

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: 250104

Address: 431 W. SECOND ST. #9

Owner: EDMOND A. KARAM

Present / Not Present

Person Representing Property Owner: _____

Edmond Karam/Abe

Legal Standing: Owner

Issuance Date of Civil Penalty: 02/14/2019

Case Officer: THAD SCOTT

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: 9 violations

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Address: 431 W. SECOND ST. #9

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 7/31/19 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 200. 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: February 14, 2019, at 3:41 PM
Compliance Due Date: March 16, 2019
Case Number: 250104

RE: 431 W SECOND ST, 9, aka 431 W SECOND ST, Lexington, KY 40507

On **October 30, 2018 at 4:00 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 14, 2019 at 3:41 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 **7 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.

Inspection Comments:



MAYOR LINDA GORTON



LEXINGTON

ALEX "CASH" OLSZOWY
DIRECTOR
CODE ENFORCEMENT



Thad Scott

Thad Scott
Code Enforcement Supervisor

Phone
(859) 576-3852

E-Mail Address
tscott@lexingtonky.gov



**DIVISION OF CODE ENFORCEMENT****Notice of Violation (Housing)****30 Day Repair Notice**

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

Date & Time of Issuance: October 30, 2018,
at 4:00 PM

Compliance Due Date: November 30, 2018

Case Number: 250104

RE: 431 W SECOND ST, 9, aka 431 W SECOND ST, Lexington, KY 40507

On **October 30, 2018 at 4:00 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/repaired 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.

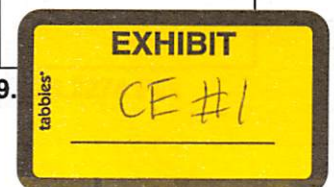
This non-appealable notice and the attached/enclosed documents serve as formal notification of the inspection and the presence of the aforementioned violations. This notice also serves as an order to correct/abate the violations and also provides you with information/guidelines to assist you in correcting 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	THE BATHTUB/SHOWER/TUB SURROUND IS IMPROPERLY INSTALLED, CRACKED, UNSANITARY, OR OTHERWISE DETERIORATED AND MUST BE REPLACED.	Bth114 - Tub Surround	PM 305.1, 305.3
2	THE TOILET IS LOOSE AND/OR LEAKING. REPLACE THE WAX RING TO PROVIDE A SECURE, WATERTIGHT ATTACHMENT TO THE FLOOR. REPAIR OR REPLACE ALL ADJACENT SUBFLOORING AND FRAMING DAMAGED BY WATER. STRUCTURAL REPAIRS MUST BE PERFORMED UNDER A PERMIT FROM THE DIVISI	Bth116 - Toilet Loose	PM 305.1, 305.1.1, 306.1.1, 504.1
3	REPAIR OR REPLACE DOOR KNOBS, LOCKS, AND OTHER HARDWARE WHERE BROKEN, DAMAGED, OR MISSING. MEANS OF EGRESS DOORS SHALL BE READILY OPENABLE FROM THE SIDE FROM WHICH EGRESS IS TO BE MADE WITHOUT THE NEED FOR KEYS, SPECIAL KNOWLEDGE OR EFFORT.	Drs106 - Door Hardware	PM 304.15, 304.18, 305.6
4	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

101 East Vine St., Suite 500, Lexington, KY 40507 / 859.425.2255 Phone / 859.
Code_Enforcement@Lexingtonky.gov



5	REPAIR ALL PLASTER OR DRYWALL SURROUNDING PLUMBING AND ELECTRICAL FIXTURE INSTALLATIONS OR ANY SIMILAR FEATURES, SO THAT ALL AREAS ARE TIGHTLY SEALED AND FREE OF HOLES, BREAKS, OR GAPS.	Wal102 - Fix Surround	PM 305.1, 305.3
6	REMOVE ALL PLASTER OR DRYWALL THAT IS WET AND/OR MOLDY.	Wal103 - Drywall Moldy	PM 305.1, 305.3
7	PREPARE AND PAINT ALL PLASTER OR DRYWALL OR TRIM, WHERE PEELING, UNSANITARY, UNPAINTED, HAS SURFACE MILDEW, OR OTHERWISE IN NEED OF FINISH COATING.	Wal104 - Drywall Paint	PM 305.1, 305.3
8	MAINTAIN ALL WINDOWS IN AN OPENABLE WEATHERTIGHT CONDITION, CAPABLE OF BEING LOCKED AND SECURED. REPAIR OR REPLACE DAMAGED, MISSING OR OTHERWISE INOPERABLE WINDOW LOCKS AND ASSOCIATED WINDOW HARDWARE.	Win102 - Wndw Openable	Pm 304.13, 304.13.2, 304.18
9	REPAIR OR REPLACE ALL LOOSE, BROKEN, OR MISSING LIGHT FIXTURE COVERS.	Egn111 - Fix Covers	PM 601.2, 604.3, 605.1

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.



