

# Okeechobee County Code Enforcement Special Magistrate Hearing

March 16, 2021, 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, March 16, 2021.

## ROLL CALL:

*The following county staff members were present:*

Beth Albert, Code Enforcement Supervisor  
Jennifer Kinard, Code Enforcement Officer  
Roy Griffin, Code Enforcement Officer  
Matthew Olivo, Code Enforcement Officer  
Lakisha Gilchrist, Code Enforcement Officer  
Animal Control staff present:  
Amy Fisher, Director  
Officer Medina  
Officer Raulerson  
Officer DiPace  
Officer Simmons

## ADMINISTRATIVE ITEMS:

1. **Call to Order:** The Meeting was called to order by Special Magistrate Hooker at 9:15 am on Tuesday, March 16, 2021, 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, Jennifer Kinard, Roy Griffin, Matthew Olivo, Lakisha Gilchrist and all of the Animal Control staff present.
3. **Cases in Compliance:** Officer Albert stated that the following cases are in compliance:

New Business: SB & RS Investments LLC	Case number: CE2009-0030
New Business: Charles Griffis, Tijerina (Tenants)	Case number: CE2008-0096
Old Business: Carlos Pizzi and Carolyn Pizzi	Case number: 1909-0026
Old Business: Dirty Boys Properties LLC	Case number: 1911-0026
Old Business: MADD Assets, LLC	Case number: CE2001-0031
Old Business: Christopher Ryan Gallaway and David Richard Robert	Case number: 1909-0057
Old Business: Alice M. Futch	Case number: CE2009-0220
Old Business: Richard J. Manniello, Barbara Manniello Joseph Manniello	Case number: CE2001-0072

Old Business: Jon Andreasson	Case number: CE2007-0021
Old Business: Felipe Aguire	Case number: CE2003-0063
Old Business: Steven M. Scherer and Lynn A. Scherer	Case number: 1912-0118
Old Business: Leann E. Bullock Estate	Case number: 1808-0005
Old Business: Danette M. Keenum Cossaboon	Case number: CE2005-0049
Old Business: Charles H. Bryant III	Case number: CE2005-0090
Old Business: Antonio Rivero and Elena Rivero	Case number: CE2006-0032
Old Business: Jeannie Padgett	Case number: CE2009-0024
Old Business: Felipe Aguirre and Mirela Villa	Case number: CE2009-0069

**Continued Cases:** The following cases were continued until further notice:

Old Business: Jacob Nisson	Case number: CE2001-0068
Old Business: Jeff A. Brockway	Case number: 1906-0191
Old Business: Robert Lee Landress	Case number: 1806-0034

4. **Minutes:** No minutes were approved at this 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 2021-02 for Alison L. Sims Lopez was called.*

Alison Sims Lopez was present for this case and sworn for testimony.

Officer Amy Fisher (Animal Control) presented the case for the property located at 13510 SE 42<sup>nd</sup> Street, which was cited for Section 10, dangerous dog (Chopper), Mrs. Lopez entered an agreement of joint stipulation and settlement. She has agreed to repair the fencing to eliminate the dog being able to escape the confines of the property.

Officer Fisher offered several supporting documents into evidence which were admitted into evidence by Special Magistrate Hooker. Officer Fisher also stated that Mrs. Lopez has done due diligence in meeting the required stipulation.

**Special Magistrate Hooker found the agreement of stipulation to be in order and signed and approved the joint stipulation and settlement of appeal. No further action required at this time.**

*Case number 2021-03 for Alison L. Sims Lopez was called.*

Alison Sims Lopez was present for this case and sworn for testimony.



Officer Amy Fisher (Animal Control) presented the case for the property located at 13510 SE 42nd Street, which was cited for Section 10, dangerous dog (Kacie), Mrs. Lopez entered an agreement of joint stipulation and settlement. She has agreed to repair the fencing to eliminate the dog being able to escape the confines of the property.

Officer Fisher offered several supporting documents into evidence which were admitted into evidence by Special Magistrate Hooker. Officer Fisher also stated that Mrs. Lopez has done due diligence in meeting the required stipulation.

**Special Magistrate Hooker found the agreement of stipulation to be in order and signed and approved the joint stipulation and settlement of appeal. No further action required at this time.**

**Case number 2021-01 for Janet Chivari was called.**

No parties were present for this case.

