



Fort Myers Beach Special Magistrate Hearing

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

Agenda

Thursday, May 7, 2026

2:00 PM

ORDER OF BUSINESS

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES
- III. VIOLATION CASES
- IV. STATUS UPDATE (FINES ASSESSMENTS)
 - A. FMB Case # 20251060
Property Owner: Danny Lewis & Carol Jean Thomas
Property Address: 151 Miramar St
Violation: Work without permits. Plumbing not in compliance with the code.
Officer: M Hauserman
- V. CERTIFICATION OF LIEN(S) (NON-COMPLIANCE)
- VI. LIEN FORECLOSURE CASES
- VII. BUILDING OFFICIAL APPEALS
- VIII. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.

IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE SPECIAL MAGISTRATE IN ANY MATTER CONSIDERED AT THIS HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.



For special accommodation, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202

In accordance with the Americans with Disabilities Act (ADA), persons needing a

special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.

EXHIBIT A

151 Miramar St Case #20251060

- Special Magistrate Order from 1/6/2026 Dated 1/27/2026

CODE COMPLIANCE SPECIAL MAGISTRATE
THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH,
a Florida municipal corporation

Petitioner,

vs.

FMB CASE NO. 20251060

DANNY LEWIS THOMAS &
CAROL JEAN THOMAS,

Respondents.

CODE ENFORCEMENT VIOLATION FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER

THIS CAUSE came before the undersigned Code Compliance Special Magistrate for the Town of Fort Myers Beach (the "Special Magistrate") at duly noticed public hearings conducted on December 4, 2025, and January 6, 2026, for adjudication of the violations alleged in the Notice of Violation and Notice of Code Enforcement Hearing dated October 20, 2025 (the "NOV"). Based upon the sworn testimony received, the documentary evidence admitted, the arguments of the parties, and the entire record, and being otherwise fully advised in the premises, the Special Magistrate enters the following Findings of Fact, Conclusions of Law, and Order.

A. FINDINGS OF FACT

1. Respondents, Danny Lewis Thomas and Carol Jean Thomas (collectively, "Respondents"), are the owners of the real property located at 151 Miramar Street, Fort Myers Beach, Florida 33931 (Parcel/STRAP No. 19-46-24W-40080B.0070) (the "Subject Property").

2. This enforcement proceeding has been initiated by the Town of Fort Myers Beach (the "Town") pursuant to chapter 162, Florida Statutes, and the Town's Code of Ordinances and Land Development Code. Jurisdiction has been invoked, and notice has been provided, in accordance with applicable law.

3. On or about October 15, 2025, Town staff inspected the Subject Property and observed conditions consisting of the keeping and/or maintaining of a noncompliant portion of the structure, including but not limited to a sink and related plumbing within the ground-floor enclosure, and interior and/or exterior construction without the required building permits, which the Town alleged to be inconsistent with applicable floodplain and building-code requirements in special flood hazard areas referenced in Town Code section 6-494.

4. On October 20, 2025, the Town issued the NOV alleging that the foregoing conditions constituted violations of Town Code section 6-111 (incorporating by reference Florida Building Code section 105.1, permits required) and Land Development Code section 6-441 (floodplain development permits). The NOV also referenced special flood hazard areas as defined in Town Code section 6-494. The NOV directed Respondents to bring the Subject Property into compliance by obtaining required permits for unpermitted construction or by restoring the structure to its original permitted condition, and it set a compliance date of November 17, 2025.

5. The record shows that the NOV and notice of hearing were served and posted in the manner required by law, and that Respondents were afforded notice of the allegations and an opportunity to be heard at both hearings. Respondents appeared at both hearings and presented testimony, argument, and documentary materials.

6. A code enforcement hearing was convened on December 4, 2025, and was continued to January 6, 2026, for receipt of additional evidence and argument, including on Respondents' contention that the ground-floor enclosure and related plumbing were lawfully established and therefore protected as a lawful nonconforming condition.

7. At the hearings, the Town presented the testimony of its Floodplain Manager, Kelli DeFedericis, together with documentary evidence, including the NOV and supporting materials. Respondents presented testimony and documentary evidence, including affidavits, appraisal excerpts, historical materials, and permit-related documents, and called witnesses in support of their position, including Helen and James Crumbie and Patty Smyth (via Zoom).

8. Based upon the greater weight of the competent substantial evidence, including the testimony of the Town's Floodplain Manager, it is found that the Subject Property contains

a ground-floor enclosure located within a special flood hazard area subject to the Town's floodplain regulations, and that the enclosure contains plumbing fixtures and related improvements, including a sink. It is further found that the presence and/or maintenance of such plumbing and related improvements within the ground-floor enclosure is not authorized absent compliance with applicable floodplain and building-code requirements and the issuance of required permits and approvals. The dispute presented was not whether the ground-floor enclosure and plumbing are within a special flood hazard area and therefore subject to floodplain regulation, but whether the cited condition was lawfully authorized and therefore entitled to be maintained as a lawful nonconforming condition, i.e., "grandfathered."

9. At the continued hearing, Ms. DeFedericis testified that FEMA had identified the Subject Property as among a group of structures for which FEMA requested compliance-verification records; that FEMA requested proof regarding whether the ground-floor enclosure could be converted to habitable space in compliance with applicable floodplain requirements; and that, absent documentation demonstrating lawful authorization and compliance, the Town remained unable to provide FEMA the requested proof. No written FEMA correspondence was offered into evidence; however, this testimony was found credible and was not rebutted.

10. The credible evidence establishes that, as of the dates of the hearings, Respondents had not obtained permits authorizing the sink and related plumbing and had not obtained permits authorizing any associated interior and/or exterior work encompassed by the NOV. Respondents did not present an elevation certificate, engineering reports, or other documentary evidence establishing that the ground-floor plumbing and related improvements satisfy current floodplain design and elevation criteria. Instead, Respondents' evidentiary presentation was directed to establishing that the ground-floor improvements have existed for decades and should be "grandfathered."

11. It was acknowledged at hearing that the ground-floor plumbing has been present for many years. The Town's theory of enforcement is that post-Hurricane Ian repair and associated permitting activity triggered the requirement that the ground-floor features be lawfully verified and, if maintained, brought into compliance with applicable floodplain and building-code permitting requirements.

12. Respondents asserted, in defense, that the ground-floor enclosure and related plumbing and bathroom facilities should be allowed to remain as a lawful nonconforming condition. This defense requires Respondents to show, by competent evidence, that the condition was lawful when created or was later legalized through valid approvals and permits, because unlawful or unpermitted conditions are not entitled to nonconforming protection.

