



**CITY OF OKEECHOBEE CODE ENFORCEMENT  
FEBRUARY 13, 2024, SPECIAL MAGISTRATE HEARING  
OFFICIAL MINUTES**

**I. CALL TO ORDER**

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, February 13, 2024, at 6:01 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; New Cases Item VI.B. was deferred to a future Hearing to allow the probate case to be resolved.

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

A. Special Magistrate Azcona dispensed with the reading and approved the January 9, 2024, Minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith and Curl, Mr. Jeffery Newell, and Ms. 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. REPEAT VIOLATORS**

A. Case No. 240116019; Charles E. Holt, 1010 Southwest (SW) 11<sup>th</sup> AVE, Okeechobee [Legal Description: Lots 19 and 20 of Block 22, SW ADDITION TO OKEECHOBEE, Plat Book (PB) 2, Page (PG) 7, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-40 Junk, 30-43 Public nuisances, 30-44 General cleaning and beautification. The respondent is a repeat violator. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via United States Postal Service (USPS) certified return receipt on January 16, 2024. The City has not received the SOV/NOH nor the receipt signature card as of the date of this Hearing. The property was inspected and found to be non-compliant on January 30, 2024. A Notice to Appear was posted on the property and the Public Notices Board at City Hall on January 31, 2024. The property was inspected and found to be non-compliant on February 6, 2024. To comply with City Ordinances, the property owner needs to cut all weeds, grasses, 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, remove all the junk/debris from the property, and store all materials and equipment in an orderly manner. The City recommends in accordance with the fine schedule a fine of \$100.00 per day, to begin on February 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 found Case No. 240116019 to be in violation of Code of Ordinances Chapter 30, Sections 30-40 Junk, 30-43 Public nuisances, 30-44 General cleaning and beautification and imposed a fine of \$100.00 per day plus a one-time administrative fee of \$100.00 should the property fail to come into compliance by February 13, 2024.**

## VI. NEW CASES

- Case No. 240117008; Church of God of Prophecy, 102 Northwest (NW) 10<sup>th</sup> Street (ST, Okeechobee [Legal Description: Lots 19, 20, 21, 22, 23, 24, 25 and 26 of Block 30, 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 Florida Building Code Chapter 1, Sections 105 Permits, 105.4.1 Permit intent the property was found to be in compliance on February 12, 2024, no Lien/Order recorded, no fine accrued.
- B** Case No. 231025003; Timothy Lee Thomas, 809 Northeast 5<sup>th</sup> Street, Okeechobee [Legal Description: Lots 15 and 16, RIVER RUN RESORT-PHASE II, PB 6, PG 33, Okeechobee County public records]. As requested by Code Officer Smith, the case be deferred until a future Hearing to allow the probate case to be resolved.
- C.** Case No. 240109004; 1012 Parrott LLC, 1012 South Parrott AVE, Okeechobee [Legal Description: Lots 4, 5, 6, 10, 11, and 12 of Block 7; less the West 15-feet (ft) of Lots 10, 11, and 12. Also that certain alleyway lying in Block 7, being 15-ft wide and bordered on the East side by Lots 4, 5, and 6 and bordered on the West by Lots 10, 11, and 12 of Block 7, SOUTH OKEECHOBEE, PB 1, PG 12 and PB 5, 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 Code of Ordinances Chapter 54, Section 54-81 Use as a residence, the property was found to be in compliance on January 31, 2024, no lien/Order recorded, no fine accrued.

## VII. FINE REDUCTION REQUESTS CONTINUED

- A.** Case No. 221221016; 130 Palm Beach Properties LLC c/o Betty Khan, NW 11<sup>th</sup> ST, Okeechobee [Legal Description: Lots 7, 8, 9, 10 and 11 of Block 30, CITY OF OKEECHOBEE, PB 1, PG 10 and PB 5, PG 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 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 Ms. Khan on August 21, 2023. Ms. 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 Ms. Khan on October 31, 2023. The property was found to be back in compliance on November 15, 2023. A 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 Ms. Khan on December 14, 2023. Ms. 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 case was presented to the Special Magistrate on January 9, 2024, and was deferred until the February 13, 2024, Hearing to allow the property owner an opportunity to speak with Code Enforcement about lowering the fine and to work out a payment arrangement. On January 10, 2024, an email was received by Code Enforcement staff, from Ms. Khan requesting the fine be reduced to 20 percent. A reply email was sent on January 11, 2024, to Ms. Khan to advise that the City stands behind its recommendation of a 50 percent reduction, plus the \$50.00 administrative fee, and offered a payment plan of \$350.00 a month due on the 15<sup>th</sup> of each month until the lien balance of \$4,200.00 is paid in full.




VII. FINE REDUCTION REQUESTS CONTINUED

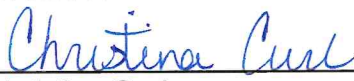
A. CONTINUED. A SOV/NOH was emailed to Ms. Khan on January 11, 2024. Ms. Khan appeared before the Special Magistrate and conveyed her explanations and reasonings for why the fine should be reduced to zero due to the circumstances. The City recommends in accordance with Ordinance No. 1274 a fine reduction of 50 percent, plus a \$50.00 administrative fee and a payment plan of \$350.00 due on the 15<sup>th</sup> of each month until the lien balance of \$4,200.00 is paid in full.

Based on the evidence provided, **Special Magistrate Azcona ruled to reduce the fine by 50 percent, plus a \$50.00 administrative fee. A payment plan of \$350.00 a month due on the 15<sup>th</sup> of each month was granted.**

VIII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 6:38 P.M.

  
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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.