

CODE ENFORCEMENT BOARD MEETING
Wednesday, September 14, 2016 – 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 10, 2016**
 - B) Agenda Additions, Deletions and Adoption**
- 4. UNLICENSED CONTRACTORS/CITATIONS**
- 5. EVIDENTIARY HEARINGS**
 - A) Citation Appeals**
 - 1. CASE #16-CE-6685 / 919M**
VIOLATOR: Beatriz Rey
VIOLATION: Garage enclosed without permits, approval, or certificate of occupancy from the Indian River County Building Department
VIOLATION ADDRESS: 2326 Atlantic Boulevard, Vero Beach, Florida 32960
 - 2. CASE #16-CE-6820 / 947M**
VIOLATOR: Michael R. Ludwig; Cathy Kelly Ludwig; James Shaundale Webb
VIOLATION: Oak Tree removed without a permit
VIOLATION ADDRESS: 907 Tropic Drive, Vero Beach, Florida 32963
 - 3. CASE #16-CE-6872 / 957M**
VIOLATOR: Joseph R. Daniels, Sr. and Donna M. Daniels
VIOLATION: Operating a guest house and transient quarters in a residential zone
VIOLATION ADDRESS: 3815 Silver Palm Drive, Vero Beach, Florida 32963
 - B) Non-Compliance / Compliance Reports**
 - 1. Request for Board Order**

- a. **CASE #16-CE-6947 / 971M**
VIOLATOR: Craig A. and Theresa J. Watson
VIOLATION: Operating a guest house and transient quarters in a residential zone
VIOLATION ADDRESS: 903 Sandpiper Lane, Vero Beach, Florida 32963

- b. **CASE #16-CE-6638 / 0974T**
VIOLATOR: Chessboard Properties, LLC
VIOLATION: Construction / interior-exterior renovation work constructed without benefit or permitting and/or approvals
VIOLATION ADDRESS: 1861 10th Avenue, Vero Beach, Florida 32960

- c. **CASE #16-CE-6651 / 0984T**
VIOLATOR: Frank Defelice
VIOLATION: Grass, weeds, and undergrowth in excess of 12"; vehicle on site with expired vehicle registration/tags; pool is green/black and stagnant
VIOLATION ADDRESS: 1405 15th Avenue, Vero Beach, Florida 32960

- d. **CASE #16-CE-6843 / 951M**
VIOLATOR: Matt Martise / Agent - Outlier Investments, LLC; c/o Isabella's Bridal Company
VIOLATION: Air conditioner unit installed without permit from the Indian River County Building Department
VIOLATION ADDRESS: 2325 18th Avenue, Vero Beach, Florida 32960
(Paid \$50 Civil Penalty)

- e. **CASE #16-CE-6844 / 952M**
VIOLATOR: Matt Martise / Agent - Outlier Investments, LLC; c/o Isabella's Bridal Company
VIOLATION: Garage apartment is being used as a dwelling unit
VIOLATION ADDRESS: 2325 18th Avenue, Vero Beach, Florida 32960
(Paid \$50 Civil Penalty)

- f. **CASE #16-CE-6968 / 852M**
VIOLATOR: Matt Martise / Agent – Outlier Investments, LLC
VIOLATION: Air conditioner installed without a permit from the Indian River County Building Department
VIOLATION ADDRESS: 2325 18th Avenue, Vero Beach, Florida 32960

- g. CASE #16-CE-6842 / 1036T**
VIOLATOR: Carlos Aguilera
VIOLATION: Construction of a shed without an Indian River County Building Department permit or City of Vero Beach Planning and Development approval
VIOLATION ADDRESS: 1506 14th Court, Vero Beach, Florida 32960
(Paid \$50 Civil Penalty)
- h. CASE #16-CE-6601 / 0965T**
VIOLATOR: B. Anders Nyquist
VIOLATION: Construction on site without permits or approvals as required by City and County Code
VIOLATION ADDRESS: 1715 19th Street, Vero Beach, Florida 32960
(Violator Wants Case Reheard)
- i. CASE #16-CE-6914 / 2016002050**
VIOLATOR: Benjamin Elias Daum
VIOLATION: Pedestrian violation
VIOLATION ADDRESS: 17th Street and U.S.1, Vero Beach, Florida 32960
- j. CASE #16-CE-6881 / 964M**
VIOLATOR: Maxwell Properties, Inc. and Unknown Tenant of Bay 1
VIOLATION: Failure to obtain Business Tax Receipt
VIOLATION ADDRESS: 1146 21st Street, Vero Beach, Florida 32960
- k. CASE #16-CE-6879 / 963M**
VIOLATOR: Maxwell Properties, Inc.
VIOLATION: Unlicensed, non-operable vehicles, motors, and parts on the north side of the property; failure to maintain site plan (landscaping) plants along U.S.1 are dead
VIOLATION ADDRESS: 1146 21st Street, Vero Beach, Florida 32960
- l. CASE #16-CE-6716 / 927M**
VIOLATOR: Russell W. and Karen O'Brien
VIOLATION: Failure to obtain permit to repair seawall
VIOLATION ADDRESS: 701 Tides Road, Vero Beach, Florida 32963
- m. CASE #16-CE-6967 / 851M**
VIOLATOR: Omar Atway / 2628 U.S.1 Investments, Inc.

VIOLATION: Non-operable vehicles, trailer(s), and golf carts stored on the property. If property is used for business the business requires Site Plan Approval and a Business Tax Receipt

VIOLATION ADDRESS: 2628 U.S.1, Vero Beach, Florida 32960

(Paid \$50 Civil Penalty)

n. **CASE #16-CE-6919 / 970M**

VIOLATOR: PennyMac Holdings, LLC / Chris White

VIOLATION: Stagnant swimming pool; weeds, grass undergrowth at a height of more than 12 inches

VIOLATION ADDRESS: 3865 Indian River Drive East, Vero Beach, Florida 32963

6. **OLD BUSINESS**

7. **ADMINISTRATIVE MATTERS**

a. **CASE #16-CE-6808 / 943M**

VIOLATOR: Leeann Mayes Gothberg and Irene Dineen

VIOLATION: Operating a guest house and transient quarters in a residential zone

VIOLATION ADDRESS: 902 Sandpiper Lane, Vero Beach, Florida 32963

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 10, 2016 – 2:00 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Kirk Noonan; Vice Chairman, Frank Pizzichillo; Members: Christopher Bryant, Herbert Whittall, and Alternate Member #1, Eric Price **Also Present:** City Attorney, Wayne Coment; Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Tom Ramsey; Indian River County Licensing Inspector, David Checchi, and Deputy City Clerk, Sherri Philo

Excused Absence: Stephen McDonald

Unexcused Absence: Mr. Jeffrey McGann

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIENCE

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

The Deputy City Clerk swore in staff and all witnesses present for today's meeting en masse.

3. PRELIMINARY MATTERS

A) Adoption of Minutes – June 8, 2016

Mr. Pizzichillo made a motion to adopt the minutes of the June 8, 2016 Code Enforcement Board meeting. Mr. Whittall seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Mr. Tom Ramsey, Code Enforcement Officer, pulled item 5-B) 1e – Indian River Investments Realty, Inc. from today's agenda. He reported that the property is in compliance and the case is closed. He then pulled item 5-B) 1k – Carlos Aguilera from today's agenda. He reported that the citation has been paid and the violator requested an extension to allow time to get the permitting, which has been approved.

Mr. Pizzichillo made a motion to adopt the agenda as amended. Mr. Bryant seconded the motion and it passed unanimously.

4. UNLICENSED CONTRACTORS/CITATIONS

None

5. EVIDENTIARY HEARINGS

*Please note that the cases on today's agenda were not heard in the order listed.

A) Citation Appeals

1. CASE #16-CE-6685 / 919M

VIOLATOR: Beatriz Rey

VIOLATION: Garage enclosed without permits, approval, or certificate of occupancy from the Indian River County Building Department

VIOLATION ADDRESS: 2326 Atlantic Boulevard, Vero Beach, Florida 32960

Ms. Melody Sanderson, Code Enforcement Officer, reported that service was provided by posting of the property. She spoke with the violator, Ms. Beatriz Rey, who expressed hardship in the cost to bring the property into compliance. Ms. Sanderson reported that she advised Ms. Rey that the Planning and Development Department would put both the garage enclosure and the fence on one compliance application and that she would request that they not double the fees as customary in after the fact code compliance applications. She advised Ms. Rey to start the process with the Planning and Development Department and that she would work with her on the time to bring the property into compliance. In a second conversation, Ms. Rey told her that she received cost estimates on the permitting for the enclosed garage, but that she did not have any money. Ms. Sanderson reported that once again she suggested that Ms. Rey start the process with a code compliance agreement or that she could appeal the citation with the Board. A citation appeal was made and is in front of the Board today.

Ms. Beatriz Rey said that she was appealing for financial reasons. She said that she did violate the Code, and this was about seven (7) years ago. She said they did the work themselves in order to save money. The person who did the work has passed away.

Mr. Noonan asked what needs to be done in order to get a permit.

Ms. Sanderson said whatever the Building Department would require, as well as something from the City for the increased living space because the space is now a bedroom.

Mr. Bryant asked is the space currently occupied.

Ms. Rey answered yes, her daughter is living there.

Ms. Sanderson said this case came up because it was advertised as a nightly rental. She issued a warning citation advising that short term rentals were against Code.

Mr. Pizzichillo said Ms. Sanderson stated that it was advertised as a rental and Ms. Rey stated that her daughter was living there. He asked which is it.

Ms. Sanderson said it was advertised as a rental, which was ceased as soon as Ms. Rey found out it was against Code. She reported that the Planning and Development Department agreed

not to double the fees, but she could not speak on behalf of the Building Department. She reported that the Code Compliance Application was started in June, but was not followed through. She suggested that the Board benchmark some time frames to start the Code compliance process.

Mr. Noonan asked are the permit fees due upon application.

Ms. Sanderson said Code compliance is to be paid when it is picked up.

Mr. Noonan asked what about the Building Department.

Mr. David Checchi, Indian River County Licensing Inspector, said permit fees must be paid when the permit application is turned in and the fees are doubled with after the fact permits.

Ms. Sanderson asked that the Board give Ms. Rey until the next Code Enforcement Board meeting to apply for Code Compliance with the City.

Mr. Wayne Coment, City Attorney, said if the Board is inclined to find there was a violation, they should probably do that first and then set it for a status report at their next meeting.

Mr. Pizzichillo made a motion that the Board finds there is a violation and that a status report be given to the Board at their September 14, 2016 meeting. Mr. Price seconded the motion and it passed unanimously.

2. CASE #16-CE-6808 / 943M

VIOLATOR: Leeann Mayes Gothberg and Irene Dineen

VIOLATION: Operating a guest house and transient quarters in a residential zone

VIOLATION ADDRESS: 902 Sandpiper Lane, Vero Beach, Florida 32963

Mr. Nickolas Zbrzezny, Attorney, reported that this case involves the land use guest house and transient quarters in a residential zoning district in which that land use is not permitted. He asked Ms. Sanderson to introduce herself and to state how long she has been a Code Enforcement Officer.

Ms. Sanderson introduced herself stating that she has been a Code Enforcement Officer for approximately seven (7) years.

Mr. Zbrzezny said they were here today for the referenced property located at 902 Sandpiper Court. He asked is that correct. Ms. Sanderson noted that the correct address is 902 Sandpiper Lane.

Mr. Zbrzezny said that he would be putting some exhibits and Code provisions on the overhead noting that copies were provided to the Board Clerk for the record. He asked Ms. Sanderson if she issued a citation for the property located at 902 Sandpiper Lane.

Ms. Sanderson said that she did. Mr. Zbrzezny asked what was the basis of that citation. Ms. Sanderson answered operating a guest house and transient quarters in a residential zone.

Mr. Zbrzezny asked what is that property zoned for. He asked what is the zoning district. Ms. Sanderson answered R-1A) single-family residential.

Mr. Zbrzezny asked is the land use guest house and transient quarters a permitted or conditional use in that zoning district. Ms. Sanderson answered no it is not.

Mr. Zbrzezny asked is it a permitted or conditional use in any residential zoning district. Ms. Sanderson answered no it is not.

Mr. Zbrzezny asked who are the property owners of 902 Sandpiper Court. Ms. Sanderson answered Leeann Mayes Gothberg and Irene Dineen.

Mr. Zbrzezny asked how did you determine this. Ms. Sanderson answered through the Property Appraiser.

Mr. Zbrzezny asked Ms. Sanderson to walk the Board through how she determined, starting from the beginning, that this property was being used for that land use that is not permitted within that zoning district. Ms. Sanderson said the property was found on short-term rental websites advertising for a period of less than 30 days. A check of the property showed out of state vehicles on the site.

Mr. Zbrzezny showed on the doc cam an advertisement and asked Ms. Sanderson if this was the advertisement that she was referencing. Ms. Sanderson answered correct.

Mr. Zbrzezny asked is the website VRBO.com. Ms. Sanderson said correct. Mr. Zbrzezny asked what is that. Ms. Sanderson answered Vacation Rental By Owner.

Mr. Zbrzezny asked if the advertisement that initially brought this property to her attention have a minimum night stay. Ms. Sanderson said it advertised three (3) to 14 minimum nights.

Mr. Zbrzezny asked did the advertisement state how many bedrooms. Ms. Sanderson answered yes, three (3) bedrooms.

Mr. Zbrzezny asked did you verify through the Property Appraiser's website that this property did in fact have less than 10 bedrooms. Ms. Sanderson answered yes.

Mr. Zbrzezny asked did the advertisement also indicate how much it charged on an average nightly basis. Ms. Sanderson said there is a reference averaging nightly of \$252 dollars.

Mr. Zbrzezny asked after you viewed this advertisement and this property was brought to your attention, what happened next. Ms. Sanderson said a citation was issued.

Mr. Zbrzezny asked Ms. Sanderson if she did anything else in reference to the property to verify that this property was being used for a land use that is not permitted in that zoning

district. He asked if she made contact with these individuals or try to rent this property. Ms. Sanderson said an email was sent through the VRBO website requesting to book the property.

Mr. Zbrzeznj asked how was it sent. He asked was it actually through the website to the person who placed the ad. Ms. Sanderson said that is correct.

Mr. Zbrzeznj asked what was the date of the contact. Ms. Sanderson answered approximately June 21, 2016.

Mr. Zbrzeznj placed on the doc cam a copy of the quote. He asked Ms. Sanderson, is this the conversation that you were referring to. Ms. Sanderson replied correct.

Mr. Zbrzeznj asked Ms. Sanderson to briefly explain to the Board the substance of that conversation. Ms. Sanderson said an email inquiry requested to book the property August 5th through August 12, 2016 with a question regarding the proximity to the beach.

Mr. Zbrzeznj asked did the property owner respond. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked who responded. Ms. Sanderson said the email was signed by Leeann Mayes.

Mr. Zbrzeznj asked did she offer to rent that property to you. Ms. Sanderson said she confirmed that yes, the property would be available and that it could be reserved by calling or emailing.

Mr. Zbrzeznj asked was that rental for one week. Ms. Sanderson said correct.

Mr. Zbrzeznj asked what would the total amount be. Ms. Sanderson said the total amount would be \$2,288.65, which includes the nightly rental, cleaning, taxes, damage, and service fees.

Mr. Zbrzeznj asked after you engaged in this inquire, did you do follow up at the residence to observe and look for any vehicles. Ms. Sanderson said vehicles were observed and tags were ran through the Police Department.

Mr. Zbrzeznj asked Ms. Sanderson to explain to the Board what she observed. Ms. Sanderson said that she observed out of state vehicles and the tags were ran and came up to Hertz Rental Car and another leasing agent.

Mr. Zbrzeznj asked is it correct that the tags when she ran them did not belong to the homeowners. Ms. Sanderson said correct. She then corrected herself in that the vehicles that were run at that time were individually owned, not a leasing company.

Mr. Zbrzeznj said those individuals were not the homeowners. Ms. Sanderson said that is correct.

Mr. Zbrzeznj asked how long were those vehicles at the residence. Ms. Sanderson answered for a couple of days.

Mr. Zbrzeznj asked Ms. Sanderson based on the advertisement, her contact, conversation, and observations, if she issued a citation on this matter. Ms. Sanderson answered yes.

Mr. Zbrzeznj showed on the doc cam photos of vehicles and asked are these photographs of vehicles that have plates that belong to someone other than the property owners that she just discussed with the Board. Ms. Sanderson said that is correct.

Mr. Zbrzeznj showed on the doc cam a copy of the citation and asked if this was a copy of the citation issued in this matter. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked how was it served. Ms. Sanderson answered by posting the property.

Mr. Zbrzeznj asked Ms. Sanderson after the citation was posted, did she mail copies of the citation to other addresses that she located belonged to the property owners. Ms. Sanderson said that she mailed a certified copy to the address that she found on the Property Appraiser and later through some research came up with another address and sent a copy to that address as well.