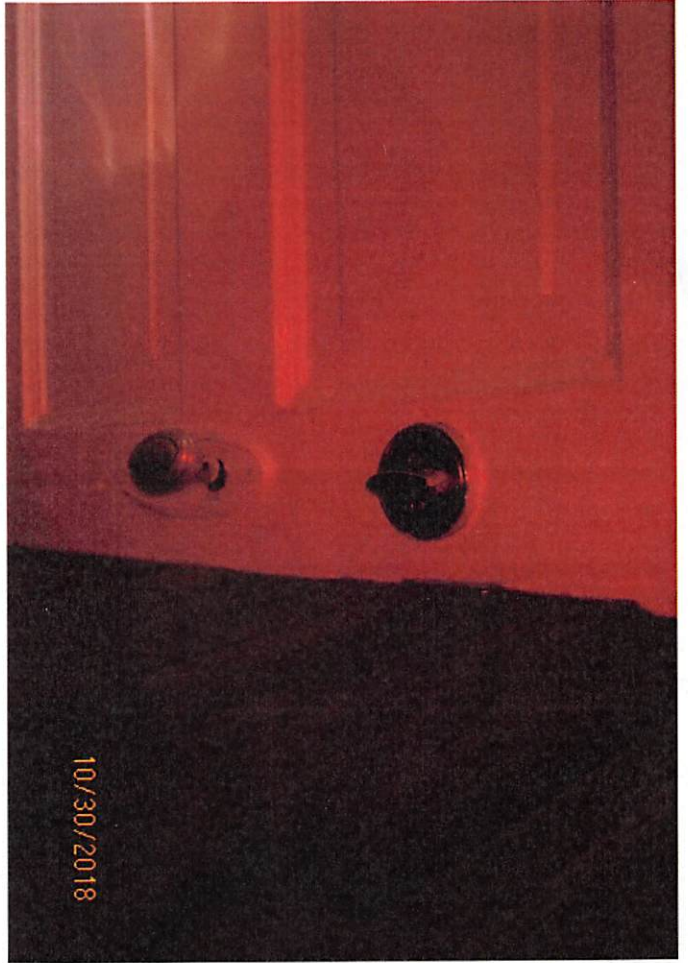
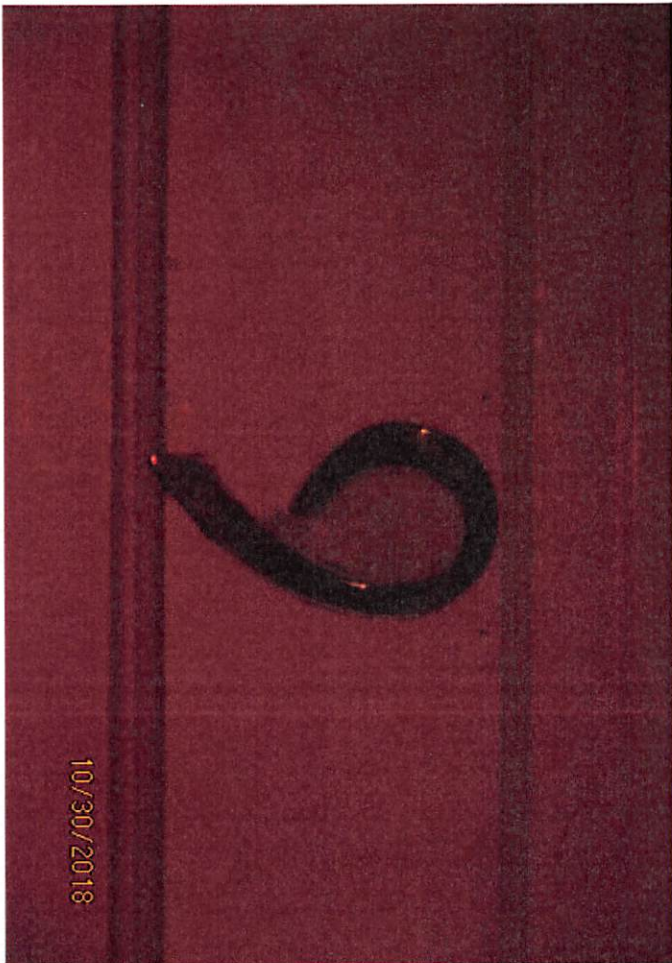
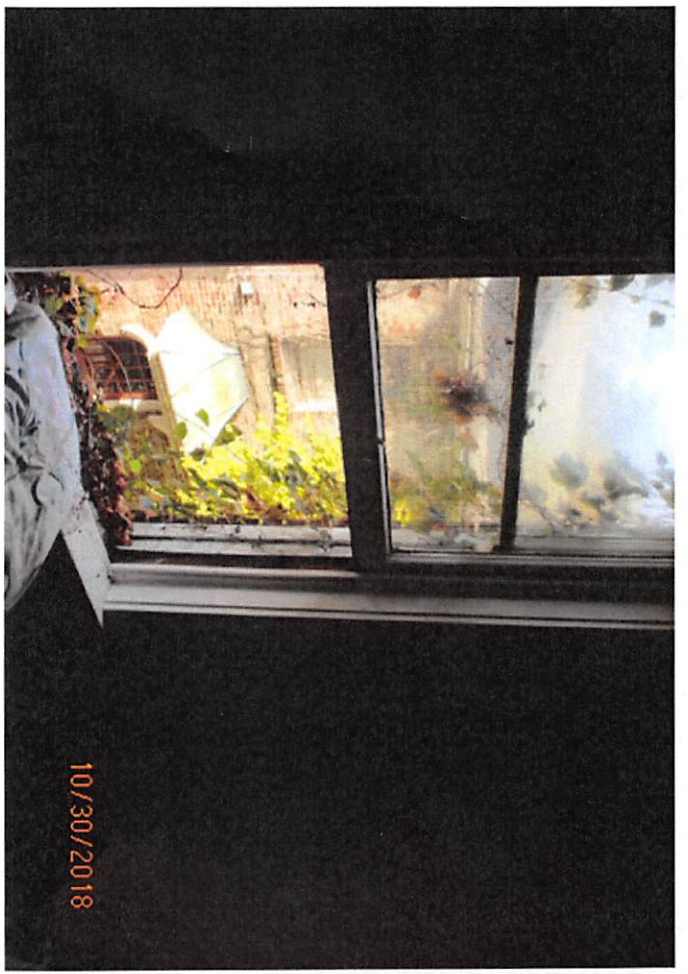
Amela Susic
Code Enforcement Officer

