

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

Date of Hearing: 04/16/2019

Hearing Officer: MATT BOYD

Case number: 224779

Address: 431 W. SECOND ST. #13

Owner: EDMOND A. KARAM

Present / Not Present

Person Representing Property Owner: _____

Edmond Karam / Abe
Legal Standing: *Owner*

Issuance Date of Civil Penalty: 03/19/2019

Case Officer: DAVID SPRINGSTON

Housing with \$ 1000.00 *500.00* 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: *19 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 \$ _____. 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

4/16/19
Date

N/A Supplementary Page
Completed



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**KARAM EDMOND A
922 WOLF RUN DR
LEXINGTON, KY 40504-2302**

Date & Time of Issuance: March 19, 2019, at 1:07 PM
Compliance Due Date: April 18, 2019
Case Number: 224779

RE: 431 W SECOND ST, 13, aka 431 W SECOND ST, Lexington, KY 40507

On **November 20, 2018 at 10:20 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 **March 19, 2019 at 1:07 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 **19** 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 \$1000.** Our records indicate you have received 4 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, appearing to read "David Springston".

David Springston
Code Enforcement Officer

Phone
(859) 576-3836

E-Mail Address
dspringston@lexingtonky.gov





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** Should have been \$500⁰⁰, clerical error.*

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David Springston
Code Enforcement Officer

Phone
(859) 576-3836

E-Mail Address
dspringston@lexingtonky.gov



Citation Calculation Form

Address _____ Date of inspection _____ Date of notice _____

1 st CP Date: _____	# of Violations _____	Civil Penalty Amount _____
2 nd CP Date: _____	# of Violations _____	Civil Penalty Amount _____
3 rd CP Date: _____	# of Violations _____	Civil Penalty Amount _____
4 th CP Date: _____	# of Violations _____	Civil Penalty Amount _____
5 th CP Date: _____	# of Violations _____	Civil Penalty Amount _____
6 th CP Date: _____	# of Violations _____	Civil Penalty Amount _____
7 th CP Date: _____	# of Violations _____	Civil Penalty Amount _____
8 th CP Date: _____	# of Violations _____	Civil Penalty Amount _____
9 th CP Date: _____	# of Violations _____	Civil Penalty Amount _____
11 th CP Date: _____	# of Violations _____	Civil Penalty Amount _____
12 th CP Date: _____	# of Violations _____	Civil Penalty Amount _____
13 th CP Date: _____	# of Violations _____	Civil Penalty Amount _____
14 th CP Date: _____	# of Violations _____	Civil Penalty Amount _____
15 th CP Date: _____	# of Violations _____	Civil Penalty Amount _____
16 th CP Date: _____	# of Violations _____	Civil Penalty Amount _____

Number of citations					
Number of violations at time of citation	1	2	3	4	5+
1—5	\$100.00	\$200.00	\$300.00	\$400.00	\$500.00
6—10	\$200.00	\$300.00	\$400.00	\$500.00	\$750.00
11—15	\$300.00	\$400.00	\$500.00	\$750.00	\$1,000.00
*19 Violations 16—20	\$400.00	\$500.00	\$750.00	\$1,000.00	\$1,500.00
21—30	\$500.00	\$750.00	\$1,000.00	\$1,000.00	\$2,000.00
31—40	\$600.00	\$850.00	\$1,250.00	\$1,750.00	\$2,250.00
41+	\$700.00	\$1,000.00	\$1,500.00	\$2,000.00	\$2,500.00

