



**CODE ENFORCEMENT BOARD MEETING  
TUESDAY, OCTOBER 20, 2015  
CITY HALL at 685 WEST MONTROSE STREET  
At 6:00 PM**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE MINUTES OF THE CODE ENFORCEMENT BOARD**

Approval of the September 15, 2015 Code Enforcement meeting minutes

**OPENING STATEMENT**

**SWEARING IN WITNESSES**

**AGENDA**

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**OTHER BUSINESS**

**Item 1 - Case No. 13-916 & 13-917  
Wallace**

Chinnor Corporation  
201-307 Bloxam Ave.  
P&G Motor Repair Ltd.  
309-323 Bloxam Ave.  
Clermont, FL 34711

**REQUEST:**

Reduction or waiver of fines

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**Item 2 - Case No. 2015-000097  
Crain**

Masthead, LLC  
Vacant lot between Masthead Blvd. &  
Grand Highway  
Clermont, FL 34711

**REQUEST:**

Request to record a lien on property

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**NEW BUSINESS**

**Item 3 - Case No. 2015-000310  
Crain**

William Fenn  
415 Rob Roy Dr.  
Clermont, FL 34711

**VIOLATION:**

Chapter 118, Sections 118-71 Minimum  
Tree Requirement; 118-35 Replacement;  
118-113 Tree Removal

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**Item 4 - Case No. 2015-000312  
Wallace**

Thomas Hodge  
293 Linden St.  
Clermont, FL 34711

**VIOLATION:**

Chapter 14 IPMC, Section 302 Exterior  
Property Maintenance

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**CODE ENFORCEMENT BOARD MEETING  
TUESDAY, OCTOBER 20, 2015  
CITY HALL at 685 WEST MONTROSE STREET  
At 6:00 PM**

**Item 5 - Case No. 2015-000322  
Crain**

Hurtak Family Partnership LTD  
690 E. Highway 50  
Clermont, FL 34711

**VIOLATION:**

Chapter 14 IPMC, Sections 302.7  
Accessory Structures; 304.7 Roofs and  
Drainage; 304.1 Exterior Structure;  
Chapter 122, Section 122-344

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**Item 6 - Case No. 2015-000337  
Crain**

44 Almond Inc.  
24 HR Air Service  
715 Almond St.  
Clermont, FL 34711

**VIOLATION:**

Chapter 58, Sections 58-116 Required;  
58-117 Determination of liability to pay;  
58-118 Opening business without  
Business Tax Receipt; 58-119  
Qualification of applicants; 58-122  
Application for Business Tax Receipt

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**Discussion of Non-Agenda Items**

**ADJOURN**

**Any person wishing to appeal any decision made by the Code Enforcement Board at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.**

**In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Development Services Department at 352-241-7302.**

**Please be advised that if you intend to show any document, picture, video or items to the Council or Board in support or opposition to any item on the agenda; a copy of the document, picture, video or item must be provided to the Recording Clerk for the City's records.**

**CITY OF CLERMONT  
MINUTES  
CODE ENFORCEMENT BOARD  
SEPTEMBER 15, 2015**

The regular meeting of the Code Enforcement Board was called to order on Tuesday, September 15, 2015, at 6:00 p.m. Members attending were acting Chairman Alfred Mannella, along with Board members Ken Forte, Larry Seidler, Bill Rini, and Harvey Rosenberg. Also attending were Development Services Director Barbara Hollerand, Evie Wallace, Code Enforcement Supervisor, Lori Crain, Code Enforcement Officer, Valerie Fuchs, Code Enforcement Attorney, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

The Pledge of Allegiance was recited.

The minutes from the Code Enforcement Board meeting of July 21, 2015 and August 18, 2015 were approved as written.

Acting Chairman Mannella read the Opening Remarks.

Code Enforcement Supervisor Wallace and Code Enforcement Officer Crain, along with any of the public who may testify, were sworn in.

Acting Chairman Mannella gave the floor to Code Enforcement Staff and City Attorney.

City Attorney Dan Mantzaris stated that Case No. 2015-000294 complied and will not be heard. He stated that Case No. 2015-000097 will be continued to the October 20, 2015 Code Enforcement meeting.

*Board member Rosenberg made a motion to continue case no. 2015-000097 to the October 20, 2015 Code Enforcement meeting; seconded by Board member Forte. The vote was unanimous to continue the case.*

**CASE NO. 2015-000076**

S.W. Williams Family, LLC  
901 12<sup>th</sup> St.  
Clermont, FL 34711

**LOCATION OF VIOLATION:** 901 12<sup>th</sup> St., Clermont, FL 34711

**REQUEST:** Reduction of fines

City Attorney Mantzaris introduced the case.

The Respondent was present and was sworn in.

David Williams, 454 Pine Brook Blvd., Ocoee, stated that he is requesting a reduction of the fine.

**CITY OF CLERMONT  
MINUTES  
CODE ENFORCEMENT BOARD  
SEPTEMBER 15, 2015**

*Board member Forte made a motion to reduce the fine of \$4,000 to \$1,000. Motion dies due to lack of a second.*

Board member Rosenberg said this was commercial property and the Respondent would make a profit from the sale of the property, so he suggested to increase the amount of the fine recommended by city staff.

*Board member Rosenberg made a motion to reduce the fine of \$4,000 to \$2,000 to be paid within 30 days; seconded by Board member Rini. The vote was unanimous to reduce the fine.*

**CASE NO. 2015-000177**

Fulvan at Clermont, LLC  
741 SR 50  
Clermont, FL 34711

**LOCATION OF VIOLATION:** 741 SR 50, Clermont, FL 34711

**REQUEST:** Reduction of fines

City Attorney Mantzaris introduced the case.

The Respondent was present and was sworn in.

Jeff Brown, 8025 Grovemont Estates Rd., Groveland read a letter sent from the property owner.

*Board member Rosenberg made a motion to reduce the fine of \$2,000 to \$1,000 to be paid within 30 days. Motion fails due to lack of a second.*

*No further action was taken on this case.*

**CASE NO. 2015-000342**

Martin Wright Estate  
775 E. Juniata St.  
Clermont, FL 34711

**LOCATION OF VIOLATION:** 775 E. Juniata St., Clermont, FL 34711

**VIOLATION:** Chapter 14, Section 302.4 Weeds

The Respondent was present and was sworn in.