Mr. Zbrzeznj asked did Ms. Mayes ever contact her after she issued the citation. Ms. Sanderson said that she received a telephone message and returned a phone call to Ms. Mayes.

Mr. Zbrzeznj asked did she confirm that she had received the citation. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked what was the date that this citation was to be corrected. Ms. Sanderson said the compliance date was July 4, 2016.

Mr. Zbrzeznj asked Ms. Sanderson if she monitored this property after she issued the citation. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked were there more vehicles observed at this property. Ms. Sanderson said after the vehicles that were originally ran left, other vehicles were observed on the property.

Mr. Zbrzeznj put on the doc cam photos of vehicles. He asked Ms. Sanderson are these some of the vehicles that she observed. Ms. Sanderson said that is correct.

Mr. Zbrzeznj noted that the first page reflects two different Toyotas. He then showed on the doc cam a second page showing photos of a Toyota. He asked who were these vehicles registered to. He asked were they registered to the homeowner. Ms. Sanderson answered no.

Mr. Zbrzeznj questioned the date the photos of the vehicles were taken. He said there is a handwritten note that states June 30, 2016. He asked is that correct. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked is that your handwriting. Ms. Sanderson answered yes it is.

Mr. Zbrzezny showed on the doc cam a photo of a third and different vehicle, which indicates that the photo was taken on July 4, 2016. He asked is that correct. Ms. Sanderson said correct.

Mr. Zbrzezny said that was the date of compliance. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked was this vehicle registered to the homeowner. Ms. Sanderson said no, it was not.

Mr. Zbrzezny said that he knows they were present today to hear Case #16-CE-6808. But, asked subsequent to the issuance of that citation, were other citations issued for the same violation. Ms. Sanderson answered yes.

Mr. Zbrzezny asked subsequent to this citation, did you or other Officers continue to monitor the vehicle influx of this property. Ms. Sanderson answered yes.

Mr. Zbrzezny asked what was observed. Ms. Sanderson said the vehicles were turning over and were registered to others than the homeowner.

Mr. Zbrzezny asked if she also made contact with the tenants subsequent. Ms. Sanderson said at different times she had.

Mr. Zbrzezny asked did they indicate how long they were renting the property for. Ms. Sanderson answered for several days at a time, much less than 30 days.

Mr. Zbrzezny asked did someone indicate a six (6) day period. Ms. Sanderson answered approximately.

Mr. Zbrzezny said that he did not have any further questions at this time.

Mr. Coment noted that the alleged violator has a chance to cross examine.

Ms. Irene Dineen, of Glenview, Illinois, said that they spoke to a lawyer on the way here to preserve their right to appeal if they receive an adverse ruling. She referred to the statement on the Notice of Hearing, *"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."* She thought some of the items that her lawyer suggested that she raise might be those kinds of items. She asked the Board if she should raise them now and then the Board would tell her if she was incorrect in raising an issue. She said it states on the Notice of Hearing that there is a separate appeal.

Mr. Coment said that is correct. He explained that if she was attacking the interpretation of the Code, that is a separate appeal process.

Ms. Dineen said that she might want to file some things. She said from reading the Notice of Hearing, her understanding is that with some of the issues that she will raise might not be appropriate.

Mr. Coment explained that if she is going to raise an issue about the interpretation of the zoning regulations she needs to tell the Board and the Board will suspend this hearing pending the outcome of that appeal.

Ms. Dineen said that she does want to do that. She believed the issues that she wants to raise seem to her, from what was just explained ...

Mr. Coment asked what are her issues.

Ms. Dineen said when they purchased the property they understood the law in Florida allowed short term rentals.

Mr. Coment said ignorance of the law is not an excuse. He said that is not the law everywhere in Florida. It is local laws that come into play.

Ms. Dineen said they feel that the new City Ordinance

Mr. Coment said it is not new. It has not been a permitted use since at least the 1970's.

Ms. Dineen apologized if she was not expressing things in a legal manner. She would understand this if the Police were called because of bad tenants. She wanted to clarify that the Code Officer did not come to their home because there was a disturbance.

Ms. Sanderson said that is correct. She said it is a local Ordinance and the City Council has asked them to aggressively enforce it.

Ms. Dineen said they have had short term renters and yes, they were in violation. But, they also received fines for friends staying on the property. She said because this was starting to be enforced they have to put the house on the market. They are now going to leave Vero Beach when they did have hopes of retiring here. She said they had some friends staying there and they blocked the dates off on the VRBO website. She thought that as a homeowner, she could have friends stay on her property. She didn't know how they were making the distinction between a renter and a friend.

Ms. Sanderson said subsequent citations were issued based on interviews with tenants who stated that they were tenants, were of no relationship to her, and who had rented through the website as a short term rental.

Ms. Dineen said there was one citation when a friend was staying there. She said that she did not know if today's hearing was just for the one violation, which she is testifying that they did have a short term rental.

Mr. Noonan explained that today's hearing is for just the one citation. He said unfortunately she has stumbled into a huge political deal with the City who pretty much tied the Board's

hands in that they are not allowed to interpret anything. He said that if she wants to appeal, she would need to follow the procedure outlined in the Notice of Hearing.

Ms. Dineen referred to the statement in the Notice of Hearing, *“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.”*

Mr. Coment explained that typically when appealing to the Circuit Court the appellee would hire a Court Reporter to take a verbatim word for word record.

Ms. Dineen asked Ms. Sanderson if she made the determination by going to the door and asking the person.

Ms. Sanderson said an interview is conducted.

Ms. Dineen said they made an investment in Vero Beach and want to be good citizens. They care very much about their neighbors and understand that they are allowed to rent for the month. But, she said if there is a difference in renting in that retired people rent for the month and families rent for the week. She felt that this was an anti-family Ordinance.

Mr. Coment explained that those comments would need to go before the City Council.

Ms. Dineen felt what Vero Beach was trying to accomplish was to have safe, good people coming here and enjoying Vero Beach as a vacation spot. She felt that if the Police are called to anyone’s property for a disturbance then there should be a \$500 citation. She thanked the Board for their time.

Mr. Noonan asked Ms. Dineen if she was going to appeal.

Ms. Dineen answered yes.

Mr. Pizzichillo asked Ms. Dineen if she admits that Ms. Sanderson was correct in that she did violate the City Ordinance at that time.

Ms. Dineen said for that date, yes she does.

Mr. Pizzichillo asked if he was correct that she could not appeal unless she was found guilty.

Mr. Coment said that is a different type of an appeal. When she states that she wants to dispute the interpretation of the Code, the Board would postpone the hearing until the outcome of that process. He explained to Ms. Dineen that she would need to present her appeal of the interpretation of the Code to the Planning and Development Director.

Mr. Pizzichillo made a motion that the Board tables this case until the appeal is resolved. Mr. Bryant seconded the motion and it passed unanimously.

VIOLATOR: Michael R. Ludwig; Cathy Kelly Ludwig; James Shaundale Webb

VIOLATION: Oak Tree removed without a permit

VIOLATION ADDRESS: 907 Tropic Drive, Vero Beach, Florida 32963

Ms. Sanderson reported that the violators Michael R. Ludwig and Cathy Kelly Ludwig as property owners and James Shaundale Webb as the Landscape Contractor were cited for the removal of an Oak Tree without permit. The violation has not been corrected and the civil penalty has not been paid. She reported that Mr. Webb would be speaking on behalf of his crew and the homeowners, who were not available.

Mr. Joseph S. Webb reported that the tree was rotten in the middle and was very close to the house with branches falling from it so they did cut it down.

Ms. Sanderson showed on the doc cam a picture of the cut down tree.

Mr. Webb said at first they were hired to cut some of the fallen branches, but once they started they noticed the tree was rotting inside so they decided to cut it down before it fell on the house.

Mr. Noonan said a permit is required to take down a tree and if a tree is cut down without a permit it is required that they get an "after the fact" permit.

Ms. Sanderson said a permit was applied for.

Mr. Coment asked was a permit issued.

Ms. Sanderson answered yes.

Mr. Coment asked then is it now a question of mitigation.

Ms. Sanderson answered yes. She then read into the record an email from Ms. Gayle Lafferty, City Planner, that was sent to the property owner that stated, "*Your After-the-Fact Tree Removal Application has been reviewed. According to Sec. 72.44 (c)(2), when a Specimen Tree is removed without a permit, double mitigation is required. You may either do the tree replacement on site, or make payment in the Tree Mitigation fund. The total mitigation required is 48" caliper. The replacement trees shall of a species on a list recommended by the Florida Urban Forestry Council for Central Florida similar to the tree removed in terms of height and canopy spread at maturity. The trees shall be of a minimum of 3 inches DBH at time of installation, with a minimum height meeting the standards for the particular tree species. If you choose to make a payment into the Tree Mitigation Fund instead the fee will be \$5,088.00.*"

Mr. Pizzichillo asked Mr. Webb if he has ever done business in Vero Beach as far as cutting down a tree.

Mr. Wells said that he hasn't taken down any trees.

Mr. Pizzichillo asked Mr. Webb if he knew a permit was needed.

Mr. Wells answered no.

Mr. Bryant asked did the homeowner ask him to remove the tree once they found that it was rotted out.

Mr. Wells answered yes.

Mr. Bryant asked did they pay him additional money.

Mr. Wells answered yes.

Mr. Coment noted that the Board has the authority to mitigate fines, but not mitigation.

Mr. Noonan questioned the amount of the fine.

Ms. Sanderson said the penalty is \$250.00.

Mr. Coment said if the Board finds there is a violation they technically have a continuing violation until it is mitigated. Therefore, they could order correction by complying with the mitigation requirements within a certain amount of time and if that isn't complied with they could start imposing a similar daily civil penalty until the violation is corrected.

Mr. Noonan asked Mr. Wells if the property owner is aware of all the mitigation.

Ms. Sanderson said that she has a copy of the email that was sent to the property owner on July 29, 2016.

Mr. Noonan said then Mr. Webb is present for the original citation and the \$250 fine.

Mr. Webb said that is correct.

Mr. Bryant said it would be the homeowner's responsibility for the mitigation. Mr. Wells is just responsible for removal of the tree without a permit.

Mr. Noonan said there is a permit, which makes Mr. Webb in compliance.

Ms. Sanderson said they would need to verify that the permit has been picked up and paid for with the Planning and Development Department.

Mr. Pizzichillo said the Board could adjust the civil penalty.

Mr. Coment said they could, but the Board could end up imposing a continuing penalty.

Mr. Noonan said that Mr. Webb didn't cut down the tree until the homeowner told him to.

Mr. Webb said that is correct.

Mr. Whittall asked is any of the tree left.

Mr. Webb said that he has some of the logs.

Mr. Whittall said that Mr. Webb could use them to show the tree was dead.

Mr. Coment suggested that the Board postpone this hearing in order to get some confirmation on the health of the tree.

Mr. Noonan made a motion that the Board tables this case until the September 14, 2016 Code Enforcement Board meeting. Mr. Pizzichillo seconded the motion and it passed unanimously.

B) Non-Compliance / Compliance Reports

1. Request for Board Order

a. CASE #16-CE-6638 / 0974T

VIOLATOR: Chessboard Properties, LLC

VIOLATION: Construction / interior-exterior renovation work constructed without benefit or permitting and/or approvals

VIOLATION ADDRESS: 1861 10th Avenue, Vero Beach, Florida 32960

Mr. Ramsey reported that service of the citation and the stop work order was provided by posting of the property. The work did stop, however the citation remains unpaid and the property remains in violation. There is a cost of enforcement in the amount of \$50.83.

Mr. Noonan made a motion that the Board finds the property remains in violation and that they issue a Board Order to correct, to pay the civil penalty in the amount of \$50 and the cost of enforcement in the amount of \$50.83, along with a continuing civil penalty of \$50.00 per day.

Mr. Coment said there would not be a continuing penalty at this time because the Board is ordering them to correct the violation. Mr. Noonan agreed (to not include the continuing penalty in his motion).

Mr. Pizzichillo seconded the amended motion and it passed unanimously.

b. CASE #16-CE-6651 / 0984T

VIOLATOR: Frank Defelice

VIOLATION: Grass, weeds, and undergrowth in excess of 12"; vehicle on site with expired vehicle registration/tags; pool is green/black and stagnant

VIOLATION ADDRESS: 1405 15th Avenue, Vero Beach,
Florida 32960

(Repeat Violation – \$100 Civil Penalty)

Mr. Ramsey reported that service was provided by certified mail, posting of the property, and by first class mail. This is a repeat violation with a civil penalty in the amount of \$100. He requested that the Board issue a Board order to correct, continuing penalties, to pay the initial civil penalty, and cost of enforcement in the amount of \$59.10.

Mr. Coment explained to the Board that would need to allow time to correct and if it is not corrected by that date they could go back to the retroactive date to begin the continuing penalties.

Mr. Noonan made a motion that the Board finds there is a violation, that the violation continues, and that the Board issue an order of payment of the \$100 civil penalty, \$59.10 cost of enforcement and that the violation be corrected by September 14, 2016 at which time the \$100 continuing penalties would begin on June 22, 2016. Mr. Pizzichillo seconded the motion and it passed unanimously.

c. CASE #16-CE-6681 / 0980T

VIOLATOR: Jose Baez

VIOLATION: Construction on site without Indian River County Building Permit or City of Vero Beach Planning and Development Department approval

VIOLATION ADDRESS: 1916 31st Avenue, Vero Beach,
Florida 32960

Mr. Ramsey reported that the property remains in violation and the civil penalty in the amount of \$50 has not been paid. There is a cost of enforcement in the amount of \$45.20.

Mr. Jose Baez reported that he came to City Hall to try to get a permit and was told that there was a \$50 fine. He was sent to the Building Department to get the permit, but the person at the desk told him that he needed an architect. He then hired an architect who did not show up until yesterday. He showed the Board the business card for MBV Engineering and the check that he paid them.

Mr. Noonan said essentially more time is needed because the Engineer is dragging his feet.

Mr. Baez said that is correct.

Mr. Noonan asked Mr. Ramsey if he was okay with allowing more time for compliance.

Mr. Ramsey answered yes, but there still is the outstanding citation.

Mr. Baez said if they want him to pay the citation he will pay the citation, but he still has to wait for the architect.

Mr. Noonan said that he would have to pay the citation regardless.

Mr. Coment explained to the Board that they could hold off imposing the \$50 civil penalty and issue a Board order to correct if they find there is a violation. They could order that the civil penalty be paid, but if the property is not brought into compliance the Board might eventually order a continuing penalty.

Mr. Whittall said that Mr. Baez went to the Building Department, but they wouldn't allow him to apply for a permit until he had plans from an architect.

Mr. Bryant felt that an extension would be in order.

Mr. Coment said if the Board finds that there is a violation, they could issue an order to correct and allow additional time to correct.

Mr. Bryant suggested that they allow 90 days to correct because there is a possibility that there could be a delay at the Building Department, as well as with MBVEngineering.

Mr. Coment said part of the correction is typically finishing construction and having the final inspection so he might need at least 90 days.

Mr. Whittall said all the Board needs to be concerned with is the permit.

Mr. Coment said if construction is not completed and final inspection is not done, they are technically still in violation.

Mr. Checchi stated that permits are issued in six (6) month increments.

Mr. Ramsey said that he did not know how long the process takes, but he was not sure if the construction was up to Code. Therefore, there could be extenuating circumstances as he goes forward.

Mr. Noonan made a motion that the Board finds there is a violation and that the violation be corrected by the November 9, 2016 Code Enforcement Board meeting and at that point the Board would decide if they would enforce the civil penalty. Mr. Pizzichillo seconded the motion and it passed unanimously.

- d. **CASE #16-CE-2235 / 0910T**
VIOLATOR: Laura L. McCloskey
VIOLATION: Weeds, grass, and undergrowth in excess of 12" in height
VIOLATION ADDRESS: 1606 24th Avenue, Vero Beach, Florida 32960
(Property Found in Compliance on June 28, 2016)

Mr. Ramsey reported that the property was found in compliance on June 28, 2016 and the civil penalty has been paid. He requested that the Board issue an order finding compliance and that the civil penalty has been paid.

Mr. Whittall made a motion that the Board issues a Board order finding compliance. Mr. Bryant seconded the motion and it passed unanimously.

- e. **CASE #16-CE-6810 / 1030T**
VIOLATOR: Indian River Investment Realty, Inc.
VIOLATION: Termite infestation; boat in front yard without a trailer; new fence installed without City of Vero Beach Planning and Development approval or Indian River County Building Department approval
VIOLATION ADDRESS: 1125 17th Place, Vero Beach, Florida 32960

This item was pulled from today's agenda.

