

Okeechobee County Code Enforcement Special Magistrate Hearing

June 15, 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, June 15, 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
Lakisha Gilchrist, Code Enforcement Officer

ADMINISTRATIVE ITEMS:

1. **Call to Order:** The Meeting was called to order by Special Magistrate Hooker at 9:15 am on Tuesday, June 15, 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, and Lakisha Gilchrist.
3. **Cases in Compliance:** Officer Albert stated that the following cases are in compliance:

New Business: Ralph J. Collins and Barbara Collins	Case Number: 1909-0004
New Business: Samantha Quinlin and Roger Quinlin Jr.	Case Number: CE2012-0190
Old Business: Mireyba Martinez	Case Number: CE2012-0093
Old Business: Willie Nell Barrett (Estate)	Case Number: CE2012-0094
Old Business: Susan L. Frazier	Case Number: CE2001-0045
Old Business: Pools USA, LLC	Case Number: CE2101-0151
Old Business: Pools USA, LLC	Case Number: CE2103-0139

The following cases were removed from the agenda:

New Business: Joseph Hackler	Case number: CE2003-0005
------------------------------	--------------------------

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 1902-0054 for Taylor Creek Ranch LTD was called.

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

Officer Kinard presented the case for the property located at 12345 HWY 441 N, which was cited for outdoor storage, 10.02.02L, and prohibited uses and structures, 2.04.02B. Mr. Thorton stated that the outdoor storage has been removed, and still is in the process of obtaining the special exemption for his property. He has been in contact with his attorney regarding the special exemption. 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 10.02.02L and 2.04.02B. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by July 15, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number CE2010-0102 for Luis Saenz and Marlen Carolina Barahona Matute was called.

Luis Saenz and Marlen Carolina Barahona Matute were present for this case and sworn for testimony.

Officer Griffin presented the case for the property located at 19215 NW 286th Street, which was cited for unauthorized use of land and/or building, 10.02.02F, violation of minimum housing standards, 10.02.02O, construction without building permit, 13.01.01, unauthorized structures, buildings, containers, 7.09.01B. Mr. Saenz stated that he was not made aware of the violations on the property by the previous owner. He stated that officer Griffin made him aware he needs to build or purchase a home to put on the property. Mr. Saenz is under contract on a house in West Palm Beach and is to close on that house July 17th, after that he will start the process on this property to clear his 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 10.02.02F, 10.02.02O, 13.01.01, and 7.09.01B. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by August 12, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number CE2003-0044 for Clay David Nickerson was called.

Clay David Nickerson was present for this case and sworn for testimony.

Mr. Nickerson provided his mailing address as 1355 SW 23rd Place, Vero Beach, FL 32962. Officer Griffin presented the case for the property located at 1315 NW 342nd Trail, which was cited for parking, storage, use of certain vehicles, 2.07.00A, and unauthorized use of land and/or building, 10.02.02F. Mr. Nickerson requested to have three months to remove his violations. After discussions, Mr. Nickerson hopes to be in compliance by August. 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 2.07.00A and 10.02.02F. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by August 12, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number CE2006-0060 for Eddie James Neal Jr and Sheila Neal was called.

Eddie Neal and Jefferson Davis Sr. (real-estate developer) were present for this case and sworn for testimony.

Mr. Neal provided his mailing address as 1224 NE 16th Ave, Okeechobee FL 34972. Officer Albert presented the case for the property located at 701 NE 13th Avenue, which was cited for unsafe structure, 8.00.00G (108.1), 8.00.00G (108.1.3), and 8.00.00G (110.1). Mr. Neal discussed wanting to salvage the buildings. He would like to meet with the building department to provide plan details. Mr. Davis stated they are in contact with a structural engineer to have plans made. 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 sections 8.00.00G (108.1), 8.00.00G (108.1.3), and 8.00.00G (110.1). Special Magistrate Hooker ordered the case be continued until July 20, 2021, at which time compliance will be reviewed and Respondent may be subject to further action

Case number CE2012-0158 for Donald George Bradford Harris was called.

No parties were present for this case.

