



TOWN OF PALM BEACH POLICE DEPARTMENT

A NATIONAL AND STATE ACCREDITED LAW ENFORCEMENT AGENCY



CODE ENFORCEMENT BOARD MINUTES 2:00 P.M. THURSDAY, DECEMBER 18, 2008 AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD

I. **Call to Order:** The meeting was called to order at 2:00 p.m. by Chairman Timothy Hoffman.

II. **Roll Call:**

Present: Timothy Hoffman, Chairman
Harris Fried, Vice Chairman
Joel P. Koepfel, Member (*arrived shortly after roll call*)
Larry Ochstein, Member
Catherine M. Duemler, Member
Madelyn Greenberg, Member
Cynthia Van Buren, Member
James M. Ballentine, Jr., First Alternate
William P. Vanneck, Second Alternate

Staff: John C. Randolph, Town Attorney
Captain Dan Szarszewski, Support Services
Robert Walton, Lead Code Enforcement Officer
Nick Gerry, Code Enforcement Officer
Bryant Weymer, Code Enforcement Officer
Raychel Houston, Recording Secretary

III. **Approval of the Minutes of November 20, 2008:**

MOTION BY MR. FRIED FOR APPROVAL OF THE NOVEMBER 20, 2008 MINUTES

MOTION SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

IV. **Administration of the Oath to all persons who wish to testify:**

Let the record show that all persons wishing to testify were sworn in at this time by Recording Secretary Raychel Houston.

V. Public Hearings:

- A. Case # 08-2431, 434 Seaspray Ave., Christopher Kaufman
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, building permits required to construct, install, repair or alter any building or building system

Lead Code Enforcement Officer Robert Walton presented the facts of the case and said the violation was discovered during routine inspection. A complaint was received about a pile of sand in the roadway and upon further investigation, it was discovered Astroturf was being installed in the rear yard. A red tag stop work order was issued and after a meeting with the Building Official, it was determined a building permit was required. The case was postponed at the January and February, 2008 meetings and at the March, 2008 hearing, there was a letter from Ron Kolins, advising Mr. Kaufman would request an ARCOM hearing and a Town Council variance, if that was determined to be needed. The case was postponed again in April and at the May meeting, there was a letter from Mr. Kolins that he was no longer representing Mr. Kaufman and the case was once again postponed to June. At the June meeting, the case was postponed to September, 2008 and at the September meeting, the case was postponed until Town Council resolved the issue. Mr. Walton said this case has never been heard by the Board. The case went to ARCOM in April and approval for the Astroturf was denied. The case went to Town Council for a variance and was postponed so Astroturf could be made a study for the zoning season. The Council has since ruled that Astroturf will not be allowed in lieu of live plants. Mr. Kaufman has agreed to remove the excess Astroturf although there will be some Astroturf in his yard and he will apply for a building permit. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and that he be given until February 16, 2008 to come into compliance.

**MOTION BY MR. KOEPPLE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE HIM UNTIL FEBRUARY 16, 2008 TO COMPLY
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

- B. Case # 08-2533, 137 E. Inlet Drive, Elaine Hurwitz
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, building permits are required to construct, install, repair or alter any building or building system and Chapter 86, Section 86-91, a storm water management plan is required.

Lead Code Enforcement Officer Robert Walton requested this case be dismissed as the violation no longer exists.

**MOTION BY MR. OCHSTEIN TO DISMISS THE CASE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

- C. Case # 08-2576, 44 Cocoanut Row, # A112, Absolute Air Conditioning Inc.
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and adopted 2004 Florida Building Code, Section 105, building permit required to construct, enlarge, alter, repair, move or demolish any building or structure

Lead Code Enforcement Officer Robert Walton requested this case be dismissed as a permit was obtained by another contractor and service was not obtained on this notice of violation. Orlando Martinez from Absolute Air Conditioning, Inc. was present and said the violation was originally on his company but Mr. Walton told him it would be dismissed.

**MOTION BY MR. KOEPPPEL TO DISMISS THE CASE
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

- D. Case # 08-2577, 44 Cocoanut Row, #A622, Absolute Air Conditioning, Inc.
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and adopted 2004 Florida Building Code, Section 105, building permit required to construct, enlarge, alter, repair, move or demolish any building or structure

Lead Code Enforcement Officer Robert Walton presented the facts of the case and said it originated from a citizen complaint. This case was postponed from the November Board hearing. The Notice of Violation was signed by Jose Rodriguez, a supervisor for the company. The citation was for a second violation with a fine of \$500.00 but since the original complaint against Absolute Air Conditioning was dismissed, the Town requests the Board reduce this fine to \$250.00. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and a fine of \$250.00. Mr. Martinez said he would accept that and would pay the fine.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER PAYMENT OF A \$250.00 FINE
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

- E. Case # 08-2584, 211 Orange Grove Road, Joan G. Booth

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior surfacing material shall be kept painted and in good repair

Code Enforcement Officer Bryant Weymer requested the case be dismissed for compliance.

**MOTION BY MS. GREENBERG TO DISMISS THE CASE
SECONDED BY MR. KOEPEL
MOTION PASSED UNANIMOUSLY**

D. Case # 08-2586, 135 Root Trail, Root Ocean Property LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions not permitted and Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, roofs, interior walls and ceilings to be kept in good condition, exterior surfaces to be kept painted and stairwell guardrails to be structurally sound

Code Enforcement Officer Gerry presented the facts of the case and said it was the result of a citizen complaint. There is an east building and a west building with four apartments each. The complaint concerned the east building. He and Code Enforcement Officer Bryant Weymer conducted the inspection and were invited into two apartments. There was evidence of water damage in the apartments and the property owner was cited for four violations which Mr. Gerry detailed for the Board.

Mr. Gerry said he met with the property owner, Eugene Fagan and it is his intention to obtain a demolition permit for the apartments and build single family homes on the property. A demolition permit was applied for today. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and for the violator to correct all of the violations per the notice issued or start interior demolition and vacate the residents from the building by January 12, 2009.