- f. **CASE #16-CE-6806 / 942M**
VIOLATOR: Devi P. Samal and Snigdha Sahu
VIOLATION: Weeds, grass, and undergrowth at a height of more than 12 inches
VIOLATION ADDRESS: 2065 39th Avenue, Vero Beach, Florida 32960
(Repeat Violation – \$100 Civil Penalty)

Ms. Sanderson reported that service of the citation was provided by posting the property. The violation has been corrected as of July 13, 2016 and the civil penalty in the amount of \$100 has not been paid. She requested that the Board issue a Board order to pay the civil penalty in the amount of \$100. There is no cost of enforcement.

Mr. Noonan made a motion that the Board finds there was a violation, the violation has been corrected and that the Board issue a Board order to pay the civil penalty in the amount of \$100. Mr. Pizzichillo seconded the motion and it passed unanimously.

- g. **CASE #16-CE-6703 / 923M**
VIOLATOR: Shane and Tara Lynn Wright
VIOLATION: Windows installed without a permit
VIOLATION ADDRESS: 2616 Laurel Drive, Vero Beach, Florida 32960
(Paid \$50 Civil Penalty)

Ms. Sanderson explained to Mr. Wright that all he needed to do was finalize his permit. She then pulled this case from today's agenda.

- h. **CASE #16-CE-6831 / 949M**
VIOLATOR: Virginia O'Neil
VIOLATION: Two single family structures on the property have been converted to four units without approval from the City of Vero Beach Planning and Development Department or permits from the Indian River County Building Department

VIOLATION ADDRESS: 2315 15th Avenue, Vero Beach,
Florida 32960
(Paid \$50 Civil Penalty)

Ms. Sanderson reported that the property was advertised for sale as a quadplex. An anonymous complaint through the County was forwarded to the Code Enforcement office as it was not permitted to be a quadplex, that it was two single family units that was converted without permits or Code compliance. The real estate agent met with the Planning and Development Department explaining that the property has been that way since they purchased it, that they don't know when it was converted. It was recommended that they research through the Building Department to find out if there were ever any permits issued. It was also noted by the Planning and Development Department that the lot size does not support four (4) units so it would need to be converted back to two (2) units. The civil penalty in the amount of \$50 has been paid.

Mr. Fred Kretschmer, Attorney, said that he was present today representing the property owner, Ms. Virginia O'Neil. He requested a 60-day continuance of this hearing in order to give him time to do some research. He reported that the property was part of the Original Town of Vero and there are two (2) buildings on the property. The first building was constructed in 1900 and is a one-story structure. The second building was constructed in 1940 and is a two-story structure. Ms. O'Neil purchased the property in 1987, which at that time it was a four (4) unit property that was advertised and utilized as an income producing four (4) unit property. Ms. O'Neil has used it as an income producing four (4) unit property from 1987 through today's date. In fact, some of the tenants have been there for 20-years. What they are trying to determine was when it became a four (4) unit property. He was certain that it is not in compliance with the current Code or current Building Department requirements, but the question is was it in compliance when the changes were made. He said that he was retained two (2) days ago and requested that the Board grant them a 60-day continuance in order for him to do some research.

Mr. Noonan made a motion that the Board grants a continuance to the October 12, 2016 Code Enforcement Board meeting. Mr. Pizzichillo seconded the motion and it passed unanimously.

- i. **CASE #16-CE-6843 / 951M**
VIOLATOR: Matt Martise / Agent - Outlier Investments, LLC; c/o Isabella's Bridal Company
VIOLATION: Air conditioner unit installed without permit from the Indian River County Building Department
VIOLATION ADDRESS: 2325 18th Avenue, Vero Beach, Florida 32960

Ms. Sanderson reported that service of the citation was provided by posting of the property on July 7, 2016. The violator paid the civil penalty this morning and stated that he would start the permit process if the Board would allow continuance of this case until the Board's next meeting.

At this time, the Deputy City Clerk swore in Mr. Matt Martise, violator.

Mr. Martise reported that he purchased the home several weeks ago and inherited the two (2) problems the Board would be hearing. He said that he would be happy to comply with everything. He said that he could take care of the permitting for the air conditioner right away, but the next case might take a little longer (referring to Case #16-CE-6844 on today's agenda).

Mr. Noonan made a motion to find there is a violation and that the Board issues a Board order to correct by September 14, 2016 and that the civil penalty in the amount of \$50 has been paid. Mr. Pizzichillo seconded the motion and it passed unanimously.

- j. CASE #16-CE-6844 / 952M**
VIOLATOR: Matt Martise / Agent - Outlier Investments, LLC; c/o Isabella's Bridal Company
VIOLATION: Garage apartment is being used as a dwelling unit
VIOLATION ADDRESS: 2325 18th Avenue, Vero Beach, Florida 32960

Ms. Sanderson reported service of the citation was provided by posting of the property on July 7, 2016. She said that she dialogued with the violator, Mr. Matt Martise, and offered to do a Code Compliance Agreement for 60 days immediately after the citation was issued to give the tenant time to leave the apartment. Mr. Martise opted to meet with the Planning and Development Department to try to resolve the violation by combining the units, which he was given three (3) options and none of those options were pursued. She requested that the Board allow 30 days to give the tenant time to vacate the apartment.

Mr. Martise said that he inherited this violation.

Mr. Bryant questioned how did he inherit the violation.

Mr. Martise said the Board already heard a case regarding this property and the garage with the prior owners. He said that he did not know there was an issue when he purchased the property. He reported that his girlfriend moved into the home and her sister moved into the unit in the back. He did not have a problem coming into compliance, but he would like 60 days to give him time to find a place for his girlfriend's sister to rent. He said at some point the back unit was a garage and at some point it was turned into an apartment. He asked as long as they don't occupy it and use it for storage, would that be allowed.

Ms. Sanderson answered yes.

Mr. Pizzichillo asked Mr. Martise if he would be willing to pull the plumbing so that it could not be used as an apartment.

Mr. Martise said currently they are in an interesting situation in that he has owner financing on the home and the previous owners misrepresented in that according to Code Enforcement they signed an affidavit stating that they had to tell the purchaser. He said that his attorney is looking in to this to see if there is a title insurance issue, a liability issue, etc.

Mr. Coment asked if they told him about the Code Enforcement issue.

Mr. Martise answered no.

Ms. Sanderson said the property was not under Code Enforcement when it was sold.

Mr. Martise asked the Board to show some leniency because nothing showed up during the purchase.

Ms. Sanderson said it wouldn't because the previous Code case was closed.

Mr. Noonan suggested that the Board allow 60 days to comply.

Ms. Sanderson asked that the Board allow 30 days to comply. She said the offer for 60 days was on the table from the start so at this point she would like the case brought back in 30 days for a status report.

Mr. Martise said there is a chance that he might not keep the house at this point because it was misrepresented to him during the sale. He said that the tenant would be out of the unit within 60 days.

Mr. Bryant said that Mr. Martise was given several options and chose not to do any of them. Therefore, if Ms. Sanderson suggests allowing 30 days that is what he is in favor of.

Mr. Martise said the three (3) options referred to was what he would have to do if he wanted to come into compliance. He said that Ms. Sanderson did offer him 60 days to come into compliance and he is asking the Board to allow him 60 days from today. He said that he purchased the home thinking that there would be two (2) incomes coming in and now it has been reduced to one (1). To say that he would just comply and keep the house, he would rather speak to his counsel before he would commit to that.

Ms. Sanderson asked the Board to continue this case to their next meeting for a status report and at that time the Board could determine if more time is needed.

Mr. Coment said if the Board finds there is a violation they would issue a Board order to correct within a certain amount of time with the understanding that they might be giving additional time.

Mr. Pizzichillo made a motion that the Board finds there is a violation, and to bring this case back for a status report at their September 14, 2016 meeting. Mr. Whittall seconded the motion and it passed unanimously.

k. CASE #16-CE-6842 / 1036T

VIOLATOR: Carlos Aguilera

VIOLATION: Construction of a shed without an Indian River County Building Department permit or City of Vero Beach Planning and Development approval

VIOLATION ADDRESS: 1506 14th Court, Vero Beach,
Florida 32960

This item was pulled from today's agenda.

I. CASE #16-CE-6601 / 0965T

VIOLATOR: B. Anders Nyquist

VIOLATION: Construction on site without permits or
approvals as required by City and County Code

VIOLATION ADDRESS: 1715 19th Street, Vero Beach,
Florida 32960

Mr. Ramsey reported that service of the citation, along with a Stop Work Order, was provided by posting of the property. He reported that there were several things found going on at the home with interior remodels, a hot water heater installation, a new air conditioner installation, a new front porch, etc. He reported that a permit was pulled yesterday, but it was only for the front porch. The property owner, Mr. B. Anders Nyquist, pulled a permit yesterday and requested to be pulled from today's hearing; however the permit was pulled for only the front porch. He reported that he advised Mr. Nyquist that his case was still on for today's hearing. Mr. Ramsey requested that the Board issues a Board order to pay the civil penalty in the amount of \$50, enforcement costs of \$44.37, to come into compliance by getting a permit, and if not in compliance that there would be continuing penalties.

Mr. Noonan made a motion that the Board finds there is a violation, that the violation continues, and that the Board issues a Board order for payment of the \$50 civil penalty, the cost of enforcement of \$44.37 and that the property be brought into compliance by means of obtaining a permit before the next Board meeting of September 14, 2016. Mr. Pizzichillo seconded the motion and it passed unanimously.

Mr. Coment questioned if the Board wanted to impose a \$50 per day continuing penalty if not corrected by September 14, 2016. Mr. Noonan answered yes and the Board members agreed.

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 3:33 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

5-A)1

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6808

BEATRIZ REY
 Violator

Citation No.: 943M

TO: Beatriz Rey
2326 Atlantic Boulevard
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 14th 2016 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): Case continued from August Hearing

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: September 1, 2016

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

1st day of September 20 16.


Board Clerk



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960**

CITY OF VERO BEACH

CASE NO. 16-CE-6685

vs.

CITATION NO. 919M

BEATRIZ REY
2326 Atlantic Boulevard
Vero Beach, FL 32960

**ORDER FINDING VIOLATION AND
TO CORRECT; SETTING HEARING ON COMPLIANCE**

VIOLATIONS: City of Vero Beach Code, section 22-106(a), (b), (c); 64.05; garage enclosed without a permits, approval, or certificate of occupancy from the Indian River County Building Department; fence on the property does not have Code compliance from the City of Vero Beach nor a permit from the Indian River County Building Department.

LOCATION: 2326 Atlantic Boulevard, Vero Beach, Florida 32960

The above-styled case having come before the Board on the 10th day of August 2016 on request of the violator to appeal issuance of the citation and the Board, having heard the testimony of the code enforcement officer and the violator and having reviewed the record in this action, on motion made and approved, found that:

1. The citation and notice of hearing issued in this case were served as provided by law and the named violator appeared and testified on her own behalf.
2. The violations alleged on the citation and as listed above occurred as specified at the time and place alleged on the citation and the violator is responsible for the violations; however it would be appropriate under the violator's circumstances to allow the violator time to obtain correction of the violations before imposing civil penalties and costs.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD THAT:

The violator is found to have committed the violations as specified above and on the citation. The violator shall **commence correction of the violations by September 14, 2016**, which correction requires applying for and obtaining all after-the-fact approvals and permits needed pursuant to applicable regulations for the enclosure of the garage and the construction of the subject fence. This matter is continued for a case status report to be heard on **Wednesday, September 14, 2016 at 2:00 P.M. in Council Chambers, City Hall, 1053 20th Place, Vero Beach, Florida 32960.** Imposition of civil penalties and costs is reserved at this time.

DONE AND ORDERED at Vero Beach, Indian River County, Florida this 31st day of August 2016.

ATTEST:

CODE ENFORCEMENT BOARD



Sherri Philo, as Board Clerk



Kirk Noonan, Chairman

[SEAL]

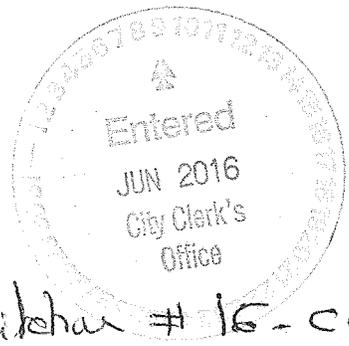
Approved as to form and legal sufficiency:


Wayne R. Coment, as Board Attorney

IMPORTANT INFORMATION

Attendance at Hearing: If you do not appear at the hearing in person or by legal representative to defend this matter, the Code Enforcement Board may proceed to hear the case in your absence and rule against you. This case will be presented to the Board even if the violations are corrected prior to the hearing.

Correction of Violations: AFTER CORRECTING THE VIOLATIONS YOU MUST NOTIFY THE CODE ENFORCEMENT OFFICER at Telephone #772-978-4551 or 772-978-4561, or in person at the Code Enforcement Office, Vero Beach Police Department, 1055 20th Street, Vero Beach, FL 32960 in order to request re-inspection to avoid imposition of additional civil penalties against you.



I would like to appeal the citation # 16-CE-6685
for address 2325 Atlantic Blvd

The appeal is because as a single mom I don't have the finances
I also like to state that this was done at least eight years
ago with the help of a boyfriend that is passed away now.

Thank you very much for the consideration of this matter.

Sending Blessings to all

Beatriz Rg
[Signature]



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. **919M / 16-CE-6685**

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 **May 31, 2016** at **n/a**

Name: **Rey, Beatriz**
2326 Atlantic Blvd
of: **Vero Beach, FL 32960**

ORIGINAL

at (violation address): **2326 Atlantic Boulevard** in the City of Vero Beach, Florida committed the following civil offense: **Garage enclosed without permits, approval or certificate of occupancy from the Indian River County Building Department. Fence on property does not have Code Compliance from the City of Vero Beach nor a permit from the IRC Building Department.**

Violation of code provision(s): 22-106 (a,b,c), 64.05

Facts constituting violation: Garage enclosed without permits, approval or certificate of occupancy from the Indian River County Building Department. After-the-fact permits for the enclosed garage must be obtained, after-the fact fence permit must be obtained and after-the-fact Code Compliance Certification for the fence must be obtained from the Planning Department at City Hall.

CIVIL PENALTY: \$50.00

PAY BY DATE:

REPEAT VIOLATION

CORRECTION REQUIRED BY: 06/16/2016. 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: Melody Sanderson
Department: VBPD/Code Enforcement

Date Issued: 05/31/2016
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: _____



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

5-A)2

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6820

MICHAEL R. LUDWIG; CATHY KELLY LUDWIG;
JAMES SHAUNDALE WEBB

Citation No.: 947M

Violator

NOTICE OF HEARING

TO: Michael R. Ludwig; Cathy Kelly Ludwig;

James Shaundale Webb

907 Tropic Drive

Vero Beach, Florida 32963

16425 Country Road

Buena Vista, CO 81211

E-Mail: cathykelly12@bellsouth.net

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 14th 2 016 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): Case continued from August Hearing

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: September 1, 2016

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 _____ 1st day of September _____ 20 16.

Board Clerk



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960**

CITY OF VERO BEACH

CASE NO. 16-CE-6820

vs.

CITATION NO. 947M

**MICHAEL R. LUDWIG; CATHY KELLY LUDWIG;
JAMES SHAUNDALE WEBB**

907 Tropic Drive
Vero Beach, FL 32963

AND

16425 Country Road 325
Buena Vista, CO 32963

Email: cathykelly12@bellsouth.net

ORDER CONTINUING HEARING

VIOLATIONS: City of Vero Beach Code (“Code”) sections 72.42, oak tree removed without permit.
VIOLATION LOCATION: 907 Tropic Drive, Vero Beach, Florida 32963

The above-styled case having come before the Board on the 10th day of August 2016 on appeal of the citation and the Board, having heard the testimony of the officer and testimony on behalf of the violators, on motion made and approved, found that in light of the violators’ dispute of the condition of the subject oak tree when it was removed, it would be appropriate to continue this hearing to allow the violators additional time to have an arborist confirm their defense to the required mitigation that the tree was dead or dying when removed;

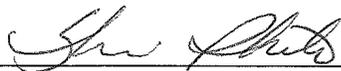
IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD THAT:

This appeal hearing on the citation is continued to **Wednesday, September 14, 2016 at 2:00 P.M.** in City Council Chambers, 1053 20th Place, Vero Beach, Florida 32960 to allow the violators time to obtain certification from a licensed professional arborist of the condition of the subject oak tree at the time it was removed and submit such certification to the City Planning & Development Department and the code enforcement officer for review and consideration as to applicable mitigation requirements.

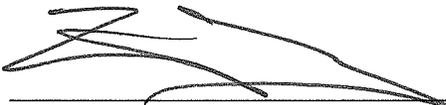
DONE AND ORDERED at Vero Beach, Indian River County, Florida this 31st day of August 2016.

ATTEST:

CODE ENFORCEMENT BOARD



Sherri Philo, as Board Clerk



Kirk Noonan, Chairman

[Seal]

Approved as to form and legal sufficiency:


Wayne R. Coment, as Board Attorney

IMPORTANT INFORMATION

Attendance at Hearing: If you do not appear at the hearing in person or by legal representative to defend this matter, the Code Enforcement Board may proceed to hear the case in your absence and rule against you. This case will be presented to the Board even if the violations are corrected prior to the hearing.