13. Ms. DeFedericis, the Town's Floodplain Manager, testified that the Town relies on Town records, Lee County records, and Lee County Property Appraiser data to verify authorized ground-floor use and fixtures in elevated structures within special flood hazard areas, and that a review of these sources did not disclose records establishing lawful authorization for the ground-floor plumbing and related improvements at the Subject Property.

14. Ms. DeFedericis testified that a permit was issued in 2023 (Permit No. 232518) for repair of doors and windows with a revision in 2024 for repairs to the ground level that was not approved. She specifically testified that the revision to include the ground level construction was not approved. In her opinion, the lack of an approved revision means that any work that was performed on the ground level was performed without proper permitting. Ms. DeFedericis testimony is credited to the extent that it corroborates the permit record, which reflects that Permit No. 232518, as revised, addressed work relating to windows, front door, soffit, fascia, gutters, and vinyl siding, not ground-floor plumbing fixtures and associated interior improvements.

15. In support of their contention that the ground-floor enclosure and associated plumbing fixtures are "grandfathered" because the Town previously "acknowledged" or "approved" a lower-level bathroom and plumbing through prior permitting activity, Respondents rely in part upon: (a) historical property appraiser materials referencing a "finished lower level" and/or containing narrative statements characterizing a lower-level efficiency and bath as "grandfathered"; (b) permit-file materials from approximately 2007-2008 that, according to Respondents, depict a lower-level bathroom and plumbing layout; (c) Respondents' recollection of an alleged zoning-related statement or "acknowledgment" by Town personnel; and (d) Permit No. 232518 and a related completion certificate, which Respondents contend constitutes an approval of lower-level work.

16. The evidence credited by the Special Magistrate establishes that the existence of historical descriptions of a “finished lower level,” and/or the inclusion of “grandfathered” language within private appraisal narratives, affidavits, listings, or other secondary descriptions, does not constitute a governmental determination that the ground-floor plumbing fixtures and associated interior improvements were lawfully established or are presently authorized under the Florida Building Code or the Town’s floodplain development regulations, nor does such constitute an issued permit or approval authorizing the conditions alleged in the NOV to exist at the Subject Property.

17. With respect to the 2007-2008 permit-file materials, the credible evidence does not establish that any drawings, notations, or depictions within the file operated as an issuance of a permit approving, legalizing, or otherwise authorizing the ground-floor plumbing fixtures and interior improvements at issue, as distinct from proposed work, background descriptions, or permit activity limited to the scope of work actually reviewed, approved, and inspected. The record further supports the finding that plan review and inspections are confined to the scope of work included within the issued permit, and that the presence of depictions or references within a file is not, standing alone, proof of lawful authorization for the nonconforming structure or use.

18. As for Respondents’ references to zoning-related “acknowledgments” or statements attributed to Town personnel, the record does not contain competent evidence of an issued development order, variance, written nonconformity determination, written interpretation, or other formal action that constitutes an approval of the ground-floor plumbing fixtures and interior improvements in the special flood hazard area, and no such informal statement, even if made, would constitute the building or floodplain authorization required by the cited code provisions.

19. Respondents contend that Permit No. 232518 and the related completion certificate demonstrate approval of lower-level work. The record, however, supports the finding that the permit documentation, even when considered in the light most favorable to Respondents, is limited by its stated scope and does not constitute a permit or approval specifically authorizing the ground-floor plumbing fixtures and interior improvements that are the subject of the NOV in this enforcement case.

20. Accordingly, it is found that Respondents did not carry their burden to prove that the ground-floor enclosure and related plumbing constitute a lawful nonconforming condition. The condition is therefore found to be unpermitted and unlawful. Because lawful authorization has not been established, determinations concerning substantial improvement and/or substantial damage thresholds are not necessary to the disposition of the charged violations in this enforcement case.

21. Respondents have requested that enforcement be stayed for ninety (90) days. This request is not supported by competent evidence demonstrating a legal basis for a stay, and the compliance framework set forth herein, including a defined compliance deadline and a scheduled status review, provides an orderly mechanism to monitor compliance without impairing the enforceability of this Order.

B. CONCLUSIONS OF LAW

22. Code enforcement proceedings are quasi-judicial in nature. Basic due process is satisfied where the parties are provided notice and an opportunity to be heard, and the decision is supported by competent substantial evidence. *See, e.g., Verdi v. Metro. Dade Cnty.*, 684 So. 2d 870 (Fla. 3d DCA 1996); *Lee Cnty. v. 4 Sunbelt Equities, II, Ltd. P'ship*, 619 So. 2d 996 (Fla. 2d DCA 1993); *Dep't of High. Saf. & Motor Veh. v. Hofer*, 5 So. 3d 766 (Fla. 2d DCA 2009).

23. The Town bore the burden to prove, by competent substantial evidence, the violations alleged in the NOV. For the reasons set forth in the Findings of Fact, the Town met its burden. Even assuming, arguendo, that the Town also bore the burden to prove the absence of lawful authorization for the cited condition, that burden was met through the Floodplain Manager's testimony regarding the records review conducted and the absence of any issued permit or approval authorizing the disputed ground-floor plumbing and related improvements.

24. Town Code section 6-111 adopts the Florida Building Code section 105.1, which provides, in material part, as follows:

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to install, enlarge, alter, repair, remove, convert, or replace any

plumbing system regulated by the Code, shall first make application to the building official and obtain the required permit.

25. The NOV also cited Land Development Code section 6-44 I, which requires that an owner or owner's authorized agent who intends to undertake development activity within the scope of the Town's floodplain regulations, wholly within or partially within any flood hazard area, must first make application to the floodplain administrator (and the building official, if applicable) and obtain required permits and approvals.

26. Respondents argued that the existence of the ground-floor enclosure and plumbing should be treated as a lawful nonconforming condition. The Town, in its proposed order, asserted that the Special Magistrate should make no ruling on "grandfathered" status and that such a determination is outside the Special Magistrate's authority in a chapter 162 proceeding. That position is rejected to the extent it is construed as precluding the Special Magistrate from resolving, for purposes of this enforcement case, whether Respondents have established lawful authorization for the cited condition.

27. Chapter 162 authorizes the Special Magistrate to hear and determine alleged code violations, to make findings of fact and conclusions of law, and to enter orders requiring compliance and imposing lawful penalties. Where a respondent asserts, as an affirmative defense to enforcement, that the cited condition was lawful when established and thus is protected as a lawful nonconforming condition, the Special Magistrate is authorized to determine whether competent evidence of lawful establishment has been produced, unless local law vests exclusive jurisdiction over such issue to a different decision-maker, which is not the case here. Such a determination is integral to adjudicating whether a violation exists and what compliance is required. This nonconformity analysis is undertaken solely to resolve Respondents' affirmative defense to the violations charged in the NOV on this record and is not intended to confer, deny, or otherwise adjudicate nonconforming status for all purposes or in any separate administrative, land-use, or permitting proceeding.

