

Okeechobee County Code Enforcement Special Magistrate Hearing

August 20, 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, August 20, 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, August 20, 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:

New Business: Toni Deibler

Case number: 1903-0023

Old Business: Tangerlina R Johnson

Case number: 1809-0031

Case number 1901-0055 for Annette Sheppard and case number 1903-0031 for Edmond Lambert and Jana Black were tabled until proper service has been achieved.

4. **Minutes:** Special Magistrate Hooker approved and signed the minutes from the July 16, 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.

NEW BUSINESS:

Case number 1901-0036 for James Mench was called.

James Mench and Susan Gentile, friend of Mr. Mench, were present for this case and sworn for testimony.

Officer Griffin presented the case for the property located at 15836 NW 294th Street which was cited for abandoned/inoperable vehicles, 10.02.02B, trash and debris, 10.02.02D, unauthorized structures, buildings or containers, 7.09.01B, parking, storage, use of certain vehicles, 2.07.00A, outdoor storage, 10.02.02L, overgrowth, 10.02.02K, violation of minimum housing standards, 10.02.02O, unauthorized use of land and/or buildings, 10.02.02F and animal cages do not meet setbacks, 7.09.01C. Some progress has been made, but property remains in violation. Mr. Mench stated he has been instructed by his doctor not to work due to multiple surgeries and medical issues. Ms. Gentile stated that she has been doing what she can to achieve compliance by removing things by herself. Ms. Gentile mentioned being threatened by a neighbor and a member of the audience interrupted stating he is the neighbor and that he didn't threaten her. He also stated Mr. Mench and Ms. Gentile reside at the property full time. Magistrate Hooker told the gentleman he would get an opportunity to speak. Jamie Sabins from the Department of Health was sworn in and stated she worked as a septic inspector. Ms. Sabins stated she responded to a septic complaint that was filed with their department. She also stated that she has sent Mr. Mench multiple notices regarding obtaining a septic permit and removal of a portable toilet. The portable toilet was removed, however a septic permit was never obtained. Ms. Sabins also states she has witnessed both people and animals residing on the property. September 7, 2019 is when their 90 day notices moves forward to their legal team. The member of the audience who previously spoke up, was then sworn in. His name is George Hallom. He stated that Mr. Mench and Ms. Gentile have lived on the property since 2012 and that he has observed them burying their waste and bringing more animals such as horses and chickens to the property. Ms. Sabins stated she has witnessed one horse at first, but has recently increased to three horses. Officer Albert stated that power was permitted on the property for irrigation purposes and can be disconnected by the Building Official. Mr. Mench provided no substantial plan for compliance and stated that compliance may be possible in about six months, which Magistrate Hooker determined to be an unreasonable time frame.

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, 10.02.02D, 7.09.01B, 2.07.00A, 10.02.02L, 10.02.02K, 10.02.02O, 10.02.02F and 7.09.01C. Special Magistrate Hooker ordered Respondent to be in full compliance by removing the abandoned or inoperable vehicles, trash, debris, unauthorized structures and other accumulations, mowing the overgrown grass and weeds and ceasing the outdoor storage and dumping and any other violations cited by September 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 hired by property owner, was present for this case and sworn for testimony.

Officer Albert presented the case for the property located at 27555 NW 208th Street which was cited construction without a permit, 13.01.01. Mr. Worley stated the structures were originally built under the Right to Farm Act,

which he later found out was in error. He stated they are in the process of permitting the structures and has hired an engineer.

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 submit the permit application with all required fees by September 12, 2019 and appear for a status review on September 17, 2019 and also to be in full compliance, including inspections and certificate of occupancy by November 14, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1901-0070 for Ana Gomez was called.

Ana Gomez was present for this case and sworn for testimony.

Officer Griffin presented the case for the property located at 3290 NW 6th Street which was 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. Some progress has been made, but property remains in violation. Ms. Gomez stated she's hired American Construction to demolish the mobile home and she plans to continue clearing 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 10.02.02B, 10.02.02D, 10.02.02L, 10.02.02O, 10.02.02E, 7.08.05, 7.09.01B, 2.07.00A, and 8.00.00G 108.1.1. Special Magistrate Hooker ordered Respondent to be in full compliance by removing the unsafe structure with all required permits and fees, removing the RV, unlicensed vehicles, trash, debris and all other accumulations and any other violations cited, by September 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 and Rosa Aguilar, parents of the property owner, were present for this case and sworn for testimony.

Officer Coleman presented the case for the property located at 3964 NW 4th Street which was 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. Juan Aguilar and Rosa Aguilar stated that their son, Christopher Aguilar, could not attend the hearing due to work. Some progress has been made, but property remains in violation. The Aguilars stated that Christopher does understand the property must be cleared, but he works so much, he doesn't have much time to work on the property. Mr. Aguilar provided receipts from items that were already taken to the dump.

