

**MINUTES**  
**FORT MYERS BEACH**  
**Special Magistrate Hearings**  
Town Hall  
2525 Estero Boulevard  
Fort Myers Beach, FL 33931

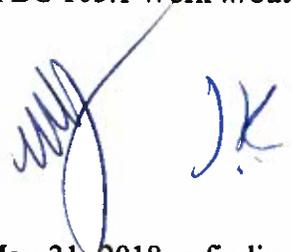
**Thursday, January 17, 2019**

**Hearing Examiner - Special Magistrate:** Ms. Myrnabelle Roche

Magistrate Roche swore in those providing testimony.  
Town Attorney John Herin, Jr. represented the Town.

**CASES TO BE HEARD:**

Property Owner: ORLANDINI JOSEPH 1/2 + DICKEY  
SUBJECT: LDC Sec.: 6-111 Adopting FBC 105.1 Work w/out Permit – Expired Permit  
ROF09-0076  
LOCATION: 1666 I St  
STRAP NO: 19-46-24-W4-0070B-010B  
CODE OFFICER: Joe Kontomanolis  
REFERENCE NO: **CE18-0014**



The case was brought before the Magistrate on May 31, 2018, a finding of fact was established and the order was issued citing that the respondent was in violation of Work w/out Permit – Expired Permit ROF09-0076. The respondent was ordered to obtain required permits and pass inspections. They were assessed a \$425.00 in administrative costs. In the event the violation was not abated prior to July 18, 2018, a fine of \$250.00 per day was to be imposed. As of January 16, 2019, the administrative fee of \$425.00 was paid and the permit was finalized on August 31, 2018, which was 44 days from July 18, 2018. The total cost was \$11,000.00. The Town requested an order to lien. Neither the respondent nor his attorney was present.

Town Attorney John Herin, Jr. requested that they move forward with the case, impose a fine and make a determination that the property was not in compliance with the previous order of violation. He noted that it was in currently compliance but a fine had accrued.

Magistrate Roche tabled it to allow the respondent an opportunity to appear. The original permit was issued on August 26, 2009. The Town did not have a record of when the permit was reactivated.

Mr. Orlandini stated that the original permit was from the previous owner and was never closed out. He noted that when they discovered the permit was expired, they obtained a new one and the final inspection was completed after the compliance date.

Magistrate Roche stated that the notice of violation was for work without permits, but when the permit was activated, the violation was corrected. The Town withdrew the case.

Property Owner: INTERNATIONAL CAPITAL INVESTME  
SUBJECT: LDC Sec. 6-111 Adopting FBC 105.1 Work done w/out Permit - Remodel  
LOCATION: 1300 Estero Blvd 104  
STRAP NO: 19-46-24-W4-02600-1040  
CODE OFFICER: Molly Jacobs  
REFERENCE NO: CE17-0053

The case was brought before the Magistrate on April 27, 2017, a finding of fact was established and the order was issued citing that the respondent was in violation of Work done w/out Permit – Remodel. The respondent was ordered to obtain required permits and pass inspections. They were assessed a \$175.00 in administrative costs, which was paid. The respondent submitted a mitigation request and was scheduled to appear before Council on January 22, 2019. The Town requested an order to lien to establish due process.

Town Attorney Herin, Jr. stated that the mitigation reduction request had to be submitted to Council after an order imposing a lien was entered. Magistrate Roche indicated that a lien was recorded on July 31, 2017. Town Attorney Herin, Jr. noted that the accrued lien was \$67,200.00 and accruing on a daily basis. Magistrate Roche stated that there was already a lien recorded. Town Attorney Herin, Jr. responded that there was an order of enforcement entered, but not an order to authorize the lien. Town Attorney Herin, Jr. noted that Magistrate Roche was correct. He requested an amended order setting forth the same amount on the record that proper notice was given and the property owner was noticed and represented. He stated that there was a question as to whether that occurred at the original lien imposition hearing. For purposes of compliance of due process, they renoticed it and were rehearing it for the purpose of the imposition of the amended order that will mirror the previous order. Magistrate Roche verified that it was Lee County official record instrument 2017 000164773

Attorney Peter Starling represented the respondent. He stated that the respondent acquired the property through a foreclosure sale and they did not obtain permits before renovations. When they applied for permits, they determined that a load-bearing beam had been altered and their position was that it was there before they purchased the property. It took months to obtain approval by the condominium association and to find an architect. He noted that after they were approved and located an architect, the project was completed promptly. He requested that the fine be reduced to as little as possible.

