

# Okeechobee County Code Enforcement Special Magistrate Hearing

## March 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, March 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.**

Imposition of Fine: Cole FD Portfolio I LLC

Case number: 1606-0094

**The following case was not heard due to new ownership.**

Imposition of Fine: Estate of Donald A and Laura J Wright

Case number: 1605-0078

**Special Magistrate Hooker approved and signed the minutes from the February 21, 2017 hearing.**

### **IMPOSITION OF FINE:**

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

Case was called early due to presence of party. John and Ana Palacio were present for this case. Mr. and Mrs. Palacio's attorney, Natasha Ramsingh, requested a 90 day continuance via letter.

**Magistrate Hooker tabled the case until June 20, 2017.**

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

Case called early due to presence of party. Brandie Tindall, attorney, 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 February 21, 2017 hearing and originally cited for unsafe structure, 8.00.00G 108.1.1, due to a fire. Property remains in violation. Ms. Tindall requested a 90 day continuance.

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 tabled the case until April 18, 2017.**

**OLD BUSINESS:**

*Case number 1603-0145 for Denver McPeak was called.*

Douglas McPeak, property owner's son, was present for this case and sworn for testimony.

Officer Jennifer Kinard presented the case for the property located at 7355 NE 7<sup>th</sup> Street which was heard during the February 21, 2017 hearing and originally cited for roof deterioration, 10.04.00E. Douglas McPeak whose mailing address is 3886 NE 33<sup>rd</sup> Avenue Okeechobee, FL 34972, states he hasn't been able to hire a lawyer yet to find out the true ownership of the property. Since Denver McPeak Sr. is deceased and there was an issue with the property being split and sold, it is unclear if Denver McPeak Sr. still owns the property.

Officer Kinard offered several supporting documents into evidence.

**Magistrate Hooker found the Respondent to be in violation of section 10.04.00E and continued the case until April 18, 2017.**

**IMPOSITION OF FINE:**

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

Megan Louthan was present for this case and sworn for testimony.

Officer Beth Albert presented the case for the property located at 1637 SW 67<sup>th</sup> Drive which was heard during the February 21, 2017 hearing and originally cited for no pool enclosure, 8.00.00G 303.2. The permit is not yet ready to be issued.

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 full compliance by April 13, 2017.**

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

David Slay and Joey Mohanna 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 February 21, 2017 hearing and originally cited for construction without a permit, 13.01.00. The roof permit had an approved final inspection. Respondents state there has been a lot more work than what was expected. The electric and plumbing are ready for rough in inspections.

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 April 13, 2017.**

**REQUEST FOR REDUCTION OF FINE:**

*Case number 2309-0009A for Aline Norman was called.*

Priscilla Gonzalez, a realtor working for Ms. Norman, was present for this case and sworn for testimony.

Officer Beth Albert presented the case for the property located at 6502 E Center Street, which was originally cited for housing codes 8.00.00F, unsafe structure 10.02.00E, unlicensed vehicles 10.02.02J and 2.07.00A, farm animals 2.04.04, care of premises 307.4 and overgrowth 10.02.02K. On April 19, 2004 a daily fine was imposed of \$50.00 per day beginning April 20, 2007. The property includes multiple trailers and it was determined that the property was in full compliance on July 7, 2017 resulting in a fine of \$13,150. A breakdown of the fine was calculated as: Trailer 1 was in violation for 34 days (\$1700), trailer 8 was in violation for 51 days (\$2550), trailer 9 was in violation for 50 days (\$2500), trailer 10 was in violation for 50 days (\$2500) and trailer 11 was in violation for 78 days (\$3900). The sum of these amounts comes to \$13,150. Ms. Norman has multiple properties and some of which still have outstanding liens, which could be a factor in this request to reduce accrued fine. More time was requested to gather the information and investigate compliance on the properties and the status of the outstanding liens.

Officer Albert offered several supporting documents into evidence.

**Magistrate Hooker continued the case until April 18, 2017.**

**Before the hearing's adjournment, Magistrate Hooker took a moment to discuss changes to a previous recommendation from last hearing. Case number 0704-0026, Respondent is Mr. Paul Jaco and it was previously heard for a Request for Reduction of Fine on February 21, 2017. The original amount of the fine came to \$36,750.00. During the February hearing, it was recommended the fine be reduced to \$29,250.00. After the February hearing, Magistrate Hooker found basis for further reduction and made the recommendation to reduce the fine to \$20,000.**

*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

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Date