

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

Date of Hearing: 01/15/2019

Hearing Officer: MATT BOYD

Case number: 230886

Address: 2904 WINTER GARDEN

Owner: BANKS BLUEGRASS PROPERTIES LLC

Present / Not Present

Person Representing Property Owner: _____

Keith Gadd

Legal Standing: PDA

Issuance Date of Civil Penalty: 11/19/2018

Case Officer: TOM BROOKS

Housing with \$ 9100.00 ~~200.00~~ 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: 10 code violations

originally

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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: Has 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

1/15/19
Date

N/A Supplementary Page
Completed

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Case number: 230886 Address: 2904 WINTER GARDEN

Supplementary Notes (If Needed)

Hearing Officer's Signature

Date



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**BANKS BLUEGRASS PROPERTIES LLC
929 WISHBONE CIR
LEXINGTON, KY 40502**

Date & Time of Issuance: November 19, 2018, at 9:47 AM
Compliance Due Date: December 19, 2018
Case Number: 230886

RE: 2904 WINTER GARDEN, C, aka 2904 WINTER GARDEN, Lexington, KY 40517

On **September 12, 2018 at 9:06 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 **November 19, 2018 at 9:47 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 **3** 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 \$200.** 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.

Tom Brooks
Code Enforcement Officer

Phone
(859) 576-3835

E-Mail Address
tbrooks@lexingtonky.gov

LIMITED POWER OF ATTORNEY

That I, Estill D. Banks, II, Member of Banks Bluegrass Properties, LLC, do hereby make, constitute and appoint KEITH GADD and any other designate employee of LEXINGTON RENTAL HOMES of KY INC, 505 Wellington Way, Ste. 175-B, Lexington, Kentucky 40503, as my true and lawful Attorney - in - Fact, to act in my place and stead to file forcible detainer and small claims actions, Code enforcement appeal hearings and attend district and circuit court proceedings represent my interests in these matters, and to proceed with all collections activity including filing lawsuits and attending related court and other proceedings relating to the real property known as 2904 Winter Garden Dr., Lexington, Fayette County, Kentucky ("the Real Property"). Any of the persons designated herein may act alone as my Attorney-in-Fact.

Said Attorney-in-Fact is authorized on my behalf to execute all necessary documents in my name and execute any and all other documents pertaining to any forcible detainer matters, evictions and collections actions involving my Real Property.

My said Attorney-in-Fact is authorized to do any and all things pertaining to the matters and actions described above involving the Real Property and the management of it the same as I might do if I was personally present and acting.

The Power of Attorney shall not be affected by my subsequent disability or incapacity, or lapse of time, and it shall remain in full force and effect in all events.

WITNESS our hands this 26th day of December, 2018




Estill D. Banks, II Member
Banks Bluegrass Properties, LLC

**STATE OF KENTUCKY
COUNTY OF FAYETTE**

The foregoing Limited Power of Attorney was subscribed, sworn to, and acknowledged before me by Estill D. Banks, II this 26th day of December, 2018.

My commission expires: 5/4/22 #600543



**NOTARY PUBLIC,
KENTUCKY, STATE AT LARGE**

The following information was obtained from a confidential source who has provided reliable information in the past. It is being provided to you for your information only. This information is being provided to you on a confidential basis and is not to be disseminated to any other personnel without the express written approval of the [redacted].

The above information was obtained from a confidential source who has provided reliable information in the past. It is being provided to you for your information only. This information is being provided to you on a confidential basis and is not to be disseminated to any other personnel without the express written approval of the [redacted].

The above information was obtained from a confidential source who has provided reliable information in the past. It is being provided to you for your information only. This information is being provided to you on a confidential basis and is not to be disseminated to any other personnel without the express written approval of the [redacted].

[Handwritten signature]

The above information was obtained from a confidential source who has provided reliable information in the past. It is being provided to you for your information only. This information is being provided to you on a confidential basis and is not to be disseminated to any other personnel without the express written approval of the [redacted].

[Faint handwritten notes]

CONFIDENTIAL - SECURITY INFORMATION



DIVISION OF CODE ENFORCEMENT

**Notice of Violation (Housing)
60 Day Repair Notice**

**BANKS BLUEGRASS PROPERTIES LLC
929 WISHBONE CIR
LEXINGTON, KY 40502**

Date & Time of Issuance: September 12,
2018, at 9:06 AM
Compliance Due Date: November 11, 2018
Case Number: 230886

RE: 2904 WINTER GARDEN, C, aka 2904 WINTER GARDEN, Lexington, KY 40517

On **September 12, 2018 at 9:06 AM** I conducted an inspection of the above referenced property, pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances and the International Property Maintenance Code. At which time I documented violation(s) that are required to be corrected/repared to maintain accepted levels of health, safety and/or minimum maintenance standards. A list of the violations found during the above indicated inspection are located on the attached/enclosed inspection report.

This non-appealable notice and the attached/enclosed documents serve as formal notification of the inspection and the presence of the aforementioned violations. This notice also serves as an order to correct/abate the violations and also provides you with information/guidelines to assist you in correcting these violations.