28. Generalized references in property appraiser records, private appraisals, listings, or similar secondary descriptions to a "finished lower level," an "efficiency," or a "grandfathered" condition do not, without more than has been shown here, constitute persuasive proof of lawful establishment or continuing lawful authorization under the

Florida Building Code, as adopted by Town Code section 6-111, or Land Development Code section 6-441 (floodplain development permitting requirements). Thus, Respondents have not met their burden of producing persuasive evidence of a lawful nonconforming structure or use.

29. Likewise, the existence of drawings, notations, or depictions within a historical permit file does not, standing alone, establish that the depicted condition was reviewed and approved within the scope of an issued permit authorizing the ground-floor plumbing fixtures and interior improvements at issue; rather, lawful authorization requires proof of an issued permit and approvals that encompass the particular work or condition for which compliance is ordered. The evidence in this record does not establish such authorization for violations charged in the NOV.

30. To the extent Respondents contend that zoning-related “acknowledgments” or informal statements by Town personnel operate as approval or legalization of the ground-floor enclosure and related plumbing fixtures, that contention is rejected. Informal statements or generalized zoning discussions are not a substitute for the building and floodplain permits and approvals required by the cited provisions, and the record does not contain competent evidence of a formal written determination conferring lawful nonconforming status or authorizing the ground-floor plumbing fixtures and interior improvements at issue.

31. Permit No. 232518 appears to have been properly issued and finalized; a related completion certificate reflects a close-out status for the permitted scope. These facts, however, are not dispositive because the permit materials fail to establish lawful authorization for the specific nonconforming structure or use at issue, namely, the ground-floor plumbing fixtures and associated interior improvements within the lower enclosure in the floodplain.

32. Because the Town proved the cited violations and Respondents did not prove lawful authorization for the ground-floor plumbing and related improvements, a finding of violation is required, and an order compelling compliance is appropriate.

33. Respondents’ request for a ninety (90) day stay is denied. A stay is not warranted on this record, and the compliance and status-review structure set forth in this Order constitutes a reasonable, orderly, and enforceable framework for achieving compliance

while preserving the Town's ability to enforce its code requirements absent a written stay entered by the Special Magistrate or a court of competent jurisdiction.

C. ORDER

Based on the foregoing, it is hereby ORDERED as follows:

1. Violation Found. Respondents are found to be in violation of Town Code section 6-111 and Land Development Code section 6-441, as alleged in the NOV.
2. Compliance Deadline and Methods. Respondents shall bring the Subject Property into compliance no later than sixty (60) days from the date of this Order (the "Compliance Deadline"), by either: (a) obtaining all required building and floodplain permits for the unpermitted construction and, thereafter, achieving final approval/close-out in full compliance with applicable floodplain and building-code requirements; or (b) restoring the structure to its last lawfully permitted condition, which shall include, at minimum, removal and/or permanent abandonment of all unpermitted plumbing fixtures and related improvements within the ground-floor enclosure, including capping and disconnecting any water supply and sanitary drainage lines serving such fixtures, and otherwise limiting the enclosure to uses permitted by applicable floodplain regulations (including, as applicable, parking, building access, and storage), as verified for compliance purposes by the Town's building official and floodplain administrator.
3. Status Review Hearing; Substantial Compliance. A status review hearing is set for April 7, 2026, to assess the status of compliance. It is recognized that Respondents may seek administrative or permitting determinations relevant to obtaining after-the-fact permits; accordingly, evidence of substantial compliance or substantial efforts toward compliance may be considered at the status review hearing in determining whether to extend deadlines, to impose or defer penalties, or to enter such further orders as may be appropriate.
4. Daily Fine. If compliance is not achieved by the Compliance Deadline, a fine of \$250.00 per day shall be imposed for each day the violation continues thereafter, subject to any written order entered by the Special Magistrate deferring, modifying, or otherwise addressing the accrual of fines based upon the evidence presented at the status review hearing.

5. Administrative Costs. Pursuant to section 162.07(2), Florida Statutes, Respondents shall pay \$250.00 as an administrative cost assessment associated with this enforcement action.
6. Abatement Authorization. If Respondents fail to achieve compliance by the Compliance Deadline and do not demonstrate substantial progress at the status review hearing, then, as an alternative means of attaining compliance, the Town is authorized to initiate abatement of the violation, including removal of noncompliant portions of the structure, to the extent permitted by law. All abatement costs shall be assessed as a lien against the Subject Property, enforceable under applicable Florida law.
7. No Stay by Administrative Request. This Order is entered without prejudice to Respondents' pursuit of any administrative or permitting relief otherwise available by law; however, absent a written stay entered by the Special Magistrate or a court of competent jurisdiction, the filing or pendency of any such request shall not operate as a stay of this Order.

This Order may be appealed by any aggrieved party to the Circuit Court of Lee County no later than 30 days from the date of this Order. Failure to timely file a written Notice of Appeal will waive the right of appeal.

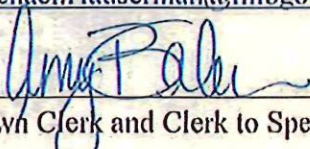
DONE AND ORDERED this 27th day of January, 2026, at the Division of Administrative Hearings, Tallahassee, Florida.


John G. Van Laningham,
FMB Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Order has been furnished by U.S. mail on the 27 day of January, 2026, to:
Danny Lewis & Carol Jean Thomas
151 Miramar St, Fort Myers Beach, Florida 33931
dcthomasaugust1978@gmail.com

FMB Code Enforcement Officer Michael Hauserman,
6231 Estero Boulevard,
Fort Myers Beach, Florida 33931
Michael.Hauserman@fmbgov.com



Town Clerk and Clerk to Special Magistrate

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS, OR FINES: Checks should be made payable to "Town of Fort Myers Beach," include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

EXHIBIT B

151 Miramar St Case #20251060

- Affidavit of non-compliance
- Photographs of exterior of 151 Miramar St 3/30/26
- Affidavit of permit status



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING
6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

THOMAS DANNY LEWIS & CAROL JEAN
22067 565th Ave
Austin, MN 55912

Respondent.

Certified Mail: N/A
Regular Mail: N/A
Case # 20251060

Site Address: **151 Miramar St**, Fort Myers Beach, FL, 33931
Parcel Strap No. 19-46-24-W4-0080B.0070

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)

COUNTY OF LEE)

BEFORE ME, the undersigned authority personally appeared **Michael J Hauserman** who is the Code Enforcement Manager for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding Code Enforcement Case **#20251060**.

