown when they purchased the property. She said they spent $17,546 dollars just on the rehab, which did not include the costs for permitting. She said they also spent $7,000 dollars in Malvern Mediation. She said that they spent well over $30,000 dollars between permitting, rehab and mediation.

Mr. Howle asked what is the amount needed to reimburse the City.

Mr. Fletcher said that is what he is interested in. He felt the rest of the costs needed to go away.

Mr. Ramsey said about $140.00.

Mr. Coment said does that include the cost for recording and preparing a release of lien. He suggested a cost of $200 dollars.

**Mr. Howle made a motion that the Board finds the violation has been corrected, that the initial civil penalty of $100.00 has been paid, and that the costs be reduced to a total of $200.00. Mr. Fletcher seconded the motion and it passed unanimously.**

5. **UNLICENSED CONTRACTORS/CITATIONS**

None

6. **OLD BUSINESS**

None

7. **ADMINISTRATIVE MATTERS**

None

8. **CLERK’S MATTERS**

None

9. **ATTORNEY’S MATTERS**

None

10. **CHAIRMAN’S MATTERS**

None

11. **MEMBER’S MATTERS**
None

12. ADJOURNMENT

Today’s meeting adjourned at 5:03 p.m.

/sp
BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960
Telephone (772) 978-4550

CITY OF VERO BEACH

vs.

JEFFREY SCOTT COLE

CASE No.: 15-CE-5975

Citation No.: 1809

TO: Jeffrey Scott Cole

723 3rd Court, S.W.

Vero Beach, Florida 32962

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: September 9th 2015 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

[ ] Appeals of code enforcement citation.
[ ] Failure to Correct Violation(s).
[ ] Failure to Pay Civil Penalty and/or Costs.
[ ] Other (describe): ____________________________

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that

Page 1 of 2

2015 new noh form.doc
appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: August 28, 2015

By:

Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this _______ 28th ______ day of _______ August _______ 20____ 15____.

Board Clerk

Cc:

Page 2 of 2

2015 new noh form.doc
CITATION No. 1809

THE UNDERSIGNED CERTIFIES THAT upon personal investigation he/she has reasonable cause to believe, and does believe that on:

DAY OF WEEK       AUGUST   12       2015   9:42
WEDNESDAY

MONTH  DAY  YEAR  TIME

CONTRACTING VIOLATOR INFORMATION

NAME (Print)        FIRST  M.I.  LAST
JEFFREY SCOTT COLE

STREET
703 3RD CT SW

CITY  VERO BEACH FL  32963

STATE  ZIP CODE

TELEPHONE NO.

D.L. STATE

OCCUPATION  MAINTENANCE

EMPLOYER

DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE:
CONSTRUCTION AND PAINTING WITHOUT LICENSE OR PERMIT

CONTRACTING VIOLATION INFORMATION

VIOLATION DESCRIPTION:  APP 8000 SF. T-111 SIDING INSTALLED ON CARPORT
CEILING & PAINTING AT BAYOU EAST CONDOMINIUM

LOCATION OF VIOLATION:  600 BICOCA DR

(CHECK VIOLATION(S) THAT APPLY):

X  Unlicensed contracting ............................... $500 fine
   [City Code Section 22-86(a)]

X  Acts/Omissions .................................. $500 fine
   [City Code Section 22-89]

X  Other contracting violations specified in Chapter 489, Florida Stature
   [Code Section _____ ]  ........................................ $500 fine

TOTAL FINE/CIVIL PENALTY ASSESSED:  $ 1000.00

ISSUING CODE OFFICER/INSPECTOR INFORMATION

THIS CITATION IS ISSUED BY:

OFFICER NAME (Print):  DAVID CHEESE

AGENCY/DEPARTMENT:  BUILDING DEPARTMENT

OFFICER SIGNATURE

WARNING NOTICE

This citation is issued pursuant to City of Vero Beach Ordinance No. 92-18 and Resolution 92-23. PAYMENT OF THE ABOVE CIVIL PENALTY MUST BE RECEIVED BY INDIAN RIVER COUNTY/vero beach BUILDING DIVISION WITHIN IN TEN (10) DAYS (excluding weekends and holidays) of the issuance of this Citation. Failure to either pay the above civil penalty or to request in writing (within the above specified ten (10) days time frame) to appear before the City Code Enforcement Board to appeal the issuance of this Citation shall constitute a waiver of the right to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation and penalties may be imposed accordingly, in the form of a lien on real or personal property.