Officer Kinard presented the case for the property located at 1614 SW 10th Court, which was cited for abandoned/inoperable vehicles, 10.02.02B, trash and debris, 10.02.02D, overgrowth 10.02.02K, outdoor storage or dumping, 10.02.02L, and obstruction of right of way, 7.03.03C. 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, 10.02.02D, 10.02.02K, 10.02.02L, and 7.03.03C. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by July 15, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number CE2007-0011 for James Russell Foster, Patricia Jean Foster, and Kyle Mitchell Foster was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 16584 NW 296th Street, which was cited for abandoned/inoperable vehicles, 10.02.02B, and parking, storage, use of certain vehicles, 2.07.00A. 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 10.02.02B and 2.07.00A. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by July 15, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1911-0048 for Jason Farruggia and Dawn Strollo was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 16798 NW 302nd Street, which was cited for abandoned/inoperable 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, parking, storage, use of certain vehicles, 2.07.00A. 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 10.02.02B 10.02.02D, 10.02.02F, 10.02.02L and 2.07.00A. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by July 15, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number CE2001-0079 for Chris Flora was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 8394 NW 189th Avenue, which was cited for abandoned/inoperable vehicles, 10.02.02B, trash and debris, 10.02.02D, outdoor storage, overgrowth, 10.02.02K, outdoor storage or dumping, 10.02.02L, parking, storage, use of certain vehicles, 2.07.00A. 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 10.02.02B 10.02.02D, 10.02.02K, 10.02.02L and 2.07.00A. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by July 15, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1910-0124 for Allen A Rochefort was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 19467 NW 294th Street, which was cited for trash and debris, 10.02.02D, unauthorized use of land and/or building, 10.02.02F, outdoor storage or dumping, 10.02.02L, parking, storage, use of certain vehicles, 2.07.00A, and unauthorized structures, buildings, containers, 7.09.01B. 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 10.02.02B 10.02.02D, 10.02.02F, 10.02.02L, 2.07.00A, 7.09.01B. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by July 15, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

BREAK UNTIL AFTERNOON SESSION

OLD BUSINESS:

Case number CE2005-0095 for Willie W. Tindell and Kaitlin A. Ecker was called.

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

Officer Kinard presented the case for the property located at 1645 SW 11th Street which was previously heard during the May 18, 2021 hearing and cited for trash and debris, 10.02.02 D, overgrown weeds, grass, 10.02.02K. Mr. James Tindell stated he will have all violations cleared by July. 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 and 10.02.02K. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by July 15, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number CE2010-0109 for Rio Lerma LLC was called.

Karin Ammons (Fee Yates Law) was present for this case and sworn for testimony.

Mrs. Ammons provided her email address of kammons@feeyateslaw.com. Officer Kinard presented the case for the property located at 2054 HWY 70 W, which was previously heard during the May 18, 2021 hearing and cited for trash and debris, 10.02.02D, dilapidated, unsafe structure, 10.02.02E, overgrowth 10.02.02K, outdoor storage, 10.02.02L, building discoloration, 10.04.00B, sign maintenance, 9.00.03. Mrs. Ammons stated that Mr. Nassar would like to build another building on the property, there have been conversations with Mr. Royce

Regarding this matter. Mr. Nassar wants to know what needs to be done within the zoning department to build a new building and remove the current violation. 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, 10.02.02L, 10.04.00B, 9.00.03. Special Magistrate Hooker imposed a daily fine of \$100.00 to begin June 16, 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 CE2103-0066 for Christopher A. Amsden was called.

Chris Amsden was present for this case and sworn for testimony.

Officer Gilchrist presented the case for the property located at 2922 SE 24th Street, which was previously heard during the May 18, 2021 hearing and cited for abandoned/inoperable vehicles 10.02.02B, trash and debris, 10.02.02D, overgrowth, 10.02.02K, outdoor storage, 10.02.02L, condition of building, 10.04.00B. Mr. Amsden stated he has removed some of the vehicles and the shutters. He states he should be able to have the other violations cleared by the end of the month. 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, 10.02.02K, 10.02.02L and 10.04.00B. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by July 15, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number CE2009-0106 for Margaret B. Rowland, Kimberly M. Rowland, Rhett W. Rowland, and Eddie Gispert (Tenant) was called.

