

Okeechobee County Code Enforcement Special Magistrate Hearing

October 15, 2019 Minutes

The hearing of the Okeechobee County Code Enforcement Special Magistrate, Deborah M. Hooker, took place at the Okeechobee County Health Department Auditorium on Tuesday, October 15, 2019.

ROLL CALL:

The following county staff members were present:

Brandi Williamson, Secretary to the Special Magistrate
Beth Albert, Code Enforcement Supervisor
Jennifer Kinard, Code Enforcement Officer
Lakisha Gilchrist, Code Enforcement Officer
David Coleman Jr, Code Enforcement Officer
Roy Griffin, Code Enforcement Officer

Laura McCall, County Attorney, was also present.

ADMINISTRATIVE ITEMS:

1. **Call to Order:** The Meeting was called to order by Special Magistrate Hooker at 2:09 pm on Tuesday, October 15, 2019, after which Special Magistrate Hooker led the Pledge of Allegiance.
2. **Swear in Code Enforcement Officers:** Special Magistrate Hooker swore in the following Code Enforcement Officers: Beth Albert, Lakisha Gilchrist, David Coleman Jr, Roy Griffin and Jennifer Kinard.
3. **Cases in Compliance:** Officer Albert stated that the following cases are in compliance:

New Business: Jaydee F Wolf and Jessique Wolf	Case number: 1906-0138
Old Business: Charlie Henderson and Eva V Henderson	Case number: 1903-0005
Old Business: Fred and Sheila Votino	Case number: 1904-0033
4. **Minutes:** Special Magistrate Hooker approved and signed the minutes from the September 17, 2019 hearing.
5. **Public Comment:** Special Magistrate Hooker invited public comment. There were no public comments.

Cases may have been called out of order of the agenda due to the presence of certain parties.

OLD BUSINESS:

Case number 1902-0005 for Mark C Kramer was called.

Mark C Kramer and John Henry, engineer, was present for this case and sworn for testimony.

Mr. Kramer verified his mailing address as 1037 NE 30th Ave, Okeechobee, FL 34972. Officer Gilchrist presented the case for the property located at 1037 NE 30th Avenue which was previously heard during the September 17, 2019 hearing and cited for abandoned/inoperable vehicles, 10.02.02B, trash and debris, 10.02.02D, construction without building permit, 13.01.01, outdoor storage, 10.02.02L and overgrowth, 10.02.02K. Significant progress has been made and the property is now only in violation of 13.01.01. Mr. Kramer and Mr. Henry both stated that they were unaware of the placement of the septic tank, which has hindered the permit process.

Officer Gilchrist offered several supporting documents into evidence, which were admitted into evidence by Special Magistrate Hooker.

Special Magistrate Hooker found the Respondent to be in violation of section 13.01.01. Special Magistrate Hooker ordered Respondent to be in full compliance by obtaining permit for shed, including all required fees and inspections, if it is able to be permitted, if not, remove the shed by December 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1904-0136 for Corona Holdings XIV LLC and G.M. Worley, Jr. was called.

Mac "Hoot" Worley, contractor, was present for this case and sworn for testimony.

Mr. Worley verified his mailing address as 110 NW 5th Street, Okeechobee, FL 34972. Officer Albert presented the case for the property located at 27555 NW 208th Street which was previously heard during the September 17, 2019 hearing and cited construction without a permit, 13.01.01. Property remains in violation, however both permits have been submitted and awaiting further documentation. Mr. Worley stated the permits would've been submitted sooner, but they were waiting on a septic permit.

Officer Albert offered several supporting documents into evidence, which were admitted into evidence by Special Magistrate Hooker.

Special Magistrate Hooker found the Respondent to be in violation of section 13.01.01. Special Magistrate Hooker ordered Respondent to be in full compliance by getting both structures permitted, including all required fees, inspections and certificate of occupancy by December 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1902-0084 for Christopher Aguilar was called.

Juan Aguilar, father of property owner and Cynthia Ortiz, sister of property owner, were present for this case and sworn for testimony.

Ms. Ortiz stated that Christopher Aguilar's mailing address is 3966 NW 4th Street, Okeechobee, FL 34972. Officer Coleman presented the case for the property located at 3964 NW 4th Street which was previously heard during

the September 17, 2019 meeting and cited for abandoned/inoperable vehicles, 10.02.02B, business in residential area, 2.04.04B and 2.04.04C, outdoor storage, 10.02.02L and obstruction of right of way, 58-77. Progress has been made, but property remains in violation. Both Ms. Ortiz and Mr. Aguilar were injured during clean up, but they continue to move towards compliance.

Officer Coleman offered several supporting documents into evidence, which were admitted into evidence by Special Magistrate Hooker.

