

**CODE ENFORCEMENT BOARD  
MEETING  
MARCH 24, 2021**

**MEMBERS PRESENT:** John Chalifoux, Chairman  
Henry Bauman, Roland Ericsson,  
Nora Giardina, Paul Sacilotto,  
Edward Weiner

**MEMBERS ABSENT:** Carol Perry

**OTHERS PRESENT:** City Attorney David Levin  
Lisa Hannon, Zoning Official  
David McCarty, Code Compliance Supervisor  
Lavosia Price, Code Compliance Officer  
Allen McDaniel, Code Compliance Officer  
Nick Falkner, Code Compliance Officer  
Terry Nichols, Executive Assistant  
David Lipker, Police Officer  
Edward Wotitzky, Jay Nadelson

**CALL TO ORDER/ANNOUNCEMENTS**

- Mr. Chalifoux called the meeting to order at 9:00 a.m.
- A. Roll Call
- B. Next Scheduled Meeting
- 1. April 28, 2021

**APPROVAL OF MINUTES**

- A. February 24, 2021
- Mr. Bauman MOVED, Mr. Sacilotto SECONDED approval of the February 24, 2021, minutes. MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

- Recording Secretary Pues swore in all participants.
- A. 21-78815 - CODE COMPLIANCE OFFICER - NICK FALKNER  
Respondent: Michael H. & Sharon H. Rosier  
Address of Violation: 414 San Marie Drive  
Violation of Chapter 24, Section 24-5 Living in Trailer Prohibited; and Chapter 26, Section 3.7 (d) Prohibited Use
- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
- Mr. Nick Falkner, Code Compliance Officer, stated a Notice of Violation was delivered to the respondent on February 16, 2021, following an inspection of the subject property by Mr. Justin Davault, Police Officer, on February 12, 2021. He explained the Notice ordered that individuals discontinue living inside the Recreational Vehicle (RV) on the

property within five days of receipt of the Notice. He indicated Messrs. David Lipker and Justin Kleiver, Police Officers, inspected the property again on February 26, 2021.

- Mr. Lipker summarized the circumstances observed during his inspection of the property on February 26, 2021, and displayed photographs taken on that date, which included electric and water connections to the RV. He stated an inspection on March 22, 2021, revealed the individual in and connections to the RV remained, concluding the individual denied living inside the RV.
- Mr. Falkner then reviewed staff's efforts to bring the property into compliance and submitted an invoice for case costs incurred in the amount of \$21.39.
- Mr. Bauman inquired whether there had been any contact with the property owner.
- Mr. Lipker replied affirmatively, noting the property owner permitted inspections of the property on both occasions.
- Mr. Bauman verified the RV was permitted to be stored at the property; however, individuals could not reside in same.
- Mr. Chalifoux pointed out the Bill of Sale in one of the photographs indicated the RV was not registered.
- City Attorney David Levin clarified the lack of registration for the RV could not be considered as part of the violation heard this date.
- Mr. Bauman MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Discussion ensued regarding communication with the individual residing inside the RV as well as details of the violation, with Mr. Lipker verifying there was no sign of repair work being done to the RV as had been indicated by the property owner.
- Mr. Weiner MOVED, Mr. Sacilotto SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property be brought into compliance within 2 days and to require payment of case costs incurred in the amount of \$21.39 within 10 days, subject to a fine of \$250 per day plus applicable interest.
- Mr. Bauman expressed opposition to requiring the property be in compliance within 2 days, noting many individuals were purchasing RVs in response to the COVID-19 pandemic and facilities for placement of RVs were not always available. He suggested 30 days be granted instead.
- Mr. Falkner reiterated RVs were permitted at properties; however, individuals were prohibited from residing in same.
- Mr. Bauman indicated he understood and withdrew his opposition.
- MOTION CARRIED UNANIMOUSLY.

