

**MINUTES OF THE MARCH 9TH, 2016
CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING**

The following are the minutes of the Special Magistrate Hearing held on March 9th, 2016 as taken by Jamie Davis

Present at the hearing:

SPECIAL MAGISTRATE

Charles D. Johnson

CODE ENFORCEMENT STAFF:

Dennis Bunt, Code Enforcement Supervisor
Lisa Grider, Code Enforcement Officer
Stan Wilson, Code Enforcement Officer
Mark Shepherd, Code Enforcement Officer
Ron Collodi, Code Enforcement Manager
Jamie Davis, Public Hearing Coordinator

BUILDING SERVICES STAFF:

Glen Guzman, Licensing Investigator
Joann Sala, Licensing Investigator
Candace Green, Public Hearing Coordinator

STAFF ATTORNEY:

Diana Johnson, Assistant County Attorney

Charles D. Johnson called the meeting of the Special Magistrate to order at 1:00 p.m.

Staff was sworn in by Charles Johnson.

Code Enforcement:

ITEM 1

Anthony & Ruth Brant, SM-2015-09-0226

Respondents were not present.

Diana Johnson stated this case is charging the owners with violation of Section 14-56 "Declaration of Nuisance and Prohibited Conditions", Section 23-98 "Junk", Section 23-99 "Accumulation of Solid Waste Prohibited" and Section 3.06.03 "Permitted Parking". Staff recommended the Special Magistrate find the Respondents in violation of these sections and grant 14 days to comply or a fine of \$100.00 per day to begin on the 15th day if not in compliance.

File was entered into evidence.

Officer Lisa Grider testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation.

ITEM 2

Daniel T. Gooden, Linda A. Gooden, Cathy Leonardo, Michael C. Leonardo, Vincenza Leonardo, SM-2014-04-0181

Respondent, Linda A. Gooden, was present and sworn.

Diana Johnson stated this case is charging the owners with violation of former Section 21-25 "Abandoned Property" and Section 3.01.02 "Classification of Uses". Staff recommended the Special Magistrate find the Respondents in violation of these sections and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15th day if not in compliance.

File was entered into evidence.

Officer Stan Wilson testified to the facts of the case and stated that the property is now in compliance with Section 3.01.02 and that the only issue remaining is the junk and inoperable vehicles.

Linda A. Gooden testified to the facts of the case and stated that she purchased a fully enclosed tent to place the vehicles and junk in and provided a photo on her phone.

Special Magistrate Charles D. Johnson abated the case for 30 days to allow time for Officer Wilson to go back to the property and determine if the structure will be sufficient and if the property is now in compliance.

ITEM 3

Alvin & Cindy Gaskins, SM-2015-11-0163

Respondents were not present.

Diana Johnson stated this case is charging the owners with violation of Section 23-98 "Junk" and Section 23-99 "Accumulation of Solid Waste Prohibited". Staff recommended the Special Magistrate find the Respondents in violation of these sections and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15th day if not in compliance.

File was entered into evidence.

Officer Stan Wilson testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation.

ITEM 5

Felipe Santiago, SM-2015-11-0025

Respondent was present and sworn.

Diana Johnson stated this case is charging the owner with violation of Section 23-98 "Junk" and Section 23-99 "Accumulation of Solid Waste Prohibited". Staff recommended the Special Magistrate find the Respondent in violation of these sections and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15th day if not in compliance.

File was entered into evidence

Officer Stan Wilson testified to the facts of the case.

Respondent testified to the facts of the case and requested 45 days to come into compliance.

Special Magistrate Charles D. Johnson granted the Respondent 25 days to come into compliance and the Respondent may request additional time if he is making substantial efforts prior to the 25 days expiring. If the Respondent is not in compliance within the 25 days, or has not requested additional time, a fine of \$50.00 per day will begin on the 25th day. Respondent was ordered to allow the code officer access to the backyard to view the violations.

ITEM 6

Steven P. Richards, SM-2014-08-0004

Respondent was present and sworn.

Diana Johnson stated that this case was charging the owner with violation of Section 3.01.03 "Schedule of Permitted and Conditional Uses". The property came into compliance on March 8, 2016 and staff recommended the Special Magistrate enter an Order for the property to remain in compliance.

File was entered into evidence.

Special Magistrate Charles D. Johnson accepted staff's recommendation.

