



**CITY OF OKEECHOBEE CODE ENFORCEMENT  
APRIL 9, 2024, SPECIAL MAGISTRATE HEARING  
OFFICIAL MINUTES**

**I. CALL TO ORDER**

Special Magistrate Roger Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, April 9, 2024, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast (SE) 3<sup>rd</sup> Avenue (AVE), Room 200, Okeechobee, Florida. The Pledge of Allegiance was led by Special Magistrate Azcona.

**II. ATTENDANCE**

Code Enforcement Officer Christina Curl called the roll: Special Magistrate Roger Azcona, Esquire, and Code Enforcement Officer Anthony Smith were present. City Attorney Stephen Conteaguero attended via Zoom.

**III. CHANGES TO AGENDA**

Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; Continued Cases Item V.B. was deferred to the next scheduled Hearing.

**IV. APPROVAL OF MINUTES AND ADMINISTRATION OF OATH**

A. Special Magistrate Azcona dispensed with the reading and approved the March 12, 2024, Minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith and Curl, Mr. Benjamin Falk, and Mr. Ricardo Lane; all affirmed. Code Officers Smith and Curl stated for the record all events regarding the cases to be discussed 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.

**V. CONTINUED CASES**

A. Case No. 24219005; Sam Lane c/o Richard Roberts, Northwest (NW) 10<sup>th</sup> Street (ST), Okeechobee [Legal Description: Lots 1 and 2 of Block 41, CITY OF OKEECHOBEE, Plat Book (PB) 1, Page (PG) 10, and PB 5, PG 5 Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification. The respondent is a repeat violator, previous Case No. 210210008. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via United States Postal Service (USPS) certified return receipt on February 20, 2024. The notice was returned unclaimed on March 25, 2024. A Notice to Appear was posted on the property and the Public Notices Board at City Hall on February 22, 2024. The property was inspected and found to be non-compliant on March 5, 2024. To comply with City Ordinances, the property owner needs to remove all the trash, junk/debris, and the disabled vehicle from the property. Mr. Lane appeared before the Special Magistrate and conveyed his explanations and reasonings for why the property was non-compliant and requested more time to bring the property into compliance due to the circumstances.

The case was presented to the Special Magistrate on March 12, 2024, and was deferred until the April 9, 2024, Hearing to allow the property owner more time to bring the property into compliance. A SOV/NOH was mailed via USPS certified return receipt on March 14, 2024. The City has not received the SOV/NOH nor the receipt signature card as of the date of this Hearing. A Notice to Appear was posted on the property and the Public Notices Board at City Hall on March 14, 2024.

**V. CONTINUED CASES CONTINUED**

- A.** Case No. 240219005; CONTINUED: The property was inspected and found to be non-compliant on April 2, 2024. To comply with City Ordinances, the property owner needs to remove all the trash, junk/debris, and the disabled vehicle from the property. Mr. Lane appeared before the Special Magistrate and conveyed his explanations and reasonings for why the property was non-compliant and requested more time to bring the property into compliance due to the circumstances. The City Staff recommends in accordance with the fine schedule a fine of \$100.00 per day, to begin on April 10, 2024, unless the property owner brings the property into compliance on or before that date, plus a \$100.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 240219005 to be in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification and imposed a fine of \$100.00 per day plus a one-time \$100.00 administrative fee should the property fail to come into compliance within 14-days after the date of this Hearing.**

- B.** Case No. 240215002; Kerri Michael Othmer and Tammy Lynn Hogaboam, 1109 NW 9<sup>th</sup> AVE, Okeechobee [Legal Description: Lots 1, 2, and 3 of Block 24, CITY OF OKEECHOBEE, PB 1, PG 10 and PB 5, PG 5, Okeechobee County public records]. As requested by Code Officer Smith, the case was deferred until the next Hearing.
- C.** Case No. 230817007; Tanglewood LTD c/o A & M Properties, Inc., 420 NW 9<sup>th</sup> ST, Okeechobee [Legal Description: Lots 7 to 20 Inclusive and alley between said lots of Block 38, CITY OF OKEECHOBEE, PB 5, PG 5, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification and International Property Maintenance Code (IPMC) Chapter 3, Section 304.1.1 Unsafe conditions. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on July 19, 2023. The property was inspected and found to be non-compliant on August 3, 2023 and August 17, 2023. A SOV/NOH was mailed via USPS certified return receipt on August 17, 2023. The notice was received by Erin Wilson on August 21, 2023. The property was inspected and found to be non-compliant on October 4, 2023. To comply with City Ordinances the property owner needs to remove all the debris from the property and repair/replace all the roofs on the buildings.

The case was presented to the Special Magistrate on October 10, 2023, and found to be in violation of Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification, IPMC Chapter 3, Section 304.1.1 Unsafe conditions. A fine of \$100.00 per day, plus a one-time \$50.00 administrative fee imposed to begin 45-days after the Hearing should the property fail to come into compliance. A Lien/Order was mailed via USPS certified return receipt on October 26, 2023. The notice was received by Erin Wilson on November 27, 2023. The City Staff received a letter from Benjamin D.E. Falk, General Partner's Vice President, and CFO with Tanglewood requesting a pause to the amounts already accrued and to set new timelines for completion of the roofs on February 13, 2024. A SOV/NOH was mailed via USPS certified return receipt on February 15, 2024. The notice was received by Erin Wilson on February 23, 2024. The property was inspected and found to be non-compliant on February 27, 2024, and April 2, 2024. To comply with City Ordinances the property owner needs to replace the roofs on all buildings. Mr. Falk appeared before the Special Magistrate and conveyed his explanations and reasonings for why the property was non-compliant. He requested additional time to bring the property into compliance due to the circumstances.