B. 21-78627 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondent: First Choice Home Builders, LLC

Registered Agent: Jeff Burch

Address of Violation: 416 Madrid Boulevard

Violation of Chapter 26, Section 8.11 (e) Tree Stumps

- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
- Mr. Lavosia Price, Code Compliance Officer, displayed photographs of the subject property, located within City limits, stating a January 27, 2021, inspection found two tree stumps near the front of the property. He reviewed the City's efforts to bring the property into compliance, noting inspections on February 10, 2021, and March 23, 2021, found the violations remained. He submitted an invoice for case costs incurred in the amount of \$11.76.
- Mr. Sacilotto commented the tree stumps appeared to be in the location where utility poles were recently installed, inquiring whether the property owner or the Florida Power & Light Company (FP&L) had removed the trees.
- Mr. Price verified the violation occurred prior to FP&L's work at the property, explaining the previous property owner removed the trees and the new property owner was aware the tree stumps had to be removed.
- Mr. Bauman MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- A brief discussion ensued regarding the locations of the tree stumps as well as the lack of communication between the new property owner and staff.
- Mr. Sacilotto MOVED, Mr. Bauman SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property be brought into compliance within 15 days and to require payment of case costs incurred in the amount of \$11.76 within 15 days, subject to a fine of \$250 per day plus applicable interest.
- Mr. Chalifoux recommended amending the number of days for the property to be in compliance, noting the previous property owner was aware of the violation and the new property owner should be allowed additional time.
- Mr. Sacilotto indicated 15 days was sufficient time for compliance based on personal experience with scheduling removal of his own tree.
- City Attorney Levin stated the Punta Gorda Code required a property owner to inform buyers of pending cases, noting the new property owner was informed of the violation according to the testimony heard this date.
- MOTION CARRIED UNANIMOUSLY.

- C. 20-78190 - CODE COMPLIANCE OFFICER - LAVOSIA PRICE, JR.  
Respondent: Southwest Partners, LLC  
Registered Agent: % Todd Lang  
Address of Violation: 2530 Tamiami Trail  
Violation of Chapter 9, Section 9-12 (f) 5 Yard Waste; and Section 9-2 (a) Trash Bags Stored; and Section 9-2 (h) Tall Grass and/or Weeds
- Mr. Price explained the property was in compliance, requesting dismissal of this case.
  - Mr. Bauman MOVED, Mr. Sacilotto SECONDED to dismiss this case. MOTION CARRIED UNANIMOUSLY.

- D. CONTEST OF CITATION #10378  
21-78920 - CODE COMPLIANCE OFFICER - LAVOSIA PRICE, JR.  
Respondent: Delta Hearing  
Address of Violation: 525 East Olympia Avenue  
Violation of Chapter 9A, Section 9A-13 (c) 8; and Chapter 23, Section 23-22 Vehicle Parked for Advertising
- Mr. Price stated the property was in compliance, requesting dismissal of this case.
  - Mr. Bauman MOVED, Mr. Sacilotto SECONDED to dismiss this case. MOTION CARRIED UNANIMOUSLY.

**UNFINISHED BUSINESS**

- A. REQUEST FOR FINE REDUCTION  
11-44592 - CODE COMPLIANCE SUPERVISOR - DAVID MCCARTY  
Violator/Former Property Owner: Robert S. Imperi,  
Current Property Owner: Equity Trust Company Custodian,  
Requestor: Jay Nadelson  
Address of Violation: 419 Burland Street  
Violation of Chapter 7, Section 7-38 Structure in Disrepair; and Chapter 26, Section 8.11 (a), (b), (c), (e), (f), (g) Grass/Weeds, Overgrowth; and Chapter 9A, Section 9A-12 (a), (d) Outdoor Storage, Visual Blight, Unlicensed Vehicle; and Chapter 10, Section 10-1.1 Wild Overgrowth of Trees
- Mr. David McCarty, Code Compliance Supervisor, displayed a photograph of the subject property, located within City limits, noting on March 28, 2012, the Board imposed a penalty on the former property owner in the amount of \$22,000 plus case costs incurred along with applicable interest. He provided a detailed review of events surrounding the case, noting the property was purchased by Equity Trust Company Custodian on October 20, 2020. He stated on March 1, 2021, Mr. Jay Nadelson, requestor, filed with the Board a reduction of fine in the amount of \$22,012.40, explaining staff requested the lien

remain valid if any remaining fine amount was not paid within the timeframe ordered by the Board. He indicated an inspection of the property on March 23, 2021, found the property was in compliance, concluding the total amount currently due with interest on the lien was \$31,316.71 and submitted an invoice for additional case costs incurred in the amount of \$7.20.

