

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
May 1, 2007

Present: Karen Hancsak; Town Clerk, and Sgt. Hallahan.

Meeting called to order at 10:08 A.M.

Special Magistrate Lara Donlon explained that this was an informal hearing and rules of evidence were not required, however, the Town may have exhibits that a respondent has the right to make objections to. She added that the Town would present their case and she would render a decision and issue a Final Order.

At this point all individuals planning on providing testimony were sworn in.

**A. ADOPTION OF JANUARY 2, 2007 MINUTES**

Special Magistrate Donlon adopted the January 2, 2007 minutes.

**B. STATUS HEARING**

**CASE NO. CE#2007-007**

**Gerald B. Wismer, 110 Bonito Drive, Ocean Ridge FL 33435**

**RE: Lot 110, McCormick Mile Addition No. 1 Subdivision (110 Bonito Drive)**

**NATURE OF VIOLATION**

Violate Section(s) 67-174(A)(1) of the Town's Code of Ordinances by having numerous roof tiles missing in the front and rear of the residence and having rotting fascia board at the rear of the residence

The respondent, Gerald Wismer, was present.

Atty Spillias summarized the violation.

Special Magistrate Donlon accepted the following Town exhibits: the Notice of Violation with the appropriate code sections and the signed receipt card as #1, six photographs taken this date as #2, and eight photographs taken on March 6, 2007 as #3.

Sgt. Hallahan testified that he observed the missing tiles and rotted fascia on March 6, 2007 and subsequently issued the Notice of Violation. He added that the conditions still exist.

Mr. Wismer stated that basically he has been experiencing problems with Citizens Insurance and BCH Group (arbitrator) for fourteen months and finally fired BCH in

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December when they made no attempts to settle the claim. He added that he hired an attorney and a hearing is scheduled for May 9, 2007 regarding the firing and fees owed because the insurance wants to draft a joint check to both parties. He is hopeful for a resolution at this hearing. He added that he has quotes from two contractors to complete the work, which now also includes mold because of the leaking, with the re-roof portion quoted at \$88,000.

Special Magistrate Donlon questioned the approximate time frame requested for the roof and fascia. The respondent was hoping for a resolution on the hearing in May and the work completed shortly thereafter. Atty Spillias asked if either contractor can begin the work soon. The respondent stated that both could start the work right away and it would take approximately 2-3 weeks to receive the tiles.

Atty Spillias recommended an Order Finding Violation but deferring any action until the July 3, 2007 meeting and added that if an appreciable process has not been shown then appropriate fines would be assessed at the Fine Assessment Hearing. He also suggested deferring the administrative cost recovery fees until the same hearing.

Special Magistrate Donlon advised that she did find that a violation existed and the violation must be brought into compliance on or before July 3, 2007 or a Fine Assessment Hearing would be scheduled for July 3, 2007 at 10 AM. She added that if compliance is not met the Town could request a fine at that time and the administrative costs. She also advised the respondent that it was his responsibility to notify Code Enforcement upon an approved final building inspection.

**C. ADJOURNMENT**

The meeting was adjourned at approximately 10:18 AM.

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Town Clerk