

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

Date of Hearing: 12/06/2022 Hearing Officer: MATTHEW HENDERSON

Case number: 887277 Address: 500 OHIO ST.

Owner: BRET M. & ASHLEY N. FLOWERS Present / Not Present

Person Representing Property Owner: Logan Coldiron

Legal Standing: _____

Issuance Date of Notice: 10/18/2022 Case Officer: GLENDON ROBINSON

Housing with \$ 125.00 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: _____

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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 _____ 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

12/06/22
Date



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

FLOWERS BRET M AND ASHLEY N
115 BUCKTHORN DR
BREA, CA 92823

Date & Time of Issuance: October 18, 2022, at 10:37 AM
Compliance Due Date: November 17, 2022
Case Number: 887277

RE: 500 OHIO ST, Lexington, KY 40508

On **August 16, 2022 at 2:21 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 **October 18, 2022 at 10:37 AM**, 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 \$125. 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:

On August 31, 2022, Kim at Realiat was asked for copy of invoice to show proof window replacement was ordered. 47 days passed with no invoice being provided. When asked a second time, Kim at Realiat stated it might take several days to get in touch with window company and that the window





company didn't provide invoice up front.

Glendon Robinson

Glendon Robinson
Code Enforcement Officer

Phone
(859) 576-3850

E-Mail Address
grobinson@lexingtonky.gov



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, BRET FLOWERS do

hereby make, constitute, and appoint REALIANT, property manager for the property located at 500 OHIO ST., Lexington, Kentucky, owned by me, as a true and lawful attorney in fact for me and in my name, place, and stead for the limited purpose of attending hearings,

testifying, settling, addressing, resolving, and otherwise acting on my behalf with regard to LEUCG Division of Code Enforcement, currently scheduled to be heard on 11/4/2022 (hereinafter "the Case").

REALIANT has the authority to execute for and on my behalf any and all documents which may be required in connection with the Case and generally to do and perform for me and in my name all that I might do if present, and I hereby adopt and ratify all the acts of said attorney done in pursuance of the limited power herein granted.

The power granted herein shall not be affected by the disability of the Grantor.

IN TESTIMONY WHEREOF, witness the signature of the granting party this 28 day of October, 2022

BY: 

STATE OF KENTUCKY

COUNTY OF _____

The following Limited Power of Attorney was subscribed, sworn to, and acknowledged before me by _____ on this _____ day of _____, 20_____.

My commission Expires: _____

NOTARY PUBLIC, STATE AT LARGE

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

On 28th October, 2022 before me, Hugo Ricardo Pena Cabri
(insert name and title of the officer)

personally appeared Bret Michael Flowers
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature *Hugo R. Pena Cabri* (Seal)