Phone
(859) 258-3877

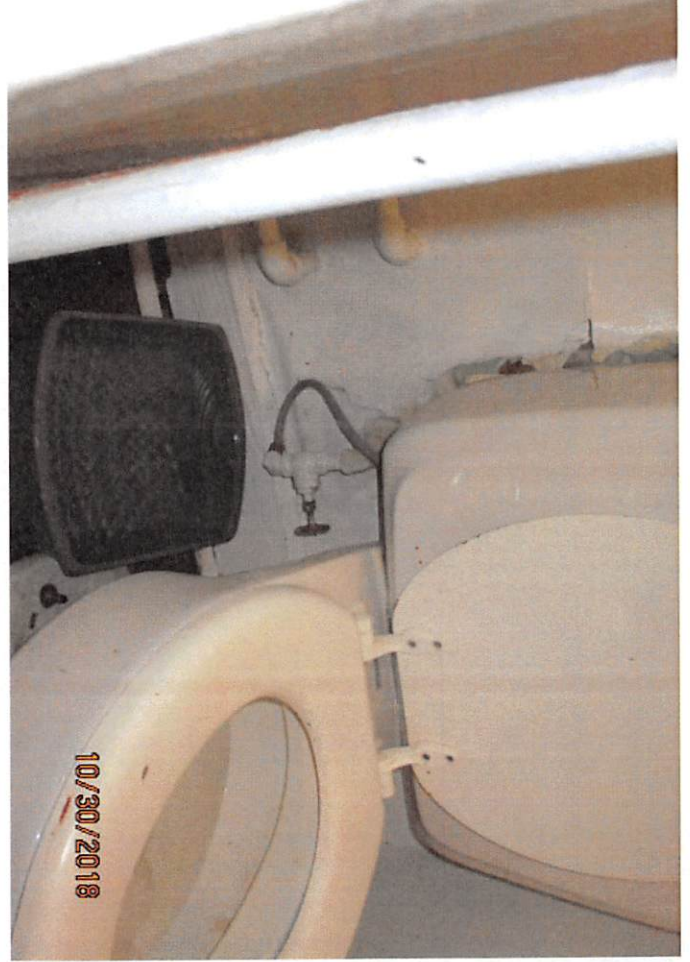
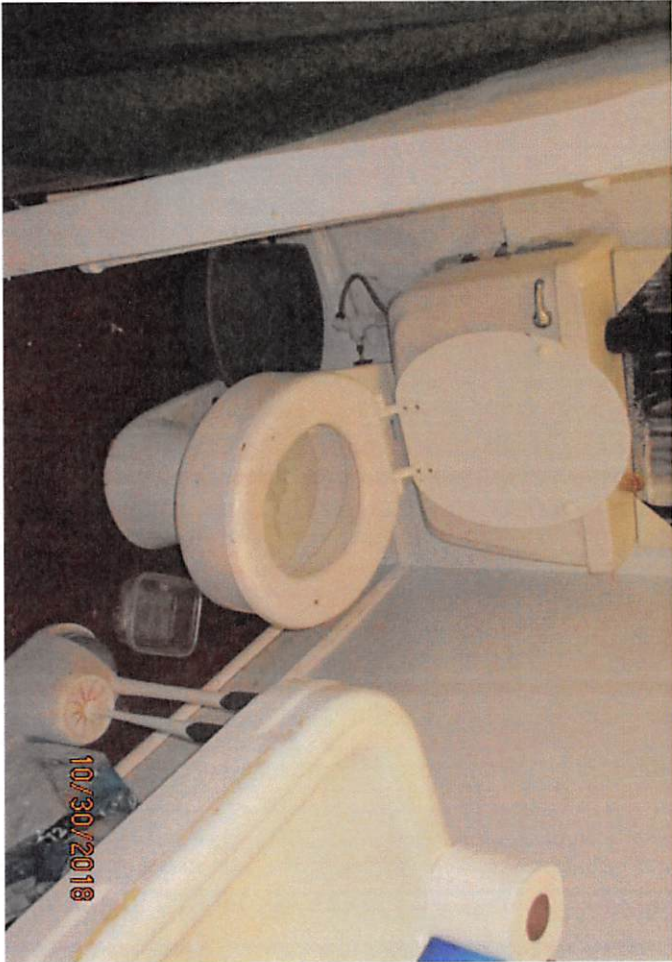
