

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

Date of Hearing: 03/27/2019

Hearing Officer: BETHANY BAXTER

Case number: 225559

Address: 602 BRECKENRIDGE ST.

Owner: MRS. ELMER T. JOHNSON

Present /Not Present

Person Representing Property Owner:

POA - EX A

Isaac Farris - son. See

Legal Standing: See POA

Issuance Date of Civil Penalty: 12/04/2018

Case Officer: THAD SCOTT

Housing with \$ 400.00 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: \_\_\_\_\_

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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 August 1, 2019 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 400<sup>00</sup>. 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: also must get

compliance schedule and meet with  
code enforcement within 2 weeks of date

**Civil Penalty assessed in part with remaining balance held in abeyance**

*this order entered*

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.**

Beth Baxter

Hearing Officer's Signature

3/27/2019

Date

Supplementary Page  
Completed





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

**JOHNSON ELMER T MRS  
602 BRECKENRIDGE ST  
LEXINGTON, KY 40508-1635**

**Date & Time of Issuance:** December 4, 2018, at 4:20 PM  
**Compliance Due Date:** January 3, 2019  
**Case Number:** 225559

**RE: 602 BRECKENRIDGE ST, Lexington, KY 40508**

On **July 31, 2018 at 2:59 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 **December 4, 2018 at 4:20 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 **17 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 \$400.** 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.

**Thad Scott**  
Code Enforcement Supervisor

**Phone**  
(859) 576-3852

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

## LIMITED DURABLE POWER OF ATTORNEY

I ELMER JOHNSON, SSN: 407-48-5357, DOB 1-8-1939 of Lexington, Fayette County, Kentucky, appoint ISAAC FARRIS. of Lexington, Fayette County, Kentucky, as my Attorney-In-Fact.

### I. REVOCATION OF POWER OF ATTORNEY

I hereby revoke any and all previous powers of attorney executed by me. Revocation of this power of attorney is effective upon actual notice of revocation, either written or oral. Or by written notice of revocation duly recorded in the office of the county clerk of my county of residence.

### II. POWERS

I grant to my Attorney-In-Fact the full power and authority to act for me in any way that I could lawfully act with respect to the following matters:

The appeal hearing before the Lexington Fayette Urban County Governments Code Enforcement Board in case # 225559

- (1) sign my name, draw, make or endorse any documents, instruments relative to said action, or agreements for the purpose of resolving this matter;
- (2) access any files, records, or other information relative to this matter;
- (3) institute, or defend suits or other actions concerning my property or my rights;
- (4) generally perform fully and effectually all that I could do if I were present.

### III RESTRICTIONS ON POWERS OF ATTORNEY-IN-FACT

Notwithstanding the grant of powers in this Power of Attorney, my attorney-in-



fact shall have no power to do the following:

- (1) take a fee for services as an attorney-in-fact;
- (2) make or revoke a gift of my real, mixed, or personal property;
- (3) make a loan to the attorney-in-fact.

#### IV DURABLE POWER

This power of attorney shall take effect immediately upon signing of this instrument and shall not be affected by my subsequent physical or mental disability.


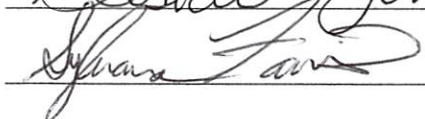
I, ELMER JOHNSON, sign my name to this Durable Power of Attorney on this 15 day of March, 2019, and being first duly sworn, I do hereby declare to the undersigned authority that I sign this document willingly, that I execute it as my free and voluntary act for the purposes herein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence. I also acknowledge that I have received a copy of this Power of Attorney and that I fully understand its terms.

  
ELMER JOHNSON

STATE OF KENTUCKY     )  
  )  
COUNTY OF FAYETTE    )

AND TESTAMENT, in our presence, and we at her request and in her presence, and in the presence of each other, have hereunto subscribed our names as witnesses, on this the

15 day of March, 2019, at Lexington, Fayette County, Kentucky?

 \_\_\_\_\_, of Lexington, KY  
 \_\_\_\_\_, of Lexington, KY

fact shall have no power to do the following:

- (1) take, for whatever or any reason, any action or step which would result in the creation of a trust or other fiduciary arrangement;
- (2) make a loan to the attorney-in-fact;

IN WITNESS WHEREOF

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original instrument and that it is not affected by any subsequent physical or chemical alteration.

ELMER JOHNSON, sign in name to this possible power of Attorney on this day of \_\_\_\_\_, 2019, and that this day I was fully of legal age and

understand and know the contents of this instrument and that I executed it as my free and voluntary act for the purposes herein expressed, and that I am eighteen (18) years of age or older of sound mind, and under no constraint or undue influence, and I am not a minor, and I have received a copy of this Power of Attorney and that I fully understand its terms.

ELMER JOHNSON

COUNTY OF RAYETTE

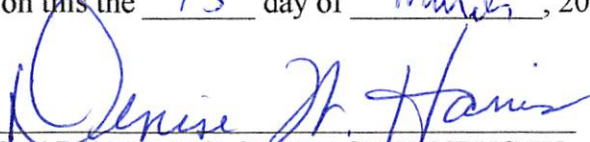
AND TESTAMENT, in our presence, and we at her request and in her presence, and in the presence of each other, have hereunto subscribed our names as witnesses, on this the

day of \_\_\_\_\_, 2019, at Lexington, Rayette County, Kentucky.

of Lexington, KY

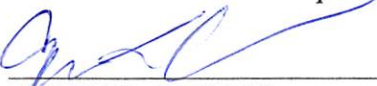
of Lexington, KY

Before, the undersigned Notary Public in and for the Commonwealth of Kentucky on this the foregoing Power of Attorney was subscribed, sworn to and acknowledged before me by ELMER JOHNSON as Grantor, and the witnesses respectively, and whose name are signed to the foregoing instrument. That the maker ELMER JOHNSON, willingly signed and executed this document as her free and voluntary act for the purposes expressed therein; and each of the witnesses stated to me, in the presence and hearing of the maker, that they signed the POWER OF ATTORNEY, as witnesses, and that, to the best of their knowledge, the maker was eighteen years of age or over, of sound mind and under no constraint or undue influence. on this the 15 day of March, 2019.

  
NOTARY PUBLIC, STATE OF KENTUCKY

My Commission expires November 9th 2019

This Document was Prepared By:

  
GERRY L. HARRIS  
The Harris Law Office  
201 W. Short St., Ste. 215  
Lexington, Kentucky 40507  
(859) 233-4110



Before the undersigned Public in and for the Commonwealth of Kentucky on  
this the foregoing day of \_\_\_\_\_, 2019, at \_\_\_\_\_, Kentucky, and whose name  
is by \_\_\_\_\_ as \_\_\_\_\_, and the witness, respectively, and whose name  
is signed to the foregoing instrument, that the maker, \_\_\_\_\_, of his own free will,  
and without any duress, fraud, or other unlawful influence, and that he is of sound mind and  
under no constraint or undue influence, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

and that he is of sound mind and under no constraint or undue influence, and that he is of sound mind and  
under no constraint or undue influence, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

and that he is of sound mind and under no constraint or undue influence, and that he is of sound mind and  
under no constraint or undue influence, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

KENTUCKY PUBLIC STATE OF KENTUCKY

My Commission Expires \_\_\_\_\_

This Document was Prepared by  
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