Magistrate Roche stated that Council had to address mitigation and she will vacate the previous order and issue a new order that will be recorded as a lien to present to Council. She ordered that the lien recorded as instrument 2017000164773 in the official records of Lee County on July 31, 2017 was vacated. She found that the order dated June 28, 2017 was not complied with within the time frame stated therein and as such she imposed a lien of \$67,200.00 which shall not continue to accrue since the violations had been corrected.

#### **WALK-IN CITATION:**

Property Owner: Luke's Beach Club  
SUBJECT: LDC 14-5 Beach Furniture  
LOCATION: Beach

CODE OFFICER: Nello Cernoia  
REFERENCE NO: 0926

RB

On December 16, 2018, Mr. Cernoia observed a beach chair set up 150 feet outside of the permitted area. The person renting the chairs admitted that they belonged to him and a citation was issued for \$100.00.

Town Attorney Herin, Jr. stated that the vendors were required to obtain a permit and the specific area where they could set up was delineated and provided to the applicant. They were required to maintain that use in the specified area. He tendered photos and the citation copy into the record. Luke Manning, owner, stated that the chairs were set up properly before he left the property. A friend of his watched the chairs while he was gone, but the friend was unaware that he was not allowed to move the chairs off the property. He allowed two people to move the chairs outside of the specified area. The friend informed the code enforcement officer that he did not realize the chairs could not be moved and he stated that he would move them back.

Town Attorney Herin, Jr. noted that the respondent did not dispute the record. Mr. Manning replied that it was an accident and it did not happen again. Town Attorney Herin, Jr. stated that the respondent was warned about the situation in the past and it did not appear to be an isolated incident. Mr. Manning stated that other issues concerned his lot reduction and was not relevant to the current incident.

Environmental Technician Rae Burns displayed a \$100.00 citation from March 27, 2018 regarding chair rental setup on unlicensed property. She noted it was paid on April 16, 2018.

Mr. Manning stated that the previous ticket was due to his next-door-neighbor moving the chairs. Magistrate Roche found that a violation existed and imposed a \$100.00 fine to be paid within 30 days.

Property Owner: ORLANDINI JOSEPH B  
SUBJECT: LDC Sec. 6-111 Adopting FBC 105.1 SWO - Work w/out a permit (Bldg. A)  
LOCATION: 80 Avenue E  
STRAP NO: 19-46-24-W4-0070A-0020  
CODE OFFICER: Molly Jacobs  
REFERENCE NO: CE14-0394

The case was brought before the Magistrate on February 24, 2016, a finding of fact was established and the order was issued citing that the respondent was in violation of Work w/out Permit. The respondent was ordered to obtain required permits and pass inspections. They were assessed \$150.00 in administrative costs. In the event the violation was not abated prior to March 26, 2016, a fine of \$250.00 per day was to be imposed. As of January 16, 2019, no permit had been obtained, the administrative costs were not paid and fines were accruing. The Town requested an order to lien to satisfy due process. Town Attorney Herin, Jr. requested that Magistrate Roche vacate the previous order to comply with due process.

The respondent was not in attendance.

Town Attorney Herin, Jr. entered all previous material into the record.

Magistrate Roche ordered that the lien recorded on instrument 2016-000076125 on April 12, 2016 be vacated. She found that violations as stated in the order of February 24, 2016 continued to exist, there has been no compliance to that order and fines will continue to accrue. By certifying this order, it shall become a lien against the property and recorded in public records.

Property Owner: BRIARWOOD PROPERTIES INC  
SUBJECT: LDC Sec. 14-3 Rip rap installed without a permit  
LOCATION: 6530 Estero Blvd  
STRAP NO: 33-46-24-W3-00016-0000  
CODE OFFICER: Rae Burns  
REFERENCE NO: CE13-0220



The case was brought before the Magistrate on February 19, 2014, a finding of fact was established and the order was issued citing that the respondent was in violation of placement of a drainage cistern into the EC district. The respondent was ordered to obtain required permits and pass inspections. They were assessed \$1,500.00 in administrative costs. In the event the violation was not abated prior to April 7, 2014, a fine of \$125.00 per day was to be imposed. The lien total was \$218,125.00 to date. As of August, 30 2018, a permit was not obtained, the administrative costs were not paid and fines were accruing. The rip-rap portion of the case was abated on April 30, 2014. Town Attorney Herin, Jr. indicated that the total lien included all costs affiliated with both violations. The Town requested an order to lien. Town Attorney Herin, Jr. entered all material into the record.