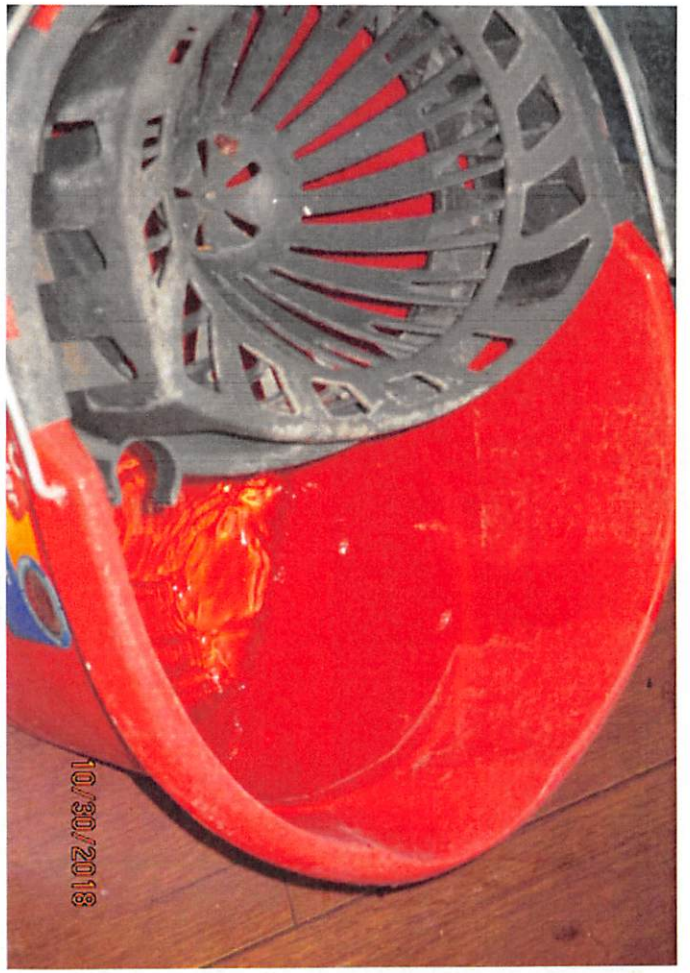
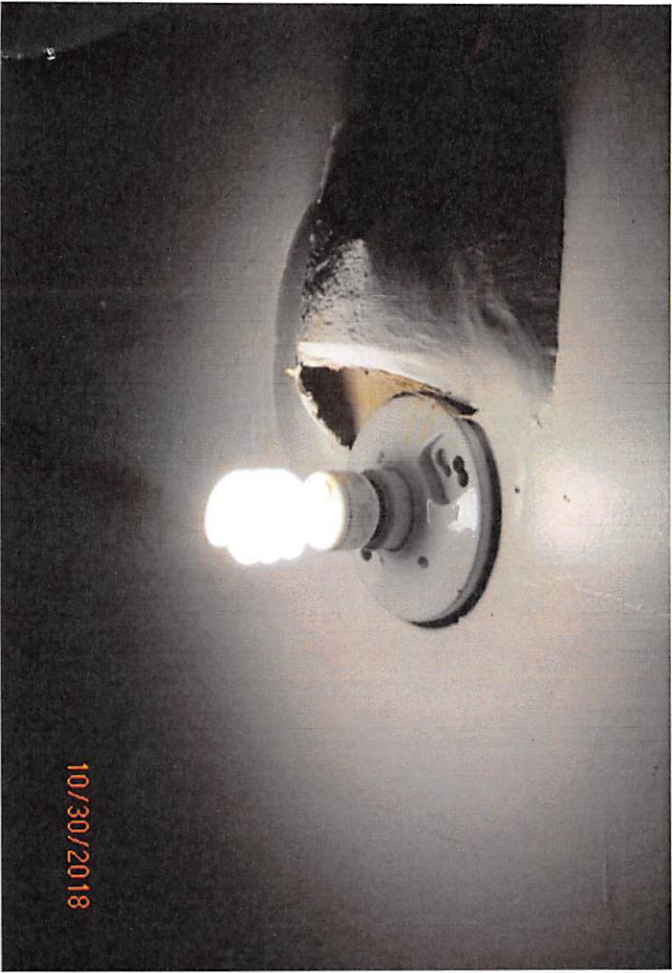
E-Mail Address
asusic@lexingtonky.gov