Ms. Van Buren asked if any of the violations had been corrected and Mr. Gerry said the property was also cited last month and those violations were corrected. Mr. Gerry said the property owner's intention is not to make the repairs, but to obtain an interior demo permit and vacate the tenants from the building. Ms. Van Buren asked about the safety of the railing on the property. Ms. Greenberg also remarked on the lack of the safety of the railing and asked if there was anything the Board could do to expedite the situation. Mr. Hoffman said the Board could only give the property owner time to comply and fine them. Mr. Fried asked if any tests were done for mold and Mr. Gerry said the Town did not get involved with mold issues; a private company would have to come in and test for mold. Mr. Koepfel asked if there were any life threatening issues the Board should be concerned about and asked Mr. Randolph if the Board would have any authority to condemn the apartments. Mr.

Randolph said he did not know if it rose to the level of condemnation and the Building Official would have to do an inspection and make that determination. Mr. Koepfel asked if the Board should require there be a building inspection and Mr.

Gerry said that arrangement could be made with the Building Official. Jeff Taylor, the Town Building Official, was present and said now that he is aware of the situation, he would send the Chief Building Inspector to the property and if there was an unsafe condition, the building could be immediately condemned or at least the balconies could be sealed off so no one would have access. Mr. Koepfel said he would like to make a motion to add that requirement. Mr. Fried said the Board needed to be careful because he believed the owner's intent was to get the tenants out and he was doing it in the cruelest way possible by making the property uninhabitable.

**MOTION BY MR. KOEPPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JANUARY 12, 2009 TO COMPLY AND REQUIRE THE BUILDING DEPARTMENT TO DO AN INSPECTION AND MAKE A RECOMMENDATION TO THE SAFETY OF THE BUILDING
SECONDED BY MS. DUEMLER
MOTION PASSED UNANIMOUSLY**

Mr. Gerry said he would make arrangements with the Building Official to have the inspection done immediately.

- G. Case # 08-2587, 242 Country Club Rd., Suzanne Schoch Rehl
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior surfaces to be kept painted and in good condition

Code Enforcement Officer Nick Gerry requested this case be dismissed for compliance.

**MOTION BY MR. KOEPPPEL TO DISMISS THE CASE
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

- H. Case # 08-2588, 214 Chilean Ave. # J, Brian Larue
Violation of Chapter 18, Section 18-241 and adopted 2004 Florida Building Code, Section 105, building permit required to construct, enlarge, alter or change the occupancy of a building or structure

Code Enforcement Officer Nick Gerry presented the facts of the case and said the case resulted from a complaint from one of the residents of the condominium. Mr. Gerry said he met with Mr. Larue who allowed him to inspect the apartment and told him he had done some work to his kitchen and was not aware permits were required.

Mr. Gerry said Mr. Larue has obtained building permits but no final inspections have been completed. In speaking with the Building Official, Mr. Gerry said he learned there has been additional work done, also without permits.

Brian Larue was present and said he has brought all of the electrical and plumbing up to Code and the only reason he does not have a final inspection is because he is redoing the two bathrooms and he does not anticipate them being finished for another two weeks. Mr. Hoffman asked Mr. Larue why he would attempt to do something like this without a permit. Mr. Larue said he had no excuse. Mr. Gerry said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and all final inspections obtained by January 12, 2009.

Vaughn Green said she has lived at Casa 214 Chilean Avenue for approximately twenty years. She said she was asked by the Board of Directors of the condominium to be present at this meeting to represent all of the property owners. Ms. Green said about eight months ago, Mr. Larue started what they believed to be a minor renovation. The year round residents soon discovered there was major construction going on and they were concerned because Mr. Larue was not pulling permits and there was no oversight of his work. They were concerned that if they had any property damage, their insurance companies would not cover it. Ms. Green said Mr. Larue put in a new living room floor, completely moved his kitchen, turned the old kitchen into a guest room and modified an old shower stall bathroom into a full bathroom. Ms. Green said Mr. Larue changed walls and entrance locations and every day there was debris falling into the apartment beneath his owned by Larry Bush. Mr. Larue has caused extensive structural damage to Dr. Bush's apartment and it sustained extensive flooding. A new plumbing connection failed in Mr. Larue's apartment and scalding water came through Dr. Bush's ceiling. About a week later, a five foot wide floor to ceiling glass mirror in Dr. Bush's living room crashed to the floor. Dr. Bush's cats were fortunate not to have been harmed but there are glass shards embedded in his living room furniture, carpets and flooring. Dr. Bush's wood floor has buckled. Ms. Green said work continues on the bathroom and Dr. Bush's apartment is virtually uninhabitable during the day. Mr. Larue continues to work on the weekend despite having been asked not to do so and work is done throughout the week even though the condominium by-laws state there is no work during the season. The residents would like to request that all work done in the apartment be thoroughly inspected: the walls, the floors, the electric, the plumbing, etc. The residents also implore the Board to give them any suggestions how to stop Mr. Larue from working when the condo by-laws state there is to be no work done during season. Ms. Green asked for the Board's help.

Mr. Gerry said the Town would have an objection to work being stopped as there is plumbing and electrical work which could be a safety issue. Mr. Gerry said he spoke to the vice president of the condo who told him Mr. Larue could do the work. Ms. Green said the Board's attorney is sending Mr. Larue a letter reference the condo by-laws and the fact there is no construction to be done during season. Mr. Larue said

his attorney has gone through the condo documents. Mr. Hoffman said the Board is only concerned with the code violations and not any internal legal matters. Mr. Gerry said the Town recommended a finding of non-compliance, administrative costs of \$150.00 and all final inspections to be obtained by January 12, 2009. Jeff Taylor

said Mr. Larue has obtained permits for construction, electrical, mechanical and plumbing and all work that had been done has been exposed and inspected. Ms. Duemler asked who was going to repair Dr. Bush's apartment and pay for it. Mr. Randolph said that was not for the Board to determine.

