

# Okeechobee County Code Enforcement Special Magistrate Hearing

## January 17, 2017 Minutes

**The hearing of the Okeechobee County Code Enforcement Special Magistrate, Deborah Hooker, took place at the Okeechobee County Health Department Auditorium and was called to order at 2:00 p.m. on Tuesday, January 17, 2017.**

*The following county staff members were present:*

Beth Albert, Code Enforcement Officer  
Rollo Ridley, Code Enforcement Officer  
Jennifer Kinard, Code Enforcement Officer  
Brandi Cowing, Secretary to the Special Magistrate  
Laura McCall, County Attorney

**After the Pledge of Allegiance and a brief introduction statement, Magistrate Hooker swore in the Code Officers.**

**Code Officers stated the following cases are in compliance.**

New Business: Karin Aldridge, Trustee  
Old Business: Else Martin

Case number: 1609-0017  
Case number: 1604-0081

**Special Magistrate Hooker approved and signed the minutes from the November 15, 2016 hearing.**

**Special Magistrate Hooker reviewed and approved the 2017 Special Magistrate Hearing Dates.**

### **NEW BUSINESS:**

*Case number 1605-0010 for Karen Williams was called.*

No parties were present for this case.

Officer Rollo Ridley presented the case for the property located at 7860 NE 16<sup>th</sup> Street which was cited for overgrowth, 10.02.02K. Respondent spoke to Officer Ridley previously and stated the house was in pre-foreclosure, but no evidence has been found confirming this.

Officer Ridley offered several supporting documents into evidence.

**Magistrate Hooker found the Respondent to be in violation of section 10.02.02K and ordered Respondent to be in compliance by February 16, 2017.**

*Case number 1507-0059 for Carl and Rebecca Maxwell, Douglas and Jane Reising was called.*

Carl Maxwell and Douglas Reising were present for this case and sworn for testimony.

Officer Rollo Ridley presented the case for the property located at 3633 NW 221<sup>st</sup> Avenue which was cited for unsafe structure and structure unfit for human occupancy, 8.00.00G 108.1.1 and 108.1.3. Carl Maxwell stated his mailing address is 1621 Lake Drive Okeechobee, FL 34974. Douglas Reising stated his mailing address was 1113 4<sup>th</sup> Street Okeechobee, FL 34974. The lawn on the property is being maintained and the house has been boarded up. Mr. Maxwell stated that the insurance company was not cooperating after the fire, which caused the case to be held up. He states he's ready to settle and requests more time.

Officer Ridley offered several supporting documents into evidence.

**Magistrate Hooker found the Respondent to be in violation of sections 8.00.00G 108.1.1 and 108.1.3 and ordered Respondent to comply by way of obtaining a demolition permit by April 13, 2017, then ordered to be in full compliance by May 11, 2017.**

**OLD BUSINESS:**

*Case number 0904-0060 for Earl G Hoover and Kristal Hoover was called.*

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

Officer Beth Albert presented the case for the property located at 14869 NW 304<sup>th</sup> Street which was heard during the September 20, 2016 hearing and originally cited for construction without a permit, section 13.01.00 and 553.79(i) FS. There was a sheeting inspection done on January 4, 2017, which was approved. Progress is being made.

Officer Albert offered several supporting documents into evidence.

**Magistrate Hooker found the Respondent to be in violation of sections 13.01.00 and 553.79(i) FS and ordered a status review on June 20, 2017.**

**IMPOSITION OF FINE:**

*Case number 1512-0010 for Youell Thomas Housch was called.*

Youell Thomas Housch was present for this case and sworn for testimony.

Officer Rollo Ridley presented the case for the property located at 1866 NE 103<sup>rd</sup> Avenue which was heard during the September 20, 2016 hearing and originally cited for parking, storage and use of certain vehicles, 2.07.00A, outdoor storage, 10.02.02L and maintenance of nuisance on property prohibited, 10.03.00A. Respondent had a heart attack and the money he was going to use to pay for the mobile home had to be used on doctor expenses. He plans to double up his payments on his property in order to get it paid off and increase the equity so he can get a loan to purchase the mobile home.

Officer Ridley offered several supporting documents into evidence.

**Magistrate Hooker found the Respondent to be in violation of sections 2.07.00A, 10.03.00A and 10.02.02L and ordered a status review on May 16, 2017.**

*Case number 1606-0096 for John Louthan and Megan Louthan was called.*

No parties were present for this case.

Officer Beth Albert presented the case for the property located at 1637 SW 67<sup>th</sup> Drive which was heard during the November 15, 2016 hearing and originally cited for pool enclosure, 8.00.00G 303.2. Respondent has applied for a concrete permit to repair the concrete around the pool so the fence can be set in place.

Officer Albert offered several supporting documents into evidence.

