

**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: 234758 Address: 781 NICKWOOD TRAIL

Owner: LAWRENCE M. & HOPE T. MORTON Present/Not Present

Person Representing Property Owner: Keith Gadd  
Legal Standing: POA

Issuance Date of Civil Penalty: 10/03/2018 Case Officer: DEBRA PHELPS

Housing with \$ 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: 1 violation

**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: 234758

Address: 781 NICKWOOD TRAIL

**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



MAYOR JIM GRAY



LEXINGTON

DIRECTOR ALEX C. OLSZOWY III  
CODE ENFORCEMENT

**DIVISION OF CODE ENFORCEMENT**  
**Issuance of Citation (Housing Violation)**

**MORTON LAWRENCE M & HOPE T**  
**P O BOX 911226**  
**LEXINGTON, KY 40591**

**Date & Time of Issuance: October 3, 2018, at 2:53 PM**  
**Compliance Due Date: October 8, 2018**  
**Case Number: 234758**

**RE: 781 NICKWOOD TRL, Lexington, KY 40509**

On **September 25, 2018 at 12:55 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 3, 2018 at 2:53 PM**, 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 \$200.** Our records indicate you have received **2 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.

**Debra Phelps**  
Code Enforcement Officer

**Phone**  
(859) 797-6230

**E-Mail Address**  
dphelps@lexingtonky.gov


**LIMITED POWER OF ATTORNEY**

That I, Matt Mork, 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 781 Nickwood, 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 27 day of December, 2018  


STATE OF KENTUCKY

COUNTY OF FAYETTE

The foregoing Limited Power of Attorney was subscribed, sworn to, and acknowledged before me by Matt Mork this 27<sup>th</sup> day of December, 2018.

My commission expires: 2/1/2021

  
NOTARY PUBLIC,  
KENTUCKY, STATE AT LARGE

Hearing Date: Jan. 15, 2019

Address: 781 Nickwood Trl.

Owner: Morton Lawrence M & Hope T

Sept. 17, 2018 Complaint received.

Sept. 19, 2018 Inspection and issued an "Immediate Repair Notice Required" for non-working and missing smoke detectors

Sept. 25, 2018 Re-inspect, work not done.

Posted Citation	Re-inspections	1
	Violations	2
	Citation	\$100.00

Oct. 03, 2018 Re-inspect was still missing rear hall smoke detector outside bedroom vicinity.

Posted Citation	Re-inspections	2
	Violations	1
	Citation	\$200.00

Oct. 10, 2018 Re-inspect, all smoke detectors were installed and working. I closed the case.

Dec. 11, 2018 I received a call from the maintenance company, Lexington Rental Homes. They received a lien for the Oct. 03, 2018 Citation. They said they had appealed that Citation by fax. They submitted the request letter and a copy of their fax log. Ms. King and the Director contacted the Law dept. to remove that Lien and later scheduled the appeal.

Jan. 15, 2019 Conclusion: The work had been completed by Oct. 10, 2018



**DIVISION OF CODE ENFORCEMENT**
**Notice of Violation  
 (Immediate Repair Required)**
**MORTON LAWRENCE M & HOPE T**  
**P O BOX 911226**  
**LEXINGTON, KY 40591**
**Date & Time of Issuance: September 19, 2018, at 4:04 PM**
**Compliance Due Date: September 24, 2018**
**Case Number: 234758**
**RE: 781 NICKWOOD TRL, Lexington, KY 40509**

On **September 19 2018, at 4:04 PM**, I conducted an inspection of the above referenced property, pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances. The inspection revealed violations which must be corrected in order to maintain acceptable standards of health and safety. This non-appealable notice serves as formal notification of the inspection and the cited violations.

Failure to correct the cited violations, in a professional manner consistent with industry standards, may result in the placement of civil penalties, condemnation of the structure/unit, and/or abatement of the violations by governmental operations. 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 daily.