Code Enforcement Officer Crain, who was sworn in, exhibited pictures that are a true and accurate depiction of the condition of the property on the date taken and read the violation, dates, and staff recommendation for the record.

**CITY OF CLERMONT  
MINUTES  
CODE ENFORCEMENT BOARD  
SEPTEMBER 15, 2015**

Martin Wright Jr., 1390 Buckingham Dr., Hampton, GA., stated that there is no title to the property. He stated that his name does appear on the tax certificate, so he receives letters from code enforcement. He stated that he has been taking care of the property to get it into compliance. He stated that even though he does not legally own the property, they do not want to lose the property because it was his father's. He stated that his mother passed away and he had to go the New Jersey, so he did not get the letter right away stating he was not in compliance. He stated that if it was his property, he would not have any code violations. He stated that the past code enforcement officer would call him and allow him time to come into compliance. He stated that he can't get ownership of the property at this time, however, he does bring the property into compliance every time he receives a letter.

City Attorney Dan Mantzaris stated that the fines for all cases have accrued to \$12,950 for this property.

*Board member Rosenberg made a motion to find the Respondent in repeat violation with a fine of \$6500 to be paid within 30 days, seconded by Board member Seidler. The vote was unanimous.*

**CASE NO. 2015-000187 & 2015-000256**

Martin Wright Estate  
775 E. Juniata St.  
Clermont, FL 34711

**LOCATION OF VIOLATION:** 775 E. Juniata St., Clermont, FL 34711

**REQUEST:** Reduction/Waiver of fines

City Attorney Dan Mantzaris stated that the fines for all cases are now \$19,450 for this property.

*Board member Rosenberg made a motion to not reduce the fine at this time; seconded by Board member Seidler. The vote was 4-1 with Board member Rini opposing.*

**CASE NO. 2014-010058**

Lindenhurst Realty Group, Inc.  
998 E. Highway 50  
Clermont, FL 34711

**LOCATION OF VIOLATION:** 998 E. Highway 50, Clermont, FL 34711

**REQUEST:** Reduction/Waiver of fines

The Respondent was not present.

**CITY OF CLERMONT  
MINUTES  
CODE ENFORCEMENT BOARD  
SEPTEMBER 15, 2015**

Board member Rosenberg made a motion to reduce the fine to \$750; seconded by Board member Forte. The vote was unanimous in favor of reducing the fine.

**CASE NO. 2015-000188**

Patricia L. Hobensack Estate  
197 Pitt St.  
Clermont, FL 34711

**LOCATION OF VIOLATION:** 197 Pitt St., Clermont, FL 34711

**VIOLATION:** Chapter 14, Section 704.1, 704.2, 305, 304.14, 403.2, 504.1, 504.3, 502.1, 108.1.3, 108.1.2, 108.1.5, 304.13.2, 305.3, 604.3, 605.2; Chapter 122, Section 122-344.

City Attorney Mantzaris introduced the case.

The Respondent was not present.

Code Enforcement Officer Crain, who was sworn in, exhibited pictures that are a true and accurate depiction of the condition of the property on the date taken and read the violation, dates, and staff recommendation for the record.

Board member Rosenberg made a motion to find the Respondent in violation with a fine of \$100 per day for every day past October 31, 2015; seconded by Board member Seidler. The vote was unanimous in favor of finding violation and amount of fine.

**CASE NO. 2014-010044**

Michelle & Grady Taylor  
970 W. Juniata St.  
Clermont, FL 34711

**LOCATION OF VIOLATION:** 970 W. Juniata St., Clermont, FL 34711

**VIOLATION:** Chapter 14, Section 605.1, 605.2, 704.1, 704.2, 304.14, 309.1, 309.2; Chapter 10, Section 10-46; Chapter 34, Section 34-134, 34-139; 34-61, 34-62

City Attorney Mantzaris introduced the case.

The Respondent was not present.

Code Enforcement Crain, who was sworn in, exhibited pictures that are a true and accurate depiction of the condition of the property on the date taken and read the violation, dates, and staff recommendation for the record.

**CITY OF CLERMONT  
MINUTES  
CODE ENFORCEMENT BOARD  
SEPTEMBER 15, 2015**

Board member Rini made a motion to find the Respondent in violation with a fine of \$250 per day for every day past September 20, 2015; seconded by Board member Rosenberg. The vote was unanimous in favor of finding violation and amount of fine.

**CASE NO. 2015-000279**

Douglas & Debra Lay  
157 Sutter Dr.  
Clermont, FL 34711

**LOCATION OF VIOLATION:** 157 Sutter Dr., Clermont, FL 34711

**VIOLATION:** Chapter 34, Section 34-61, 34-62; Chapter 14, Section 302.4

City Attorney Mantzaris introduced the case.

The Respondent was not present.

Code Enforcement Officer Crain, who was sworn in, exhibited pictures that are a true and accurate depiction of the condition of the property on the date taken and read the violation, dates, and staff recommendation for the record.

Board member Forte made a motion to find Respondent in violation with no fine assessed. Second failed due to lack of second.

Board member Rosenberg made a motion to find Respondent in violation with no fine assessed at this time; seconded by Board member Forte. The vote was unanimous in favor of the violation.

**CASE NO. 2015-000283**

Lisa Castiglioni  
2715 Valiant Dr.  
Clermont, FL 34711

**LOCATION OF VIOLATION:** 2715 Valiant Dr., Clermont, FL 34711

**VIOLATION:** Chapter 14, Section 302.4

City Attorney Mantzaris introduced the case.

The Respondent was not present.

**CITY OF CLERMONT  
MINUTES  
CODE ENFORCEMENT BOARD  
SEPTEMBER 15, 2015**

Code Enforcement Supervisor Wallace, who was sworn in, exhibited pictures that are a true and accurate depiction of the condition of the property on the date taken and read the violation, dates, and staff recommendation for the record.

Board member Rosenberg made a motion to find Respondent in violation with no fine assessed at this time; seconded by Board member Forte. The vote was unanimous in favor of the violation.

Board member Rosenberg expressed concerns on what he says appears to be a lack of consideration, respect, and participation by the Board.

There being no further business, the meeting was adjourned at 7:39 p.m.