Correction of Violations: AFTER CORRECTING THE VIOLATIONS YOU MUST NOTIFY THE CODE ENFORCEMENT OFFICER at Telephone #772-978-4551 or 772-978-4561, or in person at the Code Enforcement Office, Vero Beach Police Department, 1055 20th Street, Vero Beach, FL 32960 to request re-inspection or otherwise confirm compliance in order to avoid imposition of additional civil penalties against you.

Cathy Kelly Ludwig
907 Tropic Drive
Vero Beach, FL 32963



July 13, 2016

Vero Beach Police Department
Code Enforcement
1055 20th Street
Vero Beach, FL 32963

This letter is in response to your notice concerning the removal of two palm trees and one oak tree from our property.

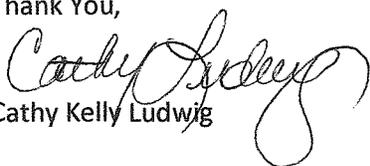
The two palm trees were the result of seedlings blown on our property or perhaps from birds. None the less, it was an unwanted plant. The placement of these trees were next to established palm trees and encroaching on their space. The two trees could not thrive together in the same space.

The oak tree had been pruned many times. But now the limbs were covering the house. With hurricane season here, it was decided to take down the tree to prevent roof damage in the event of a storm. The limbs were intertwined in our above ground electrical lines. Upon further inspection, the tree had termites eating it, hollowing it out. Currently there are seven oak trees, three palm trees and ten bamboo trees along with numerous bushes in the back yard.

I have been told by Code Enforcement that pictures were taken proving a thriving tree. The picture taken was of branches which did not verify the damage.

I do not feel that this violation is justified.

Thank You,


Cathy Kelly Ludwig

*I wish to request a hearing to appeal
the citation. Kelly*



**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,

CODE ENFORCEMENT CITATION

**AMENDED CITATION
No. 947M / 16-CE-6820**

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 27, 2016 at n/a

Name: **Ludwig, Michael R & Kelly, Cathy E, Webb, James Shaundale**
907 Tropic Dr
of: **Vero Beach, FL 32963**

at (violation address): 907 Tropic Drive in the City of Vero Beach, Florida committed the following civil offense: Oak tree removed without a permit.

Violation of code provision(s): 72.42

Facts constituting violation: Oak tree removed without a permit. After-the-Fact Tree Removal permit must be obtained from the Planning Department at City Hall and tree removed will need to be mitigated.

CIVIL PENALTY: \$250.00

PAY BY DATE: 08/02/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 08/02/2016. 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: 07/18/2016
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: _____

OFFICER COPY - 16-000888

Certified Mail Receipt: 70150640000696528317



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

5-A)3

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6872

JOSEPH R. DANIELS, SR. AND DONNA M. DANIELS
Violator

Citation No.: 957M

TO: Joseph R. Daniels, Sr. and Donna M. Daniels
17 South Somerset Avenue
Ventnor, NJ 08406

3815 Silver Palm Drive
Vero Beach, Florida 32963

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 14th 2 016 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.

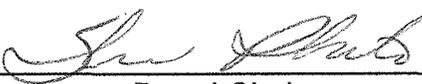
HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

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: September 1, 2016

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 1st day of September 20 16.


Board Clerk



**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,

CODE ENFORCEMENT CITATION

No. 957M / 16-CE-6872

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 04, 2016** at **n/a**

Name: **Daniels, Joseph R Sr and Donna M**
17 South Somerset Ave
of: **Ventnor, NJ 08406**

at (violation address): **3815 Silver Palm Drive** in the City of Vero Beach, Florida committed the following civil offense:
Operating a guest house and transient quarters in a residential zone.

Violation of code provision(s): 60.11, 60.06, 61.02

Facts constituting violation: Based on best available information subject property is being utilized for transient rentals /guesthouses for compensation for periods of less than 30 days. All rental activities of this nature and advertising of such activities must cease immediately.

CIVIL PENALTY: \$500.00

PAY BY DATE: 07/29/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 07/15/2016. 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: 07/14/2016
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 - 16-000976

Certified Mail Receipt: 70150640000696528300

ORIGINAL

Philo, Sherri

From: Donna [jazz32356@aol.com]
Sent: Monday, July 25, 2016 9:17 AM
To: Philo, Sherri
Subject: Fwd: Donna Daniels

I was told by Melody to forward this to you for an appeal. Thank you.

Donna

-----Original Message-----

From: Sanderson, Melody <MSanderson@vbpd.org>
To: 'Donna' <jazz32356@aol.com>
Cc: Philo, Sherri <SPhilo@covb.org>
Sent: Mon, Jul 25, 2016 7:00 am
Subject: RE: Donna Daniels

Donna,

Please send an email to Sherri Philo of the City Clerk's office requesting an appeal of the citation.

Melody Sanderson, CEO III
Vero Beach Police Department
Code Enforcement Division
772 978 4561
msanderson@VBPD.org



From: Donna [<mailto:jazz32356@aol.com>]
Sent: Sunday, July 24, 2016 8:47 PM
To: Sanderson, Melody
Subject: Donna Daniels

Hi, Melody....

I am writing in response to the citation I received for \$500.00 July 4th. Last year I thought we resolved all this and I would not have to deal with this anymore. I have abided by the rules and regulations and still I feel like I am being confronted about something that did not happen. I told you in my phone conversation that my home was not rented through VRBO that week.

I do not know who the officer spoke to but they did not speak to Christy the girl that was there. She had friends there with her and no one spoke to her, so obviously there was a miscommunication.

If I would have known that this was going to be a problem again I would have called and told you what was going on. I will have her call you if need be.

Moving forward I have rented my home to a lovely family from England this month and I would appreciate if no one was coming to the door disturbing them. I have caused no offense and I feel that I have spend a lot of money in keeping up my property and paying huge taxes to have my home there. I do plan to retire in my home and until then I hope you will continue to work with me.

Thank you.

Donna Daniels
3815 SilverPalm
Vero Beach Florida

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials and agencies regarding State or Local business are public records available to the public and media upon request. Your email communications, including your email address, may therefore be subject to public disclosure.



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

5-B)1a

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6947

CRAIG A. WATSON AND THERESA J. WATSON
 Violator

Citation No.: 971M

TO: Craig A. Watson and Theresa J. Watson
87 Barkers Mill Road
Hackettstown, NJ 07840

903 Sandpiper Lane
Vero Beach, Florida 32963

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 14th 2 016 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: September 1, 2016

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

1st day of September 20 16.


Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION
1055 20th Street
Vero Beach, FL 32960**

CODE ENFORCEMENT CITATION

No. 971M / 16-CE-6947

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 **August 08, 2016** at **n/a**

Name: **Watson, Craig A and Theresa J**
87 Barkers Mill Rd
of: **Hackettstown, NJ 07840**

at (violation address): **903 Sandpiper** in the City of Vero Beach, Florida committed the following civil offense: **Operating a guest house and transient quarters in a residential zone.**

Violation of code provision(s): **60.11.60.06. 31.02**

Facts constituting violation: **Based on best available information subject property is being utilized for transient rentals / guesthouses for compensation for periods of less than 30 days. All rental activities of this nature and the advertising of such activities must cease immediately. Future violations are subject to further Code Enforcement actions.**

CIVIL PENALTY: \$500.00

PAY BY DATE: 08/24/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 08/11/2016. 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: 08/09/2016
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 - 16-001096

Certified Mail Receipt: 70151730000072949438

ORIGINAL



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960

5-B-16

CITY OF VERO BEACH

CASE No.: 16-CE-6638

vs.

Citation No.: 0974T

Chessboard Properties, LLC.

1861 10th Avenue

Vero Beach, FL 32960

ORIGINAL

NOTICE OF WITHDRAWAL OF CITATION

The City of Vero Beach, by and through its undersigned Code Enforcement Officer, enters this Notice of Withdrawal of Citation and hereby withdraws the citation issued against the above-named Violator(s) in the above-entitled action pursuant to section 2-296(h) of the Code of the City of Vero Beach.

DATED this 30th day of August, 2016.



 Code Enforcement Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Withdrawal of Citation was furnished to the above-named Violator(s) this 30th day of August 2016

by: personal delivery first class mail to the address indicated above.

ORIGINAL



 Code Enforcement Officer



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

5-B)1c

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6651

FRANK DEFELICE
 Violator

Citation No.: 984T

TO: Frank Defelice
1405 15th 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 14th 2016 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.

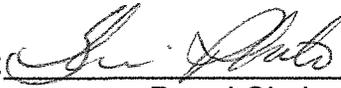
HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

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: September 1, 2016

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

1st day of September 2016.


Board Clerk



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960**

CITY OF VERO BEACH

CASE NO. 16-CE-6651

vs.

CITATION NO. 0984T

FRANK DEFELICE

1405 15th Avenue

Vero Beach, Florida 32960

**ORDER TO CORRECT VIOLATIONS, TO PAY CIVIL PENALTY AND COSTS,
AND ESTABLISHING AMOUNT OF CONTINUING PENALTY**

VIOLATION: City of Vero Beach Code sec. 38-31(b)(1), (6), (7), weeds, grass, and undergrowth in excess of 12"; areas are active breeding grounds for mosquitoes; swimming pool with stagnant water; sec. 38-32(a)(1), stripped, junked, inoperable, or unlicensed motor vehicles or boats, trailers.

LOCATION: 1405 15th Avenue, Vero Beach, Florida 32960

The above-styled case having come before the Code Enforcement Board of the City of Vero Beach ("Board") on the 10th day of August 2016 on request of the code enforcement officer for a Board order and the Board, having heard report of the code enforcement officer regarding the violations having not been corrected and having reviewed the record in this case, on motion made and approved, found that:

1. The citation and notice of hearing issued in this case were served as provided by law; however the violator failed to appear in this enforcement action.
2. The violator did not appeal issuance of the citation in this case within the time allowed by law and thereby waived the right to a hearing before the Board to contest the issuance of the citation, which waiver of hearing is deemed an admission of the violations as specified in the citation. The violation of Code sec. 38-31(b)(1) is a repeat violation.
3. The violations specified in the citation have not been corrected and the initial civil penalty assessed on the citation has not been paid.
4. The City has requested enforcement costs in the amount of \$59.10 for which the City is entitled to recover and the City is entitled pursuant to law to recover all costs of recording the Board's orders in the public records and for satisfying and recording releases of the resulting liens upon payment.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD THAT:

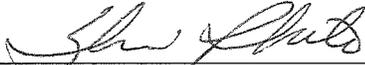
The violator is deemed to have committed the violations as specified above and on the citation, including the repeat violation of Code sec. 38-31(b)(1), which violations have not been corrected and

are continuing. **The violator shall correct all of the cited violations by or before September 14, 2016** and pay to the City Clerk, within 30 days from the date of this Order, the initial civil penalty of **\$100.00** and costs of enforcement of **\$59.10**, together with all costs of recording the Board's orders in the public records and costs of satisfying and recording release of the resulting lien upon payment. **There is hereby established a continuing civil penalty of \$100.00 per day for each day the violations remain uncorrected after September 14, 2016.**

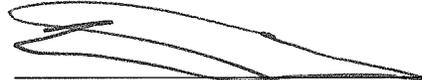
DONE AND ORDERED at Vero Beach, Indian River County, Florida this 31st day of August 2016.

ATTEST:

CODE ENFORCEMENT BOARD



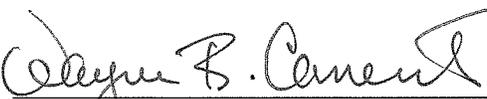
Sherri Philo, as Board Clerk



Kirk Noonan, Chairman

[Seal]

Approved as to form and legal sufficiency:



Wayne R. Coment, as Board Attorney

IMPORTANT INFORMATION

Correction of Violations: AFTER CORRECTING THE VIOLATIONS, OR FOR MORE INFORMATION, YOU MUST CONTACT THE CODE ENFORCEMENT OFFICER at Telephone #772-978-4551 or 772-978-4561, or in person at the Code Enforcement Office, Vero Beach Police Department, 1055 20th Street, Vero Beach, FL 32960 in order to request re-inspection to avoid imposition of additional civil penalties against you.

Payment of Civil Penalties and Costs: You must contact the City Clerk's Office at 772-978-4700 for the total amount of civil penalties, enforcement costs, recording and other costs required to satisfy this order and lien. Payment may be made in person at the City Clerk's Office located in City Hall, 1053 20th Place, Vero Beach, Florida 32960, Monday through Friday between 8:30 A.M. and 5:00 P.M., or by mailing a check or money order for the verified amount to said address, payable to "City of Vero Beach." Do not mail cash!

Repeat Violation: Repeat violation of the same Code provision by the violator, even if committed at a different location, can result in the issuance of a code enforcement citation and assessment of increased civil penalties for the repeat offense.

Notice of Right to Appeal Board Decision: An aggrieved party may appeal the Board's order to the Circuit Court in Indian River County, Florida. A written notice of appeal, together with a copy of the order appealed, must be filed with the Clerk of the Code Enforcement Board **and** with the Clerk of the Circuit Court, together with the applicable court filing fees, within thirty (30) days after the date of this order or the right to appeal is waived. An appeal is limited to appellate review of the record of the proceedings created before the Code Enforcement Board. *Ref.* F.S. 26.012(1); Florida Rules of Appellate Procedure, 9.030(c)(1)(C); 9.110(c).



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 0984T / 16-CE-6651

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 May 13, 2016 at N/A

ORIGINAL

Name: **Defelice, Frank**
1405 15th Ave
of: **Vero Beach, FL 32960-3766**

at (violation address): 1405 15th Ave in the City of Vero Beach, Florida committed the following civil offense: **38-31(b) It shall be unlawful for any owner of real property within the city to maintain the real property so that any of the following conditions, which shall be considered to be public nuisances, exist on such real property:**

- (1) Weeds, grass, or undergrowth at a height of more than 12 inches;**
- (6) Any areas that are active breeding grounds for mosquitoes;**
- (7) Swimming pools with stagnant water;**

38-32 (a) 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): 38-31 (b)(1)(6)(7), 38-32 (a)(1)

Facts constituting violation: Grass, weeds, and undergrowth in excess of 12". Vehicle on site with expired vehicle registration / tags, pool is green/black and stagnant and must be either drained or made clean and provided with active filtration to prevent mosquito breeding and growth. All corrections are required and citation payment due on or before 6/21/2016

CIVIL PENALTY: \$100.00

PAY BY DATE: 06/21/2016

✓ REPEAT VIOLATION

✓ CORRECTION REQUIRED BY: 06/21/2016. 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: 06/03/2016
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.

ORIGINAL

Date: _____

ORIGINAL



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

CODE ENFORCEMENT CITATION

No. 1019D / 13-CE-3656

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 Jan 25, 2013 at n/a

Name: **Frank & Eloise Defelice**
of: **1405 15th Avenue**
Vero Beach, FL 32960

at (violation address): 1405 15th Ave in the City of Vero Beach, Florida committed the following civil offense: **UNENCLOSED STORAGE OF JUNK OR DEBRIS. UNDERGROWTH ON SOUTH SIDE OF PROPERTY.**

Violation of code provision(s): 38-31(B)(1),(5)

Facts constituting violation: PILES OF DEBRIS ON SOUTH SIDE OF PROPERTY MUST BE REMOVED OR PLACED INSIDE AN ENCLOSED STRUCTURE. ALSO UNDERGROWTH OF WEEDS AND GRASS UNDER VEHICLE(S) ON SOUTH SIDE OF PROPERTY. PLEASE CORRECT ALL VIOLATIONS BY COMPLIANCE DATE BELOW.

CIVIL PENALTY: \$50.00

PAY BY DATE: 05/20/2013

REPEAT VIOLATION

CORRECTION REQUIRED BY: 05/20/2013. 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: Code Enforcement

Date Issued: 05/02/2013
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.

Frank P. Defelice
Signature of Individual

Date: 6/6/13



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

5-B)1d

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6843

OUTLIER INVESTMENTS, LLC – MATT MARTISE
 Violator

Citation No.: 951M

TO: Outlier Investments, LLC – Matt Martise
2325 18th Avenue
Vero Beach, Florida 32960

NOTICE OF HEARING

148 21st Street
Vero Beach, Florida 32960

2020 Delmar Avenue
Vero Beach, Florida 32960

2101 14th 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 14th 2 016 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.

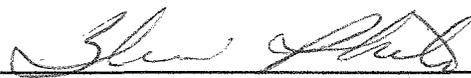
FOR THE CODE ENFORCEMENT BOARD

Date: September 1, 2016

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 1st day of September 20 16.


Board Clerk



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960**

CITY OF VERO BEACH

CASE NO. 16-CE-6843

vs.

