



CITY OF OKEECHOBEE CODE ENFORCEMENT JUNE 13, 2023, SPECIAL MAGISTRATE HEARING OFFICIAL MINUTES

I. CALL TO ORDER

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, June 13, 2023, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast (SE) 3rd Ave (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 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.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 May 9, 2023, Minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith and Curl, Mr. Ben Purvis, Mr. William Hair, and Mrs. Jennifer Hair; 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. 190411010; Kemp Properties of Okeechobee c/o Ben Purvis, 909 South (S) Parrott Ave, Okeechobee. [Legal Description: Unplatted land of the City Parcel 1: commencing at the Northeast (NE) corner of the NE quarter of the SE quarter of Section (SEC) 21, Township (TWP) 37 S, Range (RAN) 35 East (E) run thence S 0°0'58" West (W) along the E line of SEC 21 a distance of 611.6-feet (ft) to the point of beginning (POB); thence run S 89°52'39" W a distance of 357.16-ft, more or less, to the E right-of-way (ROW) line of U.S. Highway 441; thence run S 0°06'47" W along said ROW line a distance of 100-ft; thence run North (N) 89°52'39" E a distance of 357.4-ft, more or less, to the E line of SEC 21; thence run N 0°00'58" E along the E line of SEC 21, a distance of 100-ft to the POB. Note: the above-described tract is subject to a storm sewer easement with the Florida Department of Transportation which is across the Southern 7.5-ft of said tract, and more fully described in OR Book 241, at Page 1356, Okeechobee County public records. Parcel 2: being a parcel of land lying in SEC 21, TWP 37 S, RAN 35 E, CITY OF OKEECHOBEE, and being further bounded and described as follows: commence at the NE corner of the SE quarter of SEC 21; thence S 0°18'42" E along the Easterly boundary line of said SEC 21 a distance of 604.05-ft to a point; thence S 89°49'41" W a distance of 131.54-ft to the POB; thence continue S 89°49'41" W a distance of 225.00-ft to a point lying on the Easterly ROW line of S.R. 15 (US 441); thence N 0°10'19" W along said Easterly ROW line a distance of 30.00-ft; thence N 89°49'41" E a distance of 225.00-ft; thence S 0°10'19" E a distance of 30-ft to the POB. Parcel 3: commencing at the NE corner of the SE quarter of SEC 21, TWP 37 S, RAN 35 E, run thence S 0°18'42" W along the E boundary line of said SEC 21, for a distance of 604.05-ft for POB.; thence run S 89°49'41" W for a distance of 356.54-ft to a point on the E ROW line of S.R. 15 (U.S. 441); thence run S 0°10'19" W along said ROW line for a distance of 7.50-ft; thence run N 89°49'41" E for a distance of 356.56-ft to a point on the aforesaid E boundary line of SEC 21; thence run N 0°18'42" E along the SEC line for a distance of 7.50-ft to the POB lying in and comprising a part of the SE quarter of SEC 21, TWP 37 S, RAN 35 E, Okeechobee County public records].

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 August 13, 2019, where a fine in the amount of \$50.00 per day starting 30-days after the date of the Hearing, plus a one-time \$25.00 administrative fee was imposed. The imposed fine began accrual on September 27, 2019. The property was brought into compliance on September 21, 2022. Mr. Purvis submitted a request for a fine reduction on April 25, 2023. Mr. Purvis appeared before the Special Magistrate on May 9, 2023 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 to zero due to the circumstances. Special Magistrate Azcona deferred ruling to the June 13, 2023 Hearing to allow the property owner time to provide documentation and to review the file. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via United States Postal Service (USPS) certified return receipt on May 10, 2023. The notice was received by Ben Purvis on May 13, 2023. The City recommends a fine reduction of 60 percent, plus a \$25.00 administrative fee.

V. FINE REDUCTION REQUESTS CONTINUED

A. Case No. 190411010; CONTINUED:

Based on the evidence provided, **Special Magistrate Azcona reserved ruling until on or before the next Hearing to review all evidence.**