1. That on **January 27, 2026**, A Code Enforcement Violation Finding of Fact, Conclusion of Law, and Order was issued in the above styled manner.
2. That, pursuant to said notice, the Respondent was to have taken certain corrective action or on or before **March 27, 2026**.
3. That an inspection was performed of the records and property on **March 30, 2026**. That the inspection revealed that the corrective action specified in the notice has not been taken as of this date.
4. I have attached photographs of the subject property, which I personally took, and which fairly represent the condition of the property at the time of my inspection. These photographs have not been altered in any way.



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931

Phone : (239) 765-0202

5. I have attached permit affidavits related to the subject property, which fairly represent the permit status of the property at the time of the affidavit(s).
6. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate and that an order be issued affording the appropriate relief, including an order to access any and all fines, and administrative fees imposed by the Special Magistrate

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town Land Development Code and Section 162.12, Florida Statutes.

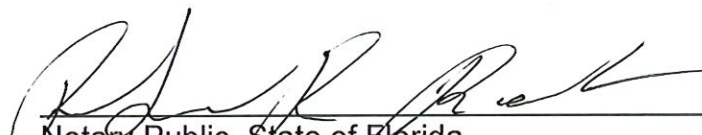
x 
Signature of Affiant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of either [☒] personal presence or [] online notarization this 1 day of April, 2026, by **Michael J Hauserman**. He [☒] is personally known to me or [] has produced _____ as identification.

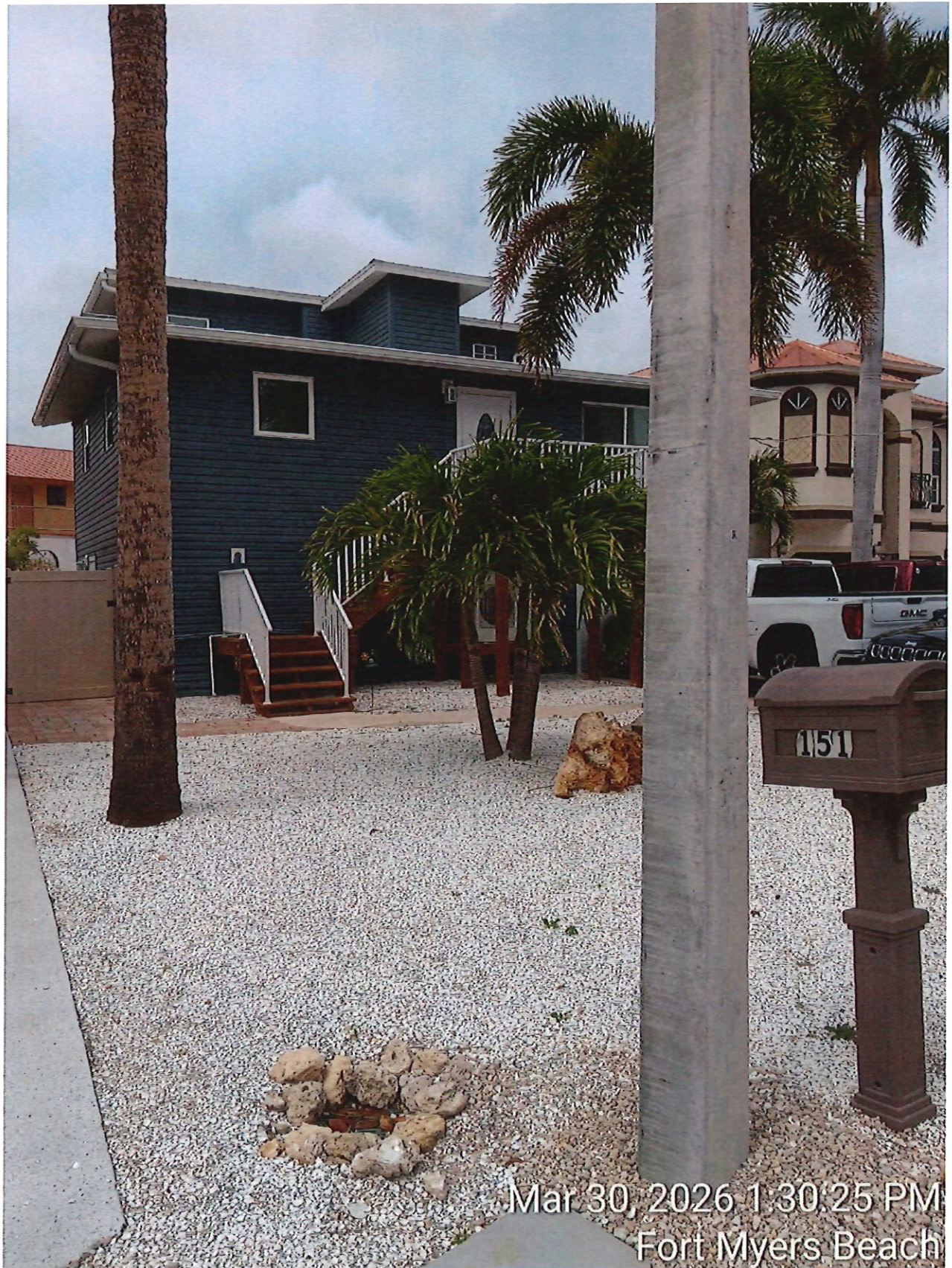


[Notary Seal]


Notary Public, State of Florida
Print Name: Raleigh R Baker
My Commission Expires: 2/5/2029



Mar 30, 2026 1:29:45 PM
Fort Myers Beach





Mar 30, 2026 1:30:34 PM
Fort Myers Beach







Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0909

**TOWN OF FORT MYERS BEACH,
FLORIDA,**

Petitioner,

CASE NO.: 20251060

vs.

**THOMAS DANNY & CAROL JEAN
Respondent.**

AFFIDAVIT OF PERMIT SEARCH

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Georgina Cid, who being duly sworn by me, on oath, deposes and says the following:

1. My name is Georgina Cid. I am over 18 years of age and am competent to testify to the matters set forth herein. I make this Affidavit based upon my personal knowledge.
2. I am employed by the Town of Fort Myers Beach ("Town") Building Department as Assistant Community Development Director. In that capacity, I have access to and am familiar with the Town's records relating to building, mechanical, electrical, plumbing, roofing, and other permitting and inspection activities within the Town.
3. The Town of Fort Myers Beach Building Department maintains permit records (including applications, approvals/denials, inspections, and related documents) in the regular course of the Town's regularly conducted activity as a local government in the State of Florida.
4. On March 30, 2026, I personally conducted a search of the Building Department's permit records for:

a. Property address: 151 Miramar St, Fort Myers Beach, FL 33931

b. Relevant date range: January 1, 2026 through present

5. Based on that search, I did not locate any permits covering the unpermitted construction on the ground floor including but not limited to the enclosure of the first floor, electrical installation, and plumbing installation in the Building Department's records for the work described at the above-described property for the date range searched.

