

Okeechobee County Code Enforcement Special Magistrate Hearing

August 17, 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, August 17, 2021.

ROLL CALL:

The following county staff members were present for the morning session:

Beth Albert, Code Enforcement Supervisor
Jennifer Kinard, Code Enforcement Officer
Roy Griffin, Code Enforcement Officer
Lakisha Gilchrist, Code Enforcement Officer
Shelby Ritter, Secretary to Code Enforcement

ADMINISTRATIVE ITEMS:

1. **Call to Order:** The Meeting was called to order by Special Magistrate Hooker at 9:02 am on Tuesday, August 17, 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: Stuart Greenberg and Jane Greenberg	Case Number: CE2006-0037
New Business: Robert Allen Wright and Luci Michelle Wright	Case Number: CE2103-0048
New Business: Danielle Eric Vonderau Gloria-Jean Vonderau	Case Number: CE2103-0040
Old Business: Rene Mauricio Lopez Aguilar	Case Number: CE2008-0002
Old Business: Ronald John Reid	Case Number: 1912-0003
Old Business: Eddie James Neal Jr. Sheila Neal	Case Number: CE2006-0060

4. **Minutes:** Special Magistrate Hooker approved and signed the minutes from the April 20, 2021, May 18, 2021, June 15, 2021 and July 20, 2021 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.

AUTHORIZATION FOR FORECLOSURE:

Case number CE2003-0064 for Gerard A. Jolicoeur and Nancy Jolicoeur was called.

Gerard A Jolicoeur and Garrett Olsen (County Attorney) was present for this case and sworn for testimony.

Garrett Olsen presented the case for the property located at 1669 Hwy 70 E, which was cited for unsafe structure 8.00.00G (108.1.1, 108.1.3, 110.1, 304.1, 304.2, 304.7). Attorney Olsen stated that the respondents have been in violation of the Okeechobee County Code and have failed to bring the property into compliance within the time given. Due to the respondents, failure to comply and a fine accrued and a lien was placed on the property and all other property owned by the respondents, both real and personal. More than three months have passed since the lien for the fine was filled. The legal prerequisites for requesting authorization to foreclose have been met and there has been no legal reason shown by the respondents to prevent foreclosure or other actions to collect the fine. The County has requested to file for foreclosure on this property. Mr. Jolicoeur stated that he was having financial issues and that is what caused him to not be able to make the repairs to the buildings. He had a gentleman from Hillsborough County that was coming to remove the buildings. Property remains in violation.

Attorney Olsen 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, 108.1.3, 110.1, 304.1, 304.2, 304.7). Special Magistrate Hooker authorizes Okeechobee County to foreclose against Gerard A Jolicoeur and Nancy Jolicoeur, Respondents, due to the unpaid lien filed more than three months ago.

NEW BUSINESS:

Case number CE2108-0003 for Robert Allen Dias II was called.

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

Officer Griffin presented the case for the property located at 15624 NW 290th Street, which was cited for 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 repeat violation, person has previously violated within 5 years prior to the present violation, 162.04(5). Mr. Dias stated that the RV/trailer was removed for a week before it was brought back onto the property to remove more trash and debris. He does not live in the trailer. 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, 7.08.05, 13.01.01, and 162.04(5). Special Magistrate Hooker imposed a daily fine of \$50.00 to begin August 18, 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 CE2006-0151 for Marcelo Torres was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 14516 NW 264th Street, which was cited for trash and debris, 10.02.02D, dilapidated, unsafe structure, 10.02.02E, unauthorized use of land and/or building, 10.02.02F, outdoor storage or dumping, 10.02.02L, unauthorized occupancy of RV, 7.08.05, deterioration of property due to negligence, 10.01.00A, condition which provides for vermin, 10.02.03J, and parking, storage, use of certain vehicles, 2.07.00A, unauthorized structures, buildings, containers, 7.09.01B, and construction without building permit, 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 10.02.02D, 10.02.02E, 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 October 14, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number CE2008-0081 for Ryan Havasi was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 20858 NW 258th Street, which was cited for, unauthorized use of land and/or building, 10.02.02F, unauthorized structures, buildings, containers, 7.09.01B, and construction without building permit, 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 7.09.01B, 13.01.01, and 10.02.02F. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by October 14, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number 1908-0004 for Jesus Gamez and Irene Gamez was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 15218 NW 252nd Street, which was cited for, unauthorized use of land and/or building, 10.02.02F, unauthorized structures, buildings, containers, 7.09.01B, and construction without building permit, 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 7.09.01B, 13.01.01, and 10.02.02F. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by October 14, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number CE2007-0058 for Brown Shoe Management Group Inc. c/o William Larry Adkins, COO was called.