Additional citations may be issued for each day the applicable violation is found to exist.

WILLFUL REFUSAL TO SIGN AND ACCEPT THIS CITATION IS A MISDEMEANOR OF THE SECOND DEGREE PUNISHABLE UNDER F.S. 775.082 OR 775.083

SIGNATURE OF INDIVIDUAL

DATE

I WISH TO SEEK AN ADMINISTRATIVE REVIEW OF THE CHARGE

SIGNATURE OF INDIVIDUAL

DATE

HEARING DATE: IF YOU SEEK AN ADMINISTRATIVE REVIEW, YOU ARE HEREBY NOTIFIED TO APPEAR for a hearing at the regular meeting of the City of Vero Beach Code Enforcement Board to occur on Wednesday, Sept. 9, 2015 at 9:00 A.M. in the Council Chambers of the City Hall, 1053 20th Place, Vero Beach, Florida.

PAYMENT OF FINE: Payment of the Civil Penalty may be made in person at the Building Division of the County Community Development Office, 1801 37TH STREET, Vero Beach, FL 32960 (772-782-1800) Monday through Friday between 9:00 A.M. and 5:00 P.M., or by mailing a cashier’s check or money order to said address, payable to Indian River County. DO NOT SEND CASH.
2010 Florida Building Code Section 115

STOP WORK ORDER
BY ORDER OF THE BUILDING OFFICIAL

Date: August 12, 2015
Location: 600 Riomar Dr. Vero Beach FL
Permit Number: No permit

A STOP WORK ORDER is hereby issued at the above referenced location on this date for the following conditions:

1. Ceiling construction and painting on carport building

Work may resume at this location upon the following conditions being met:

1. Work may resume when a permit is issued and work performed by a qualified licensed contractor.

115.1 Authority.
Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

115.2 Issuance.
The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner’s agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

115.3 Unlawful continuance.
Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

NOTICE OF RIGHT TO APPEAL: Any person or entity having any legal interest in the subject property may appeal this Notice and Order to the Indian River County Construction Board of Adjustments and Appeals or the City of Vero Beach Board of Building Appeals. Such appeal shall be in writing and filed with the Building Official within thirty (30) days from the date of service of this notice and must contain the following information: (1) Identification of the building or structure concerned by street address or legal description; (2) A statement identifying the legal interest of each appellant; (3) A statement identifying the specific order or section being appealed; (4) A statement detailing the issues on which the appellant desires to be heard; and (5) The legal signature of all appellants and their official mailing address.

FAILURE TO APPEAL IN THE TIME SPECIFIED WILL CONSTITUTE A WAIVER OF ALL RIGHTS TO AN ADMINISTRATIVE HEARING.

Further information regarding this Stop Work Order may be obtained by contacting the undersigned Building Official at 772-226-1260 or at the Building Department Office in the Indian River County Administration Building, 1801 27th Street, Vero Beach, Florida 32960.

By Investigator:
David Checchi

Scott McAdam, CBO, MCP
Building Official
BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960
Telephone (772) 978-4550

CITY OF VERO BEACH

CASE No.: 15-CE-5976

NELSON EMILIO NIEVES

Citation No.: 1810

TO: Nelson Emilio Nieves

420 7th Lane S.W.

Vero Beach, Florida 32962

NOTICE OF HEARING

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: September 9th 2015 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20TH PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

☑ Appeal of code enforcement citation.

☐ Failure to Correct Violation(s).

☐ Failure to Pay Civil Penalty and/or Costs.

☐ Other (describe):

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board’s authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that
appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk’s Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: August 28, 2015

By: ____________________________
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 28th day of August 2015.

