

**CODE ENFORCEMENT BOARD MINUTES**  
**Wednesday, June 14, 2023 – 1:30 p.m.**  
**City Hall, Council Chambers, Vero Beach, Florida**

**PRESENT:** Chairman, Eric Price; Vice Chairman, Stephen McDonald; Members: Christopher Bryant, Frank Pizzichillo, Linda Hillman and Eva Lauer **Also Present:** Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Jamila McGee; Planning Director, Jason Jeffries; Indian River County Contractor Licensing Investigator, David Checchi; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

**Excused Absence:** Ken Daige

**1. CALL TO ORDER**

Today's meeting was called to order at 1:30 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 the audience present for today's meeting en masse.

**3. PRELIMINARY MATTERS**

**A) Adoption of Minutes**

**1. May 10, 2023**

**Mr. Price made a motion to adopt the minutes of the May 10, 2023 Code Enforcement Board meeting. Mr. McDonald seconded the motion and it passed unanimously.**

**B) Agenda Additions, Deletions and Adoption**

Ms. Jamila McGee, Code Enforcement Officer, who has been sworn in, pulled Case #23-CE-13174 – Riomar Country Club from today's agenda. She reported that they were in compliance and the civil penalty has been paid. She then pulled Case #23-CE-13166 – Dorothy M. Lucey (Le) and Maureen J. Lucey and Case #23-CE-13167 Dorothy M. Lucey (Le) and Maureen J. Lucey from today's agenda. She reported that they requested a postponement.

Ms. Melody Sanderson, Code Enforcement Officer, who has been sworn in, pulled #23-CE-13146 – Mulligans Vero Acquisition LLC / Mary Hoertz-Westby, Agent – George Hart, Owner/Operator from today's agenda. She reported that they withdrew their citation appeal. She then pulled Case #23-CE-13006 – Kyle Richard Zoll and Joseph J. Mancuso, Jr. from today's agenda. She then pulled Case #23-CE-13023 – Ellery Stickle from today's agenda. She reported that they came into compliance after receiving the Notice of Hearing. She then pulled Case #23-CE-13200 – Jeremy Willer and Rachel Willer, Owners, and the American Pavers Contractor, Inc. / Elias Mendoza, Agent – c/o Gould Family Properties VII LLC from today's agenda. She reported that they came into compliance this morning. She then pulled Case #23-CE-13212 – Royal Palm Pointe Investors LLC / Girard Equipment, Inc. from today's agenda. She reported that they came into compliance after receiving the Notice of Hearing.

**Mr. Price made a motion to adopt the agenda as amended. Mr. McDonald seconded the motion and it passed unanimously.**

**4. UNLICENSED CONTRACTORS/CITATIONS**

None

**5. EVIDENTIARY HEARINGS**

\*Please note that all exhibits for today's hearings are on file in the City Clerk's office.

**A) Citation Appeals**

**1. CASE #23-CE-13166 / 0895J**

**VIOLATOR:** Dorothy M. Lucey (Le) and Maureen J. Lucey

**VIOLATION:** Standard Housing Code violation of soffits missing/in disrepair – Code Sections 22-181; 305.3; 305.32

**VIOLATION ADDRESS:** 1215 Spanish Lace Lane, Vero Beach, Florida 32963

This item was pulled from today's agenda.

**2. CASE #23-CE-13167 / 0896J**

**VIOLATOR:** Dorothy M. Lucey (Le) and Maureen J. Lucey

**VIOLATION:** Expired roof underlayment – Florida Building Code 105.5; R905.1

**VIOLATION ADDRESS:** 1215 Spanish Lace Lane, Vero Beach, Florida 32963

This item was pulled from today's agenda.

**3. CASE #23-CE-13171 / 0899J**

**VIOLATOR:** Chennell Inc. / Karen Chennell, Agent

**VIOLATION:** Land Development Code violation and Standard Housing Code violation – Code Sections 22-181; 305.7; 305.10; 305.12.1

**VIOLATION ADDRESS:** 1865 18<sup>th</sup> Avenue, Vero Beach, Florida 32960

Ms. McGee reported that the citation was for windows being installed without a permit, windows not in working condition and the door is not weather tight or rodent proof. The citation was issued on May 3, 2023. The civil penalty has not been paid and the property is not in compliance.