Magistrate Roche noted that an order was recorded on April 30, 2014. She confirmed that the order recorded was not intended to constitute a lien. Town Attorney Herin, Jr. noted that there were two violations in the same code section and only one was abated. The other violation continued to accrue fines.

Magistrate Roche verified that there was no compliance and no application had been submitted for the second violation.

Sorin Lupu, agent for the property, requested a continuance because the items were under negotiation between his engineering department, a previous Town Manager and a previous environmental agent. The facts were in dispute and the progress was suspended subject to negotiations and there were issues that had to do with red tide and fresh water in the drain. He would like to return with an attorney and a court recorder. The previous Town Manager promised him they would negotiate a solution. He indicated that he had a positive solution and there was no real harm done. He stated that he never got a response from anyone at the Town after the Town Manager left. He noted that he wanted to establish the history of the case and he had to talk with various Town officials.

Town Attorney Herin, Jr. confirmed that the respondent received a notice of hearing in February. Mr. Lupu stated that he did not receive the notice but he was presented with the order and he did not have time to respond. He stated that he did attend the hearing in February and he scheduled meetings to comply with the order, which he achieved. He did not submit an application.

Magistrate Roche found a finding of fact and denied the request for continuance. She overruled the respondent's objection. She found that the order dated February 24, 2014 had not been complied with regarding LDC 6-13. She stated that fines were continuing to accrue and she

certified the order which shall now become a lien against the property and recorded in the public records of Lee County.

Case **CE17-0275** on 270 Dundee Road was not on the agenda provided. The respondent submitted a request to review and consider various factors. The case was already heard and an agreement was reached between all parties to impose a \$1,000.00 lien as the respondent was in compliance. The accrued amount was approximately \$5,000.00 and staff agreed to reduce the lien. Magistrate Roche ordered that instrument 2018-000068312 recorded in public records in Lee County on March 22, 2018 be vacated. In response to the order dated August 30, 2017, the request was granted. The property had been brought into compliance and an agreement was reached between parties in the amount of \$1,000.00, which will not continue to accrue. She ordered that there shall be a lien for said amount recorded in public records of Lee County.

Property Owner: DUNLAP DEBORAH K  
SUBJECT: Sec. 34-1863, Sec. 34-1173 - Broken Seawall  
LOCATION: 3 Avenida Carita  
STRAP NO: 33-46-24-W2-0090C-0020  
CODE OFFICER: Rae Burns  
REFERENCE NO: **CE18-0249**



The property was inspected on April 17, 2018 and November 1, 2018 and the following condition was found: seawall in disrepair. The action needed to correct the violation was to repair existing seawall, obtain permits and pass inspections. The notice of violation was sent to the property owner via certified mail on April 23, 2018 and it was claimed. The notice of hearing was sent via certified mail on November 2, 2018 and it was claimed. The notice was posted at Town Hall on November 2, 2018 and at the property on November 4, 2018.

If the hearing found a violation, the Town requested a finding of fact, a fine per day of \$100.00 pursuant to code should the violation occur in the future and \$275.00 in administration costs. In the event the violation was not abated prior to March 14, 2019 a fine of \$2500.00 per day will be imposed with a recall date of March 21, 2019.

Town Attorney Herin, Jr. entered evidence into the record.

Ms. Burns stated that she inspected the property on January 16, 2019 and the condition existed. She noted that an application was approved on May 31, 2018. Town Attorney Herin, Jr. remarked that the respondent and contractor were in contact with Town Hall and the respondent indicated that they had financial difficulties.

Magistrate Roche found that a violation did exist and had not been corrected. She ordered the property owner to come into compliance within 30 days; otherwise a fine of \$250.00 per day will be imposed until the violation was abated. Administrative fees of \$70.00 were assessed.

