

Lexington Fayette Urban County Government
Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 09/24/2019

Hearing Officer: JON HAMPTON

Case number: 354923

Address: 541 HASKINS DR.

Owner: JOHNETTA L. SMITH

Present /Not Present

Person Representing Property Owner: Brian Cuthfield
Legal Standing: POA

Issuance Date of Civil Penalty: 08/20/2019

Case Officer: JODY WHITAKER

Housing with \$ 100.00 Civil Penalty Amount

Nuisance with \$ _____ Civil Penalty Amount

Sidewalk with \$ _____ Civil Penalty Amount

Emergency Abatement \$ _____ Nuisance Housing

Other: _____ \$ _____ Civil Penalty Amount

Findings of Fact:

Appellant owns the subject property. Notice was properly served on Appellant and notice of appeal was timely filed.

_____ A violation(s) of the Ordinance was not committed. To Wit: _____

A violation(s) of the Ordinance was committed. To Wit: per testimony

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Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes:

Per agreement

Civil Penalty Assessed

1) Appellant is assessed a civil penalty of \$ _____. Failure to make payment on this civil penalty within 30 days of the issuance of this ruling may result in the placement of lien against the indicated property.

Civil Penalty held in abeyance

2) Appellant is granted until 11/25/2019 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 100. The appellant shall contact the Case Officer and request a confirmation inspection to ensure compliance has been gained on or before the above indicated date as well. Notes: _____

Civil Penalty assessed in part with remaining balance held in abeyance

3) Appellant is assessed a civil penalty of \$ _____, and is ordered to remedy the violation by _____, and in the event he/she fails to do so, an additional amount of \$ _____ will be assessed, and the Lexington-Fayette County Government will abate (when applicable) the nuisance, at the expense of the Appellant.

Notes: _____

****Notice: As indicated in Kentucky Revised Statute 65.8831, any appeal of this order must be made to the Fayette District Court within thirty (30) days from the date this order is issued.**

Hearing Officer's Signature

Jon Hampton

Date

9/24/19



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

SMITH JOHNETTA L
921 BELMERE DR
LEXINGTON, KY 40509

Date & Time of Issuance: August 20, 2019, at 10:49 AM
Compliance Due Date: September 19, 2019
Case Number: 354923

RE: 541 HASKINS DR, Lexington, KY 40508

On **June 19, 2019 at 8:58 AM**, the above referenced property was placed under a Notice of Violation regarding required repairs or corrections pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances.

On **August 20, 2019 at 10:49 AM**, I conducted a re-inspection of the property and found that not all of the cited repairs/corrections have been completed. The purpose of this document is to formally notify you that due to the continued non-compliance and the presence of **4** violation(s) on the property during the above indicated "Date of Issuance", you are being issued a citation. **As established in Chapter 12-1 of the Code of Ordinances you have been issued a citation in the amount of \$100.** Our records indicate you have received 1 citation(s) in this case.

The property owner may file a written appeal of this action, but must do so within 7 days of the above listed "Date of Issuance". Appeals, which should indicate why the citation should be dismissed, may be filed via U.S. Mail or by delivering the request to: Division of Code Enforcement, C/O Secretary of Administrative Hearing Board, 101 East Vine Street, Suite 500, Lexington, KY 40507, or by faxing the appeal request to (859-425-2274)—No emails. Failure to appeal this citation within the indicated time shall result in the determination the property owner has waived their right to appeal, the violations were present on the property, and the issuance of the citation was proper.

If this citation is not paid within 14 days of its issuance and it is not on appeal, a Notice of Lien Claimed may be filed. If a Notice of Lien is filed, then the property owner will be responsible for all fees and administrative costs associated with the lien as well. **All payments related to citations or liens should be made to the Lexington-Fayette Urban County Government and mailed or delivered to the Lexington-Fayette Urban County Government, Division of Revenue, 218 East Main Street, Lexington, Kentucky 40507.** Please include a copy of this citation and/or documents clearly identifying the referenced property and this citation with the payment to ensure proper credit occurs.

Please note that as outlined in Chapter 12-1 of the Code of Ordinances, if the cited repairs are not completed and the property is not brought into compliance before the above indicated "Compliance Due Date", additional penalties ranging between \$100.00 and \$2,500.00 may be assessed. Please take immediate steps to correct these violations to ensure no additional citations or liens are issued.

Please contact me if you have any questions or concerns regarding this citation. If you do not receive a response from me within 36 Hours of calling/emailing, please call our office and ask to speak to my supervisor.

Inspection Comments:

No contact from owner





A handwritten signature in blue ink that reads "Jody Whitaker".