ITEM 8

Jay Durga Enterprises INC, SM-2016-02-0012

Respondent was not present.

Diana Johnson stated this case is charging the owner with violation of Section 11.01.03 "Prohibited Signs". Staff recommended the Special Magistrate find the Respondent in violation of this section and grant 45 days to comply or a fine of \$50.00 per day to begin on the 46th day if not in compliance. Diana Johnson stated that she has been in contact with the Respondent via emails and that the Respondent submitted a motion via email this morning and Diana Johnson provided the motion to the Special Magistrate. Special Magistrate Charles D. Johnson read the motion and stated he is not taking any action in regards to the motion.

Diana Johnson stated that the Respondent has hired a contractor to fix the signs.

Complainant, Lois Coleman, testified to the facts of the case.

Special Magistrate Charles D. Johnson granted the Respondent 20 days to come into compliance and the Respondent may request additional time if they are making substantial efforts prior to the 20 days expiring. If the Respondent is not in compliance within the 20 days, or has not requested additional time, a fine of \$50.00 per day will begin on the 21st day.

ITEM 9

Jay Durga Enterprises INC, SM-2016-01-0328

Respondent was not present.

Diana Johnson stated this case is charging the owner with violation of Section 6-22 "Adoption and Enforcement (IPMC 108.1.1, 108.1.5)". Staff recommended the Special Magistrate find the Respondent in violation of this section and grant 30 days to comply or a fine of \$250.00 per day to begin on the 31st day if not in compliance.

File was entered into evidence.

Officer Glen Guzman testified to the facts of the case.

Special Magistrate Charles D. Johnson granted 14 days to come into compliance.

ITEM 10

Jaimatadi Enterprises INC F/K/A Jainco Enterprises INC, SM-2016-01-0231

Respondent was not present.

Diana Johnson stated this case is charging the owner with violation of Section 11.01.03 "Prohibited Signs". Staff recommended the Special Magistrate find the Respondent in violation of this section and grant 45 days to comply or a fine of \$50.00 per day to begin on the 46th day if

not in compliance. Diana Johnson stated that she has been in contact with the Respondent via emails and that the Respondent submitted a motion via email this morning and Diana Johnson provided the motion to the Special Magistrate. Special Magistrate Charles D. Johnson read the motion and stated he is not taking any action in regards to the motion.

Special Magistrate Charles D. Johnson granted the Respondent 20 days to come into compliance and the Respondent may request additional time if they are making substantial efforts prior to the 20 days expiring. If the Respondent is not in compliance within the 20 days, or has not requested additional time, a fine of \$50.00 per day will begin on the 21st day.

ITEM 13

Ariel Thomas McLeod, SM-2015-10-0238

Respondent was not present.

Diana Johnson stated this case is charging the owner with violation of Section 14-56 "Declaration of Nuisance and Prohibited Conditions" and Section 23-99 "Accumulation of Solid Waste Prohibited", Staff recommended the Special Magistrate find the Respondent in violation of these sections and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15th day if not in compliance.

File was entered into evidence.

Officer Mark Shepherd testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation.

ITEM 15

Estate of Nancy Hawthorne and Any Unknown Heirs of Nancy Hawthorne, SM-2015-04-0046

Respondent was not present.

Diana Johnson stated this case is charging the owner with violation of Section 23-98 "Junk" and Section 23-99 "Accumulation of Solid Waste Prohibited" and Section 3.01.04 (7) "Key to Conditions in Table of Permitted and Conditional Uses". Staff recommended the Special Magistrate find the Respondent in violation of these sections and grant 14 days to comply or a fine of \$100.00 per day to begin on the 15th day if not in compliance.

File was entered into evidence.

Officer Mark Shepherd testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation.

ITEM 16

Melody Dawn Woodward, SM-2015-07-0205

Respondent was not present. Attorney Julia was present on behalf of the Respondent.

Diana Johnson stated the facts of the case and that the property is now in compliance and Respondent is requesting a reduction of the fine. Staff recommended at 50% reduction.

File was entered into evidence.

Special Magistrate Charles D. Johnson reduced the fine to \$750.00.



Jamie Davis
Recording Secretary

Receipt of the minutes as prepared of the March 9th, 2016 hearing is acknowledged this 13 day
of April 2016.



Charles D. Johnson
Special Magistrate