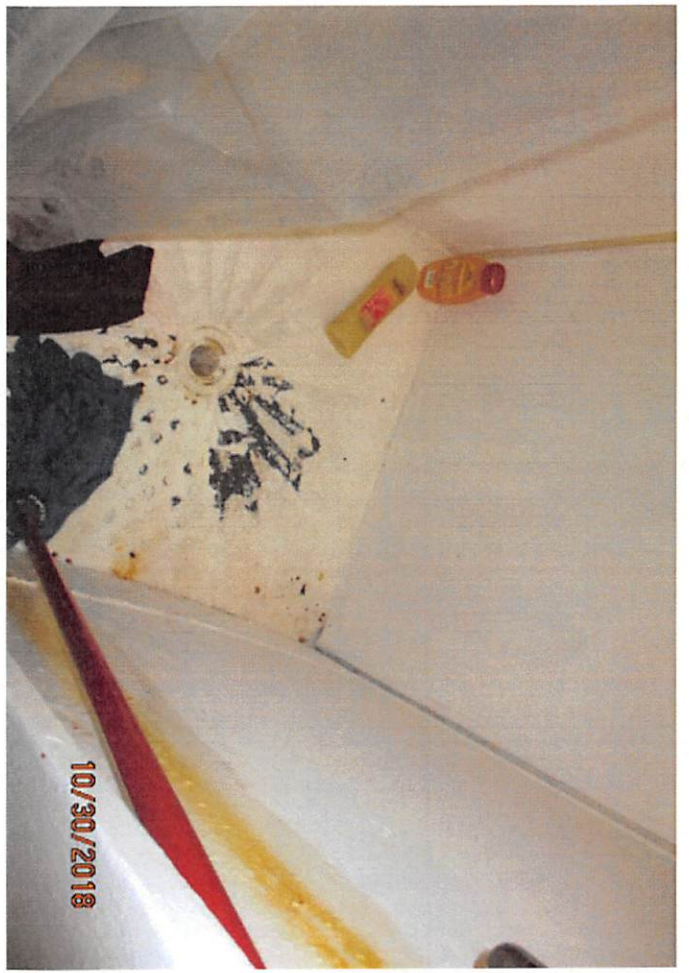
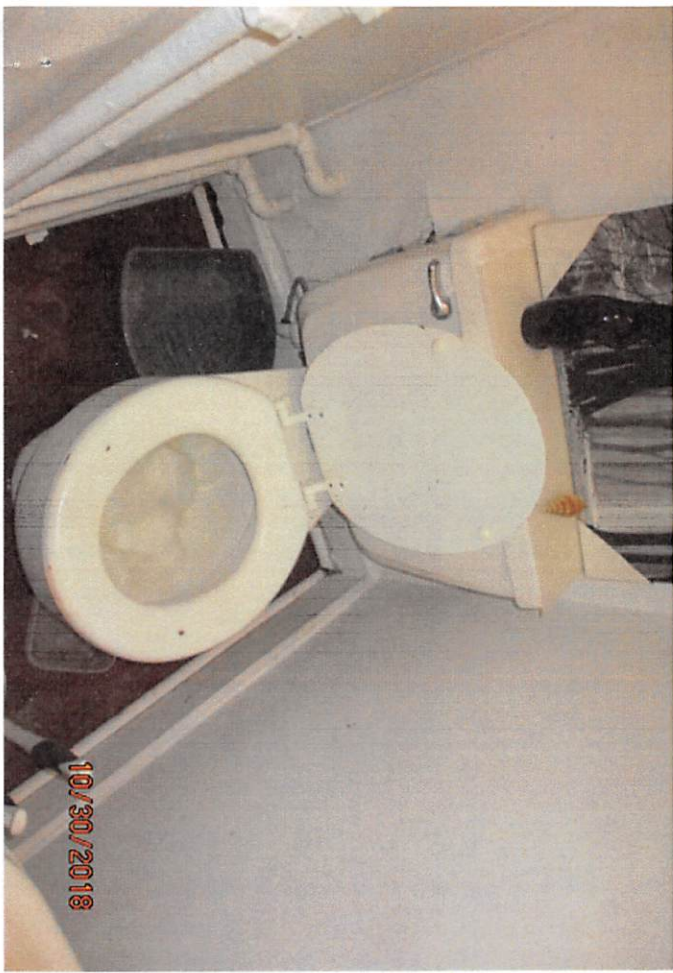
Notice of Violation (Housing)
Guidelines and Assistance Information

