TOWN OF BAY HARBOR ISLANDS
MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET
BAY HARBOR ISLANDS, FL 33154

LITIGATION COMMITTEE MEETING AGENDA

February 7, 2024
6:30 PM

CALL TO ORDER: Set for Approximately 6:30 p.m.:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

1. **Approval** or **Denial** of a settlement agreement for Notice of Violation No. 21-001813 - Section 5-6(a) of the Town Code - Performing construction work without the required building permit. Installation of pavers around the pool. 1145 101 Street. Babak, LLC, 1145 101 Street, Bay Harbor Islands, FL 33154. The fine was assessed at $171,500.00. The Special Magistrate mitigated the fine to $85,950.00. **The property owner is proposing a Settlement Offer of $8,562.00.**

2. **Approval** or **Denial** of a settlement agreement for Notice of Violation No. 22-000227 - Section 23-72(a) of the Town Code - Operating a vacation rental without registering the property with the town. Philoxenia, LLC, 1145 101 Street, Bay Harbor Islands, FL 33154. The fine assessed was $62,000 plus a $200.00 Administrative Fee. On September 27, 2023, the Special Magistrate mitigated the fine to $31,200.00. **The property owner is proposing a Settlement Offer of $1,000.00.**

3. **Approval** or **Denial** of a settlement agreement for Violation No. 19-000538 - Sections 23-12(1) and Section 23-12(11) for repairing/replacing the seawall without the required permit. Colony Bay Condominium, 9250 West Bay Harbor Drive, Bay Harbor Islands, FL 33154. On September 29, 2021 the Special Magistrate imposed a fine in the amount of $32,350.00. **The Condominium Association is proposing that the fine be reduced to $0.00.**

4. **Approval** or **Denial** of a settlement agreement for Violation No. 22-000164 - Section 5-6(a) of the Town Code for performing construction work without the required permit. David Shimunov, 10350 West Bay Harbor Drive, Unit 7H, Bay Harbor Islands, FL 33154. The assessed fine was $28,250.00. On May 31, 2023 the Special Master mitigated the fine to $14,325.00. **Counsel for the property owner, Barry T. Shevlin, Esq., is proposing that the fine be reduced to $0.00.**

5. **Approval** or **Denial** of a settlement agreement for Violation No. 23-000878 - Section 12-26(1)(a) of the Town Code: Found painters operating a machinery before 9:00 a.m. Mansard Condominium, 9501 East Bay Harbor Drive, Bay Harbor Islands, FL 33154. On September 27, 2023 the Special Magistrate mitigated a $1,000.00 fine and $200 Administrative Fee to $700. **Mr. David Arrow, President of the Condominium Association, is proposing a Settlement Offer of $350.00.**

6. **Approval** or **Denial** of a settlement agreement for several Notices of Violation for Bal Harbour Investments, LLC - 1060 95 Street, 1080 93 Street and 1060 95th Street, Bay Harbor Islands, FL 33154.

   1060 95th Street - Notice of Violation No. 18-000421 - Section 23-12(22)(h) of the Town Code - Installation of wooden fence without the required permit. Found that the unfinished side of the wooden fence is facing the adjoining property and the street. The fine amount is $6,575.00.

   1060 95th Street - Notice of Violation No. CC2016-2319 - Section 23-12(1) of the Town Code - Failure to comply with a Courtesy Notice to hire a licensed contractor to remove the chain-link fence located along the second floor balcony, obtain permit and install handrails. The fine amount is $45,500.00.

   1080 Partners, LLC - 1080 93 Street Notice of Violation No. CC2016-2260 - Section 24-13(a) of the Town Code - Failure to repair pool wall; planters repaired and repainted. Section 23-12(22)(f) of the Town Code - Failure to install hedges along the entire length of the pool wall planted 2 feet apart and 50% the height of the wall. The fine amount is $64,125.000.

   1080 93 Street - Notice of Violation No. CC2017-2395 - Section 13-18(1)(a) of the Town Code for operating a business without the required Business Tax Receipt. The amount of the fine is $19,150.00.

   1080 93 Street - Notice of Violation No. CC2017-2477 - Section 5-6(a) of the Town Code for performing plumbing work without the required permit. The amount of the fine is $68,150.00.

   1080 93 Street - Notice of Violation No. CC2017-2399 - Section 13-18(1)(a) of the Town Code for operating a business without the required Business Tax Receipt. The amount of the fine is $19,150.00.

   1080 93 Street - Notice of Violation No. CC2017-2396 - Section 13-18(1)(a) of the Town Code for operating a business without the required Business Tax Receipt. The amount of the fine is $19,150.00.

   The property owner is proposing a Settlement Offer of $50,000 for all the above violations.

7. **Approval** or **Denial** of a settlement agreement for Notice of Violation No. 21-001505 for failure to obtain the 40-year re-certification as required by Miami-Dade County. Rexleigh Apartments, Inc., 9881 East Bay Harbor Drive, Bay Harbor Islands, FL 33154. The assessed fine was $28,700.00. On September 27, 2023, the Special Magistrate mitigated the fine to $14,550.00. **Counsel for the property owner, Soren Law Group, PA, is proposing the fine be reduced to $0.00.**

8. **Approval** or **Denial** of a settlement agreement for Notice of Violation No. 18-002329 for failure to obtain the required permits to correct the deficiencies in the 40-year re-certification. Kingsley Arms Apartments, Inc., 9291 East Bay Harbor Drive, Bay Harbor Islands, FL 33154. The fine was assessed at $89,850.00. On September 27, 2023 the Special Magistrate mitigated the fine to $44,925.00 plus a $200 Administrative Fee. **Counsel for the applicant, Soren Law Group, PA, is proposing the fine be reduced to $0.00.**

ADJOURNMENT:

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AGENDA ITEM REPORT
February 7, 2024

ITEM NUMBER: 1.

ITEM: Approval or **Denial** of a settlement agreement for Notice of Violation No. 21-001813 - Section 5-6(a) of the Town Code - Performing construction work without the required building permit. Installation of pavers around the pool. 1145 101 Street. Babak, LLC, 1145 101 Street, Bay Harbor Islands, FL 33154. The fine was assessed at $171,500.00. The Special Magistrate mitigated the fine to $85,950.00. **The property owner is proposing a Settlement Offer of $8,562.00.**

DESCRIPTION:
Approval or **Denial** of a settlement agreement for Notice of Violation No. 21-001813 - Section 5-6(a) of the Town Code - Performing construction work without the required building permit. Installation of pavers around the pool. 1145 101 Street. Babak, LLC, 1145 101 Street, Bay Harbor Islands, FL 33154. The fine was assessed at $171,500.00. The Special Magistrate mitigated the fine to $85,950.00. **The property owner is proposing a Settlement Offer of $8,562.00.**

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	21-001813 1145 101 ST Settlement offer
2.	Litigation docs 21-001813 1145 101 ST

Maximillian Everhardt
3419 Via Lido #645
Newport Beach, CA 92663
949-828-4705
Max@MaximillianGroup.com



Date: 10/23/2023

Litigation Committee
c/o Yvonne P. Hamilton
Acting Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Re: Case # 21-001813
Violation Address: 1145 101st Bay Harbor Islands, Florida 33154

Dear Members of the Litigation Committee,

I am reaching out to request a further reconsideration of the fines imposed on my property concerning the pool pavers installation that occurred without the requisite permits. While I have already addressed this matter with the Special Master, resulting in a commendable 50% reduction in the fines, I'm compelled to present further arguments in favor of reducing this fine to a total settlement of $8,562.

1. **Reliance on Licensed Professionals:** Entrusting a licensed landscaper with the installation, I operated under the assumption that their professional expertise would ensure complete adherence to all necessary permits and regulations. Their assurance solidified my trust, a trust I later realized was misplaced.

2. **Geographical Challenges:** Residing in Chicago during the installation, I was reliant on Bay Harbor's local experts for guidance, banking on their knowledge of local regulations and adherence.
3. **Diligent Efforts at Rectification:** Upon the town's notice, I proactively sought the services of multiple professionals, incurring substantial costs, to rectify the oversight. This proactive approach culminated in the city's final approval of the pavers without necessitating any changes.
4. **Ambiguity and Inconsistencies in Fines:** The clarity I sought in the penalties was clouded by inconsistencies. The lien recorded by the town on December 23rd, 2022, persistently stated a daily fine of $50 until compliance. Multiple confirmations by town officials by email, phone calls, and documentation, further confirmed this understanding. The sudden correction 250 days later, unveiled just two days before my property's closing, not only lacked an authoritative signature but also introduced undue financial and emotional distress.
5. **Commitment to Trust and Transparency:** The Bay Harbor Islands community anchors its trust in the town's unwavering commitment to transparency and fairness. It is paramount, both in the spirit of administrative law and principles of public service, that the town maintains consistency in its official records. Such deviations, especially with financial bearings, demand immediate and clear communication.
6. **Clear Stand on Fine Amount:** The consistently recorded fine of $50 per day, backed by signatures of the Special Master and other town officials, underscores the need for the committee to uphold this figure.

Given the 685 days in consideration, the fine should logically be $34,250 not $85,950 that is currently imposed. With the prior 50% reduction, this amounts to $17,125. The recent lien, unsigned and presented 250 days later, muddies these clear waters.

I, therefore, earnestly appeal to the committee to consider my settlement proposal of $8,562 for the pool pavers.

It's important to highlight that the pavers were ultimately deemed to be correctly installed. The inspector confirmed that no modifications were necessary; we didn't have to remove or alter them in any way. The sole oversight was not obtaining a permit for their installation. Nonetheless, I recognize the importance of adhering to regulations and understand the rationale behind penalties.

This situation has highlighted the significance of thorough personal supervision, even when working alongside professionals who assure you everything is ok. I sincerely hope the committee can understand my perspective and work towards a fair resolution.

I am grateful for your time and consideration. Should there be a need for further discussions or clarifications, I am at your disposal.

Sincerely,

Maximillian Everhardt

Overview of Documents – Pool Pavers
Philoxenia, LLC # 21-001813

- Claim of Lien Filed 12/23/2022 showing a $50 daily fine

- Corrected Claim of Lien Filed 08/29/2023 showing a $250 daily fine

- August 25, 2023 Email from my Closing Attorney clarifying $50 a day fine vs $250 – Yvonee stating she stood corrected at the $50 a day fine

CFN: 20220955464 BOOK 33516 PAGE 4487
DATE:12/23/2022 09:56:29 AM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

This instrument prepared by
and record and return to:
Yvonne P. Hamilton, Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida

Claim of Lien

Originally filed 12/23/2022

State of Florida
County of Miami-Dade

Before me, the undersigned Notary Public, personally appeared Maria Lasday 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 Town of Bay Harbor Island Code of Ordinances; Citation #21-001813; a fine of Fifty Dollars ($50.00) per day until compliance is met, plus a Two Hundred Dollar ($200.00) Administrative Fee levied on October 27, 2022, by Special Master Richard Kroop. 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,

> Owner: Philoxenia LLC
> Commonly known as: 1145 101st Street
> Bay Harbor Islands, Florida 33154
> Lot 15, Block 6, PB 46, Page 5
> Miami-Dade County, Florida

an amount of Two Hundred Dollars ($200) as of October 27, 2022, plus a daily fine of $50 shall continue to accrue until compliance is met. The lienor served his notice to owner on September 3, 2021, by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Maria Lasday, Town Manager

Sworn to and subscribed before me this 21st day of December 2022.

YVONNE P. HAMILTON
Notary Public - State of Florida
Commission # HH 093435
My Comm. Expires Feb 15, 2025
Bonded through National Notary Assn.

(Notary Public)

I, Yvonne P. Hamilton, 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 21st day of December 2022, A.D.

Town Clerk
Town of Bay Harbor Islands, Florida

APPEARANCES:

No one appeared at the hearing.	(Owner/Violator)
Scherrie Griffin	(Code Inspector)
Evelyn Merizalde	(Code Compliance Supervisor)
Yvonne Hamoltion	(Town Clerk)
Joseph Gellar	(Town Attorney)
Mike Mesa	(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 $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 $200.00
- ☐ 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 10/4/21 at $50.00 per day until compliance is met.

Fine Assessed: $50.00 per day Administrative Fee $200.00 Total Owed: $200.00

Back to the next Special Master Hearing in days.

Special Master: Richard Kroop Signature: [signature]

Signed

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 31st day of August 2023, by Maria Lasday, Town Manager, on behalf of the Town of Bay Harbor Islands, who is personally known to me or who produced the following as identification: _____, who has specific authority to execute this Claim of Lien on behalf of the Town of Bay Harbor Islands and who did/did not take an oath.

Notary Public
My commission expires:

YVONNE P. HAMILTON
Notary Public · State of Florida
Commission # HH 093435
My Comm. Expires Feb 15, 2025
Bonded through National Notary Assn.

CFN: 20230609534 BOOK 33858 PAGE 1379
DATE:08/29/2023 04:07:15 PM
JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT & COMPTROLLER
MIAMI-DADE COUNTY, FL

Collected Lien Filed 250 days after the initial ↓ 2-Days Prior to my Real-Estate closing

This instrument prepared by
and record and return to:
Yvonne P. Hamilton, Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida

Claim of Lien (Corrected)

State of Florida
County of Miami-Dade

Before me, the undersigned Notary Public, personally appeared Maria Lasday 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 Town of Bay Harbor Island Code of Ordinances; Citation #21-001813; a fine of Two Hundred Fifty Dollars ($250.00) per day until compliance is met, plus a Two Hundred Dollar ($200.00) Administrative Fee levied on October 27, 2022, by Special Master Richard Kroop. 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,

> Owner: Philoxenia LLC
> Commonly known as: 1145 101st Street
> Bay Harbor Islands, Florida 33154
> Lot 15, Block 6, PB 46, Page 5
> Miami-Dade County, Florida

an amount of Two Hundred Dollars ($200) as of October 27, 2022, plus a daily fine of $250 shall continue to accrue until compliance is met. The lienor served his notice to owner on September 3, 2021, by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Maria Lasday

Maria Lasday, Town Manager

APPEARANCES:

No one appeared at the hearing.	(Owner/Violator)
Scherrie Griffin	(Code Inspector)
Evelyn Merizalde	(Code Compliance Supervisor)
Yvonne Hamoltion	(Town Clerk)
Joseph Gellar	(Town Attorney)
Mike Mesa	(Chief Building Official)

WITNESSES:

NAME	ADDRESS	CALLED BY

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MASTER'S FINDINGS OF FACT:

- [x] 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.
- [x] 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.
- [x] The administrative cost of this hearing shall be $200.00
- [ ] 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 10/4/21 at $250.00 per day until compliance is met.

Charged

Fine Assessed: $250.00 per day | Administrative Fee $200.00 | Total Owed: $200.00

Back to the next Special Magistrate Hearing in days.

Special Magistrate: Richard Kroop Signature:_____

missing

From: Eric P. Stein <eric@epslaw.com>
Sent: Friday, August 25, 2023 11:22 AM
To: Cata Arroyave <cata@epslaw.com>; Yvonne Hamilton <yhamilton@bayharborislands-fl.gov>
Cc: Evelyn Merizalde <emerizalde@bayharborislands-fl.gov>; Closings <closings@epslaw.com>
Subject: RE: Claim of Lien Payoff I PHILOXENIA, LLC (1145 101 St., Units 1-4, BHI, FL 33154)

Hi Yvonne,

Hope you are well. In your email to my paralegal below, you indicate: *Please be aware that the Claim of Lien was just corrected to show a daily fine of $250 imposed by the Special Master, instead of $200.*

The attached Claim of Lien in OR Book 33516 at Page 4487 does not provide for daily fine of $200/day; it provides for a fine of $50/day. Please clarify.

Also, can you please confirm whether compliance on the subject violation has been achieved?

Thank you,

Eric P. Stein
Attorney

Board Certified by The Florida Bar in:
Real Estate Law and Condominium and Planned Development Law

Eric P. Stein, P.A.
1820 N.E. 163 Street, Suite 100 I North Miami Beach, FL 33162
Tel: (786) 248-1000 I Fax: (786) 248-1004
E-mail I V-Card I Bar Number 38301

Eric P. Stein, P.A.
1820 N.E. 163 Street, Suite 100 I North Miami Beach, FL 33162
Tel: (786) 248-1000 I Fax: (786) 248-1004
E-mail | V-Card | Bar Number 38301

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From: Yvonne Hamilton <yhamilton@bayharborislands-fl.gov>
Sent: Friday, August 25, 2023 11:35 AM
To: Eric P. Stein <eric@epslaw.com>
Cc: Evelyn Merizalde <emerizalde@bayharborislands-fl.gov>; Closings <closings@epslaw.com>; Cata Arroyave <cata@epslaw.com>
Subject: RE: Claim of Lien Payoff I PHILOXENIA, LLC (1145 101 St., Units 1-4, BHI, FL 33154)

Hi Eric:

I stand corrected.

Sincerely,

Yvonne P. Hamilton, CMC
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Telephone (305) 866-6241, Extension 112
Email: yhamilton@bayharborislands-fl.gov

Yvonne Hamilton

From: Maximillian Everhardt <max@maximilliangroup.com>
Sent: Wednesday, January 3, 2024 3:13 PM
To: Yvonne Hamilton
Subject: Re: Litigation Committee Package Files: # 21-001813, 22-000227

Hi Yvonne, Happy New Year.

I was following up on the two files pertaining to the litigation committee. This has been several months now without a hearing. $116,000 is an extremely large amount of money to just have sitting in an escrow account at the title company.

Is there any update on a litigation committee hearing? I work full time and need to travel by plane to attend the hearing so advance notice is necessary.

Please let me know. Thank you.

-Max

This message, including any attachments, is solely for the use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution of this communication is expressly prohibited.

On Dec 20, 2023, at 10:20 AM, Maximillian Everhardt <max@maximilliangroup.com> wrote:

I would agree to a total of $1,000 for file number: 22-000227

Maximillian Everhardt, J.D.

Maximillian Group, LLC

3419 Via Lido Suite 645
Newport Beach, CA 92663

O: 949-781-6516

DISCLAIMER: THE JD FOLLOWING MY NAME IS SOLELY AN ABBREVIATION FOR MY ACADEMIC DEGREE, JURIS DOCTOR, WHICH IS A DOCTOR OF LAW OBTAINED FROM AN ACCREDITED LAW SCHOOL. IT IS NOT INTENDED AND SHOULD NOT BE CONSTRUED TO INDICATE THAT I AM A LICENSED ATTORNEY AUTHORIZED TO PRACTICE LAW OR TO PROVIDE LEGAL ADVICE. ANY INFORMATION, OPINIONS OR ADVICE PROVIDED IN THIS COMMUNICATION IS FOR GENERAL INFORMATIONAL PURPOSES ONLY AND SHOULD NOT BE CONSIDERED LEGAL ADVICE. THE USE OF ANY INFORMATION OR MATERIALS IN THIS COMMUNICATION DOES NOT CREATE AN ATTORNEY-CLIENT RELATIONSHIP BETWEEN THE READER AND MYSELF. IF YOU REQUIRE LEGAL ADVICE, PLEASE CONSULT A LICENSED ATTORNEY IN YOUR JURISDICTION.

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

NOTICE OF VIOLATION

September 03, 2021
FILE NUMBER: 21-001813

OWNER:

Philoxenia, LLC
2500 E Hallandale Beach Blvd. #800
Hallandale Beach, FL 33009

ADDRESS OF VIOLATION:

Philoxenia, LLC -
1145 101 Street
Bay Harbor Islands, FL 33154-0000
Parcel No: 1322270590001

REGISTERED AGENT:

PHILOXENIA, LLC - Maximillian Everhardt
2500 E Hallandale # 800
Bay Harbor Islands , FL 33154

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 an after the fact permit for the installation of pool pavers. Permit application attached.

RE: Found pool pavers installation in progress without a permit.

Location of Violation: 1145 101 Street Violation Date: 09/01/2021

Compliance Date: October 04, 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 lime 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

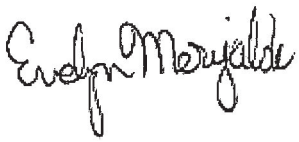
You may request an administrative hearing before a Special Master to appeal the notice of violation or to request an

extension of time. The request for hea[illegible]g must be filed in the office of the Town Cl[illegible] 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: 09/03/2021
Date Posted: 09/03/2021

Cert Mail Article #: 7018 1130 0000 3964 1651



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

ADDENDUM



Photo
Evelyn Merizalde
Sep 01, 2021



Photo
Evelyn Merizalde
Sep 01, 2021



Photo
Evelyn Merizalde
Sep 01, 2021



Photo
Evelyn Merizalde
Sep 01, 2021



Photo
Evelyn Merizalde

Sep 01, 2021



Photo
Evelyn Merizalde
Sep 01, 2021

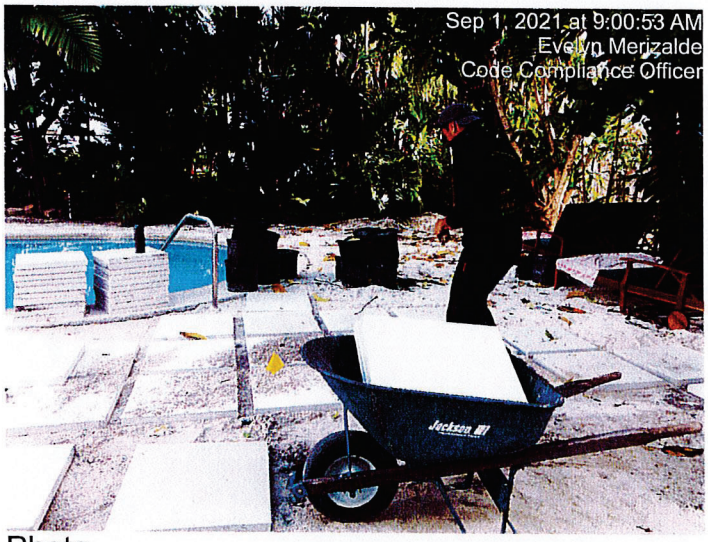


Photo
Evelyn Merizalde
Sep 01, 2021



Photo
Evelyn Merizalde
Sep 01, 2021



Photo
Evelyn Merizalde
Sep 01, 2021



Photo
Evelyn Merizalde
Sep 01, 2021

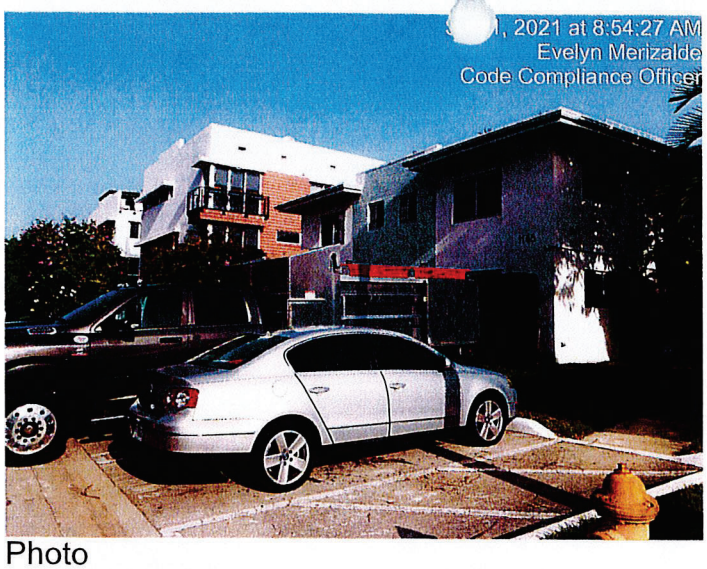


Photo
Evelyn Merizalde
Sep 01, 2021

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

SPECIAL MAGISTRATE FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

Babak, LLC
7657 NW 50 Street
Miami, Fl 33166

ADDRESS OF VIOLATION:

- Babak, LLC
1145 101 Street
Bay Harbor Islands, FL 33154-0000
Parcel No: 1322270590001

REGISTERED AGENT:

Shevlin & Atkins Attorney at Law, R.A.
1111 Kane Concourse # 619
Bay Harbor Islands, FL 33154

HEARING INFORMATION

Date: September 27, 2023
Time: 10:00AM

Location: Town of Bay Harbor Morris Broad Community Center
Special Master: Christopher Benjamin

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: 21-001813

Compliance Officer: Evelyn Merizalde

Method of Service	**Date**
Posted	August 18, 2023
Certified	August 18, 2023

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

APPEARANCES:

Maximillian Everdardt, Attorney-in-fact	(Owner's Attorney or Representative)
Scherrie Griffin	(Code Inspector)
Ayanidys Martinez	(Building & Zoning Supervisor)
Joseph Gellar	(Town Attorney)
Mike Mesa	(Chief Building Official/Building Department Director)

WITNESSES:

NAME	ADDRESS	CALLED BY

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MAGISTRATE'S FINDINGS OF FACT:

- [x] 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 $ 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.
- [x] The administrative cost of this hearing shall be $200.00
- [ ] 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 in the amount of $171,500.00. The fine was mitigated by 50% to $85,750.00 plus a $200.00 administrative fee for a total amount due of $85,950.00.

Fine Assessed: $85,750.00 Administrative Fee $200.00 Total Owed: $85,950.00

Back to the next Special Magistrate Hearing in days.

Special Magistrate: Christopher Benjamin Signature: Christopher Benjamin (Oct 19, 2023 15:57 EDT)

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

CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **21-001813**
Inspector: Evelyn Merizalde

Parcel Address: 1145 101 Street
Lot(s): 15 Block: 6

Owner Information:
Babak, LLC
7657 NW 50 Street
Miami, Fl 33166

Violator Information:
Babak, LLC
7657 NW 50 Street
Miami, Fl 33166

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 5-6(a)	09/02/2021		Open	

Comments: Obtain an after the fact permit for the installation of pool pavers. Permit application attached.

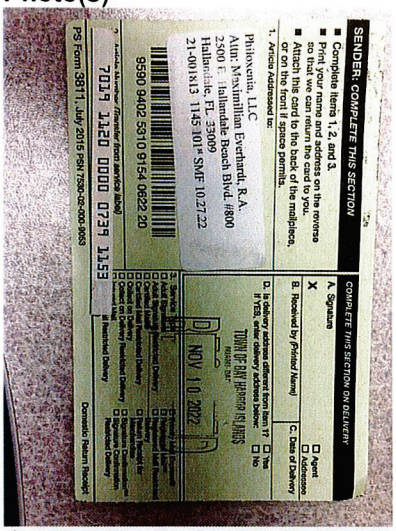
DATE OPENED	ACTIVITY	DESCRIPTION
09/01/2021	Code Action	Contractor , property manager and owner advised to stop all construction activity in progress. A permit is required for the paver installation around the pool. Stop Work Order will be posted to the property.
09/03/2021	Daily Fine Start	Non compliance with the notice of violation. Fine will calculate from the date of the violation to the compliance date.
09/03/2021	Notice of Violation	Notice of violation issued to obtain an after the fact permit for the pool pavers.
09/08/2021	Code Action	Notice of violation sent via email to the owner and property manager.
10/04/2021	Email	Permit status request sent via email to the property owner and property manager.
10/15/2021	Email	The property manager submitted the design of the new pavers installed at the property. A permit was not submitted for the pavers. Email the property manager to obtain a permit for the new pool pavers.
10/21/2021	Progress Activity	Linda Johnson , property ,manager, emailed the CBO stating she believes installation of new pool pavers does not require a permit. Mike Mesa, CBo, advised Linda Johnson and the property owner that a permit is required.
11/01/2021	Progress Activity	Received an email from the property owner containing a blank permit application.
11/10/2021	Phone Call	Spoke to Linda Johnson regarding construction work in progress prior to 9:00 AM complaints received. As per Linda there is no construction work in progress at the property. She will submit an after the fact permit application for the pool pavers, today.
11/10/2021	Code Action	Mailed the 30 days fine letter to the property owner.
11/12/2021	Code Action	Permit application submitted for the pool pavers. Application # B21-000598

11/15/2021	Progress Activity	Permit application B21-000598 submitted to the Building Department. Zoning reviewed on 11/16/2021 - Disapproved Michael Miller Site is zoned for RM-2 Multi-Family Site must have at least 20& landscape open space for a 2 story complex. No calcs provided showing compliance for existing / proposed change. No paver / deck can be closer than 5ft to a side or prear property line - Plan shows deck to property line. Section 23-12 (15). From survey shows walking 2ft from property line - 3ft minimum now. That could be grandfathered - Not Pool Deck. Building reviewed – 11/22/21 Disapproved Ismael Naranjo Planning approval required. Please provide details and specifications for the paver system
12/10/2021	Code Action	Mailed 30 days fine letter. This case will be scheduled for the next Special Master hearing.
12/10/2021	Compliance Inspection	The permit application B21-000598 is denied. Completeness Check Building Department Lawrence Wentworth Incomplete 11/12/2021 11/12/2021 Town Planner Review Building Department Michael Miller Disapproved 11/19/2021 11/16/2021 Building Inspector Review Building Department Ismael Naranjo Disapproved 11/19/2021 11/22/2021 Checklist - Pool Deck B21-000598 Pending 11/12/2021 0 days Pool Pavers installed in backyard
01/10/2022	Compliance Inspection	The permit application is in the denied status.
01/10/2022	Code Action	Mailed the fine letter to the property owner.
02/03/2022	Compliance Inspection	Pool pavers permit is still denied. This case will be scheduled for a special master hearing.
03/15/2022	Progress Activity	The property owner submitted a continuance request. Maximillian Everhardt email: max.everhardt@vsusa.org "Hi Evelyn, per our conversation, I am requesting a continuance for File No. 21-001813. I will be out of town during this hearing."
03/15/2022	Progress Activity	Continuance request received. This case will be removed from the Special Master agenda.
03/24/2022	Notice To Appear	Notice to appear before the Special master on 3/24/22 mailed certified and posted to the properyt.
03/28/2022	Compliance Inspection	A permit has not been obtained for the pool pavers.
03/28/2022	Code Action	Mailed the 30 days fine letter the property owner.
04/27/2022	Progress Activity	As of today's date the pool pavers permit application is still denied. Mailed the 30 days fine letter to the property owner. B21-000598 Addition/Alteration Pool Pavers installed in backyard Denied
08/01/2022	Progress Activity	No hearing scheduled in August 2022 due to construction activity in the council chambers.
08/01/2022	Progress Activity	As of today's date the pool paver permit has not been approved.
08/17/2022	Compliance Inspection	The paver permit has not been approved. This case will be placed on the agenda for the next hearing.
08/26/2022	Phone Call	Spoke to the property owner regarding the pending violation and how to comply. This case will be placed on the agenda for a hearing in September.

09/07/2022	Code Action	Notice to appear on 9/29/22 at 10:00 AM posted to the property and mailed certified.
09/28/2022	Code Action	The hearing was canceled due to Hurricane Ian. Notice of the hearing cancellation sent via email to the property owner.
09/29/2022	Notice To Appear	Prepared the notice to appear before the special master on 9/29/22 at 10:00 AM. This notice will be mailed certified and posted to the property.
10/26/2022	Affidavit	Completed the affidavit for non-compliance.
10/27/2022	Notice To Appear	Prepared the notice to appear for a Special Master hearing on October 27, 2022 at 10:00 AM.
10/27/2022	Special Master Hearing	Fine imposed from 10/4/21 at $250.00 per day until compliance is met.
10/28/2022	Email	The property owner sent an email stating he will not be able to attend the hearing due to a family emergency. The email was received after the hearing that was held on 10/27/22.
11/29/2022	Email	Email sent to the property owner regarding his email.
12/12/2022	Inspection	The owner has not obtained an after the fact permit for the pool pavers. A lien request will be submitted to the Town Clerk's office.
08/08/2023	Code Action	Uploaded the Claim of Lien to the property file. As of today's date the violation has not been cured. The property owner submitted the following email: statiHi Evelyn, per our phone discussion I am seeking a way to prevent any future violation for the erected pool pavers. If I were to remove the pool pavers and put grass in - would that be ok? Do I need an inspector to come out to allow this landscaping work? Researching the property record for the building plans.
08/14/2023	Code Action	Email response provided to the owner. Per the CBO a permit is required. Good morning, Alterations to the pool area requires a permit from the Town of Bay Harbor Islands Building Department and approval from the Health Department. This violation is outstanding from 2021 and required research time; this was expressed to your representative over the phone (949-781-6516). Should you require further assistance, please contact me. CODE CASE FILE #: 21-001813 1145 101 STREET BAY HARBOR ISLANDS FL 33154-0000 FOUND POOL PAVERS INSTALLATION IN PROGRESS WITHOUT A PERMIT.
08/15/2023	Progress Activity	10/27/22 SMH-Special Master Richard Kroop imposed a fine $250.00 per day from 10/4/21 until compliance is met.
08/16/2023	Code Action	Completed lien searches LS-4899 to LS-4902.
08/25/2023	Progress Activity	Permit B23-000329 obtained for the pool pavers. Compliance met. The $250.00 daily fine accrued from 10/4/21-8/20/23 which represents 686 days for a total fine amount of $ 171,500.00.
09/14/2023	Progress Activity	The property was sold on 8/31/23. As per the town attorney this case was added to the Special Magistrate Agenda. Received a limited power of attorney from the new owner Sam Sami of Babak, LLC authorization Maximillian (previous property owner).
09/27/2023	Notice To Appear	As per the town attorney, a notice to appear before the Special Magistrate on 9/27/23 at 10:00 AM, will be mailed to the current and former property owner. Philoxenia, LLC (previous owner) Maximillian Everhart, R.A. 2500 E. Hallandale

		Beach Blvd. #800 Hallandale Beach, FL 33009 3419 Via Lido # 645 Newport Beach, CA 92663 Babak, LLC Samira, LLC BH Star 1, LLC 7657 NE 50 Street Miami, FL 33166 Shevlin & Atkins Attorney at Law, R.A 1111 Kane Concourse # 619 Bay Harbor Islands, FL 33154
09/27/2023	Special Master Hearing	Fine assessed in the amount of $171,500.00. The fine was mitigated by 50% to $85,750.00 plus a $200.00 administrative fee for a total amount due of $85,950.00.
12/18/2023	Progress Activity	Settlement offer received in the amount of $8,562.00. The town clerk will schedule this case for a litigation committee meeting.

Photo(s)



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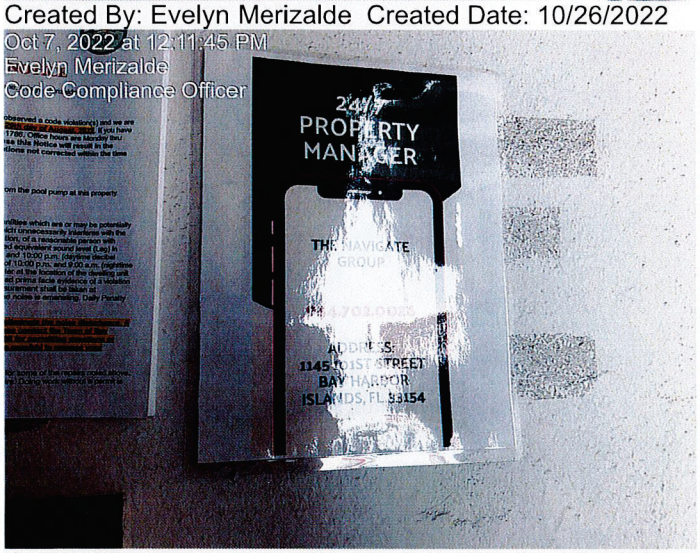
Created By: Evelyn Merizalde Created Date: 10/26/2022



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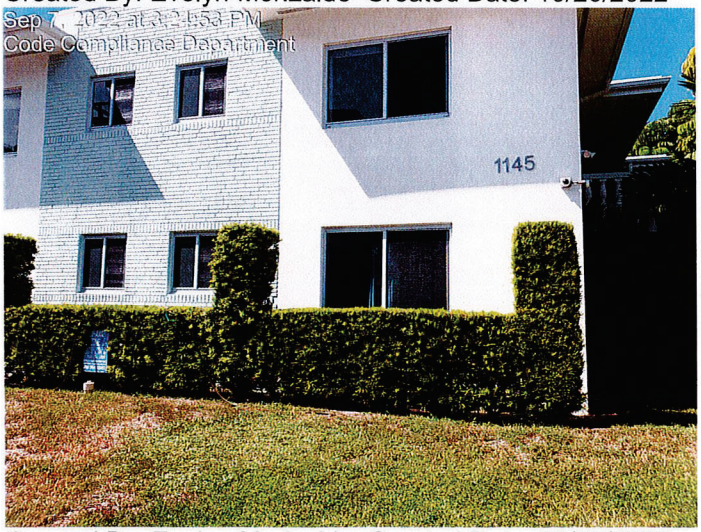

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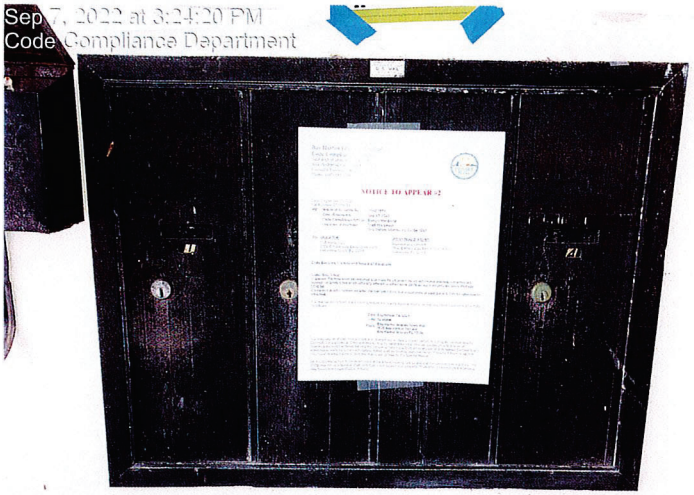

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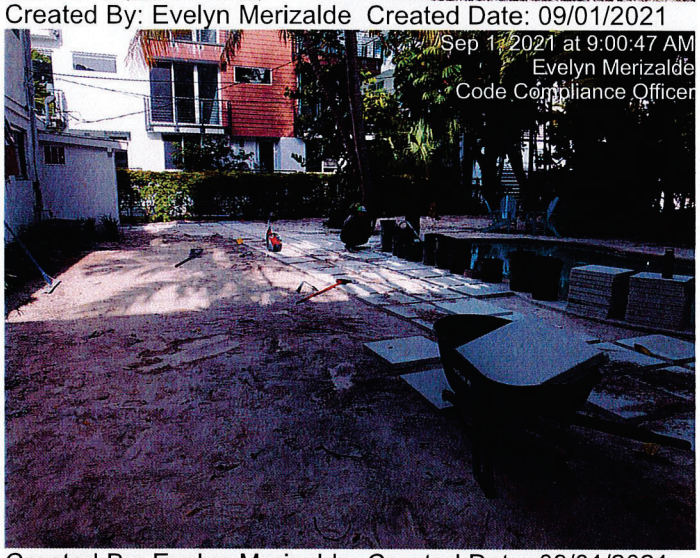
Created By: Evelyn Merizalde Created Date: 09/07/2022



Created By: Evelyn Merizalde Created Date: 09/01/2021



Created By: Evelyn Merizalde Created Date: 09/01/2021



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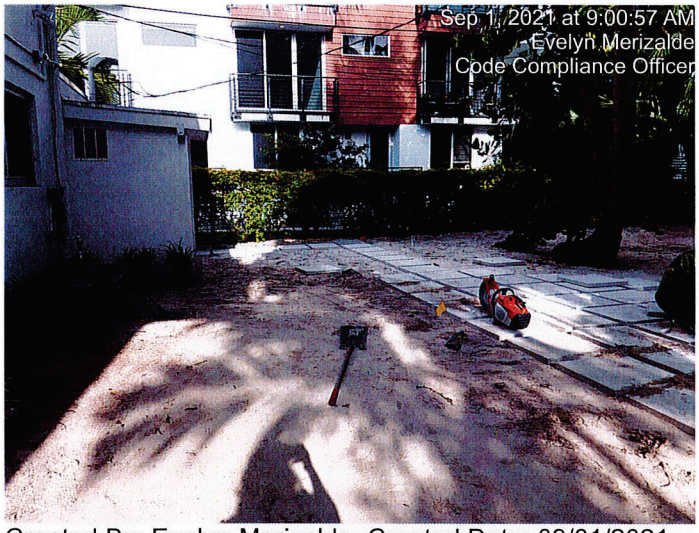

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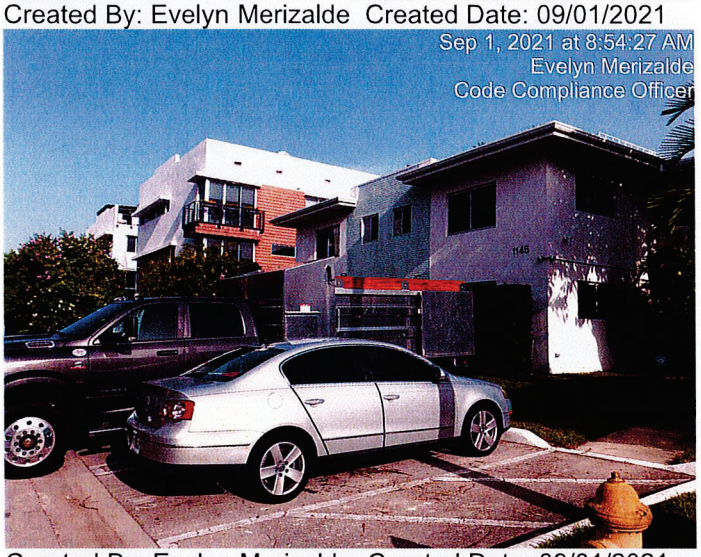

Created By: Evelyn Merizalde Created Date: 09/01/2021



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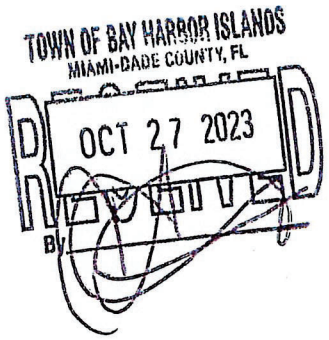
Maximillian Everhardt
3419 Via Lido #645
Newport Beach, CA 92663
949-828-4705
Max@MaximillianGroup.com



Date: 10/23/2023

Litigation Committee
c/o Yvonne P. Hamilton
Acting Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Re: Case # 21-001813
Violation Address: 1145 101st Bay Harbor Islands, Florida 33154

Dear Members of the Litigation Committee,

I am reaching out to request a further reconsideration of the fines imposed on my property concerning the pool pavers installation that occurred without the requisite permits. While I have already addressed this matter with the Special Master, resulting in a commendable 50% reduction in the fines, I'm compelled to present further arguments in favor of reducing this fine to a total settlement of $8,562.

1. **Reliance on Licensed Professionals:** Entrusting a licensed landscaper with the installation, I operated under the assumption that their professional expertise would ensure complete adherence to all necessary permits and regulations. Their assurance solidified my trust, a trust I later realized was misplaced.

2. **Geographical Challenges:** Residing in Chicago during the installation, I was reliant on Bay Harbor's local experts for guidance, banking on their knowledge of local regulations and adherence.
3. **Diligent Efforts at Rectification:** Upon the town's notice, I proactively sought the services of multiple professionals, incurring substantial costs, to rectify the oversight. This proactive approach culminated in the city's final approval of the pavers without necessitating any changes.
4. **Ambiguity and Inconsistencies in Fines:** The clarity I sought in the penalties was clouded by inconsistencies. The lien recorded by the town on December 23rd, 2022, persistently stated a daily fine of $50 until compliance. Multiple confirmations by town officials by email, phone calls, and documentation, further confirmed this understanding. The sudden correction 250 days later, unveiled just two days before my property's closing, not only lacked an authoritative signature but also introduced undue financial and emotional distress.
5. **Commitment to Trust and Transparency:** The Bay Harbor Islands community anchors its trust in the town's unwavering commitment to transparency and fairness. It is paramount, both in the spirit of administrative law and principles of public service, that the town maintains consistency in its official records. Such deviations, especially with financial bearings, demand immediate and clear communication.
6. **Clear Stand on Fine Amount:** The consistently recorded fine of $50 per day, backed by signatures of the Special Master and other town officials, underscores the need for the committee to uphold this figure.

Given the 685 days in consideration, the fine should logically be $34,250 not $85,950 that is currently imposed. With the prior 50% reduction, this amounts to $17,125. The recent lien, unsigned and presented 250 days later, muddies these clear waters.

I, therefore, earnestly appeal to the committee to consider my settlement proposal of $8,562 for the pool pavers.

It's important to highlight that the pavers were ultimately deemed to be correctly installed. The inspector confirmed that no modifications were necessary; we didn't have to remove or alter them in any way. The sole oversight was not obtaining a permit for their installation. Nonetheless, I recognize the importance of adhering to regulations and understand the rationale behind penalties.

This situation has highlighted the significance of thorough personal supervision, even when working alongside professionals who assure you everything is ok. I sincerely hope the committee can understand my perspective and work towards a fair resolution.

I am grateful for your time and consideration. Should there be a need for further discussions or clarifications, I am at your disposal.

Sincerely,

Maximillian Everhardt

Overview of Documents – Pool Pavers
Philoxenia, LLC # 21-001813

- Claim of Lien Filed 12/23/2022 showing a $50 daily fine

- Corrected Claim of Lien Filed 08/29/2023 showing a $250 daily fine

- August 25, 2023 Email from my Closing Attorney clarifying $50 a day fine vs $250 – Yvonee stating she stood corrected at the $50 a day fine

CFN: 20220955464 BOOK 33516 PAGE 4487
DATE:12/23/2022 09:56:29 AM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

This instrument prepared by
and record and return to:
Yvonne P. Hamilton, Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida

Orginally filed 12/23/2022

Claim of Lien

State of Florida
County of Miami-Dade

Before me, the undersigned Notary Public, personally appeared Maria Lasday 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 Town of Bay Harbor Island Code of Ordinances; Citation #21-001813; a fine of Fifty Dollars ($50.00) per day until compliance is met, plus a Two Hundred Dollar ($200.00) Administrative Fee levied on October 27, 2022, by Special Master Richard Kroop. 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,

> Owner: Philoxenia LLC
> Commonly known as: 1145 101st Street
> Bay Harbor Islands, Florida 33154
> Lot 15, Block 6, PB 46, Page 5
> Miami-Dade County, Florida

an amount of Two Hundred Dollars ($200) as of October 27, 2022, plus a daily fine of $50 shall continue to accrue until compliance is met. The lienor served his notice to owner on September 3, 2021, by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Maria Lasday
Maria Lasday, Town Manager

Sworn to and subscribed before me this 21st day of December 2022.

YVONNE P. HAMILTON
Notary Public - State of Florida
Commission # HH 093435
My Comm. Expires Feb 15, 2025
Bonded through National Notary Assn.

(Notary Public)

I, Yvonne P. Hamilton, 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 21st day of December 2022, A.D.

Town Clerk
Town of Bay Harbor Islands, Florida

APPEARANCES:

No one appeared at the hearing.	(Owner/Violator)
Scherrie Griffin	(Code Inspector)
Evelyn Merizalde	(Code Compliance Supervisor)
Yvonne Hamoltion	(Town Clerk)
Joseph Gellar	(Town Attorney)
Mike Mesa	(Chief Building Official)

WITNESSES:

NAME	ADDRESS	CALLED BY

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MASTER'S FINDINGS OF FACT:

- [x] 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.
- [x] 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.
- [x] The administrative cost of this hearing shall be $200.00
- [ ] 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 10/4/21 at $50.00 per day until compliance is met.

Fine Assessed: $50.00 per day Administrative Fee $200.00 Total Owed: $200.00

Back to the next Special Master Hearing in days.

Special Master: Richard Kroop

Signature: 

Signed

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 23rd day of August 2023, by Maria Lasday, Town Manager, on behalf of the Town of Bay Harbor Islands, who is personally known to me or who produced the following as identification: _____, who has specific authority to execute this Claim of Lien on behalf of the Town of Bay Harbor Islands and who did/did not take an oath.

Notary Public
My commission expires:

YVONNE P. HAMILTON
Notary Public - State of Florida
Commission # HH 093435
My Comm. Expires Feb 15, 2025
Bonded through National Notary Assn.

Collected Lien Filed 250 days after the initial ↓ 2-Days Prior to my Real-Estate closing

CFN: 20230609534 BOOK 33858 PAGE 1379
DATE:08/29/2023 04:07:15 PM
JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT & COMPTROLLER
MIAMI-DADE COUNTY, FL

This instrument prepared by
and record and return to:
Yvonne P. Hamilton, Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida

Claim of Lien
(Corrected)

State of Florida
County of Miami-Dade

Before me, the undersigned Notary Public, personally appeared Maria Lasday 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 Town of Bay Harbor Island Code of Ordinances; Citation #21-001813; a fine of Two Hundred Fifty Dollars ($250.00) per day until compliance is met, plus a Two Hundred Dollar ($200.00) Administrative Fee levied on October 27, 2022, by Special Master Richard Kroop. 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,

> Owner: Philoxenia LLC
> Commonly known as: 1145 101st Street
> Bay Harbor Islands, Florida 33154
> Lot 15, Block 6, PB 46, Page 5
> Miami-Dade County, Florida

an amount of Two Hundred Dollars ($200) as of October 27, 2022, plus a daily fine of $250 shall continue to accrue until compliance is met. The lienor served his notice to owner on September 3, 2021, by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Maria Lasday

Maria Lasday, Town Manager

APPEARANCES:

No one appeared at the hearing.	(Owner/Violator)
Scherrie Griffin	(Code Inspector)
Evelyn Merizalde	(Code Compliance Supervisor)
Yvonne Hamoltion	(Town Clerk)
Joseph Gellar	(Town Attorney)
Mike Mesa	(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 $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 $200.00
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- ☐ 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 10/4/21 at $250.00 per day until compliance is met.

Fine Assessed: $250.00 per day Administrative Fee $200.00 Total Owed: $200.00

Back to the next Special Magistrate Hearing in days.

Special Magistrate: Richard Kroop Signature:_____

From: Eric P. Stein <eric@epslaw.com>
Sent: Friday, August 25, 2023 11:22 AM
To: Cata Arroyave <cata@epslaw.com>; Yvonne Hamilton <yhamilton@bayharborislands-fl.gov>
Cc: Evelyn Merizalde <emerizalde@bayharborislands-fl.gov>; Closings <closings@epslaw.com>
Subject: RE: Claim of Lien Payoff I PHILOXENIA, LLC (1145 101 St., Units 1-4, BHI, FL 33154)

Hi Yvonne,

Hope you are well. In your email to my paralegal below, you indicate: *Please be aware that the Claim of Lien was just corrected to show a daily fine of $250 imposed by the Special Master, instead of $200.*

The attached Claim of Lien in OR Book 33516 at Page 4487 does not provide for daily fine of $200/day; it provides for a fine of $50/day. Please clarify.

Also, can you please confirm whether compliance on the subject violation has been achieved?

Thank you,

Eric P. Stein
Attorney

Board Certified by The Florida Bar in:
Real Estate Law and Condominium and Planned Development Law

Eric P. Stein, P.A.
1820 N.E. 163 Street, Suite 100 I North Miami Beach, FL 33162
Tel: (786) 248-1000 I Fax: (786) 248-1004
E-mail I V-Card I Bar Number 38301

Eric P. Stein, P.A.
1820 N.E. 163 Street, Suite 100 I North Miami Beach, FL 33162
Tel: (786) 248-1000 I Fax: (786) 248-1004
E-mail | V-Card | Bar Number 38301



Reduce. Reuse. Recycle: Please do not print this email unless absolutely necessary.

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AVIS: Ce courriel est confidentiel. Toute diffusion, utilisation ou copie de ce message ou des renseignements qu'il contient par une personne autre que les destinataires dsigns est interdite. Si vous recevez ce courriel par erreur, veuillez m'en aviser immdiatement, par retour de courriel ou par un autre moyen. Je vous remercie.

AVISO: Este mensaje es confidencial. Cualquier distribución, uso o copia del mensaje o de la información en el contenido por otras personas distintas de los destinatarios esta prohibida. Si usted recibe este mensaje por error, por favor comuniquemelo inmediatamente mediante reenvío del mensaje o por otro medio. Gracias.

From: Yvonne Hamilton <yhamilton@bayharborislands-fl.gov>
Sent: Friday, August 25, 2023 11:35 AM
To: Eric P. Stein <eric@epslaw.com>
Cc: Evelyn Merizalde <emerizalde@bayharborislands-fl.gov>; Closings <closings@epslaw.com>; Cata Arroyave <cata@epslaw.com>
Subject: RE: Claim of Lien Payoff I PHILOXENIA, LLC (1145 101 St., Units 1-4, BHI, FL 33154)

Hi Eric:

I stand corrected.

Sincerely,

Yvonne P. Hamilton, CMC
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Telephone (305) 866-6241, Extension 112
Email: yhamilton@bayharborislands-fl.gov

Yvonne Hamilton

From: Maximillian Everhardt <max@maximilliangroup.com>
Sent: Wednesday, January 3, 2024 3:13 PM
To: Yvonne Hamilton
Subject: Re: Litigation Committee Package Files: # 21-001813, 22-000227

Hi Yvonne, Happy New Year.

I was following up on the two files pertaining to the litigation committee. This has been several months now without a hearing. $116,000 is an extremely large amount of money to just have sitting in an escrow account at the title company.

Is there any update on a litigation committee hearing? I work full time and need to travel by plane to attend the hearing so advance notice is necessary.

Please let me know. Thank you.

-Max

This message, including any attachments, is solely for the use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution of this communication is expressly prohibited.

On Dec 20, 2023, at 10:20 AM, Maximillian Everhardt <max@maximilliangroup.com> wrote:

I would agree to a total of $1,000 for file number: 22-000227

Maximillian Everhardt, J.D.

Maximillian Group, LLC

3419 Via Lido Suite 645
Newport Beach, CA 92663

O: 949-781-6516

DISCLAIMER: THE JD FOLLOWING MY NAME IS SOLELY AN ABBREVIATION FOR MY ACADEMIC DEGREE, JURIS DOCTOR, WHICH IS A DOCTOR OF LAW OBTAINED FROM AN ACCREDITED LAW SCHOOL. IT IS NOT INTENDED AND SHOULD NOT BE CONSTRUED TO INDICATE THAT I AM A LICENSED ATTORNEY AUTHORIZED TO PRACTICE LAW OR TO PROVIDE LEGAL ADVICE. ANY INFORMATION, OPINIONS OR ADVICE PROVIDED IN THIS COMMUNICATION IS FOR GENERAL INFORMATIONAL PURPOSES ONLY AND SHOULD NOT BE CONSIDERED LEGAL ADVICE. THE USE OF ANY INFORMATION OR MATERIALS IN THIS COMMUNICATION DOES NOT CREATE AN ATTORNEY-CLIENT RELATIONSHIP BETWEEN THE READER AND MYSELF. IF YOU REQUIRE LEGAL ADVICE, PLEASE CONSULT A LICENSED ATTORNEY IN YOUR JURISDICTION.

AGENDA ITEM REPORT
February 7, 2024

ITEM NUMBER: 2.

ITEM: Approval or **Denial** of a settlement agreement for Notice of Violation No. 22-000227 - Section 23-72(a) of the Town Code - Operating a vacation rental without registering the property with the town. Philoxenia, LLC, 1145 101 Street, Bay Harbor Islands, FL 33154. The fine assessed was $62,000 plus a $200.00 Administrative Fee. On September 27, 2023, the Special Magistrate mitigated the fine to $31,200.00. **The property owner is proposing a Settlement Offer of $1,000.00.**

DESCRIPTION:
Approval or **Denial** of a settlement agreement for Notice of Violation No. 22-000227 - Section 23-72(a) of the Town Code - Operating a vacation rental without registering the property with the town. Philoxenia, LLC, 1145 101 Street, Bay Harbor Islands, FL 33154. The fine assessed was $62,000 plus a $200.00 Administrative Fee. On September 27, 2023, the Special Magistrate mitigated the fine to $31,200.00. **The property owner is proposing a Settlement Offer of $1,000.00.**

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	22-000227 1145 101 ST Settlement offer
2.	Litigation Documents 22-000227 1145 101 St

Maximillian Everhardt
3419 Via Lido #645
Newport Beach, CA 92663
949-828-4705
Max@MaximillianGroup.com

Date: 10/23/2023

Litigation Committee
c/o Yvonne P. Hamilton
Acting Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Re: Case # 22-000227
Violation Address: 1145 101st Bay Harbor Islands, Florida 33154

Dear Members of the Litigation Committee,

I am writing to request a settlement regarding a violation concerning short-term rentals at the above-mentioned address. I value the rules and regulations set by the Town of Bay Harbor Islands and have always aimed to adhere to them to ensure the safety and prosperity of our community.

Upon purchasing the building, I engaged LJ Services Group, a management company familiar with the property and confident in its experience with the town's regulations. For their assurances and services to obtain the necessary licenses for short-term rentals, I compensated them $3,500. They confirmed in writing that all required licenses were secured, attached hereto.

Ms. Alba Chang was our primary contact during the application process. LJ Services Group, confirmed the successful submission, review, and approval of all necessary applications and

documents. Subsequently, the town inspectors approved our Business Tax Receipt for each short-term rental, attached. It's my understanding, fortified by the town's processes, that such permits are only issued after comprehensive vetting and approval of the required documentation.

It is important to highlight that our interactions and attempts to ensure compliance took place during the unprecedented times of the COVID-19 pandemic. As a result, there were inevitable disruptions in communications. We sent multiple emails to the town's authorities seeking clarifications and information. However, many of these went unanswered. Additionally, our efforts to personally visit the town's office were unsuccessful due to its temporary closure during the pandemic. Despite these challenges, we remained committed to ensuring full compliance and continued our attempts to rectify any potential issues.

The short-term rentals in question underwent meticulous inspections by state, county, and city authorities. Every governing body granted approval, indicating our adherence to all safety and compliance regulations. These approvals, consolidated into a comprehensive package, were shared with the Town of Bay Harbor Islands during the license application process.

The permit under discussion was granted on November 21, 2021. However, the non-compliance notice was communicated to me on August 18, 2022. According to Article 6, Sec. 23-76 of the Bay Harbor Islands Code, all Business Tax Receipts are valid for up to one year, expiring annually on September 30th. Hence, at the time of the violation notice, no violation was in place.

LJ Services informed me of this violation and assured me they were directly collaborating with the city to rectify any misunderstandings. I had already compensated them $3,500 based on their earlier assurances of securing the necessary approvals.

It appears that during the transition to a new city worker and subsequent interactions with LJ Services, elements of our application may have been inadvertently overlooked or mishandled. Given the proactive measures I undertook, the multiple levels of approval I secured, and the good faith in which I operated, I kindly request your understanding and consideration.

In light of the detailed inspections and approvals each unit underwent, including the issuance of permit numbers by the Town of Bay Harbor, I kindly request a full abatement of the fine.

However, I agree to the administrative fees of $250 for the previous hearing held on September 27th, 2023.

Thank you for your attention to this matter. I am eager to cooperate in any way that ensures clarity, understanding, and resolution.

Sincerely,

Maximillian Everhardt

Overview of Documents – Vacation Rental Philoxenia, LLC # 22-000227

- Town of Bay Harbor Vacation Business Tax Receipt Approvals
    - Unit 1
    - Unit 2
    - Unit 3
    - Unit 4
- Miami-Dade Fire Rescue Department Approved Inspections
    - Unit 1
    - Unit 2
    - Unit 3
    - Unit 4
- State of Florida Division of Hotels and Restaurants Receipt for License Approval
    - Units 1 through 4
- Miami Dade County Tourist Tax Return
- Emails with Alba Chang showing confirmation of applications
- LJ Services Text Message Dated 11/23/2021
- Signed Affidavit from LJ Services, LLC

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INSPECTION COMMENTS

Permit #: B21-000621
Work description: Vacation Business tax receipt
Address: 1145 101 Street 1
Department: Building Department
Inspector: Carlos Lanza
Status: Approved

Inspection Comments:

1. BTR, approved. - Carlos Valenti

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Permit #: B21-000621
Project #: 21-002372
Status: Closed
Address: 1145 101 Street 1
Description: Vacation Business tax receipt



Permit Reviews Documents Inspections

Inspection Type	Inspector	Date	Status
BTR Inspection (Bldg)	Carlos Lanza	11/23/2021	Approved VIEW COMMENTS →

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INSPECTION COMMENTS

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Permit #: B21-000622
Work description: Vacation Business tax receipt
Address: 1145 101 Street 2
Department: Building Department
Inspector: Carlos Lanza
Status: Approved

Inspection Comments:

1. BTR, approved. - Carlos Valenti

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Permit #: B21-000622
Project #: 21-002373
Status: Closed
Address: 1145 101 Street 2
Description: Vacation Business tax receipt



Permit Reviews Documents Inspections

Inspection Type	Inspector	Date	Status
BTR Inspection (Bldg)	Carlos Lanza	11/23/2021	Approved VIEW COMMENTS →

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Permit #: B21-000623
Work description: Vacation Business tax receipt
Address: 1145 101 Street 3
Department: Building Department
Inspector: Carlos Lanza
Status: Approved

Inspection Comments:

1. BTR, approved. - Carlos Valenti

BAY HARBOR ISLANDS

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Permit #: B21-000623
Project #: 21-002374
Status: Closed
Address: 1145 101 Street 3
Description: Vacation Business tax receipt



Permit Reviews Documents Inspections

Inspection Type	Inspector	Date	Status
BTR Inspection (Bldg)	Carlos Lanza	11/23/2021	Approved VIEW COMMENTS →

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INSPECTION COMMENTS

Home / Services / Permits / View Permit / Inspection / Inspection Comments

Permit #: B21-000624
Work description: Vacation Business tax receipt inspection
Address: 1145 101 Street 4
Department: Building Department
Inspector: Carlos Lanza
Status: Approved

Inspection Comments:

1. BTR, approved. - Carlos Valenti

LOGII

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Permit #: B21-000624
Project #: 21-002375
Status: Closed
Address: 1145 101 Street 4
Description: Vacation Business tax receipt inspection



Permit Reviews Documents Inspections

Inspection Type	Inspector	Date	Status
BTR Inspection (Bldg)	Carlos Lanza	11/23/2021	Approved VIEW COMMENTS →

MIAMI-DADE FIRE RESCUE DEPARTMENT - Inspection Report

FIRE PREVENTION DIVISION
9300 NW 41 STREET, DORAL, FLORIDA 33178
PHONE 786.331.4800 FAX 786.331.4801

PERMIT # 21124-01107

RESULT: Inspected / Approved
Resulted Date: 11/23/21

Business Address: (District 1)
PHILOXENIA LLC
1145- 101 ST UNIT 1
BAY HARBOR ISLANDS, FL 33154

Billing Address:
PHILOXENIA LLC
2500 E HALLANDALE BEACH BLVD UNIT 1
HALLANDALE BEACH, FL 33009

Permit Type: Residential / Other Residential. **Inspection Month:** December

Inspector:
FAI YEUNG
786-331-4835
fai.yeung@miamidade.gov

Please Note: A Life Safety Permit required by Section 14-39, Code of Miami-Dade County, to operate the above named occupancy will be issued upon correction of all outstanding violations and payment of fees assessed. **Failure to obtain the required Life Safety Permit will result in enforcement actions including fines, citations, liens and/or orders to cease and desist operation.**

No violations noted at this time

CUSTOMER SIGNATURE

Title: Management Company
Name: LINDA JOHNSON

Please Note: A life safety permit will be issued upon compliance of outstanding violations and payment of fees assesed . One (1) re-inspection will be performed at no additional cost. All subsequent re-inspections will be billed at one-half the original permit fee amount.

ease take a minute to complete our survey at:

MIAMI-DADE FIRE RESCUE DEPARTMENT - Inspection Report

FIRE PREVENTION DIVISION
9300 NW 41 STREET, DORAL, FLORIDA 33178
PHONE 786.331.4800 FAX 786.331.4801

PERMIT # 21124-01108

RESULT: Inspected / Approved
Resulted Date: 11/23/21

Business Address: (District 1)
PHILOXENIA, LLC
1145- 101 ST UNIT 2
BAY HARBOR ISLANDS, FL 33154

Billing Address:
PHILOXENIA, LLC
2500 E HALLANDALE BEACH BLVD UNIT 800
HALLANDALE BEACH, FL 33009

Permit Type: Residential / Other Residential. **Inspection Month:** December
Inspector:
FAI YEUNG
786-331-4835
fai.yeung@miamidade.gov

Please Note: A Life Safety Permit required by Section 14-39, Code of Miami-Dade County, to operate the above named occupancy will be issued upon correction of all outstanding violations and payment of fees assessed. **Failure to obtain the required Life Safety Permit will result in enforcement actions including fines, citations, liens and/or orders to cease and desist operation.**

No violations noted at this time

CUSTOMER SIGNATURE

Title: Management Company
Name: LINDA JOHNSON

Please Note: A life safety permit will be issued upon compliance of outstanding violations and payment of fees assesed . One (1) re-inspection will be performed at no additional cost. All subsequent re-inspections will be billed at one-half the original permit fee amount.