**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 on the attached inspection report.

	<b>Violation</b>	<b>Code</b>	<b>References</b>
1	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
2	PROVIDE A SMOKE DETECTOR FOR EVERY RESIDENTIAL UNIT, OUTSIDE OF EACH ROOM USED FOR SLEEPING PURPOSES, AND EACH STORY INCLUDING BASEMENTS AND CELLARS WHICH WHEN ACTIVATED, WILL PROVIDE AN ALARM SUITABLE TO WARN ALL OCCUPANTS WITHIN THE UNIT OR ROOM.SMOKE D	Fs105 - S/D Sleeping	PM 704.2

**You being the owner are hereby given notice to:**

**Correct Violations within Five (5) days from the Date of This Notice**



## Notice of Violation Guidelines and Assistance Information

If you are unsure as to what violations have been cited that require an immediate response, you should contact the indicated Case Officer or the Division of Code Enforcement immediately for clarification purposes.

1. All vacant structures/units must be kept properly secured against unauthorized entry at all times. Failure to maintain the structure secured against unauthorized entry may result in this office taking actions to secure the structure/unit and all cost related to this action being invoiced to the owner. Securing a structure/unit by boarding is a temporary measure that provides the owner time to make needed repairs. Repairs shall be completed and boards removed before the indicated **compliance due date** or civil penalties may be assessed.
2. **IF you have been ordered to secure the structure/unit by boarding a door(s)/window(s) or other access point;** then all the unsecured openings must be completely covered with a minimum sheathing thickness of 19/32". The sheathing shall not extend past the edge of the door(s)/window(s) frame and must be secured with 2" screws. Screws can be placed no more than 12" apart on the sheathing's edges, and no more than 18" apart in other areas. All unsecured/openings must have the sheathing's edges secured to a stud(s). Any deviation to these requirements must be pre-approved by the Code Enforcement Officer to ensure compliance.
3. If this property is located in a locally designated historic district you are required to contact the Office of Historic Preservation at (859) 258-3265 before beginning exterior repairs.
4. **For any fire damaged structures/units;** prior to beginning repairs, all fire damaged portions of any structure must undergo a fire loss inspection by the Division of Building Inspection (859-258-3770), in order to determine which building elements may or may not be reused.
5. As required by the Kentucky Uniform State Building Code; repairs, corrections, maintenance work, alterations, or installations that require the cutting away or installation of any structural element must be conducted under a permit from the Division of Building Inspection, 2nd floor, 101 East Vine Street, Suite 200 (859-258-3770). All plumbing installations must be performed under the appropriate permit from the Kentucky Department of Housing, Buildings & Construction (502-573-0365), and must be inspected and approved by the same. All electrical installations must be performed under the appropriate permit from the Division of Building Inspection and must be inspected and approved by Commonwealth Inspection Bureau (859) 263-7800.
6. You may qualify for financial assistance. If you feel you need assistance in complying with this notice, please contact your Code Enforcement Officer or visit the LFUCG website for information on assistance programs. You may also contact the Division of Grants and Special Programs at (859) 258-3070 to see if you qualify for the Community Wide Housing Rehabilitation Program.

Continued Next Page...





7. If the cited violations are/were located in the interior/inside of the structure, then it will be the owner's responsibility to contact the case officer before the indicated time frame has expired and make arrangements to meet on-site to review any repairs that have been made. Failure to schedule this on-site meeting regarding repairs done to the interior of the property may result in the issuance of avoidable civil penalties.
  
8. It shall be unlawful to dispose of said structure/unit to another person or entity until all violations have been abated/corrected, inspected and approved by this office. In lieu of making repairs, a signed and notarized statement from the new or prospective owner acknowledging the violations and accepting responsibility, without condition, for making the required repairs will be acceptable. (Your Code Enforcement Officer can provide you a Transfer of Ownership form upon request.)

Please contact me if you have any questions or concerns regarding this notice. 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.

A handwritten signature in blue ink, appearing to read "Debra Phelps", is written above a horizontal line.