Special Magistrate Hooker found the Respondent to be in violation of sections 10.02.02B, 10.02.02L, 2.04.04B, 2.04.04C and 58-77. Special Magistrate Hooker ordered Respondent to be in full compliance by removing all junk, trash, debris and other accumulations, clear the right of way and cease any business operations by December 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1902-0106 for Juan Aguilar was called.

Juan Aguilar and Cynthia Ortiz, daughter, were present for this case and sworn for testimony.

Officer Coleman presented the case for the property located at 3966 NW 4th Street which was previously heard during the September 17, 2019 meeting and cited for abandoned/inoperable vehicles, 10.02.02B, outdoor storage, 10.02.02L, running a business in a residential area, 2.04.04B and 2.04.04C, and obstruction of right of way, 58-77. Some progress has been made, but property remains in violation.

Officer Coleman offered several supporting documents into evidence, which were admitted into evidence by Special Magistrate Hooker.

Special Magistrate Hooker found the Respondent to be in violation of sections 10.02.02B, 10.02.02L, 2.04.04B, 2.04.04C and 58-77. Special Magistrate Hooker ordered Respondent to be in full compliance by removing all accumulations, clearing the right of way and ceasing business operations by December 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

NEW BUSINESS:

Case number 1708-0106 for Gary McConnell, Successor Trustee of the Edward A McConnell Family Trust, dated September 13, 2005, and Shannon Scribner was called.

No parties were present for this case.

Officer Kinard presented the case for the property located at 8857 SE 67th Way which was cited for condition which constitutes a safety hazard, 10.02.02E. Property remains in violation. No permits have been issued, but a contractor has been hired.

Officer Kinard offered several supporting documents into evidence, which were admitted into evidence by Special Magistrate Hooker.

Special Magistrate Hooker found the Respondent to be in violation of section 10.02.02E. Special Magistrate Hooker ordered Respondent to be in full compliance by repairing roof and skirting with all applicable

permits, fees and inspections by December 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1906-0174 for Freddie Porter and Jeanie Porter was called.

No parties were present for this case.

Officer Gilchrist presented the case for the property located at 1531 NE 14th Street which was cited for outdoor storage, 10.02.02L, trash and debris, 10.02.02D and overgrowth, 10.02.02K. Property remains in violation. No progress has been made.

Officer Gilchrist offered several supporting documents into evidence, which were admitted into evidence by Special Magistrate Hooker.

Special Magistrate Hooker found the Respondent to be in violation of sections 10.02.02L, 10.02.02D and 10.02.02K. Special Magistrate Hooker ordered Respondent to be in full compliance by removing junk, trash, debris and all other accumulations and mow and trim all overgrown grass and weeds by December 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1808-031 for Ronnie N Smith and Donna C Smith was called.

No parties were present for this case.

Officer Kinard presented the case for the property located at 7950 State Road 78 West, Unit 59 and 60, which was cited for construction without a permit, 13.01.01. Property remains in violation. No permit application has been submitted.

Officer Kinard offered several supporting documents into evidence, which were admitted into evidence by Special Magistrate Hooker.

Special Magistrate Hooker found the Respondent to be in violation of section 13.01.01. Special Magistrate Hooker ordered Respondent to be in full compliance by removing unpermitted structure or obtain permits including all fees and inspections by December 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

OLD BUSINESS:

Case number 1901-0055 for Annette Sheppard was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 808 NE 15th Avenue which was cited for inoperable or abandoned vehicles, 10.02.02B, trash and debris, 10.02.02D, outdoor storage, 10.02.02L, overgrowth, 10.02.02K and roof damage, 10.04.00E. Significant progress has been made. Property is only in violation of 10.04.00E.

Officer Griffin offered several supporting documents into evidence, which were admitted into evidence by Special Magistrate Hooker.

Special Magistrate Hooker found the Respondent to be in violation of section 10.04.00E. Special Magistrate Hooker ordered Respondent to be in full compliance by repairing the roof with all applicable permits, fees and inspections by December 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1807-0165 for Brown Shoe Management Group Inc was called.

No parties were present for this case.

Officer Kinard presented the case for the property located at 11555 Highway 441 SE Unit 2 which was previously heard during the September 17, 2019 hearing and cited for construction without a permit, 13.01.01. Property remains in violation. The unit has been sold. Case was tabled to notify the new owners of the unit.

Officer Kinard offered several supporting documents into evidence, which were admitted into evidence by Special Magistrate Hooker.

Special Magistrate Hooker found the Respondent to be in violation of section 13.01.01. Special Magistrate Hooker tabled the matter until December 17, 2019.

Case number 1808-0048 for Shirley A Upthegrove was called.

No parties were present for this case.

Officer Coleman presented the case for the property located at 7930 SE 57th Drive which was previously heard during the August 20, 2019 hearing and cited for violation of minimum housing standards, 10.02.02O. Property remains in violation. Joyce Murphy, daughter of Shirley Upthegrove, previously contacted the Code Enforcement Department and stated she had half of the money necessary to remove or repair the structure.