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND REQUIRE ALL FINAL INSPECTIONS TO BE COMPLETED BY JANUARY 12, 2009

**SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

(Mr. Hoffman acknowledged the presence of Council President Kleid in the audience and thanked him for his interest in the Board's work)

Mr. Fried asked Mr. Hoffman if he could speak about the previous case on the agenda, stating that he was troubled by the decision. The Board gave the owner of the property an option of coming into compliance by making the necessary repairs or applying for a demolition permit. Mr. Fried said there are people living on the property and asked if a demolition permit was applied for, did the status quo continue at the property until the tenants could be removed through a legal process. Mr. Gerry said the building would have to be vacated before a demolition permit could be obtained. Jeff Taylor said an inspector would be sent out right away and if there was a dangerous situation at the property, the Town would abate it by requiring the area to be closed off or condemning the building. Mr. Taylor said the Town would not allow an unsafe condition to continue. Mr. Fried said if the building was condemned, the residents would have to move out. Mr. Taylor said the unsafe areas could be sealed off and said the Town would do its best not to encumber anyone but would provide for their safety. Mr. Fried said safety was the first concern but he wanted to make sure the owner did not use a "backdoor way" at the expense of the people living in the building to accomplish obtaining his demolition permit. Mr. Fried asked if it was true that the building had to be vacated before a demolition permit was obtained and Mr. Taylor said all utilities would have to be disconnected and the building would be uninhabitable at that time. The building would have to be vacated before the utilities were disconnected. Mr. Fried asked if the owner had the right to do that with people living there and Mr. Taylor said he did not know what the legal rights would be or what contracts the owner had signed with the residents.

- I. Case # 08-2589, 189 Bradley Place, Three Pearls LLC
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions not permitted and windows to be maintained in good condition

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Code Enforcement Officer Nick Gerry presented the facts of the case and said it was discovered on routine patrol. There is a piece of plywood covering a window of the building. Mr. Gerry said he was just informed by Mr. Walton that a permit to replace the window was obtained today. Mr. Gerry said the Town recommends a finding of non-compliance, administrative costs of \$150.00 and the violator be given until January 12, 2009 to come into compliance.

Timothy Dart was present and said he was an associate of the contractor and the local authorized representative. He said he was a historical restorator by trade and has been in the area since 1976 and was asked to be involved with the building. The building is a 1917 building and the interior was recently updated for utilities and to the fire code. The window was broken by an unfortunate accident and is located in a portion of the building that does not have a building permit. A worker who was storing scaffolding tipped it through the plate glass window. Mr. Dart said he has been back and forth on a project in the Bahamas and the architect of record happened to be in Haiti the first couple of weeks of November and was not available and this caused delays. Sasser Glass was contacted a couple of months ago about the glass but they are refusing to put the window in until there is an inspection of the framing. They discovered the framing has some water damage and the permit has to be obtained first. Sasser sent them a letter advising they have a two week lead time on the manufacture of the window because they are upgrading it to impact glass and installing a new aluminum frame. The wood is going to be completely removed. The permit is now in place but Mr. Dart believes it will be 60 days before the job can be completed. He instructed someone to paint the plywood on the window to the color of the building today to alleviate some of the unsightliness. The architect is working with him now that they can open the wall and address the rotten wood that is in it. The new owner has endeavored to bring the building up to its historically correct significance. All of the awnings are brand new and the painting has been redone. There is artistic faux finish on the stone to make it look original and his client has spent a lot of money on the building to make it a benefit to the community. Mr. Dart said he apologized for the time this has taken but there are mitigating circumstances. Mr. Dart said they may be able to get it done in 30 days but that would be pushing it. The letter from Sasser said the factory making the impact glass was not going to be open until after January 5th and that is why he is asking for additional time.

Mr. Koeppel said, based on that explanation, it would be unreasonable to make January 12th the compliance date and he would suggest postponing the case, find them in non-compliance, assess the \$150.00 administrative costs and have them come back next month and given the Board a status report. Mr. Hoffman said he would not be in favor of having them come back next month; they should set a

deadline as to what would be acceptable to get them into compliance. Mr. Hoffman said he was not sure it could be accomplished by January 12th but the end of January might be reasonable.

Mr. Gerry said the property owner has done a lot of work to the building but it is because Code Enforcement cited them and told them to replace the canopies and

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paint the building. Mr. Gerry said the window has been broken since June. He originally believed the window was boarded because of hurricane season and was not aware it was broken.

Tara Pearl was present and said she has been in Town since 1968 and her reputation is very important to her. She said what Mr. Gerry said was not true. Ms. Pearl said Mr. Gerry came the day they were pressure cleaning the building. She said she had not been able to occupy the building due to a lawsuit on the previous owner. She said Mr. Gerry said he had problems with the previous owner. The day they were pressure cleaning the building, the painter was present and Mr. Gerry cited them for paint on the floor and for the awnings being ragged. She told him the awnings were on order. Stacey, from her office, gave him the awning orders and everything was being done on a scheduled plan.

Ms. Van Buren said she would be inclined to extend the date somewhat and asked Mr. Dart if the job could be done in 45 days. Mr. Dart said he would get it done within that time frame. Mr. Koepfel asked if Mr. Dart was factoring the holidays in and Mr. Dart said the only thing out of his control was Sasser's work schedule at the time. Mr. Koepfel said it seemed more reasonable to make the compliance date prior to the February meeting date. Captain Szarszewski said the February meeting is on the 19th and the Monday prior to that would be the 16th. Mr. Gerry said the Town did not object to the Feb. 16th date. Mr. Dart said they were endeavoring to get this completed as soon as possible. Mr. Hoffman said that even if the Board specified the January 30th compliance date, this did not necessarily mean they would be fined at the next meeting. That would be determined by the Board. Mr. Hoffman said he was in favor of the January 30th date.

