Fort Myers Beach Town Council

Bay Oaks Recreation Center
2731 Oak Street
Fort Myers Beach, FL 33931

Minutes **Monday, February 5, 2024** **9:00 AM**

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER
Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King and Council Member Woodson.

II. INVOCATION
Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA
Council Member King moved to approve the final agenda with items D. and I. pulled for discussion; seconded by Mayor Allers.
The motion carried unanimously.

V. PUBLIC COMMENT
Kurt Petry supported the Rude Shrimp and stated he lived on a boat 100 feet away from them and did not hear any disruption or excessively loud music. He noted they were great neighbors and was glad they were there. He thanked the town council for their hard work.
Marcus Free thanked the town council for building the town back. He lived on a boat next to the Rude Shrimp and described how nice the owners were. He did not think that the noise was an issue.
Bill Veach, resident, supported Barbara Hill for the town council position and described her experience. He felt she would be a great asset.
Chris Hayes supported the Rude Shrimp and described his experience riding out the hurricane. He stated that the decibel level of a generator was much louder than the music from the Rude Shrimp.
Steve Johnson, resident, represented the mosquito control district and thanked the town council for their support against the forced merger. He noted that the bill was tabled and was unsure what would happen next.
Grace Workman, resident, asked whether she could build five single-family homes on top of hers for year-round residents to help with increased costs. She

requested that each council member stop by her house to discuss her project. Marty Bartow, resident, questioned what was going on regarding the Outrigger presentation and why it was so far out of right field.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Woodson expressed excitement for the new year and commended everyone for their hard work, resiliency, and positive attitude.
Vice Mayor Atterholt recognized the applicants for the open town council position. He thanked them for their willingness to step into the arena. He thanked the residents and visitors who were utilizing the pedestrian walkover.
Council Member King thanked those who submitted their names to apply for the vacant position on the town council. He appreciated them for stepping up.
No items from Mayor Allers.

A. Proclamation

Mayor Allers read the proclamation to recognize Kim and Ed Ryan as honorary citizens for their ongoing contributions. Mr. Ryan accepted the proclamation. Vice Mayor Atterholt described many of their contributions and thanked them for all they do. Council Member King noted they went above and beyond and thanked them. Council Member Woodson praised Mr. Ryan's interview techniques and appreciated all both have done for the town. Mayor Allers thanked Mr. Ryan for getting accurate information to the public, especially after the hurricane.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

<u>Public Safety Committee</u>

Jim Bougoulas provided an update from their meeting and one topic was how to improve emergency response time after a hurricane. One idea was to establish a two-way communication system with existing code-red subscribers. His presentation included Improve Emergency Response After Hurricanes, How it Can Work for Residents and Guests of FMB, and Next Steps. Mayor Allers suggested expanding the idea to include hotels and how much space would be available to triage people. Council Member Woodson suggested adding short-term rentals and Council Member King suggested contacting the condos.

<u>Marine & Environmental Resources Task Force</u>

Steve Johnson, Chair, noted that MERTF recommended using a herbicide in late March in the EC (Environmentally Critical) zone to eliminate sand spurs and mechanical removal. They recommended the removal of Australian Pines in the EC zone and on private property with permission. They also recommended a limited use of a herbicide to paint larger stumps. Mr. Johnson commented on the appointment of a new commissioner on the mosquito board.

VIII. APPROVAL OF MINUTES

A. Town Council - January 22, 2024

No recording.

IX. CONSENT AGENDA

Council Member Woodson moved to approve the consent agenda with items D. and I. pulled for discussion; seconded by Council Member King.
The motion carried unanimously.

A. Resolutions 24-23 through 24-26; Extending State of Local Emergency Hurricane Ian

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Woodson moved to approve the resolution; seconded by Council Member King.
The motion carried unanimously.

B. Resolutions 24-27 through 24-30; Extending State of Local Emergency Hurricane Idalia

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO HURRICANE IDALIA; PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE.

