

**MINUTES OF THE REGULAR MEETING OF THE
CHARLOTTE COUNTY CODE ENFORCEMENT BOARD
18500 Murdock Circle, Room 119
Port Charlotte, Florida**

March 7, 2012

❖*Cases may not always be heard in the order as they appear on the agenda*❖

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Members Present:

Alan LeBeau
Richard Adomatis
Kathy Damewood
Suzy Hackett
Joan Hayes
Charles Lindberg

IV. SWEARING IN OF ALL THOSE GIVING TESTIMONY TODAY

**V. NEXT MEETING DATE
THURSDAY, April 5, 2012**

VI. APPROVAL OF MINUTES

Suzy Hackett moved to approve the minutes of **February 1, 2012**. The motion was seconded by *Richard Adomatis* and was passed unanimously.

VII. AGENDA CHANGES

- ❖**Case No. 2008-188B**
- ❖**Case No. 2009-334**
- ❖**Case No. 2009-486**
- ❖**Case No. COD-10-00855**
- ❖**Case No. COD-10-01310**
- ❖**Case No. COD-10-01782**
- ❖**Case No. COD-10-01840**
- ❖**Case No. 2009-09-0213C**
- ❖**Case No. COD-11-00578**
- ❖**Case No. COD-11-02983**
- ❖**Case No. COD-11-02683**
- ❖**Case No. COD-11-02668**

- ❖ **Case No. COD-11-02798 – Dismissed**
- ❖ **Case No. COD-12-00001 – Continued**
- ❖ **Case No. COD-11-02576 – Continued**
- ❖ **Case No. COD-11-00030 - Continued**
- ❖ **Case No. COD-11-02723 – Continued**
- ❖ **Case No. COD-11-02695 – Continued**
- ❖ **Case No. COD-11-02162 – Continued**
- ❖ **Case No. COD-11-02609 – Continued**
- ❖ **Case No. COD-11-02708 - Continued**

VIII. OLD BUSINESS – VACATE ORDERS

The below Affidavits will need to have the Order Imposing Penalty / Lien vacated due to having the wrong hearing date on the Notice of Hearing.

- A. **Case No. 2009-334**, Irving Holguin, 21059 Exmore Avenue, Port Charlotte – Fifth Affidavit of Noncompliance - \$15,418.50.
- B. **Case No. COD-10-00161**, Karen Home & Joshua P. Home, 2424 Deedra Street, Port Charlotte – Fourth Affidavit of Noncompliance - \$5,318.50.

Suzy Hackett moved to vacate the Orders for **Case No. 2008-209-334** and **COD-10-00161**. The motion was seconded by *Richard Adomatis* and was passed unanimously.

IX. LIENS - APPROVAL TO SEND TO BCC FOR FURTHER CONSIDERATION

- A. **Case No. 2007-637B**, Donna Lee Santarone, 174 Concord Drive NE, Port Charlotte - Sixth Affidavit of Noncompliance - \$14,118.50.
- B. **Case No. 2008-256B**, Paul Andre, 15181 Lyneburg Avenue, Port Charlotte - Third Affidavit of Noncompliance - \$10,818.50.
- C. **Case No. 2008-322B**, Vladimir Casanova & Jeanette Casanova, 901 Robinhood Drive, Punta Gorda – Ninth Affidavit of Noncompliance - \$14,018.50.

- D. **Case No. 2008-442B** – Andrew Walachniewicz, 1307 Tift Street, Port Charlotte – Fifth Affidavit of Noncompliance - \$33,218.50.
- E. **Case No. 2008-674**, Joseph Cracchiolo & Kathleen Baten, 125 Sao Luiz Street, Punta Gorda – Third Affidavit of Noncompliance - \$12,468.50.
- F. **Case No. 2009-005**, Andrew Peterson & Mary Peterson, 211 Santa Marta Street, Port Charlotte - Third Affidavit of Noncompliance - \$23,818.50.
- G. **Case No. 2009-199**, Jose Camacho, 6700 Cleveland Drive, Punta Gorda – Fifth Affidavit of Noncompliance - \$14,018.50.
- H. **Case No. 2009-217**, David Chaloupka, 23016 Jumper Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$48,618.50.
- I. **Case No. 2009-247**, Dana Petrarca & Christopher Menard, 21492 Seyburn Terrace, Port Charlotte – Fifth Affidavit of Noncompliance - \$12,468.50.
- J. **Case No. 2009-255**, Jesse Cueto, 5430 Hoffman Street, Port Charlotte - Second Affidavit of Noncompliance - \$17,318.50.
- K. **Case No. 2009-277**, Preston A. Vulgamore, 3485 Sage Street, Port Charlotte – Fifth Affidavit of Noncompliance - \$10,118.50 & Third Affidavit of Noncompliance - \$10,218.50.
- L. **Case No. 2009-294**, Joseph Orlando, 19526 Midway Boulevard, Port Charlotte - - Fourth Affidavit of Noncompliance - \$12,818.50 & Fifth Affidavit of Noncompliance - \$10,518.50.
- M. **Case No. 2009-308**, Jose Feliciano, Jr. & Ewa Syrociak-Feliciano, 18554 Satsuma Avenue, Port Charlotte – Third Affidavit of Noncompliance - \$10,118.50.

