

**TOWN OF BAY HARBOR ISLANDS
LITIGATION COMMITTEE MEETING
AGENDA
APRIL 1, 2022**

CALL TO ORDER: Set for 12:00 Noon

PLEDGE OF ALLEGIANCE

ROLL CALL

NEW BUSINESS

1. **Approval or denial of a settlement agreement** for several Notice of Violations for properties located at 1047 92nd Street and 1055 92nd Street and owned by BHI The Club 2 LLC. The properties wish to settle all outstanding violations. Below is a listing of all the violations. The fines and liens total \$1,115,100.00. **Counsel for the property owners has proposed a settlement of \$111,510.00 to be paid as follows: \$25,000 upon and through closing on the pending loan (which should occur within the following 10 business days at most) and \$80,070.00 to be paid within 180 days of the date of any corresponding and formal acceptance of the offer; plus the offer of some form of security for the settlement amount in the form of a Letter of Credit, promissory note, or the like, in consideration for the contemplated “payment plan”.**
 - a. Notice of Violation 19-001626, 1047 92nd Street, BHI The Club 2 LLC – Total Fine \$1,600.00 – Complaint of standing water at the site.
 - b. Notice of Violation 19-001842, 1047 92nd Street, BHI The Club 2 LLC – Total Fine \$6,6650 – Construction fence located on the Town’s property. Dust screen not installed and silt fencing to be replaced along the inside of the construction fence to prevent run-off.
 - c. Notice of Violation 20-000732, 1047 92nd Street, BHI The Club 2 LLC – Total Fine \$271,250.00 – Stagnant water and debris on the construction site.
 - d. Notice of Violation 20-001264, 1047 92nd Street, BHI The Club 2 LLC – Total Fine \$381,375.00 – Abandoned Sophie Project contains water, foundation piles, construction materials, building materials, equipment, well, partial structures, electrical connections, plumbing connections, temporary electric pole, construction fence, trenches, and lot not properly graded and sodded. Foundation Permit B18-0004450 expired on 5/19/2019.

e. Notice of Violation 20-001643, 1047 92nd Street, BHI The Club 2 LLC – Total Fine \$500.00 – Landscaping activity on Saturday.

f. Notice of Violation 21-000462, 1047 92nd Street, BHI The Club 2 LLC – Total Fine \$7,950.00 – Overgrown Landscaping at Construction Site.

g. Notice of Violation 20-001269, 1055 92nd Street, BHI The Club 2 LLC – Total Fine \$381,375.00 – Abandoned Sophie Project contains stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, temporary electric pole, construction fence, ditches, lot not properly graded and sodded. Foundation Permit #B18-000440 expired on 5/19/2019.

h. Notice of Violation 20-000967, 1047 92nd Street, BHI The Club 2 LLC – Total Fine \$64,400.00 – Permit must be reactivated within 20 days of this notice or any work which has commenced must be removed from site as per Florida Building Code 105.4.1.2 within 20 days of this notice.

2. **Approval or denial of a settlement agreement** for Notice of Violation No. 20-001912, 1025 93rd Street, Cyneri Properties, Inc. Fine imposed by the Special Master on 12/15/2021 in the amount \$7,050.00 – Hire a licensed contractor to repair the ceiling in Unit 7. A permit is required to repair the ceiling in Unit 7 and an after-the-fact permit is required for the roof repair. **Counsel for Cyneri Properties, Inc. is proposing a Settlement Offer of the Administrative Fee for \$150.00.**
3. **Approval or denial of a settlement agreement** for Notice of Violation No. 19-000011, 1001 91st Street, #311, Benito Arnaldo Barletta TRS Benito Arnaldo Barletta and Ramona Pereira Joint Living Trust Ramona Pereira. Fine imposed by the Special Master on 7/17/2019 in the amount of \$8,150.00 – Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. **The property owner is proposing a Settlement Offer of \$1,000.00.**

ADJOURNMENT



**BAUER
GUTIERREZ
& BORBON**

305.340.5959 786.464.0437

814 PONCE DE LEON BLVD., SUITE 210 • CORAL GABLES, FL 33134
BGBLAWGROUP.COM

March 29, 2022

Via Email

Litigation Committee
c/o Yvonne P. Hamilton
Acting Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
yhamilton@bayharborislands-fl.gov

**File/Case No: 19-001626, 19-001842, 20-000732, 20-000967, 20-001264, 20-001643, 21-000462
21-001538, 20-001269 (collectively and interchangeably the “Violations” and/or “Liens”)**

Property Address: 1047/1055 92 Street, Bay Harbor Islands, FL 33154 (the “Property”)

Dear Sirs,

Please allow this communication to serve as a formal request for settlement of the above referenced Violations and corresponding Liens (as applicable) and for a hearing before the Litigation Committee in order to properly and promptly address the related fines.

The Violations involved here include (1) complaints of standing/stagnant water and debris at the construction site, (2) the construction fence being located on Town property and failure to reinstall dust screen and place slit fencing along the inside of the same, (3) general and specific “abandonment” of construction project/site following the expiration of permit B18-000440, (4) lot(s) not being properly graded and sodded, (5) landscaping activity on a Saturday, (6) overgrown landscaping at the sites, and (7) complaints of litter at the site.

All of the violations and associated issues began when the owner/developer, BHI the Club 2 LLC (“BHI”), lost its funding on a pending construction loan in 2019. Since that time, BHI has diligently and continuously worked on securing new financing in order to bring the Property into full compliance, have its permit(s) (re) issued and resume construction of the Sophie project. Unfortunately, we were all hit by the COVID-19 pandemic shortly after BHI’s initial construction loan fell through and, as a direct result, obtaining new financing on a distressed property/project became nearly impossible. In the interim, and notwithstanding this fact, BHI continued to remedy issues related to the Property as, and as promptly as, it could. Moreover, BHI has been forced to defend multiple lawsuits brought by its current mortgage holder, as well as multiple contractors, related to the stalled project. Accordingly, the amount of time and expense incurred in saving the Project and avoiding foreclosure of the Property has been tremendous.

However, now that the pandemic has subsided and the real estate market in South Florida has surged, and following months of negotiation and diligence, BHI has secured financing for a construction loan with a new lender. And, in order to clear title for closing of this loan, which is imminent, BHI has also negotiated and reached settlement agreements with all involved mortgage and construction lien holders. The only real pending item(s) which need to be addressed for closing are the pending liens from the Town as described herein.

The pending/total fine calculation for all eight Violations (and six corresponding Liens) is **\$1,115,100.00** (the "Fine Balance"). This is clearly an exorbitant figure based on daily accrual of heightened fines intended to coerce a property owner in compliance. Again, the owner here never intended, or intentionally acted or failed to act in a way, to create the issues which triggered the violations, which led to the fines and liens. Despite all of its efforts, BHI was unable to properly cure all of the surrounding issue due to impossibility, namely the loss of its construction funding. However, and as noted previously, BHI is now in line to close and obtain funding for the Sophie project.

To that end, and in order to properly resolve with the Town on the pending fines and obtain a release of the aforementioned liens, BHI is prepared to offer ten percent (10%) of the Fine Balance, or \$111,510.00. Said settlement amount can be paid as follows:

- \$25,000.00 paid upon and through closing of the pending loan (which should occur within the following 10 business day at most).
- \$86,510.00 paid within 180 days of the date of any corresponding and formal acceptance of this offer.
- BHI is further willing and able to offer some form of security for the settlement amount in the fore of a letter of credit, promissory note, or the like, in consideration for the contemplated "payment plan."

We look forward to further discussing these matters and this proposal with you in hopes of reaching a prompt and fair resolution with the Town and moving forward with the construction of the Sophie project, which will no doubt be a beautiful addition to the Island. Thank you.

Regards,



Jerry A. Borbon, Esq.
Attorney for BHI The Club 2, LLC
jerry@bgblawgroup.com

1047 92 Street, Sophie Project violations (Lot 1 of 2)

✓ **File #: 19-001626**

Open Date: 8/13/19

1047 92 Street Bay Harbor Islands FL 33154-2719
Complaint of standing water at the site.

LIEN FILED -Fine imposed from 9/18/19 to 11/14/19 which represents 58 days at \$50.00 per day for a total of \$2,900.00. The fine was mitigated by 50% to \$1,450.00 plus a \$150.00 administrative fee for a total due of \$1,600.00

TOTAL: \$1,600.00

✓ **File #: 19-001842**

Open Date: 9/9/19

1047 92 Street Bay Harbor Islands FL 33154-2719
The construction fence is located on town property, the dust screen has not been re-installed and silt fencing must be placed along the inside of the construction fence to prevent run-off.

LIEN FILED- Fine imposed from 9/27/19-11/18/19 which represents 52 days at \$250.00 per day for a total of \$13,000.00. The fine was mitigated by 50% to \$6,500.00 plus a \$150.00 administrative fee for a total due of \$6,650.00.

TOTAL: \$6,650.00

✓ **File #: 20-000732**

Violation Open Date: 6/17/20

1047 92 Street Bay Harbor Islands FL 33154-2719
Complaint received regarding stagnant water and debris on the construction site.

9/23/20 SPECIAL MASTER HEARING FINDINGS-

1. The property owner has 30 days from September 23, 2020 to submit proof of financing for the construction of the project.
2. The property owner has 60 days from September 23, 2020 to obtain all required Building Department permits.
3. In the event that the property owner fails to fully and timely comply with the foregoing, the Town is authorized to petition the Court to allow the Town to enter the property and cure the violations in order to bring the property into Code Compliance. Fines are assessed from June 17, 2020 to September 23, 2020. This represents 99 days totaling \$71,750.00. Fines will continue to accrue at \$500.00 per day until compliance is met.

10/29/20- Loan commitment letter received.

1047 – 1055 92 STREET SOPHIE PROJECT VIOLATIONS

11/19/20- Extension request submitted by Jerry Borbon, Developer's attorney.

-Frank Simone, prior Town attorney, responded to the extension request.

8/20/21- Conference call with the Town Attorney. CBO will send an email to the developer providing the deadline of 9/1/21 to obtain all required permits.

9/24/21- Email sent to Nicholas Livsit, Developer, stating the building permits must be obtained on or before 10/31/21.

10/14/21- Meeting held with Nicholas Livsit, Sophie Developer. He was advised on how to comply with the pending violations. As per Nicholas the clean-up crew will be at the property this afternoon.

10/28/21- The lot was inspected and found in compliance.

Fines calculation violation from violation date to 10/14/21:

5-5(f) Fence (6/17/20-9/14/20 Complied fence repaired) which represents 89 days at \$250.00 per day \$22,250.00

5-5(e) (6/17/20- 10/28/21) which represents 498 days at \$250.00 per day= \$124,500.00

5-5(h)(6) (6/17/20-10/28/21) which represents 498 days at \$250.00 per day = \$124,500.00

TOTAL: \$271,250.00 Clean-up completed on 10/28/21.

✓ **File #: 20-001264**

Violation Open Date: 8/19/20

1047 92 Street Bay Harbor Islands FL 33154-2719

Abandoned Sophie project contains stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, Temporary electric pole, construction fence, trenches, lot is not properly graded and sodded. The foundation permit B18-000440, expired on 05/19/2019.

9/23/20 SPECIAL MASTER HEARING FINDINGS-

1. The property owner is in violation of the Towns Code of Ordinances as asserted by the Town in the Notice of Violation.
2. The property owner has 30 days from September 23, 2020 to submit proof of financing for the construction of the project.
3. The property owner has 60 days from September 23, 2020 to obtain all required Building Department permits.
4. In the event that the property owner fails to fully and timely comply with the foregoing, the Town is authorized to petition the Court to allow the Town to enter the property and

1047 – 1055 92 STREET SOPHIE PROJECT VIOLATIONS

cure the violations in order to bring the property into Code Compliance. Fines are assessed from August 19, 2020 to September 23, 2020. This represents 36 days totaling \$24,300.00. Fines will continue to accrue at \$675.00 per day until compliance is met.

10/29/20- Loan commitment letter received.

11/19/20- Extension request submitted by Jerry Borbon, Developer's attorney.

-Frank Simone, prior Town attorney, responded to the extension request.

✓ 8/20/21- Conference call with the Town Attorney. CBO will send an email to the developer providing the deadline of 9/1/21 to obtain all required permits.

✓ 9/24/21- Email sent to Nicholas Livsit, Developer, stating the building permits must be obtained on or before 10/31/21.

10/14/21- Meeting held with Nicholas Livsit, Sophie Developer. He was advised on how to comply with the pending violations. As per Nicholas the clean-up crew will be at the property this afternoon.

3/7/22- Permit B18-000259 approved

Fine from 8/19/20- 3/7/22 (B18-000259 permit approval date), which represents 565 days at \$675 days for a total of \$381,375.00

TOTAL: \$381,375.00

✓ File #: 20-001643

Violation Open Date: 10/14/20

1047 92 Street Bay Harbor Islands FL 33154-2719

The Bay Harbor Islands Police Department observed landscaping activity on Saturday 10/10/20. Incident report 20-632-OF

7/21/21- Invoice mailed in the amount of \$500.00

10/14/21- Fine has not been paid

TOTAL: \$500.00

File #: 21-000462

Violation Open Date: 3/10/21

1047 92 Street Bay Harbor Islands FL 33154-2719

Found the landscaping is overgrown at this abandoned construction site.

Fine calculated from the NOV date 3/10/21-8/16/21 compliance date, which represents 159 days at \$50.00 per day for a total of \$7,950.00.

10/14/21- Special Master hearing TBD

TOTAL: \$7,950.00

1047 – 1055 92 STREET SOPHIE PROJECT VIOLATIONS

File #: 21-001538

Open Date: 7/28/21

1047 92 Street Bay Harbor Islands FL 33154-2719

Complaint submitted online on Fix It Form: Construction site issues and litter.

8/26/21- Complaint added to violation **20-000732**

1055 92 Street, Sophie Project violations (Lot 2 of 2)

File #: 20-001269

Violation Open Date: 8/19/20

1055 92 Street Bay Harbor Islands FL 33154-2753

Abandoned Sophie project contains stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, Temporary electric pole, construction fence, ditches, lot is not properly graded and sodded. The foundation permit B18-000440, expired on 05/19/2019.

9/20/20 SPECIAL MASTER HEARING FINDINGS-

1. The property owner is in violation of the Towns Code of Ordinances as asserted by the Town in the Notice of Violation.
2. The property owner has 30 days from September 23, 2020 to submit proof of financing for the construction of the project.
3. The property owner has 60 days from September 23, 2020 to obtain all required Building Department permits.
4. In the event that the property owner fails to fully and timely comply with the foregoing, the Town is authorized to petition the Court to allow the Town to enter the property and cure the violations in order to bring the property into Code Compliance. Fines are assessed from August 19, 2020 to September 23, 2020. This represents 36 days totaling \$24,300.00. Fines will continue to accrue at \$675.00 per day until compliance is met.

10/29/20- Loan commitment letter received.

11/19/20- Extension request submitted by Jerry Borbon, Developer's attorney.

-Frank Simone, prior Town attorney, responded to the extension request.

8/20/21- Conference call with the Town Attorney. CBO will send an email to the developer providing the deadline of 9/1/21 to obtain all required permits.

9/24/21- Email sent to Nicholas Livsit, Developer, stating the building permits must be obtained on or before 10/31/21.

10/14/21- Meeting held with Nicholas Livsit, Sophie Developer. He was advised on how to comply with the pending violations. As per Nicholas the clean-up crew will be at the property this afternoon.

3/7/22- Permit B18-000259 approved

Fine calculation violation to date:

Fine from 8/19/20- 3/7/22(B18-000259 permit approval date), which represents 565 days at \$675 days for a total of \$381,375.00

TOTAL: \$381,375.00

File #: 19-001626	\$1,600.00	(1047 92 St)
File #: 19-001842	\$6,650.00	(1047 92 St)
File #: 20-000732	\$271,250.00	(1047 92 St)
File #: 20-001264	\$381,375.00	(1047 92 St) **
File #: 20-001643	\$500.00	(1047 92 St)
File #: 21-000462	\$7,950.00	(1047 92 St)
File #: 21-001538	\$0.00	(1047 92 St)
 File #: 20-001269	 \$381,375.00	 (1055 92 St) **

Total fine calculation: \$1,050,700.00

****Violations were created per parcel under the direction of the prior Town Manager. Emails attached for your review.**



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 3/17/2022

Property Information	
Folio:	13-2227-001-2960
Property Address:	1047 92 ST Bay Harbor Islands, FL 33154-2719
Owner	BHI THE CLUB 2 LLC
Mailing Address	24044 CINCO VILLAGE CTR BLVD 100 KATY, TX 77494 USA
PA Primary Zone	4500 MULTI-FAMILY - 4 STORY
Primary Land Use	1081 VACANT LAND - COMMERCIAL : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	11,250 Sq.Ft
Year Built	0

Assessment Information			
Year	2021	2020	2019
Land Value	\$1,012,500	\$1,012,500	\$1,181,250
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$1,012,500	\$1,012,500	\$1,181,250
Assessed Value	\$1,012,500	\$1,012,500	\$1,181,250

Benefits Information				
Benefit	Type	2021	2020	2019
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
BAY HARBOR ISLAND PB 46-5 LOT 14 BLK 15 LOT SIZE 75.000 X 139 OR 24912-2112 0806 3	



Taxable Value Information			
	2021	2020	2019
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$1,012,500	\$1,012,500	\$1,181,250
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$1,012,500	\$1,012,500	\$1,181,250
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$1,012,500	\$1,012,500	\$1,181,250
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$1,012,500	\$1,012,500	\$1,181,250

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
02/12/2016	\$4,400,000	29965-2423	Qual on DOS, multi-parcel sale
10/22/2014	\$211,000	29373-0613	Corrective, tax or QCD; min consideration
09/23/2014	\$114,500	29330-0489	Corrective, tax or QCD; min consideration
05/20/2014	\$222,000	29164-4700	Corrective, tax or QCD; min consideration

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Version:



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 3/17/2022

Property Information	
Folio:	13-2227-001-2950
Property Address:	1055 92 ST Bay Harbor Islands, FL 33154-2753
Owner	BHI THE CLUB 2 LLC
Mailing Address	24044 CINCO VILLAGE CTR BLVD 100 KATY, TX 77494 USA
PA Primary Zone	4500 MULTI-FAMILY - 4 STORY
Primary Land Use	1081 VACANT LAND - COMMERCIAL : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	10,425 Sq.Ft
Year Built	0



Assessment Information			
Year	2021	2020	2019
Land Value	\$938,250	\$938,250	\$1,094,625
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$938,250	\$938,250	\$1,094,625
Assessed Value	\$938,250	\$938,250	\$1,094,625

Benefits Information				
Benefit	Type	2021	2020	2019
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description
BAY HARBOR ISLAND PB 46-5 LOT 13 LESS S11FT BLK 15 LOT SIZE 75 X 139 OR 17590-3237 0397 4 COC 21865-3906 11 2003 4

Taxable Value Information			
	2021	2020	2019
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$938,250	\$938,250	\$1,094,625
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$938,250	\$938,250	\$1,094,625
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$938,250	\$938,250	\$1,094,625
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$938,250	\$938,250	\$1,094,625

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
02/12/2016	\$4,400,000	29965-2423	Qual on DOS, multi-parcel sale
10/22/2014	\$211,000	29373-0613	Corrective, tax or QCD; min consideration
09/23/2014	\$114,500	29330-0489	Corrective, tax or QCD; min consideration
05/20/2014	\$100	29272-3006	Corrective, tax or QCD; min consideration

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Version:

CT

March 15, 2022

Town of Bay Harbor Islands
Code Compliance Division
9665 Bay Harbor Terrace,
Bay Harbor Islands, FL 33154

RECEIVED
MAR 21 2022
BY: E m

Re: 1047 92 Street // To: BHI THE CLUB 2 LLC

Case No.

Dear Sir/Madam:

C T Corporation System has filed a resignation of agent with the State of FL on 12/31/2021. Service can no longer be taken for this entity.

CT was unable to forward.

Very truly yours,

C T Corporation System

Log# 541226834

Sent By Regular Mail

cc: --

(Returned To)

Town of Bay Harbor Islands
Code Compliance Division
9665 Bay Harbor Terrace,
Bay Harbor Islands, FL 33154

Evelyn Merizalde

From: Patrick Prendergast
Sent: Wednesday, August 19, 2020 3:17 PM
To: Marlene Siegel
Cc: Code Compliance All
Subject: Sophie Project Additional Violations

Marlene,

The additional violations discussed and approved by the TA were prepared and served today. Copies are at your desk.

For your information.

Patrick J. Prendergast
Manager

**Bay Harbor Islands Department of Code Compliance
& Parking Operations**
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Office: (305) 993-1786, ext.. 120
Cell: (786) 877-3728
Email: pjprendergast@bayharborislands-fl.gov

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Evelyn Merizalde

From: Patrick Prendergast
Sent: Wednesday, August 19, 2020 2:46 PM
To: Frank Simone; Evelyn Merizalde
Subject: RE: Proposed Additional Code Violations for Sophie 1045 92 Street

Thanks Frank!

Best regards,

Patrick J. Prendergast
Manager

**Bay Harbor Islands Department of Code Compliance
& Parking Operations**

Office: (305) 993-1786, ext.. 120

Cell: (786) 877-3728

Email: pjprendergast@bayharborislands-fl.gov

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From: Frank Simone <frank@franksimone.com>
Sent: Wednesday, August 19, 2020 2:23 PM
To: Patrick Prendergast <pjprendergast@bayharborislands-fl.gov>; Evelyn Merizalde <emerizalde@bayharborislands-fl.gov>
Subject: RE: Proposed Additional Code Violations for Sophie 1045 92 Street

Great work. They are good to go.

FRANK SIMONE P.A.

Law Offices

Frank C. Simone, Esq., CFP(R)
701 Brickell Avenue
Suite 1550
Miami, Florida 33131
Phone: (305) 221-8000
Cell: (305) 790-3873
Fax: (305) 357-2510
Email: Frank@FrankSimone.com
Web: www.FrankSimone.com

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Thank you.

From: Patrick Prendergast <pijprendergast@bayharborislands-fl.gov>
Sent: Wednesday, August 19, 2020 2:13 PM
To: Evelyn Merizalde <emerizalde@bayharborislands-fl.gov>; Frank Simone <frank@franksimone.com>
Subject: RE: Proposed Additional Code Violations for Sophie 1045 92 Street

Frank,

These appear to be in order. Much to Evelyn's credit. I particularly appreciate the images attached with great detail.

Please provide your thoughts as soon as you have time to review.

Best regards,

Patrick J. Prendergast
Manager

**Bay Harbor Islands Department of Code Compliance
& Parking Operations**
Office: (305) 993-1786, ext.. 120
Cell: (786) 877-3728
Email: pijprendergast@bayharborislands-fl.gov

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From: Evelyn Merizalde <emerizalde@bayharborislands-fl.gov>
Sent: Wednesday, August 19, 2020 1:11 PM
To: Frank Simone <frank@franksimone.com>; Patrick Prendergast <pijprendergast@bayharborislands-fl.gov>
Subject: RE: Proposed Additional Code Violations for Sophie 1045 92 Street

Good afternoon,

Attached are the completed violations for the abandoned site at 1055 92 street and 1047 92 street (double lot). Also attached is a list of interested parties that will receive a copy of the violations.

Thank you,

Evelyn Merizalde
Code Compliance Officer
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Tel: 305-993-1786
Mobile: 786-256-4347
Email: emerizalde@bayharborislands-fl.gov
Websites: www.bayharborislands-fl.gov/code-compliance
www2.citizenserve.com/bhi

Visit the Code Compliance portal at www2.citizenserve.com/bhi to report a code violation.

Did you know we have an App for Bay Harbor Islands? Choose [BHI Connect](#) for iPhone or iPad or [Bay Harbor Islands BHIConnect](#) for Android.

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From: Frank Simone <frank@franksimone.com>

Sent: Tuesday, August 18, 2020 1:34 PM

To: Patrick Prendergast <pjprendergast@bayharborislands-fl.gov>; Evelyn Merizalde <emerizalde@bayharborislands-fl.gov>

Subject: RE: Proposed Additional Code Violations for Sophie 1045 92 Street

No. I think that this is construction material that is referenced in many other sections including those that I sited.

FRANK SIMONE P.A.

Law Offices

Frank C. Simone, Esq., CFP(R)

701 Brickell Avenue

Suite 1550

Miami, Florida 33131

Phone: (305) 221-8000

Cell: (305) 790-3873

Fax: (305) 357-2510

Email: Frank@FrankSimone.com

Web: www.FrankSimone.com

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Thank you.

From: Patrick Prendergast <pprendergast@bayharborislands-fl.gov>
Sent: Tuesday, August 18, 2020 1:32 PM
To: Frank Simone <frank@franksimone.com>; Evelyn Merizalde <emerizalde@bayharborislands-fl.gov>
Subject: RE: Proposed Additional Code Violations for Sophie 1045 92 Street

Frank,

As you state the property that "could" be picked up was picked up. There remains however, construction material such as loose rebar and framing or forms in place, etc. So, this is "personal property" as I see it. Do you agree?

Evelyn,

I think the images in our file should be sufficient to support the additional sections that Frank suggests we cite the owner upon. Please prepare the additional NOV's and submit to us for review.

Thank you both!

Best regards,

Patrick J. Prendergast
Manager

**Bay Harbor Islands Department of Code Compliance
& Parking Operations**
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida 33154
Office: (305) 993-1786, ext.. 120
Fax: (305) 866-4863
Cell: (786) 877-3728
Email: pprendergast@bayharborislands-fl.gov

From: Frank Simone [<mailto:frank@franksimone.com>]
Sent: Tuesday, August 18, 2020 1:20 PM
To: Patrick Prendergast; Evelyn Merizalde
Subject: RE: Proposed Additional Code Violations for Sophie 1045 92 Street

Comments to Evelyn's email are below in RED

FRANK SIMONE P.A.
Law Offices

Frank C. Simone, Esq., CFP(R)

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Thank you.

From: Patrick Prendergast <pjprendergast@bayharborislands-fl.gov>
Sent: Friday, August 14, 2020 2:42 PM
To: Evelyn Merizalde <emerizalde@bayharborislands-fl.gov>; Frank Simone <frank@franksimone.com>
Subject: RE: Proposed Additional Code Violations for Sophie 1045 92 Street

Frank,

- Ref item 1, Sec. 24-17. As discussed, this code seems to reference property described but can we still use this "imperfect" definition in the catch all "any other similar article" to describe the remains of foundation footings, rebar and the like to similarly describe as "personal property?" You and I seem to agree the answer is "yes." But please opine as to Evelyn's concern.
- Do you concur on the 10 day time period to cure? We don't have a comparable time frame as common practice as in other more typical violations. I believe 10 days is appropriate.
- I believe that all parties listed in the lien notices should be given notice too. It does no harm even if not required by law.
- Please confirm there is no unity of title. It appears not and Evelyn prepared the NOV's for each of the two lots involved as a result. I believe this is appropriate.

Your thoughts?

Best regards,

Patrick J. Prendergast
Manager

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Office: (305) 993-1786, ext.. 120
Fax: (305) 866-4863
Cell: (786) 877-3728
Email: pjprendergast@bayharborislands-fl.gov

From: Evelyn Merizalde
Sent: Friday, August 14, 2020 2:16 PM
To: Frank Simone; Patrick Prendergast
Subject: RE: Proposed Additional Code Violations for Sophie 1045 92 Street

Good afternoon,

I hope this email finds you well.

The attached documents have been prepared according to the code sections approved during the conference call yesterday:

1. Section 24-17 NOTICE TO OWNER OF ABANDONED PROPERTY – 1047-55 92 Street

(Note: I don't believe this section applies according to the definition of abandoned personal property; section states removal within 5 days of the notice; notice of dated for 8/17/20)

Abandoned personal property means wrecked or derelict property which has been left abandoned and unprotected from the elements and shall include wrecked, inoperable or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture and any other similar article which has been left abandoned and unprotected from the elements.

THIS SECTION APPLIES, BUT IT APPLIES AS TO ABANDONED REAL PROPERTY. I BELIEVE THAT THEY REMOVED ALL PERSONAL PROPERTY (ITEMS THAT CAN BE REMOVED). SO JUST THE REGISTRATION AND PAYMENT ITEMS OF 24-17 ARE REQUIRED.

2. Violation 20-001264 1047 92 Street BHI The Club II,
LLC Sophie property abandoned site

(Note: The notice of violation is dated for 8/17/20 to allow review and approval time. Please be advised that the TM only approved 10 days compliance time.)

VIOLATION 20-001264 IS GREAT. IT MUST BEAR TODAY'S DATE OR THE DATE THAT IT IS SENT WITH 10 DAYS.

3. Violation 20-001269 1055 92 Street BHI The Club II,
LLC Sophie property abandoned site

(Note: The notice of violation is dated for 8/17/20 to allow review and approval time. Please be advised that the TM only approved 10 days compliance time. Second notice of violation prepared since there are two lots and no unity of title was found)

VIOLATION 20-001269 IS GREAT. IT MUST BEAR TODAY'S DATE OR THE DATE THAT IT IS SENT WITH 10 DAYS.

4. Notice of Commence, property appraiser information, liens LIS PENDENS documents found attached for your review.
(violations and 5 day notice will be sent to contacts on the Notice of Commencement and on sunbiz. Please advise if notices should be sent to other parties.) **YES. ANY KNOWN CONTACT.**

WE SHOULD ALSO SEND NOTICES OF VIOLATION FOR THE FOLLOWING SECTIONS, IF WE HAVEN'T DONE SO ALREADY:

24-9 (a) and (e)

24-13 (a) and (d)

24-15 (a) and (b)

Please contact me with any revisions.

Thank you,

Evelyn Merizalde
Code Compliance Officer
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Tel: 305-993-1786
Mobile: 786-256-4347
Email: emerizalde@bayharborislands-fl.gov
Websites: www.bayharborislands-fl.gov/code-compliance
www2.citizenserve.com/bhi

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From: Patrick Prendergast <pjprendergast@bayharborislands-fl.gov>
Sent: Thursday, August 13, 2020 11:39 AM
To: Evelyn Merizalde <emerizalde@bayharborislands-fl.gov>; Frank Simone <frank@franksimone.com>; Code Compliance <codecompliance@bayharborislands-fl.gov>
Subject: RE: Proposed Additional Code Violations for Sophie 1045 92 Street

Frank, Evelyn,

Lets conference briefly to discuss what sections of the Code will apply moving forward.

Is 1 PM today good for you both? I have a staff meeting at 2 and will need to report our progress.

Best regards,

Patrick J. Prendergast
Manager

**Bay Harbor Islands Department of Code Compliance
& Parking Operations**
Office: (305) 993-1786, ext.. 120
Cell: (786) 877-3728
Email: pjprendergast@bayharborislands-fl.gov

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From: Evelyn Merizalde <emerizalde@bayharborislands-fl.gov>
Sent: Thursday, August 13, 2020 10:06 AM
To: Frank Simone <frank@franksimone.com>; Patrick Prendergast <pjprendergast@bayharborislands-fl.gov>; Code

Compliance <codecompliance@bayharborislands-fl.gov>

Subject: RE: Proposed Additional Code Violations for Sophie 1045 92 Street

Good morning:

Follow the link below to review the pictures of the abandoned construction site located at 1047 92 st.

Download link

<https://wettransfer.com/downloads/a3eaf1f9da0bc070748e623331a3976d20200813134512/aa091999cc77e07a866ea54611b8950f20200813134535/e40167>

Thank you,

Evelyn Merizalde
Code Compliance Officer
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Tel: 305-993-1786
Mobile: 786-256-4347
Email: emerizalde@bayharborislands-fl.gov
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From: Frank Simone <frank@franksimone.com>

Sent: Tuesday, August 11, 2020 2:36 PM

To: Patrick Prendergast <pijprendergast@bayharborislands-fl.gov>; Evelyn Merizalde <emerizalde@bayharborislands-fl.gov>; Code Compliance <codecompliance@bayharborislands-fl.gov>

Subject: RE: Proposed Additional Code Violations for Sophie 1045 92 Street

My apologies. I must have been dyslexic that day. I meant Section 24-13(a) and (d) and 24-14(l). See below:

Sec. 24-13. - Nondwelling structures and fences.

All buildings vacant or occupied shall comply with the following requirements:

(a)Every foundation, exterior and interior wall, roof, floor, ceiling, window and exterior door shall be structurally sound and maintained in good repair.(b)Every accessory structure shall be kept in a reasonably clean and sanitary condition free from rodents, insects and vermin.(c)The roof of every accessory structure shall be well-drained of rain water.(d)All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating, applied in a workmanlike fashion.(e)Every plumbing fixture, water pipe, waste pipe and drain shall be maintained in good sanitary working condition, free from defects, leaks and obstructions.
(Ord. No. 597, § 1, 9-9-96)

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Thank you.

From: Patrick Prendergast <pijprendergast@bayharborislands-fl.gov>

Sent: Tuesday, August 11, 2020 2:12 PM

To: Evelyn Merizalde <emerizalde@bayharborislands-fl.gov>; Code Compliance <codecompliance@bayharborislands-fl.gov>
Cc: Frank Simone <frank@franksimone.com>
Subject: RE: Proposed Additional Code Violations for Sophie 1045 92 Street

Evelyn,

See Frank's response and suggestions.

Update the file based on present condition of the site.

Supply the update to Frank and review.

Call me with any questions after Frank clarifies the suggested sections to cite the violator.

Thanks.

Sent via the Samsung Galaxy S8, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Evelyn Merizalde <emerizalde@bayharborislands-fl.gov>
Date: 8/11/20 13:32 (GMT-05:00)
To: Patrick Prendergast <pjprendergast@bayharborislands-fl.gov>, Code Compliance <codecompliance@bayharborislands-fl.gov>
Subject: RE: Proposed Additional Code Violations for Sophie 1045 92 Street

Good afternoon:

Section 23-14 of the town code is for Certificate of occupancy and section 23-15 is interpretation, purpose and conflict..

1. 23-14 (a) every foundation. . . shall be structurally sound and maintained in good repair. ??
NOT FOUND
2. 23-14(d) exterior premises shall be kept free of excessive weeds, grass, and flora . . . ?? NOT FOUND
3. 23-14(l) maintain the exterior so as to prevent accumulation of stagnant water thereupon.??
NOT FOUND
4. For 23-15, I agree with a, b, and c ?? NOT FOUND
5. For 24-17, (f) abandoned personal property (steel) applies - with notice set forth by section (g) and with the right of removal (without court order) under (h) by the Town. Can site for Section j(1) building materials, as well.

****CODE SECTION FOUND****

Please provide the code sections in order to issue a notice of violation.

Thank you,

Evelyn Merizalde
Code Compliance Officer
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Tel: 305-993-1786
Mobile: 786-256-4347
Email: emerizalde@bayharborislands-fl.gov
Websites: www.bayharborislands-fl.gov/code-compliance
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From: Patrick Prendergast <pjpendergast@bayharborislands-fl.gov>
Sent: Wednesday, July 29, 2020 4:38 PM
To: Code Compliance <codecompliance@bayharborislands-fl.gov>
Subject: FW: Proposed Additional Code Violations for Sophie 1045 92 Street

See the below response from the TA.

We will proceed with citing the owner as suggested by Frank and directed by the TM.

Best regards,

Patrick J. Prendergast
Manager

**Bay Harbor Islands Department of Code Compliance
& Parking Operations**

Office: (305) 993-1786, ext.. 120

Cell: (786) 877-3728

Email: pjprendergast@bayharborislands-fl.gov

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From: Frank Simone <frank@franksimone.com>

Sent: Wednesday, July 29, 2020 12:41 PM

To: Patrick Prendergast <pjprendergast@bayharborislands-fl.gov>; Marlene Siegel <msiegel@bayharborislands-fl.gov>

Cc: Eliezer Palacio <epalacio@bayharborislands-fl.gov>; Ayanidys Martinez <amartinez@bayharborislands-fl.gov>

Subject: RE: Proposed Additional Code Violations for Sophie 1045 92 Street

Patrick:

It is my opinion that we can site under:

1. 23-14 (a) every foundation. . . shall be structurally sound and maintained in good repair. ??
2. 23-14(d) exterior premises shall be kept free of excessive weeds, grass, and flora . . . ??
3. 23-14(l) maintain the exterior so as to prevent accumulation of stagnant water thereupon.??
4. For 23-15, I agree with a, b, and c ??
5. For 24-17, (f) abandoned personal property (steel) applies - with notice set forth by section (g) and with the right of removal (without court order) under (h) by the Town. Can site for Section j(1) building materials, as well.
- 6.

Call me if you have any additional question.

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Thank you.

From: Patrick Prendergast <piPREndergast@bayharborislands-fl.gov>

Sent: Tuesday, July 28, 2020 3:07 PM

To: Marlene Siegel <msiegel@bayharborislands-fl.gov>

Cc: Frank Simone <frank@franksimone.com>; Eliezer Palacio <epalacio@bayharborislands-fl.gov>; Ayanidys Martinez <amartinez@bayharborislands-fl.gov>; Patrick Prendergast <piPREndergast@bayharborislands-fl.gov>

Subject: Proposed Additional Code Violations for Sophie 1045 92 Street

Marlene, Frank and Elizar,

The attached "sophie letter" reflects the pending code violations on this property.

As of this writing, Oscar Acosta, owner's rep has scheduled maintenance of the property (confirmed, I spoke to the vendor today) and is actively working with me to see through the issues outstanding. However, as discussed, we must move forward as the property is now considered "unimproved land."

Marlene, as you pointed out, and I fully agree, Sec. 24-15 applies here. I propose to issue NOV's under 24-15 (a),(b), and (c.)

We also discussed Sec. 24-17 regarding abandoned real property. Frank, under this section I need your guidance understanding if the definition of "Abandoned Real Property" applies. As I read it, we may be falling short. Please let me know how this section may be applied for our purposes.

Many thanks,

Patrick J. Prendergast
Manager

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& Parking Operations**
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

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Notice of Violation

No. 19-001626

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **19-001626**
Inspector: Evelyn Merizalde

Parcel Address: 1047 92 Street
Lot(s): 13-14 Block: 15

Owner Information:
BHI THE CLUB 2 LLC
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

Violator Information:

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 23-12(1)	08/13/2019		Open	
Comments:	Drain and maintain the site free of standing water at all times.			

DATE OPENED	ACTIVITY	DESCRIPTION
08/13/2019	Code Action	Mosquito dunks placed in areas of standing water. Met with Federico , Carnegie Builder, at the site regarding the complaint. The pumps were on during the inspection and water was draining to the well. The site will be rechecked in 30 days for standing water.
08/18/2019	Inspection	Inspected the site and found the water has been drained. Picture entered to the file.
08/20/2019	Progress Activity	Progress picture submitted.
08/26/2019	Walk In	Met with Federico Carpineta , contractor, who advised that the pumps are still working and he is checking them twice a week.
09/13/2019	Inspection	The site is full on water after the rain storm yesterday and there is more rain in the forecaster this weekend. The site will be rechecked next Monday 9/16/19.
09/16/2019	Email	Emailed the property owner advising him that the site will be re-inspected on 9/18/19 to verify all standing water has been drained.
09/16/2019	Inspection	Found the site is full of water. Received a recording of the site from the The Club.
09/18/2019	Email	Emailed a copy of the notice of violation to Oscar Acosta, manager of Allure Development group.
09/18/2019	Daily Fine Start	Daily fine active from 9/18/19 until compliance is met.
09/18/2019	Inspection	Standing water has not been drained. Violation will be issued.
09/18/2019	Notice of Violation	Notice of violation issued to remove all retaining water on the job site.

09/24/2019	Compliance Inspection	As of today's date the property still contains standing ground water. The water was treated previously by Miami-Dade County Department of mosquito control. Spoke to Federico Carpinta, contractor, who advised the issue with FPL should be resolved this week in order to have power again for the pumps. He was advised that he could hire a pump truck to remove the water.
09/24/2019	Inspection	The site contains stagnant water. More mosquito dunks were placed in all areas of water to prevent mosquito breeding.
10/01/2019	Phone Call	Spoke to Federico Carpinta, contractor, who stated there appears to be an issue with FPL. There is currently no electricity at the site. The compliance date is 10/4/19.
10/07/2019	Inspection	As of today's date the property still contains standing ground water. The water was treated previously by Miami-Dade County Department of mosquito control. Spoke to Federico Carpinta, contractor, who advised the issue with FPL should be resolved this week in order to have power again for the pumps. He was advised that he could hire a pump truck to remove the water.
10/07/2019	Code Action	Email sent to the owner advising of the current fine amount and how to comply. Original fine letter sent via email.
10/07/2019	Email	Sent the fine letter via email and regular mail.
10/16/2019	Inspection	Site still contains stagnant water. Compliance not met.
10/16/2019	Progress Activity	The water has not been removed from the site.
10/23/2019	Progress Activity	Advised the Building Official the site is not in compliance.
10/23/2019	Progress Activity	The site still contains stagnant water. Compliance not met. Spoke to Clayton Parker, Chief Building Official, who stated to advise the owner that compliance must be met within 15 calendar days or the permit will be closed and all prior approvals are voided. The site would have to obtain new permits for the project.
10/23/2019	Email	An email notification of non-compliance with the code violation was sent to the owner and contractor under the direction of Clayton Parker, Chief Building Official for the Town of Bay Harbor Islands. The site has been given 15 days to compliance with ALL outstanding violations. All open permits will be closed if compliance is not met within the given time frame. Once permits are closed the site will have to go through the process of obtaining approvals again for the site and meet all current code requirements.
10/23/2019	Phone Call	Spoke to Oscar Acosta, Project representative, who stated they are still have issues with financing the project. However, he will contact his contractor to bring the site to compliance. He was advised of the 11/7/19 deadline to comply with ALL open violations.
10/28/2019	Progress Activity	Notice of violation mailed certified was unclaimed.
11/12/2019	Progress Activity	Spoke to Federico Carpinta, contractor, he stated that funds were received to comply with the pending violations.
11/14/2019	Inspection	Inspected the site and found the water level has decreased and all pumps are working. Compliance met.
11/14/2019	Progress Activity	Fine calculated from 0/40/19 11/14/19 which is \$50.00. \$50.00

day for a total of \$2,900.00.

01/17/2020	Affidavit	Completed the case affidavit. Compliance met on 11/15/2019.
01/23/2020	Claim of Lien	
01/23/2020	Notice To Appear	Notice to appear before the special master on 1/23/20 at 9:30 AM posted to the property and mailed certified.
01/23/2020	Special Master Hearing	Fine imposed from 9/18/19 to 11/14/19 which represents 58 days at \$50.00 per day for a total of \$2,900.00. The fine was mitigated by 50% to \$1,450.00 plus a \$150.00 administrative fee for a total due of \$1,600.00.
02/27/2020	Email	Email sent to the owner and contractor advising the fine has not been paid.
06/10/2020	Code Action	Lien sent via mail and emailed to the property owner.
10/27/2020	Code Action	Invoice for the lien amount of \$1,600.00 mailed to the property owner.
08/12/2021	Code Action	Spoke to Nicolas, Developer, regarding the lien filed against the property.
08/26/2021	Code Action	Violation notice provided for a lien search.