**V. CONTINUED CASES CONTINUED**

- C.** Case No. 230817007; CONTINUED: The City Staff recommends in accordance with the Special Magistrate's order issued on October 10, 2023, that the Lien/Order be recorded in public records with an accrued lien balance of \$13,750.00 due to failure to comply with the order.

Based on the evidence provided, **Special Magistrate Azcona ruled for the Lien/Order to be recorded in public records with a lien balance of \$13,750.00 and for the City Staff to make a follow-up recommendation for the roof repair timeline and the delay of fine accrual.**

**VI. NEW CASES**

- A.** Case No. 240215003; Rebecca Bodey and Christina A. Rutherford, 501 SE 6<sup>th</sup> ST, Okeechobee [Legal Description: Lots 20 and 21 of Block E, CENTRAL PARK, PB 2, PG 39, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification, IPMC Chapter 3, Section 304.1 General. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on August 17, 2023. The property was inspected and found to be non-compliant on February 12, 2024. A SOV/NOH was mailed via USPS certified return receipt on February 15, 2024. The notice was returned on March 8, 2024. The property was inspected and found to be non-compliant on March 11, 2024. A SOV/NOH was mailed via USPS regular mail, and A Notice to Appear was posted on the property and the Public Notices Board at City Hall on March 14, 2024. The City Staff received a contract for the sale of the property on March 28, 2024. The property was inspected and found to be non-compliant on April 2, 2024. To comply with City Ordinances, the property owner needs to remove the trash/debris and complete the maintenance to the exterior of the home. The City Staff recommends deferring the case to the next scheduled hearing to allow the new property owner a reasonable amount of time to bring the property into compliance.

Based on the evidence provided, **Special Magistrate Azcona ruled to defer Case No. 240215003 to the next Special Magistrate Hearing, May 11, 2024.**

- B.** Case No. 240314003; Donald A. Hayes, Jr., and Crystal L. Staton, 1002 NW 6<sup>th</sup> ST, Okeechobee [Legal Description: Lot 17 and West half of Lot 18 of Block 17, NORTHWEST ADDITION TO OKEECHOBEE, PB 1, PG 25, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-40 Junk, 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on February 14, 2024. The property was inspected and found to be non-compliant on March 11, 2024. A SOV/NOH was mailed via USPS certified return receipt on March 14, 2024. The notice was received by Crystal Staton on March 20, 2024. The property was inspected and found to be non-compliant on April 2, 2024. To comply with City Ordinances, the property owner needs to remove all the trash and debris from the property, pressure wash the exterior of the home, remove the disabled vehicle from the alleyway and register the vehicle, cut the overgrown vegetation from the rear of the home. The City Staff recommends in accordance with the fine schedule a fine of \$50.00 per day, to begin on April 10, 2024, unless the property owner brings the property into compliance on or before that date, plus a one-time \$50.00 administrative fee.

**VI. NEW CASES CONTINUED**

- B. Case No. 240314003; CONTINUED: Based on the evidence provided, **Special Magistrate Azcona found Case No. 240314003 to be in violation of Code of Ordinances Chapter 30, Sections 30-40 Junk, 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification and imposed a fine of \$50.00 per day plus a one-time administrative fee of \$50.00 should the property fail to come into compliance by April 10, 2024.**
- C. Case No. 240314010; David B. May and Shawna May, 938 NW 3<sup>rd</sup> ST, Okeechobee [Legal Description: Lot 14 and West half of Lot 15 of Block 131, CITY OF OKEECHOBEE, PB 5, PG 5, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Chapter 54, Section 54-81 Use as a residence, the property was found to be in compliance on March 25, 2024, no Lien/Order recorded, no fine accrued.
- D. Case No. 240314012; Jeffrey James Piatti, 1018 NW 5<sup>th</sup> AVE, Okeechobee [Legal Description: North 71.25-feet (FT) of West 28-FT of Lot 11, North 71.25-FT of Lots 12 and 13 of Block 29, CITY OF OKEECHOBEE, PB 1, PG 10 and PB 5, PG 5, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Chapter 70, Section 70-251 Permit required, Chapter 90, Section 90-705 Temporary portable storage containers, the property was found to be in compliance on April 9, 2024, no Lien/Order was recorded, no fine accrued.

**VII. COMPLIED CASES**


- A. Case No. 240215013; Wanda Horner, 211 Northeast 4<sup>th</sup> AVE, Okeechobee [Legal Description: Lots 1 and 2 of Block 143, CITY OF OKEECHOBEE, PB 5, PG 5, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification, Chapter 54, Section 54-81 Use as a residence, the property was found to be in compliance on March 5, 2024, no Lien/Order was recorded, no fine accrued.
- B. Case No. 240208005; Anne M. Land, 500 NW 16<sup>th</sup> ST, Okeechobee [Legal Description: Lot 1 and East half of Lot 2 of Block 69, CONNERS HIGHLANDS, PB 1, PG 21, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification, Chapter 54, Sections 54-81 Use as a residence, 54-84 Parking in residential district, Chapter 58, Section 58-72(a) Use of public sewers required, the property was found to be in compliance on March 13, 2024, no Lien/Order was recorded, no fine accrued.

**VIII. ADJOURN MEETING**

There being no further business, Special Magistrate Azcona, adjourned the Hearing at 7:30 P.M.

  
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 Roger Azcona, Special Magistrate

ATTEST:

  
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 Christina Curl, Code Enforcement Officer

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. Code Enforcement media are for the sole purpose of backup for official records of Code Enforcement.