



Fort Myers Beach Special Magistrate Hearings

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

Minutes

Tuesday, November 4,
2025

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Present: Code Enforcement Manager Michael Hauserman, Town Clerk Administrative Coordinator Lizzette Roman, and Special Magistrate Monica Schmucker.

II. APPROVAL OF MINUTES

A. October 7, 2025

Special Magistrate Schmucker approved the minutes.

III. VIOLATION CASES

Special Magistrate Schmucker swore in those providing testimony.

A. FMB Case # 20251033

Property Owner: Jarrell Robert III & Jarrell Robin D

Property Address: 150 Hibiscus Dr

Status: Property Maintenance

Officer Hoffman noted that the documentation was attached as exhibits and he asked that they be accepted into evidence. Special Magistrate Schmucker accepted them. She verified that the respondents were not present.

On September 29, 2025, Officer Hoffman observed garbage and overgrowth of grass or weeds throughout the property. The initial notice of violation and hearing was issued on September 30, 2025, and the respondent was given 30 days to come into compliance. He reinspected the property on October 29, 2025, and November 3, 2025, and the violation still existed. The property owners were directed to contact the code enforcement department to correct the violations, but they have not yet done so. He described the contents of Exhibit C and asked that it be entered as evidence. Special Magistrate Schmucker accepted the exhibit.

The town requested a finding of violation, an administrative fee of \$250.00 and a \$100.00 daily fine to be imposed until all violations are abated.

Special Magistrate Schmucker found a violation existed and allowed the respondents two weeks to achieve compliance. She will order a \$250.00 administrative fee and if the property does not come into compliance within two weeks, a daily fine of \$100.00 will be imposed.

B. FMB Case # 20251030

Property Owner: Ekonomiuk Radoslaw & Wesolowska Iwona

Property Address: 156 Hibiscus Dr

Status: Property Maintenance

The property was verified to be in full compliance prior to the hearing.

No further action was taken.

C. FMB Case # 20251032

Property Owner: Hall Peggy Craft L/E

Property Address: 161 Hibiscus Dr

Status: Property Maintenance

Officer Hoffman noted that the documentation was attached as exhibits and he asked that they be accepted into evidence. Special Magistrate Schmucker accepted them. She verified that the respondents were not present.

On September 29, 2025, Officer Hoffman observed overgrown weeds and the in-ground swimming pool was not properly fenced and contained stagnant water. He submitted Exhibit C as evidence.

He reinspected the property on October 29, 2025, and November 3, 2025, and the pool violation still existed. The overgrown weeds violation was abated and the orange temporary fencing has been repaired and reinstalled. The property was still in violation because the fencing was temporary and the pool still contained stagnant water.

The town requested a finding of violation and an administrative fee of \$250.00. The town asked for an additional 30 days to bring the property into full compliance; otherwise, a daily fine of \$250.00 will be imposed until compliance is achieved.

Special Magistrate Schmucker found a violation existed. She imposed an administrative fee of \$250.00 and granted 30 days to come into compliance. A status conference will be set for the next hearing to determine whether fines will be imposed.

D. FMB Case # 20251034

Property Owner: Traitel Ana & Lopez Mario A Pinot

Property Address: 167 Hibiscus Dr

Status: Property Maintenance

Officer Hoffman noted that the documentation was attached as exhibits and he asked that they be accepted into evidence. He asked that Exhibit B be accepted. Special Magistrate Schmucker accepted the exhibits. She verified that the respondents were not present.

Officer Hoffman revealed that the violation for an accumulation of rubbish or garbage had been abated.

The initial notice of violation and notice of hearing were issued on September 30, 2025, with a 30-day compliance period.

Manager Hauserman noted that permits for the front door and one window were issued. The other windows referenced in the case were not permitted. The town requested a finding of violation, an administrative fee of \$250.00 and a 45-day extension to come into compliance. If compliance is not achieved, a \$250.00 daily fine will be requested.

Special Magistrate Schmucker found a violation existed. She imposed an administrative fee of \$250.00 and granted 45 days to come into compliance. A status conference will be set for the January hearing to determine whether fines will be imposed. If the respondent comes into compliance with the timeframe, the status conference will not be needed.

E. FMB Case # 20250858

Property Owner: Yzaguirre Cynthia O L/E

Property Address: 4963 Estero Blvd

Status: Property Maintenance

The property was verified to be in full compliance prior to the hearing.

No further action was taken.

F. FMB Case # 20250814

Property Owner: Open Doors 4U Investments LLC

Property Address: 8000 Lagoon Rd

Status: Property Maintenance

The property was verified to be in full compliance prior to the hearing.

No further action was taken.

G. FMB Case # 20250899

Property Owner: Craven James R & Marilynn A

Property Address: 225 Fairweather Ln

Status: Property Maintenance

The property was verified to be in full compliance prior to the hearing.

No further action was taken.

H. FMB Case # 20250793

Property Owner: Westfield Development LTD

Property Address: 360 Seminole Way

Status: Property Maintenance

The property was verified to be in full compliance prior to the hearing.

No further action was taken.

I. FMB Case # 20250888

Property Owner: Wilcox Lance

Property Address: 1339 Santos Rd

Status: RV without permit

Continued to December.