- N. **Case No. 2009-352**, Lake Columbia Development Co., 1101 Vernon Ave, Port Charlotte – Third Affidavit of Noncompliance - \$10,018.50 & Fourth Affidavit of Noncompliance - \$12,818.50.
- O. **Case No. 2009-07-0355C**, Henry Richards & Carol Knight, 155 Croop Lane, Port Charlotte – Second Affidavit of Noncompliance - \$10,618.50.
- P. **Case No. 2009-08-0074C**, Brandon Sapp & Bank of New York, 1645 Birchcrest Boulevard, Port Charlotte – Second Affidavit of Noncompliance - \$15,818.50.
- Q. **Case No, COD-10-00024**, Alitzah Owens as Trustee of the 21398 Gladis Avenue Residential Land Trust, 21298 Gladis Avenue, Port Charlotte – Second Affidavit of Non Compliance - \$11,218.50
- R. **Case No. COD-10-00121**, Christopher Cameron, 2078 Lucky Street, Port Charlotte – Second Affidavit of Noncompliance - \$10,218.50.
- S. **Case No. COD-10-00124**, Nicholas Mitchell, Rachel Thorpe, & Chase Home Financial, LLC, 972 Roseway Terrace, NW, Port Charlotte - Second Affidavit of Noncompliance - \$11,918.50
- T. **Case No. COD-10-00249**, Elizabeth Scharmberg, 672 Edegmere Street, Port Charlotte - Second Affidavit of Noncompliance - \$10,218.50.
- U. **Case No. COD-10-00255**, Jerry McWilliams & Pamela McWilliams, 22600 Morocco Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$10,108.50.
- V. **Case No. COD-10-00290**, Lawrence Avenue Realty, 128 Mariner Lane, Rotonda West – Second Affidavit of Non Compliance - \$14,418.50 .
- W. **Case No. COD-10-00482**, Victor Fernandes & Jennifer Fernandes, 14166 Saul Lane, Port Charlotte – Second Affidavit of Noncompliance - \$12,038.50.

- X. **Case No. COD-10-00585**, *Craig V. Spencer, Diana M. Spencer, & Bank of New York Mellon, 2304 Dallas Street, Port Charlotte – Third Affidavit of Noncompliance - \$11,238.50.*

Suzy Hackett moved to forward the liens to the Board of County Commissioners for further consideration of a foreclosure action or an injunction. The motion was seconded by *Richard Adomatis* and was passed unanimously.

X. **CONSENT - AFFIDAVITS OF NONCOMPLIANCE FINES**

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by a member of the Board, that item(s) will be removed from the Consent Agenda and considered separately. **Each case has been assessed with an additional \$18.50 for the cost of recording the lien.**

- A. **Case No. 2008-188B**, *Patrick M. O'Conner & Christine O'Conner, 1855 Gulf Boulevard, Englewood – Fourth Affidavit of Noncompliance - \$3,168.50.*

Phil Hammersly, attorney for *Pat O'Conner* was present and provided testimony to the Board.

A lengthy discussion took place in regards to whether the Respondent was in compliance on the dates listed in the Affidavit of Noncompliance.

Kathy Damewood moved to approve the fine as stated in the Affidavit of Noncompliance. The motion was seconded by *Richard Adomatis* and was passed unanimously.

- B. **Case No. 2008-712**, *Michael Milroy & Melissa Milroy, 20021 Behan Court, Port Charlotte – Third Affidavit of Noncompliance - \$118.50.*
- C. **Case No. 2009-246**, *Patrick Bailey & Yvonne Bailey, 20008 Behan Court, Port Charlotte - Third Affidavit of Noncompliance - \$16,018.50.*
- D. **Case No. 2009-247**, *Dana Petrarca & Christopher Menard, 21492 Seyburn Terrace, Port Charlotte – Sixth Affidavit of Noncompliance - \$168.50.*

- E. **Case No. 2009-280**, Isaac Jerez & Sugeil Jerez, 26284 Hong Kong Road, Punta Gorda - Third Affidavit of Noncompliance - \$25,918.50.
- F. **❖Case No. 2009-334**, Irving Holguin, 21059 Exmore Avenue, Port Charlotte – Fifth Affidavit of Noncompliance - \$15,418.50.

