

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

Date of Hearing: 04/09/2019

Hearing Officer: JOE BUCKLES

Case number: 228933

Address: 220 WESTWOOD CT.

Owner: STEPHEN J. OLSHEWSKY

Present /Not Present

Person Representing Property Owner: Stephen J. Olszewsky

Legal Standing: Owner

Issuance Date of Civil Penalty: 02/19/2019

Case Officer: JIM FAWCETT

Housing with \$ 300.00 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: exterior vibrations
4 violations.

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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 \$ 300.⁰⁰. 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 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

4/9/2019
Date

Supplementary Page Completed

**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: 220 Westwood Ct, Lexington, KY 40503
 Case #: 228933 Citation Amount: \$300.00
 Case Officer: James Fawcett Date of Issuance: 19th February, 2019 9:47AM

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: Steve Olshewsky
 Street Address: 220 Westwood Ct
 City: Lexington State: KY Zip: 40503
 Owner's Phone Number: (859) 326-1954 Other Phone: ()

Grounds for Appeal: ① Citation Makes Numerous False Statements & So Lacks Grounds
② LFKG's Attorney Stated On The Record At The Last Appeal That I Had 30 Days From Recpt of Report From That Appeal To File With District Court & That Time Has Not Expired Making The Appeal Citation Both Groundless & Unripe.
③ By The Time This Appeal Is Heard It Will Be The Subject of A Court Case Making This Citation Also A Violation of the Separation of Powers
 (Attach Additional Documents If Needed)

Will Appellant/Owner be Represented by Counsel? Yes No (Not Required).
 Name of Counsel: _____ Phone: () _____
 Printed Name of Person Completing This Appeal: Steve Olshewsky
 Relationship to Owner: Self (N/A If Owner) ④ Discriminatory
⑤ Impossibility of Possible Defenses

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.

Signature of Requesting Party: [Signature] Date: 25th February 2019 Monday Phone: _____

EXHIBIT

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A

DATE RECEIVED BY OFFICE:
19 PM 4:09

220 Westwood Court

12/17/2015 Initial inspection

12/21/2015 notice mailed to Stephan J Olshewsky at 220 Westwood Court Lexington KY 40503
Items on citation: repair siding, clean siding, sheathing, covering and roof leaks.

2/2/2016 final thirty day notice

4/26/2016 \$200 civil penalty under the old penalty system for 5 violations and 2 previous notices.

5/25/2016 received a letter of appeal.

9/28/2016 letter sent to Mr. Olshewsky stating that his appeal was rejected because it was not filed in a timely manner. Because of the delay by our office in responding to the appeal request, the \$200 civil penalty was waived by Ken Armstrong.

12/9/2016 \$200 civil penalty under the old penalty system for 5 violations and 2 previous notices.

1/27/2017 \$100 civil penalty issued under the new system

2/8/2017 \$200 civil penalty from 12/9/2016 removed by Ken Armstrong due to pending foreclosure.

3/5/2017 transferred case to Lee Steele. House in foreclosure.

7/11/2017 property mowed by Lee Steele.

8/18/2017 property mowed by Lee Steele.

12/11/2017 Property out of foreclosure. Sending a final thirty day notice to repair.

3/28/2018 \$300 civil penalty issued under the new system for 5 uncorrected violations and 3 previous citations. The amount and previous citations are in error and should have been a \$200 civil penalty and 2 previous citations.

9/7/2018 Case entered into Salesforce.

10/18/2018 Issued a civil penalty in the amount of \$200 for 4 violations and 2 citations.

