

Okeechobee County Code Enforcement Special Magistrate Hearing

February 18, 2020 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, February 18, 2020.

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 2:08 pm on Tuesday, February 18, 2020, 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: Juan Antonio Colin Lopez and Veronica Luviano Aguilar	Case number: 1910-0056
Old Business: Christopher Aguilar	Case number: 1902-0084
Old Business: Juan Aguilar	Case number: 1902-0106
Old Business: Pete Gilbert	Case number: 1511-0051

The following cases were tabled:

Old Business: Corona Holdings XIV LLC and G.M. Worley Jr. -Tabled to the April 21, 2020 hearing	Case number: 1904-0136
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Case number 1908-0017 for Matthew C Johnson and Jodie A Johnson was removed from the agenda.

4. **Minutes:** Special Magistrate Hooker approved and signed the minutes from the January 21, 2020 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 1903-0055 for Linda Walls was called.

Linda Walls was present for this case and sworn for testimony.

Mrs. Walls verified her mailing address as 15319 NW 252nd Street, Okeechobee, FL 34972. Officer Griffin presented the case for the property located at 15319 NW 252nd Street which was cited for inoperable or abandoned vehicles, 10.02.02B, trash and debris, 10.02.02D, unauthorized use of land and/or building, 10.02.02F, outdoor storage, 10.02.02L, violation of minimum housing standards, 10.02.02O, construction without a permit, 13.01.01, unauthorized occupancy of RV, 7.08.05, and parking, storage, and/or use of certain vehicles, 2.07.00A. Some progress has been made. Mrs. Walls stated she was making progress, but a death in the family hindered the clean up. Mrs. Walls stated she has been trying to find somewhere to live as the RV is their current home.

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 10.02.02F, 10.02.02L, 10.02.02O and 7.08.05. Special Magistrate Hooker ordered Respondent to be in full compliance by removing RVs and clearing the property of outdoor storage by March 12, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

OLD BUSINESS:

Case number 1906-0121 for Robert M Kolovrat and Vera C Kolovrat was called.

Robert M Kolovrat and Vera C Kolovrat were present for this case and sworn for testimony.

Mr. Kolovrat verified his mailing address as 20016 NW 266th Street, Okeechobee, FL 34972. Officer Griffin presented the case for the property located at 20016 NW 266th Street which was previously heard during the January 21, 2020 hearing and cited for trash and debris, 10.02.02D, outdoor storage, 10.02.02L, unauthorized use of land and/or building, 10.02.02F, violation of minimum housing standards, 10.02.02O, unauthorized occupancy of RV, 7.08.05, and unauthorized structures, buildings, and/or containers, 7.09.01B. Little progress has been made. Mr. Kolovrat stated he's trying to get into compliance and the shed should be removed by tomorrow. He stated he is waiting on a monetary settlement to obtain a primary structure.

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 10.02.02D, 10.02.02F, 10.02.02L, 10.02.02O, 7.08.05 and 7.09.01B. Special Magistrate Hooker ordered Respondent to be in full compliance by removing the unauthorized recreational vehicle and clearing the property of all debris by March 12, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1904-0087 for Jamie M Rubino was called.

Jamie M Rubino was present for this case and sworn for testimony.

Ms. Rubino verified her mailing address as 6702 NE 1st Street, Okeechobee, FL 34972. Officer Griffin presented the case for the property located at 6702 NE 1st Street which was previously heard during the January 21, 2020 hearing and cited for overgrowth, 10.02.02K, and parking, storage, and/or use of certain vehicles, 2.07.00A. Ms. Rubino stated she has been waiting for the financial means to tag the RVs. The property is in compliance of 10.02.02K.

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 2.07.00A. Special Magistrate Hooker ordered Respondent to be in full compliance by registering or removing RVs by March 12, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

NEW BUSINESS:

Case number 1910-0020 for Kyle Upham was called.

No parties were present for this case.