Board Clerk

Cc:
THE UNDERSIGNED CERTIFIES THAT upon personal investigation he/she has reasonable cause to believe, and does believe that on:

WEDNESDAY AUGUST 17 2016 9:42

CONTRACTING VIOLATOR INFORMATION

NAME (Print) FIRST M.I. LAST

NELSON Emilio NIEVES

STREET

490 7th ln SW

CITY VERO BEACH, FL 32960

STATE

ZIP CODE

TELEPHONE NO.

D.L. NUMBER

OCCUPATION

EMPLOYER

DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE:

PAINTING WITHOUT A CONTRACTOR LICENSE

CONTRACTING VIOLATION INFORMATION

VIOLATION DESCRIPTION:

Unlicensed Painter painting Carpet Structure at Bayou East Condominium

LOCATION OF VIOLATION:

600 Riomar or

(CHECK VIOLATION(S) THAT APPLY:

X Unlicensed contracting.............................................. $500 fine

[City Code Section 22-86(a)]

Contracting advertisement violation................................ $500 fine

[City Code Section 22-86(c)]

Licensed contractor or owner hiring unlicensed contractor(s)................................ $500 fine

[City Code Section 22-86(f)]

Uninsured contractor violation........................................ $500 fine

[City Code Section 22-87]

Acts/Omissions........................................................ $500 fine

[City Code Section 22-89]

Failure to apply for building permit................................ $500 fine

[City Code Section 22-106]

Other contracting violations specified in Chapter 489, Florida Statute $300 fine

[Code Section ]

TOTAL FINE/CIVIL PENALTY ASSESSED: $ 500

ISSUING CODE OFFICER/INSPECTOR INFORMATION

THIS CITATION IS ISSUED BY:

OFFICER NAME (Print): DAVID CHECCHI

AGENCY/DEPARTMENT: BUILDING DEPARTMENT

OFFICER SIGNATURE

ISSUE DATE & TIME

WARNING NOTICE

This citation is issued pursuant to City of Vero Beach Ordinance No. 92-18 and Resolution 92-23. PAYMENT OF THE ABOVE CIVIL PENALTY MUST BE RECEIVED BY INDIAN RIVER COUNTY/VERO BEACH BUILDING DIVISION WITHIN TEN (10) DAYS (excluding weekends and holidays) of the issuance of this Citation. Failure to either pay the above civil penalty or to request in writing (within the above specified ten (10) days time frame) to appear before the City Code Enforcement Board to appeal the issuance of this Citation shall constitute a waiver of the right to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation and penalties may be imposed accordingly, in the form of a lien on real or personal property.

Additional citations may be issued for each day the applicable violation is found to exist.

WILLFUL REFUSAL TO SIGN AND ACCEPT THIS CITATION IS A MISDEMEANOR OF THE SECOND DEGREE PUNISHABLE UNDER F.S. 775.082 OR 775.083

SIGNATURE OF INDIVIDUAL

I WISH TO SEEK AN ADMINISTRATIVE REVIEW OF THE CHARGE

DATE

SIGNATURE OF INDIVIDUAL

HEARING DATE: IF YOU SEEK AN ADMINISTRATIVE REVIEW, YOU ARE HEREBY NOTIFIED TO APPEAR for a hearing at the regular meeting of the City of Vero Beach Code Enforcement Board to occur on Monday, 09:00 a.m. at 5:00 p.m. in the Council Chambers of the City Hall, 1051 20th Place, Vero Beach, Florida. WEDNESDAY SEPTEMBER 9, 2015

PAYMENT OF FINE: Payment of the Civil Penalty may be made in person at the Building Division of the County Community Development Office, 11070 50th st, Vero Beach, FL 32960 (772-226-1300) Monday through Friday between 9:00 A.M. and 5:00 P.M., or by mailing a cashier's check or money order to said address, payable to Indian River County. DO NOT SEND CASH.