J. FMB Case # 20250813**COMPLIANT****Property Owner: Deborah Therese Beck****Property Address: 5455 Avenida Pescadora****Status: Dry Flood Proofing Panels**

The property was verified to be in full compliance prior to the hearing.

No further action was taken.

IV. STATUS UPDATE (FINE ASSESSMENTS)A. FMB Case # 20240736**Property Owner: Robertson Christopher & Robertson Shannon****Property Address: 4855 Dolphin Ln****Violation: Work without a permit**

Officer Weich noted that the property owner abated the violations and paid the \$250.00 administrative fee. She presented Exhibit A to be entered into the record. Special Magistrate Schmucker accepted the exhibit and will issue an order of compliance.

B. FMB Case # 20240691**Property Owner: Rukavina Andrew J****Property Address: 5560 Avenida Pescadora****Violation: Work without a permit**

Officer Weich reinspected the property on October 30, 2025, and the violation still existed. The property owner has not received a permit and has not paid the \$250.00 in administrative fees. She requested that Exhibit A be accepted into the record. Special Magistrate Schmucker accepted the exhibit.

The town asked for a finding of noncompliance with an order to pay the \$250.00 administrative fee. The town also requested a daily fine of \$250.00 from the order of compliance date of October 31, 2025, until full compliance is met. The property owner needs permits for the brick paver driver, the pillars and the driveway gate. The property owner applied for a driveway gate but did not include the other items.

Special Magistrate Schmucker issued an order of noncompliance as of October 31, 2025, and ordered that the \$100.00 fine will begin on November 1, 2025, and continue until the violation is abated. The property owner will contact the town when they achieve compliance.

C. FMB Case # 20240936**Property Owner: Giesey Bryce E & Barbara A****Property Address: 126 Anchorage St****Violation: Work without a permit**

Officer Weich reinspected the property on October 30, 2025, and the violation still existed. The property owner has not received a permit and has not paid the \$250.00 in administrative fees. She requested that Exhibit A be accepted into the record. Special Magistrate Schmucker accepted the exhibit. They have a permit, but they did work that was not part of that permit. They will have to revise the permit or apply for a new one.

The town requested a finding of noncompliance, an administrative fee of \$250.00 and that a daily fine of \$200.00 be imposed from the compliance date of October 31, 2025, until full compliance is met.

Mr. Giesey applied for a permit in 2018 to raise the home, install a new slab, and add new decks. He completed all the work before Hurricane Ian. He received another permit and decided to rebuild the house after the hurricane. He spoke with Building Official Joe Specht and they decided to combine both permits, which was noted on the inspection report. All the inspections have been done and the house is almost complete. He hired a structural engineer three weeks ago and submitted a letter to the town. He provided Kelly with a certificate of elevation and specifications for the bathroom on the lower level. He revealed that Mr. Specht abandoned the second permit, which is why it was not in the system.

Officer Weich noted that the permits were exactly as Mr. Giesey said. Manager Hauserman suggested that the matter be continued to the December hearing. A meeting with the building official will be scheduled to discuss the issue.

Special Magistrate Schmucker issued an order of continuance and scheduled a status conference in December. She will not impose the fine.

D. 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 present.

Officer Weich reinspected the property on October 22, 2025, and the violation still existed. The property owner has not received a permit for the carport, although they applied for one, which is awaiting resubmittal. They have not paid \$250.00 in administrative fees. She requested that exhibits be accepted into the record. Special Magistrate Schmucker accepted the exhibits.

The town requested a finding of noncompliance, an administrative fee of \$250.00 and a daily fine of \$150.00 from October 21, 2025, until full compliance is met.

Special Magistrate Schmucker issued an order imposing a fine, effective October 22, 2025, until compliance is achieved and an administrative fee of \$250.00. The respondent shall contact the town upon compliance.

E. FMB Case # 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 present.

Officer Chavez reinspected the property on October 31, 2025, and the violation still existed. They had until October 21, 2025, to achieve compliance. The respondent has not contacted the town.

The town requested a daily fine of \$250.00 until compliance is achieved. Special Magistrate Schmucker imposed a fine of \$200.00 per day beginning October 22, 2025, and imposed a \$250.00 administrative fee.

The respondent shall contact the town upon compliance. If the town must install a pool barrier, the cost will be borne by the respondent.

F. FMB Case # 20250675

Property Owner: MSV Holding Trust Corp

Property Address: 140 Flamingo St

Status: Property Maintenance

Officer Hoffman reinspected the property on November 3, 2025, and the violation still existed. The respondents were directed to come into compliance by October 17, 2025. He submitted Exhibit A to be entered into the record. Special Magistrate Schmucker accepted the exhibit.

The town requested that the \$250.00 administrative fee be ordered and a \$100.00 daily fine be imposed starting on October 18, 2025, until compliance is achieved.

Special Magistrate Schmucker issued an order that the daily fine of \$100.00 would begin on October 18, 2025, and ordered that the \$250.00 administrative fee be paid. The respondent will contact the town when they come into compliance.

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

No liens.

VI. **LIEN FORECLOSURE CASES**

No cases.

VII. **BUILDING OFFICIAL APPEALS**

No appeals.

VIII. **ADJOURNMENT**

Special Magistrate Schmucker adjourned the meeting at 10:06 AM.

Minutes adopted as presented on December 2, 2025, by Special Magistrate Schmucker.



Monica Schmucker, Special Magistrate