VI. CONTINUED CASES

A. Case No. 230324015; Debara Jean Lang and Laura Ann Harrison, 1004 Northwest (NW) 4th St (St), Okeechobee. [Legal Description: Lots 16,17, and 18 and S half of alley laying adjacent to said Lots of Block 21 NW ADDITION TO OKEECHOBEE, Plat Book 1, Page 25, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 10, Sections 10-3 Limitation as to the number of animals, 10-8 Public nuisance, Chapter 30, Sections 30-40 Junk, 30-43 Public nuisances, 30-44 General cleaning and beautification, 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 January 24, 2023. The property was inspected and found to be non-compliant on February 27, 2023, and March 23, 2023. A SOV/NOH was mailed via USPS certified return receipt on March 24, 2023. The City has not received the SOV/NOH nor receipt of signature card as of the date of this Hearing. A Notice to Appear was posted on the property and on the public notices board at City Hall on April 24, 2023. The property was inspected and found to be non-compliant on April 24, 2023, and May 4, 2023. Mr. and Mrs. Hair appeared before the Special Magistrate on May 9, 2023 and conveyed their explanations and reasonings for the property remaining in violation and requested more time to bring the property into compliance. Special Magistrate Azcona deferred ruling to the June 13, 2023 Hearing to allow the property owner more time to come into compliance. A SOV/NOH was mailed via USPS certified return receipt on May 10, 2023. The notice was received by Jennifer Hair on May 15, 2023. The property was inspected and found to be non-compliant on June 7, 2023. To comply with City Ordinances, the property owner needs to address the unsafe roof and structure by making the necessary repairs or demolition of the structure. The City recommends a fine of \$100.00 per day, to begin 21-days after the Special Magistrate Hearing on June 13, 2023, unless the property owner brings the property into compliance on or before that date, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 230324015 to be in violation of Code of Ordinances Chapter 10, Sections 10-3 Limitation as to the number of animals, 10-8 Public nuisance, Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification and IPMC Chapter 3, Section 304.1.1 Unsafe conditions and imposed a fine of \$100.00 per day plus a one-time administrative fee of \$50.00 should the property fail to come into compliance within 21-days after the date of this Hearing.**

VII. NEW CASES

A. Case No. 230413010; John B. and Susan D. Furse, 1411 Southwest (SW) 3rd Ave, Okeechobee. [Legal Description: Lots 9 and 10 of Block 24, S OKEECHOBEE, Plat Book 1, Page 12 and Plat Book 5, Page 7, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances, Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification, the property was found to be in compliance on June 6, 2023, no Lien/Order recorded, no fine accrued.

B. Case No. 230419003; CTS Consulting, LLC, whose business address is 899 NE 41st Way, Okeechobee, FL, 34972.

Code Officer Smith testified that the business is in violation of Code of Ordinances Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations for non-renewal of their local Business Tax Receipt (BTR) and engaging in business within the City of Okeechobee without first procuring a local BTR. The respondent is not a repeat violator. A Delinquency Letter was mailed via USPS certified return receipt on March 14, 2023. The notice was returned on March 29, 2023. A Delinquency Letter was mailed via USPS certified return receipt on March 30, 2023. The City has not received the SOV/NOH nor receipt of signature card as of the date of this Hearing. The respondent was found to be non-compliant on April 19, 2023. A SOV/NOH was mailed via USPS certified return receipt on April 19, 2023.

VII. NEW CASES CONTINUED

- B.** Case No. 230419003; CONTINUED: The notice was received by Christian Sementelli on April 29, 2023. The respondent was found to be non-compliant on May 23, 2023 and June 7, 2023. To comply with City Ordinances the business owner needs to renew their BTR or provide a written notice to close the account. The City recommends a fine of \$125.00 per day to begin 21-days after the Special Magistrate Hearing on June 13, 2023, unless the business comes into compliance on or before that date, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 230419003 to be in violation of Code of Ordinances Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations and imposed a fine of \$125.00 per day plus a one-time administrative fee of \$50.00 should the business fail to come into compliance within 21-days after the date of this Hearing.**

- C.** Case No. 230419004; Rucks Development, LLC, whose business address is 1006 SE 10th St, Okeechobee, FL, 34974.

Code Officer Smith testified that the business is in violation of Code of Ordinances Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations for non-renewal of their local BTR and engaging in business within the City of Okeechobee without first procuring a local BTR. The respondent is not a repeat violator. A Delinquency Letter was mailed via USPS certified return receipt on March 14, 2023. The notice was returned on March 29, 2023. A Delinquency Letter was mailed via USPS certified return receipt on March 30, 2023. The notice was returned on May 12, 2023. The respondent was found to be non-compliant on April 19, 2023. A SOV/NOH was mailed via USPS certified return receipt on April 19, 2023. The notice was received by Christian Sementelli on April 29, 2023. The respondent was found to be non-compliant on May 23, 2023 and June 7, 2023. To comply with City Ordinances the business owner needs to renew their BTR or provide a written notice to close the account. The City recommends a fine of \$125.00 per day to begin 21-days after the Special Magistrate Hearing on June 13, 2023, unless the business comes into compliance on or before that date, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 230419004 to be in violation of Code of Ordinances Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations and imposed a fine of \$125.00 per day plus a one-time administrative fee of \$50.00 should the business fail to come into compliance within 21-days after the date of this Hearing.**

- D.** Case No. 230419006; Guideone Insurance Company, whose business address is 1111 Ashworth Rd., W Des Moines, IA, 50265.