1801 27th st
INDIAN RIVER COUNTY/CITY OF VERO BEACH
BUILDING DIVISION
1801 27th Street, Vero Beach, FL 32960 772 226-1260

2010 Florida Building Code Section 115
STOP WORK ORDER
BY ORDER OF THE BUILDING OFFICIAL

Date: August 12, 2015
Location: 600 Riomar Dr, Vero Beach FL
Permit Number: No permit

A STOP WORK ORDER is hereby issued at the above referenced location on this date for the following conditions:

1. Ceiling construction and painting on carport building

Work may resume at this location upon the following conditions being met:

1. Work may resume when a permit is issued and work performed by a qualified licensed contractor.

115.1 Authority.
Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

115.2 Issuance.
The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

115.3 Unlawful continuance.
Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

NOTICE OF RIGHT TO APPEAL: Any person or entity having any legal interest in the subject property may appeal this Notice and Order to the Indian River County Construction Board of Adjustments and Appeals or the City of Vero Beach Board of Building Appeals. Such appeal shall be in writing and filed with the Building Official within thirty (30) days from the date of service of this notice and must contain the following information: (1) Identification of the building or structure concerned by street address or legal description; (2) A statement identifying the legal interest of each appellant; (3) A statement identifying the specific order or section being appealed; (4) A statement detailing the issues on which the appellant desires to be heard; and (5) The legal signature of all appellants and their official mailing address.

FAILURE TO APPEAL IN THE TIME SPECIFIED WILL CONSTITUTE A WAIVER OF ALL RIGHTS TO AN ADMINISTRATIVE HEARING.

Further information regarding this Stop Work Order may be obtained by contacting the undersigned Building Official at 772-226-1260 or at the Building Department Office in the Indian River County Administration Building, 1801 27th Street, Vero Beach, Florida 32960.

By Investigator:
David Checchi

Scott McAdam, CBO, MCP
Building Official
BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20th PLACE
VERO BEACH, FLORIDA 32960
Telephone (772) 978-4550

CITY OF VERO BEACH

vs.

CASE No.: 15-CE-5977

JOHN M. WETZEL

Citation No.: 1811

Violator

TO: John M. Wetzel

213 13th Lane S.W.

Vero Beach, Florida 32962

NOTICE OF HEARING

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: September 9th 2015 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

X Appeal of code enforcement citation.

☐ Failure to Correct Violation(s).

☐ Failure to Pay Civil Penalty and/or Costs.

☐ Other (describe):

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board’s authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that
appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: August 28, 2015

By: __________________________
   Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 28th day of August 2015.

By: __________________________
   Board Clerk

Cc: ___________________________
INDIAN RIVER COUNTY

I, JOHN M. WETZEL, am requesting to appear before the County Code Enforcement Board to appeal the issuance of this Citation #1203

THANK YOU

[Signature]

RICK GOTT
Notary Public

DATE: August
FL ID

Read: 8/22/15 PAM
INDIAN RIVER COUNTY CONTRACTING CODE ENFORCEMENT CITATION

THE UNDERSIGNED CERTIFIES THAT upon personal investigation he/she has reasonable cause to believe, and does believe that on:


NAME (PRINT): JOHN M. WALTERS

STREET: 1213 13TH LN SW

CITY: VERO BEACH FL 32962

STATE: N/A

ZIP CODE: 32962

TELEPHONE NO.: D.L. NUMBER:

OCCUPATION: EMPLOYER

DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE:

PAINTING WITHOUT A CONTRACTOR LICENSE

VIOLATION DESCRIPTION: UNLICENSED PAINTER PAINTING CONDOMINIUM

LOCATION OF VIOLATION: 600 Riomar Dr

(CHECK VIOLATION(S) THAT APPLY):

[ ] Unlicensed contracting ........................................ $500 fine
[ ] Contracting advertisement violation ........................................ $500 fine
[ ] Licensed contractor or owner builder hiring unlicensed contractor(s) ........................................ $500 fine
[ ] Uninsured contractor violation ........................................ $500 fine
[ ] Deliberate disregard of county contracting ordinance ........................................ $500 fine
[ ] Other contracting violations specified in Chapter 489, Florida Statutes ........................................ $500 fine

