

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

Date of Hearing: 06/25/2024

Hearing Officer: JOE BUCKLES

Case number: 1151332

Address: 124-128 E NEW CIRCLE RD.

Owner: NEW CIRCLE ASSOCIATES LLC

Present / Not Present

Person Representing Property Owner: Randy Bell, power

Legal Standing: Power of Attorney

Issuance Date of Notice: 05/07/2024

Case Officer: MICHAEL BAYS

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: \_\_\_\_\_

trash and debris

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Address: 124-128 E NEW CIRCLE RD.

**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

6/25/2024  
Date

**DIVISION OF CODE ENFORCEMENT****Issuance of Citation**NEW CIRCLE ASSOCIATES LLC  
343 WALLER AVE STE 100  
LEXINGTON, KY 40504Date & Time of Issuance: May 7, 2024, at 3:58 PM  
Compliance Due Date: May 21, 2024  
Case Number: 1151332

RE: 122 E NEW CIRCLE RD, aka 124 E NEW CIRCLE RD, Lexington, KY 40505

**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 May 7, 2024 at 3:58 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".

	Violation	Code	References
1	Rubbish, garbage, debris, ashes, trash or waste	2021Nuisance 001 Trash/Debris	Chapter 12-2 Code of Ordinances
2	Indoor furniture/appliances not designed or manufactured for outside but is located outside	2021Nuisance 003 IFO/Indoor Furniture	Chapter 12-2 Code of Ordinances

**Inspection Comments:**

Remove indoor furniture and other debris from the rear of your property.

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.

Michael Bays  
Code Enforcement OfficerPhone  
(859) 576-3839E-Mail Address  
mbays@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.



VIA EMAIL ONLY

May 28, 2024

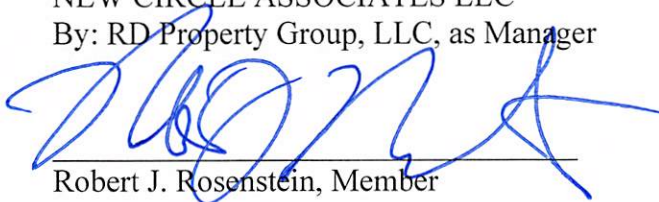
Division of Code Enforcement  
C/O Secretary of Administrative Hearing Board  
101 East Vine Street, Suite 500  
Lexington, Kentucky 40507

RE: Limited Power of Attorney for New Circle Associates, LLC  
122 E. New Circle Road, aka 124 E. New Circle Road, Lexington, KY  
40505 – Case 1151332

Dear Division of Code Enforcement:

Please know that I am the manager of New Circle Associates, LLC and appoint Randy Bell as authorized agent to represent New Circle Associates, LLC in Case 1151332. I specifically authorize Randy Bell to undertake any and all actions needed in this matter including any and all appeals.

Respectfully yours,  
NEW CIRCLE ASSOCIATES LLC  
By: RD Property Group, LLC, as Manager

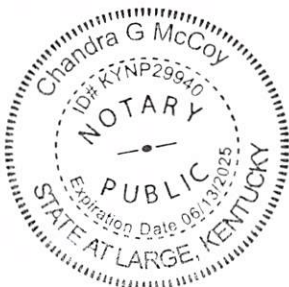


Robert J. Rosenstein, Member

STATE OF KENTUCKY  
COUNTY OF FAYETTE

The foregoing instrument was subscribed, sworn to and acknowledged before me on this 28<sup>th</sup> day of May, 2024 by Robert J. Rosenstein, known to me to be a member of RD Property Group, LLC, a Kentucky limited liability company, Manager of Newtown Springs, LLC, a Kentucky limited liability company, to be his free act and deed on behalf of said entities.

My Commission Expires: 6/13/2025



Chandra McCoy  
Notary Public  
Chandra G McCoy  
Printed Name  
KY NP29940  
Notary ID#