Photo(s)



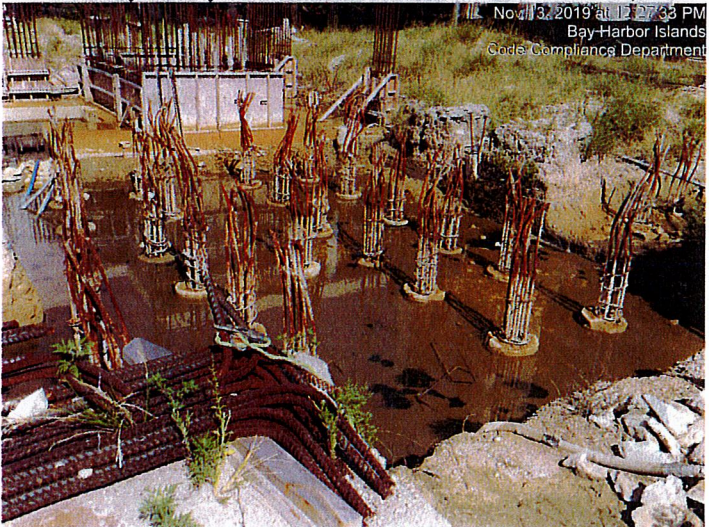
Created By: Evelyn Merizalde Created Date: Dec 30, 2019



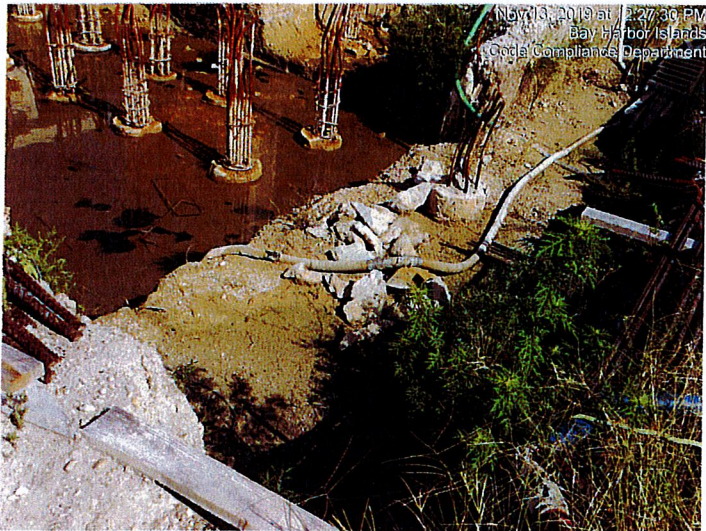
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Created By: Evelyn Merizalde Created Date: Nov 14, 2019



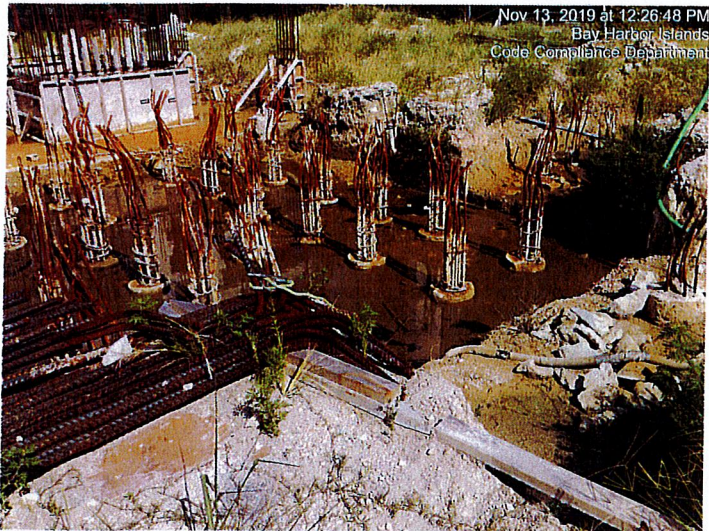
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Created By: Evelyn Merizalde Created Date: Nov 14, 2019



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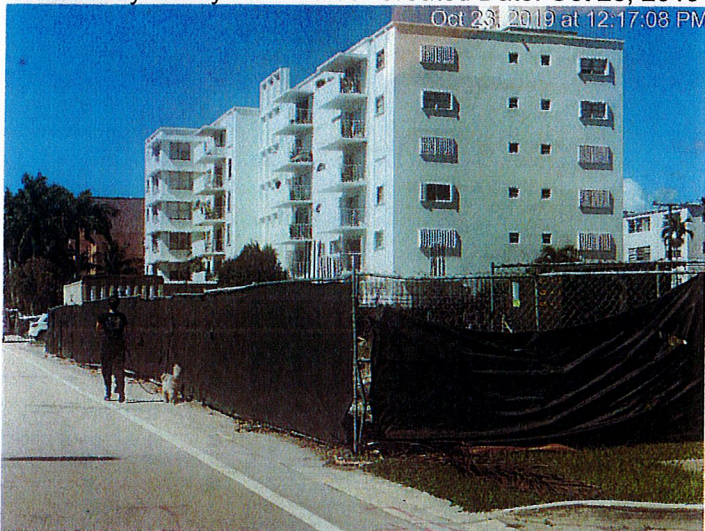
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Created By: Evelyn Merizalde Created Date: Oct 23, 2019



Created By: Evelyn Merizalde Created Date: Oct 23, 2019



Created By: Evelyn Merizalde Created Date: Oct 16, 2019



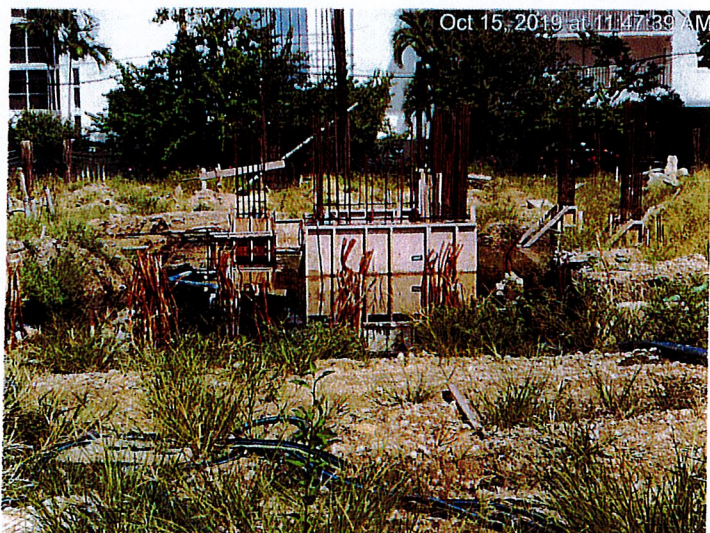
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Created By: Evelyn Merizalde Created Date: Oct 16, 2019



Created By: Evelyn Merizalde Created Date: Oct 16, 2019



Created By: Evelyn Merizalde Created Date: Oct 16, 2019



Created By: Evelyn Merizalde Created Date: Oct 07, 2019



Created By: Evelyn Merizalde Created Date: Oct 07, 2019



Created By: Evelyn Merizalde Created Date: Oct 07, 2019



Created By: Evelyn Merizalde Created Date: Oct 07, 2019



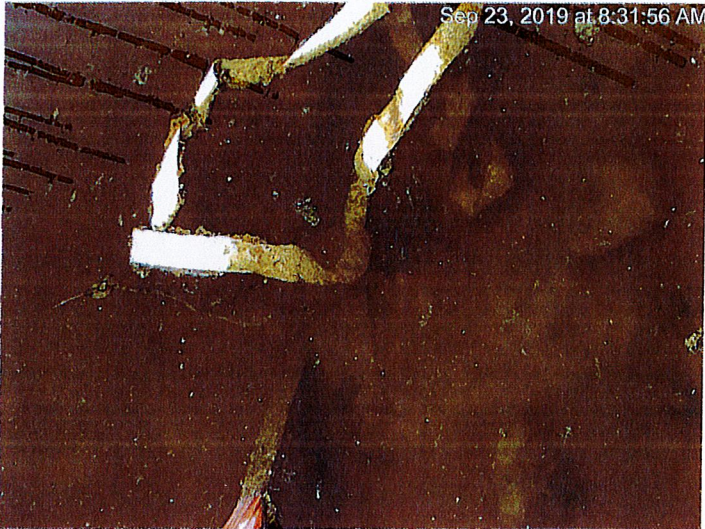
Created By: Evelyn Merizalde Created Date: Sep 24, 2019



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Created By: Evelyn Merizalde Created Date: Sep 24, 2019



Created By: Evelyn Merizalde Created Date: Sep 24, 2019



Created By: Evelyn Merizalde Created Date: Sep 24, 2019



Sep 23, 2019 at 8:30:14 AM

Created By: Evelyn Merizalde Created Date: Sep 24, 2019



Sep 23, 2019 at 8:25:44 AM

Created By: Evelyn Merizalde Created Date: Sep 24, 2019



Sep 23, 2019 at 8:25:31 AM

Created By: Evelyn Merizalde Created Date: Sep 24, 2019



Created By: Evelyn Merizalde Created Date: Sep 24, 2019



Created By: Evelyn Merizalde Created Date: Sep 24, 2019



Created By: Evelyn Merizalde Created Date: Sep 18, 2019



Created By: Evelyn Merizalde Created Date: Sep 18, 2019



Created By: Evelyn Merizalde Created Date: Sep 18, 2019



Created By: Evelyn Merizalde Created Date: Sep 16, 2019



Created By: Evelyn Merizalde Created Date: Sep 16, 2019



Created By: Evelyn Merizalde Created Date: Sep 16, 2019



Created By: Evelyn Merizalde Created Date: Sep 16, 2019



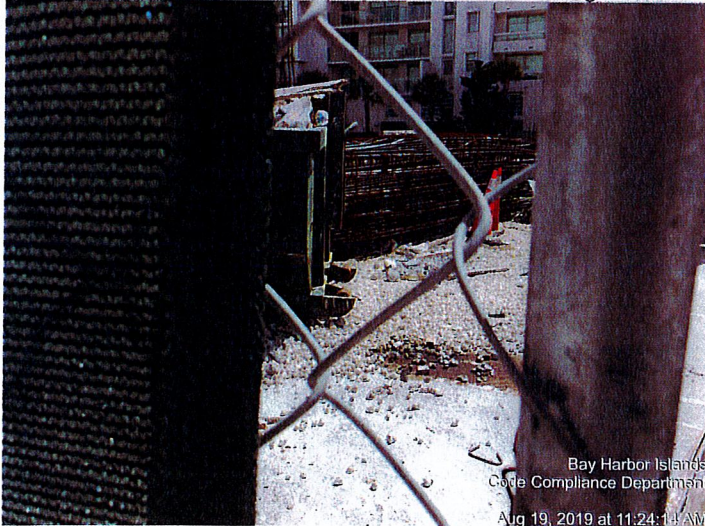
Sep 13, 2019 at 10:14:25 AM

Created By: Evelyn Merizalde Created Date: Sep 13, 2019



Aug 20, 2019 at 1:01:55 PM

Created By: Evelyn Merizalde Created Date: Aug 20, 2019



Bay Harbor Islands
Code Compliance Department

Aug 19, 2019 at 11:24:14 AM

Created By: Evelyn Merizalde Created Date: Aug 19, 2019



Created By: Evelyn Merizalde Created Date: Aug 19, 2019



Created By: Evelyn Merizalde Created Date: Aug 19, 2019



Created By: Evelyn Merizalde Created Date: Aug 13, 2019

This instrument prepared by
and record and return to:
Alba L. Chang, Interim Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida

Claim of Lien

State of Florida

County of Miami-Dade

Before me, the undersigned Notary Public, personally appeared Marlene Marante Siegel
who was duly sworn and says that she is the agent of the lienor herein:

Town of Bay Harbor Islands
(Lienor's Name)

whose address is 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154
(Lienor's Address)

Lienor claims:

Fines/fees as per Section 5 3/4 of the Code of Ordinances of the Town of Bay Harbor Islands; Citation # 19-001626; A fine of one thousand four hundred and fifty dollars (\$1,450.00), plus an administrative fee of one hundred fifty dollar (\$150.00), levied on January 23rd, 2020 by Special Master Richard Kroop. The total amount of the lien equals \$1,600.00; a copy of the Special Master's Findings are attached hereto and incorporated herein by reference.

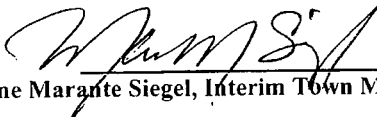
The Claim of Lien is on the following described real property in Miami-Dade County, Florida,

Commonly known as: 1047 92 Street
Bay Harbor Islands, Florida 33154
Lot(s) 14 , Block 15 , PB 46, Page 5
Miami-Dade County, Florida

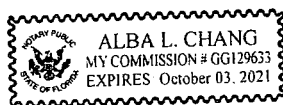
owned by BHI THE CLUB 2 LLC

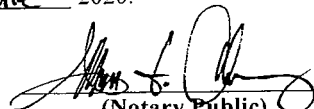
of a total value of one thousand six hundred dollars (\$1,600.00) of which there remains unpaid \$1,600.00 as of June 5, 2020, and that the lienor served his notice to owner on September 18, 2019 by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)


Marlene Marante Siegel, Interim Town Manager

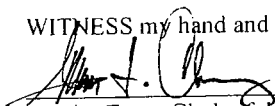
Sworn to and subscribed before me this 5th day of June 2020.




(Notary Public)

I, Alba L. Chang, Interim Town Clerk of the Town of Bay Harbor Islands, Florida, do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in my office.

WITNESS my hand and the seal of said town this 5th day of June 2020, A.D.





Town of Bay Harbor Islands
 Code Compliance Department
 9665 Bay Harbor Terrace
 Bay Harbor Islands, FL 33154

January 28, 2020

For Property at:	1047 92 Street
BILL TO:	BHI THE CLUB 2 LLC 50 Briar Hollow Lane, Suite 500E Houston, TX 77027

Quantity	Description	Amount
1	Violation 19-001626 Complaint of standing water at the site. Special Master hearing administrative fee 1.23.20	\$150.00
1	Violation 19-001626 Special Master hearing fine imposed 1.23.20	\$1,450.00
	Total	\$1,600.00

**THE ABOVE AMOUNT MUST BE PAID WITHIN 30 DAYS
 FROM THE INVOICE DATE TO AVOID A LIEN FILED AGAINST THE
 PROPERTY LOCATED AT 1047 92 Street Bay Harbor Islands, FL 33154-2719 .**

Sec 5-6. - Developmental fees, permits - Required, fees to be paid: penalty for noncompliance.

(e)To the extent that there are open plans or permits involving new construction, substantial renovations, or demolition on the effective date of this section wherein the applicant or the subject property has any existing code violations with the town, liens or unpaid fines due and owing to the town, neither a final inspection shall occur nor shall the plans or permit be approved or closed until the existing code violation(s) are complied with and the citations are closed by the town and any unpaid fines are paid in full.

Please contact the Code Compliance Department for questions or concerns at: (305) 993-1786.

MAKE ALL CHECKS PAYABLE TO:

Town of Bay Harbor Islands
 Attn: Code Compliance Department
 9665 Bay Harbor Terrace
 Bay Harbor Islands, FL 33154

TOWN OF BAY HARBOR ISLANDS CODE COMPLIANCE DIVISION

9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

BHI THE CLUB 2 LLC
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

ADDRESS OF VIOLATION:

1047 92 Street
Bay Harbor Islands, FL 33154-2719
Parcel No: 1322270012960

REGISTERED AGENT:

CT Corporation System -
1200 South Pine Island Road
Plantation, FL 33324

HEARING INFORMATION

Date: January 23, 2020
Time: 9:30AM

Location: Town of Bay Harbor Council Chambers
Special Master: Richard Kroop

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: 19-001626

Code Inspector: Evelyn Merizalde

Method of Service

Posted
Certified

Date

September 18, 2019
September 18, 2019

Violations(s):

Code Section Violated: Sec. 23-12(1)

Nature of Violation and Details:

Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property. Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats, poultry, fowl or any other livestock shall be kept on any lot. Daily Penalty \$50.00
Daily Penalty: \$50.00

APPEARANCES:

Juhan Bensusan, Representative	(Owner's Attorney or Representative)
Federico Carpineta, GC	(Owner's Attorney or Representative)
Evelyn Merizalde	(Code Inspector)
Scherrie Griffin	(Code Inspector)
Eliezer Palacio	(Chief Building Official)
Frank Simone	(Town Attorney)
Patrick Prendergast, Code Manager	(Code Manager)
Ayanidys Martinez	(Building and Zoning Supervisor)

WITNESSES:

NAME	ADDRESS	CALLED BY
------	---------	-----------

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED RETURN	
		BY	TO
1	Letter of authorization signed by Oscar Acosta, BHI The Club LLC Manager, authorizing Judah Bensusan to act on his behalf.		

SPECIAL MASTER'S FINDINGS OF FACT:

- ☒ The named violator was responsible for the violation of the cited Code section, as charged.
- ☐ The named violator was not responsible for the violation of the cited Code section, as charged.
- ☒ The amount of the civil penalty shall be \$50.00 per day, which shall be accruing from the date Notice was served (as per Sec 5 3/4 of the Town Code) until the date the violation is or was corrected and verified as corrected by inspector of the Town.
- ☒ The administrative cost of this hearing shall be \$150.00
- ☐ Based on the relevant evidence, the time for correction as first given by the Code Inspector was insufficient and the Special Master hereby redetermines that the date for correction of the named violation should be . (If the violation is/was corrected and verified as corrected before the above redetermined date for correction, the penalty is waived and not imposed.
- ☐ Provided the violation is corrected by , it is the Special Master's Order that the total amount of the civil penalties be mitigated by a reduction of % (not to exceed 50%)

FURTHER RULING AND/OR REMARKS:

Fine imposed from 9/18/19 to 11/14/19 which represents 58 days at \$50.00 per day for a total of \$2,900.00. The fine was mitigated by 50% to \$1,450.00 plus a \$150.00 administrative fee for a total due of \$1,600.00.

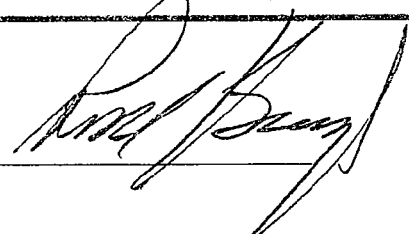
Fine Assessed: \$1,450.00

Administrative Fee \$150.00

Total Owed: \$1,600.00

Back to the next Special Master Hearing in days.

Special Master: Richard Kroop

Signature: 

TOWN OF BAY HARBOR ISLANDS CODE COMPLIANCE DIVISION

9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



September 18, 2019
FILE NUMBER: 19-001626

NOTICE OF VIOLATION

OWNER:

BHI THE CLUB 2 LLC
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

ADDRESS OF VIOLATION:

-
1047 92 Street
Bay Harbor Islands, FL 33154-2719
Parcel No: 1322270012960

REGISTERED AGENT:

CT Corporation System -
1200 South Pine Island Road
Plantation, FL 33324

TENANT:

-

Inspections of the above premise discloses violations(s) of the Code Ordinances of the Town of Bay Harbor Islands, as follows:

Code Section Violated: **Sec. 23-12(1)**

Nature of Violation and Details:

Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property. Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats, poultry, fowl or any other livestock shall be kept on any lot. Daily Penalty \$50.00

Daily Penalty: \$50.00

You may comply by: Drain and maintain the site free of standing water at all times.

RE: Complaint of standing water at the site.

Location of Violation: 1047 92 Street Violation Date: 08/13/2019

Compliance Date: **September 23, 2019**

YOU MUST REQUEST AN INSPECTION BY CODE COMPLIANCE OFFICER UPON COMPLETION OF THE WORK. IF YOU DON'T CALL, YOUR FINES WILL CONTINUE TO ACCUMULATE.

If the violation is corrected within the prescribed time period, the civil fine will not be imposed. If the violation is not corrected within the prescribed time period, a civil fine up to the maximum set for the above shall be payable daily for each day of violation. Each day of violation after the time for correction shall be deemed a continuing violation and is subject to an additional penalty in the same amount. No further notices will be given. Civil fines may be paid at the office of the Town Clerk at the following address:

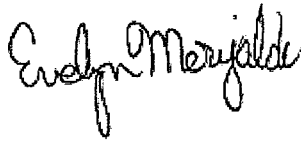
**Town of Bay Harbor Islands
Office of the Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154**

You may request an administrative hearing before a Special Master to appeal the notice of violation or to request an extension of time. The request for hearing must be filed in the office of the Town Clerk in writing within twenty (20) days after service of notice of violation or you will be deemed to have admitted the violation and waived your right to a hearing. A timely request for a hearing will postpone the accrual of continuing additional penalties. You may be liable for the reasonable costs of hearing if you are found guilty of the violation.

Service Information:

Date Mailed: 09/18/2019
Date Posted: 09/18/2019

Cert Mail Article #: 7018 1130 0000 3961 3528



Evelyn Merizalde
Code Compliance Officer
emerizalde@bayharborislands-fl.gov

ADDENDUM



Document
Evelyn Merizalde
Sep 18, 2019



Document
Evelyn Merizalde
Sep 18, 2019



Document
Evelyn Merizalde
Sep 18, 2019



Document
Evelyn Merizalde
Sep 16, 2019

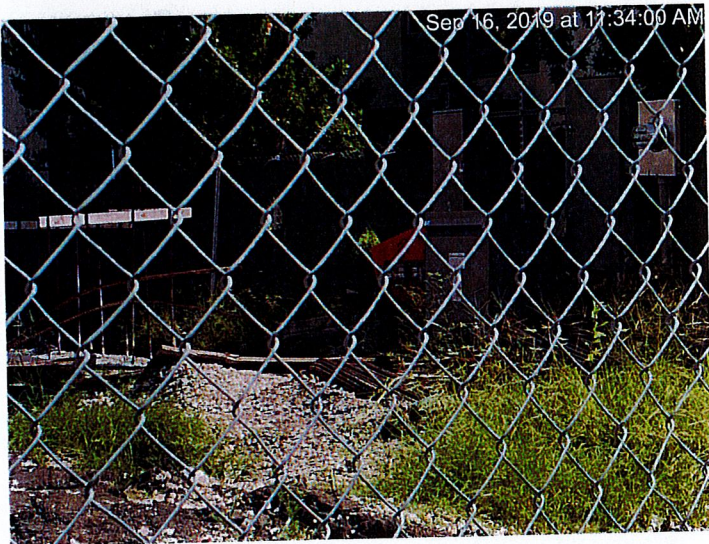


Document

Sep 16, 2019



Document
Evelyn Merizalde
Sep 16, 2019



Document
Evelyn Merizalde
Sep 16, 2019

Notice of Violation

No. 19-001842

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
 BAY HARBOR ISLANDS, FL 33154
 Phone: (305) 993-1786



CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **19-001842**
 Inspector: Evelyn Merizalde

Parcel Address: 1047 92 Street
 Lot(s): 13-14 Block: 15

Owner Information:
 BHI THE CLUB 2 LLC
 50 Briar Hollow Lane, Suite 500E
 Houston, TX 77027

Violator Information:
 BHI THE CLUB 2 LLC
 50 Briar Hollow Lane, Suite 500E
 Houston, TX 77027

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 5-5(c)	09/09/2019		Open	
Comments:	Silt fencing must be installed behind the construction fence along the perimeter of the site.			
Sec. 5-5(f)	09/09/2019		Open	
Comments:	Move the fence/ posts behind the valley gutter and install a dust screen on the construction fence .			

DATE OPENED	ACTIVITY	DESCRIPTION
09/09/2019	Courtesy Notice	Courtesy notice issued to have the construction fence moved behind the valley gutter, install silt fencing around the perimeter of the site and re-attach the dust screen to the fence.
09/09/2019	Progress Activity	Email received from Oscar Acosta, owner, stating he will contact a fence company to take care of fence.
09/24/2019	Inspection	Compliance has not been met. Notice of violation will be issued.
09/27/2019	Daily Fine Start	Daily fine start from 9/27/19 until compliance is met.
09/27/2019	Notice of Violation	Notice of violation issued for failure to comply with a courtesy notice to move the fence behind the valley gutter, install the dust screen and to install silt fencing around the perimeter of the site.
10/07/2019	Inspection	Fence moved off the street , dust screen installed but the silt fencing is missing. Spoke to Federico Carpineta, contractor, to install the missing silt fencing.
10/07/2019	Progress Activity	Received an email from Oscar Acosta, owner, stating advising he is doing everything necessary to bring the property to compliance.
10/23/2019	Email	Email sent to Federico Carpineta, contractor and Oscar Acosta, owner, advising as per Clayton Parker, CBO, the current permits issued to the Sophie project will be closed in the site is not brought to compliance within 15 days of this notification (11/17/19). As you are well aware once the project permits are closed all prior approvals will be voided.
11/07/2019	Email	Received an email from Federico Carpineta requesting Silt fencing specifications. He was originally referred to Randy Daniels, Town Engineer, who

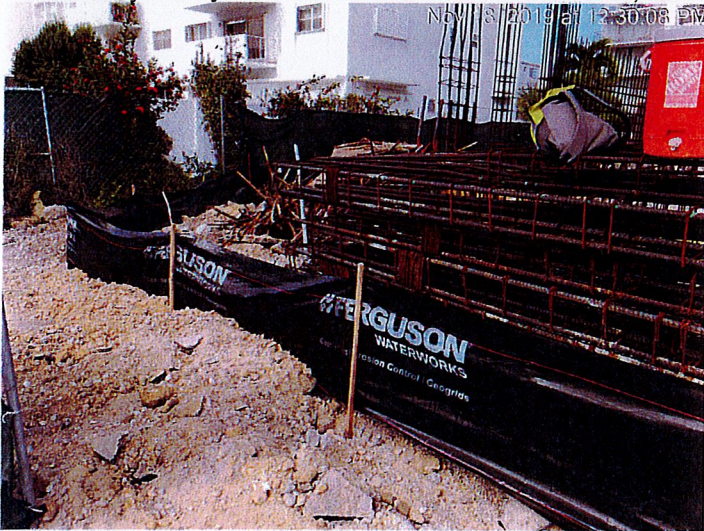
referred him back to Code. Research the Florida Storm Water Erosion Inspector Manual and found silt fencing specifications. Document provided to Federico.

11/18/2019	Code Action	Met with Federico Carpineta, Carneige Builders, at the job site. The site was found in compliance at the time of inspection.
11/18/2019	Compliance Inspection	Silt fencing installed. Compliance met. The fine from 9/27/19-11/18/19 represents 52 days at \$250.00 per day for a total fine amount of \$13,000.00.
11/19/2019	Email	Emailed Oscar Acosta a calculations of the fine amount and advised him of the options available to resolve the violation. Silt fencing installed. Compliance met. The fine from 9/27/19-11/18/19 represents 52 days at \$250.00 per day for a total fine amount of \$13,000.00. Hold placed on the parcel.
12/11/2019	Email	Received an email from Federico Carpineta, contractor, stating the dust screen was restored yesterday 12/10/19.
01/16/2020	Affidavit	Affidavit completed and entered to the case file. Compliance met on 11/18/2019.
01/22/2020	Email	Email received from Federico Carpineta, contractor, stating he is in a meeting and he will advised the owner of the compliance requirement.
01/23/2020	Notice To Appear	Notice to appear before the special master on 1/23/20 at 9:30 AM posted to the property and mailed certified return receipt.
01/23/2020	Special Master Hearing	Fine imposed from 9/27/19-11/18/19 which represents 52 days at \$250.00 per day for a total of \$13,000.00. The fine was mitigated by 50% to \$6,500.00 plus a \$150.00 administrative fee for a total due of \$6,650.00.
01/23/2020	Progress Activity	Authorization from Oscar Acosta to Juhan Bensusan, investing partner, entered to the case file.
02/27/2020	Progress Activity	As of today's date the fine in the amount of \$6,650.00 has not been paid. Email sent to the property owner and contractor advising the file will be forwarded to the Town of Bay Harbor Islands Clerk's Office to file a lien.
06/05/2020	Code Action	Researching the status of the lien request.
06/10/2020	Code Action	A lien was filed against the property for violatin 19-001842. The filed lien was emailed and mailed to the property owner.
07/06/2020	Code Action	Copy of lien filed sent to the owner and building department.
10/27/2020	Code Action	Lien invoice in the amount of \$6,650.00 mailed to the property owner.
08/12/2021	Phone Call	Spoke to Nicholas regarding the lien in the amount of \$6,650.00.
08/26/2021	Code Action	Violation information provided for a lien search.

Photo(s)



Created By: Evelyn Merizalde Created Date: Nov 18, 2019



Created By: Evelyn Merizalde Created Date: Nov 18, 2019



Created By: Evelyn Merizalde Created Date: Nov 18, 2019



Created By: Evelyn Merizalde Created Date: Nov 18, 2019



Created By: Evelyn Merizalde Created Date: Nov 18, 2019



Created By: Evelyn Merizalde Created Date: Oct 07, 2019

Oct 7, 2019 at 7:59:04 AM



Created By: Evelyn Merizalde Created Date: Oct 07, 2019

Oct 7, 2019 at 10:16:33 AM



Created By: Evelyn Merizalde Created Date: Oct 07, 2019

Oct 7, 2019 at 10:16:16 AM



Created By: Evelyn Merizalde Created Date: Oct 07, 2019



Created By: Evelyn Merizalde Created Date: Oct 07, 2019



Created By: Evelyn Merizalde Created Date: Oct 07, 2019



Created By: Evelyn Merizalde Created Date: Sep 27, 2019



Created By: Evelyn Merizalde Created Date: Sep 27, 2019



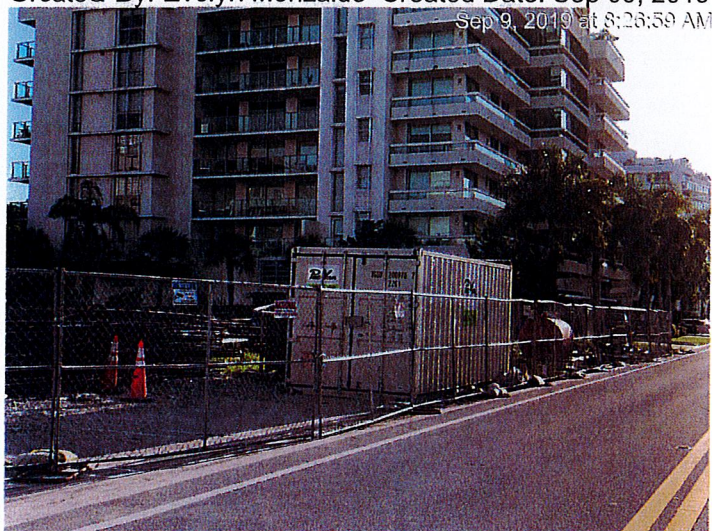
Created By: Evelyn Merizalde Created Date: Sep 24, 2019



Created By: Evelyn Merizalde Created Date: Sep 24, 2019



Created By: Evelyn Merizalde Created Date: Sep 09, 2019
Sep 9, 2019 at 8:26:59 AM



Created By: Evelyn Merizalde Created Date: Sep 09, 2019
Sep 9, 2019 at 8:26:56 AM



Created By: Evelyn Merizalde Created Date: Sep 09, 2019

This instrument prepared by
and record and return to:
Alba L. Chang, Interim Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida

Claim of Lien

State of Florida

County of Miami-Dade

Before me, the undersigned Notary Public, personally appeared Marlene Marante Siegel
who was duly sworn and says that she is the agent of the lienor herein:

Town of Bay Harbor Islands
(Lienor's Name)

whose address is 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154
(Lienor's Address)

Lienor claims:

Fines/fees as per Section 5 3/4 of the Code of Ordinances of the Town of Bay Harbor Islands; Citation # 19-001842; A fine of six thousand five hundred dollars (\$6,500.00), plus an administrative fee of one hundred fifty dollar (\$150.00), levied on January 23rd, 2020 by Special Master Richard Kroop. The total amount of the lien equals \$6,650.00; a copy of the Special Master's Findings are attached hereto and incorporated herein by reference.

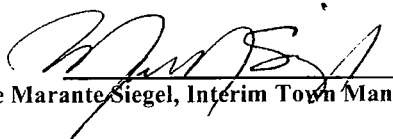
The Claim of Lien is on the following described real property in Miami-Dade County, Florida,

Commonly known as: 1047 92 Street
Bay Harbor Islands, Florida 33154
Lot(s) 14 , Block 15 , PB 46, Page 5
Miami-Dade County, Florida

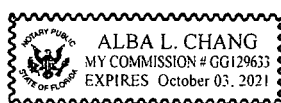
owned by BHI THE CLUB 2 LLC

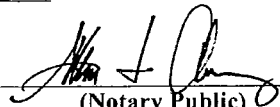
of a total value of six thousand six hundred and fifty dollars (\$6,650.00) of which there remains unpaid \$6,650.00 as of June 5, 2020, and that the lienor served her notice to owner on September 27, 2019 by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)


Marlene Marante Siegel, Interim Town Manager

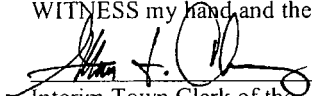
Sworn to and subscribed before me this 5th day of June 2020.




(Notary Public)

I, Alba L. Chang, Interim Town Clerk of the Town of Bay Harbor Islands, Florida, do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in my office.

WITNESS my hand and the seal of said town this 5th day of June 2020, A.D.


Interim Town Clerk of the



Town of Bay Harbor Islands
Code Compliance Department
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

January 28, 2020

For Property at:	1047 92 Street
BILL TO:	BHI THE CLUB 2 LLC 50 Briar Hollow Lane, Suite 500E Houston, TX 77027

Quantity	Description	Amount
1	Violation 19-001842 The construction fence is located on town property, the dust screen has not been re-installed Special Master hearing 1.23.20 Administrative fee	\$6,500.00
1	Violation 19-001842 Special Master hearing fine imposed 1.23.20	\$150.00
	Total	\$6,650.00

**THE ABOVE AMOUNT MUST BE PAID WITHIN 30 DAYS
FROM THE INVOICE DATE TO AVOID A LIEN FILED AGAINST THE
PROPERTY LOCATED AT 1047 92 Street Bay Harbor Islands, FL 33154-2719 .**

Sec 5-6. - Developmental fees, permits - Required, fees to be paid: penalty for noncompliance.

(e)To the extent that there are open plans or permits involving new construction, substantial renovations, or demolition on the effective date of this section wherein the applicant or the subject property has any existing code violations with the town, liens or unpaid fines due and owing to the town, neither a final inspection shall occur nor shall the plans or permit be approved or closed until the existing code violation(s) are complied with and the citations are closed by the town and any unpaid fines are paid in full.

Please contact the Code Compliance Department for questions or concerns at: (305) 993-1786.

MAKE ALL CHECKS PAYABLE TO:

Town of Bay Harbor Islands
Attn: Code Compliance Department
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

TOWN OF BAY HARBOR ISLANDS CODE COMPLIANCE DIVISION

9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

BHI THE CLUB 2 LLC
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

ADDRESS OF VIOLATION:

- BHI THE CLUB 2 LLC
1047 92 Street
Bay Harbor Islands, FL 33154-2719
Parcel No: 1322270012960

REGISTERED AGENT:

- Oscar Acosta

Bay Harbor Islands, FL 33154

HEARING INFORMATION

Date: January 23, 2020
Time: 9:30AM

Location: Town of Bay Harbor Council Chambers
Special Master: Richard Kroop

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: 19-001842

Code Inspector: Evelyn Merizalde

Method of Service
Posted
Certified

Date
September 27, 2019
September 27, 2019

Violations(s):

Code Section Violated: Sec. 5-5(c)

Nature of Violation and Details:

Erosion and runoff control. In compliance with the town's National Pollution Discharge Elimination System (NPDES) permit requirements, prior to beginning any clearing, grubbing, or construction activities, as part of the building permit process, the contractor shall submit a plan (erosion and sediment control plan) detailing the location and handling of materials, soils and outlining the actions that will be taken to prohibit runoff of dirt, sand, fluids, vegetation or any other item into the town's stormwater system or onto adjacent property and waterways. Piles of soil, or any other methods approved by the town, shall provide for a containment area to reduce runoff.

Daily Penalty: \$250.00

Code Section Violated: Sec. 5-5(f)

Nature of Violation and Details:

A temporary construction fence screening the site shall be erected and maintained in good order at all properties with on-going construction activities. The construction fence shall be erected and completely in place within ten days of the issuance of any building permit for the beginning of construction activities. The temporary fence shall be six-foot chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris.

Daily Penalty: \$250.00

APPEARANCES:

Judah Bensusan, Representative	(Owner's Attorney or Representative)
Federico Carpineta, GC	(Owner's Attorney or Representative)
Evelyn Merizalde	(Code Inspector)
Scherrie Griffin	(Code Inspector)
Eliezer Palacio, CBO	(Chief Building Official)
Frank Simone	(Town Attorney)
Patrick Prendergast	(Code Manager)
Ayanidys Martinez	(Building and Zoning Supervisor)

WITNESSES:

NAME	ADDRESS	CALLED BY
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EXHIBITS:**NUMBERBRIEF DESCRIPTION****SUBMITTED RETURN
BY TO**

1	Letter of authorization signed by Oscar Acosta BHI The Club, LLc Manager, authorizing Judah Bensusan to act on his behalf.	Judah Bensusan
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SPECIAL MASTER'S FINDINGS OF FACT:

- ☒ The named violator was responsible for the violation of the cited Code section, as charged.
- ☐ The named violator was not responsible for the violation of the cited Code section, as charged.
- ☒ The amount of the civil penalty shall be \$250.00 per day, which shall be accruing from the date Notice was served (as per Sec 5 3/4 of the Town Code) until the date the violation is or was corrected and verified as corrected by inspector of the Town.
- ☒ The administrative cost of this hearing shall be \$150.00
- ☐ Based on the relevant evidence, the time for correction as first given by the Code Inspector was insufficient and the Special Master hereby redetermines that the date for correction of the named violation should be . (If the violation is/was corrected and verified as corrected before the above redetermined date for correction, the penalty is waived and not imposed.
- ☐ Provided the violation is corrected by , it is the Special Master's Order that the total amount of the civil penalties be mitigated by a reduction of % (not to exceed 50%)

FURTHER RULING AND/OR REMARKS:

Fine imposed from 9/27/19-11/18/19 which represents 52 days at \$250.00 per day for a total of \$13,000.00. The fine was mitigated by 50% to \$6,500.00 plus a \$150.00 administrative fee for a total due of \$6,650.00.

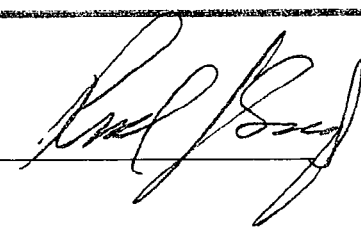
Fine Assessed: \$6,500.00

Administrative Fee \$150.00

Total Owed: \$6,650.00

Back to the next Special Master Hearing in days.

Special Master: Richard Kroop

Signature: 

TOWN OF BAY HARBOR ISLANDS CODE COMPLIANCE DIVISION

9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



September 27, 2019
FILE NUMBER: 19-001842

NOTICE OF VIOLATION

OWNER:

BHI THE CLUB 2 LLC
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

ADDRESS OF VIOLATION:

BHI THE CLUB 2 LLC -
1047 92 Street
Bay Harbor Islands, FL 33154-2719
Parcel No: 1322270012960

REGISTERED AGENT:

- BHI THE CLUB 2 LLC
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

TENANT:

-

Inspections of the above premise discloses violation(s) of the Code Ordinances of the Town of Bay Harbor Islands, as follows:

Code Section Violated: **Sec. 5-5(c)**

Nature of Violation and Details:

Erosion and runoff control. In compliance with the town's National Pollution Discharge Elimination System (NPDES) permit requirements, prior to beginning any clearing, grubbing, or construction activities, as part of the building permit process, the contractor shall submit a plan (erosion and sediment control plan) detailing the location and handling of materials, soils and outlining the actions that will be taken to prohibit runoff of dirt, sand, fluids, vegetation or any other item into the town's stormwater system or onto adjacent property and waterways. Piles of soil, or any other methods approved by the town, shall provide for a containment area to reduce runoff.

Daily Penalty: \$250.00

You may comply by: Silt fencing must be installed behind the construction fence along the perimeter of the site.

Code Section Violated: **Sec. 5-5(f)**

Nature of Violation and Details:

A temporary construction fence screening the site shall be erected and maintained in good order at all properties with on-going construction activities. The construction fence shall be erected and completely in place within ten days of the issuance of any building permit for the beginning of construction activities. The temporary fence shall be six-foot chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris.

Daily Penalty: \$250.00

You may comply by: Move the fence/ posts behind the valley gutter and install a dust screen on the construction fence .

RE: The construction fence is located on town property, the dust screen has not been re-installed and silt fencing must be placed along the inside of the construction fence to prevent run-off.

Location of Violation: 1047 92 Street Violation Date: 09/09/2019

Compliance Date: October 04, 2019

YOU MUST REQUEST AN INSPECTION BY CODE COMPLIANCE OFFICER UPON COMPLETION OF THE WORK. IF YOU DON'T CALL, YOUR FINES WILL CONTINUE TO ACCUMULATE.

If the violation is corrected within the prescribed time period, the civil fine will not be imposed. If the violation is not corrected within the prescribed time period, a civil fine up to the maximum set for the above shall be payable daily for each day of violation. Each day of violation after the time for correction shall be deemed a continuing violation and is subject to an additional penalty in the same amount. No further notices will be given. Civil fines may be paid at the office of the Town Clerk at the following address:

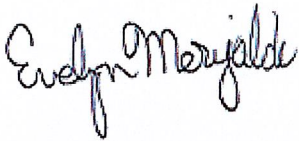
**Town of Bay Harbor Islands
Office of the Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154**

You may request an administrative hearing before a Special Master to appeal the notice of violation or to request an extension of time. The request for hearing must be filed in the office of the Town Clerk in writing within twenty (20) days after service of notice of violation or you will be deemed to have admitted the violation and waived your right to a hearing. A timely request for a hearing will postpone the accrual of continuing additional penalties. You may be liable for the reasonable costs of hearing if you are found guilty of the violation.

Service Information:

Date Mailed: 09/27/2019
Date Posted: 09/27/2019

Cert Mail Article #: 70190700000046596921



Evelyn Merizalde
Code Compliance Officer
emerizalde@bayharborislands-fl.gov

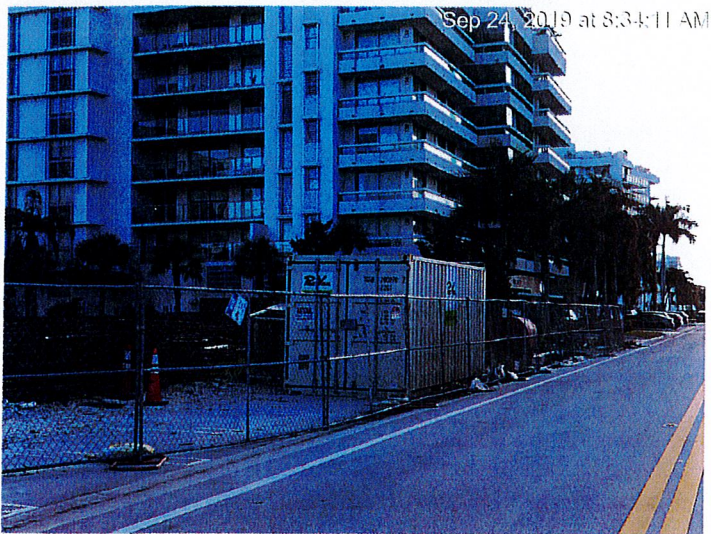
ADDENDUM



Document
Evelyn Merizalde
Sep 27, 2019



Document
Evelyn Merizalde
Sep 27, 2019



Document
Evelyn Merizalde
Sep 24, 2019

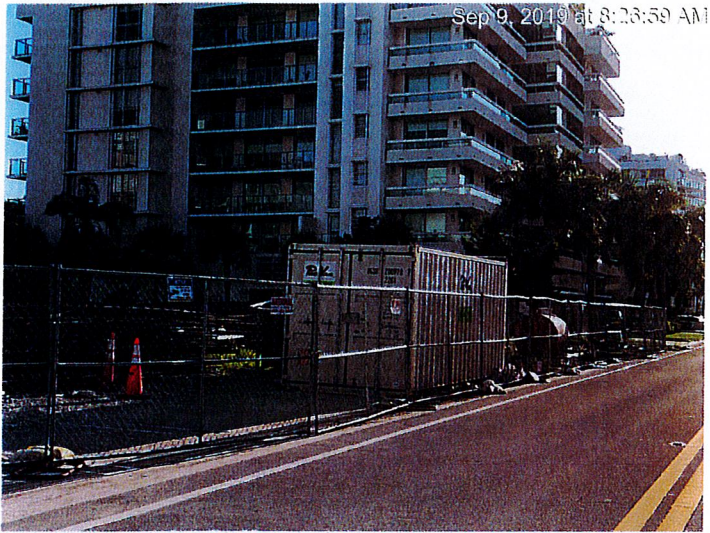


Document
Evelyn Merizalde
Sep 24, 2019



Document
Evelyn Merizalde

Sep 09, 2019



Document
Evelyn Merizalde
Sep 09, 2019



Document
Evelyn Merizalde
Sep 09, 2019

Notice of Violation

No. 19-000732

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **20-000732**
Inspector: Evelyn Merizalde

Parcel Address: 1047 92 Street
Lot(s): 13-14 Block: 15

Owner Information:
BHI THE CLUB 2 LLC
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

Violator Information:
BHI THE CLUB 2 LLC
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 5-5(h) (6)	05/18/2020		Open	
Comments: Remove all debris located on the site and under the construction fence. Verify the pumps are working properly to prevent accumulation of stagnant water.				
Sec. 5-5(e)	06/05/2020		Open	
Comments: Have the landscaping trimmed and maintained on a regular basis.				
Sec. 5-5(f)	06/17/2020	09/14/2020	Closed	
Comments: Affix the dust screen to the construction fence and secure the fence to the ground.				

DATE OPENED	ACTIVITY	DESCRIPTION
05/18/2020	Phone Call	The project permit appears to be expired. Email sent to the Building Official requesting more information on the status of the project. Spoke to Oscar Acosta, owner representative, to have the site cleared of debris, overgrown landscaping, install and/or fix the dust screen and secure the fence to the ground.
06/05/2020	Courtesy Notice	Courtesy notice issued to remove the debris from the site, inspect and verify the pumps are working properly to remove water from the site and to affix the dust screen to the construction fence.
06/07/2020	Notice of Violation	Notice of violation issued to trim the landscaping, remove debris, secure the construction fence properly to the ground and to pump the water out of the site. Notice of violation mailed certified to the registered agent and owner
06/15/2020	Inspection	Found compliance has not been met. Notice of violation will be issued.
06/17/2020	Daily Fine Start	Construction fence secured to the ground and all materials under the fence have been pushed behind the fence.
06/17/2020	Daily Fine Start	Debris has been removed from the site but debris remains under the construction fence. Compliance not met.
06/17/2020	Daily Fine Start	Mailed 30 days fine letter. As of today's date the fine is \$ 20, 250.00.
06/18/2020	Walk In	Oscar came into the Building Department to speak with the Chief Building Official. He was given a copy of the Notice if Violation.

07/08/2020	Code Action	Office closed due to Covid-19.
07/14/2020	Compliance Inspection	The landscaping has not been trimmed, construction material has not been moved behind the construction fence and the owner has not confirmed if the pumps are currently working to drain standing water on the site. daily fine letter mailed to all site representatives and the Building Department.
07/28/2020	Phone Call	Spoke throughout the day with Oscar Acosta. Clean up was set up with a local contractor, XS Trash, contact is Elise at 954.775.4717. Agreed to supply information to the department as to time and date the vendor will be at the site.
07/28/2020	Code Action	Met remotely this date at 1330 hrs with the Town Manager, Town Attorney and CBO to discuss current condition of the construction site and a path forward to ensure compliance with the FBC and the ToBHI Code.
07/29/2020	Inspection	Workers from XS Trash working today to remove debris from the site. Progress made but insufficient to pass inspection.
07/31/2020	Inspection	Inspected by Patrick Prendergast, Code Manager- Update on progress cleaning up the site. Dust screen not lowered. Much debris cleaned up but vegetation remains. Personal property remains. Dewatering ineffective. Stagnant water remains.
08/01/2020	Inspection	Site inspected by Patrick Prendergast, Code Manager: Pumps are working but ineffective, the flexible hose kinks and falls out of the well.
08/05/2020	Progress Activity	Code received a complaint letter regarding the current conditions of the site.
08/12/2020	Code Action	Progress pictures taken and forwarded to the town attorney for review.
08/28/2020	Email	Patrick Code Manager sent an email to Oscar Acosta You mentioned in your text message to me this morning that you intend to change fence vendors from National Rent a Fence to another company imminently. I remind you that the present condition of the project is out of compliance. This includes the submission and approval of a fence permit for the existing panel fence system. Please contact our Building Department to learn more on the permitting process. Furthermore, in the interest of community safety, I insist you coordinate any removal and replacement in such a way that the construction site is never left in an unsecure state. This would be intolerable and would invite further violations to be issued to the ownership. Please keep me informed and know that, as always, my staff and I are available to assist you during these difficult times. Please let's continue to work together and seek a resolution that keeps our community safe.
09/04/2020	Inspection	Complaint letter received from a resident located at the Stuart House Condominium 1050 93 st Eric Mintz 1050 93 St. #4E BHI, FL 33154 Compliance not met. This case is schedule for a special master hearing on 9/23/20 at 9:30 AM.
09/10/2020	Phone Call	Oscar Acosta was advised that a Special Master hearing is scheduled on 9/23/20 at 9:30 AM for all outstanding violations.
09/13/2020	Progress Activity	Oscar Acosta was notified that the construction fence was knocked down due to a storm. The construction fence was restored.
09/14/2020	Progress Activity	The construction fence was replaced due to a change of vendor. The fence was installed completely and mosquito dunks were placed inside the trenches.