\$ 1000 instead of \$ 500.00

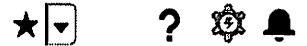
April 16th 2019

Mistake

431 W. Second St #13 Appeal ~~October 17th 2018~~

- 5/31/2018 An inspection of the unit #13 took place after a complaint from the tenant at that time. 19 Code violations were found and one emergency egress situation was discovered. Notice was sent of violation to the property owner Mr. Karam 6/19/2018.
- 6/13/2018 I met with Lexington Fire Captain Vicki Herald 6/13/2018 on premises to discuss the emergency egress situation. It was discovered that there is only one entrance and egress to unit #13 to an immediate corridor that is not the exterior and also contains an electric furnace. It was discovered that building inspection had approved the furnace in 2007 and due to this Captain Herald said it complied under the "previous permitted use structures."
- 8/23/2018 No communication from owner, a re-inspection was conducted and could not gain access to the unit. A citation for \$400.00 was issued for 19 violations that are assumed to still exist.
- 8/29/2018 An appeal of the \$400.00 citation was entered with no explanation.
- 9/26/2018 Notice of hearing was sent to owner for 10/17/2018.
- 10/16/2018 Re-inspection of the property for a hearing.
- 10/17/2018 Hearing of \$400.00 citation was upheld by Hearing officer Jane Graham.
- 11/25/2018 Mr. Karam informed us that the property was to be sold and an active buyer was ready to close on the property. I extend the inspection time 60 days.
- 1/16/2019 Administrative officer Koyoki King found the property was under contract to sell and I decided to allow one more extension of 60 days for the property to close.
- 3/19/2019 After no further details about the case, and was informed by phone with Mr. Karam that the sell had fallen through due to finance issues, I issued a citation of \$1000.00 on the property. I have not been back into Unit #13 in months and have not been informed of any repairs taking place.

All ▾ Q 431 w



Code Enforcement... (/lightning/n/Address_Search) ▾ (/lightning/r/Account/0011M00002Bs0axQAB/view)

431 W SECOND... 224779 (... ▾ x) Violation... ▾ x

Cases > 224779

Violation

New

19 items · Updated a few seconds ago



	VIOLATION NUMBER ▾	STATUS	VIOLATION TYPE ▾	CREATED DATE
1	CV-05720 (/lightning/r/a...	Open	Bth113 - Tub Hardware (/light...	8/30/2018 1:10 PM
2	CV-05721 (/lightning/r/a...	Open	Bth114 - Tub Surround (/lightn...	8/30/2018 1:10 PM
3	CV-05722 (/lightning/r/a...	Open	Egn101 - Elec Equip Fix (/light...	8/30/2018 1:10 PM
4	CV-05723 (/lightning/r/a...	Open	Egn107 - Elec Sys Repair (/ligh...	8/30/2018 1:10 PM
5	CV-05724 (/lightning/r/a...	Open	Egn108 - Fix Secure (/lightning...	8/30/2018 1:10 PM
6	CV-05725 (/lightning/r/a...	Open	Egn109 - Covers Replace (/ligh...	8/30/2018 1:10 PM
7	CV-05726 (/lightning/r/a...	Open	Egn111 - Fix Covers (/lightning...	8/30/2018 1:10 PM
8	CV-05727 (/lightning/r/a...	Open	Egn114 - 2 Outlets Req (/light...	8/30/2018 1:10 PM
9	CV-05728 (/lightning/r/a...	Open	Egn115 - GFCI 6' Water (/light...	8/30/2018 1:10 PM
10	CV-05729 (/lightning/r/a...	Open	Egn116 - 2 Outlets Kit (/lightni...	8/30/2018 1:10 PM
11	CV-05730 (/lightning/r/a...	Open	Esv102 - Min 60 Amp (/lightni...	8/30/2018 1:10 PM
12	CV-05731 (/lightning/r/a...	Open	Flr104 - Floor Covering (/lightn...	8/30/2018 1:10 PM
13	CV-05732 (/lightning/r/a...	Open	Kit105 - Kit Sink Repair (/lightn...	8/30/2018 1:10 PM
14	CV-05733 (/lightning/r/a...	Open	Pro105 - Electrician Req (/light...	8/30/2018 1:10 PM
15	CV-05734 (/lightning/r/a...	Open	Wal101 - Drywall Repair (/light...	8/30/2018 1:10 PM
16	CV-05735 (/lightning/r/a...	Open	Wal104 - Drywall Paint (/lightn...	8/30/2018 1:10 PM
17	CV-05736 (/lightning/r/a...	Open	Win101 - Wndw Glass (/lightni...	8/30/2018 1:10 PM
18	CV-05737 (/lightning/r/a...	Open	Win102 - Wndw Openable (/li...	8/30/2018 1:10 PM
19	CV-05738 (/lightning/r/a...	Open	Win110 - Wndw Int Caulk (/lig...	8/30/2018 1:10 PM