TOTAL FINE/CIVIL PENALTY ASSESSED: $ 500

ISSUING CODE OFFICER/INSPECTOR INFORMATION:

THIS CITATION IS ISSUED BY: DAVID CHEECE

AGENCY/DEPARTMENT: BUILDING DEPARTMENT

OFFICER SIGNATURE:

WARNING NOTICE

This citation is issued pursuant to Indian River County Ordinance No. 92-09 and Resolution 92-59. PAYMENT OF THE ABOVE CIVIL PENALTY MUST BE RECEIVED BY THE CLERK OF THE CODE ENFORCEMENT BOARD WITHIN TEN (10) DAYS (excluding weekends and holidays) of the issuance of this Citation. Failure to either pay the above civil penalty or to request in writing (within the above specified ten(10) days time frame) to appear before the County Code Enforcement Board to appeal the issuance of this Citation shall constitute a waiver of the right to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation and penalties may be imposed accordingly, in the form of a lien on real or personal property.

Additional citations may be issued for each day the applicable violation is found to exist.

WILLFULLY REFUSE TO SIGN AND ACCEPT THIS CITATION IS A MISDEMEANOR.

DATE: 9-12-15

SIGNATURE OF INDIVIDUAL

WISH TO SEEK AN ADMINISTRATIVE REVIEW OF THE CHARGE.

DATE:

SIGNATURE OF INDIVIDUAL

HEARING DATE: IF YOU SEEK AN ADMINISTRATIVE REVIEW, YOU ARE HEREBY NOTIFIED TO APPEAR for a hearing at the regular meeting of the Indian River County Code Enforcement Board to occur on Monday, 2:30 p.m. at 1840 25th Street, Vero Beach, Florida.

PAYMENT OF FINE: Payment of the Civil Penalty may be made in person at the Building Division of the County Community Development Office, 1213 13th Street, Vero Beach, Florida.

1-800-922-1829
John M Wetzer  
213 13th Ln SW  
Vero Beach FL 32962

Re: 600 Riomar citation

Dear Mr. Wetzer,

On August 12, 2015 you were issued an Indian River County citation #1203. The property in question, 600 Riomar Dr, was actually within City of Vero Beach limits and should have been written on a City citation.

Attached is a new citation for the City of Vero Beach limits. Indian River County citation 1203 is now null and void, and the correct citation #1811 is hereby issued.

You do not need to sign this citation. Your signature on the certified mail will suffice as service provided. If you decide to pay the fine in lieu of an appeal. Please pay at the Indian River County Administration Complex Building “A” in Community Development 1801 27th St. Vero Beach FL.

If you have any questions, please don’t hesitate to contact me at the information provided below.

Thank you,

David Checchi  
Contractor Licensing Investigator

Indian River County Building Department  
1801 27th St  
Vero Beach, FL 32960  
772-226-1829  
D Checchi@IRCGOV.COM  
Cert USPS 7014 1200 0000 5839 0709
CITY OF VERO BEACH CONTRACTING CODE ENFORCEMENT CITATION

CITATION No. 1811

THE UNDERSIGNED CERTIFIES THAT upon personal investigation he/she has reasonable cause to believe, and does believe that on:

DAY OF WEEK       MONTH       DAY       YEAR       TIME
WEDNESDAY        AUGUST      12       2015       9:47

(   ) a.m.            (   ) p.m.

CONTRACTING VIOLATOR INFORMATION

NAME (Print)       FIRST                   M.I.                   LAST
JOHN               M                    WETZEL

STREET       CITY            STATE            ZIP CODE
213 13TH ST SW    VERO BEACH, FL. 32962

TELEPHONE NO.       D.L. STATE                  D.L. NUMBER

OCCUPATION       EMPLOYER

DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE:

PAINTING WITHOUT A CONTRACTOR LICENSE

CONTRACTING VIOLATION INFORMATION

VIOLATION DESCRIPTION: UNLICENSED PAINTER. PAINTING CARPET

STRUCTURE AT BAYAN EAST CONDOMINIUM

LOCATION OF VIOLATION: 600 Riomar Dr

(CHECK VIOLATION(S) THAT APPLY:

[City Code Section 22-86(a)] $500 fine
[City Code Section 22-86(e)] $500 fine
[City Code Section 22-86(f)] $500 fine
[City Code Section 22-86(g)] $500 fine
[City Code Section 22-87] $500 fine
[City Code Section 22-89] $500 fine
[City Code Section 22-106] $500 fine
[Code Section _______] $500 fine

TOTAL FINE/CIVIL PENALTY ASSESSED: $ 5000

ISSUING CODE OFFICER/INSPECTOR INFORMATION

THIS CITATION IS ISSUED BY: DAVID CHECKST

AGENCY/DEPARTMENT: BUILDING DEPARTMENT

ISSUE DATE & TIME

WARNING NOTICE

This citation is issued pursuant to City of Vero Beach Ordinance No. 92-18 and Resolution 92-23. PAYMENT OF THE ABOVE CIVIL PENALTY MUST BE RECEIVED BY INDIAN RIVER COUNTY/VERO BEACH BUILDING DIVISION WITHIN TEN (10) DAYS (excluding weekends and holidays) of the issuance of this Citation. Failure to either pay the above civil penalty or to request in writing (within the above specified ten (10) days time frame) to appear before the City Code Enforcement Board to appeal the issuance of this Citation shall constitute a waiver of the right to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation and penalties may be imposed accordingly, in the form of a lien on real or personal property.

Additional citations may be issued for each day the applicable violation is found to exist.

WILLFUL REFUSAL TO SIGN AND ACCEPT THIS CITATION IS A MISDEMEANOR OF THE SECOND DEGREE PUNISHABLE UNDER F.S. 775.082 OR 775.083

SIGNATURE OF INDIVIDUAL

I WISH TO SEEK AN ADMINISTRATIVE REVIEW OF THE CHARGE

DATE

SIGNATURE OF INDIVIDUAL

HEARING DATE: IF YOU SEEK AN ADMINISTRATIVE REVIEW, YOU ARE HEREBY NOTIFIED TO APPEAR for a hearing at the regular meeting of the City of Vero Beach Code Enforcement Board to occur on [Monday, 9:00 A.M. in the Council Chambers of the City Hall, 1053 20th Place, Vero Beach, Florida 32960] at 10:00 A.M. in the Council Chambers of the City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PAYMENT OF FINE: Payment of the Civil Penalty may be made in person at the Building Division of the County Community Development Office, 1500 25th Street, Vero Beach, FL 32960 (772-226-1800) Monday through Friday between 9:00 A.M. and 5:00 P.M., or by mailing a cashier's check or money order to said address, payable to Indian River County. DO NOT SEND CASH.

1801 27TH ST
BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960
Telephone (772) 978-4550

CITY OF VERO BEACH

vs.

CASE No.: 15-CE-5817

ANASTASIOS G. PROVATAS
Violator

Citation No.: 0681T

TO: Anastasios G. Provatas
34 Lincoln Avenue
Norwich, CT 06360

AND
1655 Highland Avenue
Vero Beach, Florida 32960

NOTICE OF HEARING

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: September 9th 2015 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

☐ Appeal of code enforcement citation.
☒ Failure to Correct Violation(s).
☒ Failure to Pay Civil Penalty and/or Costs.
☐ Other (describe):

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that

Page 1 of 2

2015 new noh form.doc
appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: August 28, 2015

By: ___________________________

Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 28th day of August 2015.