09/15/2020	Code Action	Fine amount as of 9/15/20 is \$67,250.00.
09/15/2020	Progress Activity	Property history- 29 violations issued form 3/8/18-8/19/20 during construction phase 2 outstanding fines has NOT been paid- Violation 19-001626 \$1,600.00 & Violation 19-001842 \$6,650.00 \$1,600.00+ \$6,650.00= \$8,250.00 Past Due LIENS FILED on 6/9/20
09/23/2020	Code Action	Fine calculation : 5-5(f) Fence (6/17/20-9/14/20 Complied fence repaired) which represents 89 days at \$250.00 per day \$22,250.00 5-5(e) (6/17/20- 9/23/20) which represents 99 days at \$250.00 per day= \$24,750.00 5-5(h)(6) (6/17/20-9/23/20) which represents 99 days at \$250.00 per day = \$ 24,750.00 Total fine to the date of the hearing \$71,750.00
09/23/2020	Notice To Appear	Notice to appear before the special master on 9/23/20 at 9:30 AM mailed to the property.
09/23/2020	Special Master Hearing	1. The property owner has 30 days from September 23, 2020 to submit proof of financing for the construction of the project. 2. The property owner has 60 days from September 23, 2020 to obtain all required Building Department permits. 3. In the event that the property owner fails to fully and timely comply with the foregoing, the Town is authorized to petition the Court to allow the Town to enter the property and cure the violations in order to bring the property into Code Compliance. Fines are assessed from June 17, 2020 to September 23, 2020. This represents 99 days totaling \$71,750.00. Fines will continue to accrue at \$500.00 per day until compliance is met. met.
10/19/2020	Code Action	Mailed the special master findings for the hearing on 9/23/20 to Oscar Acosta and emailed a copy to both Oscar and Jerry Bourbon, attorney. They were reminded of the to submit proof of financing for the construction of the project on or before 10/23/20.
10/26/2020	Code Action	Received proof of financial commitment from Oscar Acosta. Document submitted to the Town Attorney for review. Project permits must be obtained on or before 11/22/20.
11/19/2020	Progress Activity	Frank Simone, TA, response to extension request: Dear Mr. Borbon: No one from the Town Staff may alter the Special Masters Order. The Special Masters Order was clear. If the permits were not timely obtained, the Town may proceed in court in an effort to obtain an order to enter upon the land and cure the violations. If the permits are not timely obtained, I will be required to consult my client as to whether it wishes to authorize the court action at this time. I will, of course, provide the information that you provided below.
11/19/2020	Progress Activity	Email from Oscar Acosta 11/19/20 As per our conversation here is the maintenance topics we are taking care of as of today 1) Fence: Even though we recently purchase a brand new fence, due to the high winds of the season the fence has taken some damage and it has been served and fixed a couple of times last week also we removed the wind screen as instructed for the storm and a few days ago it was set back up 2) weeds and grass: Joel Castro is schedule to come every two weeks to clean p as need it and maintain the weeds he came by already this week 3) Pumps: even though we had Jose Alevar checked the pumps last week . You pinpointed one of them failing and also a leak on one of the 2â€ blue hoses. (r) we will send him back asap to fix the issues 4) you also spotted presence of Mosquitos around the water (r) we will have someone to put some mosquito killer product as directed and also we are reporting this to 311 Thanks a lot it is always a pleasure working with you Oscar Acosta
		Email received by Jerry Borbon- Attorney Extension request received. Complete

email entered to the file. Accordingly, in consideration of the amount of time and money which has been poured into this project, as well as the honest and good faith efforts which have been and are being made to comply with the upcoming deadline, we are humbly requesting an extension of the same. Our current loan commitment affords BHI until 1/15/2021 to clear conditions (specifically the permitting issues) and close, and we would therefore ask for an extension which runs parallel to this. In the event the Town considers said request to be excessive, we would kindly request at least 30 additional days (i.e. until 12/22/2020) in order to obtain all of the required Building Permits. We believe that this will provide sufficient time to resolve the pending issues. My clients have and can deliver all permitting docs for review no later than tomorrow or Monday should your office like to review the same before making a decision on this request. Or, if necessary, please advise as to the potential of having another hearing set on this matter to formally address the status and request. I would be available as soon as 12/1/2020 (as I will be out of town next week). Pending response from town attorney.

12/02/2020	Code Action	Received a copy of an application for a Tax Deed - Cazenovia Creek Funding, LLC
01/05/2021	Code Action	As per the Building Department the permit applications are currently being reviewed.
01/05/2021	Email	Email sent to the Building Department requesting the current status of the project permits.
01/29/2021	Code Action	B18-000259 New Construction of 26 Dwelling Units 1047 92 Street- Email sent to the Building Department requesting the status of the permit. As per the Building Department : The plans are still being reviewed. We are pending Zoning. Michael Miller picked up the plans today to review. Hopefully by Monday/Tuesday I shall have his comments. Then I can send the comments to the Applicant.
03/01/2021	Inspection	Progress pictures taken of non-compliance.
03/24/2021	Email	Email sent to Frank Simone, Town Attorney: Good afternoon, I hope this email finds you well. As of today's date the abandoned site located at 1047 92 Street has not obtained the required permits to continue with the project. Attached are the most recent comments for your review. Please advise if town may proceed efforts to obtain a order to enter the property and cure the violations.
04/07/2021	Email	Received an email from Sabrina Caneja, FPL representative, stating the meters are not operating at this abandoned site.
04/08/2021	Inspection	Inspected the site with Miami Dade County Mosquito Control officer. No mosquito breeding found. Report entered to the file.
04/22/2021	Progress Activity	Received an email from an FPL representative confirming the electrical meters on site are not in service.
04/22/2021	Email	Records request email response from the Building Department regarding permit status: Below please find the responses in red to the questions. Lot not maintained - TRUE Neighborhood complaints - TRUE Project expired in December- FALSE - Building Permit Application B18-000259 resubmitted for second review on 12/16/2020 - Second Review Comments picked up for corrections on 3/24/2021 No further extensions given -See copy of Special Master Findings & Email from Town Attorney for your records Plans are also expired - Building Permit Application B18-000259 resubmitted for second review on 12/16/2020 - Second Review Comments picked up for corrections on

3/24/2021 Owner/Developer to pay any outstanding fees -TRUE (PERMIT FEES AND CODE VIOLATION FINES) Owner/Developer to start process again - N/A Is the site plan approval for this project also expired? FALSE - Building Permit Application B18-000259 resubmitted for second review on 12/16/2020- Second Review Comments picked up for corrections on 3/24/2021 Please Note: 1. Foundation Permit B18-000440 Expired 2. Building Permit Application B18-000259 will expire 180 days from February 2, 2021 if no activity.

05/06/2021	Email	Received an email: Evelyn Thanks will do We are answering all comments and the architects and engineers are compiling everything to be resubmitted to Eliezer Iâ Il keep you posted Thanks again OA
05/22/2021	Inspection	The site remains in violation. Pictures of the inspection completed on 5/14/21 entered to the case file. Building Department indicate permits have NOT been obtained for this abandoned site.
05/26/2021	Inspection	Compliance has not been met. Pictures entered to the file.
05/27/2021	Progress Activity	As per the Building Department the general contractor resubmitted the construction plans for a third time.
07/09/2021	Code Action	Gate access code updated by the property owner. #1508
09/10/2021	Email	Email received from Nicolas Livist, Developer. Good morning, Thanks for the comments, they were already forwarded to the team who will answer them immediately. Also we have already provided the additional engineer opinion. We will be providing the survey on Monday. Mr Junior Rivas fixed the fence and is working on the pumps. Also he is coordinating to remove the rebars this coming week. Kind regards, Nicolas
10/14/2021	Code Action	Meeting held with Nicholas regarding the pending violations and how to comply. An site inspection is scheduled for tomorrow.
10/15/2021	Inspection	Pictures were taken of the site. The workers were advised of the pending matters that must be addressed in order to comply with the pending violations.
10/18/2021	Code Action	The majority of the debris has been removed from the site, rodent bait traps are installed, and the vegetation maintenance is in progress. The workers were advised of all the pending items that must be completed in order to comply with the notice.
10/28/2021	Inspection	The pumping are working and the debris was removed from the site; clean-up completed. Pictures entered to the file. Pending items per the Special Master Findings: 1. Current financial loan agreement (the agreement provided in 2020 expired) 2- The Building permit application for the project is pending approval
11/05/2021	Progress Activity	Respond to the building permit comments submitted by Tom Telesco.
11/10/2021	Progress Activity	Lien document entered to the file.

Photo(s)



Oct 27, 2021 at 2:29:47 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 28, 2021



Oct 27, 2021 at 2:29:28 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 28, 2021

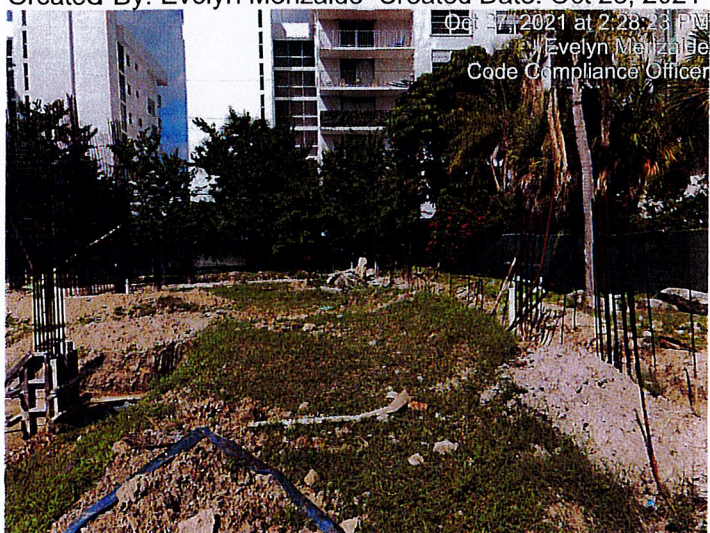


Oct 27, 2021 at 2:28:54 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 28, 2021



Created By: Evelyn Merizalde Created Date: Oct 28, 2021



Created By: Evelyn Merizalde Created Date: Oct 28, 2021



Created By: Evelyn Merizalde Created Date: Oct 28, 2021



Oct 27, 2021 at 2:27:28 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 28, 2021



Oct 27, 2021 at 2:27:20 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 28, 2021



Oct 27, 2021 at 2:27:14 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 28, 2021



Created By: Evelyn Merizalde Created Date: Oct 28, 2021



Created By: Evelyn Merizalde Created Date: Oct 28, 2021



Created By: Evelyn Merizalde Created Date: Oct 28, 2021



Oct 18, 2021 at 1:33:59 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 21, 2021



Oct 18, 2021 at 1:42:00 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:39:31 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:39:13 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:39:03 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:38:52 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Created By: Evelyn Merizalde Created Date: Oct 19, 2021



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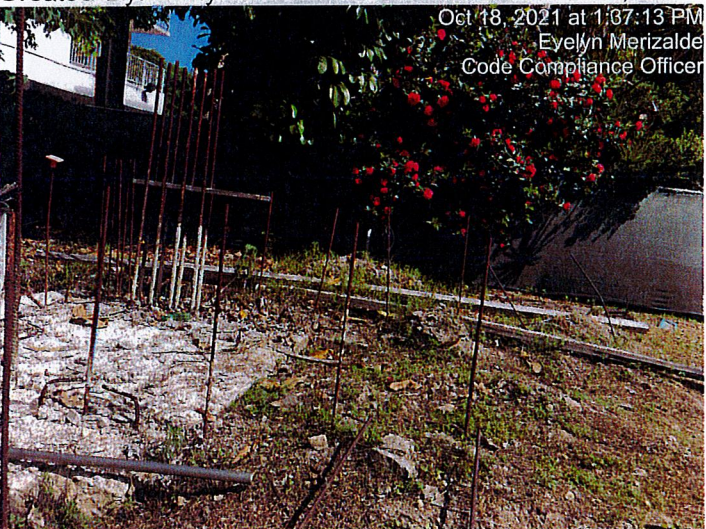
Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:37:03 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:36:59 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:36:56 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:35:56 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:35:49 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:35:39 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021

Oct 18, 2021 at 1:35:30 PM
Evelyn Merizalde
Code Compliance Officer



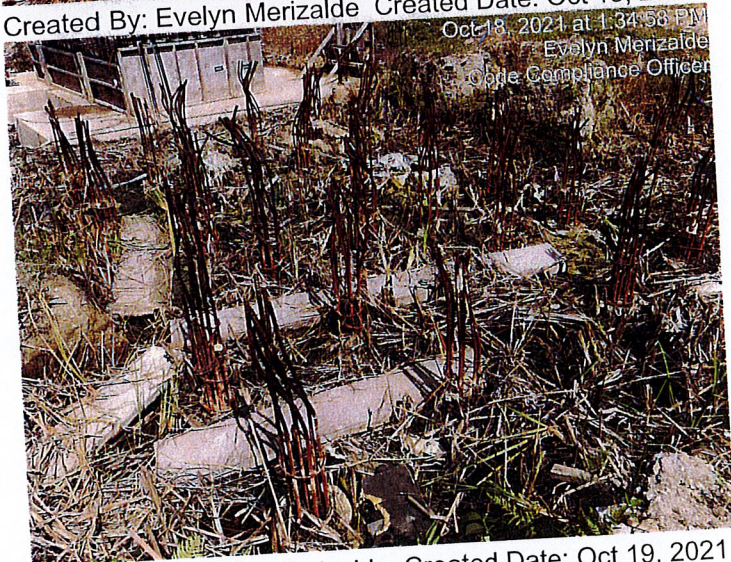
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Code Compliance Officer



Created By: Evelyn Merizalde Created Date: Oct 19, 2021

Oct 18, 2021 at 1:34:58 PM
Evelyn Merizalde
Code Compliance Officer



Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:34:28 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:34:20 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:34:03 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:33:52 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:33:41 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



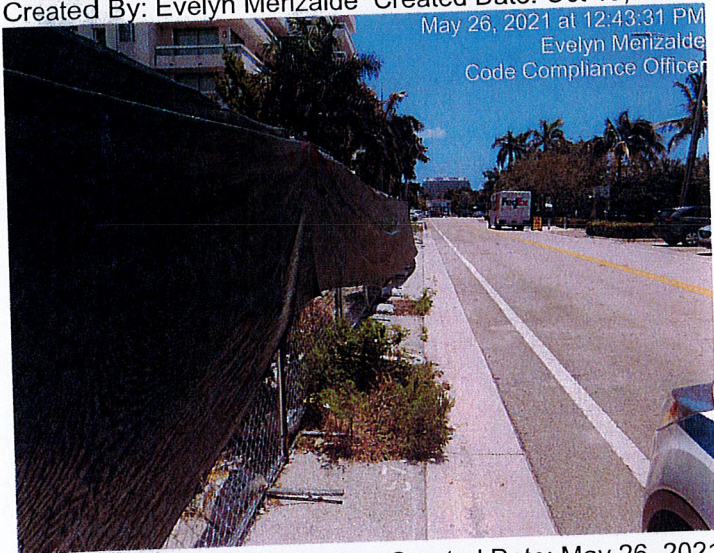
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Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



Oct 18, 2021 at 1:33:23 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 19, 2021



May 26, 2021 at 12:43:31 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:42:57 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:42:36 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:42:34 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:42:33 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:42:31 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:42:29 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:42:17 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:42:15 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:42:12 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:40:33 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



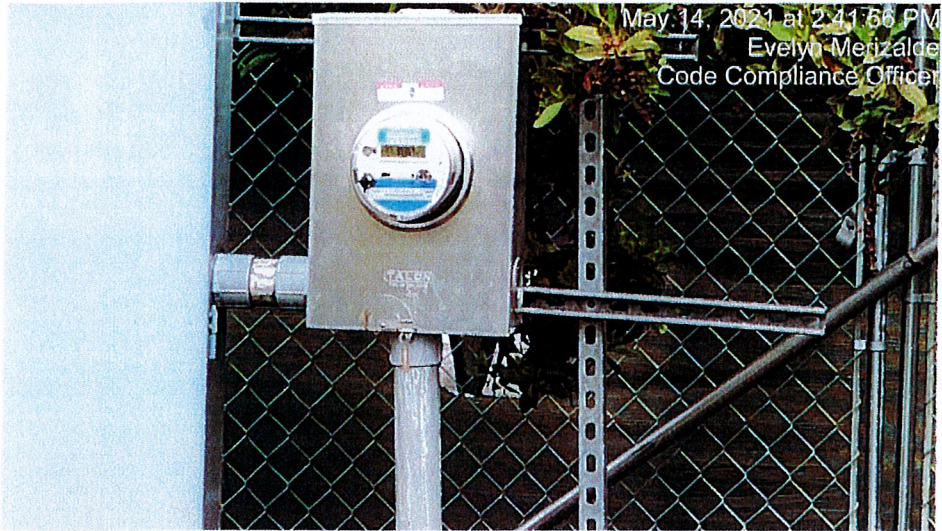
Created By: Evelyn Merizalde Created Date: May 22, 2021



Created By: Evelyn Merizalde Created Date: May 22, 2021



Created By: Evelyn Merizalde Created Date: May 22, 2021



Created By: Evelyn Merizalde Created Date: May 17, 2021



Created By: Evelyn Merizalde Created Date: May 17, 2021



Created By: Evelyn Merizalde Created Date: May 17, 2021

This instrument prepared by
and record and return to:
Alba L. Chang, Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida

Claim of Lien

State of Florida

County of Miami-Dade

Before me, the undersigned Notary Public, personally appeared Alba L. Chang who was duly sworn and says that she is the agent of the lienor herein:

Town of Bay Harbor Islands
(Lienor's Name)

whose address is 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154
(Lienor's Address)

Lienor claims:

Fines/fees as per Section 5 3/4 of the Code of Ordinances of the Town of Bay Harbor Islands; Citation #20-000732; A fine of Seventy-One Thousand Seven Hundred and Fifty Dollars (\$71,750), plus an administrative fee of One Hundred Fifty Dollars (\$150.00), levied on September 23rd, 2020, by Special Master Richard Kroop. The total amount of the lien equals \$71,900.00 (\$71,750+\$150). A fine of \$500.00 per day will continue to accrue until compliance is met. A copy of the Special Master's Findings is attached hereto and incorporated herein by reference.

The Claim of Lien is on the following described real property in Miami-Dade County, Florida,

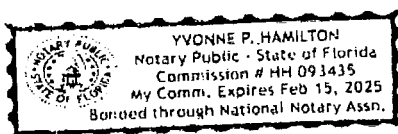
Commonly known as: 1047 92nd Street
Bay Harbor Islands, Florida 33154
Lot 14, Block 15, PB 46, Page 5
Miami-Dade County, Florida

an amount of Seventy-One Thousand Nine Hundred Dollars (\$71,900) as of September 23rd, 2020, plus a daily fine of \$500 until compliance is met. The lienor served his notice to owner on June 17, 2020, by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Maria Lasday
Maria Lasday, Town Manager

Sworn to and subscribed before me this 26th day of October 2021.



Yvonne P. Hamilton
(Notary Public)

I, Alba L. Chang, Town Clerk of the Town of Bay Harbor Islands, Florida, do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in my office.

WITNESS my hand and the seal of said town this 26th day of October 2021, A.D.

Alba L. Chang
Town Clerk
Bay Harbor Islands, Florida

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
 9665 BAY HARBOR TERRACE
 BAY HARBOR ISLANDS, FL 33154
 Phone: (305) 993-1786



SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:
OWNER:

BHI THE CLUB 2 LLC
 50 Briar Hollow Lane, Suite 500E
 Houston, TX 77027

ADDRESS OF VIOLATION:

- BHI THE CLUB 2 LLC
 1047 92 Street
 Bay Harbor Islands, FL 33154-2719
 Parcel No: 1322270012960

REGISTERED AGENT:

BHI The Club 2, LLC - Oscar Acosta
 50 Briar Hollow Lane Suite 500 East
 Houston, TX 77027

HEARING INFORMATION

Date: September 23, 2020
Time: 9:30AM

Location: Town of Bay Harbor Council Chambers
Special Master: Richard Kroop

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: 20-000732

Code Inspector: Evelyn Merizalde

Method of Service **Date**
 Posted June 17, 2020
 Certified June 17, 2020

Violations(s):

Code Section Violated: Sec. 5-5(h)(6)

Nature of Violation and Details:

The owner, occupant or user of a construction site shall complete job site maintenance, on a daily basis, prior to the conclusion of each day's work. Daily job site maintenance shall include the following: Daily job site maintenance shall include the following: Compliance with additional job site maintenance components which are described in an applicable construction staging plan for the project site.

Daily Penalty: \$250.00

Code Section Violated: Sec. 5-5(e)

Nature of Violation and Details:

Vegetation such as grass, shrubs, trees and ground covers shall be maintained in such a fashion so that the site does not appear overgrown or unkempt. Within 30 days of demolition of an existing structure, the site must be sodded and properly maintained, until such time as a construction fence is erected and construction activity begins.

Daily Penalty: \$250.00

Code Section Violated: Sec. 5-5(f)

Nature of Violation and Details:

A temporary construction fence screening the site shall be erected and maintained in good order at all properties with on-going construction activities.

The construction fence shall be erected and completely in place within ten days of the issuance of any building permit for the beginning of construction activities. The temporary fence shall be six-foot chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris.

Daily Penalty: \$250.00

APPEARANCES:

Oscar Acosta, Manager	(Owner/Violator)
Jerry Borbon	(Owner's Attorney or Representative)
Evelyn Merizalde	(Code Inspector)
Scherrie Griffin	(Code Inspector)
Alba Chang	(Town Clerk)
Frank Simone	(Town Attorney)
Eliezer Palacio	(Chief Building Official)

WITNESSES:

NAME	ADDRESS	CALLED BY
------	---------	-----------

EXHIBITS:

NUMBER

BRIEF DESCRIPTION

SUBMITTED BY

RETURN TO

SPECIAL MASTER'S FINDINGS OF FACT:

- ☒ The named violator was responsible for the violation of the cited Code section, as charged.
- ☐ The named violator was not responsible for the violation of the cited Code section, as charged.
- ☒ The amount of the civil penalty shall be \$500.00 per day, which shall be accruing from the date Notice was served (as per Sec 5 3/4 of the Town Code) until the date the violation is or was corrected and verified as corrected by inspector of the Town.
- ☒ The administrative cost of this hearing shall be \$150.00
- ☐ Based on the relevant evidence, the time for correction as first given by the Code Inspector was insufficient and the Special Master hereby redetermines that the date for correction of the named violation should be . (If the violation is/was corrected and verified as corrected before the above redetermined date for correction, the penalty is waived and not imposed.
- ☐ Provided the violation is corrected by , it is the Special Master's Order that the total amount of the civil penalties be mitigated by a reduction of % (not to exceed 50%)

FURTHER RULING AND/OR REMARKS:

1. The property owner has 30 days from September 23, 2020 to submit proof of financing for the construction of the project.
2. The property owner has 60 days from September 23, 2020 to obtain all required Building Department permits.
3. In the event that the property owner fails to fully and timely comply with the foregoing, the Town is authorized to petition the Court to allow the Town to enter the property and cure the violations in order to bring the property into Code Compliance. Fines are assessed from June 17, 2020 to September 23, 2020. This represents 99 days totaling \$71,750.00. Fines will continue to accrue at \$500.00 per day until compliance is met.

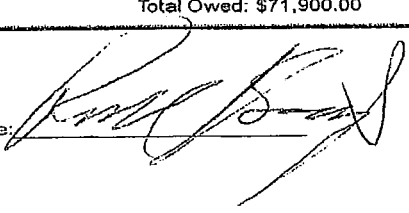
Fine Assessed: \$71,750.00

Administrative Fee \$150.00

Total Owed: \$71,900.00

Back to the next Special Master Hearing in 60 days.

Special Master: Richard Kroop

Signature: 

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
 9665 BAY HARBOR TERRACE
 BAY HARBOR ISLANDS, FL 33154
 Phone: (305) 993-1786



NOTICE OF VIOLATION

June 17, 2020
 FILE NUMBER: 20-000732

OWNER:

BHI THE CLUB 2 LLC
 c/o Oscar Acosta, Mgr.
 50 Briar Hollow Lane, Suite 500E
 Houston, TX 77027

ADDRESS OF VIOLATION:

BHI THE CLUB 2 LLC -
 1047 92 Street
 Bay Harbor Islands, FL 33154-2719
 Parcel No: 1322270012960

REGISTERED AGENT:

CT CORPORATION SYSTEM
 1200 South Pine Island Road
 Plantation, FL 33324

TENANT:

Inspections of the above premise discloses violations(s) of the Code Ordinances of the Town of Bay Harbor Islands, as follows:

Code Section Violated: Sec. 5-5(h)(6)

Nature of Violation and Details:

The owner, occupant or user of a construction site shall complete job site maintenance, on a daily basis, prior to the conclusion of each day's work. Daily job site maintenance shall include the following: Daily job site maintenance shall include the following: Compliance with additional job site maintenance components which are described in an applicable construction staging plan for the project site.

Daily Penalty: \$250.00

You may comply by: Remove all debris located on the site and under the construction fence. Verify the pumps are working properly to prevent accumulation of stagnant water.

Code Section Violated: Sec. 5-5(e)

Nature of Violation and Details:

Vegetation such as grass, shrubs, trees and ground covers shall be maintained in such a fashion so that the site does not appear overgrown or unkempt. Within 30 days of demolition of an existing structure, the site must be sodded and properly maintained, until such time as a construction fence is erected and construction activity begins.

Daily Penalty: \$250.00

You may comply by: Have the landscaping trimmed and maintained on a regular basis.

Code Section Violated: Sec. 5-5(f)

Nature of Violation and Details:

A temporary construction fence screening the site shall be erected and maintained in good order at all properties with on-going construction activities. The construction fence shall be erected and completely in place within ten days of the issuance of any building permit for the beginning of construction activities. The temporary fence shall be six-foot chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris.

Daily Penalty: \$250.00

You may comply by: Affix the dust screen to the construction fence and secure the fence to the

ground.

RE: Complaint received regarding stagnant water and debris on the construction site.

Location of Violation: 1047 92 Street Violation Date: 05/18/2020

Compliance Date: **July 07, 2020**

YOU MUST REQUEST AN INSPECTION BY CODE COMPLIANCE OFFICER UPON COMPLETION OF THE WORK. IF YOU DON'T CALL, YOUR FINES WILL CONTINUE TO ACCUMULATE.

If the violation is corrected within the prescribed time period, the civil fine will not be imposed. If the violation is not corrected within the prescribed time period, a civil fine up to the maximum set for the above shall be payable daily for each day of violation. Each day of violation after the time for correction shall be deemed a continuing violation and is subject to an additional penalty in the same amount. No further notices will be given. Civil fines may be paid at the office of the Town Clerk at the following address:

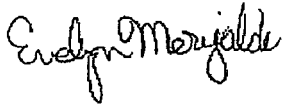
**Town of Bay Harbor Islands
Office of the Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154**

You may request an administrative hearing before a Special Master to appeal the notice of violation or to request an extension of time. The request for hearing must be filed in the office of the Town Clerk in writing within twenty (20) days after service of notice of violation or you will be deemed to have admitted the violation and waived your right to a hearing. A timely request for a hearing will postpone the accrual of continuing additional penalties. You may be liable for the reasonable costs of hearing if you are found guilty of the violation.

Service Information:

Date Mailed: 06/17/2020
Date Posted: 06/17/2020

Cert Mail Article #: 7019 1120 0000 0739 7490



Evelyn Merizalde
Code Compliance Officer
emerizalde@bayharborislands-fl.gov
786-256-4347

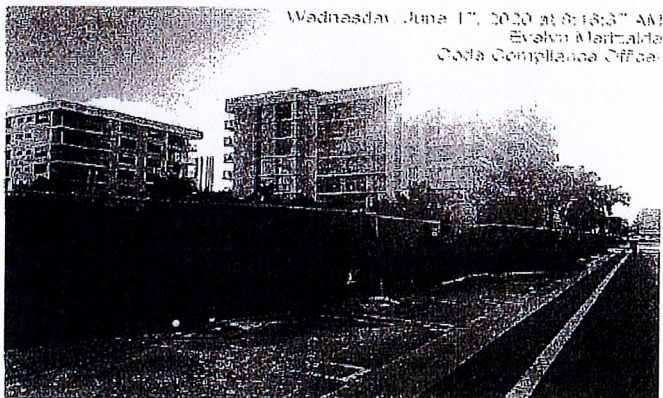
ADDENDUM



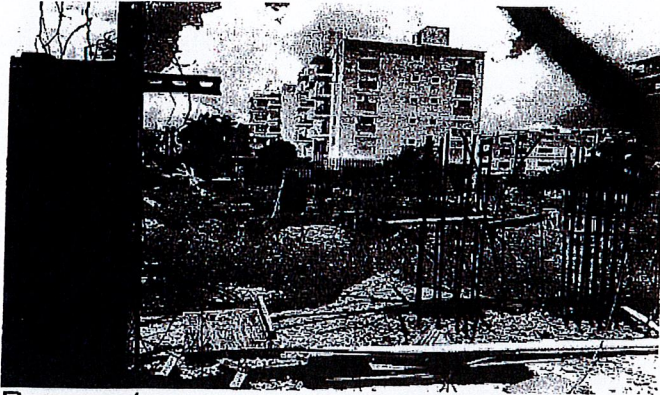
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Evelyn Merizalde
Jun 17, 2020



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Evelyn Merizalde
Jun 17, 2020



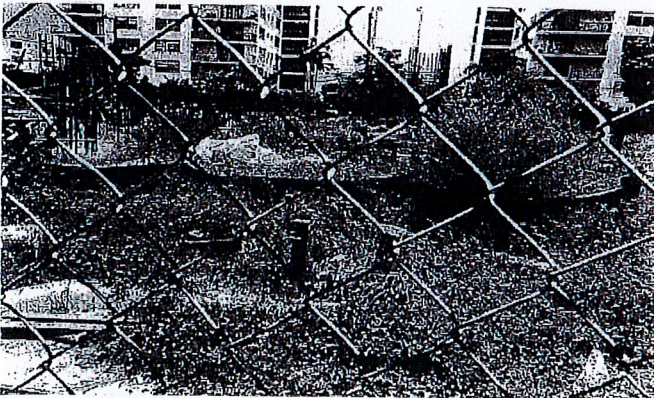
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Jun 17, 2020



Document
Evelyn Merizalde
Jun 15, 2020

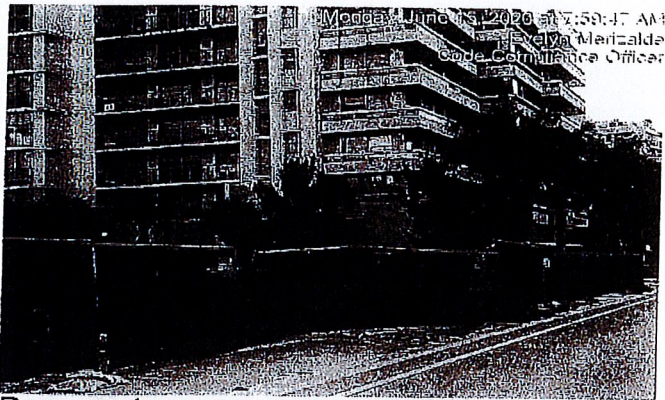


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Jun 15, 2020

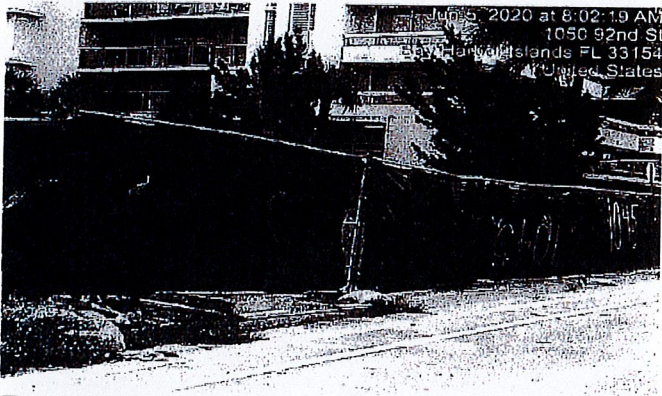


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Evelyn Merizalde

Jun 15, 2020



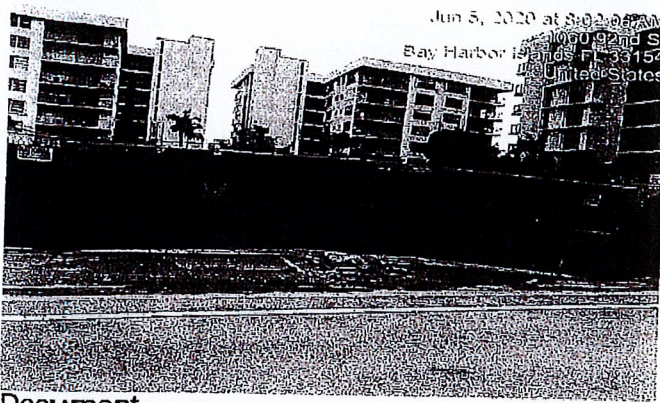
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Jun 15, 2020



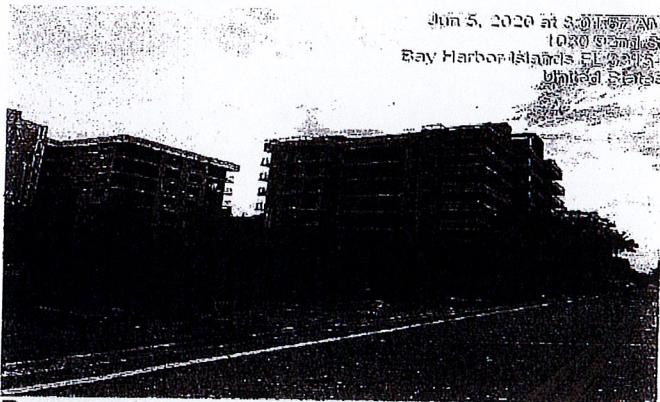
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Evelyn Merizalde
Jun 05, 2020



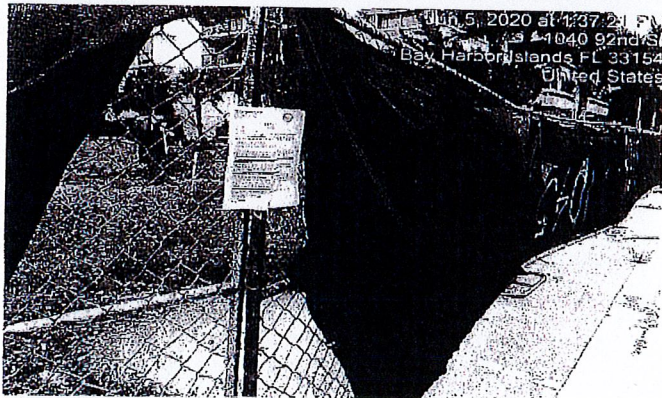
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Evelyn Merizalde
Jun 05, 2020



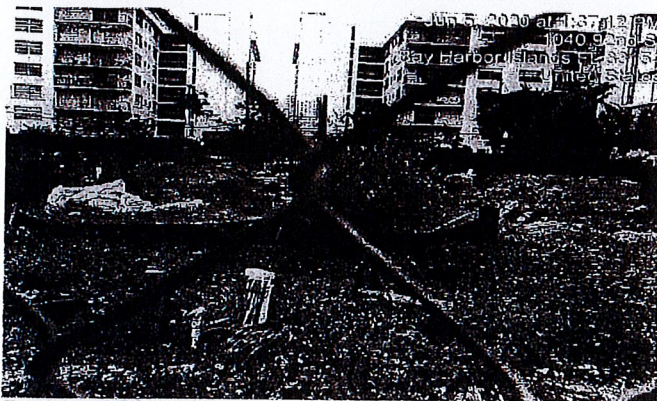
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Jun 05, 2020



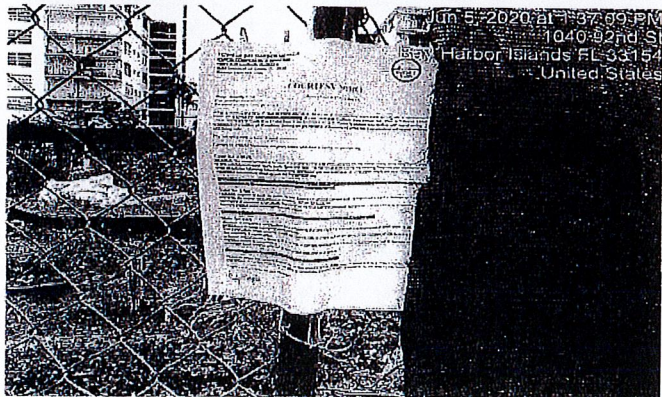
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Jun 05, 2020



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Jun 05, 2020



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Evelyn Merizalde
Jun 05, 2020



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Evelyn Merizalde
Jun 05, 2020



Document
Evelyn Merizalde
May 18, 2020

Notice of Violation

No. 20-001264

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
 BAY HARBOR ISLANDS, FL 33154
 Phone: (305) 993-1786



CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **20-001264**
 Inspector: Evelyn Merizalde

Parcel Address: 1047 92 Street
 Lot(s): 13-14 Block: 15

Owner Information:
 BHI THE CLUB 2 LLC
 50 Briar Hollow Lane, Suite 500E
 Houston, TX 77027

Violator Information:
 BHI THE CLUB 2 LLC
 50 Briar Hollow Lane, Suite 500E
 Houston, TX 77027

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 23-12(1)	08/14/2020		Open	
Comments: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.				
Sec. 23-12(3)	08/14/2020		Open	
Comments: The stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, ditches must be removed from the property. The construction fence shall remain on the property until all items are removed, lot is properly graded and sodded. The foundation permit B18-000440, expired on 05/19/2019.				
Sec. 24-15(c)	08/14/2020		Open	
Comments: Remove the stagnant water, well, fill in all trenches in the ground, grade and sod the lot.				
Sec. 24-13(a)	08/19/2020		Open	
Comments: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.				
Sec. 24-13(d)	08/19/2020		Open	
Comments: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.				
Sec. 24-15(a)	08/19/2020		Open	
Comments: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.				
Sec. 24-15(b)	08/19/2020		Open	
Comments: The stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, ditches must be removed from the property. The construction fence shall remain on the property until all items are removed, lot is properly graded and sodded.				
Sec. 24-17(i)(1)	08/19/2020		Open	

Comments: Complete the attached abandoned real property registration form and submit the required fees.

Sec. 24- 08/19/2020 Open
9(a)

Comments: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

Sec. 24- 08/19/2020 Open
9(e)

Comments: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

DATE OPENED	ACTIVITY	DESCRIPTION
08/19/2020	Code Action	Notice of violation sent via certified mail to the following interested parties found in Miami-Dade County Clerk of Courts: CT Corporation, R.A., BHI The Club 2, LLC Nicholas Livsit, Manager; Oscar Acosta, Manager; Kut Knuth Company, JLU Enterprises, Inc.; Adone Concrete Pumping & Finishing of South Florida, Inc.; JafferWell Drilling; Rock & Dirt Construction Equipment; Sunbelt Rentals, Inc.; Holland Pump Company; G Proulx Building Products, LLC; Carnegie Builders Group, LLC; John Abel Corporation; Joseph Schreiber.
08/19/2020	Daily Fine Start	
08/19/2020	Daily Fine Start	
08/19/2020	Daily Fine Start	
08/19/2020	Daily Fine Start	
08/19/2020	Daily Fine Start	
08/19/2020	Daily Fine Start	
08/19/2020	Daily Fine Start	
08/19/2020	Daily Fine Start	
08/19/2020	Daily Fine Start	
08/19/2020	Notice of Violation	Notice of violation issued to remove the following: Stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, Temporary election pole, construction fence, fill in trenches, graded and sodded the lot. The construction fence shall not be removed until the lot has been graded and sodded.
08/19/2020	Daily Fine Start	
08/27/2020	Progress Activity	Request for a Special Master hearing received. This case will be placed on the agenda for the next scheduled hearing.
08/28/2020	Progress Activity	Oscar Acosta sent a text stating: Patrick We are changing the fence for a new one the guys of National behaved poorly they have given us the oldest fence they had and never maintained it So I am going with United hope fully we will have that swap done today sometime I'll keep you posted

08/30/2020	Compliance Inspection	Site has not complied with removing the stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, Temporary electric pole, construction fence, trenches, lot is not properly graded and sodded. The foundation permit B18-000440, expired on 05/19/2019. This case will be placed on the agenda for the next scheduled hearing.
09/10/2020	Code Action	Mosquito Control service submitted. Request No. 20-10665130. Service should be completed within 5 days.
09/10/2020	Phone Call	Left a voicemail for Oscar Acosta to contact me regarding the Special Master hearing scheduled on 9/23/20 at 9:30 AM.
09/11/2020	Code Action	Found National fence contractor attempting to remove the construction fence. Called Oscar Acosta to dispatch Stone Mountain access system, the new vendor, to install a construction fence. National fence did not remove the fence since Oscar Acosta made a payment to delay the removal. A watch order was submitted to the Bay Harbor Islands Police Department.
09/13/2020	Code Action	Found the construction fence collapse due to strong wind. Oscar Acosta, manager, advised to restore the fence. Compliance confirmed.
09/14/2020	Code Action	Found a new vendor arrived prior to 9:00 AM to remove the construction fence. Vendor advised to wait until 9:00 AM to replace the fence. Installation completed and inspected. Mosquito dunks placed inside the trenches to prevent mosquito breeding.
09/22/2020	Inspection	Call Maria Postman 954-736-9114 to provide access to 1025 92 st for pictures.
09/23/2020	Notice To Appear	Notice to appear before the special hearing on 9/23/20 at 9:30 AM sent certified return receipt and posted to the property.
09/23/2020	Special Master Hearing	1. The property owner is in violation of the Towns Code of Ordinances as asserted by the Town in the Notice of Violation. 2. The property owner has 30 days from September 23, 2020 to submit proof of financing for the construction of the project. 3. The property owner has 60 days from September 23, 2020 to obtain all required Building Department permits. 4. In the event that the property owner fails to fully and timely comply with the foregoing, the Town is authorized to petition the Court to allow the Town to enter the property and cure the violations in order to bring the property into Code Compliance. Fines are assessed from August 19, 2020 to September 23, 2020. This represents 36 days totaling \$24,300.00. Fines will continue to accrue at \$675.00 per day until compliance is met.
10/06/2020	Inspection	Received a complaint that the pumps appear to be off. Inspected the site and there is a large amount of stagnant water and the landscaping remains overgrown. Email sent to Oscar Acosta, manager to address this situation immediately. He is currently in Miami and will request a compliance inspection tomorrow.
10/07/2020	Inspection	Met with Oscar Acosta at the site. I placed mosquito dunks in the stagnant water, took progress pictures of the abandoned property, advised Oscar to have the landscaping trimmed, to request a police watch on the property for illegal dumping and to remove all loose items. As per Oscar a landscaping company is scheduled to service the property tomorrow. Code will continue to monitor the property. Miami Date Mosquito Patrol at 311 the confirmation number is: 2010718196
10/14/2020	Progress Activity	Progress pictures taken of the construction site. The landscaping still requires

service, the pumps are working , mosquito control inspector visited the site and advised the owner that there is no mosquito breeding at the time-pending a copy of the report, the water level is lower misc. garbage items have not been removed. There appears to be illegal dumping of household items in the site. The property owner was advised to contact the Bay Harbor Islands Police Department to request a watch.

10/20/2020

Code Action

Mailed the special master findings for the hearing on 9/23/20 to Oscar Acosta and emailed a copy to both Oscar and Jerry Bourbon, attorney. They were reminded of the to submit proof of financing for the construction of the project on or before 10/23/20.

10/26/2020

Code Action

Received proof of financial commitment from Oscar Acosta. Document submitted to the Town Attorney for review. Project permits must be obtained on or before 11/22/20.

11/04/2020

Code Action

The owner has not obtained project permits required as per the Special Master Order at the hearing held on 9/23/20. Required permits must be obtained on or before 11/23/20. As per Oscar Acosta, manager, required resubmittal documents are underway.

11/18/2020

Progress Activity

Message received form Oscar Acosta stating the construction fence dust screen has been restored and a landscaping company is scheduled to service the property. As of today's date the building permit has not been obtained for the project. The property must submit all the required documents and obtain a permit from the Town of Bay Harbor Islands Building Department on or before 11/23/20 as per the special master order.

11/19/2020

Email

Email from Oscar Acosta 11/19/2020- As per our conversation here is the maintenance topics we are taking care of as of today 1) Fence: Even though we recently purchase a brand new fence, due to the high winds of the season the fence has taken some damage and it has been served and fixed a couple of times last week also we removed the wind screen as instructed for the storm and a few days ago it was set back up 2) weeds and grass: Joel Castro is scheduled to come every two weeks to clean p as need it and maintain the weeds he came by already this week 3) Pumps: even though we had Jose Alevar checked the pumps last week . You pinpointed one of them failing and also a leak on one of the 2 blue hoses. (r) we will send him back asap to fix the issues 4) you also spotted presence of Mosquitos around the water (r) we will have someone to put some mosquito killer product as directed and also we are reporting this to 311 Thanks a lot it is always a pleasure working with you Oscar Acosta

11/19/2020

Progress Activity

Email received by Jerry Borbon- Attorney Extension request received. Complete email entered to the file. Accordingly, in consideration of the amount of time and money which has been poured into this project, as well as the honest and good faith efforts which have been and are being made to comply with the upcoming deadline, we are humbly requesting an extension of the same. Our current loan commitment affords BHI until 1/15/2021 to clear conditions (specifically the permitting issues) and close, and we would therefore ask for an extension which runs parallel to this. In the event the Town considers said request to be excessive, we would kindly request at least 30 additional days (i.e. until 12/22/2020) in order to obtain all of the required Building Permits. We believe that this will provide sufficient time to resolve the pending issues. My clients have and can deliver all permitting docs for review no later than tomorrow or Monday should your office like to review the same before making a decision on this request. Or, if necessary, please advise as to the potential of having another hearing set on this matter to formally address the status and request. I would be available as soon as 12/1/2020 (as I will be out of town next week). Pending response from town attorney.

12/02/2020	Code Action	Received a copy of an application for a Tax Deed - Cazenovia Creek Funding, LLC
12/07/2020	Email	Email sent to the Building Department requesting permit status for the property. The Building Department advised the Foundation permit still has not been reactivated. Still expired. The construction plans have been submitted and being reviewed by all inspectors.
01/29/2021	Code Action	Researching the current status of the permits submitted for review.
01/29/2021	Code Action	Researching permit files to verify if permits have been issued.
03/02/2021	Code Action	Notified the property owner to drain any and all standing water on the abandoned site.
03/22/2021	Phone Call	Spoke to a resident from the Berkshire regarding the abandoned site.
03/24/2021	Email	As of today's date the site has not obtained the required permits to continue with the project. Email sent to Frank Simone, Town Attorney, advising that the construction permit applications are still denied. Building Department comments entered to the case file. The second review comments were emailed to the applicant on February 2, 2021. They have not resubmitted any revisions to the comments as of today.
04/07/2021	Email	Received an email from Sabrina Caneja, FPL representative, stating the meters are not operating at this abandoned site.
04/08/2021	Inspection	Inspected the site with a Miami-Dade Mosquito Control officer, no mosquito breeding discovered.
04/22/2021	Email	Received an email from an FPL representative confirming the electrical meters on the site are not in service.
04/22/2021	Email	Records request email response from the Building Department regarding permit status: Below please find the responses in red to the questions. Lot not maintained - TRUE Neighborhood complaints - TRUE Project expired in December- FALSE - Building Permit Application B18-000259 resubmitted for second review on 12/16/2020 - Second Review Comments picked up for corrections on 3/24/2021 No further extensions given -See copy of Special Master Findings & Email from Town Attorney for your records Plans are also expired - Building Permit Application B18-000259 resubmitted for second review on 12/16/2020 - Second Review Comments picked up for corrections on 3/24/2021 Owner/Developer to pay any outstanding fees -TRUE (PERMIT FEES AND CODE VIOLATION FINES) Owner/Developer to start process again - N/A Is the site plan approval for this project also expired? FALSE - Building Permit Application B18-000259 resubmitted for second review on 12/16/2020- Second Review Comments picked up for corrections on 3/24/2021
05/06/2021	Email	Received an email: Evelyn Thanks will do We are answering all comments and the architects and engineers are compiling everything to be resubmitted to Eliezer will keep you posted. OA
05/22/2021	Inspection	The site remains in violation. Pictures of the inspection completed on 5/14/21 entered to the case file. Building Department indicates permits have NOT been obtained for this abandoned site.
05/26/2021	Inspection	Compliance has not been met. Pictures entered to the case file.