**Magistrate Hooker found the Respondent to be in violation of section 8.00.00G 303.2 and ordered Respondent to be in compliance by February 16, 2017.**

*Case number 1506-0062 for David Slay and Joey Mohanna was called.*

David Slay, Joey Mohanna and Robert Wylie (previous owner) were present for this case and sworn for testimony.

Officer Beth Albert presented the case for the property located at 32175 NE 3<sup>rd</sup> Drive which was heard during the November 15, 2016 hearing and originally cited for construction without a permit, 13.01.00. There are some permitting issues that need to be resolved before further construction can commence.

Officer Albert offered several supporting documents into evidence.

**Magistrate Hooker found the Respondent to be in violation of section 13.01.00 and ordered Respondent to be in compliance by way of obtaining all required permits by February 16, 2017, then be in full compliance by March 16, 2017.**

***Case number 1605-0078 for Estate of Donald and Laura Wright was called.***

Theresa Wright and Stacey Fussell (daughters of previous owners and only heirs) were present for this case and sworn for testimony.

Officer Rollo Ridley presented the case for the property located at 2530 SE 19<sup>th</sup> Terrace which was heard during the November 15, 2016 hearing and originally cited for trash and debris, 10.02.02D, overgrowth, 10.02.02K, unsafe structure, 8.00.00G 108.1.1 and structure unfit for human occupancy, 8.00.00G 108.1.3. The property has been cleared of overgrowth and is working toward compliance. Ms. Wright has been in contact with Bank of America to determine if any money is owed on the property.

Officer Ridley offered several supporting documents into evidence.

**Magistrate Hooker found the Respondent to be in violation of sections 8.00.00G 108.1.1, 108.1.3 and 10.02.02D and ordered Respondent to be in compliance by February 16, 2017.**

***Case number 1606-0094 for Cole FD Portfolio I LLC was called.***

Randy Lipkein (lawyer representing Respondent) was present for this case and sworn for testimony.

Officer Beth Albert presented the case for the property located at 1973 Highway 441 SE which was heard during the November 15, 2016 hearing and originally cited for overgrowth, 10.02.02K, maintenance of nuisance on property prohibited, 10.03.00 and condition which provides harborage for rats, snakes, insects and other vermin, 10.02.03J. There has been no compliance. Mr. Lipkein states he's been in communication with his client. There was some miscommunication, but he states the property owner will comply.

Officer Albert offered several supporting documents into evidence.

**Magistrate Hooker found the Respondent to be in violation of sections 10.02.02K, 10.03.00 and 10.02.03J and ordered Respondent to be in compliance by March 16, 2017.**

***Case number 1607-0027 for Robert Skinner was called.***

No party was present for this case.

Officer Beth Albert presented the case for the property located at 9211 SE 59<sup>th</sup> Drive which was heard during the November 15, 2016 hearing and originally cited for unsafe structure, 8.00.00G 108.1.1. There has been no compliance and no contact with the Respondent.

Officer Albert offered several supporting documents into evidence.

**Magistrate Hooker found the Respondent to be in violation of section 8.00.00G 108.1.1 and ordered a fine to be imposed in the amount of \$75.00 per day beginning January 18, 2017.**

**REQUEST FOR REDUCTION OF FINE:**

*Case number 0802-0015 for Joe Baker and William Tomlinson (previous owner Earlon R Eugley) was called.*

Joe Baker and William Tomlinson were present for this case and sworn for testimony.

Officer Beth Albert presented the case for the property located at 12951 NE 26<sup>th</sup> Avenue, which was originally cited for care of premises, 8.00.00F 307.4, household goods, 10.02.02L, mechanical parts, 10.02.02A and scrap, 10.03.00. On September 16, 2008 a daily fine was imposed of \$100.00 per day beginning September 17, 2008. The property was in compliance on December 7<sup>th</sup> 2016. It was purchased by the new owners on October 26, 2016. The total outstanding lien on the property amounted to \$300,400.00. Since the property was brought into compliance in a reasonable amount of time after it was purchased, the County Attorney suggested a reduced fine in the amount of \$3,000.00. Both parties agreed to this amount.

Officer Albert offered several supporting documents into evidence.

**Magistrate Hooker recommended the fine be reduced to the amount of \$3,000.00. This will be presented before the Board of County Commissioners meeting on February 23<sup>rd</sup>, 2017 for approval. If approved, the fine will need to be paid by 5 p.m. March 23<sup>rd</sup>, 2017 or it will revert back to the original amount.**

**A brief discussion between County staff and Magistrate Hooker regarding the current code enforcement procedures and possible revision in the future.**

*There being no further business, the meeting was adjourned.*

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Brandi Cowing, Secretary to Special Magistrate

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Date

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Deborah M. Hooker, Special Magistrate

\_\_\_\_\_  
Date