

**CODE ENFORCEMENT BOARD  
MEETING  
APRIL 27, 2011**

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

**MEMBERS ABSENT:** Ed Viola

**OTHERS PRESENT:** David Levin, City Attorney; Randy Wright, Dawn Lewis, Code Compliance Officers; Lisa Hannon, Zoning Coordinator; David McCarty, Code Compliance Coordinator

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting – May 25, 2011

**APPROVAL OF MINUTES**

- A. Meeting of March 23, 2011
  - Mr. Council MOVED, Mr. Ashworth SECONDED approval of the March 23, 2011 minutes. MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

- Recording Secretary Kelly swore in all participants.
- A. 11-43200 – POLICE OFFICER – HARVEY AYERS
  - Respondent: Margaret Florentino
  - Address of Violation: 1200 West Retta Esplanade
  - Violation of Chapter 23, Section 23-18(b), Handicap zone or designated loading area.
  - City Attorney David Levin announced the City was dismissing Case #11-43200. He explained it had been determined the signage at the subject location had been temporarily removed at the time of the alleged violation.
- B. 10-42090 – CODE COMPLIANCE OFFICER – RANDY WRIGHT
  - Respondent: Bernice A. Rountree
  - Address of Violation: 322 East William Street
  - Violation of Chapter 9A, Section 9A-12(a)(d), and Chapter 26, Section 26-8.11(g), Numerous pieces of wood and pieces of blue tarp material on the roof of the house; and Chapter 10, Section 10-1.1, and Chapter 26, Section 26-8.11(c), Tall grass and/or weeds over 12 inches in height and overgrown trees and landscaping; and Chapter 26, Section 26-12.10(a)(3), Brazilian Pepper trees growing on the property; and Chapter 26, Section 16-8.11(a)(b), and Chapter 9A, Section 9A-12(g), and Chapter 7, Section

7-38, Entire roof on the house structure is damaged and in a state of disrepair, and a small building in the rear of the property has a collapsed roof.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on her behalf.
- Mr. Randy Wright, Code Compliance Officer, requested a continuance to the Board's next meeting.
- Ms. Perry MOVED, Mr. Poitras SECONDED to continue Case #10-42090 to the Board's next meeting. MOTION CARRIED UNANIMOUSLY.

C. 11-42582 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Samuel V. Estepa, M.D., P.A.

Address of Violation: 713 East Marion Avenue

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

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on his behalf.
- Mr. Wright stated the subject property was located within City limits, adding on February 14, 2011, he determined the respondent had failed to pay his Local Business Tax (LBT) for 2011. He advised a Notice of Violation/Order for Corrective Action was issued and received by the respondent on February 16, 2011, requiring the LBT to be paid within 7 days of the Notice/Order; however, as of March 17, 2011, the LBT had not yet been paid. He reported a Notice of Violation/Notice of Hearing was served on the respondent on March 21, 2011, concluding as of April 26, 2011, the violation remained.
- Ms. Sepanik MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Poitras confirmed the business was operating.
- Mr. Wright agreed, noting the respondent had always paid his LBT on time in past years.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the LBT to be paid within 7 days of receipt of the Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

D. 11-42555 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: SunTrust Bank, N.A.

Address of Violation: 1223 Canvasback Court

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

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Dawn Lewis, Code Compliance Officer, attested to her Affidavit of Violation(s) and Notice of Hearing, as delineated in the agenda material. She further adopted the findings of fact presented in the aforementioned Affidavit as her testimony this date.
- Mr. Ashworth MOVED, Ms. Sepanik SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Ms. Perry SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance within 10 days of receipt of the Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

E. 11-42633 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Household Finance Corporation III

Address of Violation: 514 Showalter Avenue

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

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis attested to her Affidavit of Violation(s) and Notice of Hearing, as delineated in the agenda material. She further adopted the findings of fact presented in the aforementioned Affidavit as her testimony this date.
- Mr. Council MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Poitras MOVED, Ms. Sepanik SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance within 10 days of receipt of the Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

F. 11-42632 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: SunTrust Mortgage, Inc.

Address of Violation: 3311 Purple Martin Drive, Unit #136

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

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

- Ms. Lewis attested to her Affidavit of Violation(s) and Notice of Hearing, as delineated in the agenda material. She further adopted the findings of fact presented in the aforementioned Affidavit as her testimony this date.
- Mr. Council MOVED, Mr. Poitras SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Ms. Sepanik SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance within 10 days of receipt of the Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

G. 11-42642 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Thi V. Nguyen

Address of Violation: 711 Via Formia

Violation of Chapter 26, Section 26-8.11(c), Grass and/or weeds over 12 inches in height throughout the property.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on his behalf.
- Mr. Wright displayed several photographs of the subject property, located within City limits, stating on February 17, 2011, Ms. Maricela Perdomo, Code Compliance Officer, inspected this property and observed the subject violations. He announced a Notice of Violation/Order for Corrective Action was issued and received by the respondent on February 19, 2011, requiring compliance within 5 days of receipt of the Notice/Order. He advised as of March 28, 2011, he found the violation had not been corrected. He reported an Affidavit of Violation/Notice of Hearing was issued and received by the respondent on March 30, 2011. He concluded the property was brought into compliance as of April 26, 2011.
- Ms. Sepanik MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Sepanik MOVED, Mr. Council SECONDED to issue a Cease & Desist Order for any future violations subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

H. Hearing Imposing Penalty

11-42883 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Brandsource, Inc.

