



**CITY OF OKEECHOBEE CODE ENFORCEMENT
NOVEMBER 9, 2021, SPECIAL MAGISTRATE HEARING
OFFICIAL MINUTES**

I. CALL TO ORDER

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, November 9, 2021, 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

Assistant Code Enforcement Officer Christina Curl called the roll. Special Magistrate Roger Azcona, Esquire, and Code Enforcement Officer Anthony Smith were present.

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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.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 approved the October 12, 2021, Hearing minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith and Curl, Mr. Randy Simler, Mr. Mike Ryan, Ms. Maha Ismael, and Mr. Steve Dobbs; all affirmed. Code Officer Smith 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. COMPLIED CASES

A. Case No. 210916011; Rodney Beaman, 816 Southeast 14th Court [Legal Description: Lots 153 and 154, THE FIRST ADDITION TO OKEECHOBEE ESTATES, Plat Book 3, Page 23, 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 30-33 Owner to control excessive growths and unsanitary ponds and swimming pools, 30-40 Junk.

B. Case No. 210930015; Aaron A Kinty, 611 Southeast 6th Avenue [Legal Description: Unplatted lands of the City Tract #1, beginning 354.3-feet North of Southwest corner of Government Lot 6, of Section 22, Township 37 South, Range 35 East; thence run North along the West boundary of said Government Lot 6, a distance of 40-feet to a point; thence at right angles and perpendicular to said West boundary of Government Lot 6; run Easterly to Taylor Creek; thence in a Southernly direction along Taylor Creek to a point opposite the point of beginning; thence Westerly to the point of beginning. Less and accept the West 30-feet thereof which was conveyed to the City of Okeechobee as a street]. No action on this matter was requested but is noted for the record to have been in violation of Chapter 54, Section 54-81 Use as a residence.

VI. FINE REDUCTION REQUESTS

A. Case No. 210323005; Omar Nafal Zaben (La Placita Supermarket), 1002 Northwest Park Street [Legal Description: Lots 15, 16, 17 and 18 of Block 28, NORTHWEST 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 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification for a strong urine smell coming from the fence line, overflowing dumpster, debris/garbage scattered throughout the neighborhood and a truck being parked in the right-of-way. The property is not a repeat violator. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via United States Postal Service (USPS) certified return receipt on March 23, 2021, for the May 11, 2021 Hearing. The notice was received by Omar Zaben on March 25,

VI. FINE REDUCTION REQUESTS CONTINUED

- A. CONTINUED: 2021. The property was inspected and found to be non-compliant on April 27, 2021, and May 5, 2021. This Case was found in violation on May 11, 2021. A fine of \$100.00 per day to begin 21-days after the date of the Hearing, plus a one-time \$50.00 administrative fee was imposed. A Lien/Order was mailed via USPS certified return receipt on May 18, 2021. The Lien/Order was received by Omar Zaben on May 19, 2021. The property was inspected and found to be non-compliant on June 1, 2021. The Lien/Order was recorded, fine began to accrue. The property was inspected and found to be non-compliant on July 1, 2021. A 90-Day Letter was mailed via USPS certified return receipt on September 2, 2021. The letter was received by Zaben Nafal on September 7, 2021. The property was inspected and found to be in compliance on September 9, 2021, leaving an accrued fine of \$10,000.00. Ms. Maha Ismael submitted a request for fine reduction on September 20, 2021. A SOV/NOH was mailed via USPS certified return receipt on September 20, 2021, for the November 9, 2021 Hearing. The notice was received by Zaben Nafal on September 23, 2021. The City recommended a seventy-five percent reduction plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona ruled to reduce the fine by seventy-five percent, plus a \$50.00 administrative fee and to grant a payment plan to pay the fines and fees within a reasonable time.**

