

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

Date of Hearing: 05/31/2023 Hearing Officer: JIM WOMACK  
Case number: 949852 Address: 1400 HIGBEE MILL RD.  
Owner: CENTRAL KY MULCH LLC Present  ~~Not Present~~  
Person Representing Property Owner: Joji Cheak  
Legal Standing: POA

Issuance Date of Notice: 04/03/2023 Case Officer: MATTHEW PROBUS

- Housing with \$ 125.00 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: Per citation

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Case number: 949852

Address: 1400 HIGBEE MILL RD.

**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 Oct. 31, 2023 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 125.00. 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 Statue 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.**

James B. Womack  
Hearing Officer's Signature

5/31/23  
Date



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

**CENTRAL KY MULCH LLC  
1499 MAPLE ST  
STANTON, KY 40380**

**Date & Time of Issuance:** April 3, 2023, at 8:48 AM  
**Compliance Due Date:** May 3, 2023  
**Case Number:** 949852

**RE: 1400 HIGBEE MILL RD, Lexington, KY 40503**

On **January 13, 2023 at 10:22 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 **April 3, 2023 at 8:48 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 \$125. This amount includes a \$25.00 Administrative fee.** 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:**

No visible progress, and Compliance Schedule form (extension form) that was emailed was never returned.





A handwritten signature in black ink that reads "Matthew Probus".

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**Matthew Probus**  
Code Enforcement Officer

**Phone**  
(859) 351-4497

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



## Limited Power of Attorney

BE IT ACKNOWLEDGED that I, Glenn Salyer with a mailing address of 1499 Maple Street, Stanton, Kentucky, 40380, the "Principal", do hereby grant a limited and specific power of attorney to Lori Cheak of 4373 Todds Road, Lexington, Kentucky, 40509 as my "Attorney-in-Fact".

Said Attorney-in-Fact shall have full power and authority to undertake and perform only the following acts on my behalf:

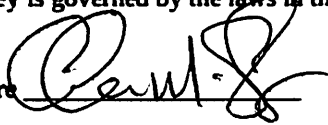
To represent Glenn Salyer at 101 East Vine Street, Lexington, KY for the Administrative Hearing Board, Case Number 949852 regarding the requested Appeal for 1400 Higbee Mill Road, Lexington, KY.

The authority herein shall include such incidental acts as are reasonably required to carry out and perform the specific authorities granted herein. My Attorney-in-Fact agrees to accept this appointment subject to its terms, and agrees to act and perform in said fiduciary capacity consistent with my best interest, as my Attorney-in-Fact in its discretion deems advisable.

The Attorney-in-Fact shall be able to have the authority herein beginning May 31 2023 and end when the act has been completed. Immediately afterwards this form shall become void. In addition, this power of attorney shall immediately be voided upon a revocation form being authorized by the Principal.

This power of attorney is governed by the laws in the State of Kentucky.

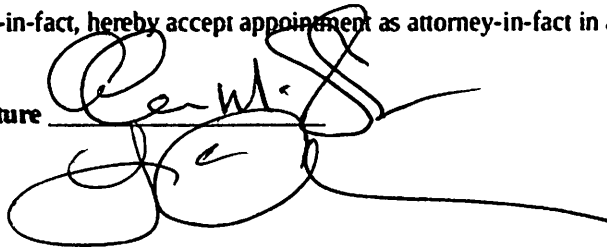
Principal's Signature  
Glenn Salyer



### ACCEPTANCE OF APPOINTMENT

I, Lori Cheak, the attorney-in-fact, hereby accept appointment as attorney-in-fact in accordance with the foregoing instrument.

Attorney-in-Fact's Signature  
Lori Cheak



# ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF Kentucky

COUNTY OF Powell

On this 17 day of May, 2023, before me, Beatha Lynn Mullins appeared Glenn Salyer, as Principal of this Power of Attorney who proved to me through government-issued photo identification to be the above-named person, in my presence executed foregoing instrument and acknowledged that he executed the same as his free act and deed.

Beatha Mullins

Notary Public's Signature

Beatha Mullins KYNP70418

Notary Public Print Name

My Commission Expires: 4/10/27

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