

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

Date of Hearing: 11/17/2021

Hearing Officer: BETHANY BAXTER

Case number: 726887

Address: 1171 KELSEY DR.

Owner: TIMOTHY R. MONTGOMERY TRUSTEE Present /Not Present

TYLER JORDAN MONTGOMERY TRUST

Person Representing Property Owner: Tyler Montgomery

Legal Standing: letter in File

Issuance Date of Civil Penalty: 10/15/2021

Case Officer: LANE GILLIAM

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

Nuisance with \$ 125.00 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: \_\_\_\_\_

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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 11/24/2021 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 125<sup>00</sup>. 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: flat tire

**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.**

Bethany Baxter      11/17/2021  
Hearing Officer's Signature      Date

**DIVISION OF CODE ENFORCEMENT****Issuance of Citation****MONTGOMERY TIMOTHY R TRUSTEE  
135 W LEXINGTON AVE  
DANVILLE, KY 40422-1525****Date & Time of Issuance:** October 15, 2021, at 3:07 PM  
**Compliance Due Date:** October 29, 2021  
**Case Number:** 726887**RE: 1171 KELSEY DR, Lexington, KY 40504**

**Issuance of Citation:** Due to continued non-compliance, a citation in the amount of **\$125** has been assessed pursuant to chapter 12 of the code of Ordinances. **This amount includes a \$25.00 Administrative fee. Please review the second page of this document to obtain details regarding the payment or appeal of this citation.**

An inspection was made of the above-referenced property on October 15, 2021 at 3:07 PM, and, pursuant to Chapter 12-2 of the Lexington-Fayette Urban County Government Code of Ordinances the below indicated nuisance violation was located that must to be corrected/abated before the listed "Compliance Due Date".

	<b>Violation</b>	<b>Code</b>	<b>References</b>
1	Rubbish, Garbage, Debris, Ashes, Trash or Waste	Nuisance 001 Trash/Debris	
2	Junked, Wrecked, Non-Licensed, Improperly licensed or Inoperative Vehicle(s) or Machines(s)	Nuisance 004 Junked/Inoperable Vehicle	

**Inspection Comments:**

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Please contact me if you have any questions or concerns regarding this notice/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.

**Lane Gilliam**  
Code Enforcement Officer**Phone**  
(859) 576-3848**E-Mail Address**  
lgilliam@lexingtonky.gov



## How to Pay a Citation

**All payments related to citations, civil penalties 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. The Division of Code Enforcement cannot accept payment for any citations, liens or abatement costs.**

**Continued non-compliance after the above indicated "Compliance Due Date" may result in additional citations being issued until compliance is gained. If the property owner does not bring the property into compliance the violations may be abated/corrected by governmental operations and all abatement costs and related administrative fees will be invoiced to the property owner.**

## How to Appeal a Citation

If a citation has been issued, the property owner may file a written appeal of this citation. The property owner must do so within 7 days of the listed "Issuance Date". Appeals 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 will be accepted. 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 a citation, which is not on appeal, and/or invoice abatement costs are not paid within 14 days following its issuance, a Notice of Lien Claimed may be recorded in the Office of the Fayette County Clerk against the property.



**Timothy R Montgomery  
209 West Main Street  
Danville, KY 40422  
(859) 236-2442**

**11/15/2021**

**Lexington-Fayette Urban County Government  
Code Enforcement  
Lexington, Kentucky**

**RE: Tyler Jordan Montgomery Trust**

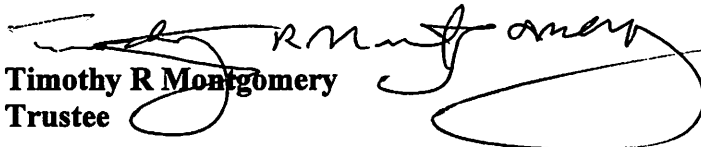
**To Whom It May Concern:**

**I, Timothy R Montgomery, trustee of the Tyler Jordan Montgomery Trust, give authorization for Tyler Montgomery, beneficiary of the trust, to speak on behalf of the trust in regards to an appeal for a code violation.**

**If you need to reach me in regards to this matter, my cell phone number is (859) 238-3061 or at my office at (859) 236-2442.**

**Thank you so very much for your help in this matter.**

**Respectfully,**

  
**Timothy R Montgomery  
Trustee**