



**CITY OF OKEECHOBEE CODE ENFORCEMENT  
MARCH 12, 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, March 12, 2024, at 6:03 P.M. in the City Council Chambers, located at 55 Southeast (SE) 3<sup>rd</sup> Avenue (AVE), Room 200, Okeechobee, Florida (FL). 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 Greg Hyden attended via Zoom.

**III. CHANGES TO AGENDA**

Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.

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

**A.** Special Magistrate Azcona dispensed with the reading and approved the February 13, 2024, Minutes.

**B.** This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith and Curl, Mr. Steve Dobbs, Ms. Ruby Minton, 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. FINE REDUCTION REQUESTS**

**A.** Case No. 230719011; Blue Spring Holdings LLC, Northeast (NE) 9<sup>th</sup> AVE, Okeechobee [Legal Description: Unplatted lands of the City the Southwest (SW) quarter of the NE quarter and North (N) half of the Northwest (NW) quarter of the SE quarter South (S) of the Sal Railroad(RR) right-of-way (ROW); SW quarter of the NW quarter of the SE quarter; the SE quarter of the NW quarter of the SE quarter; N half of the NE quarter of the SW quarter; and the S half of the NE quarter of the SW quarter lying East (E) of Taylor Creek; fractional NW quarter E of Taylor Creek and S of the Sal RR; and all that portion of land located in the NE quarter of the SW quarter and the SE quarter of NW quarter; S of the Sal RR in Section 15, Township 37 S, Range 35 E, that lies E of Taylor Creek improved channel as recorded in Plat Book (PB) 3, Page (PG) 29, public records of Okeechobee County, FL less and except: a portion of the SE quarter and a portion of the SW quarter of Section 15, Township 37 S, Range 35 E, Okeechobee County, FL and being described as follows: commencing at the quarter corner on the S line of said Section 15, bear N 00°10' 04" E along the quarter section line a distance of 1399.41-feet (ft) to the point of beginning (POB) thence bear N 89°25'18" E along a line 80.00-ft N of and parallel to the S line of the N half of the S half of said Section 15, a distance of 673.21-ft to the E line of the SW quarter of the NW quarter of the SE quarter of said Section 15; thence bear N 00°11'25" West (W) along the aforesaid E line a distance of 450.00-ft; thence bear S 89°25'18" W a distance of 873.03-ft; thence bear S 00°10'04" E a distance of 83.36-ft thence bear S 89°25'18" W a distance of 119.60-ft to the Easterly shore line of Taylor Creek; thence bear the following courses in a Southerly direction along the Easterly shore line of Taylor Creek as follows: S 36°59'52" E a distance of 70.15-ft; S 26°01'09" E a distance of 49.01-ft; S 20°22'54" E a distance of 24.40-ft; S 09°48'57" E a distance of 23.52-ft; S 02°45'22" E a distance of 49.28-ft; S 0°20'24" E a distance of 49.34-ft; S 02°34'03" W a distance of 76.66-ft; S 00°53'25" W a distance of 44.65-ft; thence bear N 89°25'18" E a distance of 245.92-ft to the POB and less the following parcel containing one acre, more or less a parcel of land lying in the NW quarter of the SE quarter of Section 15, Township 37 S, Range 35 E, Okeechobee County, FL. being more particularly described as follows: commence at the SE corner of said NW quarter of the SE quarter of Section 15, thence proceed S 89°21'13" W along the S line of said NW quarter of the SE quarter a distance of 70.00-ft to the POB; thence continue S 89°21'13" W along said S line a distance of 208.70-ft; thence departing said S line, run N 00°20'48" W along a line parallel with the E line of said NW quarter of the SE quarter a distance of 208.70-ft; thence departing said parallel line, run N 89°21'13" E, a distance of 208.70-ft; thence run S 00°20'48" E along a line parallel with and 70.00-ft W of (as measured at right angles to) the aforesaid E line of the NW quarter of the SE quarter of Section 15, a distance of 208.70-ft to the POB, Okeechobee County public records].

## V. FINE REDUCTION REQUESTS CONTINUED

- A. Case No. 230719011; CONTINUED: Code Officer Smith testified that the property was found in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification on September 12, 2023, where a fine in the amount of \$100.00 per day starting 21-days after the date of the Hearing, plus a one-time \$100.00 administrative fee was imposed. The property was inspected and found to be non-compliant on October 3, 2023, and the imposed fine began accrual. After the fine accrued for 90-days, a letter was mailed via United States Postal Service (USPS) certified return receipt. The notice was received on January 20, 2024. The property was brought into compliance on February 2, 2024, with a fine balance of \$10,100.00, plus a \$100.00 administrative fee due. Mr. Gad Reggev submitted a request for a fine reduction on February 6, 2024. The property was inspected and found to be compliant on February 7, 2024. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via USPS certified return receipt on February 12, 2024. The notice was delivered, left with individual on February 15, 2024. Mr. Dobbs, on behalf of his client appeared before the Special Magistrate and conveyed his explanations and reasonings for why the property remained in violation for an extended length of time and requested that the fine be reduced due to the circumstances. The City recommends a fine reduction of 50 percent, plus a \$100.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona ruled to reduce the fine by 50 percent, plus a \$100.00 administrative fee and for the property owner to make a reasonable effort to make payment arrangements with the Code Enforcement Staff.**

- B. Case No. 230918005; Freddie L. and Ruby L. Minton, 302 NE 8<sup>th</sup> AVE, Okeechobee [Legal Description: Lot 17, RIVER RUN RESORT, PB 6, PG 18, Okeechobee County public records].

