



# AUDIT REPORT



**DATE** April 22, 2020

**NO.** 2020-001

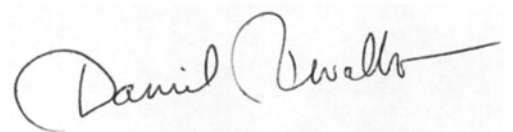
**COMMUNITY DEVELOPMENT  
CODE COMPLIANCE**

INTERNAL AUDIT DIVISION  
ROGER D. EATON  
CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER  
CHARLOTTE COUNTY FLORIDA

Honorable Roger D. Eaton  
Charlotte County Clerk of the Circuit Court and Comptroller  
350 East Marion Avenue  
Punta Gorda, Florida 33950

We have completed an audit of Code Compliance. The purpose of this audit was to ensure practices are reasonable, efficient and promote compliance with local and state laws. The report details the current control environment and includes our comments and recommendations. Management responses from the Community Development Director have been included and immediately follow the audit report.

Respectfully submitted,

A handwritten signature in black ink that reads "Daniel Revallo". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Daniel Revallo  
Internal Audit Director

## TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	1
BACKGROUND .....	2
AUDIT OBJECTIVES .....	3
SCOPE AND METHODOLOGY .....	3
COMMENTS AND RECOMMENDATIONS .....	3
ACKNOWLEDGEMENT .....	6

## EXECUTIVE SUMMARY

Internal Audit has completed a review of the Charlotte County Community Development Department's code compliance process. Our review determined the following:

1. Code Compliance is largely complaint-driven. Proactive enforcement is generally not performed.
2. Complaints are typically investigated within three (3) business days of receipt.
3. Code Compliance Officers (CCO) are knowledgeable and receive professional certification through the Florida Association of Code Enforcement (FACE). Certification is required within one (1) year.
4. Except for as identified within the **Comments and Recommendations** section, code compliance activities tested and observed, appear to align with local and state laws, as well as promote the efficiency of County resources, etc.
5. There is an opportunity to strengthen the County's position and overall effectiveness through implementing formal, written policies and procedures for pertinent Code Compliance related activities, etc.

The following is a summary of our recommendations:

1. **We recommend** that increased controls governing the publication of documents on the BOCC website be established and implemented accordingly.
2. **We recommend** compliance with Florida Statutes regarding site visits and written notices. Although code compliance is considered a fluid process and there is a need for case-by-case considerations, minimal standards **should be established** to keep a steady progression if violators do not respond to courtesy letters, follow-up inspections, etc. A general timeline should be established to provide ample guidance and consistency among CCOs. Acceptable guidelines for extensions should also be addressed.
3. **We recommend** establishing policies and procedures for photo retention guidelines. For example, it should be established when photo evidence is required and how/where it is stored to ensure a level of consistency among the CCOs and cases, etc. It may also be helpful to include a "No photo evidence required" comment to ensure photos are not simply missing or overlooked.
4. **We recommend** that conflict of interest statements be completed by CCOs to ensure any known conflicts are identified and documented, as appropriate. Documentation should be maintained for each employee file.
5. **We recommend** that policies and procedures be established for case data input. For example, it should be established what details are required to be entered into the Accela Automation Program, at a minimum, to ensure a level of consistency among the code compliance cases.
6. **We recommend** that formal, written procedures that describe the process for scanning all code compliance documents, including citations, be implemented and followed by personnel accordingly. Both sides of the citation form should be scanned to document compliance with Florida Statute, Chapter 162.
7. **We recommend** that personnel be reminded of form completeness, as well as policies and procedures be implemented and followed to ensure pertinent documents/required notices are uploaded, as appropriate.

## BACKGROUND

The Code Compliance section of the *Community Development - Planning and Zoning Division* is responsible for investigating reports of possible code violations, including:

- Junk-Like Conditions
- Abandoned Motor Vehicles or Watercraft
- Tall Grass (except on vacant lots, which is not a violation)
- Setback Requirements
- Fence Inspections
- Landscape Inspections (Commercial and Residential)
- Sign Inspections
- Commercial Change of Occupancy
- Expired Permits / No Permits

Code Compliance personnel exercise oversight and enforcement of the Charlotte County Code and applicable Florida Statutes, etc. Enforcement personnel are designated as “Code Compliance Officers” (CCO) and receive professional certification through the Florida Association of Code Enforcement (FACE).

Code Compliance is largely complaint-driven. Complaints may be reported online, by phone or e-mail, or in-person. Complainants can report anonymously online or by phone.

Complaints received are typically investigated within three (3) business days of receipt. If valid, the assigned Code Compliance Officer will perform an initial inspection and issue a “Courtesy Letter” in the form of a Code Compliance Request (“CCR”) or Warning Letter, etc. If non-compliance continues beyond the allotted timeframe provided, formal notices are made pursuant to F.S. Chapter 162.

There is a separate procedure for issuing a Notice of Public Nuisance (NPN) for tall-grass complaints, which routinely includes abatement procedures and attaching a property lien.