CITATION NO. 951M

OUTLIER INVESTMENTS, LLC

Matt Martise, Mgr

**2325 18th Avenue
Vero Beach, FL 32960**

**2020 Delmar Ave.
Vero Beach, FL 32960**

**2101 14th Ave.
Vero Beach, FL 32960**

**1418 21st Street
Vero Beach, FL 32960**

**ORDER TO CORRECT VIOLATION
AND TO PAY INITIAL CIVIL PENALTY AND COSTS**

VIOLATION: City of Vero Beach Code sec. 22-106; 22-181, A/C unit installed without permit.

LOCATION: 2325 18th Avenue, Vero Beach, Florida 32960

The above-styled case having come before the Board on the 10th day of August 2016 on request of the code enforcement officer for an order to correct violation and the Board, having heard report of the code enforcement officer regarding the violation having not been corrected, having heard the testimony of the violator's representative, Mr. Matt Martise, and having reviewed the record in this case, on motion made and approved, found that:

1. The citation and notice of hearing issued in this case were served as provided by law and the violator's manager, Mr. Matt Martise, appeared and testified.
2. The violator did not appeal issuance of the citation in this case within the time allowed by law and thereby waived the right to a hearing before the Board to contest the issuance of the citation, which waiver of hearing is deemed an admission of the violation specified in the citation. In addition the civil penalty of \$50.00 assessed on the citation has been paid, which is also an admission of the violation.
3. The violation has not been corrected and the initial civil penalty assessed on the citation has been paid.
4. The City did not request enforcement costs at this time; however, the City is entitled pursuant to law to recover all costs of recording the Board's orders in the public records and for preparing and recording releases of the resulting liens upon payment.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD:

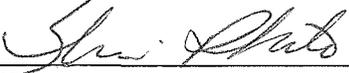
The violator is deemed to have committed the violation as specified above and on the citation, which violation has not been corrected and is continuing. **The violator shall cause correction of the**

violation by September 14, 2016 by obtaining the required after-the-fact permits and inspections. Assessment of continuing civil penalties and enforcement and hearing costs is reserved at this time.

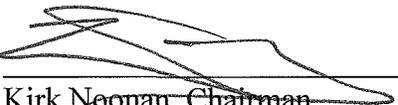
DONE AND ORDERED at Vero Beach, Indian River County, Florida this 31st day of August 2016.

ATTEST:

CODE ENFORCEMENT BOARD



Sherri Philo, as Board Clerk



Kirk Noonan, Chairman

[Seal]

Approved as to form and legal sufficiency:



Wayne R. Coment, as Board Attorney

IMPORTANT INFORMATION

Correction of Violations: AFTER CORRECTING THE VIOLATIONS YOU MUST NOTIFY THE CODE ENFORCEMENT OFFICER; by Telephone 772-978-4551 or 772-978-4561, or in person at the Code Enforcement Office, Vero Beach Police Department, 1055 20th Street, Vero Beach, FL 32960 in order to request re-inspection to avoid imposition of additional civil penalties against you.

Payment of Civil Penalties and Costs: You must contact the City Clerk's Office at 772-978-4700 for the total amount of civil penalties, enforcement costs, recording and other costs required to satisfy this order and lien after the violations are corrected. Payment may be made in person at the City Clerk's Office located in City Hall, 1053 20th Place, Vero Beach, Florida 32960, Monday through Friday between 8:30 A.M. and 5:00 P.M., or by mailing a check or money order for the verified amount to said address, payable to "City of Vero Beach." Do not mail cash!

Repeat Violation: Repeat violation of the same Code provision by the violator, even if committed at a different location, can result in the issuance of a code enforcement citation and assessment of increased civil penalties for the repeat offense.

Notice of Right to Appeal Board Decision: An aggrieved party may appeal the Board's order to the Circuit Court in Indian River County, Florida. A written notice of appeal, together with a copy of the order appealed, must be filed with the Clerk of the Code Enforcement Board **and** with the Clerk of the Circuit Court, together with the applicable court filing fees, within thirty (30) days after the date of this order or the right to appeal is waived. An appeal is limited to appellate review of the record of the proceedings created before the Code Enforcement Board. Ref. F.S. 26.012(1); Florida Rules of Appellate Procedure, 9.030(c)(1)(C); 9.110(c).



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 951M / 16-CE-6843

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 02, 2016 at n/a

Name: **Outlier Investments LLC / Matt Martise, Agent**
c/o **Isabella's Bridal Company 2101 14th Avenue**
of: **Vero Beach, FL 32960**

at (violation address): 2325 18th Avenue in the City of Vero Beach, Florida committed the following civil offense: **PERMIT REQUIRED - Air Conditioner unit installed without permit.**

Violation of code provision(s): 22-106, 22-181

Facts constituting violation: Air conditioner unit installed without permit from the Indian River County Building Department.
CIVIL PENALTY: \$50.00 PAY BY DATE: 07/22/2016 REPEAT VIOLATION

CORRECTION REQUIRED BY: 07/22/2016. 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: 07/06/2016
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.

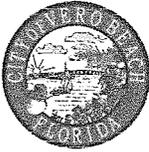
Signature of Individual

Date: _____

CLERK COPY - 16-000932

Certified Mail Receipt: PROPERTY POSTED

ORIGINAL



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

5-B)1e

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6844

OUTLIER INVESTMENTS, LLC – MATT MARTISE
Violator

Citation No.: 952M

TO: Outlier Investments, LLC – Matt Martise
2325 18th Avenue
Vero Beach, Florida 32960

NOTICE OF HEARING

148 21st Street
Vero Beach, Florida 32960

2020 Delmar Avenue
Vero Beach, Florida 32960

2101 14th 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 14th 2 016 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.

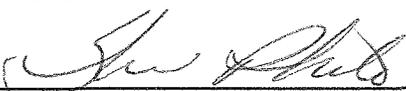
FOR THE CODE ENFORCEMENT BOARD

Date: September 1, 2016

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 1st day of September 20 16.


Board Clerk



BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960

CITY OF VERO BEACH

CASE NO. 16-CE-6844

vs.

CITATION NO. 952M

OUTLIER INVESTMENTS, LLC

Matt Martise, Mgr

2325 18th Avenue
Vero Beach, FL 32960

2020 Delmar Ave.
Vero Beach, FL 32960

2101 14th Ave.
Vero Beach, FL 32960

1418 21st Street
Vero Beach, FL 32960

**ORDER FINDING VIOLATION AND
SETTING HEARING ON CORRECTION**

VIOLATION: City of Vero Beach Code sec. 61.02, garage converted/used as unpermitted dwelling unit.

LOCATION: 2325 18th Avenue, Vero Beach, Florida 32960

The above-styled case having come before the Board on the 10th day of August 2016 on request of the code enforcement officer for an order to correct violation and the Board, having heard report of the code enforcement officer regarding the violation having not been corrected, having heard the testimony of the violator's representative, Mr. Matt Martise, and having reviewed the record in this case, on motion made and approved, found that:

1. The citation and notice of hearing issued in this case were served as provided by law and the violators manager, Mr. Matt Martise, appeared and testified.
2. The violator did not appeal issuance of the citation in this case within the time allowed by law and thereby waived the right to a hearing before the Board to contest the issuance of the citation, which waiver of hearing is deemed an admission of the violation specified in the citation.
3. The violation has not been corrected by eliminating the unpermitted dwelling unit.
4. Based on the circumstances, it would be appropriate to allow the violator additional time to formulate corrective action for the violation.

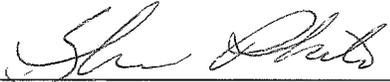
IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD:

The violator is deemed to have committed the violation as specified above and on the citation, which violation has not been corrected and is continuing. **Hearing on status of the violator's corrective action is scheduled for September 14, 2016 at 2:00 P.M.** in Council Chambers, City Hall, 1053 20th Place, Vero Beach, Florida 32960. Assessment of civil penalties and enforcement and hearing costs is reserved at this time.

DONE AND ORDERED at Vero Beach, Indian River County, Florida this 31st day of August 2016.

ATTEST:

CODE ENFORCEMENT BOARD



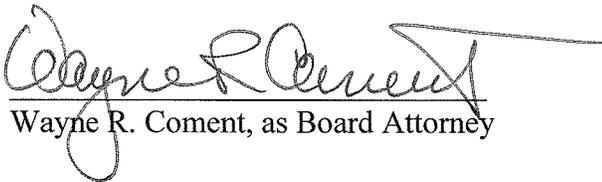
Sherri Philo, as Board Clerk



Kirk Noonan, Chairman

[Seal]

Approved as to form and legal sufficiency:



Wayne R. Coment, as Board Attorney

IMPORTANT INFORMATION

Attendance at Hearing: If you do not appear at the hearing in person or by legal representative to defend this matter, the Code Enforcement Board may proceed to hear the case in your absence and rule against you. This case will be presented to the Board even if the violations are corrected prior to the hearing.

Correction of Violations: **AFTER CORRECTING THE VIOLATIONS YOU MUST NOTIFY THE CODE ENFORCEMENT OFFICER;** by Telephone 772-978-4551 or 772-978-4561, or in person at the Code Enforcement Office, Vero Beach Police Department, 1055 20th Street, Vero Beach, FL 32960 in order to request re-inspection to avoid imposition of additional civil penalties against you.

Repeat Violation: Repeat violation of the same Code provision by the violator, even if committed at a different location, can result in the issuance of a code enforcement citation and assessment of increased civil penalties for the repeat offense.



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 952M / 16-CE-6844

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 05, 2016 at n/a

Name: **Outlier Investments, LLC / Matt Martise , Agent**
c/o Isabella's Bridal Company
of: **2101 14th Avenue**
Vero Beach, FL 32960

at (violation address): 2325 18th Avenue in the City of Vero Beach, Florida committed the following civil offense: Garage apartment is not a permitted use in the RM 10/12 zoned district.

Violation of code provision(s): 61.02

Facts constituting violation: Garage apartment is being used as dwelling unit.

CIVIL PENALTY: \$50.00

PAY BY DATE: 07/22/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 07/22/2016. 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: 07/06/2016
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 - 16-000933

Certified Mail Receipt: PROPERTY POSTED

ORIGINAL



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

5-B)1F

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6968

OUTLIER INVESTMENTS, LLC – MATT MARTISE
 Violator

Citation No.: 852M

TO: Outlier Investments, LLC – Matt Martise
2325 18th Avenue
Vero Beach, Florida 32960

NOTICE OF HEARING

148 21st Street
Vero Beach, Florida 32960

2020 Delmar Avenue
Vero Beach, Florida 32960

2101 14th 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 14th 2 016 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: September 1, 2016

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

1st day of September 20 16.


Board Clerk



**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,

CODE ENFORCEMENT CITATION

No. 852M / 16-CE-6968

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 19, 2016 at n/a

Name: **Outlier Investments LLC / Matt Martise, Agent**
2020 Delmar Avenue
of: **Vero Beach, FL 32960**

at (violation address): **2325 18th Avenue** in the City of Vero Beach, Florida committed the following civil offense: **PERMIT REQUIRED: Air conditioner unit installed without a permit.**

Violation of code provision(s): 22-106, 22-181

Facts constituting violation: Air conditioner installed without a permit from the Indian River County Building Department.
CIVIL PENALTY: \$100.00 PAY BY DATE: 09/02/2016 REPEAT VIOLATION

CORRECTION REQUIRED BY: 08/26/2016. 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: 08/19/2016
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 - 16-001138

Certified Mail Receipt: PROPERTY POSTED

ORIGINAL



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

5-B)1g

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6842

CARLOS AGUILERA
 Violator

Citation No.: 1036T

TO: Carlos Aguilera
1506 14th Court
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 14th 2016 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: September 1, 2016

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

1st day of September 20 16.


Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

Receipt No: 24471000001
Date: 07/06/2016 16:21
Acct No:
Amount on Acct: \$50.00

No. **1036T / 16-CE-6842**

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 06, 2016 at N/A

Name: **Aguilera, Carlos**
1506 14th Ct
of: **Vero Beach, FL 32960-3610**

ORIGINAL
CITY OF VERO BEACH UTILITIES
JUL 06 2016

at (violation address): 1506 14th Court in the City of Vero Beach, Florida committed the following civil offense: **Construction (Shed) without a permit or approvals.**

Violation of code provision(s): 22-106. 64.02. 2000 BLDG CODE

Facts constituting violation: Shed without an IRC Building Department Permit or COVB Planning and Development. Please remit payment and arrange for appropriate approvals and permitting on or before 7/22/2016.

CIVIL PENALTY: \$50.00

PAY BY DATE: 07/22/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 07/22/2016. 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: Ramsey
Department: VBPD Code Enforcement

Date Issued: 07/06/2016
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 - 16-000930

Certified Mail Receipt: 70150640000696527761

ORIGINAL



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

5-B)1h

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6601

B. ANDRES NYQUIST
 Violator

Citation No.: 0965T

TO: B. Andres Nyquist
1805 19th Place
Vero Beach, Florida 32960

NOTICE OF HEARING

1715 19th Street
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 14th 2 016 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): Request for a Rehearing

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: September 1, 2016

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

1st day of September 2016.


Board Clerk



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960**

CITY OF VERO BEACH

CASE NO. 16-CE-6601

vs.

CITATION NO. 0965T

**B. ANDRES NYQUIST as Trustee
of the Irrev. H. Nyquist Trust UAD 5-9-83
1805 19th Place #100
Vero Beach, FL 32960**

AND

1715 19th Place
Vero Beach, FL 32960

**ORDER TO CORRECT VIOLATION, TO PAY CIVIL PENALTY
AND COSTS, AND ESTABLISHING CONTINUING PENALTIES**

VIOLATION: City of Vero Beach Code sec. 22-106(a), construction without building permits/ approvals.

LOCATION: 1715 19th Street, Vero Beach, Florida 32960

The above-styled case having come before the Board on the 10th day of August 2016 on request of the code enforcement officer for an order to correct violations and the Board, having heard report of the code enforcement officer regarding the violation having not been fully corrected and having reviewed the record in this case, on motion made and approved, found that:

1. The citation and notice of hearing issued in this case were served as provided by law; however the violator has failed to appear in this enforcement action before the Board.
2. The violator did not appeal issuance of the citation in this case within the time allowed by law and thereby waived the right to a hearing before the Board to contest the issuance of the citation, which waiver of hearing is deemed an admission of the violations specified in the citation.
3. The violations have not been corrected and the initial civil penalty assessed on the citation has not been paid.
4. The City has incurred enforcement costs of \$44.37, which costs the City is entitled to recover together with all costs of recording the Board's orders in the public records and for preparing and recording releases of the resulting liens upon payment.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD:

The violator is deemed to have committed the violations as specified above and on the citation, which violations have not been fully corrected and are continuing. **The violator shall correct all violations by September 14, 2016 by obtaining all after-the-fact building permits/approvals**

required for the work on the property, and shall pay to the City Clerk, within 30 days from the date of this Order, the initial civil penalty of **\$50.00** assessed on the citation and costs of enforcement of **\$44.37**, together with all costs of recording the Board's orders in the public records and costs of satisfying and recording release of the resulting lien upon payment. A **continuing civil penalty of \$50.00 per day for each day the violations remain uncorrected after September 14, 2016 is hereby established.**

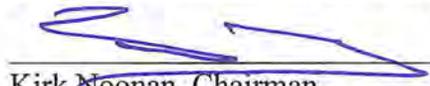
DONE AND ORDERED at Vero Beach, Indian River County, Florida this 31st day of August 2016.

ATTEST:



Sherri Philo, as Board Clerk

CODE ENFORCEMENT BOARD



Kirk Noonan, Chairman

[Seal]

Approved as to form and legal sufficiency:



Wayne R. Coment, as Board Attorney

IMPORTANT INFORMATION

Correction of Violations: AFTER CORRECTING THE VIOLATIONS, OR FOR ADDITIONAL INFORMATION, YOU MUST CONTACT THE CODE ENFORCEMENT OFFICER by Telephone 772-978-4551 or 772-978-4561, or in person at the Code Enforcement Office, Vero Beach Police Department, 1055 20th Street, Vero Beach, FL 32960 in order to request re-inspection to avoid imposition of additional civil penalties against you.

Payment of Civil Penalties and Costs: You must contact the City Clerk's Office at 772-978-4700 for the total amount of civil penalties, enforcement costs, recording and other costs required to satisfy this order and lien after the violations are corrected. Payment may be made in person at the City Clerk's Office located in City Hall, 1053 20th Place, Vero Beach, Florida 32960, Monday through Friday between 8:30 A.M. and 5:00 P.M., or by mailing a check or money order for the verified amount to said address, payable to "City of Vero Beach." Do not mail cash!

Repeat Violation: Repeat violation of the same Code provision by the violator, even if committed at a different location, can result in the issuance of a code enforcement citation and assessment of increased civil penalties for the repeat offense.