- City Attorney Levin explained the City incurred costs associated with bringing the property into compliance and liens were filed to recoup those expenses, adding those liens were separate from the fines imposed on the prior owner and the only action before the Board was related to reduction of those fines. He concluded the property was purchased as a tax sale.
- Mr. Chalifoux disclosed Mr. Nadelson was an alternate member of the Board.
- Members confirmed they had not engaged in ex parte communications with Mr. Nadelson regarding this matter prior to this date.
- Mr. Nadelson stated he purchased properties at tax deed auctions to bring them to a state of development, noting he had been unaware of the liens on the subject property. He concluded the additional liens would be satisfied.
- Mr. Edward Wotitzky, attorney, explained the desire was for some relief from the lien so that the property could be made marketable, adding Mr. Nadelson did not want to utilize his position on the Board to influence members. He reviewed the history and previous ownership of the property which resulted in the demolition funded by the City, noting the additional liens against the property were estimated at \$23,000. He expressed uncertainty as to the real value of the property, concluding as of 2020 the property was valued at \$11,826 according to the Charlotte County Property Appraiser.
- A lengthy discussion ensued regarding the potential value and loss of value for the City as well as for Mr. Nadelson in relation to the property.
- Mr. Bauman indicated the violations against the property were corrected, inquiring as to what the City desired now that the property was in compliance.
- Mr. Chalifoux replied there were some costs to the City related to the violations, noting same might be minimal. He stated members needed to consider what was best for the City, questioning whether there was a particular amount Mr. Nadelson desired for the lien reduction.
- Mr. Nadelson responded the desire was for the lien to be reduced to the case costs incurred.
- City Attorney Levin suggested members request Mr. Nadelson pay the additional outstanding liens within a certain period of time and as a result the Board would reduce

the amount of the fine, adding failure to do so would result in the outstanding lien remaining valid.

- Mr. Wotitzky stated the suggestion appeared fair, noting interest on the additional liens might be negotiated at another time. He concluded Mr. Nadelson agreed to pay the principal and the determined interest to satisfy the additional liens.
- Discussion continued regarding recommendations for the reduction of fine in conjunction with satisfying the additional liens.
- Mr. Weiner MOVED to approve the reduction of fine request, to reduce the fine of \$31,316.71 plus applicable interest issued in the previous order along with additional case costs of \$19.60 to \$10,000, to require full payment by April 16, 2021, with the City to order a satisfaction of lien which shall be recorded at the sole cost of the respondent after payment; however, if the respondent fails to pay the outstanding liens plus applicable interest to the City, the remaining unpaid fine in the amount of \$31,316.71 plus applicable interest would remain valid.
- MOTION FAILED due to a lack of a SECOND.
- Ms. Giardina opined considerations for the additional liens from the City should be handled separately from the reduction of fine heard this date.
- Ms. Giardina MOVED, Mr. Bauman SECONDED to approve the reduction of fine request, to reduce the fine of \$22,012.40 plus applicable interest and additional case costs incurred in the amount of \$19.60 to \$5,000 and to require full payment within 30 days of the order or the remaining unpaid fine in the amount of \$22,012.40 plus applicable interest would remain valid.
- Mr. Weiner noted the amount was \$31,316.71.
- Mr. McCarty clarified that amount was with interest.
- VOTING AYE: Chalifoux, Giardina, Ericsson, Sacilotto.
- VOTING NAY: Bauman, Weiner.
- MOTION CARRIED.

B. HEARING IMPOSING PENALTY

20-75416 - CODE COMPLIANCE OFFICER - ALLEN MCDANIEL

Respondent: Douglas R. Engberg

Address of Violation: 3837 Bermuda Court

Violation of Chapter 26, Section 3.4 (d); and Chapter 6, Section 2-1 (c) (2) (a) Prohibited Structure

- Mr. Allen McDaniel, Code Compliance Officer, stated the property was in compliance, requesting dismissal of this case.