05/27/2021	Progress Activity	As per the Building Department the general contractor resubmitted the construction plans for a third time.
06/24/2021	Email	Email sent to the Building Department to verify permits have been obtained.
06/24/2021	Phone Call	Received a call from Nicolas Livsit, Manager, advising he is business partner with Oscar Acosta. and inquired about the pending violations. Email sent with the pending violations and how to comply.
06/25/2021	Email	Email received from building advising review is pending from inspectors.
06/28/2021	Email	Email received from Nicolas Livsit, Manager, advising he is coordinating with someone to take care of the matter.
06/30/2021	Email	Nicolas, Manager, provided mosquito control confirmation. Request # is 21-10277920. Also, advised Junior Rivas will be visiting the site today to coordinate all the work that needs to be done. Advised Nicolas to provide the date and time the mosquito inspection will be taken place. Also, to follow up with the pending violations.
07/01/2021	Email	Email received from Nicolas, Manager, stating Mr Junior Rivas just visited the site. He will take care of everything on Monday and I have already hired him to do maintenance after this initial set up.
07/01/2021	Progress Activity	Met the rep from Miami Mosquito Control at the property. He was unable to enter the property because of the code provided was incorrect. Nicolas, Manager, will reschedule inspection and provide the new code.
07/09/2021	Code Action	Gate access code updated by the property owner. #1508
08/20/2021	Progress Activity	Conference call with the Town Attorney. CBO will send an email to the developer providing the deadline of 9/1/21 to obtain all required permits.
08/26/2021	Code Action	Violation information provided for a lien search.
09/24/2021	Progress Activity	Email sent to Nicholas Livsit, Developer, stating the building permits must be obtained on or before 10/31/21.
09/24/2021	Progress Activity	Email sent to Nicholas Livsit, Developer, stating the building permits must be obtained on or before 10/31/21.
10/14/2021	Progress Activity	Meeting held with Nicholas Livsit, Sophie Developer. He was advised on how to comply with the pending violations. As per Nicholas the clean-up crew will be at the property this afternoon.
11/10/2021	Code Action	Lien document entered to the file.
01/12/2022	Inspection	The building permit has not been approved. Pictures entered to the case file.
03/07/2022	Progress Activity	Permit B18-000259 approved Fine from 8/19/20- 3/7/22(B18-000259 permit approval date), which represents 565 days at \$675 days for a total of \$381,375.00

Photo(s)

Jan 12, 2022 at 10:20:40 AM
Evelyn Merizalde
Code Compliance Officer



Created By: Evelyn Merizalde Created Date: Jan 12, 2022

Jan 12, 2022 at 10:19:33 AM
Evelyn Merizalde
Code Compliance Officer



Created By: Evelyn Merizalde Created Date: Jan 12, 2022

Jan 12, 2022 at 10:19:25 AM
Evelyn Merizalde
Code Compliance Officer



Created By: Evelyn Merizalde Created Date: Jan 12, 2022

Jan 12, 2022 at 10:19:22 AM
Evelyn Merizalde
Code Compliance Officer



Created By: Evelyn Merizalde Created Date: Jan 12, 2022



Jul 1, 2021 at 12:40:59 PM
Code Compliance Department
Scherrie Griffin

Created By: Scherrie Griffin Created Date: Jul 01, 2021



Jul 1, 2021 at 12:40:57 PM
Code Compliance Department
Scherrie Griffin

Created By: Scherrie Griffin Created Date: Jul 01, 2021



May 26, 2021 at 12:43:31 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:42:57 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:42:36 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:42:34 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:42:33 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:42:31 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



Created By: Evelyn Merizalde Created Date: May 26, 2021



Created By: Evelyn Merizalde Created Date: May 26, 2021



Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:42:12 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 26, 2021 at 12:40:33 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 26, 2021



May 14, 2021 at 2:41:56 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 14, 2021



Created By: Evelyn Merizalde Created Date: May 14, 2021



Created By: Evelyn Merizalde Created Date: May 14, 2021



Created By: Evelyn Merizalde Created Date: May 14, 2021



Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 14, 2021



May 14, 2021 at 2:40:11 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 14, 2021

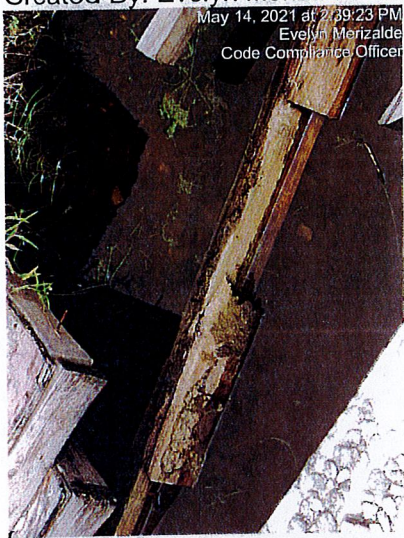


May 14, 2021 at 2:40:11 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 14, 2021



Created By: Evelyn Merizalde Created Date: May 14, 2021



Created By: Evelyn Merizalde Created Date: May 14, 2021



Created By: Evelyn Merizalde Created Date: May 14, 2021



Created By: Evelyn Merizalde Created Date: May 14, 2021



Created By: Evelyn Merizalde Created Date: May 14, 2021



Created By: Evelyn Merizalde Created Date: May 14, 2021



May 14, 2021 at 2:38:07 PM
Evalyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 14, 2021



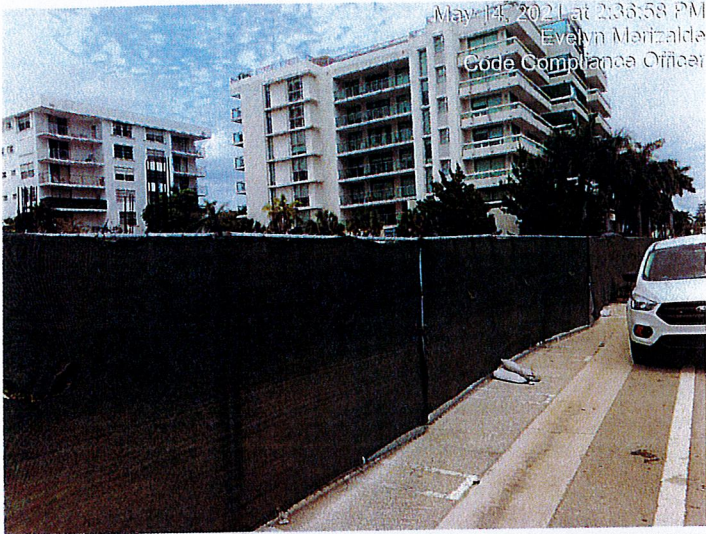
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Evalyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 14, 2021



May 14, 2021 at 2:37:52 PM
Evalyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 14, 2021



May 14, 2021 at 2:38:58 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: May 14, 2021



Mar 1, 2021 at 11:37:05 AM
Bay Harbor Islands
Code Compliance Department

Created By: Evelyn Merizalde Created Date: Mar 01, 2021



Dec 7, 2020 at 12:00:11 PM
Bay Harbor Islands
Code Compliance Department

Created By: Scherrie Griffin Created Date: Dec 07, 2020



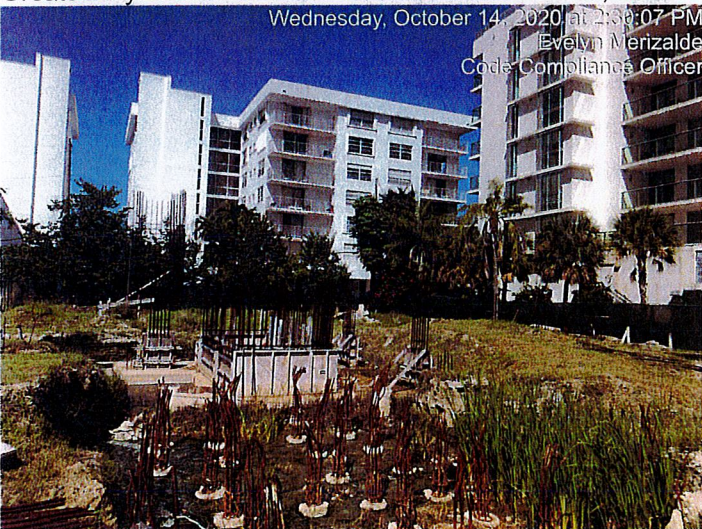
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Bay Harbor Islands
Code Compliance Department

Created By: Scherrie Griffin Created Date: Dec 07, 2020



Dec 7, 2020 at 11:39:18 AM
Bay Harbor Islands
Code Compliance Department

Created By: Scherrie Griffin Created Date: Dec 07, 2020



Wednesday, October 14, 2020 at 2:39:07 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Oct 14, 2020



Created By: Evelyn Merizalde Created Date: Oct 07, 2020



Created By: Evelyn Merizalde Created Date: Oct 07, 2020



Created By: Evelyn Merizalde Created Date: Oct 06, 2020



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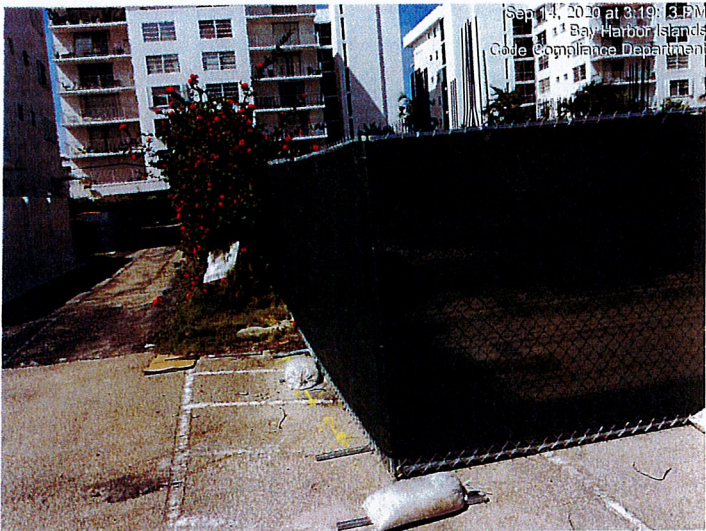
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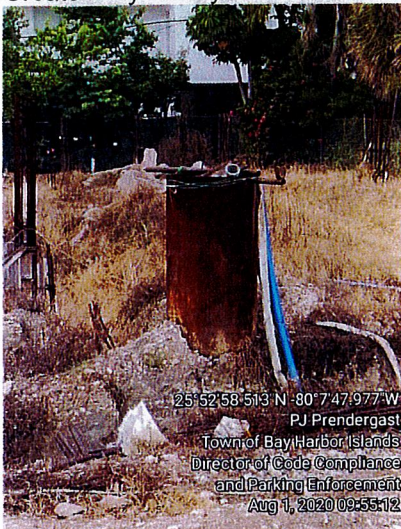
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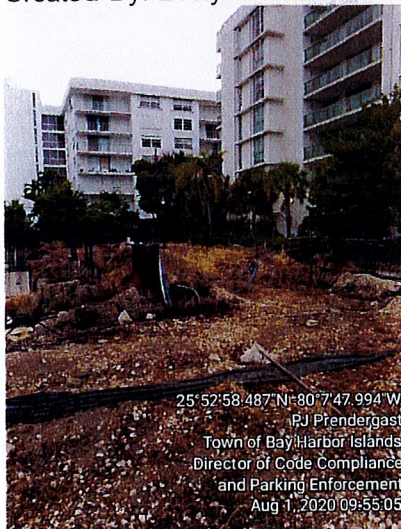
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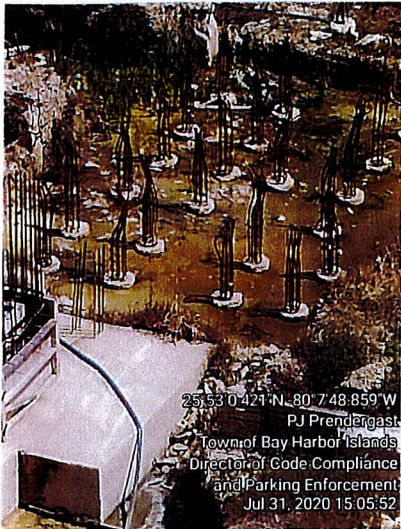
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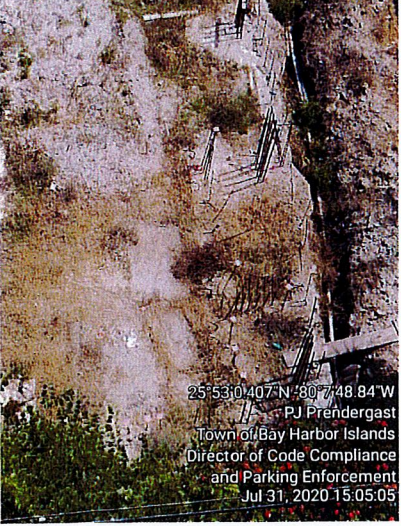
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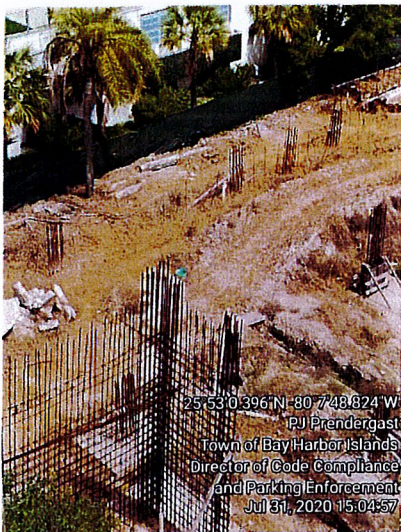
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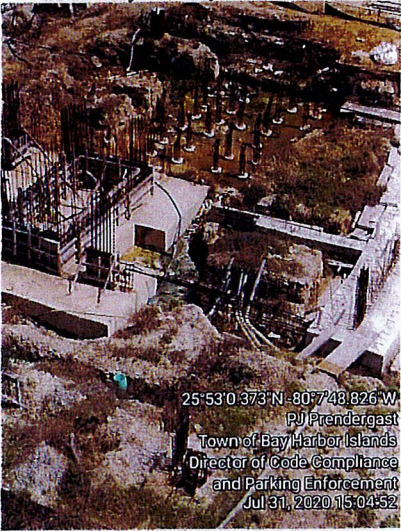
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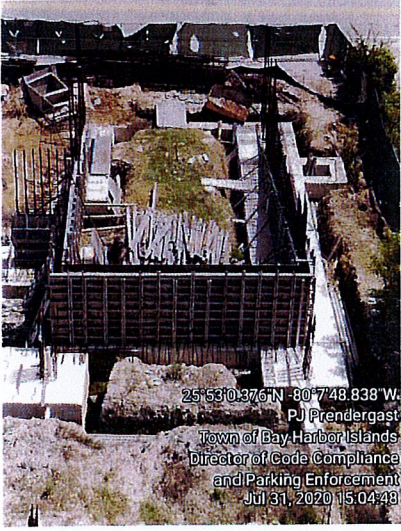
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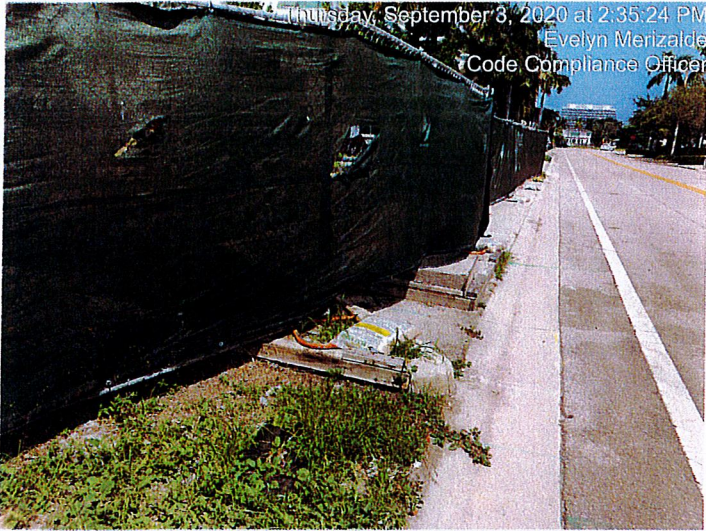
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Created By: Evelyn Merizalde Created Date: Sep 03, 2020



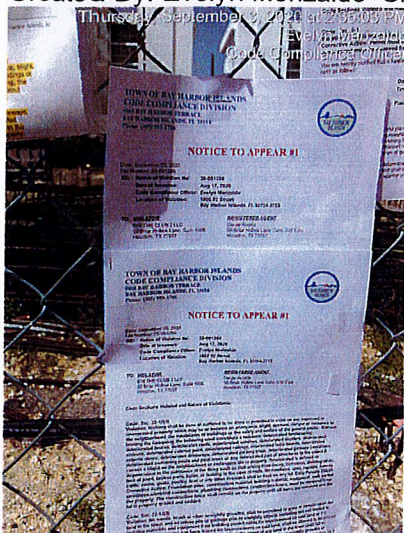
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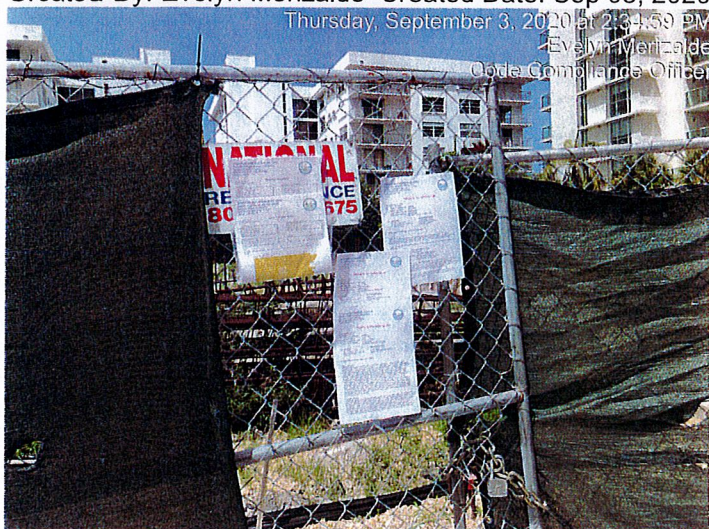
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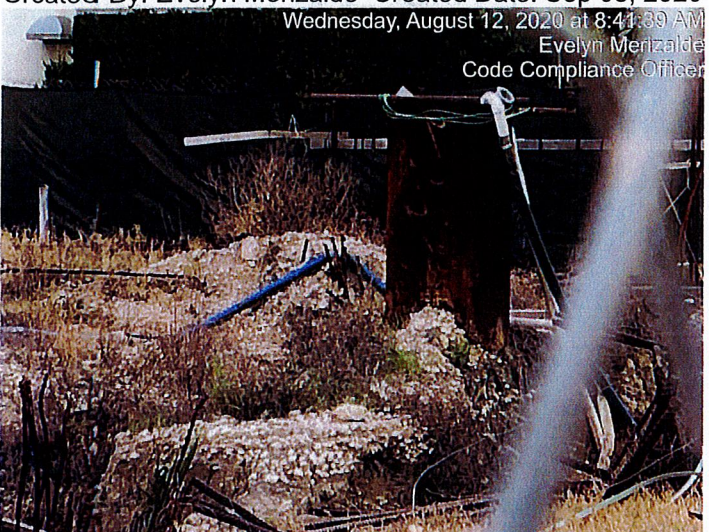
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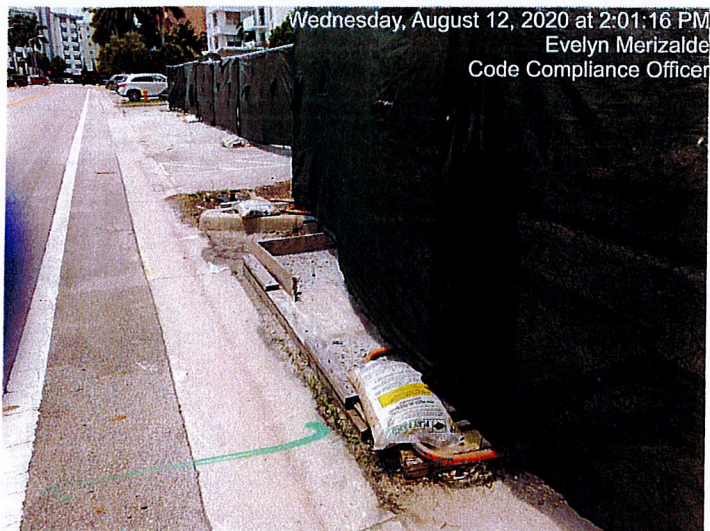
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Created By: Evelyn Merizalde Created Date: Aug 14, 2020



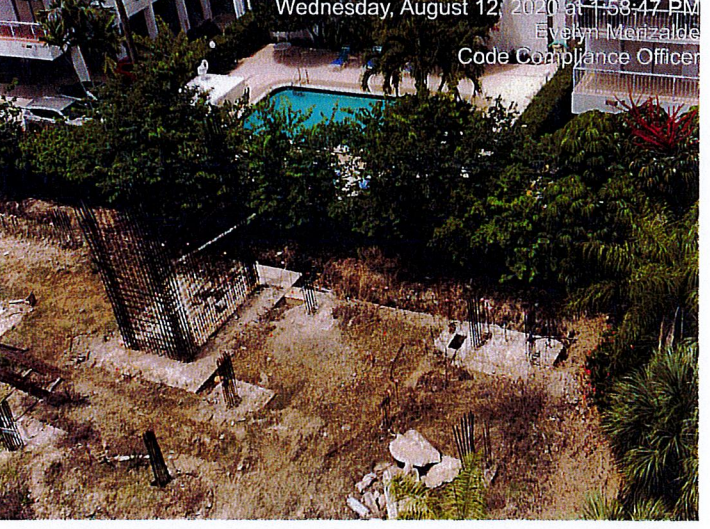
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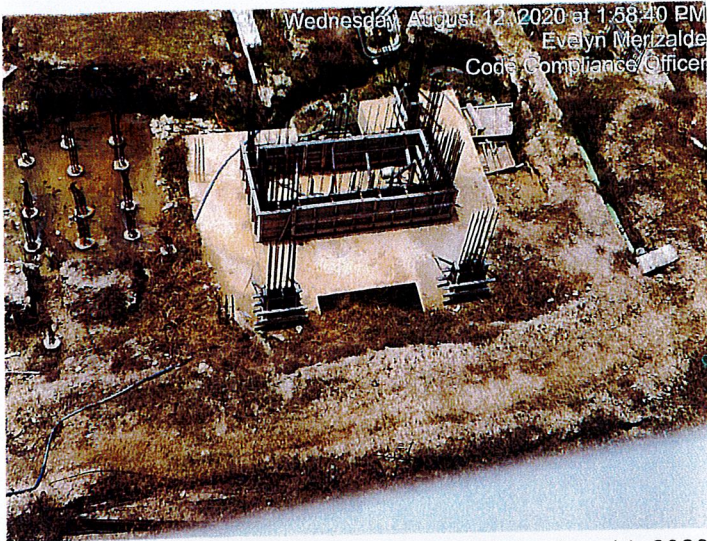
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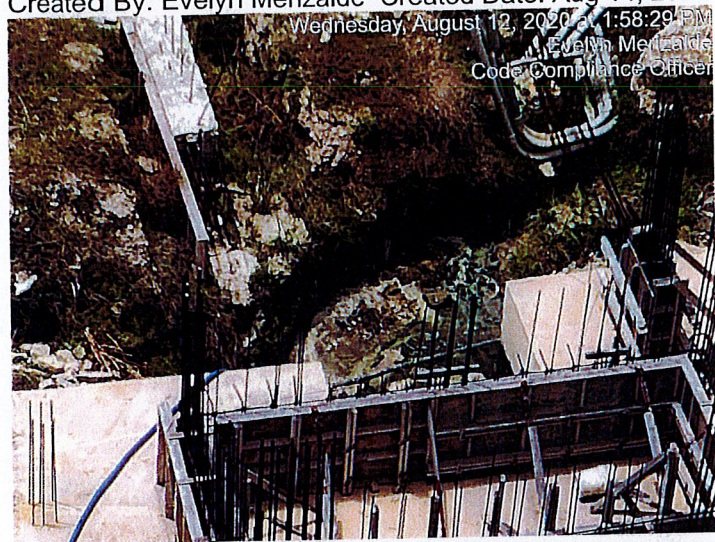
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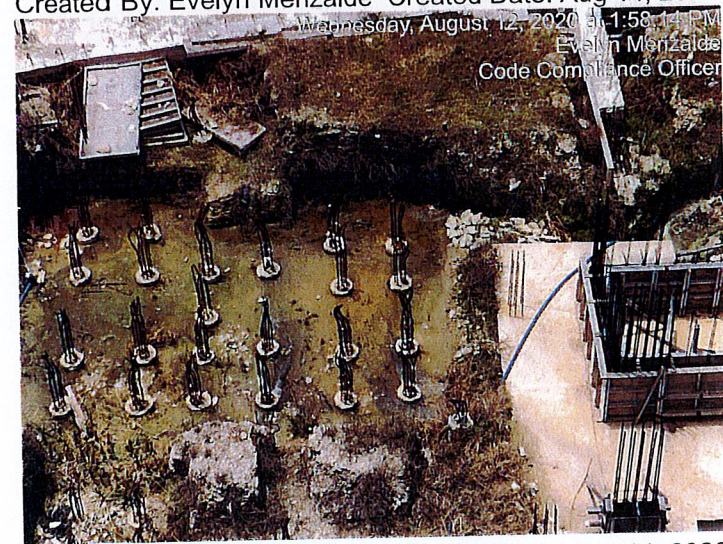
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Created By: Evelyn Merizalde Created Date: Aug 14, 2020



Created By: Evelyn Merizalde Created Date: Aug 14, 2020



Created By: Evelyn Merizalde Created Date: Aug 14, 2020

This instrument prepared by
and record and return to:
Alba L. Chang, Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida

Claim of Lien

State of Florida

County of Miami-Dade

Before me, the undersigned Notary Public, personally appeared Alba L. Chang who was duly sworn and says that she is the agent of the lienor herein:

Town of Bay Harbor Islands
(Lienor's Name)

whose address is 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154
(Lienor's Address)

Lienor claims:

Fines/fees as per Section 5 3/4 of the Code of Ordinances of the Town of Bay Harbor Islands; Citation #20-001264; A fine of Twenty-Four Thousand Three Hundred (\$24,300), plus an administrative fee of One Hundred Fifty Dollars (\$150.00), levied on September 23rd, 2020, by Special Master Richard Kroop. The total amount of the lien equals \$24,450 (\$24,300+\$150). A fine of \$675.00 per day will continue to accrue until compliance is met. A copy of the Special Master's Findings is attached hereto and incorporated herein by reference.

The Claim of Lien is on the following described real property in Miami-Dade County, Florida,

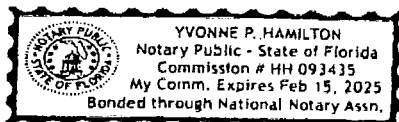
Commonly known as: 1047 92nd Street
Bay Harbor Islands, Florida 33154
Lot 14, Block 15, PB 46, Page 5
Miami-Dade County, Florida

an amount of Twenty-Four Thousand Four Hundred Fifty Dollars (\$24,450) as of September 23rd, 2020, plus a daily fine of \$675 until compliance is met. The lienor served his notice to owner on August 19, 2020, by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Maria Lasday
Maria Lasday, Town Manager

Sworn to and subscribed before me this 26th day of October 2021



Yvonne P. Hamilton
(Notary Public)

I, Alba L. Chang, Town Clerk of the Town of Bay Harbor Islands, Florida, do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in my office.

WITNESS my hand and the seal of said town this 26th day of October 2021, A.D.

Alba L. Chang
Town Clerk
Town of Bay Harbor Islands, Florida

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
 9665 BAY HARBOR TERRACE
 BAY HARBOR ISLANDS, FL 33154
 Phone: (305) 993-1786



SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:
OWNER:

BHI THE CLUB 2 LLC
 50 Briar Hollow Lane, Suite 500E
 Houston, TX 77027

ADDRESS OF VIOLATION:

- BHI THE CLUB 2 LLC
 1047 92 Street
 Bay Harbor Islands, FL 33154-2719
 Parcel No: 1322270012960

REGISTERED AGENT:

BHI The Club 2, LLC - Oscar Acosta
 50 Briar Hollow Lane Suite 500 East
 Houston, TX 77027

HEARING INFORMATION

Date: September 23, 2020
Time: 9:30AM

Location: Town of Bay Harbor Council Chambers
Special Master: Richard Kroop

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: 20-001264

Code Inspector: Evelyn Merizalde

Method of Service	Date
Posted	August 19, 2020
Certified	August 19, 2020

Violations(s):

Code Section Violated: Sec. 23-12(1)

Nature of Violation and Details:

Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property. Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats, poultry, fowl or any other livestock shall be kept on any lot. Daily Penalty \$50.00
 Daily Penalty: \$50.00

Code Section Violated: Sec. 23-12(3)

Nature of Violation and Details:

No weeds, brush or other unsightly growths, shall be permitted to grow or remain upon the land in the town, and no refuse pile or garbage pile or unsightly objects including but not limited to building materials and equipment if no building permit exists for improvement on said land or if a certificate of occupancy has been issued for improvements on said land, shall be allowed to be placed or suffered to remain thereon; and in the event that the owner of any land in the town shall fail or refuse to keep his land free of growths, underbrush or refuse piles or other unsightly growths or objects, including but not limited to building materials and equipment if no building permit exists or if a certificate of occupancy has been issued, then the town may enter upon said land and remove the same at the expense of the owner; and such entry shall not be deemed a trespass. This paragraph includes the requirement that the owner of any land in the town shall empty or secure with a cover, dumpsters containing construction debris and materials, as well as remove or otherwise tie and secure yard debris and other trash, including tree trimmings, within three hours after notice of a Hurricane Watch has been posted for Miami-Dade County, Florida. Said requirements shall remain in full force until notice of an "all clear" has been posted for Miami-Dade County, Florida.

The foregoing paragraph creates a civil liability in addition to the penalty provision of section 23-17. The civil liability of the owner for any expenses of the town in removal of the weeds, brush, refuse, piles, garbage piles, or other unsightly growths or objects, construction debris and materials, yard debris and other trash including tree trimmings, may be enforced in any court of appropriate jurisdiction in the state.
Daily Penalty: \$25.00

Code Section Violated: Sec. 24-15(c)

Nature of Violation and Details:

Every owner of a vacant building, structure or lot shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water thereon.

Daily Penalty: \$50.00

Code Section Violated: Sec. 24-13(a)

Nature of Violation and Details:

Every foundation, exterior and interior wall, roof, floor, ceiling, window and exterior door shall be structurally sound and maintained in good repair.

Daily Penalty: \$50.00

Code Section Violated: Sec. 24-13(d)

Nature of Violation and Details:

All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating, applied in a workmanlike fashion.

Daily Penalty: \$50.00

Code Section Violated: Sec. 24-15(a)

Nature of Violation and Details:

Every owner of a vacant building, structure or lot shall keep the premises in clean and sanitary condition, including yards, lawns, courts and driveways.

Daily Penalty: \$50.00

Code Section Violated: Sec. 24-15(b)

Nature of Violation and Details:

Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora. The term "excessive" shall be interpreted as detrimental to the health, safety or welfare of the occupants or the public and shall be in the sole judgment of the town.

Daily Penalty: \$50.00

Code Section Violated: Sec. 24-17(i)(1)

Nature of Violation and Details:

... If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ten days of the inspection, register the property with the town manager, or his or her designee, on forms provided by the town. A registration is required for each vacant property. Daily Penalty \$250.00

Daily Penalty: \$250.00

Code Section Violated: Sec. 24-9(a)

Nature of Violation and Details:

All foundation walls shall be structurally sound, reasonably rodent-proof and maintained in good repair. Foundation walls shall be considered to be sound if they are capable of bearing imposed loads and are not deteriorated.

Daily Penalty: \$50.00

Code Section Violated: Sec. 24-9(e)

Nature of Violation and Details:

All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.

Daily Penalty: \$50.00

APPEARANCES:

Oscar Acosta, Manager	(Owner/Violator)
Jerry Borbon	(Owner's Attorney or Representative)
Evelyn Merizalde	(Code Inspector)
Scherrie Griffin	(Code Inspector)
Alba Chang	(Town Clerk)
Frank Simone	(Town Attorney)
Ellezer Palacio	(Chief Building Official)

WITNESSES:

NAME	ADDRESS	CALLED BY
------	---------	-----------

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO
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SPECIAL MASTER'S FINDINGS OF FACT:

- ☒ The named violator was responsible for the violation of the cited Code section, as charged.
- ☐ The named violator was not responsible for the violation of the cited Code section, as charged.
- ☒ The amount of the civil penalty shall be \$675.00 per day, which shall be accruing from the date Notice was served (as per Sec 5 3/4 of the Town Code) until the date the violation is or was corrected and verified as corrected by Inspector of the Town.
- ☒ The administrative cost of this hearing shall be \$150.00
- ☐ Based on the relevant evidence, the time for correction as first given by the Code Inspector was insufficient and the Special Master hereby redetermines that the date for correction of the named violation should be . (If the violation is/was corrected and verified as corrected before the above redetermined date for correction, the penalty is waived and not imposed.
- ☐ Provided the violation is corrected by , it is the Special Master's Order that the total amount of the civil penalties be mitigated by a reduction of % (not to exceed 50%)

FURTHER RULING AND/OR REMARKS:

1. The property owner has 30 days from September 23, 2020 to submit proof of financing for the construction of the project.
2. The property owner has 60 days from September 23, 2020 to obtain all required Building Department permits.
3. In the event that the property owner fails to fully and timely comply with the foregoing, the Town is authorized to petition the Court to allow the Town to enter the property and cure the violations in order to bring the property into Code Compliance. Fines are assessed from August 19, 2020 to September 23, 2020. This represents 36 days totaling \$24,300.00. Fines will continue to accrue at \$675.00 per day until compliance is met.

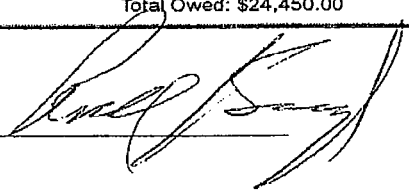
Fine Assessed: \$24,300.00

Administrative Fee \$150.00

Total Owed: \$24,450.00

Back to the next Special Master Hearing in days.

Special Master: Richard Kroop

Signature: 

TOWN OF BAY HARBOR ISLANDS CODE COMPLIANCE DIVISION

9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



August 19, 2020
FILE NUMBER: 20-001264

NOTICE OF VIOLATION

OWNER:

BHI THE CLUB 2 LLC
c/o Oscar Acosta, Manager
Nicholas Livsit, Manager
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

ADDRESS OF VIOLATION:

BHI THE CLUB 2 LLC -
1047 92 Street
Bay Harbor Islands, FL 33154-2719
Parcel No: 1322270012960

REGISTERED AGENT:

CT Corporation System -
1200 South Pine Island Road
Plantation, FL 33324

TENANT:

-

Inspections of the above premise discloses violation(s) of the Code Ordinances of the Town of Bay Harbor Islands, as follows:

Code Section Violated: Sec. 23-12(1)

Nature of Violation and Details:

Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property. Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats, poultry, fowl or any other livestock shall be kept on any lot. Daily Penalty \$50.00

You may comply by: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

Code Section Violated: Sec. 23-12(3)

Nature of Violation and Details:

No weeds, brush or other unsightly growths, shall be permitted to grow or remain upon the land in the town, and no refuse pile or garbage pile or unsightly objects including but not limited to building materials and equipment if no building permit exists for improvement on said land or if a certificate of occupancy has been issued for improvements on said land, shall be allowed to be placed or suffered to remain thereon; and in the event that the owner of any land in the town shall fail or refuse to keep his land free of growths, underbrush or refuse piles or other unsightly growths or objects, including but not limited to building materials and equipment if no building

permit exists or if a certificate of occupancy has been issued, then the town may enter upon said land and remove the same at the expense of the owner; and such entry shall not be deemed a trespass. This paragraph includes the requirement that the owner of any land in the town shall empty or secure with a cover, dumpsters containing construction debris and materials, as well as remove or otherwise tie and secure yard debris and other trash, including tree trimmings, within three hours after notice of a Hurricane Watch has been posted for Miami-Dade County, Florida. Said requirements shall remain in full force until notice of an "all clear" has been posted for Miami-Dade County, Florida.

The foregoing paragraph creates a civil liability in addition to the penalty provision of section 23-17. The civil liability of the owner for any expenses of the town in removal of the weeds, brush, refuse, piles, garbage piles, or other unsightly growths or objects, construction debris and materials, yard debris and other trash including tree trimmings, may be enforced in any court of appropriate jurisdiction in the state.

Daily Penalty: \$25.00

You may comply by: The stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, ditches must be removed from the property. The construction fence shall remain on the property until all items are removed, lot is properly graded and sodded. The foundation permit B18-000440, expired on 05/19/2019.

Code Section Violated: Sec. 24-15(c)

Nature of Violation and Details:

Every owner of a vacant building, structure or lot shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water thereon.

Daily Penalty: \$50.00

You may comply by: Remove the stagnant water, well, fill in all trenches in the ground, grade and sod the lot.

Code Section Violated: Sec. 24-13(a)

Nature of Violation and Details:

Every foundation, exterior and interior wall, roof, floor, ceiling, window and exterior door shall be structurally sound and maintained in good repair.

Daily Penalty: \$50.00

You may comply by: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

Code Section Violated: Sec. 24-13(d)

Nature of Violation and Details:

All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating, applied in a workmanlike fashion.

Daily Penalty: \$50.00

You may comply by: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

Code Section Violated: Sec. 24-15(a)

Nature of Violation and Details:

Every owner of a vacant building, structure or lot shall keep the premises in clean and sanitary condition, including yards, lawns, courts and driveways.

Daily Penalty: \$50.00

You may comply by: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be

removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

Code Section Violated: Sec. 24-15(b)

Nature of Violation and Details:

Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora. The term "excessive" shall be interpreted as detrimental to the health, safety or welfare of the occupants or the public and shall be in the sole judgment of the town.

Daily Penalty: \$50.00

You may comply by: The stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, ditches must be removed from the property. The construction fence shall remain on the property until all items are removed, lot is properly graded and sodded.

Code Section Violated: Sec. 24-17(l)(1)

Nature of Violation and Details:

... If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ten days of the inspection, register the property with the town manager, or his or her designee, on forms provided by the town. A registration is required for each vacant property. Daily Penalty \$250.00

Daily Penalty: \$250.00

You may comply by: Complete the attached abandoned real property registration form and submit the required fees.

Code Section Violated: Sec. 24-9(a)

Nature of Violation and Details:

All foundation walls shall be structurally sound, reasonably rodent-proof and maintained in good repair. Foundation walls shall be considered to be sound if they are capable of bearing imposed loads and are not deteriorated.

Daily Penalty: \$50.00

You may comply by: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

Code Section Violated: Sec. 24-9(e)

Nature of Violation and Details:

All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.

Daily Penalty: \$50.00

You may comply by: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

RE: Abandoned Sophie project contains stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, Temporary electric pole, construction fence, trenches, lot is not properly graded and sodded. The foundation permit B18-000440, expired on 05/19/2019.

Location of Violation: 1047 92 Street Violation Date: 08/19/2020

Compliance Date: August 29, 2020

YOU MUST REQUEST AN INSPECTION BY CODE COMPLIANCE OFFICER UPON COMPLETION OF THE WORK. IF YOU DON'T CALL, YOUR FINES WILL CONTINUE TO ACCUMULATE.

If the violation is corrected within the prescribed time period, the civil fine will not be imposed. If the violation is not corrected within

the prescribed time period, a civil fine up to the maximum set for the above shall be payable daily for each day of violation. Each day of violation after the time for correction shall be deemed a continuing violation and is subject to an additional penalty in the same amount. No further notices will be given. Civil fines may be paid at the office of the Town Clerk at the following address:

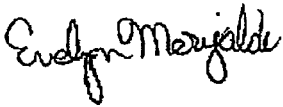
**Town of Bay Harbor Islands
Office of the Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154**

You may request an administrative hearing before a Special Master to appeal the notice of violation or to request an extension of time. The request for hearing must be filed in the office of the Town Clerk in writing within twenty (20) days after service of notice of violation or you will be deemed to have admitted the violation and waived your right to a hearing. A timely request for a hearing will postpone the accrual of continuing additional penalties. You may be liable for the reasonable costs of hearing if you are found guilty of the violation.

Service Information:

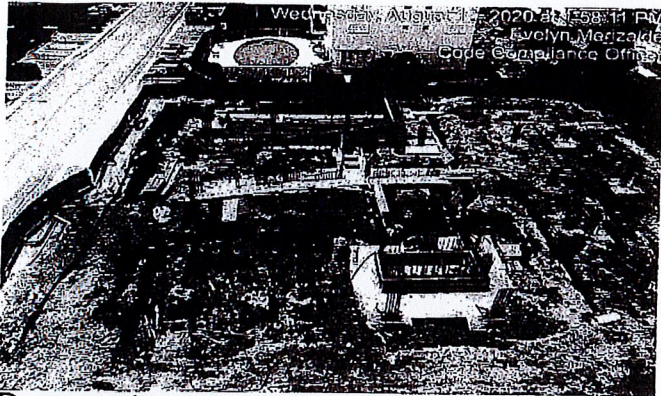
Date Mailed: 08/19/2020
Date Posted: 08/19/2020

Cert Mail Article #: 7019 1120 0000 0739 7469

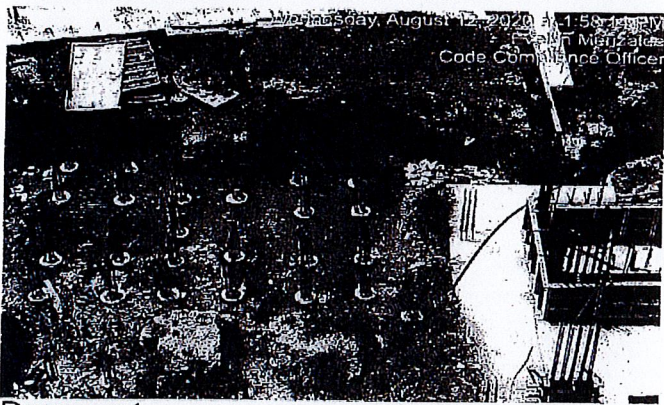


Evelyn Merizalde
Code Compliance Officer
emerizalde@bayharborislands-fl.gov
786-256-4347

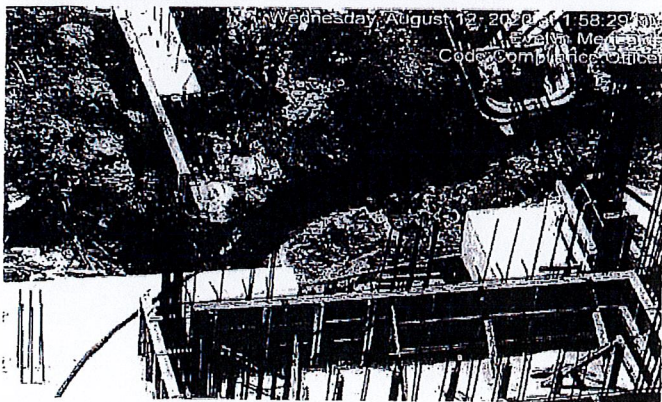
ADDENDUM



Document
Evelyn Merizalde
Aug 14, 2020



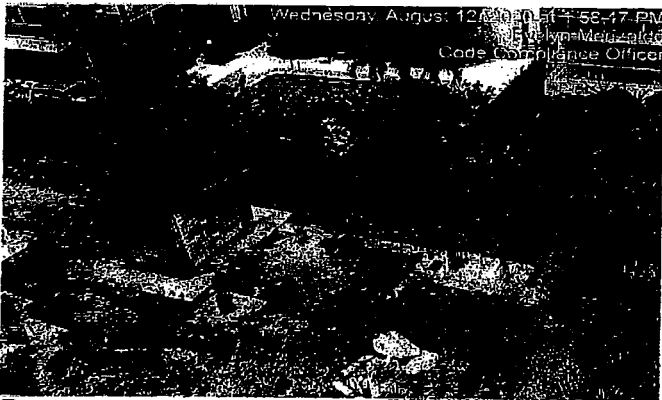
Document
Evelyn Merizalde
Aug 14, 2020



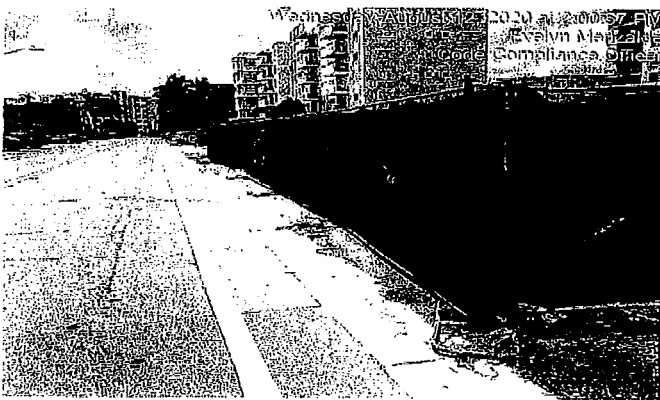
Document
Evelyn Merizalde
Aug 14, 2020



Document
Evelyn Merizalde
Aug 14, 2020

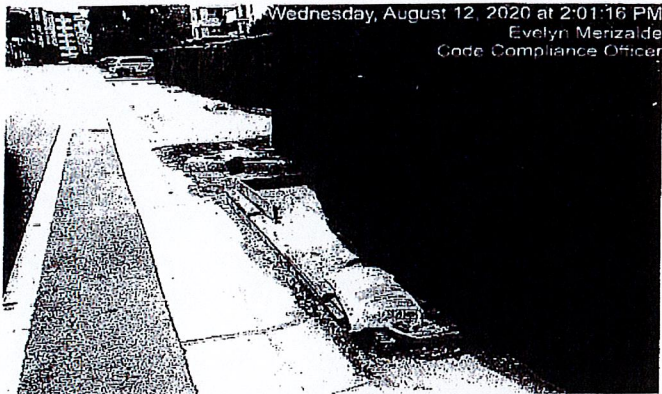


Document
Evelyn Merizalde
Aug 14, 2020

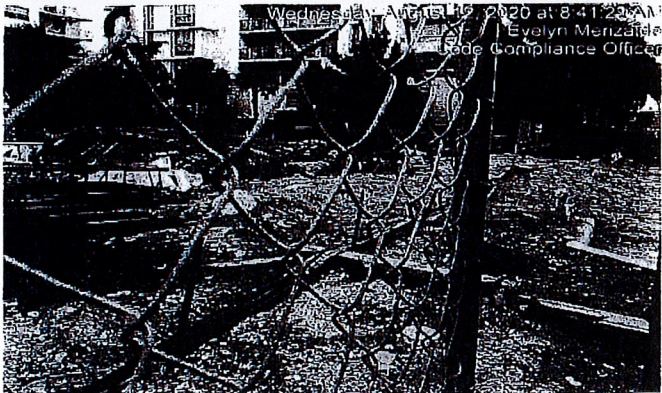


Document
Evelyn Merizalde

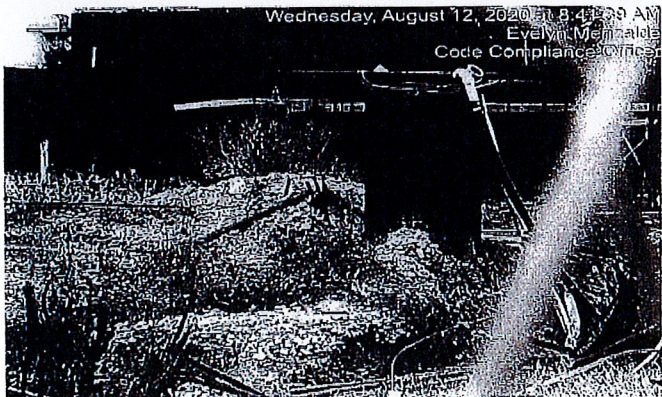
Aug 14, 2020



Document
Evelyn Merizalde
Aug 14, 2020



Document
Evelyn Merizalde
Aug 14, 2020



Document
Evelyn Merizalde
Aug 14, 2020

Notice of Violation

No. 20-001643

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
 BAY HARBOR ISLANDS, FL 33154
 Phone: (305) 993-1786



CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **20-001643**
 Inspector: Evelyn Merizalde

Parcel Address: 1047 92 Street
 Lot(s): 13-14 Block: 15

Owner Information:
 BHI THE CLUB 2 LLC
 50 Briar Hollow Lane, Suite 500E
 Houston, TX 77027

Violator Information:
 BHI THE CLUB 2 LLC
 50 Briar Hollow Lane, Suite 500E
 Houston, TX 77027

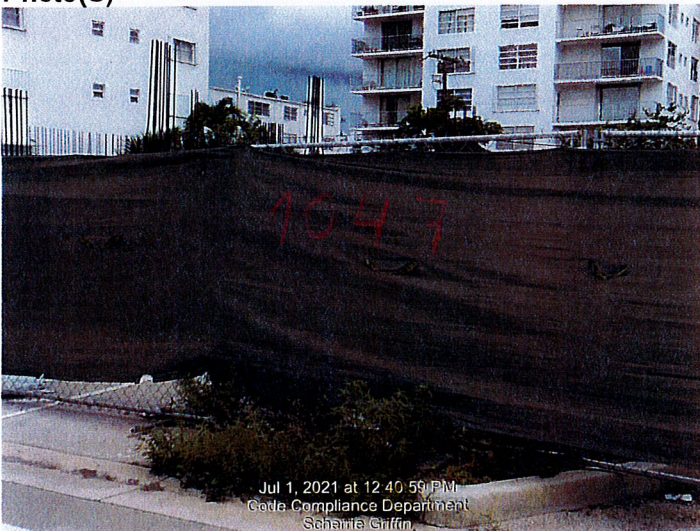
Violation Code	Open Date	Closed Date	Status	Violation Disposition
12-26(1)(c)	10/14/2020		Open	
Comments:	Schedule landscaping activities Monday- Friday between 9:00 AM - 6:00 PM only.			
Sec. 12-27(b)	10/14/2020		Open	
Comments:	Make a check payable to the Town of Bay Harbor Islands in the amount of \$500.00.			