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**Dave Holt, Chairman**

**Attest:**

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**Rae Chidlow, Code Enforcement Clerk**

## Evie Wallace

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**From:** woodygraham28@yahoo.com  
**Sent:** Wednesday, October 07, 2015 1:10 PM  
**To:** Evie Wallace  
**Subject:** Affidavit of Compliance

Case # 13-916  
Chinnor Corporation  
P.O. Box 121573  
Clermont, FL. 34712-1573

Regarding: 201-307 Bloxam Avenue, Clermont, FL. 34711

Dear Ms. Wallace

We have received your letter regarding above case.

As we have explained in previous emails to you, this work was completed well before the deadline of July 16, 2013. The Code Enforcer before you, came out and inspected the work and we heard no more from her and assumed the the case was closed as we had done everything that was asked.

We will be present at the meeting on October 20, 2015 to explain to the Board.

Thank you for your attention.

Best Regards,  
Woodrow Graham for Chinnor Corporation.

Sent from my iPad

# City of Clermont

P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219

## AFFIDAVIT OF COMPLIANCE

In the matter of:

Case # 13-916

Chinnor Corporation

PO Box 121573

Clermont, Fl. 34712-1573

Regarding violation address: 201-307 Bloxam Ave., Clermont. Fl . 34711

Personally appeared before me, Evie Wallace Code Enforcement Officer of the City of Clermont:

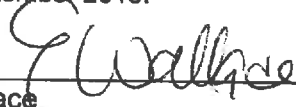
1. That on January 15, 2013, the Code Enforcement Board held a public hearing and issued an Order in the abovementioned case.
2. That, pursuant to said Order, the Respondent was to have taken certain corrective action by or before July 16<sup>th</sup>, 2013 for this violation or a \$250.00 per day fine was to be imposed.
3. That, an inspection was performed on March 19, 2014 and found that the corrective action ordered by the Board was completed.
4. X In accordance with the Board's order, a fine of \$ 250.00 per day accrued from July 16<sup>th</sup> 2013, to March 19, 2014 per calendar day with a grand total of 233 days fines were accrued. **Total amount of outstanding fine is \$58,250.00**

- **In order to close this case**, please pay total amount to CITY OF CLERMONT with case# attached. City Hall is located at 685 W. Montrose St. Clermont Fl. 34711 or call 352-394-4083 and ask for Development Services. If amount is not paid in a timely manner, a lien may be imposed against the property. Please contact me should you have any questions.
- **If a reduction is requested, the next Code Enforcement Board meeting is at 6:30 p.m. on October 20<sup>th</sup>, 2015 where you can present your case and request a reduction in fine. Before I can put you or your agent on the agenda for this meeting, I will need a letter from you no later than by October 12<sup>th</sup>, informing your presence at the board meeting and reason for the reduction. The letter should have the case information and a signature if possible. This letter can be mailed or emailed to me.**

(OR)

\_\_\_ No further action is required, no fine has accrued, and the case is closed.

Sworn to and subscribed before me this 29th day of September 2015.

  
\_\_\_\_\_  
Evie Wallace  
Code Enforcement Supervisor  
City of Clermont, 685 W. Montrose Street  
Clermont, FL. 34711  
352-241-7304  
[ewallace@clermontfl.org](mailto:ewallace@clermontfl.org)

The forgoing instrument was acknowledged before me this 29th day of September, 2015, by Evie Wallace as the Code Enforcement Officer for the City of Clermont, who is personally known to me and who did take an oath.

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

Printed Name \_\_\_\_\_


## City of Clermont

P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219

### REPEAT VIOLATION NOTICE

**March 25, 2015**

**Violation # C2015-000097**

**To:** MASTHEAD LLC  
535 JULIE LN  
WINTER SPRINGS, FL 32708

**Violation/Property address:** Vacant Lot between Masthead Blvd & Grand Hwy, Clermont, FL.

**You are hereby notified** that you are in violation of the referenced section of the City of Clermont Code of Ordinances for the parcel located at Vacant Lot between Masthead Blvd & Grand Hwy, Parcel # 182226007500E00000.

**Compliance with the Violation(s) listed will be when the following condition(s) are met:**

Entire lot, including the embankments and berm is mowed. Maintain property throughout remainder of growing season.

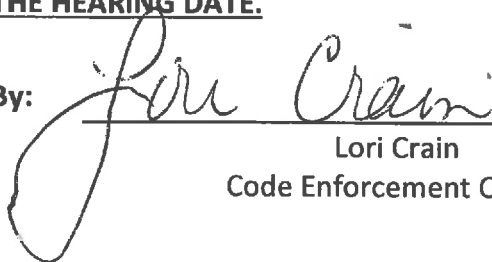
**Type of Violation:** Weeds Section 302.4-IPMC

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 18 inches. Overgrowth of weeds observed by Code Enforcement Officer on above listed property.

Please contact me at (352)-241-7343 or [lcraim@clermontfl.org](mailto:lcraim@clermontfl.org) when you comply, so an inspection to determine compliance can be scheduled.

**THIS CASE WILL BE PRESENTED TO THE CODE ENFORCEMENT BOARD AS STATED IN PREVIOUSLY SENT NOTICE OF HEARING, AS A REPEAT VIOLATION, EVEN IF THE VIOLATION HAS BEEN CORRECTED PRIOR TO THE HEARING DATE.**

**By:**



Lori Crain

Code Enforcement Officer

Code Enforcement Board of the  
City of Clermont  
**NOTICE OF HEARING**

**CITY OF CLERMONT,**

Petitioner

**Case No. C2015-000097**

vs.

**MASTHEAD LLC,**

Respondent

Pursuant to Section 2-206 of the Code of the City of Clermont, Florida, you are hereby called to take notice that a Public Hearing will be conducted in the above-styled cause, pending and undetermined by the Code Enforcement Board on: **TUESDAY, MAY 19, 2015 AT 6:00 PM,**

**at**

**685 West Montrose Street, Clermont, Florida.**

**Council Chambers of City Hall**

The Board will receive testimony and evidence at said Public Hearing and shall make such findings of fact as are supported by the testimony and evidence pertaining to the matters alleged in the Violation Notice. If the violation is corrected and the recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer in his/her Statement of Violation, this case may be presented to the Board even if the violation has been corrected prior to the hearing.