Property Owner: BEACHFRONT ESCAPES LLC  
SUBJECT: LDC Sec. 6-111 Adopting FBC 105.1 Work w/out Permit - New Monument Sign  
LOCATION: 1710/1740 Estero Blvd.  
STRAP NO: 19-46-24-W4-0070A-0010

CODE OFFICER: Molly Jacobs  
REFERENCE NO: CE17-0787



A finding of fact was established on May 31, 2018, an order was issued to obtain permits and pass inspections and administration costs of \$300.00 were assessed. If the violation was not abated prior to August 22, 2018, a fine of \$250.00 per day was to be imposed. As of January 16, 2019, a permit had not been obtained. On October 31, 2017, an application was submitted and was under review. Administrative costs had not been paid and the Town requested an order to lien.

Town Attorney Herin, Jr. entered the file into the record.

Lyle Kline, owner, noted that he purchased the property in 2015 with plans to remodel the property before selling. He received prior notices and thought it had been taken care of. He was unprepared and thought there would be an attorney present. He requested a continuance to prepare his case.

Joe Orlandini stated that he applied for the permit multiple times and he and an engineer met with Town Hall regarding the permit. They submitted prints and plans according to what was agreed upon sometime in May. Code enforcement requested that they resubmit the sign application with a separate building permit. It was submitted before the compliance date. He received comments regarding the original application and was confused because they did not address the new plans submitted. After checking with the Town, it was determined that the comments referred to the old plans; which occurred approximately a month and a half after the compliance date. Mr. Orlandini met with the Town again on October 31, 2017 and the Town agreed to review the new plans. Mr. Bogart noted the permit was under review due to issues surrounding the Coastal Construction Control Line (CCCL). He noted the sign was constructed without a permit and could not remain. Mr. Orlandini stated that they laminated the existing sign and a post was updated but the sign did not change location. Town Attorney Herin, Jr. stated that they did move the sign. Mr. Orlandini reiterated that they did not move the sign. He stated that he submitted the sign application in the earlier part of 2018. He explained that there were three items on the property they were addressing. Ms. Roche questioned when the sign permit was submitted. Mr. Orlandini responded that the engineer submitted the permit in 2018. He noted that he discussed the new monument style with Mr. Bogart and he remarked that the new set of plans would be reviewed. Neither remembered the date of the conversation but Mr. Orlandini thought it was between September and December. The permit was listed as still under review.

Town Attorney Herin, Jr. reviewed the history of the case. He stated that the applicant was informed that the sign was not in compliance and was informed how to correct it. Mr. Orlandini stated that the application was resubmitted October 4 but it did not show up on the computer.

Magistrate Roche found that the order dated May 31, 2018 was not complied with and the violations had not been corrected as of January 17, 2019. She certified that the amount of \$37,300.00 will continue to accrue until the violations were corrected. The lien will be recorded in the public records of Lee County. She denied a request for continuance.

(No audio after the break until 2:18:49 in the recording. Audio began with case in progress.)

Mr. Orlandini stated that the property was not occupied daily and someone had to go to the location and wait for the Town to inspect the property. He stated that the property was in compliance and

ready for inspection. Town Attorney Herin, Jr. noted that the case was under the control of Lee County inspectors.

Magistrate Roche requested that the Town visually inspect the property because it was a pool. It was up to Mr. Orlandini to follow up with Lee County inspectors. She encouraged him to document all activities.

Magistrate Roche found that a violation existed and continued to exist. She ordered the property owner to obtain the proper inspection within 30 days, otherwise a fine of \$100.00 per day until the violation was corrected. She ordered that code enforcement visually inspect the property to ensure the fence was complete. Town Attorney Herin, Jr. requested \$70.00 in administrative costs. Magistrate Roche amended her order to include \$70.00 in administrative costs.

Property Owner: PRESAUD PROPERTIES FL INVESTMENTS  
SUBJECT: LDC Sec. 34-621 Operating w/out Permit - USE  
LOCATION: 1046 Estero Blvd  
STRAP NO: 24-46-23-W3-00016-0000  
CODE OFFICER: Molly Jacobs  
REFERENCE NO: **CE17-0707**

Ms. Jacobs inspected the property on August 31, 2017 and multiple times after that. The following condition was found: operating without a permit – USE. The action needed to correct the violation was to discontinue operating as a parking lot and obtain a USE permit to operate a paid parking lot. The notice of violation was sent to the property owner via certified mail on September 7, 2017 and it was claimed. An amended notice of hearing was sent to the property owner via certified mail on December 1, 2018 and it was claimed. Ms. Jacobs took pictures of the property that accurately reflected the condition of the property. Contact was made with the property owner.