Joel Delrosario was present and provided testimony to the Board.

Suzy Hackett moved to reduce the fine to \$2,500.00 plus recording cost. The motion was seconded by *Charles Lindberg* with two (2) opposing votes *Joan Hayes* and *Richard Adomatis*.

- G. **Case No. 2009-403**, Frederick Szlachcic, 1409 Yorkshire Street, Port Charlotte – Fourth Affidavit of Noncompliance - \$118.50.
- H. **Case No. 2009-410**, Robert Ellingsen & Emily Ellingsen, 9257 New Martinsville Avenue, Englewood – Second Affidavit of Noncompliance - \$118.50.
- I. **Case No. 2009-445**, John Hodgeman, 845 E. Third Street, Englewood - Third Affidavit of Noncompliance - \$118.50.
- J. **Case No. 2009-450**, New Millennium Petroleum, LLC, 3370 Tamiami Trail, Port Charlotte – Second Affidavit of Noncompliance - \$277.00.
- K. **❖Case No. 2009-486**, Francisco Valara & Xiomara Naveira, 21455 Shannon Avenue, Port Charlotte – Fourth Affidavit of Noncompliance - \$7,818.50.

A representative from the lender was present and provided testimony to the Board.

Kathy Damewood moved to approve the fine as stated in the Affidavit of Noncompliance. The motion was seconded by *Richard Adomatis* and was passed unanimously.

- L. **Case No. 2008-08-0260C**, Michael Smith & Cheryl Smith, 8894 Gulf Street, Placida - Affidavit of Noncompliance - \$118.50.

- M. **Case No. 2008-08-0261C**, David Roberts & Pamela Roberts, 8878 Bay Street, Placida - Affidavit of Noncompliance - \$118.50.
- N. **Case No. 2009-09-0256C**, Scott W. Cinilia & Jeri L. Cinilia, 15228 Taurus Circle, Port Charlotte - Affidavit of Noncompliance - \$118.50.
- O. **Case No. 2009-10-0072C**, Daniel Gerleman & Janet Hayd Gerleman, 1122 Paraclete Road, Punta Gorda – Second Affidavit of Noncompliance - \$12,518.50.
- P. **Case No. 2009-10-0118C**, John Cody, 167 Deerfield Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$12,318.50.
- Q. **❖Case No. COD-10-00154**, Edward R. Hwass, as Trustee of the Edward R. Hwass Revocable Living Trust U/A/D 12/23/02, 23492 Harper Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$6,018.50.

Michael Haymans was present on behalf of *Mr Hwass* and he provided testimony to the Board.

Kathy Damewood moved to reduce the fine to \$2,018.50. The motion was seconded by *Joan Hayes* and was passed unanimously.

- R. **Case No. COD-10-00161**, Karen Horne & Joshua P. Horne, 2424 Deedra Street, Port Charlotte – Fourth Affidavit of Noncompliance - \$5,318.50.
- S. **Case No. COD-10-00174**, Phillip Herndon, Jr. & Marie Myers, 290 Spring Lake Boulevard, Port Charlotte – Third Affidavit of Noncompliance - \$118.50.
- T. **Case No. COD-10-00615**, Leonard S. Harding & Clarissa Harding, 21170 Glendale Avenue, Port Charlotte – Fourth Affidavit of Noncompliance - \$2,118.50.
- U. **Case No. COD-10-00670**, Joshua M. Leathers & Melanie A. Sadowski, 1106 Yarmouth Street, Port Charlotte– Second Affidavit of Noncompliance - \$118.50.

- V. **Case No. COD-10-00686**, Marie Hodgdon, 21733 Edgewater Drive, Port Charlotte – Affidavit of Noncompliance - \$118.50.
- W. **Case No. COD-10-00687**, Mavis Rowe, 22304 Niagara Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$8,618.50.
- X. **Case No. COD-10-00715**, Lora L. Mitchell, 4725 Tamiami Trail, Port Charlotte– Affidavit of Noncompliance - \$218.50.
- Y. **Case No. COD-10-00788**, Chris Dinunno & Cecilia Perez, 23152 Cherry Avenue, Port Charlotte – Affidavit of Noncompliance - \$118.50.
- Z. **Case No. COD-10-00836**, David Allen Crane & Wachovia Bank, National Association, 3381 Maple Terrace, Port Charlotte – Fourth Affidavit of Noncompliance - \$3,138.50.
- AA. **❖Case No. COD-10-00855**, Joseph Cusker & Mary Cusker, 21043 Cascade Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$118.50.