Notice of Right to Appeal Board Decision: An aggrieved party may appeal the Board's order to the Circuit Court in Indian River County, Florida. A written notice of appeal, together with a copy of the order appealed, must be filed with the Clerk of the Code Enforcement Board **and** with the Clerk of the Circuit Court, together with the applicable court filing fees, within thirty (30) days after the date of this order or the right to appeal is waived. An appeal is limited to appellate review of the record of the proceedings created before the Code Enforcement Board. *Ref.* F.S. 26.012(1); Florida Rules of Appellate Procedure, 9.030(c)(1)(C); 9.110(c).



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

**1055 20th Street
Vero Beach, FL 32960**

CODE ENFORCEMENT CITATION

No. 0965T / 16-CE-6601

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 **April 25, 2016** at **N/A**

ORIGINAL

Name: **B. Anders Nyquist**
1805 19th Place
of: **Vero Beach, FL 32960**

at (violation address): **1715 19th St** in the City of Vero Beach, Florida committed the following civil offense: **(a) Building permit. 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)**

Facts constituting violation: **Construction on site without permits or approvals as required by City and County Code. Please Cease all construction related activities until appropriate Permits and Approvals have been obtained. Please arrange for permitting and remit civil penalty on or before 5/12/2016.**

CIVIL PENALTY: \$50.00

PAY BY DATE: 05/12/2016

REPEAT VIOLATION

✦ CORRECTION REQUIRED BY: 05/12/2016. 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: **04/26/2016**
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 - 16-000542

Certified Mail Receipt: 70140150000165023643

ORIGINAL

Philo, Sherri

From: B. Anders Nyquist [andersnyquist@gmail.com]
Sent: Wednesday, September 07, 2016 9:22 AM
To: Philo, Sherri
Subject: Nyquist Case # 2016-CE-6601, 1715- 19th St, VB
Attachments: COVB-CEB Petition for Rehearing 9-7-16.pdf



Code Enforcement Board, Petition for Rehearing attached
The original will be hand delivered to your office today.

B. Anders Nyquist

--

NOTICE: THIS E-MAIL MESSAGE AND ALL ATTACHMENTS TRANSMITTED WITH IT CONTAINS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED SOLELY FOR THE USE OF THE ADDRESSEE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY READING, DISSEMINATION, DISTRIBUTION, COPYING, OR OTHER USE OF THIS MESSAGE OR ITS ATTACHMENTS IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE (772) 333-8913 OR BY ELECTRONIC MAIL (andersnyquist@gmail.com) AND THEN DELETE THIS MESSAGE AND ALL COPIES AND BACKUPS THEREOF.

BEFORE THE CODE ENFORCEMENT BOARD OF THE CITY OF VERO BEACH,
INDIAN RIVER COUNTY, FLORIDA

CITY OF VERO BEACH, by the
CITY OF VERO BEACH POLICE DEPARTMENT,
DIVISION OF CODE ENFORCEMENT

Complainant,

v.

CASE NO. 2016-CE-6601

B. ANDERS NYQUIST

Petitioner/Respondent,
_____/

**RESPONDENT'S PETITION FOR CODE ENFORCEMENT BOARD
REHEARING UNDER CITY OF VERO BEACH CODE OF ORDINANCES 2-306**

WHEREAS a code enforcement board hearing was held before this board on August 10, 2016, regarding the Respondent's property at 1715- 19th St., Vero Beach, in which the Respondent was not present. The Respondent's communications regarding this case were with City Code Officer Thomas Ramsey, Sherri Philo the Deputy City Clerk and James O'Connor, the City Manager.

The Code Enforcement Board's written order dated August 31, 2016 for the August 10, 2016 hearing assessed fines and demanded compliance was received by the Respondent by US Mail on September 5, 2016.

WHEREAS, City of Vero Beach Code of Ordinances Sec. 2-306 Rehearing: amendment of Orders state various grounds for a Petitioner's rehearing for (a)(1) for Mistake or Inadvertence, or as in (a)(3) Misrepresentation and (a)(4) Lack of Notice, which in the petition filing all deem to apply, a copy of the City's Code of Ordinances Sec 2-306 is attached hereto as Petitioners Exhibit #1

Additionally, the Respondent filed a timely *Notice of Appeal* to the City Code Enforcement Department on May 5, 2016 in accordance with the terms of the Stop Work Order, by email to City Code Officer, Tom Ramsey who disregarded Petitioner/Respondent's filing as he assessed it as an improper Notice of Appeal and disregarded Petitioners appeal. Moreover, Code Officer Ramsey did reply by email to Respondent on May 11, 2016 at 12:31 PM "You will in no way be penalized". The initial Stop Work Order is attached hereto as Respondents Exhibit "#2 and the Petitioner's Notice of Appeal to the Department head is attached hereto as Respondent's Exhibit #3

The subject property has not been the subject of any past code enforcement violation and a warning notice without fine could easily have been issued in this case, as the building permit required alleged violations are general maintenance repair items arguably not requiring a building permit. Nonetheless, Respondent paid the fees and acquired a building permit for the front porch plank replacement, as Thomas Ramsey in numerous conversations notified the Respondent that procuring a building permit at the property would remove the case from the Code Enforcement jurisdiction and agenda and place the property into the jurisdiction of the Building Department, as the Code Enforcement Officers are not trained to render opinions on matters of building code.

A Hearing was scheduled for August 10, 2016 and on August 9, 2016 the Respondent procured a building permit number is 2016-080354 and communicated this to City Code Officer by email with the subject header of "1715- 19th St, Vero Beach" to Code Officer Ramsey, with the question "I trust this will cancel the CEB hearing set for August 10, 2016, please confirm". The immediate following email from Mr. Ramsey at 7:08 AM on August 10, 2016 stated that "This case has been pulled from the agenda and is closed. You will not need to attend the hearing for this case", a copy of the email thread of communication for the period August 9 to August 10, 2016 is attached hereto as Respondent's Exhibit #4 and concurrently marked as Exhibit A and A-1.

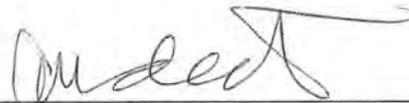
Without regard to the Respondent's due process rights, Code Officer Ramsey, went forward with his case and addressed the Board on his complaint anyway after he had notified Respondent that the hearing was cancelled and that he must not attend the hearing, Respondent Nyquist did not receive any subsequent email notices from Officer Ramsey until about 4 pm on August 10, 2016 after the hearing had already been held.

Additionally, Code Officer Ramsey did not disclose to the board that he had sent an email message to the Respondent cancelling the hearing or at the very least creating an ambiguity regarding Respondents requirement of attendance for the hearing. Contrary to this, Code Officer Ramsey stated to the Board that he had in fact notified Mr. Nyquist of his required attendance which was untrue. The minutes of the hearing memorialize his non-disclosure to the Board are attached as Exhibit #5.

THEREFORE, COMES NOW, the Petitioner/Respondent, B. Anders Nyquist and hereby petitions the Board of Code Enforcement for the City of Vero Beach, Florida that with regard to the numerous defenses and evidence brought forward that the Code Enforcement Board rescind and set aside it's findings of fact and Order of the August 10, 2016 hearing and set a new hearing date where the Petitioner/ Respondent can be heard in accordance with Florida law and set forth his defenses.

Certificate of Service

I hereby certify that a true and correct copy of the foregoing *Petition for Rehearing under City Code of Ordinances Sec.2-306* has been e-mailed to the City Clerk, for the Code Enforcement Board of the City of Vero Beach, Florida, the complainant and also hand delivered on this 7th day of September, 2016



B. ANDERS NYQUIST, Petitioner/Respondent
1715- 19th St.
Vero Beach, FL 32960
Tele: 772-333-8913/andersnyquist@gmail.com

Sec. 2-306. - Rehearing; amendment of orders.

(a) *Rehearing; grounds.* The board may rehear all or part of the issues in any enforcement action upon any party demonstrating sufficient grounds for a rehearing or on the board's own initiative. Sufficient grounds shall include but are not limited to:

- (1) Mistake, inadvertence, surprise, or excusable neglect of a party or the party's representative;
- (2) Newly discovered evidence which could not have been timely discovered before the hearing resulting in entry of the board order by the exercise of due diligence, is more likely than not to change the outcome, was discovered after the conclusion of the hearing or proceeding, is material to the issues raised in the hearing or proceeding, and is not impeachment or cumulative evidence;



- (3) Fraud, misrepresentation, or other misconduct of an adverse party; or
- (4) Lack of notice of the enforcement action or hearing.

(b) *Written request required; time for request; hearing on request.* A request for rehearing shall be in writing, specifying the specific grounds for the rehearing, and shall be filed with the board clerk no later than then ten days after rendition of the board order. A timely request may be amended to state new grounds in the discretion of the board at any time before the request is determined. The board clerk shall set and notice a hearing on an authorized and timely request for rehearing in the manner provided in this article for administrative hearings. If after the hearing the board finds sufficient grounds and grants the request, the rehearing may proceed at that time on the issues approved by the board for rehearing. In the alternative, the board may schedule the rehearing for a date and time certain as the board deems appropriate, in which case the board shall issue an order granting the rehearing, specifying the date and time for the rehearing and the issues on which the board granted rehearing. The board clerk shall serve a copy of the board order on the parties and provide a copy to the code enforcement officer.

(c) *Time for appeal tolled; abandonment of request.* An authorized and timely request for a rehearing under this section, until disposed of, tolls the time to file a notice of appeal of the final board action. A party, who files a request for rehearing and before the request is disposed of files an appeal from the same board order on which the rehearing is requested, is deemed to have abandoned the request for a rehearing.

(d) *Amendment of orders.* The board may take additional testimony and receive additional evidence, reconsider and amend its orders, or enter new orders, as the circumstances and justice requires.

P/R Ex "1"



**VERO BEACH POLICE
DEPARTMENT**

CODE ENFORCEMENT DIVISION

1055 20th Street
Vero Beach, Florida 32960

STOP ORDER

Ref. No. CE-6601

TO: B. Anders Nyquist
1805 19th Place
Vero Beach, FL 32960

THE REMOVAL, OBSTRUCTION, OR DEFACEMENT OF THIS ORDER, UNLESS AUTHORIZED BY THE ISSUING OFFICER, IS A VIOLATION OF SECTION 2-296(g) OF THE CITY CODE PUNISHABLE BY A FINE OF UP TO \$500 AND/OR 60 DAYS IMPRISONMENT!

IT IS ORDERED THAT THE FOLLOWING SPECIFIED WORK OR ACTIVITIES SHALL CEASE IMMEDIATELY:
Building permit. 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. Continued Construction activity may result in additional Code Enforcement activity.

LOCATION: 1715 19th St, Vero Beach, FL 32960 in the City of Vero Beach

REASONS FOR THE STOP ORDER:

Violation(s):

- ✓ The specified work or activities comprise a violation that concerns the failure to obtain any required administrative approval, permit, inspection, or license prior to commencing or continuing the work or activities.
- ✓ The specified work or activities comprising the violation create an unsafe condition or an unsafe condition may result or damage to persons or property may occur if the work or activities continue.

THE FOLLOWING CONDITIONS MUST BE MET BEFORE THE WORK OR ACTIVITIES MAY RESUME:
Acquire all Permitting and Approvals for construction activity on site. Cease all work until Permits issued and Posted.

WARNING! FAILURE TO COMPLY WITH THIS STOP ORDER BY IMMEDIATELY CEASING THE SPECIFIED WORK OR ACTIVITIES OR FAILURE TO MEET THE SPECIFIED CONDITIONS BEFORE RESUMING THE WORK OR ACTIVITIES IS A SEPARATE VIOLATION PUNISHABLE BY A CIVIL PENALTY OF \$500.00 PER DAY FOR EACH DAY THE WORK OR ACTIVITIES CONTINUE! § 2-296(f), COVB CODE.

Issued by: Tom Ramsey
Department:

✓ appeal filed
May 5, 2016

Date Issued: 04/26/2016
Telephone: 772-978-4551

RIGHT TO APPEAL: The issuance of this order may be appealed by filing a written request for review with the issuing officer's department head, stating the pertinent facts and details why the order should be rescinded or modified. The work or activities subject of this order must stop until resolution of the appeal unless ordered otherwise. **THE WRITTEN REQUEST FOR REVIEW MUST BE RECEIVED AT City Hall, 1053 20th Place, Vero Beach, Florida 32960 WITHIN TEN (10) DAYS FROM THE DATE THIS ORDER WAS ISSUED (excluding Saturdays, Sundays, and legal holidays) OR THE RIGHT TO APPEAL ISSUANCE OF THIS ORDER IS WAIVED.**

PIR Ex "2"

NOTICE OF APPEAL CE-6601

7 messages

B. Anders Nyquist <andersnyquist@gmail.com>

Thu, May 5, 2016 at 11:52 AM

To: "Ramsey, Tom" <tramsey@vbpd.org>

Dear Mr. Ramsey:

In accordance with your Stop Order CE-6601 dated April 26, 2016 for my home at 1715-19th St, Vero Beach, please accept this as my notice of appeal as many of the alleged violation items photographed and cited as requiring building permit are in reality nothing more that normal property maintenance and non requiring of a building permit.

Please acknowledge receipt of this notice. Thank you for your attention.

Very Truly Yours,

B. Anders Nyquist

NOTICE: THIS E-MAIL MESSAGE AND ALL ATTACHMENTS TRANSMITTED WITH IT CONTAINS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED SOLELY FOR THE USE OF THE ADDRESSEE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY READING, DISSEMINATION, DISTRIBUTION, COPYING, OR OTHER USE OF THIS MESSAGE OR ITS ATTACHMENTS IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE (772) 333-8913 OR BY ELECTRONIC MAIL: [andersnyquist@gmail.com] AND THEN DELETE THIS MESSAGE AND ALL COPIES AND BACKUPS THEREOF.

Ramsey, Tom <TRamsey@vbpd.org>

Thu, May 5, 2016 at 12:05 PM

To: "B. Anders Nyquist" <andersnyquist@gmail.com>, Scott McAdam <smcadam@ircgov.com>, David Checchi <dchecchi@ircgov.com>, Betty Hunter <bhunter@ircgov.com>, "Philo, Sherri" <SPhilo@covb.org>, "Ramsey, Tom" <TRamsey@vbpd.org>

Anders- I will notify the City Clerk's Office and the Building Official Scott McAdam of your wish to contest and appear before the Code Enforcement Board.

Scott, David, and Betty- I would like someone from your office to attend as well. I will notify you once the hearing date has been set.

Sherry, My case # 16-000542. Yours: 0965T / 16-CE-6601

I will be requesting Citation, City costs, and Daily Penalties and will prepare my Affidavit of Costs prior to the hearing.

P/R EX "3"

Respectfully,

Tom

Tom Ramsey

Vero Beach Police Department

Code Enforcement

(772)978-4551

tramsey@vbpd.org



From: B. Anders Nyquist [mailto:andersnyquist@gmail.com]
Sent: Thursday, May 05, 2016 11:52 AM
To: Ramsey, Tom
Subject: NOTICE OF APPEAL CE-6601

[Quoted text hidden]

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials and agencies regarding State or Local business are public records available to the public and media upon request. Your email communications, including your email address, may therefore be subject to public disclosure.

B. Anders Nyquist <andersnyquist@gmail.com>
To: "Ramsey, Tom" <TRamsey@vbpd.org>

Thu, May 5, 2016 at 12:16 PM

Dear Tom,

As per our telephone call 5 minutes ago, to clarify this is a 'request for appeal' to the Department Head, as stated in the 'Right to Appeal' paragraph of your 4/26/16 Stop Work Order. I am not requesting a Notice of Hearing before the Code Enforcement Board, at this juncture.

Thank you

EX "3-1"

B. Anders Nyquist
[Quoted text hidden]

Scott McAdam <smcadam@ircgov.com>

Mon, May 9, 2016 at 9:19 AM

To: "Ramsey, Tom" <TRamsey@vbpd.org>, "B. Anders Nyquist" <andersnyquist@gmail.com>, David Checchi <dchecchi@ircgov.com>, Betty Hunter <bhunter@ircgov.com>, "Philo, Sherri" <SPhilo@covb.org>

Tom,

Thank you for the heads up.

Scott P. McAdam, CBO, MCP

Building Official

Indian River County

Phone (772)226-1268

Fax (772) 770-5333

Email: smcadam@ircgov.com

From: Ramsey, Tom [mailto:TRamsey@vbpd.org]

Sent: Thursday, May 05, 2016 12:05 PM

To: 'B. Anders Nyquist'; Scott McAdam; David Checchi; Betty Hunter; Philo, Sherri; Ramsey, Tom

[Quoted text hidden]

[Quoted text hidden]

B. Anders Nyquist <andersnyquist@gmail.com>

Wed, May 11, 2016 at 12:24 PM

To: "Ramsey, Tom" <TRamsey@vbpd.org>

Re: 1715- 19th St
Vero Beach, FL 32960

Dear Tom,

I have not heard back from the City on my Notice of Appeal submitted regarding my home on May 5, 2016 with the jurisdictional department head which I assume is Mr McAdams. What is your procedure on this type of appeal process? Will a date and time be selected and I be notified?

