

**CITY OF OKEECHOBEE CODE ENFORCEMENT
SPECIAL MAGISTRATE HEARING**

**CODE ENFORCEMENT FOR
THE CITY OF OKEECHOBEE, FLORIDA.
Petitioner,**

**CASE NO: 220128007
Special Magistrate Roger Azcona**

**vs.
PERRY SYLVESTER ARNOLD JR.,
Respondent(s)**

_____ /

FINAL ORDER ON REQUEST FOR LIEN REDUCTION

THIS CAUSE coming to be heard on September 13, 2022, at the City of Okeechobee Code Enforcement Special Magistrate Hearing on the Respondent's request for lien reduction. The Special Magistrate, having given the Respondent's representative, Ms. Pamela Arnold, and witness, Selena Taylor, an opportunity to be heard, and arguments from counsel for the City of Okeechobee, Mr. Greg Hyden, with testimony from Code Enforcement Officers Anthony Smith and Christina Curl, reserved ruling on this matter for further consideration upon thorough review and consideration of the record.

At the time of the hearing on September 13, 2022, Code Enforcement Officer Anthony reiterated the record facts causing the existing lien to accumulate to its present amount of \$5,700.00 and stated the City of Okeechobee was recommending a lien reduction of 75% pursuant to the City's fine reduction schedule, and therefore reducing the lien to \$1,425.00, plus a \$50.00 administrative fee. The total amount due after the City's recommendation is \$1,475.00. The property came into compliance on August 17, 2022, after being found in violation on January 28, 2022. (See transcript for specific details on the testimony of Mr. Smith).

In response, Ms. Pamela Arnold, asked for a complete dismissal of the fines stating Mr. Arnold's special circumstances in his pending guardianship in case 2022-GA-216 in the Circuit Court of Okeechobee where the court declared Mr. Arnold totally incompetent. She stated that "Mr. Arnold

comprehends very little of what is actually being said, so when they said the car needed to be removed along with this being done...what stuck was the car being removed so he called his brother, and his brother immediately went and removed the car..." The family was not aware of the violations until Mr. Arnold went to jail.

Ms. Salena Taylor testified stating that "it was not until a stranger had brought her a letter from her brother's mailbox that she seen the letter from Code Enforcement, and she immediately went to find out what can be done to stop this."

Ms. Christina Curl of the Okeechobee Code Enforcement stated she was at the scene and explained to Mr. Arnold what was going on and that things needed to be corrected. At the time, Ms. Curl felt he acted like he understood what she was saying to him.

City Attorney, Mr. Hyden, asked Mr. Smith if the lien reduction in this case is consistent with the City's Lien Reduction schedule, in which case Mr. Smith affirmed that it is. Mr. Hyden argued that the city has a policy of how they recommend fine reductions and certainly sympathize with the guardianship matters but all residents and applicants have to be treated the same way. He further stated, if we start parceling out that a homeowner is involved in some type of litigation that gets more sympathy than a different type of litigation then the city opens itself up to claims of nepotism, so the city has established a policy by which it provides consistent recommendations on requests for fine reductions. This is a property owner, there is an obligation to maintain the property that was not done, and a fine was imposed pursuant to the rules that govern our staff and the city ordinances. I think the city was consistent with the fine reduction that was recommended so we stand by that fine reduction.

This Court after reviewing the records pertaining to this case, carefully considered the testimony of all witnesses and arguments of both parties, and upon review the Okeechobee Circuit Court's order dated October 3, 2022, in 2022-OS-90 and 2022-GA-216 in re: Guardianship of Perry Sylvester Arnold's "Adjudication as to Incapacity" (copy attached herein), where the Circuit Court finds by clear and convincing evidence after review of the examining committee reports that Mr. Arnold is "completely without the capacity to care for himself or his property" by "means of an unspecified neurocognitive disorder"; therefore, this court will take judicial notice of the Circuit Court's ruling and

finds that a lien reduction by 75%, which comes to the amount of Two Thousand Thirty-Seven Dollars and Fifty Cents (\$2,037.50), including the \$50 administrative fees, under the facts and unusual circumstances of this case remains excessive as outlined above. The property came into compliance in July 26, 2022, since it was first found in violation on January 28, 2022, when it was clearly under the care of Mr. Arnold. This court also reviewed the records in Okeechobee Circuit Court case of Florida vs. Perry Arnold (2022CF00034--copy "Sentence Imposed" attached herein), which corroborates Ms. Pamela Arnold's statement that the respondent was incarcerated in the county jail. The Court record shows Mr. Arnold was sentenced to serve 60 days in the County Jail on May 31, 2022. The plenary guardians, Mr. Vernon Arnold, and Selena Taylor did not become aware of the violations and accumulation of the fines until a later date and acted diligently to correct the code violations. The fines will therefore be reduced further to 100%.

DONE AND ORDERED in the City of Okeechobee, Okeechobee County, Florida this 10 day of Jan, 2023.



ROGER AZCONA, ESQ.
Special Magistrate

Copies to:
Code Enforcement, City of Okeechobee
Mr. Hyden, City Attorney
Ms. Pamela Arnold, Respondent's representative