---

**Debra Phelps**

Code Enforcement Officer

**Phone**

(859) 797-6230

**E-Mail Address**

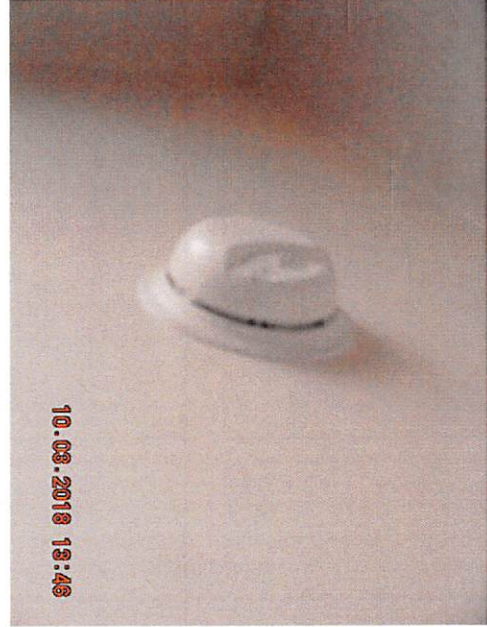
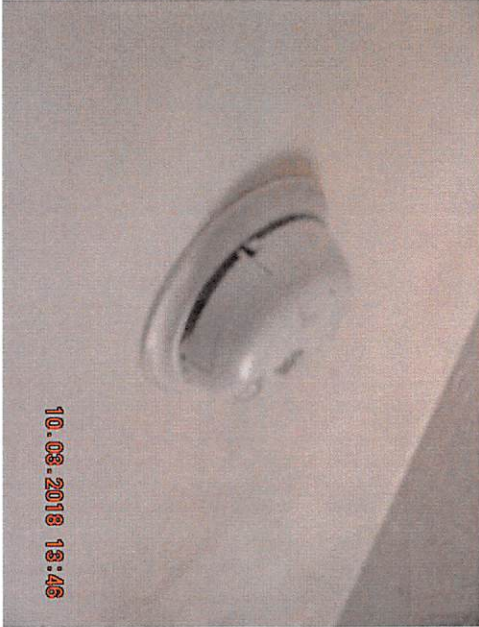
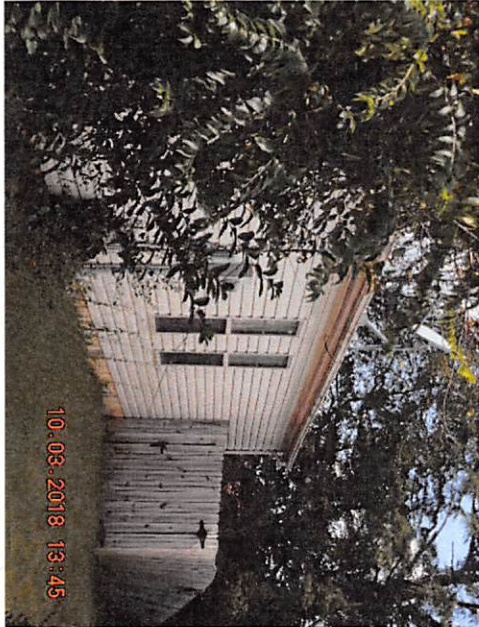
dphelps@lexingtonky.gov



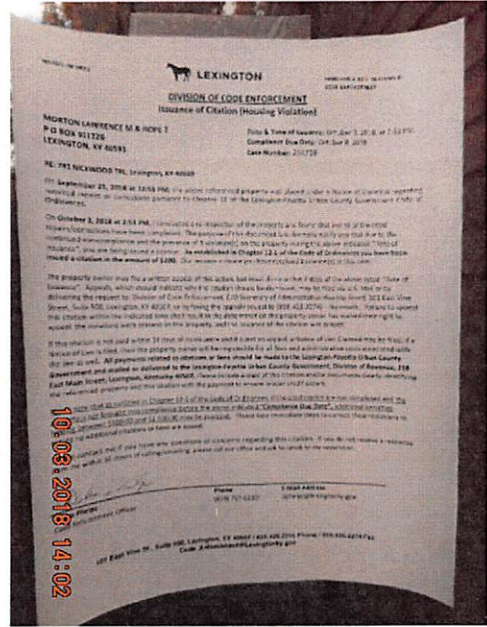
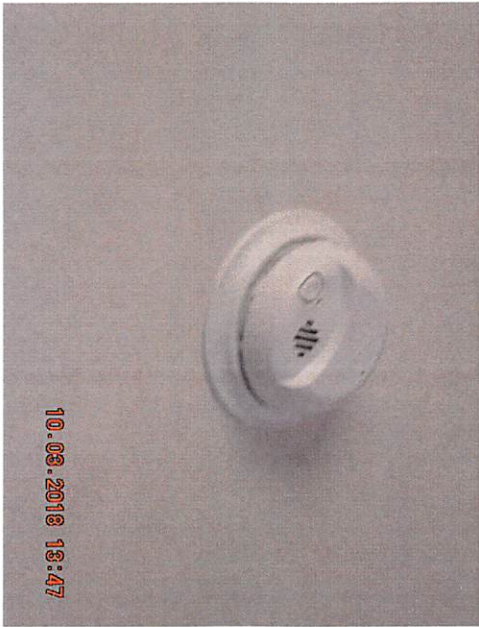
781 NICKWOOD TRL



