

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

Date of Hearing: 08/21/2024

Hearing Officer: ~~JIM WOMACK~~ Joe Buckles

Case number: 1175922

Address: 216 FLORAL PARK

Owner: LAURA ELIZABETH COMBS

Present / Not Present

Person Representing Property Owner: in Navy, James Combs

Legal Standing: PDA

Issuance Date of Notice: 07/17/2024

Case Officer: MATTHEW PROBUS

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: _____

work done prior to hearing

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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

8/21/2024
Date



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**COMBS LAURA ELIZABETH
216 FLORAL PARK
LEXINGTON, KY 40503**

Date & Time of Issuance: July 17, 2024, at 10:42 AM
Compliance Due Date: August 16, 2024
Case Number: 1175922

RE: 216 FLORAL PARK, Lexington, KY 40503

On **June 4, 2024 at 10:48 AM**, 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 17, 2024 at 10:42 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:

No contact and no progress on the busted/dilapidated portions of the fence.





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



**SPECIAL POWER OF ATTORNEY
MAINTENANCE OF REAL ESTATE**

PREAMBLE: This is a **MILITARY POWER OF ATTORNEY** prepared pursuant to Title 10, United States Code, § 1044b, and executed by a person authorized to receive legal assistance from the military services. Federal law exempts this power of attorney from any requirement of form, substance, formality, or recording that is prescribed for powers of attorney by the laws of a state, the District of Columbia, or a territory, commonwealth, or possession of the United States. Federal law specifies that this power of attorney shall be given the same legal effect as a power of attorney prepared and executed in accordance with the laws of the jurisdiction where it is presented.

NOTICE TO THE GRANTOR

(a) CAUTION TO THE GRANTOR: Your Power of Attorney is an important document. As the "principal," you give the person whom you choose (your "agent") authority to spend your money and sell or dispose of your property during your lifetime without telling you. You do not lose your authority to act even though you have given your agent similar authority. When your agent exercises this authority, he or she must act according to any instructions you have provided or, where there are no specific instructions, in your best interest.

"Important Information for the Agent" at the end of this document describes your agent's responsibilities. Your agent can act on your behalf only after signing the Power of Attorney before a notary public. You can request information from your agent at any time. If you are revoking a prior Power of Attorney, you should provide written notice of the revocation to your prior agent(s) and to any third parties who may have acted upon it, including the financial institutions where your accounts are located. You can revoke or terminate your Power of Attorney at any time for any reason as long as you are of sound mind. If you are no longer of sound mind, a court can remove an agent for acting improperly.

Your agent cannot make health care decisions for you. You may execute a "Health Care Power of Attorney/proxy to do this".

If there is anything about this document that you do not understand, you should ask a military legal assistance attorney or a private lawyer of your own choosing to explain it to you.

(b) DESIGNATION OF AGENT: I, Laura Elizabeth Combs, by this document appoint James Lee Combs, whose address and phone number are 209 Floral Park, Lexington, Kentucky, 40503, (859) 529-1724, as my true and lawful "Attorney-in-Fact."

MANAGEMENT OF REAL ESTATE: My Attorney-in-Fact is authorized to act on my behalf for the purpose of managing the premises located at 216 Floral Park, Lexington, Kentucky, 40503. My Attorney-in-fact is authorized to perform all acts related to maintaining the property identified above such as but not limited to: making repairs, alterations or improvements to the real estate or structure therein **with no reimbursement**, approving sub-contractors for work, negotiating rents, signing lease/sublease agreements, negotiating and entering contracts related to maintenance of the property, conducting all business transactions related commencing, maintaining and terminating utility services, and is also authorized to perform all acts related to protecting said property by action, proceeding or otherwise, including, but not limited to: recovering possession of, evicting and removing tenants or other persons, animals or objects therefrom, and any other representation as needed for day-to-day management of said property. My Attorney in Fact is further authorized to act on my behalf in conducting business with any Home Owner's Association for said property including but not limited to paying any fees on my behalf, participating in any association affairs to represent my interests as a member, and serving as my designated proxy to exercise my voting rights as a member for any and all association matters that require a vote.

GENERAL PROVISIONS: **(a)** All business transacted hereunder for me or for my account shall be transacted in my name, and all endorsements and instruments executed by my Attorney-in-Fact for the purposes of carrying out any of the foregoing powers shall contain my name, followed by that of my said Attorney-in-Fact and the designation "Attorney-in-Fact." **(b)** I hereby ratify and confirm all lawful acts done and caused to be done by my/(our) said Attorney-in-Fact pursuant to this Power of Attorney. **(c)** If the authority contained herein shall be revoked or terminated by operation of law without notice, I hereby agree for myself executors, administrators, heirs and assigns, in consideration of my/(our) attorney's willingness to act pursuant to this Power of Attorney, to save and hold my Attorney-in-Fact harmless from any loss suffered or any liability incurred by my Attorney-in-Fact in so acting after such revocation or termination without notice. **(d)** I agree that any third party who receives a copy of this document may act under it. A third party may seek identification. Revocation of the power of attorney is not effective as to a third party until the third party has actual knowledge of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of

reliance on this power of attorney.

