



Fort Myers Beach Special Magistrate Hearing

Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931

Minutes

Tuesday, October 7, 2025

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Present: Town Clerk Administrative Coordinator Lizzette Roman and Special Magistrate Monica Schmucker.

II. APPROVAL OF MINUTES

A. September 3, 2025

Special Magistrate Schmucker approved the minutes.

III. COMPLIANCE CASES (STATUS UPDATE)

Special Magistrate Schmucker swore in those providing testimony.

A. FMB Case No.: 20250344

Property Owner: Little Conga LLC

Property Address: 5531 Estero Blvd

Status: Property Maintenance (Pool)

Officer Chavez inspected the property on August 26, 2025, and reported that the property was in compliance. The respondent repaired the fence to secure the pool and photos were included with the affidavit of compliance.

Officer Chavez asked that it be submitted into evidence.

Special Magistrate Schmucker confirmed the respondent was not in attendance. She admitted the evidence into the record.

The town requested an administrative fee of \$250.00 and an order imposing a \$200.00 fine per day because the property was not in full compliance by August 25, 2025.

Special Magistrate Schmucker clarified that the order was entered on August 11, 2025, and since they did come into compliance, she will not impose a fine; however, they will have to pay the administrative fee.

B. FMB Case No.: 20240743**Property Owner: Sullivan Scott B****Property Address: 190 Bayview Ave****Violation: Construction of a wood deck and/or structure outside the scope of work on permit #236648**

Special Magistrate Schmucker confirmed the respondent was not in attendance.

Officer Weich reported that the respondent has not received their permit for the tiki hut or raised decking as of October 7, 2025. The permit was submitted and is waiting for resubmittal status. A letter of rejection was sent to the contractor and property owner on September 15, 2025. Officer Weich emailed the property owner a copy of the rejection letter and the code order from the previous hearing, and reminded him of the status hearing. She has not heard back from him. On October 4, 2025, the deck and structure were still in place and the violation still exists. She indicated that the administrative fees have not been paid to date. She submitted an affidavit of non-compliance and photos as evidence. The town requested daily fines starting from September 30, 2025. Special Magistrate Schmucker entered exhibits into the record.

Special Magistrate Schmucker found that Mr. Sullivan has not come into substantial compliance with the order on September 15, 2025, and issued an order imposing a daily fine of \$150.00 effective October 1, 2025, until he shows compliance. She added that it was up to Mr. Sullivan to notify the town when compliance is achieved. She ordered a \$250.00 administrative fee.

C. FMB Case No.: 20250119**Property Owner: Cummings Mary K & Driscoll Steven S****Property Address: 280 Fairweather Ln****Violation: Property Maintenance**

Special Magistrate Schmucker confirmed the respondent was not in attendance.

Officer Hoffman reported that he inspected the property on October 6, 2025, and it was not in compliance. The vehicle's registration, which was parked on the property, expired in January 2025. The property owner repaired the fallen fence on the right side of the structure, which secured the pool in the rear of the property. The backyard was not visible during the inspection after the fence was fixed, so he could not testify to its condition. The roof and other portions of the structure were still in disrepair. He submitted photos and documents as exhibits into the record. Special Magistrate Schmucker admitted the exhibits into the record. The respondents were ordered to bring the property into compliance by September 24, 2025.

The town requested an administrative fee of \$250.00 and a daily fine of \$250.00, effective September 24, 2025, until they come into compliance. Special Magistrate Schmucker imposed an administrative fee of \$250.00 and \$150.00 per day, effective September 25, 2025, until he comes into compliance. The burden is on the respondent to notify the town when compliance is achieved.

D. FMB Case No.: 20250067**Property Owner: Starlite Property Investments****Property Address: 132 Andre Mar Dr****Violation: Property Maintenance**

Special Magistrate Schmucker confirmed the respondent was not in attendance.

Officer Hoffman inspected the property on October 6, 2025, and found it was still not in compliance. The pool was not properly fenced and contained stagnant water. The respondents were ordered to come into compliance by September 24, 2025. He submitted photos and documents as exhibits to be entered into the record. Special Magistrate Schmucker entered the exhibits into the record.

The town requested an administrative fee of \$250.00 and a daily fine of \$200.00, effective September 24, 2025, until the property is in compliance. Special Magistrate Schmucker ordered a fine of \$200.00 per day, effective September 25, 2025, and an administrative fee of \$250.00. The burden will be on the respondent to contact the town when compliance is achieved.

E. FMB Case No.: 20250115**Property Owner: Bayview Life Inc****Property Address: 16 Bayview Blvd****Violation: Property Maintenance**

Special Magistrate Schmucker confirmed the respondent was not in attendance.

Officer Chavez inspected the property on October 7, 2025, and found it to be not in compliance. The pool was cleaned and is in working condition; however, the enclosure has not been repaired. He submitted photos and documents to be entered as exhibits into evidence. The respondent was ordered to bring the property into compliance by December 24, 2025, and March 16, 2025. Special Magistrate Schmucker entered the exhibits into the record.