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JANUARY 30, 2009 TO COME INTO COMPLIANCE

SECONDED BY MS. VAN BUREN

MOTION OPPOSED

ROLL CALL VOTE:

MR. FRIED	YES
MS. VAN BUREN	YES
MR. KOEPPPEL	NO

MR. OCHSTEIN	YES
MS. DUEMLER	YES
MS. GREENBERG	YES
MR. HOFFMAN	YES

MOTION PASSED 6-1

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- J. Case # 08-2590, 239 Tangier Ave., Benchmark 3 Construction
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and the Florida Building Code, building permits are required to construct, install, repair or alter any building or building system

Code Enforcement Officer Nick Gerry said the fine for the violation was paid and requested the case be dismissed.

**MOTION BY MR. FRIED TO DISMISS THE CASE
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

- K. Case # 08-2591, 342 Cocoanut Row, Gopperts Landscaping
Violation of Chapter 42, Section 42-230 of the Town of Palm Beach Code of Ordinances, leaf blower over 65 DBA.

Code Enforcement Officer Bryant Weymer said the fine in this case was paid prior to the beginning of today's hearing so the Town recommends acceptance of the payment of the fine and no further action.

**MOTION BY MR. KOEPPEL TO ACCEPT PAYMENT OF THE FINE AND
NO FURTHER ACTION BE TAKEN
MOTION SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

- L. Case # 08-2592, 248 Colonial Lane, Just Gardens Lawn Service
Violation of Chapter 42, Section 42-230 of the Town of Palm Beach Code of Ordinances, leaf blower over 65 DBA.

Code Enforcement Officer Bryant Weymer said this fine was paid prior to the start of today's hearing and he had also spoken to the owner of the company who told him he purchased a new blower and wanted the Board to know that. Mr. Weymer said he would be meeting with the company owner, possibly as early as tomorrow, to certify the new blower. The Town recommends acceptance of the payment of the fine and no further action.

**MOTION BY MR. KOEPPEL TO ACCEPT PAYMENT OF THE FINE AND
NO FURTHER ACTION BE TAKEN
MOTION SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

- M. Case # 08-2593, 223 Via Tortuga, Precision Green
Violation of Chapter 42, Section 42-230 of the Town of Palm Beach Code of

Ordinances, leaf blower over 65 DBA.

Code Enforcement Officer Bryant Weymer presented the facts of the case and said that on October 31, 2008, he saw a landscaper from Precision Green using a leaf blower that was not in accordance with the Town ordinance. He did a decibel test and the noise was measured at 72.2 dBA. Precision Green was issued a notice of violation as they had been previously issued a warning on March 28, 2008 and had also been issued a notice of violation on May 2, 2008. This made the October 31st a second violation which carries a fine of \$250.00. The fine has not been paid to date so the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and the violator be ordered to pay the \$250.00 fine.

Jeff Fletcher from Precision Green was present and said he was unaware of the previous warning and fine. He was present to pay the fine and to inform the Town they had bought a new leaf blower.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER PAYMENT OF THE \$250.00 FINE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

- N. Case # 08-2594, 215 Colonial Lane, Susan C. Lee Trust
REPEAT Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, swimming pool not maintained in a clear and sanitary condition

Lead Code Enforcement Officer Robert Walton presented the facts of the case and said this is a repeat violation. A complaint was received from a neighbor about the pool. The property owner has previously been found in non-compliance for the same violation, once on June 15, 2006 and again on March 20, 2008. The Town recommends a finding of non-compliance as a repeat violator, administrative costs in the amount of \$150.00 and a daily fine of \$500.00 starting today and continuing until compliance is achieved.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER A FINE IN THE AMOUNT OF \$500.00, COMMENCING ON DECEMBER 18, 2008 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

- O. Case # 08-2595, 2840 S. Ocean Blvd., # 311, Ruth C. Moy
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of

Ordinances, building permits are required to construct, install, repair or alter any building or building system

Lead Code Enforcement Officer Robert Walton presented the facts of the case and said it resulted from a citizen complaint. The inspection revealed the kitchen had been demolished and the flooring removed. Mr. Walton said he has had numerous contacts with the property owner who lives in New York. Mr. Walton read a letter into the record from Ms. Moy requesting the December 18th hearing date be rescheduled as her contractor needed her original notarized notice of commencement and affidavit for the permit. The Town is not in favor of rescheduling and recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and the violator be given until January 12, 2009 to come into compliance by obtaining all permits and inspections.

Zunada Gomes said she was present on behalf of Ms. Moy and advised the permits were applied for yesterday and they were waiting for them to be issued. She is requesting 60-62 days to finish the job. Ms. Gomes presented a schedule for completion of the project to the Board. Mr. Hoffman asked why all the demolition had taken place without a permit and Ms. Gomes said they had taken over the job from someone who was not aware of the rules and regulations. Mr. Walton said the contractor came in and paid a \$250.00 fine for working without a permit. Ms. Greenberg asked which condominium this was and Ms. Gomes said it was the Royal Saxon. Ms. Greenberg said there was a very popular newspaper the Royal Saxon received which gave details about how important it is for people to obtain permits. Ms. Greenberg said she was opposed to giving more time for compliance because she does not believe ignorance of the law is an excuse. Mr. Walton said the contractor paid a 300% penalty fee when they applied for their permit. Mr. Ochstein said he did not believe someone would be unaware they needed a building permit for this type of construction and he does not know why they would ask the Board for leniency. Mr. Koeppel asked if the contractor who was doing the work was the one who originally started the job and Ms. Gomes said it was not, that Bela Vista took over the job from the previous contractor. Ms. Gomes said it would be impossible to do the job by January 12th. Mr. Koeppel asked who paid the fines and Mr. Walton said Bela Vista paid the \$250.00 notice of violation although he cannot testify that they were the ones who did the work. Ms. Van Buren asked if work was permitted in the building at this time of year. Ms. Gomes said that was one of the problems they were having because

they cannot resume work until January 5th. Ms. Van Buren asked if the condominium permitted work during the season and Ms. Gomes said they could not work for the next two weeks but work was permitted after that.

MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JANUARY 30, 2009 TO COME INTO COMPLIANCE

**SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

- P. Case # 08-2596, 118 Whitehall Way, Chad Twiggs
Violation of Chapter 78, Section 78-101 of the Town of Palm Beach Code of Ordinances, permit required for solicitation of contributions for any charitable purpose in the Town of Palm Beach

Lead Code Enforcement Officer Robert Walton presented the facts of the case and said a complaint was received about a fund raiser held at the Flagler Museum without a charitable solicitation permit. Mr. Twiggs submitted an application for a permit which was incomplete. It was returned to him and he never completed the application. To date, no application has been received by the Town Clerk's office. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and that the violator is given until January 12, 2009 to come into compliance. This event was a fundraiser held at the Flagler Museum but the Flagler Museum was not issued the violation. Mr. Walton said the event was the Paradise Ball and Mr. Twiggs said it was being done to raise funds for a couple of different things.

Chad Twiggs was present and said it was never his intention not to get a permit. As the Paradise Fund, they were applying with the Invisible Children Foundation which is based out of California. In the process of getting the application, they found out the Invisible Children were not registered in the state. At that point, the party and caterers and everything had been paid for. Mr. Twiggs said he also serves on the Board of the Palm Beach Chapter of the Cystic Fibrosis Foundation so he approached them and asked if they could act as party planners for their event or host the event for Cystic Fibrosis. Mr. Twiggs said about 48 hours before the event, Cystic Fibrosis said the cost of the Paradise Ball party, based on what they anticipated raising, was not in compliance with what Cystic Fibrosis required and they would not let the Paradise Fund "jump" onto their permit. Since that time, he has looked into registering and has sent all applications into the Department of Agriculture, Consumer Services to apply as a flow through charity and this should be taken care of before the weekend. Chris DiSchino was also present and said he was with the

Paradise Fund and they were working to fix what had not been taken care of at the start of the event. Mr. DiSchino said they are registering with the Florida Department of Agriculture so their name can be on the application that goes to the Town of Palm Beach. Mr. DiSchino also asked that the administrative costs be dismissed as they just paid \$75.00 to the Department of Agriculture and are not operating with a very large budget. He said, hopefully, they will have all of the application and permits taken care of in the next few weeks. Mr. Hoffman asked Mr. Twiggs why he was not aware of the need for a solicitation permit if he was on the Board of Directors of the Cystic Fibrosis Foundation. Mr. Twiggs said he was aware

of that but did not know the Invisible Children were not registered here. Ms. Duemler asked what the Paradise Fund was and Mr. Twiggs said it is an independent company hired by other charitable functions to act as the event planners. Ms. Duemler asked if he was a party planner and he said he was. Ms. Duemler asked what the Invisible Children was and Mr. Twiggs said it was a charity out of California that raised money for children in Uganda. Mr. Fried said it sounded like they were operating a business and asked Mr. Twiggs if that was the case which Mr. Twiggs confirmed. Mr. Fried asked if he was registered to do business in the Town and Mr. Twiggs said he believed they were. Mr. DiSchino said the Paradise Fund is a Florida not-for-profit corporation and they are registered here. Mr. DiSchino said they are a flow through charity and the proceeds from the events they hold go to the charity they choose and in this case, it was the Invisible Children. Mr. Koepfel asked if they are recognized as a charity under IRS rules and Mr. DiSchino said they were 501(c)(3) pending and their application should be going through soon. Ms. Van Buren asked Mr. DiSchino to clarify if they are a 501(c)(3) corporation recognized by the IRS. Mr. DiSchino said they are pending and Ms. Van Buren commented that he must have misstated when he previously said they were a not-for-profit. Ms. Van Buren asked if their internal revenue application had come back yet and advised she was just trying to clarify whether they were or were not registered with the IRS as a 501(c)(3). Mr. Twiggs said they were told they needed two years of receipts before they could be approved and as soon as they have the second year of receipts, it can go through. Mr. Ochstein asked what the name of the non-profit organization was and Mr. Twiggs said it was the Paradise Fund.

Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and that all required charitable solicitation permits be obtained for all previous and future events by January 12, 2009.

Mr. Ochstein asked if this was a police matter or strictly a code enforcement matter and Mr. Walton said he had no comment on that. Mr. Koepfel asked if an occupational license was required and Mr. Walton said that was only if there was a physical presence, such as an office, in the Town. Mr. Koepfel asked Mr. Twiggs if they had an office in Palm Beach and was told they did not. Mr. Koepfel asked where they operated out of and Mr. DiSchino said the registered address of the corporation was a residence on the island. Mr. Walton said this is another matter that may come before the Board.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND THEY BE REQUIRED TO OBTAIN A TOWN OF PALM BEACH CHARITABLE SOLICITATION PERMIT FOR ALL PRIOR AND FUTURE CHARITABLE SOLICITATION EVENTS
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

VI. Old Business:

- A. Case # 08-2432, Beachfront Vista Property, Nightingale Beach Club Association
Violation of Chapter 134, Section 134-1472 (3) of the Town of Palm Beach Code of Ordinances, no additional walls, fences, hedges or other structures or growth shall be Erected or be grown eastwardly of Ocean Boulevard to a height greater than four (4) feet above the surface of the Ocean Boulevard

Lead Code Enforcement Officer Robert Walton said at a previous Council meeting the Town Council affirmed they are in favor of an ocean vista ordinance or policy that promotes an ocean vista. This ordinance was sent back to the zoning commission and then the Council will rule on it. The Town recommends this case be postponed until after the Council takes action.

(Ms. Duemler asked to be recused as part of an ongoing voting conflict and Mr. Hoffman advised Mr. Ballentine would be a voting member in this case.)

