

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

Date of Hearing: 08/09/2022

Hearing Officer: JOE BUCKLES

Case number: 706173

Address: 2157 CYPRESS DR.

Owner: IHWT PROPERTIES LLC

Present / Not Present

Person Representing Property Owner: Barbara Durum, poa for owner

Legal Standing: .

Issuance Date of Notice: 07/08/2022

Case Officer: MIKE LEMASTER

Housing with \$ 225.00 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: _____

GFCI outlets not fixed

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

Date of Hearing: 08/09/2022

Hearing Officer: JOE BUCKLES

Case number: 706173

Address: 2157 CYPRESS DR.

Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes: _____

Held in abeyance

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 8/23/2022 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 225.00. 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: fix GFCI outlets

and reinspect outlets.

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

8/9/2022
Date



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**IHWT PROPERTIES LLC
512 AMSTER WOODS DR.
RICHMOND, KY 40475**

**Date & Time of Issuance: July 8, 2022, at 1:29 PM
Compliance Due Date: August 7, 2022
Case Number: 706173**

RE: 2157 CYPRESS DR, Lexington, KY 40504

On **March 22, 2022 at 1:27 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 **July 8, 2022 at 1:29 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 1 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 \$225. This amount includes a \$25.00 Administrative fee.** Our records indicate you have received 2 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:

Citation may be appealed within seven days.





A handwritten signature in black ink, appearing to read "Michael LeMaster".

Michael LeMaster
Code Enforcement Officer

Phone
(859) 576-3844

E-Mail Address
mlemaster@lexingtonky.gov



KENTUCKY LIMITED POWER OF ATTORNEY

BE IT ACKNOWLEDGED that I, Cindy C Bragg, the "Principal", do hereby grant a limited and specific power of attorney to Barbie Durrum of KY Property Pros, 1890 Star Shoot Pkwy, Lexington, KY 40509 with a phone number of 859-576-3027 as my "Attorney-in-Fact".

Said Attorney-in-Fact shall have full power and authority to undertake and perform only the following acts on my behalf:

1. As the registered agent and member of properties owned by IHWT Properties LLC and IHWT Holdings LLC, I give the Attorney-in-Fact the power to represent me to the Lexington Office of Code Enforcement in any and all code enforcement cases and at appeal hearings.

The authority herein shall include such incidental acts as are reasonably required to carry out and perform the specific authorities granted herein. My Attorney-in-Fact agrees to accept this appointment subject to its terms and agrees to act and perform in said fiduciary capacity consistent with my best interest as my Attorney-in-Fact in its discretion deems advisable. This power of attorney is effective upon execution.

This power of attorney may be revoked by any of the following:

(Initial and Check All Applicable Boxes)

CB - By the Principal at any time by signing a Revocation.

- When the act(s) designated above have been completed.

- On [MM/DD/YYYY].

This power of attorney form shall automatically be revoked upon my death or incapacitation, provided any person relying on this power of attorney shall have full rights to accept and reply upon the authority of my Attorney-in-Fact until in receipt of actual notice of revocation.

State Law. This power of attorney is governed by the laws of the State of Kentucky.

Signed on 7-28-2022

Cindy C. Bragg
Principal's Signature

Cindy C. Bragg
Principal's Printed Name

ACCEPTANCE OF APPOINTMENT

I, Barbie Durrum, the Attorney-in-Fact named above, hereby accept appointment as Attorney-in-Fact in accordance with the foregoing instrument.

Barbie Durrum
Attorney-in-Fact's Signature

Barbie Durrum
Attorney-in-Fact's Printed Name

ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF Kentucky

COUNTY Fayette

On July 28 2022, before me appeared Cindy C Bragg, as Principal of this power of attorney who proved to me through government issued photo identification to be the above-named person, who in my presence executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Myriam Shellee Ann Petty

Notary Public

My commission expires:

