

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

Date of Hearing: 09/07/2022

Hearing Officer: JIM WOMACK

Case number: 819751

Address: 2907 CLAYS MILL RD.

Owner: OWENS INTERESTS LLC

Present / Not Present

Person Representing Property Owner: Jennifer Spencer

Legal Standing: POA - Property Manager

Issuance Date of Notice: 06/08/2022

Case Officer: MATTHEW PROBUS

Housing with \$ 325.00 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: Per citation

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Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes:

All violations completed

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.**

Jim B. Womack
Hearing Officer's Signature

9/7/22
Date



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**OWENS INTERESTS LLC
3118 CUSTER DR
LEXINGTON, KY 40517**

**Date & Time of Issuance: June 8, 2022, at 3:27 PM
Compliance Due Date: July 8, 2022
Case Number: 819751**

RE: 2907 CLAYS MILL RD, Lexington, KY 40503

On **April 15, 2022 at 2:45 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 **June 8, 2022 at 3:27 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 **14 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 \$325. This amount includes a \$25.00 Administrative fee.** 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:

Nothing has been repaired in the original time that was given, plus 3 additional weeks. The compliance schedule that was submitted marked the electrical as done, though the GFCIs are reverse wired and not operational as intended. No other attempt to repair the other violations was made so





far. Supervisor denied the extension and instructed that I issue a citation.

A handwritten signature in black ink that reads "Matthew Probus".

Matthew Probus
Code Enforcement Officer

Phone
(859) 351-4497

E-Mail Address
mprobus@lexingtonky.gov



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, Owens Interests LLC by Roger Owens,
having the Social Security Number or Tax Identification Number of SSN - 6268370,
do hereby make, constitute and appoint JENNIFER SPENCER of Classic Real Estate, Inc., of
Lexington, Kentucky, my true and lawful attorney-in-fact for me and in my name, place and
stead, and for my use and benefit. My attorney-in-fact shall have the authority to exercise, do or
perform any act, right, power, duty or obligation whatsoever that I now have or may acquire the
legal right, power or capacity to exercise, do or perform in connection with, arising out of, or
relating to the forcible detainer and/or collections process in Fayette District Court. Such
authority shall include, but not be limited to, filing forcible detainer or small claims court
complaints and warrants and attending court proceedings on my behalf.

To ask, demand, sue for, recover, collect, receive and hold and process all such sums of
money and debts as are now, or shall hereafter become owed by, or due, owing, payable or
belonging to me or in which I may have or may acquire in interest, and to have, use and take all
lawful ways and means and legal and equitable remedies, procedures and writs in my name for
the collection and recovery thereof, and to compromise, settle and agree for the same, and to
make, execute and deliver for me and in my name all endorsements, acquittances, releases,
receipts, or other sufficient discharges for the same;

I grant to my said attorney-in-fact full power and authority to do and perform all and
every act and things whatsoever requisite, necessary, and proper to be done in the exercise of any
of the rights and power herein granted, as fully to all intents and purposes as I might or could do
if personally present, and with full power of substitution or revocation, hereby ratifying and
confirming all that my said attorney-in-fact shall lawfully do or cause to be done by virtue of this
Power of Attorney and the rights and powers herein granted.

This instrument is to be construed and interpreted as a General Power of Attorney as it
pertains to the limited subject matter of the forcible detainer and/or collections process of Fayette
District Court, and the particular properties explicitly mentioned above, if any. The enumeration
of specific items, acts, rights, or powers therein does not limit or restrict, and is not to be
construed or interpreted as limiting or restricting, the general powers herein granted to said
attorney-in-fact.

The rights, powers and authority of said attorney-in-fact to exercise any and all of the
rights and powers herein granted shall commence and be in full force and effect on the date
hereof, and such rights, powers and authority shall remain in full force and effect thereafter until
this power is terminated by written revocation.

All power and authority granted herein shall not be effected by my disability, incapacity,
or adjudged incompetency.

IN WITNESS WHEREOF, I have hereunto set my hand this 1 day of September, 2022.

Roger Owens
GRANTOR

STATE OF KENTUCKY)
:
COUNTY OF FAYETTE)

The foregoing Power of Attorney was acknowledged, subscribed and sworn to before me by Sherry Lee Moss, this 1st day of September, 2022.

My commission expires: June 14, 2025

SHERRY LEE MOSS
NOTARY PUBLIC
STATE AT LARGE
KENTUCKY
COMMISSION # KYNP31525
MY COMMISSION EXPIRES June 14, 2025

NOTARY PUBLIC, STATE AT LARGE

PREPARED BY:

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BY: Stephen L. Marshall
STEPHEN L. MARSHALL, ESQ.