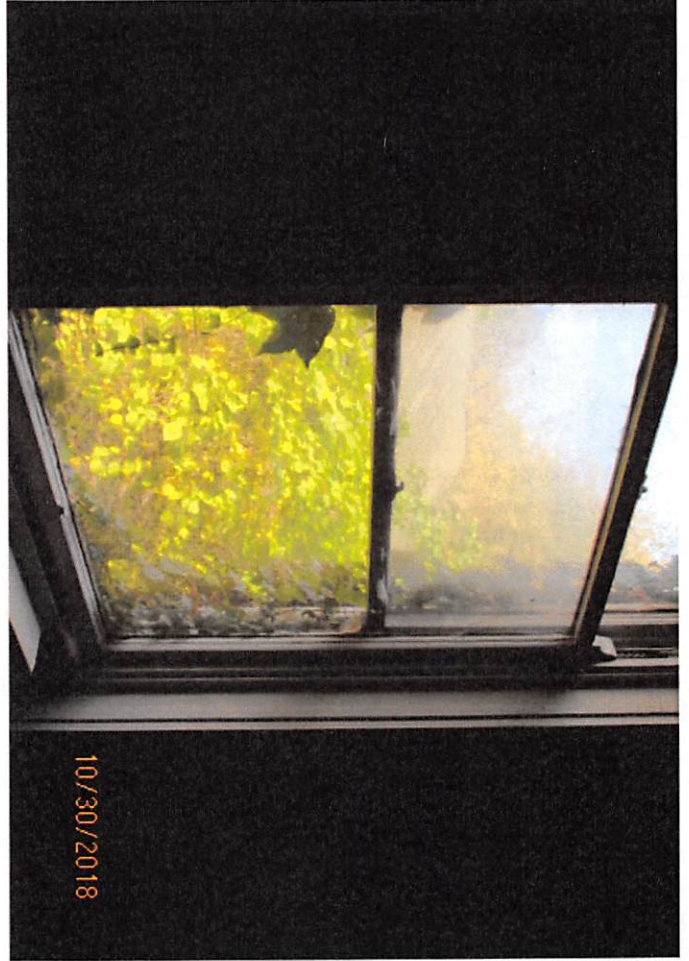
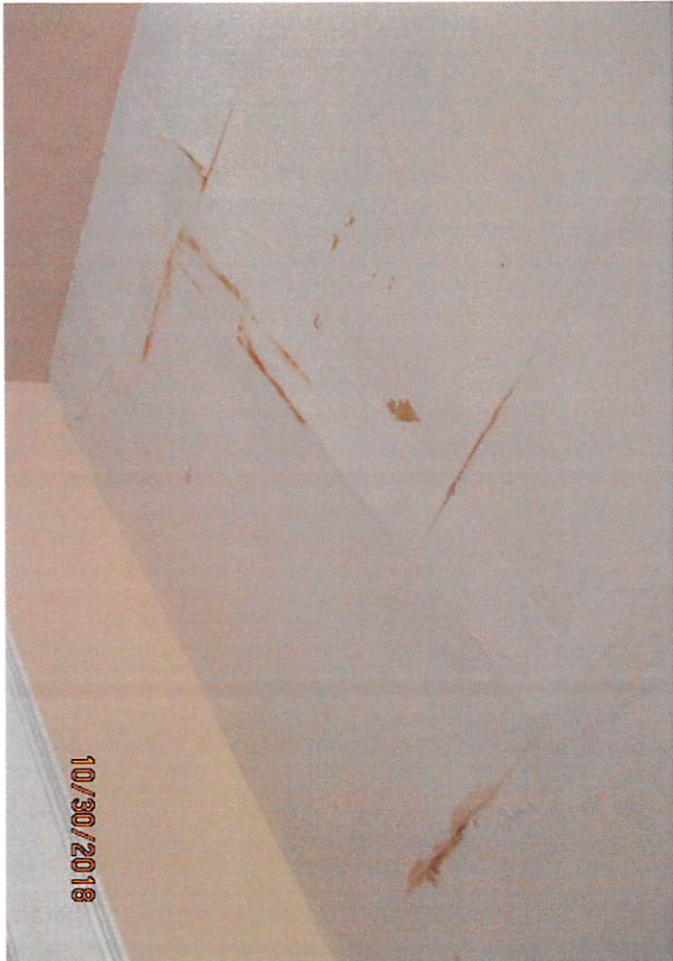
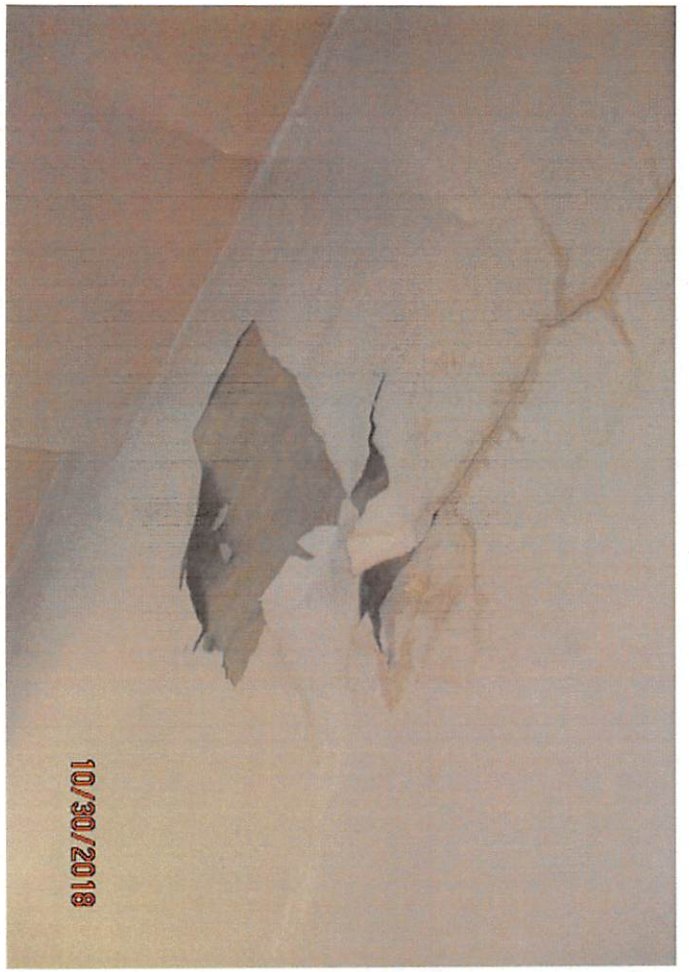
1. You may qualify for financial assistance. If you feel you need assistance in complying with this Notice of Violation, please contact your Code Enforcement Officer or visit the LFUCG website for information on assistance programs. You may also contact the Division of Grants and Special Programs at (859) 258-3070 to see if you qualify for the Community Wide Housing Rehabilitation Program.
2. You may be granted an extension of time upon the SUBMITTAL and APPROVAL of a compliance schedule. The schedule outlines what work needs to be done and a reasonable time frame related to the completion for each stage of the repairs. The schedule must be submitted for review before the 30 days expires. All repairs made to the property must be done in a professional manner consistent with industry standards and with materials designed and approved for such repairs. Failure to follow these guidelines may result in the repairs not being approved and still being considered in violation of ordinance. (Your Code Enforcement Officer can provide you a blank compliance schedule upon request.)
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. 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.
5. 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.
6. All vacant structures must be kept properly secured against unauthorized entry at all times. Securing a structure 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. Failure to maintain the structure secured against unauthorized entry may result in this office taking actions to secure the property and all cost related to this action being invoiced to the owner.
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.)