FINDINGS

It has been found that a violation(s) exists on the premises or part thereof which requires immediate action to protect the public's health and safety. The findings of the above stated inspection are listed below.

	Violation	Code	References
1	PROVIDE AT LEAST ONE GROUNDED RECEPTACLE OUTLET FOR THE LAUNDRY ROOM. ANY RECEPTACLE OUTLET LOCATED WITHIN SIX (6) FEET OF AN UNCOVERED WATER RECEPTACLE, SUCH AS A SINK, WHEREVER LOCATED, SHALL BE A GROUND-FAULT CIRCUIT INTERRUPTER (GFCI).	Egn113 - GFCI Laundry	PM 601.2, 604.3, 605.1, 605.2
2	ALL BATHROOMS MUST HAVE AT LEAST ONE RECEPTACLE OUTLET AND ANY RECEPTACLE OUTLET LOCATED IN A BATHROOM MUST BE PROTECTED BY A GROUND FAULT CIRCUIT INTERRUPTER.	Egn117 - Bath Outlet Req	PM 601.2, 604.3, 605.1
3	REPAIR OR REPLACE ALL PLASTER OR DRYWALL WHERE LOOSE, CRACKED, BROKEN, MISSING, HAS HOLES, CRACKED OR OTHERWISE DETERIORATED.	Wal101 - Drywall Repair	PM 305.1, 305.3
4	REMOVE ALL PLASTER OR DRYWALL THAT IS WET AND/OR MOLDY.	Wal103 - Drywall Moldy	PM 305.1, 305.3
5	REPLACE ALL LOOSE, BROKEN, OR MISSING FACE PLATE COVERS AT OUTLETS AND SWITCHES.	Egn109 - Covers Replace	PM 605.1, 604.3, 605.2
6	REPAIR OR REPLACE ANY SUBFLOORING WHERE ROTTED, BROKEN, DAMAGED, SAGGING, MISSING, OR OTHERWISE	Flr102 - Subfloor	PM 305.1, 305.4

EXHIBIT

CE #1

East Vine St., Suite 500, Lexington, KY 40507 / 859.425.2255 Phone / 859.425.2274 Fax
Code_Enforcement@Lexingtonky.gov

	DETERIORATED.		
7	REPLACE OR RELOCATE ANY SMOKE DETECTOR(S) THAT ARE MISSING, INOPERABLE OR IMPROPERLY INSTALLED. SMOKE DETECTORS SHALL BE INSTALLED ACCORDING TO THE MANUFACTURES INSTALLATION INSTRUCTIONS.	Fs104 - S/D Rplce/Relo	PM 704.1, 704.2
8	REPAIR OR REPLACE ALL; VENEER, CORNICES, BELT COURSES, CORBELS, TRIM, WALL FACINGS, SOFFIT, FACIA AND SIMILAR FEATURES THAT ARE ROTTED, DAMAGED, MISSING, LOOSE NOT PROPERLY ANCHORED.	Gut109 - Ext Trim Repair	PM 304.1, 304.1.1(10)
9	PAINT OR CLEAN ALL; VENEER, CORNICES, BELT COURSES, CORBELS, TRIM, WALL FACINGS, SOFFIT, FACIA AND SIMILAR FEATURES THAT ARE PEELING OR UNSIGHTLY.	Gut110 - Ext Trim Paint	PM 304.1, 304.8
10	REPAIR OR REPLACE ANY GUARDRAILS, GUARDS/BALUSTERS AND HANDRAILS AND RELATED COMPONENTS, WHERE ROTTED, BROKEN, LOOSE, MISSING UNSTABLE OR OTHERWISE DETERIORATED OR IMPROPERLY INSTALLED. STRUCTURAL REPAIRS MUST BE PERFORMED UNDER A PERMIT FROM THE DIVISION	Sta102 - Stair Rails Rpr	PM 304.1, 304.1.1, 304.4, 306.1.1, 304.4, 304.10, 304.12, 306.1.1

You being the owner are hereby given notice to:

Correct Cited Routine Violations within Sixty (60) Days

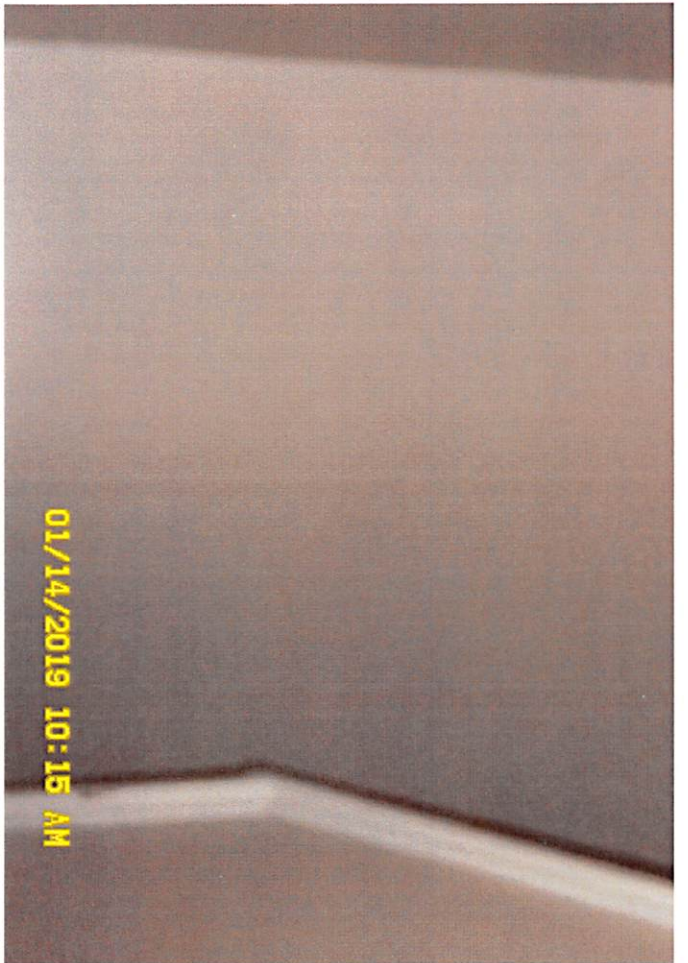
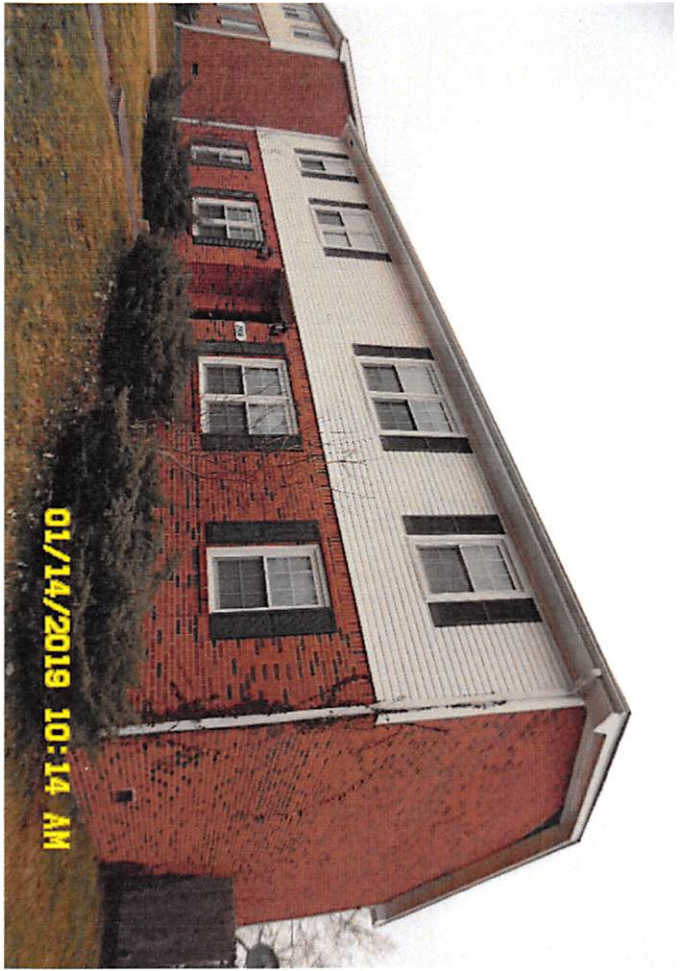
Inspection Comments:

Failure to correct these violations, in a professional manner consistent with industry standards, within 60 days of the above indicated "Date of Issuance", may result in the placement of civil penalties and/or liens on the property. Per ordinance, penalties can range from \$100.00 to \$2,500.00 and are cumulative. Depending on the severity of the violations, civil penalties may be issued every 30 days or every day if needed.

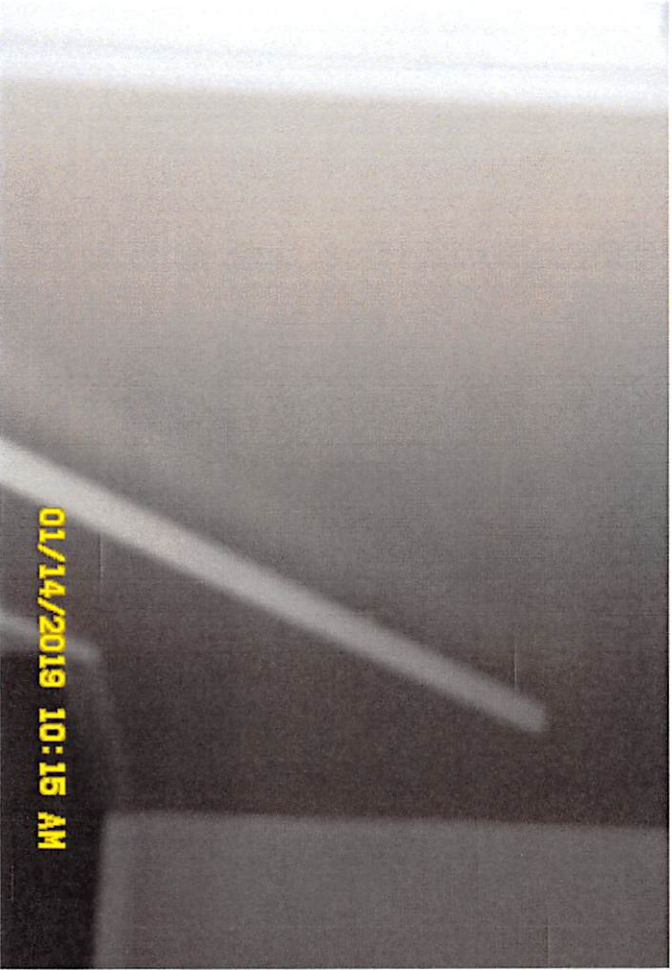
Therefore, I strongly encourage you to take immediate action to correct these violations to prevent the issuance of civil penalties. If you believe that you have come into compliance within the 60 days provided, then please contact me and I will re-inspect the property to ensure compliance standards have been met. If the cited violations are/were located in the interior/inside of the structure, then it will be your responsibility to contact me before the 60 day time frame has expired and make arrangements for us to meet on-site to review the repairs. Failure to schedule this on-site meeting regarding repairs done to the interior of the property may result in the issuance of an avoidable civil penalty.

