

Okeechobee County Code Enforcement Special Magistrate Hearing

July 21, 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, July 21, 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, and John Cary, County Attorney, were also present.

ADMINISTRATIVE ITEMS:

1. **Call to Order:** The Meeting was called to order by Special Magistrate Hooker at 2:07 pm on Tuesday, July 21, 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:

Old Business: Linda Walls	Case number: 1903-0055
Old Business: Jamie M Rubino	Case number: 1904-0087
Old Business: Victor Sanchez	Case number: 1808-0081
4. **Minutes:** Special Magistrate Hooker approved and signed the minutes from the February 18, 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.

OLD BUSINESS:

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

Robert M Kolovrat and Vera C Kolovrat, as well as their attorney, Debora Moore, were present for this case.

Attorney Debora Moore provided a Notice to Appear and requested to file a motion to continue to allow her time to review the case.

Special Magistrate Hooker continued the matter until the September 18, 2020 hearing.

REQUEST FOR REDUCTION OF FINE:

Case number 1702-0022 for Jeffrey Davidson was called.

Jeffrey Davidson and his wife, Victoria Davidson were present for this case and sworn for testimony.

Officer Albert presented the case for the property located at 19084 NW 258th Street which was previously heard during the November 21, 2017 hearing and cited for unauthorized use of land and/or building, 10.02.02F, outdoor storage, 10.02.02L, unauthorized structures, buildings, containers, 7.09.01B, accessory uses and structures, 2.04.021C-1, and construction without permit, 13.01.01. During the November 21, 2017 hearing the Special Magistrate imposed a fine of \$30.00 per day beginning November 22, 2017. The property remained in violation until February 3rd, 2020. The fine ran for 803 days resulting in a total fine of \$24,090.00. The Davidsons were requesting a reduction to \$350.00. Mrs. Davidson stated they spent nearly \$6,000 to \$7,000 to clear the property. The County suggested a reduction to \$2,000.00 due to costs expended by the County and its staff. Mrs. Davidson stated they could only afford \$550.00.

Special Magistrate Hooker recommended the fine be reduced from \$24,090.00 to \$550.00. This matter shall be heard at the next Board of County Commissioners Meeting. If approved, it is required that it be paid within 30 days after the meeting or else it will revert back to the original amount.

NEW BUSINESS:

Case number 1906-0184 for Gerald E Acheson was called.

No parties were present for this case.

Officer Kinard presented the case for the property located at 10185 NE 20th Lane which was cited for inoperable, abandoned vehicles, 10.02.02B, trash and debris, 10.02.02D, overgrowth, 10.02.02K and unsafe structure, 10.02.02E. Property is in compliance of 10.02.02B and 10.02.02E.

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 and 10.02.02K. Special Magistrate Hooker ordered Respondent to be in full compliance by removing trash and debris and clearing overgrowth by August 13, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1906-0240 for Mattie Taylor was called.

No parties were present for this case.

Officer Kinard presented the case for the property located at 1204 NE 15th Avenue which was cited for inoperable, abandoned vehicles, 10.02.02B and parking, storage and use of certain vehicles, 2.07.00A. Property remains in violation.

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 2.07.00A. Special Magistrate Hooker ordered Respondent to be in full compliance registering or removing inoperable vehicles by August 13, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

OLD BUSINESS:

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 February 18, 2020 hearing and cited for roof damage, 10.02.02E. Property remains in violation, no further 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 section 10.04.00E. Special Magistrate Hooker imposed a daily fine of \$30.00 beginning July 22, 2020. The lien is to be filed at the Clerk of Court in no less than 14 days.

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 February 18, 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. Property remains in violation, however the Rhodens are trying to achieve compliance. They are in compliance of section 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 section 2.07.00A. Special Magistrate Hooker ordered Respondent to be in full compliance by removing or registering the vehicles in violation by August 13, 2020 or be subject to a fine of up to \$250.00 per day thereafter.

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 previously heard during the February 18, 2020 hearing and 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 imposed a daily fine of \$30.00 beginning July 22, 2020. The lien is to be filed at the Clerk of Court in no less than 14 days.

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 previously heard during the February 18, 2020 hearing and 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 imposed a daily fine of \$30.00 beginning July 22, 2020. The lien is to be filed at the Clerk of Court in no less than 14 days.

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 previously heard during the February 18, 2020 hearing and cited for skirting requirements, 7.08.01B and exterior discoloration, 10.04.00B. The property is in compliance of 7.08.01B and 10.04.00B, however by installing a new mobile home without permits, they are now in violation of section 13.01.01, construction without a permit. Officer Kinard properly served the Respondents with notice of this violation prior to 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 section 13.01.01. Special Magistrate Hooker ordered Respondent to be in full compliance by obtaining a permit for the mobile home with all required fees and inspections by August 13, 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 February 18, 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 September 10, 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 February 18, 2020 hearing and cited for outdoor storage, 10.02.02L, violation of minimum housing standards, 10.02.02O, unsafe structure, 8.00.00G 108.1.1, and condition which causes vermin, 10.02.03J. The property remains in violation of 10.02.02L and 10.02.02K, but is in compliance with the other cited sections.

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 and 10.02.02K. Special Magistrate Hooker ordered Respondent to be in full compliance by removing outdoor storage and clearing overgrowth by August 13, 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.

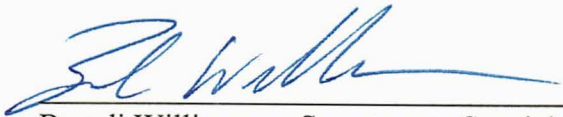
Officer Gilchrist presented the case for the property located at 2815 SW 20th Court which was previously heard during the December 17, 2019 hearing and cited trash and debris, 10.02.02D, condition which constitutes a safety hazard, 10.02.02E, overgrowth, 10.02.02K and unsafe structure, 8.00.00G 108.1.1. 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 10.02.02D, 10.02.02E, 10.02.02K and 8.00.00G 108.1.1. Special Magistrate Hooker imposed a daily fine of \$50.00 beginning July 22, 2020. The lien is to be filed at the Clerk of Court in no less than 14 days.

ADJOURNMENT:

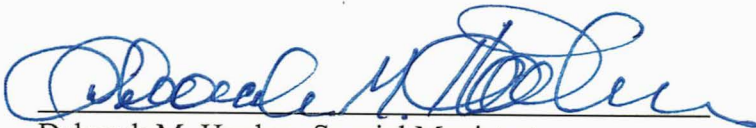
There being no further business, Special Magistrate Hooker adjourned the meeting at 3:53 p.m.



Brandi Williamson, Secretary to Special Magistrate

8/18/2020

Date



Deborah M. Hooker, Special Magistrate

8-18-20

Date