October 30, 2018









DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

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

Date & Time of Issuance: February 14, 2019, at 3:41 PM
Compliance Due Date: March 16, 2019
Case Number: 250104

RE: 431 W SECOND ST, 9, aka 431 W SECOND ST, Lexington, KY 40507

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On **February 14, 2019 at 3:41 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 **7** 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.

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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:





Thad Scott

Thad Scott

Code Enforcement Supervisor

Phone

(859) 576-3852

E-Mail Address

tscott@lexingtonky.gov



February 14, 2019

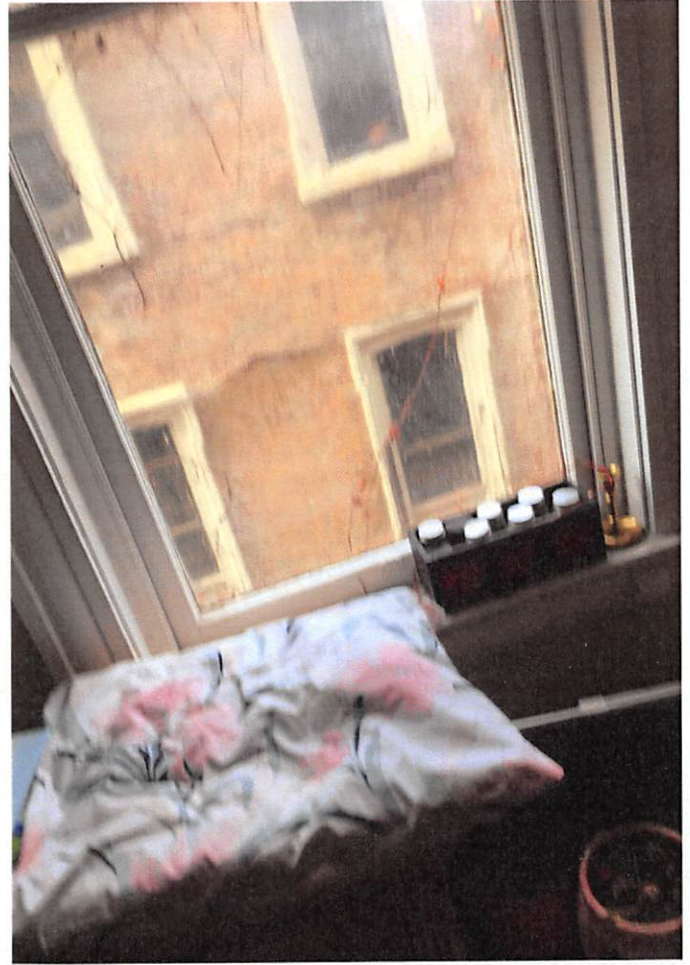
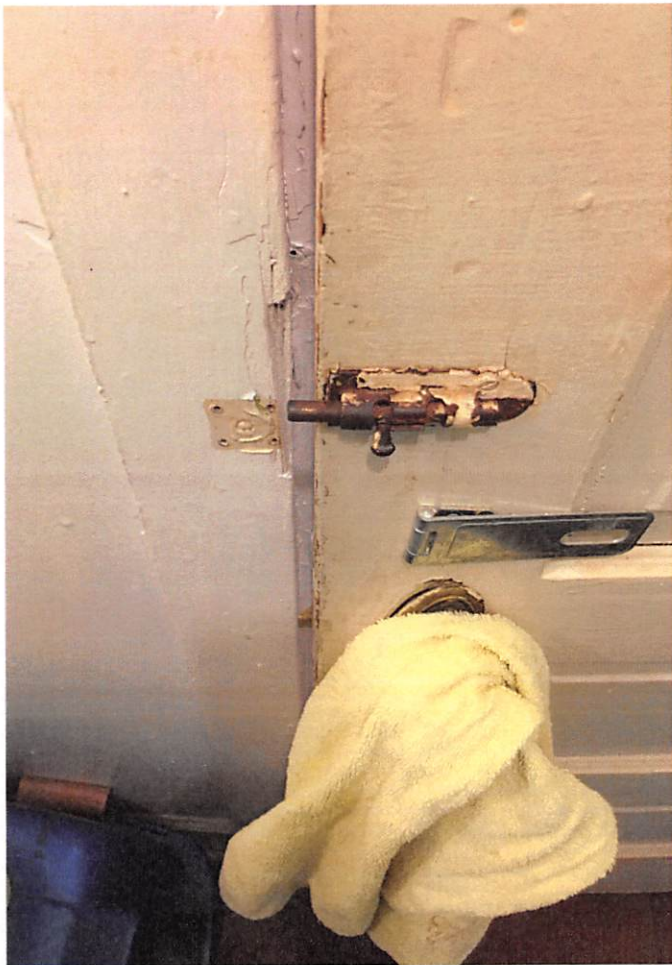
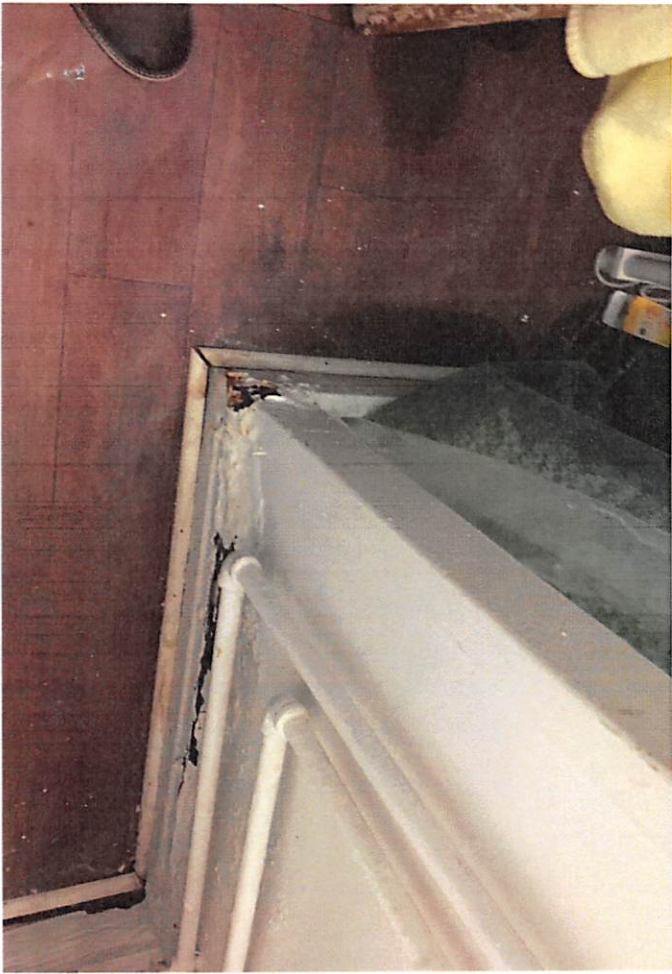
30 Day Repair Notice