Council Member Woodson moved to approve the resolution; seconded by Council Member King.
The motion carried unanimously.

C. Resolution 24-21; Amendment #2 to Permissive Use License Agreement

A RESOLUTION AMENDING THE PERMISSIVE USE LICENSE AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH AND THE FORT MYERS BEACH FIRE CONTROL DISTRICT FOR USE OF DISTRICT PROPERTY AS A TOWN HALL UNTIL MARCH 31, 2024; AND PROVIDING AN EFFECTIVE DATE.

Council Member Woodson moved to approve the resolution; seconded by Council Member King.
The motion carried unanimously.

D. <u>Resolution 24-22: 2024 Sheriff Traffic Detail</u>

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, TO RATIFY AND APPROVE A CONTRACT AGREEMENT WITH LEE COUNTY SHERIFF'S OFFICE FOR EXTRA-DUTY TRAFFIC DETAIL SERVICES IN THE AMOUNT OF $68,800; AND PROVIDING FOR AN EFFECTIVE DATE.

The recording skipped the discussion. Council Member Woodson questioned the status of training staff to assist in traffic control. Operations and Compliance Director Frankie Kropeck replied that training would start in a week.

Council Member King moved to approve the resolution; seconded by Council Member Woodson.
The motion carried unanimously.

E. <u>Resolution 24-32, Special Magistrate Services</u>

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF ADMINISTRATIVE HEARINGS AND MONICA SCHMUCKER FOR SPECIAL MAGISTRATE SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Woodson moved to approve the resolution; seconded by Council Member King.
The motion carried unanimously.

F. <u>Resolution 24-31; Stewart Materials</u>

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A SOLE SOURCE PURCHASE AGREEMENT BETWEEN THE TOWN AND STEWART MINE MATERIALS FOR THE PURCHASE OF 170,000 TONS OF BEACH COMPATIBLE SAND FOR $2,014,500.00 AS A SOLE SOURCE PROVIDER; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Woodson moved to approve the resolution; seconded by Council Member King.
The motion carried unanimously.

G. <u>Special Event - Shrimp Festival Parade</u>

Approve the special event permit for the 2024 Shrimp Festival 5K run and parade, contingent on approval of FDOT, FMB Fire District, Lee County Sheriffs Office regarding the event and closure of the Matanzas Pass Bridge.

Council Member Woodson moved to approve the resolution; seconded by Council Member King.
The motion carried unanimously.

H. Persaud Properties FL Investments LLC

Authorize the Town Manager to execute approval of the Letter of Credit received from Persaud Properties, LLC as required by paragraph 3 of the Settlement Agreement between Persaud Properties, LLC and the Town of Fort Myers Beach, dated December 27,2023.

Council Member Woodson moved to approve the resolution; seconded by Council Member King.
The motion carried unanimously.

I. Settlement Agreement

Approve and Authorize the Mayor to Execute a Settlement Agreement with Florida Audubon Society, Squeeze Me Inn, LLC and Texas Hold'Em, LLC related to Case No. 23-CA-5506, Filed in the Twentieth Judicial Circuit, In and For Lee County, Florida.

Town Attorney Stuparich explained the reason for the action and recommended that the town consider approving it.

Council Member King moved to approve the agreement; seconded by Council Member Woodson.
The motion carried unanimously.

X. PUBLIC HEARINGS

Town Clerk Baker stated the items were properly noticed. Mayor Allers disclosed a conflict of interest with item A. Town Clerk Baker swore in those providing testimony.