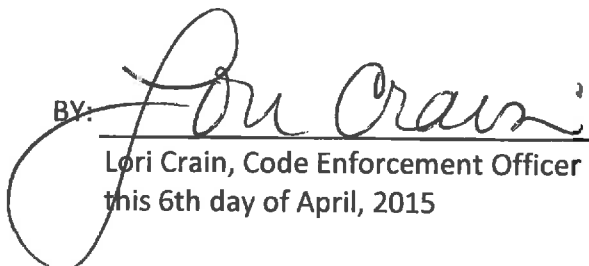
Any letters, lists, pictures of items displayed, presented or handed out at a public meeting for any City Commission, Board, Council or City public meeting, must be left with the recording clerk at the meeting at that time. No cell phone or electronic displays are permitted unless a printed copy is supplied at that time to the recording clerk.

**PLEASE GOVERN YOURSELF ACCORDINGLY.**

I hereby certify that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Personal Service to Respondent, MASTHEAD LLC & NAUSHIK HOODA, 535 JULIE LANE, WINTER SPRINGS, FL 32708. Certified Mail/Return Receipt Requested # 9171 9690 0935 0076 1888 14

**\*PLEASE NOTE: THIS NOTICE TAKES THE PLACE OF PREVIOUSLY SENT HEARING NOTICE DATED APRIL 3, 2015. TAKE NOTE OF NEW DATE FOR HEARING AS LISTED ABOVE.**

BY:

  
Lori Crain, Code Enforcement Officer  
this 6th day of April, 2015

IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PROCEEDINGS, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR THIS PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

**CODE ENFORCEMENT BOARD OF THE  
CITY OF CLERMONT, FLORIDA**

**CITY OF CLERMONT, Petitioner,**

**Case #C2015-000097**

**VS.**

**Vacant Land at Masthead**

**MASTHEAD, LLC, Respondent,**

**Blvd to Grand Hwy, Clermont, Florida**

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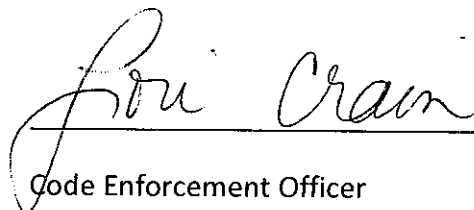
**NOTICE OF HEARING AND MOTION FOR ORDER IMPOSING FINE AND CREATING LIEN ON  
PROPERTY:**

YOU ARE HEREBY ADVISED that the Code Enforcement Board shall conduct a hearing on **September 15, 2015, at 6:00 PM in the Council Chambers, City Hall, 685 West Montrose Street, Clermont, Florida**, to consider the petitioner's request as set forth below for authorization to impose a fine and create a code enforcement lien in this matter.

This motion is pursuant to Chapter 162, Florida Statutes. At its May 19, 2015, hearing, the Code Enforcement Board issued a Findings of Fact, Conclusion of Law and Order of Repeat Violation finding that a City Code violation had been repeated between April 10, 2015, and April 21, 2015, on the above property related to the following violations of Clermont City Code Chapter 14, Section 14-9, International Property Code Section 302.4, Weeds. As a result of this repeat violation, the Board imposed a fine in the amount of \$6,000. The Respondent has failed to pay this fine.

WHEREFORE, the City of Clermont requests the Code Enforcement Board authorize recording of an Order Imposing Administrative Fine/Lien in the amount of \$6000.00.

**I HEREBY CERTIFY** that on this 24<sup>th</sup> day of August, 2015, a true and correct copy of this Order has been furnished by certified and regular first class mail to the Respondent, MASTHEAD, LLC, 535 JULIE LANE, WINTER SPRINGS, FL 34708.

  
\_\_\_\_\_  
Code Enforcement Officer

9171 9690 0935 0112 9871 04

**CODE ENFORCEMENT BOARD OF THE  
CITY OF CLERMONT, FLORIDA**

**CITY OF CLERMONT**

**Petitioner,**

**vs.**

**MASTHEAD, LLC,**

**Respondent.**

**Case No: C2015-000097  
Vacant Land on Masthead Blvd to Grand Hwy  
Clermont, Florida**

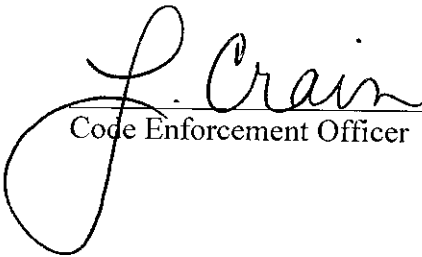
**NOTICE OF HEARING AND MOTION FOR  
ORDER IMPOSING FINE AND CREATING LIEN ON PROPERTY**

YOU ARE HEREBY ADVISED that the Code Enforcement Board shall conduct a hearing on **August 18, 2015, at 6:00 p.m. in the Council Chambers, City Hall, 685 West Montrose Street, Clermont, Florida**, to consider the petitioner's request as set forth below for authorization to impose a fine and create a code enforcement lien in this matter.

This motion is pursuant to Chapter 162, Florida Statutes. At its May 19, 2015 hearing the Code Enforcement Board issued a Findings of Fact, Conclusion of Law and Order of Repeat Violation finding that a City Code violation had been repeated between April 10, 2015 and April 21, 2015 on the above property related to following violations of Clermont City Code Chapter 14, Section 14-9, International Property Code Section 302.4, Weeds. As a result of this repeat violation, the Board imposed a fine in the amount of \$6,000. The Respondent has failed to pay the accrued fine.

WHEREFORE, the City of Clermont requests the Code Enforcement Board authorize recording of an Order Imposing Administrative Fine/Lien in the amount of \$6,000.00.

**I HEREBY CERTIFY** that on this 12<sup>th</sup> day of August, 2015, a true and correct copy of this Order has been furnished by certified and regular mail to the Respondent, MASTHEAD, LLC., 535 Julie Lane, Winter Springs, FL 32708.

  
Code Enforcement Officer

## City of Clermont

May 28, 2015

To: Masthead, LLC, 535 Julie Lane, Winter Springs, FL 32708

RE : Case #: C2015-000097

Property address: Vacant Lot @ Masthead Blvd & Grand Hwy

Violation: 302.4 Weeds

Dear Paul Svedja & Masthead LLC,

This is to notify you that the abovementioned Code Enforcement case has not been closed due to the outstanding fine that remains on the property.