**MOTION BY MR. OCHSTEIN TO POSTPONE THIS CASE UNTIL THE
CODE ENFORCEMENT BOARD HEARING IMMEDIATELY FOLLOWING
THE TOWN COUNCIL MEETING WHICH RESOLVES THE OCEAN
VISTA ORDINANCE LANGUAGE
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

(Ms. Duemler resumed as a voting member)

VII. Fine Consideration:

- A. Case # 08-2547, 250 Bradley Place, # 701, Marianne Chopp
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and the Florida Building Code, building permits are required to construct,

install, repair or alter any building or building system

Lead Code Enforcement Officer Robert Walton advised this case came before the Board at the September meeting. The violator was found in non-compliance and was given two extensions of time. Permits were obtained but the project has not been completed. The Town requests a fine of \$50.00 a day, commencing on December 18, 2008 and continuing until the project is completed. Ms. Chopp was present and said the project was starting to move more quickly and the building has given her until the end of January to finish her project. Philip Johnson, the general contractor, was present and said the original violation was working without a permit and now it

is really a construction job under the auspices of the building department. He believes they should just be working with the building department as a normal construction job and not taking up the Board's time. Mr. Johnson said when Ms. Chopp was working without a permit, that was a Code violation but now it is just a construction job. Ms. Chopp explained that she paid her original contractor to get the permits and he did not and still has not paid her back. This contractor also told her she did not need to be at the September hearing, that the permits had been pulled.

After she found out about the fine hearing in October, she switched contractors and hired Mr. Johnson who appeared with her at the October meeting. There have been changes to the plans and that is why the project has been delayed. Mr. Koeppel asked if there was a completion schedule and Mr. Johnson said he believed it could be the end of January. Mr. Walton advised that this is still a Code Board issue, not a construction one because the Board had previously ordered Ms. Chopp to come into compliance by obtaining all required inspections, not just getting a permit.

**MOTION BY MS. VAN BUREN TO ASSESS A FINE OF \$50.00 A DAY,
BEGINNING ON DECEMBER 18, 2008 AND CONTINUING UNTIL
COMPLIANCE IS ACHIEVED
SECONDED BY MS. DUEMLER
MOTION PASSED UNANIMOUSLY**

- B. Case # 08-2563, 416 Brazilian Ave., James H. Barker & Kenneth W. Douglas, Jr.
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, buildings or structures in such a dilapidated condition as to be unfit for human habitation prohibited and Chapter 42, Section 42-87, foundations and structural members to provide a firm and substantial support and interior walls and ceilings to be structurally sound

Lead Code Enforcement Officer Walton advised this property was found in non-compliance in October and the property owner was given until November 14th to comply by obtaining a building permit or a demolition permit. No permit has been applied for or obtained. A daily fine of \$250.00 was requested at the November meeting. Ms. Ziska represented the property owner at the last meeting and the Board gave Mr. Barker additional time. The Town is now requesting a fine in the amount of

\$250.00 a day, commencing on December 18, 2008 and continuing until compliance is achieved.

Maura Ziska was present on behalf of Mr. Barker and said it has been determined that repair of the house is not feasible and the plan is now to demolish the house. The ARCOM application will be filed tomorrow and it will be heard at the January 28, 2009 meeting. They were not aware they needed ARCOM approval to demolish the house and they had to go to the Building Department to get the permit which entails getting all the utility disconnects. They cannot get the building permit to demolish until they get the ARCOM approval. The plan is to get the ARCOM approval, get a permit and have the house demolished by February. She is requesting

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an extension to the February Code Board meeting. Mr. Hoffman asked Mr. Taylor if they could get a permit pending ARCOM approval and he said they could not. Mr. Hoffman said he was in favor of a daily fine, starting today and Mr. Barker could always come back for a fine reduction. Mr. Ochstein said the Board was lenient last month and he agrees with imposing the fine. Mr. Koepfel said the property owner has been trying to analyze his options and is now proceeding with everything that needs to be done. He does not believe a fine should be imposed. Mr. Fried said it is a bad situation for both Mr. Barker and the people in that neighborhood but he agrees a fine should be imposed. Ms. Van Buren said the Town has a large exposure of liability with this house and the fine is not punitive in nature. Mr. Vanneck said he agreed with Mr. Koepfel that it is inappropriate to impose a fine at this time. Mr. Ochstein said he believed the place was a danger and he believes the fine may cause them to come into compliance. Ms. Ziska said it was an emotional decision for Mr. Barker to agree to demolish the house and they are now held by the Town's restraints in terms of the meeting dates. Mr. Hoffman asked if Mr. Barker was living in the building at the back of the property and Ms. Ziska said he was. Mr. Ballentine asked if a motion could be crafted so a fine would be retroactive if the demolition permit was not obtained and the house demolished by February. Mr. Walton said a motion could be made to that effect but the Town is requesting a fine of \$250.00 a day, commencing today and continuing until the house is demolished.

MOTION BY MR KOEPPEL TO ALLOW THE PROPERTY OWNER TO APPLY TO ARCOM AND APPEAR AT THE JANUARY 28, 2009 ARCOM HEARING AND UPON APPROVAL, IMMEDIATELY APPLY FOR THE DEMOLITION PERMIT AND DEMOLITION TO BE COMPLETED BY THE END OF FEBRUARY AND IF IT IS NOT, A FINE OF \$100.00 A DAY BE RETROACTIVE TO TODAY
SECONDED BY MS. DUEMLER
MOTION OPPOSED

ROLL CALL VOTE:

MR. KOEPPEL	YES
MS. DUEMLER	YES
MR. FRIED	NO
MR. OCHSTEIN	NO
MS. GREENBERG	NO
MS. VAN BUREN	NO
MR. HOFFMAN	NO

MOTION FAILED 5-2

**MOTION BY MR. FRIED TO ASSESS A FINE IN THE AMOUNT OF \$250.00
A DAY, BEGINNING ON DECEMBER 18, 2008 AND CONTINUING UNTIL
COMPLIANCE IS ACHIEVED
SECONDED BY MR. OCHSTEIN
MOTION OPPOSED**

ROLL CALL VOTE:

MR. FRIED	YES
MR. OCHSTEIN	YES
MR. KOEPEL	NO
MS. DUEMLER	NO
MS. GREENBERG	YES
MS. VAN BUREN	YES
MR. HOFFMAN	YES
MOTION PASSED	5-2

VIII. Fine Reduction:

- A. Case # 07-2266, 159 Sunset Ave., 159 Sunset Ave. LLC & William Bell
Construction
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, medium projects, all
new or remodel construction projects 4,000 sq. ft. to 8,999 sq. ft. under roof be
allowed 22 months

Lead Code Enforcement Officer Robert Walton advised he received a letter from the

attorney representing the homeowner, requesting this case is postponed until next
month.

