

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

Date of Hearing: 05/14/2019 Hearing Officer: JOSEPH BUCKLES
Case number: 287093 Address: 3446 WALLINGFORD CT.
Owner: BYERS & BYERS C/O ARTHUR BYERS EXE. Present /Not Present

Person Representing Property Owner: Stephanie Brock, guardian
of Arthur Byers. Exhibit A Legal Standing: owner

Issuance Date of Civil Penalty: 03/05/2019 Case Officer: GERRY HAMILTON

- Housing with \$ _____ Civil Penalty Amount
- Nuisance with \$ 250.00 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: trash and debris.

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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.**



5/14/2019

Supplementary Page

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Supplementary Notes (If Needed)

Hearing Officer's Signature _____ Date _____



DIVISION OF CODE ENFORCEMENT

Issuance of Citation

**BYERS & BYERS; C/O ARTHUR BYERS EXE
3446 WALLINGFORD CT
LEXINGTON, KY 40503-4332**

**Date & Time of Issuance: March 5, 2019, at 9:28 AM
Compliance Due Date: March 19, 2019
Case Number: 287093**

RE: 3446 WALLINGFORD CT, Lexington, KY 40503

Issuance of Citation: Due to continued non-compliance, a citation in the amount of \$250 has been assessed pursuant to chapter 12 of the code of Ordinances. Please review the second page of this document to obtain details regarding the payment or appeal of this citation.

An inspection was made of the above-referenced property on March 5, 2019 at 9:28 AM, and, pursuant to Chapter 12-2 of the Lexington-Fayette Urban County Government Code of Ordinances the below indicated nuisance violation was located that must to be corrected/abated before the listed "Compliance Due Date".

	Violation	Code	References
1	Rubbish, Garbage, Debris, Ashes, Trash or Waste	Nuisance 001 Trash/Debris	
2	Junked, Wrecked, Non-Licensed, Improperly licensed or Inoperative Vehicle(s) or Machines(s)	Nuisance 004 Junked/Inoperable Vehicle	

Inspection Comments:

There is still trash and debris on the property and the truck is still in violation.

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

Gerry Hamilton
Nuisance Control Officer

Phone
(859) 576-3845

E-Mail Address
ghamilto@lexingtonky.gov





How to Pay a Citation

All payments related to citations, civil penalties 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. The Division of Code Enforcement cannot accept payment for any citations, liens or abatement costs.

Continued non-compliance after the above indicated "Compliance Due Date" may result in additional citations being issued until compliance is gained. If the property owner does not bring the property into compliance the violations may be abated/corrected by governmental operations and all abatement costs and related administrative fees will be invoiced to the property owner.

How to Appeal a Citation

A notice of Nuisance Violation is not appealable.

If a citation has been issued, the property owner may file a written appeal of this citation. The property owner must do so within 7 days of the listed "Issuance Date". 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 will be accepted. 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 a citation, which is not on appeal, and/or invoice abatement costs are not paid within 14 days following its issuance, a Notice of Lien Claimed may be recorded in the Office of the Fayette County Clerk against the property.





**ORDER FOR EMERGENCY
APPOINTMENT OF FIDUCIARY**

Case No. 19-H-00247-001

Court District

County **Fayette**

Division **MENTAL HEALTH**

COMMONWEALTH OF KENTUCKY ex rel

STEPHANIE BROCK

VS.

ARTHUR EUGENE BYERS

ENTERED
ATTEST, VINCENT RIGGS, CLERK
APR 29 2019
FAYETTE CIRCUIT CLERK
BY *[Signature]* DEPUTY

PETITIONER

RESPONDENT

Upon motion of the Petitioner, the Court being sufficiently advised finds as follows:

1. A proceeding for a determination of partial disability or disability, or an appeal therefrom, is pending.
2. If immediate action is not taken, there is an imminent danger of (a) serious impairment to the health or safety of the above-named Respondent or (b) damage or dissipation to the Respondent's property. Specifically, said danger consists of:

3. The above finding of danger is based on the following source(s):

4. The above finding of danger requires the provision to Respondent of the following assistance:

Based on the above findings, **IT IS HEREBY ORDERED:**

1. That the following individual agency is appointed **Emergency Limited** Guardian (for the purpose of managing Respondent's personal affairs) Conservator (for the purpose of managing Respondent's financial resources):

Name: STEPHANIE BROCK

Address: 3410 SPANGLER DRIVE # 13
LEXINGTON, KENTUCKY 40517

Phone: (859) 351-0160

2. That bond is fixed at the sum of \$ 55,000.00 surety waived
3. That the emergency fiduciary shall perform all orders and decrees of this Court, including:
 - a. The filing of reports and/or inventories as required by KRS Chapter 387.
 - b. The filing of a report of the personal status and condition of the Respondent and the initial inventory of the Respondent's assets within _____ days of this appointment.



c. Other:

4. That the emergency fiduciary's powers and duties are **LIMITED** to: disposing of property, executing instruments, entering into contractual relationships, determining living arrangements, consenting to medical procedures, handling financial responsibilities, and other:

5. That unless otherwise ordered by this Court, this order remains in effect until such time as the pending action or appeal therefrom has been resolved.

6. That a final hearing is scheduled for 9:30 a.m. p.m., MAY 23, 2019.

April 29, 2019
Date

Julie Muth Goodman
Judge's Signature

Julie Muth Goodman
Judge's Name (Print or Type)

To Be Completed On Copies Only:

I, Vincent Right, Clerk of the Fayette

District Court, do hereby certify that this is a true and correct copy of the Order for Emergency Appointment of Fiduciary as recorded in my office. This Order and Qualification is in full force and effect.

APR 29 2019
Date

Vincent Right, Circuit Clerk

By: Dina L Dixon, D.C.

- Copy Distribution:
- Petitioner/Attorney
 - County Attorney
 - Respondent/Attorney
 - All persons named in Petition
 - Facility where or person with whom respondent resides