Jody Whitaker
Code Enforcement Officer

Phone
(859) 576-3849

E-Mail Address
jwhitaker@lexingtonky.gov



LIMITED POWER OF ATTORNEY

OF

JOHNETTA SMITH



KNOW ALL MEN BY THESE PRESENTS:

That I, Johnetta Smith, Grantor, of 921 Belmere Drive, Lexington, Kentucky 40509 do hereby grant my nephew, O'Brien Crutchfield, as my true lawful limited attorney-in-fact for me and in my name, place and stead, for the limited purpose of representing me on all matters regarding my real property located at 2010 and 2012 Fordson Court, Lexington, Kentucky 40505, respectively, (Docket No. 230576 and 3313180) and 541 Haskins Drive of the Lexington, Kentucky 40508 at the Code Enforcement Hearing of the Lexington-Fayette Urban County Government on Wednesday, July 17, 2019 at 1:00 p.m. or any other time, if the time for hearing is continued or the time is changed for any reason.

PHOTOSTATIC COPIES: A photostatic copy of this Power of Attorney, as executed, given by me or my attorney-in-fact to any third party shall be conclusive to such third party as to the authority of my attorney-in-fact to act for me as provided herein, unless and until such third party shall have received written notice from me or my attorney-in-fact of the revocation or limitation of the Power of Attorney. This Power-of-Attorney also includes any action, whatsoever, involving any possible forcible detainer action relating to the above-listed properties.

I HEREBY GIVE AND GRANT said Attorney-In-Fact full power and authority to do and perform each and every act, deed, matter and thing whatsoever in and about my property, person and affairs as fully and effectually to all intents and purposes as I might or could do in my own proper person if personally present, and hereby ratify all that said Attorney-In-Fact shall lawfully do or cause to be done by virtue thereof.

FURTHER, I DIRECT, that this Power of Attorney shall take effect as below provided and shall be irrevocable except as hereinafter otherwise expressly stated, and if real estate of mine is involved and this instrument has been recorded in a public office, this instrument, as to such real estate, shall not be revocable, unless and until such time as there is filed of record a duly acknowledged revocation of this instrument in the same public office in which the instrument containing this power is recorded.

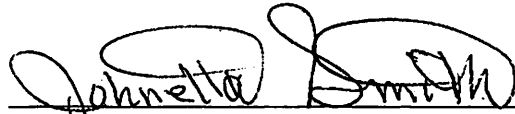
This Limited Power- of-Attorney shall become effective on the date of execution hereof subject to the limitations set forth in the first literary paragraph of this Power-of-Attorney regarding my disability and shall continue to be effective until it is revoked by me in writing. This power, as between said Attorney-in-Fact and me, may be revoked at any time by prior written notice to said Attorney-in-Fact stating the date on which such revocation shall be effective; BUT, as regards any revocation by me or by operation of law, including death, anyone else in good faith relying upon exercise of these powers by said Attorney-in-Fact may rely upon this instrument for its

continuing validity. This instrument may be recorded in a public office but need not necessarily be so recorded.

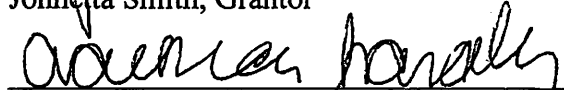
THIS LIMITED POWER OF ATTORNEY SHALL NOT BE AFFECTED BY THE DISABILITY OF THE PRINCIPAL

EXCULPATION: My said Attorney-in-Fact shall not be liable for any loss sustained through error of judgment made in good faith, but said Attorney-In-Fact shall be liable for willful misconduct or breach of good faith.

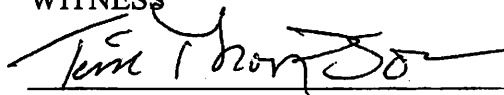
IN WITNESS WHEREOF, I, JOHNETTA SMITH, the Grantor, sign my name to this Limited Power-of-Attorney, said Limited Power-of-Attorney consisting of this and the preceding typewritten pages, this 16th day of July, 2019 and being duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as a Limited Power of Attorney granted to O'Brien Crutchfield and that I sign it willingly, that I execute it as my free voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.



Johnetta Smith, Grantor



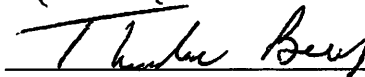
WITNESS



WITNESS

COMMONWEALTH OF KENTUCKY
COUNTY OF FAYETTE

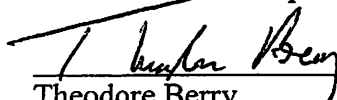
Subscribed, sworn and acknowledged before me by Johnetta Smith, and witnessed by Airiona Hayden and Tim Thompson, on this 16th day of July, 2019.



Notary Public State at Large, Kentucky
Notary ID No. 592453

My commission expires: December 27, 2021

This Instrument Prepared by:



Theodore Berry
Attorney at Law
2401 Regency Road, Ste 103
Lexington, Kentucky 40503
Telephone: (859) 276-0484
Fax: (859) 276-0381