After reading these documents, please feel free to contact me if you have any questions regarding this notice, to schedule a meeting, and/or if you need additional assistance. 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.

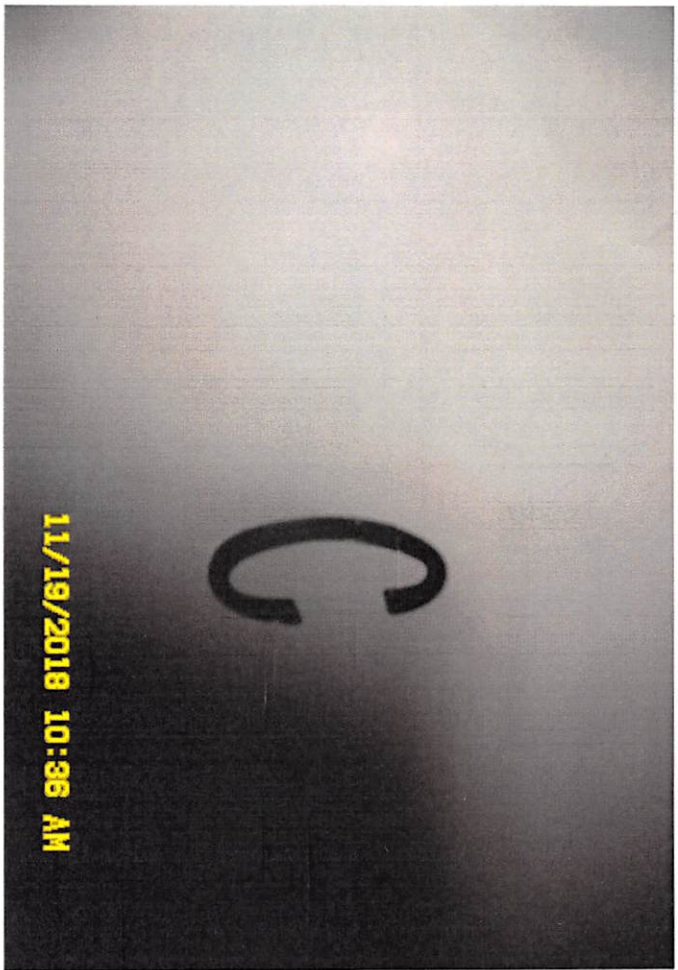
Tom Brooker



1/14/19

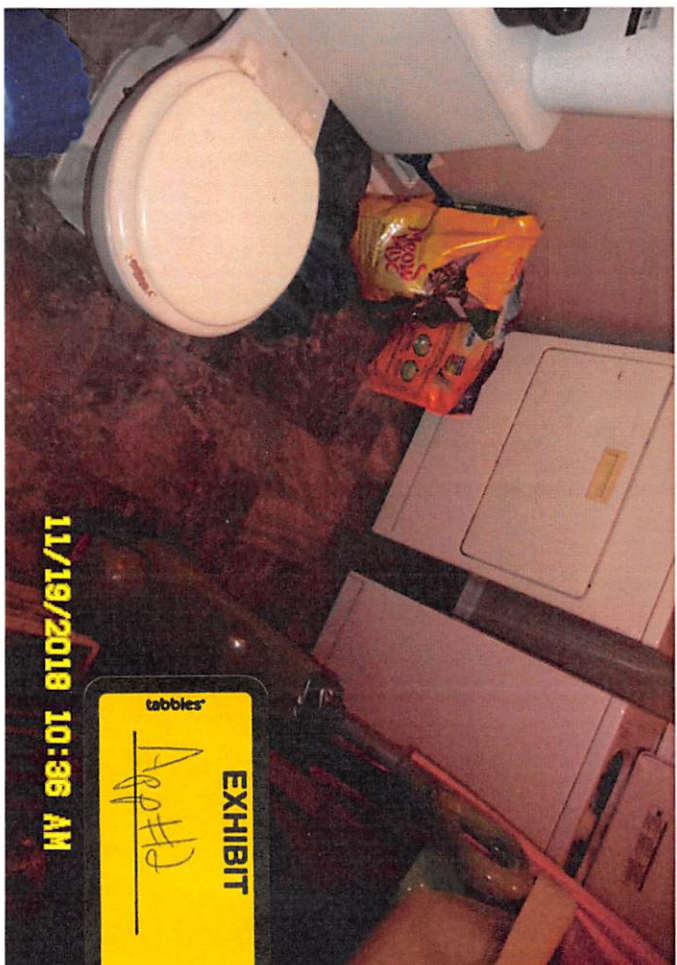
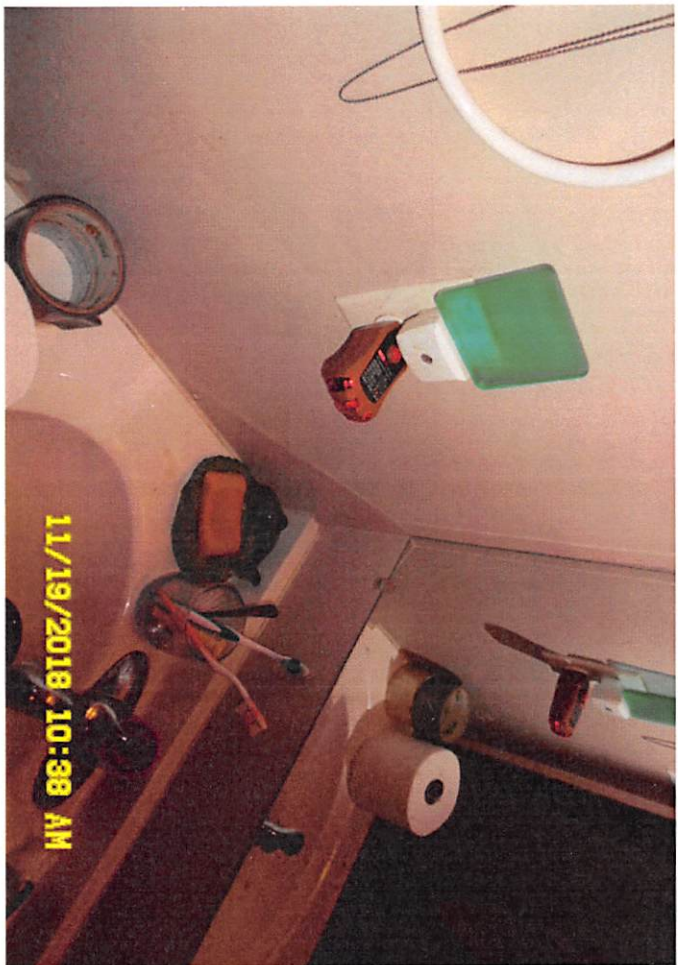