Today is May 11, 2016 and I do not want to be penalized by fines or fees for exercising my right to an appeal with a department head as per your notice. Please advise.

Thank you.

Sincerely Yours,

B. Anders Nyquist

EX "3-2"

On Thu, May 5, 2016 at 12:16 PM, B. Anders Nyquist <andersnyquist@gmail.com> wrote:

Dear Tom,

As per our telephone call 5 minutes ago, to clarify this is a 'request for appeal' to the Department Head, as stated in the 'Right to Appeal' paragraph of your 4/26/16 Stop Work Order. I am not requesting a Notice of Hearing before the Code Enforcement Board, at this juncture.

Thank you

B. Anders Nyquist

On Thu, May 5, 2016 at 12:05 PM, Ramsey, Tom <TRamsey@vbpd.org> wrote:

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

✓

Ramsey, Tom <TRamsey@vbpd.org>
To: "B. Anders Nyquist" <andersnyquist@gmail.com>

Wed, May 11, 2016 at 12:31 PM

You will in no way will be penalized. I am scheduled to meet with Mr. McAdams tomorrow on an unrelated matter and will at that time request a mutual meeting for all of us. I will let you know. I appreciate your remaining vigilance.

Tom

From: B. Anders Nyquist [mailto:andersnyquist@gmail.com]
Sent: Wednesday, May 11, 2016 12:24 PM
To: Ramsey, Tom
Subject: Re: NOTICE OF APPEAL CE-6601

[Quoted text hidden]

[Quoted text hidden]

B. Anders Nyquist <andersnyquist@gmail.com>
To: "Ramsey, Tom" <TRamsey@vbpd.org>

Wed, May 11, 2016 at 2:53 PM

Thanks Tom...I really hope to get this resolved very soon.

Anders

[Quoted text hidden]

EX '3-3'



B. Anders Nyquist
<andersnyquist@gmail.com>

**Please get me the Permit # as early as possible
for 1715 19th Street**

andersnyquist@gmail.com
<andersnyquist@gmail.com>
To: "Ramsey, Tom" <TRamsey@vbpd.org>

Tue, Aug 9, 2016
at 6:50 PM

Tom,

I paid for an received the building permit for 1715-19th PL today at 4 pm. The permit number is 2016-080354. I will deal with the Building Dept. from here on out, I trust this will cancel the CEB hearing set for August 10, 2016 at 2 pm, please confirm.

B Anders Nyquist

Sent from my iPhone

On Aug 9, 2016, at 3:02 PM, Ramsey, Tom <TRamsey@vbpd.org> wrote:

**Tom Ramsey
Vero Beach Police Department
Code Enforcement
(772)978-4551**

P/R EX "4"



B. Anders Nyquist
<andersnyquist@gmail.com>

**Please get me the Permit # as early as possible
for 1715 19th Street**

Ramsey, Tom <TRamsey@vbpd.org>

Wed, Aug 10, 2016 at 7:08
AM

To: "andersnyquist@gmail.com" <andersnyquist@gmail.com>



This is case has been pulled from the agenda and is closed. You will
not need to attend the Hearing for this case.



Tom Ramsey

Vero Beach Police Department

Code Enforcement

(772)978-4551

tramsey@vbpd.org



Ex "4-1"

CODE ENFORCEMENT BOARD MINUTES
Wednesday, August 10, 2016 – 2:00 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Kirk Noonan; Vice Chairman, Frank Pizzichillo; Members: Christopher Bryant, Herbert Whittall, and Alternate Member #1, Eric Price **Also Present:** City Attorney, Wayne Coment; Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Tom Ramsey; Indian River County Licensing Inspector, David Checchi, and Deputy City Clerk, Sherri Philo

Excused Absence: Stephen McDonald

Unexcused Absence: Mr. Jeffrey McGann

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIENCE

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

The Deputy City Clerk swore in staff and all witnesses present for today's meeting en masse.

3. PRELIMINARY MATTERS

A) Adoption of Minutes – June 8, 2016

Mr. Pizzichillo made a motion to adopt the minutes of the June 8, 2016 Code Enforcement Board meeting. Mr. Whittall seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Mr. Tom Ramsey, Code Enforcement Officer, pulled item 5-B) 1e – Indian River Investments Realty, Inc. from today's agenda. He reported that the property is in compliance and the case is closed. He then pulled item 5-B) 1k – Carlos Aguilera from today's agenda. He reported that the citation has been paid and the violator requested an extension to allow time to get the permitting, which has been approved.

Mr. Pizzichillo made a motion to adopt the agenda as amended. Mr. Bryant seconded the motion and it passed unanimously.

4. UNLICENSED CONTRACTORS/CITATIONS

None

5. EVIDENTIARY HEARINGS

1 08/10/16 CEB

P. D. EX "S"

VIOLATION ADDRESS: 1506 14th Court, Vero Beach,
Florida 32960

This item was pulled from today's agenda.

I. CASE #16-CE-6601 / 0965T

VIOLATOR: B. Anders Nyquist ✓

VIOLATION: Construction on site without permits or approvals as required by City and County Code

VIOLATION ADDRESS: 1715 19th Street, Vero Beach,
Florida 32960

Mr. Ramsey reported that service of the citation, along with a Stop Work Order, was provided by posting of the property. He reported that there were several things found going on at the home with interior remodels, a hot water heater installation, a new air conditioner installation, a new front porch, etc. He reported that a permit was pulled yesterday, but it was only for the front porch. The property owner, Mr. B. Anders Nyquist, pulled a permit yesterday and requested to be pulled from today's hearing; however the permit was pulled for only the front porch. He reported that he advised Mr. Nyquist that his case was still on for today's hearing. Mr. Ramsey requested that the Board issues a Board order to pay the civil penalty in the amount of \$50, enforcement costs of \$44.37, to come into compliance by getting a permit, and if not in compliance that there would be continuing penalties.

Mr. Noonan made a motion that the Board finds there is a violation, that the violation continues, and that the Board issues a Board order for payment of the \$50 civil penalty, the cost of enforcement of \$44.37 and that the property be brought into compliance by means of obtaining a permit before the next Board meeting of September 14, 2016. Mr. Pizzichillo seconded the motion and it passed unanimously.

Mr. Coment questioned if the Board wanted to impose a \$50 per day continuing penalty if not corrected by September 14, 2016. Mr. Noonan answered yes and the Board members agreed.

6. OLD BUSINESS

None

7. ADMINISTRATIVE MATTERS

None

8. CLERK'S MATTERS

None

9. ATTORNEY'S MATTERS

None

19 08/10/16 CEB

P. 2 EX 5-1"



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

5-B)11

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6914

BENJAMIN ELIAS DAUM
 Violator

Citation No.: 2016002050

TO: Benjamin Elias Daum
2206 16th Avenue S.W.
Vero Beach, Florida 32962

NOTICE OF HEARING

Indian River County Jail

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 14th 2016 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.

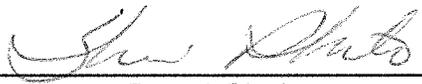
HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

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 12, 2016

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

12th day of August 20 16.


Board Clerk



CITY OF VERO BEACH, FLORIDA
Code Enforcement
 1053 20th Place, Vero Beach, Florida 32960

CODE ENFORCEMENT CITATION

No. 2016002050

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 the 28 day of July 2016, at 1212 () AM () PM

BENJAMIN VELDS DAUM 10128183 M W
 First Name Middle Last DOB Sex Race
 of 2206 16th Ave Sw Vero Beach FL 32967 at
17th St / US1 City State Zip Code Telephone
 in the City of Vero Beach, Florida committed the

Location of Violation
 following civil offense: C.D. 74-171

in violation of code provision(s): Redemption Violation

Facts constituting violation: Received a complaint reference to aggressive parking. I observed Daum at the curb edge, north placed cone front but by a sign "However any time". Daum has been receiving money from vehicles as they are traveling north or west.

CIVIL PENALTY: \$ 50.00 PAY BY DATE: Aug 11 2016 REPEAT VIOLATION

WARNING. This is a warning notice and no civil penalty is assessed. If correction of the violation is required, it must be corrected by the date specified below. Failure to correct the violation by the date specified, or a repeat of the same violation, even if the violation occurs at a different location, will result in issuance of a citation assessing civil penalties against you.

CORRECTION REQUIRED BY: 12:28 pm 7/28/16, 2. 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: [Signature]
 Officer Signature
Patrol
 Department/Division

Date Issued: 072816
 Telephone: 772 978 4604

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]
 Signature of Individual

Date: 7/29/16



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

5-B)15

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6881

MAXWELL PROPERTIES, INC. AND UNKNOWN TENANT OF BAY 1
 Violator

Citation No.: 964M

TO: Maxwell Properties, Inc. and
Unknown Tenant of Bay 1
920 Truman Street
Sebastian, Florida 32968

NOTICE OF HEARING

1146 21st Street
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 14th 2016 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: September 1, 2016

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

1st day of September 20 16.


Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 964M / 16-CE-6881

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 21, 2016** at **n/a**

Name: **Maxwell Properties Inc and Unknown Tenant of Bay 1**
920 Truman St
of: **Sebastian, FL 32958**

at (violation address): **1146 21st Street** in the City of Vero Beach, Florida committed the following civil offense: **Failure to obtain Business Tax Receipt. Business must obtain Business Tax Receipt from the Planning Department at City Hall.**

Violation of code provision(s): 70.62

Facts constituting violation: Failure to obtain Business Tax Receipt. Business must obtain Business Tax Receipt from the Planning Department at City Hall.

CIVIL PENALTY: \$50.00

PAY BY DATE: 08/10/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 07/29/2016. 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: 07/26/2016
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 - 16-000998

Certified Mail Receipt: 70151730000072949377

ORIGINAL



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

5-B) | K

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6879

MAXWELL PROPERTIES, INC.
 Violator

Citation No.: 963M

TO: Maxwell Properties, Inc.
920 Truman Street
Sebastian, Florida 32958
Sebastian, Florida 32968

NOTICE OF HEARING

1146 21st Street
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 14th 2016 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: September 1, 2016

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

1st day of September 20 16.


Board Clerk



**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,

CODE ENFORCEMENT CITATION

No. 963M / 16-CE-6879

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 21, 2016 at n/a

Name: **Maxwell Properties Inc,**
920 Truman St
of: **Sebastian, FL 32958**

at (violation address): **1146 21st Street** in the City of Vero Beach, Florida committed the following civil offense: **Public Nuisance - Unlicensed, non operable vehicles, motors and parts on the north side of the property. Failure to maintain site plan (landscaping) plants along US 1 are dead.**

Violation of code provision(s): 38.32 (a) (1), 64.11 (d)

Facts constituting violation: Public Nuisance - Unlicensed, non operable vehicles, motors and parts on the north side of the property. Failure to maintain site plan (landscaping) - plants along US 1 are dead.

CIVIL PENALTY: \$50.00

PAY BY DATE: 08/05/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 07/29/2016. 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: 07/21/2016
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 - 16-000994

Certified Mail Receipt: 70140150000165021441

ORIGINAL



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

5-8)1L

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6716

RUSSELL W. O'BRIEN AND KAREN O'BRIEN
Violator

Citation No.: 927M

TO: Russell W. O'Brien and Karen O'Brien
701 Tides Road
Vero Beach, Florida 32963

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 14th 2016 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.

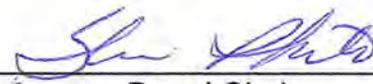
HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

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: September 1, 2016

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

1st day of September 2016.


Board Clerk



**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,

CODE ENFORCEMENT CITATION

No. 927M / 16-CE-6716

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 07, 2016 at n/a

Name: **O'brien, Russell W and Karen**
701 Tides Rd
of: **Vero Beach, FL 32963-1257**

at (violation address): **701 Tides Road** in the City of Vero Beach, Florida committed the following civil offense: **Seawall maintenance required.**

Violation of code provision(s): 74.02

Facts constituting violation: Failure to obtain permit to repair seawall.

CIVIL PENALTY: \$50.00

PAY BY DATE: 08/02/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 08/02/2016. 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: 07/18/2016
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 - 16-000748

Certified Mail Receipt: 70140150000165021434

 **ORIGINAL**

Philo, Sherri

From: Sanderson, Melody
Sent: Friday, September 02, 2016 9:15 AM
To: 'Bob Harvey'
Cc: Philo, Sherri
Subject: RE: letter Concerning 701/716 Tides Road



Bob,

I spoke with our City Attorney and was advised your letter is improper Ex Parte communication and under Florida law cannot go to the Code Enforcement Board.

Melody Sanderson, CEO III
Vero Beach Police Department
Code Enforcement Division
772 978 4561
msanderson@VBPD.org

-----Original Message-----

From: Bob Harvey [<mailto:rbharvey@intercom.net>]
Sent: Friday, September 02, 2016 8:12 AM
To: Sanderson, Melody
Subject: letter Concerning 701/716 Tides Road

Melody,
I would like this letter submitted to Board Members prior to their meeting on the 14. I have mailed you the original letter.
Thanks,
Bob harvey

Robert and Ingrid Harvey

716 Tides Road

Vero Beach, Florida 32963

September 1, 2016

To: Vero Beach Code Enforcement Board

City of Vero Beach, Florida, Police Department

Att: Melody Sanderson, CEO III

Re: Non Permitted Construction 701 Tides Road

We are the owners of the home at 716 Tides Road. We are the neighbors immediately to the south of the O'Briens at 701 Tides Road. We have been materially affected by their illegal construction that took place sometime between March and June of 2016.

We are part time residents occupying our house from January through March. We purchased the home in March of 2012. Almost immediately, we became aware there was a sink hole in the corner of our property at the intersection of our property line with the O'Briens and the sea wall. I backfilled this area on numerous occasions, but was unable to stop the problem because of the heavy runoff coming from the O'Briens' driveway. Mr. O'Brien approached me in March of 2016 to discuss the problem and possible solutions. He said he was considering retaining an Engineer to make suggestions. I said ideally he should put in curbing and a catch basin to catch the runoff at its source. Some additional discussion followed. I said if he was going to put in a catch basin at the sea wall the logical place was the corner of my property because of its low elevation. I reminded him he should speak to the County before proceeding as I didn't want an unpermitted structure on my property.

Fast forward to June 2016 and the following summary of events:

After leaving at the end of March, we were required to return to Vero Beach for a home inspection in early June. We arrived in the early afternoon of June 5th,

Almost immediately, I notice a problem at the northern corner of our property at the sea wall. I went to investigate and found a large sink hole as well as the displacement of our sea wall, boat davit and counter weight. Upon further investigation, I found the remains of what appeared to be a poorly

constructed catch basin with surrounding erosion. This basin had been constructed just on the O'Briens' side of the property line at the sea wall with a discharge pipe cut through the sea wall.

I knew the existing condition had to be stabilized before another serious rain event. I found out that there had been a recent rainfall of about 10 inches. The O'Briens had made no effort to contact me about the bad situation that had developed during the rainfall.

I waited until Mr O'Brien came home from work. I went over and knocked on the door. His wife answered and said Mr.O'Brien was in the shower. I tried to explain to her the erosion and runoff problem must be addressed because the possibility of another heavy rainfall which could topple the sea wall. About this time Mr O'Brien appeared. After a short discussion Mrs.O'Brien said we will fix our wall, you fix yours and if you don't like it "get a lawyer". I returned to my property.

Being late Friday afternoon I could do nothing until Monday. Early Monday morning I set out to find if there was a building permit for the catch basin and breach of the sea wall. After several dead end leads, I was finally advised to go to the Code Enforcement Dept. I did and was told there was no permit and they would look at the construction. They found it was non-compliant and issued a citation to get a permit and fix their sea wall. I asked if they would be required to fix mine. I was told that was civil matter that they couldn't enforce.

We are part-time resident only living in Vero Beach 3 months a year. When you are away and your neighbors act in a manner that is both a violation of code and damage your property as well as failing to act in your best interest, they can cause considerable damage. And when they do you harm, your only recourse is to turn to the municipal government and their enforcement of the law. It is very unfortunate when a neighbor chooses to force this course of action but attempts to have a discussion was met by telling me to "get a lawyer". Whether we file suit against the O'Briens is a separate matter. The issue here is whether they should be fined for their past unapproved modification and should be permitted to make further modifications that do not address the full scope of the damages they caused.

The O'Briens' unpermitted construction will cost us an estimated \$6,000 in repairs for which we believe they should be responsible. My attorney informed me he just received notification from Mr. O'Brien informing him that they will be using Wilco Construction for their repairs and suggesting I might want to do likewise. This reinforces our view that a penalty should be imposed for their unpermitted substandard construction. And in addition and more importantly, their repairs should address complete repair of the damages they caused.

I would ask that this letter become part of the official record of your scheduled Meeting on September 14,2016. I am prepared to appear at that meeting to present my views if permitted to do so.

