

RE: RE: Ordinance - 5217 6th St W

To David Halverson <dhalverson@leegov.com> Copy Michael Greenwell Dist5 <dist5@leegov.com> • Kevin Ruane Dist1 <dist1@leegov.com> • Cecil Pendergrass Dist2 <dist2@leegov.com> • David Mulicka Dist3 <dist3@leegov.com> • Brian Hamman Dist4 <dist4@leegov.com> • Marc Mora <mmora@leegov.com> • William Diaz <wdiaz@leegov.com>

Hi Mr. Halverson,

Thank you for your thoughts though I would suggest this really has less to do with Florida Statutes and more to do with Code Enforcement not being very effective in fulfilling their mission.

I was involved with managing homeowner and condominium associations for over 25 years. Once a week, we would patrol the community, note any violations, and then send a polite/kind notice to the homeowner asking them about the violation. The first time we would patrol a new community, we might find 20 out of 60 homeowners had a violation. Within six months, we were lucky to find 1 or 2 violations. I say "lucky" because we charged the association \$30 for every violation we identified so by resolving the violations, we were losing money though we were very effective! It was a simple Business Model so it was very effective.

I do not mind assisting Code Enforcement, though because Code publishes my name and contact information on the internet for anyone in the world to see, I faced the same concerns as Russell Rands is facing as per this article: [Lee County charity loses donation pod after complaint from local realtor](#)

Code Enforcement does NOT have to post my contact information on the internet, they just need to document it and provide it to someone upon request. Then again, I should not need to report the violation.

Mr. Rands may lose his job, his physical wellbeing is in danger, and he may have to move elsewhere just because Code Enforcement was not effective doing their job. It sounds like the Pod had been there for weeks, if not months, so in theory Code Enforcement had plenty of time to gain "actual knowledge".

Maybe I am missing something here:

- Can someone confirm Code Enforcement's purpose is to enforce the ordinances?
- If an Enforcement Officer is assigned to a specific area of the county, would they not patrol their assigned area on a regular basis and identify violations?
- Does Code Enforcement have any performance measurements to identify how effective they are?

Most importantly, what are the obstacles that hinder their ability to be more effective?

PS: Has someone conducted a proper investigation of the pool service yet?

Thank you,

Craig A. Pledger

Phone: (352) 359-2050

On 02/14/2025 11:02 AM EST Halverson, David <dhalverson@leegov.com> wrote:

Mr. Pledger,

The correspondence below was brought to my attention and I wanted to reach out and offer a response. Regarding the property at 5219 Lee Street, there is an existing complaint file on record (CPL2024-05293). I reviewed the photographs that were taken by the inspecting code enforcement officer and I agree that a follow-up inspection would be helpful in determining whether a violation

exists. I have spoken with Mr. Diaz and he informed me that he will send a code enforcement officer to the site during the day in order to take photographs that will better capture the current state of the property.

I reviewed your email to Mr. Diaz dated 2/10/2025. You pointed to the following language from Fla. Stat. 125.69(4)(a): "Any person designated as a code inspector may issue citations for violations of county codes and ordinances, respectively, or subsequent amendments thereto, when such code inspector has actual knowledge that a violation has been committed." The term I would like to highlight from this section is "actual knowledge." A code enforcement officer's actual knowledge of a violation stems from the information and evidence gathered during his or her investigation of a particular case. While photographs from a complainant may be helpful in understanding the nature of a violation, code enforcement staff can only acquire actual knowledge of a violation by performing their own investigation, part of which involves a site visit.

In order to initiate an investigation, staff must create a record of a complaint, which must include the complainant's name and address. The collection of this information is required by law and code enforcement staff has required this information from complainants since Chapters 125 and 162, Florida Statutes, were amended in 2021. If you would like code enforcement staff to initiate an investigation of the property at 5217 6th Street W., you may provide your name and address to code enforcement staff and they will create a complaint record. Alternatively, you can create a complaint online by visiting the following web address: <https://www.leegov.com/dcd/CodeEnf>.

I hope that this information is helpful.

Sincerely,

David W. Halverson
Assistant County Attorney
Lee County Attorney's Office
(239) 533-2236 (telephone)
(239) 485-2106 (facsimile)
DHalverson@leegov.com

From: cpledger naybor.us <cp@naybor.us>

Sent: Tuesday, February 11, 2025 11:20 AM

To: Dist5, Michael Greenwell <Dist5@leegov.com>; Dist1, Kevin Ruane <Dist1@leegov.com>; Dist2, Cecil Pendergrass <dist2@leegov.com>; Dist3, David Mulicka <dist3@leegov.com>; Dist4, Brian Hamman <dist4@leegov.com>

Subject: Fwd: RE: Ordinance - 5217 6th St W

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Commissioners,

You may, or may not, have seen my email (copy attached) to Mr. Diaz Director of Code Enforcement, yesterday.

I am a firm believer in "working with people" to resolve any differences and I believe in supporting all government entities. Only once I have made numerous attempts to resolve any concerns and I have not been able to make any progress, do I solicit other management's involvement.

I wanted to share with you an email I received from Mr. Diaz on February 3rd in regard to a neighbor operating a pool service from his home. After waiting 10 weeks, I finally received a response. I have included the photos that an officer took upon investigating any potential violation. As one can see, the photos were taken in the dark, out the window of a vehicle, reveal nothing, and does not include any type of Investigation Report.

To me, this was not a professional investigation or completed in a timely manner. It also suggest, to me, an indifference to properly enforcing the ordinances.

I have offer to volunteer, several times, to be part of the solution.

Thank you,

Craig A. Pledger

Phone: (352) 359-2050

----- Original Message -----

From: "Diaz, William" <WDiaz@leegov.com>

To: "cpledger naybor.us" <cpledger@naybor.us>

Date: 02/10/2025 7:02 AM EST

Subject: RE: Ordinance - 5217 6th St W

Mr Pledger,

I cannot confirm without a thorough investigation. If you would like to submit a complaint for my Field Staff to investigate the property, kindly provide your name and address, per state statute.

Thank you.



William Diaz | Code Enforcement Manager

Department of Community Development

1500 Monroe St, Fort Myers, FL 33901

office: (239) 533-8878

cell: (239) 839-0729

email: wdiaz@leegov.com

web: www.leegov.com/dcd

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From: cpledger [naybor.us](mailto:cpledger@naybor.us) <cpledger@naybor.us>
Sent: Saturday, February 8, 2025 11:37 AM
To: Diaz, William <WDiaz@leegov.com>
Subject: Ordinance - 5217 6th St W

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Mr. Diaz,

Per the attached photo, can you clarify that the items stored at 5217 6th St W are a violation of Zoning restrictions?

Thank you,

Craig A. Pledger

Phone: (352) 359-2050

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Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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