6. Attached hereto as Exhibit "A" is a screenshot of the Town Building Department's records system reflecting the results of the search described above. Exhibit "A" is a true and correct depiction of those records as they appeared on March 30, 2026.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true and to the best of my knowledge.

SWORN AND ATTESTED BY:



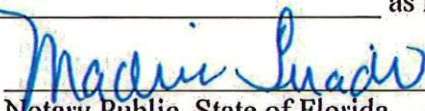
Signature of Affiant

Printed Name: Georgina Gid

Title: Asst. Comm. Dev. Director

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of
☐ physical presence / ☐ online notarization, this 30th day of March, 2026, by
Georgina Gid, who ☒ is personally known to me ☐ or has produced

as identification.

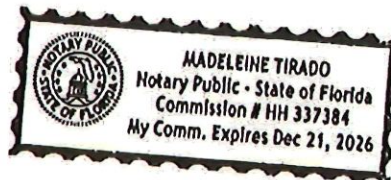


Notary Public, State of Florida

Printed Name: Madeleine Tirado

My Commission No.: HH 337384

My Commission Expires: 12/21/2024



PERMIT GRAPHS

ADVANCED SEARCH RESULTS

Select View

Selected	Permit Number	Permit Date	Permit Type	Property Address	Permit Type	Type of Construction	Type of Occupancy / Use	Scope of Work	Issued Date	Expiration Date	Final Date	Closed Date	Last Inspection Date	Status	Edit/View
☐	260087	01/20/2026		151 MIRAMAR ST	Residential	N/A	Residential	REV* Add Lower Level repair like for like - Upper level - Replace windows sds, front door, vinyl siding, soffit, fascia & gutters	03/25/2023		02/08/2024			VOID	
☐	240718	03/12/2024		151 MIRAMAR ST	Residential	N/A	Residential	Repair/restore living space, exterior and interior walls, windows, door lower level.						VOID	
☐	236128	10/24/2023		151 MIRAMAR ST	Residential	N/A	Residential	replace panel and breakers	10/27/2023		11/08/2023			FINALED	
☐	232518	03/17/2023		151 MIRAMAR ST	Residential	N/A	Residential	REV* Add Lower Level repair like for like - Upper level - Replace windows sds, front door, vinyl siding, soffit, fascia & gutters	03/25/2023		02/08/2024		02/07/2024	ISSUED	
☐	223775	11/18/2022		151 MIRAMAR ST	Temporary Use		Residential	42 Sundance 3600QB	11/18/2022			02/02/2024		CLOSED	
☐	222594	10/26/2022		151 MIRAMAR ST	ZOTC Electrical			New Electrical Panel, Breakers		04/24/2023				VOID	
☐	222251	10/22/2022		151 MIRAMAR ST	Structural / Electrical Insp. Letter		Residential	Hurricane Ian			10/25/2022			FINALED	
☐	222181	10/21/2022		151 MIRAMAR ST	ZOTC Electrical		Residential	New Electrical Panel, Breakers		04/19/2023				VOID	
☐	221025	06/21/2022		151 MIRAMAR ST	ZFence / Wall		Residential	NEW-6 VINYL FENCE W/GATES-Pool Barrier	07/26/2022		01/30/2024		01/30/2024	FINALED	
☐	211580	09/16/2021		151 MIRAMAR ST	ZPool		Residential	pool	12/22/2021		04/21/2023		04/20/2023	FINALED	
☐	211578	09/16/2021		151 MIRAMAR ST	Vegetation	N/A	Residential	See attached drawing with list of trees to be removed, installing a pool.	10/01/2021		02/23/2022		02/25/2022	FINALED	
☐	201083	08/21/2020		151 MIRAMAR ST	Residential	N/A	Residential	Rebuild front entry stairs and deck	09/11/2020		12/10/2020		12/10/2020	FINALED	
1	Records 1 to 12 (of 12)														1



Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931

Phone: 239-765-0202 Fax: 239-765-0909

**TOWN OF FORT MYERS BEACH,
FLORIDA,**

Petitioner,

CASE NO.: 20251060

vs.

**THOMAS DANNY & CAROL JEAN
Respondent.**

_____ /

AFFIDAVIT OF RECORDS SEARCH

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared **Kelli DeFedericis** who being duly sworn by me, on oath, deposes and says the following:

1. My name is **Kelli DeFedericis**. I am over 18 years of age and am competent to testify to the matters set forth herein. I make this Affidavit based upon my personal knowledge.

2. I am employed by the Town of Fort Myers Beach ("Town") Building Department as **Floodplain Manager**. In that capacity, I have access to and am familiar with the Town's records relating to building, mechanical, electrical, plumbing, roofing, and other permitting and inspection activities within the Town.

3. The Town of Fort Myers Beach Building Department and Floodplain Manager maintains records (including applications, approvals/denials, inspections, and related documents) in the regular course of the Town's regularly conducted activity as a local government in the State of Florida.

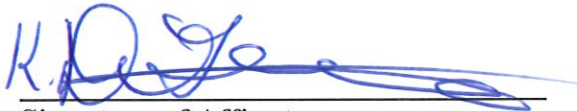
4. On March 30, 2026, I personally conducted a search of my communications and records for the following:

- a. Property address: **151 Miramar St, Fort Myers Beach, FL 33931**
- b. Relevant date range: January 1, 2026, through present

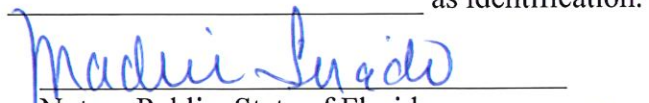
5. Based on that search, I did not locate any records or communications that would comply with the Special Magistrate's Order signed on January 27, 2026. Order is attached as **Affidavit Exhibit A.**

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town of Fort Myers Beach Land Development Code and Section 162.12, Florida Statutes.

SWORN AND ATTESTED BY:


Signature of Affiant
Printed Name: Kelli Defedericis
Title: Floodplain

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of ☒ physical presence / ☐ online notarization, this 30th day of March, 2026, by _____, who ☒ is personally known to me ☐ or has produced _____ as identification.


Notary Public, State of Florida
Printed Name: Madeleine Tirado
My Commission No.: HH 337384
My Commission Expires: 2/21/2026



Affidavit Exhibit A

CODE COMPLIANCE SPECIAL MAGISTRATE THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH,
a Florida municipal corporation

Petitioner,

vs.

FMB CASE NO. 20251060

DANNY LEWIS THOMAS &
CAROL JEAN THOMAS,

Respondents.