Mr. Sean Hogan said that he was the husband of the property owner and is the property manager.

Mr. Price asked if he has been sworn in.

Mr. Hogan answered yes. He referred to the citation and said it states that permits were required for all new windows installed. He said that he never installed any windows. It states that every window should be weather tight, rodent proof and in working condition. He said these were old awning windows. He said per bedroom, one (1) egress. He asked is that Code. He said that he asked the Code Enforcement Officer if that was Code and she said to have a hearing. He said that is why they are here. He said that he called construction companies and Vero Glass and was told that they need one (1)

working window per bedroom. He said we are here because he has one (1) tenant who wants to smoke in her apartment and he doesn't allow it.

Ms. McGee reported that the Standard Housing Code states that all windows must be operable. She referred to the photographs submitted into evidence (Exhibit A) and said they show that the windows have been nailed shut.

Mr. Pizzichillo asked how many windows were nailed shut.

Ms. McGee said all the windows in tenant's room were nailed shut.

Mr. Hogan said the windows were in working order as of today.

Mr. Bryant asked are they operable now.

Mr. Hogan answered yes.

Mr. Bryant asked if they could do a re-inspection to see if they were all operable and if not they could come back before the Board.

Mr. Hogan asked that they define "all."

Mr. Pizzichillo asked how many windows do they have. He said the total number of windows constitutes the definition of "all."

Mr. Hogan said that is not Code. The Code is one (1) egress.

Mr. Pizzichillo said that he interprets "all" as every single window.

Mr. Hogan said that is not the Code or the law.

Mr. Bryant said you must have an ingress/egress window in the bedroom that is the appropriate size to get out. He asked Mr. Checchi if that was true.

Mr. David Checchi, Indian River County Contracting Licensing Inspector, who has been sworn in, said that he was not a building inspector, but it was his understanding that there has to be an egress window. He said there was another way to resolve this, which would be to have the Building Department to do a standard housing inspection and have a licensing inspector determine what needed to be done.

Mr. Price asked if there was more than one (1) window, do they both have to open or was it just one (1) window that has to open.

Mr. Checchi said that would be a question for either a plans examiner or a licensed building inspector.

Mr. Hogan said that he spent yesterday morning at the County Planning Department and when they read the citation they laughed. He said if they googled this they would see that it states clear as day one (1) egress.

Mr. Bryant felt there needed to be more investigating on this.

Mr. Price asked Mr. Turner if the Board could table this case.

Mr. John Turner, City Attorney, said there would need to be a motion to continue if the Code Enforcement Officer wants to continue the case. If the violator wants to continue this case that could be considered, but they could not table the case.

Mr. Jason Jeffries, Planning Director, who has been sworn in, said this is a situation where they were talking about two (2) different Codes. What Mr. Hogan is referring to is the fire safety egress that deals with the fire safety element of the Florida Building Code. What the Code Officer is citing is the Standard Housing Code, which is different. He said they could do a re-inspection, but they are talking about two (2) different Codes.

Mr. Turner said if it is not clear for the record, the Code Officer needs to state the section of the Code she is citing as being in violation. He was not sure that was clear. He asked Ms. McGee what section of the Code she was referring to. He asked if it was stated in the complaint.

Ms. McGee answered yes. She said it is Code Section 305.7 and 305.10.

Mr. Turner asked Ms. McGee to read them into the record.

Ms. McGee read Section 305.7, *“Every window shall be substantially weathertight, watertight and rodentproof, and shall be kept in sound working condition and good repair”* and Section 305.10, *“Every window required for light and ventilation for habitable rooms shall be capable of being easily opened and secured in position by window hardware”* of the Standard Housing Code.

Mrs. Hillman asked Mr. Hogan if he was telling the Board that was only one (1) window in the apartment that was workable and could be opened.

Mr. Hogan answered no. He said the statement, “every window shall be” is what he was against. He said it is not “every window” based on Code, based on Vero Glass, based on general contractors that he knows, based on common sense and based on the Planning person. He said this house was built in the 1950’s. He asked if they were telling him that he had to replace 30 windows because one (1) tenant was upset.

Mr. McDonald didn’t think the issue was every window. He said there were two (2) windows ...

Mr. Hogan said it states every window.