**MOTION BY MR. KOEPEL TO POSTPONE THIS CASE UNTIL
JANUARY 15, 2009
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

- B. Case # 08-2523, 209 Seaspray Ave., F.G. Howard Jr. Enterprises Inc.
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of
Ordinances, building permits are required to construct, install, repair or alter any

building or building system

Lead Code Enforcement Officer Robert Walton advised the case was found in non-compliance at the August, 2008 hearing. The case involved two gates on a property, one over an easement and the other hung on an adjacent property's wall. The gates had been put up without a permit. There were two extensions granted for compliance. A daily fine in the amount of \$75.00 was assessed at the October hearing and the property is now in compliance but the outstanding fine is \$4200.00.

Frank Howard, the property owner, was present and said he thought he had an understanding with the neighbor behind him that he could put up a gate in the easement. Both gates on the property have been removed and he installed a chain link fence to protect his pool. He is asking for the Board to reduce the outstanding fine. Ms. Van Buren asked Mr. Howard why the fine ran so long and Mr. Howard said it took some time before he found out the adjoining property owner would not agree to the gates. Ms. Van Buren asked if the neighbors were aware he was being fined \$75.00 a day and Mr. Howard said he did not know if they did or not. Mr. Ochstein asked why the fine should be reduced and Mr. Howard said it just took him some time to work out the details with the neighbor and find out they would not agree to it. Mr. Hoffman said he did not believe the fine should be reduced anymore. Mr. Walton said it was an appropriate fine and not a reduced fine. Mr. Hoffman asked for a motion. Mr. Walton said if there was no motion, the fine would remain. Mr. Hoffman asked Mr. Randolph if the Board needed to take any action and Mr. Randolph said that was correct, if there was no action, the fine would stay the way it is. There was no motion and the fine remained at \$4200.00.

C. Case # 08-2549, 331 Worth Ave., Worth Avenue Holdings LLC

Violation of Chapter 22, Section 22-57 and Section 22-58 of the Town of Palm Beach Code of Ordinances, windows of vacant buildings which can be viewed from the public streets must be screened

Lead Code Enforcement Officer Robert Walton said this case involved an empty

store front that was not properly screened. The property was found in non-compliance in September and a daily fine of \$75.00 a day was instituted at the October meeting, beginning on September 27, 2008. Compliance was obtained on October 21, 2008 and the fine is \$2025.00 which includes the unpaid \$150.00 hearing costs.

Garbis Dogramaciyan, the property owner was present and said he had just purchased the property and his tenants left in August. Mr. Dogramaciyan said all of his mail was forwarded to New York and to his house in New Jersey. Mr. Dogramaciyan said he took all of his mail with him when he was leaving the country and he opened up the letter reference the violation at the airport. He contacted Mr. Walton and said he would take care of it. He tried to get someone to correct the problem while he was in Europe but that took some time. He asked for the Board to

dismiss the fine.

Mr. Hoffman asked for a motion. He then asked Mr. Randolph if there was no motion, could the issue come back if there was no documentation the Board had heard the case or acted on it. Mr. Randolph said it just stood but if the Board preferred to have something in the record to show that they denied the fine reduction, they could make a motion to that effect. Mr. Randolph said the violator is asking for a positive action on the Board's part, to reduce the fine. Absent any such positive action, the status quo remains. There was no motion and the fine remained at \$2025.00.

IX. Foreclosure Hearing

- A. Case # 08-2477, 215 Colonial Lane, Susan C. Lee Trust
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, roofs to be maintained so they will not leak and all exterior surfacing material to be kept painted and in good repair

Lead Code Enforcement Officer Robert Walton detailed the history of the case. Mr. Walton said he received an e-mail from Ms. Gibson today. This case was supposed to be heard at the November, 2008 meeting for foreclosure but there was a written agreement with Ms. Gibson's attorney, Leslie Hipp, who is with Zabel and Freeman in Houston, Texas. The outstanding fines up to date were paid and Ms. Gibson was supposed to be in contact with him the week after the November meeting to schedule a meeting with him and a contractor and get a schedule to bring the property into compliance. There were several phone calls with Ms. Hipp but neither Ms. Gibson nor a contractor contacted him. Mr. Walton said he contacted Ms. Hipp today to tell her the case was going to be presented to the Board for foreclosure and Ms. Hipp e-mailed him, advising that Ms. Gibson told her she had retained a contractor and work was scheduled to begin the first week of January. Ms. Hipp said a pool company, called Carlson-Ross Pool Service, had been to the property to begin pool clean up and she had been told the water quality of the pool had improved and this issue would be resolved in two weeks.