DATE OPENED	ACTIVITY	DESCRIPTION
10/14/2020	Notice of Violation	Notice of violation issued with a \$500.00 fine posted to the property and mailed to the property owner.
11/17/2020	Compliance Inspection	Fine was not paid. Email sent to Oscar Acosta regarding the outstanding fine.
11/17/2020	Email	Sent the owner an email reminder to pay the \$500.00 fine.
03/02/2021	Code Action	The \$500.00 fine has for landscaping service on a 10/10/20, Saturday has not been paid. Invoice sent to the property owner.
04/05/2021	Inspection	Fine has not been paid.
05/22/2021	Code Action	As of today's date the fine has not been paid.
06/24/2021	Email	Email sent to the Building Department to verify permits have been obtained.
06/24/2021	Phone Call	Received a call from Nicolas Livsit, Manager, advising he is business partner with Oscar Acosta. and inquired about the pending violations. Email sent with the pending violations and how to comply.
06/25/2021	Email	Email received from building advising review is pending from inspectors.
06/28/2021	Email	Nicolas Livsit, Manager, advising he is coordinating with someone to take care of the matters.
06/30/2021	Email	Nicolas, Manager, provided mosquito control confirmation. Request # is 21-10277920. Also, advised Junior Rivas will be visiting the site today to coordinate all the work that needs to be done . Advised Nicolas to provide the date and

time the mosquito inspection will be taken place. Also, to follow up with the pending violations

07/01/2021	Email	Email received from Nicolas, Manager, stating Mr Junior Rivas just visited the site. He will take care of everything on Monday and I have already hired him to do maintenance after this initial set up.
07/01/2021	Progress Activity	Met the rep from Miami Mosquito Control at the property. He was unable to enter the property because of the code provided was incorrect. Nicolas, Manager, will reschedule inspection and provide the new code.
07/21/2021	Code Action	Final invoice mailed to the property owner.
08/12/2021	Code Action	Spoke to Nicolas, Developer, regarding the pending fine \$500.00.
08/26/2021	Code Action	Violation information provided for a lien search.
08/30/2021	Progress Activity	The \$500.00 fine has not been paid.

Photo(s)



Created By: Scherrie Griffin Created Date: Jul 01, 2021



Created By: Scherrie Griffin Created Date: Jul 01, 2021

1 / 3

Bay Harbor Islands Police Department
Incident Report

Incident #: 20-632-OF
Call #: 20-20728

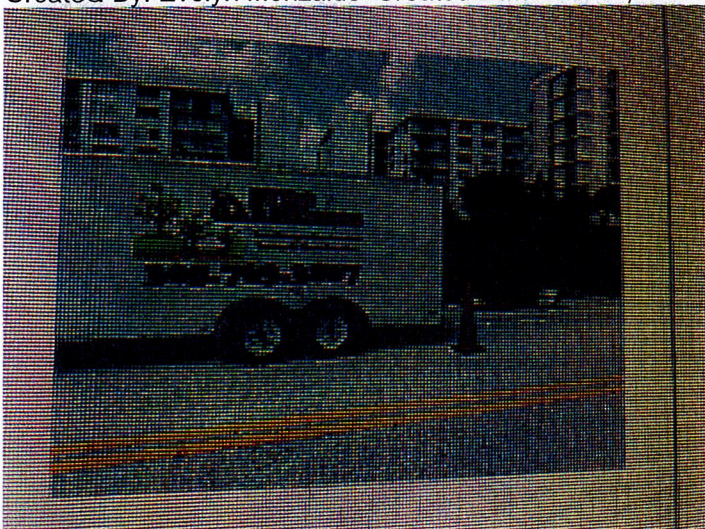
Date/Time Reported: 10/10/2020 1400
Report Date/Time: 10/10/2020 1527
Created Between: 10/10/2020 1356-10/10/2020 1359
Status: Incident Open

Reporting Officers: Sergeant MICHAEL LAMANTIA

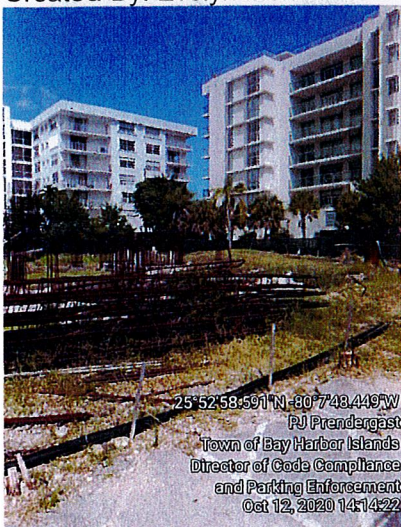
Signature: _____

DESCRIPTION	ATTENDED	TIME
AVIATION TYPE: Construction Site		Zone: SI- SOUTH
CONSTRUCTION SITE		

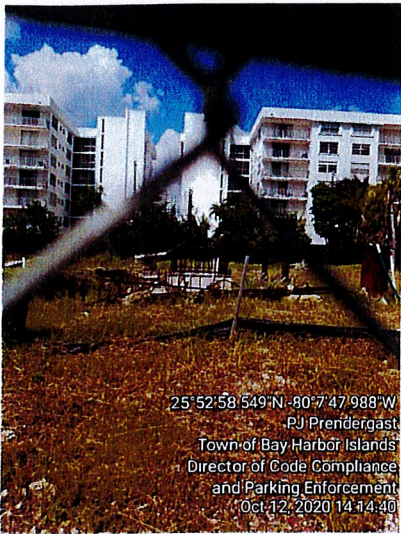
Created By: Evelyn Merizalde Created Date: Oct 14, 2020



Created By: Evelyn Merizalde Created Date: Oct 14, 2020



Created By: Evelyn Merizalde Created Date: Oct 13, 2020



25°52'58.549"N -80°7'47.988"W
PJ Prendergast
Town of Bay Harbor Islands
Director of Code Compliance
and Parking Enforcement
Oct 12, 2020 14:14:40

Created By: Evelyn Merizalde Created Date: Oct 13, 2020

TOWN OF BAY HARBOR ISLANDS CODE COMPLIANCE DIVISION

9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



NOTICE OF VIOLATION

October 14, 2020
FILE NUMBER: 20-001643

OWNER:

BHI THE CLUB 2 LLC
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

ADDRESS OF VIOLATION:

BHI THE CLUB 2 LLC -
1047 92 Street
Bay Harbor Islands, FL 33154-2719
Parcel No: 1322270012960

REGISTERED AGENT:

CT Corporation System -
1200 South Pine Island Road
Plantation, FL 33324

TENANT:

-

Inspections of the above premise discloses violation(s) of the Code Ordinances of the Town of Bay Harbor Islands, as follows:

Code Section Violated: **12-26(1)(c)**

Nature of Violation and Details:

Landscaping activity. Landscaping activity is permitted from 9:00 am until 6:00 pm Monday to Friday. On Saturdays, landscaping activity is permitted between the hours of 10:00 a.m. and 5:00 pm but only by owners or tenants. There shall be no use of leaf blowers on Saturdays. No commercial landscapers are permitted to perform work in the town on Saturdays.

Daily Penalty: \$250.00

You may comply by: Schedule landscaping activities Monday- Friday between 9:00 AM - 6:00 PM only.

Code Section Violated: **Sec. 12-27(b)**

Nature of Violation and Details:

For any subsequent violation, the violator shall receive a notice of violation imposing a fine of \$500.00.

Daily Penalty: \$500.00

You may comply by: Make a check payable to the Town of Bay Harbor Islands in the amount of \$500.00.

RE: The Bay Harbor Islands Police Department observed landscaping activity on Saturday 10/10/20. Incident report 20-632-OF

Location of Violation: 1047 92 Street Violation Date: 10/10/2020

Compliance Date: November 16, 2020

YOU MUST REQUEST AN INSPECTION BY CODE COMPLIANCE OFFICER UPON COMPLETION OF THE WORK. IF

If the violation is corrected within the prescribed time period, the civil fine will not be imposed. If the violation is not corrected within the prescribed time period, a civil fine up to the maximum set for the above shall be payable daily for each day of violation. Each day of violation after the time for correction shall be deemed a continuing violation and is subject to an additional penalty in the same amount. No further notices will be given. Civil fines may be paid at the office of the Town Clerk at the following address:

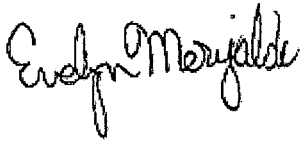
**Town of Bay Harbor Islands
Office of the Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154**

You may request an administrative hearing before a Special Master to appeal the notice of violation or to request an extension of time. The request for hearing must be filed in the office of the Town Clerk in writing within twenty (20) days after service of notice of violation or you will be deemed to have admitted the violation and waived your right to a hearing. A timely request for a hearing will postpone the accrual of continuing additional penalties. You may be liable for the reasonable costs of hearing if you are found guilty of the violation.

Service Information:

Date Mailed: 10/14/2020
Date Posted: 10/14/2020

Cert Mail Article #: 7019 1120 0000 0739 5762



Evelyn Merizalde
Code Compliance Officer
emerizalde@bayharborislands-fl.gov
786-256-4347

ADDENDUM

1 / 3

Bay Harbor Islands Police Department
Incident Report

Incident #: 20-632-OF
Call #: 20-20728

Event/Date Reported: 10/10/2020 1400
Report Date/Time: 10/10/2020 1357
Occurred Between: 10/10/2020 1336-10/10/2020 1355
Status: Incident Open

Reporting Officer: Sergeant MICHAEL LAMANTIA

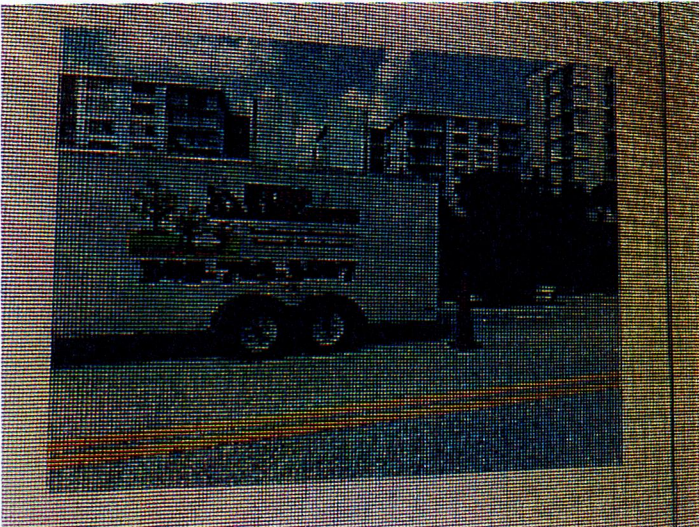
Signature: _____

OFFENSE: ☒ ATTEMPTED THEFT

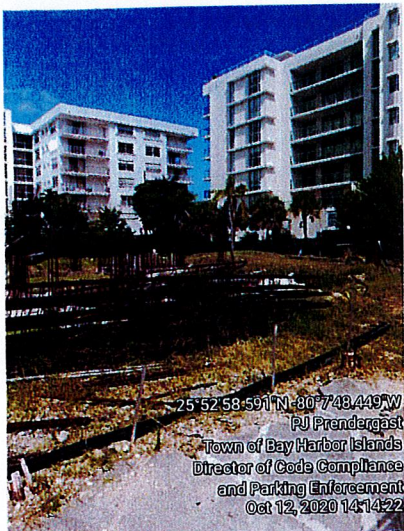
CRIMINAL TYPE: Construction Site **Zone:** EI- SOUTH

CONSTRUCTION SITE

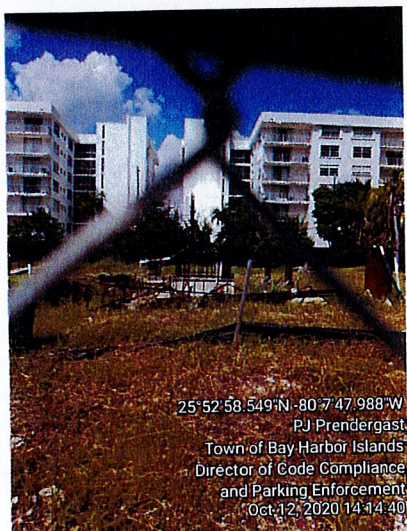
Document
Evelyn Merizalde
Oct 14, 2020



Document
Evelyn Merizalde
Oct 14, 2020



Document
Evelyn Merizalde
Oct 13, 2020



Document
Evelyn Merizalde
Oct 13, 2020



CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **21-000462**
 Inspector: Evelyn Merizalde

Parcel Address: 1047 92 Street
 Lot(s): 13-14 Block: 15

Owner Information:
 BHI THE CLUB 2 LLC
 50 Briar Hollow Lane, Suite 500E
 Houston, TX 77027

Violator Information:
 BHI THE CLUB 2 LLC
 50 Briar Hollow Lane, Suite 500E
 Houston, TX 77027

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 23-12(1)	03/10/2021		Open	
Comments:	Trim and maintain the overgrown landscaping and remove the stagnant water from this abandoned construction site.			

DATE OPENED	ACTIVITY	DESCRIPTION
03/10/2021	Daily Fine Start	The fine will continue accrue until compliance is met. Noncompliance pictures entered to the file.
03/10/2021	Notice of Violation	Notice of violation issued to trim and maintain the landscaping and remove the stagnant water located on the site.
03/23/2021	Compliance Inspection	The landscaping has not been trimmed and there appears to be stagnant water on the abandoned site.
03/24/2021	Compliance Inspection	Compliance has not been met.
03/25/2021	Email	Emailed the property owner regarding the abandoned project.
03/30/2021	Email	Oscar Acosta, Manager, sent email stating due the holiday workers were unable to service the abandoned site on Monday 3.29.21. Workers are scheduled to arrive on the property on 3.30.21
03/30/2021	Compliance Inspection	Compliance has not been met.
04/07/2021	Inspection	Mosquito Control inspected the abandoned site for mosquito breeding. Mosquito Control staff completed an inspection of the property at 1047 92ND ST. The following are the notes from the Inspector: No Mosquito Breeding was Found No Adult Mosquitos were Found Miami-Dade County Mosquito Control Inspector Comments: Property inspected and treated as needed. No breeding found or adult mosquitoes present during the inspection. Most of the water has fish in it. If you have any additional questions or concerns, please email 311@miamidade.gov or dial 311. For more information on Miami-Dade County Mosquito Control Division, visit www.miamidade.gov/mosquito.
04/08/2021	Inspection	The landscaping was partially services. Pictures entered to the system.

04/08/2021	Code Action	Received a video from Oscar Acosta, showing the abandoned site was partially serviced.
05/22/2021	Code Action	The site remains in violation. Pictures of the inspection completed on 5/14/21 entered to the case file. As per the building department permits have NOT been obtained for this abandoned site.
05/25/2021	Phone Call	.
06/24/2021	Email	Email sent to the Building Department to verify permits have been obtained.
06/24/2021	Phone Call	Received a call from Nicolas Livsit, Manager, advising he is business partner with Oscar Acosta. and inquired about the pending violations. Email sent with the pending violations and how to comply.
06/25/2021	Email	Email received form building advising review is pending from inspectors.
06/28/2021	Email	Nicolas Livsit, Manager, advising he is coordinating with someone to take care of the matters.
06/30/2021	Email	Nicolas, Manager, advised Junior Rivas will be visiting the site today to coordinate all the work that needs to be done. Also, to follow up with the pending violation.
07/01/2021	Progress Activity	Met the rep from Miami Mosquito Control at the property. He was unable to enter the property because of the code provided was incorrect. Nicolas, Manager, will reschedule inspection and provide the new code. New code provided #
07/01/2021	Inspection	The property remains overgrown.
07/01/2021	Progress Activity	Met the rep from Miami Mosquito Control at the property. He was unable to enter the property because of the code provided was incorrect. Nicolas, Manager, will reschedule inspection and provide the new code.
07/06/2021	Inspection	The landscaping was trimmed. Stagnant water has not been removed from the site. This file will remain open until compliance is met.
07/28/2021	Email	Email complaint received regarding the status of the site. Email added to the case file.
08/04/2021	Code Action	Fine letter mailed to the property owner.
08/04/2021	Code Action	The building project plans application remains in the denied status.
08/06/2021	Inspection	The landscaping is maintained but the stagnant water has not been removed. The pump is not operating.
08/12/2021	Code Action	Spoke to Nicolas , developer, regarding the pending violations and how to comply. The permit application plans are still denied.
08/16/2021	Inspection	Water not on the vacant lot. Fine calculated from the NOV date 3/10/21-8/16-21 compliance date, which represents 159 days at \$50.00 per day for a total of \$7,950.00.

08/26/2021	Code Action	Provided the violation for a lien search.
09/10/2021	Code Action	Spoke to the Nicholas Livisit, Developer, regarding the status of the pump. Mr. Junior Rivas fixed the fence and is working on the pumps. Also he is coordinating to remove the rebars this coming week. Kind regards, Nicolas
09/30/2021	Compliance Inspection	Schedule for the next SMH

Photo(s)

Aug 13, 2021 at 4:02:42 PM
Compliance Department



Created By: Evelyn Merizalde Created Date: Aug 16, 2021

Aug 13, 2021 at 4:02:41 PM
Compliance Department



Created By: Evelyn Merizalde Created Date: Aug 16, 2021



Created By: Evelyn Merizalde Created Date: Aug 16, 2021



Created By: Evelyn Merizalde Created Date: Aug 16, 2021



Created By: Evelyn Merizalde Created Date: Aug 16, 2021

Aug 13, 2021 at 1:02:16 PM
Compliance Department



Created By: Evelyn Merizalde Created Date: Aug 16, 2021

Aug 13, 2021 at 1:03:04 PM
Compliance Department



Created By: Evelyn Merizalde Created Date: Aug 16, 2021

Aug 13, 2021 at 1:01:43 PM
Compliance Department



Created By: Evelyn Merizalde Created Date: Aug 16, 2021

Aug 13, 2021 at 1:01:30 PM
Compliance Department



Created By: Evelyn Merizalde Created Date: Aug 16, 2021

Aug 13, 2021 at 1:01:39 PM
Compliance Department



Created By: Evelyn Merizalde Created Date: Aug 16, 2021

Aug 13, 2021 at 1:00:54 PM
Compliance Department



Created By: Evelyn Merizalde Created Date: Aug 16, 2021

Aug 13, 2021 at 1:00:43 PM
Compliance Department



Created By: Evelyn Merizalde Created Date: Aug 16, 2021

Aug 13, 2021 at 1:00:43 PM
Compliance Department



Created By: Evelyn Merizalde Created Date: Aug 16, 2021

Aug 6, 2021 at 8:14:55 AM
Evelyn Merizalde
Code Compliance Officer



Created By: Evelyn Merizalde Created Date: Aug 06, 2021



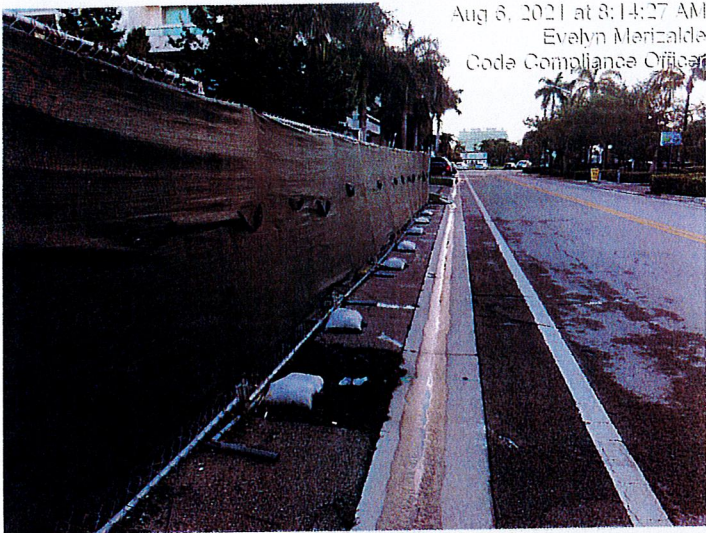
Created By: Evelyn Merizalde Created Date: Aug 06, 2021



Created By: Evelyn Merizalde Created Date: Aug 06, 2021



Created By: Evelyn Merizalde Created Date: Aug 06, 2021



Aug 6, 2021 at 8:14:27 AM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Aug 06, 2021



Aug 6, 2021 at 8:14:18 AM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Aug 06, 2021



Aug 6, 2021 at 8:14:05 AM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Aug 06, 2021

TOWN OF BAY HARBOR ISLANDS CODE COMPLIANCE DIVISION

9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



NOTICE OF VIOLATION

March 10, 2021
FILE NUMBER: 21-000462

OWNER:

BHI THE CLUB 2 LLC
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

ADDRESS OF VIOLATION:

BHI THE CLUB 2 LLC -
1047 92 Street
Bay Harbor Islands, FL 33154-2719
Parcel No: 1322270012960

REGISTERED AGENT:

- BHI THE CLUB 2 LLC
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

TENANT:

-

Inspections of the above premise discloses violation(s) of the Code Ordinances of the Town of Bay Harbor Islands, as follows:

Code Section Violated: **Sec. 23-12(1)**
Nature of Violation and Details:

Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property. Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats, poultry, fowl or any other livestock shall be kept on any lot. Daily Penalty \$50.00

Daily Penalty: \$50.00

You may comply by: Trim and maintain the overgrown landscaping and remove the stagnant water from this abandoned construction site.

RE: Found the landscaping is overgrown at this abandoned construction site.

Location of Violation: 1047 92 Street Violation Date: 03/10/2021

Compliance Date: **March 22, 2021**

YOU MUST REQUEST AN INSPECTION BY CODE COMPLIANCE OFFICER UPON COMPLETION OF THE WORK. IF YOU DON'T CALL, YOUR FINES WILL CONTINUE TO ACCUMULATE.

If the violation is corrected within the prescribed time period, the civil fine will not be imposed. If the violation is not corrected within the prescribed time period, a civil fine up to the maximum set for the above shall be payable daily for each day of violation. Each day of violation after the time for correction shall be deemed a continuing violation and is subject to an additional penalty in the same amount. No further notices will be given. Civil fines may be paid at the office of the Town Clerk at the following address:

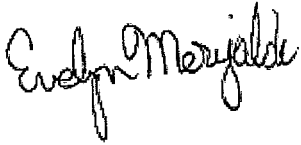
**Town of Bay Harbor Islands
Office of the Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154**

You may request an administrative hearing before a Special Master to appeal the notice of violation or to request an extension of time. The request for hearing must be filed in the office of the Town Clerk in writing within twenty (20) days after service of notice of violation or you will be deemed to have admitted the violation and waived your right to a hearing. A timely request for a hearing will postpone the accrual of continuing additional penalties. You may be liable for the reasonable costs of hearing if you are found guilty of the violation.

Service Information:

Date Mailed: 03/10/2021
Date Posted: 03/10/2021

Cert Mail Article #: 7019 1120 0000 0739 5830



Evelyn Merizalde
Code Compliance Officer
emerizalde@bayharborislands-fl.gov
786-256-4347

ADDENDUM



Photo
Evelyn Merizalde
Mar 10, 2021



Photo
Evelyn Merizalde
Mar 10, 2021



Photo
Evelyn Merizalde
Mar 09, 2021



Photo
Evelyn Merizalde
Mar 09, 2021



Photo

Mar 09, 2021



Photo
Evelyn Merizalde
Mar 09, 2021

Notice of Violation
No. 20-001269

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
 BAY HARBOR ISLANDS, FL 33154
 Phone: (305) 993-1786



CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **20-001269**
 Inspector: Evelyn Merizalde

Parcel Address: 1055 92 Street
 Lot(s): Block:

Owner Information:
 BHI THE CLUB 2 LLC
 50 Briar Hollow Lane, Suite 500E
 Houston, TX 77027

Violator Information:
 BHI THE CLUB 2 LLC
 50 Briar Hollow Lane, Suite 500E
 Houston, TX 77027

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 23-12(1)	08/17/2020		Open	
Comments: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.				
Sec. 23-12(3)	08/17/2020		Open	
Comments: The stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, ditches must be removed from the property. The construction fence shall remain on the property until all items are removed, lot is properly graded and sodded. The foundation permit B18-000440, expired on 05/19/2019				
Sec. 24-15(c)	08/17/2020		Open	
Comments: Remove the stagnant water, well, fill in all trenches in the ground, grade and sod the lot.				
24-13(a)	08/19/2020		Open	
Comments: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.				
24-13(d)	08/19/2020		Open	
Comments: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.				
Sec. 24-15(a)	08/19/2020		Open	
Comments: Complete the attached vacant property registration form and submit the required fees.				
Sec. 24-15(b)	08/19/2020		Open	
Comments: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.				
Sec. 24-17(i)(1)	08/19/2020		Open	
Comments: Complete the attached abandoned real property registration form and submit the required fees.				
Sec. 24-9(a)	08/19/2020		Open	
Comments: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction				

fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

Sec. 24-9(e)

08/19/2020

Open

Comments: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

DATE OPENED	ACTIVITY	DESCRIPTION
08/19/2020	Notice of Violation	Notice of violation issued to remove the following: Stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, Temporary election pole, construction fence, fill in trenches, graded and sodded the lot. The construction fence shall not be removed until the lot has been graded and sodded. Two lots
08/19/2020	Daily Fine Start	24-13(a) Exterior Structures are not properly maintained \$50.00 Fine will begin to accrue from 8/19/20 (NOV date) -8/23/2020 (hearing date)36 days @ \$50.00 per day for a fine of \$1,800.00 (Fine will continue to run until compliance is met.)
08/19/2020	Daily Fine Start	24-13(d) All exterior surfaces subject to deterioration shall be properly maintained.... \$50.00 Fine will begin to accrue from 8/19/20 (NOV date) -8/23/2020 (hearing date)36 days @ \$50.00 per day for a fine of \$1,800.00 (Fine will continue to run until compliance is met.)
08/19/2020	Daily Fine Start	23-12(1) Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may become an annoyance, blight, eyesore, danger or nuisance...\$50.00 Fine will begin to accrue from 8/19/20 (NOV date) -8/23/2020 (hearing date)36 days @ \$50.00 per day for a fine of \$1,800.00 (Fine will continue to run until compliance is met.)
08/19/2020	Daily Fine Start	23-12(3) No weeds, brush or other unsightly growth \$25.00 Fine will begin to accrue from 8/19/20 (NOV date) -8/23/2020 (hearing date)36 days @ \$25.00 per day for a fine of \$900.00 (Fine will continue to run until compliance is met.)
08/19/2020	Daily Fine Start	24-15(a) Every owner of a vacant building, structure or lot shall keep the premises in clean and sanitary condition. \$50.00 Fine will begin to accrue from 8/19/20 (NOV date) -8/23/2020 (hearing date)36 days @ \$50.00 per day for a fine of \$1,800.00 (Fine will continue to run until compliance is met.)
08/19/2020	Daily Fine Start	24-15(b) Exterior premises shall be kept free of excessive weeds \$50.00 Fine will begin to accrue from 8/19/20 (NOV date) -8/23/2020 (hearing date)36 days @ \$50.00 per day for a fine of \$1,800.00 (Fine will continue to run until compliance is met.)
08/19/2020	Daily Fine Start	24-15(c) Every owner of a vacant building, structure or lot shall grade and maintain the exterior premises... \$50.00 Fine will begin to accrue from 8/19/20 (NOV date) -8/23/2020 (hearing date)36 days @ \$50.00 per day for a fine of \$1,800.00 (Fine will continue to run until compliance is met.)
08/19/2020	Daily Fine Start	24-17(i)(1) Vacant property registration \$250.00 Fine will begin to accrue from 8/19/20 (NOV date) -8/23/2020 (hearing date)36 days @ \$250.00 per day for a fine of \$9,000.00 (Fine will continue to run until compliance is met.)
08/19/2020	Daily Fine Start	24-9(a) Foundations and structures are not structurally sound \$50.00 Fine will begin to accrue from 8/19/20 (NOV date) -8/23/2020 (hearing date)36 days @ \$50.00 per day for a fine of \$1,800.00 (Fine will continue to run until compliance is met.)

08/19/2020	Daily Fine Start	24-9(e) All exterior surfaces subject to deterioration \$50.00 Fine will begin to accrue from 8/19/20 (NOV date) -8/23/2020 (hearing date)36 days @ \$50.00 per day for a fine of \$1,800.00 (Fine will continue to run until compliance is met.)
08/27/2020	Progress Activity	Request for a Special Master hearing received. This case will be placed on the agenda for the next scheduled hearing.
08/28/2020	Progress Activity	Oscar Acosta sent a text stating: Patrick we are changing the fence for a new one the guys of National behaved poorly they have given us the oldest fence they had and never maintained if so I am going with United hopefully we will have the swap done today sometime I'll keep you posted.
08/30/2020	Progress Activity	Site has not complied with removing the stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, temporary electrical pole, construction fence, trenches, lot is not properly graded and sodded. The foundation permit B18-000440. expired on 5/19/2019. This case will be placed on the agenda for the next scheduled hearing.
09/03/2020	Inspection	Compliance has not been met. Posted to a Notice to Appear before the Special Master on 9/23/20 at 9:30 AM to the property and mailed certified.
09/10/2020	Code Action	Mosquito Control service submitted. Request No. 20-10665130. Service should be completed within 5 days.
09/10/2020	Phone Call	Left a voicemail for Oscar Acosta to contact me regarding the Special Master hearing scheduled on 9/23/20 at 9:30 AM.
09/11/2020	Progress Activity	Found National fence contractor attempting to remove the construction fence. Called Oscar Acosta to dispatch Stone Mountain access system, the new vendor, to install a construction fence. National fence did not remove the fence since Oscar Acosta made a payment to delay removal. A watch order was submitted to the Bay Harbor Islands Police Department.
09/13/2020	Code Action	Found the construction fence collapsed due to strong wind. Oscar Acosta, manager, advised to restore the fence. Compliance met.
09/14/2020	Code Action	Found a new vendor arrived prior to 9:00 AM to remove the construction fence. Vendor advised to wait until 9:00 AM to replace the fence. Installation completed and inspected. Mosquito dunks placed inside the trenches to prevent mosquito breeding. Pictures entered to the file.
09/18/2020	Phone Call	Received a call from the attorney inquiring if the hearing will take place via zoom. He was advised that the hearing will be held in the council chambers.
09/22/2020	Code Action	Fine calculation: \$675.00 daily fine rate @ 36 days total fine from (8/19/20-9/23/20) \$24,300.00
09/22/2020	Phone Call	Mosquito control closed ticket 20-10665130 on 9/11/20 for no access to site. Ticket 20-10688464 opened for service. Email sent to dswn@miamidade.gov requesting inspector to contact Oscar Acosta, Manager, to request site access.
09/22/2020	Inspection	Took progress pictures of the abandoned property from building 1025 92 st. Compliance has not been met.
09/23/2020	Notice To Appear	Notice to appear before the special master on 9/23/20 at 9:30 AM mailed

certified and emailed to the Oscar Acosta, Manager.

09/23/2020	Special Master Hearing	1. The property owner has 30 days from September 23, 2020 to submit proof of financing for the construction of the project. 2. The property owner has 60 days from September 23, 2020 to obtain all required Building Department permits. 3. In the event that the property owner fails to fully and timely comply with the foregoing, the Town is authorized to petition the Court to allow the Town to enter the property and cure the violations in order to bring the property into Code Compliance. Fines are assessed from August 19, 2020 to September 23, 2020. This represents 36 days totaling \$24,300.00. Fines will continue to accrue at \$675.00 per day until compliance is met.
10/06/2020	Inspection	Received a complaint that the pumps appear to be off. Inspected the site and there is a large amount of stagnant water and the landscaping remains overgrown. Email sent to Oscar Acosta, manager to address this situation immediately. He is currently in Miami and will request a compliance inspection tomorrow.
10/07/2020	Inspection	Met with Oscar Acosta at the site. I placed mosquito dunks in the stagnant water, took progress pictures of the abandoned property, advised Oscar to have the landscaping trimmed, to request a police watch on the property for illegal dumping and to remove all loose items. As per Oscar a landscaping company is scheduled to service the property tomorrow. Code will continue to monitor the property.
10/26/2020	Code Action	Received proof of financial commitment from Oscar Acosta. Document submitted to the Town Attorney for review. Project permits must be obtained on or before 11/22/20.
03/24/2021	Email	As of today's date the site has not obtained the required permits to continue with the project. Email sent to Frank Simone, Town Attorney, advising that the construction permit applications are still denied. Building Department comments entered to the case file. The second review comments were emailed to the applicant on February 2, 2021. They have not resubmitted any revisions to the comments as of today.
05/26/2021	Inspection	Compliance has not been met. Pictures entered to the case file.
05/27/2021	Progress Activity	As per the Building Department the general contractor resubmitted the construction plans for a third time.
08/20/2021	Progress Activity	Conference call with the Town Attorney. CBO will send an email to the developer providing the deadline of 9/1/21 to obtain all required permits.
08/26/2021	Code Action	Violation information provided for a lien search request.
09/24/2021	Progress Activity	Email sent to Nicholas Livsit, Developer, stating the building permits must be obtained on or before 10/31/21.
10/14/2021	Progress Activity	Meeting held with Nicholas Livsit, Sophie Developer. He was advised on how to comply with the pending violations. As per Nicholas the clean-up crew will be at the property this afternoon.
03/07/2022	Progress Activity	Permit B18-000259 approved . Fine from 8/19/20- 3/7/22(B18-000259 permit approval date), which represents 565 days at \$675 days for a total of \$381,375.00

Photo(s)



Created By: Evelyn Merizalde Created Date: May 26, 2021



Created By: Evelyn Merizalde Created Date: May 26, 2021



Created By: Evelyn Merizalde Created Date: May 26, 2021



Created By: Evelyn Merizalde Created Date: May 26, 2021



Created By: Evelyn Merizalde Created Date: May 26, 2021



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Created By: Evelyn Merizalde Created Date: May 26, 2021



Created By: Evelyn Merizalde Created Date: May 26, 2021



Created By: Evelyn Merizalde Created Date: Oct 07, 2020



Created By: Evelyn Merizalde Created Date: Oct 07, 2020



Created By: Evelyn Merizalde Created Date: Oct 06, 2020



Created By: Evelyn Merizalde Created Date: Oct 06, 2020



Created By: Evelyn Merizalde Created Date: Oct 06, 2020



Created By: Evelyn Merizalde Created Date: Oct 06, 2020



Created By: Evelyn Merizalde Created Date: Oct 06, 2020



Created By: Evelyn Merizalde Created Date: Oct 06, 2020



Created By: Evelyn Merizalde Created Date: Sep 22, 2020



Created By: Evelyn Merizalde Created Date: Sep 22, 2020



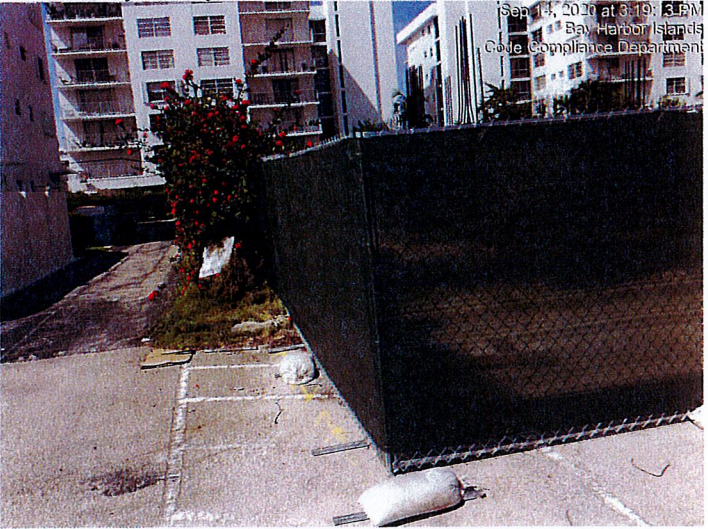
Tuesday, September 22, 2020 at 2:14:26 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Sep 22, 2020



Sep 14, 2020 at 3:20:02 PM
Bay Harbor Islands
Code Compliance Department

Created By: Evelyn Merizalde Created Date: Sep 14, 2020



Sep 14, 2020 at 3:19:33 PM
Bay Harbor Islands
Code Compliance Department

Created By: Evelyn Merizalde Created Date: Sep 14, 2020



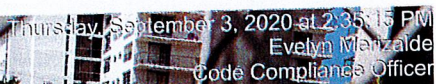
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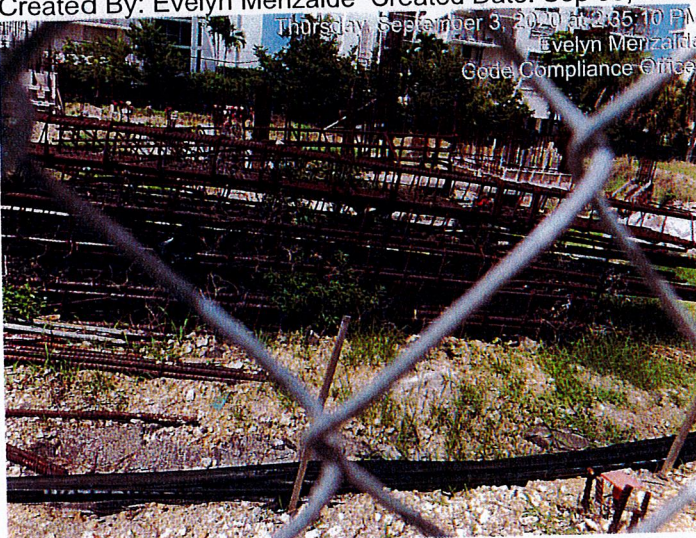
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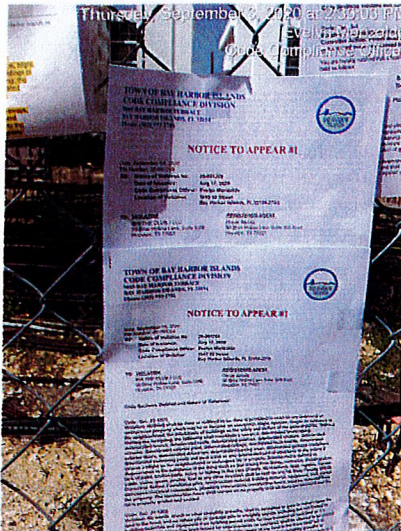
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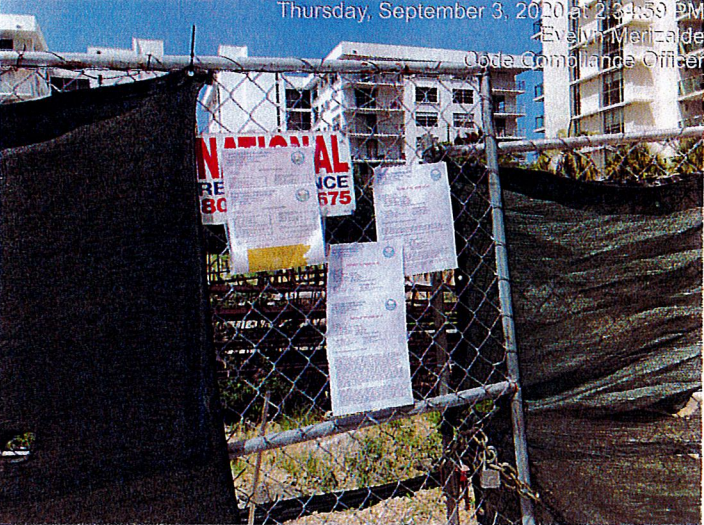
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Evelyn Menzalde
Code Compliance Officer

[illegible]

Created By: Evelyn Merizalde Created Date: Sep 03, 2020



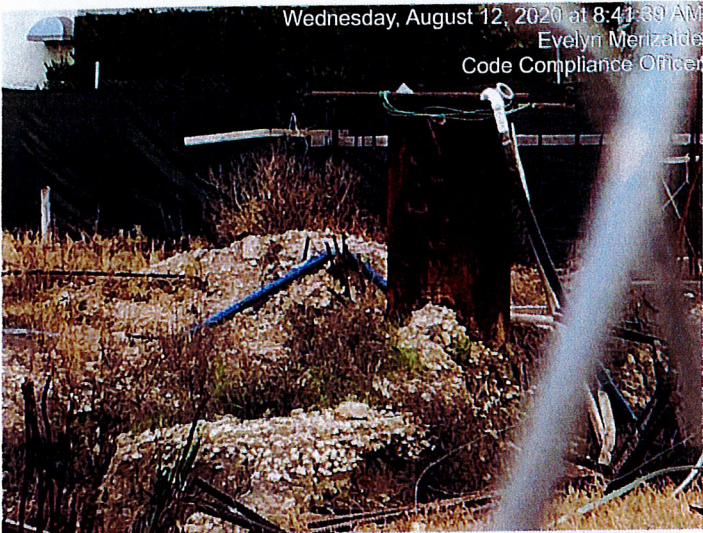
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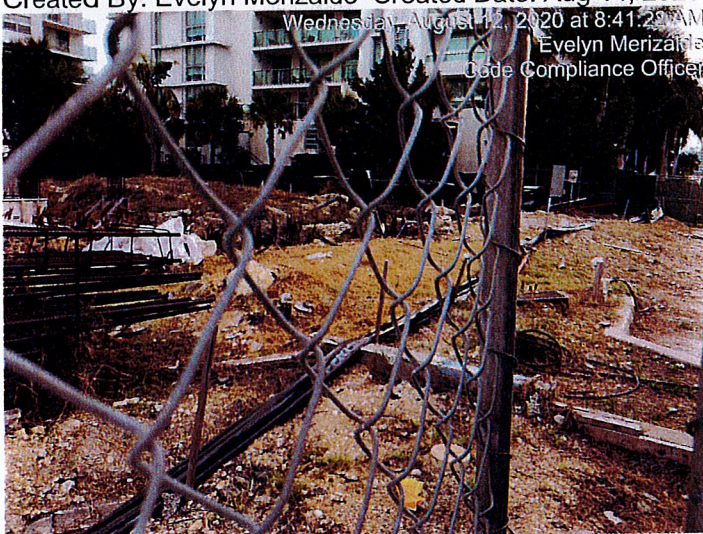
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Created By: Evelyn Merizalde Created Date: Sep 03, 2020



Created By: Evelyn Merizalde Created Date: Aug 14, 2020



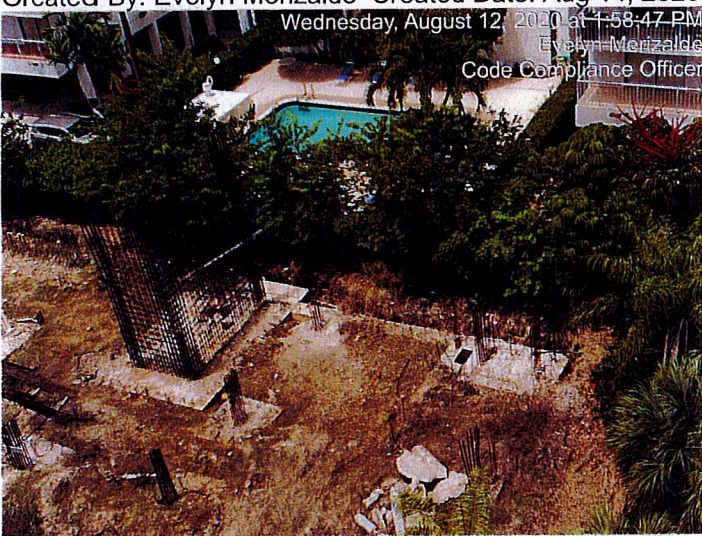
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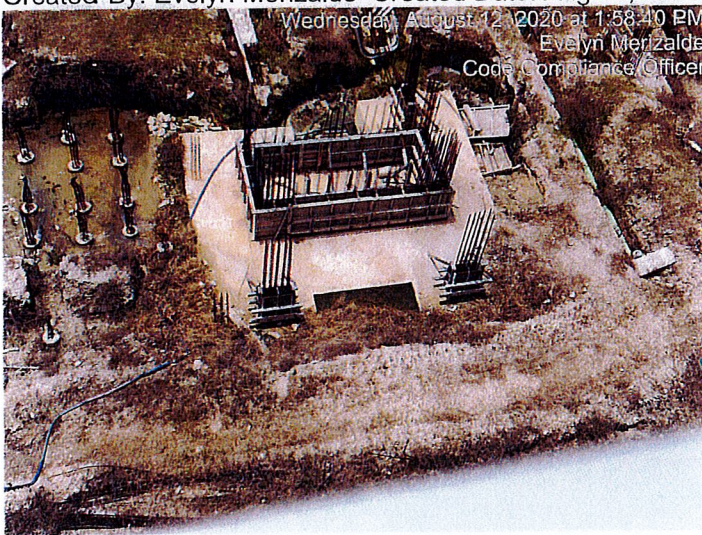
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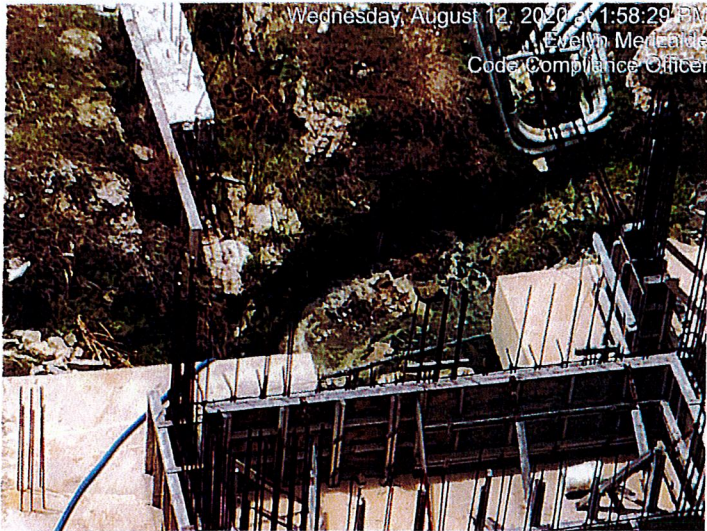
Created By: Evelyn Merizalde Created Date: Aug 14, 2020



Created By: Evelyn Merizalde Created Date: Aug 14, 2020



Created By: Evelyn Merizalde Created Date: Aug 14, 2020



Wednesday, August 12, 2020 at 1:58:29 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Aug 14, 2020



Wednesday, August 12, 2020 at 1:58:14 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Aug 14, 2020



Wednesday, August 12, 2020 at 1:58:11 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Aug 14, 2020

This instrument prepared by
and record and return to:
Alba L. Chang, Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida

Claim of Lien

State of Florida

County of Miami-Dade

Before me, the undersigned Notary Public, personally appeared Alba L. Chang who was duly sworn and says that she is the agent of the lienor herein:

Town of Bay Harbor Islands
(Lienor's Name)

whose address is 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154
(Lienor's Address)

Lienor claims:

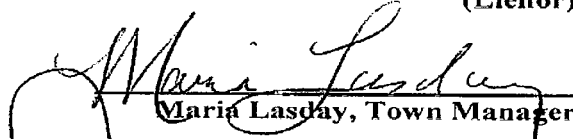
Fines/fees as per Section 5 3/4 of the Code of Ordinances of the Town of Bay Harbor Islands; Citation #20-001269; A fine of Twenty-Four Thousand Three Hundred (\$24,300), plus an administrative fee of One Hundred Fifty Dollars (\$150.00), levied on September 23rd, 2020, by Special Master Richard Kroop. The total amount of the lien equals \$24,450 (\$24,300+\$150). A fine of \$675.00 per day will continue to accrue until compliance is met. A copy of the Special Master's Findings is attached hereto and incorporated herein by reference.