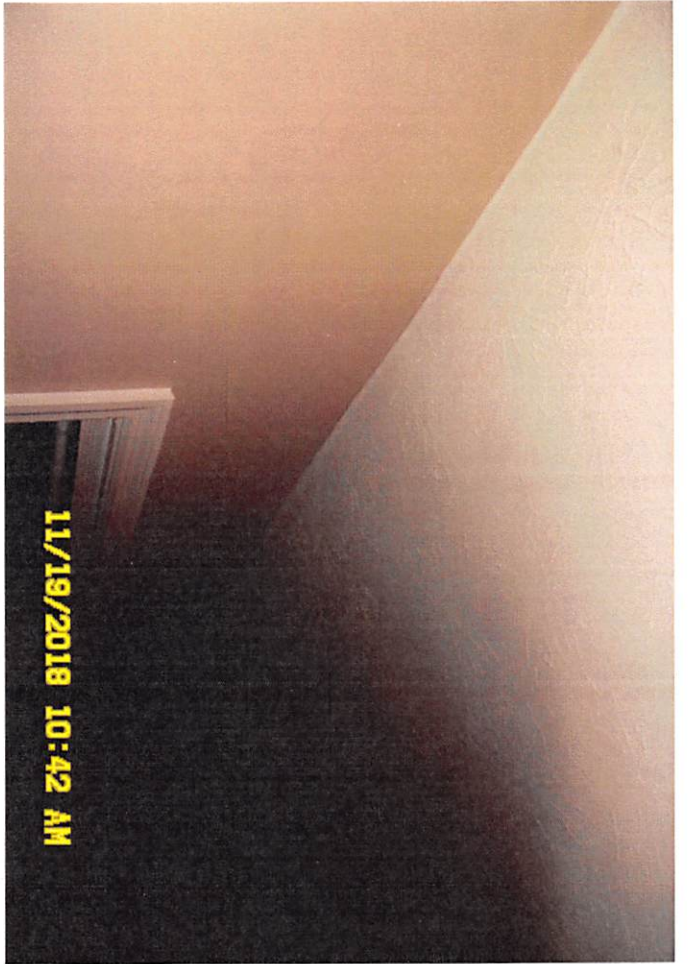
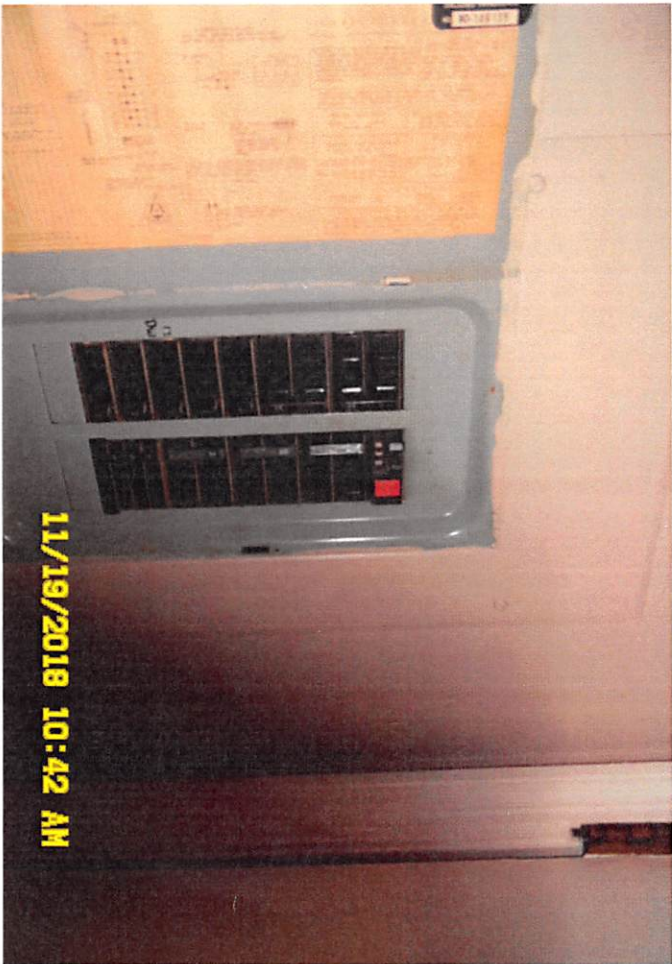
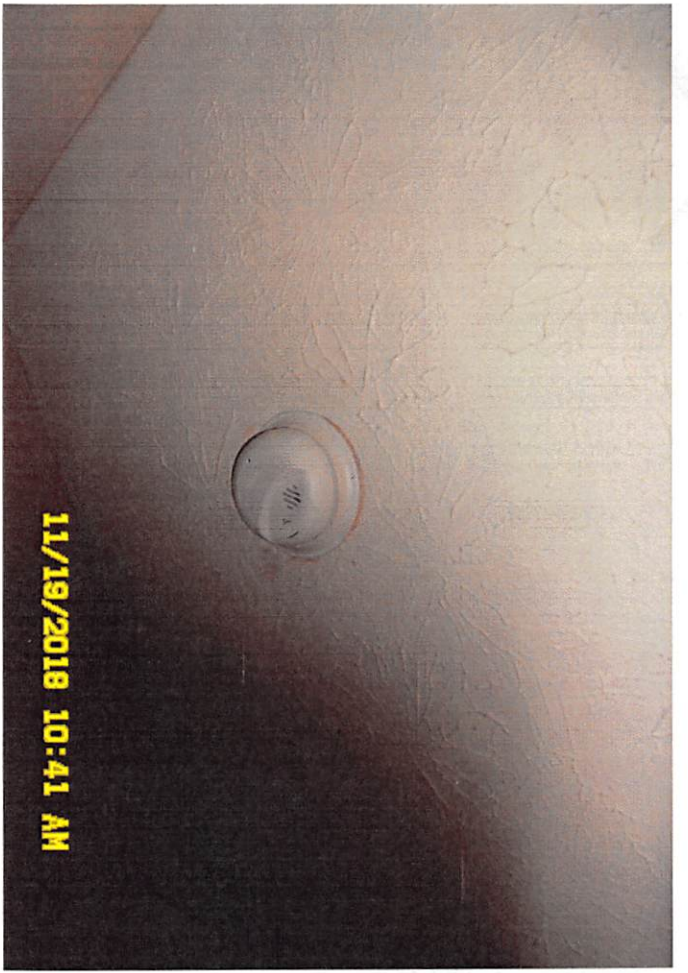
11/19/18