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 September 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 Rosa Aguilar, wife, 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 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. There was a motion to correct the notice of hearing to add the 58-77 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 September 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.

James R Conroy was present for this case, but requested to continue the case to allow time for him to hire council.

Case was continued to September 17, 2019.

Case number 1604-0057 for William and Crystal Griffin was called.

Crystal Griffin was present for this case and sworn for testimony.

Officer Griffin presented the case for the property located at 21662 NW 260th Street which was cited for unauthorized structures, buildings and/or containers, 7.09.01B, outdoor storage, 10.02.02L, violation of minimum housing standards, 10.02.02O and unauthorized use of land and/or building, 10.02.02F. Property remains in violation. Mrs. Griffin stated she was told in 2016 by Wes Abney that everything was taken care of. She stated she had prepared the shed to be removed, but rain has hindered the process. She gave BMJ towing a deposit, but they are waiting for the ground to dry. Notice of Hearing was corrected to show plural sheds instead of shed. Mrs. Griffin stated she was unaware the pavilion had to be removed as well.

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, 10.02.02L, 10.02.02O and 10.02.02F. Special Magistrate Hooker ordered Respondent to remove the “barn-cabin” structure by October 10, 2019 and the “pavilion” structure by November 14, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

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

Mark C Kramer was present for this case and sworn for testimony.

Officer Gilchrist presented the case for the property located at 1037 NE 30th Avenue which 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. Some progress has been made, but property remains in violation of all violations except 10.02.02B as the vehicles have been removed.

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, 10.02.02L, 10.02.02K and 13.01.01. Special Magistrate Hooker ordered Respondent to be in full compliance by removing junk, trash, debris, outdoor storage and unpermitted structure by September 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

OLD BUSINESS:

Case number 0904-0060 for Kristal Hoover was called.

Kristal Hoover was present for this case and sworn for testimony.

Officer Albert presented the case for the property located at 14869 NW 304th Street which was previously heard during the April 16, 2019 hearing and cited for construction without permit, 13.01.00 and 553.79(1) F.S. Property remains in violation. Progress continues and further inspections have been made.

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 13.01.00 and 553.79(1) F.S. Special Magistrate Hooker continued the matter until January 21, 2020.

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 July 16, 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 started a Gofundme account to raise funds to remove 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 March 19, 2019 order by October 10, 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 July 16, 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.

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

NEW BUSINESS:

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 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 is in an adult care facility. Mr. Thomas Sr and Mrs. Thomas are believed to be deceased. Other family are unwilling to assist. Mr. Thomas Jr does have a court appointed attorney, Debra Kline.

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 ordered Respondent to be in full compliance by removing condemned mobile home with all required permits and fees, mowing overgrown grass and weeds and removing all trash and debris by September 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1901-0048 for Joaquin D Dominguez was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 3252 NW 1st Street which was cited for outdoor storage, 10.02.02L, inoperable, abandoned vehicles, 10.02.02B, overgrowth, 10.02.02K, parking, storage, use of certain vehicles, 2.07.00A, deterioration of building(s), 10.01.00A and discolored exterior, 10.04.00B. 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, 2.07.00A, 10.01.00A and 10.04.00B. Special Magistrate Hooker ordered Respondent to be in full compliance by removing unlicensed vehicles, removing outdoor storage, mowing overgrown grass and weeds, and pressure cleaning or painting exterior by September 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

OLD BUSINESS:

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

No parties were present for this case.

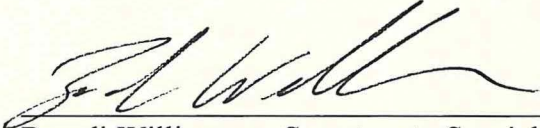
Officer Griffin presented the case for the property located at 857 NW 39th Circle which was cited for outdoor storage, 10.02.02L and trash and debris, 10.02.02D. Property remains in violation, no progress has been made.

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

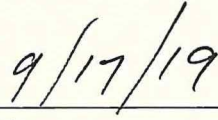
Special Magistrate Hooker found the Respondent to be in violation of sections 10.02.02L and 10.02.02D. Special Magistrate Hooker ordered Respondent to be in full compliance per the July 16, 21019 order by September 12, 2019 or be subject to a fine of up to \$250.00 per day thereafter.

ADJOURNMENT:

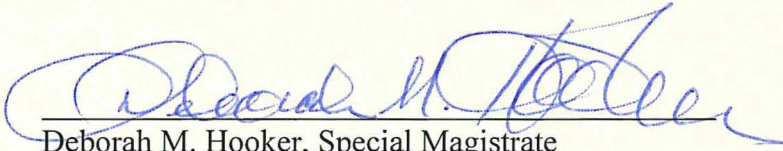
There being no further business, Special Magistrate Hooker adjourned the meeting at 5:30p.m.



Brandi Williamson, Secretary to Special Magistrate



Date



Deborah M. Hooker, Special Magistrate



Date