

28



**CITY OF OKEECHOBEE CODE ENFORCEMENT  
OCTOBER 21, 2020 SPECIAL MAGISTRATE HEARING  
OFFICIAL MINUTES**

**I. CALL TO ORDER**

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Wednesday, October 21, 2020, at 6:30 P.M. in the City Council Chambers, located at 55 Southeast 3<sup>rd</sup> Avenue, Room 200, Okeechobee, Florida. The Pledge of Allegiance was led by Magistrate Azcona.

**II. ATTENDANCE**

Deputy City Clerk Bobbie Jenkins called the roll in the absence of Code Enforcement Secretary Close. Special Magistrate Roger Azcona, Esquire, City Attorney Carlyn Kowalsky, Police Lieutenant Justin Bernst, and Code Officer Fred Sterling were present.

**III. CHANGES TO AGENDA**

A. Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; City Attorney Kowalsky withdrew the following items: Items V.A., VII.B, VII.C, VII.E, VII.F, VII.G, VII.H, VII.I, VII.K, VII.L, VII.M, and VII.P. The September 8, 2020 minutes were deferred to the November Hearing.

**This being a Quasi-Judicial proceeding, Deputy Clerk Jenkins collectively administered an Oath to Mr. Jeffery Newell, Mr. Francisco Guerrero, Code Officer Fred Sterling, and Mr. Benjamin Purvis; all affirmed. Code Officer Sterling advised all events occurred within the corporate limits of the City of Okeechobee. The Officer's notes, testimony, photographs, and support documents were all entered as part of the official record.**

**IV. APPROVAL OF MINUTES**

A. The approval of the September 8, 2020 Hearing minutes was deferred to the November 2020 Hearing.

**V. CASES COMPLIED OR CONTINUED**

A. Case No. 200605007 was withdrawn from the agenda.

**VI. REPEAT VIOLATIONS**

A. There were no repeat violations on the agenda.

**VII. NEW CASES**

A. Case No. 200915020; A/C Today Air Conditioning and Heating, LLC, Licensee: Mr. Francisco Guerrero, 1604 Northwest 7<sup>th</sup> Avenue, Okeechobee. City Building Official Mr. Jeffery Newell testified that Mr. Guerrero has demonstrated disregard for established procedures by State law and local ordinances regarding permitting, was found to be in violation of City Code of Ordinances Chapter 70, Section 70-302, for working without a building permit. Mr. Guerrero has failed to pay for and pickup authorized permits on multiple occasions. He has also failed to submit affidavits for final inspections for approximately 10 permits from 2015 to 2020. Mr. Guerrero has made this a continual practice for his business and has progressed to a state of mind to ignore State law and local ordinances governing the contracting laws that are required to be enforced by building departments. A Statement of Violation and Notice of Hearing was sent by certified mail on September 16, 2020 and was signed for by O. Cruz on September 21, 2020. The City is seeking relief in the form of an Administrative Order compelling A/C Today Air Conditioning and Heating, LLC to comply with the permitting process as required by the Florida Building Code, City Ordinances, and permitting policies set forth by the City's building department, a requesting the minimum penalty of \$100.00 per open permit as per City Code Ordinances Appendix G, Table 3, and a one-time administrative fee of \$100.00.

Mr. Guerrero responded that he agreed with the evidence provided by Mr. Newell, apologized, and explained he lacks help from his office. He is also willing to comply with Mr. Newell's requests, but asked to be given 30-days to comply with the Magistrate's ruling.

**Special Magistrate Azcona found that A/C Today Air Conditioning and Heating, LLC, was in violation of City Code of Ordinances Chapter 70, Section 70-302, for working without a building permit. An Administrative Order will be issued compelling A/C Today Air Conditioning and Heating, LLC to comply with the permitting process as required by the Florida Building Code, City Ordinances, and permitting policies set forth by the City's building department, along with a \$1,000.00 penalty plus a one-time administrative fee of \$100.00 totaling \$1,100.00 to be paid within 30-days of this Hearing.**