Mr. Turner said they have to listen to what the Code Officer said, which was the Code section that was being violated and if the evidence supports it. If it was not the Code section and they don’t want to amend it to change whatever the violation is, then the Board needs to make a decision on the facts of the case.

Mr. Price asked what was required for this property to be in compliance.

Ms. McGee said the windows would have to be able to open. She said all the windows that she saw were capable of being open, but the cranks to open the windows were missing.

Mr. McDonald said they were talking about one (1) room, not every window in the house. He asked how many windows were specified in this complaint.

Ms. McGee said there were two (2) windows in the bedroom that were nailed shut.

Mr. McDonald asked if he was correct that two (2) windows had to be fixed, not every window.

Ms. McGee said that is correct.

Mr. Bryant asked Mr. Hogan if it was a big problem for him to unscrew the windows and put cranks on them.

Mr. Hogan said that he has already done it. The question was that the wording states “every” and he questioned the Code Officer and her response was to have a hearing.

Mr. Price said they are holding the hearing now and are asking him if he is in compliance.

Mr. Hogan believed that he was in compliance. He said the question was “all.”

Mr. McDonald said the only issue with this complaint was the two (2) windows in the bedroom. He said to drop the word “all” because it doesn’t matter.

Mrs. Hillman asked Mr. Hogan if he was comfortable knowing that he had tenants in the home who could not get out if there was a fire.

Mr. Bryant said Mr. Hogan said that he was in compliance and suggested that they re-inspect the property.

Mr. Hogan said there was only one (1) window fixed, but he could get the other window fixed in about an hour.

Mr. Bryant suggested that the Board allows seven (7) days to bring the property in compliance.

Mr. Turner explained that the Board needs to make a ruling on this case and if part of the motion is to continue or to have compliance within seven (7) days that needs to be included. He said the exhibits also need to be introduced into the file.

**Mr. Price moved that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 10-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of May 17, 2023, until corrected and to pay the initial civil penalty of \$50.00. Mr. Bryant seconded the motion and it passed unanimously.**

Mr. Turner said there were exhibits for this case and he did not know if they were introduced.

Ms. Sherri Philo, Deputy City Clerk, marked the photographs as Exhibit A.

**4. CASE #23-CE-13170 / 0898J**

**VIOLATOR:** Chennell Inc. / Karen Chennell, Agent

**VIOLATION:** Multifamily residential use of the property in CAV-2 Cultural Arts Village zoned district – Code Section 60.21 (b)(2); 60.24 (4)

**VIOLATION ADDRESS:** 1865 18<sup>th</sup> Avenue, Vero Beach, Florida 32960

Ms. McGee reported that the citation was issued for a Land Development Code violation of converting a single-family home into a triplex without approval or permits. The civil penalty of \$500.00 has not been paid and the property is not in compliance.

Mr. Price asked is the area zoned to allow a triplex.

Mr. Jason Jeffries, Planning Director, who has been sworn in, reported that the property is located in the CAV-Zoning, which only allows single-family or a duplex. The property was previously zoned RM-10, which had the same restrictions.

Mr. Pizzichillo asked if there were any records of any conversion of the house.

Mr. Jeffries answered no. He said the City does not have any permits or records on file. He said the City Atlas shows that it is a single-family dwelling and the Property Appraiser shows it as single-family. He reported that there were no permits or any type of development order on file.

Mr. Price asked Mr. Hogan if he purchased the house as a triplex.

Mr. Hogan said that is correct. He explained that it was a single-family home and the middle of it has a door that was dry walled in. He asked what is the difference if he had a big single-family home with an efficiency. He said there is one (1) meter.

Mr. Price said it is a violation of the Code.

Mr. Hogan asked what is the Code.

Mr. Price said the Code is that you cannot have three (3) families. You can have one (1) family or you can have two (2) families.

Mr. Hogan said that he has seen a single-family home where they had five (5) families living in one (1) room.

Mr. Price explained that he could have a duplex or a single-family home, but not a triplex.

Mr. Hogan said that he does not have a triplex. There are only two (2) kitchens in the home.

Mr. Bryant said there were three (3) tenants.

Mr. Hogan explained that he was renting rooms. He said there were five (5) people living in the home.

Mr. Price asked how many front doors are there.

Mr. Hogan said there is only one (1) front door.

Mr. Pizzichillo asked how many kitchens does it have.

