

Okeechobee County Code Enforcement Special Magistrate Hearing

July 16, 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, July 16, 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

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 2:00 pm on Tuesday, July 16, 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, David Coleman Jr, Roy Griffin and Jennifer Kinard.
3. **Cases in Compliance:** Officer Albert stated that the following cases are in compliance:

Old Business: Dawn Ashlee Hartzke	Case number: 1811-0043
Old Business: Arona Salmeron	Case number: 1903-0015
Old Business: Robert H and Judy G Eubanks	Case number: 1902-0099
Old Business: Sandra Lorena Atehortua	Case number: 1808-0072
Old Business: Kenneth R and Kimberly R Collins	Case number: 1807-0127

Case number 1901-0053, Nicolette Blanco, was stricken from the agenda as Ms. Blanco was not present for her reduction request.
4. **Minutes:** Special Magistrate Hooker approved and signed the minutes from the May 21, 2019 hearing.
5. **Public Comment:** Special Magistrate Hooker invited public comment. There were no public comments.

Cases were called out of order due to the presence of certain parties.

OLD BUSINESS:

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

Joyce Upthegrove-Murphy, daughter of property owner, was present for this case and sworn for testimony.

Officer Coleman presented the case for the property located at 7930 SE 57th Drive which was previously heard during the May 21, 2019 hearing and cited for violation of minimum housing standards, 10.02.02O. Property remains in violation. No permits have been applied for. Mrs. Murphy stated she was under the impression she could do the work herself, but was later told she needed a contractor. She stated she's called FPL to disconnect the power, but it is still connected.

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 March 19, 2019 order by August 15, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1805-0031 for Franklin A Sweat & Kimberly M Sweat was called.

Franklin Sweat was present for this case and sworn for testimony.

Mr. Sweat stated his correct mailing address as PO Box 2593, Okeechobee, FL 34973. Officer Kinard presented the case for the property located at 3525 SW 17th Street which was previously heard during the May 21, 2019 hearing and cited for storage of wrecked vehicles, 10.02.02L and trash and debris, 10.02.02D. Property remains in violation, but some progress has been made. Clean up was delayed due to the passing of Mr. Sweat's father, but he stated he would continue clean up.

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 sections 10.02.02L and 10.02.02D. Special Magistrate Hooker ordered Respondent to be in full compliance by removing tarps, junk, debris and trash by August 15, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1710-0034 for Joyce Rieck was called.

Joyce Rieck was present for this case and sworn for testimony.

Officer Albert presented the case for the property located at 30350 NE 17th Terrace which was previously heard during the May 21, 2019 hearing and cited for unsafe structure, 8.00.00G (108.1.1) and outdoor storage, 10.02.02L. Property remains in violation. The demolition permit has expired. Ms. Rieck stated her health has been worse due to the heat and she has been unable to progress.

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 8.00.00G (108.1.1) and 10.02.02L. Special Magistrate Hooker imposed a daily fine in the amount of \$25.00 starting July 17, 2019. The order will be filed at the Clerk of Court in no less than 14 days.

NEW BUSINESS:

Case number 1812-0113 for Francisco Melchor and Marie A Flores was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 857 NW 39th Circle which was cited for outdoor storage, 10.02.02L, inoperable, abandoned vehicles, 10.02.02B, overgrowth, 10.02.02K and trash and debris, 10.02.02D. Property remains in violation, no progress has been made.

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 10.02.02L, 10.02.02B, 10.02.02K and 10.02.02D. Special Magistrate Hooker ordered Respondent to be in full compliance by removing unlicensed vehicles, or bringing tags current, and clearing property of storage, trash and debris by August 15, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1903-0031 for Edmond Lambert and Jana Black was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 6568 NE 2nd Street which was cited for abandoned, inoperable vehicles, 10.02.02B, overgrowth, 10.02.02K, parking, storage, use of certain vehicles, 2.07.00A, violation of minimum housing standards, 10.02.02O, 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. Warren Martin has power of attorney over Jana Black's affairs, but does not have ownership of property until her passing. Mr. Martin wanted to appeal the decision to demolish the structure, but it was not approved.

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, 10.02.02K, 2.07.00A, 10.02.02O, 10.02.02E and 8.00.00G 108.1.1. Special Magistrate Hooker ordered Respondent to be in full compliance by removing dilapidated, unsafe structure, removing overgrowth and removing abandoned vehicles by August 15, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

OLD BUSINESS:

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 April 16, 2019 hearing and cited for construction without a permit, 13.01.01. Property remains in violation. The eviction order was denied. Mr. Vanderhoff told Officer Kinard previous to the hearing that he had the paperwork and was ready to move forward, but no permits have been applied for.

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 compliance by September 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1809-0031 for Tangerlina R Johnson was called.

No parties were present for this case.


Officer Kinard presented the case for the property located at 3307 SW 22nd Street which was cited for outdoor storage, 10.02.02L. Property remains in violation, some progress has been made.

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

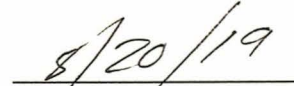
Special Magistrate Hooker found the Respondent to be in violation of section 10.02.02L. Special Magistrate Hooker ordered Respondent to be in full compliance by clearing property of all outdoor storage and accumulations of household goods and scrap material by August 15, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

ADJOURNMENT:

There being no further business, Special Magistrate Hooker adjourned the meeting at 3: 47 p.m.



Brandi Williamson, Secretary to Special Magistrate



Date



Deborah M. Hooker, Special Magistrate



Date