

Okeechobee County Code Enforcement Special Magistrate Hearing

December 17, 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, December 17, 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
Roy Griffin, Code Enforcement Officer

Nancy Stuparich, County Attorney, was also present.

ADMINISTRATIVE ITEMS:

1. **Call to Order:** The Meeting was called to order by Special Magistrate Hooker at 2:10 pm on Tuesday, December 17, 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, Roy Griffin and Jennifer Kinard.
3. **Cases in Compliance:** Officer Albert stated that the following cases are in compliance:

New Business: Robert Wright	Case number: 1810-0091
New Business: Leticia Gomez	Case number: 1906-0023
New Business: Jovan Rauf	Case number: 1905-0063
New Business: Cesar F. Garduno and Norma R Garduno	Case number: 1906-0027
New Business: Cheryl Lynn Gumz	Case number: 1905-0132
New Business: Juan Pablo Martinez and Marilyn Deida	Case number: 1901-0032
New Business: Susan R Howard	Case number: 1908-0021
Old Business: Ana Lilia Gomez	Case number: 1901-0070
Old Business: Gary McConnell, Successor Trustee The Edward McConnell Family Trust dtd 9/13/05 and Shannon Scribner	Case number: 1708-0106
Old Business: Ronnie N Smith and Donna C Smith	Case number: 1808-0031
Old Business: William and Crystal Griffin	Case number: 1604-0057

The following cases were tabled:

New Business: Arthur King and Susan King -Tabled to ensure proper service	Case number: 1903-0053
Old Business: Annette Sheppard -Tabled to the January 21, 2020 hearing	Case number: 1901-0055
Old Business: Christopher Aguilar -Tabled to the January 21, 2020 hearing	Case number: 1902-0084
Old Business: Juan Aguilar -Tabled to the January 21, 2020 hearing	Case number: 1902-0106

4. **Minutes:** Special Magistrate Hooker approved and signed the minutes from the October 15, 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.

NEW BUSINESS:

Case number 1907-0053 for Rufus E Rhoden and Joellen J Rhoden was called.

Rufus E Rhoden and Joellen J Rhoden were present for this case and sworn for testimony.

Mr. Rhoden verified his mailing address as 3727 SW 13th Terrace, Okeechobee, FL 34974. Officer Griffin presented the case for the property located at 3727 SW 13th Terrace which was cited for trash and debris, 10.02.02D, outdoor storage, 10.02.02L, overgrowth, 10.02.02K, deterioration of building through neglect, 10.01.00A, condition which causes vermin, 10.02.03J, unauthorized structures, buildings, and/or containers, 7.09.01B, and parking, storage, and/or use of certain vehicles, 2.07.00A. Property is in compliance with all violations but 7.09.01B and 2.07.00A in regards to an untagged RV and unpermitted sheds. Mr. Rhoden stated that the RV belongs to his brother, who is in the process of getting it tagged. He also stated they are planning to permit the sheds.

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 7.09.01B and 2.07.00A. Special Magistrate Hooker ordered Respondent to be in full compliance by removing or obtaining a tag for the RV and removing or permitting the sheds with all required fees and inspections by January 16, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1903-0032 for Roger Kinte Neal Sr was called.

Roger Kinte Neal Sr and Dominique Neal, his wife, were present for this case and sworn for testimony.

Mr. Neal verified his mailing address as 1320 Mountainview Court, Tampa, FL 33612. Officer Albert presented the case for the property located at 925 NE 15th Avenue which was cited for violation of minimum housing standards, 10.02.02O, unsafe structure, 8.00.00G 108.1.1, and condition which constitutes a safety hazard, 10.02.02E. Mrs. Neal stated that they have tried to offer the structure to the Fire Department for a controlled burn, but it is not eligible. Mrs. Neal also stated they have received a list of demolition contractors to begin the process.

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 sections 10.02.02O, 8.00.00G 108.1.1, and 10.02.02E. Special Magistrate Hooker ordered Respondent to be in full compliance by demolishing the unsafe structure with all permits, inspections and fees by January 16, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

OLD BUSINESS:

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 October 15, 2019 hearing and cited construction without a permit, 13.01.01. Property remains in violation. Mr. Worley stated everything has been submitted for the second structure and that they had failed a "blow door test" which hindered the process. They have since passed the test and submitted the information to the engineer. He stated that he was under the impression that only the additions he built were to be permitted, but in fact the entire structures require permitting.

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 February 13, 2020 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.

Donald Trent was present for this case and sworn for testimony.

Mr. Trent verified his mailing address as 2502 SE 33rd Street, Okeechobee, FL 34974. Officer Kinard presented the case for the property located at 8857 SE 67th Way which was previously heard during the October 15, 2019 hearing and cited for construction without a permit, 13.01.01. Property remains in violation. Officer Kinard suggested a daily fine of \$30.00 per day. Mr. Trent stated that the gazebo was originally a dog pen that he just took the chicken wire off of and was told he didn't need a permit for the dog pen. He also stated he did not receive

the previous notices as he no longer lives at the property. Due to the new knowledge of Mr. Trent's living arrangements, Officer Kinard suggested extending the compliance date.

