

**NOTICE OF LIEN CLAIMED**

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
ENVIRONMENTAL SERVICES LIEN (KRS 65.8835) AND AFFIDAVIT FOR A CIVIL  
PENALTY ON  
THE PROPERTY LOCATED AT**

**168 Beverly Ave.**

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CLAIMANT

VS.

**Daniel Lopez** OWNER(S)

**ACTION TYPE: Civil Citation (16-101 Grading without a permit)**

**ACTION DATE: 6/20/2020**

**ACTION COST: \$1,150.00**

**CITATION #: 20-C0047**

COMES NOW, the undersigned Affiant, who is duly authorized to issue citations on behalf of the Lexington-Fayette Urban County Government's Division of Environmental Services, and states the following:

1. That on or about the above "ACTION DATE", the Affiant, acting on behalf of the Lexington-Fayette Urban County Government ("LFUCG"), and pursuant to KRS 65.8801, et seq.; and Chapter 2B and Article XII, Chapter 16 of the Code of Ordinances, Lexington-Fayette Urban County Government (the "Code"), issued a citation with a civil fine in the amount of the above "ACTION COST", which includes any applicable administrative fee, against OWNER(s) for the condition of real property located at

**168 Beverly Ave.**

(the "Property");

2. That: (a) OWNER(s) was in violation of certain provisions of the Code due to the existence of condition(s) on the Property at the time the citation and civil fine was issued; (b) OWNER(s) was provided the required legal notice of such violation(s) in accordance with the applicable law, but failed to timely and/or satisfactorily abate and/or correct or repair them or did not otherwise comply with the requirements of the Code such that the issuance of the citation and civil fine was appropriate; and (c) the OWNER(s) either failed to exercise his or her right to an administrative hearing as provided under the Code to contest the violations(s), or appealed said violation(s) to an administrative hearing officer, who entered an order upholding this civil penalty; and (d) this lien is consistent with the provisions of any Administrative Hearing Order that may have been issued in this matter;

3. That a lien on the Property in the principal amount of the above ACTION COST is hereby noticed, asserted, and confirmed as provided in the aforementioned laws;

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# Lexington Fayette Urban County Government

DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLIC WORKS

## CIVIL CITATION and ASSESSMENT OF CIVIL PENALTY

Daniel Lopez  
3575 Caulder Rd.  
Lexington, KY 40517

Date: 6/29/20  
Date & Time of Offense: 6/29/20 12:20 pm  
Re: Property: 168 Beverly Ave.

You are hereby given notice that you are in violation of Chapter 16 of the Lexington-Fayette Urban County Government Code of Ordinances. You are hereby ordered to immediately cease and desist the activities or conditions contributing to the violation. The violation(s) listed below must be abated by noon on Monday July 6<sup>th</sup>, 2020 or additional citations and penalties will be assessed.

### Section(s) of the Code of Ordinances Violated:

16-101- Erosion and Sediment Control Plans for Land Disturbance of Less Than 1 Acre.

### Facts Constituting the Violation(s):

Two Notices of Violation issued for grading without a Land Disturbance Permit between 5/27/20 and 6/12/20. As of 6/29/20 DES inspection new material had been dumped on site and the permit had not been issued.

### Corrective Actions:

Either remove all fill that has been placed on site and stabilize with permanent vegetation or obtain the proper Land Disturbance Permit and install required erosion and sediment controls. If the LDP is obtained then you must post a copy along with the approved ESC plan and weekly inspection reports.

### Civil Penalty

In accordance with Section 16-203 of the Code of Ordinances, you are hereby issued a civil penalty in the amount of \$1,150.00. If you fully comply with the corrective action listed above, the civil penalty due will be reduced to \$766.67

To pay the penalty, return the attached invoice with your check made payable to the *Lexington-Fayette Urban County Government (LFUCG)* to:

Lexington-Fayette Urban County Government  
Department of Environmental Quality and Public Works  
200 East Main Street, Suite 925  
Lexington, KY 40507  
Attn: Environmental Civil Penalty

Payment of the penalty does not relieve you of the responsibility to correct the violation(s) cited above. Failure to correct the violation(s) in the timeframe stipulated above or comply with related administrative orders or corrective actions will result in additional civil citations and the assessment of additional penalties.

## Appeals

If you feel that the civil citation and/or assessment of the civil penalty have been issued in error, you may appeal the citation and/or penalty and request a hearing before the Environmental Hearing Board. To do so, you must file a written request with the hearing board or its designee detailing the grounds for your appeal. The request must be filed within seven (7) days of service of the citation. Failure to file the request within seven (7) days will result in a waiver of your right to a hearing, and the determination that a violation occurred will be final.

Please note if your appeal fails the maximum civil penalty of \$1,150.00 may still apply.

To appeal the citation or penalty, return your written request for a hearing and the grounds for your appeal to:

Lexington-Fayette Urban County Government  
Department of Environmental Quality and Public Works  
200 East Main Street, Suite 925  
Lexington, KY 40507  
Attn: Environmental Hearing Board

If you have questions or desire further information you may contact:

**Name of LFUCG Representative:** Ben Cornett

**Address:** 200 East Main Street, Suite 925

**Phone Number:** (859) 258-3096

Issued by Ben Cornett 6/29/20 at 02:21 pm

Signed: \_\_\_\_\_





Mayor Linda Gorton

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Environmental Services      Department of Environmental Quality and Public Works

***Environmental Civil Penalty***  
**INVOICE**

**Date:** June 29, 2020

**Invoice To:** Daniel Lopez

**Invoice Number:** 3111

<b>Citation Number</b>	<b>Date of Citation</b>	<b>Location of Violation</b>	<b>Civil Penalty</b>
20-C0047	June 29, 2020	168 Beverly Ave	1150.00

**Violation:**

If Paid on Time  
and in Full Compliance      **766.67**

AMOUNT PAID

Make check Payable to: **LFUCG**

Return Payment to: Lexington-Fayette Urban County Government  
Division of Environmental Services  
200 East Main Street, Suite 925  
Lexington, KY 40507  
Attn: Environmental Civil Penalty

Unless an appeal is filed within seven (7) days of the date the citation was issued, this invoice amount must be paid on or before: **August 03, 2020** If payment is not received on or before the date, you may be subject to additional enforcement action.

***CUSTOMER COPY***

**HORSE CAPITAL OF THE WORLD**

200 East Main Street, 9th Floor Lexington, KY 40507 Ph:(859)425-2800 Fax:(859)425-2859 www.lexingtonky.gov

I, Donald W Blevins Jr, County Court Clerk  
of Fayette County, Kentucky, hereby  
certify that the foregoing instrument  
has been duly recorded in my office.



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By: EMILY GENTRY ,dc

202012280377

December 28, 2020 10:11:44 AM

Fees	\$23.00	Tax	\$ .00
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Total Paid	\$23.00
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