A fine in the amount of \$500 per day accrued from 4/10/15 to 4/21/15.  
Total amount of fine is \$6000.

In order to close this case you are requested to:

1. Submit full payment of the fine at Development Services Department before **July 7, 2015**.

**OR**

2. Appear before the Code Enforcement Board on **July 21, 2015**, at 6:00 p.m. to request adjustment of fines. You are required to submit a letter requesting to appear before the board no later than **July 7, 2015**. Please include the case information provided above.

**Failure to comply with this request will result in this case being scheduled before the Code Enforcement Board on August 18, 2015, in which the city will request a lien be recorded against the property.**

Thank you for your attention in this matter.

Sincerely,



Lori Crain  
Code Enforcement Officer  
(352) 241-7343  
[lcrain@clermontfl.org](mailto:lcrain@clermontfl.org)

**City of Clermont**  
P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219

**AFFIDAVIT OF COMPLIANCE**

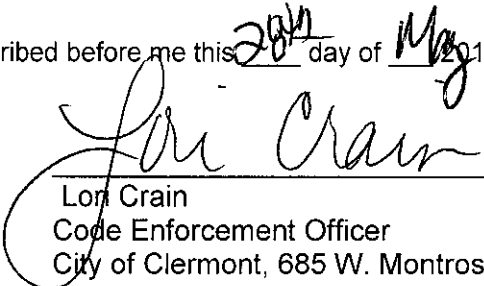
In the matter of:

Case # C2015-000097  
MASTHEAD LLC  
535 JULIE LN  
WINTER SPRINGS, FL 32708

Personally appeared before me, Lori Crain, Code Enforcement Officer of the City of Clermont:

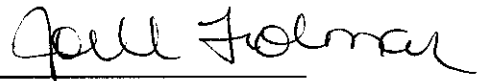
1. That on May 19, 2015, the Code Enforcement Board held a public hearing and issued an Order in the abovementioned case.
2. In accordance with the Board's order, a fine of \$500 per day accrued from April 10, 2015, to April 21, 2015, for the time the property was not in compliance. Total amount of fine =\$6000.00.

Sworn to and subscribed before me this 28th day of May, 2015.

  
\_\_\_\_\_  
Lori Crain  
Code Enforcement Officer  
City of Clermont, 685 W. Montrose Street  
Clermont, FL

The forgoing instrument was acknowledged before me this 28th day of May, 2015, by Lori Crain, as the Code Enforcement Officer for the City of Clermont, who is personally known to me and who did take an oath.

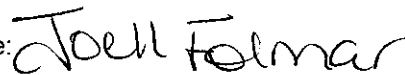
Signature: \_\_\_\_\_





JOELL FOLMAR  
MY COMMISSION # FF 009885  
EXPIRES: June 26, 2017  
Bonded Thru Budget Notary Services

Printed Name: \_\_\_\_\_



**CODE ENFORCEMENT BOARD OF THE  
CITY OF CLERMONT, FLORIDA**

**CITY OF CLERMONT**

**Case No: C2015-000097**

**Petitioner,**

**Vacant Land on Masthead Blvd to Grand Hwy  
Clermont, Florida**

**vs.**

**MASTHEAD, LLC,**

**Respondent.**

**FINDINGS OF FACT, CONCLUSION OF LAW and ORDER  
OF REPEAT VIOLATION and IMPOSING FINE**

THIS MATTER came before the Code Enforcement Board of the City of Clermont for hearing on **May 19, 2015**, and the Board having heard sworn testimony and received evidence from **Lori Crain, Code Enforcement Officer**, for the City and having noted that Respondent was not represented, thereupon issues the following Findings of Fact, Conclusion of Law, and Order:

**I. FINDINGS OF FACT**

- 1) Notice as required by Section 162.12, F.S. was provided to Respondent.
- 2) The Respondent is the owner of and in custody and control of the property described in the Repeat Violation Notice dated March 25, 2015.
- 3) There existed as of April 10, 2015 excessive accumulation of grass and weeds in excess of 18 inches.
- 4) The above-stated condition constitutes a repeat violation of the Board's Orders of August 16, 2011, and February 21, 2012.
- 5) As of April 21, 2015, the property is in compliance with applicable City Codes.

**II. CONCLUSION OF LAW**

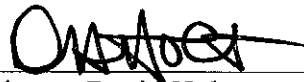
The Code Enforcement Board finds the Respondent, **MASTHEAD, LLC** was in repeat violation of Clermont City Code Chapter 14, Section 14-9, International Property Code Section 302.4, Weeds from April 10, 2015, to April 21, 2015.

III. ORDER

Based on the above-stated findings and conclusion of law, it is hereby Ordered that a fine is imposed against the Respondent in the amount of **SIX THOUSAND DOLLARS (\$6,000)** for the twelve days of non-compliance at \$500 for each day the violation was repeated.

Done and Ordered this 21<sup>st</sup> day of May, 2015.

CODE ENFORCEMENT BOARD OF THE  
CITY OF CLERMONT, FLORIDA

  
Chairman David Holt

**An aggrieved party, including the City Council of the City of Clermont, may appeal a final administrative order of the Code Enforcement Board to the Circuit Court. Any such appeal shall be filed within thirty (30) days of the rendition of this Order as set forth in Section 162.11, Florida Statutes.**

**I HEREBY CERTIFY** that on this 28<sup>th</sup> day of May, 2015, a true and correct copy of this Order has been furnished by certified and regular mail to the Respondent, MASTHEAD, LLC., 535 Julie Lane, Winter Springs, FL 32708.

  
Code Enforcement Officer

**City of Clermont**  
P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219

**VIOLATION NOTICE**

**August 19, 2015**

**Violation # C2015-000310**

**To:** WILLIAM FENN  
415 ROB ROY DR  
CLERMONT, FL 34711

9171 9690 0935 0112 9870 81

**Violation/Property address:** 415 ROB ROY DR, CLERMONT, FL 34711

**You are hereby notified** that you are in violation of the referenced section of the City of Clermont Code of Ordinances for the parcel located at 415 ROB ROY DR, PARCEL #192226007500003800.