CODE ENFORCEMENT VIOLATION FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

THIS CAUSE came before the undersigned Code Compliance Special Magistrate for the Town of Fort Myers Beach (the "Special Magistrate") at duly noticed public hearings conducted on December 4, 2025, and January 6, 2026, for adjudication of the violations alleged in the Notice of Violation and Notice of Code Enforcement Hearing dated October 20, 2025 (the "NOV"). Based upon the sworn testimony received, the documentary evidence admitted, the arguments of the parties, and the entire record, and being otherwise fully advised in the premises, the Special Magistrate enters the following Findings of Fact, Conclusions of Law, and Order.

A. FINDINGS OF FACT

1. Respondents, Danny Lewis Thomas and Carol Jean Thomas (collectively, "Respondents"), are the owners of the real property located at 151 Miramar Street, Fort Myers Beach, Florida 33931 (Parcel/STRAP No. 19-46-24W-40080B.0070) (the "Subject Property").

2. This enforcement proceeding has been initiated by the Town of Fort Myers Beach (the "Town") pursuant to chapter 162, Florida Statutes, and the Town's Code of Ordinances and Land Development Code. Jurisdiction has been invoked, and notice has been provided, in accordance with applicable law.

3. On or about October 15, 2025, Town staff inspected the Subject Property and observed conditions consisting of the keeping and/or maintaining of a noncompliant portion of the structure, including but not limited to a sink and related plumbing within the ground-floor enclosure, and interior and/or exterior construction without the required building permits, which the Town alleged to be inconsistent with applicable floodplain and building-code requirements in special flood hazard areas referenced in Town Code section 6-494.

4. On October 20, 2025, the Town issued the NOV alleging that the foregoing conditions constituted violations of Town Code section 6-111 (incorporating by reference Florida Building Code section 105.1, permits required) and Land Development Code section 6-441 (floodplain development permits). The NOV also referenced special flood hazard areas as defined in Town Code section 6-494. The NOV directed Respondents to bring the Subject Property into compliance by obtaining required permits for unpermitted construction or by restoring the structure to its original permitted condition, and it set a compliance date of November 17, 2025.

5. The record shows that the NOV and notice of hearing were served and posted in the manner required by law, and that Respondents were afforded notice of the allegations and an opportunity to be heard at both hearings. Respondents appeared at both hearings and presented testimony, argument, and documentary materials.

6. A code enforcement hearing was convened on December 4, 2025, and was continued to January 6, 2026, for receipt of additional evidence and argument, including on Respondents' contention that the ground-floor enclosure and related plumbing were lawfully established and therefore protected as a lawful nonconforming condition.

7. At the hearings, the Town presented the testimony of its Floodplain Manager, Kelli DeFedericis, together with documentary evidence, including the NOV and supporting materials. Respondents presented testimony and documentary evidence, including affidavits, appraisal excerpts, historical materials, and permit-related documents, and called witnesses in support of their position, including Helen and James Crumie and Patty Smyth (via Zoom).

8. Based upon the greater weight of the competent substantial evidence, including the testimony of the Town's Floodplain Manager, it is found that the Subject Property contains

a ground-floor enclosure located within a special flood hazard area subject to the Town's floodplain regulations, and that the enclosure contains plumbing fixtures and related improvements, including a sink. It is further found that the presence and/or maintenance of such plumbing and related improvements within the ground-floor enclosure is not authorized absent compliance with applicable floodplain and building-code requirements and the issuance of required permits and approvals. The dispute presented was not whether the ground-floor enclosure and plumbing are within a special flood hazard area and therefore subject to floodplain regulation, but whether the cited condition was lawfully authorized and therefore entitled to be maintained as a lawful nonconforming condition, i.e., "grandfathered."

9. At the continued hearing, Ms. DeFedericis testified that FEMA had identified the Subject Property as among a group of structures for which FEMA requested compliance-verification records; that FEMA requested proof regarding whether the ground-floor enclosure could be converted to habitable space in compliance with applicable floodplain requirements; and that, absent documentation demonstrating lawful authorization and compliance, the Town remained unable to provide FEMA the requested proof. No written FEMA correspondence was offered into evidence; however, this testimony was found credible and was not rebutted.

10. The credible evidence establishes that, as of the dates of the hearings, Respondents had not obtained permits authorizing the sink and related plumbing and had not obtained permits authorizing any associated interior and/or exterior work encompassed by the NOV. Respondents did not present an elevation certificate, engineering reports, or other documentary evidence establishing that the ground-floor plumbing and related improvements satisfy current floodplain design and elevation criteria. Instead, Respondents' evidentiary presentation was directed to establishing that the ground-floor improvements have existed for decades and should be "grandfathered."

11. It was acknowledged at hearing that the ground-floor plumbing has been present for many years. The Town's theory of enforcement is that post-Hurricane Ian repair and associated permitting activity triggered the requirement that the ground-floor features be lawfully verified and, if maintained, brought into compliance with applicable floodplain and building-code permitting requirements.

12. Respondents asserted, in defense, that the ground-floor enclosure and related plumbing and bathroom facilities should be allowed to remain as a lawful nonconforming condition. This defense requires Respondents to show, by competent evidence, that the condition was lawful when created or was later legalized through valid approvals and permits, because unlawful or unpermitted conditions are not entitled to nonconforming protection.

13. Ms. DeFedericis, the Town's Floodplain Manager, testified that the Town relies on Town records, Lee County records, and Lee County Property Appraiser data to verify authorized ground-floor use and fixtures in elevated structures within special flood hazard areas, and that a review of these sources did not disclose records establishing lawful authorization for the ground-floor plumbing and related improvements at the Subject Property.

14. Ms. DeFedericis testified that a permit was issued in 2023 (Permit No. 232518) for repair of doors and windows with a revision in 2024 for repairs to the ground level that was not approved. She specifically testified that the revision to include the ground level construction was not approved. In her opinion, the lack of an approved revision means that any work that was performed on the ground level was performed without proper permitting. Ms. DeFedericis testimony is credited to the extent that it corroborates the permit record, which reflects that Permit No. 232518, as revised, addressed work relating to windows, front door, soffit, fascia, gutters, and vinyl siding, not ground-floor plumbing fixtures and associated interior improvements.

15. In support of their contention that the ground-floor enclosure and associated plumbing fixtures are "grandfathered" because the Town previously "acknowledged" or "approved" a lower-level bathroom and plumbing through prior permitting activity, Respondents rely in part upon: (a) historical property appraiser materials referencing a "finished lower level" and/or containing narrative statements characterizing a lower-level efficiency and bath as "grandfathered"; (b) permit-file materials from approximately 2007-2008 that, according to Respondents, depict a lower-level bathroom and plumbing layout; (c) Respondents' recollection of an alleged zoning-related statement or "acknowledgment" by Town personnel; and (d) Permit No. 232518 and a related completion certificate, which Respondents contend constitutes an approval of lower-level work.