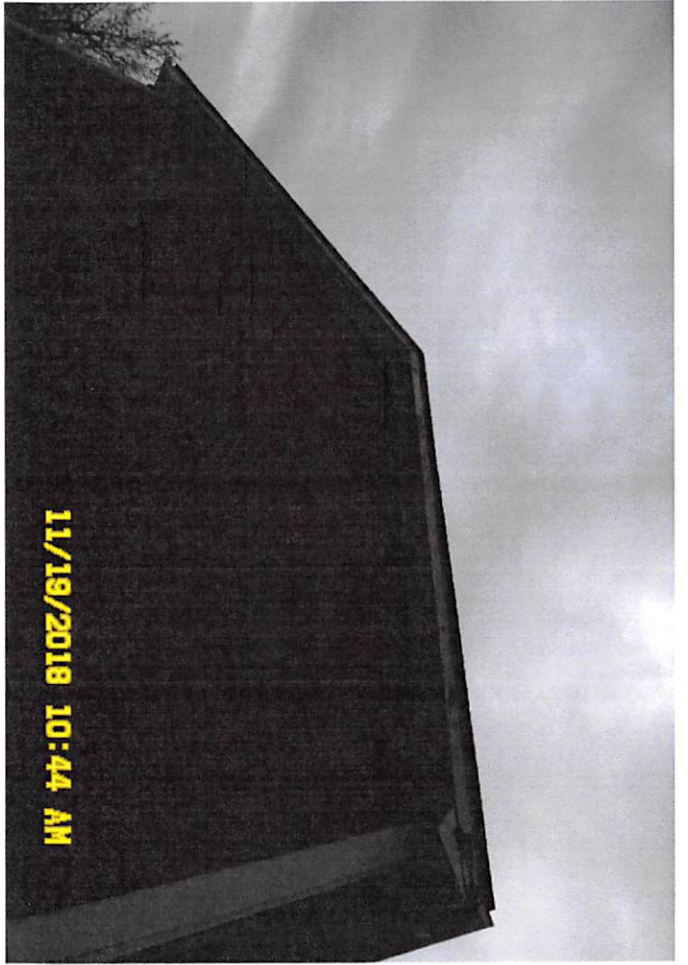
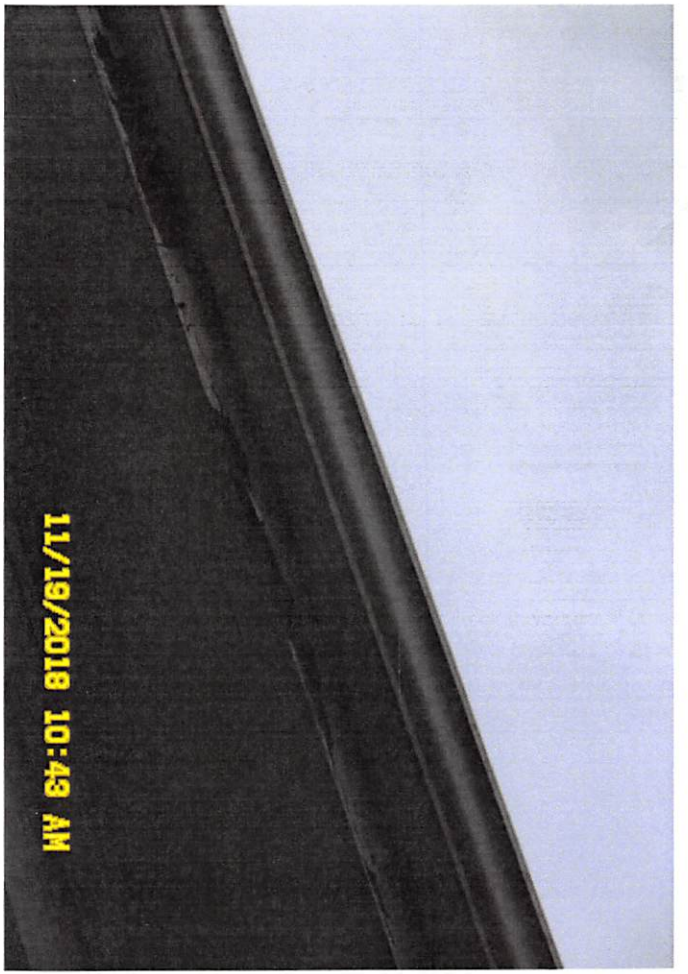