[redacted]

Inspection Report #2309031
Generated on: 11/23/2021

MIAMI-DADE FIRE RESCUE DEPARTMENT - Inspection Report

FIRE PREVENTION DIVISION
9300 NW 41 STREET, DORAL, FLORIDA 33178
PHONE 786.331.4800 FAX 786.331.4801

PERMIT # 21124-01109

RESULT: Inspected / Approved
Resulted Date: 11/23/21

Business Address: (District 1)
PHILOXENIA, LLC
1145- 101 ST UNIT 3
BAY HARBOR ISLANDS, FL 33154

Billing Address:
PHILOXENIA, LLC
2500 E HALLANDALE BEACH BLVD UNIT 800
HALLANDALE BEACH, FL 33009

Permit Type: Residential / Other Residential. **Inspection Month:** December

Inspector:
FAI YEUNG
786-331-4835
fai.yeung@miamidade.gov

Please Note: A Life Safety Permit required by Section 14-39, Code of Miami-Dade County, to operate the above named occupancy will be issued upon correction of all outstanding violations and payment of fees assessed. **Failure to obtain the required Life Safety Permit will result in enforcement actions including fines, citations, liens and/or orders to cease and desist operation.**

No violations noted at this time

CUSTOMER SIGNATURE

Title: Management Company
Name: LINDA JOHNSON

Please Note: A life safety permit will be issued upon compliance of outstanding violations and payment of fees assesed . One (1) re-inspection will be performed at no additional cost. All subsequent re-inspections will be billed at one-half the original permit fee amount.

ease take a minute to complete our survey at:

MIAMI-DADE FIRE RESCUE DEPARTMENT - Inspection Report

FIRE PREVENTION DIVISION
9300 NW 41 STREET, DORAL, FLORIDA 33178
PHONE 786.331.4800 FAX 786.331.4801

PERMIT # 21124-01110

Business Address: (District 1)
PHILOXENIA, LLC
1145- 101 ST UNIT 4
BAY HARBOR ISLANDS, FL 33154

Billing Address:
PHILOXENIA, LLC
2500 E HALLANDALE BEACH BLVD UNIT 8
HALLANDALE BEACH, FL 33009

RESULT: Inspected / Approved
Resulted Date: 11/23/21

Permit Type: Residential / Other Residential. **Inspection Month:** December
Inspector:
FAI YEUNG
786-331-4835
fai.yeung@miamidade.gov

Please Note: A Life Safety Permit required by Section 14-39, Code of Miami-Dade County, to operate the above named occupancy will be issued upon correction of all outstanding violations and payment of fees assessed. **Failure to obtain the required Life Safety Permit will result in enforcement actions including fines, citations, liens and/or orders to cease and desist operation.**

No violations noted at this time

CUSTOMER SIGNATURE

Title: Management Company
Name: LINDA JOHNSON

Please Note: A life safety permit will be issued upon compliance of outstanding violations and payment of fees assesed . One (1) re-inspection will be performed at no additional cost. All subsequent re-inspections will be billed at one-half the original permit fee amount.

[redacted]ease take a minute to complete our survey at:

MIAMI-DADE FIRE RESCUE DEPARTMENT - Inspection Report

FIRE PREVENTION DIVISION
9300 NW 41 STREET, DORAL, FLORIDA 33178
PHONE 786.331.4800 FAX 786.331.4801

PERMIT # 07124-00837

Business Address: (District 1)
ISLAND HOUSE SOUTH CONDOMINIUM
ASSOCIATION, INC.
1145- 101 ST
BAY HARBOR ISLANDS, FL 33154

Billing Address:
ISLAND HOUSE SOUTH CONDOMINIUM
ASSOCIATION, INC.
1145 101 ST UNIT 1
BAY HARBOR ISLANDS, FL 33154

RESULT: Inspected / Approved
Resulted Date: 10/29/21

Permit Type: Residential / Apartments, Condos.
Inspection Month: November
Inspector:
FAI YEUNG
786-331-4835
fai.yeung@miamidade.gov

Please Note: A Life Safety Permit required by Section 14-39, Code of Miami-Dade County, to operate the above named occupancy will be issued upon correction of all outstanding violations and payment of fees assessed. **Failure to obtain the required Life Safety Permit will result in enforcement actions including fines, citations, liens and/or orders to cease and desist operation.**

No violations noted at this time

CUSTOMER SIGNATURE

Title: Agency
Name:

Please Note: A life safety permit will be issued upon compliance of outstanding violations and payment of fees assesed . One (1) re-inspection will be performed at no additional cost. All subsequent re-inspections will be billed at one-half the original permit fee amount.

[redacted]ease take a minute to complete our survey at:

Inspection Report #2279039
Generated on: 10/29/2021

STATE OF FLORIDA

DIVISION OF HOTELS AND RESTAURANTS
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
www.myfloridalicense.com

RECEIPT FOR LICENSE

LICENSE NUMBER: Rank: LICENSE TYPE: 2003/Apartment

PRINT DATE: Oct 19, 2021 10:24

FILE NUMBER: 109874

Seats/Units: 4

This verifies that PHILOXENIA

Doing business as PHILOXENIA

has met the requirements for Apartment licensure to operate at:

1145 101St 1145 101 ST

BAY HARBOR ISLANDS FL 33154

This is authorization to operate for 30 days. An annual license is available through your DBPR Online Services account at www.myfloridalicense.com. If you haven't already created your DBPR account please do so now.



Inspector Signature

Vicente Prieto
Inspector
8240 NW 52nd Terrace, Suite 101
Doral, FL 33166
305 629 1882
Oct 19, 2021 10:23

October 19, 2021 at 10:24:08 AM EDT
Location: PHILOXENIA
License #:
Inspector: Vicente Prieto

Temporary License

Software Version 7.34

MONTHLY TAX RETURN

CONVENTION & TOURIST TAX RETURN

Oct 2021

MIAMI-DADE COUNTY

ACCOUNT NUMBER	ZONE	ACCOUNT TYPE	COLLECTION PERIOD	DUE DATE
96206	13	CT	Oct 2021	11/22/2021

Business Location
PHILOXENIA LLC
1145 101ST ST UNIT 1-4
BAY HARBOR ISLANDS, FL 33154-1525

Gross Receipts
Less Exemptions F.S. 212.08(7)
Taxable Receipts
Tax Collected
Adjustments
Amount Due
Less: Collection Allowance

Plus: Penalty ($50 Minimum)
Plus: Interest

Total Due

Net Amount Due:

Transient Rentals

e-file only

Delq After November 20th, 2021

Mailing Address

Linda Johnson (Manager)
LJ Services Group
1150 KANE CONCOURSE FL 2
BAY HARBOR ISLANDS, FL 33154-2057

For Tax Collector information visit www.miamidade.gov/taxcollector/hotel-and-restaurant-taxes.asp or call 305-375-5587.

↑ RETAIN FOR YOUR RECORDS ↑

↓ DETACH HERE AND RETURN THIS PORTION WITH YOUR PAYMENT ↓

ONVENTION & TOURIST TAX RETURN

Make checks payable to **Miami-Dade County Tax Collector** (in U.S. funds drawn on U.S. banks)

ACCOUNT NUMBER	ZONE	ACCOUNT TYPE	COLLECTION PERIOD	DUE DATE
96206	13	CT	Oct 2021	11/22/2021

usiness Location PHILOXENIA LLC
1145 101ST ST UNIT 1-4
BAY HARBOR ISLANDS, FL 33154-1525

Linda Johnson (Manager)
LJ Services Group
1150 KANE CONCOURSE FL 2
BAY HARBOR ISLANDS, FL 33154-2057

Gross Receipts
Less Exemptions F.S. 212.08(7)
Taxable Receipts
Tax Collected
Adjustments
Amount Due
Less: Collection Allowance

Plus: Penalty ($50 Minimum)
Plus: Interest

Total Due

Transient Rentals

e-file only

Phone:(305) 864-2790

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Tuesday, November 30, 2021 1:45:42 PM
To: Alba Chang <achang@bayharborislands-fl.gov>
Cc: Max Everhardt <max.everhardt@vsusa.org>
Subject: Re: 1145 101 st

I submitted application for airbnb with everything that was being requested was in that packet.

Linda Johnson, LCAM, MBA
LJ Services Group
1150 Kane Concourse 2nd Floor
Bay Harbor, FL 33154
Phone:(305) 864-2790

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Tuesday, November 30, 2021 1:45:04 PM
To: Alba Chang <achang@bayharborislands-fl.gov>
Cc: Max Everhardt <max.everhardt@vsusa.org>
Subject: Re: 1145 101 st

Yes, I did.

Linda Johnson, LCAM, MBA
LJ Services Group
1150 Kane Concourse 2nd Floor
Bay Harbor, FL 33154
Phone:(305) 864-2790

From: Alba Chang <achang@bayharborislands-fl.gov>
Sent: Tuesday, November 30, 2021 1:37:03 PM
To: Linda Johnson <ljohnson@ljservicesgroup.com>
Cc: Max Everhardt <max.everhardt@vsusa.org>
Subject: RE: 1145 101 st

Hi Linda,

Have you submitted a BTR Application?

Alba L. Chang, CMC
Town Clerk

Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Ph. 305-866-6241
Fax 305-866-4863
Email: achang@bayharborislands-fl.gov
Website: www.bayharborislands-fl.gov

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Tuesday, November 30, 2021 1:27 PM
To: Alba Chang <achang@bayharborislands-fl.gov>
Cc: Max Everhardt <max.everhardt@vsusa.org>
Subject: 1145 101 st

Alba,

Can you explain the business tax receipt what do you need so that I can get this since we have all the approvals from town of bay harbor. The fire department also approved, the state approved it as well. Please advise as soon as possible.

Linda Johnson, LCAM, MBA
LJ Services Group
1150 Kane Concourse 2nd Floor
Bay Harbor, FL 33154
Phone:(305) 864-2790

Total Control Panel Login

To: achang@bayharborislands-fl.gov Remove this sender from my allow list
From: ljohnson@ljservicesgroup.com

You received this message because the sender is on your allow list.

Total Control Panel Login

To: achang@bayharborislands-fl.gov Remove this sender from my allow list
From: ljohnson@ljservicesgroup.com

You received this message because the sender is on your allow list.

Total Control Panel Login

To: achang@bayharborislands-fl.gov Remove this sender from my allow list
From: ljohnson@ljservicesgroup.com

Bay Harbor Islands, FL 33154
Ph. 305-866-6241
Fax 305-866-4863
Email: achang@bayharborislands-fl.gov
Website: www.bayharborislands-fl.gov

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Monday, December 6, 2021 6:14 PM
To: Alba Chang <achang@bayharborislands-fl.gov>
Cc: Max Everhardt <max.everhardt@vsusa.org>
Subject: Re: 1145 101 st

I submitted it

Linda Johnson, LCAM, MBA
LJ Services Group
1150 Kane Concourse 2nd Floor
Bay Harbor, FL 33154
Phone:(305) 864-2790

From: Alba Chang <achang@bayharborislands-fl.gov>
Sent: Monday, December 6, 2021 6:06 PM
To: Linda Johnson
Cc: Max Everhardt
Subject: Re: 1145 101 st

Hi Linda,

I did an initial review of the application and the registration with the department of revenue seems to be one items that is to be submitted.

Did you submit to Alo if so I will review again tomorrow.

Alba L. Chang, CMC
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Ph. 305-866-6241
Fax 305-866-4863
Email: achang@bayharborislands-fl.gov
Website: www.bayharborislands-fl.gov

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Monday, December 6, 2021 6:02:49 PM
To: Alba Chang <achang@bayharborislands-fl.gov>
Cc: Max Everhardt <max.everhardt@vsusa.org>
Subject: Re: 1145 101 st

Alba,

Just following up on this wanting to know what I need to do what is pending so that we can get this business receipt already please let me know.

Linda Johnson, LCAM, MBA
LJ Services Group
1150 Kane Concourse 2nd Floor
Bay Harbor, FL 33154
Phone:(305) 864-2790

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Friday, December 3, 2021 12:33 PM
To: Alba Chang
Cc: Max Everhardt
Subject: Re: 1145 101 st

Alba,

Please advise I have tried calling but it states that you aren't taking calls. Need to resolve this immediately.

Linda Johnson, LCAM, MBA
LJ Services Group
1150 Kane Concourse 2nd Floor
Bay Harbor, FL 33154
Phone:(305) 864-2790

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Friday, December 3, 2021 7:43:53 AM
To: Alba Chang <achang@bayharborislands-fl.gov>
Cc: Max Everhardt <max.everhardt@vsusa.org>
Subject: Re: 1145 101 st

Alba

Please advise if I need to submit anything else.

Linda Johnson, LCAM, MBA
LJ Services Group
1150 Kane Concourse 2nd Floor
Bay Harbor, FL 33154

RE: 1145 101 st

Alba Chang <achang@bayharborislands-fl.gov>
Tue 12/7/2021 12:28 PM
To:Linda Johnson <ljohnson@ljservicesgroup.com>;Max Everhardt <max.everhardt@vsusa.org>
Cc:Aloixe Sosa <asosa@bayharborislands-fl.gov>

I have the confirmation for application.

I will need the actual registration from the department of Revenue.

Alba L. Chang, CMC
Town Clerk

Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Ph. 305-866-6241
Fax 305-866-4863
Email: achang@bayharborislands-fl.gov
Website: www.bayharborislands-fl.gov

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Tuesday, December 7, 2021 1:26 PM
To: Alba Chang <achang@bayharborislands-fl.gov>; Max Everhardt <max.everhardt@vsusa.org>
Cc: Aloixe Sosa <asosa@bayharborislands-fl.gov>
Subject: Re: 1145 101 st

I yes sent it please confirm receipt.

We will be closed in observance of Christmas on Friday, December 24 , and will reopen on December 27.

Vote for us http://www.flcaj.com/readerschoice/vote.cfm?RID=1892&CID=8
Linda Johnson
LCAM, President, LJ Services Group
LJ Services Group
1150 Kane Concourse 2nd floor
Bay Harbor, FL 33154
P. (305) 864-2790 ext 100 I www.ljservicesgroup.com
Follow us on Instagram lj_services_group
LJServicesGroup

From: Alba Chang <achang@bayharborislands-fl.gov>
Sent: Tuesday, December 7, 2021 01:25 PM
To: Linda Johnson <ljohnson@ljservicesgroup.com>; Max Everhardt <max.everhardt@vsusa.org>
Cc: Aloixe Sosa <asosa@bayharborislands-fl.gov>
Subject: RE: 1145 101 st

Okay, once you have the registration, please forward it to my office.

Alba L. Chang, CMC
Town Clerk

Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Ph. 305-866-6241
Fax 305-866-4863
Email: achang@bayharborislands-fl.gov
Website: www.bayharborislands-fl.gov

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Tuesday, December 7, 2021 1:23 PM
To: Alba Chang <achang@bayharborislands-fl.gov>; Max Everhardt <max.everhardt@vsusa.org>
Cc: Aloixe Sosa <asosa@bayharborislands-fl.gov>
Subject: Re: 1145 101 st

We will be closed in observance of Christmas on Friday, December 24 , and will reopen on December 27.

Vote for us http://www.flcaj.com/readerschoice/vote.cfm?RID=1892&CID=8
Linda Johnson
LCAM, President, LJ Services Group
LJ Services Group
1150 Kane Concourse 2nd floor

GENERAL AFFIDAVIT

THIS GENERAL AFFIDAVIT is made as of the 23nd day of October, 2023. I, LINDA JOHNSON, of LJ SERVICES, LLC, a Florida limited liability company with an address of 12000 Biscayne Blvd #406, Miami, FL 33181, in the capacity of President, solemnly affirm and declare as follows:

1. That I am competent to make this affidavit and, except as to those facts stated upon information and belief, I have personal knowledge of the facts herein and they are true and correct.

2. That in the course of my responsibilities at LJ Services, LLC, I interacted with Maximillian Everhardt and Philoxenia, LLC regarding the property located at 1145 101st Bay Harbor Islands, Florida 33154.

3. That I confirmed to Maximillian Everhardt and Philoxenia, LLC that the aforementioned property was fully licensed for short-term rentals and that there was no legal impediment to its listing on Airbnb. This confirmation was based on the confirmation that I received from Alba Chang from the town of Bay Harbor Islands.

4. That during the license application process for the said property, I communicated with Ms. Alba Chang from the Town of Bay Harbor Islands regarding the submission of all necessary documents and applications. Ms. Alba Chang informed and confirmed to me that she had received the entire application for the said property and there were no missing components or documents.

5. That based on our understanding and the confirmation from Ms. Alba Chang, LJ Services, LLC believed in good faith that all necessary licenses and permits had been successfully obtained and were in full compliance with the regulations of the Town of Bay Harbor Islands.

6. That upon being informed of a violation regarding the property, LJ Services, LLC took immediate action to address the concern and collaborate with the town authorities to rectify any misunderstandings.

7. I reiterate that all actions and communications from LJ Services, LLC in this matter were conducted in good faith, based on our understanding and the information provided to us by the Town of Bay Harbor Islands, specifically by Ms. Alba Chang.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 23rd day of October, 2023.

LJ SERVICES, LLC, a Florida Limited Liability Company

Signature: DocuSigned by: _____
By: Linda Johnson, President

9:19

2

LJ

Linda

awaiting fire

Still here fire still hasn't come by the way how much are you renting for in case i have any clients what would pay me for getting you clients

passed

Passed all inspections

PHILOXENIA LLC(21124-01107).pdf
PDF Document · 76 KB

Great work

I will take care of bill this week

Hope to see a bonus as promised

Sending also bill for maps and lamination since I had to do a total of 20

Got it.

So can I list it on Airbnb now? Or do I have to post some sort of license number?

You can list it

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

NOTICE OF VIOLATION

August 18, 2022
FILE NUMBER: 22-000227

OWNER:

Philoxenia, LLC
2500 E Hallandale Beach Blvd. #800
Hallandale Beach, FL 33009

ADDRESS OF VIOLATION:

Philoxenia, LLC -
1145 101 Street
Bay Harbor Islands, FL 33154-0000
Parcel No: 1322270590001

REGISTERED AGENT:

PHILOXENIA, LLC - Maximillian Everhardt
2500 E Hallandale Beach Blvd. # 800
Hallandale, FL 33154

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. 23-72(a)
Nature of Violation and Details:
Registration required. It is unlawful for any person to allow another person to occupy any residential property as a vacation rental within the Town of Bay Harbor Islands, or offer such rental services within the town, unless the person has registered the vacation rental property with the town and the vacation rental property has been issued a business tax receipt (BTR)..... Daily Penalty $250.00
Daily Penalty: $250.00

You may comply by: **Cease and desist from vacation rental use and remove the listing online until a Vacation Rental License is approved. Please contact the Town of Bay Harbor Islands Clerk's Office at 305-866-6241 to complete an application.**

RE: The property is advertised as a vacation rental on airbnb.
https://www.airbnb.com/rooms/53498466location=Bay%20Harbor%20Islands%2C%20Florida%2C%20United%20States&previous_page_section_name=1001&federated_search_id=a6930ab0-8c21-4ebe-8e44-87d302840f9a

Location of Violation: 1145 101 Street Violation Date: 02/14/2022

Compliance Date: September 20, 2022

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 lime 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

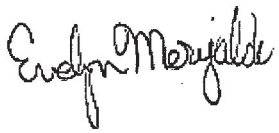
You may request an administrative hearing before a Special Master to appeal the notice of violation or to request an extension of time. The request for hearing must be filed in the office of the Town Clerk in writing within twenty (20) days after service of notice of violation or you will be deemed to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

postpone the accrual of continuing additio. penalties. You may be liable for the reasonab. sts of hearing if you are found guilty of the violation.

Service Information:

Date Mailed: 08/18/2022
Date Posted: 08/18/2022

Cert Mail Article #: 7019 1120 0000 0739 1733



Evelyn Merizalde
Code Compliance Supervisor
Town of Bay Harbor Islands
emerizalde@bayharborislands-fl.gov
786-256-4347

ADDENDUM



Photo
Evelyn Merizalde
Aug 18, 2022

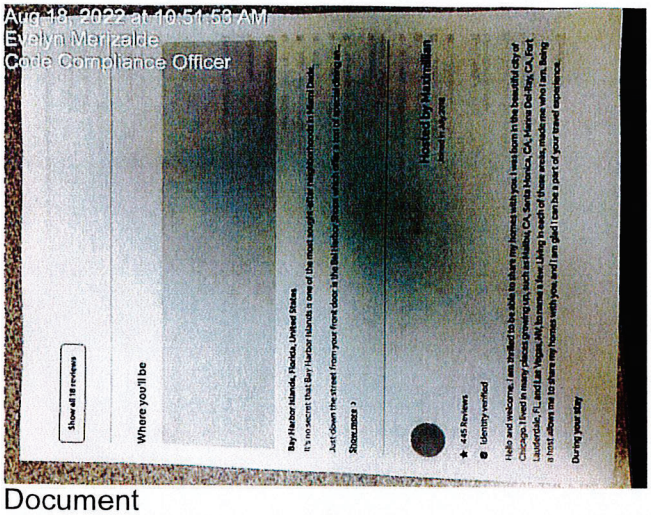


Photo
Evelyn Merizalde
Aug 18, 2022



Photo

Evelyn Merizalde
Aug 18, 2022



Document
Evelyn Merizalde
Aug 18, 2022

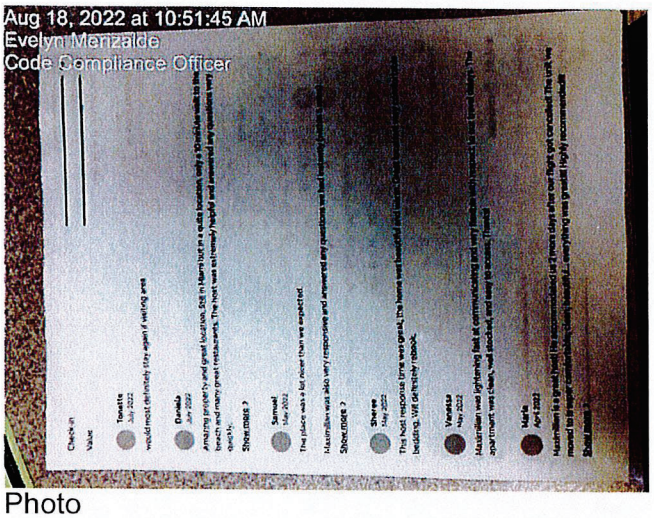


Photo
Evelyn Merizalde
Aug 18, 2022

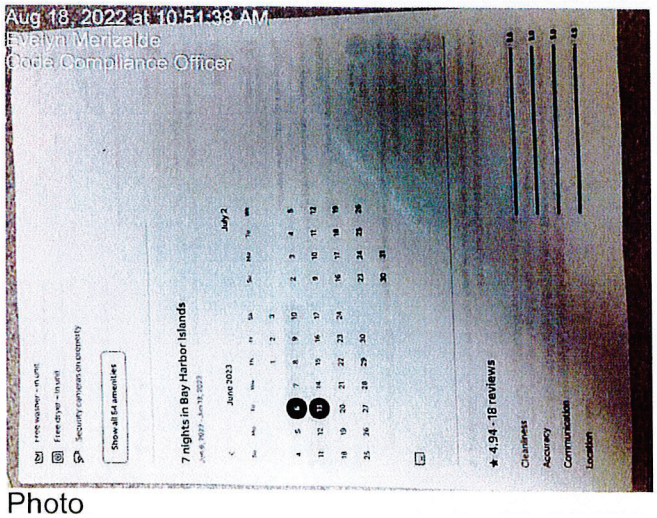


Photo
Evelyn Merizalde
Aug 18, 2022

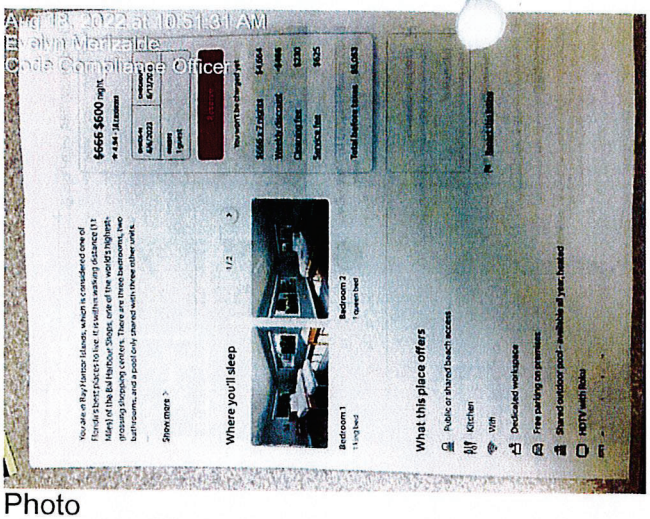


Photo
Evelyn Merizalde
Aug 18, 2022



Photo
Evelyn Merizalde
Aug 18, 2022

TOWN OF BAY HARBOR ISLANDS
Building Department
9665 Bay Harbor Terrace
Bay Harbor Islands, Fl 33154
Office: (305) 993-1786

BUSINESS TAX RECEIPT & VACATION RENTAL LICENSE REGISTRATION CHECKLIST

____ Complete Applications for Business Tax Receipt and Vacation Rental License, all fields must be filled out.

____ Copy of the applicant State issued Identification
Driver License, State Identification or Passport.

____ **Florida Department of Business & Professional Regulation**
Licensure for Transient Public Lodging Establishment.
www. myfloridalicense.com

____ **Florida Department of Revenue for Sales Tax Collection**
Certificate of Registration for purposes of Collecting & remitting tourist develment taxes, sales surtaxes, and transient rental taxes.
www.floridarevenue.com

____ **Miami-Dade County for Tourist and Convention Develoment Taxes**
Proof of Registration with or exemption must be provided.
www.miamidade.gov/taxcollector/tourist-taxes.asp or 305-375-5587

____ **Corporate Registration from the State of Florida Division of Corporations**
All businesses transacting in the State of Florida are required to register with the State of Florida. Please provide a copy of the Corporate Registration from the State of Florida Division of Corporations.

____ **Fictitious Name Registration from the State of Florida Division of Corporations**
If you are not registering an Out-of-State Corporation as a Florida Corporation, you can register same as a fictitious name or if you are conducting business under another name.

____ A notarized affidavit by the onwer and responsible party to comply with all of the Town Code.

____ Proof that notice has been provide to and written consent has been given by the **Condominium, Cooperative, or Mangement** of the complex in which the Vacation Rental uni or units are proposed.

____ A Sketch or floor plan of the unit(s) to be used as vacation rentals.

____ A Sketch of the location of the off-street parking spaces available to the property.

____ A copy of the vacation rental/lease agreement form to be used when contracting with transient occupants.

____ A copy of the lease or Warranty Deed.

PRIOR TO THE ISSUANCE OF A BUSINESS TAX RECEIPT BY THE TOWN CLERK'S OFFICE THE FOLLOWING INSPECTIONS SHALL BE PERFORMED PRIOR TO THE RENTAL / OCCUPANCY OF ANY UNIT.

____ **Building Department Inspection**
BHI Building Department - 305-993-1786
Email: amartinez@bayharborislands-fl.gov

____ **Miami- Dade County Fire Department**
Life Safety Inspection
Office of Fire Marshall - 786-331-4800

Local Business Tax Receipts are valid from October 1st through September 30th of the following year. The tax for a new business opening after April 1st may be prorated to 50% of the annual tax.

Town of Bay Harbor Islands

APPLICATION FOR BUSINESS TAX RECEIPT - VACATION RENTALS

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED
PLEASE BE SURE TO ATTACH ALL REQUIRED DOCUMENTATION

PROCESSING FEE - $25.00
LICENSE FEE -$500
REGISTRATION FEE: $750 PER UNIT

To be issued to (Name of applicant): _____

Address of building: _____ Unit No. _____

Legal Description: _____

Address of owner (if different from above): _____

_____

Phone number of Owner: _____ (Home/Cell) _____ (Business)

E-Mail Address: _____

Property Emergency Contact Information (24 hour/7 days a week contact)

Name: _____ Phone No. _____

E-mail Address: _____

Other Contact Information: _____

_____

DESCRIPTION OF PROPERTY	
Bedrooms	
Bathrooms or Toilet Facilities including Bidets	
Den or Florida Room	
Living Room	
Unit Size (Square Footage)	

Please attach the following information:

- Proof of Ownership (Deed)
- Proof of registration with, or exemption from, the Florida Department of Revenue for sales tax collection and Miami-Dade County for Tourist and Convention Development Taxes.
- Proof of licence with, or exemption from, the Florida Department of Business and Professional Regulation for a transient public lodging establishment, where applicable.
- A BTR (Business Tax Receipt) from Miami-Dade County
- A copy of the vacation rental/lease agreement form to be used when contracting with Transient Occupants.
- Any other licenses or certifications required by state or county agencies.
- Written consent by the condominium, cooperative or management of the complex in which the Vacation Rental unit or units are proposed.
- A sketch or floor plan of the unit(s) to be used as vacation rentals.
- A sketch of the location of the off-street parking spaces available to the property.
- Town Of Bay Harbor Islands Building Inspections are required and need to be provided to complete this application.
- A copy of the Miami Dade County Fire Department Inspections (life safety inspection)
- Signed Affidavit

I understand that in applying for a business license in the Town of Bay Harbor Islands it is my obligation to understand and comply with the rules and regulations of the Town of Bay Harbor Islands. I acknowledge receipt of a copy of the Town's regulations.

APPLICANT'S SIGNATURE _____ DATE: _____

UNIT OWNER'S SIGNATURE (IF DIFFERENT FROM APPLICANT _____ DATE: _____

(ATTACH A COPY OF SIGNED AFFIDAVIT BY OWNERS)

OFFICIAL USE ONLY

Town Clerk:

Type of Business Compliant with Code? ☐ Yes ☐ No

Council Approval Required? ☐ Yes ☐ No

Council Approval Date: _____

Town Clerk: _____ Town Clerk Approval Date: _____

Police Department:

Background Investigation Completed? ☐ Yes ☐ No Date: _____

Approval for License ☐ Yes ☐ No Date: _____

Officer's Name: _____ Officer's Signature: _____

Officer's Remark:

It shall be unlawful for any person to give any false or misleading information in connection with the application for registration. Incomplete or false information can result in the denial of the Business Tax Receipt.

OWNER'S AFFIDAVIT OF COMPLIANCE

VACATION RENTAL APPLICATION

ADDRESS:		UNIT(S) NO.	

I (we), _____, being first duly sworn depose and say that I am (we are) the owner(s) of the property described and have made application for a Vacation Rental Business Tax Receipt; that all the answers to the question in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief.

I further attest that I have read the standards set forth in this application and agree to comply with the conditions imposed by the Town to insure compliance with such standards. I acknowledge that a departure therefrom may result in a suspension or termination of the Business Tax Receipt and the Town has the right to reasonably inspect the premises upon which the occupation is conducted to insure compliance with the foregoing standards and conditions and to investigate complaints, if any, from neighbors.

I (we) hereby authorize the Town of Bay Harbor Islands to enter the subject property for the purpose of inspection and verification of the vacation rental application.

_____

Signature of Owner

Before me this day personally appeared

_____

known to me to be the person described in and who executed the foregoing instrument, and acknowledge to and before me that this document for the purposes therein expressed.

Sworn and subscribed to before me this _____ day of _____, 20____.

_____

Notary Public Signature

Personally Known___ Produced ID

_____

Type/number of ID.

_____

Signature of Applicant (if different from owner)

Before me this day personally appeared

_____

known to me to be the person described in and who executed the foregoing instrument, and acknowledge to and before me that this document for the purposes therein expressed.

Sworn and subscribed to before me this _____ day of _____, 20____.

_____

Notary Public Signature

Personally Known___ Produced ID

_____

Type/number of ID.

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

SPECIAL MAGISTRATE FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

Babak, LLC
7657 NW 50 Street
Miami, Fl 33166

ADDRESS OF VIOLATION:

- Babak, LLC
1145 101 Street
Bay Harbor Islands, FL 33154-0000
Parcel No: 1322270590001

REGISTERED AGENT:

Shevlin & Atkins Attorney at Law, R.A.

1111 Kane Concourse # 619
Bay Harbor Islands, FL 33154

HEARING INFORMATION

Date: September 27, 2023
Time: 10:00AM

Location: Town of Bay Harbor Morris Broad Community Center
Special Master: Christopher Benjamin

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: 22-000227

Compliance Officer: Evelyn Merizalde

Method of Service	**Date**
Posted	August 18, 2022
Certified	August 18, 2022

Violations(s):

Code Section Violated: Sec. 23-72(a)
Nature of Violation and Details:
Registration required. It is unlawful for any person to allow another person to occupy any residential property as a vacation rental within the Town of Bay Harbor Islands, or offer such rental services within the town, unless the person has registered the vacation rental property with the town and the vacation rental property has been issued a business tax receipt (BTR)..... Daily Penalty $250.00

APPEARANCES:

Maximillian Everdardt, Attorney-in-fact	(Owner's Attorney or Representative)
Scherrie Griffin	(Code Inspector)
Ayanidys Martinez	(Building & Zoning Supervisor)
Joseph Gellar	(Town Attorney)
Mike Mesa	(Chief Building Official/Building Department Director)

WITNESSES:

NAME	ADDRESS	CALLED BY

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MAGISTRATE'S FINDINGS OF FACT:

- [x] 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 $ 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.
- [x] The administrative cost of this hearing shall be $200.00
- [ ] 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 assessed in the amount of $62,000.00. The fine was mitigated by 50% to $31,000.00 plus a $200.00 administrative fee.

Fine Assessed: $31,000.00 Administrative Fee $200.00 Total Owed: $31,200.00

Back to the next Special Magistrate Hearing in days.

Special Magistrate: Christopher Benjamin Signature: Christopher Benjamin (Oct 19, 2023 15:57 EDT)

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

CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **22-000227**
Inspector: Evelyn Merizalde

Parcel Address: 1145 101 Street
Lot(s): 15 Block: 6

Owner Information:
Babak, LLC
7657 NW 50 Street
Miami, Fl 33166

Violator Information:
Babak, LLC
7657 NW 50 Street
Miami, Fl 33166

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 23-72(a)	02/02/2022		Open	

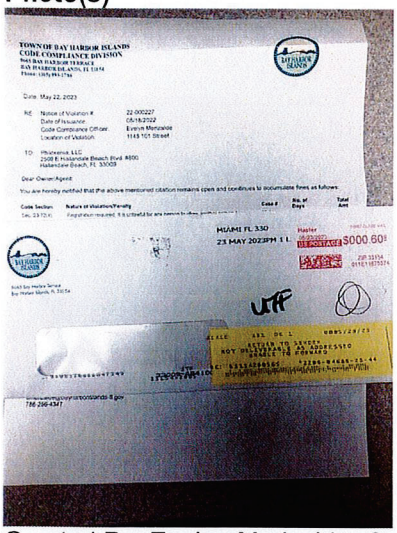
Comments: Cease and desist from vacation rental use and remove the listing online until a Vacation Rental License is approved. Please contact the Town of Bay Harbor Islands Clerk's Office at 305-866-6241 to complete an application.

DATE OPENED	ACTIVITY	DESCRIPTION
02/16/2022	Inspection	NO active vacation rental BTR.
02/17/2022	Phone Call	Spoke to the property owner regarding the courtesy notice and how to comply.
02/17/2022	Phone Call	Left a message for the property owner and property manager.
02/17/2022	Courtesy Notice	Courtesy notice issued to cease and desist vacation rental use until a vacation rental business tax receipt is obtained from the Town of Bay Harbor Islands Clerk's Office.
03/03/2022	Compliance Inspection	All 4 units passed inspect for the vacation rental BTR. Documents provided by the Building Department. Pending the status of the application.
03/17/2022	Progress Activity	As per the Town of Bay Harbor Islands Clerk's Office the Vacation BTR are pending final review.
03/31/2022	Notice of Violation	Notice of violation issued for advertising the building as a vacation rental prior to obtaining a vacation rental business tax receipt. The violation was mailed certified to the owner and posted to the building.
04/22/2022	Progress Activity	Sent a request for a copy of the Vacation Rental BTR to the Clerk's office.
08/18/2022	Compliance Inspection	The owner has not completed the vacation rental permit application.
08/25/2022	Progress Activity	Received the violation domestic return receipt signed.
08/26/2022	Phone Call	Left a message for Navigate Group to contact the Code Compliance Department.

08/26/2022	Phone Call	Spoke to the property owner regarding the notice of violation for operating a vacation rental property without a license and how to comply.
08/29/2022	Email	Advised the owner to contact Marlon Martinez, Recording Secretary, for assistance with finalizing the vacation rental license.
09/12/2022	Progress Activity	The property owner is working with the recording specialist to complete the vacation rental application/ license.
09/20/2022	Daily Fine Start	As of today's date the owner has not obtained a vacation rental business tax receipt. The owner removed the vacation rental online and stated the building is currently occupied by tenants. The fine accrued from 9/20/22-5/26/23 which represents 248 days at $62,000.00. This case will be scheduled for the next hearing.
09/21/2022	Inspection	The owner has not obtained a vacation rental BTR/ license.
09/30/2022	Compliance Inspection	The owner did not obtain a BTR/License for the vacation rental units. This case will be placed on the agenda for the next Special Master hearing.
10/05/2022	Inspection	The owner has not obtained the required vacation rental BTR and license. This case will be placed on the agenda for the next scheduled hearing.
10/24/2022	Code Action	The property is advertised as a vacation rental on airbnb.com . This case will be placed on the agenda for the next hearing.
12/21/2022	Progress Activity	Vacation rental use continues at the property. Pictures of the building and advertisement on airbnb were uploaded to the file.
12/21/2022	Code Action	Mailed the 30 days fine letter to the property owner. This case will be presented to the Special Master on 1/26/23 at 11:00 AM.
01/03/2023	Notice To Appear	Notice to appear before the Special Master on January 26, 2023 at 11:00 AM mailed certified to the property owner and posted to the property.
01/10/2023	Progress Activity	The property is listed as a vacation rental on airbnb.com. The listing was uploaded to the case file.
01/10/2023	Affidavit	This case is scheduled for hearing on 1/26/23. Prepared the affidavit of non-compliance for the hearing.
01/23/2023	Progress Activity	Recommendation entered to impose a fine from 9/20/22-1/26/23 which represents 126 days at $250.00 per day for a total of $31,500.00.
01/26/2023	Special Master Hearing	Hearing cancelled.
01/30/2023	Inspection	
05/22/2023	Progress Activity	The entire building (4 units) continue to be occupied as a vacation rental property with no license/BTR. Uploaded a copy of the advertisement on airbnb.com.
05/22/2023	Phone Call	Discussed the pending violation with the property owner and reminded him of the hearing scheduled next week. He stated that he will send a request for a continuance.

05/23/2023	Progress Activity	The property owner requested a continuance. The property owner updated his mailing address to 3419 Via Lido # 645, Newport Beach, CA 92663.
05/26/2023	Progress Activity	The owner was notified that his request for a continuance will be granted with the condition that all online vacation rental listings are removed and the property is not utilized as a vacation rental. The property owner provided proof the unlisted vacation rental online.
05/31/2023	Notice To Appear	Mailed the notice to appear for a hearing on 5/31/23 at 11:00 AM.
05/31/2023	Special Master Hearing	The request for a continuance is granted.
06/01/2023	Progress Activity	No vacation rental advertisements found online.
06/13/2023	Progress Activity	Mailed the special master findings to the property owner.
06/14/2023	Progress Activity	The fine letter was marked "return to sender not delivered as addressed unable to forward.
07/24/2023	Progress Activity	The vacation rental listing does not appear online.
07/24/2023	Inspection	Scheduled for hearing in August 2023
08/08/2023	Phone Call	The property owner requested a calculation of the fines for this violation. The owner provided proof of the vacation rental advertisement was unlisted on 5/26/23. The fine accrued from 9/20/22-5/26/23 which represents 248 days at $62,000.00. This case will be scheduled for the next hearing.
08/08/2023	Code Action	The owner removed the vacation rental online and stated the building is currently occupied by tenants. The fine accrued from 9/21/22-5/26/23 which represents 247 days at $61,750.00. This case will be scheduled for the next hearing.
08/08/2023	Email	Emailed the fine calculation to the property owner. The fine association to the violation accrued from 9/20/22-5/26/23 which represents 248 days at $250.00 per day for a total of $62,000.00. This case will be scheduled for the next available Special Magistrate hearing. You will received a notice to appear letter when the hearing date and time are confirmed.
08/16/2023	Code Action	Completed lien searches LS-4899 to LS-4902.
09/14/2023	Progress Activity	The property was sold on 8/31/23. As per the town attorney this case was added to the Special Magistrate Agenda. Received a limited power of attorney from the new owner Sam Sami of Babak, LLC authorization Maximillian (previous property owner).
09/27/2023	Notice To Appear	As per the town attorney, a notice to appear before the Special Magistrate on 9/27/23 at 10:00 AM, will be mailed to the current and former property owner. Philoxenia, LLC (previous owner) Maximillian Everhart, R.A. 2500 E. Hallandale Beach Blvd. #800 Hallandale Beach, FL 33009 3419 Via Lido # 645 Newport Beach, CA 92663 Babak, LLC Samira, LLC BH Star 1, LLC 7657 NE 50 Street Miami, FL 33166 Shevlin & Atkins Attorney at Law, R.A 1111 Kane Concourse # 619 Bay Harbor Islands, FL 33154
09/27/2023	Special Master Hearing	Fine assessed in the amount of $62,000.00. The fine was mitigated by 50% to $31,000.00 plus a $200.00 administrative fee.
10/23/2023	Progress Activity	Settlement offer amount: $0.00. Settlement offer letter entered to the file.

Photo(s)



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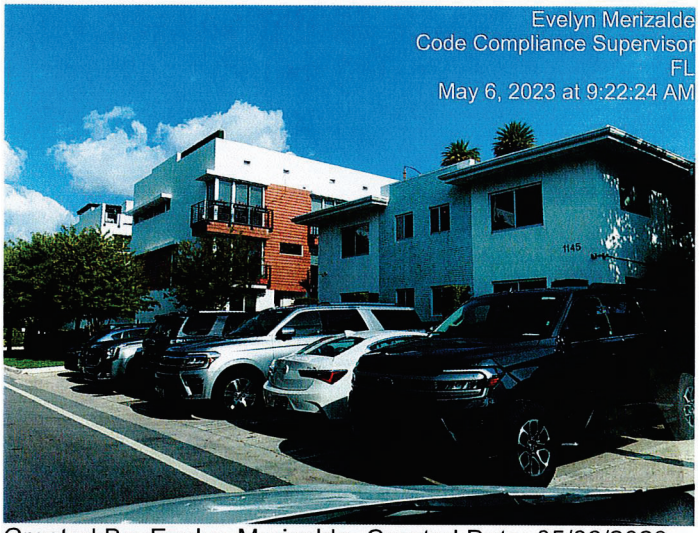
Created By: Evelyn Merizalde Created Date: 05/06/2023



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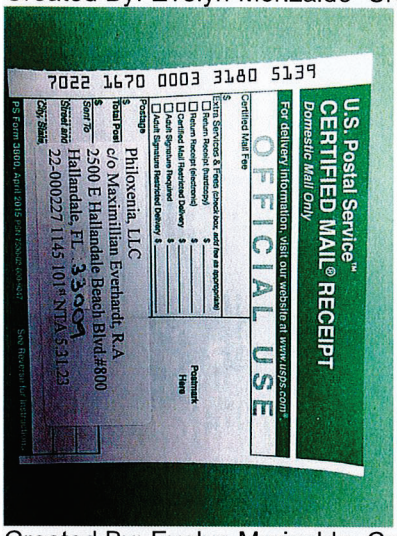

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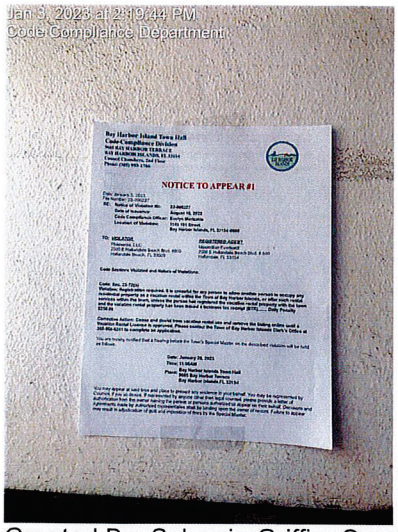
Created By: Evelyn Merizalde Created Date: 01/20/2023



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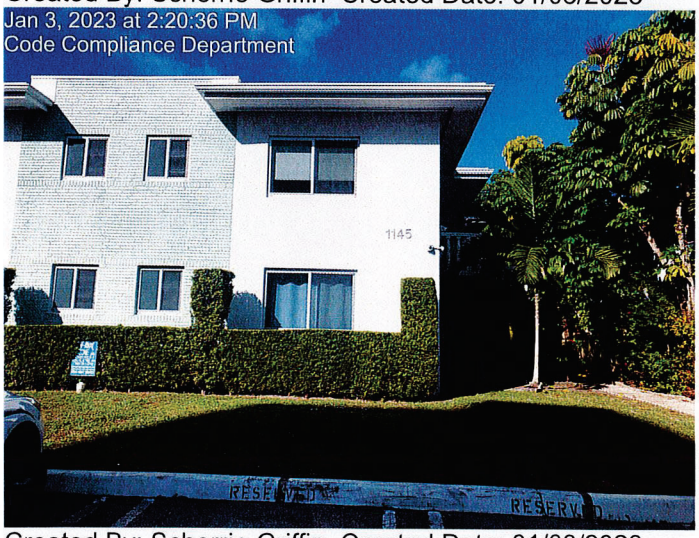
Created By: Scherrie Griffin Created Date: 01/03/2023



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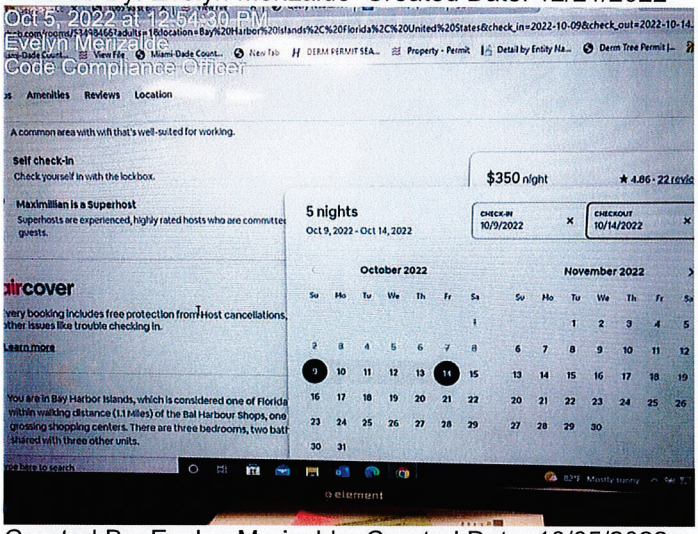

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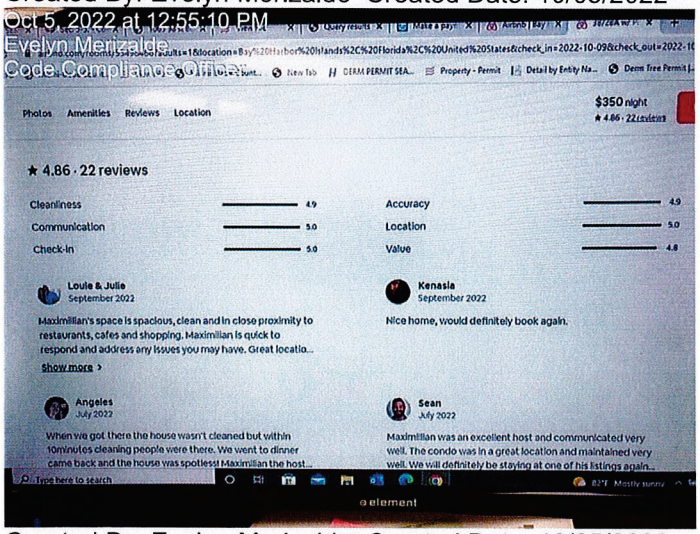

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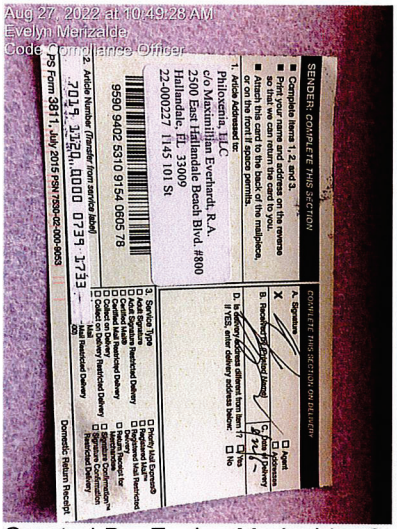

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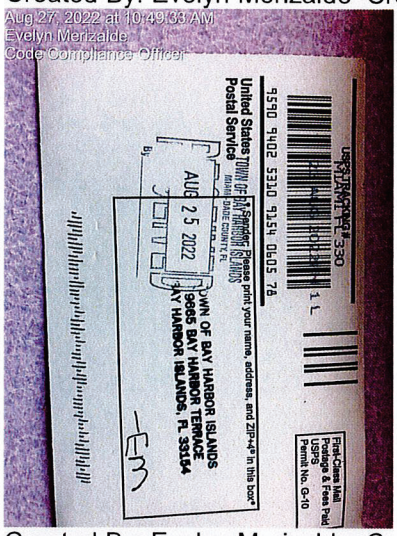

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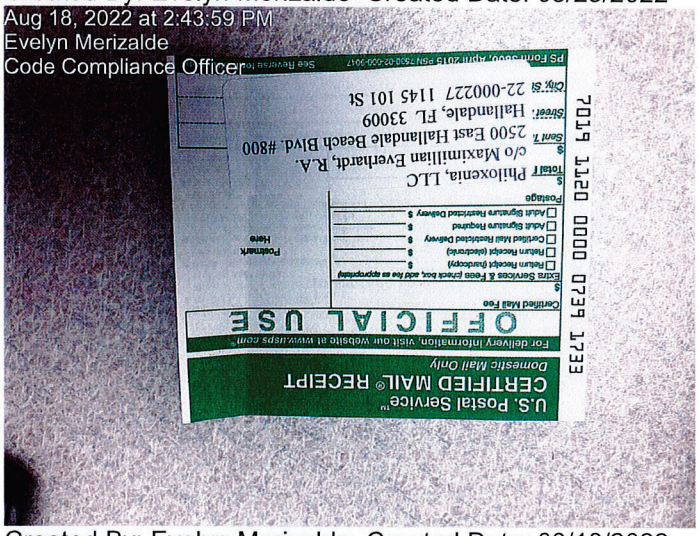

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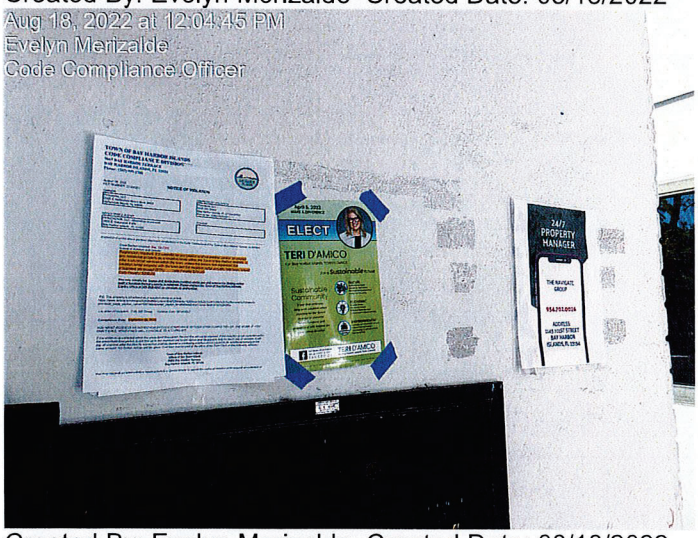

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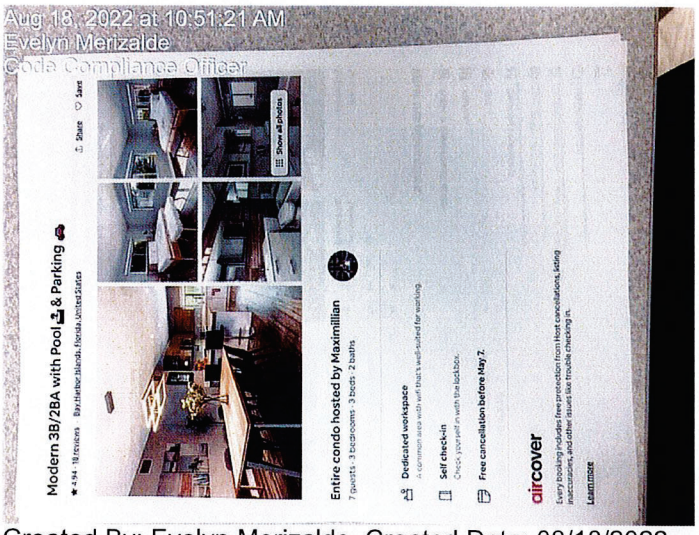

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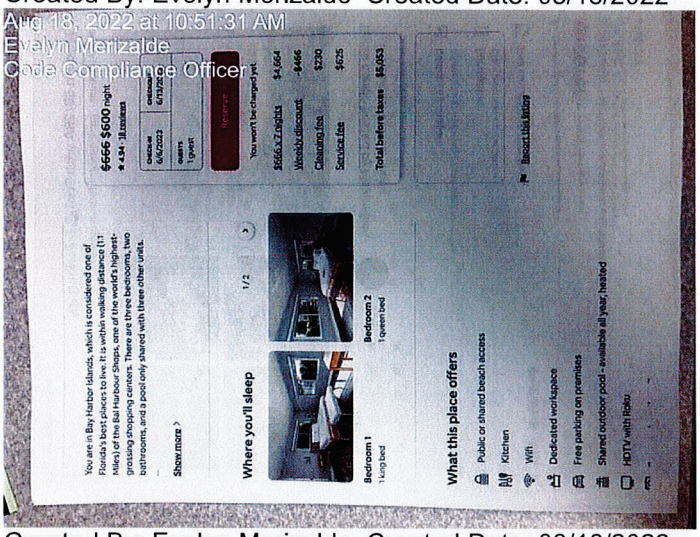

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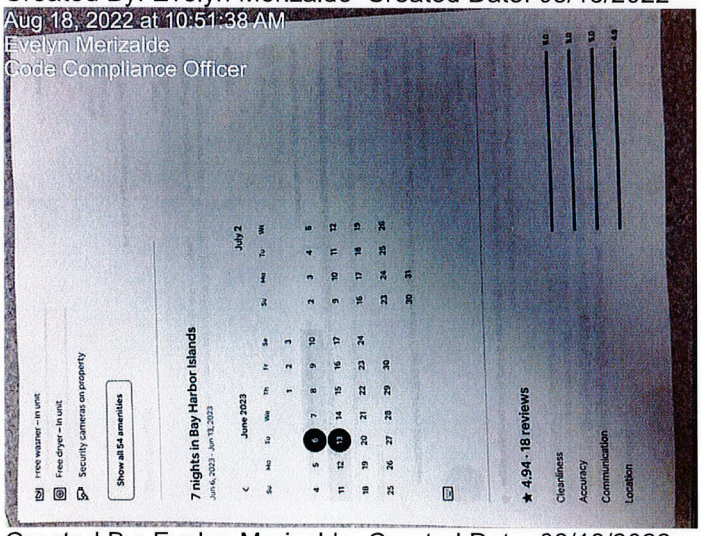

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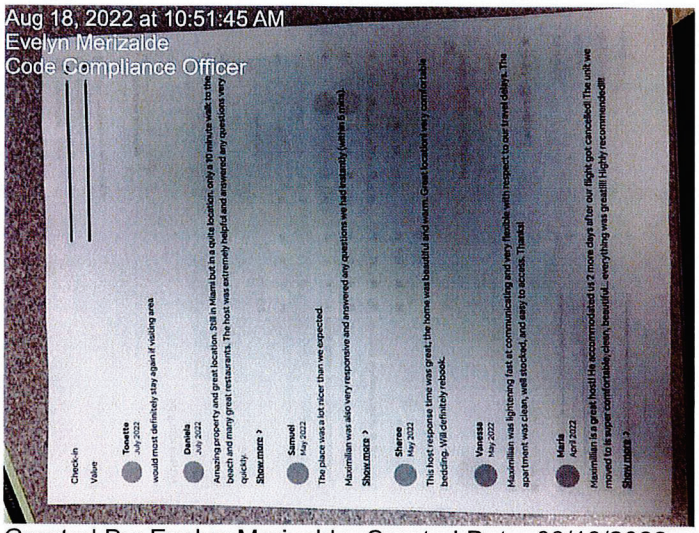

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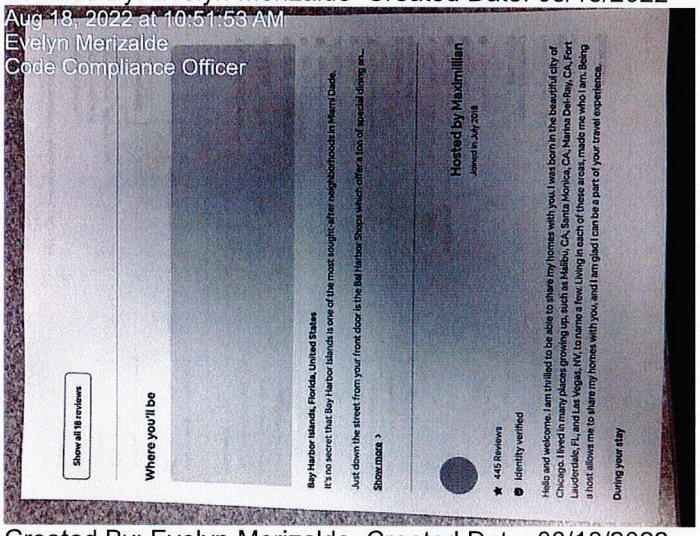

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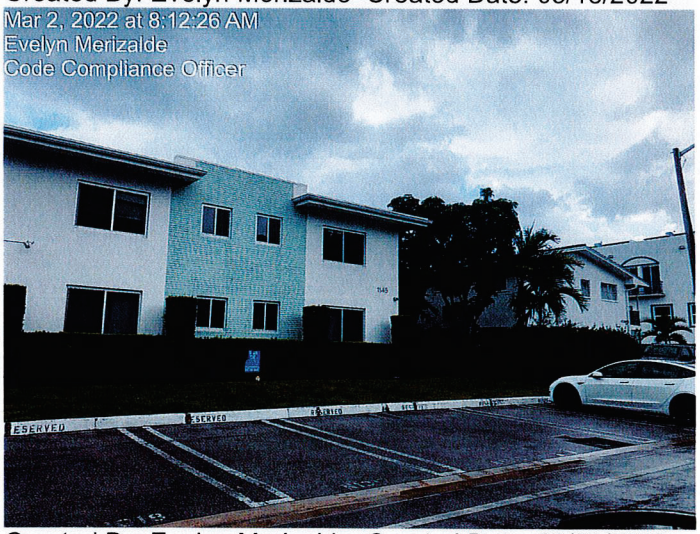


Created By: Evelyn Merizalde Created Date: 03/02/2022



Created By: Evelyn Merizalde Created Date: 02/17/2022

Maximillian Everhardt
3419 Via Lido #645
Newport Beach, CA 92663
949-828-4705
Max@MaximillianGroup.com

Date: 10/23/2023

Litigation Committee
c/o Yvonne P. Hamilton
Acting Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Re: Case # 22-000227
Violation Address: 1145 101st Bay Harbor Islands, Florida 33154

Dear Members of the Litigation Committee,

I am writing to request a settlement regarding a violation concerning short-term rentals at the above-mentioned address. I value the rules and regulations set by the Town of Bay Harbor Islands and have always aimed to adhere to them to ensure the safety and prosperity of our community.

Upon purchasing the building, I engaged LJ Services Group, a management company familiar with the property and confident in its experience with the town's regulations. For their assurances and services to obtain the necessary licenses for short-term rentals, I compensated them $3,500. They confirmed in writing that all required licenses were secured, attached hereto.

Ms. Alba Chang was our primary contact during the application process. LJ Services Group, confirmed the successful submission, review, and approval of all necessary applications and

documents. Subsequently, the town inspectors approved our Business Tax Receipt for each short-term rental, attached. It's my understanding, fortified by the town's processes, that such permits are only issued after comprehensive vetting and approval of the required documentation.

It is important to highlight that our interactions and attempts to ensure compliance took place during the unprecedented times of the COVID-19 pandemic. As a result, there were inevitable disruptions in communications. We sent multiple emails to the town's authorities seeking clarifications and information. However, many of these went unanswered. Additionally, our efforts to personally visit the town's office were unsuccessful due to its temporary closure during the pandemic. Despite these challenges, we remained committed to ensuring full compliance and continued our attempts to rectify any potential issues.

The short-term rentals in question underwent meticulous inspections by state, county, and city authorities. Every governing body granted approval, indicating our adherence to all safety and compliance regulations. These approvals, consolidated into a comprehensive package, were shared with the Town of Bay Harbor Islands during the license application process.

The permit under discussion was granted on November 21, 2021. However, the non-compliance notice was communicated to me on August 18, 2022. According to Article 6, Sec. 23-76 of the Bay Harbor Islands Code, all Business Tax Receipts are valid for up to one year, expiring annually on September 30th. Hence, at the time of the violation notice, no violation was in place.

LJ Services informed me of this violation and assured me they were directly collaborating with the city to rectify any misunderstandings. I had already compensated them $3,500 based on their earlier assurances of securing the necessary approvals.

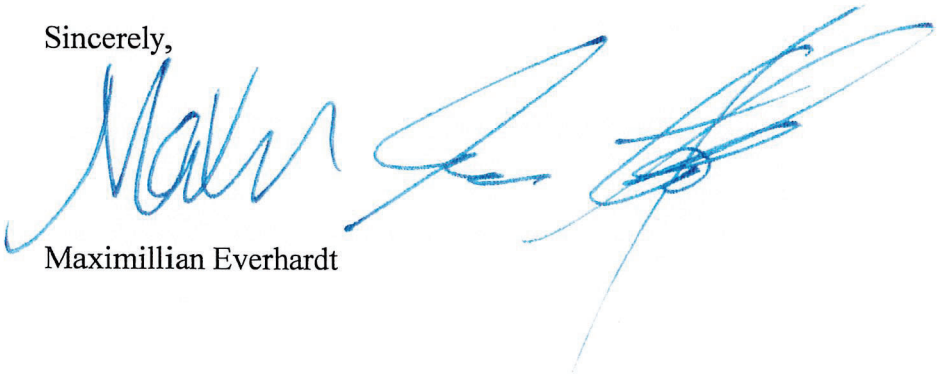
It appears that during the transition to a new city worker and subsequent interactions with LJ Services, elements of our application may have been inadvertently overlooked or mishandled. Given the proactive measures I undertook, the multiple levels of approval I secured, and the good faith in which I operated, I kindly request your understanding and consideration.

In light of the detailed inspections and approvals each unit underwent, including the issuance of permit numbers by the Town of Bay Harbor, I kindly request a full abatement of the fine.

However, I agree to the administrative fees of $250 for the previous hearing held on September 27th, 2023.

Thank you for your attention to this matter. I am eager to cooperate in any way that ensures clarity, understanding, and resolution.

Sincerely,



Maximillian Everhardt

Overview of Documents – Vacation Rental Philoxenia, LLC # 22-000227

- Town of Bay Harbor Vacation Business Tax Receipt Approvals
    - Unit 1
    - Unit 2
    - Unit 3
    - Unit 4
- Miami-Dade Fire Rescue Department Approved Inspections
    - Unit 1
    - Unit 2
    - Unit 3
    - Unit 4
- State of Florida Division of Hotels and Restaurants Receipt for License Approval
    - Units 1 through 4
- Miami Dade County Tourist Tax Return
- Emails with Alba Chang showing confirmation of applications
- LJ Services Text Message Dated 11/23/2021
- Signed Affidavit from LJ Services, LLC

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INSPECTION COMMENTS

Home / Services / Permits / View Permit / Inspection / Inspection Comments

Permit #: B21-000621

Work description: Vacation Business tax receipt

Address: 1145 101 Street 1

Department: Building Department

Inspector: Carlos Lanza

Status: Approved

Inspection Comments:

1. BTR, approved. - Carlos Valenti

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Permit #: B21-000621
Project #: 21-002372
Status: Closed
Address: 1145 101 Street 1
Description: Vacation Business tax receipt



Permit Reviews Documents Inspections

Inspection Type	Inspector	Date	Status
BTR Inspection (Bldg)	Carlos Lanza	11/23/2021	Approved VIEW COMMENTS →

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Permit #: B21-000622

Work description: Vacation Business tax receipt

Address: 1145 101 Street 2

Department: Building Department

Inspector: Carlos Lanza

Status: Approved

Inspection Comments:

1. BTR, approved. - Carlos Valenti

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Permit #: B21-000622
Project #: 21-002373
Status: Closed
Address: 1145 101 Street 2
Description: Vacation Business tax receipt



Permit Reviews Documents Inspections

Inspection Type	Inspector	Date	Status
BTR Inspection (Bldg)	Carlos Lanza	11/23/2021	Approved VIEW COMMENTS →

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Permit #: B21-000623

Work description: Vacation Business tax receipt

Address: 1145 101 Street 3

Department: Building Department

Inspector: Carlos Lanza

Status: Approved

Inspection Comments:

1. BTR, approved. - Carlos Valenti

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Permit #: B21-000623
Project #: 21-002374
Status: Closed
Address: 1145 101 Street 3
Description: Vacation Business tax receipt



Permit Reviews Documents Inspections

Inspection Type	Inspector	Date	Status
BTR Inspection (Bldg)	Carlos Lanza	11/23/2021	Approved VIEW COMMENTS →

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Permit #: B21-000624

Work description: Vacation Business tax receipt inspection

Address: 1145 101 Street 4

Department: Building Department

Inspector: Carlos Lanza

Status: Approved

Inspection Comments:

1. BTR, approved. - Carlos Valenti

BAY HARBOR ISLANDS

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Permit #: B21-000624
Project #: 21-002375
Status: Closed
Address: 1145 101 Street 4
Description: Vacation Business tax receipt inspection



Permit Reviews Documents Inspections

Inspection Type	Inspector	Date	Status
BTR Inspection (Bldg)	Carlos Lanza	11/23/2021	Approved VIEW COMMENTS →

MIAMI-DADE FIRE RESCUE DEPARTMENT - Inspection Report

FIRE PREVENTION DIVISION
9300 NW 41 STREET, DORAL, FLORIDA 33178
PHONE 786.331.4800 FAX 786.331.4801

PERMIT # 21124-01107

Business Address: (District 1)
PHILOXENIA LLC
1145- 101 ST UNIT 1
BAY HARBOR ISLANDS, FL 33154

Billing Address:
PHILOXENIA LLC
2500 E HALLANDALE BEACH BLVD UNIT 1
HALLANDALE BEACH, FL 33009

RESULT: Inspected / Approved
Resulted Date: 11/23/21

Permit Type: Residential / Other Residential. **Inspection Month:** December

Inspector:
FAI YEUNG
786-331-4835
fai.yeung@miamidade.gov

Please Note: A Life Safety Permit required by Section 14-39, Code of Miami-Dade County, to operate the above named occupancy will be issued upon correction of all outstanding violations and payment of fees assessed. **Failure to obtain the required Life Safety Permit will result in enforcement actions including fines, citations, liens and/or orders to cease and desist operation.**

No violations noted at this time

CUSTOMER SIGNATURE

Title: Management Company
Name: LINDA JOHNSON

Please Note: A life safety permit will be issued upon compliance of outstanding violations and payment of fees assesed . One (1) re-inspection will be performed at no additional cost. All subsequent re-inspections will be billed at one-half the original permit fee amount.