16. The evidence credited by the Special Magistrate establishes that the existence of historical descriptions of a “finished lower level,” and/or the inclusion of “grandfathered” language within private appraisal narratives, affidavits, listings, or other secondary descriptions, does not constitute a governmental determination that the ground-floor plumbing fixtures and associated interior improvements were lawfully established or are presently authorized under the Florida Building Code or the Town’s floodplain development regulations, nor does such constitute an issued permit or approval authorizing the conditions alleged in the NOV to exist at the Subject Property.

17. With respect to the 2007-2008 permit-file materials, the credible evidence does not establish that any drawings, notations, or depictions within the file operated as an issuance of a permit approving, legalizing, or otherwise authorizing the ground-floor plumbing fixtures and interior improvements at issue, as distinct from proposed work, background descriptions, or permit activity limited to the scope of work actually reviewed, approved, and inspected. The record further supports the finding that plan review and inspections are confined to the scope of work included within the issued permit, and that the presence of depictions or references within a file is not, standing alone, proof of lawful authorization for the nonconforming structure or use.

18. As for Respondents’ references to zoning-related “acknowledgments” or statements attributed to Town personnel, the record does not contain competent evidence of an issued development order, variance, written nonconformity determination, written interpretation, or other formal action that constitutes an approval of the ground-floor plumbing fixtures and interior improvements in the special flood hazard area, and no such informal statement, even if made, would constitute the building or floodplain authorization required by the cited code provisions.

19. Respondents contend that Permit No. 232518 and the related completion certificate demonstrate approval of lower-level work. The record, however, supports the finding that the permit documentation, even when considered in the light most favorable to Respondents, is limited by its stated scope and does not constitute a permit or approval specifically authorizing the ground-floor plumbing fixtures and interior improvements that are the subject of the NOV in this enforcement case.

20. Accordingly, it is found that Respondents did not carry their burden to prove that the ground-floor enclosure and related plumbing constitute a lawful nonconforming condition. The condition is therefore found to be unpermitted and unlawful. Because lawful authorization has not been established, determinations concerning substantial improvement and/or substantial damage thresholds are not necessary to the disposition of the charged violations in this enforcement case.

21. Respondents have requested that enforcement be stayed for ninety (90) days. This request is not supported by competent evidence demonstrating a legal basis for a stay, and the compliance framework set forth herein, including a defined compliance deadline and a scheduled status review, provides an orderly mechanism to monitor compliance without impairing the enforceability of this Order.

B. CONCLUSIONS OF LAW

22. Code enforcement proceedings are quasi-judicial in nature. Basic due process is satisfied where the parties are provided notice and an opportunity to be heard, and the decision is supported by competent substantial evidence. *See, e.g., Verdi v. Metro. Dade Cnty.*, 684 So. 2d 870 (Fla. 3d DCA 1996); *Lee Cnty. v. 4 Sunbelt Equities, II, Ltd. P'ship*, 619 So. 2d 996 (Fla. 2d DCA 1993); *Dep't of High. Saf. & Motor Veh. v. Hofer*, 5 So. 3d 766 (Fla. 2d DCA 2009).

23. The Town bore the burden to prove, by competent substantial evidence, the violations alleged in the NOV. For the reasons set forth in the Findings of Fact, the Town met its burden. Even assuming, arguendo, that the Town also bore the burden to prove the absence of lawful authorization for the cited condition, that burden was met through the Floodplain Manager's testimony regarding the records review conducted and the absence of any issued permit or approval authorizing the disputed ground-floor plumbing and related improvements.

24. Town Code section 6-111 adopts the Florida Building Code section 105.1, which provides, in material part, as follows:

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to install, enlarge, alter, repair, remove, convert, or replace any

plumbing system regulated by the Code, shall first make application to the building official and obtain the required permit.

25. The NOV also cited Land Development Code section 6-441, which requires that an owner or owner's authorized agent who intends to undertake development activity within the scope of the Town's floodplain regulations, wholly within or partially within any flood hazard area, must first make application to the floodplain administrator (and the building official, if applicable) and obtain required permits and approvals.

26. Respondents argued that the existence of the ground-floor enclosure and plumbing should be treated as a lawful nonconforming condition. The Town, in its proposed order, asserted that the Special Magistrate should make no ruling on "grandfathered" status and that such a determination is outside the Special Magistrate's authority in a chapter 162 proceeding. That position is rejected to the extent it is construed as precluding the Special Magistrate from resolving, for purposes of this enforcement case, whether Respondents have established lawful authorization for the cited condition.

27. Chapter 162 authorizes the Special Magistrate to hear and determine alleged code violations, to make findings of fact and conclusions of law, and to enter orders requiring compliance and imposing lawful penalties. Where a respondent asserts, as an affirmative defense to enforcement, that the cited condition was lawful when established and thus is protected as a lawful nonconforming condition, the Special Magistrate is authorized to determine whether competent evidence of lawful establishment has been produced, unless local law vests exclusive jurisdiction over such issue to a different decision-maker, which is not the case here. Such a determination is integral to adjudicating whether a violation exists and what compliance is required. This nonconformity analysis is undertaken solely to resolve Respondents' affirmative defense to the violations charged in the NOV on this record and is not intended to confer, deny, or otherwise adjudicate nonconforming status for all purposes or in any separate administrative, land-use, or permitting proceeding.

28. Generalized references in property appraiser records, private appraisals, listings, or similar secondary descriptions to a "finished lower level," an "efficiency," or a "grandfathered" condition do not, without more than has been shown here, constitute persuasive proof of lawful establishment or continuing lawful authorization under the

Florida Building Code, as adopted by Town Code section 6-111, or Land Development Code section 6-441 (floodplain development permitting requirements). Thus, Respondents have not met their burden of producing persuasive evidence of a lawful nonconforming structure or use.

29. Likewise, the existence of drawings, notations, or depictions within a historical permit file does not, standing alone, establish that the depicted condition was reviewed and approved within the scope of an issued permit authorizing the ground-floor plumbing fixtures and interior improvements at issue; rather, lawful authorization requires proof of an issued permit and approvals that encompass the particular work or condition for which compliance is ordered. The evidence in this record does not establish such authorization for violations charged in the NOV.

30. To the extent Respondents contend that zoning-related “acknowledgments” or informal statements by Town personnel operate as approval or legalization of the ground-floor enclosure and related plumbing fixtures, that contention is rejected. Informal statements or generalized zoning discussions are not a substitute for the building and floodplain permits and approvals required by the cited provisions, and the record does not contain competent evidence of a formal written determination conferring lawful nonconforming status or authorizing the ground-floor plumbing fixtures and interior improvements at issue.