Florida Championship Wrestling

c/o Alfred Bronda, DPST

c/o The Law Offices of Nick Spradlin, PLLC, Registered Agent

Pursuant to Florida Statutes, Title XI, Chapter 162, Sections 162.06(4) and 162.09(2)(a), for an irreversible and irreparable violation of the Punta Gorda Code, Chapter 26, Section 26-11.6(c); and Chapter 26, Section 26-11.2(g), and Chapter 26, Section 26-11.8(d)(2), Placing numerous non-permitted signs in the public right-of-way.

- Mr. Wright stated on March 14, 2011, City staff picked up over 100 signs stapled to telephone poles throughout the City. He announced an Affidavit/Notice of Penalty Hearing was issued and received by the respondent March 17, 2011, for placement of signs in the public right-of-way (ROW).
- City Attorney Levin asked if the signs picked up by staff had been permitted by the City.
- Mr. Wright replied they had not.
- City Attorney Levin asked if the signs were permissible under City Code.
- Mr. Wright replied in the negative.
- Mr. Poitras clarified the signage posted throughout the City advertised a boxing match at the Event Center, noting he had personally seen countless numbers of same.
- Mr. Wright mentioned removal of the signs entailed approximately two hours of three staff members' time.
- City Attorney Levin asked if the respondent had conducted themselves in the same manner in the past.
- Mr. Wright replied affirmatively, on numerous occasions.
- City Attorney Levin clarified this hearing was the first instance where a case involving the respondent was presented to the Board. He questioned the number of previous instances in which a violation was alleged.
- Mr. Wright replied two or three times, specifically whenever an event was held in the City, adding the respondent had been contacted each time.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- City Attorney Levin explained this case was being presented to the Board under the section of State Statute which provided for situations where it would be futile to follow the normal procedure of notifying a respondent by mail, etc. He explained the respondent came into town, violated City Code and then left immediately following same. He reiterated this was not the first such instance, adding the City had attempted to notify the respondent informally to cease these violations. He opined the respondent appeared to consider repeated violation of City Code as part of the cost of doing business. He concluded the Board had the ability to impose a fine of up to \$5,000 per State Statute, which would hopefully gain the notice of the promoter.

- Mr. Poitras questioned the frequency of this event.
- Mr. Wright replied he believed this was an annual event.
- Mr. Poitras acknowledged those who attended this event benefitted the local economy; however, the respondent was also causing visual blight. He opined the Board should impose a fine in an amount which would gain the respondent's attention.
- Mr. Ashworth noted the event which had been advertised on the subject signs was held at the Charlotte County Event Center (Event Center), asking if permits and requirements were the responsibility of Charlotte County or the City.
- Ms. Lisa Hannon, Zoning Coordinator, replied scheduling for the Event Center was handled by Charlotte County, adding the City was responsible for tent permitting. She noted the Event Center Manager had been provided with a copy of the City's Event Manual, adding any off-premise, directional signage was permitted through the City. She stated such requests required a \$50 application fee, adding a maximum of 8 signs was allowed. She mentioned the City also required event organizers to provide sample signage as well as a list of proposed locations. She confirmed a number of other events held at the Event Center complied with City regulations without violating City Code.
- City Attorney Levin confirmed City Code prohibited placement of signs on telephone poles.
- Ms. Hannon added City Code also imposed sign size and height placement limitations.
- Mr. Poitras suggested event organizers should be forewarned of the City's signage requirements.
- Ms. Sepanik countered a process was already in place.
- City Attorney Levin pointed out the respondent had been properly educated on signage regulations in the past on numerous occasions; however, City staff would certainly continue to cooperate with Charlotte County in the hope of more widely disseminating that information.
- Mr. Wright interjected he did not believe the respondent had any regard for the City's regulations.
- Ms. Hannon stated Mr. Jim Finch, Event Center Manager, had been provided with a copy of the City's Event Manual, which he in turn provided to event organizers.
- Mr. Poitras MOVED, Mr. Council SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations subject to a daily fine of up to \$250 and to impose a \$1,500 fine to be paid within 30 days of receipt of the Board's Order.
- Mr. Ashworth questioned the ramifications if the respondent did not pay the fine.