Code case details are recorded and maintained electronically within the Department’s Accela Automation Program. Accela Automation is a software-based application. The cashing and recording of any fines and/or fees ordered by the Code Enforcement Special Magistrate (CESM) is a mechanized process that uses desktop computers. The information generated by the Accela Automation Program is then used to post to the County’s Eden general ledger.

Code Compliance case information can also be found on the Charlotte County Citizen Access Portal, unless restricted.

On average, we noted an approximate 4,600 code compliance cases initiated each year. Junk-like conditions and unpermitted work combined accounted for approximately 53%. Tall-grass complaints accounted for another estimated 14%. Less than 1% related to citations issued.

We discussed the citation process; however, other than tree-related violations at this point, CCOs have not had any situations that would warrant the issuance of a citation over the regular code compliance process.

We noted approximately 1,933 open code compliance cases within the Accela Automation Program as of year-to-date, March 31, 2019. Tall-grass complaints accounted for approximately 280. Open cases dated as far back as the year 2007. Code cases can remain unresolved for many years, depending on adjudication.

### AUDIT OBJECTIVES

1. To determine whether code compliance practices align with local and state laws (*Florida Statute Chapter 162*).
2. To determine whether code compliance practices provide reasonable efficiency of County resources.
3. To determine whether all legally available means of enforcement are utilized.
4. To determine whether enforcement practices promote compliance with County Code.

### SCOPE AND METHODOLOGY

The scope comprised of code compliance activity between October 1, 2015 and March 31, 2019. This included County fiscal years 2016, 2017, 2018 and YTD March 2019. Specific case transactions, processes, and/or situations reviewed, however, may *not* be limited to the audit period. The coverage period may extend beyond the audit period, depending on when a complaint/case was originally initiated and finalized, etc.

In order to satisfy the stated audit objectives, we obtained a data file download from the Accela Automation application (in Excel format) containing code compliance cases initiated, and imported that data into CaseWare IDEA, a data analytics program. Case details were sorted and summarized, and random samples were generated in order to perform various detailed test procedures.

Cases reviewed were considered for proper authority and enforcement, compliance with local and state laws, efficiency and timeliness of actions, as well as general consistency, etc.

### COMMENTS AND RECOMMENDATIONS

#### 1. Need for Increased Internal Control over BOCC Website Publications

During audit procedures, we identified an outdated item (an old inspection list from 2017) as well as documents that had not yet been published on the BOCC website (CESM minutes), indicating a need for increased internal controls.

Lack of publication and/or outdated, irrelevant information could look poorly in the public eye, as well as prompt inquiry of compliance with local and state laws, etc.

**We recommend** that increased controls governing the publication of documents on the BOCC website be established and implemented accordingly.

## 2. CCOs are making Excessive Site Visits/Follow-ups

We noted instances where violators are given excessive time to achieve compliance with code violations. There were various cases with multiple inspections prior to issuance of a Notice of Violation or Notice of Hearing. We noted twelve (12) of sixty-five (65) cases reviewed had five (5) or more documented inspections. Two (2) of sixty-five (65) had ten (10) or more documented inspections.

Florida Statutes, Chapter 162.06 states, "...if a violation of the codes is found, the code inspector shall notify the violator and give him or her a reasonable time to correct the violation."

Excessive site visits and follow-up inspections take time and resources away from the County, as well as attention to any new violations, which may pose greater health and safety risks to the Public. In addition, inconsistent case-by-case considerations can lead to a perception of partiality or favoritism, by an inconsistent interpretation of "reasonable time".

**We recommend** compliance with Florida Statutes regarding site visits and written notices. Although code compliance is considered a fluid process, and there is a need for case-by-case considerations, minimal standards ***should be established*** to keep a steady progression if violators do not respond to courtesy letters, follow-up inspections, etc. A general timeline should be established to provide ample guidance and consistency among CCOs. Acceptable guidelines for extensions should also be addressed.

## 3. Inconsistent Photo Evidence

Photo evidence retained is not consistent case-by-case. Photos are not taken for each inspection, nor do the photos always include a date/time stamp or adequate description, etc. We noted five (5) of sixty-five (65) cases with no photo evidence retained, eight (8) of sixty-five (65) cases contained a date stamp only, and zero (0) of sixty-five (65) cases contained both a date/time stamp.

Lack of policies and procedures create inconsistency, which can lead to inadequate documentation. Without proper photo evidence, a CCO cannot prove a violation exists.

Additionally, photos serve as proof of the CCOs location while working in the field. This is important for time and resource tracking for budgeting purposes.

**We recommend** establishing policies and procedures for photo retention guidelines. For example, it should be established when photo evidence is required and how/where it is stored to ensure a level of consistency among the CCOs and cases, etc. It may also be helpful to include a "No photo evidence required" comment to ensure photos are not simply missing or overlooked.

#### 4. No Conflict of Interest Statements or Procedures

Conflict of interest statements are not prepared, which can lead to undisclosed conflicts and the unfair or improper handling of code compliance matters.

Employees are generally scheduled outside of their residential areas; however, this is informal and may not resolve all potential conflicts.

**We recommend** that conflict of interest statements be completed by CCOs to ensure any known conflicts are identified and documented, as appropriate. Documentation should be maintained for each employee file.