31. Permit No. 232518 appears to have been properly issued and finalized; a related completion certificate reflects a close-out status for the permitted scope. These facts, however, are not dispositive because the permit materials fail to establish lawful authorization for the specific nonconforming structure or use at issue, namely, the ground-floor plumbing fixtures and associated interior improvements within the lower enclosure in the floodplain.

32. Because the Town proved the cited violations and Respondents did not prove lawful authorization for the ground-floor plumbing and related improvements, a finding of violation is required, and an order compelling compliance is appropriate.

33. Respondents’ request for a ninety (90) day stay is denied. A stay is not warranted on this record, and the compliance and status-review structure set forth in this Order constitutes a reasonable, orderly, and enforceable framework for achieving compliance

while preserving the Town's ability to enforce its code requirements absent a written stay entered by the Special Magistrate or a court of competent jurisdiction.

C. ORDER

Based on the foregoing, it is hereby ORDERED as follows:

1. Violation Found. Respondents are found to be in violation of Town Code section 6-111 and Land Development Code section 6-441, as alleged in the NOV.
2. Compliance Deadline and Methods. Respondents shall bring the Subject Property into compliance no later than sixty (60) days from the date of this Order (the "Compliance Deadline"), by either: (a) obtaining all required building and floodplain permits for the unpermitted construction and, thereafter, achieving final approval/close-out in full compliance with applicable floodplain and building-code requirements; or (b) restoring the structure to its last lawfully permitted condition, which shall include, at minimum, removal and/or permanent abandonment of all unpermitted plumbing fixtures and related improvements within the ground-floor enclosure, including capping and disconnecting any water supply and sanitary drainage lines serving such fixtures, and otherwise limiting the enclosure to uses permitted by applicable floodplain regulations (including, as applicable, parking, building access, and storage), as verified for compliance purposes by the Town's building official and floodplain administrator.
3. Status Review Hearing; Substantial Compliance. A status review hearing is set for April 7, 2026, to assess the status of compliance. It is recognized that Respondents may seek administrative or permitting determinations relevant to obtaining after-the-fact permits; accordingly, evidence of substantial compliance or substantial efforts toward compliance may be considered at the status review hearing in determining whether to extend deadlines, to impose or defer penalties, or to enter such further orders as may be appropriate.
4. Daily Fine. If compliance is not achieved by the Compliance Deadline, a fine of \$250.00 per day shall be imposed for each day the violation continues thereafter, subject to any written order entered by the Special Magistrate deferring, modifying, or otherwise addressing the accrual of fines based upon the evidence presented at the status review hearing.

5. Administrative Costs. Pursuant to section 162.07(2), Florida Statutes, Respondents shall pay \$250.00 as an administrative cost assessment associated with this enforcement action.
6. Abatement Authorization. If Respondents fail to achieve compliance by the Compliance Deadline and do not demonstrate substantial progress at the status review hearing, then, as an alternative means of attaining compliance, the Town is authorized to initiate abatement of the violation, including removal of noncompliant portions of the structure, to the extent permitted by law. All abatement costs shall be assessed as a lien against the Subject Property, enforceable under applicable Florida law.
7. No Stay by Administrative Request. This Order is entered without prejudice to Respondents' pursuit of any administrative or permitting relief otherwise available by law; however, absent a written stay entered by the Special Magistrate or a court of competent jurisdiction, the filing or pendency of any such request shall not operate as a stay of this Order.

This Order may be appealed by any aggrieved party to the Circuit Court of Lee County no later than 30 days from the date of this Order. Failure to timely file a written Notice of Appeal will waive the right of appeal.

DONE AND ORDERED this 27th day of January, 2026, at the Division of Administrative Hearings, Tallahassee, Florida.

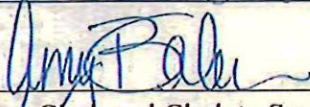

John G. Van Laningham,
FMB Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Order has been furnished by U.S. mail on the 27 day of January, 2026, to:

Danny Lewis & Carol Jean Thomas
151 Miramar St, Fort Myers Beach, Florida 33931
dcthomasaugust1978@gmail.com

FMB Code Enforcement Officer Michael Hauserman,
6231 Estero Boulevard,
Fort Myers Beach, Florida 33931
Michael.Hauserman@fmbgov.com



Town Clerk and Clerk to Special Magistrate

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS, OR FINES: Checks should be made payable to "Town of Fort Myers Beach," include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

HEARING EXHIBIT C

- ORDER OF CONTINUANCE dated 4/7/26

CODE COMPLIANCE SPECIAL MAGISTRATE
THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH,
a Florida municipal corporation,

Petitioner,

vs.

FMB Case No. 20251060

DANNY LEWIS THOMAS &
CAROL JEAN THOMAS,

Respondents.

_____ /

ORDER OF CONTINUANCE

IT IS HEREBY ORDERED that FMB Case No. 20251060, which was properly noticed for a code enforcement hearing on April 7, 2026, before the undersigned, is continued. The hearing shall be conducted on **Thursday, May 7, 2026, at 2:00 p.m.**, at the Town of Fort Myers Beach Town Hall Chambers, located at 6231 Estero Boulevard, Fort Myers Beach, Lee County, Florida.

ORDERED this 7th day of April, 2026.



John G. Van Laningham
Special Magistrate

CERTIFICATE OF SERVICE

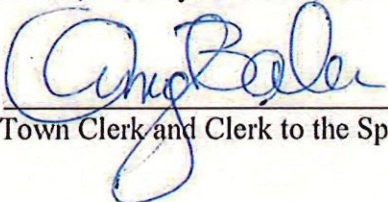
I HEREBY CERTIFY that a true and correct copy of this Order was furnished by U.S. Mail on the 7 day of April, 2026, to:

Danny Lewis & Carol Jean Thomas
151 Miramar St, Fort Myers Beach, Florida 33931
dcthomasaugust1978@gmail.com

Zachary A. Liebetreu, Esq.
Roetzel & Andress LPA
2320 First Street, Suite 1000
Ft. Myers, FL 33901
zliebetreu@ralaw.com

Nancy Stuparich, Esq., Town Attorney – nstuparich@voselaw.com
Michael Hauserman – Michael.Hauserman@fmbgov.com
Amy Baker – amy@fmbgov.com
Thomas Yozzo – tyozzo@fmbgov.com

I FURTHER CERTIFY that this document is a true and correct copy of the original on file in Town Hall, Fort Myers Beach, Lee County, Florida.

BY: 
Town Clerk and Clerk to the Special Magistrate

Dated: April 07, 2026

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS OR FINES: Checks should be made payable to "Town of Fort Myers Beach," include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931