Code Officer Smith testified that the property was found in violation of Code of Ordinances 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 on October 10, 2023, where a fine in the amount of \$150.00 per day starting 21-days after the date of the Hearing, plus a one-time \$100.00 administrative fee was imposed. The property was inspected and found to be non-compliant on November 6, 2023, and the imposed fine began accrual. The property was brought into compliance on November 15, 2023 with a fine balance of \$1,050.00, plus a \$100.00 administrative fee due. A Compliance Letter was mailed via USPS regular mail on November 27, 2023 and via USPS certified mail on December 11, 2023. The notice was received by Ms. Minton on December 14, 2023. Ms. Minton submitted a request for a fine reduction on January 4, 2024. The property was inspected and found to still be in compliance on February 7, 2024. A SOV/NOH was mailed via USPS certified return receipt on February 13, 2024. The notice was received on February 15, 2024, the signature was not legible. Ms. Minton appeared before the Special Magistrate and conveyed her explanations and reasonings for why the property was non-compliant and requested that the fine be reduced due to the circumstances. The City recommends a fine reduction of 50 percent, plus a \$100.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona ruled to reduce the fine by 50 percent, plus a \$100.00 administrative fee and for the property owner to make a payment arrangement with the Code Enforcement Staff.**

## VI. REPEAT VIOLATORS

- A. Case No. 24219005; Sam Lane c/o Richard Roberts, NW 10<sup>th</sup> Street (ST), Okeechobee [Legal Description: Lots 1 and 2 of Block 41, CITY OF OKEECHOBEE, PB 2, PG 17, Okeechobee County public records].

## VI. REPEAT VIOLATORS CONTINUED

- A. Case No. 24219005; CONTINUED: 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. A SOV/NOH was mailed via USPS certified return receipt on February 20, 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 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 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 recommends in accordance with the fine schedule a fine of \$100.00 per day, to begin on March 13, 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 ruled to defer Case No.240219005 to the next Special Magistrate Hearing.**

## VII. NEW CASES

- A. Case No. 240207016; Carl Christian Swope, 1010 SW 5<sup>th</sup> ST, Okeechobee [Legal Description: Lots 13 and 14 of Block 9, SW ADDITION TO OKEECHOBEE, PB 2, PG 7, 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, Section 30-41 Disabled vehicles, the property was found to be in compliance on March 5, 2024, no Lien/Order was recorded, no fine accrued.
- B. Case No. 240207017; Sylvia Ingersoll and Manolo Anuez, 300 SW 21<sup>st</sup> ST, Okeechobee [Legal Description: S half of Lot 4, Lots 5 and 6 of Block 43; Less S 7.5-ft of Lot 6 of Block 43, FIRST ADDITION TO S OKEECHOBEE, PB 1, PG 17, 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, Section 30-41 Disabled vehicles, the property was found to be in compliance on February 22, 2024, no Lien/Order was recorded, no fine accrued.
- C. Case No. 240208005; Anne M. Land, 500 NW 16<sup>th</sup> ST, Okeechobee [Legal Description: Lot 1 and E half of Lot 2 of Block 69, CONNERS HIGHLANDS, PB 1, PG 21, 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, 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 respondent is not a repeat violator. The respondent was first notified in person on February 8, 2024. The property was inspected and found to be non-compliant on February 9, 2024. A SOV/NOH was hand delivered on February 09, 2024. 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 12, 2024. The City has not received the SOV/NOH nor the receipt signature card as of the date of this Hearing. A SOV/NOH was hand delivered to Anne Land on February 27, 2024. The property was inspected and found to be non-compliant on February 27, 2024 and March 5, 2024. To comply with City Ordinances, the property owner needs to register and tag the vehicle or remove the vehicle from the property. The City recommends that the respondent be found 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,

**VII. NEW CASES CONTINUED**

- C. Case No. 240208005; CONTINUED: 54-84 Parking in residential district, Chapter 58, Section 58-72(a) Use of public sewers required. But no further action at this time to give the respondent additional time to receive the hard copy of the title to complete the sale of the car.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 240208005 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, 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 and deferred the matter to the next Special Magistrate Hearing.**

- D. 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].

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, Chapter 54, Section 54-81 Use as a residence, Chapter 70, Section 70-251 Permit required. The respondent is not a repeat violator. The respondent was first notified via Courtesy Card on January 15, 2024. 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 received by Mary Beth Hogaboam on February 20, 2024. The property was inspected and found to be non-compliant on March 5, 2024. To comply with City Ordinances, the property owners need to complete the permit process for the structure and use the structure for what it was intended for. The City recommends that the respondent be found 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, Chapter 70, Section 70-251 Permit required. But no further action at this time and to defer the case to the next scheduled hearing to allow the City General Services Department to complete the permitting process.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 240215002 to be 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, Chapter 70, Section 70-251 Permit required and deferred the matter to the next Special Magistrate Hearing.**

**VIII. COMPLIED CASES**


- A. Case No. 240116019; Charles E. Holt, 1010 SW 11<sup>th</sup> AVE, Okeechobee [Legal Description: Lots 19 and 20 of Block 22, SW ADDITION TO OKEECHOBEE, PB 2, PG 7, 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 30-40 Junk, 30-43 Public nuisances, 30-44 General cleaning and beautification, the property was found to be in compliance on February 14, 2024, no Lien/Order was recorded, no fine accrued.

**IX. ADJOURN MEETING**

There being no further business, Special Magistrate Azcona, adjourned the Hearing at 7:42 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.