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 by January 16, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

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

James Conroy was present for this case and sworn for testimony.

Mr. Conroy verified his mailing address as 3140 SE 23rd Street, Okeechobee, FL 34974. Officer Gilchrist presented the case for the property located at 3140 SE 23rd Street which was previously heard during the October 15, 2019 hearing and cited for condition of building, 10.04.00A and roof damage, 10.02.02E. Property is in compliance with section 10.04.00A, but remains in violation of section 10.04.00E. Officer Gilchrist suggested a daily fine of \$30.00. Mr. Conroy stated he obtained a demolition permit and removed the addition, however the roof still needs to be repaired and he has applied for a reroof permit.

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 10.04.00E. Special Magistrate Hooker ordered Respondent to be in full compliance by completing the reroof with all required permits, fees and inspections by January 16, 2020 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.

Al and Rhonda Kunz, the unit owners, were present for this case and sworn for testimony.

Mr. Kunz verified his mailing address as 11555 Highway 441 SE, Unit 2, Okeechobee, FL 34974. Officer Kinard presented the case for the property located at 11555 Highway 441 SE Unit 2 which was previously heard during the October 15, 2019 hearing and cited for construction without a permit, 13.01.01. Property remains in violation. Mr. Kunz stated he cannot achieve compliance due to financial restraints and the quad fees placed on the unit, which he feels he should not be responsible for. Mr. Kunz plans to discuss his options with the building department so he can come into compliance.

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 permitting the unit with all necessary permits, fees and inspections by February 13, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

NEW BUSINESS:

Case number 1903-0108 for Johnnie Micheal Isaacs and Sharon Hill Isaacs was called.

No parties were present for this case.

Officer Kinard presented the case for the property located at 2308 SW 32nd Street which was cited for construction without a permit, 13.01.01. The owners live out of state and could not attend the hearing, but they have contracted Hoss Aluminum to permit the carport.

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 permitting the carport with all necessary fees and inspections by January 16, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1812-0022 for Maureen M Sheets and Robert L Sheets was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 1409 NW 36th Avenue which was cited for inoperable/abandoned vehicles, 10.02.02B, outdoor storage, 10.02.02L, overgrowth, 10.02.02K, violation of minimum housing standards, 10.02.02O, unsafe structure, 8.00.00G 108.1.1, condition which causes vermin, 10.02.03J and parking, storage, and/or use of certain vehicles, 2.07.00A. Mr. Robert L Sheets is deceased. The grass has been mowed and is in compliance of section 10.02.02K, but remains in violation with all other previously listed sections. Magistrate deemed it reasonable to proceed with notifying just Maureen M Sheets.

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, 10.02.02L, 10.02.02O, 8.00.00G 108.1.1, 2.07.00A and 10.02.03J. Special Magistrate Hooker ordered Respondent to be in full compliance by January 16, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

OLD BUSINESS:

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 originally heard during the October 15, 2019 hearing and 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 10.02.02I, 10.02.02D and 10.02.02K. Special Magistrate Hooker imposed a daily fine of \$30.00 starting on December 18, 2019. Order is to be recorded at the Clerk of Court in no less than 14 days.

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

No parties were present for this case.

Officer Albert presented the case for the property located at 7930 SE 57th Drive which was previously heard during the October 15, 2019 hearing and cited for violation of minimum housing standards, 10.02.02O. Property remains in violation.

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 10.02.02O. Special Magistrate Hooker ordered Respondent to be in full compliance by January 16, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

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

No parties were present for this case.

Officer Gilchrist presented the case for the property located at 1037 NE 30th Avenue which was previously heard during the October 15, 2019 hearing and cited for construction without building permit, 13.01.01. Mr. Kramer had previously spoken with Officer Gilchrist stating that he could not get ahold of the engineer he'd hired and it came to light that he'd been very sick. Due to this, Officer Gilchrist suggested an extension of the compliance date.

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 January 16, 2020 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 October 15, 2019 meeting and cited for overgrowth, 10.02.02K, trash and debris, 10.02.02D, condition

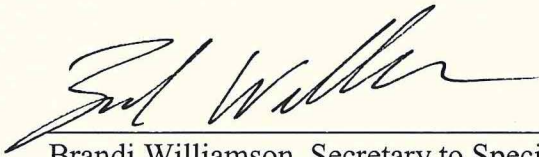
which constitutes a safety hazard, 10.02.02E and unsafe structure, 8.00.00G 108.1.1. Property remains in violation, no progress has been made. Mr. Thomas Jr remains in an adult care facility. It was suggested to review the case in six months to confirm if Mt. Thomas Jr. had been appointed a guardian.

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 June 18, 2020 hearing.

ADJOURNMENT:

There being no further business, Special Magistrate Hooker adjourned the meeting at 4:40 p.m.



Brandi Williamson, Secretary to Special Magistrate

1/21/20

Date



Deborah M. Hooker, Special Magistrate

1-21-20

Date