By: ___________________________

Board Clerk

Cc:
CITY OF VERO BEACH, FLORIDA
Code Enforcement
1053 20th Place, Vero Beach, FL 32960

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on June 29, 2015 at N/A

Name: Provatas, Anastasios G
of: 34 Lincoln Ave
Norwich, CT 06360

at (violation address): 1655 Highland Av in the City of Vero Beach, Florida committed the following civil offense: In addition to the public nuisances described in section 38-31, the unsheltered storage of the following items is hereby declared to be unlawful and thereby prohibited:

(1) Stripped, junked, inoperable, or unlicensed motor vehicles or boats, trailers of any description, or parts thereof;

Violation of code provision(s): 38-32(a)(1)

Facts constituting violation: Property owner is responsible to assure vehicle is licensed and operable or have removed. Please make all corrections and remit payment for citation on/or before 8/3/2015 to avoid further code enforcement action.

CIVIL PENALTY: $50.00 PAY BY DATE: 08/03/2015 REPEAT VIOLATION

CORRECTION REQUIRED BY: 08/03/2015. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Tom Ramsey
Department: VBPD/Code Enforcement
Date Issued: 07/20/2015 Telephone: 772-978-4551

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION. Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to $500 ($1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor or criminal offense punishable as provided by law.

__________________________________________
Signature of Individual

CLAIRK COPY - 15-000834

Date:________________________

Certified Mail Receipt: 70140150000185023469
BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960
Telephone (772) 978-4550

CITY OF VERO BEACH

vs.

R-MAX OF INDIAN RIVER COUNTY, INC.

CASE No.: 15-CE-5893

Citation No.: 719M

Violator

TO: R-MAX of Indian River County, Inc.

920 Truman Street
Sebastian, Florida 32958

AND

2050/2054 11th Avenue

Vero Beach, Florida 32960

NOTICE OF HEARING

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: September 9th 2015 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20TH PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

☐ Appeal of code enforcement citation.

☒ Failure to Correct Violation(s).

☐ Failure to Pay Civil Penalty and/or Costs.

☐ Other (describe):

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board’s authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.
IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: August 28, 2015 
By: _____________________________
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 28th day of August 2015.

_______________________________
Board Clerk

Cc:
CITY OF VERO BEACH, FLORIDA
Code Enforcement
1053 20th Place, Vero Beach, FL 32960

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on July 20, 2015 at 9:29 am

Name: R-max Of Indian River Inc,
of: 920 Truman St
Sebastian, FL 32958

at (violation address): 2050 2054 11th Avenue in the City of Vero Beach, Florida committed the following civil offense: Building permit required: A permit shall be obtained from the building official before doing any work or construction of any character, whether permanent or temporary, when a permit is required under the building code.

Violation of code provision(s): 22-106 (A)


CIVIL PENALTY: $100.00 PAY BY DATE: 08/05/2015 ✓ REPEAT VIOLATION

✓ CORRECTION REQUIRED BY: 08/05/2015. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson Date Issued: 07/21/2015
Department: VBPD/Code Enforcement Telephone: 7729784551

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION. Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to $500 ($1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

__________________________                  ______________________________
Signature of Individual                      Date:

CLERK COPY - 15-000946

Certified Mail Receipt: 70140150000165253002
BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960
Telephone (772) 978-4550

CITY OF VERO BEACH

vs.

CASE No.: 15-CE-5890

LESLIE AND MARTHA ABBONDANDELO

Citation No.: 0709T

TO: Leslie and Martha Abbondandelto

1809 25th Avenue

Vero Beach, Florida 32960

NOTICE OF HEARING

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: September 9th 2015 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20TH PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

☐ Appeal of code enforcement citation.

☒ Failure to Correct Violation(s).

☒ Failure to Pay Civil Penalty and/or Costs.

☐ Other (describe):______________________________________________________________

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

Page 1 of 2

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IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: August 28, 2015

By: __________________________
   Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 28th day of August 2015.

______________________________
Board Clerk

Cc:
In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on July 28, 2015 at N/A

Name: Leslie and Martha Abbondandelyo
1809 25th Ave
Vero Beach, FL 32960

at (violation address): 1809 25th Av in the City of Vero Beach, Florida committed the following civil offense: Grass, weeds, and undergrowth in excess of 12", Items within yard not properly stored or placed curbside for solid waste removal.