The Claim of Lien is on the following described real property in Miami-Dade County, Florida,

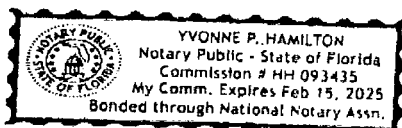
Commonly known as: 1055 92nd Street
Bay Harbor Islands, Florida 33154
Lot 13 Less S11FT, Block 15, PB 46, Page 5
Miami-Dade County, Florida

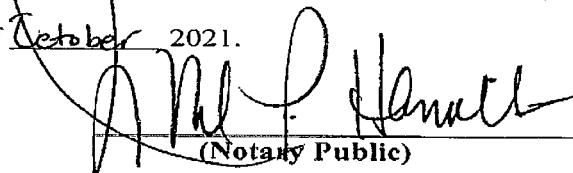
an amount of Twenty-Four Thousand Four Hundred Fifty Dollars (\$24,450) as of September 23rd, 2020, plus a daily fine of \$675 until compliance is met. The lienor served his notice to owner on August 19, 2020, by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)


Maria Lasday, Town Manager

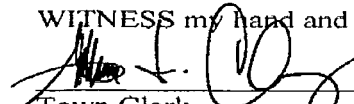
Sworn to and subscribed before me this 26th day of October 2021.




(Notary Public)

I, Alba L. Chang, Town Clerk of the Town of Bay Harbor Islands, Florida, do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in my office.

WITNESS my hand and the seal of said town this 26th day of October 2021, A.D.


Town Clerk
Town of Bay Harbor Islands, Florida

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
 9665 BAY HARBOR TERRACE
 BAY HARBOR ISLANDS, FL 33154
 Phone: (305) 993-1786



SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:
OWNER:

BHI THE CLUB 2 LLC
 50 Briar Hollow Lane, Suite 500E
 Houston, TX 77027

ADDRESS OF VIOLATION:

- BHI THE CLUB 2 LLC
 1055 92 Street
 Bay Harbor Islands, FL 33154-2753
 Parcel No: 1322270012950

REGISTERED AGENT:

BHI The Club 2, LLC - Oscar Acosta
 50 Briar Hollow Lane Suite 500 East
 Houston, TX 77027

HEARING INFORMATION

Date: September 23, 2020
 Time: 9:30AM

Location: Town of Bay Harbor Council Chambers
 Special Master: Richard Kroop

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: 20-001269

Code Inspector: Evelyn Merizalde

Method of Service Date
 Posted August 19, 2020
 Certified August 19, 2020

Violations(s):

Code Section Violated: Sec. 23-12(1)

Nature of Violation and Details:

Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property. Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats, poultry, fowl or any other livestock shall be kept on any lot. Daily Penalty \$50.00
 Daily Penalty: \$50.00

Code Section Violated: Sec. 23-12(3)

Nature of Violation and Details:

No weeds, brush or other unsightly growths, shall be permitted to grow or remain upon the land in the town, and no refuse pile or garbage pile or unsightly objects including but not limited to building materials and equipment if no building permit exists for improvement on said land or if a certificate of occupancy has been issued for improvements on said land, shall be allowed to be placed or suffered to remain thereon; and in the event that the owner of any land in the town shall fail or refuse to keep his land free of growths, underbrush or refuse piles or other unsightly growths or objects, including but not limited to building materials and equipment if no building permit exists or if a certificate of occupancy has been issued, then the town may enter upon said land and remove the same at the expense of the owner; and such entry shall not be deemed a trespass. This paragraph includes the requirement that the owner of any land in the town shall empty or secure with a cover, dumpsters containing construction debris and materials, as well as remove or otherwise tie and secure yard debris and other trash, including tree trimmings, within three hours after notice of a Hurricane Watch has been posted for Miami-Dade County, Florida. Said requirements shall remain in full force until notice of an "all clear" has been posted for Miami-Dade County, Florida.

The foregoing paragraph creates a civil liability in addition to the penalty provision of section 23-17. The civil liability of the owner for any expenses of the of the town in removal of the weeds, brush, refuse, piles, garbage piles, or other unsightly growths or objects, construction debris and materials, yard debris and other trash including tree trimmings, may be enforced in any court of appropriate jurisdiction in the state.
Daily Penalty: \$25.00

Code Section Violated: Sec. 24-15(c)

Nature of Violation and Details:

Every owner of a vacant building, structure or lot shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water thereon.

Daily Penalty: \$50.00

Code Section Violated: 24-13(a)

Nature of Violation and Details:

Every foundation, exterior and interior wall, roof, floor, ceiling, window and exterior door shall be structurally sound and maintained in good repair.

Daily Penalty: \$50.00

Code Section Violated: 24-13(d)

Nature of Violation and Details:

All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating, applied in a workmanlike fashion.

Daily Penalty: \$50.00

Code Section Violated: Sec. 24-15(a)

Nature of Violation and Details:

Every owner of a vacant building, structure or lot shall keep the premises in clean and sanitary condition, including yards, lawns, courts and driveways.

Daily Penalty: \$50.00

Code Section Violated: Sec. 24-15(b)

Nature of Violation and Details:

Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora. The term "excessive" shall be interpreted as detrimental to the health, safety or welfare of the occupants or the public and shall be in the sole judgment of the town.

Daily Penalty: \$50.00

Code Section Violated: Sec. 24-17(l)(1)

Nature of Violation and Details:

... If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ten days of the inspection, register the property with the town manager, or his or her designee, on forms provided by the town. A registration is required for each vacant property. Daily Penalty \$250.00

Daily Penalty: \$250.00

Code Section Violated: Sec. 24-9(a)

Nature of Violation and Details:

All foundation walls shall be structurally sound, reasonably rodent-proof and maintained in good repair. Foundation walls shall be considered to be sound if they are capable of bearing imposed loads and are not deteriorated.

Daily Penalty: \$50.00

Code Section Violated: Sec. 24-9(e)

Nature of Violation and Details:

All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.

Daily Penalty: \$50.00

APPEARANCES:

Oscar Acosta, Manager
 Jerry Borbon
 Evelyn Merizalde
 Scherrie Griffin
 Alba Chang
 Frank Simone
 Eliezer Palacio

(Owner/Violator)
 (Owner's Attorney or Representative)
 (Code Inspector)
 (Code Inspector)
 (Town Clerk)
 (Town Attorney)
 (Chief Building Official)

WITNESSES:**NAME****ADDRESS****CALLED BY****EXHIBITS:****NUMBER****BRIEF DESCRIPTION****SUBMITTED BY****RETURN TO****SPECIAL MASTER'S FINDINGS OF FACT:**

- ☒ The named violator was responsible for the violation of the cited Code section, as charged.
☐ The named violator was not responsible for the violation of the cited Code section, as charged.
☒ The amount of the civil penalty shall be \$675.00 per day, which shall be accruing from the date Notice was served (as per Sec 5 3/4 of the Town Code) until the date the violation is or was corrected and verified as corrected by inspector of the Town.
☒ The administrative cost of this hearing shall be \$150.00
☐ Based on the relevant evidence, the time for correction as first given by the Code Inspector was insufficient and the Special Master hereby redetermines that the date for correction of the named violation should be . (If the violation is/was corrected and verified as corrected before the above redetermined date for correction, the penalty is waived and not imposed.
☐ Provided the violation is corrected by , it is the Special Master's Order that the total amount of the civil penalties be mitigated by a reduction of % (not to exceed 50%)

FURTHER RULING AND/OR REMARKS:

1. The property owner has 30 days from September 23, 2020 to submit proof of financing for the construction of the project.
2. The property owner has 60 days from September 23, 2020 to obtain all required Building Department permits.
3. In the event that the property owner fails to fully and timely comply with the foregoing, the Town is authorized to petition the Court to allow the Town to enter the property and cure the violations in order to bring the property into Code Compliance. Fines are assessed from August 19, 2020 to September 23, 2020. This represents 36 days totaling \$24,300.00. Fines will continue to accrue at \$675.00 per day until compliance is met.

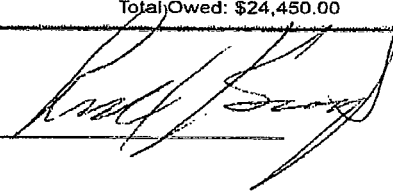
Fine Assessed: \$24,300.00

Administrative Fee \$150.00

Total Owed: \$24,450.00

Back to the next Special Master Hearing in days.

Special Master: Richard Kroop

Signature: 

TOWN OF BAY HARBOR ISLANDS CODE COMPLIANCE DIVISION

9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



August 19, 2020
FILE NUMBER: 20-001269

NOTICE OF VIOLATION

OWNER:

BHI THE CLUB 2 LLC
c/o Oscar Acosta, Manager
Nicholas Livsit, Manager
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

ADDRESS OF VIOLATION:

BHI THE CLUB 2 LLC -
1055 92 Street
Bay Harbor Islands, FL 33154-2753
Parcel No: 1322270012950

REGISTERED AGENT:

CT Corporation System -
1200 South Pine Island Road
Plantation, FL 33324

TENANT:

-

Inspections of the above premise discloses violations(s) of the Code Ordinances of the Town of Bay Harbor Islands, as follows:

Code Section Violated: Sec. 23-12(1)

Nature of Violation and Details:

Nothing shall be done or suffered to be done or permitted to exist on any improved or unimproved property which may be or become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, the inhabitants of buildings or the safety and welfare of the general public. Without limiting the foregoing, the following shall constitute a nuisance: deteriorated landscaping, deteriorated fences, deteriorated roofs, deteriorated windows, deteriorated shutters, deteriorated screens, deteriorated exterior paint, deteriorated railings, deteriorated fascia boards, deteriorated exterior doors, deteriorated driveways, deteriorated parking areas, deteriorated garbage containers, deteriorated swimming pools and pool areas or any deteriorated part of structures to the extent it causes a blight on the neighborhood or endangers life or property.

Deteriorated is defined as degeneration in the substance of the thing such as that arising from decay, corrosion, disintegration, lack of paint, broken parts, holes, or leaking in the case of roofs. No monkeys, apes, reptiles, horses, cattle, swine, goats, poultry, fowl or any other livestock shall be kept on any lot. Daily Penalty \$50.00
Daily Penalty: \$50.00

You may comply by: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

Code Section Violated: Sec. 23-12(3)

Nature of Violation and Details:

No weeds, brush or other unsightly growths, shall be permitted to grow or remain upon the land in the town, and no refuse pile or garbage pile or unsightly objects including but not limited to building materials and equipment if no building permit exists for improvement on said land or if a certificate of occupancy has been issued for improvements on said land, shall be allowed to be placed or suffered to remain thereon; and in the event that the owner of any land in the town shall fail or refuse to keep his land free of growths, underbrush or refuse piles or other unsightly growths or objects, including but not limited to building materials and equipment if no building

permit exists or if a certificate of occupancy has been issued, then the town may enter upon said land and remove the same at the expense of the owner, and such entry shall not be deemed a trespass. This paragraph includes the requirement that the owner of any land in the town shall empty or secure with a cover, dumpsters containing construction debris and materials, as well as remove or otherwise tie and secure yard debris and other trash, including tree trimmings, within three hours after notice of a Hurricane Watch has been posted for Miami-Dade County, Florida. Said requirements shall remain in full force until notice of an "all clear" has been posted for Miami-Dade County, Florida.

The foregoing paragraph creates a civil liability in addition to the penalty provision of section 23-17. The civil liability of the owner for any expenses of the town in removal of the weeds, brush, refuse, piles, garbage piles, or other unsightly growths or objects, construction debris and materials, yard debris and other trash including tree trimmings, may be enforced in any court of appropriate jurisdiction in the state.
Daily Penalty: \$25.00

You may comply by: The stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, ditches must be removed from the property. The construction fence shall remain on the property until all items are removed, lot is properly graded and sodded. The foundation permit B18-000440, expired on 05/19/2019

Code Section Violated: Sec. 24-15(c)

Nature of Violation and Details:

Every owner of a vacant building, structure or lot shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water thereon.

Daily Penalty: \$50.00

You may comply by: Remove the stagnant water, well, fill in all trenches in the ground, grade and sod the lot.

Code Section Violated: 24-13(a)

Nature of Violation and Details:

Every foundation, exterior and interior wall, roof, floor, ceiling, window and exterior door shall be structurally sound and maintained in good repair. Daily Penalty \$50.00

Daily Penalty: \$50.00

You may comply by: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

Code Section Violated: 24-13(d)

Nature of Violation and Details:

All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating, applied in a workmanlike fashion.

Daily Penalty:

You may comply by: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

Code Section Violated: Sec. 24-15(a)

Nature of Violation and Details:

Every owner of a vacant building, structure or lot shall keep the premises in clean and sanitary condition, including yards, lawns, courts and driveways.

Daily Penalty: \$50.00

You may comply by: Complete the attached vacant property registration form and submit the required fees.

Code Section Violated: Sec. 24-15(b)

Nature of Violation and Details:

Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora. The term "excessive" shall be interpreted as detrimental to the health, safety or welfare of the occupants or the public and shall be in the sole judgment of the town.

Daily Penalty: \$50.00

You may comply by: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

Code Section Violated: Sec. 24-17(i)(1)

Nature of Violation and Details:

... If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ten days of the inspection, register the property with the town manager, or his or her designee, on forms provided by the town. A registration is required for each vacant property. Daily Penalty \$250.00

Daily Penalty: \$250.00

You may comply by: Complete the attached abandoned real property registration form and submit the required fees.

Code Section Violated: Sec. 24-9(a)

Nature of Violation and Details:

All foundation walls shall be structurally sound, reasonably rodent-proof and maintained in good repair. Foundation walls shall be considered to be sound if they are capable of bearing imposed loads and are not deteriorated.

Daily Penalty: \$50.00

You may comply by: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

Code Section Violated: Sec. 24-9(e)

Nature of Violation and Details:

All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.

Daily Penalty: \$50.00

You may comply by: Foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, construction fence, must be removed from the property. The construction fence shall remain on the property until all items are removed and the lot is properly graded and sodded.

RE: Abandoned Sophie project contains stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, Temporary electric pole, construction fence, ditches, lot is not properly graded and sodded. The foundation permit B18-000440, expired on 05/19/2019.

Location of Violation: 1055 92 Street Violation Date: 08/19/2020

Compliance Date: August 29, 2020

YOU MUST REQUEST AN INSPECTION BY CODE COMPLIANCE OFFICER UPON COMPLETION OF THE WORK. IF YOU DON'T CALL, YOUR FINES WILL CONTINUE TO ACCUMULATE.

If the violation is corrected within the prescribed time period, the civil fine will not be imposed. If the violation is not corrected within the prescribed time period, a civil fine up to the maximum set for the above shall be payable daily for each day of violation. Each day of violation after the time for correction shall be deemed a continuing violation and is subject to an additional penalty in the same amount. No further notices will be given. Civil fines may be paid at the office of the Town Clerk at the following address:

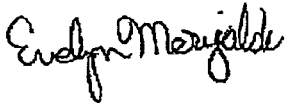
**Town of Bay Harbor Islands
Office of the Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154**

You may request an administrative hearing before a Special Master to appeal the notice of violation or to request an extension of time. The request for hearing must be filed in the office of the Town Clerk in writing within twenty (20) days after service of notice of violation or you will be deemed to have admitted the violation and waived your right to a hearing. A timely request for a hearing will postpone the accrual of continuing additional penalties. You may be liable for the reasonable costs of hearing if you are found guilty of the violation.

Service Information:

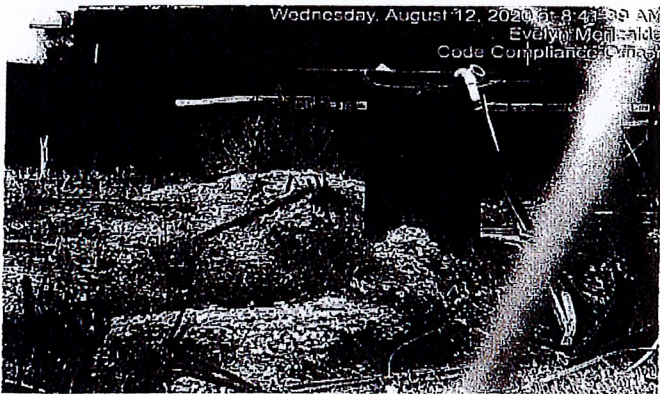
Date Mailed: 08/19/2020
Date Posted: 08/19/2020

Cert Mail Article #: 7019 1120 0000 0739 7452

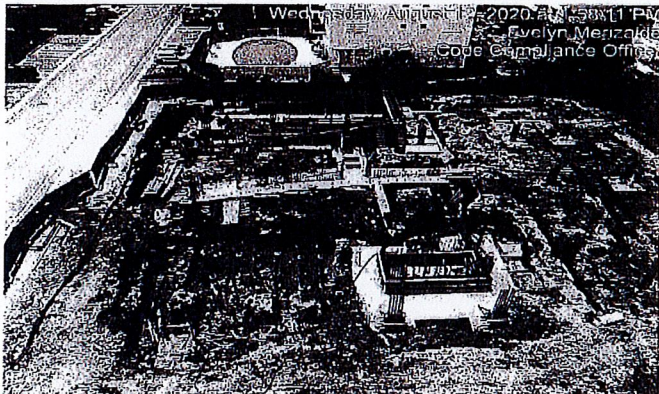


Evelyn Merizalde
Code Compliance Officer
emerizalde@bayharborislands-fl.gov
786-256-4347

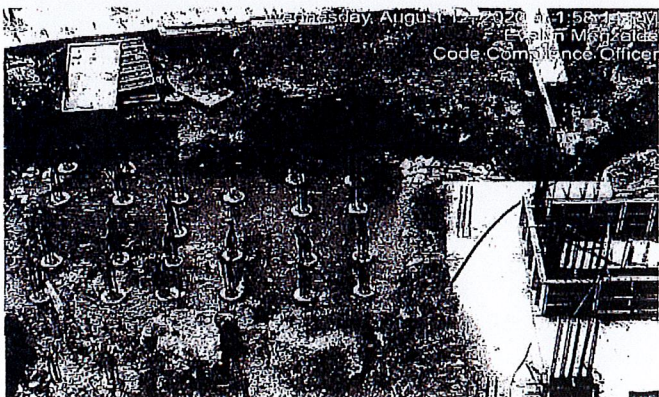
ADDENDUM



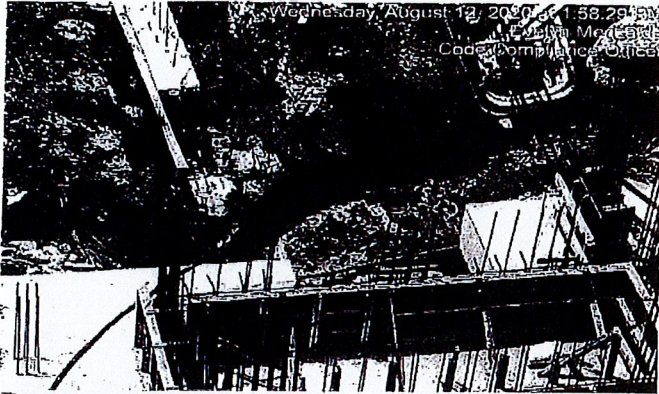
Document
Evelyn Merizalde
Aug 14, 2020



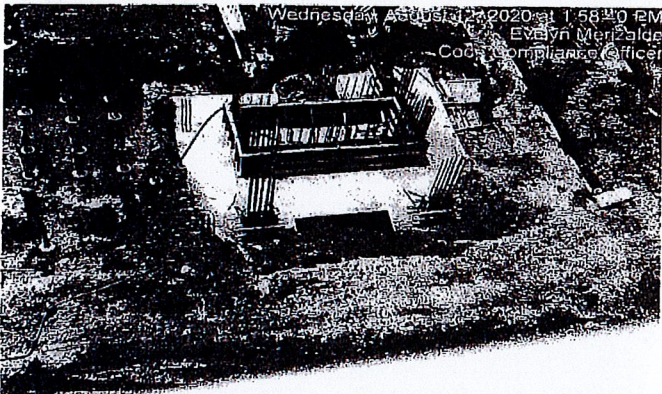
Document
Evelyn Merizalde
Aug 14, 2020



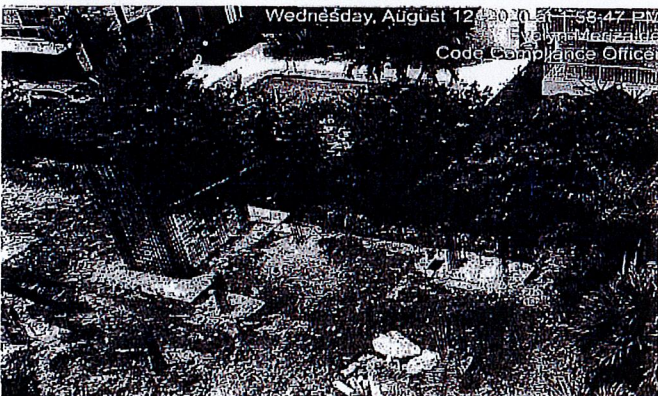
Document
Evelyn Merizalde
Aug 14, 2020



Document
Evelyn Merizalde
Aug 14, 2020

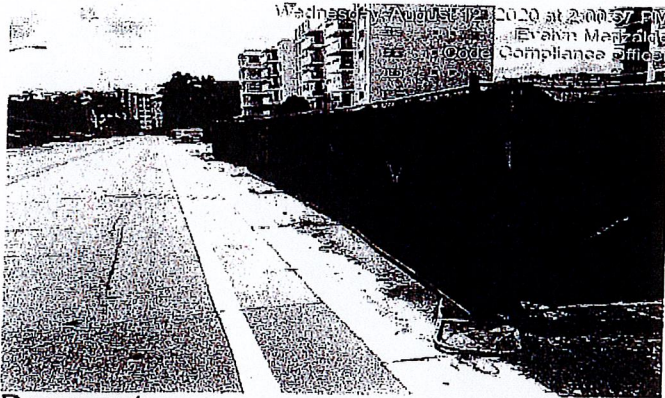


Document
Evelyn Merizalde
Aug 14, 2020

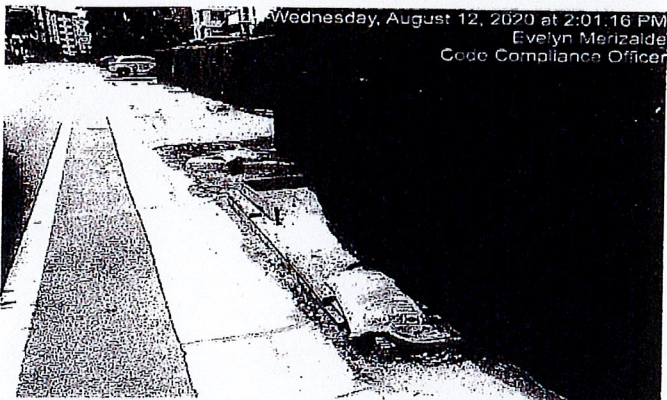


Document
Evelyn Merizalde

Aug 14, 2020



Document
Evelyn Merizalde
Aug 14, 2020



Document
Evelyn Merizalde
Aug 14, 2020



Document
Evelyn Merizalde
Aug 14, 2020

CITATION NO.

20-000967

TOWN OF BAY HARBOR ISLANDS BUILDING AND ZONING DEPARTMENT

9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154

Phone: (305) 993-1786

buildingdepartment@bayharborislands.org



June 18, 2020
FILE NUMBER: 20-000967

NOTICE OF VIOLATION

OWNER:

BHI THE CLUB 2 LLC
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

ADDRESS OF VIOLATION:

BHI THE CLUB 2 LLC -
1047 92 Street
Bay Harbor Islands, FL 33154-2719
Parcel No: 1322270012960

REGISTERED AGENT:

CT Corporation System
1200 South Pine Island Road
Plantation, FL 33324

Inspections of the above premise discloses violation(s) of the Code Ordinances of the Town of Bay Harbor Islands, as follows:

Code Section Violated: Sec. 5-1

Nature of Violation and Details:

The Florida Building Code is hereby adopted as the building code of the town

Daily Penalty: \$100.00

You may comply by: Permit must be reactivated within 20 days of this notice or any work which has commenced must be removed from site as per FBC 105.4.1.2 within 20 days of this notice.

Compliance Date: 07/08/2020

YOU MUST REQUEST AN INSPECTION BY CODE COMPLIANCE OFFICER UPON COMPLETION OF THE WORK. IF YOU DON'T CALL, YOUR FINES WILL CONTINUE TO ACCUMULATE.

If the violation is corrected within the prescribed time period, the civil fine will not be imposed. If the violation is not corrected within the prescribed time period, a civil fine up to the maximum set for the above shall be payable daily for each day of violation. Each day of violation after the time for correction shall be deemed a continuing violation and is subject to an additional penalty in the same amount. No further notices will be given. Civil fines may be paid at the office of the Building Department at the following address:

**Town of Bay Harbor Islands
Building and Zoning Department
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154**

You may request an administrative hearing before a Special Master to appeal the notice of violation or to request an extension of time. The request for hearing must be filed in the office of the Town Clerk in writing within twenty (20) days after service of notice of violation or you will be deemed to have admitted the violation and waived your right to a hearing. A timely request for a hearing will postpone the accrual of continuing additional penalties. You may be liable for the reasonable costs of hearing if you are found guilty of the violation.

Service Information:

Date Mailed: 06/18/2020
Date Posted: 06/18/2020

Cert Mail Article #: 7019-1120-0000-0739-5526

Eliezer Palacio
Chief Building Official
epalacio@bayharborislands-fl.gov

TOWN OF BAY HARBOR ISLANDS BUILDING DEPARTMENT

9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

BHI THE CLUB 2 LLC
50 Briar Hollow Lane, Suite 500E
Houston, TX 77027

ADDRESS OF VIOLATION:

BHI THE CLUB 2 LLC
1047 92 Street
Bay Harbor Islands, FL 33154-2719
Parcel No: 1322270012960

REGISTERED AGENT:

CT Corporation System
1200 South Pine Island Road
Plantation, FL 33324

HEARING INFORMATION

Date: September 23, 2020

Time: 9:30AM

Location: Town of Bay Harbor Council Chambers

Special Master: Richard Kroop

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: 20-000967

Chief Building Official: Eliezer Palacio

Method of Service

Posted
Certified

Date

September 03, 2020
September 03, 2020

Violations(s):

Code Section Violated: Sec. 5-1

Nature of Violation and Details:

The Florida Building Code is hereby adopted as the building code of the town

Daily Penalty: \$100.00

APPEARANCES:

Oscar Acosta	(Owner/Violator)
Jerry Borbon	(Owner's Attorney or Representative)
Evelyn Merizalze	(Code Inspector)
Scherrie Griffin	(Code Inspector)
Alba Chang	(Town Clerk)
Eliezer Palacio, CBO	(Town Manager or Designee)

WITNESSES:

NAME	ADDRESS	CALLED BY
------	---------	-----------

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO
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SPECIAL MASTER'S FINDINGS OF FACT:

The named violator was responsible for the violation of the cited Code section, as charged.

The named violator was not responsible for the violation of the cited Code section, as charged.

The amount of the civil penalty shall be \$500.00 per day, which shall be accruing from the date Notice was served (as per Sec 5 3/4 of the Town Code) until the date the violation is or was corrected and verified as corrected by inspector of the Town.

The administrative cost of this hearing shall be \$150.00

Based on the relevant evidence, the time for correction as first given by the Code Inspector was insufficient and the Special Master hereby redetermines that the date for correction of the named violation should be . (If the violation is/was corrected and verified as corrected before the above redetermined date for correction, the penalty is waived and not imposed.

Provided the violation is corrected by , it is the Special Master's Order that the total amount of the civil penalties be mitigated by a reduction of % (not to exceed 50%)

FURTHER RULING AND/OR REMARKS:

1. The property owner has 30 days from September 23, 2020 to submit proof of financing for the construction of the project.
2. The property owner has 60 days from September 23, 2020 to obtain all required Building Department permits.
3. In the event that the property owner fails to fully and timely comply with the foregoing, the Town is authorized to petition the Court to allow the Town to enter the property and cure the violations in order to bring the property into Code Compliance. Fines are assessed from June 18, 2020 to September 23, 2020. This represents 98 days totaling \$9,800.00. Fines will continue to accrue at \$100.00 per day until compliance is met.

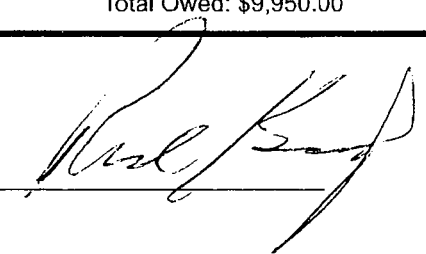
Fine Assessed: \$9,800.00

Administrative Fee \$150.00

Total Owed: \$9,950.00

Back to the next Special Master Hearing in days.

Special Master: Richard Kroop

Signature: 

Yvonne Hamilton

From: Ayanidys Martinez
Sent: Thursday, March 24, 2022 8:45 AM
To: Yvonne Hamilton
Cc: Mike Mesa; Evelyn Merizalde; Maria Lasday
Subject: Sophie Violations - Building Case 20-000967
Attachments: NOV 20-000967 Sophie Project.pdf; SMF 20-000967 Bldg Case.pdf; Calculate Duration Between Two Dates – 644 Days.pdf

Staff

The Building Department also has a Notice of Violation # 20-000967 on the Sophie property located at 1047 92 Street.

Please see attached documents.

1. Notice of Violation #20-000967 Issued on June 18, 2020
2. Special Master Findings dated September 23, 2020
3. Calculated Duration to Date – 644 Days

This will have a daily fine of \$100.00 until the permit is obtained.

As of today, the total fines are \$64,400.00

If you have any additional questions, please feel free to contact me.

Thank you.

The Town of Bay Harbor Islands Building and Code Compliance Department proudly announces that we have completed our office renovations and our back at our regular location located at 9665 Bay Harbor Terrace, 2nd Floor, Bay Harbor Islands, Florida 33154.

We would like to take this opportunity to thank you once again for your patience and understanding.

We look forward to seeing you.

Mrs. Ayanidys J. Martinez, CEP
Building & Zoning Supervisor

Town of Bay Harbor Islands
9665 Bay Harbor Terrace, 2nd Floor
Bay Harbor Islands, Florida 33154
Office: (305) 993-1786, Extension 116
Office Cell: (786) 256-3011

Email: amartinez@bayharborislands-fl.gov
Building Dept.: buildingdepartment@bayharborislands-fl.gov
Town Website: www.bayharborislands-fl.gov

Please note: Florida has a very broad public records law. Most written communications to or from public agencies regarding government business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message is subject to public disclosure.

Days Calculator: Days Between Two Dates

How many days, months, and years are there between two dates?

[Count Days](#)

[Add Days](#)

[Workdays](#)

[Add Workdays](#)

[Weekday](#)

[Week No](#)

Advertising

From and including: **Thursday, June 18, 2020**
To, but **not** including **Thursday, March 24, 2022**

Result: 644 days

It is 644 days from the start date to the end date, but not including the end date.

Or 1 year, 9 months, 6 days excluding the end date.

Or 21 months, 6 days excluding the end date.

Alternative time units

644 days can be converted to one of these units:

- 55,641,600 seconds
- 927,360 minutes
- 15,456 hours
- 644 days
- 92 weeks
- 176.44% of a **common year** (365 days)

June 2020						
13 days included						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July 2020						
31 days included						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August 2020–February 2022	
August 2020–December 2020: 153 days included	
Year 2021: 365 days included	
January 2022–February 2022: 59 days included	

March 2022						
23 days included						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Cyneri Properties, Inc.

Notice of Violation No. 20-001912

1025 93rd Street



ERIC P. STEIN, P.A.

ATTORNEYS AT LAW

1820 N.E. 163 STREET, SUITE 100

NORTH MIAMI BEACH, FL 33162

TEL: (786) 248-1000 FAX: (786) 248-1004

March 28, 2022

By Email only to: yhamilton@bayharborislands-fl.gov

LITIGATION COMMITTEE

Yvonne P. Hamilton, Acting Town Clerk

Town of Bay Harbor Islands

9665 Bay Harbor Terrace

Bay Harbor Islands, FL 33154

RE: Case No.: 20-001912
Property: 1025 93rd Street (hereinafter, the "Property")
Owner: Cyneri Properties Inc.

To whom it may concern:

I represent the above-referenced owner and am also a principal of the corporation.

The subject violation stemmed from a roof leak following a named tropical storm ("Eta") in November of 2020 in which more than a foot of rain fell in areas across South Florida. I was notified of a roof leak and promptly acted on it by calling a licensed, insured roofer (Miami Roofing) with whom I had a nearly 25-year working relationship. At the soonest opportunity following the storm, the roofer was at the property and performed emergency repairs to stop the leak. The repairs were successful. Although I was informed that the repairs could last years, the roof, as I understood, was at its life expectancy, and it was my intention to replace the entire roof system. As this letter is being written, the roof has already been replaced with a brand new one, and all permits have been successfully closed with the Town.

Although a portion of a ceiling in one of the bedrooms of a second-floor apartment sustained damage, fortunately, the tenants occupying the apartment were not injured from the event. One of the tenants did, however, report the matter to the Town which led to the subject violation. I was informed by the Town that an after-the-fact permit needed to be pulled. I made multiple efforts to obtain that from the roofer to no avail. My impression was that the roofer was largely unavailable to do the paperwork and was understaffed during the pandemic which was in full swing. What further complicated the matter is that the principal of the roofing company with whom I had a personal relationship over many years had passed away, and I did not have the same personal relationship with the other principal. I maintained communications with the Town during this time; I did not ignore the matter but kept the Town staff informed. I ultimately hired a different roofing company to do the re-roofing of the Property. As an aside, the subject tenants, whose written lease had expired, vacated the premises shortly after the event. The fine totaled \$7,000.00. Special Master Richard Kroop, following a hearing, reduced that sum by the maximum allowable amount (50%) to \$3,500.00 where it now stands. Timely notice

by the undersigned was filed with the Town requested a mitigation hearing which has led to this letter to the Litigation Committee.

My corporation has owned the Property since 1996. In those years, I do not recall any prior code enforcement violations or activity which led to enforcement action by the Town.

Although I would not be adverse to paying the Town's administrative costs, if any, incurred in this matter, I respectfully request that the fine portion of the violation be waived in its entirety, and allow me to briefly explain the reason. I retained a licensed, insured general contractor to perform the interior ceiling repairs to the affected apartment for less than \$2,000.00 (as mentioned, the damage occurred to a portion of a ceiling in one of the bedrooms). This pertains Permit #B21-000439/Project #21-001727. The permit, as I understand, was submitted on or about August 20, 2021 and was not approved until nearly five (5) months later on or about January 12, 2022! The contractor informed my wife (who, as a co-owner/officer was assisting me in overseeing the matter) that his experience with the Town was terrible. Availability of Town personnel caused delays, requirements were amended from time to time, and there was apparently a change in personnel to the Town's building administration team. The contractor further informed my wife that the Town would send him to the County who would then send him back to the Town. The County was equally challenging to deal with—its requirements were misstated and overly and unnecessarily complicated. This experience was a disaster for a \$2,000.00 minor interior repair, and the contractor informed my wife that dealing with the Town was a very bad experience.

I lost significantly more than five (5) months of rent which was approximately five (5) times the amount of the subject ceiling repair job. And while I cannot put the entirety of that blame on the Town, I have no doubt that the Town should be accountable to its residents, including the subject owner of the Property, for its failure to adequately address and oversee its permitting process. I have no statistics to back it up, but I wouldn't be surprised if many property owners avoid pulling permits on relatively minor repairs due to the utter inefficiency and delays which they would face with its local government.

This in no way is intended to disparage any individuals employed by the Town, including the code enforcement team, all of whom have demonstrated respect and professionalism in my direct dealings. This complaint goes to the system which is obviously a problem.

Accordingly, I offer to pay the administrative costs incurred by the Town but no fines. This is an intended settlement offer.

Respectfully submitted,

/s/ Eric P. Stein

Eric P. Stein, Esq.

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
 BAY HARBOR ISLANDS, FL 33154
 Phone: (305) 993-1786



CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **20-001912**
 Inspector: Evelyn Merizalde

Parcel Address: 1025 93 Street
 Lot(s): Block:

Owner Information:
 CYNERI PROPERTIES INC
 1820 NE 163 ST SUITE 100
 North Miami Beach, FL 33162

Violator Information:
 CYNERI PROPERTIES INC

Violation Code	Open Date	Closed Date	Status	Violation Disposition
24-13(a)	12/01/2020		Open	
Comments: Hire a licensed contractor to repair the ceiling in unit #7. A permit is required to repair the ceiling in unit # 7 and an after the fact permit is required for the roof repair.				

DATE OPENED	ACTIVITY	DESCRIPTION
11/20/2020	Code Action	Tenant report a leak impacted his unit and debris was left on his balcony. No active leak observed during the inspection.
11/27/2020	Code Action	Records request received from tenant.
11/30/2020	Phone Call	Spoke to Erick Stein who stated the leak was repaired immediately. A courtesy notice will be issued to repair the ceiling.
12/01/2020	Courtesy Notice	Courtesy notice issued to hire a licensed contractor to repair the ceiling in unit #7. A permit is required to repair the ceiling in unit # 7 and an after the fact permit is required for the roof repair. No active leak observed during the inspection.
12/17/2020	Phone Call	Eric Stein is working on getting permits from the Building Department to replace the roof.- SG
01/05/2021	Inspection	Repairs have not been completed. Eric Stein, property owner, requested an extension to complete the repairs after the tenant moves out. He reported the tenant is in the process of moving out at this time. Extension granted.
04/06/2021	Email	Email sent to Eric Stein regarding the pending courtesy notice.
04/09/2021	Progress Activity	Email received from Eric Stein stating Miami Roofing will be contracted to obtain repair permits.
06/28/2021	Code Action	Records request received from 11-20-2020 to 06-10-2021.
07/08/2021	Phone Call	Left a voicemail for Eric Stein regarding the pending courtesy notice.
07/12/2021	Code Action	Spoke to Eric Stein regarding the pending courtesy notice.
07/13/2021	Code Action	Email received from prior tenant David Johnson regarding the building. The building obtained a 40 yr recertification in 2019, report entered to the file.
07/13/2021	Email	Email sent to Eric Stein, owner, requesting an inspection of unit 7.

07/16/2021	Inspection	As of today's date permits have not been obtained for the ceiling repair in unit # 7 and an after the fact permit for the roof repair.
07/16/2021	Daily Fine Start	The \$50.00 daily fine will continue to accrue until compliance met.
07/16/2021	Phone Call	Prior tenant from unit # 7 reported the building is unsafe, building contains cracks in the structure.
07/16/2021	Email	Email from the property owner: Thank you for the email. As I mentioned to you, I have received a couple of quotes for a roof and am still waiting on at least one additional quote which the roofing contractor said I would receive early next week. Even though one roofer indicated the roof did not require replacement, I intend to replace it nonetheless. I expect to have a permit pulled for the roof sufficiently in advance of the August 16, 2021 deadline which I understand is the compliance date set in a notice of violation dated today. Unit #7 remains vacant and the work for the ceiling has not been done. I am leaving town and will be back by July 30th. Thank you, Eric P. Stein 786-248-1000
07/16/2021	Notice of Violation	Notice of violation issued to obtain an after the fact permit for the roof repair and to repair the ceiling in unit # 7.
07/19/2021	Email	Email from CBO to prior tenant David Johnson. As per our conversation, we have confirmed that you are not a party in this case. If this is not correct, please clarify your relationship to this property so we can discuss the case with you. If you would like to obtain information in relation to this case, please feel free to request any information subject to Public records in accordance with F.S 119 via the clerk's office and it will be provided to you in accordance with the statute. As per the comments you made: 1- We will have to figure out what to do with you. 2- I am the wrong person to mess with. Please be advised that the comments were not well taken and perceived to be threatening in nature. Thank you and have a good rest of your day.
08/03/2021	Phone Call	Spoke to a contractor who is planning to submit a permit for the ceiling repair in unit #7.
08/17/2021	Compliance Inspection	Permit not obtained.
08/19/2021	Compliance Inspection	There are no permits on file for the roof repair or replacement.
08/19/2021	Email	Email sent to the property owner.
08/19/2021	Phone Call	Spoke to the property owner regarding the notice of violation and how to comply.
09/09/2021	Email	Continuance request received. Thank you for the notices. Please reset the date, as September 29, 2021 falls on an observed Jewish holiday for which I will be unavailable. Also, please call me at your earliest convenience. A licensed contractor submitted the permit application to the Town's building department. I was informed that the building department has requested some changes and/or additional information, however. It would be helpful if you could look into that before our call. I await your confirmation as to the new hearing date. Eric P. Stein Attorney
09/09/2021	Email	Continuance request received from property owner Eric Stein. Hi Evelyn, Thank you for the notices. Please reset the date, as September 29, 2021 falls on an observed Jewish holiday for which I will be unavailable. Also, please call me at your earliest convenience. A licensed contractor submitted the permit application to the Town's building department. I was informed that the building department has requested some changes and/or additional information, however. It would be helpful if you could look into that before our call. I await your confirmation as to the new hearing date. Eric P. Stein Attorney
09/15/2021	Email	Continuance granted. This case will be placed on the agenda for the next scheduled hearing. As of today's date, permit application B21-000439 is denied for Addition/Alteration-Ceiling repair in master bedroom of vacant apartment unit 7.
09/29/2021	Notice To Appear	Notice to appear for a Special Master hearing on 9/29/21 at 10:00 AM.
10/04/2021	Compliance Inspection	The permit is still denied.