Officer Amy Fisher (Animal Control) presented the case for the property located at 5919 NE 8<sup>th</sup> Way, which was cited for Section 10, dangerous dog (Gator), Officer Fisher gave a description of the dog and stated it was not licensed. Testimony was also given by Animal Control Officer's Raulerson, Medina, DiPace and Simmons. A hand written testimony was presented by Officer Fisher for Officer Durbin, who is no longer employed with Animal Control. The testimony and statements reflect evidence of Gator being a dangerous dog.

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

**Special Magistrate Hooker found that the owner of the dog named Gator, Janet Chivari is in violation of section 10, for dangerous dog and that the dog must be safely confined until she no longer owns the dog and must notify animal control of the future home and address of the dog.**

**Case number 1908-0035 for Edwin Berle Rucks Jr. was called.**

Edwin Berle Rucks Jr was present and Tony Giardino, Building Official, both were sworn for testimony.

Mr. Rucks provided his mailing address as 28320 NE 55<sup>th</sup> Avenue, Okeechobee, FL 34972. Officer Griffin presented the case for the property located at 28480 NE 55<sup>th</sup> Avenue, which was cited for 10.02.02D, trash and debris, 10.02.02K, overgrowth, 10.02.02O, violation of minimum housing standards, 10.02.03J, harborage for vermin, and 10.01.00A, deterioration of building. Mr. Giardino stated that there are multiple electrical issues with the electrical panel that needs to be corrected by a licensed electrician. He also stated that multiple extension cords are being ran across the property to supply power and he has safety concerns. Mr. Rucks, stated, that he has cured most of the violations. Property remains in violation.

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, 10.02.02K, 10.02.02O, 10.02.03J, and 10.01.00A. Special Magistrate Hooker ordered the Respondent to be in full compliance by removing the cited violations by April 15, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number CE2005-0029 for Edwin Berle Rucks Jr. and Ashley E. Rucks was called.

Edwin Berle Rucks Jr was present and Tony Giardino, Building Official, both were sworn for testimony.

Mr. Rucks provided his mailing address as 28320 NE 55th Avenue, Okeechobee, FL 34972. Officer Griffin presented the case for the property located at 28320 NE 55th Avenue, which was cited for 10.02.02D, trash and debris, 10.02.02F, dilapidated structure, 10.02.02K, overgrowth, 10.02.02L, outdoor storage, 10.02.03J, harborage for vermin, 10.01.00A, deterioration of building, 7.03.03C, encroachment of rights of way, and 62.105C, business without a license. Mr. Giardino stated that there are multiple electrical issues that will need to be corrected by a licensed electrician. Property remains in violation.

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 10.02.02D, 10.02.02F, 10.02.02K, 10.02.02L, 10.02.03J, 10.01.00A, and 7.03.03C. Special Magistrate Hooker ordered the Respondent to be in full compliance by removing the cited violations by April 15, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

#### **BREAK UNTIL AFTERNOON SESSION**

#### **NEW BUSINESS:**

*None*

#### **OLD BUSINESS:**

Case number 1910-0118 for Robert Allan Dias II was called.

Robert Allan Dias II was present for this case and sworn for testimony.

Robert Allan Dias II provided his mailing address as 1193 SE Port Saint Lucie Blvd, Box 114, Port St Lucie, FL 34952. Officer Griffin presented the case for the property located at 15624 NW 290th Street, which was previously heard during the January 19, 2021 hearing and cited for 10.02.02B, Inoperable vehicles, 10.02.02L, outdoor storage, 10.02.02O, Violation of minimum housing standards, 10.02.02F, unauthorized use of land, 7.08.05, occupied recreational vehicle, and 2.07.00A, vehicle storage. Mr. Dias stated that he has a work related injury and provided workers compensation documents. He will continue to do what he can to achieve compliance.

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 10.02.02O, 10.02.02F, and 7.08.05. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by July 15, 2021 and if not in compliance a fine would start at \$25.00 per day beginning July 16, 2021 and continuing per day thereafter.**

***Case number 1906-0054 for Susan Adams and Geary Adams was called.***

No parties were present for this case.