Violation of code provision(s): 38-31 (b)(1.5)

Facts constituting violation: Grass, weeds, and undergrowth in excess of 12", Items within yard not properly stored or placed curbside for solid waste removal. Please make requested corrections on/or before 8/26/2015 To avoid further code enforcement action.

CIVIL PENALTY: $50.00 PAY BY DATE: 08/26/2015

CORRECTION REQUIRED BY: 08/26/2015. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Tom Ramsey
Department: VBPD/Code Enforcement
Date Issued: 08/11/2015
Telephone: 772-978-4551

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: City Clerk’s Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION. Make checks payable to “City of Vero Beach.” Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to $500 ($1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

______________________________
Signature of Individual

______________________________
Date:

CLERK COPY - 15-000941

Certified Mail Receipt: 70140150000165020192
BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960
Telephone (772) 978-4550

CITY OF VERO BEACH

vs.

CHRIS R. BOLES

Violator

CASE No.: 15-CE-5835

Citation No.: 584M

NOTICE OF HEARING

TO: Chris R. Boles

2450 Cortez Avenue

Vero Beach, Florida 32960

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: September 9th 2015 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

☐ Appeal of code enforcement citation.

☒ Failure to Correct Violation(s).

☒ Failure to Pay Civil Penalty and/or Costs.

☐ Other (describe):

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.
IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: August 28, 2015

By: [Signature]

Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 28th day of August 2015.

[Signature]

Board Clerk

Cc:

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VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION
1055 20th Street
Vero Beach, FL 32960
STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

No. 584M / 15-CE-5835

In the name of the City of Vero Beach, Florida. The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on August 06, 2015 at n/a

Name: Chris R Boles
2450 Cortez Avenue
Vero Beach, FL 32960

at (violation address): 2450 Cortez in the City of Vero Beach, Florida committed the following civil offense:
Automotive repairs are not a permitted use in the R1A zoned district.

Violation of code provision(s): 61.02
Facts constituting violation: Automotive repairs are being done on the property.
CIVIL PENALTY: $50.00 PAY BY DATE: 08/24/2015

☑ CORRECTION REQUIRED BY: 08/10/2015. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
Department: VBPD/Code Enforcement
Date Issued: 08/07/2015
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: City Clerk’s Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION. Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to $500 ($1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date:__________________________

CLERK COPY - 15-000872
Certified Mail Receipt: 70140150000165022936
BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960
Telephone (772) 978-4550

CITY OF VERO BEACH
vs. CASE No.: 15-CE-5906

JATNAR INC. D/B/A PET LIFE Citation No.: 722M
VERONICA NIX

Violator

TO: Jatnar Inc. d/b/a Pet Life
Veronica Nix
3200 43rd Avenue, Suite 1
Vero Beach, Florida 32960

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: ___________ September 9th 2015 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

☐ Appeal of code enforcement citation.
☒ Failure to Correct Violation(s).
☒ Failure to Pay Civil Penalty and/or Costs.
☐ Other (describe):

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

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appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: August 28, 2015

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 28th day of August 2015.

Board Clerk

Cc: 

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VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION
1055 20th Street
Vero Beach, FL 32960
STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on **July 22, 2015 at 8:06 am**

Name: Jatnar Inc d/b/a Pet Life
Veronica Nix
3200 43rd Avenue, Suite 1
Vero Beach, FL 32960

at (violation address): **3200 43rd Avenue Suite 1** in the City of Vero Beach, Florida committed the following civil offense: **Business Tax Receipt - business does not have current Business Tax Receipt.**

Violation of code provision(s): 70.64 (a)

Facts constituting violation: **Business has not obtained Business Tax Receipt.**

CIVIL PENALTY: $50.00 PAY BY DATE: **08/20/2015** ☐ REPEAT VIOLATION

☑ CORRECTION REQUIRED BY: **08/20/2015.** This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
Department: VBPD/Code Enforcement
Date Issued: **08/06/2015**
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.** WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION. Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to $500 ($1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is **NOT** an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

___________________________
Signature of Individual

___________________________
Date: _______________________

CLERK COPY - 15-000964

Certified Mail Receipt: 70140150000165253132