- B. Case No. 190927004; Fosler LLC c/o Randy Simler (Omar Abuaita), 300 block Northwest 9th Street [Legal Description: Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26 of Block 39, CITY OF OKEECHOBEE, 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, Section 30-43 Public nuisances for a damaged fence around a retention pond on the property. The property is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on September 26, 2019, for violation of Chapter 30, Section 30-43 Public nuisance. A SOV/NOH was mailed via USPS certified return receipt on January 29, 2020, for the February 11, 2020 Hearing. The notice was received on February 5, 2020, signature not legible. The property was inspected and found to be non-compliant on May 4, 2020. A SOV/NOH was mailed via USPS certified return receipt on May 5, 2020, for the June 9, 2020 Hearing. The notice was received on May 14, 2020, signed COVID-19. This Case was found in violation on June 9, 2020. A fine of \$50.00 per day to begin 15-days after proper notification, plus a one-time \$50.00 administrative fee was imposed. A Lien/Order was recorded and mailed via USPS certified return receipt on June 18, 2020. The Lien/Order was received on June 27, 2020, signed COVID-19. The property was posted with the Lien/Order on September 29, 2020, fine accrual to begin on October 12, 2020. The property was quit-claimed to Fosler LLC, c/o Randy Simler on October 22, 2020. The property was inspected and found to be non-compliant on June 25, 2021. A 90-Day Letter was mailed via USPS certified return receipt on July 6, 2021. The letter was received on July 16, 2021, unsigned. Code Officer Smith met with the property owner Mr. Randy Simler to advise him of the violation on July 21, 2021. The property was inspected and found to be in compliance on July 22, 2021, leaving an accrued fine of \$14,000.00. Mr. Simler submitted a request for a fine reduction on September 29, 2021. A SOV/NOH was mailed via USPS certified return receipt on September 29, 2021, for the November 9, 2021 Hearing. The notice was received on October 6, 2021, signed COVID-19. The City recommended a seventy-five percent reduction plus a \$50.00 administrative fee.

Base on the evidence provided, **Special Magistrate Azcona reserved ruling until the next day to review all evidence. Special Magistrate Azcona's report concluded that the seventy-five percent reduction of the total fine plus administrative fees was more than reasonable and fair under the facts and circumstances presented, and such reduction is in the best interest of the City of Okeechobee. The Respondent should arrange a payment plan to pay the fines and fees within a reasonable time.**

VI. FINE REDUCTION REQUESTS CONTINUED

- C.** Case No. 200318009; Daniel T. Meara, 905 Southwest 3rd Avenue [Legal Description: Lot 9, of Block 5, SOUTH OKEECHOBEE, Plat Book 5, Page 7, Okeechobee County public records].

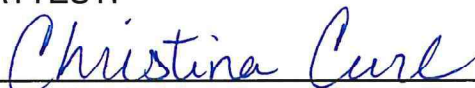
Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-44 General cleaning and beautification for untagged vehicles, the grass in need of being mowed and debris cleaned up. The property is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on March 19, 2020. The property was inspected and found to be non-compliant on June 15, 2020. A SOV/NOH was mailed via USPS certified return receipt on July 28, 2020, for the September 8, 2020 Hearing. The City has not received anything back as of the date of this Hearing. The property was inspected and found to be non-compliant on July 31, 2020. The property was posted with a Notice to Appear (NTA) on July 31, 2020, for the September 8, 2020 Hearing. The property was inspected and found to be non-compliant on August 6, 2020. A SOV/NOH was mailed via USPS certified return receipt on September 22, 2020, for the October 21, 2020 Hearing. The notice was received by Krystal Cafer on September 25, 2020. The property was inspected and found to be non-compliant on October 20, 2020. A SOV/NOH was mailed via USPS certified return receipt on November 17, 2020, for the December 8, 2020 Hearing. The notice was received by R.P. Cig on November 21, 2020. The property was posted with a NTA for the December 8, 2020 Hearing. This Case was found in violation on December 8, 2020, a fine of \$25.00 per day 14-days after proper notification, plus a one-time \$50.00 administrative fee imposed. The property was inspected and found to be non-compliant on January 27, 2021. A Lien/Order was recorded and mailed via USPS certified return receipt on April 21, 2021. The Lien/Order was received by Daniel Meara on April 30, 2021. The property was inspected and found to be non-compliant on May 5, 2021, fine accrual to begin May 6, 2021. The property was inspected and found to be in compliance on May 18, 2021, leaving an accrued fine of \$350.00. A Compliance Letter was mailed via USPS certified return receipt on June 18, 2021. The letter was received by Daniel Meara on July 7, 2021. A 90-Day Letter was mailed via USPS certified return receipt on September 2, 2021. The letter was received on September 10, 2021, signature not legible. Mr. Meara submitted a request for a fine reduction on October 1, 2021. A SOV/NOH was mailed via USPS certified return receipt for the November 9, 2021 Hearing. The notice was received on October 7, 2021, signature not legible. The City recommended a seventy-five percent reduction plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona ruled to reduce the fine by seventy-five percent, plus a \$50.00 administrative fee.**

VII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 7:02 P.M.

ATTEST:


Christina Curl


Roger Azcona, Special Magistrate

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.