A representative for the lender was present and provided testimony to the Board.

Kathy Damewood moved to approve the fine as stated in the Affidavit of Noncompliance. The motion was seconded by *Suzy Hackett* and was passed unanimously.

- BB. **Case No. COD-10-00953**, Steven Blake & Heather Blake, 3397 Croton Terrace, Port Charlotte – Fifth Affidavit of Noncompliance - \$138.50.
- CC. **Case No. COD-10-01077**, Anthony Gubler & Juana Gubler, 21930 Calvin Lane, Port Charlotte – Second Affidavit of Noncompliance - \$118.50.
- DD. **Case No. COD-10-01084**, Stephen Dabrosca, 2525 Starlite Lane, Port Charlotte – Third Affidavit of Noncompliance - \$5,618.50.

- EE. Case No. COD-10-01087**, Joseph D. Mann, Karla A. Mann & BAC Home Loans Servicing, 21540 Olean Boulevard, Port Charlotte – Third Affidavit of Noncompliance - \$2,318.50.
- FF. Case No. COD-10-01131**, Lemon Bay Resort, 8251 & 8255 Esther Street, Englewood - Affidavit of Noncompliance - \$218.50.
- GG. Case No. COD-10-01277**, Gary Willis & Sondra Killian, 21168 Quesada Avenue, Port Charlotte– Affidavit of Noncompliance - \$118.50.
- HH. ❖Case No. COD-10-01310**, Bret Lang & Darlene Lang, 21256 Edgewater Drive, Port Charlotte – Second Affidavit of Noncompliance - \$10,618.50.

A representative for the lender was present and provided testimony to the Board.

Kathy Damewood moved to approve the fine as stated in the Affidavit of Noncompliance. The motion was seconded by *Richard Adomatis* and was passed unanimously.

- II. Case No. COD-10-01313**, CC Properties & Land Development, LLC, 17 Ferdon Circle, Port Charlotte – Second Affidavit of Noncompliance - \$33,218.50.
- JJ. Case No. COD-10-01563**, Atlas FL I SPE, LLC, 11701 Anglers Club Drive, Placida – Second Affidavit of Noncompliance - \$12,418.50.
- KK. ❖Case No. COD-10-01782**, Matthew Berleue & Kristen Berleue, 20407 Spangler Terrace, Port Charlotte – Second Affidavit of Noncompliance - \$118.50.

A representative for the lender was present and provided testimony to the Board.

Kathy Damewood moved to approve the fine as stated in the Affidavit of Noncompliance. The motion was seconded by *Richard Adomatis* and was passed unanimously.

- LL. ❖ **Case No. COD-10-01840**, Thomas Wood & Carole Wood, 18340 Laramie Avenue, Port Charlotte – Affidavit of Noncompliance - \$118.50.

A representative for the lender was present and provided testimony to the Board.

Suzy Hackett moved to approve the fine as stated in the Affidavit of Noncompliance. The motion was seconded by *Joan Hayes* and was passed unanimously.

- MM. **Case No. COD-11-00530**, Walter Behrmann, 21923 Hernando Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$3,318.50.

- NN. **Case No. COD-11-00545**, Paladin Financial, Inc., & Astoria Homes, 3420 Croton Terrace, Port Charlotte – Second Affidavit of Noncompliance - \$11,218.50.

- OO. ❖ **Case No. COD-11-00578**, Joseph J. McGrath, 2345 Wiley Street, Port Charlotte – Second Affidavit of Noncompliance - \$2,318.50.

A representative for the lender was present and provided testimony to the Board.

Richard Adomatis moved to approve the fine as stated in the Affidavit of Noncompliance. The motion was seconded by *Suzy Hackett* and was passed unanimously.

- PP. **Case No. COD-11-00582**, Robert Zhun, 19495 Midway Boulevard, Port Charlotte – Affidavit of Noncompliance - \$118.50.

- QQ. **Case No. COD-11-00584**, Europa Financial Investment Group, 22072 Beverly Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$10,418.50.

- RR. **Case No. COD-11-00728**, Frank Talerico, 640 Sharon Circle, Port Charlotte – Second Affidavit of Noncompliance - \$17,418.50.

- SS. **Case No. COD-11-000960**, John Cella, 2297 Montpelier Road, Punta Gorda – Second Affidavit of Noncompliance - \$6,318.50.