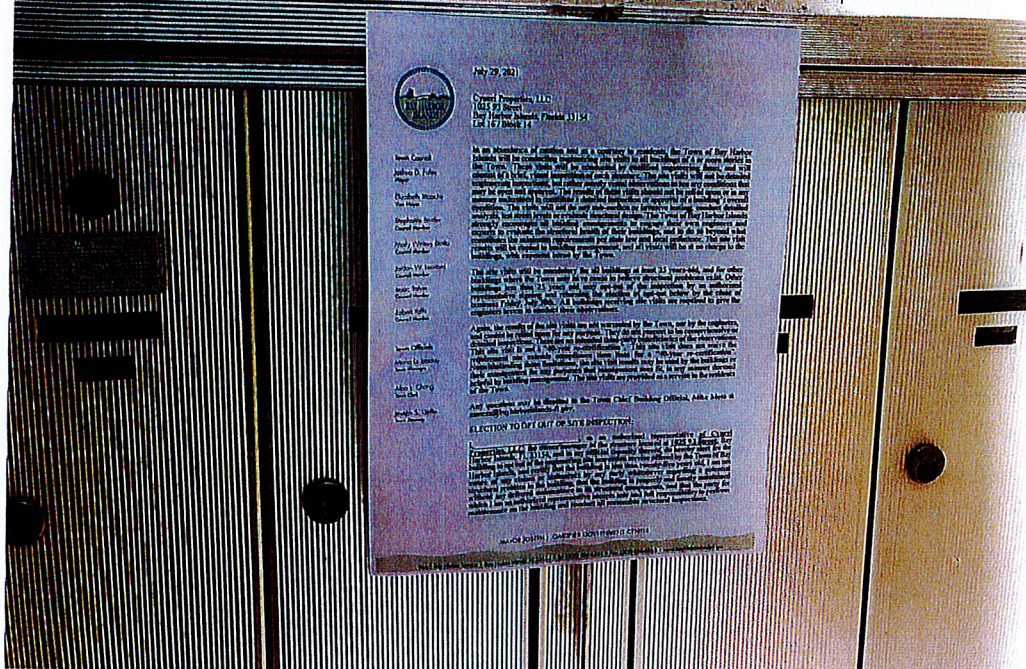
10/04/2021	Email	Email sent to the property owner requesting the status.
10/08/2021	Phone Call	Spoke to Eric Stein, owner, regarding the pending notice of violation and how to comply. He stated that his roofing contractor died and he recently hired another contractor to obtain a permit to install a new roof. He was reminded that the notice of violation was to obtain an after the fact permit for the repair that was completed last year.
11/18/2021	Phone Call	Spoke to Eric Stein, owner, regarding the pending notice of violation. He stated a permit was submitted to install a new roof on the building and to repair the ceiling in unit 7.
11/20/2021	Email	The notice to appear was sent via email to the property owner.
12/09/2021	Code Action	The re-roofing permit B21-000605 approved on 12.4.21. Violation will be complied once the permit is paid for. Violation from 7/16/21-12/4/21 which represents 141 days at \$50.00 per day for a total of \$7,050.00.
12/13/2021	Progress Activity	Re-roofing work in progress.
12/14/2021	Affidavit	Affidavit completed and entered to the case file.
12/15/2021	Notice To Appear	Notice to appear before the Special Master on 12/15/21 at 10:00 AM posted to the property and mailed certified.
12/15/2021	Special Master Hearing	Fine assessed from 7/16/2021-12/4/21 which represents 141 days at \$50.00 for a total of \$7,050.00. The fine was reduced by 50% to \$3,525.00 and a \$150.00 administrative fee for a total amount due of \$3,675.00.
12/17/2021	Inspection	Mailed special master findings
01/17/2022	Compliance Inspection	The administrative fee and fine have not been paid. Eric Stein, Owner's Representative, sent a request for mitigation to the Town of Bay Harbor Islands Clerk's Office.
01/19/2022	Progress Activity	Alba Change Town Clerk, sent Eric Stein instructions to submit a settlement offer to the Litigation Committee. Email added to the case file.
02/03/2022	Email	Email reminder sent the attorney regarding the past due fine.
02/15/2022	Code Action	pending settlement offer letter

Photo(s)

Jul-29, 2021 at 12:13:10 PM

Evelyn Merizalde

Code Compliance Officer

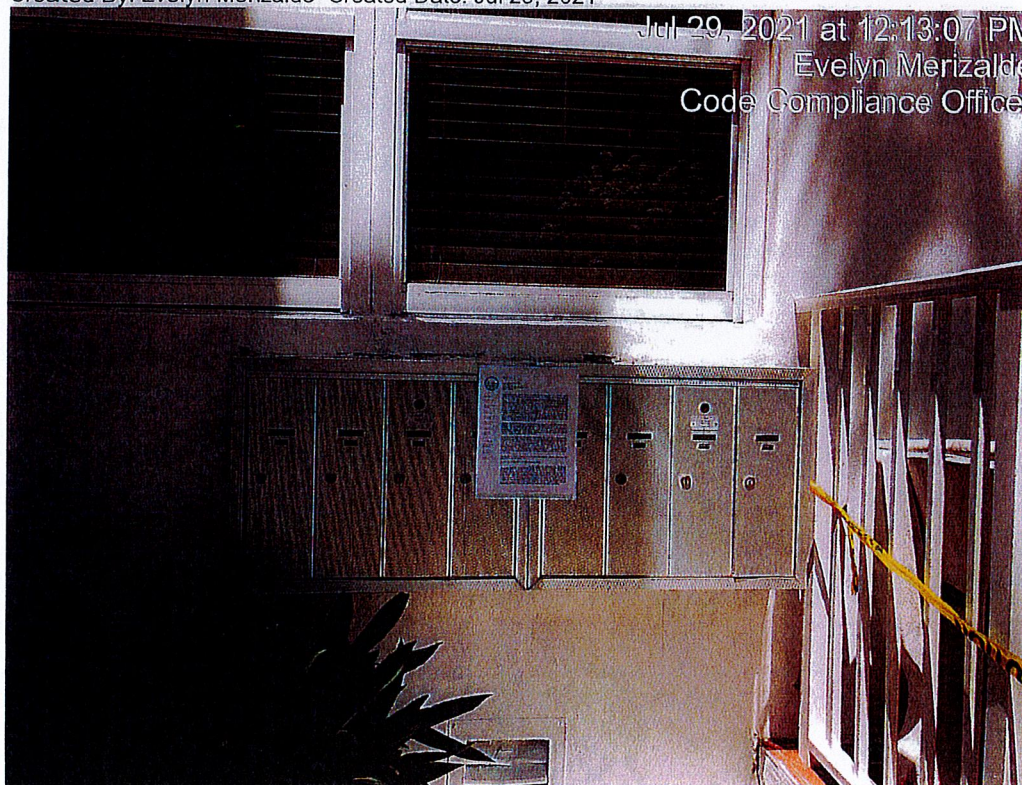


Created By: Evelyn Merizalde Created Date: Jul 29, 2021

Jul 29, 2021 at 12:13:07 PM

Evelyn Merizalde

Code Compliance Officer



Created By: Evelyn Merizalde Created Date: Jul 29, 2021

Jul 29, 2021 at 12:12:43 PM

Evelyn Marizalde

Code Compliance Officer

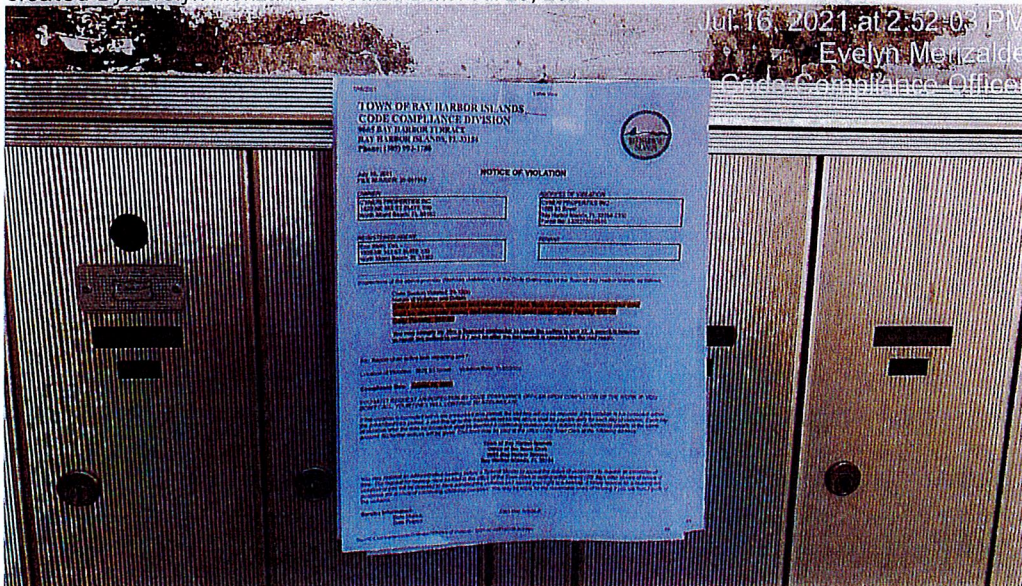


Created By: Evelyn Merizalde Created Date: Jul 29, 2021

Jul 16, 2021 at 2:52:03 PM

Evelyn Merizalde

Chief Compliance Officer

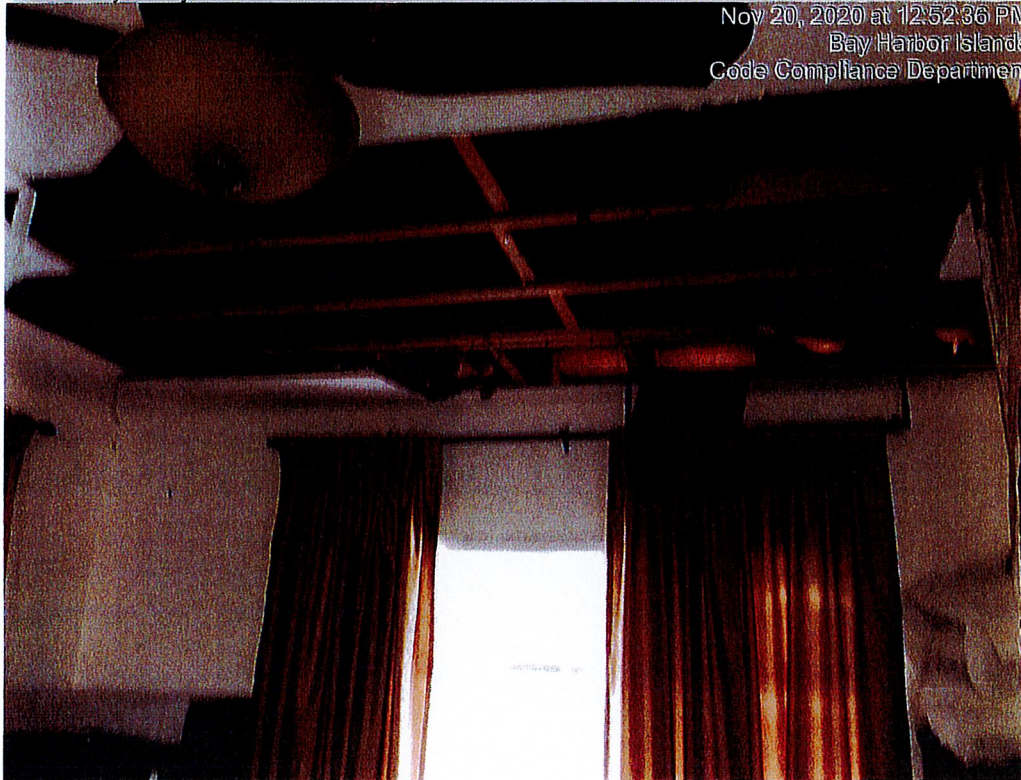


Created By: Evelyn Merizalde Created Date: Jul 16, 2021



Jul 16, 2021 at 2:51:12 PM
Evelyn Merizalde
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: Jul 16, 2021



Nov 20, 2020 at 12:52:36 PM
Bay Harbor Islands
Code Compliance Department

Created By: Evelyn Merizalde Created Date: Nov 30, 2020



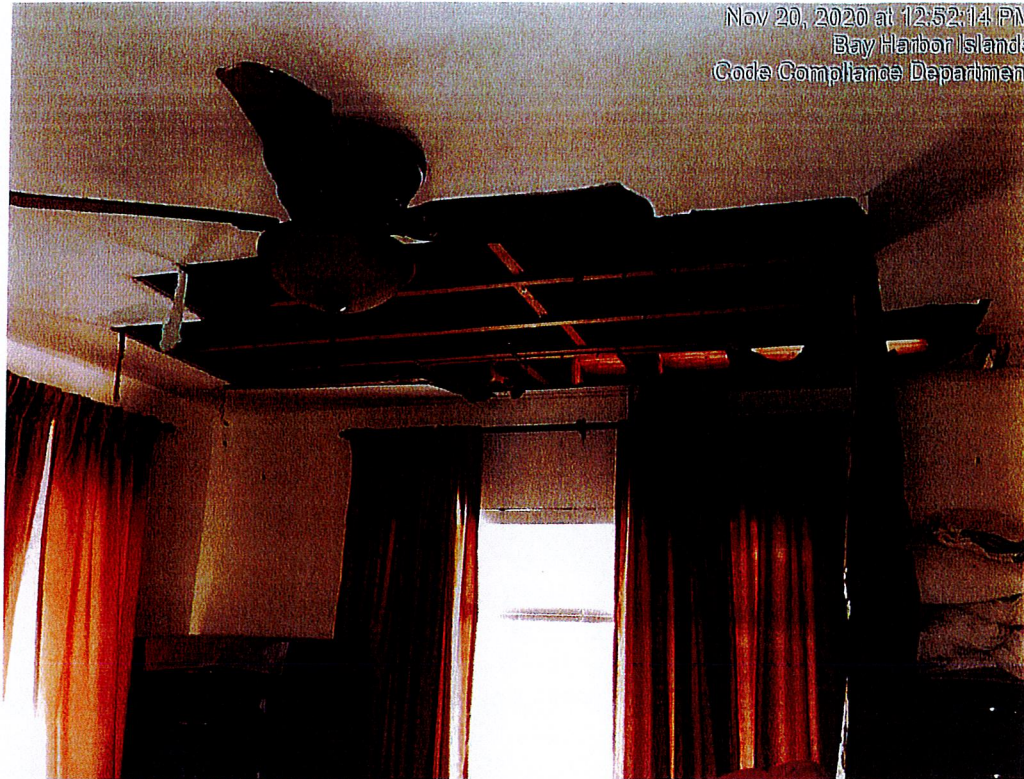
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Bay Harbor Islands
Code Compliance Department

Created By: Evelyn Merizalde Created Date: Nov 30, 2020



Nov 20, 2020 at 12:52:18 PM
Bay Harbor Islands
Code Compliance Department

Created By: Evelyn Merizalde Created Date: Nov 30, 2020



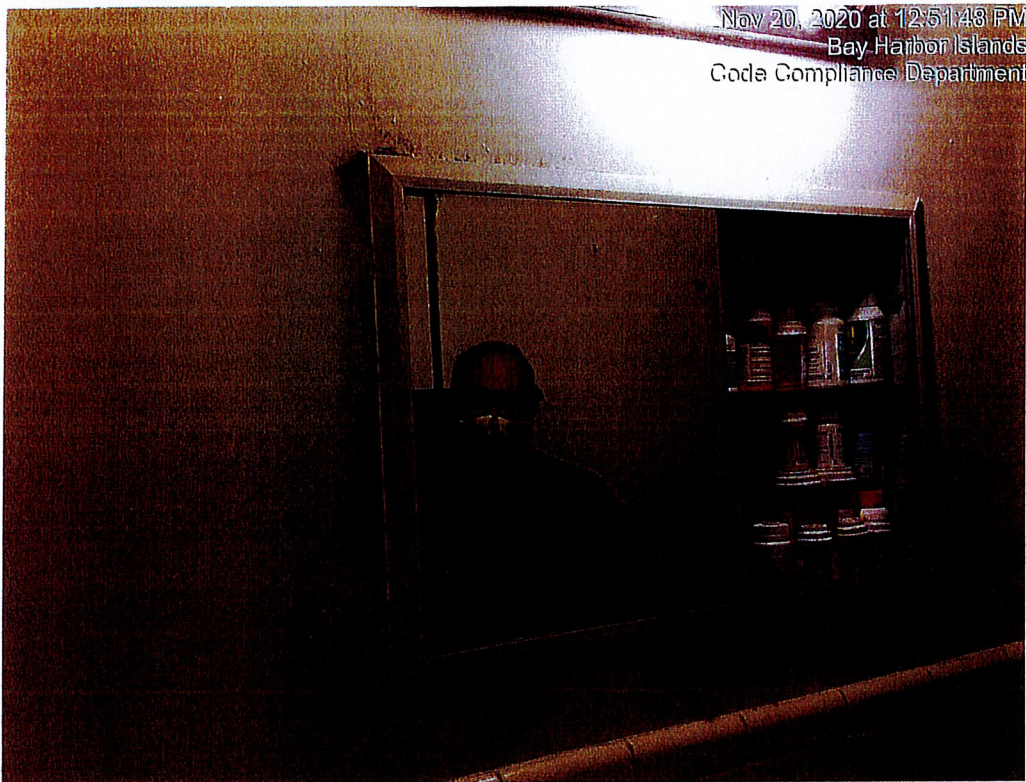
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Bay Harbor Islands
Code Compliance Department

Created By: Evelyn Merizalde Created Date: Nov 30, 2020



Nov 20, 2020 at 12:52:04 PM
Bay Harbor Islands
Code Compliance Department

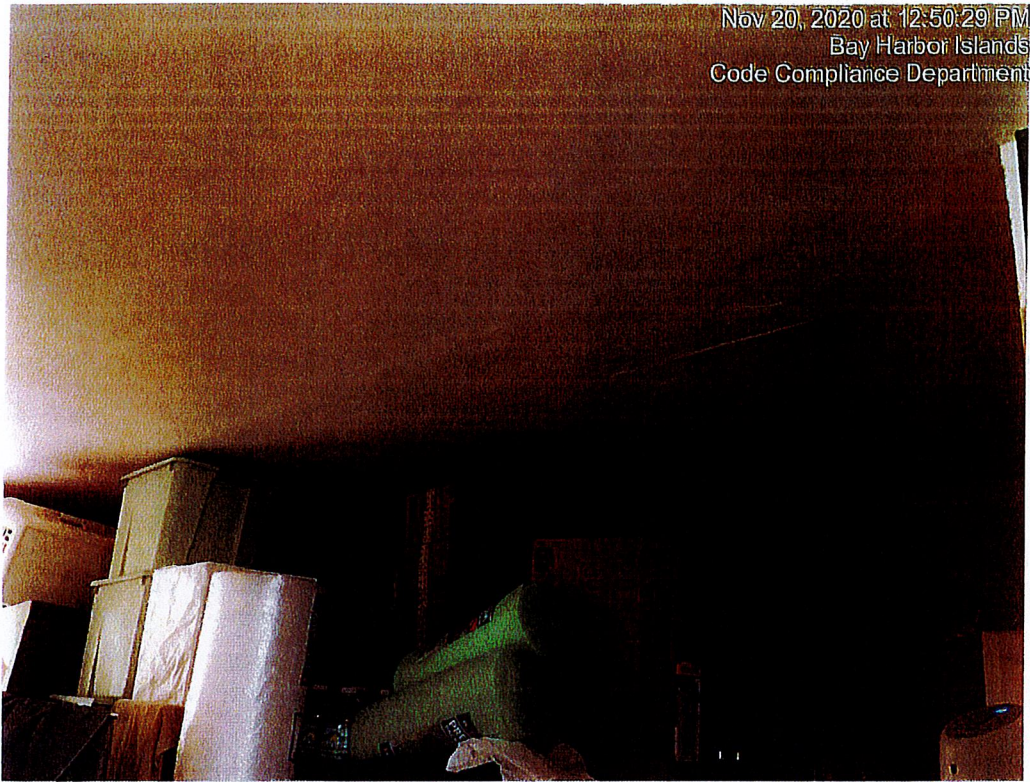
Created By: Evelyn Merizalde Created Date: Nov 30, 2020



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Created By: Evelyn Merizalde Created Date: Nov 30, 2020



Nov 20, 2020 at 12:50:29 PM
Bay Harbor Islands
Code Compliance Department

Created By: Evelyn Merizalde Created Date: Nov 30, 2020



Nov 20, 2020 at 12:49:52 PM
Bay Harbor Islands
Code Compliance Department

Created By: Evelyn Merizalde Created Date: Nov 30, 2020

Nov 20, 2020 at 12:49:20 PM
Bay Harbor Islands
Code Compliance Department

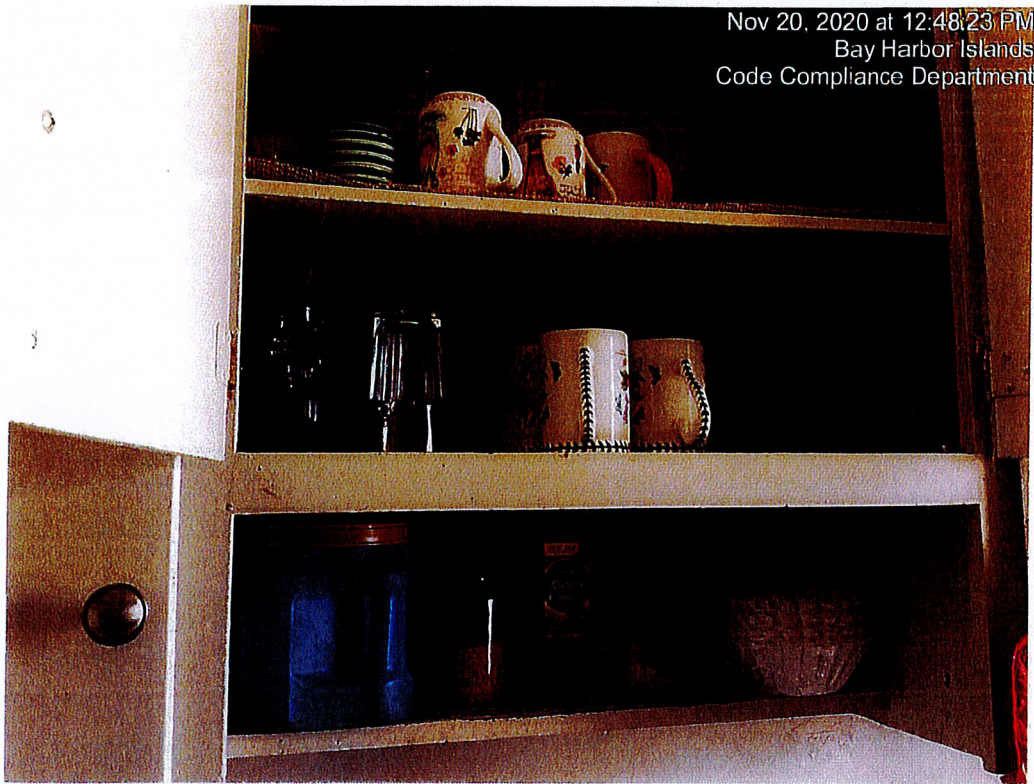


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Code Compliance Department

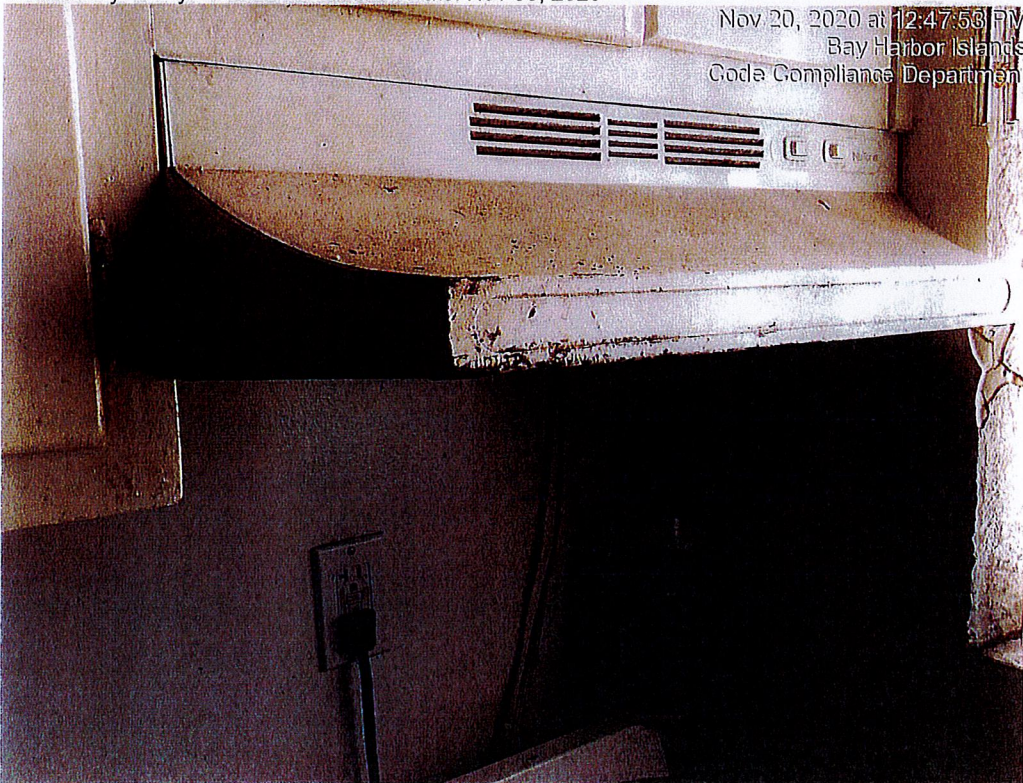


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Bay Harbor Islands
Code Compliance Department

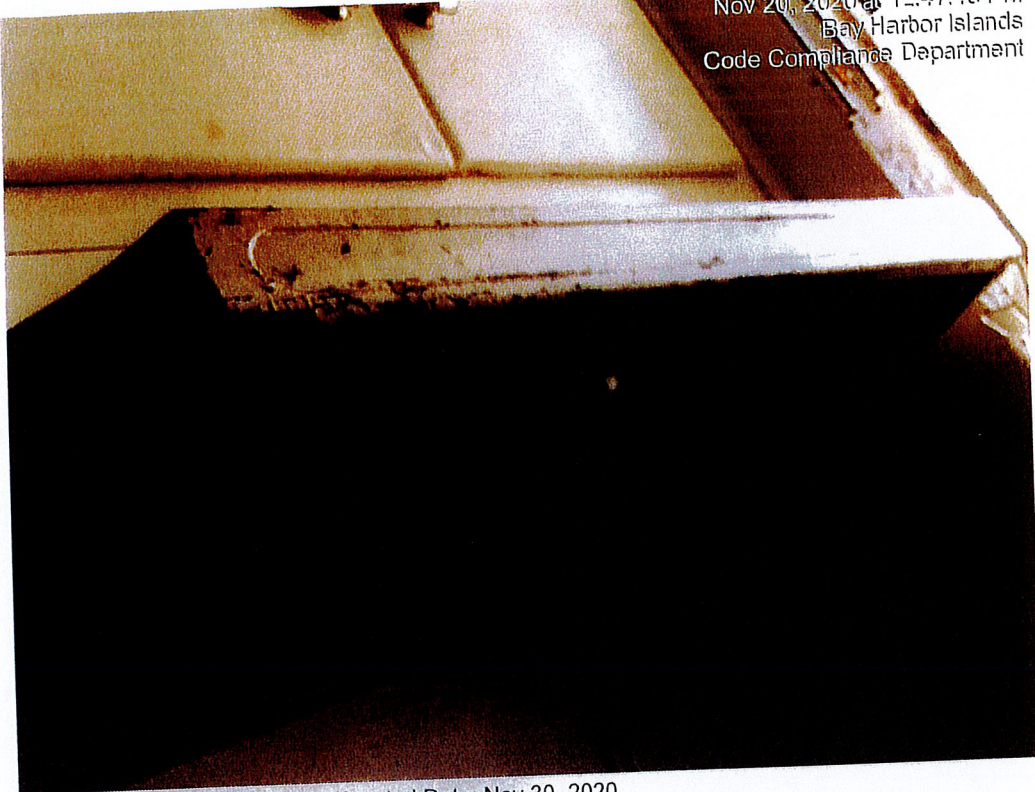
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Nov 20, 2020 at 12:47:58 PM
Bay Harbor Islands
Code Compliance Department

Created By: Evelyn Merizalde Created Date: Nov 30, 2020

Nov 20, 2020 at 12:47:48 PM
Bay Harbor Islands
Code Compliance Department

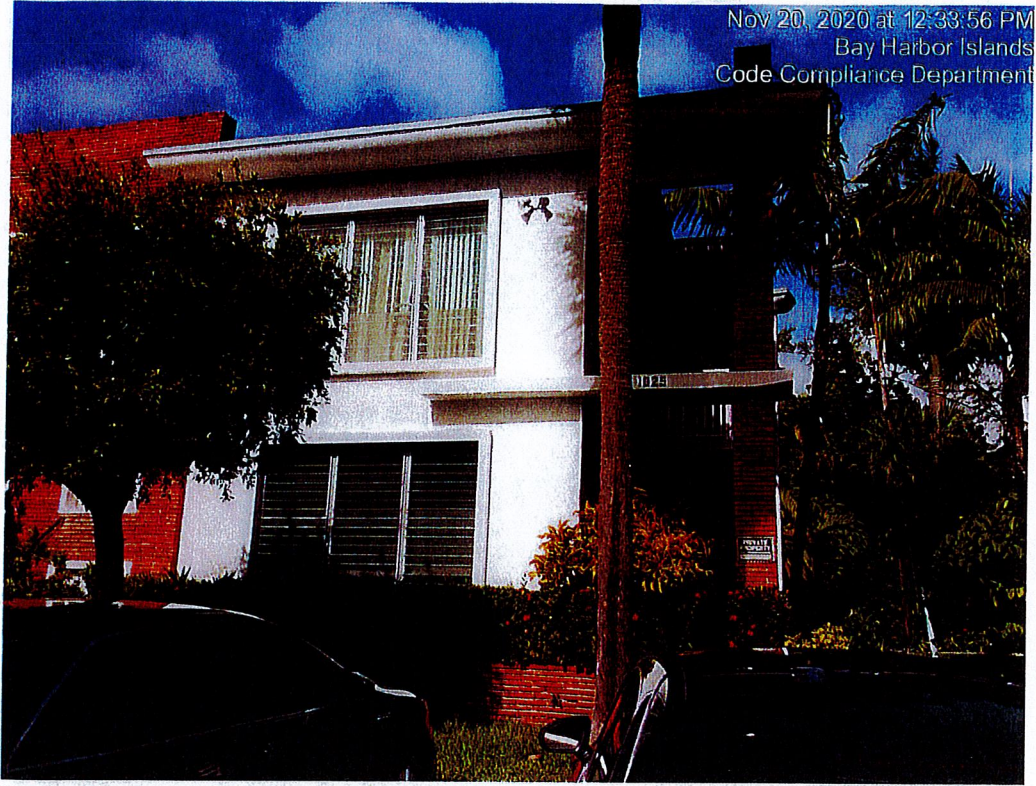


Created By: Evelyn Merizalde Created Date: Nov 30, 2020

Nov 20, 2020 at 12:46:36 PM
Bay Harbor Islands
Code Compliance Department



Created By: Evelyn Merizalde Created Date: Nov 30, 2020



Created By: Evelyn Merizalde Created Date: Nov 30, 2020



Town of Bay Harbor Islands
Code Compliance Department
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

December 16, 2021

For Property at: 1025 93 Street
BILL TO: CYNERI PROPERTIES INC 9901 E BROADVIEW DR BAY HARBOOR ISLANDS, FL 33154-1118

Quantity	Description	Amount
1	Violation 20-001912 Report of an active leak impacting unit 7. Special Master Administrative fee hearing date 12/15/21	\$3525.00 \$150.00
	Total	\$3,675.00

**THE ABOVE AMOUNT MUST BE PAID WITHIN 30 DAYS
FROM THE INVOICE DATE TO AVOID A LIEN FILED AGAINST THE
PROPERTY LOCATED AT 1025 93 Street Bay Harbor Islands, FL 33154-2330 .**

Sec 5-6. - Developmental fees, permits - Required, fees to be paid: penalty for noncompliance.

(e)To the extent that there are open plans or permits involving new construction, substantial renovations, or demolition on the effective date of this section wherein the applicant or the subject property has any existing code violations with the town, liens or unpaid fines due and owing to the town, neither a final inspection shall occur nor shall the plans or permit be approved or closed until the existing code violation(s) are complied with and the citations are closed by the town and any unpaid fines are paid in full.

Please contact the Code Compliance Department for questions or concerns at: (305) 993-1786.

MAKE ALL CHECKS PAYABLE TO:

Town of Bay Harbor Islands
Attn: Code Compliance Department
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:
OWNER:

CYNERI PROPERTIES INC
1820 NE 163 ST SUITE 100
North Miami Beach, FL 33162

ADDRESS OF VIOLATION:

- CYNERI PROPERTIES INC
1025 93 Street
Bay Harbor Islands, FL 33154-2330
Parcel No: 1322270012810

REGISTERED AGENT:

Eric Stein, Esq. -
1820 NE 163 ST SUITE 100
North Miami Beach, FL 33162

HEARING INFORMATION

Date: December 15, 2021
Time: 10:00AM

Location: Town of Bay Harbor Council Chambers
Special Master: Richard Kroop

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: 20-001912

Code Inspector: Evelyn Merizalde

Method of Service	Date
Posted	November 15, 2021
Certified	November 15, 2021

Violations(s):

APPEARANCES:

Eric Stein	(Owner/Violator)
Evelyn Merizalde	(Code Inspector)
Scherrie Griffin	(Code Inspector)
Joseph Gellar	(Town Attorney)
Mike Mesa	(Chief Building Official)

WITNESSES:

NAME	ADDRESS	CALLED BY
------	---------	-----------

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO
1	Pictures of unit # 7 entered to the file.		

SPECIAL MASTER'S FINDINGS OF FACT:

- ☒ The named violator was responsible for the violation of the cited Code section, as charged.
- ☐ The named violator was not responsible for the violation of the cited Code section, as charged.
- ☒ The amount of the civil penalty shall be \$50.00 per day, which shall be accruing from the date Notice was served (as per Sec 5 3/4 of the Town Code) until the date the violation is or was corrected and verified as corrected by inspector of the Town.
- ☒ The administrative cost of this hearing shall be \$150.00
- ☐ Based on the relevant evidence, the time for correction as first given by the Code Inspector was insufficient and the Special Master hereby redetermines that the date for correction of the named violation should be . (If the violation is/was corrected and verified as corrected before the above redetermined date for correction, the penalty is waived and not imposed.
- ☐ Provided the violation is corrected by , it is the Special Master's Order that the total amount of the civil penalties be mitigated by a reduction of 50% % (not to exceed 50%)

FURTHER RULING AND/OR REMARKS:

Fine assessed from 7/16/2021-12/4/21 which represents 141 days at \$50.00 for a total of \$7,050.00. The fine was reduced by 50% to \$3,525.00 and a \$150.00 administrative fee for a total amount due of \$3,675.00.

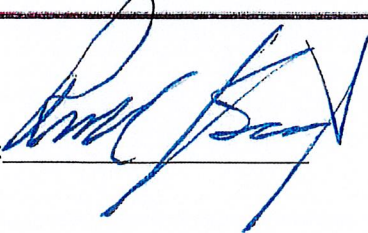
Fine Assessed: \$3,525.00

Administrative Fee \$150.00

Total Owed: \$3,675.00

Back to the next Special Master Hearing in 0 days.

Special Master: Richard Kroop

Signature: 

**TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION**

**9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786**



July 16, 2021
FILE NUMBER: 20-001912

NOTICE OF VIOLATION

OWNER:

CYNERI PROPERTIES INC
1820 NE 163 ST SUITE 100
North Miami Beach, FL 33162

ADDRESS OF VIOLATION:

CYNERI PROPERTIES INC -
1025 93 Street
Bay Harbor Islands, FL 33154-2330
Parcel No: 1322270012810

REGISTERED AGENT:

Eric Stein, Esq. -
1820 NE 163 ST SUITE 100
North Miami Beach, FL 33162

TENANT:

-

Inspections of the above premise discloses violations(s) of the Code Ordinances of the Town of Bay Harbor Islands, as follows:

Code Section Violated: **24-13(a)**

Nature of Violation and Details:

Every foundation, exterior and interior wall, roof, floor, ceiling, window and exterior door shall be structurally sound and maintained in good repair. Daily Penalty \$50.00
Daily Penalty: \$50.00

You may comply by: Hire a licensed contractor to repair the ceiling in unit #7. A permit is required to repair the ceiling in unit # 7 and an after the fact permit is required for the roof repair.

RE: Report of an active leak impacting unit 7.

Location of Violation: 1025 93 Street Violation Date: 11/20/2020

Compliance Date: August 16, 2021

YOU MUST REQUEST AN INSPECTION BY CODE COMPLIANCE OFFICER UPON COMPLETION OF THE WORK. IF YOU DON'T CALL, YOUR FINES WILL CONTINUE TO ACCUMULATE.

If the violation is corrected within the prescribed time period, the civil fine will not be imposed. If the violation is not corrected within the prescribed time period, a civil fine up to the maximum set for the above shall be payable daily for each day of violation. Each day of violation after the time for correction shall be deemed a continuing violation and is subject to an additional penalty in the same amount. No further notices will be given. Civil fines may be paid at the office of the Town Clerk at the following address:

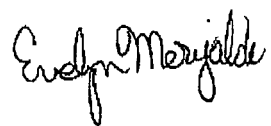
**Town of Bay Harbor Islands
Office of the Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154**

You may request an administrative hearing before a Special Master to appeal the notice of violation or to request an extension of time. The request for hearing must be filed in the office of the Town Clerk in writing within twenty (20) days after service of notice of violation or you will be deemed to have admitted the violation and waived your right to a hearing. A timely request for a hearing will postpone the accrual of continuing additional penalties. You may be liable for the reasonable costs of hearing if you are found guilty of the violation.

Service Information:

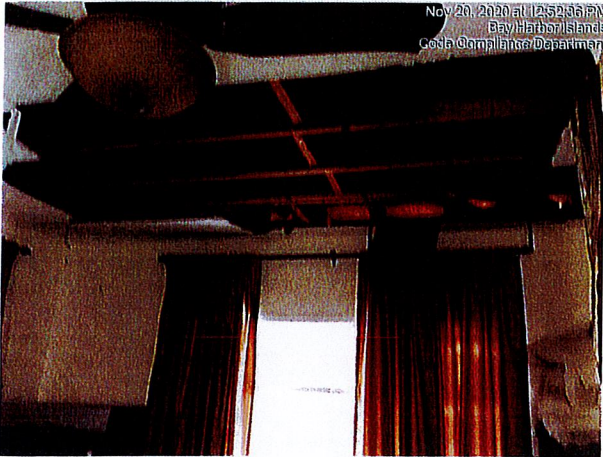
Date Mailed:
Date Posted:

Cert Mail Article #:

A handwritten signature in black ink, reading "Evelyn Merizalde". The signature is fluid and cursive, with the first name "Evelyn" and last name "Merizalde" clearly distinguishable.

Evelyn Merizalde
Code Compliance Officer
emerizalde@bayharborislands-fl.gov
786-256-4347

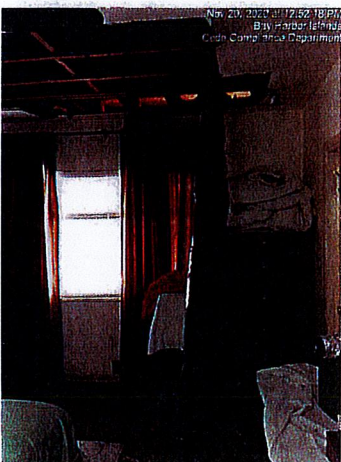
ADDENDUM



Document
Evelyn Merizalde
Nov 30, 2020



Document
Evelyn Merizalde
Nov 30, 2020



Document
Evelyn Merizalde
Nov 30, 2020



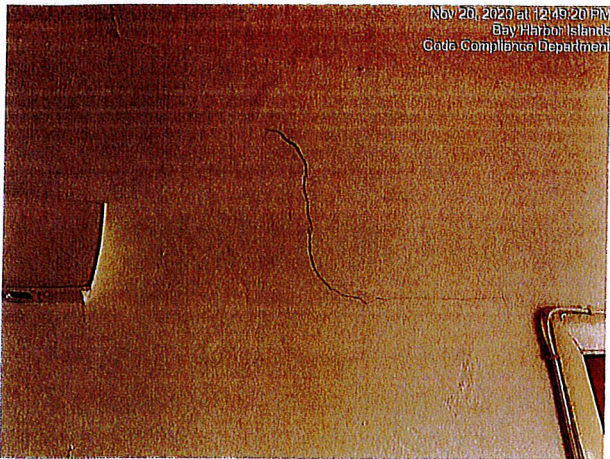
Document
Evelyn Merizalde
Nov 30, 2020



Document
Evelyn Merizalde
Nov 30, 2020



Document
Evelyn Merizalde
Nov 30, 2020



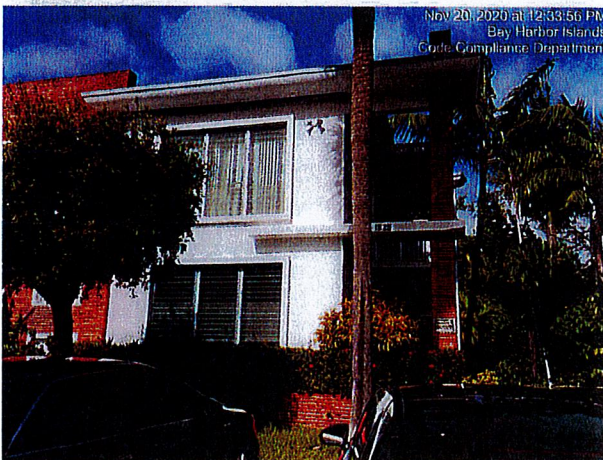
Nov 28, 2020 at 12:49:20 PM
Bay Harbor Islands
Code Compliance Department

Document
Evelyn Merizalde
Nov 30, 2020



Nov 29, 2020 at 12:49:20 PM
Bay Harbor Islands
Code Compliance Department

Document
Evelyn Merizalde
Nov 30, 2020



Nov 20, 2020 at 12:33:56 PM
Bay Harbor Islands
Code Compliance Department

Document
Evelyn Merizalde
Nov 30, 2020

Benito Arnaldo Barletta TRS Benito Arnaldo Barletta and Ramona Pereira Joint Living Trust
Ramona Pereira

Notice of Violation No. 19-000011

1001 91st Street, #311

Ramona Pereira
1001 91st St, Apartment # 311
Bay Harbor Islands, FL 33154

Telephone # (305) 988-0814

Citation # 19-000011

10/06/2020

To Whom It May Concern:

I am writing this letter to request leniency concerning **Case # 19-0000114** due to a severe financial hardship. I would like to request that the fine of \$8,152.00 will be reduced.

On July 17, 2019 I received a citation from the court. I was out of the State, since I had to leave the house due to a very bad divorce. I emailed Evelyn Merizalde Code Compliance Officer at emerizalde@bayharborisland-fl.gov, that I can't make it to the court that day.

I have a copy of that email that I sent (attached), I also have a copy of my Ticked also attached to this letter.

At that time I was really in a bad situation due to a nasty divorce, It got to a point that I had to request a restraining order from my ex husband and received it from court. I was abused by him and afraid. I was depressed at that time and couldn't think clearly.

I know that the fine is intended to deter further incidences, but I am afraid that this penalty will be more severe than it would for others. I lost my Job due to Covid and currently unemployed. At this time, I am barely able to cover my expenses. Im divorced with a minor and pregnant. My financial situation is not good and with the pandemic everything is worse now, I'm really just trying to survive.

I am not trying to avoid my responsibilities; I am embarrassed that I am even in this position in the first place. I would like to request **a reduction of the fine and offer to pay an amount of \$1000. That family members are helping me to raise money to pay**

I do not wish to dispute this charge. I was clearly in the wrong and I know that my behavior was deserving a punishment. But due to my situation as described above; a stressful divorce which included abuse, I was in no position to deal with

R.P

this matter at that time. I am really sorry that I broke the law and can promise that it will never happen again.

I sincerely request that you consider my circumstances and allow a reduction of the fine. I am grateful for your consideration and your understanding.