Code Officer Smith testified that the business is in violation of Code of Ordinances Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations for non-renewal of their local BTR and engaging in business within the City of Okeechobee without first procuring a local BTR. The respondent is not a repeat violator. A Delinquency Letter was mailed via USPS certified return receipt on March 14, 2023. The notice was received by V. Langford on March 28, 2023. The respondent was found to be non-compliant on April 19, 2023. A SOV/NOH was mailed via USPS certified return receipt on April 19, 2023. The notice was received by the agent of record, Sarah Blocker on April 26, 2023, and the president of the business on April 28, 2023. The respondent was found to be non-compliant on May 23, 2023 and June 7, 2023. To comply with City Ordinances the business owner needs to renew their BTR or provide a written notice to close the account. The City recommends a fine of \$125.00 per day to begin 21-days after the Special Magistrate Hearing on June 13, 2023, unless the business comes into compliance on or before that date, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 230419006 to be in violation of Code of Ordinances Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations and imposed a fine of \$125.00per day plus a one-time administrative fee of \$50.00 should the business fail to come into compliance within 21-days after the date of this Hearing.**

VII. NEW CASES CONTINUED


- E. Case No. 230509012; Law Office of Rebecca Hamilton, 180 NW 3rd Ave, Suite B, Okeechobee. [Legal Description: Lots 5 and 6 of Block 156, CITY OF OKEECHOBEE, Plat Book 1, Page 10 and Plat Book 5, Page 5, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances, Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations, the business was found to be in compliance on June 7, 2023, no Lien/Order recorded, no fine accrued.

VIII. COMPLIED CASES


- A. Case No. 221119010; Okeechobee Commons, LTD, 402 NW 10th St, Okeechobee. [Legal Description: Lots 1 to 6 Inc., Lots 14 to 26 Inc., and all vacated alley lying between Lots 1 to 6 and Lots 21 to 26 and S half of vacated alley lying between Lots 7 to 13 and 14 to 20 of Block 29, CITY OF OKEECHOBEE, Plat Book 1, Page 10, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification, the property was found to be in compliance on May 9, 2023, and that there is an existing lien in the amount of \$4,150.00, plus a \$50.00 administrative fee.
- B. Case No. 230421010; Goodbread's Okeechobee Lawn Tamer, 508 W N Park St, Okeechobee. [Legal Description: Lot 10 of Block 159, CITY OF OKEECHOBEE, Plat Book 1, Page 10, also: beginning 70-ft 3-inches W of the SE corner of Lot 12 of Block 159, according to the Plat thereof as recorded in Plat Book 5, Page 5, of the Okeechobee County public records, run W a distance of 29-ft 9-inches to the SW corner of Lot 11 of Block 159; thence N along the W boundary of said Lot 11, a distance of 142.5-ft to the NW corner of said Lot 11; thence E along the N boundary of said Lot 11, a distance of 20-ft to a point; thence S and parallel to the W boundary of said Lot 11, a distance of 48-ft to a point; thence E and parallel to the N boundary of said Lot 11, a distance of 9-ft 9-inches to a point; thence S and parallel to the W boundary of said Lot 11, a distance of 94.5-ft to the POB]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations, the business was found to be in compliance on April 19, 2023, no Lien/Order recorded, no fine accrued.
- C. Case No. 230418009; American Pressure Cleaning, LLC, whose business address is 16840 NW 38th Ave, Okeechobee, FL, 34972. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations, the business was found to be in compliance on April 21, 2023, no Lien/Order recorded, no fine accrued.
- D. Case No. 230418011; Beeper Depot of Port St. Lucie Inc., 405 S Parrott Ave, Okeechobee. [Legal Description: Lots 3,4,5,6 of Block 216, FIRST ADDITION TO OKEECHOBEE, Plat Book 1, Page 11 and Plat Book 5, Page 6, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations, the business was found to be in compliance on April 28, 2023, no Lien/Order recorded, no fine accrued.

IX. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 7:08 P.M.


Roger Azcona, Special Magistrate

ATTEST:


Christina Curl

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.