

Okeechobee County Code Enforcement Special Magistrate Hearing

February 21, 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 2:03 p.m. on Tuesday, February 21, 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: Janet Chivari	Case number: 1606-0104
New Business: George A Hamner and Dustin J Hamner	Case number: 1602-0017
New Business: Elbert Snow and Judy Snow	Case number: 1606-0101

The following case was not heard due to improper service.

Imposition of Fine: John and Megan Louthan	Case number: 1606-0096
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Special Magistrate Hooker approved and signed the minutes from the January 17, 2017 hearing.

NEW BUSINESS:

Case number 1608-0048 for John Palacio and Ana Palacio was called.

No parties were present for this case.

Officer Jennifer Kinard presented the case for the property located at 17608 NW 260th Street which was cited for prohibited uses and structures, 2.04.01B. Property remains in violation.

Officer Kinard offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in violation of section 2.04.01B and ordered Respondent to be in compliance by March 16, 2017.

Case number 1603-0145 for Denver McPeak was called.

Denver McPeak Jr. and Douglas McPeak (property owner's sons) were present for this case and sworn for testimony.

Officer Jennifer Kinard presented the case for the property located at 7355 NE 7th Street which was cited for roof deterioration, 10.04.00E. Denver McPeak Jr. stated his mailing address is 11410 SE 59th Terrace Belleview, FL 34420. Douglas McPeak stated his mailing address was 3886 NE 33rd Avenue Okeechobee, FL 34972. The property owner is deceased. The property owner's sons state that the back piece of property was sold, not the parcel with the house. Back parcel was sold to someone in March 2010 and they assumed the other parcel in question was sold as well. It is unsure whether or not the legal description in the deed includes both parcels. Both parties stated their interest in bringing the property into compliance if the property belongs to them.

Officer Kinard offered several supporting documents into evidence.

Magistrate Hooker tabled the issue until March 21, 2017 so that it can be determined if the property does indeed belong to the McPeak sons.

Case number 1608-0072 for Carmen A Seals and Tony Seals was called.

No parties were present for this case.

Officer Beth Albert presented the case for the property located at 3257 Highway 441 N which was cited for unsafe structure, 8.00.00G 108.1.1. Property remains in violation.

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 Respondent to be in compliance by March 16, 2017.

Case number 1602-0064 for Mario Leon-Nunez and Cristal Nunez was called.

Mario Leon-Nunez was present for this case and sworn for testimony.

Officer Beth Albert presented the case for the property located at SE 36th Ave which was cited for trash and debris, 10.02.02D, unauthorized use of land and/or building, 10.02.02F, outdoor storage, 10.02.02L, and obstruction of right of way, 7.03.03C. Mario Leon-Nunez stated his mailing address is 3650 SE 36th Avenue Okeechobee, FL 34974. Respondent states he is working on bringing the property into compliance, but is requesting more time due to the amount of work he has to do. Property remains in violation.

Officer Albert offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in violation of sections 7.03.03C, 10.02.02F, 10.02.02D and 10.02.02L and ordered Respondent to be in compliance by May 11, 2017.

Case number 1602-0053 for Mario Leon-Nunez and Cristal Nunez was called.

Mario Leon-Nunez was present for this case and sworn for testimony.

Officer Beth Albert presented the case for the property located at 3650 SE 36th Ave which was cited for trash and debris, 10.02.02D, unauthorized use of land and/or building, 10.02.02F, outdoor storage, 10.02.02L, obstruction of right of way, 7.03.03C, and operating a business without a license, 62.105C. Mario Leon-Nunez stated his mailing address is 3650 SE 36th Avenue Okeechobee, FL 34974. Respondent states he is working on bringing the property into compliance, but is requesting more time due to the amount of work he has to do. Property remains in violation.

Officer Albert offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in violation of sections 10.02.02F, 10.02.02D and 10.02.02L and ordered Respondent to be in compliance by May 11, 2017.

IMPOSITION OF FINE:

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 16th Street which was heard during the January 17, 2017 hearing and originally cited for overgrowth, 10.02.02K. Respondent came in before the hearing and provided a document from the bank regarding foreclosure. She believes she is not responsible for the violation.

Officer Ridley offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in violation of section 10.02.02K and imposed a fine of \$30.00 per day starting February 22nd, 2017.

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

No parties were present for this case.

Officer Beth Albert presented the case for the property located at 32175 NE 3rd Drive which was heard during the January 17, 2017 hearing and originally cited for construction without a permit, 13.01.00. All permits were issued on February 7, 2017. All work is to be complete by March 16, 2017.

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 full compliance by March 16, 2017.

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

William Kenny and Gwen Kenny (parties who are trying to purchase the property) were present for this case and sworn for testimony.

Officer Rollo Ridley presented the case for the property located at 2530 SE 19th Terrace which was heard during the January 17, 2017 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 trash and debris. Property owners' daughters were unable to attend, but requested an extension as they are still waiting on the bank to release the lien.

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 be in compliance by March 16, 2017.

REQUEST FOR REDUCTION OF FINE:

Case number 0704-0026 for Paul Jaco was called.

Paul Jaco was present for this case and sworn for testimony.

Officer Beth Albert presented the case for the property located at 1344 Highway 70 E, which was originally cited for derelict/abandoned structure, 10.02.02M, unsafe structure, 10.02.02E, maintenance of nuisance on property prohibited, 10.03.00 and junk and debris, 10.02.02A. On September 18, 2007 a daily fine was imposed of \$250.00 per day beginning September 19, 2007. The property was in compliance on February 13, 2008. The total outstanding lien on the property amounted to \$36,750.00. This was previously heard during the November 15, 2016 hearing and was tabled so Mr. Jaco could provide a witness. Mr. Jaco still requests his fine be reduced to zero and believes he was in compliance the day after the September 18, 2007 hearing when he purchased a demolition permit. The permit did not have an approved final inspection until January 14, 2008. The property was

still not in compliance until property was fully cleared. Mr. Jaco stated that Officer Albert told him she could subpoena his witnesses. Officer Albert stated that she instructed him previously that she could not. The county is willing to reduce the fine to \$29,250.00, which would be from the date the fine started, September 19, 2007 to when the demolition permit had an approved final inspection, January 14, 2008. Mr. Jaco stated he would not pay it. Upon further review of the demolition permit file, it was discovered that the power was not disconnected from the property until December 27, 2007, therefore the demolition took place after. Mr. Jaco stated that he wants to appeal the recommendation. Mr. Jaco suggested a year to pay the reduced amount, but then retracted his suggest. Mr. Jaco then requested to be put back on record to suggest the year again. Magistrate agreed to a year.

Officer Albert offered several supporting documents into evidence.

Magistrate Hooker recommended the fine be reduced to the amount of \$29,250.00. Mr. Jaco's request to reduce the fine to zero is denied. This will be presented before the Board of County Commissioners meeting on March 23rd, 2017 for approval. If approved, the fine will need to be paid by 5 p.m. April 24th, 2018 or it will revert back to the original amount.

There being no further business, the meeting was adjourned.

Brandi Cowing, Secretary to Special Magistrate

Date

Deborah M. Hooker, Special Magistrate

Date