Margaret Rowland, Eddie Gispert, Kristy Cackley was all present for this case and sworn for testimony.

Officer Gilchrist presented the case for the property located at 3793 HWY 441 SE which was previously heard during the May 18, 2021 hearing and was cited for prohibited uses and structures, 2.04.07B. Property has come into compliance, however it was noted on record that the respondents are repeat violators and this property was out of compliance from September 17, 2020 to June 15, 2021.

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 compliance, however recognized that the Respondents are repeat violators, and the property was in violation from September 17, 2020 to June 15, 2021.

Case number 1906-0203 for Matthew Gibson and Jessika Thomas was called.

Matthew Gibson was present for this case and sworn for testimony.

Officer Griffin presented the case for the property located at 15460 NW 300th Street, which was previously heard during the May 18, 2021 hearing and cited for, 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, parking, storage, use of certain vehicles, 2.07.00A, unauthorized structures, buildings, containers, 7.09.01B, unauthorized occupancy of RV, 7.08.05. Mr. Gibson stated he has lost the use to his heavy equipment that he would use to move his RV. He is also in the process of trying to purchase more property to be brought into compliance. Mr. Gibson stated he understands the violations and what needs to be completed. 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, 10.02.02F, 10.02.02L, 10.02.02O, 2.07.00A, 7.09.01B, 7.08.05. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by August 12, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number CE2009-0217 for Jennifer Lynn Day was called.

No parties were present for this case.

Officer Gilchrist presented the case for the property located at 2150 SE 24th Blvd, which was previously heard during the May 18, 2021 hearing and cited for unauthorized occupancy of RV, 7.08.05, trash and debris, 10.02.02D, overgrowth, 10.02.02K, and outdoor storage, 10.02.02L. 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 7.08.05, 10.02.02D, 10.02.02K, and 10.02.02L. Special Magistrate Hooker imposed a daily fine of \$50.00 to begin June 16, 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 CE2007-0012 for Nicholas Hugo Diaz Hojman was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 17068 NW 306th Street, which was previously heard during the May 18, 2021 hearing and cited for abandoned/inoperable 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, parking, storage, use of certain vehicles, 2.07.00A. 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 10.02.02B, 10.02.02D, 10.02.02F, 10.02.02L, 2.07.00A. Special Magistrate Hooker imposed a daily fine of \$50.00 to begin July 21, 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 CE2009-0004 for William G. Ledford and Vergie M. Ledford (Estate) was called.

No parties were present for this case.

Officer Gilchrist presented the case for the property located at 6022 SE 95th Trail, which was previously heard during the May 18, 2021 hearing and cited for condition of building, 10.04.00B. 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 section 10.04.00B. Special Magistrate Hooker ordered the Respondent to be in full compliance by removing the cited violations by July 15, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1912-0003 for Ronald John Reid was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 16384 NW 272nd Street, which was previously heard during the May 18, 2021 hearing and cited for unauthorized use of land and/or building, 10.02.02F, construction without building permit, 13.01.01, unauthorized structures, buildings, containers, 7.09.01B. 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, 13.01.01, 7.09.01B. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by August 12, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

REDUCTION OF FINE:

Case number CE2007-0015 for Western Ranches LLC was called.

Lisa Addeo was present and sworn in for testimony.

Officer Albert offered supporting documents for the property located at 4423 Hwy 441 S.

he fine ran from January 20, 2021 thru May 19, 2021 for \$100.00 per day reaching a total of \$11,900.00. The County proposed a reduced amount of \$3,500.00. Mrs. Addeo countered the offer and stated she could pay \$250.00. At the conclusion of the presentation of the case, both parties agreed that a reduction in the amount of the accrued fine and lien was in the best interest of Okeechobee County and proper under the circumstances.

Special Magistrate Hooker recommended the reduction to the amount of \$7500.00 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.

Shelby Ritter
Shelby Ritter, Secretary to Special Magistrate

8.17.2021
Date

Deborah M. Hooker
Deborah M. Hooker, Special Magistrate

8-17-21
Date