- TT. Case No. COD-11-00984, Martha Nazario, 947 Linnaen Terrace, NW, Port Charlotte – Affidavit of Noncompliance - \$11,218.50.**
- UU. Case No. COD-11-01233, Dalton Williams & Keneisha Childs, 22119 Felton Avenue, Port Charlotte – Affidavit of Noncompliance - \$118.50.**
- VV. Case No. COD-11-01277, Rene Bernier, 34 Sportsman Terrace, Rotonda West - Affidavit of Noncompliance - \$118.50.**
- WW. Case No. COD-11-01424, Mark Robinson, 1655 Cardinal Lane, Englewood - Affidavit of Noncompliance - \$118.50.**
- XX. Case No. COD-11-01612, Richard Barnett, 22122 Beverly Avenue, Port Charlotte – Affidavit of Noncompliance - \$468.50.**
- YY. Case No. COD-11-01637, Midway Development Group, LLC, 22047 Midway Boulevard, Port Charlotte – Affidavit of Noncompliance - \$618.50.**
- ZZ. Case No. COD-11-01932, Federal National Mortgage Association, 21299 Percy Avenue, Port Charlotte – Affidavit of Noncompliance - \$218.50.**
- AAA. Case No. COD-11-01976, Harbour High Yield Fund, LLC, 22192 Beverly Avenue, Port Charlotte – Affidavit of Noncompliance - \$218.50.**
- BBB. Case No. COD-11-02015, Otniel Gil & JP Morgan Chase Bank, National Association, 21322 Stillwater Avenue, Port Charlotte – Affidavit of Noncompliance - \$218.50.**

Suzy Hackett moved to approve the fines as stated in the Affidavits of Noncompliance with the exception of **Case No. 2008-188B, 2009-334, 2009-0486, COD-10-00154, COD-10-00855, COD-10-01310, COD-10-01782, COD-10-01840, and COD-11-00578**. The motion was seconded by *Charles Lindberg* and was passed unanimously.

XI. NEW BUSINESS

❖ **Case No. COD-11-02876**, HSBC Bank, USA, 450 Klispie Drive, Punta Gorda [Section 3-9-32(d) & FBC Sections 105.4.1.1 & .2 & 109.3]

James Goetz attorney for the lender requested this case be continued.

Kathy Damewood moved to continue this case to June 6, 2012. The motion was seconded by *Suzy Hackett* and was passed unanimously.

❖ **Case No. 2009-09-0213C**, Kevin Cheek & BAC Home Loans Servicing, 3119 Yukon Drive, Port Charlotte [FBC Sections 105.4 & 109.3]

Lyndon Reinwald Certified Code Compliance Officer provided testimony and presented photographs.

James Goetz represented the lender and provided testimony to the Board.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of this Order to take the necessary steps to renew the expired permit and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by *Richard Adomatis* and was passed unanimously.

❖ **Case No. COD-11-02983**, Michael Elwood, 21201 Bassett Avenue, Port Charlotte [FBC Sections 105.4 & 109.3]

Terri Barnett Certified Code Compliance Officer provided testimony and presented photographs and documents.

The attorney for the lender was present and provided testimony to the Board.

Suzy Hackett moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to take the necessary steps to renew the expired permit and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in

compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by *Richard Adomatis* and was passed unanimously.

❖ **Case No. COD-11-02632**, *Mertella Delchon, 2449 Starlite Lane, Port Charlotte [Section 3-9-5(b); & FBC Section 105.1; & IPMC Sections 301.2, 301.3, 305.1, 305.3, 602.1, 602.2, 602.3, & 604.3]*

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Mertella Delchon was present and provided testimony to the Board.

Suzy Hackett moved to continue this case to April 5, 2012. The motion was seconded by *Kathy Damewood* and was passed unanimously.

❖ **Case No. COD-11-02668**, *Ronny St. Louis & Juli St. Louis, 14435 Woodstock Road, Port Charlotte [FBC Sections 105.4 & 109.3]*

Michael Christner was present on behalf of lender and provided testimony to the Board. He requested that this case be continued.

Kathy Damewood moved to continue this case to May 2, 2012. The motion was seconded by *Suzy Hackett* and was passed unanimously.

Case No. COD-11-01999, *Terry Cox & Judy Cox, 374 Hiram Street, Punta Gorda [Section 3-9-5(b) & FBC Sections 105.4 & 109.3]*

Tom Gravagna Certified Code Compliance Officer provided testimony and presented photographs. An investigation was conducted finding an expired permit.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of the Order 30 days from the rendition of this Order to take the necessary steps to renew the expired permit and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine

of \$100.00 per day. The motion was seconded by *Richard Adomatis* and was passed unanimously.

Case No. COD-11-02798, Anthony Dela Rosa, Cindy Dela Rosa, & Eric Pruiti, 27360 Pasadena Drive, Punta Gorda [Sections 3-9-32(d), 3-9-62.1(c)(1), & 3-9-82.1]

This case was continued.

