

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

Date of Hearing: 11/20/2019

Hearing Officer: MATT BOYD

Case number: 372146

Address: 448 HOLLOW CREEK RD. #C17 AKA 424 HOLLOW CREEK RD.

Owner: PADDOCK APTS LLC C/O BF BUCKLEY

Present /  Not Present

Person Representing Property Owner: \_\_\_\_\_

Angela Hurst

Legal Standing: POA

Issuance Date of Civil Penalty: 09/30/2019

Case Officer: JODY WHITAKER

Housing with \$ 200.00 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: 8 violation  
- interior

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**Conclusions of Law**

The civil penalty is:

Upheld

Dismissed

Other

Notes: \_\_\_\_\_  
\_\_\_\_\_

**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**

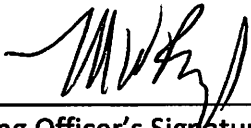
2) Appellant is granted until \_\_\_\_\_ within which to remedy the violations to avoid the assessment of a civil penalty of \$ \_\_\_\_\_. The appellant shall contact the Case Officer and request a confirmation inspection to ensure compliance has been gained on or before the above indicated date as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

11/20/19  
\_\_\_\_\_  
Date



**DIVISION OF CODE ENFORCEMENT**  
**Issuance of Citation (Housing Violation)**

**PADDOCK APTS LLC; C/O B F BUCKLEY  
105 WINDRIDGE DR  
NICHOLASVILLE, KY 40356**

**Date & Time of Issuance:** September 30, 2019, at 1:48 PM  
**Compliance Due Date:** October 30, 2019  
**Case Number:** 372146

**RE: 448 HOLLOW CREEK RD, C17, aka 424 HOLLOW CREEK RD, Lexington, KY 40511**

On **July 29, 2019 at 2:13 PM**, 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 **September 30, 2019 at 1:48 PM**, 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 **8** 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 \$200.** 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





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**Jody Whitaker**  
Code Enforcement Officer

**Phone**  
(859) 576-3849

**E-Mail Address**  
jwhitaker@lexingtonky.gov



LIMITED POWER OF ATTORNEY

**KNOW ALL MEN BY THESE PRESENTS:**

THAT I, **BENJAMIN BUCKLEY IV**, do hereby make, constitute and appoint, **ANGELA HURST**, as my true and lawful attorney in fact, with full power for me and in my name and stead to make, execute, acknowledge and deliver for me and in my name as member and Manager of Paddock Apartments, LLC, a Kentucky limited liability company (the "Company"), specifically to appear on my behalf regarding the Code Enforcement appeal for 448 Hollow Creek Rd. #C17 AKA 424 Hollow Creek Rd. case number 372146. To give testimony of the condition of the property, repairs and timeline of events, to present any necessary evidence, and to generally do and perform any and all acts and things whatsoever necessary on behalf of me as the member and Manager of the Company, in all respects and as fully as I could do if personally present.

It is expressly understood that this Power of Attorney shall not be affected by any disability which we, may subsequently suffer, and we hereby ratify and confirm each and every act or thing which our said attorney in fact shall do or cause to be done by virtue thereof.

**IN WITNESS WHEREOF**, we have duly executed this instrument this the 19<sup>th</sup> day of November, 2019.

*B. Buckley IV*  
BENJAMIN BUCKLEY IV

COMMONWEALTH OF KENTUCKY)

COUNTY OF FAYETTE)

The foregoing limited power of attorney was signed, sworn to and acknowledge before me on this the 19<sup>th</sup> day of November, 2019, by Benjamin Buckley IV.



My commission expires: July 13, 2023  
Kathryn L Hydorn  
Notary Public



Faint, illegible text, possibly a letter or document header.

Handwritten signature or initials.







*Debbie D*  
*10/10/19*

**DIVISION OF CODE ENFORCEMENT****Notice of Violation (Housing)****60 Day Repair Notice**

**PADDOCK APTS LLC; C/O B F BUCKLEY**  
**105 WINDRIDGE DR**  
**NICHOLASVILLE, KY 40356**

**Date & Time of Issuance:** July 29, 2019, at  
2:13 PM  
**Compliance Due Date:** September 27, 2019  
**Case Number:** 372146

**RE: 448 HOLLOW CREEK RD, C17, aka 424 HOLLOW CREEK RD, Lexington, KY 40511**

On **July 29, 2019 at 2:13 PM** I conducted an inspection of the above referenced property, pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances and the International Property Maintenance Code. At which time I documented violation(s) that are required to be corrected/repared to maintain accepted levels of health, safety and/or minimum maintenance standards. A list of the violations found during the above indicated inspection are located on the attached/enclosed inspection report.

