

Okeechobee County Code Enforcement Special Magistrate Hearing

June 20, 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 2:01 p.m. on Tuesday, June 20, 2017.

The following county staff members were present:

Beth Albert, 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: Scott Fowler	Case number: 1511-0044
Imposition of Fine: Mario Nunez-Leon and Cristal Nunez	Case number: 1602-0053
Imposition of Fine: James Turley	Case number: 1608-0037
Imposition of Fine: Gregory Scott and Pamela Scott	Case number: 1702-0010
(In compliance with first portion of order. Tabled until November 20, 2017)	
Imposition of Fine: Shirley Wolf and Emilio Aranda	Case number: 1701-0003
(In compliance with first portion of order. Tabled until October 16, 2017)	

Special Magistrate Hooker approved and signed the minutes from the May 16, 2017 hearing.

IMPOSITION OF FINE:

Case number 1608-0072 for Tindall Jamie Under Shirley (previously Carmen A Seals and Tony Seals) was called.

Brandie Tindall was present for this case and sworn for testimony.

Officer Beth Albert presented the case for the property located at 3257 Highway 441 N which was heard during the May 16, 2017 hearing and originally cited for unsafe structure, 8.00.00G 108.1.1, due to a fire. Property remains in violation. The demolition permit has been issued and the utilities disconnection is scheduled for this date.

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 the Respondent to be in full compliance by July 13, 2017.

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

John and Ana Palacio and their attorney, Natasha Ramsingh, were present for this case and sworn for testimony.

Officer Jennifer Kinard presented the case for the property located at 17608 NW 260th Street which was heard during the March 21, 2017 hearing and originally cited for prohibited uses and structures, 2.04.01B. Respondents state that their neighbors have not responded in regards to purchasing more land. They were able to buy some land, but they are still an acre and a quarter short of having enough land to be in compliance. Their back up plan is to build a house on the property.

Officer Kinard offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in violation of section 2.04.01B and ordered the Respondent to be in full compliance by July 13, 2017.

Case number 1603-0145 for Denver McPeak was called.

Douglas McPeak was 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 heard during the May 16, 2017 hearing and originally cited for roof deterioration, 10.04.00E. Mr. McPeak has tried to apply for a demolition permit, but an owner builder affidavit was needed, which he cannot sign for. Mr. McPeak still wants to see if the house can be salvaged and requests more time.

Officer Kinard offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in violation of section 10.04.00E and ordered the Respondent to be in full compliance by July 13, 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. Donna Padgett, an FPL service planner, and John Shope, a demolition contractor, were subpoenaed as witnesses. They were present 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 February 15, 2017 hearing and the Magistrate recommended the fine be reduced to \$20,000. However, it was not approved at the Board of County Commissioners Meeting, but was recommended it be reheard at an upcoming Code Enforcement Magistrate Meeting due to Mr. Jaco not being satisfied with the recommendation.

Mr. Jaco approached the podium and questioned Ms. Padgett when the power was turned off on his property. Ms. Padgett stated that their records do not go beyond 2008. Mr. Jaco stated the power was turned off in 2005, but there is no way to retrieve the record. Ms. Padgett cannot recall personally either.

Mr. Shope was then sworn in. Mr. Jaco provided pictures that were from Google Earth showing the property and the intact building. The picture was dated May 2007. Mr. Shope stated he demolished the old adult bookstore, which was once next door to Mr. Jaco's building, before Mr. Jaco's building was demolished. Mr. Jaco provided an inspection report from the adult bookstore which was done in October 2007. Mr. Shope stated that Mr. Jaco had belongings in his building that he was waiting for Mr. Jaco to remove, which took months. Mr. Jaco believes Mr. Shope is mistaken. Mr. Jaco provided statements from nearby property owners stating that both buildings were demolished at the same time, but these were objected to since they were hearsay. Attorney McCall provided photos from when the adult book store was demolished, which showed Mr. Jaco's building intact. Mr. Jaco then provided names and addresses of witnesses he wishes to subpoena. These witnesses may provide dates to when the job was completed.

Officer Albert offered several supporting documents into evidence.

Magistrate Hooker tabled the case until July 18, 2017.

There being no further business, the meeting was adjourned at 4:01 p.m.

Brandi Cowing, Secretary to Special Magistrate

Date

Deborah M. Hooker, Special Magistrate

Date