Officer Griffin presented the case for the property located at 3346 NW 19th Avenue, which was previously heard during the January 19, 2021 hearing and cited for unsafe structure, 8.00.00G. (108.1.1), Condition which constitutes a safety hazard, 10.02.02E, unauthorized use of land, 10.02.02F and violation of minimum housing standards, 10.02.02O. Property remains in violation.

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 8.00.00G, (108.1.1), 10.02.02E, 10.02.02F, and 10.02.02O. Special Magistrate Hooker imposed a daily fine of \$100.00 to begin March 17, 2021 and remain in place until the property is brought into compliance. The lien shall be filed at the Clerk of Court in no less than 14 days.**

***Case number CE2001-0011 for Robert W. Alexander and Eleanora Alexander was called.***

No parties were present for this case.

Officer Gilchrist presented the case for the property located at 4369 SE 23<sup>rd</sup> Court, which was previously heard during the January 19, 2021 hearing and cited for abandoned/inoperable vehicle, 10.02.02B, trash and debris, 10.02.02D, Outdoor storage, 10.02.02L, and overgrowth, 10.02.02K. 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 10.02.02B, 10.02.02D, 10.02.02L and 10.02.02K. Special Magistrate Hooker imposed a daily fine of \$30.00 to begin March 17, 2021 and remain in place until the property is brought into compliance. The lien shall be filed at the Clerk of Court in no less than 14 days.**

***Case number 1912-0002 for Rhonda J. Beverly was called.***

No parties were present for this case.



Officer Griffin presented the case for the property located at 18182 NW 278<sup>th</sup> Street, which was previously heard during the January 19, 2021 hearing and cited for unauthorized use of land and/or building, 10.02.02F, parking, storage and use of certain vehicles, 2.07.00A, unauthorized structures, buildings, containers, 7.09.01B and unpermitted construction, 13.01.01. Property remains in violation.

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, 2.07.00A, 7.09.01B and 13.01.01. Special Magistrate Hooker ordered the Respondent to be in full compliance by removing the cited violations by April 15, 2021 or be subject to a fine of up to \$250.00 per day thereafter.**

*Case number CE2001-0060 for James Sweat Jr. was called.*

No parties were present for this case.

Officer Kinard presented the case for the property located at 1071 NW 39<sup>th</sup> Circle, which was which was previously heard during the January 19, 2021 hearing and cited for unpermitted construction, 13.01.01. 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 section 13.01.01. Special Magistrate Hooker ordered the Respondent to be in full compliance by removing the cited violations by April 15, 2021 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 308<sup>th</sup> Street, which was previously heard during the January 19, 2021 hearing and cited for trash & 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), (108.1.3) and (110.0). 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 10.02.02D, 10.02.02E, 10.02.02K, 8.00.00G (108.1.1), (108.1.3) and (110.0). Special Magistrate Hooker ordered the Respondent to be in full compliance by removing the cited violations by April 15, 2021 or be subject to a fine of up to \$250.00 per day thereafter.**



*Case number CE2001-0045 for Jeffrey Jones (deceased) and Susan L Frazier was called.*

Officer Kinard presented the case for the property located at 8336 Hwy 441 SE, which was previously heard during the January 19, 2021 hearing and cited for unpermitted construction, 13.01.01. Property remains in violation.

No parties were present for this case.

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 13.01.01. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by April 15, 2021 or be subject to a fine of up to \$250.00 per day thereafter.**

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

Officer Kinard presented the case for the property located at 19875 NW 80<sup>th</sup> Drive, which was previously table from the January 19, 2021 and cited for unpermitted construction, 13.01.01. Property remains in violation.

No parties were present for this case.

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 13.01.01. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by May 13, 2021 or be subject to a fine of up to \$250.00 per day thereafter.**

*Case number CE2008-0038 for Debra Chambers was called.*

No parties were present for this case.

Officer Kinard presented the case for the property located at 9338 SE 61<sup>st</sup> Drive, which was previously heard during the January 19, 2021 hearing and cited for overgrowth, 10.02.02K. 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 section 10.02.02K. Special Magistrate Hooker imposed a daily fine of \$30.00 to begin March 17, 2021 and remain in place until the property is brought into compliance. The lien shall be filed at the Clerk of Court in no less than 14 days.**



**REDUCTION OF FINE:**

*Case number 1511-0060 for M5 Investments, LLC (Mateo) was called.*

David Medrano the new owner was present for this case and sworn for testimony.