10/22/2018 received appeal letter from Mr. Olshewsky

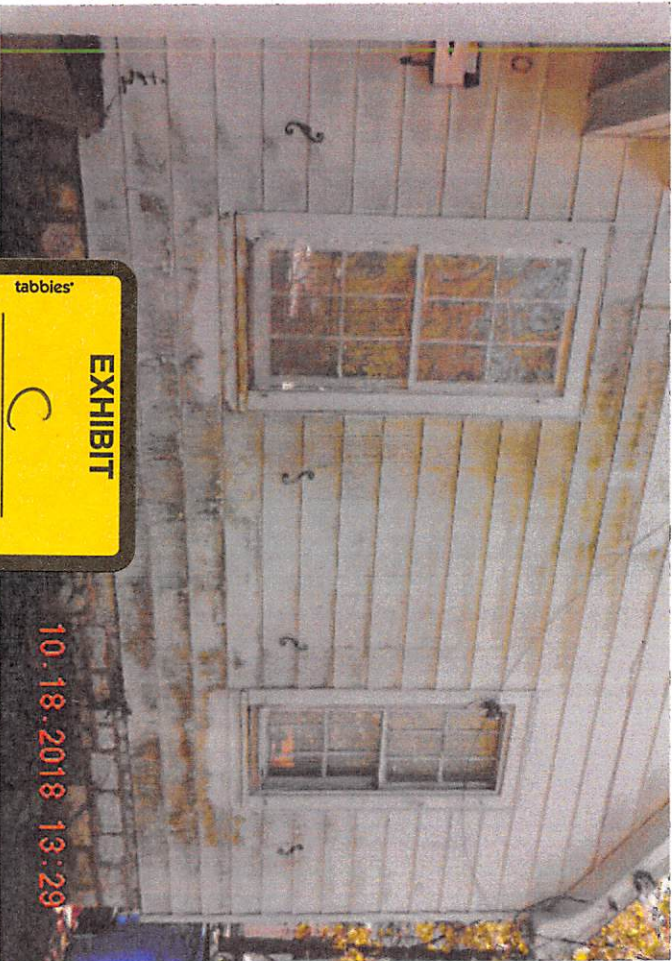
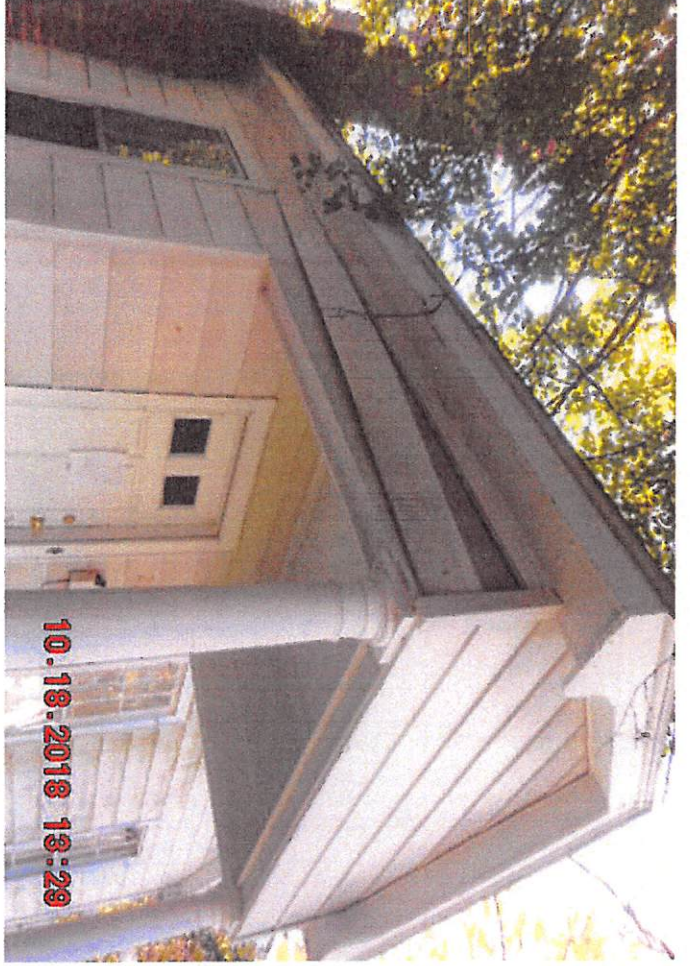
1/8/2019 Appeal heard. Penalty upheld by Mr. Joe Buckles.

2/19/2019 Issued a civil penalty in the amount of \$300 for 4 violations and 3 citations.

2/25/2019 Received letter of appeal from Mr. Olshewsky.

4/9/2019 appeal pictures taken by J Fawcett of Code Enforcement. Hearing scheduled.

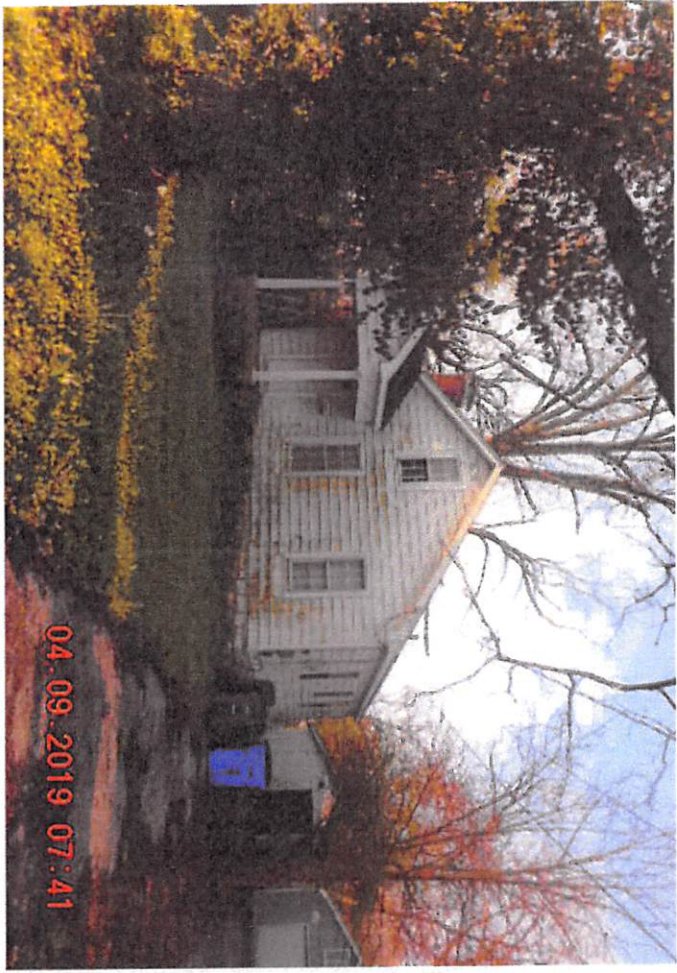




tabbies®
EXHIBIT
C









DIVISION OF CODE ENFORCEMENT

Notice of Violation (Housing)