**Compliance with the Violation(s) listed will be when the following condition(s) are met:**  
**WHEN REQUIRED NUMBER OF TREE(S) HAVE BEEN ADDED/REPLACED WITH FLORDIA NUMBER 1 GRADE OR BETTER PER CITY OF CLERMONT CODE OF ORDINANCES.**

**Type of Violation: MINIMUM TREE REQUIREMENT**

**Section 118-71** Minimum tree requirements.

General requirements for the number of trees on residential and non residential development properties. Currently, there are no trees on the property/lot at above listed address as observed by Code Enforcement Officer.

**Type of Violation: Section 118-35 (b) Replacement.**

All unhealthy and dead plant material shall be replaced within 30 days in conformance with the approved site/landscaping plan for the property or in conformance with the provisions of this article if an approved plan is not on file with the city. Any trees that were removed have not been replaced.

**Type of Violation: Tree Removal**

**Sec 118-113-** Issuance, criteria for tree removal and tree replacement standards.

**Please contact me at (352)-241-7343 or [lcraim@clermontfl.org](mailto:lcraim@clermontfl.org) when you comply, so an inspection to determine compliance can be scheduled.**

**You are directed to take action by 5:00 PM, WEDNESDAY, SEPTEMBER 2, 2015.** Failure to remedy the violation within the allotted time will result in a Notice to Appear for a hearing before the Code Enforcement Board.

**By:**



Lori Crain  
Code Enforcement Officer

Code Enforcement Board of the  
City of Clermont

**NOTICE OF HEARING**

**CITY OF CLERMONT,**

Petitioner,

vs.

**WILLIAM FENN,**

Respondent,

**Case No. C2015-000310**

Pursuant to Section 2-206 of the Code of the City of Clermont, Florida, you are hereby called to take notice that a Public Hearing will be conducted in the above-styled cause, pending and undetermined by the Code Enforcement Board on:

**TUESDAY, OCTOBER 20, 2015, AT 6:00 PM**

**at**

**685 West Montrose Street, Clermont, Florida.  
Council Chambers of City Hall**

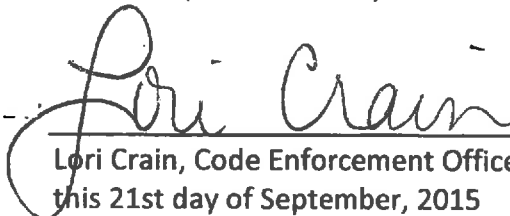
The Board will receive testimony and evidence at said Public Hearing and shall make such findings of fact as are supported by the testimony and evidence pertaining to the matters alleged in the Violation Notice. If the violation is corrected and the recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer in his/her Statement of Violation, this case may be presented to the Board even if the violation has been corrected prior to the hearing.

Any letters, lists, pictures of items displayed, presented or handed out at a public meeting for any City Commission, Board, Council or City public meeting, must be left with the recording clerk at the meeting at that time. No cell phone or electronic displays are permitted unless a printed copy is supplied at that time to the recording clerk.

**PLEASE GOVERN YOURSELF ACCORDINGLY.**

I hereby certify that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Personal Service to Respondent, WILLIAM FENN, 415 ROB ROY, CLERMONT, FL 34711  
Certified Mail/Return Receipt Requested #

9171 9690 0935 0112 9874 01

  
Lori Crain, Code Enforcement Officer  
this 21st day of September, 2015

IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PROCEEDINGS, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR THIS PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

## City of Clermont

P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219

### VIOLATION NOTICE

**September 09, 2015**

**Violation # C2015-000312**

**To:** HODGE THOMAS M  
114 W SILVERTON ST  
CLERMONT, FL 34715

**Violation/Property address:** 293 LINDEN ST CLERMONT, FL. 3471 ALT KEY#1714877, PARCEL #25-22-25-100001600700

**You are hereby notified** that you are in violation of the referenced section of the City of Clermont Code of Ordinances for the parcel located at 293 LINDEN ST. CLERMONT FL. 34711

**Compliance with the Violation(s) listed will be when the following condition(s) are met:**

- MOW PROPERTY AND ESPECIALLY MOW BACKYARD CLOSEST TO FENCELINE WHERE OVERGROWTH WAS OBSERVED AND REMOVE THE VINES IMPEDING ON OTHER PROPERTY OWNER'S FENCE AND YARD.

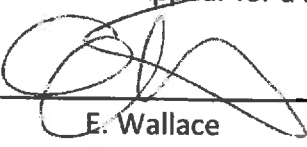
**Type of Violation:** Exterior Property Maintenance Section 302-IPMC

- Sanitation, weeds, harboring of rats, drainage issues  
PROPERTY BACKYARD HAS OVERGROWTH OF WEEDS/GRASS AND VINES FROM TREES GROWING ONTO NEIGHBOR'S PROPERTY

**Please contact me at 352-241-7304 or [ewallace@clermontfl.org](mailto:ewallace@clermontfl.org) when you comply, so an inspection to determine compliance can be scheduled.**

**You are directed to take action by SEPTEMBER 25<sup>TH</sup>, 2015 . Failure to remedy the violation within the allotted time will result in a Notice to Appear for a hearing before the Code Enforcement Board.**

**By:**

  
\_\_\_\_\_  
E. Wallace  
Code Enforcement Officer

Code Enforcement Board of the  
City of Clermont

**NOTICE OF HEARING**

**CITY OF CLERMONT,**

Petitioner

**Case No. C2015-000312**

vs.

**HODGE THOMAS M**

Respondent

Pursuant to Section 2-206 of the Code of the City of Clermont, Florida, you are hereby called to take notice that a Public Hearing will be conducted in the above-styled cause, pending and undetermined by the Code Enforcement Board on:

**OCTOBER 20<sup>TH</sup>, 2015 AT 6:00 PM**

**at**

**685 West Montrose Street, Clermont, Florida.  
Council Chambers of City Hall**

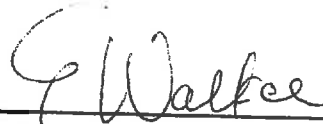
The Board will receive testimony and evidence at said Public Hearing and shall make such findings of fact as are supported by the testimony and evidence pertaining to the matters alleged in the Violation Notice. If the violation is corrected and the recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer in his/her Statement of Violation, this case may be presented to the Board even if the violation has been corrected prior to the hearing.

Any letters, lists, pictures of items displayed, presented or handed out at a public meeting for any City Commission, Board, Council or City public meeting, must be left with the recording clerk at the meeting at that time. No cell phone or electronic displays are permitted unless a printed copy is supplied at that time to the recording clerk.