Officer Coleman offered several supporting documents into evidence, which were admitted into evidence by Special Magistrate Hooker.

Special Magistrate Hooker found the Respondent to be in violation of section 10.02.02O. Special Magistrate Hooker ordered Respondent to be in full compliance per the August 20, 2019 and the March 19, 2019 orders by December 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1810-0058 for Donald Howard Trent and Monique Alise Trent was called.

No parties were present for this case.

Officer Kinard presented the case for the property located at 8857 SE 67th Way which was previously heard during the September 17, 2019 and cited for construction without a permit, 13.01.01. Property remains in violation. Progress has been made.

Officer Kinard offered several supporting documents into evidence, which were admitted into evidence by Special Magistrate Hooker.

Special Magistrate Hooker found the Respondent to be in violation of section 13.01.01. Special Magistrate Hooker ordered Respondent to be in full compliance by obtaining all required permits with all applicable fees and inspections on both unpermitted structures by December 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1811-0014 for James R Conroy was called.

No parties were present for this case.

Officer Gilchrist presented the case for the property located at 3140 SE 23rd Street which was cited for condition of building, 10.04.00A and roof damage, 10.02.02E. Property remains in violation.

Officer Gilchrist offered several supporting documents into evidence, which were admitted into evidence by Special Magistrate Hooker.

Special Magistrate Hooker found the Respondent to be in violation of sections 10.04.00A and 10.04.00E. Special Magistrate Hooker ordered Respondent to obtain a demolition permit with all applicable fees by December 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1809-0075 for Carroll L Thomas Sr, Patricia Thomas and Carroll L Thomas Jr was called.

No parties were present for this case.

Officer Gilchrist presented the case for the property located at 2815 SE 20th Court which was previously heard during the September 17, 2019 meeting and cited for overgrowth, 10.02.02K, trash and debris, 10.02.02D, condition which constitutes a safety hazard, 10.02.02E and unsafe structure, 8.00.00G 108.1.1. Property remains in violation, no progress has been made. Mr. Thomas Jr remains in an adult care facility. A fine of \$30.00 per day was requested. After the hearing, the matter was brought back on record due to new information. Officer Albert made contact with Mr. Thomas's state appointed attorney, Deborah Kline, who shared some information regarding Mr. Thomas's mental state. Due to this new information, the request for imposition of fine was denied and the case was continued.

Officer Gilchrist offered several supporting documents into evidence, which were admitted into evidence by Special Magistrate Hooker.

Special Magistrate Hooker found the Respondent to be in violation of sections 10.02.02K, 10.02.02D, 10.02.02E and 8.00.00G 108.1.1. Special Magistrate Hooker continued the matter until the December 17, 2019 hearing.

Case number 1901-0070 for Ana Gomez was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 3290 NW 6th Street which was previously heard during the September 17, 2019 meeting and cited for abandoned/inoperable vehicles, 10.02.02B, trash and debris, 10.02.02D, unauthorized occupancy of RV, 7.08.05, unauthorized structures, buildings and/or containers, 7.09.01B, parking, storage, use of certain vehicles, 2.07.00A, unsafe structure, 8.00.00G 108.1.1, outdoor storage, 10.02.02L, violation of minimum housing standards, 10.02.02O and condition which constitutes a safety hazard, 10.02.02E. Progress has been made. Property is only in violation of 10.02.02B and 7.09.01B.

Officer Griffin offered several supporting documents into evidence, which were admitted into evidence by Special Magistrate Hooker.


Special Magistrate Hooker found the Respondent to be in violation of sections 10.02.02B and 7.09.01B. Special Magistrate Hooker ordered Respondent to be in full compliance by removing the unlicensed/derelict/disabled vehicles and removing the two sheds by December 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

After all scheduled cases were presented, case number 1604-0057 for William and Crystal Griffin, was briefly heard to address the rescheduling of the compliance date and the next hearing date. The updated compliance date is December 12, 2019 and the updated hearing date is December 17, 2019.

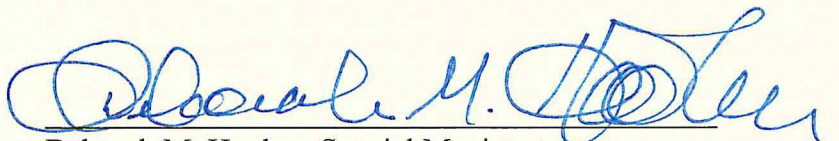
Magistrate Hooker also approved the cancellation of the November hearing.

ADJOURNMENT:

There being no further business, Special Magistrate Hooker adjourned the meeting at 3:53 p.m.


Brandi Williamson, Secretary to Special Magistrate

12/17/19
Date


Deborah M. Hooker, Special Magistrate

1-17-19
Date