Lexington Fayette Urban County Government

Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 04/26/2017 Hearing Officer: JOHN TACKETT

Case number: 18790349EXT Address: 349 E THIRD ST

Owner: GEORGE HARDAWAY Present /Not Present

Person Representing Property Owner: No One Present

Legal Standing:

Issuance Date of Civil Penalty: 02/03/2017 Case Officer: BRUCE WILLIS

Pre-January 2017 only, Notice of Violation: ☐ Nuisance ☐ Housing ☐ Sidewalk

☐ Housing with $ 100.00 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: Repairs have been undertaken - Roof Repair was made repairs - and drive have not been completed.

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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 $100.00. 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 _____ days from service of notice of this Order 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 conformation 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 within _____ days from service of this Order, 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: Has indicated in Kentucky Revised Statue 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.**

_____ _____Supplementary Page

Hearing Officer's Signature Date Completed

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Supplementary Notes (If Needed)

Hearing Officer's Signature Date

MAYOR JIM GRAY

LEXINGTON

DIRECTOR KENNETH ARMSTRONG
CODE ENFORCEMENT

DIVISION OF CODE ENFORCEMENT
ASSESSMENT OF CIVIL PENALTY AND NOTICE OF CONTINUED VIOLATION
(Housing Violations)

Date of Issuance: 02/03/2017

Case#: 18790349EXT

GEORGE HARDAWAY
1460 ANNISTON DR
LEXINGTON, KY 40505

Referenced Property: 349 E THIRD ST

On 02/10/2016, 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 and the International Property Maintenance Code/1998.

On 01/24/2017 at 10:30am, I conducted a re-inspection of the property and found that not all of the cited repairs/corrections had been completed. The purpose of this letter is to formally notify you that due to the continued non-compliance and the presence of 1 violation on the property during the above indicated re-inspection date; you have been issued a civil penalty. As established in Chapter 12-2(b) of the Code of Ordinances you have been assessed a civil penalty in the amount of $100.00.

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 civil penalty should be dismissed, may be filed via U.S. Mail or by delivering the request to the: 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 a civil penalty within the indicated time shall result in the determination that; the property owner has waived their right to appeal, the violations were present on the property, and that the issuance of the civil penalty was proper.

If this civil penalty 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 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, 2nd Floor, 200 East Main Street, Lexington, Kentucky 40507. Please include a copy of this invoice and/or documents clearly identifying the referenced property and civil penalty with your payment to insure proper credit occurs.

Please note that as outlined in Chapter 12-2(b) of the Code of Ordinances, if the required repairs are not completed and the property is not brought into compliance before the next re-inspection date of **03/09/2017**, additional civil penalties ranging between $100.00 and $2,000.00 may be assessed. Please take immediate steps to correct these violations to ensure no additional civil penalties or liens are issued.

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.

Bruce Willis

BRUCE WILLIS
CODE ENFORCEMENT OFFICER

(859) 576-3839
Phone Number

bwillis@lexingtonky.gov
Email Address