**PLEASE GOVERN YOURSELF ACCORDINGLY.**

I hereby certify that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Personal Service to Respondent, HODGE THOMAS M.  
Certified Mail/Return Receipt Requested #

BY:



Evie Wallace, Code Enforcement Officer  
this 29th day of September, 2015

IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PROCEEDINGS, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR THIS PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

**City of Clermont**  
P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219  
**VIOLATION NOTICE**

**September 02, 2015**

**Violation # C2015-000322**

**To:** HURTAK FAMILY PARTNERSHIP LTD  
656 East Hwy 50  
CLERMONT, FL 34711

9171 9690 0935 0112 9872 34

**Violation/Property address:** 690 EAST HIGHWAY 50, CLERMONT, FL 34711

**You are hereby notified** that you are in violation of the referenced section of the City of Clermont Code of Ordinances for the parcel located at 690 EAST HIGHWAY 50, PARCEL #302226040000014101.

**Compliance with the Violation(s) listed will be when the following condition(s) are met:**  
**WHEN 3 SETS OF PLANS DETAILING ALL WORK TO BE DONE ON THE BUILDING HAVE BEEN SUBMITTED BY A LOCAL LICENSED CONTRACTOR/ENGINEER TO THE CITY OF CLERMONT BUILDING OFFICIAL; WHEN ALL APPLICABLE AND PROPER PERMITS HAVE BEEN APPLIED FOR AND "AFTER THE FACT" PERMITS HAVE BEEN ISSUED; WHEN CONSTRUCTION PREVIOUSLY STARTED IS COMPLETED AND HAS BEEN INSPECTED AND APPROVED BY CITY BUILDING INSPECTOR.**

**Type of Violation: 302.7 Accessory Structures.**

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**Type of Violation: 304.7 Roofs and Drainage.**

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutter and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**Type of Violation: Building Permit Required Section 122-344**

It shall be unlawful for any person to initiate new uses of any land within the corporate boundaries of the city or to erect or construct any new structures or to move, add to, repair or modify in any way any existing structures, except by authority of permit issued by the building inspector or planning and zoning department of the city acting as administrative officer of the regulations contained in this land development code. The words "planning and zoning department," as used in this land development code, shall also mean the planning official or the designated representative thereof. All development, as defined in this land development code, shall be required to obtain development approval (i.e., a development permit/development order) prior to initiating development activity.

**Type of Violation: Exterior Structure Section 304.1-IPMC**

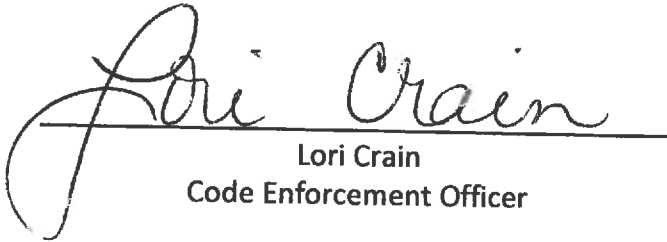
The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

On August 25, 2015, Code Enforcement Officer observed the south side of the drive-through roof flashing of Bank of America at above address to be damaged and under construction. Mr. Jim Hurtak, property owner, was contacted by Code Enforcement Officer on August 26, 2015. Mr. Hurtak advised there was water damage to that side of the roof and was in the process of being repaired. Mr. Hurtak was advised that there were no building permits obtained by the City of Clermont for any construction work at this property and would have until 5:00 PM, Monday, August 31, 2015, to submit engineering plans and apply for the proper permits. Mr. Hurtak advised he would contact the tenants, Bank of America and/or their contractor with this information. As of the date of this Violation Notice, no plans have been submitted, no applications for permits initiated nor any type of communication from the tenants or their agents been received.

**Please contact me at (352)-241-7343 or [lcra@clermontfl.org](mailto:lcra@clermontfl.org) when you comply, so an inspection to determine compliance can be scheduled.**

**You are directed to take action by 4:00 PM, WEDNESDAY, SEPTEMBER 9, 2015.** Failure to remedy the violation within the allotted time will result in a Notice to Appear for a hearing before the Code Enforcement Board.

**By:**

  
Lori Crain  
Code Enforcement Officer

Code Enforcement Board of the  
City of Clermont  
**NOTICE OF HEARING**

**CITY OF CLERMONT,**

Petitioner,

vs.

**HURTAK FAMILY PARTNERSHIP LTD, and**

**690 East Highway 50, LLC,**

Respondents,

**Case No. C2015-000322**

Pursuant to Section 2-206 of the Code of the City of Clermont, Florida, you are hereby called to take notice that a Public Hearing will be conducted in the above-styled cause, pending and undetermined by the Code Enforcement Board on:

**TUESDAY, OCTOBER 20, 2015, AT 6:00 PM**

**at**

**685 West Montrose Street, Clermont, Florida.**

**Council Chambers of City Hall**

The Board will receive testimony and evidence at said Public Hearing and shall make such findings of fact as are supported by the testimony and evidence pertaining to the matters alleged in the Violation Notice. If the violation is corrected and the recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer in his/her Statement of Violation, this case may be presented to the Board even if the violation has been corrected prior to the hearing.

Any letters, lists, pictures of items displayed, presented or handed out at a public meeting for any City Commission, Board, Council or City public meeting, must be left with the recording clerk at the meeting at that time. No cell phone or electronic displays are permitted unless a printed copy is supplied at that time to the recording clerk.

**PLEASE GOVERN YOURSELF ACCORDINGLY.**

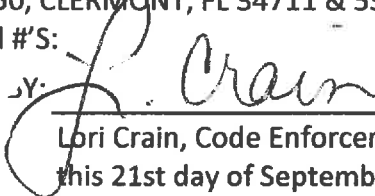
I hereby certify that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Personal Service to Respondent, HURTAK FAMILY PARTNERSHIP LTD, 656 SR 50, CLERMONT, FL 34711; 690 EAST HIGHWAY 50 LLC, 690 E HWY 50, CLERMONT, FL 34711 & 539 CARY AVE, STATEN ISLAND, NY 10310. Certified Mail/Return Receipt Requested #'S:

9171 9690 0935 0112 9879 06

9171 9690 0935 0112 9878 90

9171 9690 0935 0112 9878 83

JY.