A. Ordinance 24-01; Amendment to revise previously approved conditions of approval contained in ord. 18-04 and 23-09

Second Reading and Public Hearing of an Ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING TOWN OF FORT MYERS BEACH ORDINANCE NO. 18-04, AND AMENDING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 1170, 1180/1192, 1204/1206 ESTERO BLVD., 251 CRESCENT ST., 1150 FIFTH ST. AND UNADDRESSED PARCELS, PARCELS GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0070 (MCP PARCEL #3), 24-46-23-W3-00006.0000 (MCP PARCEL #1), 24-46-23-W3-00206.0060 (MCP PARCEL #1), 24-46-23-W3-00009.0000 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0494.2609 (MCP PARCEL #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP PARCEL #2), 19-46-24-W4-0140B.0070 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0496.2608 (MCP PARCEL #2), AND 19-46-24-W4-U0498.2607 (MCP PARCELS #2 AND #6) FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Ex parte communications: Vice Mayor Atterholt had a conversation with the owner. No disclosures from other

members. The applicant confirmed receipt of the agenda and materials.
Community Development Planner Sarah Propst reviewed the background of the request as stated in the blue sheet and described the changes made.
She indicated that the LPA (Local Planning Agency) unanimously recommended approval.
Tom Torgerson, applicant, indicated that the LPA spent a lot of time on the issue and did a great job tweaking their request. He was available for questions.
No public comment.

Vice Mayor Atterholt moved to approve the ordinance; seconded by Council Member King.
The motion carried ~~3-1 by roll call vote~~ 3-0 by roll call vote as amended 2.20.24 with Mayor Allers abstaining.

B. Ordinance 24-02; DCI Rezoning 20230160, 1301 Estero Blvd

Second Reading and Public Hearing of an Ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR THE PROPERTY LOCATED AT 1301 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W4-0060B.0160 FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Ex parte communications: Mayor Allers and Council Member Woodson were familiar with the property. No disclosures from other members. The property owner confirmed receipt of the agenda and materials.
Planner Propst reviewed the background of the request as stated in the blue sheet. She noted the LPA recommended approval with conditions. She indicated that the new master plan was in the file, which included the new dumpster location.
Ken Delander, Certified Planner, distributed his presentation after adding slides to the original presentation. The new slides included the New Orientation of the Dumpster, the Turning Movements to Access the Dumpster, and a Representation of Plantings for a Type A Buffer on Santos. He stated they would increase the dumpster height per deviation eight and agreed with the staff report recommendations. All town council members thanked Mr. Delander and the group for listening to the public and doing a great job.
No public comment.

Council Member King moved to approve the ordinance; seconded by Council Member Woodson.
The motion carried unanimously by roll call vote.

XI. ADMINISTRATIVE AGENDA

A. Resolution 24-34; Boxx Modular

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION BY THE TOWN REGARDING LEASING OF FURNITURE FOR USE IN TOWN HALL; APPROVING THE LEASE WITH BOXX MODULAR FOR 48 MONTHS AT A MONTHLY RENTAL RATE OF $2,586.00 AND A ONE TIME INSTALLATION AND DELIVERY FEE OF $11,050.00; AND PROVIDING AN EFFECTIVE DATE.

Director Kropocek stated this was a continuance to set up the trailers. Mayor Allers read the title of the resolution.

Council Member King moved to approve the resolution; seconded by Council Member Woodson.
The motion carried unanimously.

B. Resolution 24-33; Ratify Renewal of Annual Granicus Software Subscription

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH RATIFYING THE APPROVAL AND PAYMENT OF AN ANNUAL GRANICUS SOFTWARE SUBSCRIPTION FOR USE WITH THE TOWN'S SHORT-TERM RENTAL PROGRAM PURSUANT TO THE TERMS AND CONDITIONS OF THE EXISTING UNEXPIRED HOST AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Finance Director Joe Onzick explained the reason why the software was needed and why the payment was missed. He stated there was no late charge and revenue from the short- term rental program paid the invoice. Director Kropocek described how the software worked.

Council Member Woodson moved to approve the resolution; seconded by Mayor Allers.
The motion carried unanimously.