- Mr. Sacilotto MOVED, Mr. Ericsson SECONDED to dismiss this case. MOTION CARRIED UNANIMOUSLY.
- C. HEARING IMPOSING PENALTY  
 20-77962 - CODE COMPLIANCE OFFICER - ALLEN MCDANIEL
- Respondent: Anna Morozova  
 Address of Violation: 2735 Rio Court
- Violation of Chapter 26, Section 8.11 (e) Bare Soils, Dead Palm Fronds; and Chapter 9, Section 9-2 (h) Stagnant Pool Water
- Mr. McDaniel reviewed the Compliance Order issued to the respondent on January 27, 2021, which ordered the property be brought into compliance within 10 days of receipt of the Order and to cease and desist from any future violations. He stated an inspection on February 24, 2021, found corrective action ordered by the Board had not been taken in that bare soil remained in the landscape areas and dead palm fronds remained on the trees throughout the property; additionally, stagnant water remained in the pool on the property. He then displayed photographs of the subject property, located within City limits, and reviewed the City's efforts to bring the property into compliance, noting an inspection on March 23, 2021, found the violations remained. He concluded the property had been in noncompliance for 28 days and submitted an invoice for total case costs incurred in the amount of \$34.14.
  - Mr. Bauman verified there had been no contact from the respondent.
  - Mr. McDaniel indicated the respondent was out of country.
  - Mr. Bauman MOVED, Mr. Weiner SECONDED to find the respondent in violation of the Compliance Order, to impose a fine of \$7,000, representing a fine of \$250 per day for 28 days of noncompliance plus applicable interest, with the fine continuing to run until the respondent came into compliance, and to require payment of total case costs incurred in the amount of \$34.14. MOTION CARRIED UNANIMOUSLY.
- D. HEARING IMPOSING ADDITIONAL PENALTY  
 20-75831 - CODE COMPLIANCE OFFICER - LAVOSIA PRICE, JR.
- Respondent: Zareh Michael Issakhanian  
 Address of Violation: 506 Showalter Avenue
- Violation of Chapter 26, Section 8.11 (e) 1,2,3,4,5; Dead Tree; and Chapter 9, Section 9-2 (h) Tall Grass and Weeds
- Mr. Price displayed photographs of the subject property and reviewed the Compliance Order issued to the respondent on September 16, 2020. He stated the Order required the property to be brought into compliance within 10 days of receipt of the Order and to cease and desist from any future violations. He stated an inspection on October 29,

2020, found corrective action ordered by the Board had not been taken in that the dead tree and tall grass and weeds around same remained on the property. He stated on November 17, 2020, the Board ordered a fine in the amount of \$8,000 be imposed, representing a fine of \$200 per day for 40 days of non-compliance, plus case costs incurred in the amount of \$33.18. He reviewed the City's efforts to bring the property into compliance, noting inspections on March 2, 2021, and March 23, 2021, revealed corrective action had not been taken; therefore, the property remained in noncompliance for an additional 128 days. He submitted an invoice for total case costs incurred in the amount of \$64.25.

- Mr. Chalifoux questioned whether the fine imposed on November 17, 2020, would continue to run until the property was in compliance.
- Mr. McCarty replied affirmatively, noting the additional fines ordered this date would be recorded as a lien on the property. He noted another Order was required to increase the fine.
- City Attorney Levin explained the primary purpose was to obtain an additional recorded lien in case the City sought foreclosure of the property.
- Ms. Giardina MOVED, Mr. Sacilotto SECONDED to find the respondent in violation of the Compliance Order, to impose an additional fine in the amount \$25,000, representing a fine of \$200 per day for an additional 128 days of noncompliance plus applicable interest, with the fine continuing to run until the respondent came into compliance, and to require payment of total case costs incurred in the amount of \$64.25.
- VOTING AYE: Bauman, Chalifoux, Giardina, Ericsson, Sacilotto.
- VOTING NAY: Weiner.
- MOTION CARRIED.
- Mr. Chalifoux opined this situation would create the same results as Case #11-44592, expressing confusion as to how such situations occurred.
- City Attorney Levin stated the City utilized the tools they had to bring properties into compliance, voicing uncertainty as to how to prevent the issues from reoccurring.
- A brief discussion ensued regarding the City's current process for foreclosing properties, with City Attorney Levin verifying a property could be foreclosed upon after failure to satisfy a lien within three months of same being recorded.

#### **STAFF COMMENTS**

- A. Election of Chairman and Vice Chairman
- Mr. Chalifoux announced his term ended on August 6, 2021, and his last meeting would be in July 2021. He then opened the floor for nominations for Chairman and NOMINATED Mr. Bauman.



- As there were no other nominations, Mr. Bauman was appointed Chairman by acclamation.
- Mr. Bauman noted he would not be present at the May 2021 meeting.
- Mr. Chalifoux opened the floor for nominations for Vice Chairman.
- Mr. Sacilotto NOMINATED Ms. Giardina.
- As there were no other nominations, Ms. Giardina was appointed Vice Chair by acclamation.

**COMMITTEE/BOARD COMMENTS**

- Mr. Chalifoux expressed appreciation for the services provided by staff during his terms on the Board.
- Mr. Bauman thanked Mr. Chalifoux for the service and guidance he provided as Chairman.

**CITIZENS' COMMENTS**

- None.

**ADJOURNMENT**

- Meeting Adjourned: 10:37 a.m.

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John Chalifoux, Chairman

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Leah Pues, Recording Secretary