Lori Crain, Code Enforcement Officer  
this 21st day of September, 2015

IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PROCEEDINGS, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR THIS PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

**City of Clermont**  
P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219

**VIOLATION NOTICE**

**September 02, 2015**

**Violation # C2015-000337**

**To:** 44 ALMOND INC  
735 ALMOND ST  
SUITE A  
CLERMONT, FL 34711

9171 9690 0935 0112 9872 58

24 HR AIR SERVICE  
735 ALMOND ST  
SUITE B  
CLERMONT, FL 34711

9171 9690 0935 0112 9872 65

**Violation/Property address: 715 ALMOND ST, CLERMONT, FL (ALSO KNOWN AS 735 ALMOND ST)**

**You are hereby notified** that you are in violation of the referenced section of the City of Clermont Code of Ordinances for the parcel located at **715 ALMOND ST-AKA 735 ALMOND ST-PARCEL#302226040000025301**

**Compliance with the Violation(s) listed will be when the following condition(s) are met:**

**WHEN 24 HR AIR SERVICE, CURRENTLY CONDUCTING BUSINESS AT ABOVE ADDRESS HAS APPLIED FOR, PAID THE APPROPRIATE FEES FOR, HAD THE REQUIRED INSPECTIONS FOR, IS APPROVED FOR AND HAS OBTAINED A BUSINESS TAX RECEIPT FROM THE CITY OF CLERMONT.**

**CODE ENFORCEMENT OFFICER RECEIVED COMPLAINT, RESPONDED, INVESTIGATED AND OBSERVED BUSINESS BEING CONDUCTED AT THE ABOVE LOCATION. THERE IS NO RECORD OF A BUSINESS TAX RECEIPT BEEN APPLIED FOR, PAID FOR, NOR REQUIRED INSPECTIONS APPROVED FOR "24 HR AIR SERVICE" AT ABOVE LOCATION IN THE CITY LIMITS OF CLERMONT AS REQUIRED BY CITY CODE OF ORDINANCES.**

**Type of Violation: Sec. 58-116. - Required.**

No person shall engage in any business, profession, occupation, trade, amusement or industry within the city without first having procured a local business tax receipt from the city clerk, which receipt shall be issued to each person on payment of the amount provided for in Section 58-130, and after any such qualifications, licenses, permits or requirements have been met in accordance with federal, state and local regulations.

**Sec. 58-117. - Determination of liability to pay.**

Any sign, advertisement, building occupancy of commercial property, directory listing or activity indicating that a business, calling, profession or occupation is being conducted at a location within the city shall be prima facie evidence that the person is liable for the payment of a local business tax.

**Section 58-118. - Opening business without Business Tax Receipt**

Anyone found to have opened a new business without first obtaining a local business tax receipt shall be assessed a penalty of 25 percent of the regular tax, plus a surcharge of \$100.00 in addition to any delinquent charges that may be applicable.

**Sec. 58-119. - Qualifications of applicants.**

Every applicant for payment of the local business tax must present a certificate of occupancy furnished by the planning and zoning department to the effect that the proposed use is not a violation of the city building or zoning regulations. No local business tax receipt shall be provided to any person for any activity that violates this Code or any applicable state or federal statute.

**Sec. 58-122. - Application for business tax receipt.**

(a) Written application may be required of any person upon payment under this article, which local business tax application shall be in the form prescribed by the city clerk and approved by the council.

(b) If any application to pay the local business tax or renewal thereof does not contain all the required information necessary for a determination of the amount of the local business tax to be imposed on the applying business, the city clerk shall have the option either to withhold issuance of the local business tax receipt or renewal entirely, or to issue the receipt or renewal at the highest rate which could, under all known facts and circumstances, be applied to the business.

**Please contact me at (352)-241-7343 or [lcraim@clermontfl.org](mailto:lcraim@clermontfl.org) when you comply, so an inspection to determine compliance can be scheduled.**

**You are directed to take action by 4:00 PM, FRIDAY, SEPTEMBER 11, 2015. Failure to remedy the violation within the allotted time will result in a Notice to Appear for a hearing before the Code Enforcement Board.**

By:



Lori Crain  
Code Enforcement Officer

Code Enforcement Board of the  
City of Clermont

**NOTICE OF HEARING**

**CITY OF CLERMONT,**

Petitioner

**Case No. C2015-000337**

vs.

44 ALMOND INC, and 24 HR AIR SERVICE,  
Respondents,

Pursuant to Section 2-206 of the Code of the City of Clermont, Florida, you are hereby called to take notice that a Public Hearing will be conducted in the above-styled cause, pending and undetermined by the Code Enforcement Board on:

**TUESDAY, OCTOBER 20, 2015, AT 6:00 PM**

**at**

**685 West Montrose Street, Clermont, Florida.  
Council Chambers of City Hall**

The Board will receive testimony and evidence at said Public Hearing and shall make such findings of fact as are supported by the testimony and evidence pertaining to the matters alleged in the Violation Notice. If the violation is corrected and the recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer in his/her Statement of Violation, this case may be presented to the Board even if the violation has been corrected prior to the hearing.

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**PLEASE GOVERN YOURSELF ACCORDINGLY.**

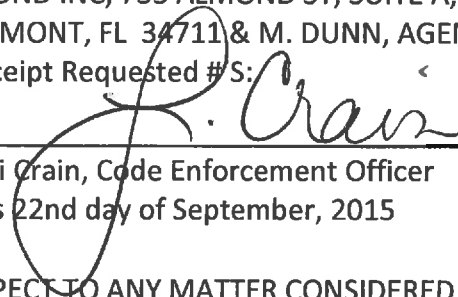
I hereby certify that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Personal Service to Respondent, 44 ALMOND INC, 735 ALMOND ST, SUITE A, CLERMONT, FL 34711; 24 HR AIR SERVICE, 735 ALMOND ST, SUITE B, CLERMONT, FL 34711 & M. DUNN, AGENT, 20725 NE 16<sup>TH</sup> AVE, A21, MIAMI, FL 33179. Certified Mail/Return Receipt Requested #S:

9171 9690 0935 0112 9878 45

9171 9690 0935 0112 9878 52

9171 9690 0935 0112 9878 69

BY:

  
Lori Crain, Code Enforcement Officer  
this 22nd day of September, 2015

IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PROCEEDINGS, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR THIS PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.