The case was continued on May 31, 2108. The property was discussed in a hearing on June 28, 2018 and the respondent stated that the parking lot was for use by the Sunset Grill.

If the hearing found a violation, the Town requested a finding of fact, pay issued citations for a total of \$80,050.00, discontinue operating as a paid parking lot until a permit was obtained and inspections passed by March 13, 2019; otherwise a fine of \$500.00 per day pursuant to the code with administrative costs and a recall date of March 21, 2019.

Town Attorney Herin, Jr. entered the file into the record.

The last inspection was January 17, 2019 and the condition existed.

Mr. Orlandini, business partner, stated two parcels were adjacent to each other and explained that some cases were in front of circuit court. He requested a continuance. Magistrate Roche questioned whether CE17-0707 was in front of the circuit court. Mr. Orlandini requested a 48-hour continuance to allow him to provide court records.

Town Attorney Herin, Jr. indicated that no order or injunction had been entered for the case and there was no reason to continue the matter.

Magistrate Roche denied the request for continuance.

Mr. Orlandini stated that the restaurant on 1028 Estero Blvd. held the USE permit for the entire property. Town Attorney Herin, Jr. acknowledged that the parking lot was permitted as an accessory parking lot to the restaurant but it could not be used independently as a commercial parking lot. He stated that the owner was aware of what needed to be done to become compliant.

Mr. Orlandini noted that they charged people to park in order to go into the restaurant and go to the beach. He commented that the beach was a part of the property and they sold items separate from the restaurant, which made it an accessory use.

Magistrate Roche found a finding of fact and ordered the property owner to cease the operations of the property as a public parking lot immediately. She imposed a fine of \$80,050.00, which may become a lien on the property, without prejudice to allow the Town to continue citations as allowed by the ordinance. Town Attorney Herin, Jr. requested that the Town be permitted to impose a daily fine for each day after the hearing in lieu of issuing a citation every day. Magistrate Roche questioned where the authority was for the per diem citations and the \$500.00 daily fine. Town Attorney Herin, Jr. cited the appropriate section of code and entered it into the record.

Magistrate Roche stated that there was no evidence presented regarding new citations between December 31, 2018 and today; therefore, no fines will be assessed during that time period. The owner was ordered to cease operations immediately as pursuant to the Town's resolution. Should the property owner fail to comply with the order, the property owner will be fined \$500.00 per day thereafter.

Property Owner: PRESAUD PROPERTIES FL INVESTME  
SUBJECT: LDC Sec. 30-5 Prohibited Sign – Portable & Off-Premises  
LOCATION: 1046 Estero Blvd  
STRAP NO: 24-46-23-W3-00016-0000  
CODE OFFICER: Molly Jacobs  
REFERENCE NO: CE17-0659

The case was brought before the Magistrate on May 31, 2018, a finding of fact was established and an order was issued for: Prohibited Sign – Portable & Off-Premises. Respondent was ordered to obtain permits and pass inspections. An administrative fee of \$400.00 was assessed. If the violation was not abated by March 6, 2018, a daily fine of \$200.00 per day was to be imposed. As of January 16, 2019, a permit had not been obtained. On July 25, 2018 an application was submitted and was under review. The administrative fee was paid. All fines were accruing. The Town requested an order to lien in the amount of \$36,600.00.

Magistrate Roche questioned why the permit was still under review. A rejection letter was sent on September 4, 2018 due to the lack of a USE permit to operate a parking lot on the parcel. Town Attorney Herin, Jr. noted that signs on the payment station were prohibited until a permit for commercial use was obtained. He entered the file into the record.

Mr. Orlandini indicated that Mr. Persaud requested a continuance because the case was before the circuit court. The Town objected to the request. Magistrate Roche denied the request for a continuance. The property was inspected on January 17, 2018 and was still in violation. Mr. Orlandini declined to represent Mr. Persaud in the case.