Photographs have been provided under separate cover. They show the remains of the illegal catch basin with resulting erosion and damage and settlement at sea wall.In addition,I have included a picture prior to the damage.

In closing, if the O'Brien's had followed the law and submitted their design for permit review, it would never have been approved without substantial design changes, and the failure and damage to our sea wall would not have happened. They should have sought professional help.

Sincerely,

Robert Harvey

Philo, Sherri

From: Sanderson, Melody
Sent: Friday, September 02, 2016 9:25 AM
To: Philo, Sherri
Subject: FW: Pipe through Wall
Attachments: IMG_0329.JPG; ATT00001.txt

Melody Sanderson, CEO III
Vero Beach Police Department
Code Enforcement Division
772 978 4561
msanderson@VBPD.org

-----Original Message-----

From: Bob Harvey [<mailto:rbharvey@intercom.net>]
Sent: Wednesday, August 31, 2016 9:14 PM
To: Sanderson, Melody
Subject: Pipe through Wall

Philo, Sherri

From: Sanderson, Melody
Sent: Friday, September 02, 2016 9:25 AM
To: Philo, Sherri
Subject: FW: Backward leaning Davit and Wall Displacement
Attachments: IMG_0325.JPG; ATT00001.txt

Melody Sanderson, CEO III
Vero Beach Police Department
Code Enforcement Division
772 978 4561
msanderson@VBPD.org

-----Original Message-----

From: Bob Harvey [<mailto:rbharvey@intercom.net>]
Sent: Wednesday, August 31, 2016 9:10 PM
To: Sanderson, Melody
Subject: Backward leaning Davit and Wall Displacement

Philo, Sherri

From: Sanderson, Melody
Sent: Friday, September 02, 2016 9:25 AM
To: Philo, Sherri
Subject: FW: Backward leaning Davit and Wall Displacement
Attachments: IMG_0325.JPG; ATT00001.txt

Melody Sanderson, CEO III
Vero Beach Police Department
Code Enforcement Division
772 978 4561
msanderson@VBPD.org

-----Original Message-----

From: Bob Harvey [<mailto:rbharvey@intercom.net>]
Sent: Wednesday, August 31, 2016 9:10 PM
To: Sanderson, Melody
Subject: Backward leaning Davit and Wall Displacement

Philo, Sherri

From: Sanderson, Melody
Sent: Friday, September 02, 2016 9:26 AM
To: Philo, Sherri
Subject: FW: Damage to Sea Wall Cap
Attachments: IMG_0312.JPG; ATT00001.txt

Melody Sanderson, CEO III
Vero Beach Police Department
Code Enforcement Division
772 978 4561
msanderson@VBPD.org

-----Original Message-----

From: Bob Harvey [<mailto:rbharvey@intercom.net>]
Sent: Wednesday, August 31, 2016 9:06 PM
To: Sanderson, Melody
Subject: Damage to Sea Wall Cap

Philo, Sherri

From: Sanderson, Melody
Sent: Friday, September 02, 2016 9:25 AM
To: Philo, Sherri
Subject: FW: Remains of Catch Basin
Attachments: IMG_0323.JPG; ATT00001.txt

Melody Sanderson, CEO III
Vero Beach Police Department
Code Enforcement Division
772 978 4561
msanderson@VBPD.org

-----Original Message-----

From: Bob Harvey [<mailto:rbharvey@intercom.net>]
Sent: Wednesday, August 31, 2016 9:08 PM
To: Sanderson, Melody
Subject: Remains of Catch Basin

Philo, Sherri

From: Sanderson, Melody
Sent: Friday, September 02, 2016 9:26 AM
To: Philo, Sherri
Subject: FW: Sea Wall Prior to Damage
Attachments: IMG_0048.JPG; ATT00001.txt

Melody Sanderson, CEO III
Vero Beach Police Department
Code Enforcement Division
772 978 4561
msanderson@VBPD.org

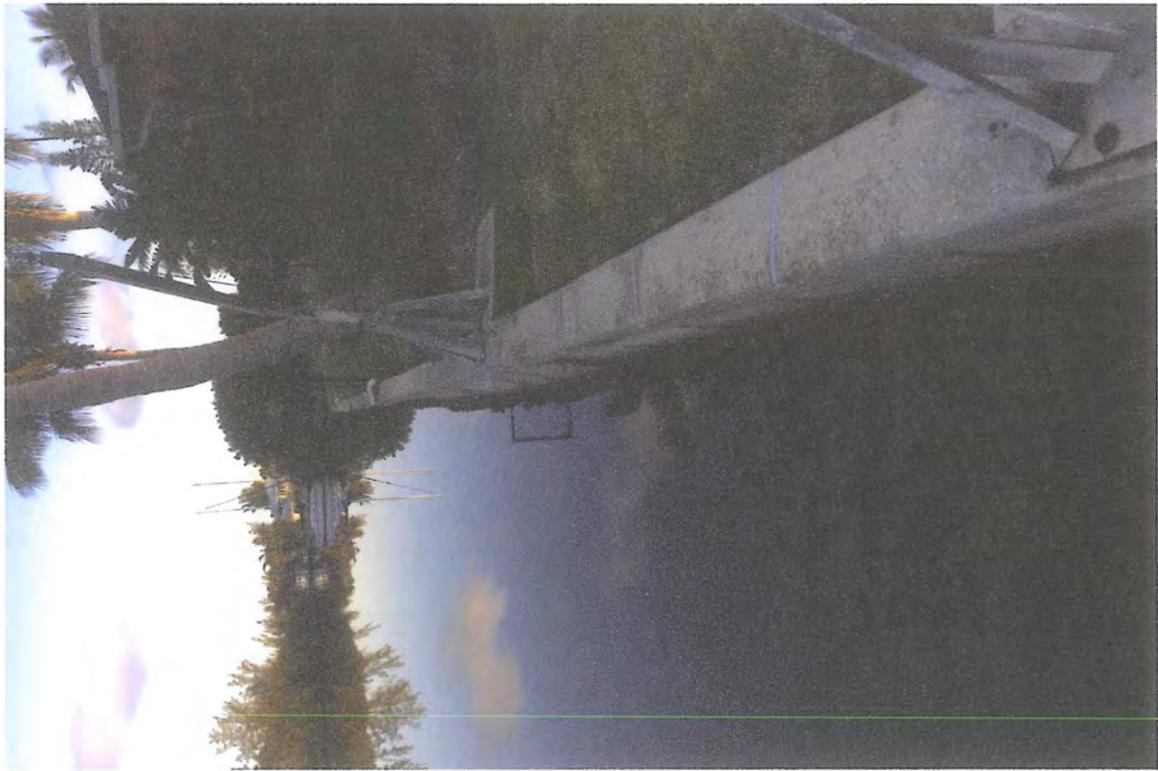
-----Original Message-----

From: Bob Harvey [<mailto:rbharvey@intercom.net>]
Sent: Wednesday, August 31, 2016 9:04 PM
To: Sanderson, Melody
Subject: Sea Wall Prior to Damage

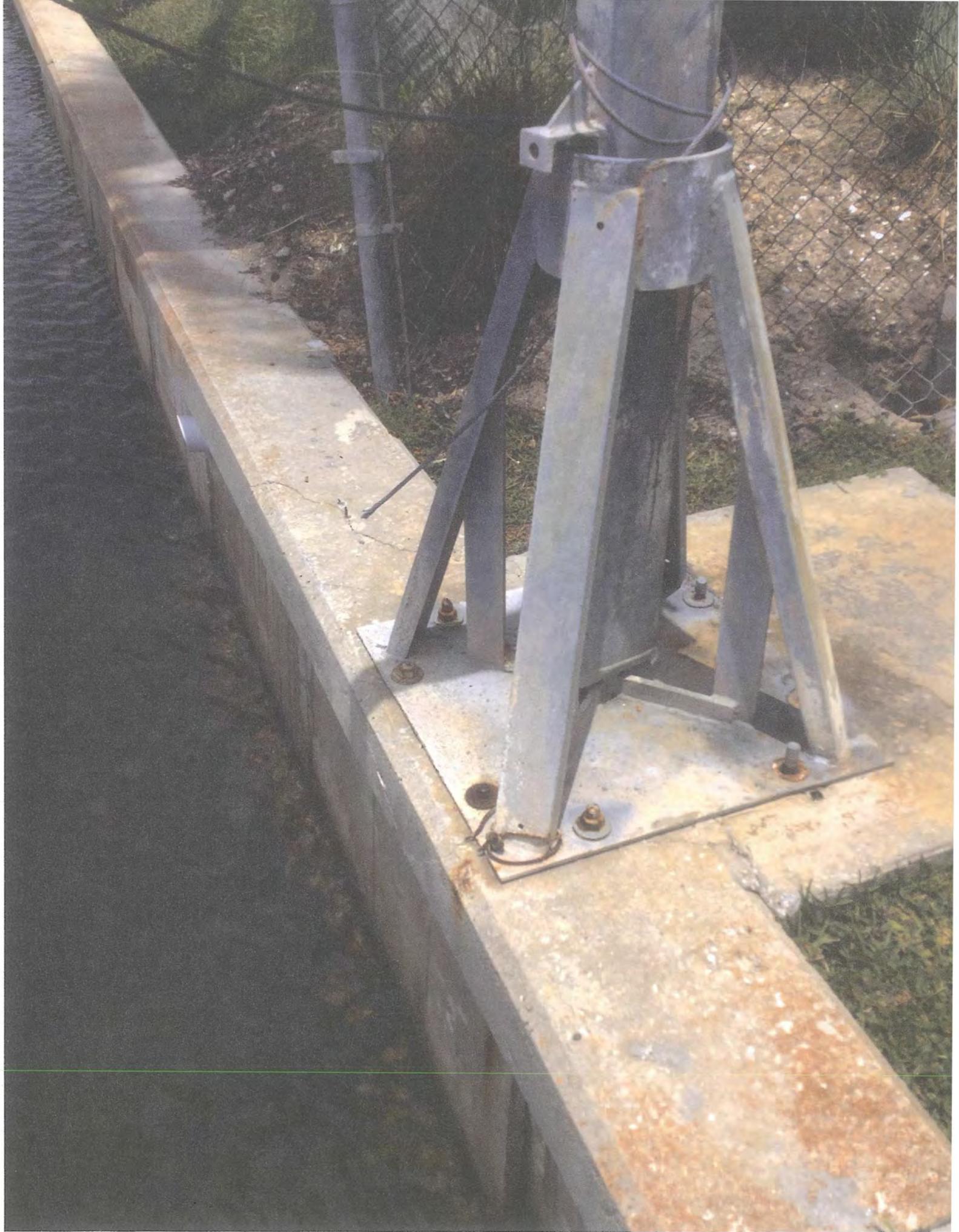














BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960
Telephone (772) 978-4550

5-B)1m

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6967

2628 US1 INVESTMENTS INC. / OMAR ATWAY
Violator

Citation No.: 851M

TO: 2628 U.S.1 Investments, Inc. and Omar Atway
110 Thorton Drive
West Palm Beach, Florida 33410

NOTICE OF HEARING

2628 U.S.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 14th 2016 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.
[X] 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.

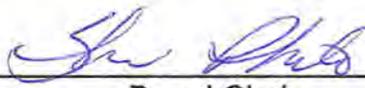
HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

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: September 1, 2016

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

1st day of September 2016.


Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION
1055 20th Street
Vero Beach, FL 32960**

CODE ENFORCEMENT CITATION

No. 851M / 16-CE-6967

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 **August 12, 2016** at **n/a**

Name: **2628 US 1 Investments Inc, / Omar Atway**
110 Thorton Dr
of: **West Palm Beach, FL 33410**

at (violation address): **2628 US Highway 1** in the City of Vero Beach, Florida committed the following civil offense: **PUBLIC NUISANCE: Non-operable vehicles, trailer(s) and golf carts stored on the property.**

Violation of code provision(s): **38.31 (a), 38.32 (a) (1) (2) (3)**

Facts constituting violation: **PUBLIC NUISANCE: Non-operable vehicles, trailer(s) and golf carts stored on the property. If property is being used for business the business requires Site Plan Approval and a Business Tax Receipt from the Planning Department.**

CIVIL PENALTY: \$50.00

PAY BY DATE: 09/02/2016

REPEAT VIOLATION

❖ **CORRECTION REQUIRED BY: 08/29/2016. 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: 08/18/2016
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 - 16-001136

Certified Mail Receipt: 70151730000072949445

ORIGINAL



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

5-B)1n

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6919

PENNYMAC HOLDINGS, LLC AND CHRIS WHITE
Violator

Citation No.: 970M

TO: PennyMac Holdings, LLC and Chris White
6101 Condor Drive
Moor Park, Florida 93021

NOTICE OF HEARING

3865 Indian River Drive East
Vero Beach, Florida 32963

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 14th 2016 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.
[X] Failure to Correct Violation(s).
[X] 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: September 1, 2016

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

1st day of September 20 16.


Board Clerk



**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,

CODE ENFORCEMENT CITATION

No. 970M / 16-CE-6919

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 02, 2016** at **n/a**

Name: **PennyMac Holdings, LLC Attn: Chris White**
6101 Condor Dr
of: **Moor Park, FL 93021**

at (violation address): **3865 Indian River Dr E** in the City of Vero Beach, Florida committed the following civil offense:
PUBLIC NUISANCE: Stagnant swimming pool and weeds, grass or undergrowth at a height of more than 12 inches.

Violation of code provision(s): **38.31 (a) (b) (1) (7)**

Facts constituting violation: **Pool is stagnant and must be restored to water clarity and have continuous filtration or be covered. Grass must be cut and maintained at a height of less than 12 inches.**

CIVIL PENALTY: \$50.00

PAY BY DATE: 08/17/2016

REPEAT VIOLATION

*** CORRECTION REQUIRED BY: 08/17/2016. 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: 08/02/2016
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 - 16-001059

Certified Mail Receipt: 70151743000007294939

ORIGINAL



7-A)

**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA**
1053 20TH PLACE
VERO BEACH, FLORIDA 32960

CITY OF VERO BEACH

CASE NO. 16-CE-6808

vs.

CITATION NO. 503M

Leeann Mayes Gothberg and

Irene Dineen

P.O. Box 1

Fairview, NC 28730

and

2 Spring Cove Road

Ashville, NC 28804

and

902 Sandpiper Lane

Vero Beach, FL 32963

ORDER POSTPONING HEARING

VIOLATION: City of Vero Beach Code, sections 60.11; 60.06; 61.02, operating a guest house and transient quarters in a residential zone.

LOCATION: 766 Fiddlewood Rd., Vero Beach, Florida 32963

The above-styled case having come before the Code Enforcement Board of the City of Vero Beach ("Board") on the 10th day of August 2016 on request of the named violators for an administrative hearing to contest issuance of the citation in this case, on motion made and approved, the Board finds as follows:

1. The violators advised the Board that the violators desire to contest the interpretation or application of a code provision(s) alleged in the citation to have been violated; and
2. Pursuant to section 2-303 of the Code Enforcement Ordinance the Board shall postpone the hearing and the Board's determination on the contested citation if the violator contests at the hearing the interpretation or application of any code provision alleged in the citation to be violated and shall grant the violator ten (10) days to file a written appeal with the designated administrative authority of the City in the manner specified in the Code of the City of Vero Beach.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD THAT:

The violator is granted ten (10) days to file with the designated administrative authority of the City, as defined in Code section 2-303(s), and file a copy with the Code Enforcement Board clerk, a written appeal regarding the interpretation or application of the code provision(s) alleged in the citation to be violated. The hearing and the Board's determination on the code enforcement citation is postponed pending final outcome of such administrative appeal regarding interpretation or application of the code provision(s) alleged in the citation to have been violation.

DONE AND ORDERED at Vero Beach, Indian River County, Florida this 31st day
of August 2016.

ATTEST:

CODE ENFORCEMENT BOARD



Sherri Philo
As Board Clerk



Kirk Noonan
Board Chairman

[Seal]

Approved as to form and legal sufficiency:



Wayne R. Coment
As Board Attorney

IMPORTANT INFORMATION

Notice of Right to Appeal Board Decision: An aggrieved party may appeal the Board's order to the Circuit Court in Indian River County, Florida. A written notice of appeal, together with a copy of the order appealed, must be filed with the Clerk of the Code Enforcement Board *and* with the Clerk of the Circuit Court, together with the applicable court filing fees, within thirty (30) days after the date of this order or the right to appeal is waived. An appeal is limited to appellate review of the record of the proceedings created before the Code Enforcement Board. *Ref.* F.S. 26.012(1); Florida Rules of Appellate Procedure, 9.030(c)(1)(C); 9.110(c).

Philo, Sherri

From: Sanderson, Melody
Sent: Friday, September 02, 2016 9:49 AM
To: Philo, Sherri
Subject: 902 Sandpiper

The five STR cases for Gothberg Mayes and Dineen are now in compliance.

Melody Sanderson, CEO III
Vero Beach Police Department
Code Enforcement Division
772 978 4561
msanderson@VBPD.org