The town requested an administrative fee of \$250.00 and a daily fine of \$250.00 be imposed as of September 24, 2025.

Special Magistrate Schmucker found a violation existed and ordered that a daily fine of \$200.00 be imposed beginning on September 25, 2025 and will accrue each day until the property is in compliance. The respondent must notify the town when compliance is achieved. She imposed an administration fee of \$250.00.

F. FMB Case No.: 20250372**Property Owner: Dinon Marie S L/E****Property Address: 3111 Shell Mound Blvd****Violation: Property Maintenance**

Special Magistrate Schmucker confirmed that the respondent was not in attendance.

Officer Weich inspected the property on September 23, 2025, and observed demolition of the house. The respondent was in compliance and the administrative fee has been paid. She submitted photos and documents as an exhibit for the record. Special Magistrate Schmucker entered the exhibit

into the record.

Special Magistrate Schmucker found that the respondent brought the property into compliance and no fine will be imposed. She will issue an order of compliance.

G. FMB Case No. 20250540

Property Owner: Yeaa LLC

Property Address: 1901 Estero Blvd

Status: Unsafe Structure

Special Magistrate confirmed that the respondent was in attendance.

Officer Hoffman inspected the property on October 6, 2025, and found that it was not in compliance. He listed some items in disrepair, which made it an unsafe structure and a safety concern. The property was ordered to be in compliance by September 10, 2025. He submitted photos and documents as exhibits for the record. Special Magistrate Schmucker admitted the exhibits into the record. The respondent acknowledged receipt of the exhibits.

The town requested an administrative fee of \$250.00 and a daily fine of \$250.00 from September 10, 2025, until compliance is achieved.

James Ink represented the property owner and noted that they were in final review with the town for a development order to rebuild the structure. He indicated that some windows and a door were boarded up. A demo permit was applied for around August 22, 2025, and they received the fire permit in late September. The town informed the contractor that his information was not on file, even though it was submitted with the demo permit in August. It was resubmitted yesterday, and the property owner applied for a fence permit, but it was rejected because he applied as an owner-builder with a commercial building.

Officer Hoffman stated that the left side of the structure was exposed and was a safety hazard.

Mr. Ink stated that the fence will surround the property. Officer Hoffman indicated they have been in contact with the respondent since May and that the respondent had plenty of time to secure the property.

Special Magistrate Schmucker found that they were in violation and ordered an administrative fee of \$250.00. She will impose a fine after she reviews the documents.

Officer Hoffman revealed that the contractor had not submitted his documentation.

H. FM Case No.: 20241183

Property Owner: Katta Dan IV LLC

Property Address: 5530 Palmetto St

Status: Property in disrepair

Special Magistrate Schmucker confirmed that the respondent was not in attendance.

Officer Hoffman inspected the property on October 6, 2025, and reported the property was in compliance. The property was ordered to be in compliance by August 25, 2025. He submitted evidence as exhibits that the property was

not in compliance by August 25, 2025, and the date they came into compliance. Special Magistrate Schmucker entered the exhibits into the record.

The town requested an administrative fee of \$250.00 and a daily fine of \$125.00, to be imposed from the compliance date of August 25, 2025, through September 25, 2025.

Special Magistrate Schmucker found that the respondent did not comply with the order to bring the property into compliance by August 25, 2025, but has since come into full compliance. She imposed the daily fine of \$125.00 beginning August 26, 2025, through September 24, 2025, and an administrative fee of \$250.00.

IV. VIOLATION CASES

A. FMB Case # 20250560

Property Owner: Lopez Mario A Pinto & Traitel Ana

Property Address: 8100 Lagoon Rd

Violation: Work without a Permit

Special Magistrate Schmucker confirmed that the respondent was not in attendance.

Officer Weich stated that all the documents were attached to the agenda as exhibits and asked that they be accepted into evidence. Special Magistrate Schmucker entered the exhibits into evidence. Officer Weich described the documents in the exhibits as stated on the red sheet.

On June 18, 2025, Officer Weich observed work done without permits, including building a structure in the backyard of the property. She reinspected the property on September 4, 2025, and it was still in violation. No permits have been applied for and the property owners were given 30 days to come into compliance, which was on or before July 22, 2025. The town asked that an order be issued. On October 4, 2025, another inspection revealed that the property was still in noncompliance, but permits were applied for on September 30, 2025. The town was waiting for the required documents. Officer Weich described documents in Exhibit E and submitted them for the record. Special Magistrate Schmucker admitted the exhibit into evidence.

The town requested an administrative fee of \$250.00 and requested that the property owner be given 10 days to comply by submitting the required documents. If the violations are not abated, the town requested a daily fine of \$250.00 until they come into compliance.

Special Magistrate Schmucker found a violation had occurred and ordered an administrative fee of \$250.00 and will schedule a status conference to determine compliance at the next hearing. If the documents are not submitted by October 21, 2025, a fine will be determined at that time.