- B. Case No. 200617006 was withdrawn from the agenda.
- C. Case No. 200611034 was withdrawn from the agenda.
- D. Officer Sterling offered testimony on Case No. 200318009; Daniel Meara 905 Southwest 3<sup>rd</sup> Avenue, Okeechobee (Legal Description: Lot 9 of Block 5, SOUTH OKEECHOBEE, Plat Books 1 and 5, Pages 12 and 7, public records of Okeechobee County). The property was initially inspected on March 18, 2020, and found to be in violation of City of Okeechobee Code of Ordinances Chapter 30, Section 30-41 Inoperable/Abandoned Vehicles, 30-42 Public Nuisance, and 30-44 General Cleaning and Beautification due to the property needing to be mowed and debris removed, as well as a vehicle with no tag. On March 19, 2020, a courtesy card was mailed that included copies of the Code Sections the property owner was in violation of. A Statement of Violation and Notice of Hearing was mailed on July 28, 2020 and was returned. On July 31, 2020, the property was found to be in compliance of Sections 30-42 and 30-44. The second Statement of Violation and Notice of Hearing was mailed on September 22, 2020 for violation of Chapter 30, Section 30-41 Inoperable/Abandoned Vehicle. The notice was signed for by Krystal Carter. The property was not posted.

Officer Sterling stated the City recommends providing the property owner with 14 days to correct the violation. Should this not be met, a fine of \$25.00 per day plus a one-time administrative fee of \$50.00 is recommended. Based on the evidence provided, **Magistrate Azcona found that the property was in violation of Chapter 30, Section 30-41 Inoperable/Abandoned Vehicle. A fine of \$25.00 per day plus a one-time administrative fee of \$50.00 will be imposed should the property owner fail to come into compliance within the 14-day grace period.**

- E. Case No. 200929003 was withdrawn from the agenda.
- F. Case No. 200928005 was withdrawn from the agenda.
- G. Case No. 200824014 was withdrawn from the agenda.
- H. Case No. 200710019 was withdrawn from the agenda.
- I. Case No. 200605020 was withdrawn from the agenda.
- J. Officer Sterling offered testimony on Case No. 191030022; William R. Grigsby JR, Hwy 70 East, four vacant unplatted parcels totaling approximately 9.592 acres on the North side of State Road 70/East North Park Street, Okeechobee. The parcels have been found to be in violation of City Code of Ordinances Chapter 30, Sections 30-43 Public Nuisance, and 30-44 General Cleaning and Beautification due to overgrown vegetation. Due to an existing Lien Order, a fine totaling \$5,400.00 is owed to the City (fine accrued from March 11, 2020 to June 24, 2020). The property was re-inspected on July 3, 2020, and was, again, found to be in violation. A Statement of Violation and Notice of Hearing was mailed on October 9, 2020. The City is recommending this Case be considered a repeat violation and requests a fine of \$100.00 per day commencing on July 3, 2020 plus an administrative fee of \$50.00. This fine is in addition to the existing balance from the previous Lien Order.

Based on the testimony of Officer Sterling and the evidence provided, **Magistrate Azcona found that the property was a repeat violator and in violation of Chapter 30, Sections 30-43 Public Nuisance, and 30-44 General Cleaning and Beautification beginning July 3, 2020. A fine of \$100.00 per day plus a one-time administrative fee of \$50.00 will be imposed.**

- K. Case No. 15-010 was withdrawn from the agenda.
- L. Case No. 190215011 was withdrawn from the agenda.

Officer Sterling offered testimony on Case No. 190412010; South Florida Barbeque of Okeechobee, Inc., 102 Southwest 14<sup>th</sup> Street, Okeechobee (Legal Description: Lots 4, 5, 6, 10, 11, and 12 of Block 22, together with a 15-foot wide Alley running North to South between Lots 4, 5, 6, and 12, 11, and 12 of Block 22, SOUTH OKEECHOBEE, Plat Books 1 and 5, Pages 12 and 7, public records of Okeechobee County). A Lien Order was filed with the Okeechobee County Clerk's Office on August 29, 2019, as a result of Magistrate Azcona's ruling at the June 25, 2019, Code Enforcement Magistrate Hearing. The property continues to be in violation of City Code of Ordinances Chapter 30, Sections 30-43 Public Nuisance and 30-44 General Cleaning and Beautification, and International Property Maintenance Code Chapter 3, Section 304.2 Protective Treatment. The building on the property is vacant, and has vagrants living in the patio portion of the building. On February 27, 2020, a letter was sent notifying the property owner that the fine has been accruing for more than 90-days and the property was at risk for foreclosure. On September 22, 2020, a Statement of Violation and Notice of Hearing was sent via certified mail. The letter was signed for and the return receipt was received by the City on September 25, 2020, with an illegible signature. The City is recommending foreclosure at this time.