Magistrate Roche noted that there was no official representation from the owner. and she found the order on May 31, 2018 had not been complied with and the condition continued to exist. She ordered a lien against the property in the amount of \$36,600.00 and continued to accrue to be recorded in the official records of Lee County.

Property Owner: ORLANDINI JOSEPH B

**SUBJECT:** LDC Sec. 6-111 Adopting FBC 103.5 Unsafe Structure - Deck (Bldg. B)  
**LOCATION:** 80 Avenue E  
**STRAP NO:** 19-46-24-W4-0070A-0020  
**CODE OFFICER:** Molly Jacobs  
**REFERENCE NO:** CE15-0167

The case came before the Magistrate on February 24, 2016, a finding of fact was established and an order was issued citing the respondent for: Unsafe Structure - Deck (Bldg. B). The property was occupied and did not have a permit for placement of main egress. The respondent was ordered to obtain permits and pass inspections. Administrative costs of \$150.00 were assessed and if the violation was not abated by March 25, 2016, a fine of \$200.00 per day was imposed. As of January 16, 2019, a permit had not been obtained, the administrative fee was not paid and fees were accruing. The Town requested an order to lien. Town Attorney Herin, Jr. noted that instrument 2016-000076124 was in the file. He entered all documents into the record.

Mr. Orlandini, owner, stated that the deck was unsafe and he contacted the Fire Department who contacted the building official at the Town. Everyone met at the property and it was determined that the deck was unsafe so he removed it. He indicated that he did not want to replace the deck. Town Attorney Herin, Jr. noted that a permit was not pulled for the deck removal. Accrued fines were in the amount of \$257,150.00 and out of compliance for over 1,000 days.

Magistrate Roche ordered that instrument 216-000076124 be vacated. She found that the violations had not been corrected in accordance with the Magistrate's order on February 24, 2016 and the violations continued to exist. She ordered a lien against the property for \$257,150.00, which will continue to accrue and be recorded in the public records of Lee County.

**Property Owner:** SAMUN LLC  
**SUBJECT:** LDC Sec. 6-111 Adopting FBC 105.1 REPEAT - Work w/out Permit - Remodel  
**LOCATION:** 1667 I ST  
**STRAP NO:** 19-46-24-W4-0070B-005A  
**CODE OFFICER:** Molly Jacobs  
**REFERENCE NO:** CE18-0185

The case came before the Magistrate on June 28, 2018, a finding of fact was established and an order was issued citing the respondent for: REPEAT - Work w/out Permit - Remodel. The respondent was ordered to obtain permits and pass inspections. Administrative costs of \$275.00 were assessed and if the violation was not abated by September 19, 2018, a fine of \$250.00 per day was imposed with a recall date of October 25, 2018. As of January 16, 2019, a permit had not been obtained and the administrative fee was not paid. The Town requested an order to lien in the amount of \$30,275.00. Town Attorney Herin, Jr. entered the file into the record.

Mr. Orlandini stated that he inherited the problem from the prior owner. He noted that he thought it was abated and he will look into the situation. He requested a continuance. Magistrate Roche denied his request.

Magistrate Roche noted that the Magistrate's order on June 28, 2018 was not complied with and continued to be out of compliance. She ordered that \$30,275.00 will continue to accrue, will become a lien against the property and be recorded in the public records of Lee County.

Property Owner: LANI KAI LP  
SUBJECT: LDC Sec. 30-5 Feather Banners on the beach  
LOCATION: 1400 Estero Blvd  
STRAP NO: 19-46-24-W4-0070D-0020  
CODE OFFICER: Joe Kontomanolis  
REFERENCE NO: **CE18-0851**



The property was inspected on November 8, 2018 by Mr. Kontomanolis and the following condition was found: Feather Banners on the beach. The action necessary to correct the violation was to remove the banner. The notice of violation was sent to the property owner on November 21, 2018 and it was claimed. It was posted at Town Hall on November 20, 2018 and on the property November 20, 2018. The notice of hearing was sent to the property owner on November 21, 2018 and it was claimed. The pictures accurately reflected the condition of the property. The violation was removed. If the hearing found a violation, the Town requested a finding of fact, and a fine of \$500.00 per week occurrence. Town Attorney Herin, Jr. stated that the Town requested a finding of fact so they could treat future violations as repeat violations.