Mr. Hogan said there were two (2) kitchens and he did not put them in.

Mr. McDonald said when someone purchases property where changes were made without permits, it is the current owner who carries the load.

Mr. Hogan said in 2015 they were required to pull a permit to turn the electric on. He said they saw that this property was set up this way.

Mrs. Hillman asked is this a single-family, duplex, or a triplex on the tax rolls.

Ms. McGee answered single-family.

Mrs. Hillman said then it should be a single-family home.

Mr. Jeffries said all City records and the Property Appraiser shows that this is single-family. He explained that Mr. Hogan would need to go through the permitting process to get it approved as a duplex. He would need a Code Compliance Certificate from the City. He said the Code would allow him to have a duplex, but there is no way under the current Code would a triplex be allowed.

Mr. Bryant asked how much time it would take to get the Code Compliance permit.

Mr. Jeffries said it would probably take about 60-days to get through the permitting process with the City. He noted that the second kitchen was not permitted through the Indian River County Building Department so there would have to be some permitting work done through the County.

Mr. Bryant suggested that the Board allows 90-days in order to give him time to get all the paperwork with the City and with the County.

Mr. McDonald suggested that the Board allows 120-days to comply.

**Mr. Price moved that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 120-days from the date of the Board order or continuing civil penalties in the amount of \$500.00 per day shall commence on the original compliance date of May 17, 2023, until corrected and to pay the initial civil penalty of \$500.00. Mr. McDonald seconded the motion and it passed unanimously.**

5. **CASE #23-CE-13146 / 3329M**  
**VIOLATOR:** Mulligans Vero Acquisition LLC - Mary Hoertz-Westby, Agent  
- George Hart, Owner/Operator  
**VIOLATION:** Sea Turtle lighting violation – Code Section 46-109  
(a)(1)(a)(b)(c)  
**VIOLATION ADDRESS:** 1025 Beachland Boulevard, Vero Beach, Florida  
32963

This item was pulled from today's agenda.

## **B) Non-Compliance / Compliance Reports**

### **1. Request for Board Order**

- a. **CASE #22-CE-12816 / 0900J**  
**VIOLATOR:** Dale Matthew Albertson  
**VIOLATION:** Unpermitted use/auto repair in Residential Zone –  
Code Sections 64.13 (c)(1); 61.02; 61.03  
**VIOLATION ADDRESS:** 1812 7<sup>th</sup> Avenue, Vero Beach, Florida  
32960

**(Failure to comply)**

Ms. McGee reported that the \$50.00 civil penalty has been paid and the property was not in compliance. She reported that Mr. Dale Matthew Albertson, violator, wanted to get approval for his home occupation of auto repair.

Mr. Bryant asked how could he get approval in a residential zone.

Ms. McGee said that Mr. Albertson was supposed to reach out to the Planning Department to see if he could get it approved.

Mr. Bryant suggested that the Board allows 10-days to come into compliance.

A gentleman in the audience asked to speak.

Mr. Turner explained that he was not a party to this case.

The gentleman said that the Code Officer asked him to attend today's meeting to verify the photographs that were submitted.

Ms. McGee explained that the gentleman submitted the photographs because she was unable to view the violation.

Ms. Philo marked the photographs as Exhibit A.

Mr. Jason Jeffries, who has been sworn in, reported that the City has a Home Occupation Code under Section 64.13 that he would have to comply with. They would also have to comply with the new State Statutes, which was HB 403 that passed in 2021, if they happen to override the City's Code. He said the City has a Code that all businesses are to be conducted indoors and it was his understanding that the photographs shows equipment outdoors, which was not allowed.

**Mr. Price moved that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 10-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of May 22, 2023, until corrected and that the initial civil penalty has been paid. Ms. Lauer seconded the motion and it passed unanimously.**

- b. CASE #22-CE-12867 / 0877J**  
**VIOLATOR:** Yellow Kid Inc., Owner / William Lee, Agent  
**VIOLATION:** Fence and stairs installed without Code Compliance Certification or a building permit; gravel added without Code Compliance Certification – Code Sections 60.21 (b)(1); 22-181; 22-drive106 (a)  
**VIOLATION ADDRESS:** 1943 15<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Failure to comply)**

Ms. McGee reported that the civil penalty has been paid and the property was not in compliance.