**Special Magistrate Azcona found that the property was in violation of Chapter 30, Section 30-43 Public Nuisance, Section 30-44 General Cleaning and Beautification, and International Property Maintenance Code Chapter 3, Section 304.2 Protective Treatment. Magistrate Azcona recommended the Case be sent to the City Council for foreclosure action.**

- M. Officer Sterling offered testimony on Case No. 190411010; Kemp Properties of Okeechobee, 909 South Parrott Avenue, Okeechobee (Legal Description: unplatted acres). A Lien Order was filed with the Okeechobee County Clerk's Office on August 20, 2019, as a result of Magistrate Azcona's ruling at the August 13, 2019, Code Enforcement Magistrate Hearing. The property continues to be in violation of City Code of Ordinances Chapter 30, Sections 30-43 Public Nuisance and 30-44 General Cleaning and Beautification. On August 6, 2020, a letter was sent notifying the property owner that the fine has been accruing for more than 90-days and the property was at risk of foreclosure. It was returned unclaimed on August 17, 2020. A Statement of Violation and Notice of Hearing was sent via certified mail informing the property owner of the foreclosure recommendation. Nothing has been returned signed or unclaimed to date. As of September 30, 2020, the accrued fine totals \$18,725.00. Pictures were taken of the property on October 7, 2020, showing the property is still in violation of Sections 30-43 and 30-44.

Mr. Benjamin Purvis, the property owner's son, testified to his mother's unforeseen health circumstances. Upon notification of this Hearing, he questioned his mother and was told she had hired a local individual to bring the property into compliance in August or September 2019. The individual informed Ms. Kemp the property was brought into compliance and that a conversation was had with Ms. Close at the Code Enforcement Office stating the same. Ms. Kemp then issued the individual a check for the services rendered. Mr. Purvis asked for time to bring the property into compliance, as he has already reached out to an electrician to begin work.

City Attorney Kowalski recommended the Case be sent to the City Council with Mr. Purvis providing evidence of work on the property to the Council at that time. Should no progress be made, the Council should consider foreclosure.



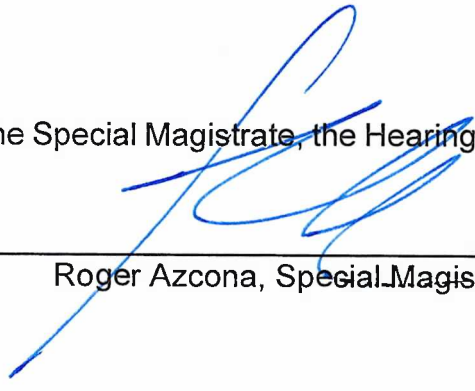
Special Magistrate Azcona found that the property was in violation of Chapter 30, Sections 30-43 Public Nuisance and 30-44 General Cleaning and Beautification. Magistrate Azcona recommended the Case be sent to the City Council for a status report from Mr. Purvis. Should there be no progress, he recommends foreclosure action.

N. Case No. 190718010 was withdrawn from the agenda.

VIII. OLD CASES

A. There were no old cases presented.

IX. There being no further business to come before the Special Magistrate, the Hearing was adjourned at 7:29 P.M.

  
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Roger Azcona, Special Magistrate

ATTEST:  
  
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Bobbie J. Jenkins, Deputy City Clerk

Please take notice and be advised that when a person decides to appeal any decision made by the Special Magistrate with respect to any matter considered at this Hearing, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. City Clerk media are for the sole purpose of backup for official records of the Clerk.