Officer Gilchrist presented the case for the property located at 972 NE 28th Avenue which was cited for trash and debris, 10.02.02D, overgrowth, 10.02.02K, outdoor storage, 10.02.02L, and exterior discoloration, 10.04.00B. 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 10.02.02D, 10.02.02K, 10.02.02L and 10.04.00B. Special Magistrate Hooker ordered Respondent to be in full compliance by clearing the property of all trash, debris, outdoor storage and overgrowth and clean the exterior of the home by March 12, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1904-0086 for Stephen Hall was called.

No parties were present for this case.

Officer Kinard presented the case for the property located at 9377 SE 57th Drive which was cited for inoperable or abandoned vehicle, 10.02.02B and unauthorized structures, buildings and/or containers, 7.09.01B. Mr. Hall is deceased. No 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 sections 10.02.02B and 7.09.01B. Special Magistrate Hooker ordered Respondent to be in full compliance by registering or removing any unlicensed or abandoned vehicles and removing any unauthorized structures, buildings and/or containers by March 12, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

REQUEST FOR REDUCTION OF FINE:

Case number 2312-0036 for Aline Norman was called.

Attorney Colin Cameron was present for this case and represented Ms. Norman.

Officer Albert presented the case for the property located at 6454 NE 1st Street which was previously heard during the July 20, 2004 hearing and cited for condition which constitutes a safety hazard, 10.02.02E, overgrowth, 10.02.02K and trash and debris, 10.03.00. At the July 20, 2004 hearing, a daily fine of \$25.00 was imposed on the property which started on July 21, 2004 and continued for 3,302 days, resulting in a total fine of \$82,550.00. The property was sold to another party at some point, but Mr. Cameron stated they were in a 6-7 year long litigation and finally reclaimed the property. Ms. Norman is requesting the fine be reduced to \$2,000.00. After calculating all costs involved, County Attorney, Nancy Stuparich recommended the fine be reduced to \$2,500.00. Mr. Cameron agreed to that amount. Officer Albert also brought up the fact that Ms. Norman has a more recent violation on another property and cited case number 1909-0011. Mr. Cameron was confident the violation will be cleared in reasonable time.

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

Special Magistrate Hooker recommended the fine be reduced from \$82,550.00 to \$2,500.00. This matter will be heard at the March 12, 2020 Board of County Commissioners Meeting and if approved, the fine must be paid within 30 days after the approval. Another stipulation of the recommendation is that Ms. Norman brings the property associated with case number 1909-0011 into compliance.

NEW BUSINESS:

Case number 1909-0026 for Barney and Krista Stotz was called.

No parties were present for this case.

Officer Kinard presented the case for the property located at 19875 NW 80th Drive which was cited for skirting requirements, 7.08.01B and exterior discoloration, 10.04.00B. Officer Kinard stated that Mrs. Stotz had called the morning of the hearing and stated a crew would be coming to clear the violations.

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 7.08.01B and 10.04.00B. Special Magistrate Hooker ordered Respondent to be in full compliance by repairing the skirting and clean or paint exterior by March 12, 2020 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 December 17, 2019 hearing and cited for construction without a permit, 13.01.01. Property remains in violation. The Kunzs has submitted a permit application for the addition and they are trying to achieve 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 March 12, 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.

No parties were present for this case.

Officer Gilchrist presented the case for the property located at 3140 SE 23rd Street which was previously heard during the January 21, 2020 hearing and cited for roof damage, 10.02.02E. Mr. Conroy has been sick, but he continues his efforts to bring the property into compliance.

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 March 12, 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 January 21, 2020 hearing and cited for construction without building permit, 13.01.01. Property remains in violation and even seems worse than before. Officer Gilchrist suggested a fine.

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 March 12, 2020. If not in compliance by this date, a daily fine of \$30.00 will be imposed starting March 13, 2020 which we be filed at the Clerk of Court in no less than 14 days after the fine begins.