[redacted]ease take a minute to complete our survey at:

MIAMI-DADE FIRE RESCUE DEPARTMENT - Inspection Report

FIRE PREVENTION DIVISION
9300 NW 41 STREET, DORAL, FLORIDA 33178
PHONE 786.331.4800 FAX 786.331.4801

PERMIT # 21124-01108

Business Address: (District 1)
PHILOXENIA, LLC
1145- 101 ST UNIT 2
BAY HARBOR ISLANDS, FL 33154

Billing Address:
PHILOXENIA, LLC
2500 E HALLANDALE BEACH BLVD UNIT 800
HALLANDALE BEACH, FL 33009

RESULT: Inspected / Approved
Resulted Date: 11/23/21

Permit Type: Residential / Other Residential. **Inspection Month:** December

Inspector:
FAI YEUNG
786-331-4835
fai.yeung@miamidade.gov

Please Note: A Life Safety Permit required by Section 14-39, Code of Miami-Dade County, to operate the above named occupancy will be issued upon correction of all outstanding violations and payment of fees assessed. **Failure to obtain the required Life Safety Permit will result in enforcement actions including fines, citations, liens and/or orders to cease and desist operation.**

No violations noted at this time

CUSTOMER SIGNATURE

Title: Management Company
Name: LINDA JOHNSON

Please Note: A life safety permit will be issued upon compliance of outstanding violations and payment of fees assesed . One (1) re-inspection will be performed at no additional cost. All subsequent re-inspections will be billed at one-half the original permit fee amount.

[redacted]ease take a minute to complete our survey at:

Inspection Report #2309031
Generated on: 11/23/2021

MIAMI-DADE FIRE RESCUE DEPARTMENT - Inspection Report

FIRE PREVENTION DIVISION
9300 NW 41 STREET, DORAL, FLORIDA 33178
PHONE 786.331.4800 FAX 786.331.4801

PERMIT # 21124-01109

Business Address: (District 1)
PHILOXENIA, LLC
1145- 101 ST UNIT 3
BAY HARBOR ISLANDS, FL 33154

Billing Address:
PHILOXENIA, LLC
2500 E HALLANDALE BEACH BLVD UNIT 800
HALLANDALE BEACH, FL 33009

RESULT: Inspected / Approved
Resulted Date: 11/23/21

Permit Type: Residential / Other Residential. **Inspection Month:** December

Inspector:
FAI YEUNG
786-331-4835
fai.yeung@miamidade.gov

Please Note: A Life Safety Permit required by Section 14-39, Code of Miami-Dade County, to operate the above named occupancy will be issued upon correction of all outstanding violations and payment of fees assessed. **Failure to obtain the required Life Safety Permit will result in enforcement actions including fines, citations, liens and/or orders to cease and desist operation.**

No violations noted at this time

CUSTOMER SIGNATURE

Title: Management Company
Name: LINDA JOHNSON

Please Note: A life safety permit will be issued upon compliance of outstanding violations and payment of fees assesed . One (1) re-inspection will be performed at no additional cost. All subsequent re-inspections will be billed at one-half the original permit fee amount.

[redacted]ease take a minute to complete our survey at:

MIAMI-DADE FIRE RESCUE DEPARTMENT - Inspection Report

FIRE PREVENTION DIVISION
9300 NW 41 STREET, DORAL, FLORIDA 33178
PHONE 786.331.4800 FAX 786.331.4801

PERMIT # 21124-01110

Business Address: (District 1)
PHILOXENIA, LLC
1145- 101 ST UNIT 4
BAY HARBOR ISLANDS, FL 33154

Billing Address:
PHILOXENIA, LLC
2500 E HALLANDALE BEACH BLVD UNIT 8
HALLANDALE BEACH, FL 33009

RESULT: Inspected / Approved
Resulted Date: 11/23/21

Permit Type: Residential / Other Residential. **Inspection Month:** December
Inspector:
FAI YEUNG
786-331-4835
fai.yeung@miamidade.gov

Please Note: A Life Safety Permit required by Section 14-39, Code of Miami-Dade County, to operate the above named occupancy will be issued upon correction of all outstanding violations and payment of fees assessed. **Failure to obtain the required Life Safety Permit will result in enforcement actions including fines, citations, liens and/or orders to cease and desist operation.**

No violations noted at this time

CUSTOMER SIGNATURE

Title: Management Company
Name: LINDA JOHNSON

Please Note: A life safety permit will be issued upon compliance of outstanding violations and payment of fees assesed . One (1) re-inspection will be performed at no additional cost. All subsequent re-inspections will be billed at one-half the original permit fee amount.

[redacted]ease take a minute to complete our survey at:

Inspection Report #2309042
Generated on: 11/23/2021

MIAMI-DADE FIRE RESCUE DEPARTMENT - Inspection Report

FIRE PREVENTION DIVISION
9300 NW 41 STREET, DORAL, FLORIDA 33178
PHONE 786.331.4800 FAX 786.331.4801

PERMIT # 07124-00837

Business Address: (District 1)
ISLAND HOUSE SOUTH CONDOMINIUM
ASSOCIATION, INC.
1145- 101 ST
BAY HARBOR ISLANDS, FL 33154

Billing Address:
ISLAND HOUSE SOUTH CONDOMINIUM
ASSOCIATION, INC.
1145 101 ST UNIT 1
BAY HARBOR ISLANDS, FL 33154

RESULT: Inspected / Approved
Resulted Date: 10/29/21

Permit Type: Residential / Apartments, Condos.
Inspection Month: November
Inspector:
FAI YEUNG
786-331-4835
fai.yeung@miamidade.gov

Please Note: A Life Safety Permit required by Section 14-39, Code of Miami-Dade County, to operate the above named occupancy will be issued upon correction of all outstanding violations and payment of fees assessed. **Failure to obtain the required Life Safety Permit will result in enforcement actions including fines, citations, liens and/or orders to cease and desist operation.**

No violations noted at this time

CUSTOMER SIGNATURE

Title: Agency
Name:

Please Note: A life safety permit will be issued upon compliance of outstanding violations and payment of fees assesed . One (1) re-inspection will be performed at no additional cost. All subsequent re-inspections will be billed at one-half the original permit fee amount.

[redacted]ease take a minute to complete our survey at:

Inspection Report #2279039
Generated on: 10/29/2021

STATE OF FLORIDA

DIVISION OF HOTELS AND RESTAURANTS
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
www.myfloridalicense.com

RECEIPT FOR LICENSE

LICENSE NUMBER: Rank: LICENSE TYPE: 2003/Apartment

PRINT DATE: Oct 19, 2021 10:24

FILE NUMBER: 109874

Seats/Units: 4

This verifies that PHILOXENIA

Doing business as PHILOXENIA

has met the requirements for Apartment licensure to operate at:

1145 101St 1145 101 ST

BAY HARBOR ISLANDS FL 33154

This is authorization to operate for 30 days. An annual license is available through your DBPR Online Services account at www.myfloridalicense.com. If you haven't already created your DBPR account please do so now.



Inspector Signature

Vicente Prieto
Inspector
8240 NW 52nd Terrace, Suite 101
Doral, FL 33166
305 629 1882
Oct 19, 2021 10:23

October 19, 2021 at 10:24:08 AM EDT
Location: PHILOXENIA
License #:
Inspector: Vicente Prieto

Temporary License

Software Version 7.34

MONTHLY TAX RETURN

CONVENTION & TOURIST TAX RETURN

Oct 2021

MIAMI-DADE COUNTY

ACCOUNT NUMBER	ZONE	ACCOUNT TYPE	COLLECTION PERIOD	DUE DATE
96206	13	CT	Oct 2021	11/22/2021

Business Location
PHILOXENIA LLC
1145 101ST ST UNIT 1-4
BAY HARBOR ISLANDS, FL 33154-1525

	Transient Rentals
Gross Receipts	
Less Exemptions F.S. 212.08(7)	
Taxable Receipts	
Tax Collected	
Adjustments	
Amount Due	
Less: Collection Allowance	**e-file only**
Plus: Penalty ($50 Minimum)	
Plus: Interest	
Total Due	
Net Amount Due:	

Delq. After November 20th, 2021

Mailing Address

Linda Johnson (Manager)
LJ Services Group
1150 KANE CONCOURSE FL 2
BAY HARBOR ISLANDS, FL 33154-2057

For Tax Collector information visit www.miamidade.gov/taxcollector/hotel-and-restaurant-taxes.asp or call 305-375-5587.

↑ RETAIN FOR YOUR RECORDS ↑

↓ DETACH HERE AND RETURN THIS PORTION WITH YOUR PAYMENT ↓

ONVENTION & TOURIST TAX RETURN

Make checks payable to **Miami-Dade County Tax Collector** (in U.S. funds drawn on U.S. banks)

ACCOUNT NUMBER	ZONE	ACCOUNT TYPE	COLLECTION PERIOD	DUE DATE
96206	13	CT	Oct 2021	11/22/2021

usiness Location PHILOXENIA LLC
1145 101ST ST UNIT 1-4
BAY HARBOR ISLANDS, FL 33154-1525

	Transient Rentals
Gross Receipts	
Less Exemptions F.S. 212.08(7)	
Taxable Receipts	
Tax Collected	
Adjustments	
Amount Due	
Less: Collection Allowance	**e-file only**
Plus: Penalty ($50 Minimum)	
Plus: Interest	
Total Due	

Linda Johnson (Manager)
LJ Services Group
1150 KANE CONCOURSE FL 2
BAY HARBOR ISLANDS, FL 33154-2057

Phone:(305) 864-2790

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Tuesday, November 30, 2021 1:45:42 PM
To: Alba Chang <achang@bayharborislands-fl.gov>
Cc: Max Everhardt <max.everhardt@vsusa.org>
Subject: Re: 1145 101 st

I submitted application for airbnb with everything that was being requested was in that packet.

Linda Johnson, LCAM, MBA
LJ Services Group
1150 Kane Concourse 2nd Floor
Bay Harbor, FL 33154
Phone:(305) 864-2790

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Tuesday, November 30, 2021 1:45:04 PM
To: Alba Chang <achang@bayharborislands-fl.gov>
Cc: Max Everhardt <max.everhardt@vsusa.org>
Subject: Re: 1145 101 st

Yes, I did.

Linda Johnson, LCAM, MBA
LJ Services Group
1150 Kane Concourse 2nd Floor
Bay Harbor, FL 33154
Phone:(305) 864-2790

From: Alba Chang <achang@bayharborislands-fl.gov>
Sent: Tuesday, November 30, 2021 1:37:03 PM
To: Linda Johnson <ljohnson@ljservicesgroup.com>
Cc: Max Everhardt <max.everhardt@vsusa.org>
Subject: RE: 1145 101 st

Hi Linda,

Have you submitted a BTR Application?

Alba L. Chang, CMC
Town Clerk

Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Ph. 305-866-6241
Fax 305-866-4863
Email: achang@bayharborislands-fl.gov
Website: www.bayharborislands-fl.gov

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Tuesday, November 30, 2021 1:27 PM
To: Alba Chang <achang@bayharborislands-fl.gov>
Cc: Max Everhardt <max.everhardt@vsusa.org>
Subject: 1145 101 st

Alba,

Can you explain the business tax receipt what do you need so that I can get this since we have all the approvals from town of bay harbor. The fire department also approved, the state approved it as well. Please advise as soon as possible.

Linda Johnson, LCAM, MBA
LJ Services Group
1150 Kane Concourse 2nd Floor
Bay Harbor, FL 33154
Phone:(305) 864-2790

Total Control Panel Login

To: achang@bayharborislands-fl.gov Remove this sender from my allow list
From: ljohnson@ljservicesgroup.com

You received this message because the sender is on your allow list.

Total Control Panel Login

To: achang@bayharborislands-fl.gov Remove this sender from my allow list
From: ljohnson@ljservicesgroup.com

You received this message because the sender is on your allow list.

Total Control Panel Login

To: achang@bayharborislands-fl.gov Remove this sender from my allow list
From: ljohnson@ljservicesgroup.com

Bay Harbor Islands, FL 33154
Ph. 305-866-6241
Fax 305-866-4863
Email: achang@bayharborislands-fl.gov
Website: www.bayharborislands-fl.gov

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Monday, December 6, 2021 6:14 PM
To: Alba Chang <achang@bayharborislands-fl.gov>
Cc: Max Everhardt <max.everhardt@vsusa.org>
Subject: Re: 1145 101 st

I submitted it

Linda Johnson, LCAM, MBA
LJ Services Group
1150 Kane Concourse 2nd Floor
Bay Harbor, FL 33154
Phone:(305) 864-2790

From: Alba Chang <achang@bayharborislands-fl.gov>
Sent: Monday, December 6, 2021 6:06 PM
To: Linda Johnson
Cc: Max Everhardt
Subject: Re: 1145 101 st

Hi Linda,

I did an initial review of the application and the registration with the department of revenue seems to be one items that is to be submitted.

Did you submit to Alo if so I will review again tomorrow.

Alba L. Chang, CMC
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Ph. 305-866-6241
Fax 305-866-4863
Email: achang@bayharborislands-fl.gov
Website: www.bayharborislands-fl.gov

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Monday, December 6, 2021 6:02:49 PM
To: Alba Chang <achang@bayharborislands-fl.gov>
Cc: Max Everhardt <max.everhardt@vsusa.org>
Subject: Re: 1145 101 st

Alba,

Just following up on this wanting to know what I need to do what is pending so that we can get this business receipt already please let me know.

Linda Johnson, LCAM, MBA
LJ Services Group
1150 Kane Concourse 2nd Floor
Bay Harbor, FL 33154
Phone:(305) 864-2790

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Friday, December 3, 2021 12:33 PM
To: Alba Chang
Cc: Max Everhardt
Subject: Re: 1145 101 st

Alba,

Please advise I have tried calling but it states that you aren't taking calls. Need to resolve this immediately.

Linda Johnson, LCAM, MBA
LJ Services Group
1150 Kane Concourse 2nd Floor
Bay Harbor, FL 33154
Phone:(305) 864-2790

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Friday, December 3, 2021 7:43:53 AM
To: Alba Chang <achang@bayharborislands-fl.gov>
Cc: Max Everhardt <max.everhardt@vsusa.org>
Subject: Re: 1145 101 st

Alba

Please advise if I need to submit anything else.

Linda Johnson, LCAM, MBA
LJ Services Group
1150 Kane Concourse 2nd Floor
Bay Harbor, FL 33154

RE: 1145 101 st

Alba Chang <achang@bayharborislands-fl.gov>
Tue 12/7/2021 12:28 PM
To:Linda Johnson <ljohnson@ljservicesgroup.com>;Max Everhardt <max.everhardt@vsusa.org>
Cc:Aloixe Sosa <asosa@bayharborislands-fl.gov>

I have the confirmation for application.

I will need the actual registration from the department of Revenue.

Alba L. Chang, CMC
Town Clerk

Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Ph. 305-866-6241
Fax 305-866-4863
Email: achang@bayharborislands-fl.gov
Website: www.bayharborislands-fl.gov

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Tuesday, December 7, 2021 1:26 PM
To: Alba Chang <achang@bayharborislands-fl.gov>; Max Everhardt <max.everhardt@vsusa.org>
Cc: Aloixe Sosa <asosa@bayharborislands-fl.gov>
Subject: Re: 1145 101 st

I yes sent it please confirm receipt.

We will be closed in observance of Christmas on Friday, December 24 , and will reopen on December 27.

Vote for us http://www.flcaj.com/readerschoice/vote.cfm?RID=1892&CID=8
Linda Johnson
LCAM, President, LJ Services Group
LJ Services Group
1150 Kane Concourse 2nd floor
Bay Harbor, FL 33154
P. (305) 864-2790 ext 100 I www.ljservicesgroup.com
Follow us on Instagram lj_services_group
LJServicesGroup

From: Alba Chang <achang@bayharborislands-fl.gov>
Sent: Tuesday, December 7, 2021 01:25 PM
To: Linda Johnson <ljohnson@ljservicesgroup.com>; Max Everhardt <max.everhardt@vsusa.org>
Cc: Aloixe Sosa <asosa@bayharborislands-fl.gov>
Subject: RE: 1145 101 st

Okay, once you have the registration, please forward it to my office.

Alba L. Chang, CMC
Town Clerk

Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Ph. 305-866-6241
Fax 305-866-4863
Email: achang@bayharborislands-fl.gov
Website: www.bayharborislands-fl.gov

From: Linda Johnson <ljohnson@ljservicesgroup.com>
Sent: Tuesday, December 7, 2021 1:23 PM
To: Alba Chang <achang@bayharborislands-fl.gov>; Max Everhardt <max.everhardt@vsusa.org>
Cc: Aloixe Sosa <asosa@bayharborislands-fl.gov>
Subject: Re: 1145 101 st

We will be closed in observance of Christmas on Friday, December 24 , and will reopen on December 27.

Vote for us http://www.flcaj.com/readerschoice/vote.cfm?RID=1892&CID=8
Linda Johnson
LCAM, President, LJ Services Group
LJ Services Group
1150 Kane Concourse 2nd floor

GENERAL AFFIDAVIT

THIS GENERAL AFFIDAVIT is made as of the 23nd day of October, 2023. I, LINDA JOHNSON, of LJ SERVICES, LLC, a Florida limited liability company with an address of 12000 Biscayne Blvd #406, Miami, FL 33181, in the capacity of President, solemnly affirm and declare as follows:

1. That I am competent to make this affidavit and, except as to those facts stated upon information and belief, I have personal knowledge of the facts herein and they are true and correct.

2. That in the course of my responsibilities at LJ Services, LLC, I interacted with Maximillian Everhardt and Philoxenia, LLC regarding the property located at 1145 101st Bay Harbor Islands, Florida 33154.

3. That I confirmed to Maximillian Everhardt and Philoxenia, LLC that the aforementioned property was fully licensed for short-term rentals and that there was no legal impediment to its listing on Airbnb. This confirmation was based on the confirmation that I received from Alba Chang from the town of Bay Harbor Islands.

4. That during the license application process for the said property, I communicated with Ms. Alba Chang from the Town of Bay Harbor Islands regarding the submission of all necessary documents and applications. Ms. Alba Chang informed and confirmed to me that she had received the entire application for the said property and there were no missing components or documents.

5. That based on our understanding and the confirmation from Ms. Alba Chang, LJ Services, LLC believed in good faith that all necessary licenses and permits had been successfully obtained and were in full compliance with the regulations of the Town of Bay Harbor Islands.

6. That upon being informed of a violation regarding the property, LJ Services, LLC took immediate action to address the concern and collaborate with the town authorities to rectify any misunderstandings.

7. I reiterate that all actions and communications from LJ Services, LLC in this matter were conducted in good faith, based on our understanding and the information provided to us by the Town of Bay Harbor Islands, specifically by Ms. Alba Chang.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 23rd day of October, 2023.

LJ SERVICES, LLC, a Florida Limited Liability Company

DocuSigned by:

Signature: _____

By: Linda Johnson, President

9:19

2

LJ

Linda

awaiting fire

Still here fire still hasn't come by the way how much are you renting for in case i have any clients what would pay me for getting you clients

passed

Passed all inspections

PHILOXENIA LLC(21124-01107).pdf
PDF Document · 76 KB

Great work

I will take care of bill this week

Hope to see a bonus as promised

Sending also bill for maps and lamination since I had to do a total of 20

Got it.

So can I list it on Airbnb now? Or do I have to post some sort of license number?

You can list it

AGENDA ITEM REPORT
February 7, 2024

ITEM NUMBER: 3.

ITEM: Approval or **Denial** of a settlement agreement for Violation No. 19-000538 - Sections 23-12(1) and Section 23-12(11) for repairing/replacing the seawall without the required permit. Colony Bay Condominium, 9250 West Bay Harbor Drive, Bay Harbor Islands, FL 33154. On September 29, 2021 the Special Magistrate imposed a fine in the amount of $32,350.00. **The Condominium Association is proposing that the fine be reduced to $0.00.**

DESCRIPTION:
Approval or **Denial** of a settlement agreement for Violation No. 19-000538 - Sections 23-12(1) and Section 23-12(11) for repairing/replacing the seawall without the required permit. Colony Bay Condominium, 9250 West Bay Harbor Drive, Bay Harbor Islands, FL 33154. On September 29, 2021 the Special Magistrate imposed a fine in the amount of $32,350.00. **The Condominium Association is proposing that the fine be reduced to $0.00.**

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	19-000538 9250 WBHD Settlement Offer
2.	Litigation Docs 19-000538 9250 WBHD

TO: BAY HARBOR ISLAND

LITIGATION COMMITTEE

c/o Yvonne P. Hamilton

Acting Town Clerk

Town of Bay Harbor Terrace

Bay Harbor Terrace

Bay Harbor Islands, Fl 33154

CASE No: 19-000538

Good morning Mss. Hamilton: my name is Estela Pinnavaria I'm the Secretary of the BOD at Colony Bay Condominium. 9250 West Bay Harbor Dr. BHI, Fl 33154

Hereby requesting a settlement.

On December 23, 2019 our sea wall fell, Immediately I went to the city and they help me, with the barriers and guide through and we start to work with Miami Beach Sea Wall construction.

Because of Covid 19 pandemic, It took long time to Miami Beach Seawall Construction to get approval from Miami-Dade County (Coastal Resources Section) and finally was approved 10/06/2021, so that we continue working with the next step. On June 8, 2022 We got "Class I Final Inspection Report. (please see attached) We pass the inspection and Sea wall and deck was done

On September 29, 2021 we were invited to attend the hearing. Unfortunately, nobody from BOD was able to do it.

I, was recovering from Covid19 after spend the month August in Intensive Care Unit at Mount Sinai Hospital. I loss voice, memory, taste and it took long time for me to recover,

Our President did not attend either because he traveled to Brazil, and got Covid19 and Can Not Fly.

To make the matter worst our management company let us know that September will be the last month because the owner will retire. And the new company took a long time to get all documents.

On September 29th, 2021The Special Master Richard Kroop assessed us $32,500.00 Dollars.

I would like to meet with you to consider reduction, since everything was done in timely matter, beside the adverse situation that we lived. In my opinion we should pay Zero Dollars.

Sincerely ,

TO: BAY HARBOR ISLAND

June 14,2023

LITIGATION COMMITTEE

ATTN: YVONNE P. HAMILTON

ACTING TOWN CLERK

TOWN OF BAY HARBOR TERRACE

BAY HARBOR ISLANDS, FL 33154

CASE No: 19-000538 settlement request

Dear Miss Hamilton : I, Carlos Daniel Romero acting president of Colony Bay Condominium, hereby authorizing Estela Pinnavaria (secretary) to represent us in the process of Case No: 19-000538.

Should you have any question or concern, please do not hesitate to contact me at (305)984-5326

Sincerely,

Carlos Daniel Romero

CFN: 20220448285 BOOK 33220 PAGE 2164
DATE:06/03/2022 10:37:04 AM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

This instrument prepared by
and record and return to:
Yvonne P. Hamilton, Acting 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 Maria Lasday who was duly sworn and says that she is the agent of the lienor herein:

Town of Bay Harbor Islands

whose address is 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154.

Lienor claims:

> Fines/fees as per Sections 23-12 (11) and 23-12 (1) of the Code of Ordinances of the Town of Bay Harbor Islands; Citation #19-000538; A fine of Thirty-Two Thousand Two Hundred Dollars ($32,200.00), plus an Administrative Fee of One Hundred Fifty Dollars ($150.00), levied on September 29th, 2021, by Special Master Richard Kroop. The total amount of the lien equals $32,350.00 ($32,200 + $150). A fine of $50.00 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: 9250 West Bay Harbor Drive
> Bay Harbor Islands, Florida 33154
> Lots 19 & 20, Block 2, PB 46, Page 5
> Miami-Dade County, Florida

an amount of Thirty-Two Thousand Three Hundred and Fifty Dollars ($32,350.00) as of September 29th, 2021, plus a daily fine of $50 until compliance is met. The lienor served his notice to owner on September 9th, 2021, by Certified Mail/Posting.

YVONNE P. HAMILTON
Notary Public - State of Florida
Commission # HH 093435
My Comm. Expires Feb 15, 2025
Bonded through National Notary Assn.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Maria Lasday, Town Manager

Sworn to and subscribed before me this 31st day of May 2022.

(Notary Public)

I, Yvonne P. Hamilton, Acting 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 31st day of May 2022.

Acting Town Clerk
Town of Bay Harbor Islands, Florida

Uniform Mitigation Verification Inspection Form

Maintain a copy of this form and any documentation provided with the insurance policy

Inspection Date: 11-03-2021		
Owner Information		
Owner Name: COLONY BAY HARBOR CONDOMINIUM, INC.		Contact Person: JARDIEL ABREU
Address: 9250 W. BAY HARBOR DRIVE		Home Phone:
City: BAY HARBOR ISLANDS	Zip: 33154	Work Phone: 305-535-7599
County: MIAMI-DADE CO, FL		Cell Phone:
Insurance Company:		Policy #:
Year of Home: 1967	# of Stories: 7	Email: jardiel@tridentmiami.com

NOTE: Any documentation used in validating the compliance or existence of each construction or mitigation attribute must accompany this form. At least one photograph must accompany this form to validate each attribute marked in questions 3 though 7. The insurer may ask additional questions regarding the mitigated feature(s) verified on this form.

1. **Building Code**: Was the structure built in compliance with the Florida Building Code (FBC 2001 or later) OR for homes located in the HVHZ (Miami-Dade or Broward counties), South Florida Building Code (SFBC-94)?
   - ☐ A. Built in compliance with the FBC: Year Built _____. For homes built in 2002/2003 provide a permit application with a date after 3/1/2002: Building Permit Application Date (MM/DD/YYYY) ___/___/_____
   - ☐ B. For the HVHZ Only: Built in compliance with the SFBC-94: Year Built _____. For homes built in 1994, 1995, and 1996 provide a permit application with a date after 9/1/1994: Building Permit Application Date (MM/DD/YYYY) ___/___/_____
   - ☑ C. Unknown or does not meet the requirements of Answer "A" or "B"

2. **Roof Covering:** Select all roof covering types in use. Provide the permit application date OR FBC/MDC Product Approval number OR Year of Original Installation/Replacement OR indicate that no information was available to verify compliance for each roof covering identified.

2.1 Roof Covering Type:	Permit Application Date	FBC or MDC Product Approval #	Year of Original Installation or Replacement	No Information Provided for Compliance
☐ 1. Asphalt/Fiberglass Shingle	___/___/_____			☐
☐ 2. Concrete/Clay Tile	___/___/_____			☐
☐ 3. Metal	___/___/_____			☐
☐ 4. Built Up	___/___/_____			☐
☑ 5. Membrane	09/24/2021			☐
☐ 6. Other_____	___/___/_____			☐

   - ☑ A. All roof coverings listed above meet the FBC with a FBC or Miami-Dade Product Approval listing current at time of installation OR have a roofing permit application date on or after 3/1/02 OR the roof is original and built in 2004 or later.
   - ☐ B. All roof coverings have a Miami-Dade Product Approval listing current at time of installation OR (for the HVHZ only) a roofing permit application after 9/1/1994 and before 3/1/2002 OR the roof is original and built in 1997 or later.
   - ☐ C. One or more roof coverings do not meet the requirements of Answer "A" or "B".
   - ☐ D. No roof coverings meet the requirements of Answer "A" or "B".

3. **Roof Deck Attachment**: What is the **weakest** form of roof deck attachment?
   - ☐ A. Plywood/Oriented strand board (OSB) roof sheathing attached to the roof truss/rafter (spaced a maximum of 24" inches o.c.) by staples or 6d nails spaced at 6" along the edge and 12" in the field. -OR- Batten decking supporting wood shakes or wood shingles. -OR- Any system of screws, nails, adhesives, other deck fastening system or truss/rafter spacing that has an equivalent mean uplift less than that required for Options B or C below.
   - ☐ B. Plywood/OSB roof sheathing with a minimum thickness of 7/16"inch attached to the roof truss/rafter (spaced a maximum of 24"inches o.c.) by 8d common nails spaced a maximum of 12" inches in the field.-OR- Any system of screws, nails, adhesives, other deck fastening system or truss/rafter spacing that is shown to have an equivalent or greater resistance than 8d nails spaced a maximum of 12 inches in the field or has a mean uplift resistance of at least 103 psf.
   - ☐ C. Plywood/OSB roof sheathing with a minimum thickness of 7/16"inch attached to the roof truss/rafter (spaced a maximum of 24"inches o.c.) by 8d common nails spaced a maximum of 6" inches in the field. -OR- Dimensional lumber/Tongue & Groove decking with a minimum of 2 nails per board (or 1 nail per board if each board is equal to or less than 6 inches in width). -OR- Any system of screws, nails, adhesives, other deck fastening system or truss/rafter spacing that is shown to have an equivalent

Inspectors Initials HH **Property Address** 9250 W. BAY HARBOR DRIVE, BAY HARBOR ISLANDS, FL 33154

***This verification form is valid for up to five (5) years provided no material changes have been made to the structure.**

or greater resistance than 8d common nails spaced a maximum of 6 inches in the field or has a mean uplift resistance of at least 182 psf.

- ☑ D. Reinforced Concrete Roof Deck.
- ☐ E. Other: _____
- ☐ F. Unknown or unidentified.
- ☐ G. No attic access.

4. **Roof to Wall Attachment:** What is the **WEAKEST** roof to wall connection? (Do not include attachment of hip/valley jacks within 5 feet of the inside or outside corner of the roof in determination of WEAKEST type)

- ☐ A. Toe Nails
  - ☐ Truss/rafter anchored to top plate of wall using nails driven at an angle through the truss/rafter and attached to the top plate of the wall, or
  - ☐ Metal connectors that do not meet the minimal conditions or requirements of B, C, or D

Minimal conditions to qualify for categories B, C, or D. All visible metal connectors are:

- ☐ Secured to truss/rafter with a minimum of three (3) nails, **and**
- ☐ Attached to the wall top plate of the wall framing, or embedded in the bond beam, with less than a ½" gap from the blocking or truss/rafter **and** blocked no more than 1.5" of the truss/rafter, **and** free of visible severe corrosion.

- ☐ B. Clips
  - ☐ Metal connectors that do not wrap over the top of the truss/rafter, **or**
  - ☐ Metal connectors with a minimum of 1 strap that wraps over the top of the truss/rafter and does not meet the nail position requirements of C or D, but is secured with a minimum of 3 nails.
- ☐ C. Single Wraps
  Metal connectors consisting of a single strap that wraps over the top of the truss/rafter and is secured with a minimum of 2 nails on the front side and a minimum of 1 nail on the opposing side.
- ☐ D. Double Wraps
  - ☐ Metal Connectors consisting of 2 separate straps that are attached to the wall frame, or embedded in the bond beam, on either side of the truss/rafter where each strap wraps over the top of the truss/rafter and is secured with a minimum of 2 nails on the front side, and a minimum of 1 nail on the opposing side, **or**
  - ☐ Metal connectors consisting of a single strap that wraps over the top of the truss/rafter, is secured to the wall on both sides, and is secured to the top plate with a minimum of three nails on each side.
- ☑ E. Structural Anchor bolts structurally connected or reinforced concrete roof.
- ☐ F. Other: _____
- ☐ G. Unknown or unidentified
- ☐ H. No attic access

5. **Roof Geometry:** What is the roof shape? (Do not consider roofs of porches or carports that are attached only to the fascia or wall of the host structure over unenclosed space in the determination of roof perimeter or roof area for roof geometry classification).

- ☐ A. Hip Roof — Hip roof with no other roof shapes greater than 10% of the total roof system perimeter. Total length of non-hip features: _____ feet; Total roof system perimeter: _____ feet
- ☑ B. Flat Roof — Roof on a building with 5 or more units where at least 90% of the main roof area has a roof slope of less than 2:12. Roof area with slope less than 2:12 7,178 sq ft; Total roof area 7,178 sq ft
- ☐ C. Other Roof — Any roof that does not qualify as either (A) or (B) above.

6. **Secondary Water Resistance (SWR):** (standard underlayments or hot-mopped felts do not qualify as an SWR)

- ☐ A. SWR (also called Sealed Roof Deck) Self-adhering polymer modified-bitumen roofing underlayment applied directly to the sheathing or foam adhesive SWR barrier (not foamed-on insulation) applied as a supplemental means to protect the dwelling from water intrusion in the event of roof covering loss.
- ☐ B. No SWR. N/A
- ☑ C. Unknown or undetermined.

Inspectors Initials HH **Property Address** 9250 W. BAY HARBOR DRIVE, BAY HARBOR ISLANDS, FL 33154

***This verification form is valid for up to five (5) years provided no material changes have been made to the structure or inaccuracies found on the form.**

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.

3 attachments

Miami-Dade Official Records - LIEN FILED 9.29.21 (6).pdf
539K

Settlement Offer instructions.pdf
522K

19-000538 9250 West Bay Harbor Drive SMF 9.29.21.pdf
376K

Estela Pinnavaria <estelapinnavaria@gmail.com> Fri, Nov 4, 2022 at 2:59 PM
To: Glendy Rocha <Glendy@tridentmiami.com>, "C. Mark Reed" <c.mark@myflalaw.com>, rodrigo butori <rodrigobutori@gmail.com>, Carlos Daniel Romero <danycyclonesoccermiami@gmail.com>, Yul Burkle <yulburkle777@gmail.com>, Brenda Chambers <brendalsc1@hotmail.com>

[Quoted text hidden]

3 attachments

Miami-Dade Official Records - LIEN FILED 9.29.21 (6).pdf
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Settlement Offer instructions.pdf
522K

19-000538 9250 West Bay Harbor Drive SMF 9.29.21.pdf
376K

Gmail

Estela Pinnavaria <estelapinnavaria@gmail.com>

Bay Harbor Island Code Compliance

1 message

emerizalde@bayharborislands-fl.gov <emerizalde@bayharborislands-fl.gov> Thu, Sep 9, 2021 at 1:50 PM
Reply-To: emerizalde@bayharborislands-fl.gov
To: estelapinnavaria@gmail.com, abe@ambassadormanagement.com

Good afternoon,

Attached is a notice to appear before the Special Master on September 29, 2021 at 10:00 AM.

Should you have any questions, please contact me.

19-000538
9250 West BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000

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*
Website: *www.bayharborislands-fl.gov/code-compliance*

2 attachments

19-000538 9250 WBHD NTA 2.pdf
474K

Special Master Hearing.pdf
529K

Bay Harbor Island Town Hall
Code Compliance Division
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Council Chambers, 2nd Floor
Phone: (305) 993-1786

NOTICE TO APPEAR #2

Date: September 09, 2021
File Number: 19-000538

RE: **Notice of Violation No:** 19-000538
Date of Issuance: Mar 21, 2019
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 9250 West BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000

TO: *VIOLATOR*
COLONY BAY HARBOR APTS CONDO
9250 WEST BAY HARBOR DRIVE
BAY HARBOR ISLANDS, FL 33154

REGISTERED AGENT
Abe Levy
7100 West commercial Blvd. # 107
Lauderhill, FL 33319

Code Sections Violated and Nature of Violations:

Code: Sec. 23-12(11)
Violation: It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall.
Corrective Action: Immediate action required to repair and/or replace the seawall. Permit required. Have the seawall inspected by a structural engineer and install a barricade to prevent unauthorized access to the seawall.

Code: Sec. 23-12(1)
Violation: 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 facia 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
Corrective Action: Inspect and repair the dock.

You are hereby notified that a hearing before the Town's Special Master on the described violation will be held as follows:

Date: September 29, 2021
Time: 10:00AM
Place: Bay Harbor Islands Town Hall
Council Chambers, 2nd Floor

You may attend the hearing in person or via zoom.
Zoom instructions below.

You are invited to a Zoom webinar.

When: Sep 29, 2021 10:00 AM Eastern Time (US and Canada)
Topic: Special Master Hearing

Please click the link below to join the webinar:
https://us06web.zoom.us/j/86993650880

Or One tap mobile :
US: +13126266799,,86993650880# or +16465588656,,86993650880#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 720 707 2699 or +1 253 215 8782 or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free)

Webinar ID: 869 9365 0880
International numbers available: https://us06web.zoom.us/u/ko0Q8JHiH

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Master.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Any request for continuance must be received by the Special Master at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email.

Sincerely,

Alba Chang
Town Clerk

CFN: 20220448285 BOOK 33220 PAGE 2165

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:

COLONY BAY HARBOR APTS CONDO
9250 WEST BAY HARBOR DRIVE
BAY HARBOR ISLANDS, FL 33154

ADDRESS OF VIOLATION:

- COLONY BAY HARBOR APTS CONDO
9250 West BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000
Parcel No: 1322270130001

REGISTERED AGENT:

Ambassador Community management - Abe Levy
7100 West commercial Blvd. # 107
Lauderhill, FL 33319

HEARING INFORMATION

Date: September 29, 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 #: 19-000538

Code Inspector: Evelyn Menzalde

Method of Service	**Date**
Posted	September 09, 2021
Certified	September 09, 2021

Violations(s):

Code Section Violated: Sec. 23-12(11)
Nature of Violation and Details:
It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall.
Daily Penalty: $$50.00

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 facia 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:

Mark Reed, Attorney via zoom	(Owner's Attorney or Representative)
Evelyn Merizalde	(Code Inspector)
Scherrie Griffin	(Code Inspector)
Alba Chang	(Town Clerk)
Joseph Geller	(Town Attorney)
Mike Mesa	(Chief Building Official)
Ayanidys Martinez	(Building and Zoning Supervisor)

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 $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 assessed from 12/26/19- 9/29/21 which represents 644 days at $50.00 for a total of $32,200.00 . The fine will continue to accrue daily until compliance is met. Miami Beach Seawall contractor must submit a timeline for the completion of the seawall.

Fine Assessed: $32,200.00 Administrative Fee $150.00 Total Owed: $32,350.00

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

SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:
COLONY BAY HARBOR APTS CONDO
9250 WEST BAY HARBOR DRIVE
BAY HARBOR ISLANDS, FL 33154

ADDRESS OF VIOLATION:
- COLONY BAY HARBOR APTS CONDO
9250 West BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000
Parcel No: 1322270130001

REGISTERED AGENT:
Ambassador Community management - Abe Levy
7100 West commercial Blvd. # 107
Lauderhill, FL 33319

HEARING INFORMATION

Date: September 29, 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 #: 19-000538

Code Inspector: Evelyn Merizalde

Method of Service	**Date**
Posted	September 09, 2021
Certified	September 09, 2021

Violations(s):

Code Section Violated: Sec. 23-12(11)
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Mike Mesa	(Chief Building Official)
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NAME	ADDRESS	CALLED BY

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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:

COLONY BAY HARBOR APTS CONDO
9250 WEST BAY HARBOR DRIVE
BAY HARBOR ISLANDS, FL 33154

ADDRESS OF VIOLATION:

- COLONY BAY HARBOR APTS CONDO
9250 West BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000
Parcel No: 1322270130001

REGISTERED AGENT:

Ambassador Community management - Abe Levy
7100 West commercial Blvd. # 107
Lauderhill, FL 33319

HEARING INFORMATION

Date: September 29, 2021
Time: 10:00AM

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

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CITATION INFORMATION

Notice of Violation #: 19-000538

Code Inspector: Evelyn Merizalde

Method of Service	Date
Posted	September 09, 2021
Certified	September 09, 2021

Violations(s):

Code Section Violated: Sec. 23-12(11)
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Code Section Violated: Sec. 23-12(1)
Nature of Violation and Details:
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Mike Mesa	(Chief Building Official)
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WITNESSES:

NAME	ADDRESS	CALLED BY

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

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FURTHER RULING AND/OR REMARKS:

Fine assessed from 12/26/19- 9/29/21 which represents 644 days at $50.00 for a total of $32,200.00 . The fine will continue to accrue daily until compliance is met. Miami Beach Seawall contractor must submit a timeline for the completion of the seawall.

Fine Assessed: $32,200.00 Administrative Fee $150.00 Total Owed: $32,350.00

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

NOTICE OF VIOLATION

December 26, 2019
FILE NUMBER: 19-000538

OWNER:

COLONY BAY HARBOR APTS CONDO
9250 WEST BAY HARBOR DRIVE
BAY HARBOR ISLANDS, FL 33154

ADDRESS OF VIOLATION:

COLONY BAY HARBOR APTS CONDO -
9250 West BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000
Parcel No: 1322270130001

REGISTERED AGENT:

Ambassador Community management -
7100 West commercial Blvd. # 107
Lauderhill, FL 33319

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(11)
Nature of Violation and Details:
It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall.
Daily Penalty: $50.00

You may comply by: **Immediate action required to repair and/or replace the seawall. Permit required. Have the seawall inspected by a structural engineer and install a barricade to prevent unauthorized access to the seawall.**

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 facia 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: **Inspect and repair the dock.**

RE: The town hired the engineering firm of Chen, Moore & Associates to inspect the seawalls. This seawall are categorized as poor.

Location of Violation: 9250 West BAY HARBOR Drive Violation Date: 03/21/2019

Compliance Date: January 27, 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 lime 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: 12/26/2019 Cert Mail Article #: 7018 1130 0000 3964 1293
Date Posted: 12/26/2019

Evelyn Merizalde

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

ADDENDUM


Document
Evelyn Merizalde
Dec 26, 2019


Document
Evelyn Merizalde
Dec 26, 2019


Document
Evelyn Merizalde
Dec 26, 2019


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Evelyn Merizalde
Dec 26, 2019


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Dec 26, 2019

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:

COLONY BAY HARBOR APTS CONDO
9250 WEST BAY HARBOR DRIVE
BAY HARBOR ISLANDS, FL 33154

ADDRESS OF VIOLATION:

- COLONY BAY HARBOR APTS CONDO
9250 West BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000
Parcel No: 1322270130001

REGISTERED AGENT:

Ambassador Community management - Abe Levy
7100 West commercial Blvd. # 107
Lauderhill, FL 33319

HEARING INFORMATION

Date: September 29, 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 #: 19-000538

Code Inspector: Evelyn Merizalde

Method of Service	**Date**
Posted	September 09, 2021
Certified	September 09, 2021

Violations(s):

Code Section Violated: Sec. 23-12(11)
Nature of Violation and Details:
It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall.
Daily Penalty: $$50.00

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Daily Penalty: $50.00

APPEARANCES:

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Scherrie Griffin	(Code Inspector)
Alba Chang	(Town Clerk)
Joseph Geller	(Town Attorney)
Mike Mesa	(Chief Building Official)
Ayanidys Martinez	(Building and Zoning Supervisor)

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 $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.

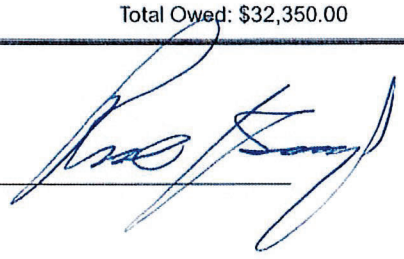
Provided the violation is corrected by , it is the Special Master's Order that the total amount of the civil penalties be mitigated by a reduction of % (not to exceed 50%)

FURTHER RULING AND/OR REMARKS:

Fine assessed from 12/26/19- 9/29/21 which represents 644 days at $50.00 for a total of $32,200.00 . The fine will continue to accrue daily until compliance is met. Miami Beach Seawall contractor must submit a timeline for the completion of the seawall.

Fine Assessed: $32,200.00 Administrative Fee $150.00 Total Owed: $32,350.00

Back to the next Special Master Hearing in days.

Special Master: Richard Kroop Signature: 

CFN: 20220448285 BOOK 33220 PAGE 2164
DATE:06/03/2022 10:37:04 AM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

This instrument prepared by
and record and return to:
Yvonne P. Hamilton, Acting 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 Maria Lasday who was duly sworn and says that she is the agent of the lienor herein:

Town of Bay Harbor Islands

whose address is 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154.

Lienor claims:

> Fines/fees as per Sections 23-12 (11) and 23-12 (1) of the Code of Ordinances of the Town of Bay Harbor Islands; Citation #19-000538; A fine of Thirty-Two Thousand Two Hundred Dollars ($32,200.00), plus an Administrative Fee of One Hundred Fifty Dollars ($150.00), levied on September 29th, 2021, by Special Master Richard Kroop. The total amount of the lien equals $32,350.00 ($32,200+$150). A fine of $50.00 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: 9250 West Bay Harbor Drive
> Bay Harbor Islands, Florida 33154
> Lots 19 & 20, Block 2, PB 46, Page 5
> Miami-Dade County, Florida

an amount of Thirty-Two Thousand Three Hundred and Fifty Dollars ($32,350.00) as of September 29th, 2021, plus a daily fine of $50 until compliance is met. The lienor served his notice to owner on September 9th, 2021, by Certified Mail/Posting.

YVONNE P. HAMILTON
Notary Public - State of Florida
Commission # HH 093435
My Comm. Expires Feb 15, 2025
Bonded through National Notary Assn.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Maria Lasday, Town Manager

Sworn to and subscribed before me this 31st day of May 2022.

(Notary Public)

I, Yvonne P. Hamilton, Acting 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 31st day of May 2022.

Acting Town Clerk
Town of Bay Harbor Islands, Florida

CFN: 20220448285 BOOK 33220 PAGE 2165

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:

COLONY BAY HARBOR APTS CONDO
9250 WEST BAY HARBOR DRIVE
BAY HARBOR ISLANDS, FL 33154

ADDRESS OF VIOLATION:

- COLONY BAY HARBOR APTS CONDO
9250 West BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000
Parcel No: 1322270130001

REGISTERED AGENT:

Ambassador Community management - Abe Levy
7100 West commercial Blvd. # 107
Lauderhill, FL 33319

HEARING INFORMATION

Date: September 29, 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 #: 19-000538

Code Inspector: Evelyn Merizalde

Method of Service	**Date**
Posted	September 09, 2021
Certified	September 09, 2021

Violations(s):

Code Section Violated: Sec. 23-12(11)
Nature of Violation and Details:
It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall.
Daily Penalty: $$50.00

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 facia 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:

Mark Reed, Attorney via zoom	(Owner's Attorney or Representative)
Evelyn Merizalde	(Code Inspector)
Scherrie Griffin	(Code Inspector)
Alba Chang	(Town Clerk)
Joseph Geller	(Town Attorney)
Mike Mesa	(Chief Building Official)
Ayanidys Martinez	(Building and Zoning Supervisor)

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 $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 assessed from 12/26/19- 9/29/21 which represents 644 days at $50.00 for a total of $32,200.00 . The fine will continue to accrue daily until compliance is met. Miami Beach Seawall contractor must submit a timeline for the completion of the seawall.

Fine Assessed: $32,200.00 Administrative Fee $150.00 Total Owed: $32,350.00

Back to the next Special Master Hearing in days.

Special Master: Richard Kroop Signature:

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

CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **19-000538**
Inspector: Evelyn Merizalde

Parcel Address: 9250 West BAY HARBOR Drive
Lot(s): 19-20 Block: 2

Owner Information:
COLONY BAY HARBOR APTS CONDO
9250 WEST BAY HARBOR DRIVE
BAY HARBOR ISLANDS, FL 33154

Violator Information:
COLONY BAY HARBOR APTS CONDO
9250 WEST BAY HARBOR DRIVE
BAY HARBOR ISLANDS, FL 33154

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 23-12(11)	03/21/2019		Open	
Comments:	Immediate action required to repair and/or replace the seawall. Permit required. Have the seawall inspected by a structural engineer and install a barricade to prevent unauthorized access to the seawall.			
Sec. 23-12(1)	12/26/2019		Open	
Comments:	Inspect and repair the dock.			

DATE OPENED	ACTIVITY	DESCRIPTION
03/01/2019	First Request	first seawall letter mailed to the property.
11/18/2019	Email	Emailed Linda Johnson,property manager, to verify the status of the seawall and dock repairs.
12/26/2019	Daily Fine Start	
12/26/2019	Progress Activity	New property manager Ambassabor Community Management added to the file.
12/26/2019	Progress Activity	Received a report of a possible failing seawall at Colony Bay Condominium. Spoke to Estela Pinnavaria, Treasurer, who stated the board installed a safety barrier to prevent unauthorized access.
12/26/2019	Inspection	Found the seawall appears to be failing. Manny Agbenohevi, acting CBO, who stated a barricade needs to be installed along the entire seawall to prevent unauthorized access to the area, hire a structural engineer to install the seawall, immediate action required to repair and/or replace the seawall and dock.
12/26/2019	Notice of Violation	Notice of violation issued : Immediate action required to repair and/or replace the seawall and dock. Permit required. Have the seawall/dock inspected by a structural engineer and install a barricade to prevent unauthorized access to the seawall.
12/27/2019	Email	Emailed the notice of violation to the Condo treasurer and to the property manager.

12/30/2019	Inspection	Inspected the safety barrier installed along the seawall with Eleizer Palacio, CBO. Inspection passed.
01/27/2020	Progress Activity	Email sent to Colony Bay Treasurer and Property manager requesting the current status of the seawall/dock repair. This case may be scheduled for a special master hearing on 2.26.20 at 9:30 AM.
01/28/2020	Compliance Inspection	Confirm inspection.
01/30/2020	Inspection	Inspect the sea wall for compliance. At this time no temporary or permanent repairs have been completed. This case will be placed on the agenda for the next scheduled Special Master hearing.
01/31/2020	Email	Email received from the property manager Hope this finds you well. The Board of Directors has collected proposals and have interview the companies. They are having a Board of Directors meeting on February 11, 2020 to make a motion to award the contract to a company that is currently doing the same type of work at the place where the Mayor of Bay harbor islands lives.
02/07/2020	Email	Abe Levy- Property Manager- Attached, please find copy of Notice to Appear in front of the Special Master Town of Bay Harbor Islands. Since this is a project that the Board of Directors is currently handling, one of you will be required to attend this hearing and provide the Special Master with an update. Time is of the essence. Please advise which of the Board Member will be the person attending this hearing. No attendance will have financial consequences. On Tuesday February 4, 2020 at 2:11 PM I sent an e mail to the Board Members with the agenda attached (copy of e mail and agenda attached) As of deadline of 2:00PM today I never received, the proposals and minutes to be able to prepare the Board meeting packet.
02/13/2020	Progress Activity	Received a continuance request from John Eric Anderson who does not appear as a unit owner but is listed on on sunbiz.org as the Board Secretary. He was advised that the continuance requested will be present at the case review meeting scheduled on 2/20/20.
02/18/2020	Inspection	Repairs have not been completed. Pictures entered to the case file. Fine 12/26/19-2/19/20 which represents 55 days for $100.00 a day -total as of 2/19/20 $5,600.00 the fine will continue to accrue until compliance is met.
02/18/2020	Phone Call	Spoke to Estela Treasurer, who stated she will appear at the hearing scheduled on 2/26/20. She was advised that a continuance request was received by John Eric Anderson who is listed as the BOD secretary but does not appear as a listed owner of a unit at the property. This information will be present to the department at the case review meeting scheduled on 2.20.20.
02/19/2020	Progress Activity	Left a message for Eric Anderson, Secretary and spoke to Estela, Treasurer, that the continuance request has been denied due to the severity of the failed seawall.
02/20/2020	Phone Call	As per Estela , Treasurer, the Condominium will have a meeting this Monday to approve a contractor to repair the seawall.
02/26/2020	Notice To Appear	Notice to appear before the special master mailed certified and posted to the property.
02/26/2020	Special Master Hearing	Curative measures required to repair the sea wall and safeguard against further damage within 45 days acceptable to the Chief Building Official. If adequate measures are not timely made, the Town shall be authorized to petition the Court

		to take curative measures itself and to seek reimbursement and fines against the property owner. Eric Anderson, Assn., attended the hearing.
04/28/2020	Progress Activity	Received payment for an administrative fee for the hearing held on 2/26/20.
05/06/2020	Progress Activity	Special master administrative fee in the amount of $150.00 received for the hearing held on 2/26/20.
05/08/2020	Code Action	King piles installed.
06/10/2020	Code Action	Follow-up with current seawall/ dock status- COVID-19 □ On February 20th, the Association received the Report from Total Structural Solutions recommending total replacement versus Repair of the Seawall, that report was unofficially reviewed with the US Army Corp of Engineers, who verbally agreed with that assessment. On February 24th, the Board of Directors selected Miami Beach Seawalls as Project Contractor At same meeting the Association Board designated Eric Anderson as the Associations Principal Point of Contact and Co-Ordinator for the Seawall Project execution On March 26th , 2020 the Association approved the Special Assesments needed for the total Replacement Project, so it could enter into a final contract with MBS □ On April 15th the Association Board President signed the Construction Project Contract with Miami Beach Seawall Our Contact there is Brian Moretti at 305 308 7962 and they are cc'd on this email During the week of May 8, MBS finished placing 17 King Pilings to stabilize the wall section that failed During the week of May 30th, a Geotechnical Drilling Survey was completed (ALL State Engineering) First Round of Permits have been sent into DERM, see MBS for details
06/10/2020	Email	Email sent to the condominium board association to obtain the current seawall status post COVID-19 closure.
02/01/2021	Progress Activity	Seawall application submitted by Miami Beach Seawall.
03/12/2021	Progress Activity	Seawall permit application denied. Permit review document uploaded to the file.
05/14/2021	Progress Activity	The seawall permit is still in the denied status. This case will be placed on the agenda for the next special master hearing.
05/14/2021	Email	Email sent to the association requesting the status of the permit with DERM.
07/23/2021	Progress Activity	Found piles were placed against the seawall.
08/06/2021	Email	Emailed the plan review report to the association. Spoke to Estela regarding the pending violation.
08/10/2021	Inspection	Confirm inspection.
09/10/2021	Code Action	Picture taken of the seawall piles entered to the case file. Building Department files indicate the permit was taken to DERM for approval.
09/22/2021	Affidavit	Prepared case Affidavit. The seawall permit has not been issued.
09/22/2021	Progress Activity	Letter received from Mark Reed, Valancy & Reed, P.A. , who will attend the hearing on behalf of Colony Bay Harbor Condominium.
09/22/2021	Progress Activity	Letter received from Mark Reed, Valancy & Reed, P.A. , who will attend the hearing on behalf of Colony Bay Harbor Condominium.

09/29/2021	Special Master Hearing	Fine assessed from 12/26/19- 9/29/21 which represents 644 days at $50.00 for a total of $32,200.00 . The fine will continue to accrue daily until compliance is met. The contractor must submitted a timeline for completion of the seawall. Mark Reed, Assn. attorney, attended the hearing via zoom.
09/29/2021	Notice To Appear	Notice to appear before the Special Master on 9/29/21 mailed certified and posted to the property.
10/12/2021	Code Action	Mailed Special master findings certified. 7016 1970 0000 1070 7736
01/06/2022	Code Action	Seawall steel framing inspection passed on 10/27/21.Pending final inspection to comply.
04/28/2022	Progress Activity	Updated the file to reflect Trident Management as the new property manager. Ambassador Management was remove from the file.
05/20/2022	Progress Activity	As of today's date the seawall permit has not received a final inspection. Lien filing request submitted to the Clerk's Office.
05/27/2022	Claim of Lien	
06/24/2022	Walk In	Received a inquiry regarding the status of the violation. The fine is currently accruing daily until the seawall passes a final inspection.
07/28/2022	Progress Activity	The seawall permit was finaled on 7/14/22.
07/29/2022	Progress Activity	The seawall replacement was completed on 7/15/22. Application Date: 02/01/2021 Total Amount: $ 3,549.75 Approval Date: 08/13/2021 Amount Paid: $ 3,549.75 Issue Date: 08/13/2021 Balance Due: $ 0.00 Expiration Date: 01/13/2023 Valuation: 0.00 Close Date: 07/14/2022 Non-Billable: Last Inspection: Final Building on 07/13/2022
11/03/2022	Progress Activity	Fine calculation from 12/26/19-7/13/22 which represents 930 days at $50.00 per day for a total of $46,500.00.
11/04/2022	Email	Provided the fine amount calculation to a board member along with instructions to submit a settlement offer.
03/09/2023	Phone Call	I spoke to a member of the board regarding the lien.
03/29/2023	Walk In	Provided instructions on how to request a reduction of the fine amount.
07/13/2023	Walk In	Provided instructions to submit a settlement offer to the property manger.
12/18/2023	Code Action	Settlement offer submitted for $0.00. Explanation letter uploaded to the file.

Photo(s)



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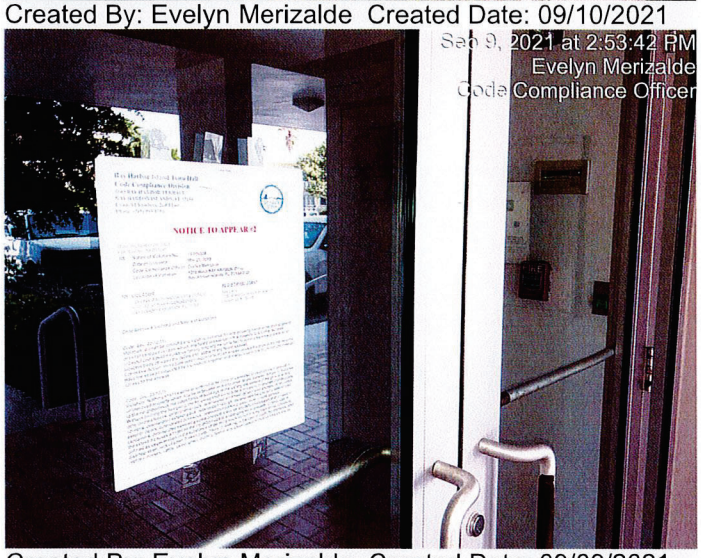

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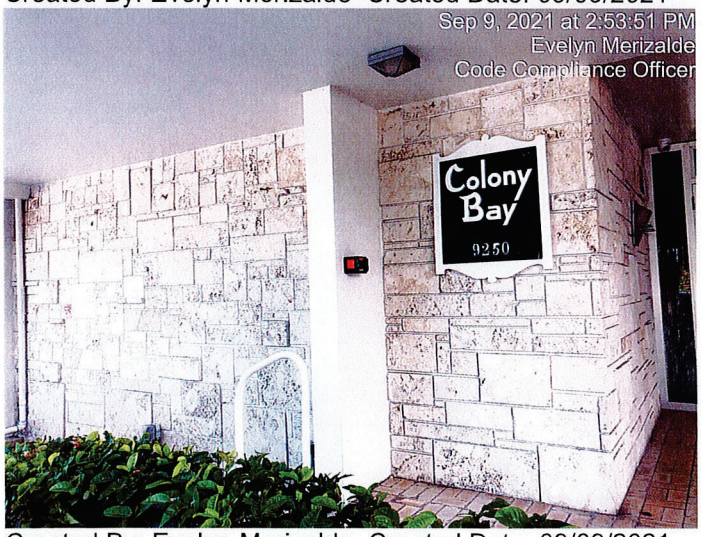

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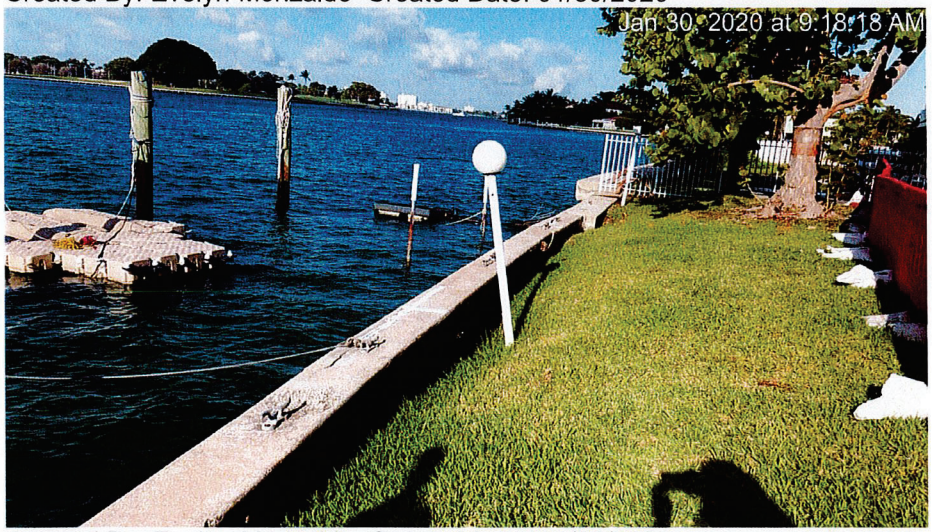

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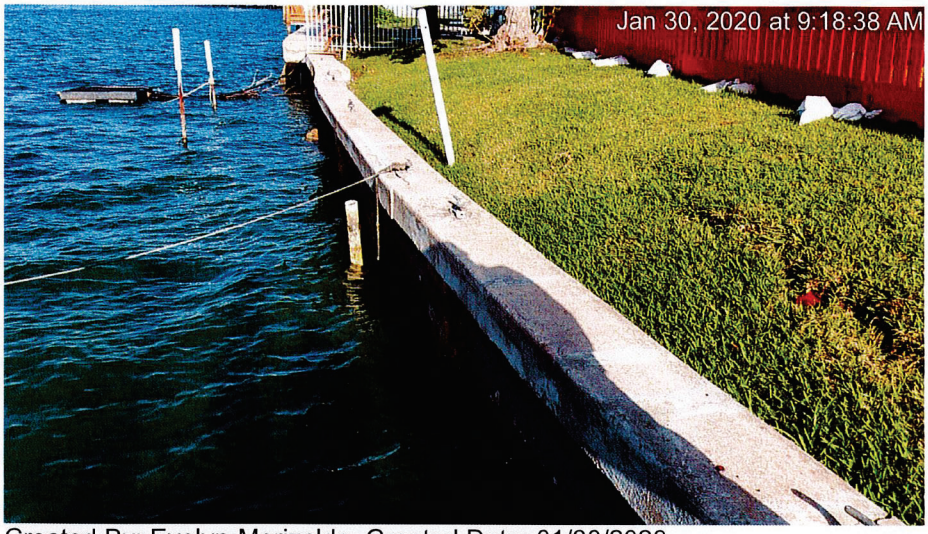

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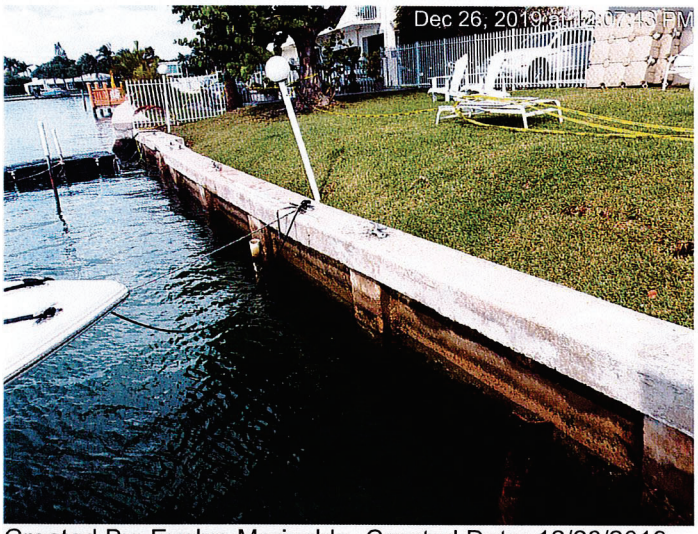

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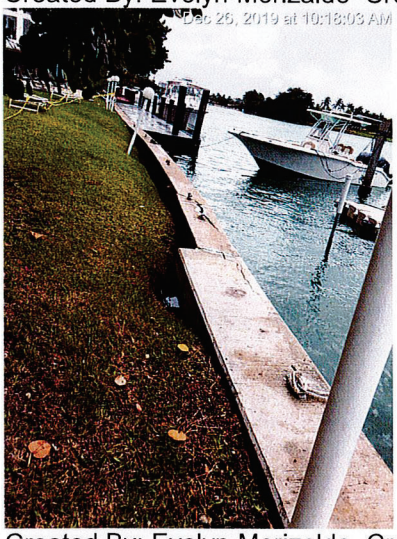

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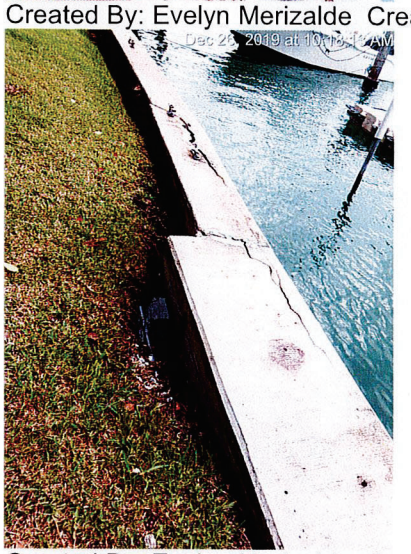

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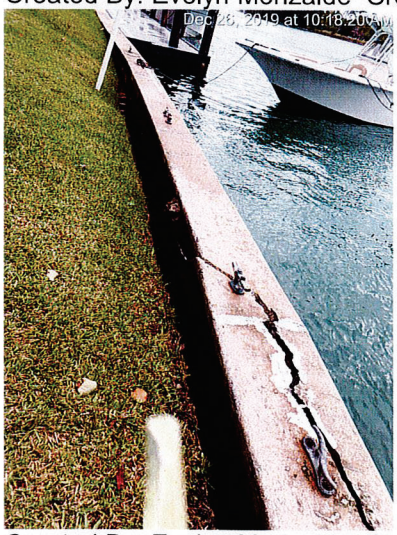

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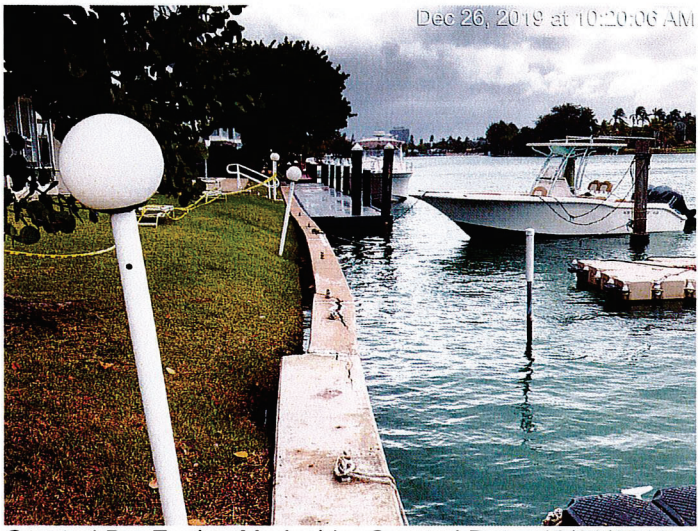

Created By: Evelyn Merizalde Created Date: 12/26/2019

TO: BAY HARBOR ISLAND

LITIGATION COMMITTEE

c/o Yvonne P. Hamilton

Acting Town Clerk

Town of Bay Harbor Terrace

Bay Harbor Terrace

Bay Harbor Islands, Fl 33154

CASE No: 19-000538

Good morning Mss. Hamilton: my name is Estela Pinnavaria I'm the Secretary of the BOD at Colony Bay Condominium. 9250 West Bay Harbor Dr. BHI, Fl 33154

Hereby requesting a settlement.