David Medrano provided his mailing address as 921 SE 37<sup>th</sup> Terrace. Officer Albert offered supporting documents for the property located at 16605 NW 32<sup>nd</sup> Avenue.

The fine ran from June 22, 2016, thru October 21, 2020, for \$25.00 per day reaching a total of \$39,550.00. The County proposed a reduced amount of \$2500.00. Mr. Medrano agreed to pay the County's proposal amount of \$2,500.00.

**Special Magistrate Hooker recommended the reduction to the amount of \$2500.00 to be presented for approval at the next Board of County Commissioner meeting.**

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

Juan Carlos Garcia, Realtor for Mr. Dominguez was present and sworn in for testimony.

Officer Griffin offered supporting documents for the property located at 3252 NW 1<sup>st</sup> Street.

The fine ran from September 18, 2019, thru February 13, 2020, for \$30.00 per day reaching a total of \$4,440.00. The County proposed a reduced amount of \$2500.00. Mr. Garcia countered the offer and stated they could pay \$1,500.00.

**Special Magistrate Hooker recommended the reduction to the amount of \$1,500.00 to be presented for approval at the next Board of County Commissioner meeting.**

*Case number 1301-0021 for Madd Assets, LLC (Haight/Fisher) was called.*

Devin Williamson, Owner of Madd Assets LLC was present and sworn in for testimony.

Officer Albert offered supporting documents for the property located at 2219 SE 40<sup>th</sup> Avenue.

The fine ran from August 21, 2013, thru January 15, 2021, for \$50.00 per day reaching a total of \$135,200.00. The County proposed a reduced amount of \$2500.00. Mr. Williamson countered the offer and stated he could pay \$250.00. The County then proposed a counter, offer of \$1500.00. Mr Williamson countered the offer and stated he could pay \$500.00

**Special Magistrate Hooker recommended the reduction to the amount of \$500.00 to be presented for approval at the next Board of County Commissioner meeting.**



Case number 0408-0006 for Madd Assets, LLC (Hunter) was called.

Devin Williamson, Owner of Madd Assets LLC was present and sworn in for testimony.

Officer Albert offered supporting documents for the property located at 3189 NW 74<sup>th</sup> Terrace.

The fine ran from February 16, 2005 thru July 7, 2010, for \$25.00 per day reaching a total of \$49,175.00. The County proposed a reduced amount of \$2500.00. Mr. Williamson listed his expenses he incurred to bring the property into compliance and stated he could pay \$500.00.

**Special Magistrate Hooker recommended the reduction to the amount of \$500.00 to be presented for approval at the next Board of County Commissioner meeting.**

Case number 0704-0022 for Madd Assets, LLC (Marshall) was called.

Devin Williamson, Owner of Madd Assets LLC was present and sworn in for testimony.

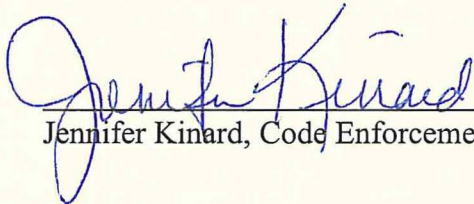
Officer Albert offered supporting documents for the property located at 965 NE 64<sup>th</sup> Avenue.

The fine ran from November 21, 2007, thru March 10, 2021, for \$250.00 per day reaching a total of \$1,214,500.00. The County proposed a reduced amount of \$5000.00. Mr. Williamson listed his expenses he incurred to bring the property into compliance and stated he could pay \$250.00.

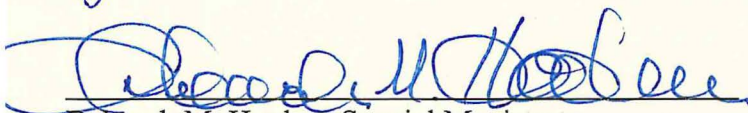
**Special Magistrate Hooker recommended the reduction to the amount of \$250.00 to be presented for approval at the next Board of County Commissioner meeting.**


**ADJOURNMENT:**

There being no further business, Special Magistrate Hooker adjourned the meeting.

  
Jennifer Kinard, Code Enforcement Officer

  
Date

  
Deborah M. Hooker, Special Magistrate

  
Date