No parties were present for this case.

Officer Kinard presented the case for the property located at 11555 US Hwy 441 SE, which was cited for abandoned/inoperable vehicles, 10.02.02B, trash and debris, 10.02.02D, dilapidated, unsafe structure, 10.02.02E, unauthorized use of land and/or building, 10.02.02F, 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 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, and 10.02.02L. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by October 14, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number CE2009-0073 for Brenda L. Kemp was called.

No parties were present for this case.

Officer Kinard presented the case for the property located at 1508 NE 39th Blvd., which was 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 sections 10.02.02K. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by October 14, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

Case number CE2010-0104 for Deborah L. Medders (Deceased) c/o Michael Starnes was called.

No parties were present for this case.

Officer Kinard presented the case for the property located at 2940 NE 96th Ave, 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 parking, storage, use of certain vehicles, 2.07.00A. The tenant is Larua Roberts. 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 2.07.00A. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by October 14, 2021 or be subject to a fine of up to \$250.00 per day thereafter.

BREAK UNTIL AFTERNOON SESSION

OLD BUSINESS:

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

Donald Harris was present for this case and sworn for testimony.

Officer Kinard presented the case for the property located at 1614 SW 10th Court, which was previously heard during the July 20, 2021 hearing and 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, obstruction of right of way, 7.03.03C. Mr. Harris stated he is still in the process of clearing his violations. He should have the boat removed by Friday. Officer Albert recommended Mr. Harris should contact the Road & Bridge Department regarding the issue with the driveway. Mr. Harris stated he would set up an appointment with them and Officer Kinard. 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, 10.02.02L, and 7.03.03C. Special Magistrate Hooker ordered Respondent to be in full compliance by removing cited violations by October 14, 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 previously heard during the July 20, 2021 hearing and cited for parking, storage, use of certain vehicles, 2.07.00A, and unauthorized use of land and/or building, 10.02.02F. Mr. Nickerson stated that he has bad leg and back pain, and it is challenging to work every day to remove his violations. He has requested until the end of the month to come into compliance. Mr. Nickerson stated that one of the trailers needs to be broken down to remove it from the property because it does not have tags to it can't be driven on the road. 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

October 14, 2021 and if not in compliance a fine would start at \$20.00 per day beginning October 15, 2021 and continuing per day thereafter.

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

No parties were present for this case.

Officer Griffin presented the case for the property located at 19215 NW 286th Street, which was previously heard during the June 15, 2021 hearing and 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. 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 imposed a daily fine of \$30.00 to begin August 18, 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 1906-0203 for Matthew Gibson and Jessika Thomas was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 15460 NW 300th Street, which was previously heard during the June 15, 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. 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 imposed a daily fine of \$50.00 to begin August 18, 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 CE2003-0035 for Jesus Plascencia was called.

No parties were present for this case.

Officer Griffin presented the case for the property located at 1095 NE 361st Court, which was which was previously heard during the June 15, 2021 hearing and cited for abandoned/inoperable vehicles, 10.02.02B, trash and debris, 10.02.02D, dilapidated, unsafe structure, 10.02.02E, overgrowth, 10.02.02K, outdoor storage or dumping, 10.02.02L, unsafe structure, 8.00.00 G (108.1.1), unauthorized occupancy of RV, 7.08.05,

deterioration of property due to negligence, 10.01.00A, condition which provides for vermin, 10.02.03J, 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, 10.02.02D, 10.02.02E, 10.02.02F, 10.02.02L, 10.02.02K, 7.08.05, 10.01.00A, 10.02.03J, and 2.07.00A. Special Magistrate Hooker imposed a daily fine of \$100.00 to begin August 18, 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.

No parties were present for this case.

Officer Gilchrist presented the case for the property located at 2922 SE 24th Street, which was previously heard during the June 15, 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. 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 imposed a daily fine of \$100.00 to begin August 18, 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.

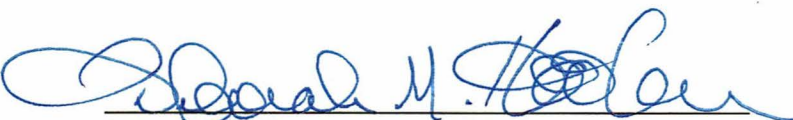
Magistrate Hooker also approved the cancellation of the September hearing.

ADJOURNMENT:

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


Shelby Ritter, Secretary to Special Magistrate

10-19-2021
Date


Deborah M. Hooker, Special Magistrate

10-19-21
Date