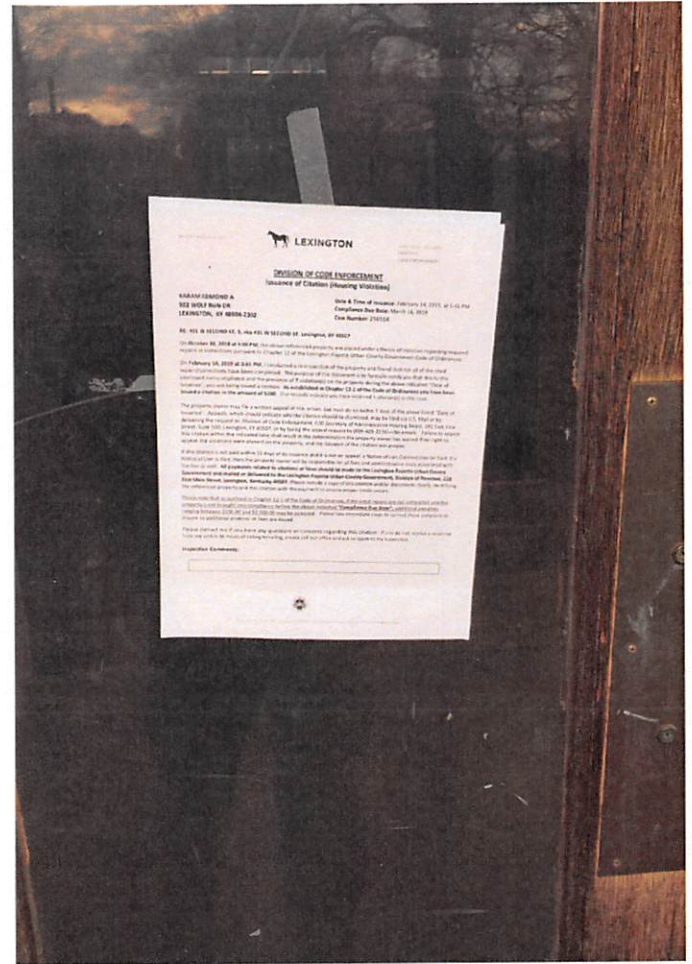
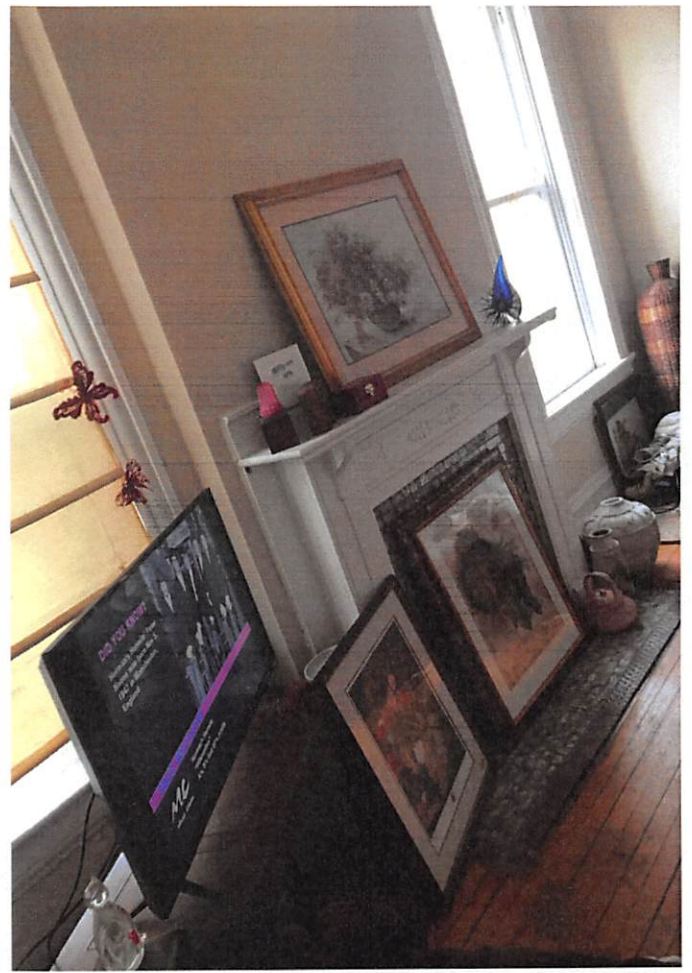
KARAM EDMOND A
922 WOLF RUN DR
LEXINGTON, KY 40504-2302

Date
at 4:00
Comp
Case #

RE: 431 W SECOND ST, 9, aka 431 W SECOND ST, Lexington, KY 405
On October 30, 2018 at 4:00 PM I conducted an inspection of the ab
12 of the Lexington-Fayette Urban County Government Code of
Maintenance Code. At which time I documented violation(s) tha
maintain accepted levels of health, safety and/or minimum mainten
during the above indicated inspection are located on the attached/enc
This non-appealable notice and the attached/enclosed documents ser







431 W Second St # 9

Case # 250104

Oct-~~30~~³⁰ 2018

Officer Amela Susic and myself responded to a tenant complaint that consisted of interior issues with her apartment. We observed several violations and issued a 30 day repair notice for 9 violations:

Loose toilet, wet drywall and painting needed, issues with the windows and light fixtures, etc.

Nov-19-2019

We performed a re-inspection and found that a few items had been repaired:

Water leak in the above unit was fixed, the toilet was tightened.

We allowed for more time to have the remaining items completed due to the owner's attempt to resolve the main issues with the bathroom ceiling.

Dec-17-2018

I performed another re-inspection and the maintenance worker was onsite making repairs to the unit and replacing the smoke detector. I granted additional time.

Feb-14-2019

I re-inspected the apartment and the remaining work had not been completed. The tenant stated that she had been given a notice of eviction and she was going to move or go to court. I spoke with the owner and he informed me of his intention to sell the property. He stated that he would fix the problems after the tenant was evicted. I informed him that I had no other choice but to issue him a Citation for \$200.00 for non-compliance. He also informed me that he had a contract in the works for the sale of the property.

The owner appealed the same day.

Apr-15, 2019

Performed a pre-hearing re-inspection and was not able to gain entry to the apartment.