Case No. COD-12-00001, Gloria Blanding, 27049 Treadmill Drive, Punta Gorda [Sections 3-9-32(d), 3-9-61, & 3-9-82.1]

This case was continued.

Case No. COD-11-02522, Equity Trust Co, as Custodian FBO Karl Helbig, IRA 50% Undivided Interest & Angelo Ingrovaia 50% Interest, 4475 Conway Boulevard, Port Charlotte [FBC Sections 105.4 & 109.3]

Rick Towne Certified Code Compliance Officer provided testimony and presented photographs.

Charles Lindberg moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to take the necessary steps to renew the expired permit and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$200.00 per day. The motion was seconded by *Suzy Hackett* and was passed unanimously.

Case No. COD-11-02576, Ralph Carbone, 931 Fairfax Terrace, Port Charlotte [FBC Sections 105.4 & 109.3]

This case was continued.

Case No. COD-11-02709, Bank of America, 881 Riviera Lane, Port Charlotte [FBC Sections 105.4 & 109.3]

Lyndon Reinwald Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to take the necessary steps to renew the expired permit and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$200.00 per day. The motion was seconded by *Charles Lindberg* and was passed unanimously.

Case No. COD-11-02753, Jason Guthrie & Leslie Guthrie, 21516 Webbwood Avenue, Port Charlotte [FBC Sections 105.4, 105.4.1.2, & 109.3]

Terri Barnett Certified Code Compliance Officer provided testimony and presented photographs.

Charles Lindberg moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of this Order to take the necessary steps to renew the expired permit or remove all improvements from the property and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Suzy Hackett* and was passed unanimously.

Case No. COD-11-02982, Gary Simpson & Dora Simpson, 21284 Pemberton Avenue, Port Charlotte [FBC Sections 105.4 & 109.3]

Terri Barnett Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of this Order to take the necessary

steps to renew the expired permit and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by *Charles Lindberg* and was passed unanimously.

Case No. COD-11-00030, *Allen Battle, 22470 Aster Avenue, Port Charlotte [FBC Section 105.1*

This case was continued.

Case No. COD-11-01995, *Lorie Mathias, 3512 Middletown Street, Port Charlotte [FBC Sections 105.4 & 109.3]*

Charlie Bush Certified Code Compliance Officer provided testimony and presented photographs.

Kathy Damewood moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to take the necessary steps to renew the expired permit and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by *Joan Hayes* and was passed unanimously.

Case No. COD-11-02302, *Sherrie Williams & Charles Bechtle, 101 Danforth Drive, Port Charlotte [Sections 2-5-72, 3-9-62.1, & 3-9-82.1; & FBC Sections 105.4 & 109.3; & IPMC Sections 301.2, 301.3, & 302.7]*

Charlie Bush Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged with the exception of Section 2-5-72. The Respondents have 30 days from the rendition of this Order to clear the zoning violations; to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and to take the necessary steps to renew the expired permit or remove the accessory structure; and

all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Joan Hayes* with one (1) opposing vote *Alan LeBeau*.

Case No. COD-11-02533, Daniel Roof & Macklin Worley, 22296
Niagara Avenue, Port Charlotte [Sections 3-9-32(d) & 3-9-82.1]

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondent is in violation as charged. The Respondent has 15 days from the rendition of this Order to clear the zoning violations. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Richard Adomatis* and was passed unanimously.

Case No. COD-11-02723, Allied Recycling Inc., 4137, 4157, &
4167 James Street, Port Charlotte [Sections 3-9-47(d) & 3-9-82.1]

This case was continued

Case No. COD-11-02858, Rita Miller, 1231 Ramsdel Street, Port
Charlotte [Sections 3-9-32(d) & 3-9-61; & FBC Sections 105.4 &
109.3]

Charlie Bush Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondent is in violation as charged with the exception of

Sections 3-9-32(d) & 3-9-61. The Respondent has 30 days from the rendition of this Order to take the necessary steps to renew the expired permit and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by *Richard Adomatis* and was passed unanimously.

Case No. COD-11-02976, Bank of America, 3565 Idlewild Street,
Port Charlotte [Sections 3-9-32(d) & 3-9-82.1; & FBC Sections
105.4, & 109.3; & IPMC Sections 303.2 & 605.1]

Charlie Bush Certified Code Compliance Officer provided testimony and presented photographs.