Mr. William Lee, violator, who has been sworn in, said there were five (5) fence panels and a gate behind the carport that were deteriorating and were replaced. It was his understanding that he didn't need a permit because the fence was already there. He asked for clarification.

Mr. McDonald asked if posts were replaced.

Mr. Lee answered yes.

Mr. McDonald said that is the reason a permit was needed.

Ms. McGee noted that he also needed a permit for the stairs.

Mr. Pizzichillo asked were the stairs installed inside or outside.

Mr. Lee said they were outside. He said they replaced existing stairs that were a safety hazard.

Mr. Pizzichillo asked where was the gravel.

Mr. Lee said that he put the gravel in the back yard and it was his understanding that there was a "green" issue with it so he put in some landscaping around the perimeter of the house. He thought that solved the issue.

Ms. McGee reported that Code Compliance was received for the gravel.

Mr. Lee said it was his understanding that he needed to get an engineer involved with the stairs to insure that they were up to Code. He hired Mills, Short and Associates who said that they would try to be there in the next week or so.

**Mr. Price made a motion that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 120-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of May 1, 2023, until corrected and that the initial civil penalty has been paid. Mr. McDonald seconded the motion and it passed unanimously.**

- c. **CASE #22-CE-12676 / 3442M**  
**VIOLATOR:** Leigh A. McKinney  
**VIOLATION:** Carport installed without approval from the City or a building permit – Code Section 60.21 (b)(1)  
**VIOLATION ADDRESS:** 2106 16<sup>th</sup> Street, Vero Beach, Florida 32960  
**(Failure to comply)**

Ms. Sanderson reported that the civil penalty has been paid and Code Compliance was issued on August 9, 2022. The Building Department site showed that the permit was in apply status as of September 7, 2022. Because the permit was still in apply status in January she contacted the property owner and was told that they were trying to obtain an engineer. On January 24, 2023, she received a voice mail from the property owner stating that the engineer stated that the current setback was at 4.9 feet and it needed a setback of 5-feet. She said that she called the property owner and left her a voice mail that she needed to contact the Planning Department. The Building Department voided the permit on February 24, 2023, and she has not had any further contract with the property owner. She asked that the Board allows 120-days to come into compliance.

**Mr. Price moved that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 120-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of August 9, 2022, until corrected and that the initial civil penalty has been paid. Mr. McDonald seconded the motion and it passed unanimously.**

- d. CASE #23-CE-13006 / 3273M**  
**VIOLATOR:** Kyle Richard Zoll and Joseph J. Mancuso, Jr.  
**VIOLATION:** Excavate, grade, cut, clear or undertake any land disturbing activity without first obtaining all appropriate development permits and approvals pursuant to Chapter 73, Flood Damage Prevention and Drainage, and complying with their terms and conditions – Code Section 60.21 (b)(4)  
**VIOLATION ADDRESS:** 1445 20<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Failure to comply; Failure to pay \$50.00 civil penalty)**

This item was pulled from today's agenda.

- e. CASE #23-CE-13009 / 3275M**  
**VIOLATOR:** Anthony L. Fabri and Khatiji M. Meghja  
**VIOLATION:** Land Development Code Violation – Wood fence installed without City Planning and Zoning approval or a permit from the Indian River County Building Department – Code Sections 60.21 (b)(1); 22-181; 22-106  
**VIOLATION ADDRESS:** 2125 Buena Vista Boulevard, Vero Beach, Florida 32960  
**(Failure to comply; Failure to pay \$50.00 civil penalty)**

Ms. Sanderson reported that service of the citation was provided by certified mail. The civil penalty has not been paid. No Code Compliance Certification or building permit has been applied for or issued.

Mr. Pizzichillo asked when was the last time the property owner communicated with her.

Ms. Sanderson answered in March. She asked that the Board allows 30-days to comply.

**Mr. Price made a motion that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 30-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of March 13, 2023, until corrected and to pay the initial civil penalty of \$50.00. Mr. McDonald seconded the motion and it passed unanimously.**

- f. CASE #23-CE-13023 / 3279M**  
**VIOLATOR:** Ellery Stickle  
**VIOLATION:** Sun shade installed without City of Vero Beach Zoning approval or a building permit – Code Section 60.21 (b)(1)  
**VIOLATION ADDRESS:** 1536 26<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Failure to comply)**

This item was pulled from today's agenda.