On December 23, 2019 our sea wall fell, Immediately I went to the city and they help me, with the barriers and guide through and we start to work with Miami Beach Sea Wall construction.

Because of Covid 19 pandemic, It took long time to Miami Beach Seawall Construction to get approval from Miami-Dade County (Coastal Resources Section) and finally was approved 10/06/2021, so that we continue working with the next step. On June 8, 2022 We got "Class I Final Inspection Report. (please see attached) We pass the inspection and Sea wall and deck was done

On September 29, 2021 we were invited to attend the hearing. Unfortunately, nobody from BOD was able to do it.

I, was recovering from Covid19 after spend the month August in Intensive Care Unit at Mount Sinai Hospital. I loss voice, memory, taste and it took long time for me to recover,

Our President did not attend either because he traveled to Brazil, and got Covid19 and Can Not Fly.

To make the matter worst our management company let us know that September will be the last month because the owner will retire. And the new company took a long time to get all documents.

On September 29th, 2021The Special Master Richard Kroop assessed us $32,500.00 Dollars.

I would like to meet with you to consider reduction, since everything was done in timely matter, beside the adverse situation that we lived. In my opinion we should pay Zero Dollars.

Sincerely ,

TO: BAY HARBOR ISLAND

June 14,2023

LITIGATION COMMITTEE

ATTN: YVONNE P. HAMILTON

ACTING TOWN CLERK

TOWN OF BAY HARBOR TERRACE

BAY HARBOR ISLANDS, FL 33154

CASE No: 19-000538 settlement request

Dear Miss Hamilton : I, Carlos Daniel Romero acting president of Colony Bay Condominium, hereby authorizing Estela Pinnavaria (secretary) to represent us in the process of Case No: 19-000538.

Should you have any question or concern, please do not hesitate to contact me at (305)984-5326

Sincerely,

Carlos Daniel Romero

CFN: 20220448285 BOOK 33220 PAGE 2164
DATE:06/03/2022 10:37:04 AM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

This instrument prepared by
and record and return to:
Yvonne P. Hamilton, Acting 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 Maria Lasday who was duly sworn and says that she is the agent of the lienor herein:

Town of Bay Harbor Islands

whose address is 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154.

Lienor claims:

> Fines/fees as per Sections 23-12 (11) and 23-12 (1) of the Code of Ordinances of the Town of Bay Harbor Islands; Citation #19-000538; A fine of Thirty-Two Thousand Two Hundred Dollars ($32,200.00), plus an Administrative Fee of One Hundred Fifty Dollars ($150.00), levied on September 29th, 2021, by Special Master Richard Kroop. The total amount of the lien equals $32,350.00 ($32,200 $150). A fine of $50.00 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: 9250 West Bay Harbor Drive
> Bay Harbor Islands, Florida 33154
> Lots 19 & 20, Block 2, PB 46, Page 5
> Miami-Dade County, Florida

an amount of Thirty-Two Thousand Three Hundred and Fifty Dollars ($32,350.00) as of September 29th, 2021, plus a daily fine of $50 until compliance is met. The lienor served his notice to owner on September 9th, 2021, by Certified Mail/Posting.

YVONNE P. HAMILTON
Notary Public - State of Florida
Commission # HH 093435
My Comm. Expires Feb 15, 2025
Bonded through National Notary Assn.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Maria Lasday, Town Manager

Sworn to and subscribed before me this 31st day of May 2022.

(Notary Public)

I, Yvonne P. Hamilton, Acting 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 31st day of May 2022.

Acting Town Clerk
Town of Bay Harbor Islands, Florida

Uniform Mitigation Verification Inspection Form

Maintain a copy of this form and any documentation provided with the insurance policy

Inspection Date: 11-03-2021		
Owner Information		
Owner Name: COLONY BAY HARBOR CONDOMINIUM, INC.		Contact Person: JARDIEL ABREU
Address: 9250 W. BAY HARBOR DRIVE		Home Phone:
City: BAY HARBOR ISLANDS	Zip: 33154	Work Phone: 305-535-7599
County: MIAMI-DADE CO, FL		Cell Phone:
Insurance Company:		Policy #:
Year of Home: 1967	# of Stories: 7	Email: jardiel@tridentmiami.com

NOTE: Any documentation used in validating the compliance or existence of each construction or mitigation attribute must accompany this form. At least one photograph must accompany this form to validate each attribute marked in questions 3 though 7. The insurer may ask additional questions regarding the mitigated feature(s) verified on this form.

1. **Building Code**: Was the structure built in compliance with the Florida Building Code (FBC 2001 or later) OR for homes located in the HVHZ (Miami-Dade or Broward counties), South Florida Building Code (SFBC-94)?
   - ☐ A. Built in compliance with the FBC: Year Built _____. For homes built in 2002/2003 provide a permit application with a date after 3/1/2002: Building Permit Application Date (MM/DD/YYYY) ___/___/_____
   - ☐ B. For the HVHZ Only: Built in compliance with the SFBC-94: Year Built _____. For homes built in 1994, 1995, and 1996 provide a permit application with a date after 9/1/1994: Building Permit Application Date (MM/DD/YYYY) ___/___/_____
   - ☑ C. Unknown or does not meet the requirements of Answer "A" or "B"

2. **Roof Covering:** Select all roof covering types in use. Provide the permit application date OR FBC/MDC Product Approval number OR Year of Original Installation/Replacement OR indicate that no information was available to verify compliance for each roof covering identified.

2.1 Roof Covering Type:	Permit Application Date	FBC or MDC Product Approval #	Year of Original Installation or Replacement	No Information Provided for Compliance
☐ 1. Asphalt/Fiberglass Shingle	___/___/_____			☐
☐ 2. Concrete/Clay Tile	___/___/_____			☐
☐ 3. Metal	___/___/_____			☐
☐ 4. Built Up	___/___/_____			☐
☑ 5. Membrane	09/24/2021			☐
☐ 6. Other_____	___/___/_____			☐

   - ☑ A. All roof coverings listed above meet the FBC with a FBC or Miami-Dade Product Approval listing current at time of installation OR have a roofing permit application date on or after 3/1/02 OR the roof is original and built in 2004 or later.
   - ☐ B. All roof coverings have a Miami-Dade Product Approval listing current at time of installation OR (for the HVHZ only) a roofing permit application after 9/1/1994 and before 3/1/2002 OR the roof is original and built in 1997 or later.
   - ☐ C. One or more roof coverings do not meet the requirements of Answer "A" or "B".
   - ☐ D. No roof coverings meet the requirements of Answer "A" or "B".

3. **Roof Deck Attachment**: What is the **weakest** form of roof deck attachment?
   - ☐ A. Plywood/Oriented strand board (OSB) roof sheathing attached to the roof truss/rafter (spaced a maximum of 24" inches o.c.) by staples or 6d nails spaced at 6" along the edge and 12" in the field. -OR- Batten decking supporting wood shakes or wood shingles. -OR- Any system of screws, nails, adhesives, other deck fastening system or truss/rafter spacing that has an equivalent mean uplift less than that required for Options B or C below.
   - ☐ B. Plywood/OSB roof sheathing with a minimum thickness of 7/16"inch attached to the roof truss/rafter (spaced a maximum of 24"inches o.c.) by 8d common nails spaced a maximum of 12" inches in the field.-OR- Any system of screws, nails, adhesives, other deck fastening system or truss/rafter spacing that is shown to have an equivalent or greater resistance than 8d nails spaced a maximum of 12 inches in the field or has a mean uplift resistance of at least 103 psf.
   - ☐ C. Plywood/OSB roof sheathing with a minimum thickness of 7/16"inch attached to the roof truss/rafter (spaced a maximum of 24"inches o.c.) by 8d common nails spaced a maximum of 6" inches in the field. -OR- Dimensional lumber/Tongue & Groove decking with a minimum of 2 nails per board (or 1 nail per board if each board is equal to or less than 6 inches in width). -OR- Any system of screws, nails, adhesives, other deck fastening system or truss/rafter spacing that is shown to have an equivalent

Inspectors Initials HH **Property Address** 9250 W. BAY HARBOR DRIVE, BAY HARBOR ISLANDS, FL 33154

***This verification form is valid for up to five (5) years provided no material changes have been made to the structure.**

or greater resistance than 8d common nails spaced a maximum of 6 inches in the field or has a mean uplift resistance of at least 182 psf.

- ☑ D. Reinforced Concrete Roof Deck.
- ☐ E. Other: _____
- ☐ F. Unknown or unidentified.
- ☐ G. No attic access.

4. **Roof to Wall Attachment:** What is the **WEAKEST** roof to wall connection? (Do not include attachment of hip/valley jacks within 5 feet of the inside or outside corner of the roof in determination of WEAKEST type)

- ☐ A. Toe Nails
  - ☐ Truss/rafter anchored to top plate of wall using nails driven at an angle through the truss/rafter and attached to the top plate of the wall, or
  - ☐ Metal connectors that do not meet the minimal conditions or requirements of B, C, or D

Minimal conditions to qualify for categories B, C, or D. All visible metal connectors are:

- ☐ Secured to truss/rafter with a minimum of three (3) nails, **and**
- ☐ Attached to the wall top plate of the wall framing, or embedded in the bond beam, with less than a ½" gap from the blocking or truss/rafter **and** blocked no more than 1.5" of the truss/rafter, **and** free of visible severe corrosion.

- ☐ B. Clips
  - ☐ Metal connectors that do not wrap over the top of the truss/rafter, **or**
  - ☐ Metal connectors with a minimum of 1 strap that wraps over the top of the truss/rafter and does not meet the nail position requirements of C or D, but is secured with a minimum of 3 nails.
- ☐ C. Single Wraps
  Metal connectors consisting of a single strap that wraps over the top of the truss/rafter and is secured with a minimum of 2 nails on the front side and a minimum of 1 nail on the opposing side.
- ☐ D. Double Wraps
  - ☐ Metal Connectors consisting of 2 separate straps that are attached to the wall frame, or embedded in the bond beam, on either side of the truss/rafter where each strap wraps over the top of the truss/rafter and is secured with a minimum of 2 nails on the front side, and a minimum of 1 nail on the opposing side, **or**
  - ☐ Metal connectors consisting of a single strap that wraps over the top of the truss/rafter, is secured to the wall on both sides, and is secured to the top plate with a minimum of three nails on each side.
- ☑ E. Structural Anchor bolts structurally connected or reinforced concrete roof.
- ☐ F. Other: _____
- ☐ G. Unknown or unidentified
- ☐ H. No attic access

5. **Roof Geometry:** What is the roof shape? (Do not consider roofs of porches or carports that are attached only to the fascia or wall of the host structure over unenclosed space in the determination of roof perimeter or roof area for roof geometry classification).

- ☐ A. Hip Roof — Hip roof with no other roof shapes greater than 10% of the total roof system perimeter. Total length of non-hip features: _____ feet; Total roof system perimeter: _____ feet
- ☑ B. Flat Roof — Roof on a building with 5 or more units where at least 90% of the main roof area has a roof slope of less than 2:12. Roof area with slope less than 2:12 7,178 sq ft; Total roof area 7,178 sq ft
- ☐ C. Other Roof — Any roof that does not qualify as either (A) or (B) above.

6. **Secondary Water Resistance (SWR):** (standard underlayments or hot-mopped felts do not qualify as an SWR)

- ☐ A. SWR (also called Sealed Roof Deck) Self-adhering polymer modified-bitumen roofing underlayment applied directly to the sheathing or foam adhesive SWR barrier (not foamed-on insulation) applied as a supplemental means to protect the dwelling from water intrusion in the event of roof covering loss.
- ☐ B. No SWR. N/A
- ☑ C. Unknown or undetermined.

Inspectors Initials HH **Property Address** 9250 W. BAY HARBOR DRIVE, BAY HARBOR ISLANDS, FL 33154

***This verification form is valid for up to five (5) years provided no material changes have been made to the structure or inaccuracies found on the form.**

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.

3 attachments

Miami-Dade Official Records - LIEN FILED 9.29.21 (6).pdf
539K

Settlement Offer instructions.pdf
522K

19-000538 9250 West Bay Harbor Drive SMF 9.29.21.pdf
376K

Estela Pinnavaria <estelapinnavaria@gmail.com> Fri, Nov 4, 2022 at 2:59 PM
To: Glendy Rocha <Glendy@tridentmiami.com>, "C. Mark Reed" <c.mark@myflalaw.com>, rodrigo butori <rodrigobutori@gmail.com>, Carlos Daniel Romero <danycyclonesoccermiami@gmail.com>, Yul Burkle <yulburkle777@gmail.com>, Brenda Chambers <brendalsc1@hotmail.com>

[Quoted text hidden]

3 attachments

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Settlement Offer instructions.pdf
522K

19-000538 9250 West Bay Harbor Drive SMF 9.29.21.pdf
376K

Gmail

Estela Pinnavaria <estelapinnavaria@gmail.com>

Bay Harbor Island Code Compliance

1 message

emerizalde@bayharborislands-fl.gov <emerizalde@bayharborislands-fl.gov> Thu, Sep 9, 2021 at 1:50 PM
Reply-To: emerizalde@bayharborislands-fl.gov
To: estelapinnavaria@gmail.com, abe@ambassadormanagement.com

Good afternoon,

Attached is a notice to appear before the Special Master on September 29, 2021 at 10:00 AM.

Should you have any questions, please contact me.

19-000538
9250 West BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000

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*
Website: *www.bayharborislands-fl.gov/code-compliance*

2 attachments

19-000538 9250 WBHD NTA 2.pdf
474K

Special Master Hearing.pdf
529K

Bay Harbor Island Town Hall
Code Compliance Division
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Council Chambers, 2nd Floor
Phone: (305) 993-1786

NOTICE TO APPEAR #2

Date: September 09, 2021
File Number: 19-000538

RE: **Notice of Violation No:** 19-000538
Date of Issuance: Mar 21, 2019
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 9250 West BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000

TO: *VIOLATOR*
COLONY BAY HARBOR APTS CONDO
9250 WEST BAY HARBOR DRIVE
BAY HARBOR ISLANDS, FL 33154

REGISTERED AGENT
Abe Levy
7100 West commercial Blvd. # 107
Lauderhill, FL 33319

Code Sections Violated and Nature of Violations:

Code: Sec. 23-12(11)
Violation: It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall.
Corrective Action: Immediate action required to repair and/or replace the seawall. Permit required. Have the seawall inspected by a structural engineer and install a barricade to prevent unauthorized access to the seawall.

Code: Sec. 23-12(1)
Violation: 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 facia 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
Corrective Action: Inspect and repair the dock.

You are hereby notified that a hearing before the Town's Special Master on the described violation will be held as follows:

Date: September 29, 2021
Time: 10:00AM
Place: Bay Harbor Islands Town Hall
Council Chambers, 2nd Floor

You may attend the hearing in person or via zoom.
Zoom instructions below.

You are invited to a Zoom webinar.

When: Sep 29, 2021 10:00 AM Eastern Time (US and Canada)
Topic: Special Master Hearing

Please click the link below to join the webinar:
https://us06web.zoom.us/j/86993650880

Or One tap mobile :
US: +13126266799,,86993650880# or +16465588656,,86993650880#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 720 707 2699 or +1 253 215 8782 or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free)

Webinar ID: 869 9365 0880
International numbers available: https://us06web.zoom.us/u/ko0Q8JHiH

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representative shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Master.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your properly.

Any request for continuance must be received by the Special Master at least ten (10) calendar days prior to the date set for the hearing to be considered.

For information or comments, contact the Code Code Compliance Department at (305) 993-1786 or by email.

Sincerely,

Alba Chang
Town Clerk

CFN: 20220448285 BOOK 33220 PAGE 2165

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:
COLONY BAY HARBOR APTS CONDO
9250 WEST BAY HARBOR DRIVE
BAY HARBOR ISLANDS, FL 33154

ADDRESS OF VIOLATION:
- COLONY BAY HARBOR APTS CONDO
9250 West BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000
Parcel No: 1322270130001

REGISTERED AGENT:
Ambassador Community management - Abe Levy
7100 West commercial Blvd. # 107
Lauderhill, FL 33319

HEARING INFORMATION

Date: September 29, 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 #: 19-000538

Code Inspector: Evelyn Menzalde

Method of Service	Date
Posted	September 09, 2021
Certified	September 09, 2021

Violations(s):

Code Section Violated: Sec. 23-12(11)
Nature of Violation and Details:
It shall be unlawful and a public nuisance for any property owner in the town to permit, or to fail to repair or reconstruct, any failed seawall upon his property. It is further declared unlawful and a public nuisance for any property owner to fail to remove from his property or an adjacent body of water the debris and rubble of any failed seawall.
Daily Penalty: $$50.00

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 facia 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:

Mark Reed, Attorney via zoom	(Owner's Attorney or Representative)
Evelyn Merizalde	(Code Inspector)
Scherrie Griffin	(Code Inspector)
Alba Chang	(Town Clerk)
Joseph Geller	(Town Attorney)
Mike Mesa	(Chief Building Official)
Ayanidys Martinez	(Building and Zoning Supervisor)

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 $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 assessed from 12/26/19- 9/29/21 which represents 644 days at $50.00 for a total of $32,200.00 . The fine will continue to accrue daily until compliance is met. Miami Beach Seawall contractor must submit a timeline for the completion of the seawall.

Fine Assessed: $32,200.00 Administrative Fee $150.00 Total Owed: $32,350.00

Back to the next Special Master Hearing in days.

Special Master: Richard Kroop Signature:

CFN: 20220448285 BOOK 33220 PAGE 2165

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:

COLONY BAY HARBOR APTS CONDO
9250 WEST BAY HARBOR DRIVE
BAY HARBOR ISLANDS, FL 33154

ADDRESS OF VIOLATION:

- COLONY BAY HARBOR APTS CONDO
9250 West BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000
Parcel No: 1322270130001

REGISTERED AGENT:

Ambassador Community management - Abe Levy
7100 West commercial Blvd. # 107
Lauderhill, FL 33319

HEARING INFORMATION

Date: September 29, 2021
Time: 10:00AM

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

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CITATION INFORMATION

Notice of Violation #: 19-000538

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Daily Penalty: $50.00

CFN: 20220448285 BOOK 33220 PAGE 2166

APPEARANCES:

Mark Reed, Attorney via zoom	(Owner's Attorney or Representative)
Evelyn Merizalde	(Code Inspector)
Scherrie Griffin	(Code Inspector)
Alba Chang	(Town Clerk)
Joseph Geller	(Town Attorney)
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WITNESSES:

NAME	ADDRESS	CALLED BY

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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

SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:

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BAY HARBOR ISLANDS, FL 33154

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9250 West BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000
Parcel No: 1322270130001

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Back to the next Special Master Hearing in days.

Special Master: Richard Kroop Signature:

AGENDA ITEM REPORT
February 7, 2024

ITEM NUMBER: 4.

ITEM: Approval or **Denial** of a settlement agreement for Violation No. 22-000164 - Section 5-6(a) of the Town Code for performing construction work without the required permit. David Shimunov, 10350 West Bay Harbor Drive, Unit 7H, Bay Harbor Islands, FL 33154. The assessed fine was $28,250.00. On May 31, 2023 the Special Master mitigated the fine to $14,325.00. **Counsel for the property owner, Barry T. Shevlin, Esq., is proposing that the fine be reduced to $0.00.**

DESCRIPTION:
Approval or **Denial** of a settlement agreement for Violation No. 22-000164 - Section 5-6(a) of the Town Code for performing construction work without the required permit. David Shimunov, 10350 West Bay Harbor Drive, Unit 7H, Bay Harbor Islands, FL 33154. The assessed fine was $28,250.00. On May 31, 2023 the Special Master mitigated the fine to $14,325.00. **Counsel for the property owner, Barry T. Shevlin, Esq., is proposing that the fine be reduced to $0.00.**

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	22-000164 10350 WBHD # 7H Settlement Offer
2.	Litigation Docs 22-000164 10350 WBHD # 7H

SHEVLIN & ATKINS
ATTORNEYS AT LAW

1111 Kane Concourse
Suite 619
Bay Harbor Islands, Florida 33154
Telephone: (305) 868-0304
Facsimile: (305) 868-0338
www.shevlinatkins.com

BARRY T. SHEVLIN
ANDREW S. ATKINS*
PHILIP STEKOL

*ADMITTED IN FL AND GA

July 6, 2023

Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

NOTICE OF FILING

Re: Violation #22-000164
Address: 10350 W Bay Harbor Drive, Unit 7H
Bay Harbor Islands, FL 33154
Litigation Committee – Fine Mitigation Report

Dear Town Clerk:

Enclosed please find my clients' Petition for Mitigation of Code Enforcement Fines for the consideration of the Litigation Committee. Please present it to them.

Yours very truly,

SHEVLIN & ATKINS
Attorneys at Law

By: _____
Barry T. Shevlin, Esq.

JUL 06 2023

SHEVLIN & ATKINS
ATTORNEYS AT LAW

1111 Kane Concourse
Suite 619
Bay Harbor Islands, Florida 33154
Telephone: (305) 868-0304
Facsimile: (305) 868-0338
www.shevlinatkins.com

BARRY T. SHEVLIN
ANDREW S. ATKINS*
PHILIP STEKOL

*ADMITTED IN FL AND GA

July 6, 2023

Litigation Committee
c/o Yvonne P. Hamilton
Acting Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Re: Petition for Mitigation of Code Enforcement Fines
Case No.: 22-000164
Address: 10350 West Bay Harbor Drive, Unit 7H
Bay Harbor Islands, FL

Dear Litigation Committee:

Please be advised that I represent Simon Shimunov and David Shimunov, the owners of the above-referenced property.

We appeared before the Special Master on May 31, 2023 to address a fine running as a result of violation received for construction work in progress without the required permits. Ultimately, a fine was imposed by the Special Master in the amount of $14,125.00 which my clients are now disputing. My clients reside in New York and had planned to move to Bay Harbor Islands once they renovated their newly purchased unit.

Unfortunately, they fell victim to unscrupulous general contractors who lied to them and cheated them out of over thirty-five thousand ($35,000.00) dollars. My clients filed complaints with the DBPR as requested by the Special Master (Copies of which are attached hereto). It turns out that after stealing my clients' money and not pulling proper permits despite telling my clients that they had pulled same, both contractors administratively dissolved their corporations and closed their businesses.

As soon as my clients discovered these terrible problems, they hired a hired a third contractor who immediately applied for and received the necessary permits and completed the work in a timely manner. I also enclose herewith a copy of our Petition for Mitigation of fines that we filed in this matter for your review.

My client stopped all work at the unit as soon as the Town notified him of the issue. He was clearly taken advantage of by his two prior unscrupulous contractors who took his money and then shut down their businesses.

My clients lost over $35,000.00 plus over a year that they could not live in their unit. Additionally, they had to hire and pay their third contractor to complete the job at a cost of $50,000.00.

Please remember this is a small unit. The amount of money they lost and their quick attempts at compliance justify the reduction of this $14,125.00 fine.

My clients respectfully request that the fine of $14,125.00 be reduced to zero in that once they became aware of the problem they immediately addressed same.

Code Enforcement fines as the prior Special Master said "are designed to bring a property owner into compliance and not to punish him". My clients have already been taken advantage of by their prior contractors and should not be punished again by having to pay a large code enforcement fine.

Yours very truly,

SHEVLIN & ATKINS
Attorneys at Law

By: _____
Barry T. Shevlin, Esq.

SHEVLIN & ATKINS
ATTORNEYS AT LAW

1111 Kane Concourse
Suite 619
Bay Harbor Islands, Florida 33154
Telephone: (305) 868-0304
Facsimile: (305) 868-0338
www.shevlinatkins.com

BARRY T. SHEVLIN
ANDREW S. ATKINS*
PHILIP STEKOL

*ADMITTED IN FL AND GA

June 9, 2023

Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

NOTICE OF FILING

Re: Violation #22-000164
Address: 102050 W Bay Harbor Drive, Unit 7H
Bay Harbor Islands, FL 33154
Compliance with Special Master Ruling of 5/31/23

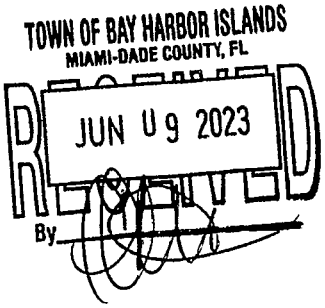
Dear Special Master:

Enclosed are the two complaints with the State of Florida Department of Business and Professional Regulation submitted against the two contractors that abandoned the job in compliance with the Special Master's order issued on May 31, 2023.

Yours very truly,

SHEVLIN & ATKINS
Attorneys at Law

By: _____
Barry T. Shevlin, Esq.



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Uniform Complaint Form Instructions

Pursuant to Section 455.225, Florida Statutes, a complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the Department, or of any rule adopted by the Department or a regulatory board in the Department, has occurred. The Department may investigate, and the Department or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion.

Please provide all relevant documentation that supports your complaint with this form. No investigation of your complaint can begin until you provide all relevant information and documentation to the Department. Failure to provide this information may result in further requests for information and delay the investigation of your complaint.

Relevant documentation includes, but is not limited to, copies of the following, as applicable:

- Contracts/ Proposals
- Invoices
- Proof of Payment
- Advertisements
- Correspondence
- Authorization for Release of Patient Information Form (Vets)
- Community Association Manager (CAM) Meeting Minutes
- Management Contract (CAM)
- Covenants and By-laws (CAM)
- Building Permit (Electrical and Construction)
- Lien(s) (Electrical and Construction)

Please send legible copies of your supporting documents. We are unable to return original documents to you.

Should additional documentation be requested and not received by this Department within 30 days of the request, the file may be closed.

If an investigation of any subject is undertaken, the Department will furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation.

Pursuant to Chapter 455, Florida Statutes, the complaint and all information obtained pursuant to the investigation by the Department are confidential and exempt from public records requests until 10 days after probable cause is found to exist, or until the subject of the investigation waives his or her privilege of confidentiality, whichever occurs first. However, the exemption does not apply to actions against unlicensed persons or unless otherwise provided by law.

Investigations differ in complexity and duration, so providing a time of completion is not possible. We appreciate your cooperation and understanding in this matter.

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION

Please submit to the appropriate address on Page 9.

Any investigation or administrative proceeding brought by the Department against the subject of your complaint will rely upon the information you provide to the Department. All allegations and supporting documentation MUST be provided to the Department at this time.

COMPLAINANT INFORMATION

Last Name	First	Middle	Title	Suffix
Shimunov	DAVID			

Your Company/Occupation: REAL ESTATE

MAILING ADDRESS

Street Address or P.O. Box: 10350 West Bay Harbor Drive, Unit 7H

City	State	Zip Code (+4 optional)
Bay Harbor	FL	33154

County (if Florida address)	Country
Miami Dade	USA

CONTACT INFORMATION

Primary Phone Number	Alternate Phone Number
917-922-1004	N/A

Primary E-Mail Address: timeportinc@gmail.com

Unlicensed Activity Complaint? Yes ☒ No ☐ Unknown ☐

COMPLAINT DESCRIPTION

I engaged Carlos Gomez Oreillana to do an interior remodel of my unit in Bay Harbor Islands, FL. I live in N.Y. He was doing business thru RPG Global LLC. He said he was fully licensed and had me write him two checks one for $17,500 and one for $7,500. He told me he pulled all necessary permits and completed demolition and started work inside the unit. I was contacted by a neighbor and told me a stop work order was on my door. I called him repeated but he disappeared along with my $25,000. He shut off his phone and closed his company on Sept 23, 2022.

Attach additional sheets as necessary.

PRIVATE ATTORNEY FOR COMPLAINANT (IF APPLICABLE)

Last Name	First	Middle	Title	Suffix
Shevlin	BARRY	I		

ADDRESS

Street Address or P.O. Box			
1111 KANE CONCOURSE SUITE 619			
City		State	Zip Code (+4 optional)
Bay Harbor		FL	33154
County (if Florida address)		Country	
Miami Dade		USA	

CONTACT INFORMATION

Primary Phone Number	Alternate Phone Number
305-868-0304	

SUBJECT OF COMPLAINT

Last Name	First	Middle	Title	Suffix
GOMEZ ORELLANA	CARLOS			

License Number (if known): UNKNOWN

Company/Occupation: RPG GLOBAL LLC

MAILING ADDRESS

Street Address or P.O. Box			
848 Brickell Ave Suite 950			
City		State	Zip Code (+4 optional)
Miami		FL	33131
County (if Florida address)		Country	
Miami Dade		USA	

CONTACT INFORMATION

Primary Phone Number	Primary E-Mail Address
UNKNOWN	UNKNOWN

RESIDENCE ADDRESS (IF DIFFERENT THAN MAILING ADDRESS)

Street Address		
City	State	Zip Code (+4 optional)
County (if Florida address)	Country	

PRIVATE ATTORNEY FOR SUBJECT OF COMPLAINT (IF APPLICABLE)

Last Name	First	Middle	Title	Suffix

ADDRESS

Street Address or P.O. Box		
City	State	Zip Code (+4 optional)
County (if Florida address)	Country	

CONTACT INFORMATION

Primary Phone Number	Alternate Phone Number

WITNESS (IF APPLICABLE)				
Last Name: Shimunov	First: Simon	Middle	Title	Suffix
ADDRESS				
Street Address or P.O. Box: 10350 West Bay Harbor Drive Unit 7H				
City: Bay Harbor		State: FL	Zip Code (+4 optional): 33154	
County (if Florida address): Miami Dade		Country: USA		
CONTACT INFORMATION				
Primary Phone Number: 917-922-1004		Alternate Phone Number		

WITNESS (IF APPLICABLE)				
Last Name	First	Middle	Title	Suffix
ADDRESS				
Street Address or P.O. Box				
City		State	Zip Code (+4 optional)	
County (if Florida address)		Country		
CONTACT INFORMATION				
Primary Phone Number		Alternate Phone Number		

I affirm that I have provided the above information completely and truthfully to the best of my knowledge.

Complainant Sign Here: _____ Date: 6/9/23

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION
NOTE – This form must be submitted as part of an application packet

APPLICANT INFORMATION

Last Name	First	Middle	Title	Suffix
Shimunov	David			

EXPLANATION

continued: When I checked with the City of Bay Harbor I was told he submitted incomplete plans that were not signed or sealed and no permits were ever pulled for the work to be done.

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Division of Regulation/Compliance
Consumer Services
2601 Blair Stone Road
Tallahassee, FL 32399 – 0782

NOTE – This form must be submitted as part of an entire packet.

*If you have any questions or need assistance in completing this application, please contact the Department of Business and Professional Regulation, Customer Contact Center, at **850.487.1395**.*

WORK SITE STREET ADDRESS

Street Address	10350 WEST BAY HARBOR DRIVE UNIT 7H			
City	Bay Harbor	State FL	Zip (+4 optional) 33154	County USA

CONTRACTOR COMPLAINT QUESTIONS

I am complaining in my capacity as a:

- [x] Homeowner
- [ ] Subcontractor
- [ ] Supplier
- [ ] Building Department
- [ ] Contractor
- [ ] Owner of Commercial Structure
- [ ] Other: _____

Select the category that best summarizes the work the contractor did for you or that you were involved in:

- [ ] Built house
- [ ] Remodeled house
- [ ] Air-conditioning or heating work at house
- [ ] Re-roofed or repaired part of the roof of a house
- [ ] Built residential pool
- [x] Plumbing work
- [ ] Built addition to house
- [ ] Built commercial structure
- [ ] Remodeled or built addition to commercial structure
- [ ] Commercial roof work
- [x] Electrical work
- [ ] Other: Interior Remodeling

Please select the categories below that best describe your basic complaint:

- [x] Poor workmanship by contractor
- [ ] Job finished, but contractor will not correct problems
- [ ] Roof leaks; contractor will not repair
- [ ] Contractor failed to pay subcontractors/suppliers
- [ ] Contractor taking unreasonably long time to do the job
- [x] Contractor abandoned job
- [x] Financial dishonesty/misconduct by contractor

FINANCIAL QUESTIONS

1. Was your contract in writing? Yes ☐ No ☒
2. What was your contract price? $50,000
3. What was the contract execution date? JAN 5, 2022
4. What was the work begin date? 1/5/22 What was the work end date? 4/15/22
5. What was the total amount paid to the contractor? $50,000
6. Have you had to pay subcontractors or suppliers directly? Yes ☐ No ☒
7. If you have paid subcontractors or suppliers directly, how much and why?
8. Are there now unpaid bills owed to subcontractors or suppliers which contractor should have paid? Yes ☐ No ☐ UNKNOWN
9. What is the total of such unpaid bills? UNKNOWN
10. Have you filed civil suit against a contractor? Yes ☐ No ☒ Have you obtained a judgment? Yes ☐ No ☒
11. Have any liens been filed? Yes ☐ No ☒
12. Did contractor sign any statements to the effect that all bills have been paid? Yes ☐ No ☒
13. Have you fired the contractor? Yes ☐ No ☒ He abandoned the JOB
14. Has the job now been completed by you or a new contractor? Yes ☒ No ☐
15. What is the actual or estimated cost to finish the job if you hire another contractor? Estimated OVER $50,000

BUILDING CODE COMPLIANCE BY CONTRACTOR

16. Was a permit required for the work that was to be completed by the contractor? Yes ☒ No ☐
17. If required, was a building permit obtained from the building department? Yes ☒ No ☒
    If yes, what is the name of the building department? Bay Harbor

Permit Number	Date Issued
UNKNOWN	

18. Who pulled the permit?
19. Was the permit obtained on time? Yes ☐ No ☒
20. Were any inspections missed or performed late? Yes ☒ No ☐
21. Did the site pass final inspection by the building department? Yes ☐ No ☒
22. If the site did not pass final inspection by the building department, explain why. CONTRACTOR DISAPPEARED AND KEPT MY MONEY
23. Was a Certificate of Occupancy issued? Yes ☐ No ☒

WORKMANSHIP QUESTIONS
24. Has the contractor offered to make repairs? Yes ☐ No ☒
25. Has the contractor made attempts to make repairs? Yes ☐ No ☒ If yes, how many times?
26. Have you had any other licensed contractor, architect or engineer inspect the work? Yes ☒ No ☐

ATTESTATION STATEMENT REQUIRES SIGNATURE OF APPLICANT
I affirm that I have provided the above information completely and truthfully to the best of my knowledge. Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree (Florida Statute 837.06). Sign Here: _____ Date: 6/9/23

Please mail the completed Uniform Complaint Form to the appropriate address below:

Board of Accountancy
240 N.W. 76th Drive, Suite A
Gainesville, Florida 32607

Division of Real Estate
400 Robinson Street
Orlando, Florida 32801

For the following professions:

Architecture & Interior Design
Asbestos Contractors and Consultants
Athlete Agent
Auctioneers
Barbers
Boxing, Kick Boxing and Mixed Martial Arts
Building Code Administrators & Inspectors
Child Labor
Community Association Managers and Firms
Construction Industry
Cosmetology
Electrical Contractors
Employee Leasing Companies
Farm Labor
Geologists
Harbor Pilots
Home Inspectors
Labor Organizations
Landscape Architecture
Mold-Related Services
Talent Agencies
Veterinary Medicine

Please mail the completed Uniform Complaint form to: Department of Business and Professional Regulation
Division of Regulation/Compliance -Consumer Services
2601 Blair Stone Rd
Tallahassee, Florida 32399-0782



Detail by Entity Name

Florida Limited Liability Company
RPG GLOBAL LLC

Filing Information

Document Number	L19000232003
FEI/EIN Number	35-2673591
Date Filed	09/13/2019
Effective Date	09/13/2019
State	FL
Status	INACTIVE
Last Event	LC DISSOCIATION MEM
Event Date Filed	10/12/2022
Event Effective Date	NONE

Principal Address

14354 SW 96TH TER
MIAMI, FL 33186

Changed: 04/29/2021

Mailing Address

848 BRICKELL AVE
STE 950
MIAMI, FL 33131

Changed: 04/29/2021

Registered Agent Name & Address

PRODEZK INC
848 BRICKELL AVE
STE 950
MIAMI, FL 33131

Name Changed: 04/29/2021

Address Changed: 04/29/2021

Authorized Person(s) Detail

Name & Address

Title MGR

ASTRADA, GUILLERMO R
848 BRICKELL AVE
STE 950
MIAMI, FL 33131

Annual Reports

Report Year	Filed Date
2020	01/27/2020
2021	04/29/2021
2021	11/29/2021

Document Images

10/12/2022 -- CORLCDSMEM	View image in PDF format
03/15/2022 -- LC Amendment	View image in PDF format
11/29/2021 -- AMENDED ANNUAL REPORT	View image in PDF format
04/29/2021 -- ANNUAL REPORT	View image in PDF format
01/27/2020 -- ANNUAL REPORT	View image in PDF format
09/13/2019 -- Florida Limited Liability	View image in PDF format

Reglamen
NO RENOVA
La vigencia de
Vallejo

REPÚBLICA DE HONDURAS

PASAPORTE
PASSPORT

Tipo / Type
P

País emisor / Issuing State
HND

Pasaporte No. / Passport No.
G454875

Apellidos / Surname
GOMEZ ORELLANA

Nacionalidad / Nationality
HONDUREÑA

Nombres / Given name
CARLOS ROBERTO

Fecha de nacimiento / Date of Birth
02 DIC/DEC 1977

Cédula de identidad / I.D. No.
0501-1978-01055

Sexo / Sex
M

Fecha de emisión / Date of Issue
04 MAR/MAR 2021

Lugar de Nacimiento / Place of Birth
HONDURAS

Fecha de vencimiento / Date of Expiry
04 MAR/MAR 2021

Autoridad emisora / Authority of Issue
INSTITUTO NACIONAL DE MIGRACION

ORELLANA<<CARLOS<ROBERTO<<<<<<<<<
[illegible]2021[illegible]1030[illegible]0501197801055<42

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Uniform Complaint Form Instructions

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- Invoices
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- Correspondence
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- Community Association Manager (CAM) Meeting Minutes
- Management Contract (CAM)
- Covenants and By-laws (CAM)
- Building Permit (Electrical and Construction)
- Lien(s) (Electrical and Construction)

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Investigations differ in complexity and duration, so providing a time of completion is not possible. We appreciate your cooperation and understanding in this matter.

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION

Please submit to the appropriate address on Page 9.

Any investigation or administrative proceeding brought by the Department against the subject of your complaint will rely upon the information you provide to the Department. All allegations and supporting documentation MUST be provided to the Department at this time.

COMPLAINANT INFORMATION

Last Name	First	Middle	Title	Suffix
Shimunov	David			

Your Company/Occupation: REAL ESTATE

MAILING ADDRESS

Street Address or P.O. Box: 10350 WEST Bay Harbor Drive Unit 7H

City	State	Zip Code (+4 optional)
BAY Harbor	FL	33154

County (if Florida address)	Country
Miami Dade	USA

CONTACT INFORMATION

Primary Phone Number	Alternate Phone Number
917-922-1604	

Primary E-Mail Address: TIMEportINC@

Unlicensed Activity Complaint? Yes ☐ No ☐ Unknown ☒

COMPLAINT DESCRIPTION

I engaged AVRAHAM ASHKENAZI AND BATSHEVA BAGIV of EXCLUSIVE CABINET DESIGN LLC as my replacement contractors at the end of may 2022. I initially paid the $6,000 and then another $4,000 in cash at their request. Ms. BAGIV went to the building department to allegedly pull all required permits and thats what she represented to the special master at Bay Harbor Islands on June 1, 2022. After that meeting I attempted to contact her to get my permits issued and construction started.

Attach additional sheets as necessary.

PRIVATE ATTORNEY FOR COMPLAINANT (IF APPLICABLE)

Last Name	First	Middle	Title	Suffix
Sheulin	BARRY			

ADDRESS

Street Address or P.O. Box			
1111 KANE Concourse Suite 619			
City: Bay Harbor	State: FL	Zip Code (+4 optional): 33154	
County (if Florida address): Miami Dade	Country: USA		

CONTACT INFORMATION

Primary Phone Number	Alternate Phone Number
305-868-0304	

SUBJECT OF COMPLAINT

Last Name	First	Middle	Title	Suffix
ASHKENAZI	AURA	HAM		

License Number (if known): UNKNOWN

Company/Occupation: EXCLUSIVE CABINET DESIGN, LLC

MAILING ADDRESS

Street Address or P.O. Box			
700 LAYNE BLVD UNIT 111			
City: Hallandale Beach	State: FL	Zip Code (+4 optional): 33009	
County (if Florida address): BROWARD	Country: USA		

CONTACT INFORMATION

Primary Phone Number	Primary E-Mail Address
UNKNOWN	

RESIDENCE ADDRESS (IF DIFFERENT THAN MAILING ADDRESS)

Street Address		
City	State	Zip Code (+4 optional)
County (if Florida address)	Country	

PRIVATE ATTORNEY FOR SUBJECT OF COMPLAINT (IF APPLICABLE)

Last Name	First	Middle	Title	Suffix

ADDRESS

Street Address or P.O. Box		
City	State	Zip Code (+4 optional)
County (if Florida address)	Country	

CONTACT INFORMATION

Primary Phone Number	Alternate Phone Number

WITNESS (IF APPLICABLE)				
Last Name: Shimuno	First: Simon	Middle	Title	Suffix
ADDRESS				
Street Address or P.O. Box: 10350 WEST BAY HARBOR DR UNIT 7H				
City: Bay Harbor		State: FL	Zip Code (+4 optional): 33154	
County (if Florida address): Miami Dade		Country: USA		
CONTACT INFORMATION				
Primary Phone Number: 917-922-1004		Alternate Phone Number		

WITNESS (IF APPLICABLE)				
Last Name	First	Middle	Title	Suffix
ADDRESS				
Street Address or P.O. Box				
City		State	Zip Code (+4 optional)	
County (if Florida address)		Country		
CONTACT INFORMATION				
Primary Phone Number		Alternate Phone Number		

I affirm that I have provided the above information completely and truthfully to the best of my knowledge.

Complainant Sign Here: _____ Date: 6/9/23

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION
NOTE – This form must be submitted as part of an application packet

APPLICANT INFORMATION

Last Name	First	Middle	Title	Suffix
Shimunov	David			

EXPLANATION

SHE TOLD ME That Bay Harbor Was ISSUING the permits And construction Would begin by June 15, 2022. She ASKED me for another $10,000 which IS when I became SUSPICIOUS. I did not pay her and she stopped taking my calls. I did some research and discovered that her company Exclusive Cabinet Design, LLC was dissolved on Sept 23, 2022. I was forced to hire another contractor to complete the job.

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION
Division of Regulation/Compliance
Consumer Services
2601 Blair Stone Road
Tallahassee, FL 32399 – 0782

NOTE – This form must be submitted as part of an entire packet.

*If you have any questions or need assistance in completing this application, please contact the Department of Business and Professional Regulation, Customer Contact Center, at **850.487.1395**.*

WORKSITE STREET ADDRESS

Street Address	10350 WEST Bay Harbor DR Unit 7H		
City: Bay Harbor	State: FL	Zip (+4 optional): 33154	County: Miami Dade

CONTRACTOR COMPLAINT QUESTIONS

I am complaining in my capacity as a:

- [x] Homeowner
- [ ] Subcontractor
- [ ] Supplier
- [ ] Building Department
- [ ] Contractor
- [ ] Owner of Commercial Structure
- [ ] Other: _____

Select the category that best summarizes the work the contractor did for you or that you were involved in:

- [ ] Built house
- [ ] Remodeled house
- [ ] Air-conditioning or heating work at house
- [ ] Re-roofed or repaired part of the roof of a house
- [ ] Built residential pool
- [x] Plumbing work
- [ ] Built addition to house
- [ ] Built commercial structure
- [ ] Remodeled or built addition to commercial structure
- [ ] Commercial roof work
- [x] Electrical work
- [ ] Other: Interior remodel

Please select the categories below that best describe your basic complaint:

- [ ] Poor workmanship by contractor
- [ ] Job finished, but contractor will not correct problems
- [ ] Roof leaks; contractor will not repair
- [ ] Contractor failed to pay subcontractors/suppliers
- [ ] Contractor taking unreasonably long time to do the job
- [x] Contractor abandoned job
- [x] Financial dishonesty/misconduct by contractor

FINANCIAL QUESTIONS

1. Was your contract in writing? Yes ☐ No ☒
2. What was your contract price? Estimated $59,000
3. What was the contract execution date? ~~5/3/22~~ 4/27/22
4. What was the work begin date? 5/3/2022 What was the work end date? 8/15/22
5. What was the total amount paid to the contractor? $10,000
6. Have you had to pay subcontractors or suppliers directly? Yes ☐ No ☒
7. If you have paid subcontractors or suppliers directly, how much and why?
8. Are there now unpaid bills owed to subcontractors or suppliers which contractor should have paid? Yes ☐ No ☒
9. What is the total of such unpaid bills?
10. Have you filed civil suit against a contractor? Yes ☐ No ☒ Have you obtained a judgment? Yes ☐ No ☒
11. Have any liens been filed? Yes ☐ No ☒
12. Did contractor sign any statements to the effect that all bills have been paid? Yes ☐ No ☒
13. Have you fired the contractor? Yes ☐ No ☒ Contractor Disappeared
14. Has the job now been completed by you or a new contractor? Yes ☒ No ☐
15. What is the actual or estimated cost to finish the job if you hire another contractor? UNKNOWN

BUILDING CODE COMPLIANCE BY CONTRACTOR

16. Was a permit required for the work that was to be completed by the contractor? Yes ☒ No ☐
17. If required, was a building permit obtained from the building department? Yes ☐ No ☒
    If yes, what is the name of the building department? _____

Permit Number	NO	Date Issued	NO

18. Who pulled the permit? NO one
19. Was the permit obtained on time? Yes ☐ No ☒
20. Were any inspections missed or performed late? Yes ☐ No ☐
21. Did the site pass final inspection by the building department? Yes ☐ No ☒
22. If the site did not pass final inspection by the building department, explain why. Contractor abandoned project
23. Was a Certificate of Occupancy issued? Yes ☐ No ☒

WORKMANSHIP QUESTIONS

24. Has the contractor offered to make repairs? Yes ☐ No ☒

25. Has the contractor made attempts to make repairs? Yes ☐ No ☒
If yes, how many times?

26. Have you had any other licensed contractor, architect or engineer inspect the work?
Yes ☒ No ☐

ATTESTATION STATEMENT REQUIRES SIGNATURE OF APPLICANT

I affirm that I have provided the above information completely and truthfully to the best of my knowledge. Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree (Florida Statute 837.06).

Sign Here: _____ Date: 6/9/23

Please mail the completed Uniform Complaint Form to the appropriate address below:

Board of Accountancy
240 N.W. 76th Drive, Suite A
Gainesville, Florida 32607

Division of Real Estate
400 Robinson Street
Orlando, Florida 32801

For the following professions:

- Architecture & Interior Design
- Asbestos Contractors and Consultants
- Athlete Agent
- Auctioneers
- Barbers
- Boxing, Kick Boxing and Mixed Martial Arts
- Building Code Administrators & Inspectors
- Child Labor
- Community Association Managers and Firms
- Construction Industry
- Cosmetology
- Electrical Contractors
- Employee Leasing Companies
- Farm Labor
- Geologists
- Harbor Pilots
- Home Inspectors
- Labor Organizations
- Landscape Architecture
- Mold-Related Services
- Talent Agencies
- Veterinary Medicine

Please mail the completed Uniform Complaint form to: Department of Business and Professional Regulation
Division of Regulation/Compliance -Consumer Services
2601 Blair Stone Rd
Tallahassee, Florida 32399-0782

DIVISION OF CORPORATIONS



Detail by Entity Name

Florida Limited Liability Company
EXCLUSIVE CABINET DESIGN . LLC

Filing Information

Document Number	L21000299449
FEI/EIN Number	NONE
Date Filed	06/29/2021
Effective Date	06/29/2021
State	FL
Status	INACTIVE
Last Event	ADMIN DISSOLUTION FOR ANNUAL REPORT
Event Date Filed	09/23/2022
Event Effective Date	NONE

Principal Address

700 LAYNE BLVD APT 111
HALLANDALE, FL 33009

Mailing Address

700 LAYNE BLVD APT 111
HALLANDALE BEACH, FL 33009

Registered Agent Name & Address

EXCLUSIVE CABINET DESIGN . LLC
700 LAYNE BLVD
111
HALLANDALE, FL 33009

Authorized Person(s) Detail

Name & Address

Title MGR

BAGIV, BATSHEVA
700 LAYNE BLVD APT 111
HALLANDALE BEACH, FL 33009

Title MGR

ASHKENAZI, AVRAHAM
700 LAYNE BLVD APT 111
HALLANDALE BEACH, FL 33009

Annual Reports

No Annual Reports Filed

Document Images

06/29/2021 -- Florida Limited Liability View image in PDF format

SHEVLIN & ATKINS
ATTORNEYS AT LAW

1111 Kane Concourse
Suite 619
Bay Harbor Islands, Florida 33154
Telephone: (305) 868-0304
Facsimile: (305) 868-0338
www.shevlinatkins.com

BARRY T. SHEVLIN
ANDREW S. ATKINS*
PHILIP STEKOL

*ADMITTED IN FL AND GA

June 9, 2023

Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

NOTICE OF FILING

Re: Violation #22-000164
Address: 102050 W Bay Harbor Drive, Unit 7H
Bay Harbor Islands, FL 33154
Compliance with Special Master Ruling of 5/31/23

Dear Special Master:

Enclosed are the two complaints with the State of Florida Department of Business and Professional Regulation submitted against the two contractors that abandoned the job in compliance with the Special Master's order issued on May 31, 2023.

Yours very truly,

SHEVLIN & ATKINS
Attorneys at Law

By: _____
Barry T. Shevlin, Esq.

TOWN OF BAY HARBOR ISLANDS
MIAMI-DADE COUNTY, FL
RECEIVED
JUN 09 2023
By

SHEVLIN & ATKINS

ATTORNEYS AT LAW

1111 KANE CONCOURSE
SUITE 619
BAY HARBOR ISLANDS, FLORIDA 33154
TELEPHONE (305) 868-0304
FACSIMILE (305) 868-0338
WWW.SHEVLINATKINS.COM

BARRY T. SHEVLIN, ESQ.
ANDREW S. ATKINS, ESQ.*
SCOTT E. HAYDEN, ESQ.

*ADMITTED IN FL AND GA

RECEIVED
JAN 18 2023
BY: Evelyn M.

January 18, 2023

VIA EMAIL: emerizalde@bayharborislands-fl.gov

Ms. Evelyn Merizalde
Code Compliance Supervisor
Town of Bay Harbor Islands
9665 Bay Harbor Terrace 2nd Floor
Bay Harbor Islands, FL 33154

Re: 10350 West Bay Harbor Drive Unit 7H, Bay Harbor Islands FL 33154 – Violation #22-000164

Matter: Petition for Mitigation of Code Enforcement Fine

Dear Ms. Merizalde:

As you are aware, this law firm represents David Shimunov (hereafter "Client"), the owner of the real property located at 10350 West Bay Harbor Drive Unit 7H, Bay Harbor Islands FL 33154 - Folio No.: 13-2227-095-0820 (hereafter "Property"), with regards to the Town of Bay Harbor Islands' Code Enforcement Violation #22-000164, which was issued in the amount of $250 per day against the property on February 8, 2022 and ran until November 6, 2022 resulting in a total amount of the fine of $67,750.00. The violation was issued under Town Code Section 5-6(a) due to the property owner not having the requisite permits to perform certain work at the Property.

My Client, who lives in New York, purchased the Property in January 2022 as an investment property with the intention of renovating same to either sell at a higher price or rent out to prospective tenants upon completion of the renovations. On January 15, 2022, my client hired general contractor Guillermo Astrada and issued a $17,500 check to Mr. Astrada's firm RPG Global LLC. *See copy of the January 15, 2022 check attached hereto and marked as Exhibit "A."*

Mr. Astrada assured my Client that all of the contemplated work to be done at the Property would be done to code and that Mr. Astrada would pull all of the necessary permits from the Town of Bay Harbor Islands before commencing work.

On January 28, 2022, Mr. Astrada submitted a permit application (P22-000016) to the Town to remodel the Kitchen and Bathroom. On February 3, 2022 Mr. Astrada submitted a second permit application (B22-000059) to the Town to remodel the Kitchen and Bathroom. On February 11, 2022 Mr. Astrada submitted a third permit application (E22-000025) to the Town for electrical work at the Property. On February 23, 2022 Mr. Astrada submitted a fourth permit application (B22-000092) to

the Town for new tile in the kitchen, living room and bathrooms and to install soundproofing.

All four (4) of the permit applications submitted by Mr. Astrada were rejected by the Building Department because the plans that were submitted with the applications did not meet the requirements for the issuance of any of these permits by the Town according to the Building Department. Mr. Astrada was likely aware that his permit applications were denied but told my Client that they were going to be approved and decided to continue work. My Client relied on Mr. Astrada's representations which resulted in the violation as the permits had not actually been issued by the Town. My Client had no knowledge of the fact that the permits had not been issued, however once the Town imposed a stop work order, my Client ceased all work at the Property. Subsequently, Mr. Astrada was unsuccessful in meeting the Town's requirements to pull the requisite permits and Mr. Astrada simply walked off of the job. Upon information and belief, Mr. Astrada was unable to perfect the permit applications due to the Town's officials' failure to adequately communicate instructions and/or details that the Town was seeking as part of their permit application review process.

In an attempt to expedite the permit process, on or about late April 27, 2022, my Client engaged a permit expediter named Batsheva Ashjenazi-Bagiv with Exclusive Cabinet Design, LLC and issued her a check in the amount of $4,000.00. *See copy of the April 27, 2022 check attached hereto and marked as Exhibit "B."* Ms. Bagiv was hired solely for the purpose of submitting proper permit applications and enclosures and obtaining the necessary permits to come into compliance with the Town Code. On May 3, 2022, Ms. Bagiv walked into the Building Department to discuss the permits and represented that new permit applications would be submitted, however Ms. Bagiv never performed any work in furtherance of submitting new permit applications.

On June 1, 2022, a few days after my law firm was retained, I attended a Code Enforcement hearing with my Client and Ms. Bagiv, where the above was explained to the special master and other Town officials. At the conclusion of the hearing the special master continued the fine and requested compliance with the Town Code, and that my Client perform the necessary tasks to pull the requisite permits. Immediately after the conclusion of the hearing, Ms. Bagiv walked into the Building Department seeking instructions from the Town's Building Department officials and again the Town's officials' were unable to adequately communicate instructions and/or details that the Town was seeking as part of their permit application review process. As a result, and as with Mr. Astrada, Ms. Bagiv also left the job and did not return any of the funds that she was paid for the job to my Client.

On or about July 2022, my Client engaged a second general contractor Rafael Moas, who prepared revised plans in furtherance of pulling the permits, however Mr. Moas' plans were rejected by the Town again for reasons unspecified. Upon information and belief, Mr. Moas was also unable to perfect the permit applications due to the Town's officials' repeated failure to adequately communicate instructions and/or details that the Town was seeking as part of their permit application review process. Mr. Moas was paid $6,000 by my Client and just like Mr. Astrada and Ms. Bagiv, Mr. Moas also walked off the job stating that the Town was uncooperative.

Then, on or about September 2022, my Client engaged a third general contractor Victor Akilov with Fox Groups LLC. Mr. Akilov quickly finished the plans within a few weeks of starting the job and submitted the plans and new permit applications on or about October 12, 2022. Mr. Akilov submitted the paperwork, plans and designs with the details that the Town had been seeking all along without any instruction from the Town and finally convinced the Building Department that same were more than sufficient for a small interior renovation.

On October 17, 2022, the Town approved the Electrical Permit, Mechanical Permit and the

Plumbing permit. However, the Town would not approve the Master permit until the fire department reviewed and approved same. Although this caused a delay the fire department approved the master permit plans and the Town approved the master permit resulting in the November 6, 2022 compliance date.

If my Client had hired Mr. Akilov from the beginning the permit applications and plans would have been submitted without error and would have avoided the violation. However, Mr. Akilov would have been successful from the beginning due to his high degree of expertise and efficiency in performing the necessary steps to pull the requisite permits in a matter of a few weeks without the need of any guidance or instruction from the Town. Mr. Astrda, Ms. Bagiv or Mr. Moas would have likely been successful in submitting the requisite paperwork and permit applications had the Town officials done a better job communicating the deficiencies within their permit applications as well as what was necessary to perfect the permit applications. *Please see Affidavit of Victor Akilov attached hereto and marked as Exhibit "C."*

$250.00 per day is the maximum fine permitted for a first violation. *See Town Code Sec. 5¾-11(a).* There are several reasons why the subject fine should be mitigated and/or forgiven.

First, the fine should have been tolled following the Town's issuance of the stop work order, because the violation of performing unpermitted work ceased upon the issuance of the stop work order on March 30, 2022. Between the date the violation was issued on February 8, 2022, until the stop work order was issued on March 30, 2022 amounts to fifty (50) days, and at $250.00 a day, the total conceivable fine should only be $12,500.00 but same should be mitigated down to zero based upon the totality of the circumstances.

Second, the fine is clearly excessive. A civil penalty implicates the Excessive Fines Clause the United States Constitution and Florida Constitution. Amend. VIII, U.S. Const.; Art. I, § 17, Fla. Const., if it constitutes a "punishment for some offense." See *Austin v. United States, 509 U.S. 602 (1993)*); *see also Busbee v. State, Div. of Ret.,* 685 So.2d 914, 917 (Fla. 1st DCA 1996). A payment is remedial, and not punitive, if it compensates the government for a loss and therefore is not subject to the Excessive Fines Clause. *See United States v. Bajakajian*, 524 U.S. 321 (1998). However, even a remedial civil fine or penalty "is subject to the Excessive Fines Clause if it serves 'in part to punish.'" *State v. Jones*, 180 So. 3d 1085, 1088 (Fla. 4th DCA 2015).

In *Jones*, the Court stated, "[f]ines may be excessive within the prohibitions of the Constitution when they are so great or numerous as to shock the conscience of reasonable men or are patently and unreasonably harsh or oppressive as penalties for the wrongs sought to be redressed." However, a fine only violates "the Excessive Fine Clause if it is grossly disproportional to the gravity of a defendant's offense."

In this case, the $67,750.00 in fines imposed by the Town are grossly disproportionate to the alleged wrongdoing. The gravity of the violator's offense carries the most weight and is the controlling factor when determining whether a penalty is "grossly disproportionate" to the underlying offense. Proportionality requires a comparison, and my Client not having pulled the requisite permits caused no harm to the Town of Bay Harbor Islands. The alleged "offense" was unintentional and was due to the negligence of the contractors my Client engaged as outlined above. The violation posed no risk to the public. It caused no economic harm to the Town of Bay Harbor Islands, and it did not result in any economic gain to my Client. My Client does not argue that Florida Statue §162.09(2)(d) is facially unconstitutional. The per diem fines may very well pass constitutional muster. But the imposition of fines of $67,750.00 are unconstitutional as applied to my Client in this matter because they are grossly disproportionate to the alleged wrong sought to be redressed. Therefore, the $67,750.00 fine imposed by the Town of Bay Harbor Islands against my Client for the alleged unpermitted work that was performed far exceeds any reasonable proportionality application under these circumstances.

Third, my Client expeditiously took corrective action after it discovered the violation, my Client may have hired the wrong individuals to perform the necessary tasks which is evident by Mr. Akilov's success in a short period of time after being retained by my Client, however the Town is also to blame for the delay in obtaining the permits because the Town did not adequately communicate instructions and/or details that the Town was seeking as part of their permit application review process to Mr. Astrada, Ms. Bagiv, Mr. Moas or my Client. Once my Client became aware of the situation, he immediately took all necessary corrective actions including stopping all work at the Property, hiring several different contractors, expending over $30,000 to resolve the violation and bringing his Property into compliance.

Fourth, my Client has no disciplinary history with the Town of Bay Harbor Islands and should not be punished for the fault of others.

In light of the foregoing, my Client respectfully requests complete mitigation and/or forgiveness of the $67,750.00 fine in this matter

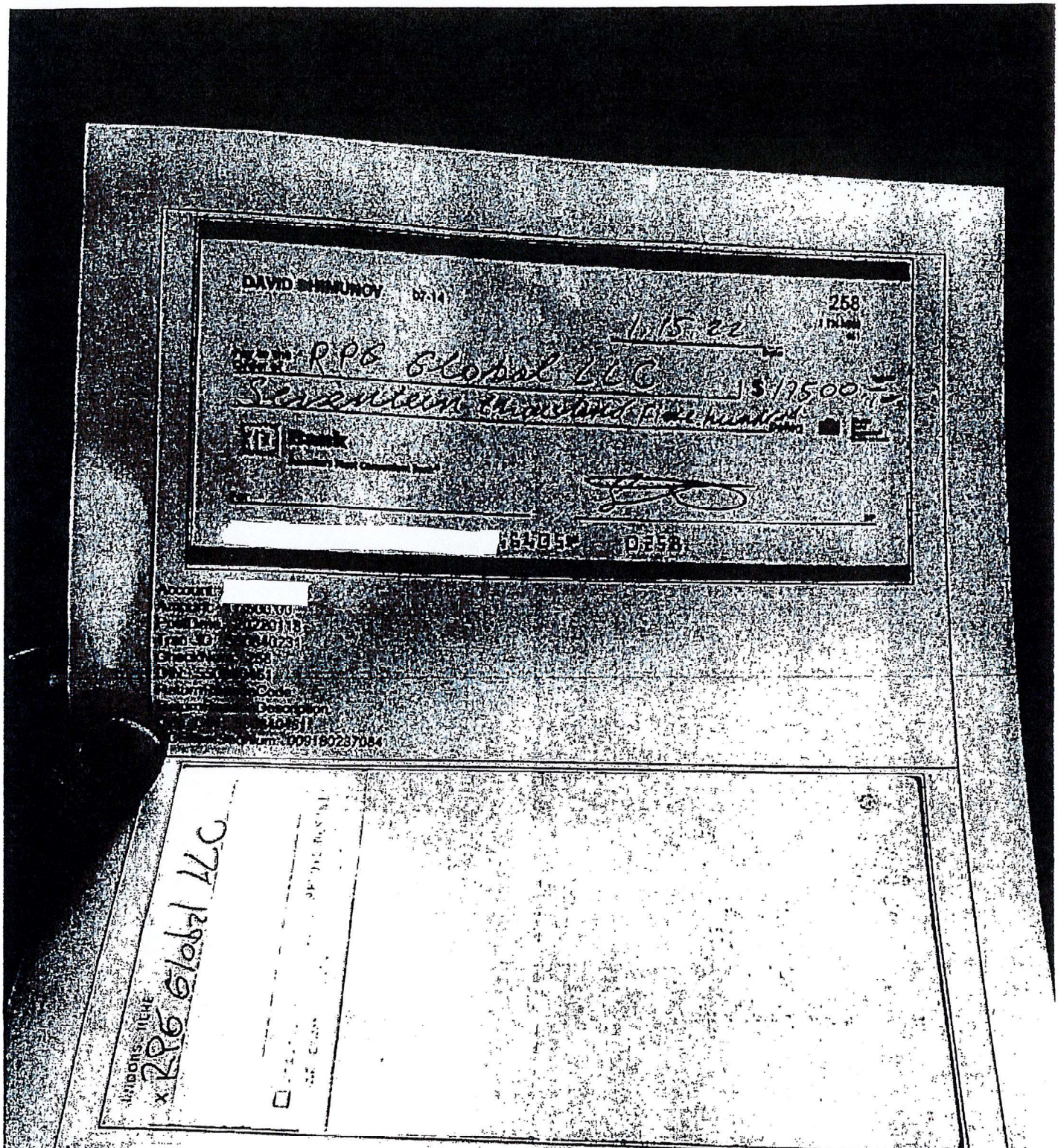
Thank you for your anticipated cooperation in this matter.

Yours very truly,

SHEVLIN & ATKINS
Attorneys at Law

By: */s/ Barry T. Shevlin, Esq.*
Barry T. Shevlin, Esq.