This non-appealable notice and the attached/enclosed documents serve as formal notification of the inspection and the presence of the aforementioned violations. This notice also serves as an order to correct/abate the violations and also provides you with information/guidelines to assist you in correcting these violations.

**FINDINGS**

It has been found that a violation(s) exists on the premises or part thereof which requires immediate action to protect the public's health and safety. The findings of the above stated inspection are listed below.

	<b>Violation</b>	<b>Code</b>	<b>References</b>
1	ALL BATHROOM CABINETS MUST BE KEPT IN GOOD WORKING, CLEAN AND SANITARY CONDITION. REPAIR, CLEAN OR REPLACE BATHROOM CABINETS AS NEEDED TO RESTORE PROPER FUNCTION.	Bth101 - Bath Cabinets	PM 305.1, 501.2
2	THE TOILET TANK LID, TOILET FILL VALVE, FLUSHING HANDLE, FLAPPER AND/OR RELATED HARDWARE ARE BROKEN, MISSING OR IMPROPERLY FUNCTIONING AND MUST BE REPLACED.	Bth117 - Toilet Hardware	PM 502.1, 504.1
3	PREPARE AND PAINT ANY INTERIOR DOORS, DOOR FRAMES, OR TRIM WHERE PEELING, UNSANITARY, OR OTHERWISE IN NEED OF FINISH COATING.	Drs110 - Door Int Paint	PM 305.1, 305.3
4	ALL BATHROOMS MUST HAVE AT LEAST ONE RECEPTACLE OUTLET AND ANY RECEPTACLE OUTLET LOCATED IN A BATHROOM MUST BE PROTECTED BY A GROUND FAULT CIRCUIT INTERRUPTER.	Egn117 - Bath Outlet Req	PM 601.2, 604.3, 605.1
5	THE WATER SUPPLY LINES ARE LEAKING, BROKEN, BURST, UNHOOKED, OR OTHERWISE IMPROPERLY FUNCTIONING, AND MUST BE REPAIRED OR REPLACED. PLUMBING	Plm103 - Water Leak	PM 501.2, 505.1, 505.3





	INSTALLATIONS MUST BE CONDUCTED UNDER AN APPROPRIATE PLUMBING PERMIT FROM THE DIVISION OF BUILDING INSPECTION.		
6	REPAIR OR REPLACE ALL PLASTER OR DRYWALL WHERE LOOSE, CRACKED, BROKEN, MISSING, HAS HOLES, CRACKED OR OTHERWISE DETERIORATED.	Wal101 - Drywall Repair	PM 305.1, 305.3
7	REMOVE ALL PLASTER OR DRYWALL THAT IS WET AND/OR MOLDY.	Wal103 - Drywall Moldy	PM 305.1, 305.3
8	PREPARE AND PAINT ALL PLASTER OR DRYWALL OR TRIM, WHERE PEELING, UNSANITARY, UNPAINTED, HAS SURFACE MILDEW, OR OTHERWISE IN NEED OF FINISH COATING.	Wal104 - Drywall Paint	PM 305.1, 305.3

You being the owner are hereby given notice to:

Correct Cited Routine Violations within Sixty (60) Days

**Inspection Comments:**

Repair the cause of excessive mold on walls, ceilings and floors

Failure to correct these violations, in a professional manner consistent with industry standards, within 60 days of the above indicated "Date of Issuance", may result in the placement of civil penalties and/or liens on the property. Per ordinance, penalties can range from \$100.00 to \$2,500.00 and are cumulative. Depending on the severity of the violations, civil penalties may be issued every 30 days or every day if needed.

Therefore, I strongly encourage you to take immediate action to correct these violations to prevent the issuance of civil penalties. If you believe that you have come into compliance within the 60 days provided, then please contact me and I will re-inspect the property to ensure compliance standards have been met. If the cited violations are/were located in the interior/inside of the structure, then it will be your responsibility to contact me before the 60 day time frame has expired and make arrangements for us to meet on-site to review the repairs. Failure to schedule this on-site meeting regarding repairs done to the interior of the property may result in the issuance of an avoidable civil penalty.

After reading these documents, please feel free to contact me if you have any questions regarding this notice, to schedule a meeting, and/or if you need additional assistance. 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.

**Jody Whitaker**  
Code Enforcement Officer

**Phone**  
(859) 576-3849

**E-Mail Address**  
jwhitaker@lexingtonky.gov





## Jody Whitaker

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**From:** david lawyer <davidlawyer1@gmail.com>  
**Sent:** Monday, October 7, 2019 11:46 AM  
**To:** Jody Whitaker  
**Subject:** Fwd: 376414  
**Attachments:** Proposal #192070.pdf

[EXTERNAL] Use caution before clicking links and/or opening attachments.