TERMINATION: This power shall remain in full force and effect until 12 August, 2025, unless sooner revoked or terminated in writing by me.

GOVERNING LAW: This Special Power of Attorney shall be governed by, and construed in accordance with, the laws of the State of Kentucky.

State or Commonwealth Citation for This Power of Attorney: Ky. Rev. Stat. Ann. § 457.010 et seq.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, I (we) have executed this instrument this 12 day of August, 2024

Laura Combs
Laura Elizabeth Combs

ACKNOWLEDGEMENT BY A PERSON AUTHORIZED TO ACT AS A NOTARY PURSUANT TO TITLE 10 U.S.C. 1044a SERVING WITH THE ARMED FORCES OF THE UNITED STATES

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.

AT: Ft Meade, MD

Before me personally appeared **Laura Elizabeth Combs**, who, having produced an Armed Forces Identification Card and/or valid State/Federal Government issued identification, is proven to me to be the identical person who is described herein, and who signed and executed the foregoing instrument on this, the 12th day of August, 2024, before me. LCDR Emily Daniels, as a true, free, and voluntary act and deed, for uses, purposes, and considerations therein set forth. And I do further certify that I am a person authorized under 10 U.S.C. § 1044a to exercise the powers of a notary without requirement of a seal, and that this document is executed by me in accordance with those powers and in that capacity.

Emily Daniels
Name of Notary: EMILY A DANIELS
Rank: LCDR/O-4
Authority: 10 U.S.C. § 1044a
NO SEAL REQUIRED

LCDR Emily Daniels, U.S. Navy
Federal Notary
Under the Authority of 10 U.S.C. §1044a
Office of the Judge Advocate General
Commission Expires: Indefinite

ACKNOWLEDGEMENT BY STATE/COMMONWEALTH/TERRITORY/LICENSED to read Acknowledgement by State/Commonwealth/Territory Licensed NOTARY PUBLIC

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.

The state, commonwealth, or district of _____)
County of _____) SS.:

On this, the _____ day of _____, 20____, before me, _____, Notary Public, personally appeared **Laura Elizabeth Combs**, who proved to me on the basis of satisfactory evidence consisting of an Armed Forces Identification Card and/or valid State/Federal Government issued identification to be the person(s) whose names(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 signatures on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the state, commonwealth, territory, or district of _____

that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.

Notary Public
My commission expires: _____

ADMINISTRATIVE HEARING BOARD
Division of Code Enforcement
Appeal Request Form

Please ensure you are completing this appeal request form within the time allocated by law and for an appealable action. If your appeal is received by this office within the timeframe indicated on the citation you have been issued, then you will be contacted by phone and/or via US Mail and provided with a time and date your appeal will be heard. Any request for appeal that falls outside the indicated timeframe will be denied and a letter will be sent advising you of such. "

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. Other appeal related questions can be answered by your Case Officer or the Board Secretary by calling 859-425-2255.

Re: Property: 210 Floral Park, Lexington, KY 40503

Case #: 1175922

Citation Amount: \$125.00

Case Officer: _____

Date of Issuance: 4 JUN 29

Case #: 1175922

Petition of Appellant

The undersigned, as the owner of the property designated, hereby appeals the decision of the code official, or his designated agent, of the Lexington-Fayette Urban County Government and requests a hearing before the Administrative Hearing Officer/Board.

Complete Contact Information for Owner (Required)

Name: Laura Combs

Street Address: 801 Tyler Ave,

City: Annapolis State: MD Zip: 21403

Owner's Phone Number: (859) 420 1726 Other Phone: (859) 539-1725

Grounds for Appeal: owner never received initial violation notice. once citation was posted and owner notified, the owner took immediate action to fence violation. Respectfully request appeal. Thank you for your time

(Attach Additional Documents if Needed).

Will Appellant/Owner be Represented by Counsel? Yes No (Not Required).

Name of Counsel: James Combs Phone: (859) 539-1724

Printed Name of Person Completing This Appeal: Laura Combs

Relationship to Owner: Father (N/A If Owner)

If the property owner cannot attend, then he/she must provide a notarized letter indicating that the person attending the hearing in their stead has legal right to represent them in the hearing. If this is not provided, then the case may not be heard or the citation may be upheld by the Hearing Officer without a rescheduling of the hearing.

Laura Combs

1 / 1

(859) 420 1726

DATE RECEIVED BY OFFICE:

Signature of Requesting Party

Date

Phone