C. Resolution 24-35; Angie Brewer & Associates Inc.

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, APPROVING A FIRST AMENDMENT TO AN AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH AND ANGIE BREWER & ASSOCIATES, INC. TO EXTEND THE TERM OF THE CONSULTANT AGREEMENT FOR FUNDING MANAGEMENT SERVICES FOR SRF OR OTHER GRANTS AND OR LOANS AVAILABLE TO THE TOWN, TO JUNE 9, 2024 BY THE EXERCISE OF ONE OF TWO RENEWAL OPTIONS; APPROVING SUPPLEMENTAL TASK AUTHORIZATION NO. 4 FOR THE UNINTERRUPTED CONTINUATION OF THESE SERVICES; AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT AND SUPPLEMENTAL TASK AUTHORIZATION AND THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Director Onzick revealed that Angie Brewer & Associates had worked for the town for over a year without a contract and payment. He explained that the agreement would make them whole and continue their services through June 9, 2024. Vice Mayor Atterholt questioned whether the cost was reasonable. Director Kopocek replied that it was absolutely reasonable and described why.

Vice Mayor Atterholt moved to approve the resolution; seconded by Council Member Woodson.
The motion carried unanimously.

XII. FINAL PUBLIC COMMENT

No public comment.

XIII. TOWN MANAGER'S ITEMS

Town Manager Hyatt expected the trailers to be ready for their March meeting and explained what was left to do. The PIO (Public Information Officer) search was ongoing. He felt the meetings in Tallahassee were fruitful and he indicated that he, Mayor Allers and Director Kropocek were going to Washington to talk about funding that the town never applied for. A meeting will be held next week regarding the Tier 1 project and Director Kropocek stated the town was committed to completing the project. Information will be uploaded to the town's website. He added that the town was working on a solution concerning the unsafe structures in the town. There was no update from FP&L (Florida Power & Light) but there was a meeting scheduled on Friday.

XIV. TOWN ATTORNEY'S ITEMS

No items.

XV. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Woodson stated that she would present the town's resolution to the Lee County Commissioners and the TDC (Tourist Development Council).
No items from other members.

A. Filling of Vacancy

Town Attorney Stuparich reviewed the appointment process.
Jim Boan discussed his experience and skills and stated why he would like to serve on the town council.
Barbara Hill noted her application, resume and interview with Ed Ryan spoke to her interest in filling the vacancy and working with the team.
Sal Pedone expressed his love of the town and mentioned his vast experiences and talent for analyzing problems.
Ed Schoonover stated that he previously told council members how he felt and had nothing to add.
Scott Safford was not in attendance.
Town Council members voted for their preference.

Town Attorney Stuparich stated that Mr. Safford received two votes, which was not a majority. A second vote was taken with the same results. Town Manager Hyatt suggested that a public interview with council members might be helpful. Town Attorney Stuparich agreed.
Scott Safford arrived and described how critical the next few months would be. He felt his previous experience with the LPA and the Margaritaville CPD would help the town council.
A third vote was taken with no change.
Town Attorney Stuparich reviewed the options to move forward.

Mayor Allers moved to schedule a special meeting after the M&P meeting on the 15th with the five applicants; seconded by Council Member Woodson.
The motion carried unanimously.

XVI. ADJOURNMENT

Council Member King moved to adjourn; seconded by Mayor Allers.
The motion carried unanimously.

The meeting was adjourned at 11:11 a.m.

Minutes adopted as amended, February 20, 2024. Motion by Council Member King and seconded by Mayor Allers. Passed 4-0.

Amy Baker, Town Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Allers Daniel Lee	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town of Fort Myers Beach Council
MAILING ADDRESS 5485 Avenida Pescadora	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Fort Myers Beach COUNTY: Lee	NAME OF POLITICAL SUBDIVISION: Mayor Town of Fort Myers Beach
DATE ON WHICH VOTE OCCURRED 2/5/24	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Dan Allers, hereby disclose that on 2/5/24, 20 24:

(a) A measure came or will come before my agency which (check one or more)

X inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, Tom Ryan;

___ inured to the special gain or loss of my relative, ___;

___ inured to the special gain or loss of ___, by whom I am retained; or

___ inured to the special gain or loss of ___, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

We have a golf cart business contract with the Applicant.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2/5/24
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.