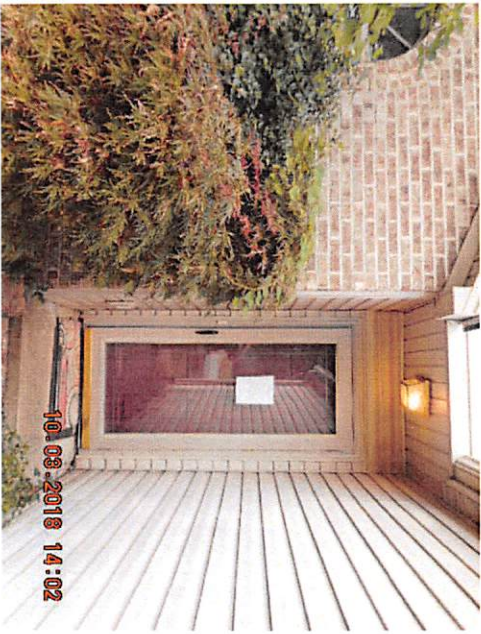
ID PHOTOS



10/03/18







**DIVISION OF CODE ENFORCEMENT**  
**Issuance of Citation (Housing Violation)**

**MORTON LAWRENCE M & HOPE T**  
**P O BOX 911226**  
**LEXINGTON, KY 40591**

**Date & Time of Issuance:** October 3, 2018, at 2:53 PM  
**Compliance Due Date:** October 8, 2018  
**Case Number:** 234758

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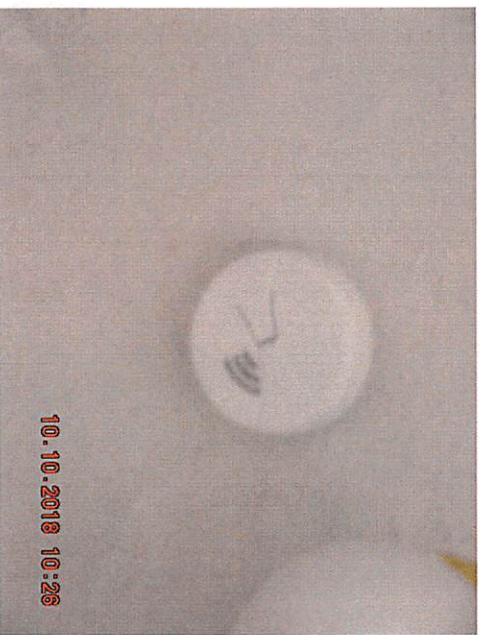
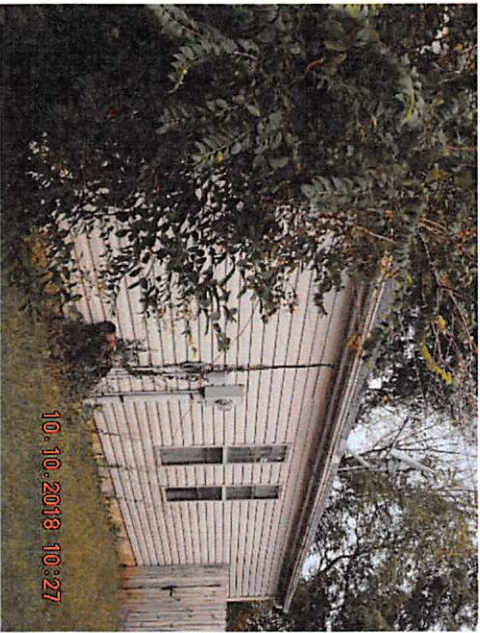
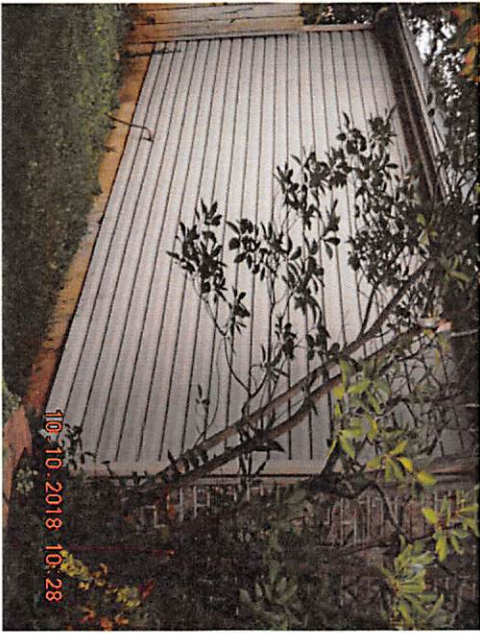