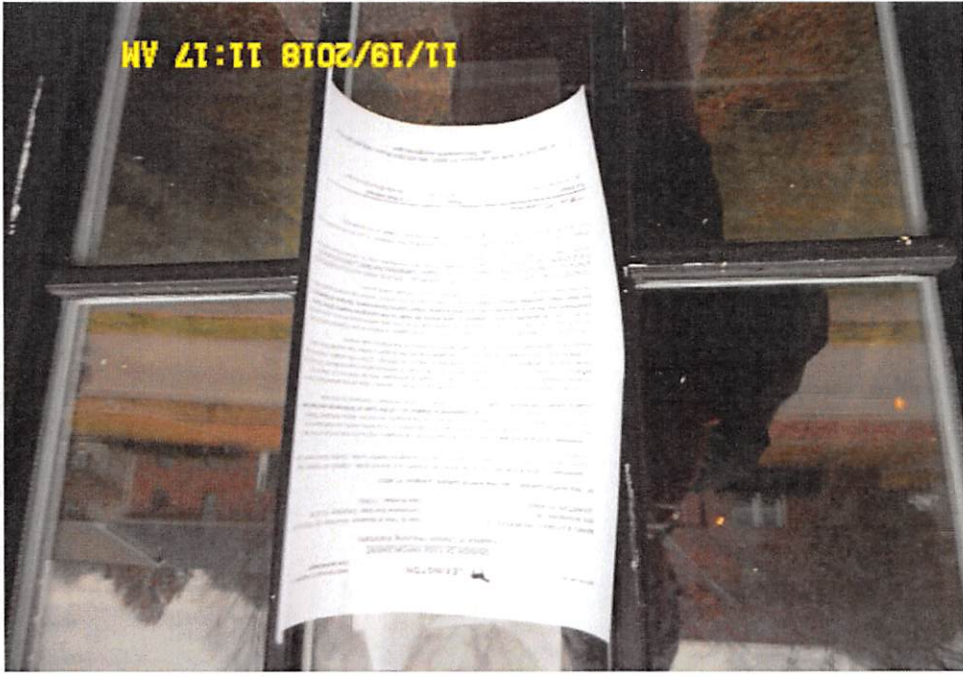
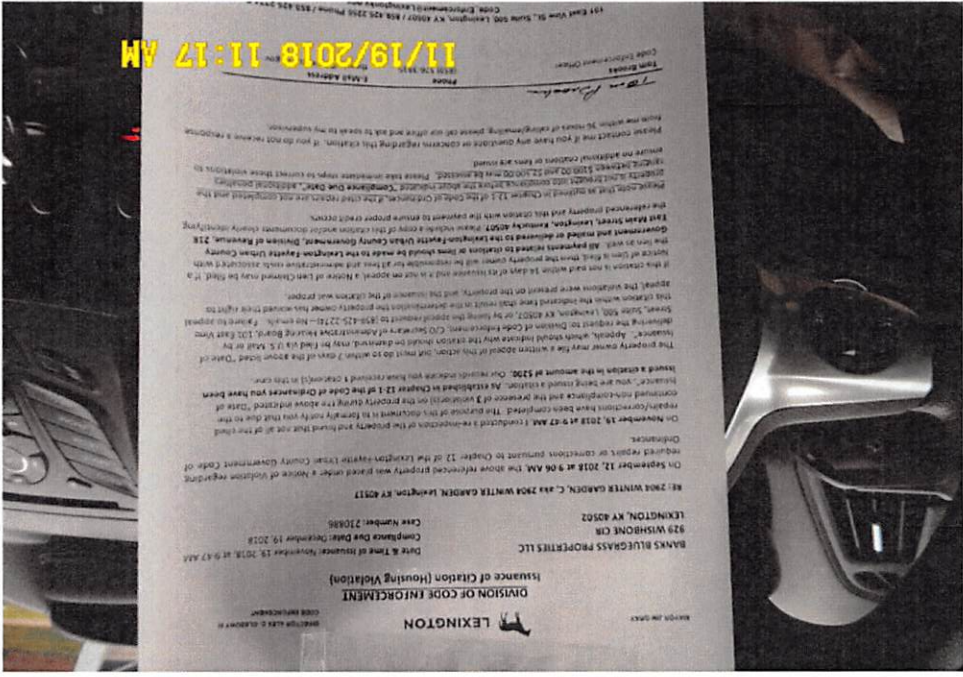
LEXINGTON, KY 40502
RE: 2904 WINTER GARDEN, C, aka
On September 12, 2018 at 9:06 A
Chapter 12 of the Lexington-Fayette
Maintenance Code 11/19/2018 10:34 AM

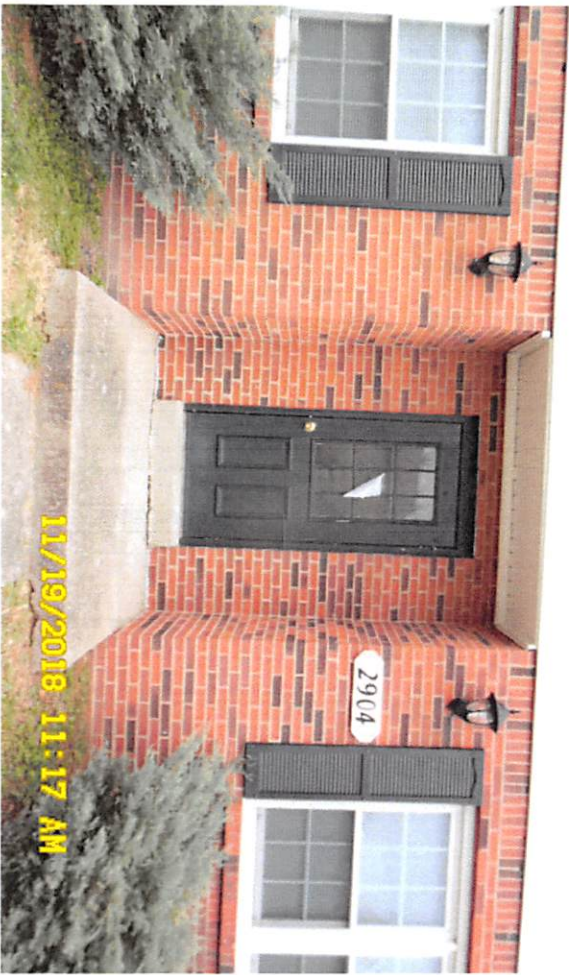
11/19/18











11/19/2018 11:17 AM