- g. CASE #23-CE-13064 / 3302M**  
**VIOLATOR:** Treasure Coast Assisted Living LLC, Tenant / Shayna M. Bechtel, Agent / Palm Properties Group FL LLC, Owner / Shayna M. Bechtel, PL, Agent  
**VIOLATION:** Fence, shed, pergola and signs installed on the property without Zoning approval from the City of Vero Beach or a building permit – Code Section 60.21 (b)(1)  
**VIOLATION ADDRESS:** 1914 21<sup>st</sup> Street, Vero Beach, Florida 32960  
**(Failure to comply; Failure to pay \$50.00 civil penalty)**

Ms. Sanderson reported that the civil penalty has not been paid. She met with Ms. Brezault today in the Planning Department to start the permitting process.

Ms. Patricia Pacaud Brezault, who has been sworn in, approached the dais.

Mr. Price asked Ms. Brezault how she was related to this case.

Ms. Brezault said that she is the owner and administer. She reported that Shayna M. Bechtel was the attorney who helped her set everything up and was not the property owner. Ms. Brezault said that she replaced the fence with something that was more presentable. She hired someone from Miami to do the work and she thought that he would tell her if she needed a permit. The person who put in the signs did the same thing. She said that she was communicating back and forth with the Planning Department and did not know that she needed to speak with the Code Officer.

At this time, Ms. Sanderson submitted photographs into the record (Exhibits A, B, C, and D).

Ms. Brezault reported that she removed the sign yesterday.

Mr. Bryant said that she would need a sign permit and she hasn't paid the \$50.00 civil penalty.

Ms. Brezault stated that she paid the civil penalty yesterday.

Ms. Sanderson reported that the sign has been removed.

Mr. Pizzichillo asked when the pergola was put in.

Ms. Brezault said that she did not know. It was there for about 30-years.

Mr. Turner asked Ms. Brezault if she was the property owner.

Ms. Brezault answered yes.

Mr. Bryant asked Ms. Sanderson how long she felt it would take to have this property come into compliance.

Ms. Sanderson asked Ms. Brezault what the Planning Department needed in order to process her application.

Ms. Brezault said that she took the measurements and drew the plan herself, which she would submit to the Planning Department.

Ms. Sanderson asked Ms. Brezault to submit her drawing to the Planning Department after today's hearing.

Ms. Brezault asked if there was anything they could do to remove the attorney's name.

Mr. Turner asked Ms. Brezault if she was the property owner and the violator.

Ms. Brezault said that was correct.

Mr. Turner said that he didn't know who the company was.

Ms. Sanderson reported that based on the Property Appraiser's site at the time the citation was issued, the name that was linked on Sunbiz was Palm Properties with Shayna Bechtel as the Agent of Record.

Mr. Turner asked who is the record owner that is now listed.

Ms. Sanderson said that she has not checked the Property Appraiser's site since she issued the citation. She asked Ms. Brezault if she changed the name.

Ms. Brezault said the name is Palm Properties Group, which is her LLC, but Ms. Shayna Bechtel was the attorney who helped her with the closing.

Mr. Price asked if she updated Sunbiz so that Ms. Bechtel's name was no longer listed.

Mr. Turner explained to Ms. Brezault that if she gets all the permits and with payment of the fine this case would be closed. If that doesn't happen a lien would be filed on the property and there would be an action filed by the City to foreclose that lien. Therefore, they have to make sure that she is connected with this property to bind the owner and agree to resolve the matter so that it comes into compliance.

Ms. Brezault said Palm Properties is her LLC and she owns the company.

Mr. Price said that Ms. Brezault was asking if they could remove Shayna Bechtel's name.

Mr. Turner said the record is clear.

Ms. Brezault said that Ms. Bechtel has no connection with the business at all.

Mr. Turner said the attorney never took her name off, which is why she was named.

Ms. Brezault said that is correct.

Mr. Turner said the attorney has nothing to do with the ownership of the property.

Ms. Brezault said that is correct.

Mr. Turner said the City would make an amendment to reflect that the agent is not the violator. He said they would do an amendment to reflect that Ms. Brezault is the property owner.

Ms. Sanderson said that Ms. Brezault went to the Planning Department under the name of Treasure Coast Assisted Living LLC, however the business tax through the City has it as Castlewood Assisted Living.