B. FMB Case No.: 20250674**Property Owner: Eckmann Douglas H & Swayze Eckmann Courtney****Property Address: 120 Sabal Dr****Status: Property Maintenance**

Special Magistrate confirmed that the respondent was not in attendance. Officer Chavez stated that all the documents were attached to the agenda as exhibits and asked that they be accepted into evidence. Special Magistrate Schmucker entered the exhibits into evidence. Officer Chavez described the documents in the exhibits as stated on the red sheet.

On July 2, 2025, Officer Chavez observed weeds. He reinspected the property on August 21, 2025, and the violation still existed. The respondents were given 30 days to bring the violation into compliance, which was on or before August 2, 2025. As of September 20, 2025, the property was in compliance. Officer Chavez described the documents in Exhibit E and submitted them for the record. Special Magistrate Schmucker admitted the exhibit into evidence.

The town requested an administrative fee of \$250.00.

Special Magistrate Schmucker issued an order of violation and will not impose a fine, but will impose an administrative fee of \$250.00.

C. FMB Case No.: 20250681**Property Owner: Rodeheffer Sean M****Property Address: 130 Sabal Dr****Status: Property Maintenance**

Special Magistrate Schmucker confirmed that the respondents were not in attendance.

Officer Chavez stated that all the documents were attached to the agenda as exhibits and asked that they be accepted into evidence. Special Magistrate Schmucker entered the exhibits into evidence. Officer Chavez described the documents in the exhibits as stated on the red sheet. On July 2, 2025, Officer Chavez observed weeds. The property was reinspected on August 21, 2025, and remained in violation. The property owner was given 30 days to come into compliance, which was on or before August 2, 2025. As of October 3, 2025, the property is in compliance. Officer Chavez submitted Exhibit E for the record. Special Magistrate Schmucker admitted Exhibit E. The town requested an administrative fee of \$250.00.

Special Magistrate Schmucker found a violation existed and will issue an order, but will not impose a fine. She imposed an administrative fee of \$250.00.

D. FMB Case No.: 20250341**Property Owner: Drebes Lawrence T Jr TR for Drebes Family Trust****Property Address: 5850 Estero Blvd****Status: Property Maintenance**

Special Magistrate Schmucker confirmed that the respondent was not in attendance.

Officer Chavez stated that all the documents were attached to the agenda as exhibits and asked that they be accepted into evidence. Special Magistrate

Schmucker entered the exhibits into evidence. Officer Chavez described the documents in the exhibits as stated on the red sheet.

On April 10, 2025, Officer Chavez observed swimming pools and in-ground swimming pools. On April 29, 2025, the property remained in violation and was given 10 days to bring it into compliance, on or before April 20, 2025. On October 3, 2025, the violation continued to exist. Officer Chavez submitted Exhibit E to be entered into the record. Special Magistrate Schmucker admitted Exhibit E.

The town requested an administrative fee of \$250.00.

Special Magistrate Schmucker clarified that there was a significant gap in the enclosure. She issued an order of violation and gave the respondents until October 21, 2025, to come into compliance. A status hearing will be on November 4, 2025, and a fine will begin to accrue on October 21, 2025, if compliance is not achieved. She ordered an administrative fee of \$250.00.

E. FMB Case No.: 20250675

Property Owner: MSV Holding Trust Corp

Property Address: 140 Flamingo St

Status: Property Maintenance

Special Magistrate Schmucker confirmed that the respondent was not in attendance.

Officer Hoffman stated that all the documents were attached to the agenda as exhibits and asked that they be accepted into evidence. Special Magistrate Schmucker entered the exhibits into evidence. Officer Hoffman described the documents in the exhibits as stated on the red sheet.

On June 28, 2025, Officer Hoffman observed high weeds and an accumulation of rubbish and debris. The property was reinspected on September 9, 2025, and the property was still in violation. The violation was issued on July 2, 2025, and given 30 days to come into compliance, which was on or before August 2, 2025. As of October 6, 2025, nothing has been done. Officer Hoffman described the contents of Exhibit E and submitted it for the record. Special Magistrate Schmucker admitted Exhibit E into the record. The town requested an administrative fee of \$250.00 and a daily fine of \$100.00 until the violations are abated.

Special Magistrate Schmucker issued an order to come into compliance by October 17, 2025, and a daily fine of \$100.00 will be imposed thereafter. She ordered an administrative fee of \$250.00. A status conference will be on November 4, 2025.

V. CERTIFICATION OF LIEN(S) (NON-COMPLIANCE)

No liens.

VI. COMPLIANCE CASES (STATUS UPDATE)

No cases.

VII. LIEN FORECLOSURE CASES

No cases.

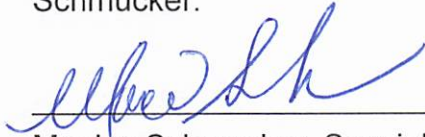
VIII. BUILDING OFFICIAL APPEALS

No appeals.

IX. ADJOURNMENT

Special Magistrate Schmucker adjourned the hearings at 10:40 A.M.

Minutes adopted as presented on November 4, 2025, by Special Magistrate Schmucker.



Monica Schmucker, Special Magistrate