



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

- I. CALL TO ORDER**
Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, January 9, 2024, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast 3rd Avenue, 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.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 December 12, 2023, Minutes.

 - B.** This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith and Curl and Mrs. Betty Khan; 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. 221221016; 130 Palm Beach Properties LLC c/o Betty Khan, Northwest (NW) 11th Street (St), Okeechobee [Legal Description: Lots 7, 8, 9, 10 and 11 of Block 30, CITY OF OKEECHOBEE, Plat Book 1, Page 10 and Plat Book 5, Page 5, 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 February 14, 2023, where a fine in the amount of \$50.00 per day starting 21-days after the date of the Hearing, plus a one-time \$50.00 administrative fee was imposed. The property was inspected and found to be non-compliant on March 7, 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 and regular mail on July 26, 2023. The non-certified notice was received by Betty Khan on August 2, 2023. The certified notice was returned on September 18, 2023. The property was brought into compliance on August 21, 2023, with a fine balance of \$8,300.00, plus a \$50.00 administrative fee due. A Compliance Letter with the fine total was emailed to Mrs. Khan on August 21, 2023. Mrs. Khan submitted a request for a fine reduction on October 23, 2023. The property was inspected to determine if the property remained compliant and was found to be back in violation on October 26, 2023. A denial of the fine reduction request was emailed to Mrs. Khan on October 31, 2023. The property was found to be back in compliance on November 15, 2023. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via USPS certified return receipt on November 15, 2023. The notice was returned on December 22, 2023. A SOV/NOH was emailed to Mrs. Khan on December 14, 2023. Mrs. Khan appeared before the Special Magistrate and conveyed her 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. The City recommends a fine reduction of 50 percent, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona deferred Case No. 221221016 to the next Special Magistrate Hearing to allow the property owner an opportunity to speak with Code Enforcement about lowering the fine and to work out a payment arrangement.**

VI. NEW CASES

- A. Case No. 231009016; Epanoptix Inc, Antoinette McDonald, NW 10th St, Okeechobee [Legal Description: Lot 13 and West half of Lot 12 of Block 42, CITY OF OKEECHOBEE, Plat Book 1, Page 10 and Plat Book 5, Page 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, Sections 304.1 General, 304.1.1 Unsafe conditions. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on September 22, 2023. The property was inspected and found to be non-compliant on October 9, 2023. A SOV/NOH was mailed via USPS certified return receipt on October 9, 2023. The notice was received by Antoinette Russell on October 13, 2023. The respondent requested that the case be deferred to a later hearing as she was unable to attend the December 12, 2023 Hearing on December 6, 2023. The property was inspected and found to be non-compliant on December 6, 2023. A SOV/NOH was mailed via USPS certified return receipt on December 11, 2023. The notice was received on December 14, 2023. At the December 12, 2023 Meeting, Special Magistrate Azcona deferred the case to the January Hearing to allow the respondent an opportunity to attend. The property was inspected and found to be non-compliant on January 4, 2024. To comply with City Ordinances, the property owner needs to cut all weeds, grass, or undergrowth to a height not to exceed 8-inches on the entire property and trim landscaping to a neat appearance not to adversely affect the aesthetic of the property or adjacent properties and repair or demolish the structure on the property. The City recommends a fine of \$50.00 per day, to begin on January 10, 2024, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 231009016 to be in violation of Code of Ordinance Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification, IPMC Chapter 3, Sections 304.1 General, 304.1.1 Unsafe conditions and imposed a fine of \$50.00 per day plus a one-time administrative fee of \$50.00 to begin on January 10, 2024.**

VII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 6:30 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.