Exhibit "A"



DAVID SHIMUNOV 07-14

258

1.15.22

Pay to the Order of RPG Global LLC $ 17500

Seventeen thousand five hundred

Bank

[redacted] 0258

Account: [redacted]
Amount: [redacted]
PostDate: [redacted]
Tran_ID: [redacted]
CheckNum: [redacted]
DIN: [redacted]
ReturnReasonCode:
ReturnReasonDescription:
Orig_DIN: [redacted]
ECEItemSeqNum: 009180237084

ENDORSE HERE

RPG Global LLC

Account:
Amount: 17,500.00
PostDate: 20220118
Tran_ID: 550840231
CheckNum: 258
DIN: 550840461
ReturnReasonCode:
ReturnReasonDescription:
Orig_DIN: 550840461
ECEItemSeqNum: 009180237084

Exhibit "B"

5:30 ck 5G 48%

FRONT BACK SAVE, PRINT OR EMAIL

SUNNY EATS LLC

1025

4.27.22
Date

Pay To The Order Of Exclusive Cabinet Design LLC $ 4000.00

Four thousand
Dollars

BANK OF AMERICA

ACH R/T [illegible]

For permits

⑆4764⑆1025

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

NOTICE OF VIOLATION

February 08, 2022
FILE NUMBER: 22-000164

OWNER:

SIMON SHIMUNOV
10350 W BAY HARBOR DR 7H
BAY HARBOR ISLANDS, FL 33154

ADDRESS OF VIOLATION:

SIMON SHIMUNOV -
10350 West Bay Harbor Drive 7H
Bay Harbor Islands, FL 33154-1295
Parcel No: 1322270950820

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 after the fact permits for the remodeling work in progress in the kitchen, bathroom and flooring.

RE: Received a complaint regarding construction work in progress without required permits.

Location of Violation: 10350 West Bay Harbor Drive 7H Violation Date: 01/26/2022

Compliance Date: March 11, 2022

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 lime 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

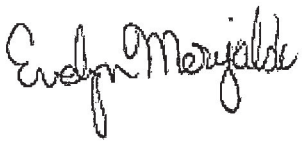
You may request an administrative hearing before a Special Master to appeal the notice of violation or to request an

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: 02/08/2022
Date Posted: 02/08/2022

Cert Mail Article #: 7019 1120 0000 0739 3911



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

ADDENDUM



Photo
Scherrie Griffin
Feb 07, 2022



Photo
Scherrie Griffin
Feb 07, 2022

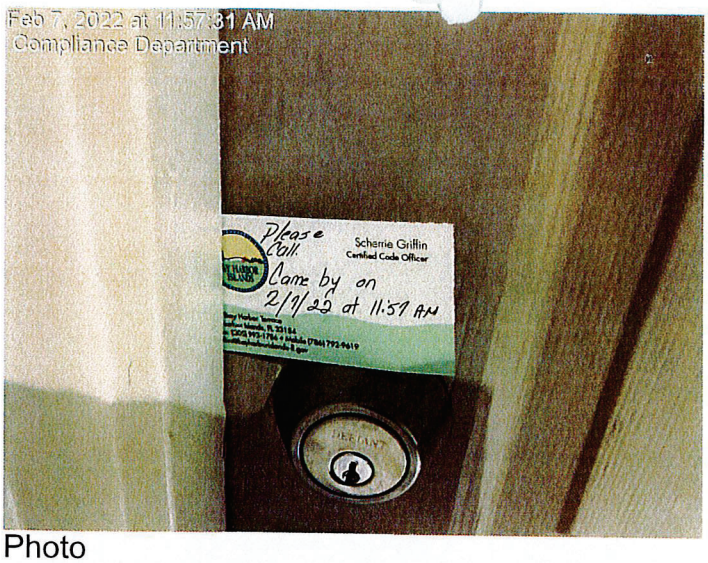


Photo
Scherrie Griffin
Feb 07, 2022

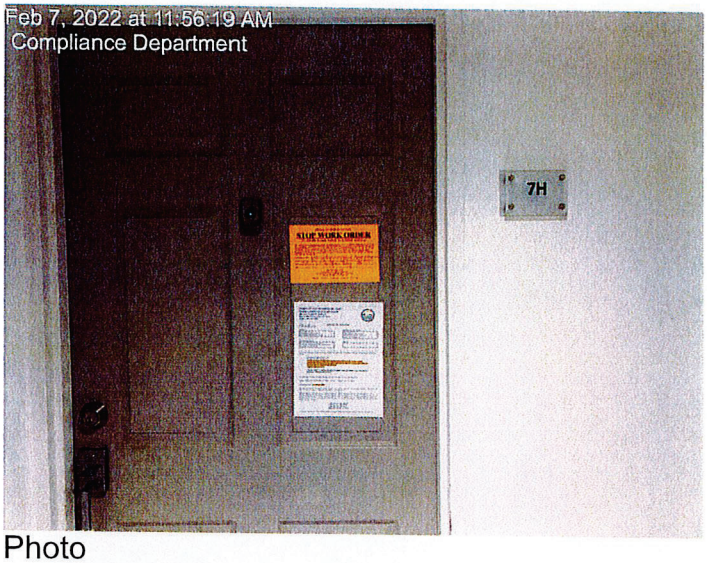


Photo
Scherrie Griffin
Feb 07, 2022

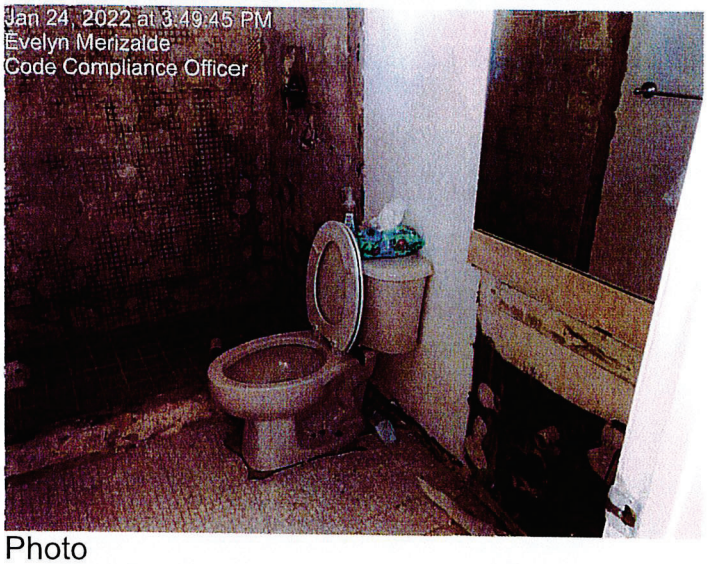


Photo
Evelyn Merizalde

Jan 24, 2022

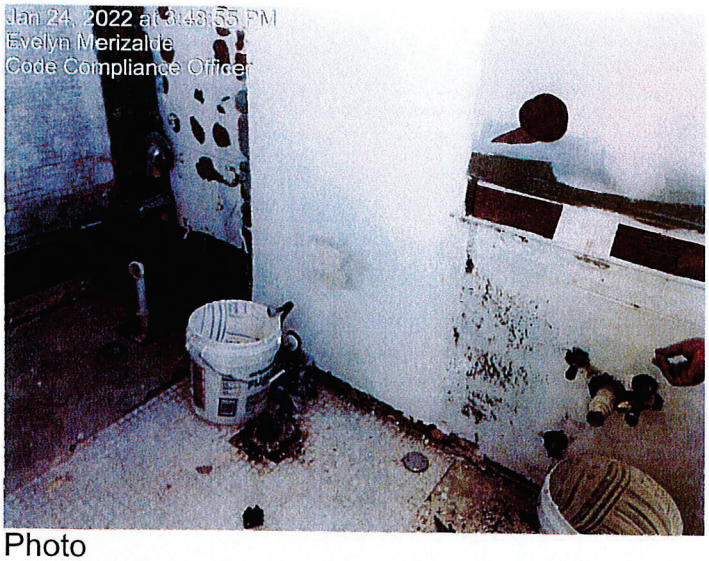


Photo
Evelyn Merizalde
Jan 24, 2022

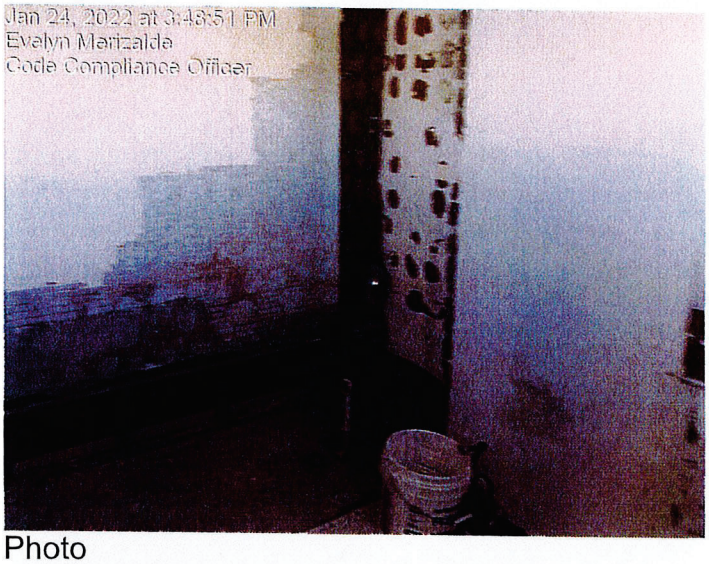


Photo
Evelyn Merizalde
Jan 24, 2022



Photo
Evelyn Merizalde
Jan 24, 2022



Photo
Evelyn Merizalde
Jan 24, 2022



Photo
Evelyn Merizalde
Jan 24, 2022



Photo
Evelyn Merizalde
Jan 24, 2022



Photo
Evelyn Merizalde
Jan 24, 2022

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

SPECIAL MAGISTRATE FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

SIMON SHIMUNOV
10350 W BAY HARBOR DR 7H
BAY HARBOR ISLANDS, FL 33154

ADDRESS OF VIOLATION:

- SIMON SHIMUNOV
10350 West Bay Harbor Drive 7H
Bay Harbor Islands, FL 33154-1295
Parcel No: 1322270950820

REGISTERED AGENT:

-

HEARING INFORMATION

Date: May 31, 2023
Time: 9:00AM

Location: Town of Bay Harbor Morris Broad Community Center
Special Master: Christopher Benjamin

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: 22-000164

Compliance Officer: Evelyn Merizalde

Method of Service	**Date**
Posted	February 08, 2022
Certified	February 08, 2022

APPEARANCES:

Simon Shimunov	(Owner/Violator)
Barry Shevlin	(Owner's Attorney or Representative)
Evelyn Merizalde	(Code Compliance Supervisor)
Scherrie Griffin	(Code Compliance Officer)
Joseph Gellar	(Town Attorney)
Mike Mesa	(Chief Building Official)

WITNESSES:

NAME	ADDRESS	CALLED BY

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MASTER'S FINDINGS OF FACT:

- [x] 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 $ 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.
- [x] The administrative cost of this hearing shall be $200.00
- [ ] 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:

The violation has been abated.The initial fine of $28,250.00 was reduced by 50% to $14,125.00 with the condition that the property owner provides evidence that a complaint was filed
with the property departments regarding the unlicensed contractors.

Fine Assessed: $14,125.00 Administrative Fee $200.00 Total Owed: $14,325.00

Back to the next Special Magistrate Hearing in days.

Special Magistrate: Christopher Benjamin Signature:

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

June 13, 2023

For Property at: **10350 West Bay Harbor Drive 7H**
BILL TO: **SIMON SHIMUNOV** **10350 W BAY HARBOR DR 7H** **BAY HARBOR ISLANDS, FL 33154**

Quantity	Description	Amount
1	Violation 22-000164 Received a complaint regarding construction work in progress without required permits. Fine imposed at the Special Magistrate hearing on 5.31.23	$14125.00
1	Violation 22-000164 Administrative fee	$200.00
	Total	$14325.00

THE ABOVE AMOUNT MUST BE PAID WITHIN 30 DAYS FROM THE INVOICE DATE TO AVOID A LIEN FILED AGAINST THE PROPERTY LOCATED AT 10350 West Bay Harbor Drive 7H Bay Harbor Islands, FL 33154-1295 .

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 Complaince 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

Make a payment online at:

https://www.municipalonlinepayments.com/bayharborislandfl/easypay

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

CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **22-000164**
Inspector: Evelyn Merizalde

Parcel Address: 10350 West Bay Harbor Drive 7H
Lot(s): Block:

Owner Information:
SIMON SHIMUNOV
10350 W BAY HARBOR DR 7H
BAY HARBOR ISLANDS, FL 33154

Violator Information:
SIMON SHIMUNOV
10350 W BAY HARBOR DR 7H
BAY HARBOR ISLANDS, FL 33154

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 5-6(a)	01/26/2022		Open	

Comments: Obtain after the fact permits for the remodeling work in progress in the kitchen, bathroom and flooring.

DATE OPENED	ACTIVITY	DESCRIPTION
01/24/2022	Inspection	Received a complaint regarding construction work in progress without required permits. Found the kitchen, bathrooms and flooring have been demolished without permits. (Ms. Tormo)
01/24/2022	Code Action	Stop Work Order issued to the unit.
01/31/2022	Code Action	Warranty deed has a different owner than listed on the county appraiser office. The notice of violation will be reissued to the new owner Simon Shimunov.
01/31/2022	Inspection	Found workers in the unit where a Stop Work Order was posted. Workers were asked to leave until permits are issued for the renovations.
02/03/2022	Progress Activity	Permit application P22-000016 to remodel the Bathroom and Kitchen (In Bath Convert Tub to Shower), submitted to the Building Department.
02/03/2022	Progress Activity	Permit B22-000059 to remodel Kitchen and Bathroom, submitted to the Building Department.
02/07/2022	Phone Call	Resident called to report construction work in progress. No work observed during the inspection.
02/07/2022	Inspection	No workers were observed at the property. I left business card on the door at unit 7H..
02/07/2022	Phone Call	Phone call received from Ms. Tormo, unit owner of 6H, advising there is construction noise coming from unit 7H.
02/08/2022	Phone Call	Received a complaint of construction work in progress.
02/08/2022	Inspection	Permit application submitted but not approved. Worker onsite were asked to leave until the permits are approved.

02/08/2022	Notice of Violation	Notice of violation issued to obtain after the fact permits for the bathroom, kitchen and flooring remodeling work in progress was posted to the property and mailed certified. Simon Shimunov
02/11/2022	Progress Activity	E22-000025 Electrical Permit Remodel Kitchen and Bathroom Electrical application E22-000025, submitted to the Building Department.
02/23/2022	Progress Activity	Permit application B22-000092 for new tile floors in kitchen, living room and bathrooms and to install soundproofing submitted to the Building Department.
03/12/2022	Compliance Inspection	Found evidence of workers present in the unit. No one answered the door. Met with the property manager who acknowledged construction activity is in progress and stated he has a copy of the insurance and contractor information on file. He also acknowledged that the unit is for sale. This information was provided to the CBO.
03/14/2022	Walk In	The owner Simon Shimunov came to the office and was advised by staff that the permits are not approved. The owner was also advised of the current non-compliance status of the notice of violation. Provided a copy of the notice of violation to the property owner. This case will be placed on the agenda for the next SMH.
03/14/2022	Inspection	Permit application submitted but in the denied status. P22-000016 Plumbing Permit Remodel Bath and Kitchen (In Bath Convert Tub to Shower) Pending B22-000059 Addition/Alteration Remodel Kitchen and Bathroom Denied E22-000025 Electrical Permit Remodel Kitchen and Bathroom Pending B22-000092 Addition/Alteration Change tile floors in kitchen, living room and bathrooms. Install soundproofing.
03/15/2022	Compliance Inspection	Compliance has not been met.
03/15/2022	Progress Activity	The property owner walked into the office and was explained again that the plans submitted do not met the requirements for a permit. The plans are not drawn by a licensed architect.
03/16/2022	Phone Call	Tenant below in unit 6H called to report there was leak in her unit yesterday but a worker from the unit above repaired and painted the area. She was advised to report the leak to the owner of unit 6H. There is an active case for unit 7H.
03/17/2022	Walk In	The daughter of the tenant in unit #6H reported construction activity continues in unit 7H.
03/21/2022	Phone Call	Received a call from Trisha Gill, resident in unit 6S, who reported the construction work is in progress.
03/21/2022	Inspection	Found workers in the unit appear to have continued with the kitchen demolition. Advised the workers to stop the work. This case will be scheduled for the next special master hearing.
03/24/2022	Phone Call	Complaint received of construction work in progress without permits. As per the complaint workers are at the property now. (Joyce Harlin)
03/28/2022	Progress Activity	Received the violation returned to the office unclaimed.
03/28/2022	Code Action	Mailed the 30 days fines letter to the property owner.
03/28/2022	Inspection	Complaint received that workers are at the property. No workers were observed

		at the property.
03/30/2022	Phone Call	Complaint received of contractors at the property are working at the property. Building Dept. records indicate no permits have been approved.
03/30/2022	Inspection	No workers found at the property during the inspection. Complainant was advised of the findings.
03/30/2022	Code Action	Advised the front desk of the multiple complaints received regarding construction work in progress in unit 7H.
03/30/2022	Progress Activity	Advised the permit runner from East of Collins Expediting, to please have the owner contact me regarding the violation. The phone number on file is not correct.
03/31/2022	Phone Call	Complaint received regarding construction work in progress.-Joyce Harlin
04/01/2022	Inspection	I could hear what appears to be construction activity coming from the unit, however, the no one opened the door. This issue was reported to the CBO for further action.
04/04/2022	Walk In	Hector Fernandez, owner's representative, inquired about the pending violation. He was advised of the multiple times the Code Compliance Department has responded to complaints of work without permits in progress after the Stop Work Order was posted. The general contractor on file that signed the permit and submitted plans is AP Welding and Steel Manufacturer Corp Jose Alonso. The CBO and electrical inspector were notified of the multiple complaints received regarding this unit.
04/21/2022	Progress Activity	As of today's date the permits are not approved. P22-000016 Plumbing Permit Remodel Bath and Kitchen (In Bath Convert Tub to Shower) Pending B22-000059 Addition/Alteration Remodel Kitchen and Bathroom Denied E22-000025 Electrical Permit Remodel Kitchen and Bathroom Pending B22-000092 Addition/Alteration Change tile floors in kitchen, living room and bathrooms. Install soundproofing. Denied
04/21/2022	Progress Activity	East of Collins reported the company is no longer involved in the permitting process for this unit. They never received to owner's approval to proceed.
04/25/2022	Phone Call	The owner's phone number is no longer in service. The contractor who submitted the permit application does not answer. Found evidence of workers present in the unit. No one answered the door. Met with the property manager who acknowledged construction activity is in progress and stated he has a copy of the insurance and contractor information on file. He also acknowledged that the unit is for sale.
04/25/2022	Phone Call	Resident in 7R reported there is construction activity taking place at unit 7H. Permits are still in the denied status. P22-000016 Plumbing Permit Remodel Bath and Kitchen (In Bath Convert Tub to Shower) Pending B22-000059 Addition/Alteration Remodel Kitchen and Bathroom Denied E22-000025 Electrical Permit Remodel Kitchen and Bathroom Pending B22-000092 Addition/Alteration Change tile floors in kitchen, living room and bathrooms. Install soundproofing. D
04/25/2022	Inspection	Found evidence of workers present in the unit. No one answered the door. Met with the property manager who acknowledged construction activity is in progress and stated he has a copy of the insurance and contractor information on file. He also acknowledged that the unit is for sale. This information was provided to the CBO.

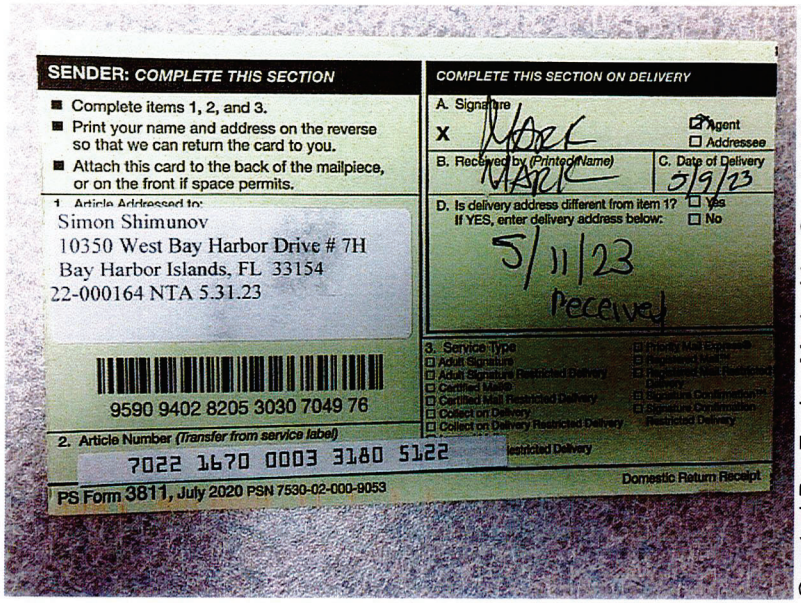
05/03/2022	Progress Activity	Unclaimed fine letter returned to town hall. Verified the address on the property appraisers form is current.
05/03/2022	Progress Activity	Batsheva Ashkenazi-Bagiv, contractor, came to the office to discuss the permit application status. She stated that a new permit will be submitted for all the work, no work will continue , and the owner will submit an affidavit stating she may process the permit and respond to any violations.
05/16/2022	Progress Activity	As of today's date permits have not been obtained. Fine calculation to the date of the hearing : 2/8/22-6/1/22 which represents 113 days at $250.00, for a total fine of $28,250.00.
05/31/2022	Progress Activity	As of today's date the permits have not been approved. P22-000016 Plumbing Permit Remodel Bath and Kitchen (In Bath Convert Tub to Shower) Denied B22-000059 Addition/Alteration Remodel Kitchen and Bathroom Denied E22-000025 Electrical Permit Remodel Kitchen and Bathroom Permit On Hold B22-000092 Addition/Alteration Change tile floors in kitchen, living room and bathrooms. Install soundproofing. Denied
05/31/2022	Affidavit	Completed the case affidavit of non-compliance,
06/01/2022	Notice To Appear	Notice to appear before the special master on June 1, 2022 mailed certified and posted to the property(5/10/22).
06/01/2022	Special Master Hearing	Fine imposed from 2/8/22-6/1/22, which represents 113 days at $250.00 per day for a total of $28,250.00. The fine will continue to accrue at $250.00 a day until compliance is met. Simon Shimonov, property owner and Barry Shevlin, attorney attended the hearing.
07/05/2022	Code Action	As of today's the permits are still in the denied status. P22-000016 Plumbing Permit Remodel Bath and Kitchen (In Bath Convert Tub to Shower) Denied B22-000059 Addition/Alteration Remodel Kitchen and Bathroom Denied
07/29/2022	Progress Activity	The permits are not approved. B22-000375 Addition/Alteration Flooring, kitchen, and bathroom renovation Pending P22-000016 Plumbing Permit Remodel Bath and Kitchen (In Bath Convert Tub to Shower) Denied B22-000059 Addition/Alteration Remodel Kitchen and Bathroom Denied E22-000025 Electrical Permit Remodel Kitchen and Bathroom Permit On Hold
08/03/2022	Progress Activity	The owner's attorney reported that he did not receive a copy of the special master findings. A copy was sent to him directly via email; another certified copy was mailed to the attorney's office. 1111 Kane Concourse # 619, Bay Harbor Islands, FL 33154
08/15/2022	Progress Activity	Received the signed domestic return receipt for the SMF 6.1.22.
09/12/2022	Progress Activity	Permits are still in the denied status.
10/12/2022	Code Action	Victor Akilov, Fox Groups, LLC, submitted a permit application to the Town of Bay Harbor Islands Building Department.
11/07/2022	Compliance Inspection	Permits B22-000508,
11/16/2022	Progress Activity	Permits B22-000508, P22-000133, M22-00090, E22-000142, were issued to the property owner. The fine of $250.00 per day accrued from 2/8/22-11/6/22 , 271 days for a total of $67,750.00.

11/17/2022	Code Action	Prepared and mailed the notice to appear before the Special Master on Thursday, December 8, 2022 at 11:00 AM.
12/08/2022	Notice To Appear	Prepared and mailed the notice to appear before the Special Master on Thursday, December 8, 2022 at 11:00 AM.
12/08/2022	Special Master Hearing	Continuance granted.
01/05/2023	Progress Activity	Received domestic return receipt #9590 9402 5310 9154 0623 74 for Special Master Findings initialed by GS.
01/09/2023	Affidavit	Completed the affidavit of compliance.
01/25/2023	Email	The Special Master hearing scheduled on Thursday, January 26, 2023, at 11:00 AM, has been canceled. The owner's attorney was notified of the cancellation.
01/26/2023	Notice To Appear	Notice to appear before the Special Master mailed certified and posted to the property.
01/26/2023	Notice To Appear	Notice to appear before the Special Master on 1/26/23 at 11:00 AM mailed certified and posted to the property.
05/23/2023	Progress Activity	Final Inspection Charles Lester B22-000508 05/15/2023 Final Mechanical Jan Pierre Perez M22-000090 04/04/2023 Final Plumbing Maykel Massanet P22-000133 04/04/2023 Fina Electrical Candelario Martinez E22-000142 03/29/2023
05/31/2023	Special Master Hearing	The violation has been abated.The initial fine of $28,250.00 was reduced by 50% to $14,125.00 with the condition that the property owner provides evidence that a complaint was filed with the property departments regarding the unlicensed contractors. Simon Shimonov, owner and Barry Shevlin, attorney, both attended the hearing.
05/31/2023	Notice To Appear	Completed the notice to appear letter for the hearing on 5/31/23 at 11:00 AM.
05/31/2023	Notice To Appear	Mailed the notice to appear for a hearing on 5/31/23 at 11:00 AM
06/13/2023	Progress Activity	Mailed the special magistrate findings to the property owner and attorney.
06/27/2023	Walk In	The property owner requested a copy of the invoice to pay for the special master hearing administrative fee. He stated that his lawyer will submit a settlement offer for the $14,125.00 fine. The $200.00 administrative fee was paid. Pending balance of $14,125.00
07/06/2023	Progress Activity	Attorney Barry Shevlin submitted a settlement offer to the Town Clerk's Office. Fine imposed: $14,125.00 Settlement offer: $0.00
07/27/2023	Progress Activity	This case will be presented to the Litigation Committee.
10/18/2023	Walk In	Barry Shevlin, attorney, requested the date for the Litigation Committee. He was referred to the Town Clerk's Office for further assistance.

Photo(s)

Created By: Evelyn Merizalde Created Date: 06/15/2023

Created By: Evelyn Merizalde Created Date: 05/31/2023



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1. Article Addressed to:

Simon Shimunov
10350 West Bay Harbor Drive # 7H
Bay Harbor Islands, FL 33154
22-000164 NTA 5.31.23

9590 9402 8205 3030 7049 76

2. Article Number (Transfer from service label)
7022 1670 0003 3180 5122

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X MARC
☑ Agent
☐ Addressee

B. Received by (Printed Name) MARC
C. Date of Delivery 5/9/23

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

5/11/23
Received

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
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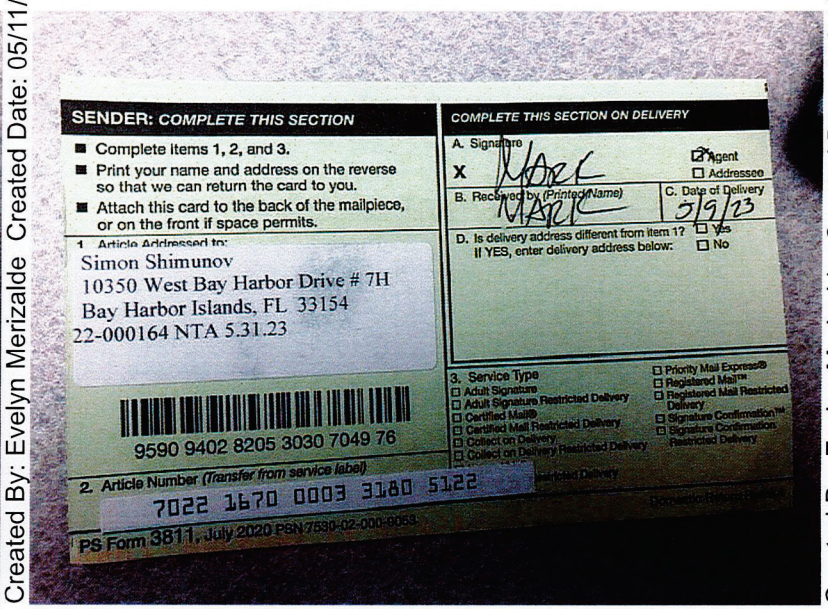
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Created By: Evelyn Merizalde Created Date: 05/11/2023



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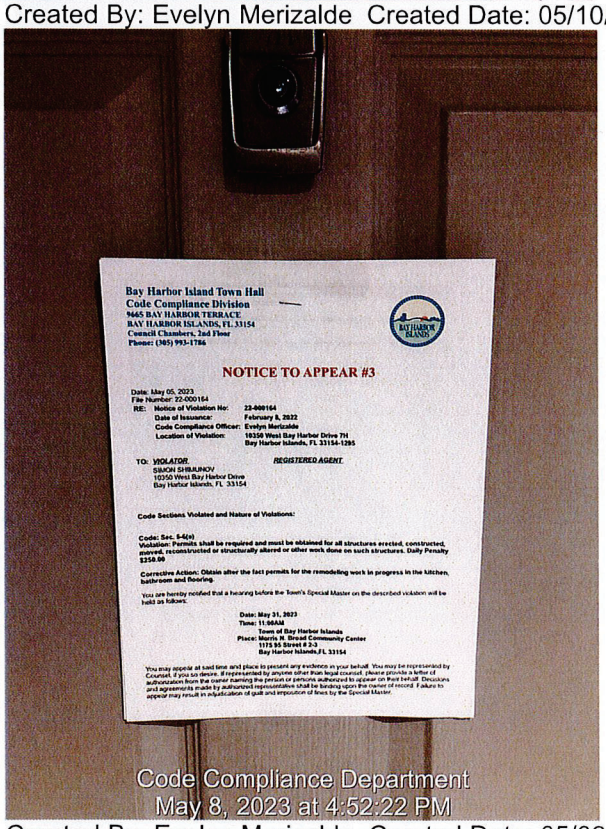
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Created By: Evelyn Merizalde Created Date: 05/11/2023



Created By: Evelyn Merizalde Created Date: 05/10/2023



Created By: Evelyn Merizalde Created Date: 05/09/2023



Created By: Evelyn Merizalde Created Date: 05/09/2023



Created By: Evelyn Merizalde Created Date: 05/09/2023

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- Adult Signature Required
- Adult Signature Restricted Delivery

Postage

Total Postage

Sent To: Shevlin & Atkins
1111 Kane Concourse # 619
Bay Harbor Islands, FL 33154

Street and Apt. No.: 22-000164 10350WBHD#7H NTA

City, State, ZIP+4®:

PS Form 3800, April 2015 PSN 7530-02-000-9047

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- Adult Signature Required
- Adult Signature Restricted Delivery

Postage

Total Postage

Sent To: Simon Shimunov
10350 West Bay Harbor Drive # 7H
Bay Harbor Islands, FL 33154

Street and Apt. No.: 22-000164 NTA 5.31.23

City, State, ZIP+4®:

PS Form

Created By: Evelyn Merizalde Created Date: 05/03/2023

Jan 3, 2023 at 10:50:50 AM
Code Compliance Department

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1. Article Addressed to:

Simon Shimunov
10350 West Bay Harbor Drive, 7H
Bay Harbor Islands, FL 33154
Special Master Findings for file #22-000164

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
Agent
Addressee

B. Received by (Printed Name)
C. Date of Delivery
12/31/22

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
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- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricte Delivery
- Return Receipt for Merchandise
- Signature Confirmation
- Signature Confirmation Restricted Delivery

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2. Article Number (Transfer from service label)
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Domestic Return Rece

Created By: Scherrie Griffin Created Date: 01/05/2023

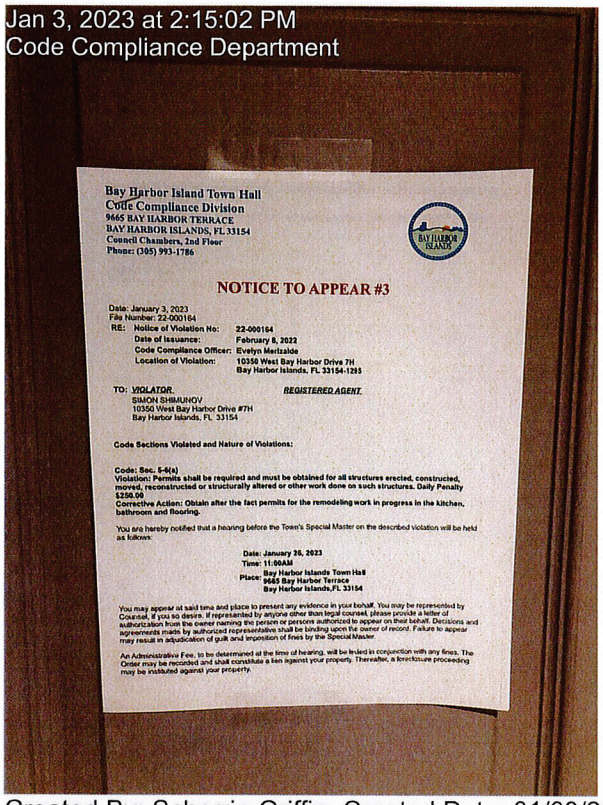


Created By: Scherrie Griffin Created Date: 01/03/2023



Created By: Scherrie Griffin Created Date: 01/03/2023

Jan 3, 2023 at 2:15:02 PM
Code Compliance Department



Bay Harbor Island Town Hall
Code Compliance Division
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Council Chambers, 2nd Floor
Phone: (305) 993-1786

NOTICE TO APPEAR #3

Date: January 3, 2023
File Number: 22-000164
RE: Notice of Violation No: 22-000164
Date of Issuance: February 8, 2022
Code Compliance Officer: Evelyn Merizalde
Location of Violation: 10350 West Bay Harbor Drive 7H
Bay Harbor Islands, FL 33154-1285

TO: *VIOLATOR* *REGISTERED AGENT*
SIMON SHMUNOV
10350 West Bay Harbor Drive #7H
Bay Harbor Islands, FL 33154

Code Sections Violated and Nature of Violations:

Code: Sec. 5-4(a)
Violation: 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
Corrective Action: Obtain after the fact permits for the remodeling work in progress in the kitchen, bathroom and flooring.

You are hereby notified that a hearing before the Town's Special Master on the described violation will be held as follows:

Date: January 30, 2023
Time: 11:00AM
Place: Bay Harbor Islands Town Hall
9665 Bay Harbor Terrace
Bay Harbor Islands,FL 33154

You may appear at said time and place to present any evidence in your behalf. You may be represented by Counsel, if you so desire. If represented by anyone other than legal counsel, please provide a letter of authorization from the owner naming the person or persons authorized to appear on their behalf. Decisions and agreements made by authorized representatives shall be binding upon the owner of record. Failure to appear may result in adjudication of guilt and imposition of fines by the Special Master.

An Administrative Fee, to be determined at the time of hearing, will be levied in conjunction with any fines. The Order may be recorded and shall constitute a lien against your property. Thereafter, a foreclosure proceeding may be instituted against your property.

Created By: Scherrie Griffin Created Date: 01/03/2023



7022 1670 0003 3160 5535
U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
OFFICIAL USE
Sheylin & Atkins
Attn: Barry Sheylin
1111 Kane Concourse #619
Bay Harbor Islands, FL 33154
22-000164 10350WBHD7H NTA 12.08.22

7022 1670 0003 3160 5512
U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
OFFICIAL USE
Simon Shmunov
10350 West Bay Harbor Drive #7H
Bay Harbor Islands, FL 33154
22-000164 10350 WBHD7H NTA 12.08.22

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9590 9402 2849 7089 4190 41
7022 1670 0003 3160 5512
PS Form 3811, July 2015 PSN 7530-02-000-9053
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DEC 0 2 2022

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9590 9402 2849 7089 4190 24
7022 1670 0003 3160 5535
PS Form 3811, July 2015 PSN 7530-02-000-9053
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1. Article Addressed to:

evlin & Atkins, P.A.
n: Barry Shevlin, Esq.
1 Kane Concourse # 619
Harbor Islands, FL 33154
0164 10350 WBHD # 7H SMF 6.1.22

9590 9402 5310 9154 0605 47

2. Article Number (Transfer from service label)

7018 1130 0000 3961 3360

PS Form 3811, July 2015 PSN 7530-02-000-9053

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A. Signature
X
☐ Agent
☐ Addressee

B. Received by (Printed Name)
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Priority Mail Express®
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

Created By: Evelyn Merizalde Created Date: 08/15/2022

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First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

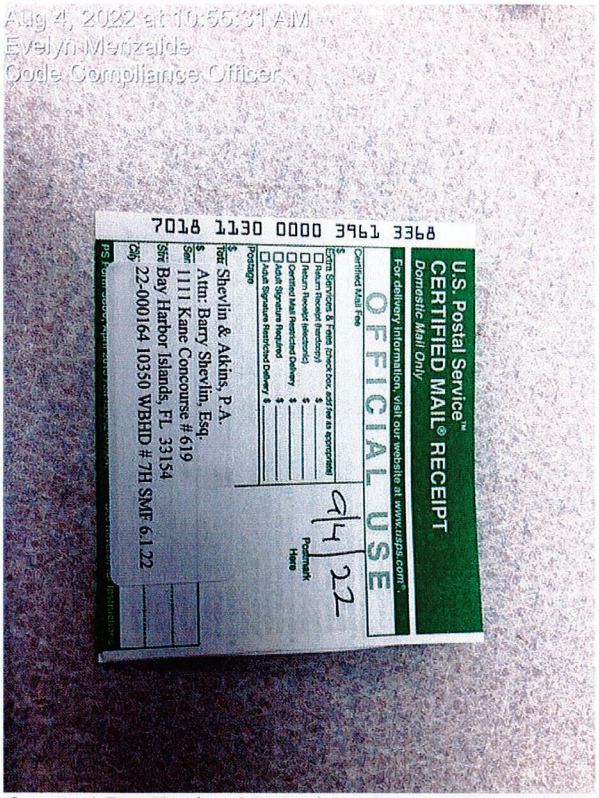
United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

TOWN OF BAY HARBOR ISLANDS
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154

AUG 15 2022

Created By: Evelyn Merizalde Created Date: 08/15/2022



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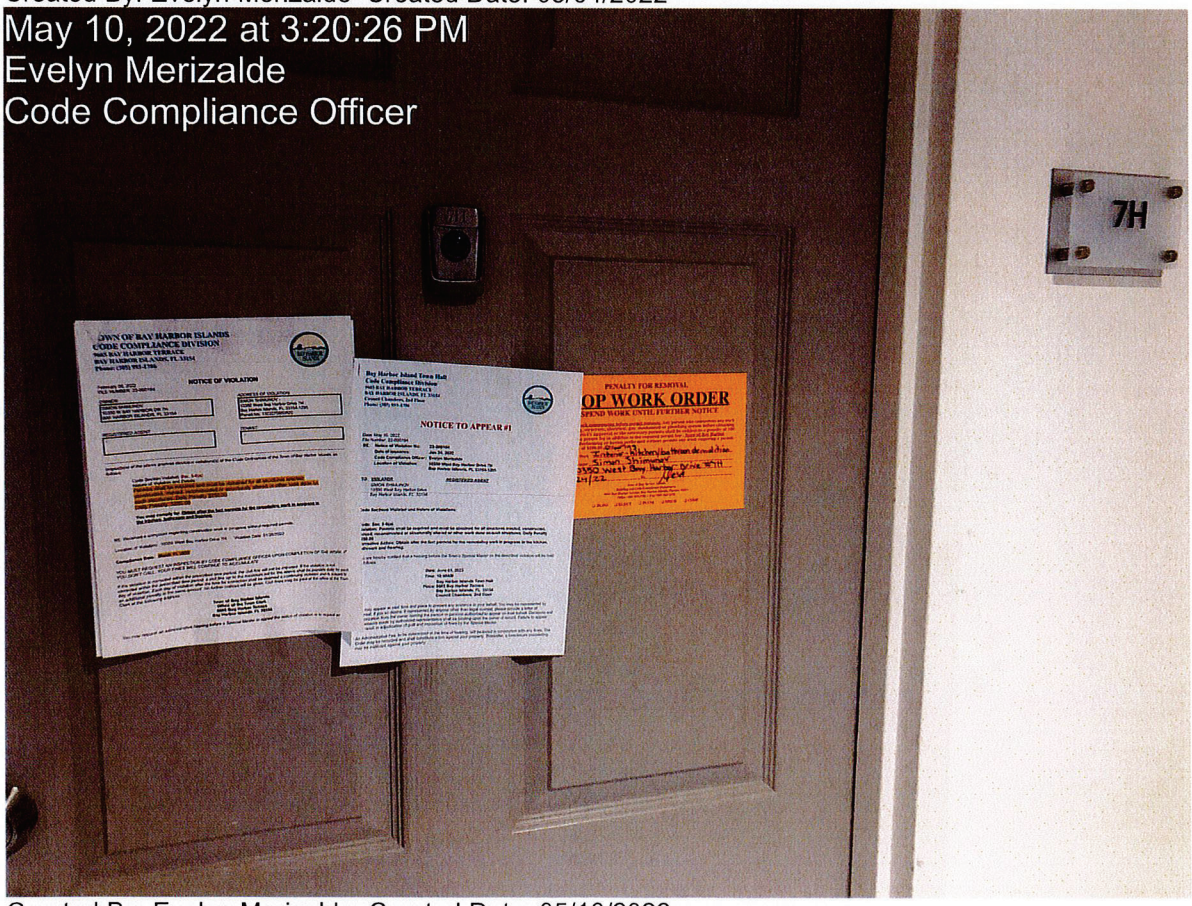

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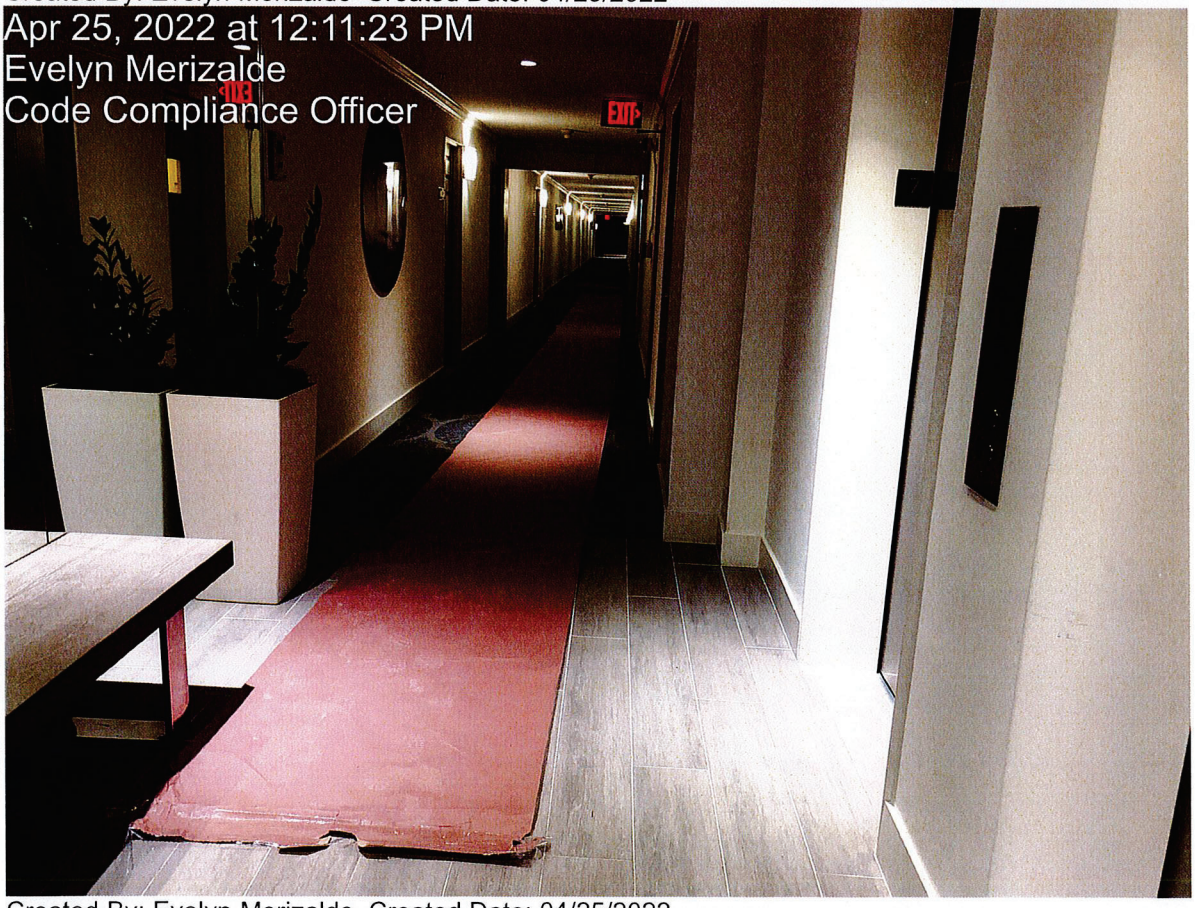
Created By: Evelyn Merizalde Created Date: 04/25/2022



Created By: Evelyn Merizalde Created Date: 04/25/2022



Created By: Evelyn Merizalde Created Date: 04/04/2022



Created By: Evelyn Merizalde Created Date: 03/30/2022



Created By: Evelyn Merizalde Created Date: 03/30/2022



Created By: Evelyn Merizalde Created Date: 03/30/2022



Created By: Evelyn Merizalde Created Date: 03/21/2022



Created By: Evelyn Merizalde Created Date: 03/21/2022



Created By: Evelyn Merizalde Created Date: 03/21/2022



Created By: Evelyn Merizalde Created Date: 03/21/2022



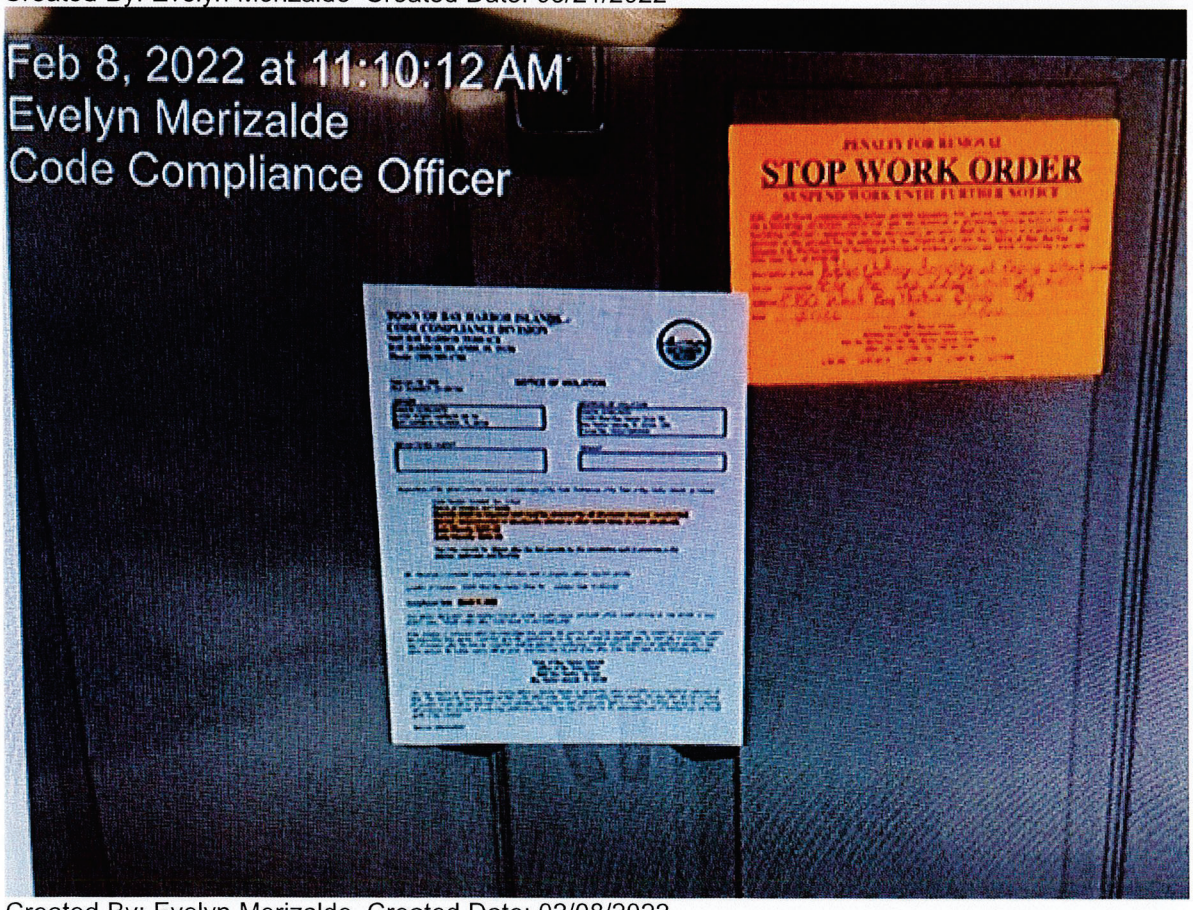
Created By: Evelyn Merizalde Created Date: 03/21/2022



Created By: Evelyn Merizalde Created Date: 03/21/2022



Created By: Evelyn Merizalde Created Date: 03/21/2022



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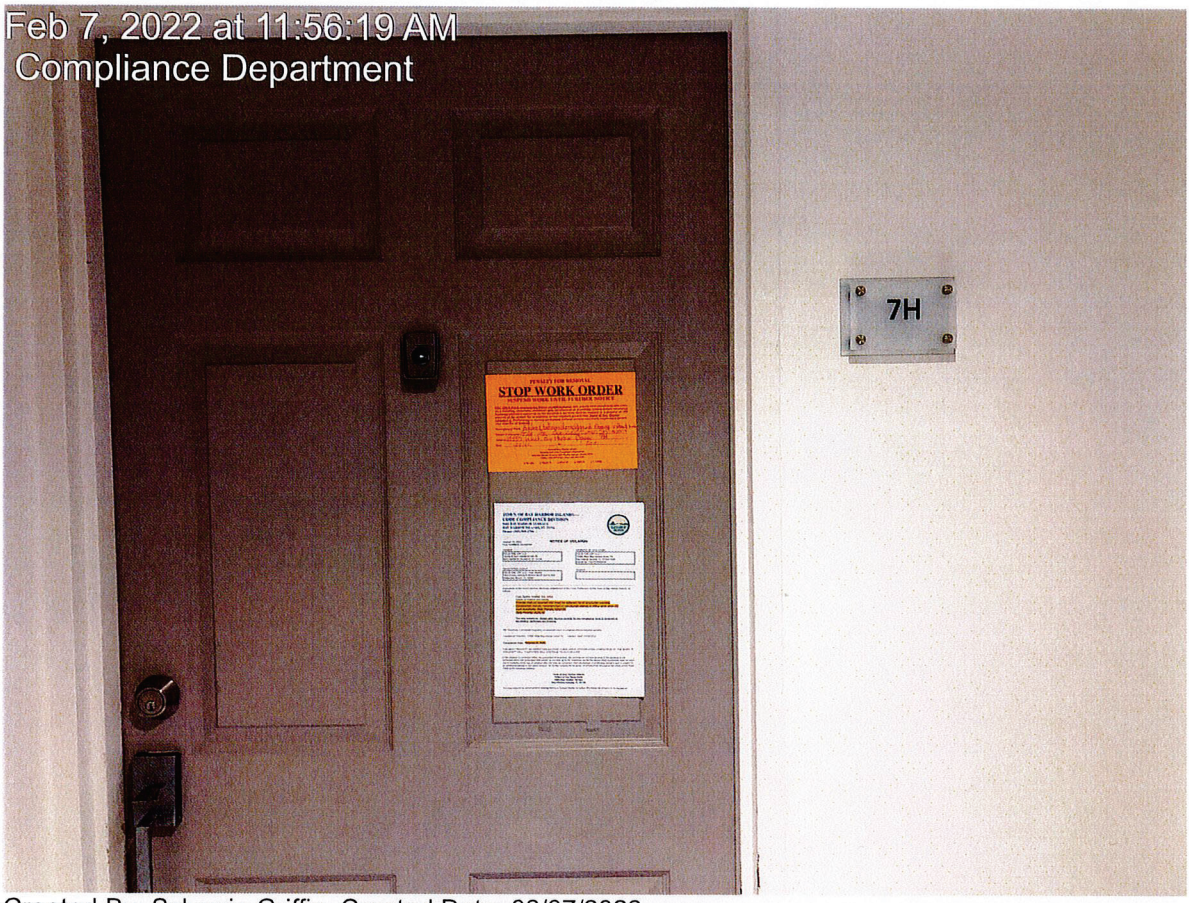

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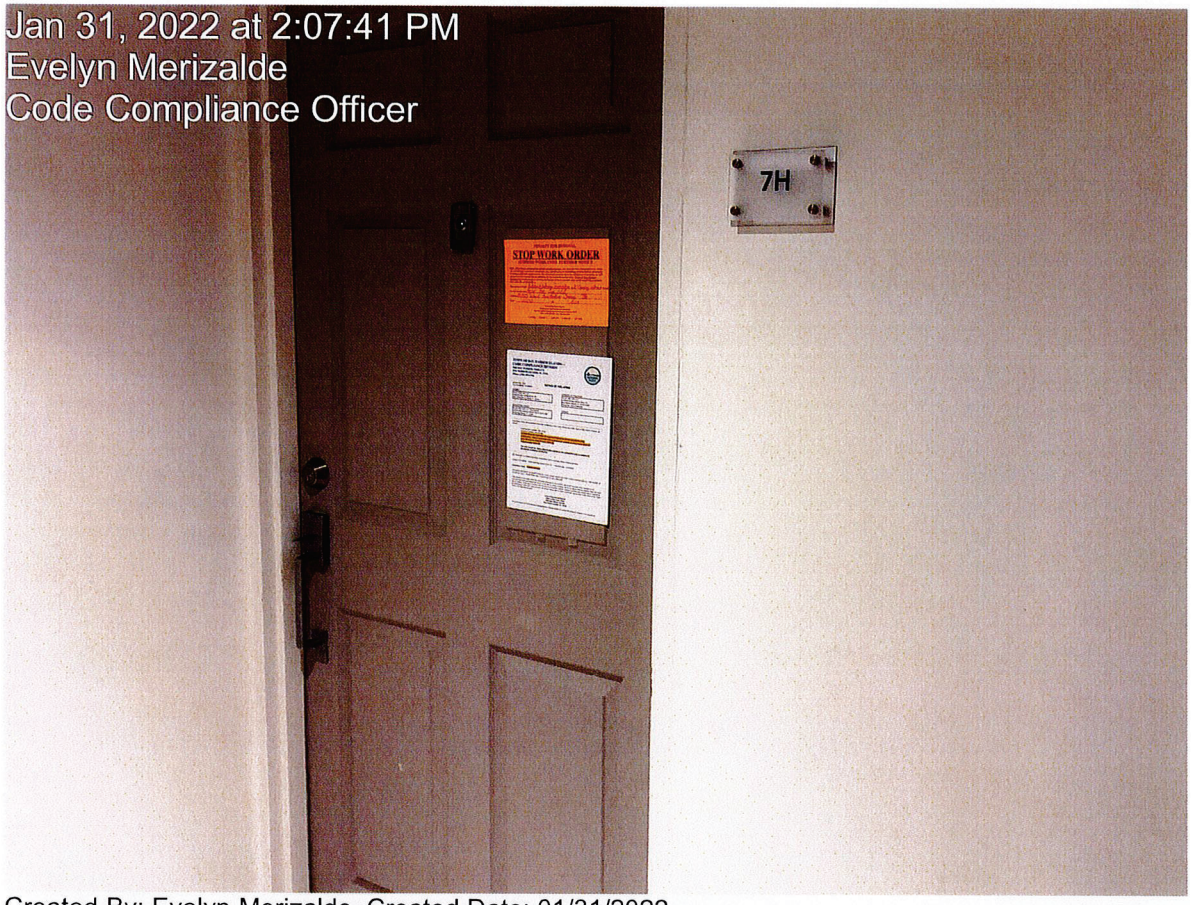

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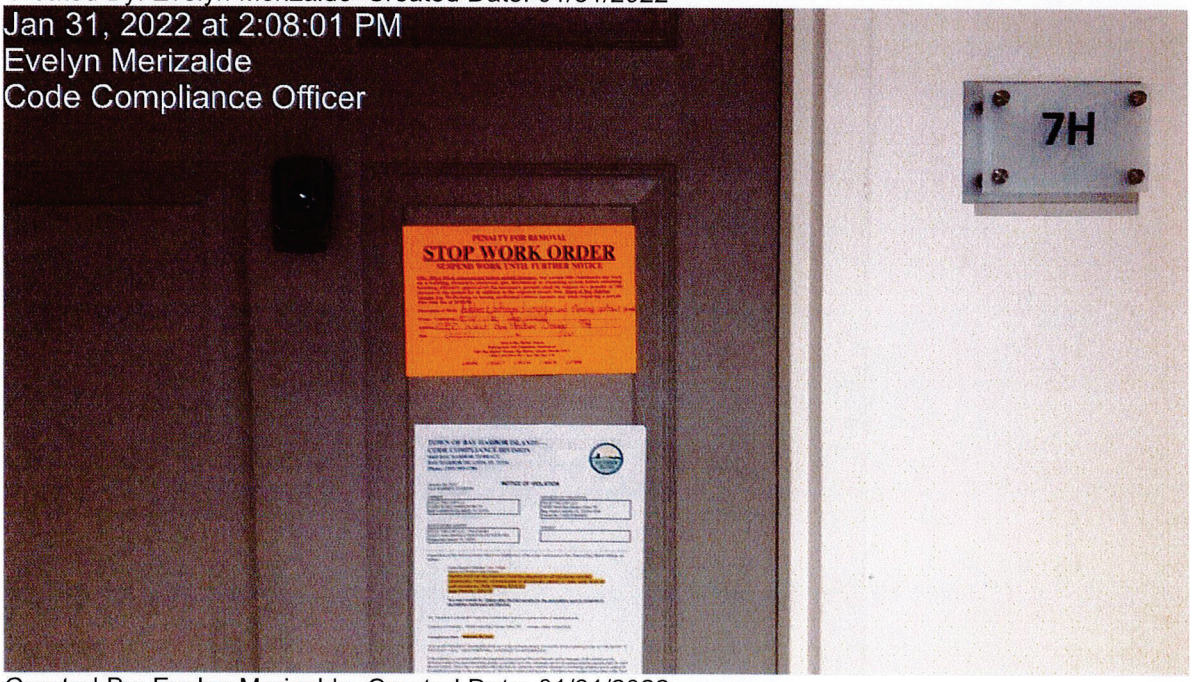

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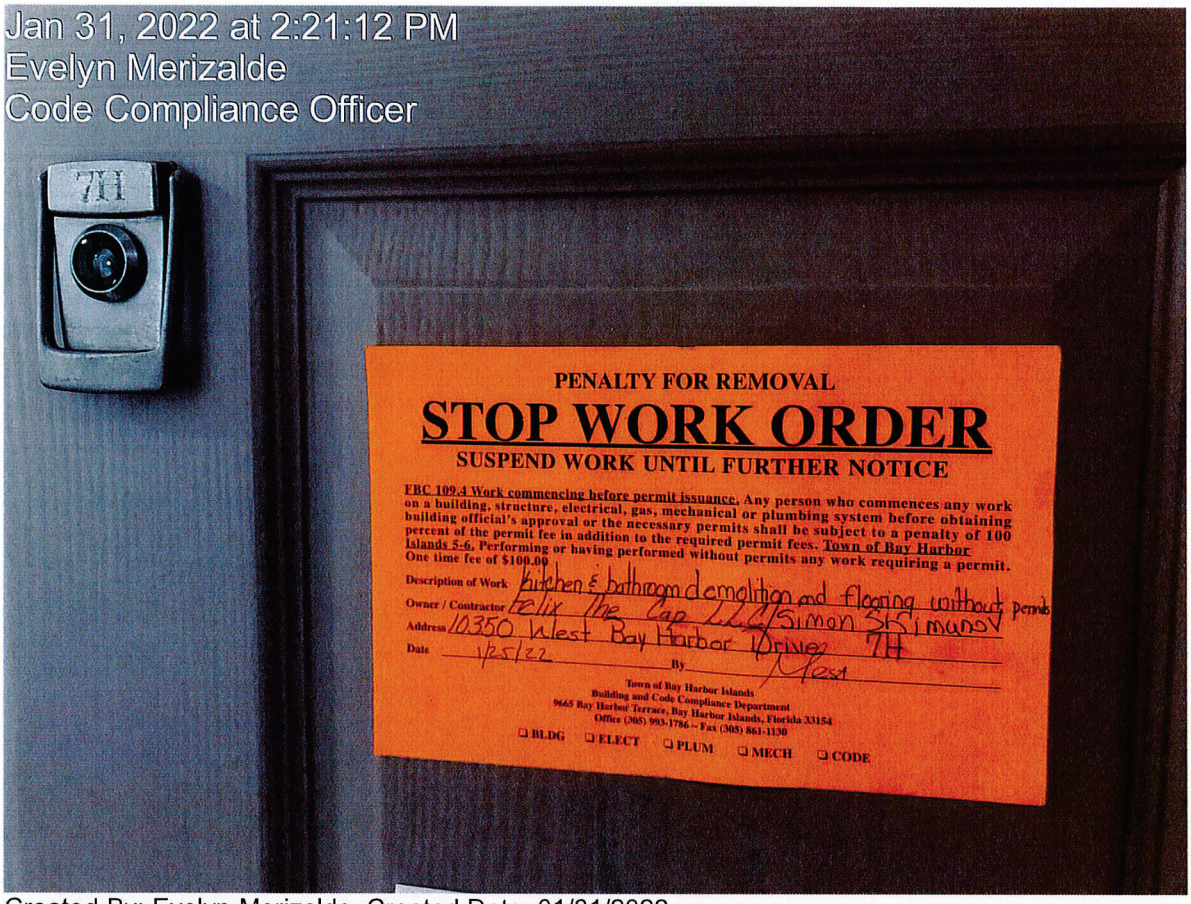

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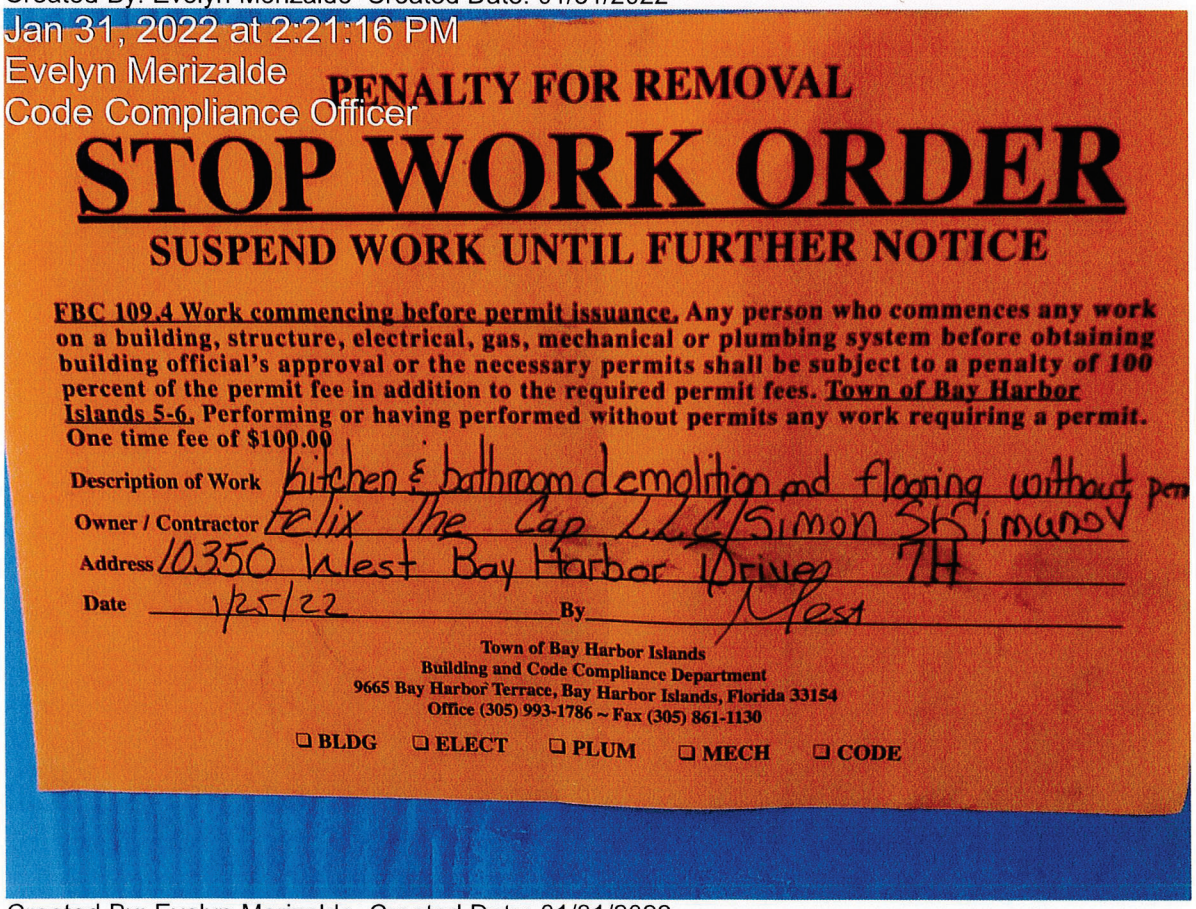

