
IN THE ADMINISTRATIVE COURT OF PROVO CITY
COUNTY OF UTAH, STATE OF UTAH

ADMINISTRATIVE ENFORCEMENT ORDER - APPEAL OF ITEMIZED BILL
RESPONDENTS **CRAIG & DEBRA SCHANK**

ADDRESS OF SUBJECT PROPERTY:

245 NORTH 500 EAST
PARCEL NO. 05:062:0004
CASE NO. 07-0811ZE

I. SUMMARY

This case came on regularly for hearing before Christine M. Petersen, Administrative Hearing Officer of the City of Provo, at 12:00 P.M. on December 20, 2007, in the Community Development Conference Room, 330 West 100 South, Provo, Utah. The purpose of the hearing was to allow the property owner(s) to contest the amount of civil fines that had accrued because of his/her failure to comply with a Notice of Violation issued for his/her property.

The Respondents were not present, but were represented by Kirk Howcroft. David Heath, Senior Planning Technician, was present and represented the City.

II. DOCUMENTS SUBMITTED

The following items were introduced and marked as Exhibits for this hearing:

- City Exhibit #1 - Time Line of Events
- City Exhibit #2 - Application for Administrative Hearing
- City Exhibit #3 - Photograph of the property
- City Exhibit #4 - Photographs of the property dated September 19, 2007
- City Exhibit #5 - Notice of Violation 07-0811ZE, mailing certificate dated September 22, 2007
- City Exhibit #6 - Provo City Code 14.34.080 Trash Storage, Abandoned, Wrecked, or Junked Vehicles; Miscellaneous Materials
- City Exhibit #7 - Photographs of the property dated October 15, 2007
- City Exhibit #8 - Photograph of the property dated October 24, 2007
- City Exhibit #9 - Notice of Default
- City Exhibit #10 - Certified Mail Receipt

City Exhibit #11 - Photograph of the property dated October 29, 2007

City Exhibit #12 - Itemized Bill for Costs, Invoice #17011

City Exhibit #13 - Provo City Code 17.03.110 Civil Fees

Respondent's Exhibit #1 - Letter to Community Development from Craig Schank, December 10, 2007

Respondent's Exhibit #2 - Letter to Provo City from Craig Schank, November 23, 2007

III. TESTIMONY PRESENTED

Testimony was presented at the hearing from the Respondent's representative and the City. For more information regarding the testimony, refer to the recording. The following findings, decision and order were based upon the documents submitted, the facts of the case and the testimony presented.

IV. FINDINGS

The Hearing Examiner finds the following:

1. The subject property is located at 245 North 500 East, Provo, Utah 84606.
2. The property is located in the RC zone - Residential Conservation Zone.
3. The property owners of record at the time the Notice of Violation was issued were Craig & Debra Schank.
4. The property was in violation of Provo City Code 14.34.080 on the date the Notice of Violation was issued.
5. The Respondent's representative admitted that the property was in violation of Provo City Code when the Notice of Violation was issued, but thought that they had achieved compliance on October 10, 2007.
6. As of October 10, 2007, the Respondent knew the remaining violation should have been removed from the property.
7. From October 10, 2007, to October 24, 2007, the remaining violation should have been removed, but no steps were taken to remove it.
8. Between October 24, 2007, to October 29, 2007, the city could have contacted the property manager directly instead of waiting for the mail to reach the property owners in Nevada.

V. ORDER

1. The property owners will be given credit for the fines that accrued from October 25, 2007, to October 29, 2007, because the City could have contacted the property manager instead of mailing a letter to the owners.
2. The remaining fine must be paid within thirty (30) days of the Administrative Hearing.
3. The Administrative Fee was reduced by half with the remaining fifty dollars (\$50.00) assessed to the property owners.

The payment can be paid by mail to the Provo City Finance Department, P.O. 1849, Provo, Utah 84603-1849 or paid in cash at the cashier's counter in the Provo City Center located at 351 West Center Street, Provo. **The property owner is requested to put his/her customer number #6093 on all correspondence so proper credit can be applied to his/her account.**

The property owner(s) are advised that of City Code 17.02.090 - Failure to Comply. "It shall be unlawful for any responsible person to fail to comply with the terms and deadlines set forth in a final administrative enforcement order. A violation of this Section shall be a class B misdemeanor."

January 11, 2008
Dated

Christine M. Petersen
Christine M. Petersen
Administrative Hearing Officer

STATE OF UTAH)
COUNTY OF UTAH) SS.

On this 11 day of January, 2008, personally appeared before me, Christina M. Petersen, the signer of the foregoing instrument who duly acknowledged to me that he/she executed the same.

NOTARY PUBLIC:

Karen Saluone

Residing in Utah County



Provo City Violation Enforcement Program
Phone: (801) 852-6436

330 West 100 South, Provo, Utah 84601
Facsimile: (801) 852-6417