30 Day Repair Notice

**OLSHEWSKY STEPHEN J
220 WESTWOOD CT
LEXINGTON, KY 40503**

Date & Time of Issuance: September 7,
2018, at 1:53 PM
Compliance Due Date: October 7, 2018
Case Number: 228933

RE: 220 WESTWOOD CT, Lexington, KY 40503

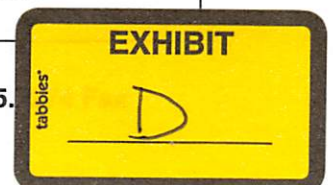
On **September 7, 2018 at 1:53 PM** I conducted an inspection of the above referenced property, pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances and the International Property Maintenance Code. At which time I documented violation(s) that are required to be corrected/repared 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	REPAIR OR REPLACE ALL LOOSE, DAMAGED, ROTTED, OR MISSING SIDING MATERIALS, TO MATCH EXISTING SIDING. ALL MATERIAL USED MUST BE DESIGNED FOR THE INSTALLATION AND PROTECTED FROM THE ELEMENTS AS NEEDED.	Env107 - Siding Damage	PM 304.2, 304.6
2	CLEAN ACCUMULATED DIRT AND/OR MILDEW FROM EXTERIOR SURFACES.	Env110 - Siding Clean	PM 304.1, 306.1, 306.1.1(6)
3	REPAIR OR REPLACE ROOF SHEATHING WHERE ROTTED, BROKEN, DAMAGED, SAGGING, MISSING OR OTHERWISE DETERIORATING. STRUCTURAL REPAIRS MUST BE PERFORMED UNDER A PERMIT FROM THE DIVISION OF BUILDING INSPECTION.	Rof102 - Sheathing Damag	PM 304.1, 304.1.1, 304.4, 306.1.1
4	REPLACE ROOF COVERING WHERE LEAKING, ROTTED, WORN, DAMAGED, MISSING OR OTHERWISE DETERIORATED WITH NEW COVERING MATCHING EXISTING MATERIAL AS CLOSELY AS IS REASONABLE. NO MORE THAN 2 LAYERS OF ANY TYPE OF ROOF COVERING IS ALLOWED.	Rof103 - Covering Damage	PM 304.1, 3.4.1.1(8), 304.7; KRC 907.3; KBC 1510.3



You being the owner are hereby given notice to:

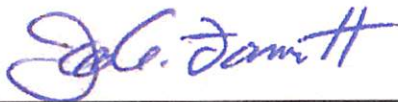
Correct Cited Routine Violations within Thirty (30) Days.

Inspection Comments:

Failure to correct these violations, in a professional manner consistent with industry standards, within 30 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 30 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 30 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.



James Fawcett Code Enforcement Officer	Phone (859) 576-3850	E-Mail Address jfawcett@lexingtonky.gov
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APR 09 2019

EDKy 519 (Rev. 06/07) Motion and Affidavit in Support of Motion to Proceed in Forma Pauperis

AT LEXINGTON
U.S. DISTRICT COURT

INSTRUCTIONS

This form is for use by non-prisoners. If you are a prisoner, you must use AO Form 240 and EDKy Form 523.

This form consists of 6 pages. Complete all questions in this application and then sign it. Do not leave any blanks: If the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
DIVISION at _____

MOTION AND AFFIDAVIT IN SUPPORT OF
MOTION TO PROCEED IN FORMA PAUPERIS

Steve Okshewsky

Plaintiff's Full Name

220 Westwood Ct
Lexington KY 40503

Address

VS:

CASE NO.

5:19cv162-REW

(To be completed by Court)

Lexington Fayette Urban County Govt
Joe Butters

Defendants

Address





DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**OLSHEWSKY STEPHEN J
220 WESTWOOD CT
LEXINGTON, KY 40503**

Date & Time of Issuance: February 19, 2019, at 9:47 AM
Compliance Due Date: March 21, 2019
Case Number: 228933

RE: 220 WESTWOOD CT, Lexington, KY 40503

On **October 18, 2018 at 2:14 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 **February 19, 2019 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 **4 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 \$300.** Our records indicate you have received 3 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:



MAYOR LINDA GORTON



LEXINGTON

ALEX "CASH" OLSZOWY
DIRECTOR
CODE ENFORCEMENT

A handwritten signature in black ink that reads "James Fawcett".

James Fawcett
Code Enforcement Officer

Phone
(859) 576-3850

E-Mail Address
jfawcett@lexingtonky.gov

