

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

Date of Hearing: 11/19/2019

Hearing Officer: MATT BOYD

Case number: 407054

Address: 123 ARCEME AVE.

Owner: BIG BLUE PROPERTY LLC

Present / Not Present

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

Julie Dotson

Legal Standing: Owner

Issuance Date of Civil Penalty: 10/14/2019

Case Officer: DAVID SPRINGSTON

Housing with \$ \_\_\_\_\_ Civil Penalty Amount

Nuisance with \$ \_\_\_\_\_ Civil Penalty Amount

Sidewalk with \$ \_\_\_\_\_ Civil Penalty Amount

Emergency Abatement \$ 2,663.24       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: Emergency Abatement - No windows or doors - in disrepair

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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 \$ 1605.00. 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**  
**Assessment of Emergency Abatement Costs**

**Invoice Date:** October 14, 2019

**BIG BLUE PROPERTY LLC**  
**PO BOX 23175**  
**LEXINGTON, KY 40523**

**Abatement Date:** October 8, 2019  
**Invoice Number:** I-009013  
**Case Number:** 407054

**Re: 123 ARCEME AVE, Lexington, KY 40505**

On **October 2, 2019, at 3:33 AM**, I conducted an inspection of the above referenced property, pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances.

During this inspection, I observed the existence of conditions which placed the property in violation of the Code of Ordinances and presented an imminent danger to the safety, public health, and welfare of other citizens.

Due to the emergency condition that was present and pursuant to Chapter 2B-10, of the Code of Ordinances, I took immediate action to abate this violation by having a certified/licensed contractor to abate the violation.

The purpose of this letter is to formally notify you of the above indicated action and that, as prescribed in Chapter 12 of the LFUCG Code of Ordinances, all abatement costs and related administrative fees are being billed to the owner. This document also serves as the official bill/invoice related to these actions.

Detailed Cost Invoice		
1	Mowing/ Cleaning	<b>\$1,058.24</b>
2	Administration Fee	<b>\$75.00</b>
3	Boarded Up	<b>\$1,530.00</b>
<b>Total Assessment</b>		<b>\$2,663.24</b>

\*If a vehicle has been removed from the above indicated property then the additional storage fees and the tow bill will be collected and invoiced by the contracted towing company.

**\$2,663.24** is due upon receipt of this Invoice. **Payment related to this invoice 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 invoice and/or documents clearly identifying the referenced property with your payment to ensure proper credit occurs.

If this invoice is not paid within 14 days following its date of issuance, 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.

The property owner may file a written appeal of this action, but must do so within 7 days of the above listed "Invoice Date". Appeals, which should indicate why the abatement cost should be dismissed, may be



filed via U.S. Mail or by delivering the request to the: 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 an abatement 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 abatement was proper.

Please contact me if you have any questions regarding this matter. 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.



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<b>David Springston</b> Code Enforcement Officer	<b>Phone</b> (859) 576-3836	<b>E-Mail Address</b> dspringston@lexingtonky.gov
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