Hi Jodi,

I contracted with Cloud on October 3 to patch my parking lot, sealcoat and re stripe. I talked with several contractors and every asphalt contractor indicated they are extremely busy now with the dry weather and proximity to winter after such a prolonged wet period where they could not work. Now they have a huge backlog of work. Everyone wants asphalt work done now!

You and I discussed this on the phone a couple weeks ago. At that time you told me because of this odd weather situation you felt you could give me an additional 60 days. And that you'd document that in an email to me. I was surprised by your call this morning after having this understanding after our earlier phone conversation.

Anyway, Cloud indicated last week he thought he could complete the work within 30-60 days...and probably 30 days. They will clean the lot of all debris and vegetation, seal all cracks, saw out the holes into square sections and fill with hot patch, and apply two coats of sealcoating, and stripe.

Please confirm your receipt of this email and granting of the additional time that Cloud needs.

Thank you for your patience and understanding.

David Lawyer  
Darby Falls, LLC  
859-629-9064

Begin forwarded message:

**From:** david lawyer <[davidlawyer1@gmail.com](mailto:davidlawyer1@gmail.com)>  
**Subject:** 376414  
**Date:** September 17, 2019 at 3:42:02 PM EDT  
**To:** [jwhitaker@lexingtonky.gov](mailto:jwhitaker@lexingtonky.gov)

Hi Jody,

I have known the parking lot needed attention and I guess was procrastinating making a decision.

I got the attached proposals from C and R Asphalt shortly after I received your letter. I had to drop everything and go away for a month to help a friend in need and I just returned. I am waiting now on another bid.

I hope that you are able to give me a little more time to get the bid and to have the work completed. It's possible the work could be done by October 4, but additional time will be best. Please let me know.

Thank you,

David Lawyer  
Darby Falls LLC  
859-629-9064



**DIVISION OF CODE ENFORCEMENT**  
**Notice of Violation (Housing)**  
**60 Day Repair Notice**

PADDOCK APTS LLC, C/O B F BUCKLEY  
 105 WINDRIDGE DR  
 NICHOLASVILLE, KY 40356

Date & Time: 2:13 PM  
 Compliance Officer: [Redacted]  
 Case Number: [Redacted]

RE: 448 HOLLOW CREEK RD, C17, aka 424 HOLLOW CREEK RD, Lexington, KY

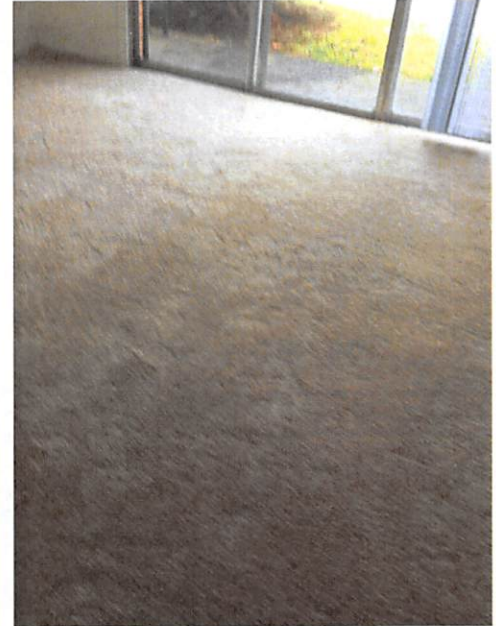
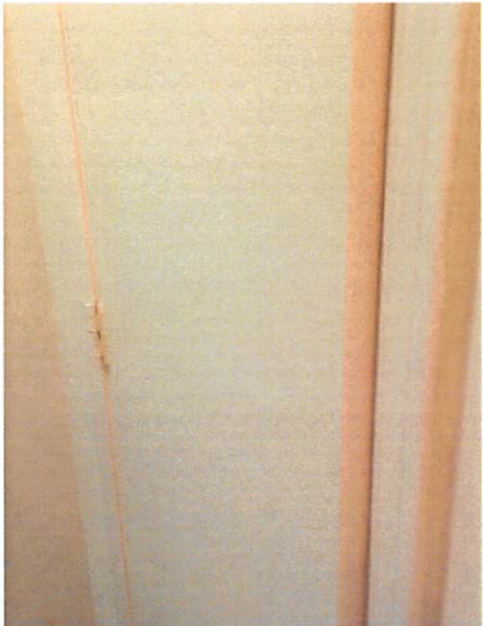
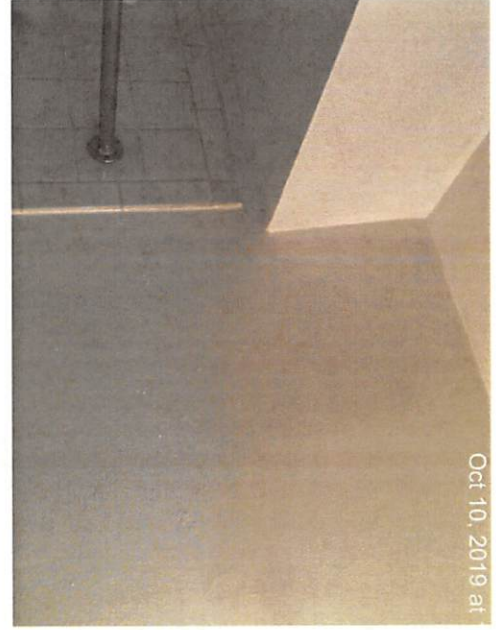
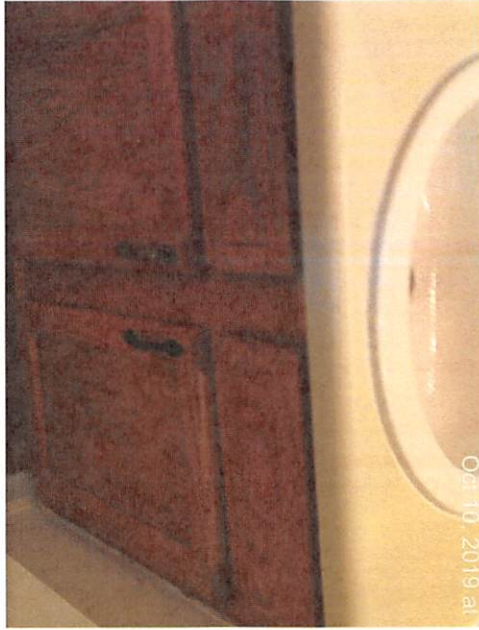
On July 29, 2019 at 2:13 PM I conducted an inspection of the above premises at the Lexington-Fayette Urban County Government Code of Ordinance. At which time I documented violation(s) that are required to be corrected to levels of health, safety and/or minimum maintenance standards. A list of the indicated inspection are located on the attached/enclosed inspection report.