Charles Lindberg moved the Respondent is in violation as charged with the exception of Sections The Respondent has 30 days from the rendition of this Order to clear the zoning violations; secure the pool in accordance with FBC Section 424.2.17; fix, repair, or replace the IPMC violations to bring the property into compliance; and to take the necessary steps to renew the expired permit and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$200.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Richard Adomatis* and was passed unanimously.

Case No. COD-11-03104, Lauren Maxwell, 1444 Rommel Street,
Port Charlotte [FBC Sections 105.4, 105.4.1.2, & 109.3]

Charlie Bush Certified Code Compliance Officer provided testimony and presented photographs.

Charles Lindberg moved the Respondent is in violation as charged with the exception of Sections The Respondent has 30 days from the rendition of this Order to take the necessary steps to renew the expired permit or remove all improvements from the property and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall

notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Richard Adomatis* and was passed unanimously.

Case No. 2008-07-0224C, *Richard Weibley, Teresa Weibley, Michael K. Barna, & Jan Ishmael Barna, 9818 Little Gasparilla Island, Placida [Section 3-9-5(b) & FBC Section 105.1]*

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondents are in violation as charged. The Respondents has 30 days from the rendition of this Order to apply for and obtain all necessary permits to bring the property into compliance. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection or remove improvements from the property. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by *Suzy Hackett* and was passed unanimously.

Case No. COD-11-00755, *Placida Property Holdings, LLC, & Colonial Construction Company, Inc., 5250 Linwood Road, Englewood [Section 3-9-5(b) & FBC Section 105.1]*

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of this Order to apply for and obtain all necessary permits to bring the property into compliance. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection or remove improvements from the property. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$200.00 per day. The motion was seconded by *Kathy Damewood* and was passed unanimously.

Case No. COD-11-02584, Kenneth Staudinger, 10273 Gasparilla Road, Rotonda [FBC Sections 105.4, & 109.3; & IPMC Sections 301.2, & 301.3]

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and take the necessary steps to renew the expired permit or remove all improvements from the property and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Joan Hayes* and was passed unanimously.

Case No. COD-11-02590, Kenneth Staudinger, 10281 Gasparilla Road, Rotonda [FBC Sections 105.4, & 109.3; & IPMC Sections 301.2 & 301.3]

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and take the necessary steps to renew the expired permit or remove all improvements from the property and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Suzy Hackett* and was passed unanimously.

Case No. COD-11-02695, BMR Funding, LLC, a Delaware Limited Liability Company, as Assignee of SPCP Group, LLC, 31 Chaillett Road, Rotonda West [Section 3-9-5(b); & FBC Sections 105.1, 105.4, & 109.3]

This case was continued due to lack of service.

Case No. COD-11-02869, Robert Johnson & Charlene Johnson, 9073 Beaverhead Avenue, Englewood [Sections 3-9-32(d) & 3-9-82.1]

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondents are in violation as charged. The Respondents have 15 days from the rendition of this Order to clear the zoning violations. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Kathy Damewood* and was passed unanimously.

Case No. COD-11-02870, Katherine Kirby & Charles Kirby, 10170 Willmington Boulevard, Englewood [Sections 3-9-32(d), 3-9-82.1, & 3-9-91]

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 15 days from the rendition of this Order to clear the zoning violations. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Charles Lindberg* and was passed unanimously.

Case No. COD-11-02885, Ronald Wood, 15455 Ancel Circle, Port Charlotte [FBC Sections 105.4, 105.4.1.2, & 109.3; & IPMC Sections 301.2 & 301.3]

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs.

Charles Lindberg moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and take the necessary steps to renew the expired permit or remove all improvements from the property and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Richard Adomatis* and was passed unanimously.

Case No. COD-11-02886, Ronald Wood, 9419 Impala Circle, Port Charlotte [FBC Sections 105.4, 105.4.1.2, & 109.3; & IPMC Sections 301.2 & 301.3]

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and take the necessary steps to renew the expired permit or remove all improvements from the property and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Kathy Damewood* and was passed unanimously.

Case No. COD-11-02897, Ronald Wood, 14449 Edna Circle, Port Charlotte [FBC Sections 105.4, 105.4.1.2, & 109.3; & IPMC Sections 301.2 & 301.3]

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents has 30 days from the rendition of this Order to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and take the necessary steps to renew the expired permit or remove all improvements from the property and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by **Charles Lindberg** and was passed unanimously.

Case No. COD-11-02898, Ronald Wood, 10577 Ayear Road, Port Charlotte [FBC Sections 105.4, 105.4.1.2, & 109.3; & IPMC Sections 301.2 & 301.3]

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents has 30 days from the rendition of this Order to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and take the necessary steps to renew the expired permit or remove all improvements from the property and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by **Kathy Damewood** and was passed unanimously.