**Debra Phelps**  
Code Enforcement Officer

**Phone**  
(859) 797-6230

**E-Mail Address**  
dphelps@lexingtonky.gov





781 NICKWOOD TRL

D. PETERS

10/10/18



October 10, 2018

**Attn: Code enforcement**  
**Fax 425.2274**  
**RE: 781 Nickwood #234758**

This notice serves as our request to file an appeal at the request of the owner which we represent to the above mentioned case. See attached vendor receipts completed before the deadline.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Gadd", is written over a horizontal line.

Keith Gadd  
859-278-7752  
Lexington Rental Homes

Lexington Rental Homes Of Kentucky INC  
Office: 859-278-7752  
505 Wellington Way • Suite 175B • Lexington, Kentucky 40503

# Fax Job Log

Lexington Rental Hom

Tuesday, 2018-12-04 09:19

8593273293

Action	Date	Time	Job #	Length	Fax Name/Number	Pgs	Status
PRINT	2018-09-20	12:55				3	OK
SCAN	2018-09-20	13:31				0	CANCELED
SEND	2018-09-20	13:31	02871	0:00	8889094727	0	CANCELED
SCAN	2018-09-20	13:31				3	OK
SEND	2018-09-20	13:31	02872	1:07	8889094727	3	OK
SCAN	2018-09-20	16:15				1	OK
SEND	2018-09-20	16:15	02873	0:30	18595590475	1	OK
RECV	2018-09-25	20:54	02876	0:28		0	E-804
RECV	2018-09-25	20:56	02877	0:47	8592191335*	1	OK
PRINT	2018-09-25	20:57				1	OK
RECV	2018-09-25	20:57	02878	0:48	8592191335*	1	OK
PRINT	2018-09-25	20:58				1	OK
RECV	2018-09-25	20:59	02879	0:46	8592191335*	1	OK
PRINT	2018-09-25	21:00				1	OK
RECV	2018-09-25	21:00	02880	0:22	8592191335*	1	OK
PRINT	2018-09-25	21:01				1	OK
RECV	2018-09-25	21:07	02882	0:42	8592191335*	1	OK
PRINT	2018-09-25	21:08				1	OK
RECV	2018-09-25	21:08	02883	0:40	8592191335*	1	OK
PRINT	2018-09-25	21:09				1	OK
RECV	2018-09-27	16:42	02884	0:22	859 272 8254	1	OK
PRINT	2018-09-27	16:43				1	OK
SCAN	2018-09-27	16:57				1	OK
SEND	2018-09-27	16:57	02885	0:11	859 272 8254	1	OK
SCAN	2018-10-01	10:28				1	OK
SEND	2018-10-01	10:28	02887	0:21	8886787951	1	OK
RECV	2018-10-01	11:38	02889	1:28	8592553160*	1	OK
PRINT	2018-10-01	11:40				1	OK
RECV	2018-10-02	11:44	02891	0:49	FF240-IP.Rx	2	OK
PRINT	2018-10-02	11:45				2	OK
SCAN	2018-10-02	15:48				1	OK
SEND	2018-10-02	15:48	02892	0:10	6165271840	1	OK
SCAN	2018-10-02	16:52				1	OK
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RECV	2018-10-03	19:14	02896	1:05	574 294 3873	2	OK
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SCAN	2018-10-04	09:27				1	OK
SEND	2018-10-04	09:27	02897	0:21	8886787951	1	OK
SCAN	2018-10-05	10:10				1	OK
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SCAN	2018-10-08	11:36				2	OK
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SCAN	2018-10-10	14:48				1	OK
SEND	2018-10-10	14:48	02902	0:07	859 425 2274	1	OK
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SCAN	2018-10-11	12:29				1	OK
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