Mr. Walton said the Town is requesting the Board recommend a foreclosure action to the Town Council. Mr. Hoffman asked Mr. Randolph when this would be on the Town Council agenda if the Board made that recommendation. Mr. Randolph said it could probably be on the January agenda. Mr. Randolph asked how much was paid when the fine was paid up to date and Mr. Walton said it was \$54,900.00. The fine has now accumulated again to \$7000.00 and Mr. Walton said an additional \$500.00 a day fine will begin accumulating against the property today for the pool violation. Mr. Randolph said that was a new case and foreclosure could not be considered on it. Mr. Walton said the property has been brought to the Board numerous times and has been a problem in the Town. Mr. Fried asked if the Board should recommend foreclosure on the outstanding fine of \$7000.00. Mr. Walton said the reason a foreclosure is being requested is that the Board has the right to foreclose on property

where the lien has run for 90 days. Mr. Randolph asked if the letter from the attorney was requesting the foreclosure action be postponed until she could attempt to take care of the violations. Mr. Walton said the letter did not say that but he believed it was the intent of it. Mr. Koeppel said he assumed that if this went to Town Council, the violator could appear and appeal the foreclosure action and Mr. Randolph said that was correct. Mr. Randolph said under the statute and the Code, the Board is the entity which authorizes foreclosure but the Town has a procedure whereby the Board's authorization prior to foreclosure goes to Council and the Council makes that final determination. This individual, based on the Board's action today, would have the opportunity to appear before Town Council and request that foreclosure not go forward and conditions could be imposed by Council on that. Mr. Koeppel said that it seemed to him that with all of the delays and history of the matter, the only thing that might "wake them up" is a Board recommendation for foreclosure. Mr. Ochstein asked why the earlier case involving the pool would be a separate case and Mr. Randolph said a lien has to be in effect for 3 months before the Board could authorize foreclosure. Mr. Randolph said foreclosure could be authorized on a \$500.00 lien as long as it had been in effect for the required period of time.

Mr. Fried questioned if anything would be lost if they did not authorize foreclosure, that the lien would continue to run and a foreclosure could be authorized later.

**MOTION BY MR. KOEPPEL TO RECOMMEND A FORECLOSURE ACTION
ON THIS PROPERTY TO TOWN COUNCIL
SECONDED BY MS. DUEMLER**

During discussion on the motion, Mr. Fried said he was looking at the issue from the Town Council's perspective and he did not think this was an appropriate circumstance to present them with it. There did not appear to be any life threatening issues going on at the property. Mr. Walton said the pool was nasty, the roof is in disrepair, there was rotten wood and the property is in disrepair. Mr. Fried asked if these were the violations that were present in March, 2008 and Mr. Walton said some of the violations were corrected. Mr. Hoffman said he did not understand why, after paying the \$54,900.00 fine, they were not willing to maintain the property.

**MOTION BY MR. KOEPPEL TO RECOMMEND A FORECLOSURE
ACTION ON THIS PROPERTY TO TOWN COUNCIL
SECONDED BY MS. DUEMLER
MOTION PASSED WITH A NAY VOTE BY MR. FRIED**

Mr. Hoffman asked if a roll call was needed and Mr. Fried said he would not require it.

VIII. Comments:

Mr. Ballentine said he was asking for a clarification of action the Board could take and he was bringing it up because a resident came to him on the issue. He said the best way to explain was to use an example and he brought up the 112 Caribbean Road case where the owner left town and abandoned the property. There was a problem with the landscaping and the pool. His question is what recourse the neighbors have when the house is not kept up and is an eyesore. Mr. Randolph said the Town has the authority to go in and do the work and lien the property and that is what happened in this case. Mr. Ballentine asked what a resident should do and Mr. Randolph said the best course of action would be to report it to Code Enforcement. Mr. Ballentine asked if there was any waiting period before the Town moved in and Mr. Randolph said there is a period of time that the Town has to give notice prior to the Town going in and doing the work and placing a lien on the property. Mr. Randolph said he believed the time period may be 30 days.

Mr. Fried asked if the photographs provided to the Board could be dated and Mr. Walton said they could.

Mr. Koeppel asked about the 214 Chilean Ave. case and said this was a case where someone blatantly did work without a permit and Mr. Walton said that case had been dealt with and asked Mr. Randolph if it could be discussed further. Mr. Koeppel said he was not trying to discuss that case but to use it as an example. He said what concerned him was the flagrant disregard of the ordinances and the rules and the only thing that happened was a finding of non-compliance and time to comply. He said it seemed to him that there should be some penalty when someone does something like that for so long. Mr. Walton said the violator was assessed a 300% penalty of whatever the normal permit fee would be. Mr. Randolph said the Board needed to avoid talking about a particular case. Mr. Koeppel said it seemed like there should be some other fine the Board could impose when there is such a blatant disregard. Mr. Taylor said a stop work order is issued when someone is discovered working without a permit. Mr. Walton said the inspections done in these cases are not normal inspections, that many times there is destruction involved in the inspections because work has to be opened, such as a wall or marble which has to be inspected. Mr. Taylor said there

are times when people have to undo all the work they have done.

Mr. Hoffman said he was going to bring up an item he has brought in the past and that involves filing a complaint with the Department of Professional Regulation on the contractors that are doing work without permits. Mr. Taylor said anyone can file a complaint but most of the people working without permits either do not carry a state license (the state only controls licensed contractors) which is a big problem and it is so difficult to prove that a licensed contractor is doing the work. A lot of times people will not admit they are the contractor on the job working without a permit and it is difficult for the state to follow through. Mr. Hoffman said it may be difficult for the state to follow through but it should not be difficult for the Town to file the complaint. It is up to the state to follow through or not and if the state receives enough complaints on a particular contractor, it will take some action. Mr. Hoffman asked if filing these complaints would occur and Mr. Walton said there

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have been discussions with the Building Official and he believed the complaint would carry substantial weight coming from a serving Building Official. Mr. Taylor said once the Code Board had found a violation, that became prima facie evidence for the DPPR to proceed with a complaint. Mr. Hoffman asked if the Board found a violation of working without a permit, would the Town follow through and Mr. Taylor said the case number would be forwarded to the State for action.

Ms. Greenberg asked if the Town could put any type of pressure on building managers of multi family dwellings or put something on their record if a resident does work without a permit and Mr. Taylor said the Town is working with condo associations and managers, alerting them they have a responsibility to make sure all work being done on their property is permitted. He and Mr. Page are addressing a condominium association in March to this effect. When they find a violation, their inspector goes to the manager to remind him that they have no problem issuing a complaint against his license.

Mr. Walton wished the Code Enforcement Board happy holidays and on behalf of the Staff, thanked them for the year of service they had given the Town and looked forward to 2009.

IX. Adjournment:

The meeting was adjourned without benefit of motion.