Magistrate Roche found that a violation did exist and had been corrected. She imposed no fines on the respondent.

Property Owner: PERSAUD PROPERTIES FL INVESTME  
SUBJECT: LDC Sec. 14-5 Operating without a permit  
LOCATION: 1028 Estero Blvd  
STRAP NO: 24-46-23-W3-00017-0000  
CODE OFFICER: Rae Burns  
REFERENCE NO: **CE18-0234**



The case came before the Magistrate on June 28, 2018, a finding of fact was established and an order was issued citing the respondent for: operating without a permit. The respondent was ordered to obtain permits and pass inspections. Administrative costs of \$450.00 were assessed and if the violation was not abated by August 22, 2018, a fine of \$250.00 per day was imposed. An application was submitted on August 30, 2018 but it was rejected. The administrative fee was not paid. The Town requested an order to lien in the amount of \$37,000.00. Town Attorney Herin, Jr. stated the permit was denied because the use was prohibited by the Town. The property was inspected on October 6, 2018 and they have not been renting chairs since. Town Attorney Herin, Jr. entered the file into the record.

Magistrate Roche stated that the Magistrate's order from June 28, 2018 was not complied with and continued to engage in the prohibited activities until October 8, 2018. Magistrate Roche ordered that a lien be imposed in the amount of \$37,000.00 without prejudice and be recorded in the public records of Lee County.

Magistrate Roche vacated her order. She ordered that a lien be imposed in the amount of \$11,750.00 and be recorded in the public records of Lee County.

Property Owner: PRESAUD PROPERTIES FL INVESTME  
SUBJECT: LDC Sec. 14-5 Operating without a permit - Beach Vendor  
LOCATION: 1046 Estero Blvd  
STRAP NO: 24-46-23-W3-00016-0000  
CODE OFFICER: Rae Burns  
REFERENCE NO: **CE18-0235**



The case came before the Magistrate on June 28, 2018, a finding of fact was established and an order was issued citing the respondent for: operating without a permit – beach vendor. The respondent was ordered to obtain permits and pass inspections. Administrative costs of \$450.00 were assessed and if the violation was not abated by August 22, 2018, a fine of \$250.00 per day was imposed. An application was submitted on August 30, 2018 but it was rejected. The administrative fee was not paid. The Town requested an order to lien in the amount of \$37,000.00. Town Attorney Herin, Jr. stated the permit was denied because the use was not allowed at the location.

Magistrate Roche questioned whether the compliance date was immediately on June 28, 2018 or August 22, 2018.

Ms. Burns stated that the property owner came into compliance on September 22, 2018. She confirmed that they were out of compliance for 30 days.

Magistrate Roche stated that the Magistrate's order of June 28, 2018 was not complied with but the property owner did come into compliance on September 22, 2018, putting it under violation for 30 days for a total of \$7,500.00 and fines will not accrue. She ruled without prejudice so the Town could bring forth new citations at a later date.

Property Owner: ORVIS ROBERT M + MARY H  
SUBJECT: LDC Sec. 6-111 Adopting FBC 105.1 Work w/out permit-Stairs/Deck  
LOCATION: 116 Eucalyptus Ct  
STRAP NO: 29-46-24-W1-0020D-0240  
CODE OFFICER: Joe Kontomanolis  
REFERENCE NO: **CE17-0241**



The case came before the Magistrate on August 30, 2017, a finding of fact was established and an order was issued citing the respondent for: operating without a permit – stairs/deck. The respondent was ordered to obtain permits and pass inspections. Administrative costs of \$175.00 were assessed and if the violation was not abated by October 17, 2017, a fine of \$150.00 per day was imposed. As of January 16, 2019, the administrative fee was paid and the permit was finalized. The property owner was out of compliance for 72 days. The Town requested an order to lien in the amount of \$10,800.00.

Magistrate Roche confirmed that the permit was issued on October 27, 2017. She found that the previous order was not complied with in the time frame stated and the property was out of

compliance for 10 days for a total of \$1,500.00. The fines will not continue to accrue. She ordered a lien in the amount of \$1,500.00 to be recorded in the public records of Lee County.

The abated cases were not identified.

Signature: \_\_\_\_\_

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