- City Attorney Levin replied the City had no control over the Event Center; however, fines imposed by the Board were recorded and became liens against any of the respondent's properties, including personal property, advising the City could then foreclose on those liens.
- Ms. Perry expressed uncertainty with regard to the proposed fine amount, explaining same might be too low to make a difference to the respondent. She suggested the Board may wish to consider a \$2,500 fine.
- Mr. Stevens called for a vote on the motion.
- VOTING AYE: Ashworth, Council, Poitras, Sepanik, Stevens.
- VOTING NAY: Perry.
- MOTION CARRIED.

**UNFINISHED BUSINESS**

A. Hearing Imposing Penalty

10-39399 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Money Consultants, Inc.

Address of Violation: 412 Allen Street

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

- Mr. Wright reported an additional 36 days of non-compliance from March 22, 2011, to April 26, 2011.
- Ms. Sepanik MOVED, Ms. Perry SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$9,000 representing \$250 per day for 36 days of non-compliance. MOTION CARRIED UNANIMOUSLY.
- City Attorney Levin recalled the Board had recommended proceeding toward foreclosure of this property; however, other matters had taken precedence in the interim. He confirmed he would proceed as soon as possible as directed by the Board.

B. Hearing Imposing Penalty

10-40776 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Elbert H. Van Nostrand & Bonnie Jacobs

Address of Violation: 551 Toulouse Drive

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

- Mr. Wright reported an additional 36 days of non-compliance from March 22, 2011, to April 26, 2011.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$9,000 representing \$250 per day for 36 days of non-compliance. MOTION CARRIED UNANIMOUSLY.
- Mr. Council recalled the Board previously discussed an alternative approach to this case as well as Case #10-39946, asking if any progress had been made.
- City Attorney Levin reiterated other pressing matters had taken precedence, confirming he would work toward initiating those proceedings.

C. Hearing Imposing Penalty

10-39946 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Elbert H. Van Nostrand & Bonnie Jacobs

Address of Violation: 551 Toulouse Drive

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

- Mr. Wright reported an additional 36 days of non-compliance from March 22, 2011, to April 26, 2011.
- Ms. Perry MOVED, Mr. Poitras SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$9,000 representing \$250 per day for 36 days of non-compliance.
- Mr. Council interjected he understood the respondent had started to clean the roof.
- Mr. Wright responded affirmatively; however, the back section of the roof was still discolored and mildewed.
- Mr. Council clarified more than 20% of the roof remained in violation.
- MOTION CARRIED UNANIMOUSLY.

D. Hearing Imposing Penalty

10-41492 - ZONING COORDINATOR - LISA HANNON

Respondent: Timothy T. Coons

Address of Violation: 420 West Olympia Avenue

Violation of Chapter 26, Section 26-6.3, Lot Size; and Chapter 26, Section 26-3.7(g) (1)(2)(3)(4)(5)(6)(7), Development Standards; and Chapter 26, Section 26-18.2(c)(e), Illegally subdivided lots.

- Ms. Hannon reported the violation continued to exist as of this date.

- City Attorney Levin mentioned he understood the respondent had contacted an attorney and was considering available options; however, no official action had been taken.
  - Mr. Council MOVED, Mr. Poitras SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$17,250 representing \$250 per day for 69 days of non-compliance. MOTION CARRIED UNANIMOUSLY.
- E. Hearing Imposing Penalty  
 10-41514 - CODE COMPLIANCE OFFICER - DAWN LEWIS
- Respondent: Wells Fargo Bank, N.A.  
 Address of Violation: 439 Via Cintia  
 Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.
- Ms. Lewis reported an additional 47 days of non-compliance from March 11, 2011, to April 26, 2011.
  - Ms. Sepanik MOVED, Mr. Poitras SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$11,750 representing \$250 per day for 47 days of non-compliance. MOTION CARRIED UNANIMOUSLY.
  - Mr. Council questioned the amount of revenue derived through the Distressed Real Property Registration program.
  - Mr. David McCarty, Code Compliance Coordinator, replied 142 property registrations had generated \$14,200, acknowledging costs were subtracted from same.
  - Ms. Lewis mentioned approximately 85% of registered properties had responded promptly. She then stated the growth rate of grass and weeds over the past season had been tremendous. She asked members to inform the community, when asked, to remind citizens the number of mows were limited by budget constraints.

**MEMBER COMMENTS**

- Mr. Poitras asked when staff became aware Case #11-43200 would be dismissed.
- City Attorney Levin replied just prior to the start of this meeting.
- Ms. Perry then commented on Case #10-42090, 322 East William Street, noting the respondent had submitted a written statement indicating she was unable to perform the work necessary to bring the property into compliance; however, she stated she did not believe the City should be responsible for same.
- City Attorney Levin replied the City had been attempting to work with the respondent informally for some time, adding it had been perceived the individual may need some specialized assistance; thus, staff had previously opted against presenting the case to

the Board. He concluded the City had requested a continuance this date to allow more time to work with the property owner.

**ADJOURNMENT**

- Meeting Adjourned: 10:00 a.m.

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Jim Stevens, Chairman

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Mary Kelly, Recording Secretary