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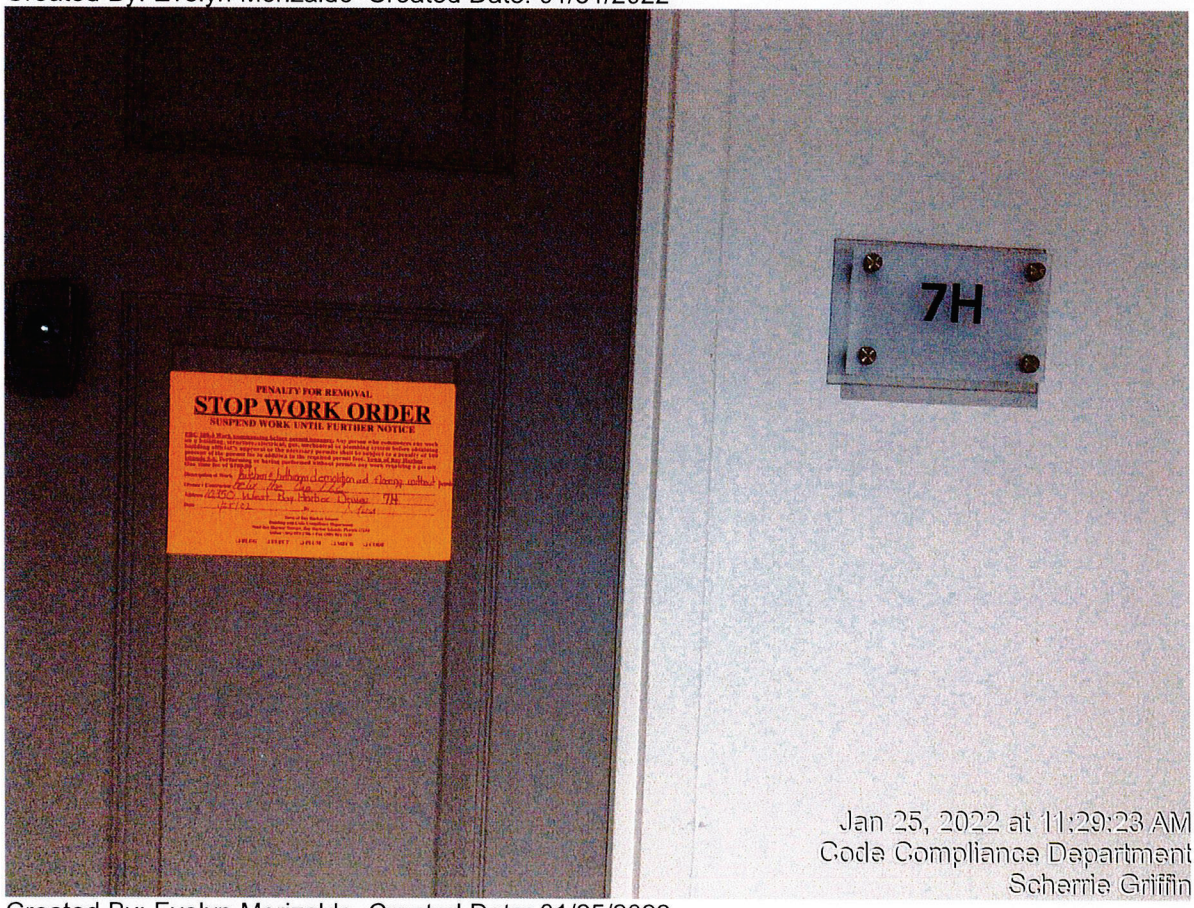

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Created By: Evelyn Merizalde Created Date: 01/25/2022



Created By: Evelyn Merizalde Created Date: 01/24/2022



Created By: Evelyn Merizalde Created Date: 01/24/2022



Created By: Evelyn Merizalde Created Date: 01/24/2022



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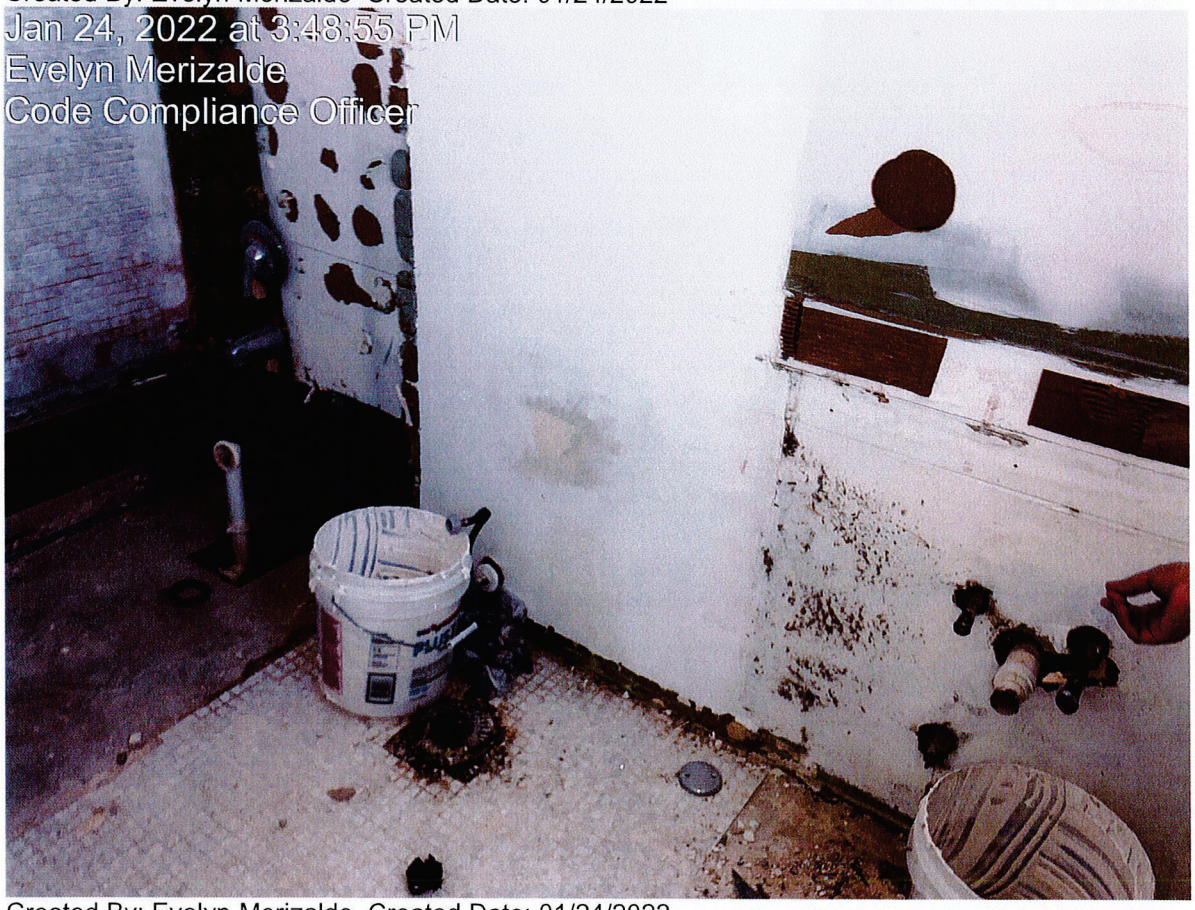
Created By: Evelyn Merizalde Created Date: 01/24/2022



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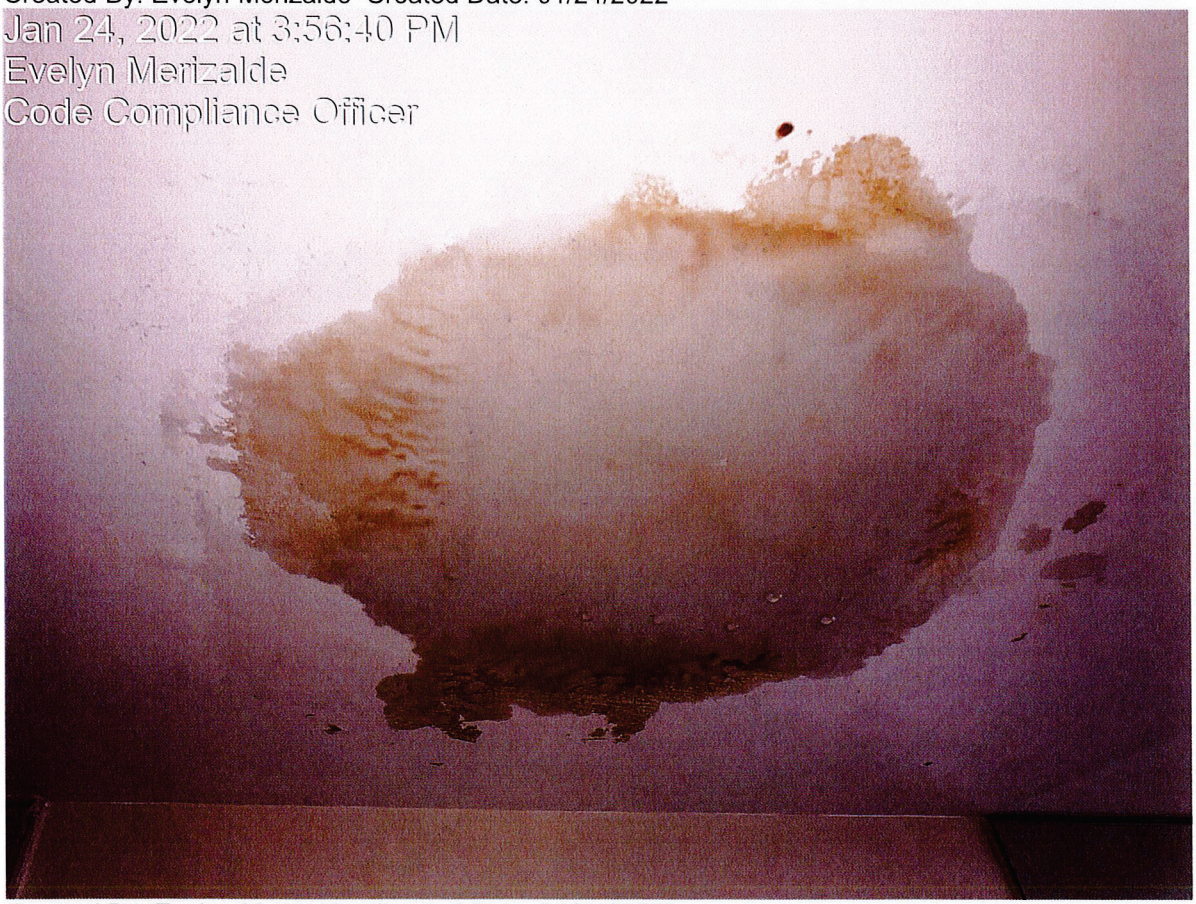

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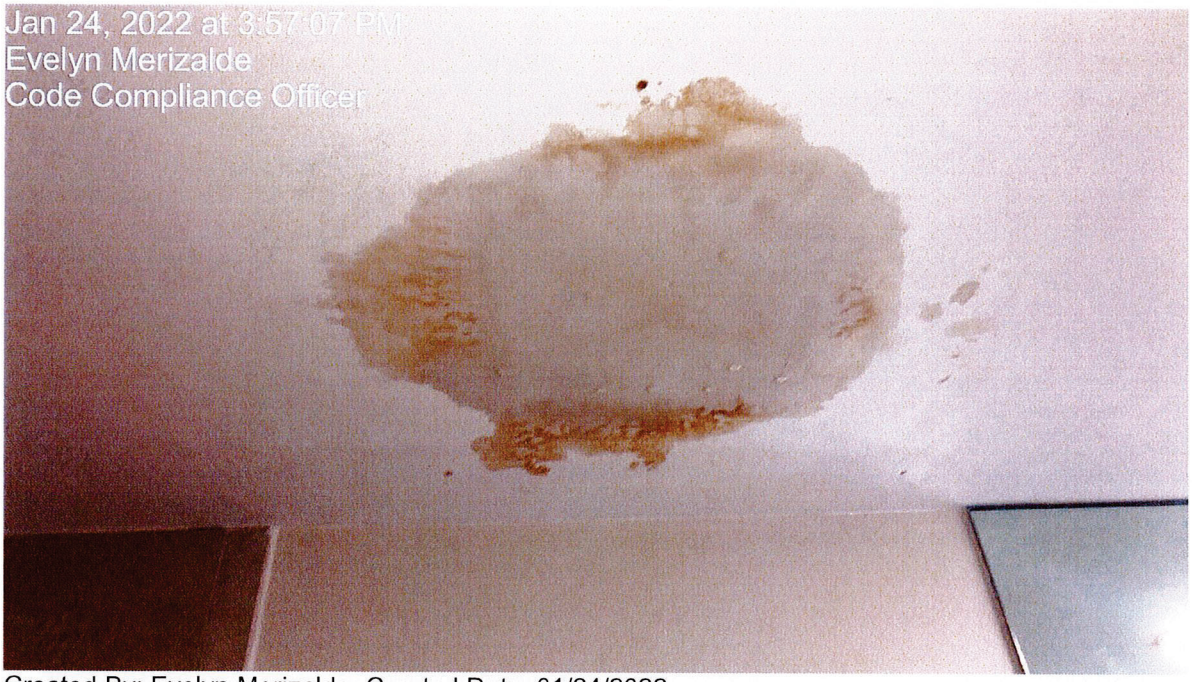


Created By: Evelyn Merizalde Created Date: 01/24/2022

SHEVLIN & ATKINS
ATTORNEYS AT LAW

1111 Kane Concourse
Suite 619
Bay Harbor Islands, Florida 33154
Telephone: (305) 868-0304
Facsimile: (305) 868-0338
www.shevlinatkins.com

BARRY T. SHEVLIN
ANDREW S. ATKINS*
PHILIP STEKOL

*ADMITTED IN FL AND GA

July 6, 2023

Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

NOTICE OF FILING

Re: Violation #22-000164
Address: 10350 W Bay Harbor Drive, Unit 7H
Bay Harbor Islands, FL 33154
Litigation Committee – Fine Mitigation Report

Dear Town Clerk:

Enclosed please find my clients' Petition for Mitigation of Code Enforcement Fines for the consideration of the Litigation Committee. Please present it to them.

Yours very truly,

SHEVLIN & ATKINS
Attorneys at Law

By: Barry Shev
Barry T. Shevlin, Esq.

JUL 06 2023

SHEVLIN & ATKINS
ATTORNEYS AT LAW

1111 Kane Concourse
Suite 619
Bay Harbor Islands, Florida 33154
Telephone: (305) 868-0304
Facsimile: (305) 868-0338
www.shevlinatkins.com

BARRY T. SHEVLIN
ANDREW S. ATKINS*
PHILIP STEKOL

*ADMITTED IN FL AND GA

July 6, 2023

Litigation Committee
c/o Yvonne P. Hamilton
Acting Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Re: Petition for Mitigation of Code Enforcement Fines
Case No.: 22-000164
Address: 10350 West Bay Harbor Drive, Unit 7H
Bay Harbor Islands, FL

Dear Litigation Committee:

Please be advised that I represent Simon Shimunov and David Shimunov, the owners of the above-referenced property.

We appeared before the Special Master on May 31, 2023 to address a fine running as a result of violation received for construction work in progress without the required permits. Ultimately, a fine was imposed by the Special Master in the amount of $14,125.00 which my clients are now disputing. My clients reside in New York and had planned to move to Bay Harbor Islands once they renovated their newly purchased unit.

Unfortunately, they fell victim to unscrupulous general contractors who lied to them and cheated them out of over thirty-five thousand ($35,000.00) dollars. My clients filed complaints with the DBPR as requested by the Special Master (Copies of which are attached hereto). It turns out that after stealing my clients' money and not pulling proper permits despite telling my clients that they had pulled same, both contractors administratively dissolved their corporations and closed their businesses.

As soon as my clients discovered these terrible problems, they hired a hired a third contractor who immediately applied for and received the necessary permits and completed the work in a timely manner. I also enclose herewith a copy of our Petition for Mitigation of fines that we filed in this matter for your review.

My client stopped all work at the unit as soon as the Town notified him of the issue. He was clearly taken advantage of by his two prior unscrupulous contractors who took his money and then shut down their businesses.

My clients lost over $35,000.00 plus over a year that they could not live in their unit. Additionally, they had to hire and pay their third contractor to complete the job at a cost of $50,000.00.

Please remember this is a small unit. The amount of money they lost and their quick attempts at compliance justify the reduction of this $14,125.00 fine.

My clients respectfully request that the fine of $14,125.00 be reduced to zero in that once they became aware of the problem they immediately addressed same.

Code Enforcement fines as the prior Special Master said "are designed to bring a property owner into compliance and not to punish him". My clients have already been taken advantage of by their prior contractors and should not be punished again by having to pay a large code enforcement fine.

Yours very truly,

SHEVLIN & ATKINS
Attorneys at Law

By: _____
Barry T. Shevlin, Esq.

SHEVLIN & ATKINS
ATTORNEYS AT LAW

1111 Kane Concourse
Suite 619
Bay Harbor Islands, Florida 33154
Telephone: (305) 868-0304
Facsimile: (305) 868-0338
www.shevlinatkins.com

BARRY T. SHEVLIN
ANDREW S. ATKINS*
PHILIP STEKOL

*ADMITTED IN FL AND GA

June 9, 2023

Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

NOTICE OF FILING

Re: Violation #22-000164
Address: 102050 W Bay Harbor Drive, Unit 7H
Bay Harbor Islands, FL 33154
Compliance with Special Master Ruling of 5/31/23

Dear Special Master:

Enclosed are the two complaints with the State of Florida Department of Business and Professional Regulation submitted against the two contractors that abandoned the job in compliance with the Special Master's order issued on May 31, 2023.

Yours very truly,

SHEVLIN & ATKINS
Attorneys at Law

By: _____
Barry T. Shevlin, Esq.

TOWN OF BAY HARBOR ISLANDS
MIAMI-DADE COUNTY, FL
RECEIVED
JUN 09 2023
By

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Uniform Complaint Form Instructions

Pursuant to Section 455.225, Florida Statutes, a complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the Department, or of any rule adopted by the Department or a regulatory board in the Department, has occurred. The Department may investigate, and the Department or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion.

Please provide all relevant documentation that supports your complaint with this form. No investigation of your complaint can begin until you provide all relevant information and documentation to the Department. Failure to provide this information may result in further requests for information and delay the investigation of your complaint.

Relevant documentation includes, but is not limited to, copies of the following, as applicable:

- Contracts/ Proposals
- Invoices
- Proof of Payment
- Advertisements
- Correspondence
- Authorization for Release of Patient Information Form (Vets)
- Community Association Manager (CAM) Meeting Minutes
- Management Contract (CAM)
- Covenants and By-laws (CAM)
- Building Permit (Electrical and Construction)
- Lien(s) (Electrical and Construction)

Please send legible copies of your supporting documents. We are unable to return original documents to you.

Should additional documentation be requested and not received by this Department within 30 days of the request, the file may be closed.

If an investigation of any subject is undertaken, the Department will furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation.

Pursuant to Chapter 455, Florida Statutes, the complaint and all information obtained pursuant to the investigation by the Department are confidential and exempt from public records requests until 10 days after probable cause is found to exist, or until the subject of the investigation waives his or her privilege of confidentiality, whichever occurs first. However, the exemption does not apply to actions against unlicensed persons or unless otherwise provided by law.

Investigations differ in complexity and duration, so providing a time of completion is not possible. We appreciate your cooperation and understanding in this matter.

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION

Please submit to the appropriate address on Page 9.

Any investigation or administrative proceeding brought by the Department against the subject of your complaint will rely upon the information you provide to the Department. All allegations and supporting documentation MUST be provided to the Department at this time.

COMPLAINANT INFORMATION

Last Name	First	Middle	Title	Suffix
Shimunov	DAVID			

Your Company/Occupation: REAL ESTATE

MAILING ADDRESS

Street Address or P.O. Box: 10350 West Bay Harbor Drive, Unit 7H

City	State	Zip Code (+4 optional)
Bay Harbor	FL	33154

County (if Florida address)	Country
Miami Dade	USA

CONTACT INFORMATION

Primary Phone Number	Alternate Phone Number
917-922-1004	N/A

Primary E-Mail Address: timeportinc@gmail.com

Unlicensed Activity Complaint? Yes ☒ No ☐ Unknown ☐

COMPLAINT DESCRIPTION

I engaged Carlos Gomez Oreillana to do an interior remodel of my unit in Bay Harbor Islands, FL. I live in N.Y. He was doing business thru RPG Global LLC. He said he was fully licensed and had me write him two checks one for $17,500 and one for $7,500. He told me he pulled all necessary permits and completed demolition and started work inside the unit. I was contacted by a neighbor and told me a stop work order was on my door. I called him repeated but he disappeared along with my $25,000. He shut off his phone and closed his company on Sept 23, 2022.

Attach additional sheets as necessary.

PRIVATE ATTORNEY FOR COMPLAINANT (IF APPLICABLE)

Last Name	First	Middle	Title	Suffix
Sheulin	BARRY	J		

ADDRESS

Street Address or P.O. Box			
1111 KANE CONCOURSE SUITE 619			
City: Bay Harbor	State: FL	Zip Code (+4 optional): 33154	
County (if Florida address): Miami Dade	Country: USA		

CONTACT INFORMATION

Primary Phone Number	Alternate Phone Number
305-868-0304	

SUBJECT OF COMPLAINT

Last Name	First	Middle	Title	Suffix
GOMEZ ORELLANA	CARLOS			

License Number (if known): UNKNOWN

Company/Occupation: RPG GLOBAL LLC

MAILING ADDRESS

Street Address or P.O. Box		
848 Brickell Ave Suite 950		
City: Miami	State: FL	Zip Code (+4 optional): 33131
County (if Florida address): Miami Dade	Country: USA	

CONTACT INFORMATION

Primary Phone Number	Primary E-Mail Address
UNKNOWN	UNKNOWN

RESIDENCE ADDRESS (IF DIFFERENT THAN MAILING ADDRESS)

Street Address		
City	State	Zip Code (+4 optional)
County (if Florida address)	Country	

PRIVATE ATTORNEY FOR SUBJECT OF COMPLAINT (IF APPLICABLE)

Last Name	First	Middle	Title	Suffix

ADDRESS

Street Address or P.O. Box		
City	State	Zip Code (+4 optional)
County (if Florida address)	Country	

CONTACT INFORMATION

Primary Phone Number	Alternate Phone Number

WITNESS (IF APPLICABLE)				
Last Name: Shimunov	First: Simon	Middle	Title	Suffix
ADDRESS				
Street Address or P.O. Box: 10350 West Bay Harbor Drive Unit 7H				
City: Bay Harbor	State: Fl	Zip Code (+4 optional): 33154		
County (if Florida address): Miami Dade	Country: USA			
CONTACT INFORMATION				
Primary Phone Number: 917-922-1004	Alternate Phone Number			

WITNESS (IF APPLICABLE)				
Last Name	First	Middle	Title	Suffix
ADDRESS				
Street Address or P.O. Box				
City	State	Zip Code (+4 optional)		
County (if Florida address)	Country			
CONTACT INFORMATION				
Primary Phone Number	Alternate Phone Number			

I affirm that I have provided the above information completely and truthfully to the best of my knowledge.

Complainant Sign Here: _____ Date: 6/9/23

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION
NOTE – This form must be submitted as part of an application packet

APPLICANT INFORMATION

Last Name	First	Middle	Title	Suffix
Shimunov	David			

EXPLANATION

continued: When I checked with the City of Bay Harbor I was told he submitted incomplete plans that were not signed or sealed and no permits were ever pulled for the work to be done.

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION
Division of Regulation/Compliance
Consumer Services
2601 Blair Stone Road
Tallahassee, FL 32399 – 0782

NOTE – This form must be submitted as part of an entire packet.

*If you have any questions or need assistance in completing this application, please contact the Department of Business and Professional Regulation, Customer Contact Center, at **850.487.1395**.*

WORK-SITE STREET ADDRESS

Street Address	10350 WEST BAY HARBOR DRIVE UNIT 7H			
City	Bay Harbor	State FL	Zip (+4 optionally) 33154	County USA

CONTRACTOR COMPLAINT QUESTIONS

I am complaining in my capacity as a:

- ☒ Homeowner
- ☐ Subcontractor
- ☐ Supplier
- ☐ Building Department
- ☐ Contractor
- ☐ Owner of Commercial Structure
- ☐ Other: _____

Select the category that best summarizes the work the contractor did for you or that you were involved in:

- ☐ Built house
- ☐ Remodeled house
- ☐ Air-conditioning or heating work at house
- ☐ Re-roofed or repaired part of the roof of a house
- ☐ Built residential pool
- ☒ Plumbing work
- ☐ Built addition to house
- ☐ Built commercial structure
- ☐ Remodeled or built addition to commercial structure
- ☐ Commercial roof work
- ☒ Electrical work
- ☐ Other: Interior Remodeling

Please select the categories below that best describe your basic complaint:

- ☒ Poor workmanship by contractor
- ☐ Job finished, but contractor will not correct problems
- ☐ Roof leaks; contractor will not repair
- ☐ Contractor failed to pay subcontractors/suppliers
- ☐ Contractor taking unreasonably long time to do the job
- ☒ Contractor abandoned job
- ☒ Financial dishonesty/misconduct by contractor

FINANCIAL QUESTIONS

1. Was your contract in writing? Yes ☐ No ☒
2. What was your contract price? $50,000
3. What was the contract execution date? JAN 5, 2022
4. What was the work begin date? 1/5/22 What was the work end date? 4/15/22
5. What was the total amount paid to the contractor? $50,000
6. Have you had to pay subcontractors or suppliers directly? Yes ☐ No ☒
7. If you have paid subcontractors or suppliers directly, how much and why?
8. Are there now unpaid bills owed to subcontractors or suppliers which contractor should have paid? Yes ☐ No ☐ UNKNOWN
9. What is the total of such unpaid bills? UNKNOWN
10. Have you filed civil suit against a contractor? Yes ☐ No ☒ Have you obtained a judgment? Yes ☐ No ☒
11. Have any liens been filed? Yes ☐ No ☒
12. Did contractor sign any statements to the effect that all bills have been paid? Yes ☐ No ☒
13. Have you fired the contractor? Yes ☐ No ☒ He abandoned the JOB
14. Has the job now been completed by you or a new contractor? Yes ☒ No ☐
15. What is the actual or estimated cost to finish the job if you hire another contractor? Estimated OVER $50,000

BUILDING CODE COMPLIANCE BY CONTRACTOR

16. Was a permit required for the work that was to be completed by the contractor? Yes ☒ No ☐
17. If required, was a building permit obtained from the building department? Yes ☒ No ☒ If yes, what is the name of the building department? Bay Harbor

Permit Number	Date Issued
UNKNOWN	

18. Who pulled the permit?
19. Was the permit obtained on time? Yes ☐ No ☒
20. Were any inspections missed or performed late? Yes ☒ No ☐
21. Did the site pass final inspection by the building department? Yes ☐ No ☒
22. If the site did not pass final inspection by the building department, explain why. CONTRACTOR DISAPPEARED AND KEPT MY MONEY
23. Was a Certificate of Occupancy issued? Yes ☐ No ☒

WORKMANSHIP QUESTIONS
24. Has the contractor offered to make repairs? Yes ☐ No ☒
25. Has the contractor made attempts to make repairs? Yes ☐ No ☒ If yes, how many times?
26. Have you had any other licensed contractor, architect or engineer inspect the work? Yes ☒ No ☐

ATTESTATION STATEMENT
REQUIRES SIGNATURE OF APPLICANT

I affirm that I have provided the above information completely and truthfully to the best of my knowledge. Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree (Florida Statute 837.06).

Sign Here: _____ Date: 6/9/23

Please mail the completed Uniform Complaint Form to the appropriate address below:

Board of Accountancy
240 N.W. 76th Drive, Suite A
Gainesville, Florida 32607

Division of Real Estate
400 Robinson Street
Orlando, Florida 32801

For the following professions:

Architecture & Interior Design
Asbestos Contractors and Consultants
Athlete Agent
Auctioneers
Barbers
Boxing, Kick Boxing and Mixed Martial Arts
Building Code Administrators & Inspectors
Child Labor
Community Association Managers and Firms
Construction Industry
Cosmetology
Electrical Contractors
Employee Leasing Companies
Farm Labor
Geologists
Harbor Pilots
Home Inspectors
Labor Organizations
Landscape Architecture
Mold-Related Services
Talent Agencies
Veterinary Medicine

Please mail the completed Uniform Complaint form to: Department of Business and Professional Regulation
Division of Regulation/Compliance -Consumer Services
2601 Blair Stone Rd
Tallahassee, Florida 32399-0782

SUNBIZ.org DIVISION of CORPORATIONS
an official State of Florida website

Detail by Entity Name

Florida Limited Liability Company
RPG GLOBAL LLC

Filing Information

Document Number	L19000232003
FEI/EIN Number	35-2673591
Date Filed	09/13/2019
Effective Date	09/13/2019
State	FL
Status	INACTIVE
Last Event	LC DISSOCIATION MEM
Event Date Filed	10/12/2022
Event Effective Date	NONE

Principal Address

14354 SW 96TH TER
MIAMI, FL 33186

Changed: 04/29/2021

Mailing Address

848 BRICKELL AVE
STE 950
MIAMI, FL 33131

Changed: 04/29/2021

Registered Agent Name & Address

PRODEZK INC
848 BRICKELL AVE
STE 950
MIAMI, FL 33131

Name Changed: 04/29/2021

Address Changed: 04/29/2021

Authorized Person(s) Detail

Name & Address

Title MGR

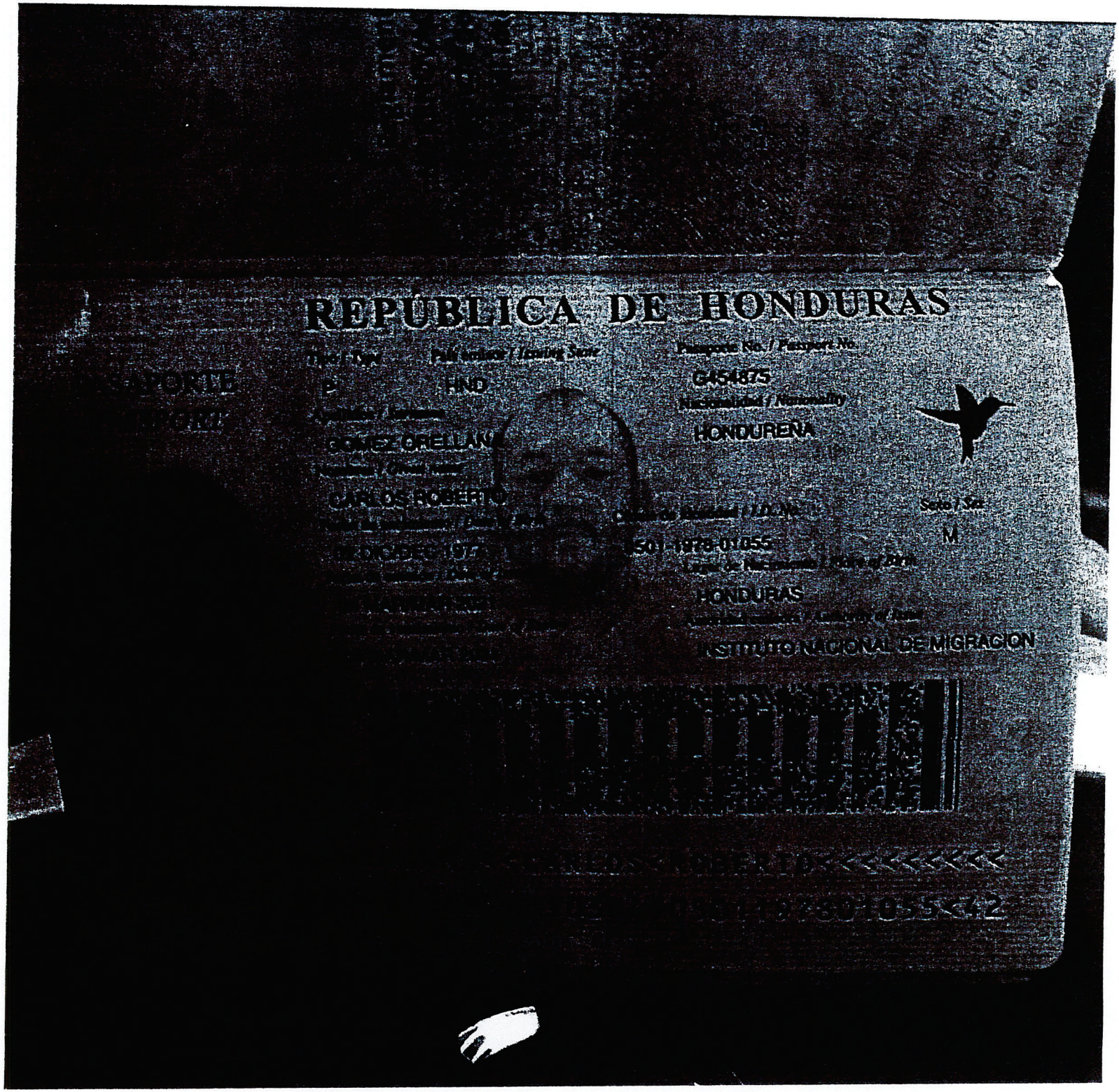
ASTRADA, GUILLERMO R
848 BRICKELL AVE
STE 950
MIAMI, FL 33131

Annual Reports

Report Year	Filed Date
2020	01/27/2020
2021	04/29/2021
2021	11/29/2021

Document Images

10/12/2022 -- CORLCDSMEM	View image in PDF format
03/15/2022 -- LC Amendment	View image in PDF format
11/29/2021 -- AMENDED ANNUAL REPORT	View image in PDF format
04/29/2021 -- ANNUAL REPORT	View image in PDF format
01/27/2020 -- ANNUAL REPORT	View image in PDF format
09/13/2019 -- Florida Limited Liability	View image in PDF format


REPÚBLICA DE HONDURAS
HND
HONDUREÑA
M
HONDURAS
INSTITUTO NACIONAL DE MIGRACION

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Uniform Complaint Form Instructions

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- Advertisements
- Correspondence
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- Community Association Manager (CAM) Meeting Minutes
- Management Contract (CAM)
- Covenants and By-laws (CAM)
- Building Permit (Electrical and Construction)
- Lien(s) (Electrical and Construction)

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STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION

Please submit to the appropriate address on Page 9.

Any investigation or administrative proceeding brought by the Department against the subject of your complaint will rely upon the information you provide to the Department. All allegations and supporting documentation MUST be provided to the Department at this time.

COMPLAINANT INFORMATION

Last Name	First	Middle	Title	Suffix
Shimunov	David			

Your Company/Occupation: REAL ESTATE

MAILING ADDRESS

Street Address or P.O. Box: 10350 WEST Bay Harbor DRIVE UNIT 7H

City	State	Zip Code (+4 optional)
BAY Harbor	FL	33154

County (if Florida address)	Country
Miami Dade	USA

CONTACT INFORMATION

Primary Phone Number	Alternate Phone Number
917-922-1604	

Primary E-Mail Address: TIMEportINC@

Unlicensed Activity Complaint? Yes ☐ No ☐ Unknown ☒

COMPLAINT DESCRIPTION

I engaged AVRAHAM ASHKENAZI AND BATSHEVA BAGIV of EXCLUSIVE CABINET DESIGN LLC as my replacement contractors at the end of may 2022. I initially paid the $6,000 and then another $4,000 IN cash at their request. Ms. BAGIV went to the building department to allegedly pull all required permits and thats what she represented to the special master at Bay Harbor Islands on June 1, 2022. After that meeting I attempted to contact her to get my permits issued and construction started.

Attach additional sheets as necessary.

PRIVATE ATTORNEY FOR COMPLAINANT (IF APPLICABLE)

Last Name	First	Middle	Title	Suffix
Sheulin	BARRY			

ADDRESS

Street Address or P.O. Box			
1111 KANE Concourse Suite 619			
City: Bay Harbor	State: FL	Zip Code (+4 optional): 33154	
County (if Florida address): Miami Dade	Country: USA		

CONTACT INFORMATION

Primary Phone Number	Alternate Phone Number
305-868-0304	

SUBJECT OF COMPLAINT

Last Name	First	Middle	Title	Suffix
ASHKENAZI	AVRAHAM			

License Number (if known): UNKNOWN

Company/Occupation: EXCLUSIVE CABINET DESIGN, LLC

MAILING ADDRESS

Street Address or P.O. Box			
700 LAYNE BLVD UNIT 111			
City: Hallandale Beach	State: FL	Zip Code (+4 optional): 33009	
County (if Florida address): BROWARD	Country: USA		

CONTACT INFORMATION

Primary Phone Number	Primary E-Mail Address
UNKNOWN	

RESIDENCE ADDRESS (IF DIFFERENT THAN MAILING ADDRESS)

Street Address		
City	State	Zip Code (+4 optional)
County (if Florida address)	Country	

PRIVATE ATTORNEY FOR SUBJECT OF COMPLAINT (IF APPLICABLE)

Last Name	First	Middle	Title	Suffix

ADDRESS

Street Address or P.O. Box		
City	State	Zip Code (+4 optional)
County (if Florida address)	Country	

CONTACT INFORMATION

Primary Phone Number	Alternate Phone Number

WITNESS (IF APPLICABLE)				
Last Name Shimuno	First Simon	Middle	Title	Suffix
ADDRESS				
Street Address or P.O. Box 10350 WEST BAY HARBOR DR UNIT 7H				
City Bay Harbor		State FL	Zip Code (+4 optional) 33154	
County (if Florida address) Miami Dade		Country USA		
CONTACT INFORMATION				
Primary Phone Number 917-922-1004		Alternate Phone Number		

WITNESS (IF APPLICABLE)				
Last Name	First	Middle	Title	Suffix
ADDRESS				
Street Address or P.O. Box				
City		State	Zip Code (+4 optional)	
County (if Florida address)		Country		
CONTACT INFORMATION				
Primary Phone Number		Alternate Phone Number		

I affirm that I have provided the above information completely and truthfully to the best of my knowledge.

Complainant Sign Here: _____ Date: 6/9/23

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION
NOTE – This form must be submitted as part of an application packet

APPLICANT INFORMATION				
Last Name	First	Middle	Title	Suffix
Shimunov	David			

EXPLANATION

SHE TOLD ME That Bay Harbor Was ISSUING the permits AND construction Would begin by June 15, 2022. She ASKED me for another $10,000 which is when I became SUSPICIOUS. I did not pay her and she stopped taking my calls. I did some research and discovered that her company Exclusive Cabinet Design, LLC was dissolved on Sept 23, 2022. I was forced to hire another contractor to complete the job.

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION
Division of Regulation/Compliance
Consumer Services
2601 Blair Stone Road
Tallahassee, FL 32399 – 0782

NOTE – This form must be submitted as part of an entire packet.

*If you have any questions or need assistance in completing this application, please contact the Department of Business and Professional Regulation, Customer Contact Center, at **850.487.1395**.*

WORKSITE STREET ADDRESS

Street Address	10350 WEST BAY Harbor DR Unit 7H		
City: Bay Harbor	State: FL	Zip (+4 optional): 33154	County: Miami Dade

CONTRACTOR COMPLAINT QUESTIONS

I am complaining in my capacity as a:

- [x] Homeowner
- [ ] Subcontractor
- [ ] Supplier
- [ ] Building Department
- [ ] Contractor
- [ ] Owner of Commercial Structure
- [ ] Other: _____

Select the category that best summarizes the work the contractor did for you or that you were involved in:

- [ ] Built house
- [ ] Remodeled house
- [ ] Air-conditioning or heating work at house
- [ ] Re-roofed or repaired part of the roof of a house
- [ ] Built residential pool
- [x] Plumbing work
- [ ] Built addition to house
- [ ] Built commercial structure
- [ ] Remodeled or built addition to commercial structure
- [ ] Commercial roof work
- [x] Electrical work
- [ ] Other: Interior remodel

Please select the categories below that best describe your basic complaint:

- [ ] Poor workmanship by contractor
- [ ] Job finished, but contractor will not correct problems
- [ ] Roof leaks; contractor will not repair
- [ ] Contractor failed to pay subcontractors/suppliers
- [ ] Contractor taking unreasonably long time to do the job
- [x] Contractor abandoned job
- [x] Financial dishonesty/misconduct by contractor

FINANCIAL QUESTIONS
1. Was your contract in writing? Yes ☐ No ☒
2. What was your contract price? Estimated $59,000
3. What was the contract execution date? ~~5/3/22~~ 4/27/22
4. What was the work begin date? 5/3/2022 What was the work end date? ~~8/15/22~~
5. What was the total amount paid to the contractor? $10,000
6. Have you had to pay subcontractors or suppliers directly? Yes ☐ No ☒
7. If you have paid subcontractors or suppliers directly, how much and why?
8. Are there now unpaid bills owed to subcontractors or suppliers which contractor should have paid? Yes ☐ No ☒
9. What is the total of such unpaid bills?
10. Have you filed civil suit against a contractor? Yes ☐ No ☒ Have you obtained a judgment? Yes ☐ No ☒
11. Have any liens been filed? Yes ☐ No ☒
12. Did contractor sign any statements to the effect that all bills have been paid? Yes ☐ No ☒
13. Have you fired the contractor? Yes ☐ No ☒ Contractor Disappeared
14. Has the job now been completed by you or a new contractor? Yes ☒ No ☐
15. What is the actual or estimated cost to finish the job if you hire another contractor? UNKNOWN

BUILDING CODE COMPLIANCE BY CONTRACTOR	
16. Was a permit required for the work that was to be completed by the contractor? Yes ☒ No ☐	
17. If required, was a building permit obtained from the building department? Yes ☐ No ☒ If yes, what is the name of the building department? _____	
Permit Number NO	Date Issued NO
18. Who pulled the permit? NO one	
19. Was the permit obtained on time? Yes ☐ No ☒	
20. Were any inspections missed or performed late? Yes ☐ No ☐	
21. Did the site pass final inspection by the building department? Yes ☐ No ☒	
22. If the site did not pass final inspection by the building department, explain why. Contractor abandoned project	
23. Was a Certificate of Occupancy issued? Yes ☐ No ☒	

WORKMANSHIP QUESTIONS
24. Has the contractor offered to make repairs? Yes ☐ No ☒
25. Has the contractor made attempts to make repairs? Yes ☐ No ☒ If yes, how many times?
26. Have you had any other licensed contractor, architect or engineer inspect the work? Yes ☒ No ☐

ATTESTATION STATEMENT REQUIRES SIGNATURE OF APPLICANT
I affirm that I have provided the above information completely and truthfully to the best of my knowledge. Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree (Florida Statute 837.06). Sign Here: _____ Date: 6/9/23

Please mail the completed Uniform Complaint Form to the appropriate address below:

Board of Accountancy
240 N.W. 76th Drive, Suite A
Gainesville, Florida 32607

Division of Real Estate
400 Robinson Street
Orlando, Florida 32801

For the following professions:

- Architecture & Interior Design
- Asbestos Contractors and Consultants
- Athlete Agent
- Auctioneers
- Barbers
- Boxing, Kick Boxing and Mixed Martial Arts
- Building Code Administrators & Inspectors
- Child Labor
- Community Association Managers and Firms
- Construction Industry
- Cosmetology
- Electrical Contractors
- Employee Leasing Companies
- Farm Labor
- Geologists
- Harbor Pilots
- Home Inspectors
- Labor Organizations
- Landscape Architecture
- Mold-Related Services
- Talent Agencies
- Veterinary Medicine

Please mail the completed Uniform Complaint form to: Department of Business and Professional Regulation
Division of Regulation/Compliance -Consumer Services
2601 Blair Stone Rd
Tallahassee, Florida 32399-0782

SunBiz.org DIVISION of CORPORATIONS an official State of Florida website

Detail by Entity Name

Florida Limited Liability Company
EXCLUSIVE CABINET DESIGN . LLC

Filing Information

Document Number	L21000299449
FEI/EIN Number	NONE
Date Filed	06/29/2021
Effective Date	06/29/2021
State	FL
Status	INACTIVE
Last Event	ADMIN DISSOLUTION FOR ANNUAL REPORT
Event Date Filed	09/23/2022
Event Effective Date	NONE

Principal Address

700 LAYNE BLVD APT 111
HALLANDALE, FL 33009

Mailing Address

700 LAYNE BLVD APT 111
HALLANDALE BEACH, FL 33009

Registered Agent Name & Address

EXCLUSIVE CABINET DESIGN . LLC
700 LAYNE BLVD
111
HALLANDALE, FL 33009

Authorized Person(s) Detail

Name & Address

Title MGR

BAGIV, BATSHEVA
700 LAYNE BLVD APT 111
HALLANDALE BEACH, FL 33009

Title MGR

ASHKENAZI, AVRAHAM
700 LAYNE BLVD APT 111
HALLANDALE BEACH, FL 33009

Annual Reports

No Annual Reports Filed

Document Images

06/29/2021 -- Florida Limited Liability View image in PDF format

SHEVLIN & ATKINS
ATTORNEYS AT LAW

1111 Kane Concourse
Suite 619
Bay Harbor Islands, Florida 33154
Telephone: (305) 868-0304
Facsimile: (305) 868-0338
www.shevlinatkins.com

BARRY T. SHEVLIN
ANDREW S. ATKINS*
PHILIP STEKOL

*ADMITTED IN FL AND GA

June 9, 2023

Town Clerk
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

NOTICE OF FILING

Re: Violation #22-000164
Address: 102050 W Bay Harbor Drive, Unit 7H
Bay Harbor Islands, FL 33154
Compliance with Special Master Ruling of 5/31/23

Dear Special Master:

Enclosed are the two complaints with the State of Florida Department of Business and Professional Regulation submitted against the two contractors that abandoned the job in compliance with the Special Master's order issued on May 31, 2023.

Yours very truly,

SHEVLIN & ATKINS
Attorneys at Law

By: _____
Barry T. Shevlin, Esq.

TOWN OF BAY HARBOR ISLANDS
MIAMI-DADE COUNTY, FL
RECEIVED
JUN 09 2023
By

SHEVLIN & ATKINS

ATTORNEYS AT LAW

1111 KANE CONCOURSE
SUITE 619
BAY HARBOR ISLANDS, FLORIDA 33154
TELEPHONE (305) 868-0304
FACSIMILE (305) 868-0338
WWW.SHEVLINATKINS.COM

BARRY T. SHEVLIN, ESQ.
ANDREW S. ATKINS, ESQ.*
SCOTT E. HAYDEN, ESQ.

*ADMITTED IN FL AND GA

RECEIVED
JAN 18 2023
BY: Evelyn M.

January 18, 2023

VIA EMAIL: emerizalde@bayharborislands-fl.gov

Ms. Evelyn Merizalde
Code Compliance Supervisor
Town of Bay Harbor Islands
9665 Bay Harbor Terrace 2nd Floor
Bay Harbor Islands, FL 33154

Re: 10350 West Bay Harbor Drive Unit 7H, Bay Harbor Islands FL 33154 – Violation #22-000164

Matter: Petition for Mitigation of Code Enforcement Fine

Dear Ms. Merizalde:

As you are aware, this law firm represents David Shimunov (hereafter "Client"), the owner of the real property located at 10350 West Bay Harbor Drive Unit 7H, Bay Harbor Islands FL 33154 - Folio No.: 13-2227-095-0820 (hereafter "Property"), with regards to the Town of Bay Harbor Islands' Code Enforcement Violation #22-000164, which was issued in the amount of $250 per day against the property on February 8, 2022 and ran until November 6, 2022 resulting in a total amount of the fine of $67,750.00. The violation was issued under Town Code Section 5-6(a) due to the property owner not having the requisite permits to perform certain work at the Property.

My Client, who lives in New York, purchased the Property in January 2022 as an investment property with the intention of renovating same to either sell at a higher price or rent out to prospective tenants upon completion of the renovations. On January 15, 2022, my client hired general contractor Guillermo Astrada and issued a $17,500 check to Mr. Astrada's firm RPG Global LLC. *See copy of the January 15, 2022 check attached hereto and marked as Exhibit "A."*

Mr. Astrada assured my Client that all of the contemplated work to be done at the Property would be done to code and that Mr. Astrada would pull all of the necessary permits from the Town of Bay Harbor Islands before commencing work.

On January 28, 2022, Mr. Astrada submitted a permit application (P22-000016) to the Town to remodel the Kitchen and Bathroom. On February 3, 2022 Mr. Astrada submitted a second permit application (B22-000059) to the Town to remodel the Kitchen and Bathroom. On February 11, 2022 Mr. Astrada submitted a third permit application (E22-000025) to the Town for electrical work at the Property. On February 23, 2022 Mr. Astrada submitted a fourth permit application (B22-000092) to

the Town for new tile in the kitchen, living room and bathrooms and to install soundproofing.

All four (4) of the permit applications submitted by Mr. Astrada were rejected by the Building Department because the plans that were submitted with the applications did not meet the requirements for the issuance of any of these permits by the Town according to the Building Department. Mr. Astrada was likely aware that his permit applications were denied but told my Client that they were going to be approved and decided to continue work. My Client relied on Mr. Astrada's representations which resulted in the violation as the permits had not actually been issued by the Town. My Client had no knowledge of the fact that the permits had not been issued, however once the Town imposed a stop work order, my Client ceased all work at the Property. Subsequently, Mr. Astrada was unsuccessful in meeting the Town's requirements to pull the requisite permits and Mr. Astrada simply walked off of the job. Upon information and belief, Mr. Astrada was unable to perfect the permit applications due to the Town's officials' failure to adequately communicate instructions and/or details that the Town was seeking as part of their permit application review process.

In an attempt to expedite the permit process, on or about late April 27, 2022, my Client engaged a permit expediter named Batsheva Ashjenazi-Bagiv with Exclusive Cabinet Design, LLC and issued her a check in the amount of $4,000.00. *See copy of the April 27, 2022 check attached hereto and marked as Exhibit "B."* Ms. Bagiv was hired solely for the purpose of submitting proper permit applications and enclosures and obtaining the necessary permits to come into compliance with the Town Code. On May 3, 2022, Ms. Bagiv walked into the Building Department to discuss the permits and represented that new permit applications would be submitted, however Ms. Bagiv never performed any work in furtherance of submitting new permit applications.

On June 1, 2022, a few days after my law firm was retained, I attended a Code Enforcement hearing with my Client and Ms. Bagiv, where the above was explained to the special master and other Town officials. At the conclusion of the hearing the special master continued the fine and requested compliance with the Town Code, and that my Client perform the necessary tasks to pull the requisite permits. Immediately after the conclusion of the hearing, Ms. Bagiv walked into the Building Department seeking instructions from the Town's Building Department officials and again the Town's officials' were unable to adequately communicate instructions and/or details that the Town was seeking as part of their permit application review process. As a result, and as with Mr. Astrada, Ms. Bagiv also left the job and did not return any of the funds that she was paid for the job to my Client.

On or about July 2022, my Client engaged a second general contractor Rafael Moas, who prepared revised plans in furtherance of pulling the permits, however Mr. Moas' plans were rejected by the Town again for reasons unspecified. Upon information and belief, Mr. Moas was also unable to perfect the permit applications due to the Town's officials' repeated failure to adequately communicate instructions and/or details that the Town was seeking as part of their permit application review process. Mr. Moas was paid $6,000 by my Client and just like Mr. Astrada and Ms. Bagiv, Mr. Moas also walked off the job stating that the Town was uncooperative.

Then, on or about September 2022, my Client engaged a third general contractor Victor Akilov with Fox Groups LLC. Mr. Akilov quickly finished the plans within a few weeks of starting the job and submitted the plans and new permit applications on or about October 12, 2022. Mr. Akilov submitted the paperwork, plans and designs with the details that the Town had been seeking all along without any instruction from the Town and finally convinced the Building Department that same were more than sufficient for a small interior renovation.

On October 17, 2022, the Town approved the Electrical Permit, Mechanical Permit and the

Plumbing permit. However, the Town would not approve the Master permit until the fire department reviewed and approved same. Although this caused a delay the fire department approved the master permit plans and the Town approved the master permit resulting in the November 6, 2022 compliance date.

If my Client had hired Mr. Akilov from the beginning the permit applications and plans would have been submitted without error and would have avoided the violation. However, Mr. Akilov would have been successful from the beginning due to his high degree of expertise and efficiency in performing the necessary steps to pull the requisite permits in a matter of a few weeks without the need of any guidance or instruction from the Town. Mr. Astrda, Ms. Bagiv or Mr. Moas would have likely been successful in submitting the requisite paperwork and permit applications had the Town officials done a better job communicating the deficiencies within their permit applications as well as what was necessary to perfect the permit applications. *Please see Affidavit of Victor Akilov attached hereto and marked as Exhibit "C."*

$250.00 per day is the maximum fine permitted for a first violation. *See Town Code Sec. 5¾-11(a).* There are several reasons why the subject fine should be mitigated and/or forgiven.

First, the fine should have been tolled following the Town's issuance of the stop work order, because the violation of performing unpermitted work ceased upon the issuance of the stop work order on March 30, 2022. Between the date the violation was issued on February 8, 2022, until the stop work order was issued on March 30, 2022 amounts to fifty (50) days, and at $250.00 a day, the total conceivable fine should only be $12,500.00 but same should be mitigated down to zero based upon the totality of the circumstances.

Second, the fine is clearly excessive. A civil penalty implicates the Excessive Fines Clause the United States Constitution and Florida Constitution. Amend. VIII, U.S. Const.; Art. I, § 17, Fla. Const., if it constitutes a "punishment for some offense." See *Austin v. United States, 509 U.S. 602 (1993)*); *see also Busbee v. State, Div. of Ret.,* 685 So.2d 914, 917 (Fla. 1st DCA 1996). A payment is remedial, and not punitive, if it compensates the government for a loss and therefore is not subject to the Excessive Fines Clause. *See United States v. Bajakajian*, 524 U.S. 321 (1998). However, even a remedial civil fine or penalty "is subject to the Excessive Fines Clause if it serves 'in part to punish.'" *State v. Jones*, 180 So. 3d 1085, 1088 (Fla. 4th DCA 2015).

In *Jones*, the Court stated, "[f]ines may be excessive within the prohibitions of the Constitution when they are so great or numerous as to shock the conscience of reasonable men or are patently and unreasonably harsh or oppressive as penalties for the wrongs sought to be redressed." However, a fine only violates "the Excessive Fine Clause if it is grossly disproportional to the gravity of a defendant's offense."

In this case, the $67,750.00 in fines imposed by the Town are grossly disproportionate to the alleged wrongdoing. The gravity of the violator's offense carries the most weight and is the controlling factor when determining whether a penalty is "grossly disproportionate" to the underlying offense. Proportionality requires a comparison, and my Client not having pulled the requisite permits caused no harm to the Town of Bay Harbor Islands. The alleged "offense" was unintentional and was due to the negligence of the contractors my Client engaged as outlined above. The violation posed no risk to the public. It caused no economic harm to the Town of Bay Harbor Islands, and it did not result in any economic gain to my Client. My Client does not argue that Florida Statue §162.09(2)(d) is facially unconstitutional. The per diem fines may very well pass constitutional muster. But the imposition of fines of $67,750.00 are unconstitutional as applied to my Client in this matter because they are grossly disproportionate to the alleged wrong sought to be redressed. Therefore, the $67,750.00 fine imposed by the Town of Bay Harbor Islands against my Client for the alleged unpermitted work that was performed far exceeds any reasonable proportionality application under these circumstances.

Third, my Client expeditiously took corrective action after it discovered the violation, my Client may have hired the wrong individuals to perform the necessary tasks which is evident by Mr. Akilov's success in a short period of time after being retained by my Client, however the Town is also to blame for the delay in obtaining the permits because the Town did not adequately communicate instructions and/or details that the Town was seeking as part of their permit application review process to Mr. Astrada, Ms. Bagiv, Mr. Moas or my Client. Once my Client became aware of the situation, he immediately took all necessary corrective actions including stopping all work at the Property, hiring several different contractors, expending over $30,000 to resolve the violation and bringing his Property into compliance.

Fourth, my Client has no disciplinary history with the Town of Bay Harbor Islands and should not be punished for the fault of others.

In light of the foregoing, my Client respectfully requests complete mitigation and/or forgiveness of the $67,750.00 fine in this matter

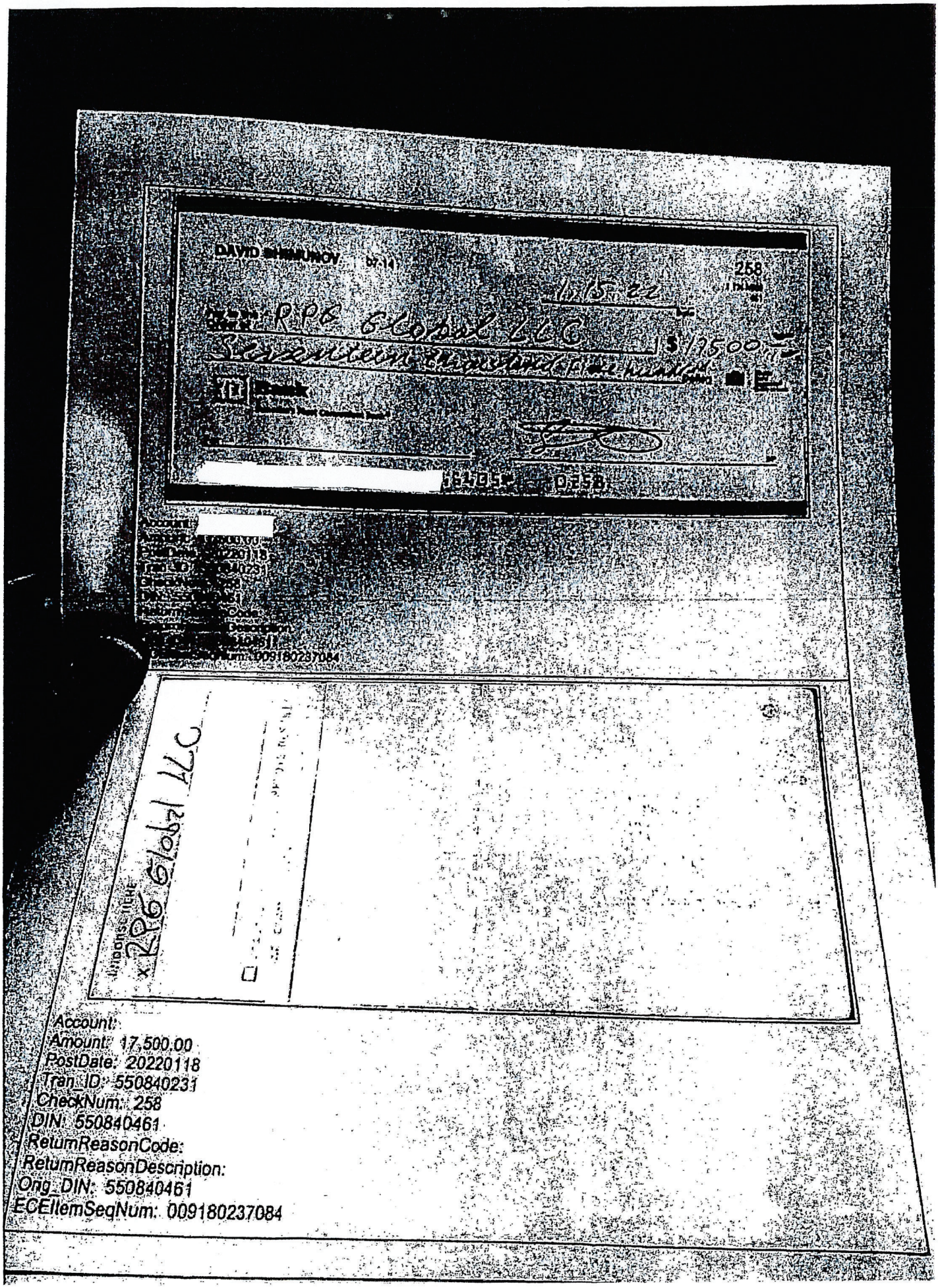
Thank you for your anticipated cooperation in this matter.

Yours very truly,

SHEVLIN & ATKINS
Attorneys at Law

By: */s/ Barry T. Shevlin, Esq.*
Barry T. Shevlin, Esq.

Exhibit "A"



DAVID SHIMUNOV 07-14

258

1.15.22

Pay to the Order of RPG Global LLC $ 17500.00

Seventeen thousand five hundred

Bank

[redacted]

Account:
Amount: 17,500.00
PostDate: 20220118
Tran_ID: 550840231
CheckNum: 258
DIN: 550840461
ReturnReasonCode:
ReturnReasonDescription:
Orig_DIN: 550840461
ECEItemSeqNum: 009180237084

INDORSE HERE

x RPG Global LLC

Account:
Amount: 17,500.00
PostDate: 20220118
Tran_ID: 550840231
CheckNum: 258
DIN: 550840461
ReturnReasonCode:
ReturnReasonDescription:
Orig_DIN: 550840461
ECEItemSeqNum: 009180237084

Exhibit "B"

5:30 ck 5G 48%

FRONT BACK SAVE, PRINT OR EMAIL

SUNNY EATS LLC

1025

4.27.22
Date

Pay To The Order Of Exclusive Cabinet Design llc | $ 4000.00/100

Four thousand Dollars

BANK OF AMERICA

For Permits

⑆4764⑆1025

AGENDA ITEM REPORT
February 7, 2024

ITEM NUMBER: 5.

ITEM: Approval or **Denial** of a settlement agreement for Violation No. 23-000878 - Section 12-26(1)(a) of the Town Code: Found painters operating a machinery before 9:00 a.m. Mansard Condominium, 9501 East Bay Harbor Drive, Bay Harbor Islands, FL 33154. On September 27, 2023 the Special Magistrate mitigated a $1,000.00 fine and $200 Administrative Fee to $700. **Mr. David Arrow, President of the Condominium Association, is proposing a Settlement Offer of $350.00.**

DESCRIPTION:
Approval or **Denial** of a settlement agreement for Violation No. 23-000878 - Section 12-26(1)(a) of the Town Code: Found painters operating a machinery before 9:00 a.m. Mansard Condominium, 9501 East Bay Harbor Drive, Bay Harbor Islands, FL 33154. On September 27, 2023 the Special Magistrate mitigated a $1,000.00 fine and $200 Administrative Fee to $700. **Mr. David Arrow, President of the Condominium Association, is proposing a Settlement Offer of $350.00.**

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	23-000878 9501 EBHD Settlement Offer

Mansard Condominium, Inc.
9501 E Bay Harbor Dr.
Bay Harbor Isles, Florida 33154
(917) 345-5310

January 25, 2024

Yvonne Hamilton
Town Clerk
Town of Bay Harbor Isles
9665 Bay Harbor Terrace
Bay Harbor Isles, Florida 33154

Re: case no 23-000878

Dear Ms. Hamilton,

With regards to the above mentioned matter, which was a violation for our painting contractor commencing work at 8am instead of 9 am, we are willing to settle the matter for $350. I note that the contractor did not make any meaningful noise and he had a permit. Thank you very much.

Sincerely,

/s/

David Aronow
President
Mansard Condominium

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

CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **23-000878**
Inspector: Scherrie Griffin

Parcel Address: 9501 East BAY HARBOR Drive
Lot(s): Block:

Owner Information:
MANSARD CONDOMINIUM, INC.
9501 East Bay Harbor Drive
Bay Harbor Islands, FL 33154

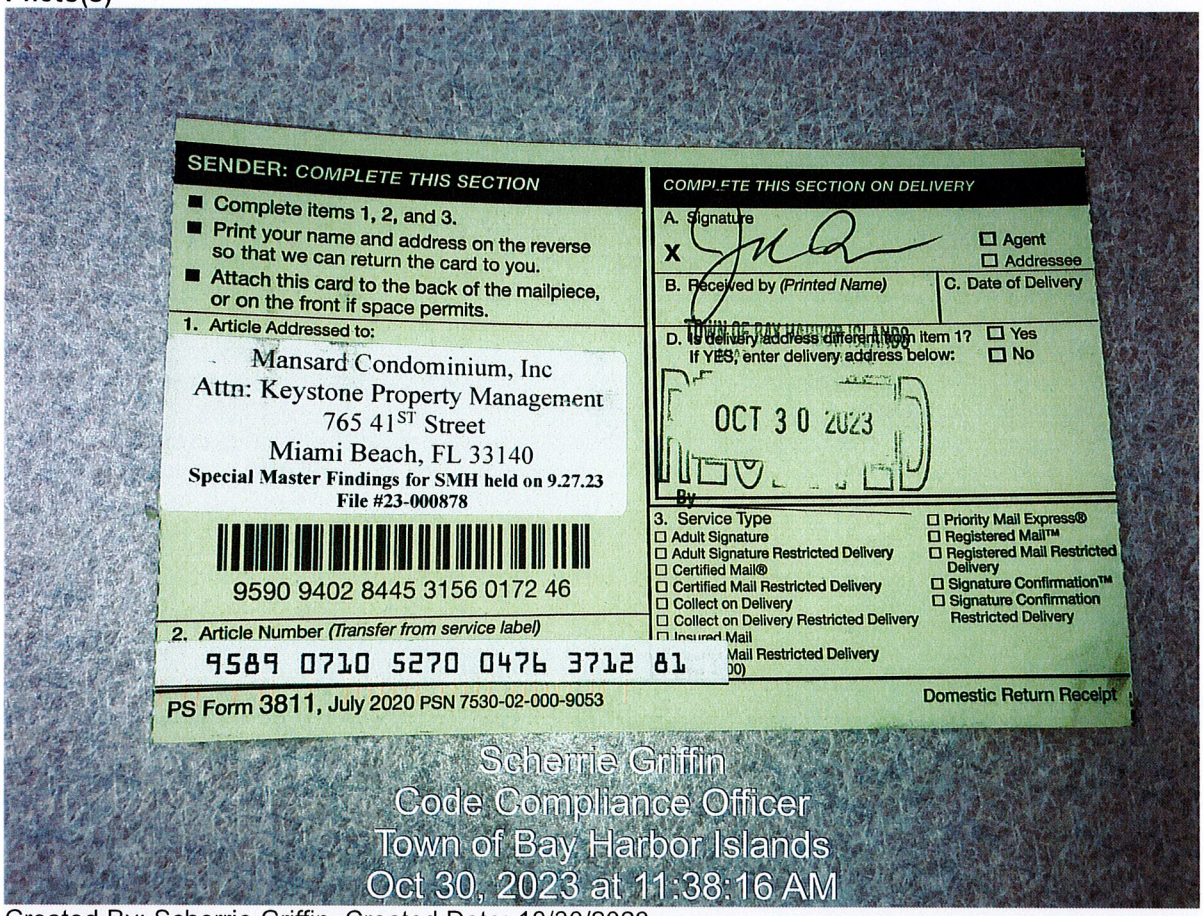
Violator Information:
MANSARD CONDOMINIUM, INC.
9501 East Bay Harbor Drive
Bay Harbor Islands, FL 33154

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 12-26(1)(a)	05/18/2023		Open	
Comments:	Make a check payable to the Town of Bay Harbor Islands in the amount of $1,000.00 or make a payment online at https://www.municipalonlinepayments.com/bayharborislandsfl/easypay .			
12-27(a)	05/18/2023		Open	
Comments:	Fine imposed in the amount of $1,000.00.			