Case No. COD-12-00219, Michael Delesparra, 14151 Salvatierra Lane, Port Charlotte [FBC Sections 105.4 & 109.3; & IPMC Sections 301.2 & 301.3]

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondents are in violation as charged. The Respondents has 30 days from the rendition of this Order to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and take the necessary steps to renew the expired permit or remove all improvements from the property and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Suzy Hackett* and was passed unanimously.

Case No. COD-11-02162, Michael McDonald & Jitka McDonald, 3108 Key Lane, Port Charlotte [FBC Sections 105.4 & 109.3]

This case was continued.

Case No. COD-11-02609, Kolleen Gaeta & Joseph Gaeta, Jr., as Trustees Under the Provisions of the Kolleen Gaeta Revocable Trust U/A/D 9/4/2011, 3025 Harbor Boulevard, Port Charlotte [Sections 3-2-115 & 3-9-95.1.1.9(g): & IMPC Sections 301.2, 304.1, 304.2, 304.6, 304.13, 304.15, & 604.3]

This case was continued due to lack of service.

**Case No. COD-11-02692, Gary Kline & Janice Murphy, 2886
Tamiami Trail, Unit 5, Port Charlotte [Section 3-9-5(b); & FBC
Section 105.1; & IPMC Sections 301.2, 305.3, 305.4, 504.1, 504.3,
& 604.3]**

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of this Order to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and to apply for and obtain all necessary permits. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection; and all final inspections must be done in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$200.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Joan Hayes* and was passed unanimously.

**Case No. COD-11-02761, Donald Evertsen, 21928 Felton Avenue,
Port Charlotte [Sections 2-5-72, 3-9-32(d), & 3-9-82.1]**

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondent is in violation as charged. The Respondent has 15 days from the rendition of this Order to clear the zoning violations. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Richard Adomatis* and was passed unanimously.

Case No. COD-11-02797, Douglas Sabo, Linda Sabo, Jason Bassham, Andrea Moore, & Wells Fargo Bank, 21898 Haines Avenue, Port Charlotte [Sections 3-9-5(b), 3-9-32(d)(f), & 3-9-82.1]

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 15 days from the rendition of this Order to clear the zoning violations. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Joan Hayes* and was passed unanimously.

Case No. COD-11-03132, Jean Girvin a/k/a Gene Girvin, & Bank of America, 21371 Glendale Avenue, Port Charlotte [Sections 2-5-72 & 3-2-115]

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 15 days from the rendition of this Order to clear the zoning violation and to comply with Section 3-2-115. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Richard Adomatis* and was passed unanimously.

Case No. COD-12-00066, David Crane & Wachovia Bank, 3381 Maple Terrace, Port Charlotte [Sections 3-2-115 & 3-9-5(b); & FBC Sections 105.1, 105.4, & 109.3; & IPMC Sections 108.1, 108.1.1, 108.1.3, 108.1.5(3, 4, 5, 6, 7, 9, & 10), 108.2, 301.2, 301.3, 302.1, 302.5, 302.7, 304.1, 304.1.1(1), 304.2, 304.4, 304.5, 304.6, 304.7, 304.13, 304.13.1, 304.15, 305.1, 305.3, 309.1, 501.2, 504.1, 505.1, 601.2, & 604.3]

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of this Order to comply with Section 3-2-115; clear the zoning violation; to fix, repair, or replace the International Maintenance Code violations; take the necessary steps to renew the expired permit; and to apply for and obtain any necessary permits to bring the property into compliance. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection or obtain a demolition permit. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$150.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Richard Adomatis* and was passed unanimously.

Case No. COD-11-02708, HSBC Bank, USA, 20358 Copeland Avenue, Port Charlotte [FBC Sections 105.4 & 109.3]

This case was continued

XII. STAFF AND BOARD MEMBER COMMENTS

None

XIII. ADJOURNMENT

Suzy Hackett moved to adjourn the meeting. Motion was seconded by *Richard Adomatis* and was passed unanimously. The meeting adjourned at 12:10 pm.

**CODE ENFORCEMENT BOARD MINUTES FOR MARCH 7, 2012
READ AND APPROVED ON APRIL 5, 2012**

CODE ENFORCEMENT BOARD OF
CHARLOTTE COUNTY, FLORIDA



Alan L. LeBeau, Chairman

ATTEST:



Sandra Williamson
Administrative Assistant I

Complete files of all cases, as well as taped recordings of all proceedings of this meeting, are kept in the Community Development Department and are available to the public.

If any person desires to appeal any decision with respect to any matter considered at these meetings, such person may need a record of the proceedings; for this purpose, such person may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based.