

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

Date of Hearing: 10/31/2023

Hearing Officer: BETHANY BAXTER

Case number: 1038948

Address: 1582 KILKENNY DR.

Owner: MATTHEWS PROPERTIES LLC

Present /Not Present

Person Representing Property Owner: POA from Charles Matthews,
member Matthews Properties, LLC Legal Standing: POA
present = Jonathan Valentin

Issuance Date of Notice: 09/06/2023

Case Officer: JODY WHITAKER

Housing with \$ 225.00 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: _____

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

Date of Hearing: 10/31/2023

Hearing Officer: BETHANY BAXTER

Case number: 1038948

Address: 1582 KILKENNY DR.

Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes: _____

Civil Penalty Assessed

1) Appellant is assessed a civil penalty of \$ 150⁰⁰. 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; and

Civil Penalty held in abeyance

2) Appellant is granted until 11/30/2023 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 75⁰⁰. 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: Give remaining violations, specifically the window and roof as discussed

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

10/31/23

Date

**DIVISION OF CODE ENFORCEMENT**
Issuance of Citation (Housing Violation)**MATTHEWS PROPERTIES LLC
2001 HUME RD
LEXINGTON, KY 40516****Date & Time of Issuance: September 6, 2023, at 12:06 PM
Compliance Due Date: October 6, 2023
Case Number: 1038948****RE: 1582 KILKENNY DR, aka 1580 KILKENNY DR, Lexington, KY 40505**

On **August 3, 2023 at 11:42 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 **September 6, 2023 at 12:06 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 **9** 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 \$225. 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 response from the owner for an interior inspection





A handwritten signature in blue ink that reads "Jody Whitaker".

Jody Whitaker

Code Enforcement Officer

Phone

(859) 576-3849

E-Mail Address

jwhitaker@lexingtonky.gov



LIMITED POWER OF ATTORNEY

That I, CHARLES MATTHEWS, do hereby make, constitute and appoint Jonathan Valentin and any other designate employee of LEXINGTON RENTAL HOMES of KY INC, 505 Wellington Way, Ste. 175-B, Lexington, Kentucky 40503, as my true and lawful Attorney - in - Fact, to act in my place and stead to file forcible detainer and small claims actions, Code enforcement appeal hearings and attend district and circuit court proceedings represent my interests in these matters, and to proceed with all collections activity including filing lawsuits and attending related court and other proceedings relating to the real property known as 1582 KILKENNY DRIVE, Lexington, Fayette County, Kentucky ("the Real Property"). Any of the persons designated herein may act alone as my Attorney-in-Fact.

Said Attorney-in-Fact is authorized on my behalf to execute all necessary documents in my name and execute any and all other documents pertaining to any forcible detainer matters, evictions and collections actions involving my Real Property.

My said Attorney-in-Fact is authorized to do any and all things pertaining to the matters and actions described above involving the Real Property and the management of it the same as I might do if I was personally present and acting.

The Power of Attorney shall not be affected by my subsequent disability or incapacity, or lapse of time, and it shall remain in full force and effect in all events.

WITNESS our hands this 18TH day of October, 2023

[Signature]

STATE OF KENTUCKY

COUNTY OF FAYETTE

The foregoing Limited Power of Attorney was subscribed, sworn to, and acknowledged before me by Charles Matthews this 18th day of Oct, 2023.

My commission expires: 01/23/2027



[Signature]
NOTARY PUBLIC
KENTUCKY, STATE AT LARGE