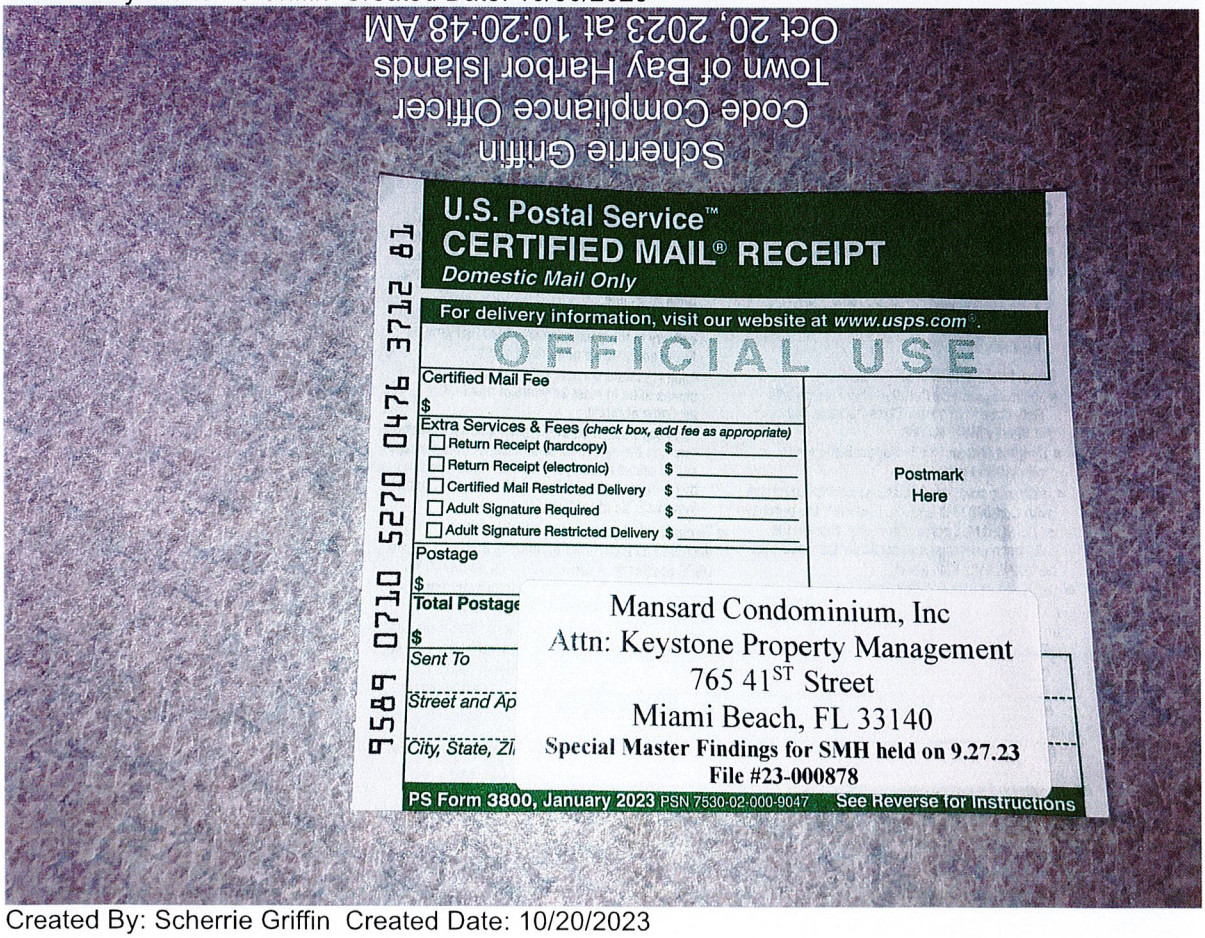
DATE OPENED	ACTIVITY	DESCRIPTION
05/18/2023	Notice of Violation	Fine imposed in the amount of $1,000.00. Make a check payable to the Town of Bay Harbor Islands in the amount of $1,000.00 or make a payment online at https://www.municipalonlinepayments.com/bayharborislandsfl/easypay .
05/18/2023	Email	Notice of Violation emailed to John Benett, property manger. Permissible hours of work and listing of penalties are provided on the second page permit #B23-000185 to paint MFR building.
05/23/2023	Phone Call	Spoke to John Benett, Property Manager, regarding the violation. He was advised of the appeal procedure to request a hearing before the Special Magistrate.
05/25/2023	Progress Activity	Domestic return receipt for notice of violation returned to office signed by Crystal M.
05/26/2023	Email	Eric of Keyston Property Management advised a request to appeal the notice of violation will be mailed out today.
06/05/2023	Progress Activity	Appeal request received by mail. The case will be placed on the agenda to go before the Special Magistrate.
06/20/2023	Compliance Inspection	Compliance has not been met. The case will be placed on the agenda to go before the Special Magistrate.
09/05/2023	Notice To Appear	Completed Notice to Appear #1 to go before the Special Magistrate on September,27 2023.

09/06/2023	Code Action	Posted and mailed Notice to Appear #1 to go before the Special Magistrate on September 27, 2023, at 10:00 AM certified return receipt to the Registered Agent.
09/07/2023	Email	Notice to Appear #1 to go before the Special Magistrate on September 27, 2023, at 10:00 AM emailed to the property manager.
09/13/2023	Progress Activity	Case review meeting held today.
09/15/2023	Progress Activity	Domestic return receipt for Notice to Appear #1 to go before the Special Magistrate on September 27, 2023, returned to office signed.
09/21/2023	Email	Reminded the property manager the case is placed on the agenda to go before the Special Magistrate on September 27, 2023. The President of the board, David Aronow, will be attending the hearing.
09/22/2023	Affidavit	
09/27/2023	Special Master Hearing	Fine imposed in the amount of $1,000.00. Fine mitigated by 50%, which represents $500.00 plus a $200.00 administrative fee that equals a total of $700.00.
10/20/2023	Email	Emailed the Special Magistrate Findings to the property manager and mailed via certified return receipt to Register Agent.
10/30/2023	Progress Activity	Received domestic return receipt for the Special Magistrate Findings from the Special Magistrate Hearing held on 09/27/2023 returned to office signed.
01/25/2024	Progress Activity	A settlement letter has been received by the President of the Board, David Aronow. The case will be placed on the agenda for the Litigation Committee.
01/30/2024	Progress Activity	On September 27, 2023 a fine was imposed in the amount of $1,000.00 that was reduced by 50% from the Special Magistrate; which represents $500.00 plus a $200.00 administrative fee (which is still outstanding). A settlement offer was submitted in the amount of $350.00 because the painting contractor did not make any meaningful noise and had a permit. The permissible hours of operations and violation penalties are included on the second page of permit B23-000185 to paing MFR building.

Photo(s)



Created By: Scherrie Griffin Created Date: 10/30/2023



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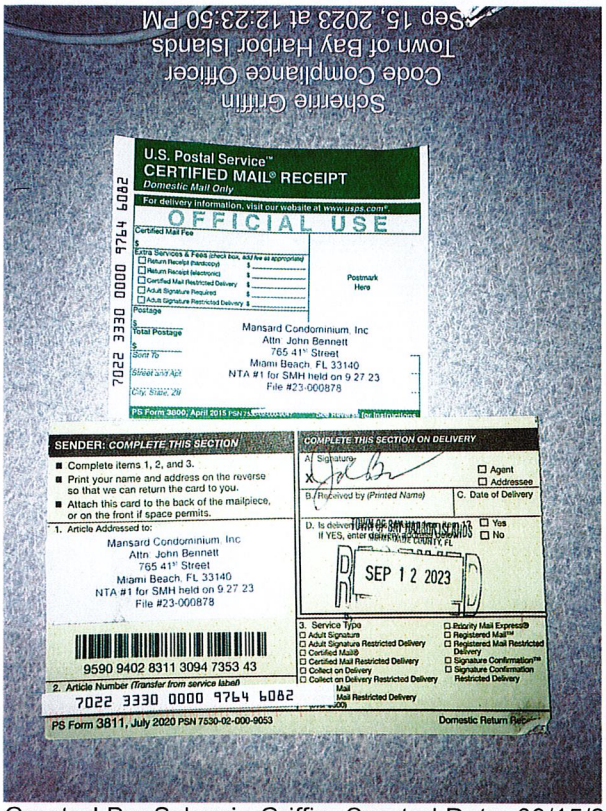

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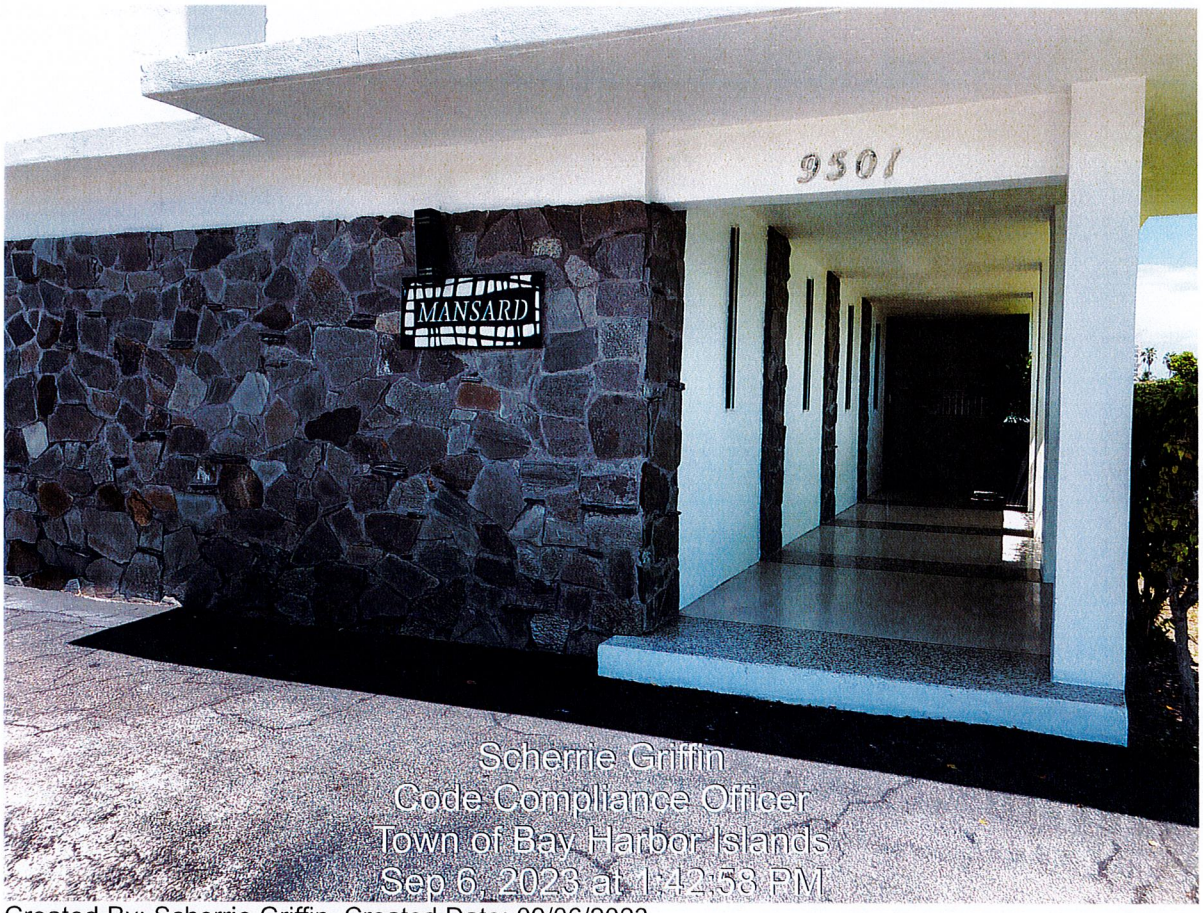

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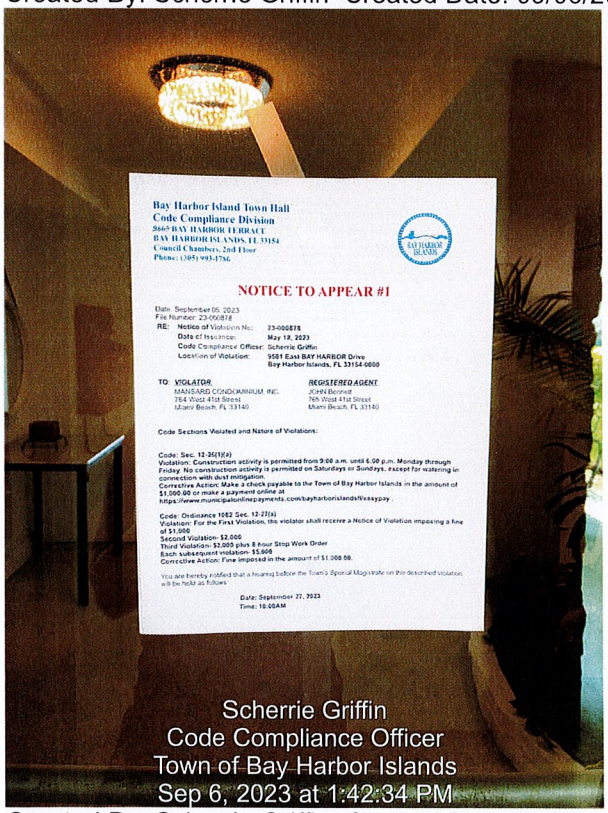

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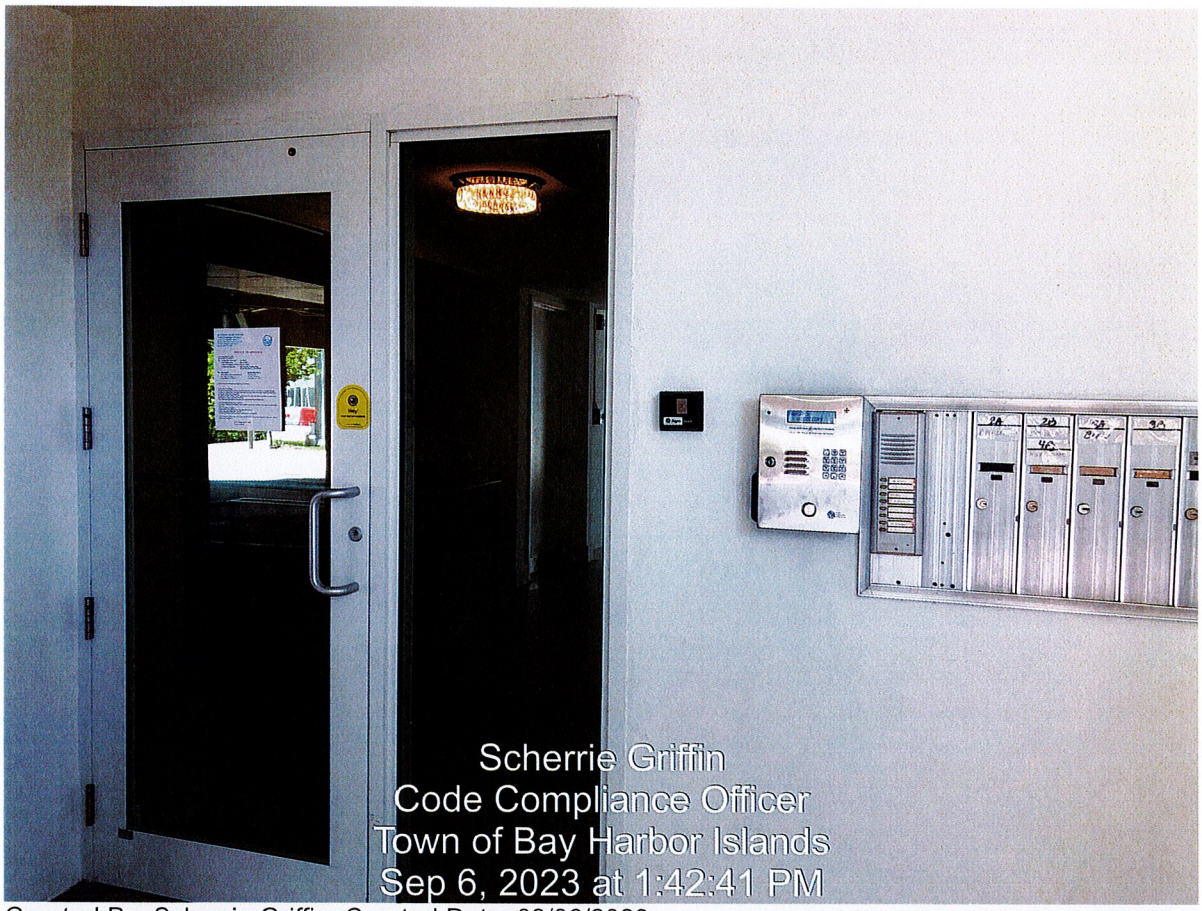

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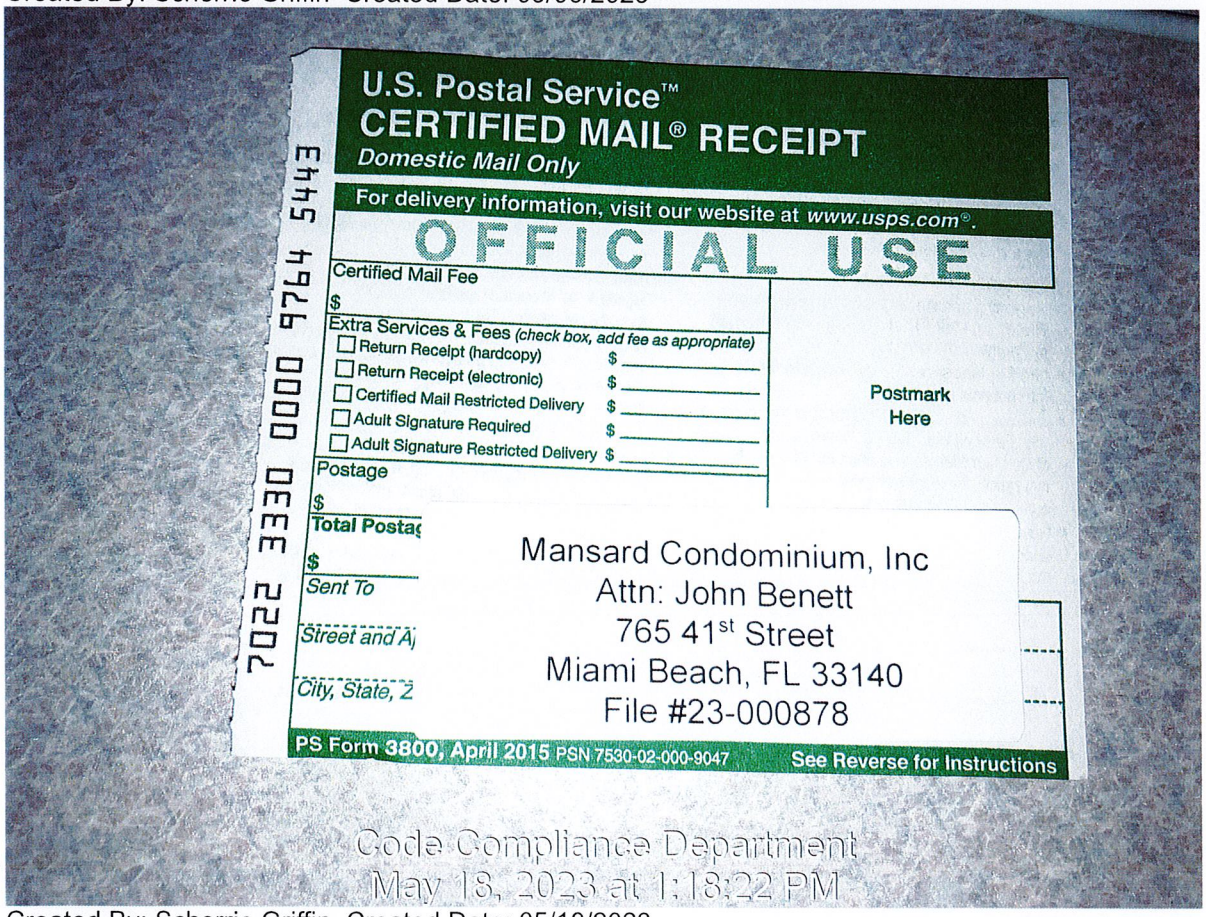

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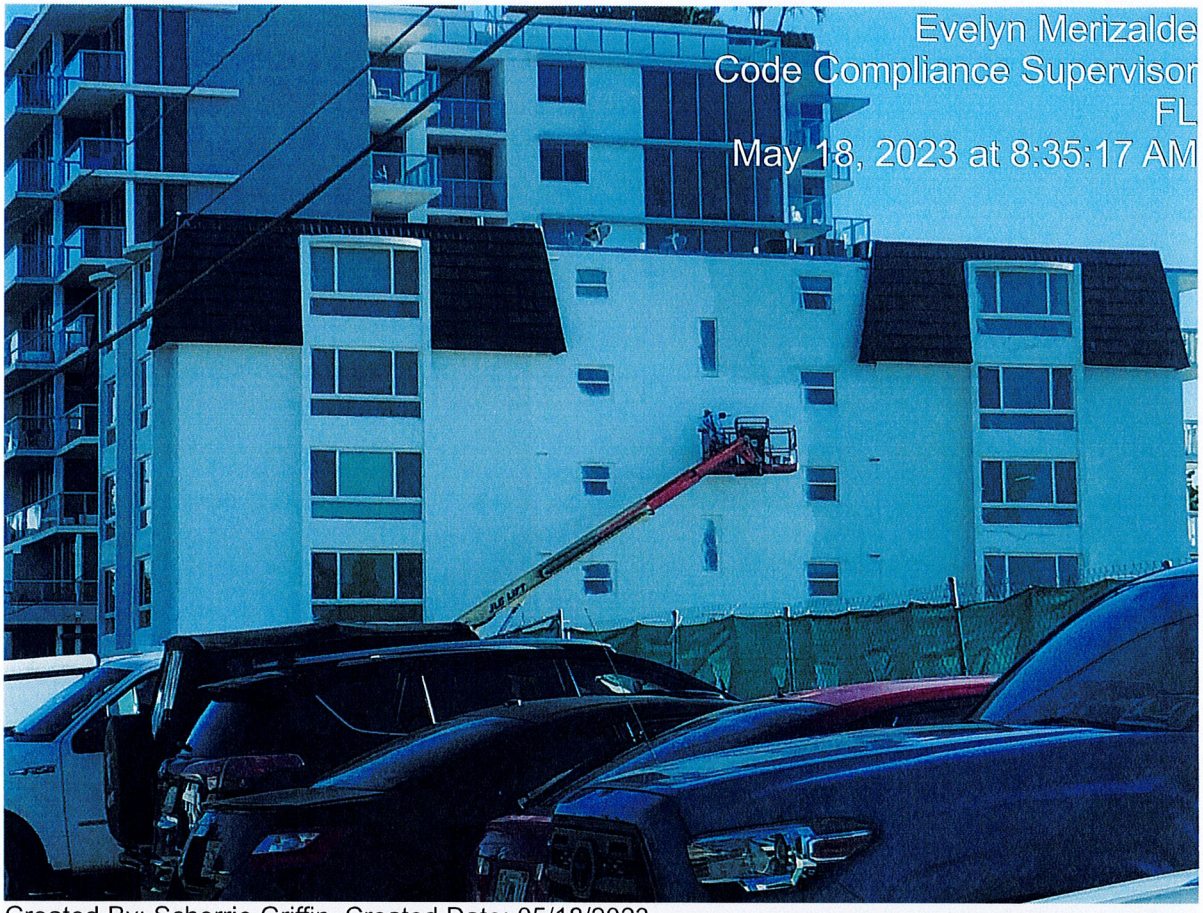

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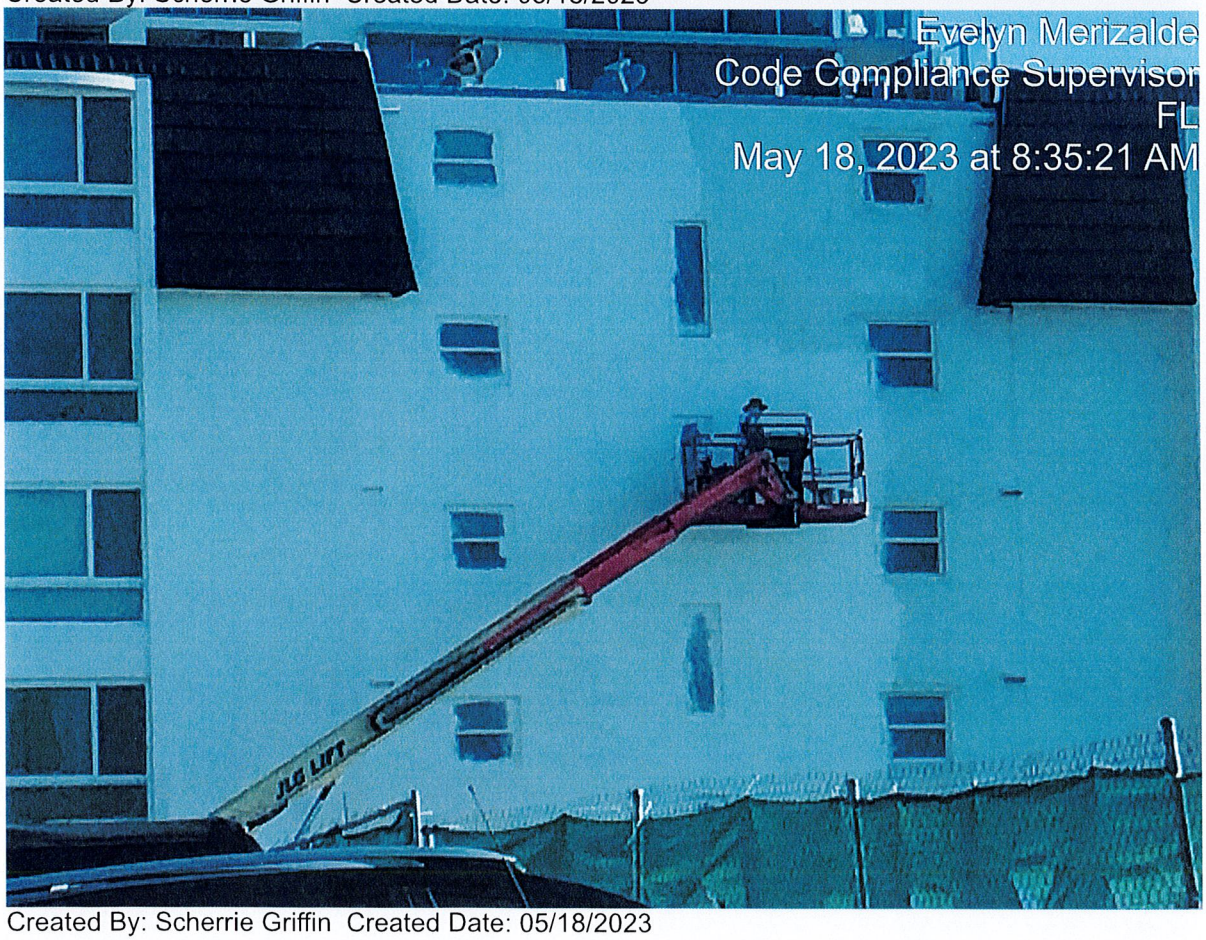

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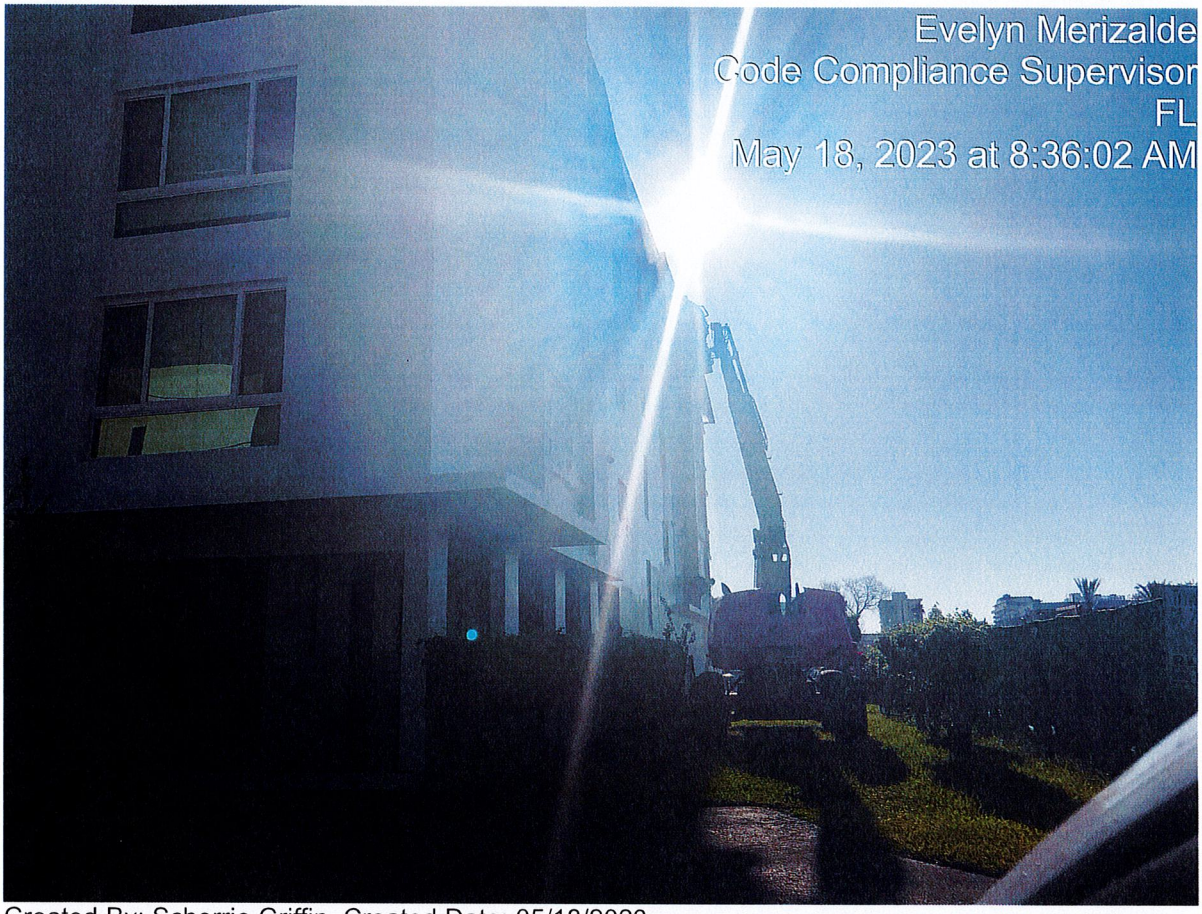

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Created By: Scherrie Griffin Created Date: 05/18/2023



Created By: Scherrie Griffin Created Date: 05/18/2023

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

NOTICE OF VIOLATION

May 18, 2023
FILE NUMBER: 23-000878

OWNER:

MANSARD CONDOMINIUM, INC.
9501 East Bay Harbor Drive
Bay Harbor Islands, FL 33154

ADDRESS OF VIOLATION:

MANSARD CONDOMINIUM, INC. -
9501 East BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000
Parcel No: 1322270390001

REGISTERED AGENT:

Keystone Property Management - John Bennett
765 West 41st Street
Miami Beach, FL 33140

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. 12-26(1)(a)
Nature of Violation and Details:
Construction activity is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. No construction activity is permitted on Saturdays or Sundays, except for watering in connection with dust mitigation.
Daily Penalty:

You may comply by: **Make a check payable to the Town of Bay Harbor Islands in the amount of $1,000.00 or make a payment online at https://www.municipalonlinepayments.com/bayharborislandsfl/easypay .**

Code Section Violated: Ordinance 1082 Sec. 12-27(a)
Nature of Violation and Details:
For the First Violation, the violator shall receive a Notice of Violation imposing a fine of $1,000
Second Violation- $2,000
Third Violation- $3,000 plus 8-hour Stop Work Order
Each subsequent violation- $5,000
Daily Penalty:

You may comply by: **Fine imposed in the amount of $1,000.00.**

RE: Found painters operating machinery before 9:00 AM.

Location of Violation: 9501 East BAY HARBOR Drive Violation Date: 05/18/2023

Compliance Date: June 19, 2023

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 lime 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: 05/18/2023 Cert Mail Article #: 7022 3330 0000 9764 5443
Date Posted: 05/18/2023

Scherrie Griffin
Code Compliance Officer
Town of Bay Harbor Island
9665 Bay Harbor Terrace 2nd Floor
Bay Harbor Islands, FL 33154
305-993-1786
sgriffin@bayharborislands-fl.gov

ADDENDUM

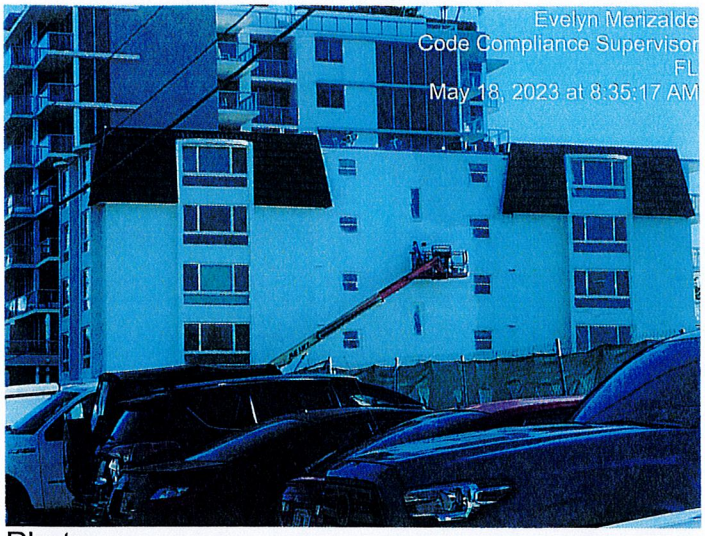

Photo
Scherrie Griffin
05/18/2023

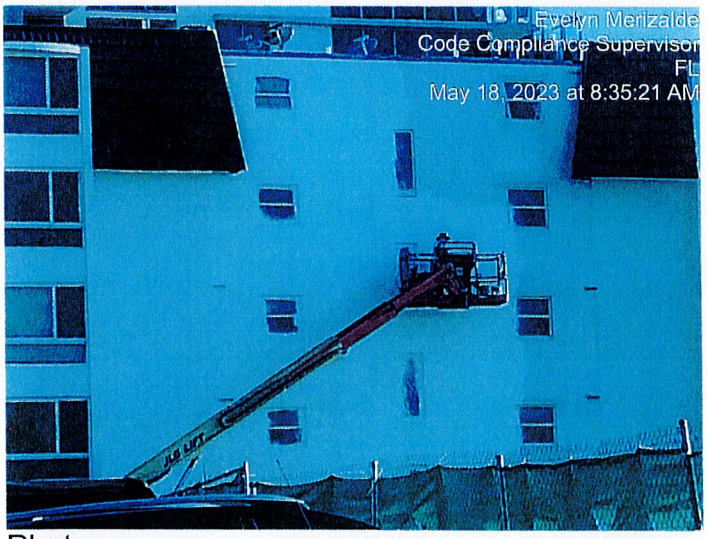

Photo
Scherrie Griffin
05/18/2023

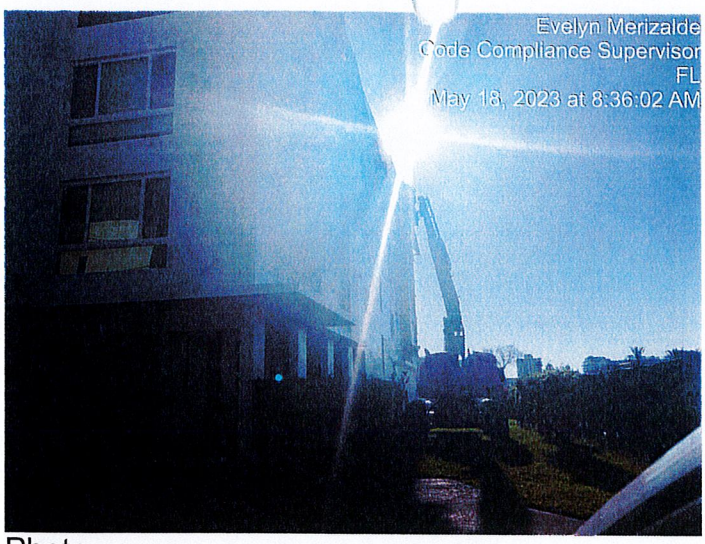

Photo
Scherrie Griffin
05/18/2023



Photo
Scherrie Griffin
05/18/2023

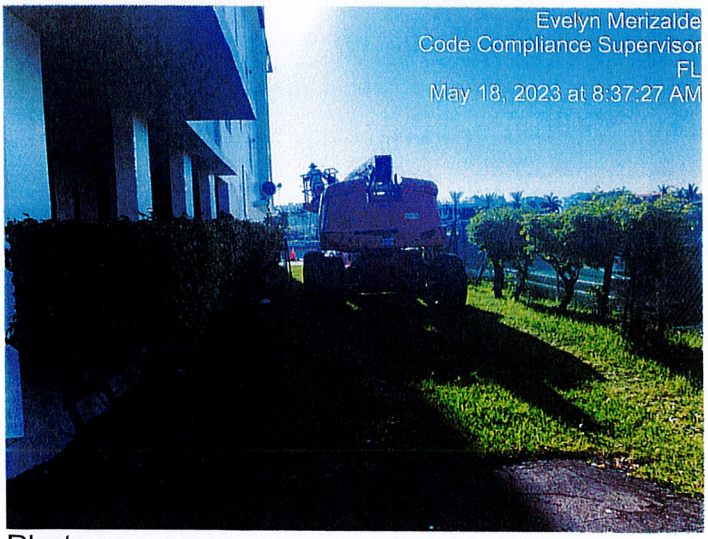

Photo
Scherrie Griffin

05/18/2023

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

October 03, 2023

For Property at: **9501 East Bay Harbor Drive**
BILL TO: **Mansard Condominium, Inc** **765 41st Street** **Miami Beach, FL 33140**

Quantity	Description	Amount
1	Violation 23-000878 Found painters operating machinery before 9:00 AM.	$500.00
1	Administrative fee	$200.00
	Total	$700.00

THE ABOVE AMOUNT MUST BE PAID WITHIN 30 DAYS FROM THE INVOICE DATE TO AVOID A LIEN FILED AGAINST THE PROPERTY LOCATED AT 9501 East BAY HARBOR Drive Bay Harbor Islands, FL 33154-0000 .

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 Complaince 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

Make a payment online at:

https://www.municipalonlinepayments.com/bayharborislandfl/easypay

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

SPECIAL MAGISTRATE FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

MANSARD CONDOMINIUM, INC.
9501 East Bay Harbor Drive
Bay Harbor Islands, FL 33154

ADDRESS OF VIOLATION:

- MANSARD CONDOMINIUM, INC.
9501 East BAY HARBOR Drive
Bay Harbor Islands, FL 33154-0000
Parcel No: 1322270390001

REGISTERED AGENT:

Keystone Property Management - JOHN Bennett
765 West 41st Street
Miami Beach, FL 33140

HEARING INFORMATION

Date: September 27, 2023

Time: 10:00AM

Location: Town of Bay Harbor Morris Broad Community Center

Special Master: Christopher Benjamin

☑ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: 23-000878

Compliance Officer: Scherrie Griffin

Method of Service	**Date**
Posted	May 18, 2023
Certified	May 18, 2023

Violations(s):

Code Section Violated: Sec. 12-26(1)(a)
Nature of Violation and Details:
Construction activity is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. No construction activity is permitted on Saturdays or Sundays, except for watering in connection with dust mitigation.
Daily Penalty:

Code Section Violated: Ordinance 1082 Sec. 12-27(a)
Nature of Violation and Details:
For the First Violation, the violator shall receive a Notice of Violation imposing a fine of $1,000
Second Violation- $2,000
Third Violation- $3,000 plus 8-hour Stop Work Order
Each subsequent violation- $5,000
Daily Penalty:

APPEARANCES:

David Aronow, President of the Board	(Owner/Violator)
Scherrie Grfifin	(Code Inspector)
Ayanidys Martinez	(Building & Zoning Supervisor)
Joseph Geller	(Town Attorney)
Mike Mesa	(Chief Building Official/Building Department Director)

WITNESSES:

NAME	ADDRESS	CALLED BY

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MAGISTRATE'S FINDINGS OF FACT:

- [x] 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 $ 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.
- [x] The administrative cost of this hearing shall be $200.00
- [ ] 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 in the amount of $1,000.00. Fine mitigated by 50%, which represents $500.00 plus a $200.00 administrative fee that equals a total of $700.00.

Fine Assessed: $500.00 Administrative Fee $200.00 Total Owed: $700.00

Back to the next Special Magistrate Hearing in days.

Special Magistrate: Christopher Benjamin

Signature: Christopher Benjamin (Oct 19, 2023 15:57 EDT)

AGENDA ITEM REPORT
February 7, 2024

ITEM NUMBER: 6.

ITEM: Approval or **Denial** of a settlement agreement for several Notices of Violation for Bal Harbour Investments, LLC - 1060 95 Street, 1080 93 Street and 1060 95th Street, Bay Harbor Islands, FL 33154.

1060 95th Street - Notice of Violation No. 18-000421 - Section 23-12(22)(h) of the Town Code - Installation of wooden fence without the required permit. Found that the unfinished side of the wooden fence is facing the adjoining property and the street. The fine amount is $6,575.00.

1060 95th Street - Notice of Violation No. CC2016-2319 - Section 23-12(1) of the Town Code - Failure to comply with a Courtesy Notice to hire a licensed contractor to remove the chain-link fence located along the second floor balcony, obtain permit and install handrails. The fine amount is $45,500.00.

1080 Partners, LLC - 1080 93 Street Notice of Violation No. CC2016-2260 - Section 24-13(a) of the Town Code - Failure to repair pool wall; planters repaired and repainted. Section 23-12(22)(f) of the Town Code - Failure to install hedges along the entire length of the pool wall planted 2 feet apart and 50% the height of the wall. The fine amount is $64,125.000.

1080 93 Street - Notice of Violation No. CC2017-2395 - Section 13-18(1)(a) of the Town Code for operating a business without the required Business Tax Receipt. The amount of the fine is $19,150.00.

1080 93 Street - Notice of Violation No. CC2017-2477 - Section 5-6(a) of the Town Code for performing plumbing work without the required permit. The amount of the fine is $68,150.00.

1080 93 Street - Notice of Violation No. CC2017-2399 - Section 13-18(1)(a) of the Town Code for operating a business without the required Business Tax Receipt. The amount of the fine is $19,150.00.

1080 93 Street - Notice of Violation No. CC2017-2396 - Section 13-18(1)(a) of the Town Code for operating a business without the required Business Tax Receipt. The amount of the fine is $19,150.00.

The property owner is proposing a Settlement Offer of $50,000 for all the above violations.

DESCRIPTION:
Approval or **Denial** of a settlement agreement for several Notices of Violation for Bal Harbour Investments, LLC - 1060 95 Street, 1080 93 Street and 1060 95th Street, Bay Harbor Islands, FL 33154.

1060 95th Street - Notice of Violation No. 18-000421 - Section 23-12(22)(h) of the Town Code - Installation of wooden fence without the required permit. Found that the unfinished side of the wooden fence is facing the adjoining property and the street. The fine amount is $6,575.00.

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1080 Partners, LLC - 1080 93 Street Notice of Violation No. CC2016-2260 - Section 24-13(a) of the Town Code - Failure to repair pool wall; planters repaired and repainted. Section 23-12(22)(f) of the Town Code - Failure to install hedges along the entire length of the pool wall planted 2 feet apart and 50% the height of the wall. The fine amount is $64,125.000.

1080 93 Street - Notice of Violation No. CC2017-2395 - Section 13-18(1)(a) of the Town Code for operating a business without the required Business Tax Receipt. The amount of the fine is $19,150.00.

1080 93 Street - Notice of Violation No. CC2017-2477 - Section 5-6(a) of the Town Code for performing plumbing work without the required permit. The amount of the fine is $68,150.00.

1080 93 Street - Notice of Violation No. CC2017-2399 - Section 13-18(1)(a) of the Town Code for operating a business without the required Business Tax Receipt. The amount of the fine is $19,150.00.

1080 93 Street - Notice of Violation No. CC2017-2396 - Section 13-18(1)(a) of the Town Code for operating a business without the required Business Tax Receipt. The amount of the fine is $19,150.00.

The property owner is proposing a Settlement Offer of $50,000 for all the above violations.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	108093St & 1060 95 St Bldgs. Settlement Offer all violations
2.	18-000421 1060 95 Street - Settlement Offer

3.	CC2017-2395 1080 93 Street Settlement offer
4.	CC2017-2396 1060 95 Street Settlement offer
5.	CC2017-2399 1080 93 Street Settlement offer
6.	CC2017-2477 1080 93 Street Settlement Offer
7.	Litigation docs CC2016-2260 1080 93 ST
8.	Litigation docs CC2016-2319 1060 95 ST

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

December 21, 2023

Town of Bay harbor Island,
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Phone: (305) 866-6241

Ref: Bal Harbor Islands. Code Compliance.
Citations Nos. CC2016-2260; CC2017-2477; CC 2017-2399; CC2017-2395; CC2015-2202; CC2017-2396; CC2019-2319; 12-000421.

Dear Bay Harbor Litigation Group,

I hope this letter finds you well. As the representative of the new owners for the properties at 1080 93rd Street and 1060 95th Street, Bay Harbor Islands, FL 33154, I am reaching out regarding the current issues concerning violations and related fees for these locations.

It has come to our attention that in 2019, the previous owner proposed a settlement of $36,840.00 to fully satisfy the Special Master's orders. However, on December 20, 2019, Frank Simone, representing the Town of Bay Harbor, countered with $250,000, to be paid over 10 months.

Given our recent acquisition of these properties and our commitment to their improvement, we respectfully request a review of this matter in order to reach a more manageable mutual settlement.

In our endeavor to ensure these properties contribute positively to the community, we have been proactive in addressing various outstanding obligations as well as paying all expenses paid by the city, a testament to our commitment. To date, we have covered the following expenses:

- Water bills for Property 1060 95th Street, Bay Harbor, FL 33154 amounting to $12,229.57
- Water bills for Property 1080 93rd Street, Bay Harbor, FL 33154 totaling $58,771.35.

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

- Fencing Expenses for Property 1060 95th Street, Bay Harbor, FL 33154 totaling $2,644.51
- Fencing Expenses for Property 1080 93rd Street, Bay Harbor, FL 33154 totaling $4,689.81

- Waste disposal charges for each property, included in the above expenses.

Recognizing the importance of resolving these lines, we are willing to revise the previous settlement offer you received. While the previous offer was $36,840.00, we are prepared to increase this to $50,000.00 in a gesture of good faith and commitment to resolving this amicably and without litigation. This revised offer is made with the hope that it will facilitate a positive and prompt resolution to this matter.

We believe this revised offer, along with our demonstrated commitment through the settlement of existing property dues, shows our dedication to not only resolving the outstanding issues but also enhancing the value and status of these properties within the community. Should this offer not be acceptable, we request a hearing to discuss this matter further.

We appreciate your consideration of our updated proposal and look forward to a favorable response.

Thank you for your time and attention to this important matter.

Adam anderson

BAY HARBOR 1060	VIOLATION	REASON	TOTAL LIEN	REQUESTING
1	CC2017-2396 ✓	BTR	$ 19,150.00	USD 500 - 1000
2	CC2018-00421 ✓	WALLS, FENCE, LANDSCAPIND PLAN.	$ 6,575.00	USD 500 - 1000
3	CC2016-2319 ✓	DETERIORATED PROPERTY	$ 45,500.00	USD 500 - 1000
4	CC21-001889	FENCE	$ 2,644.51	USD 500 - 1000
		TOTAL	**$ 73,869.51**	

PAID

BAY HARBOR 1080	VIOLATION	REASON	TOTAL LIEN	REQUESTING
1	CC2017-2477 ✓	HIRE A LICENSED PLUMBER	$ 68,150.00	USD 500 - 1000
2	CC2016-2260 ✓	EXTERIOR AND INTERIOR IN STRUCTURALLY GOOD CONDITION	$ 64,125.00	USD 500 - 1000
3	CC2017-2395 ✓	BTR	$ 19,150.00	USD 500 - 1000
4	CC2017-2399 ✓	BTR	$ 19,150.00	USD 500 - 1000
5	BC2015-2202 ✓	KEEP THE BUILDING IN GOOD CONDITION	$ 65,350.00	USD 500 - 1000
6	21-001888	FENCE	$ 4,689.81	USD 500 - 1000
7	19-002067	TRASH, LANDCAPE DEBRIS	WE PAID 100	
		TOTAL	$ 240,614.81	

PAID

6D

1020

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 3-1-23

1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $58,771.35

Fifty-Eight Thousand and Seven Hundred and Seventy-One 35/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1080 93rd ST. - ACCT # 100-494-00-03

⑈001020⑈ ⑆026013576⑆ 1504930986⑈

Details on back

Security Features

WATER lien. PAID BY CAN/OSS

1080

6E

1021

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 3-1-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $12,229.57

Twelve Thousand and Two Hundred and Twenty-Nine 57/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1060 95TH ST - 100-42300-02

⑈001021⑈ ⑆026013578⑆ 150493098 6⑈

Details on back. Security Features

WATER Lien PAID BY [illegible]

1060

1080

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-4-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 2471.50

Two Thousand and Four Hundred and Seventy-One 50/100 DOLLARS

Signature | SIGNATURE BANK®

FOR INVOICE LEF 2500-21 1060 95th ST
Bay Harbor Islands, FL 33154

⑈001080⑈ ⑆026013576⑆ 1504930986⑈

1081

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-4-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 4383.00

Four Thousand and Three Hundred and Eighty Three 00/100 DOLLARS

Signature | SIGNATURE BANK®

6F Fence PAD
By Landlord

September 29-2023

Litigation Committee
c/o Yvonne P. Hamilton
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Mrs. Yvonne P. Hamilton:

I Formally request a hearing regarding the liens applied and open on the property located at:1080 93RD ST, Bay Harbor, FL, 33154. I am seeking to mitigate the debt associated with these cases.

1. **CC2017-2477** - $68,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

2. **CC2016-2260** - $64,125

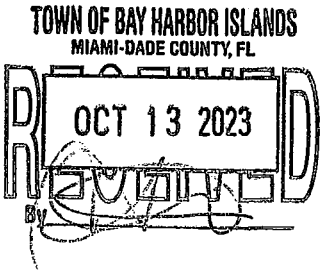
- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

3. **CC2016-2395** - $19,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.



4. **CC2016-2399** - $19,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

5. **BC2015-2202** - $65,350

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

6. Fence: $4689.81

- In this case the city incurred the cost of the fence at the time the building should have been evacuated. When we came in as the new owners and presented the project we found out about this fine. This has now been resolved.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

I appreciate your response and remain pending.

Respectfully,

Adam Anderson
Regional Property Management
Cell # (305) 904-0414
Office #(305) 682-8577
Fax # (305) 682-8570
Adam.elyseeinc@gmail.com

September 29-2023

Litigation Committee
c/o Yvonne P. Hamilton
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

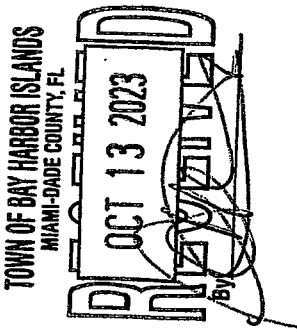
Mrs. Yvonne P. Hamilton:

I Formally request a hearing regarding the liens of 3 cases applied on the property located at:1060 95TH ST, Bay Harbor, FL, 33154. I am seeking to mitigate the debt associated with these cases.

1. **CC2016-2396** - $19,150

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.



2. **CC2018-00421** - $6.575

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

3. **CC2016-2319** - $45,500

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor

so we're requesting help with these violations caused by other people prior to our purchased.

4. Fence: $2644.51

- In this case the city incurred the cost of the fence at the time the building should have been evacuated. When we came in as the new owners and presented the project we found out about this fine. This has now been resolved.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

I appreciate your response and remain pending.

Respectfully,

Adam Anderson
Regional Property Management
Cell # (305) 904-0414
Office #(305) 682-8577
Fax # (305) 682-8570
Adam.elyseeinc@gmail.com

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

CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **18-000421**
Inspector: Scherrie Griffin

Parcel Address: 1060 95 Street
Lot(s): Block:

Owner Information:
BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
OLD WESTBURY,, NY 11568

Violator Information:
BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
OLD WESTBURY,, NY 11568

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 23-12(22)(h)	06/04/2018		Open	

Comments: Hire a licensed contractor to obtain a permit from the Building Department.

DATE OPENED	ACTIVITY	DESCRIPTION
03/08/2018	Inspection	Found the unfinished side of the wooden fence is facing the adjoining property and street. Checked with the Building Department and found there was no permit for the installation of the wooden fence.
03/08/2018	Phone Call	Received an anonymous complaint about the unfinished side of the wooden fence is facing the adjoining property at 1065 94 Street.
03/08/2018	Notice of Violation	Hire a licensed contractor to obtain a permit from the Building Department.
03/09/2018	Walk In	Maria,owner's wife,came into the office to speak about the violation.
03/09/2018	Email	Notice of Violation emailed and mailed via certified receipt return to the owner and registered agent.
04/03/2018	Email	Received an email from Erick K.Pamblanco of Intergrated Property Management & Development Group,stating his company has been retained as the property management company for Bal Harbour Investments,LLC.
04/05/2018	Email	Received an email from Erick Pamblano,property manager, in regards to meet next week to discuss the violation. Also,Erick advised he has his General Contractor working on all the violations.
04/06/2018	Email	Emailed Erick Pamblanco to schedule a meeting on Tuesday, 04/10/18 at 2:00 P.M. to discuss the violation. Erick replied back to confirm the date and time for the meeting.
04/09/2018	Compliance Inspection	Compliance has not been met.
04/09/2018	Email	Emailed Erick to ask if he will be able to meet at the Building Department in the conference room. Erick responded back yes and his contractor will be submitting a permit by the end of the week.

04/20/2018	Phone Call	Received a call from Maria Perez-Boan, Broker,requesting a copy of all open violations for 1060 95 Street.
05/31/2018	Progress Activity	Took an updated picture off the wooden fence.
06/04/2018	Progress Activity	Fine letter emailed to Nua Shala (owner) and Erick Pamblanco (property manager) in the amount of $2,200.00 which represent 88 days at $25.00 per day.
06/04/2018	Progress Activity	Progress check to verify a permit has been obtained. Compliance not met.
06/28/2018	Email	Emailed Erick and Nua to advise a permit has not been obtained and to check to status of the submitting the permit.
07/10/2018	Email	Emailed Maria Perez, Broker from Casa de Maria Realty a listing of all violations open for 1060 95 Street. Email: maria@casademariarealty.com Received an email from Maria Perez, Broker from Casa de Maria Realty asking to call her.
07/11/2018	Phone Call	Spoke to Maria Perez, Broker from Casa de Maria Realty, to advise her compliance has not been met and the fine is still running at $25.00 per day. As of today, the fine amount is $3,125.00. Also,
07/11/2018	Email	Received an email from Maria Perez, Broker from Casa de Maria Realty, to call her.
07/17/2018	Verbal Notice	Advised Erick a permit has not been obtained for the wooden fence and the fine will continue running daily until compliance has been met.
07/19/2018	Daily Fine Start	Fine amount is $3,325.00 which represents 133 days at $25.00 per day from 03/08/18 to 07/19/18.Fine letter emailed and mailed to the owner and property manager.
08/15/2018	Progress Activity	Notice to Appear emailed to Nua Shala, owner, and Erick Pamblanco, property manager.
08/22/2018	Daily Fine Start	As of today, the fine amount is $4,175.00 (167 days at $25.00 per day from 03/08/18 - 08/21/18).
08/22/2018	Email	Fine letter emailed to Nua Shala, owner, and Erick Pamblanco, property manager. Nua Shala email: oraezana@gmail.com Erick Pamblanco email: ck@ipmdg@.com
08/22/2018	Affidavit	
08/27/2018	Phone Call	Left Erick a voicemail at 4:25 PM.
09/04/2018	Progress Activity	Took updated pictures of the windows.
09/05/2018	Special Master Hearing	Special Master assessed fine from 03/08/18-09/05/18 which represents 182 days at $25.00 per day for $4,550.00 plus a $150.00 administrative cost for a total of $4,700.00. Fine will continue to accrue at $25.00 per day until compliance has been met.
09/05/2018	Email	Erick K. Pamblanco, Property Manager, advised he will not be able to attend the hearing today because he is sick. Also, asked if the hearing can be rescheduled.

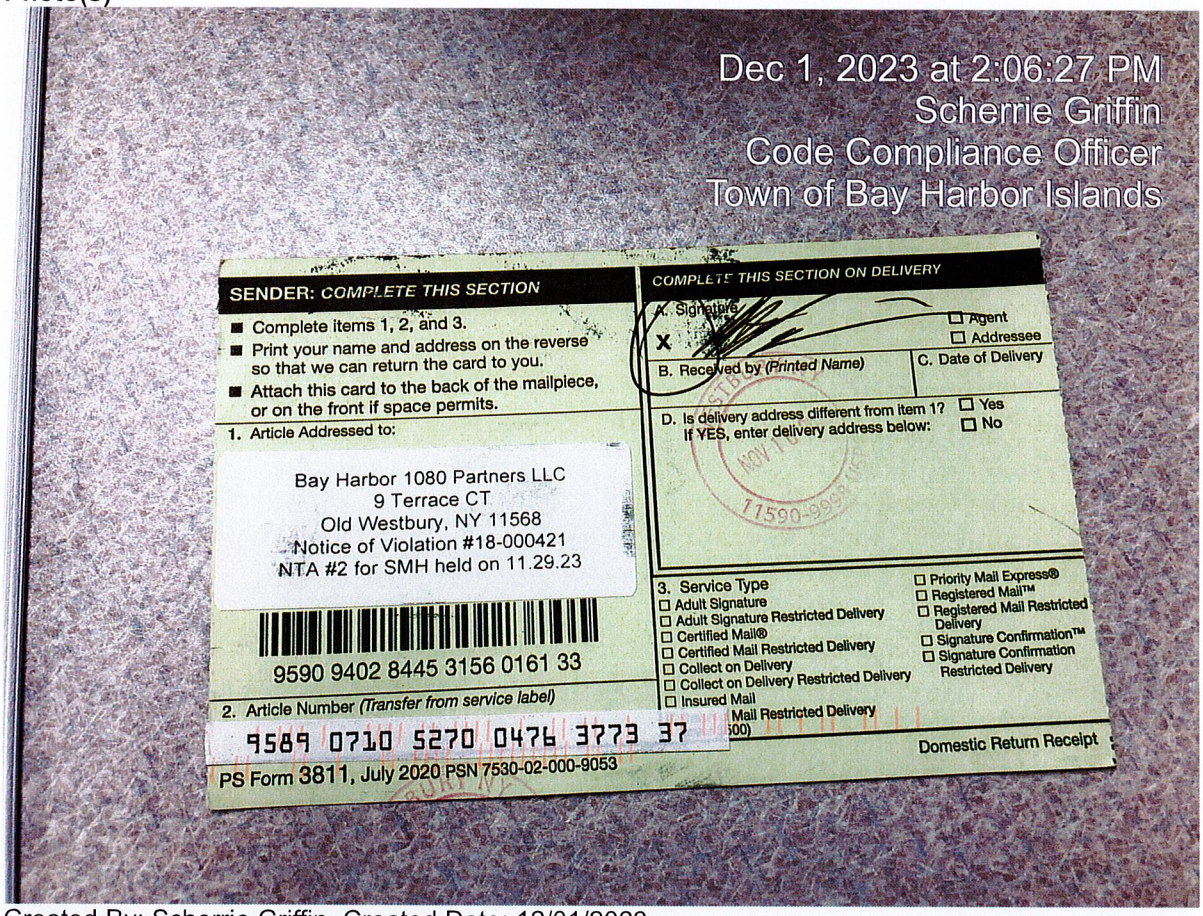
09/05/2018	Progress Activity	As of today the fine amount is $4,250.00 (181 days at $25.00 per day).
09/07/2018	Email	Special Master Findings for the hearing held on 09/05/18 emailed and mailed certified receipt return to the owner, registered agent and property manager.
10/10/2018	Progress Activity	As a follow up, a permit has not been obtained from the Building Department for the installation of the wooden fence. Lien will be filed against the property and the fine will continue running at $25.00 per day.
11/01/2018	Progress Activity	Received a copy of lien filed on the property in the amount of $4,700.00. A fine of $25.00 per day will continue to run until the violation is cured.
11/09/2018	Progress Activity	Permit application submitted to the Building Department.
11/13/2018	Progress Activity	Permit application has been approved.
11/26/2018	Compliance Inspection	Permit # B18-000435 has been obtained from the Building Department. Fine stopped running in the amount of $6,575 which represents 263 days at $25.00 per day from 03/08/18 - 11/25/18.
12/18/2018	Email	Received an email from Erick, Property Manager, advising the violation has been completed.
12/26/2018	Email	Email received from Erick, Property Manager, to provide the new owners contact information. Also, advised he will continue to mange the properties under Tavor Mangagment.
12/26/2018	Progress Activity	Final inspection passed.
12/27/2018	Progress Activity	Permit # B18-000435 closed.
01/03/2019	Email	Emailed Erick to advise the fine has stopped running in the amount of $6,575.00. Erick advised he will notify the owners.
02/04/2019	Email	Erick, requested an update on the outstanding balance owed due to the owners will like to payoff the balance as soon as possible.
02/05/2019	Email	Fine amount emailed to Erick.
05/13/2019	Progress Activity	Proposed Settlement Offer submitted to Marlene Siegel, Town Clerk, in the amount of $36,840.00 for all liens.
07/08/2019	Progress Activity	Case scheduled for the next Litigation Meeting.
12/11/2019	Progress Activity	Litigation Committee meeting - The settlement offer in the amount of $36,840.00 ,which includes an amount to close this violation, was denied. The Litigation Committee presented a counter offer in the amount of $250,000 allowing a payment plan of $25,000.00 a month for 10 months. Foreclosure proceedings will be filed if the owner fails to make the scheduled payments.
07/29/2022	Progress Activity	The property was sold to CHARTER REALTY GROUP LLC on 5/10/22. Previous Owner: Bal Harbour Investments, LLC c/o Jordan Weinkle, Esq. Closed Date: Owner Address: Weinkle Abergel Law Group

10/31/2023	Progress Activity	The owner requested a hearing on 09/29/2023 The case will be placed on the agenda to go before the next Special Magistrate Hearing.
11/07/2023	Email	Em ail received from Adam Anderson proposing a settlement amount of $500.00 to $1,000.00.
11/08/2023	Notice To Appear	
11/09/2023	Email	Notice to Appear emailed to Adam Anderson and mailed visa certified return receipt to the owner and registered agent.
11/13/2023	Email	Received a notarized letter giving Adam Anderson authorization to represent the property for the Special Magistrate Hearing.
11/14/2023	Progress Activity	Case review meeting. Recommendation is to impose fine in the amount of $6,575.00.
11/21/2023	Progress Activity	Received domestic return receipt from the registered agent for Notice to Appear #2 for the Special Magistrate Hearing held on November. 29, 2023.
11/29/2023	Special Master Hearing	The current owner's (Bay Harbor 1080 Partners, LLC) property manager submitted an offer to pay $500.00 to $1,000.00.Mitigation denied. Set to the Litigation Committee.
12/01/2023	Progress Activity	Domestic return receipt for Notice to Appear #2 for the Special Magistrate Hearing held on November 29, 2023 returned to office signed.
12/21/2023	Email	The owner has changed the settlement amount of $48,000 to $50,000 for all violations to go before the litigation committee.
01/22/2024	Email	Emailed the Special Magistrate Findings to the property manager. Also, mailed certified return receipt to the owner and registered agent.
01/30/2024	Progress Activity	On September 05, 2018 the Special Master assessed a fine from 03/08/2018-09/05/18, which represents 182 days at $25.00 per day in the amount of $4,550.00 plus a $150.00 administrative fee. Fine will continue to accrue daily until compliance has been met. Fine stopped accruing in the amount of $6,575.00 plus an $150.00 administrative fee, which is a total of $6,725.00. The previous owner proposed a settlement amount of $36,840.00 to satisfy all violations. Previous litigation results denied counter offer. No payments received. The new owner's rep, Adam Anderson, attended the Special Magistrate Hearing on November 29, 2023.offering to pay $500.00 to $1,000.00 for the violation. Mitigation denied by the Special Magistrate. Settlement amount offered in the amount of $50,000to resolve all violations.