Sincerely,

Ramona Pereira



10-08-2020



Viaje a:
Miami (US)

Nro. de Reserva
28110521201

Pasajeros (APELLIDO/S. Nombre/s):
Pereira, Ramona

Documento de identidad:
AAF295666

Número de eTicket
0444719364896/97

Aerolínea

Aerolíneas Argentinas

Código para web check-in:

GMSITG



Consulta el estado de tu vuelo y realiza el web check-in ingresando a [Mi Cuenta](#)

IDA



Aerolíneas
Argentinas
AR 1733

Código de reserva
GMSITG

Salida Thu 18 Jul. 2019

IGR 17:00

Puerto Iguazú (AR)

Aeropuerto Cataratas del Iguazú

Llegada Thu 18 Jul. 2019

AEP 18:55

Buenos Aires (AR)

Aeropuerto Buenos Aires Jorge Newbery

Duración:

1h 55m

Clase:

ECONOMY

Asientos:

1 asiento(s)



Aerolíneas
Argentinas
AR 1302

Código de reserva
GMSITG

Salida Thu 18 Jul. 2019

EZE 23:00

Buenos Aires (AR)

Aeropuerto Buenos Aires Ministro Pistarini
Ezeiza

Llegada Fri 19 Jul. 2019

MIA 07:10

Miami (US)

Aeropuerto Internacional Miami

Duración:

9h 10m

Clase:

ECONOMY

Asientos:

1 asiento(s)



Incluye equipaje de mano



Incluye equipaje para despachar
2 valijas por adulto

Ingresá a [Mi Cuenta](#) para obtener información completa sobre tu equipaje

VUELTA



Aerolíneas
Argentinas
AR 1303

Código de reserva
GMSITG

Salida Thu 28 May. 2020

MIA 09:30

Miami (US)

Aeropuerto Internacional Miami

Llegada Thu 28 May. 2020

EZE 19:30

Buenos Aires (AR)

Aeropuerto Buenos Aires Ministro Pistarini
Ezeiza

Duración:

9h 00m

Clase:

ECONOMY

Asientos:

1 asiento(s)



Aerolíneas
Argentinas
AR 1714

Código de reserva
GMSITG

Salida Fri 29 May. 2020

AEP 06:15

Buenos Aires (AR)

Aeropuerto Buenos Aires Jorge Newbery

Llegada Fri 29 May. 2020

IGR 08:05

Puerto Iguazú (AR)

Aeropuerto Cataratas del Iguazú

Duración:

1h 50m

Clase:

ECONOMY

Asientos:

1 asiento(s)

8/10/2020

moni letter for code compliance - fmoni23@gmail.com - Gmail



Q nati24@gmail.com

Local Case Number: 2019-001703-FC-04

State Case Number: 132019DR001703A00104

Consolidated Case No.: N/A

Case Status: CLOSED



Party Description

Party Name



Petitioner

Pereira, Ramona



Respondent

Barletta, Benito Arnaldo



Minor Child

Barletta, Kevin Alexander



Number	Date	Book/Page	Docket Entry	Event Type	Comments
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10/8/2020

moni letter for code compliance - fmoni23@gmail.com - Gmail



Q nati24@gmail.com



Number	Date	Book/Page	Docket Entry	Event Type	Comments
	39	01/22/2020	31790:1538	Final Judgment	Judgment
		01/22/2020		Uncontested Calendar	Hearing
	38	01/17/2020		Notice of Hrg Special Appt	Event
	37	11/07/2019		Marital Settlement Agreement	Event
	36	05/15/2019		Notice of Hearing-	Event
		05/14/2019		Uncontested Calendar	Hearing
	35	05/13/2019		Notice of Cancellation of Hearing	Event

10/8/2020

moni letter for code compliance - fmoni23@gmail.com - Gmail



Q nati24@gmail.com



34	05/13/2019	Notice of Filing:	Event
33	05/13/2019	Notice of Filing Child Support Guidelines Worksheet Attached	Event
32	04/24/2019	Notice of Hearing-	Event
31	04/24/2019	Notice of Cancellation of Hearing	Event
	04/24/2019	5 Minute Motion Calendar	Hearing
	04/24/2019	Uncontested Diss/CMC	Hearing
30	04/09/2019	Certificate of Compliance With Mandatory Disclosure	Event
29	04/09/2019	Financial Affidavit	Event
28	04/03/2019	Notice of Hearing-	Event
27	04/01/2019	Notice of Hearing-	Event

10/8/2020

moni letter for code compliance - fmoni23@gmail.com - Gmail



Q nati24@gmail.com



28	04/03/2019	Notice of Hearing-	Event
27	04/01/2019	Notice of Hearing-	Event
26	03/27/2019	Motion:	Event
25	03/27/2019	Answer to Counter Petition	Event
24	03/22/2019	Certificate of Compliance With Mandatory Disclosure	Event
21	03/13/2019	Order:	Event
20	03/13/2019	Order:	Event
19	03/13/2019	Order Setting Case Management Conference	Event
	03/13/2019	Special Appointment	Hearing
23	03/12/2019	Notice of Filing:	Event
22	03/12/2019	Notice of Appt of Medtr&cnfrnce	Event
18	03/08/2019	Notice of Filing:	Event

10/8/2020

moni letter for code compliance - fmoni23@gmail.com - Gmail



Q nati24@gmail.com



22	03/12/2019	Notice of Appt of Medtr&cnfrnce	Event
18	03/08/2019	Notice of Filing:	Event
17	03/07/2019	Request for Production	Event
16	03/07/2019	Notice of Interrogatory	Event
15	03/05/2019	Notice of Hrg Special Appt	Event
14	03/05/2019	Order to File	Event
13	02/28/2019	Order of Referral to Mediation Unit	Event
12	02/28/2019	Order:	Event
11	02/28/2019	Order:	Event
10	02/14/2019	Request for Hearing	Event
8	02/13/2019	Receipt:	Event

10/8/2020

moni letter for code compliance - fmoni23@gmail.com - Gmail



Q nati24@gmail.com



12	02/28/2019	Order:	Event
11	02/28/2019	Order:	Event
10	02/14/2019	Request for Hearing	Event
8	02/13/2019	Receipt:	Event
9	02/12/2019	Motion:	Event
7	02/12/2019	Answer and Counter Petitions	Event
6	01/30/2019	Notice of Service	Event
5	01/25/2019	Receipt:	Event
4	01/23/2019	Notice of Related Cases	Event
3	01/23/2019	Petition	Event
2	01/23/2019	Required Information Sheet	Event

10/8/2020

moni letter for code compliance - fmoni23@gmail.com - Gmail



Q nati24@gmail.com

I

01/23/2019

Civil Cover

Event



PEREIRA, RAMONA VS BARLETTA, BENITO ARNALDO

Local Case Number: 2018-028192-FC-04

State Case Number: 132018DR028192A00104

Consolidated Case No.: N/A

Case Status: CLOSED



10/8/2020

moni letter for code compliance - fmoni23@gmail.com - Gmail



nati24@gmail.com

Minor Child

Barletta, Kevin Alexander



Dockets

EX-100-10737



Number	Date	Book/Page	Docket
43	04/24/2019	31416:1127	Injunx Volunt Dismiss
42	03/01/2019		Request for Hearing
40	02/28/2019		Service Returned
39	02/28/2019		Memorandum of Dis

10/8/2020

moni letter for code compliance - fmoni23@gmail.com - Gmail



Gmail



nati24@gmail.com



42	03/01/2019	Request for Hearing
40	02/28/2019	Service Returned
39	02/28/2019	Memorandum of Di:
38	02/28/2019	Order:
37	02/28/2019	Extension of Injunct
36	02/28/2019	Motion for Extensio
	02/28/2019	DV Hearing
	02/28/2019	DV Hearing
41	02/27/2019	Motion to Dismiss
35	02/27/2019	Service Returned

Alba Chang

From: Buekfast Gaming <fmoni23@gmail.com>
Sent: Friday, October 9, 2020 1:16 PM
To: Alba Chang
Subject: Ramona pereira

Buenas tardes, mi correo electrónico es fmoni23@gmail.com
1001 91st street #311
Bay Harbor Islands
33154 teléfono (305)988.0814
Ramona pereira

Enviado desde mi iPhone

Total Control Panel

[Login](#)

To: achang@bayharborislands.net [Remove](#) gmail.com from my allow list
From: fmoni23@gmail.com

You received this message because the domain gmail.com is on your allow list.

This instrument prepared by
and record and return to:
Marlene M. Siegel, Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida

Claim of Lien

State of Florida

County of Miami-Dade

Before me, the undersigned Notary Public, personally appeared Juan C. Jimenez who was duly sworn and says that he is the agent of the lienor herein:

Town of Bay Harbor Islands
(Lienor's Name)

whose address is 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154
(Lienor's Address)

Lienor claims:

Fines/fees as per Section 5 3/4 of the Code of Ordinances of the Town of Bay Harbor Islands; Citation # 19-000011; A fine of eight thousand dollars (\$8,000.00), plus an administrative fee of one hundred fifty dollar (\$150.00), levied on July 17, 2019 by Special Master Richard Kroop. The total amount of the lien equals \$8,150.00; a copy of the Special Master's Findings are attached hereto and incorporated herein by reference.

The Claim of Lien is on the following described real property in Miami-Dade County, Florida,

Commonly known as: 1001 91 ST, Unit 311
Bay Harbor Islands, Florida 33154
Lot(s) 9-13, Block 16, PB 46, Page 5
Miami-Dade County, Florida

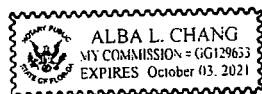
owned by Ramona Pereira TRS Ramona Pereira Revocable Trust

of a total value of eight thousand one hundred fifty dollars (\$8,150.00) of which there remains unpaid \$8,150.00 as of November 18, 2019, and that the lienor served his notice to owner on January 4, 2019 by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Juan C. Jimenez
Juan C. Jimenez, Town Manager

Sworn to and subscribed before me this 18th day of November 2019.



[Signature]
(Notary Public)

I, Marlene M. Siegel Town Clerk of the Town of Bay Harbor Islands, Florida, do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in my office.

WITNESS my hand and the seal of said town this 18th day of November 2019, A.D.

[Signature]
Town Clerk of the
Town of Bay Harbor Islands, Florida

7/18/2019

Untitled Document

**TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION**

9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786



SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:
OWNER:

BENITO ARNOLDO BARLETTA TRS BENITO
ARNALDO BARLETTA AND RAMONA PEREIRA
JOINT LIVING TRUST RAMONA PEREIRA TRS
1001 91 ST #311
BAY HARBOR ISLANDS, FL 33154-2791

ADDRESS OF VIOLATION:

- BENITO ARNOLDO BARLETTA TRS BENITO
ARNALDO BARLETTA AND RAMONA PEREIRA
JOINT LIVING TRUST RAMONA PEREIRA TRS
1001 91 Street 311
Bay Harbor Islands, FL 33154-3600
Parcel No: 1322270340230

REGISTERED AGENT:

-

HEARING INFORMATION

Date: July 17, 2019
Time: 9:30AM

Location: Town of Bay Harbor Council Chambers
Special Master: Richard Kroop

A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: 19-000011

Code Inspector: Scherrie Griffin

Method of Service	Date
Posted	January 04, 2019
Certified	January 04, 2019

Violations(s):

Code Section Violated: Sec. 5-6(a)

Nature of Violation and Details:

Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily Penalty \$250.00
Daily Penalty: \$\$250.00

7/18/2019

Untitled Document

APPEARANCES:

No Show	(Owner/Violator)
Scherrie Griffin	(Code Inspector)
Evelyn Merizalde	(Code Inspector)
Alba Chang, Deputy Town Clerk	(Town Clerk)
Frank Simone	(Town Attorney)
Patrick Prendergrast, Director of Code	(Town Manager or Designee)

WITNESSES:

NAME	ADDRESS	CALLED BY
------	---------	-----------

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO
--------	-------------------	--------------	-----------

SPECIAL MASTER'S FINDINGS OF FACT:

- ✎ The named violator was responsible for the violation of the cited Code section, as charged.
The named violator was not responsible for the violation of the cited Code section, as charged.
- ✎ The amount of the civil penalty shall be \$\$250.00 per day, which shall be accruing from the date Notice was served (as per Sec 5 3/4 of the Town Code) until the date the violation is or was corrected and verified as corrected by inspector of the Town.
- ✎ The administrative cost of this hearing shall be \$150.00

Based on the relevant evidence, the time for correction as first given by the Code Inspector was insufficient and the Special Master hereby redetermines that the date for correction of the named violation should be . (If the violation is/was corrected and verified as corrected before the above redetermined date for correction, the penalty is waived and not imposed.

Provided the violation is corrected by , it is the Special Master's Order that the total amount of the civil penalties be mitigated by a reduction of % (not to exceed 50%)

FURTHER RULING AND/OR REMARKS:

Fine imposed from 1/4/19-2/5/19 which represents 32 days at \$250.00 per day for a total of \$8,000.00 plus an \$150.00 Administrative fee which equals a total of \$8,150.00.

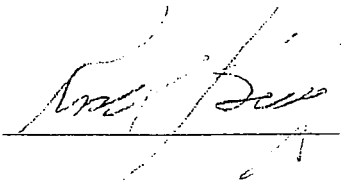
Fine Assessed: \$8,000.00

Administrative Fee \$150.00

Total Owed: \$8,150.00

Back to the next Special Master Hearing in days.

Special Master: Richard Kroop

Signature: 

**TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION**

**9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786
Fax: (305) 861-1130**



NOTICE OF VIOLATION

January 04, 2019
FILE NUMBER: 19-000011

OWNER:

BENITO ARNOLDO BARLETTA TRS BENITO ARNALDO
BARLETTA AND RAMONA PEREIRA JOINT LIVING
TRUST RAMONA PEREIRA TRS
1001 91 ST #311
BAY HARBOR ISLANDS, FL 33154-2791

ADDRESS OF VIOLATION:

BENITO ARNOLDO BARLETTA TRS BENITO ARNALDO
BARLETTA AND RAMONA PEREIRA JOINT LIVING
TRUST RAMONA PEREIRA TRS -
1001 91 Street 311
Bay Harbor Islands, FL 33154-3600
Parcel No: 1322270340230

REGISTERED AGENT:

-

TENANT:

-

Inspections of the above premise discloses violations(s) of the Code Ordinances of the Town of Bay Harbor Islands, as follows:

Code Section Violated: **Sec. 5-6(a)**

Nature of Violation and Details:

Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. Daily

Penalty \$250.00

Daily Penalty: \$250.00

You may comply by: Obtain required permits from the Building Department.

RE: Found work in progress without permits.

Location of Violation: 1001 91 Street 311 Violation Date: 01/03/2019

Compliance Date: February 04, 2019

YOU MUST REQUEST AN INSPECTION BY CODE COMPLIANCE OFFICER UPON COMPLETION OF THE WORK. IF YOU DON'T CALL, YOUR FINES WILL CONTINUE TO ACCUMULATE.

If the violation is corrected within the prescribed time period, the civil fine will not be imposed. If the violation is not corrected within the prescribed time period, a civil fine up to the maximum set for the above shall be payable daily for each day of violation. Each day of violation after the time for correction shall be deemed a continuing violation and is subject to an additional penalty in the same amount. No further notices will be given. Civil fines may be paid at the office of the Town Clerk at the following address:

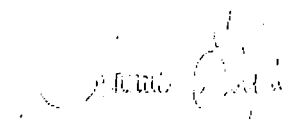
**Town of Bay Harbor Islands
Office of the Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154**

You may request an administrative hearing before a Special Master to appeal the notice of violation or to request an extension of time. The request for hearing must be filed in the office of the Town Clerk in writing within twenty (20) days after service of notice of violation or you will be deemed to have admitted the violation and waived your right to a hearing. A timely request for a hearing will postpone the accrual of continuing additional penalties. You may be liable for the reasonable costs of hearing if you are found guilty of the violation.

Service Information:

Date Mailed: 01/04/2019
Date Posted: 01/04/2019

Cert Mail Article #: 7017 1070 0000 0124 9786



Scherrie Griffin
Code Compliance Officer
sgriffin@bayharborislands-fl.gov

ADDENDUM



Photo
Scherrie Griffin
Jan 03, 2019

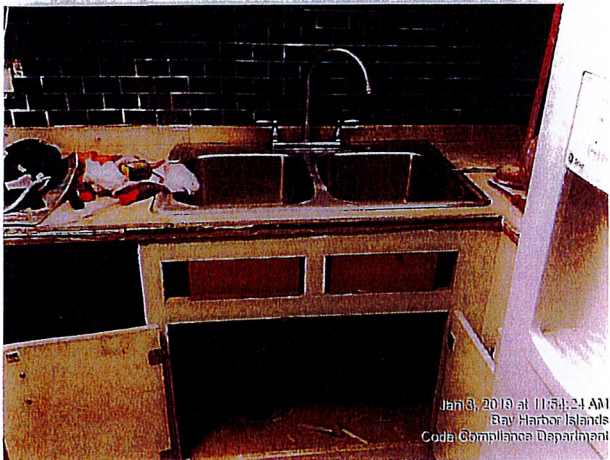


Photo
Scherrie Griffin
Jan 03, 2019

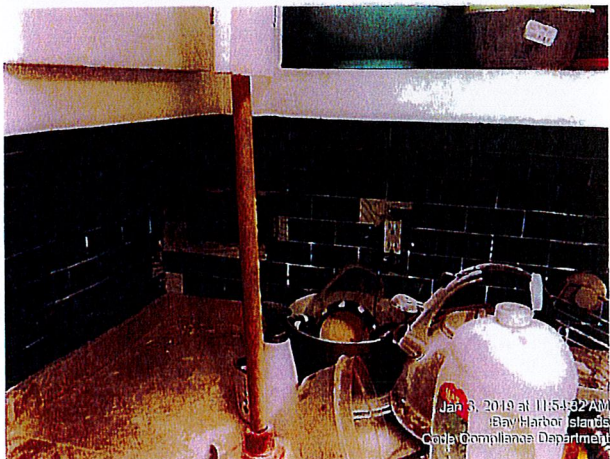


Photo
Scherrie Griffin



Jan 3, 2019 at 12:05:44 PM
Bay Harbour Islands
Code Compliance Department

Photo
Scherrie Griffin
Jan 03, 2019



Jan 3, 2019 at 11:58:00 AM
Bay Harbour Islands
Code Compliance Department

Photo
Scherrie Griffin
Jan 03, 2019



Jan 3, 2019 at 11:58:00 AM
Bay Harbour Islands
Code Compliance Department

Photo
Scherrie Griffin
Jan 03, 2019

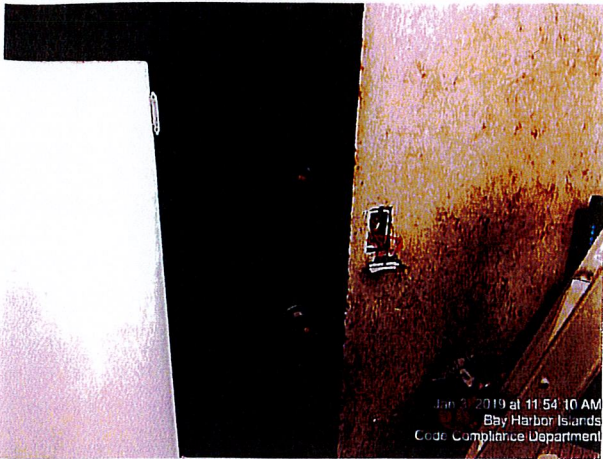


Photo
Scherrie Griffin
Jan 03, 2019



Photo
Scherrie Griffin
Jan 03, 2019

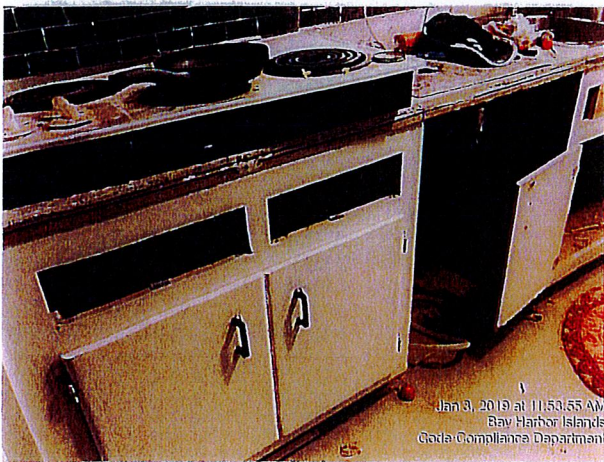


Photo
Scherrie Griffin
Jan 03, 2019



Photo
Scherrie Griffin
Jan 03, 2019

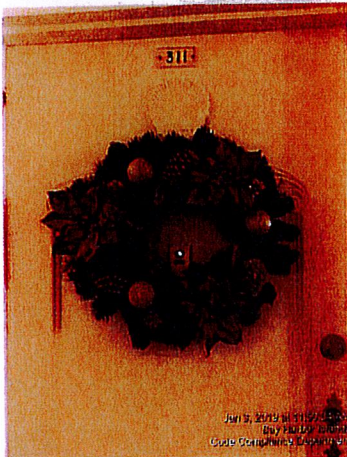
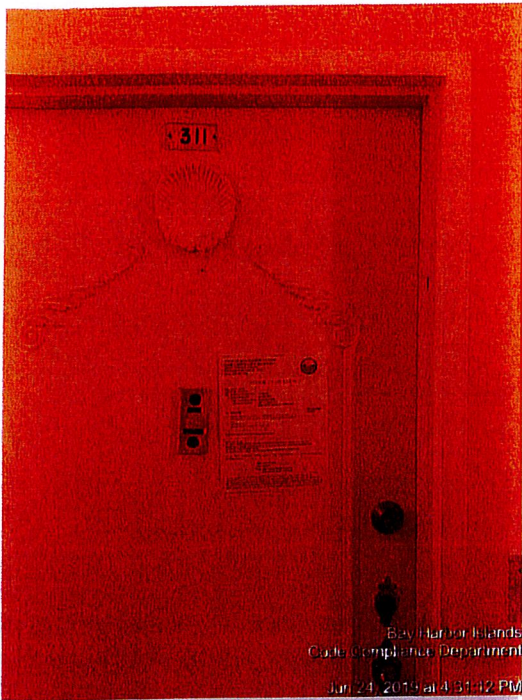


Photo
Scherrie Griffin
Jan 03, 2019



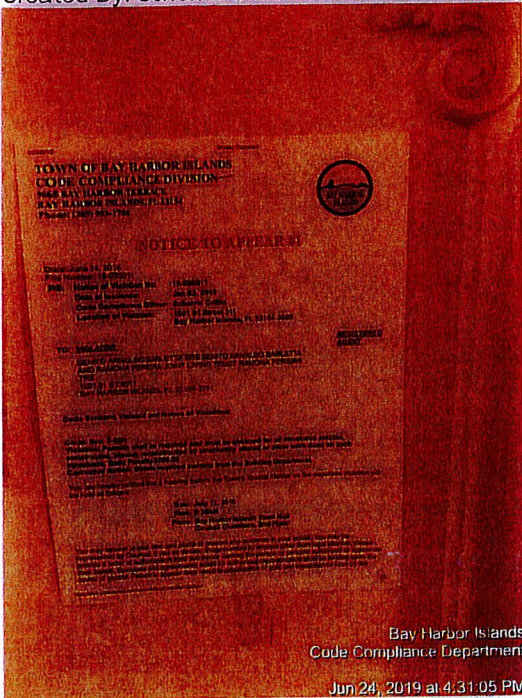
Photo
Scherrie Griffin
Jan 03, 2019



Bay Harbor Islands
Code Compliance Department

Jun 24, 2019 at 4:31:12 PM

Created By: Scherrie Griffin Created Date: Jun 24, 2019



Bay Harbor Islands
Code Compliance Department

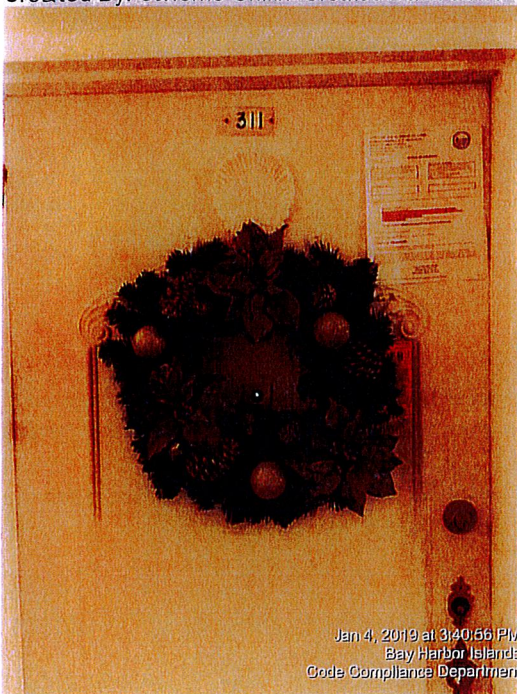
Jun 24, 2019 at 4:31:05 PM

Created By: Scherrie Griffin Created Date: Jun 24, 2019



Jan 4, 2019 at 3:42:31 PM
Bay Harbor Islands
Code Compliance Department

Created By: Scherrie Griffin Created Date: Jan 04, 2019



Jan 4, 2019 at 3:40:56 PM
Bay Harbor Islands
Code Compliance Department

Created By: Scherrie Griffin Created Date: Jan 04, 2019

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
 1000 BAY HARBOR TERRACE
 BAY HARBOR ISLANDS, FL 33434
 Phone: (407) 841-1700
 Fax: (407) 841-1700

NOTICE OF VIOLATION

Property Address: [Redacted]
 Owner: [Redacted]
 Date of Violation: [Redacted]

Code Section(s) Violated: [Redacted]
 Description of Violation: [Redacted]

Amount of Fine: [Redacted]

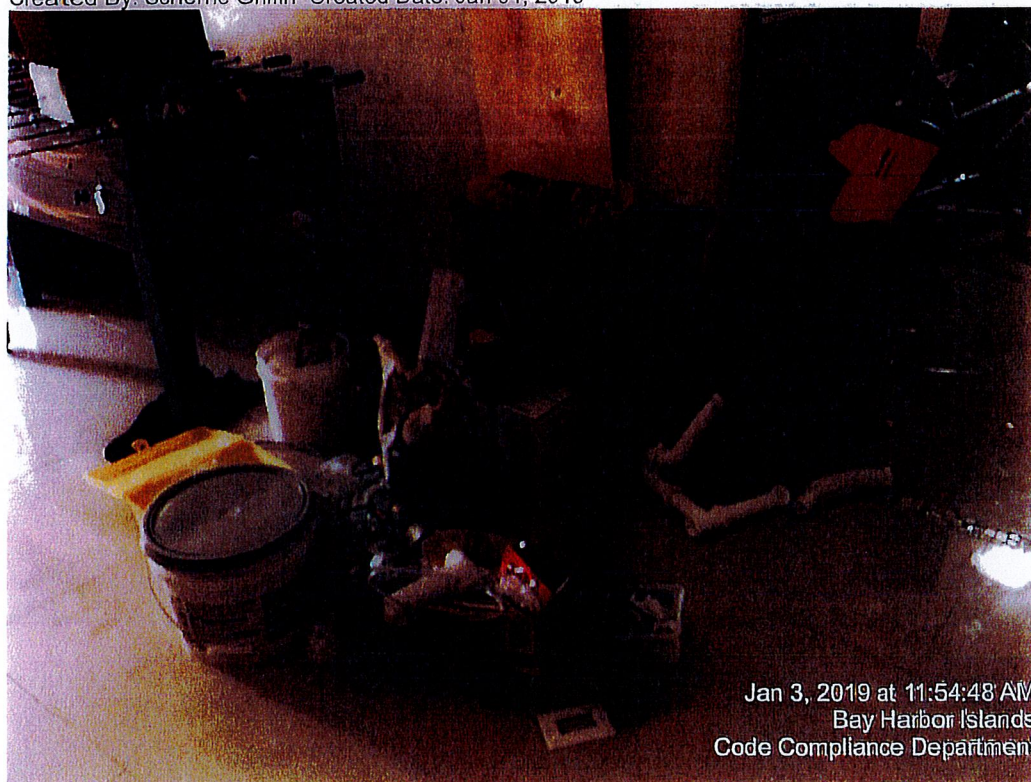
Failure to comply with this notice may result in the issuance of a Stop Work Order and/or a Court Order to enforce compliance.

For more information, please contact the Code Compliance Department at (407) 841-1700.

Town of Bay Harbor Islands
 Office of Bay Harbor Islands
 1000 Bay Harbor Terrace
 Bay Harbor Islands, FL 33434

Jan 4, 2019 at 3:40:50 PM
 Bay Harbor Islands
 Code Compliance Department

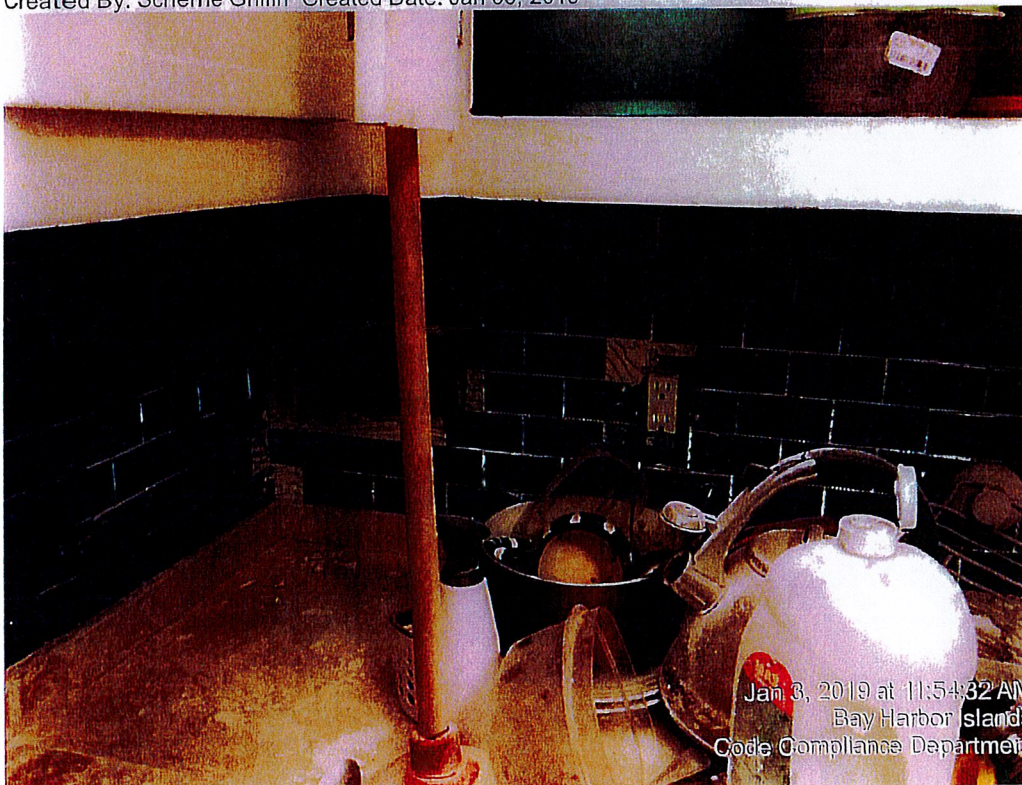
Created By: Scherrie Griffin Created Date: Jan 04, 2019



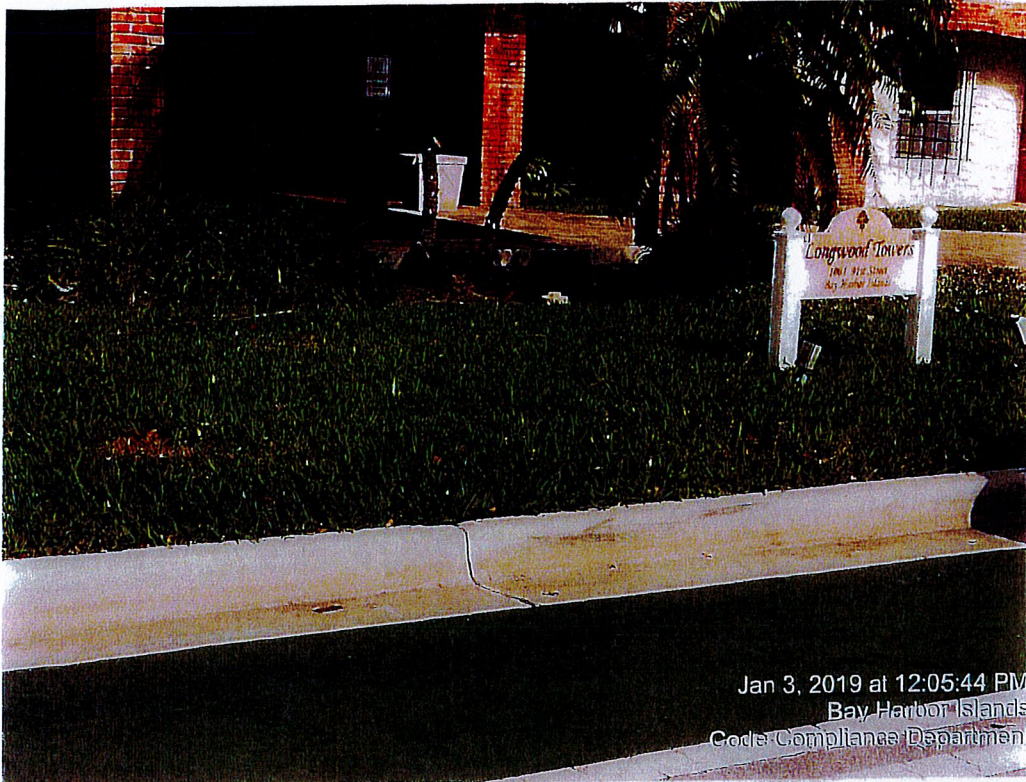
Created By: Scherrie Griffin Created Date: Jan 03, 2019



Created By: Scherrie Griffin Created Date: Jan 03, 2019



Created By: Scherrie Griffin Created Date: Jan 03, 2019



Jan 3, 2019 at 12:05:44 PM
Bay Harbor Islands
Code Compliance Department

Created By: Scherrie Griffin Created Date: Jan 03, 2019



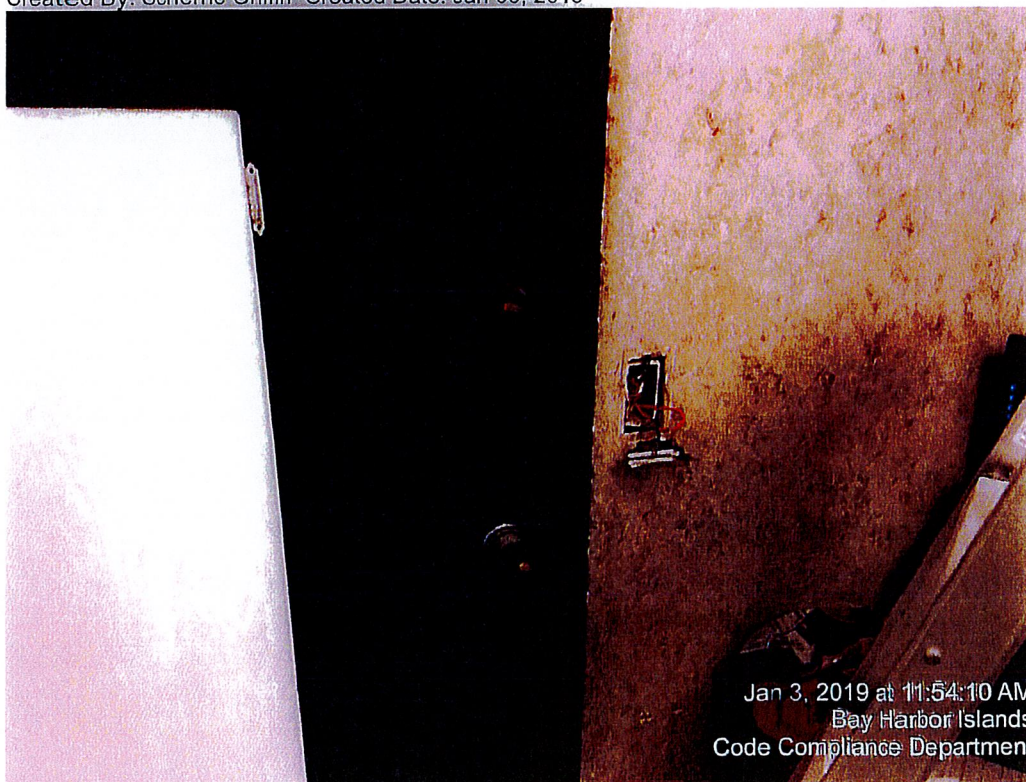
Jan 3, 2019 at 11:58:00 AM
Bay Harbor Islands
Code Compliance Department

Created By: Scherrie Griffin Created Date: Jan 03, 2019



Jan 3, 2019 at 11:59:04 AM
Bay Harbor Islands
Code Compliance Department

Created By: Scherrie Griffin Created Date: Jan 03, 2019

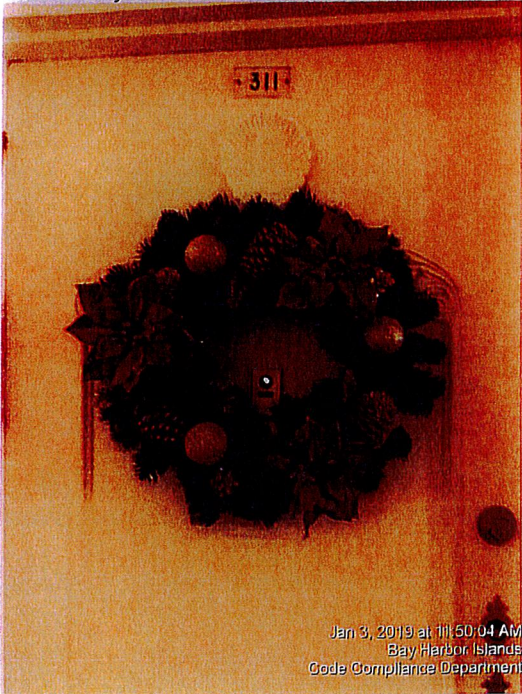


Jan 3, 2019 at 11:54:10 AM
Bay Harbor Islands
Code Compliance Department

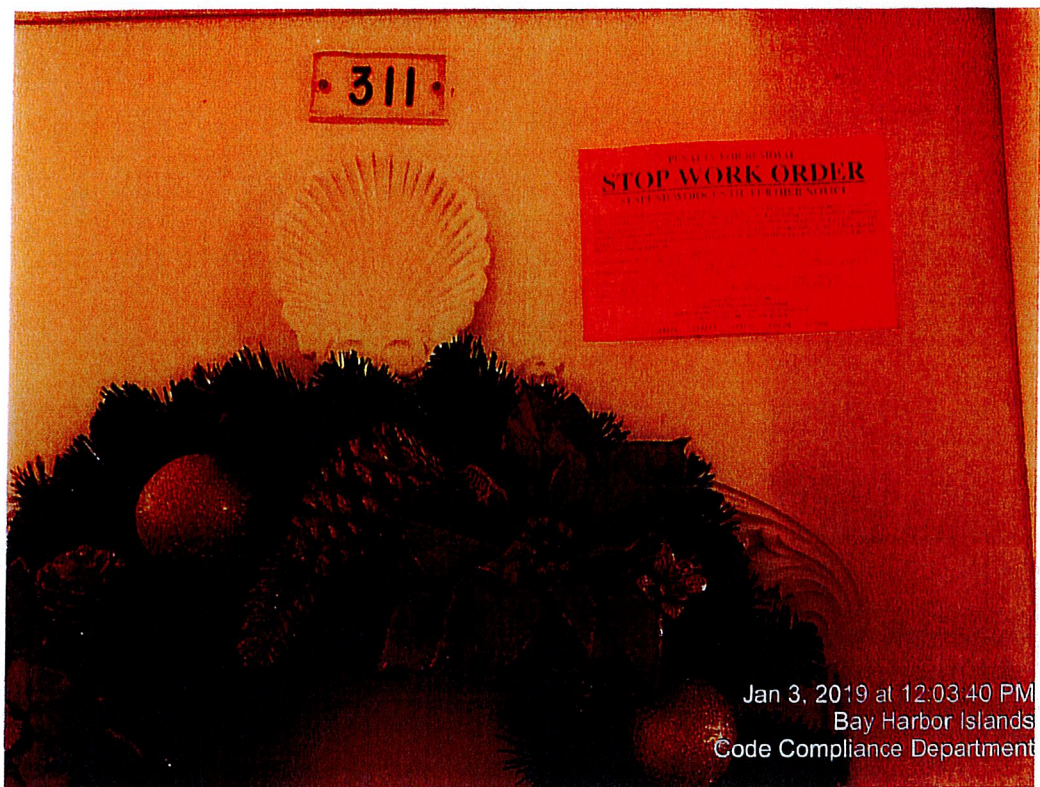
Created By: Scherrie Griffin Created Date: Jan 03, 2019



Created By: Scherrie Griffin Created Date: Jan 03, 2019



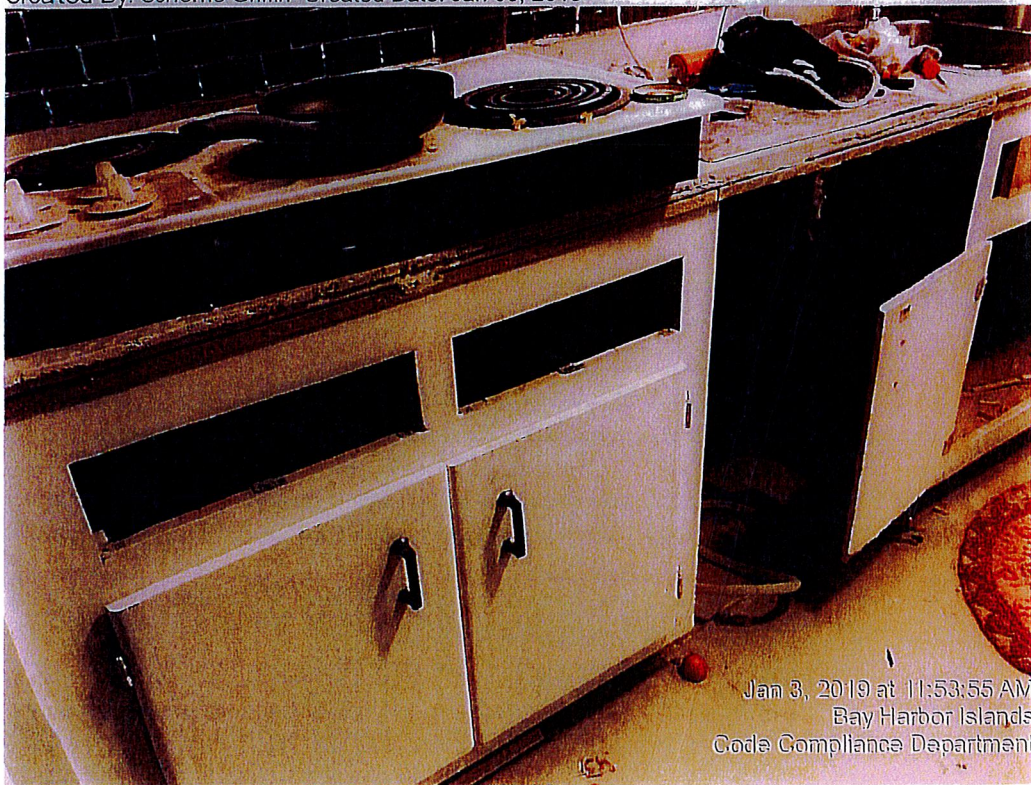
Created By: Scherrie Griffin Created Date: Jan 03, 2019



Created By: Scherrie Griffin Created Date: Jan 03, 2019



Created By: Scherrie Griffin Created Date: Jan 03, 2019



Created By: Scherrie Griffin Created Date: Jan 03, 2019

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
 BAY HARBOR ISLANDS, FL 33154
 Phone: (305) 993-1786



CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **19-000011**
 Inspector: Scherrie Griffin

Parcel Address: 1001 91 Street 311
 Lot(s): Block:

Owner Information:

BENITO ARNOLDO BARLETTA TRS BENITO ARNALDO
 BARLETTA AND RAMONA PEREIRA JOINT LIVING
 TRUST RAMONA PEREIRA TRS
 1001 91 ST #311
 BAY HARBOR ISLANDS, FL 33154-2791

Violator Information:

BENITO ARNOLDO BARLETTA TRS BENITO ARNALDO
 BARLETTA AND RAMONA PEREIRA JOINT LIVING
 TRUST RAMONA PEREIRA TRS
 1001 91 ST #311
 BAY HARBOR ISLANDS, FL 33154-2791

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 5-6(a)	01/03/2019		Open	
Comments:	Obtain required permits from the Building Department.			

DATE OPENED	ACTIVITY	DESCRIPTION
01/03/2019	Phone Call	Received an anonymous call in regards to work going on inside the unit without permits. Found the sink has been replaced and wires exposed. Work stop order issued.
01/03/2019	Email	Ramona Pereira, owner, emailed the Town Manager requesting a permit application. The Town Manager advised Ayanidys Martinez, Building & Zoning Supervisor will email copy tomorrow. Emailed Lawrence Wentworth, Building Department Permit Clerk, to email Ramona a copy of the permit application, checklist and documentations for kitchen.
01/03/2019	Phone Call	Ramona was advise about the violation.
01/04/2019	Progress Activity	Ramona Peiera, owner, advised no work was done in the kitchen besides replacing the sink. Ramona agreed to have Darrell De Young, Electrical Inspector, to do a courtesy inspection today to confirm there was no electrical work done inside the unit.
01/04/2019	Notice of Violation	Obtain required permits from the Building Department. Violation posted to property and mailed via certified receipt return to owner.
01/04/2019	Email	Ayanidys Martinez, Building and Zoning Supervisor, emailed permit application to Ramona.
01/04/2019	Inspection	A courtesy inspection was done Darrell De Young, Electrical Inspector who found multiple violations and unsafe conditions of the electrical system.
01/08/2019	Phone Call	Ayal Keren, Ramona's brother in law, called regarding the Notice of Violation. He was advised of the conditions to comply. Ayal asked if only a plumbing and electrical permit can be pulled. He was advised that a General Contractor is required but Code will check with the Building Official as well. Spoke to Dale Lee, Building Official, who confirmed a General Contractor is required. Called Ayal to advise a General Contractor is required.
01/09/2019	Phone Call	Ramona Peierra, owner, called to inquire about the permits. Officer Evelyn Merizalde advised her permits need to be obtained by a licensed contractor.
01/10/2019	Progress Activity	A contractor came into the Building Department to inquire about the permits required for the work done inside the unit.
01/30/2019	Walk In	A contractor from Florida E-Z Remodeling, came into the office to inquire about required permits. Lawrence Wentworth, Building Department Permit Clerk, advised the contractor

of the permits and documentation needed.

02/05/2019	Compliance Inspection	verify permits have been obtained. Compliance not met.
02/05/2019	Progress Activity	Permit application submitted to the Building Department for installation of tiles on kitchen counter, Reconnect sink and dishwasher and Change electrical outlets in kitchen (After the Fact).
02/25/2019	Progress Activity	30 days fine letter mailed to owner in the amount of \$13,000.00 which represents 52 days at \$250.00 per day.
02/27/2019	Progress Activity	Miguel Reyes, contractor, called to advise he spoke with Darrell De Young, Electrical Inspector, to contact the Building Department to schedule a courtesy inspection because the owner stated she was not getting an electrical permit.
03/06/2019	Progress Activity	Electrical permit application to update kitchen has been approved
03/07/2019	Progress Activity	Permit #B19-000046 (Installation of tiles on kitchen counter, reconnect sink and dishwasher and change electrical outlets in kitchen) and Permit #E19-000039 (Update electrical(kitchen) has been obtained from the Building Department.
03/15/2019	Progress Activity	Final Inspection for Permit #E19-000039 (Update Electrical (kitchen) passed.
03/26/2019	Progress Activity	Letter received from Ramona Pereira, owner, explaining the circumstances and timeline to cure the violation.
04/15/2019	Phone Call	Plumbing permit application submitted to the Building Department.
04/16/2019	Progress Activity	Plumbing permit #P19-000042 approved.
04/22/2019	Progress Activity	Plumbing permit #P19-000042 for sink obtained from the Building Department. Compliance has been met. Fine stopped running in the amount of \$27,000.00 which represents 108 days at \$250.00 per day from 01/04/19 to 04/22/19.
04/26/2019	Progress Activity	Final inspection for plumbing passed.
04/30/2019	Progress Activity	Final Inspection for building passed.
07/09/2019	Affidavit	
07/11/2019	Progress Activity	Case review meeting.
07/17/2019	Notice To Appear	Notice to Appear #1 for the Special Master Hearing held on 7/17/19 at 9:30 AM posted to property and mailed via certified receipt return to owner on 6/24/19.
07/17/2019	Special Master Hearing	Fine imposed from 1/4/19-2/5/19 which represents 32 days at \$250.00 per day for a total of \$8,000.00 plus an \$150.00 Administrative fee which equals a total of \$8,150.00.
07/18/2019	Progress Activity	Notice to Appear #2 for the Special Master Hearing held on 7/17/19 was returned to office as unclaimed.
07/19/2019	Progress Activity	Special Master Findings mailed via certified receipt return to owner.
08/13/2019	Progress Activity	The Special Master Findings returned to office as unclaimed.
08/29/2019	Email	Email received from owner advising she was out of the country and could not attend the Special Master Hearing.
11/18/2019	Progress Activity	Called the owner and the telephone number is not in service. Email sent to the owner to contact the Code Compliance Department.

11/21/2019	Progress Activity	Claim of lien has been filed on the property.
09/24/2020	Email	Email received to email the unit owner a copy of the Special Master Findings and invoice for her records.
09/25/2020	Email	As requested a copy of the Special Master Findings and lien emailed to the owner.
10/02/2020	Phone Call	Ramona called to inquire about how to offer a settlement amount.
10/09/2020	Progress Activity	The unit owner provided a settlement letter.

Photo(s)



Bay Harbor Islands
Code Compliance Department

Jun 24, 2019 at 4:37:15 PM

Created By: Scherrie Griffin Created Date: Jun 24, 2019