#### 5. Inconsistent Case Details Input

Case details entered into the Accela Automation application are not consistent case-by-case. We noted twenty-six (26) of sixty-five (65) cases reviewed had no “Complaint Source” input, only two (2) of sixty-five (65) cases reviewed utilized the “Priority” field, and nineteen (19) of sixty-five (65) cases reviewed had no “assigned-to” details input, etc. *See also 3. Inconsistent Photo Evidence noted above.*

Lack of policies and procedures can create inconsistencies, which can lead to inadequate documentation to support a case and/or its outcome, etc.

**We recommend** that policies and procedures be established for case data input. For example, it should be established what details are required to be entered into the Accela Automation Program, at a minimum, to ensure a level of consistency among the code compliance cases.

#### 6. Citation disclosures are not scanned.

Citation related disclosures required by FL Statute, Chapter 162 Section 21(3) (c) are not currently scanned into the Accela Automation Program, which means there is no evidence of proper distribution at the time of citation issuance. Required disclosures are printed on the back of the citation forms; however, not properly scanned/uploaded into Accela as evidence. The missing disclosures include the procedures to follow to pay the penalty or contest the citation, the civil penalty if the person elects to contest and a waiver statement in the event that the person fails to respond or pay the fine within the allotted time allowed by statute.

Without scanned evidence, there is a potential inability to prove required disclosures were made at the time of citation issuance.

**We recommend** that formal, written procedures that describe the process for scanning all code compliance documents, including citations, be implemented and followed by personnel accordingly. Both sides of the citation form should be scanned to document compliance with Florida Statute, Chapter 162.



## **7. Incomplete or Missing Documents/Notices, etc.**

We noted several code compliance cases where noted documents/notices were either incomplete or missing from the Accela Automation Program and/or the Charlotte County Citizen Access Portal, etc. There were seventeen (17) of sixty-five (65) cases with reference documents/notices that could not be located, and six (6) of sixty-five (65) cases where issued notices stored were lacking signatures.

Lack of policy and procedures can create inconsistency, which can lead to inadequate documentation to support a case and/or its outcome, etc.

Files should be consistently stored within Accela. Likewise, inspection comments uploaded should be detailed and accurately portray events. The issuance of documents should not be referenced unless completed/issued, etc.

**We recommend** that personnel be reminded of form completeness, as well as policies and procedures be implemented and followed to ensure pertinent documents/required notices are uploaded, as appropriate.

### **ACKNOWLEDGEMENT**

We would like to thank the Code Compliance personnel of the Community Development – Planning and Zoning Division for their assistance in the completion of this audit.

Audit performed by:  
Misti Payette  
Internal Auditor  
Charlotte County Clerk of Courts and Comptroller



**MEMORANDUM**

Date: 02-28-2020

To: Dan Revallo, Internal Audit Director  
Misti Payette, Internal Auditor, Charlotte County Clerk of Courts and Comptroller

From: Claire Jubb, Community Development Director

Subject: Response to Code Compliance Audit Report

Staff has reviewed the draft audit report dated 02-13-2020 and wants to thank Internal Audit for their thorough review of the code compliance process and the recommendations made to improve efficiencies and process in the division.

Each of the specific recommendations made have been addressed as follows:

1) Need for Increased Internal Control over BOCC Website Publications

Response: The outdated item noted on the website has been removed and CESM minutes are up-to-date on the website. Additionally, a Standard Operating Procedure (SOP) has been developed to give clear direction as to the timeframes within which minutes should be uploaded to the website along with guidance for regular reviews of website content.

2) CCOs are making Excessive Site Visits/Follow-ups

Response: An SOP has been developed to give guidance to the CCO's on standard time frames. In addition, the SOP also instructs CCO's to ensure proper documentation should a situation warrant a timeframe be exceeded.

3) Inconsistent Photo Evidence

Response: An SOP has been developed giving clarification of when a photo is required – at a minimum, a photo is required for all inspections unless the violation is such that a photo would not add value to the case – in which case, the lack of a photo should be explained as part of the inspection.

Additionally, the Accela system automatically tracks the date and time a photo was taken – even if this is not visible on the photo itself, there is always a record if the photo is taken using the land management software. The SOP includes capturing the photo within the land management software.

4) No Conflict of Interest Statements or Procedures

Response: A statement will be added to the departments internal "Code of Ethical Conduct" which all departmental employees are required to sign on an annual basis. After this statement is added, all departmental staff will be required to sign the document and it will be placed in their employee files.

5) Inconsistent Case Details Input

Response: An SOP has been developed to ensure all fields in Accela are completed. In addition, some fields will be made mandatory to ensure they are not skipped.

6) Citation disclosures are not scanned.

Response: An SOP has been developed to ensure both sides of any applicable document are scanned into the system.

7) Incomplete or Missing Documents/Notices, etc.

Response: An SOP has been developed that ensures that all documents associated with each case are attached to the Accela record. The Accela record should be the complete record and although staff may have paper files for their own use as they are working the case, all pertinent documents forming the complete case history should be attached to Accela.

We trust the forgoing responses are sufficient to address the issues raised during the audit and we look forward to the follow-up in a year.