Ms. Brezault explained that it when they formed the corporation it was under the name of Treasure Coast Assisted Living. When she applied for her license it was Treasure Coast Assisted Living LLC doing business as Castlewood Assisted Living LLC.

Mr. Turner explained that they need to make sure that the registered owner or the fee simple owner of the property was the one who would be responsible for coming into compliance. He said if they don't come into compliance, the lien would be foreclosed on.

Ms. Brezault said that she would remove the attorney's name from Sunbiz.

**Mr. Price moved that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 120-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of March 30, 2023, until corrected, that the initial civil penalty of \$50.00 has been paid and to make an amendment ...**

**Mr. Turner added that the proceedings would be amended to reflect that the name Shawna Bechtel would be amended on the corporate records to reflect that she was no longer the agent and that the representative present today is the owner of the business and the individual that combined the corporation for the purpose of today's hearing.**

**Mr. Price included to the motion the above language. Mr. McDonald seconded the motion and it passed unanimously.**

- h. CASE #23-CE-13174 / 0902J**  
**VIOLATOR:** Riomar Country Club  
**VIOLATION:** Sea Turtle lighting violation – Code Sections 46-109 (a)(1)(a)(b), (b)  
**VIOLATION ADDRESS:** 2426 Ocean Drive, Vero Beach, Florida 32963  
**(Failure to comply; Failure to pay \$50.00 civil penalty)**

This item was pulled from today's agenda.

- i. CASE #23-CE-13200 / 3345M**  
**VIOLATOR:** Jeremy Willer and Rachel Willer, Owners and The American Pavers Contractor, Inc. / Elias Mendoza, Agent – c/o Gould Family Properties VIII LLC  
**VIOLATION:** Failure to comply with the conditions of approved Code Compliance Certification – Code Section 60.21 (b)(1)  
**VIOLATION ADDRESS:** 431 Holly Road, Vero Beach, Florida 32963  
**(Failure to comply)**

This item was pulled from today's agenda.

- j. CASE #23-CE-13212 / 3344M**

**VIOLATOR:** Royal Palm Pointe Investors LLC / Girard Equipment, Inc., Agent

**VIOLATION:** Property is not in compliance with the approved site plan and issued development order; no boat docking is allowed until the restaurant opens – Code Section 60.21 (b)(2)

**VIOLATION ADDRESS:** 41 Royal Palm Pointe, Vero Beach, Florida 32960

**(Failure to comply; Failure to pay \$50.00 civil penalty)**

This item was pulled from today's agenda.

**k. CASE #21-CE-11441 / 3172M**

**VIOLATOR:** John Martin Monko, Jr.

**VIOLATION:** Failure to obtain a building permit for an enclosed structural wall and A/C mini-split system installed – Code Sections 22-181; 22-106

**VIOLATION ADDRESS:** 442 Conn Way, Vero Beach, Florida 32963

**(Request of the Code Officer for the Board to find the property in compliance on May 23, 2023, to cease the continuing penalties and to pay initial civil penalty, cost of enforcement, continuing penalties, and costs and fees through and including May 22, 2023 – continuing penalty of \$50.00 per day from February 26, 2021 through and including May 22, 2023, (day prior to finding compliance) equals 816 days times \$50.00 per day equals \$40,800.00, plus initial civil penalty of \$50.00 and enforcement costs of \$44.70 for an estimated amount due of \$40,894.70 plus costs and fees)**

Ms. Sanderson reported that the property came into compliance on May 22, 2023 and the civil penalty has not been paid. She noted that the property was currently under contract for sale. She asked that the Board finds the property in compliance as of May 22, 2023, to cease the continuing penalties as of May 22, 2023, and to pay the accrued continued penalties and costs.

Mr. John Monko, property owner, who has been sworn in, said that he was in compliance and wanted to deal with the fine today.

Mr. Price explained that all the Board could do today was to find the property in compliance and cease the continuing penalties. He said there is paperwork that he could obtain from the City Clerk's office.

Mr. Turner said there is a procedure where he could ask the City Council for a lien reduction.

Ms. Lauer asked when the closing was scheduled.

Mr. Monko answered June 30, 2023.

Mr. Pizzichillo said the fine could always go into escrow.

Mr. Monko said that he would like to close on the house.