This non-appealable notice and the attached/enclosed documents set forth the presence of the aforementioned violations. This notice also provides you with information/guidelines to assist you in correcting the violations.

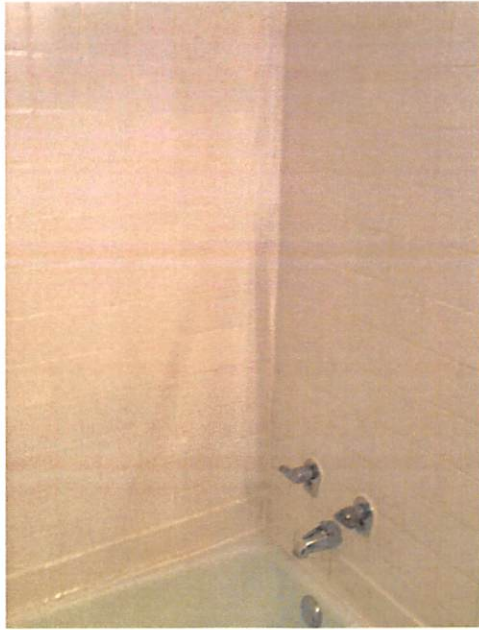
**FINDINGS**

It has been found that a violation(s) exists on the premises or part thereof which may affect the health and safety. The findings of the above stated inspection are as follows:

Violation
1 ALL BATHROOM CABINETS MUST BE KEPT IN GOOD WORKING, CLEAN AND SANITARY CONDITION. REPAIR, CLEAN OR REPLACE BATHROOM CABINETS AS NEEDED









## Jody Whitaker

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**From:** Angela Hurst <ahurst@cowgillproperties.com>  
**Sent:** Thursday, August 1, 2019 3:35 PM  
**To:** Jody Whitaker  
**Subject:** Paddock Apartments

[EXTERNAL] Use caution before clicking links and/or opening attachments.

Hi Ms. Whitaker, I just received the Notice of Violation pertaining to case number 372146. We were unaware of any issues with this apartment. We have scheduled a time tomorrow with the resident to see what the issues are so we can get this resolved as soon as possible. I will keep you updated on the progress.

Thank You,

Angela Hurst  
Regional Manager  
Cowgill Properties, Inc.  
1999 Richmond Road, Suite 2A  
Lexington, Kentucky 40502  
P: 859-514-2011  
F: 859-514-2010  
[ahurst@cowgillproperties.com](mailto:ahurst@cowgillproperties.com)  
[www.cowgillproperties.com](http://www.cowgillproperties.com)