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

No parties were present for this case.

Officer Griffin presented the case for the property located at 3727 SW 13th Terrace which was previously heard during the January 21, 2020 hearing and cited for unauthorized structures, buildings, and/or containers, 7.09.01B, and parking, storage, and/or use of certain vehicles, 2.07.00A. The permits are on hold and the vehicles remain on the property.

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 permitting the sheds with all required fees and inspections and removing the vehicles in violation by March 12, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1902-0125 for Jo Ann Barton was called.

No parties were present for this case.

Officer Kinard presented the case for the property located at 16008 NW 308th Street which was previously heard during the January 21, 2020 hearing and cited for trash and debris, 10.02.02D, condition which constitutes a safety hazard, 10.02.02E, overgrowth, 10.02.02K, unsafe structure, 8.00.00G 108.1.1, structure unfit for human occupancy, 8.00.00G 108.1.3 and demolition order, 8.00.00G 110.0. No progress has been made. Be a Man Buy Land is still working towards foreclosure.

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 10.02.02D, 10.02.02E, 10.02.02K, 8.00.00G 108.1.1, 8.00.00G 108.1.3 and 8.00.00G 110.0. Special Magistrate Hooker ordered Respondent to be in full compliance by demolishing the structure with all required permits, fees and

inspections and clear the property of trash, debris and overgrowth by March 12, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1808-0081 for Victor Sanchez was called.

No parties were present for this case.

Officer Kinard presented the case for the property located at 3583 NW 8th Street which was previously heard during the January 21, 2020 hearing and cited for inoperable/abandoned vehicles, 10.02.02B, trash and debris, 10.02.02D, and outdoor storage, 10.02.02L. There has been some progress made, but property remains in violation. Mr. Sanchez's ex-wife has told Officer Kinard that the RVs should be removed on the date of the hearing.

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 10.02.02B, 10.02.02D and 10.02.02L. Special Magistrate Hooker ordered Respondent to be in full compliance by clearing property of unlicensed or disabled vehicles and clearing property of all trash, debris and outdoor storage by March 12, 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 previously heard during the January 21, 2020 hearing and cited for inoperable/abandoned vehicles, 10.02.02B, outdoor storage, 10.02.02L, 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. The property remains in violation, but the RV and some outdoor storage has been removed.

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, 10.02.02O, 8.00.00G 108.1.1, and 10.02.03J. Special Magistrate Hooker ordered Respondent to be in full compliance by March 12, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

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

No parties were present for this case.

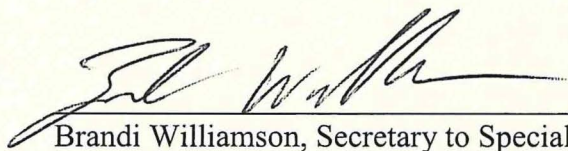
Officer Albert presented the case for the property located at 7930 SE 57th Drive which was previously heard during the January 21, 2020 hearing and cited for violation of minimum housing standards, 10.02.02O. Property remains in violation.

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 imposed a daily fine in the amount of \$40.00 starting February 19, 2020. The order is to be filed at the Clerk of Court in no less than 14 days.

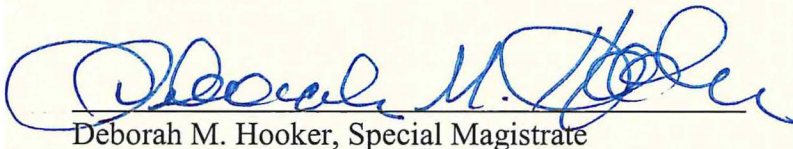
ADJOURNMENT:

There being no further business, Special Magistrate Hooker adjourned the meeting at 5:00 p.m.



Brandi Williamson, Secretary to Special Magistrate

7/21/20
Date



Deborah M. Hooker, Special Magistrate

7-21-20
Date