Photo(s)

Created By: Created Date:

Photo(s)



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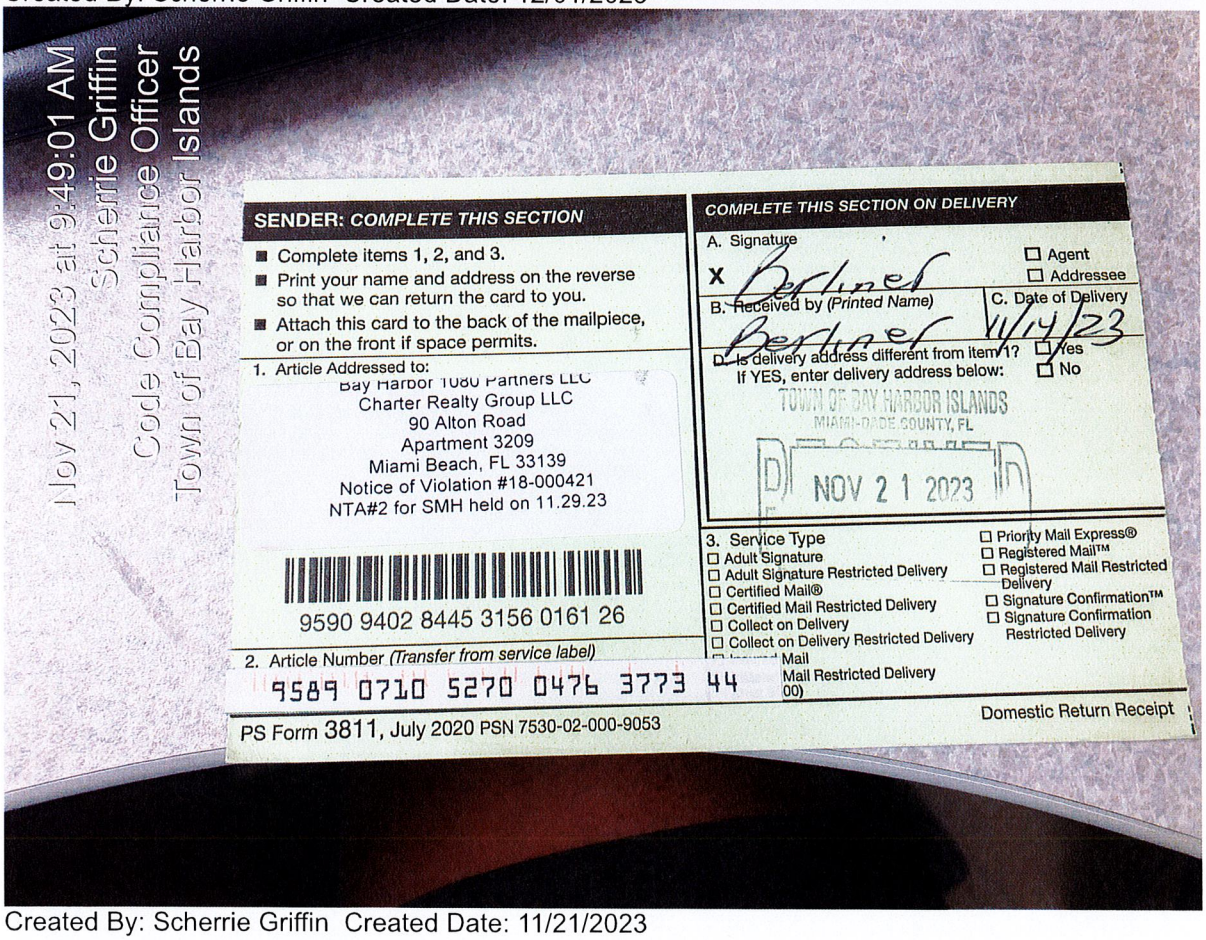

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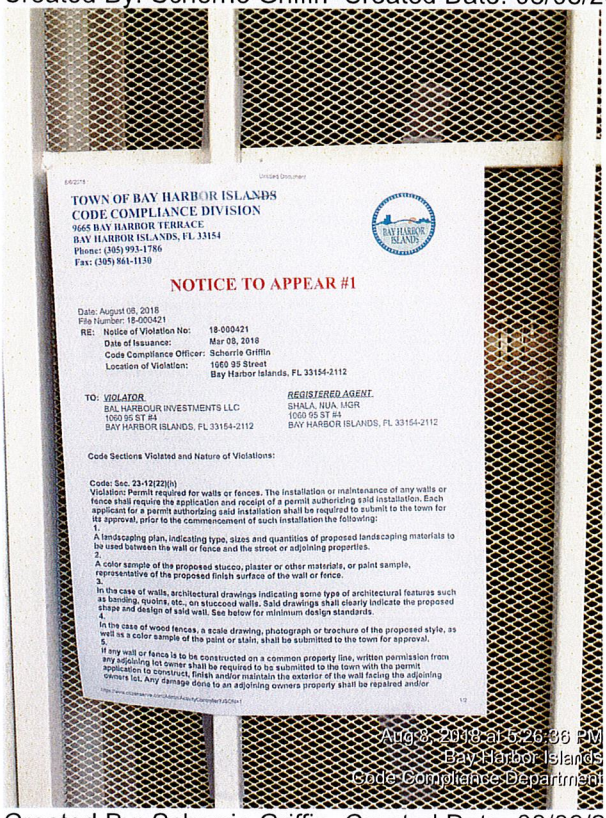
Created By: Scherrie Griffin Created Date: 08/08/2018



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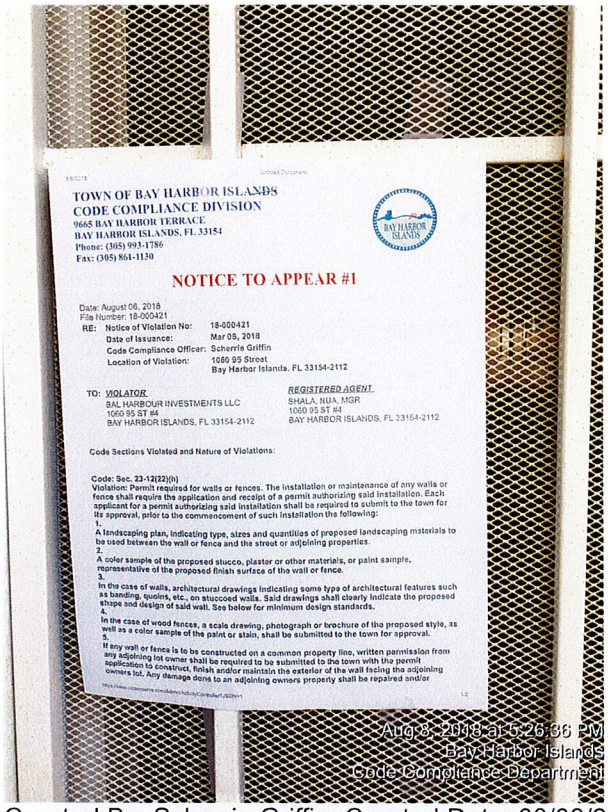

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Created By: Scherrie Griffin Created Date: 03/08/2018



Created By: Scherrie Griffin Created Date: 03/08/2018

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

December 21, 2023

Town of Bay harbor Island,
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Phone: (305) 866-6241

Ref: Bal Harbor Islands. Code Compliance.
Citations Nos. CC2016-2260; CC2017-2477; CC 2017-2399; CC2017-2395; CC2015-2202; CC2017-2396; CC2019-2319; 12-000421.

Dear Bay Harbor Litigation Group,

I hope this letter finds you well. As the representative of the new owners for the properties at 1080 93rd Street and 1060 95th Street, Bay Harbor Islands, FL 33154, I am reaching out regarding the current issues concerning violations and related fees for these locations.

It has come to our attention that in 2019, the previous owner proposed a settlement of $36,840.00 to fully satisfy the Special Master's orders. However, on December 20, 2019, Frank Simone, representing the Town of Bay Harbor, countered with $250,000, to be paid over 10 months.

Given our recent acquisition of these properties and our commitment to their improvement, we respectfully request a review of this matter in order to reach a more manageable mutual settlement.

In our endeavor to ensure these properties contribute positively to the community, we have been proactive in addressing various outstanding obligations as well as paying all expenses paid by the city, a testament to our commitment. To date, we have covered the following expenses:

- Water bills for Property 1060 95th Street, Bay Harbor, FL 33154 amounting to $12,229.57
- Water bills for Property 1080 93rd Street, Bay Harbor, FL 33154 totaling $58,771.35.

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

- Fencing Expenses for Property 1060 95th Street, Bay Harbor, FL 33154 totaling $2,644.51
- Fencing Expenses for Property 1080 93rd Street, Bay Harbor, FL 33154 totaling $4,689.81
- Waste disposal charges for each property, included in the above expenses.

Recognizing the importance of resolving these lines, we are willing to revise the previous settlement offer you received. While the previous offer was $36,840.00, we are prepared to increase this to $50,000.00 in a gesture of good faith and commitment to resolving this amicably and without litigation. This revised offer is made with the hope that it will facilitate a positive and prompt resolution to this matter.

We believe this revised offer, along with our demonstrated commitment through the settlement of existing property dues, shows our dedication to not only resolving the outstanding issues but also enhancing the value and status of these properties within the community. Should this offer not be acceptable, we request a hearing to discuss this matter further.

We appreciate your consideration of our updated proposal and look forward to a favorable response.

Thank you for your time and attention to this important matter.

Adam anderson

BAY HARBOR 1060	VIOLATION	REASON	TOTAL LIEN	REQUESTING
1	CC2017-2396 ✓	BTR	$ 19,150.00	USD 500 - 1000
2	CC2018-00421 ✓	WALLS, FENCE, LANDSCAPIND PLAN.	$ 6,575.00	USD 500 - 1000
3	CC2016-2319 ✓	DETERIORATED PROPERTY	$ 45,500.00	USD 500 - 1000
4	CC21-001889	FENCE	$ 2,644.51	USD 500 - 1000
		TOTAL	$ 73,869.51	

PAID

BAY HARBOR 1080	VIOLATION	REASON	TOTAL LIEN	REQUESTING
1	CC2017-2477 ✓	HIRE A LICENSED PLUMBER	$ 68,150.00	USD 500 - 1000
2	CC2016-2260 ✓	EXTERIOR AND INTERIOR IN STRUCTURALLY GOOD CONDITION	$ 64,125.00	USD 500 - 1000
3	CC2017-2395 ✓	BTR	$ 19,150.00	USD 500 - 1000
4	CC2017-2399 ✓	BTR	$ 19,150.00	USD 500 - 1000
5	BC2015-2202 ✓	KEEP THE BUILDING IN GOOD CONDITION	$ 65,350.00	USD 500 - 1000
6	21-001888	FENCE	$ 4,689.81	USD 500 - 1000
7	19-002067	TRASH, LANDCAPE DEBRIS	WE PAID 100	
		TOTAL	$ 240,614.81	

PAID

6D

1020

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 3-1-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $58,771.35

Fifty-Eight Thousand and Seven Hundred and Seventy-One 35/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1080 93rd ST. - ACCT # 100-494-0003

⑈001020⑈ ⑆026013576⑆ 150493098 6⑈

Details on back. Security Features

WATER lien. PAID BY (AN/OD)

1080

6E

1021

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 3-1-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $12,229.57

Twelve Thousand and Two Hundred and Twenty-Nine 57/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1060 95TH ST. -100-42300-02

⑈001021⑈ ⑆026013576⑆ 1504930986⑈

Details on back. Security Features

WATER
Lien PAID BY LANDLORD

1060

1080

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-4-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 247.50

Two Thousand and Four Hundred and Forty-One 50/100 DOLLARS

Signature | SIGNATURE BANK®

FOR INVOICE # 2500-21 1060 95th ST Bay Harbor Islands, FL 33154

⑈001080⑈ ⑆026013576⑆ 1504930986⑈

1081

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-4-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 4383.00

Four Thousand and Three Hundred and Eighty Three 00/100 DOLLARS

Signature | SIGNATURE BANK®

6F

Fence PAID
By Invoice

September 29-2023

Litigation Committee
c/o Yvonne P. Hamilton
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Mrs. Yvonne P. Hamilton:

I Formally request a hearing regarding the liens applied and open on the property located at:1080 93RD ST, Bay Harbor, FL, 33154. I am seeking to mitigate the debt associated with these cases.

1. **CC2017-2477** - $68,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

2. **CC2016-2260** - $64,125

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

3. **CC2016-2395** - $19,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

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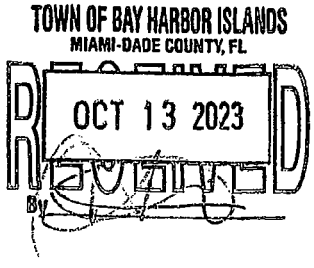


4. **CC2016-2399** - $19,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

5. **BC2015-2202** - $65,350

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

6. Fence: $4689.81

- In this case the city incurred the cost of the fence at the time the building should have been evacuated. When we came in as the new owners and presented the project we found out about this fine. This has now been resolved.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

I appreciate your response and remain pending.

Respectfully,

Adam Anderson
Regional Property Management
Cell # (305) 904-0414
Office #(305) 682-8577
Fax # (305) 682-8570
Adam.elyseeinc@gmail.com

September 29-2023

Litigation Committee
c/o Yvonne P. Hamilton
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

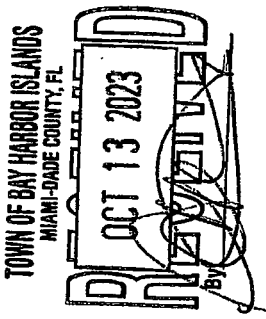
Mrs. Yvonne P. Hamilton:

I Formally request a hearing regarding the liens of 3 cases applied on the property located at:1060 95TH ST, Bay Harbor, FL, 33154. I am seeking to mitigate the debt associated with these cases.

1. **CC2016-2396** - $19,150

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.



2. **CC2018-00421** - $6,575

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

3. **CC2016-2319** - $45,500

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor

so we're requesting help with these violations caused by other people prior to our purchased.

4. Fence: $2644.51

- In this case the city incurred the cost of the fence at the time the building should have been evacuated. When we came in as the new owners and presented the project we found out about this fine. This has now been resolved.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

I appreciate your response and remain pending.

Respectfully,

Adam Anderson
Regional Property Management
Cell # (305) 904-0414
Office #(305) 682-8577
Fax # (305) 682-8570
Adam.elyseeinc@gmail.com

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

March 08, 2018
FILE NUMBER: 18-000421

NOTICE OF VIOLATION

OWNER:

BAL HARBOUR INVESTMENTS LLC
1060 95 ST #4
BAY HARBOR ISLANDS, FL 33154-2112

ADDRESS OF VIOLATION:

BAL HARBOUR INVESTMENTS LLC -
1060 95 Street
Bay Harbor Islands, FL 33154-2112
Parcel No: 1322270012540

REGISTERED AGENT:

- BAL HARBOUR INVESTMENTS LLC
1060 95 ST #4
BAY HARBOR ISLANDS, FL 33154-2112

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(22)(h)
Nature of Violation and Details:
Permit required for walls or fences. The installation or maintenance of any walls or fence shall require the application and receipt of a permit authorizing said installation. Each applicant for a permit authorizing said installation shall be required to submit to the town for its approval, prior to the commencement of such installation the following:
1.
A landscaping plan, indicating type, sizes and quantities of proposed landscaping materials to be used between the wall or fence and the street or adjoining properties.
2.
A color sample of the proposed stucco, plaster or other materials, or paint sample, representative of the proposed finish surface of the wall or fence.
3.
In the case of walls, architectural drawings indicating some type of architectural features such as banding, quoins, etc., on stuccoed walls. Said drawings shall clearly indicate the proposed shape and design of said wall. See below for minimum design standards.
4.
In the case of wood fences, a scale drawing, photograph or brochure of the proposed style, as well as a color sample of the paint or stain, shall be submitted to the town for approval.
5.
If any wall or fence is to be constructed on a common property line, written permission from any adjoining lot owner shall be required to be submitted to the town with the permit application to construct, finish and/or maintain the exterior of the wall facing the adjoining owners lot. Any damage done to an adjoining owners property shall be repaired and/or replaced by the applicant.

Daily Penalty: $25.00

You may comply by: Hire a licensed contractor to obtain a permit from the Building Department.

RE: Found the wooden fence was installed without a permit.

Location of Violation: 1060 95 Street Violation Date: 03/07/2018

Compliance Date: April 06, 2018

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 lime 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: 03/08/2018 Cert Mail Article #: 7016 1970 0000 9571 8979
Date Posted: 03/08/2018

Scherrie Griffin
Code Compliance Officer
sgriffin@bayharborislands-fl.gov

ADDENDUM



Photo
Scherrie Griffin
Mar 08, 2018

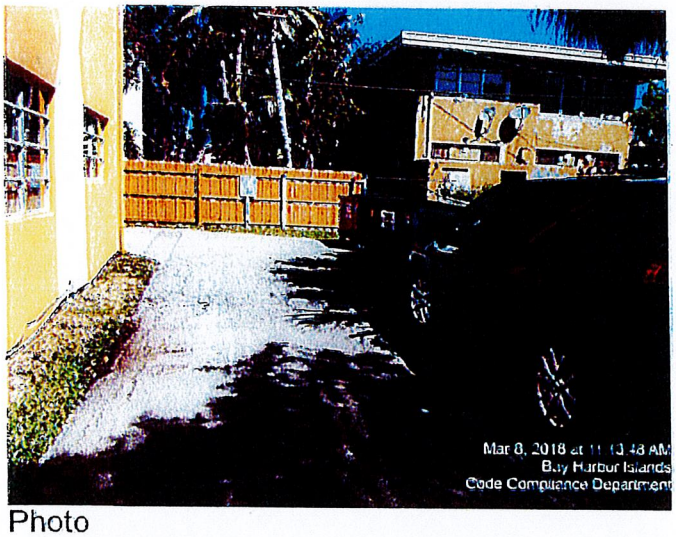


Photo
Scherrie Griffin
Mar 08, 2018



Photo
Scherrie Griffin
Mar 08, 2018

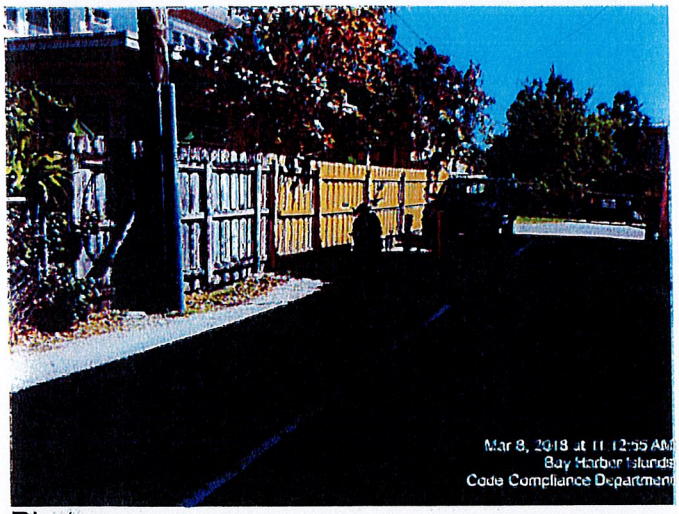


Photo
Scherrie Griffin
Mar 08, 2018

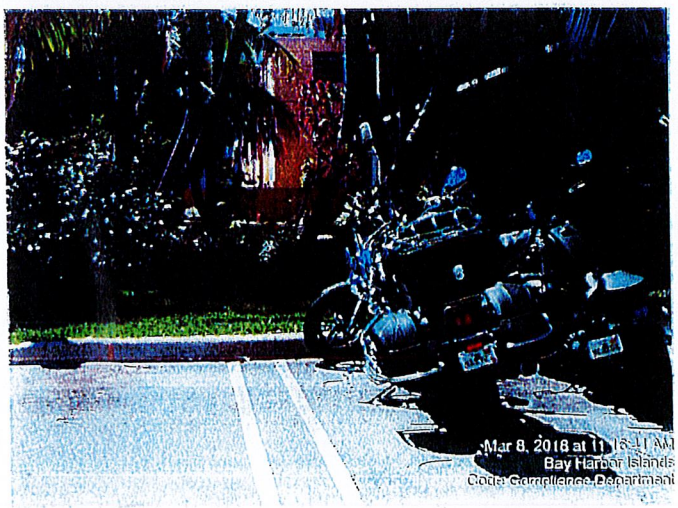


Photo
Scherrie Griffin

Mar 08, 2018



Photo
Scherrie Griffin
Mar 08, 2018

CFN: 20180665074 BOOK 31202 PAGE 3614
DATE:10/31/2018 10:56:33 AM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

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 Ronald J. Wasson 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 #18-000421 ; A fine of four thousand five hundred fifty dollars ($4,550.00), plus an administrative fee of one hundred fifty dollar ($150.00), levied on September 5, 2018 by Special Master Richard Kroop. The total amount of the lien equals $4,700.00; a fine of $25.00 per day will continue to run until the violation is cured: 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: 1060 95 Street
> Bay Harbor Islands, Florida 33154
> Lot(s) 7, Block 13, PB 46, Page 5
> Miami-Dade County, Florida

owned by Bal Harbour Investments, LLC

of a total amount which remains unpaid as of September 5, 2018, is $4,700, which continues to run at $25.00 per day until the violation is cured. The lienor served his notice to owner on March 7, 2018.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Ronald J. Wasson, Town Manager

Sworn to and subscribed before me this 18th day of October 2018.

ALBA L. CHANG
MY COMMISSION # GG129633
EXPIRES: October 03, 2021

(Notary Public)
Alba L. Chang

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 19th day of October 2018, A.D.

Town Clerk of the
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
Fax: (305) 861-1130

SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

BAL HARBOUR INVESTMENTS LLC
1060 95 ST #4
BAY HARBOR ISLANDS, FL 33154-2112

ADDRESS OF VIOLATION:

- BAL HARBOUR INVESTMENTS LLC
1060 95 Street
Bay Harbor Islands, FL 33154-2112
Parcel No: 1322270012540

REGISTERED AGENT:

SHALA, NUA, MGR -
1060 95 STREET, #4
BAY HARBOR ISLANDS, FL 33154

HEARING INFORMATION

Date: September 05, 2018
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 #: 18-000421

Code Inspector: Scherrie Griffin

Method of Service	**Date**
Posted	March 08, 2018
Certified	March 08, 2018

Violations(s):

Code Section Violated: Sec. 23-12(22)(h)
Nature of Violation and Details:
Permit required for walls or fences. The installation or maintenance of any walls or fence shall require the application and receipt of a permit authorizing said installation. Each applicant for a permit authorizing said installation shall be required to submit to the town for its approval, prior to the commencement of such installation the following:
1.
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2.
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3.
In the case of walls, architectural drawings indicating some type of architectural features such as banding, quoins, etc., on stuccoed walls. Said drawings shall clearly indicate the proposed shape and design of said wall. See below for minimum design standards.

4.
In the case of wood fences, a scale drawing, photograph or brochure of the proposed style, as well as a color sample of the paint or stain, shall be submitted to the town for approval.
5.
If any wall or fence is to be constructed on a common property line, written permission from any adjoining lot owner shall be required to be submitted to the town with the permit application to construct, finish and/or maintain the exterior of the wall facing the adjoining owners lot. Any damage done to an adjoining owners property shall be repaired and/or replaced by the applicant.
Daily Penalty: $$25.00

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 Prendergast	(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 $$25.00 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.

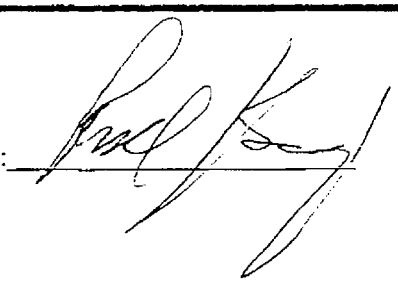
Provided the violation is corrected by , it is the Special Master's Order that the total amount of the civil penalties be mitigated by a reduction of % (not to exceed 50%)

FURTHER RULING AND/OR REMARKS:

Special Master assessed fine from 03/08/18-09/05/18 which represents 182 days at $25.00 per day for $4,550.00 plus a $150.00 administrative cost for a total of $4,700.00. Fine will continue to accrue at $25.00 per day until compliance has been met.

Fine Assessed: $4,550.00 Administrative Fee $150.00 Total Owed: $4,700.00

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

March 08, 2018
FILE NUMBER: 18-000421

NOTICE OF VIOLATION

OWNER:

BAL HARBOUR INVESTMENTS LLC
1060 95 ST #4
BAY HARBOR ISLANDS, FL 33154-2112

ADDRESS OF VIOLATION:

BAL HARBOUR INVESTMENTS LLC -
1060 95 Street
Bay Harbor Islands, FL 33154-2112
Parcel No: 1322270012540

REGISTERED AGENT:

- BAL HARBOUR INVESTMENTS LLC
1060 95 ST #4
BAY HARBOR ISLANDS, FL 33154-2112

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(22)(h)
Nature of Violation and Details:
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2.
A color sample of the proposed stucco, plaster or other materials, or paint sample, representative of the proposed finish surface of the wall or fence.

3.
In the case of walls, architectural drawings indicating some type of architectural features such as banding, quoins, etc., on stuccoed walls. Said drawings shall clearly indicate the proposed shape and design of said wall. See below for minimum design standards.

4.
In the case of wood fences, a scale drawing, photograph or brochure of the proposed style, as well as a color sample of the paint or stain, shall be submitted to the town for approval.

5.
If any wall or fence is to be constructed on a common property line, written permission from any adjoining lot owner shall be required to be submitted to the town with the permit application to construct, finish and/or maintain the exterior of the wall facing the adjoining owners lot. Any damage done to an adjoining owners property shall be repaired and/or replaced by the applicant.

Daily Penalty: $25.00

You may comply by: Hire a licensed contractor to obtain a permit from the Building Department.

RE: Found the wooden fence was installed without a permit.

Location of Violation: 1060 95 Street Violation Date: 03/07/2018

Compliance Date: April 06, 2018

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 lime 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: 03/08/2018
Date Posted: 03/08/2018

Cert Mail Article #: 7016 1970 0000 9571 8979

Scherrie Griffin
Code Compliance Officer
sgriffin@bayharborislands-fl.gov

ADDENDUM



Photo
Scherrie Griffin
Mar 08, 2018

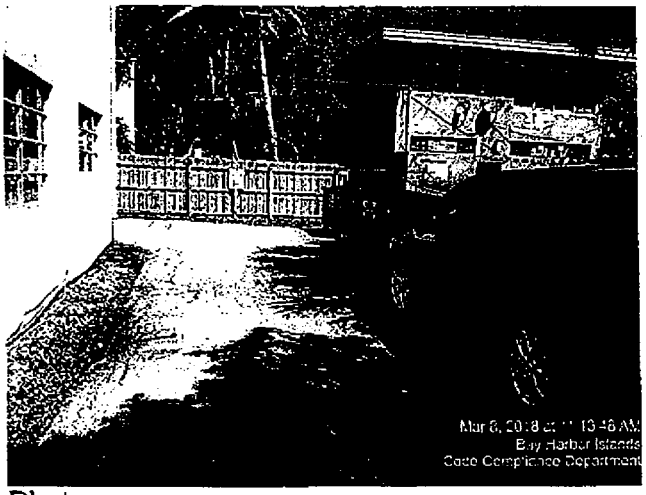

Photo
Scherrie Griffin
Mar 08, 2018



Photo
Scherrie Griffin
Mar 08, 2018

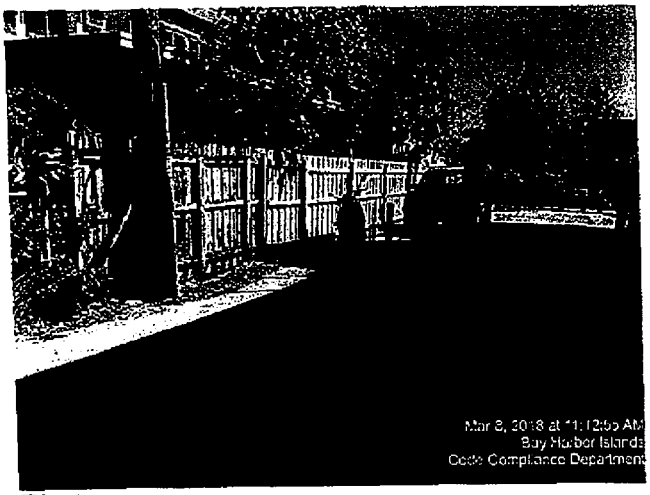

Photo
Scherrie Griffin
Mar 08, 2018

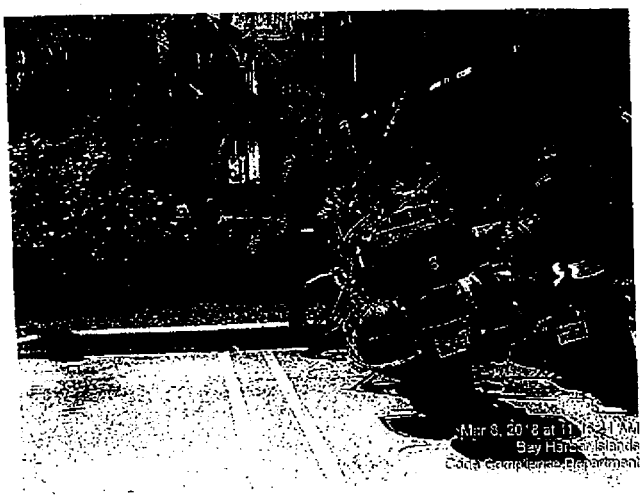

Photo
Scherrie Griffin

Mar 08, 2018



Photo
Scherrie Griffin
Mar 08, 2018

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

SPECIAL MAGISTRATE FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
OLD WESTBURY,, NY 11568

ADDRESS OF VIOLATION:

- BAY HARBOR 1080 PARTNERS LLC
1060 95 Street
Bay Harbor Islands, FL 33154-2112
Parcel No: 1322270012540

REGISTERED AGENT:

CHARTER REALTY GROUP LLC - CHARTER REALTY GROUP LLC
90 ALTON ROAD # 3209
Miami Beach, FL 33139

HEARING INFORMATION

Date: November 29, 2023
Time: 10:00AM

Location: Town of Bay Harbor Morris Broad Community Center
Special Magistrate: Christopher Benjamin

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: 18-000421

Compliance Officer: Scherrie Griffin

Method of Service	**Date**
Posted	March 08, 2018
Certified	March 08, 2018

Violations(s):

Code Section Violated: Sec. 23-12(22)(h)
Nature of Violation and Details:
Permit required for walls or fences. The installation or maintenance of any walls or fence shall require the application and receipt of a permit authorizing said installation. Each applicant for a permit authorizing said installation shall be required to submit to the town for its approval, prior to the commencement of such installation the following:
1.
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2.
A color sample of the proposed stucco, plaster or other materials, or paint sample, representative of the proposed finish surface of the wall or fence.
3.
In the case of walls, architectural drawings indicating some type of architectural features such as banding, quoins, etc., on stuccoed walls. Said drawings shall clearly indicate the proposed shape and design of said wall. See below for minimum design standards.
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5.
If any wall or fence is to be constructed on a common property line, written permission from any adjoining lot owner shall be required to be submitted to the town with the permit application to construct, finish and/or maintain the exterior of the wall facing the adjoining owners lot. Any damage done to an adjoining owners property shall be repaired and/or replaced by the applicant.
Daily Penalty: $25.00

APPEARANCES:

Adam Anderson, Property Manager	(Owner's Attorney or Representative)
Evelyn Merizalde	(Code Compliance Supervisor)
Scherrie Grfifin	(Code Inspector)
Ayanidys Martinez	(Building & Zoning Supervisor)
Joseph Geller	(Town Attorney)
Mike Mesa	(Chief Building Official/Building Department Director)

WITNESSES:

NAME	ADDRESS	CALLED BY

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MAGISTRATE'S FINDINGS OF FACT:

- [x] 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 $ 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 $200.00
- [ ] Based on the relevant evidence, the time for correction as first given by the Code Inspector was insufficient and the Special Magistrate 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 Magistrate'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:

The current owner's (Bay Harbor 1080 Partners, LLC) property manager submitted an offer to pay $500.00 to $1,000.00.Mitigation denied. Set to the Litigation Committee.

Fine Assessed: Administrative Fee Total Owed: $0.00

Back to the next Special Magistrate Hearing in days.

Special Magistrate: Christopher Benjamin

Signature: Christopher Benjamin (Jan 31, 2024 09:19 EST)

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

CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **CC2017-2395**
Inspector: Scherrie Griffin

Parcel Address: 1080 93 Street
Lot(s): Block:

Owner Information:
BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
OLD WESTBURY, NY 11568

Violator Information:
c/o Nua Shala
Bay Harbor Islands, FL 33154

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 13-8(1)(a)	02/22/2017		Pending	

Comments:

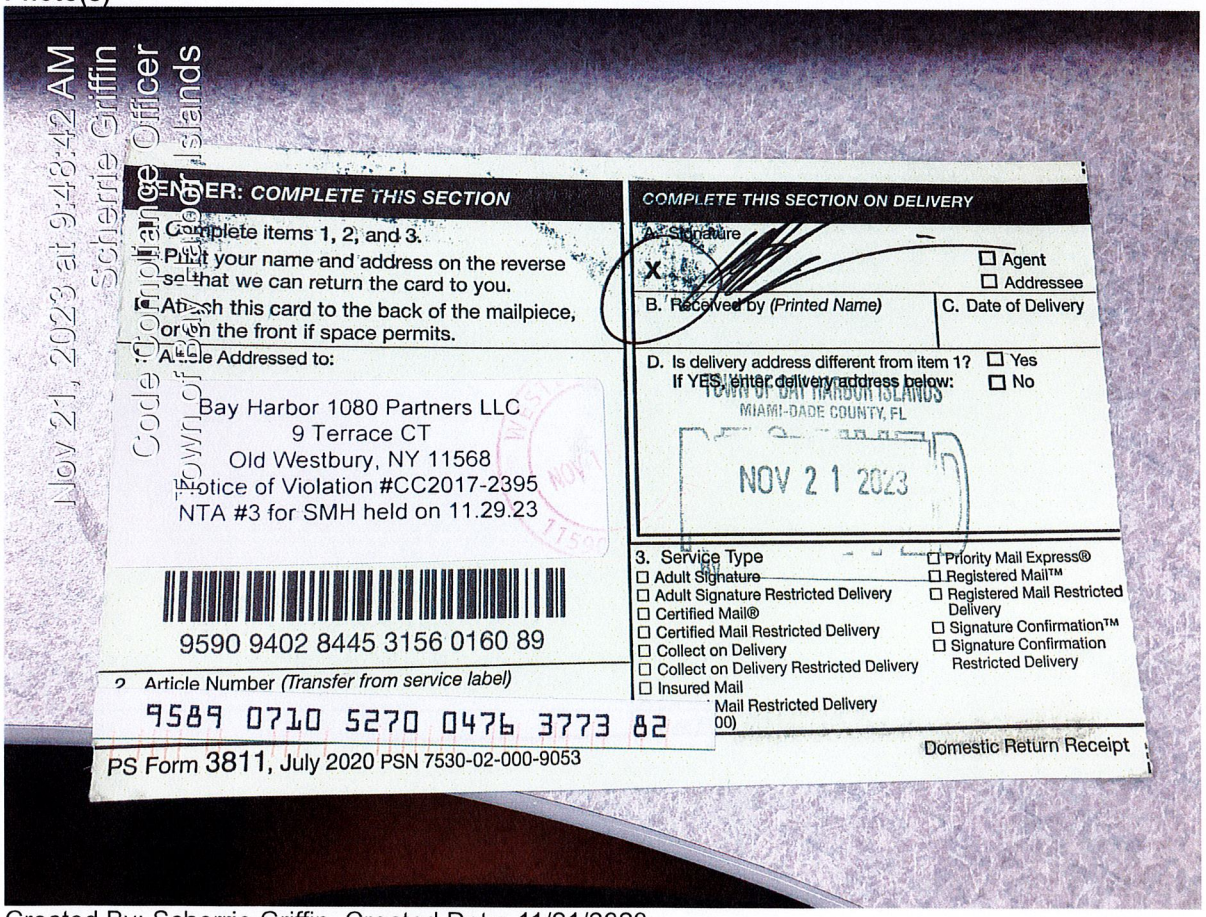
DATE OPENED	ACTIVITY	DESCRIPTION
02/07/2017	Courtesy Notice	Make a payment to the Town's Clerk's office and obtain a Business Tax Receipt. Business Receipt invoice attache. Courtesy Notice mailed to the owner and posted to property.
02/22/2017	Compliance Inspection	Progress check to verify the Business Tax receipt has been obtained from the Town Clerk's office. Compliance not met.
02/22/2017	Notice of Violation	Failure to obtain a 2017-2017 Business Tax Receipt for account #24269. Notice of Violation posted to property and mailed via certified receipt return to owner and registered agent.
03/09/2017	Compliance Inspection	Business Tax Receipt has not been obtained.
03/17/2017	Progress Activity	Spoke to Nua Shala, owner, to advise the fine is running at $250.00 per day until the Business Tax Receipt has been obtained. Nua Shala informed me he will come into the office by March 24th to make a payment.
03/28/2017	Progress Activity	Spoke to Nua Shala to advise him the Business Tax Receipt has not been obtained and the fine will continue to accrue at $250.00 per day until compliance has been met. Nua Shala informed me he will take care of the matter.
04/03/2017	Progress Activity	Progress check to verify the Business Tax Receipt has been obtained. Compliance not met. Spoke to Nua Shala regarding the violation. Nua advised he will take care of the matter.
04/11/2017	Progress Activity	30 day fine letter mailed to owner and register agent in the amount of $12,000.00 which represent 48 days at $250.00.
05/02/2017	Progress Activity	Spoke to Nua Shala to advise the Business Tax Receipt has not been obtained and the next step will be going before the Special Master. Nua advised he was going to take care of the Business Tax Receipt.

05/03/2017	Progress Activity	30 day fine letter mailed to Nua Shala in the amount of $17,500.00. which represent 70 days at $250.00.
05/04/2017	Email	Marlene Siegel, Director of Code, emailed Craig Sherman, Town's Attorney, to advise the violation is unresolved and the fine is continuing to run.
05/08/2017	Walk In	Laura B. Wise, Owner's Representative, came into the office to advise she will be taking care of the Business Tax Receipt.
05/10/2017	Progress Activity	Payment received in the amount of $210.00 by Nua Shala. Business Tax Receipt #24269 has been obtained from the Town Clerk's office. Compliance met. As of today the possible fine amount stopped running in the amount of $19,000.00.
05/16/2017	Progress Activity	Notice to Appear #1 before the Special Master Hearing held on June 6, 2017 at 9:30 AM mailed via certified receipt return to the owner and registered agent. Also, posted to the property.
05/22/2017	Affidavit	
06/01/2017	Progress Activity	Special Master Hearing canceled due to a scheduling conflict with Frank Simone, Town Attorney. Canceled Notice to Appear mailed via certified receipt return to the owner.
06/02/2017	Progress Activity	Canceled Notice to Appear posted to the property.
06/05/2017	Progress Activity	Notice to Appear #1 for the Special Master Hearing held on June 7, 2017 at 9:30 am was returned back to the office as unclaimed.
06/23/2017	Progress Activity	Notice to Appear #2 for the Special Master Hearing held on July 12, 2017 at 9:30 am posted to the property and mailed via certified receipt return to the owner and registered agent.
07/12/2017	Special Master Hearing	Fine imposed from 02/22/17-05/10/17 which represents 76 days at $250.00 per day. The fine amount is $19,000.00 +$150.00 administrative fee, which equals $19,150.00.
08/22/2017	Progress Activity	Lien placed on the property in the amount of $19,150.00.
11/13/2017	Email	Liana L. Tommasi, CP, Certified Paralegal, requested updated information for the violation.
11/15/2017	Email	Violation and fine amount emailed to Liana L. Tommasi, CP, Certified Paralegal.
04/03/2018	Email	Email received from Erick Pamblanco founder and CEO of Intergrated Property Management & Development Group, advised his company has been retained as the property management company for Bal Harbour Investments, LLC as of April 1, 2018.
04/10/2018	Progress Activity	Met with Erick Pamblanco at the office to discuss violation.
05/30/2018	Email	Marc Yassky of Bay Harbor Lender c/o Millbrook Realty Capital, emailed Marlene Siegel, Town Clerk, to request the outstanding lien including fine amount.
06/06/2018	Email	Marlene Siegel, Town Clerk, emailed violation and lien amount to Marc Yassky.

10/16/2018	Email	Email received from Michelle Barker requesting information regarding the violation.
10/19/2018	Email	Email received from Michelle Barker in regards to the code violation. Advised Michelle the fine amount is $19,150.00.
01/29/2019	Email	Erick Pamblanco, Property Manager, advised Bal Harbour Investments, LLC (1060 95 Street and 1080 93 Street) has been sold. Also, the new owners will like a break down of the violation.
02/04/2019	Email	Erick,requested an update on the outstanding balance owed because the owners would like to payoff the balances asap.
02/05/2019	Email	Lien amount emailed to Eric.
05/13/2019	Progress Activity	Proposed Settlement Offer submitted to Marlene Siegel, Town Clerk, in the amount of $36,840.00 for all liens.
07/08/2019	Progress Activity	Case scheduled for the next Litigation Meeting.
12/11/2019	Progress Activity	Litigation Committee meeting - The settlement offer in the amount of $36,840.00 ,which includes an amount to close this violation, was denied. The Litigation Committee presented a counter offer in the amount of $250,000 allowing a payment plan of $25,000.00 a month for 10 months. Foreclosure proceedings will be filed if the owner fails to make the scheduled payments.
02/13/2020	Inspection	First payment installation due in the amount of $25,000.00. Payment has not been received. Lien already on file for all violations presented to the Litigation Committee.
07/29/2022	Progress Activity	The property was sold to CHARTER REALTY GROUP LLC on 5/10/22. Previous Owner: Bal Harbour Investments, LLC c/o Jordan Weinkle, Esq. Closed Date: Owner Address: Weinkle Abergel Law Group
10/31/2023	Progress Activity	The owner requested a hearing on 09/29/2023 The case will be placed on the agenda to go before the next Special Magistrate Hearing.
11/07/2023	Email	Received a letter from Adam Anderson proposing a settlement amount of $500.00 to $1,000.00.
11/08/2023	Notice To Appear	Notice to Appear posted to property.
11/09/2023	Email	Notice to Appear emailed to Adam Anderson and mailed via certified return receipt to the owner and registered agent.
11/13/2023	Email	Received a notarized letter giving Adam Anderson authorization to represent the property for the Special Magistrate Hearing.
11/14/2023	Progress Activity	Case review meeting. Recommendation is to impose fine in the amount of $19,150.00.
11/20/2023	Progress Activity	Domestic return receipt for Notice to Appear #3 for the Special Magistrate Hearing returned to office signed.

11/21/2023	Progress Activity	Domestic return receipt for Notice to Appear #3 for the Special Magistrate Hearing held on 11/29/2023 returned to office signed.
11/29/2023	Special Master Hearing	The current owner's (Bay Harbor 1080 Partners, LLC) property manager submitted an offer to pay $500.00 to $1,000.00. Mitigation denied. Set to the Litigation Committee.
12/21/2023	Email	The owner submitted a settlement offer in the amount of $50,000.00 to resolve all violations to go before the litigation committee.
01/22/2024	Email	Emailed the Special Magistrate Findings to the owner's rep, Adam Anderson. Also, mailed certified return receipt to the owner and registered agent.
02/01/2024	Progress Activity	On July 12, 2017, the Special Master assessed a fine from 02/22/2017-05/10/2017 which represents 76 days at $250.00 per a day, which represents $19,000.00 plus a $150.00 administrative fee that equals a total amount of $19,150.00.The previous owner proposed a settlement amount of $36,840.00 to satisfy all violations. Previous litigation results denied counter offer. No payments received. The new owner's rep, Adam Anderson, attended the Special Magistrate Hearing on November 29, 2023 offering to pay $500.00 to $1,000.00 for the violation. Mitigation denied by the Special Magistrate. Settlement amount offered in the amount of $50,000.00 to resolve the matter.

Photo(s)



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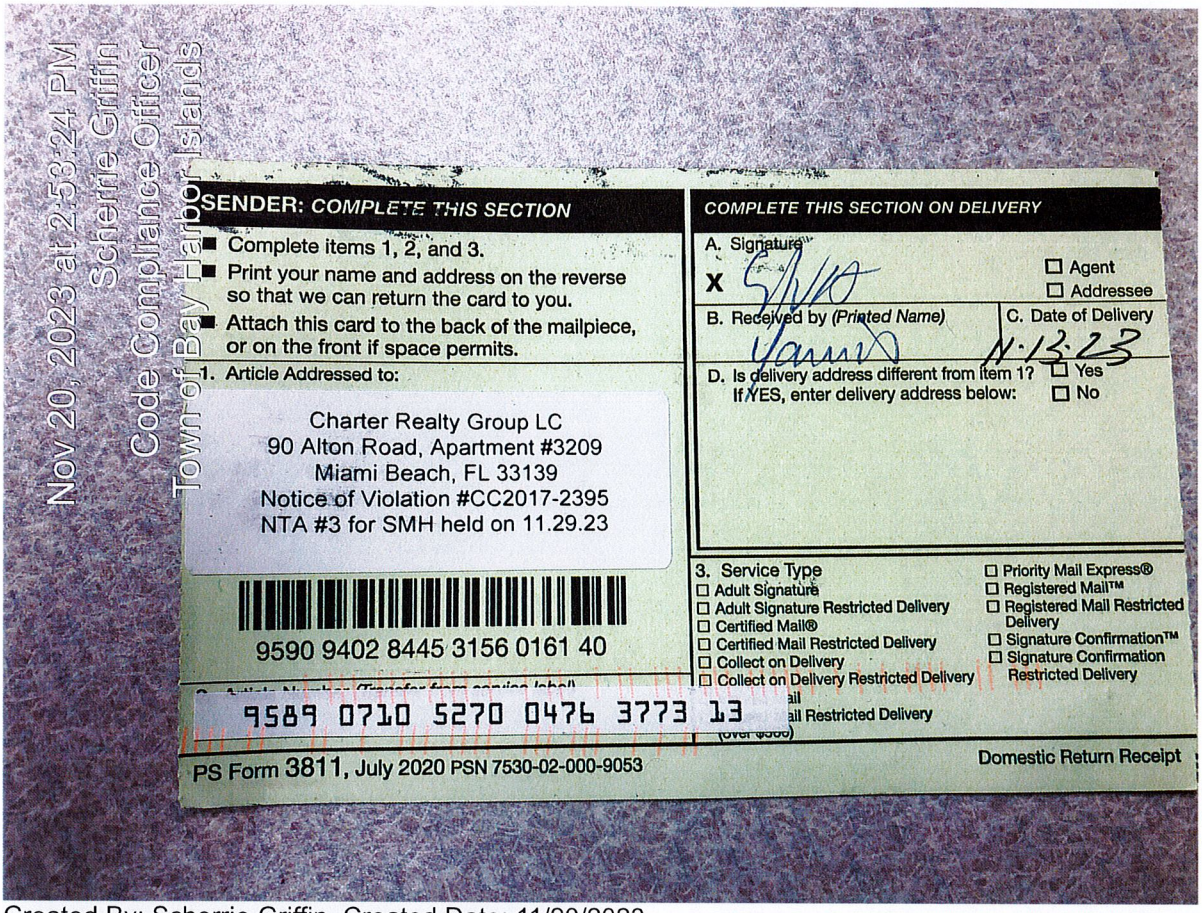

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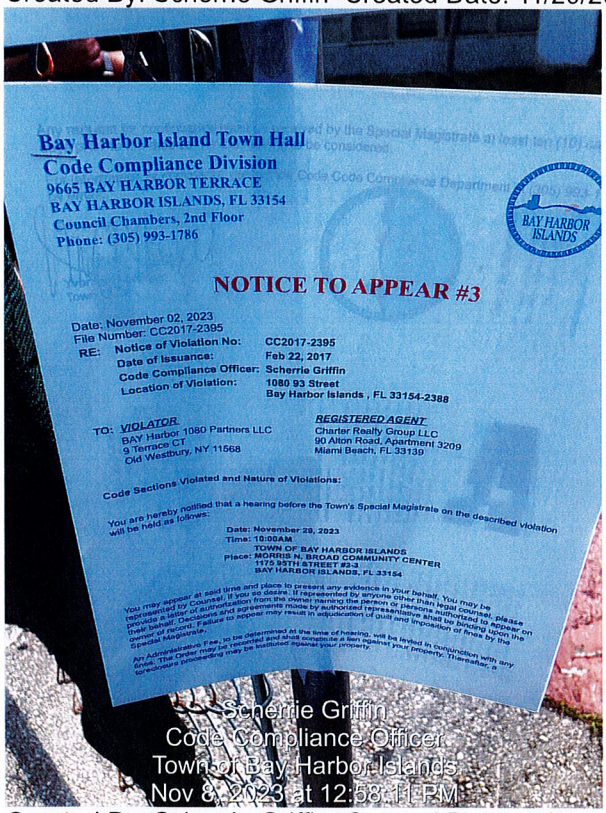

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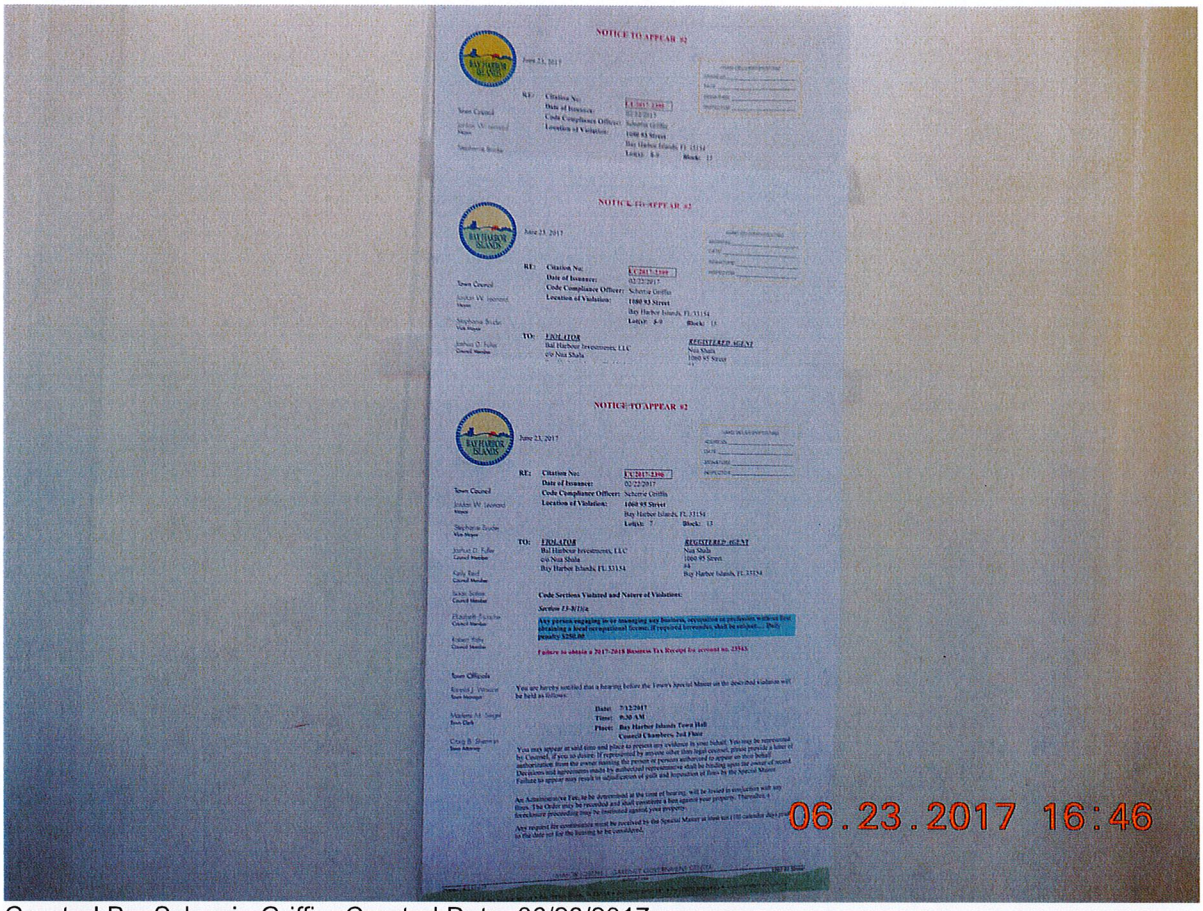
Created By: Scherrie Griffin Created Date: 07/21/2017



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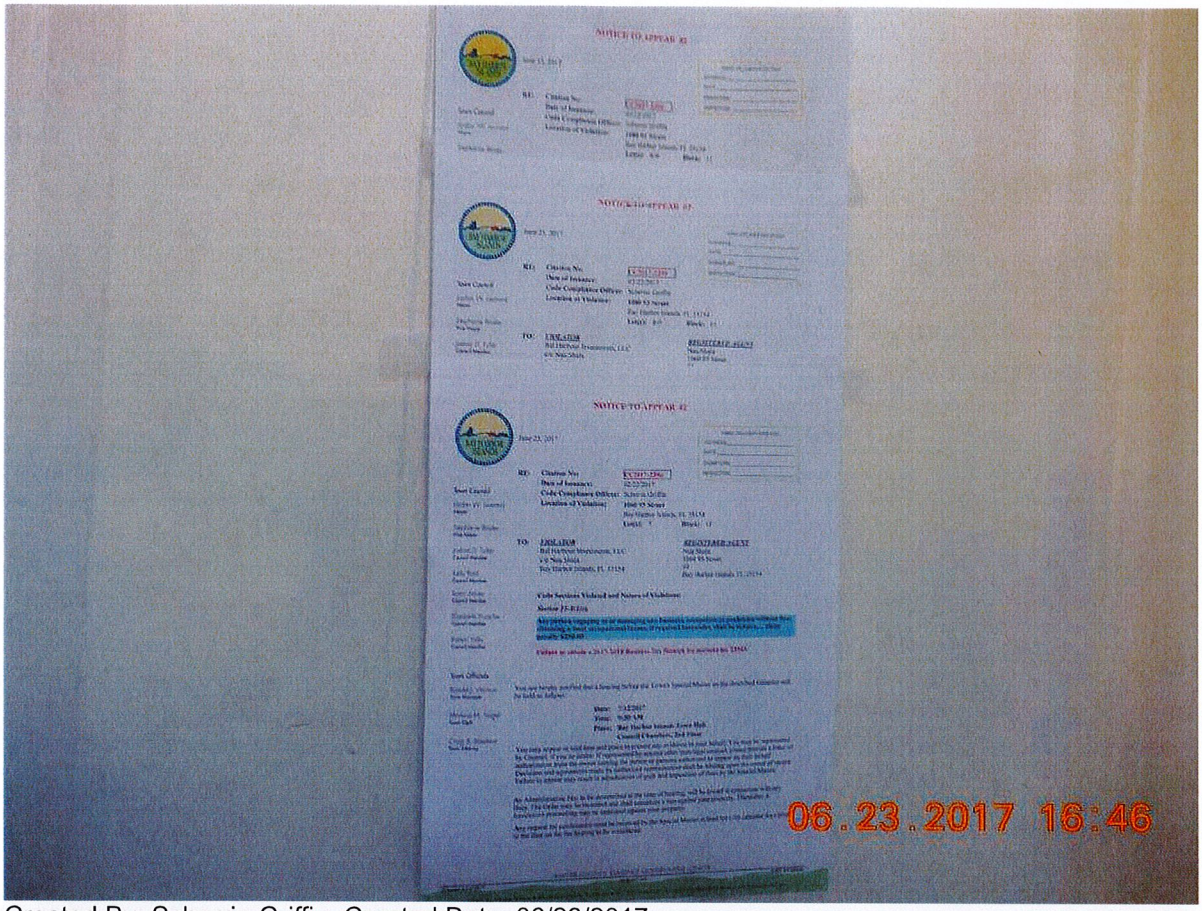

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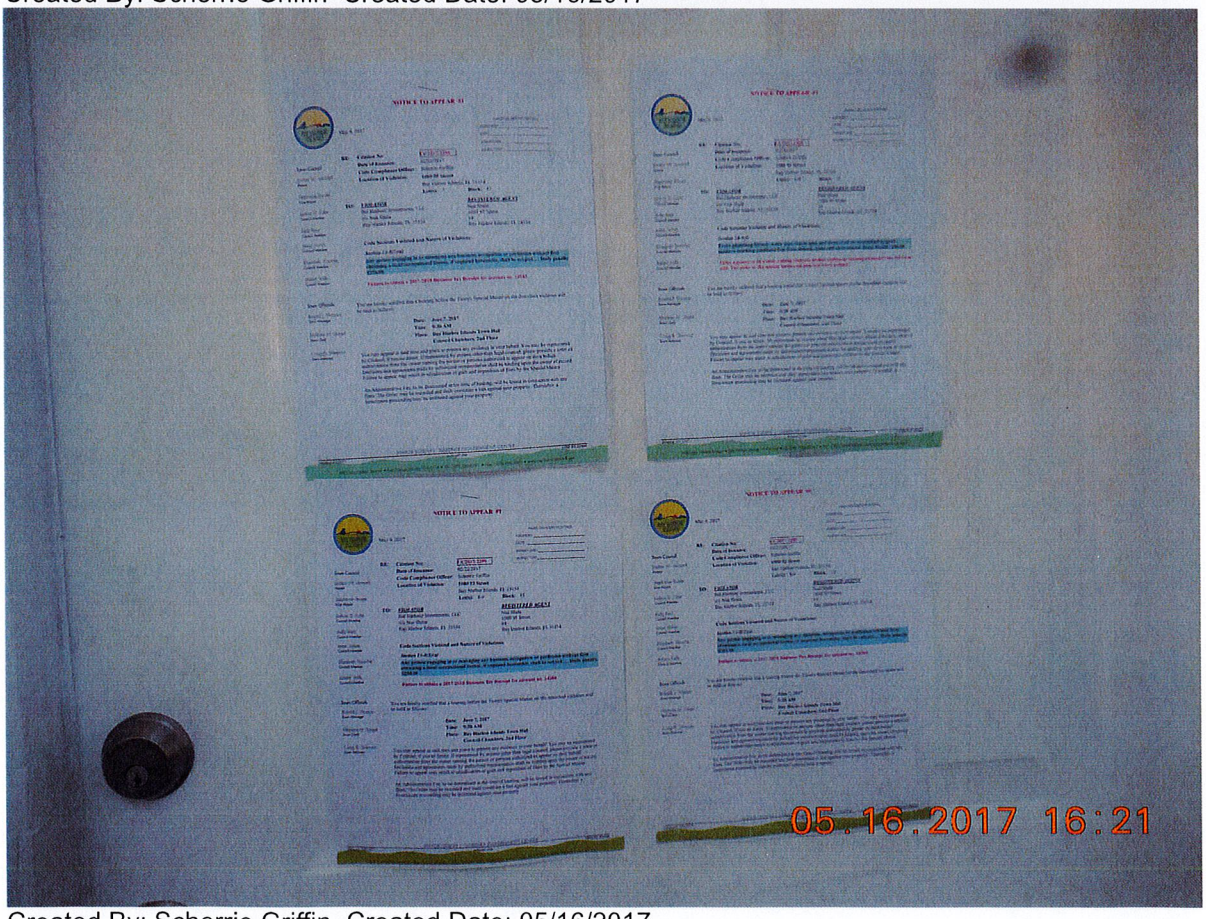

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Created By: Scherrie Griffin Created Date: 02/02/2017



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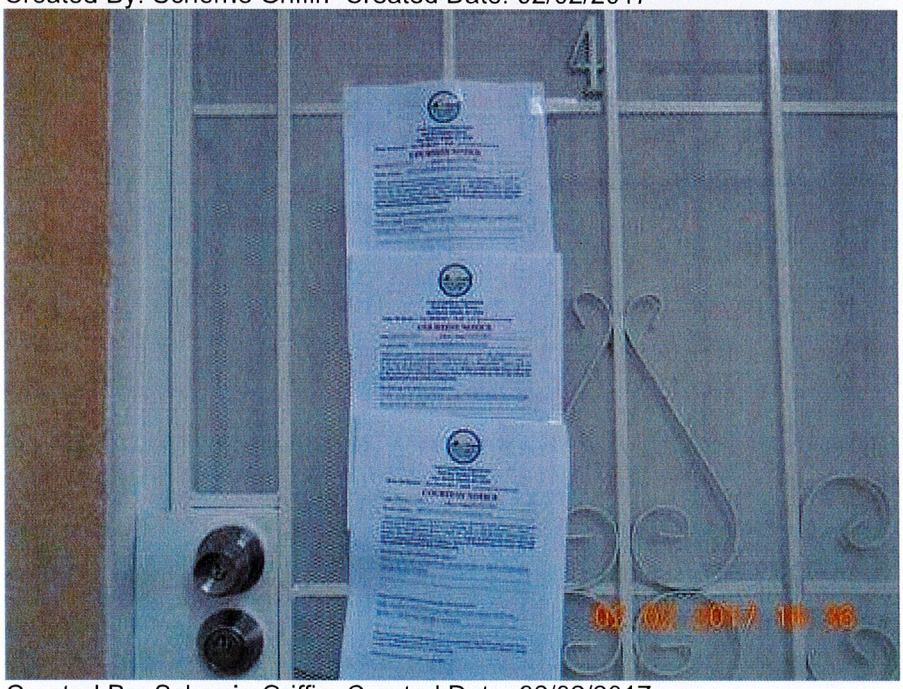

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Created By: Scherrie Griffin Created Date: 02/02/2017

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 866-6241
Fax: (305) 866-4863

HAND DELIVERY/POSTING
ADDRESS:_____
DATE:_____
SIGNATURE:_____
INSPECTOR:_____

February 22, 2017

NOTICE OF VIOLATION

OWNER:

Investments, LLC
Bal Harbour Investments, LLC
c/o Nua Shala
Bay Harbor Islands, FL 33154

ADDRESS OF VIOLATION

Bal Harbour Investments, LLC
1080 93 Street
Bay Harbor Islands, FL 33154
Parcel No: 13-2227-001-2900

REGISTERED AGENT:

Nua Shala
1065 93 Street
#4
Bay Harbor Islands, FL 33154

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

Code Section Violated: 0040-4 Section 13-8(1)(a)

Nature of Violation and Details:

Any person engaging in or managing any business, occupation or profession without first obtaining a local occupational license, if required hereunder, shall be subject to the full license tax and a penalty of 25 percent of the license tax determined to be due, in addition to any other penalty provided by law or ordinance. Penalty of $250.00.

RE: Failure to obtain a 2017-2018 Business Tax Receipt for account no. 24269.

CC2017-2395

Location, Date and Time of Violation: 1080 93 Street February 22, 2017

You may comply by: Please obtain a Business Tax Receipt for account no. 24269 from the Town Clerk's office. Invoice is attached.

Compliance Date: **March 8, 2017**

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: February 22, 2017 **Cert Mail Article #:** 7016 1970 0000 9571 7057

Date Posted: February 22, 2017

Scherrie Griffin
Code Compliance Officer
Town of Bay Harbor Islands

CC2017-2395


02 21 2017 16:34

BUSINESS TAX RECEIPT INVOICE

formerly Occupational License

2017-2018

Account Number: 24269

Category: APARTMENTS

Mailing Address:

BAL HARBOUR INVESTMENT, LLC
NUA SHALA
1060 - 95 STREET, #4
BAY HARBOR ISLANDS, FL 33154

Business Name and Address:

BAL HARBOUR INVESTMENT, LLC
1080 - 93 STREET
BAY HARBOR ISLANDS, FL 33154

PAST DUE

LATE CHARGE

ADDITIONAL 25% AFTER JANUARY IST

PLEASE INCLUDE LATE FEE WITH YOUR PAYMENT. IF YOU NO LONGER OPERATE THIS BUSINESS OR HAVE ALREADY SENT YOUR PAYMENT IN, PLEASE CALL 305-866-6241. LATE FEE WILL CONTINUE TO ACCRUE UNTIL PAYMENT IS RECEIVED.

Receipt Fee:	$168.00
Late Charge:	$42.00
TOTAL DUE	$210.00

TO MAKE YOUR PAYMENT USING OUR ONLINE BILL PAY, PLEASE VISIT:
www.bayharborislands.org/pay-taxes

OR

PLEASE HAVE A CHECK MADE PAYABLE TO:
TOWN OF BAY HARBOR ISLANDS
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154

Town of Bay Harbor Islands Code of Ordinances

[redacted]

[redacted]

[redacted]

CFN: 20170574454 BOOK 30715 PAGE 1852
DATE:10/12/2017 02:10:38 PM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

Claim of Lien

State of Florida
County of Miami-Dade

Before me, the undersigned Notary Public, personally appeared Ronald J. Wasson 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 # CC2016-2395; A fine of nineteen thousand dollars ($19,000.00), plus an administrative fee of one hundred fifty dollar ($150.00), levied on July 12, 2017 by Special Master Richard Kroop. The total amount of the lien equals $19,150.00; 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: 1080 93 Street
> Bay Harbor Islands, FL 33154
> Bay Harbor Islands, Florida, 33154
> Lot(s) 8 - 9, Block 15, PB 46, Page 5
> Miami-Dade County, Florida

owned by Bal Harbour Investments, LLC

of a total value of nineteen thousand one hundred fifty dollars ($19,150.00) of which there remains unpaid $ 19,150.00 as of August 22, 2017, that the lienor served his notice to owner on February 22, 2017 by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Ronald J. Wasson, Town Manager

Sworn to and subscribed before me this 23 day of August 2017.

ALBA L. CHANG
MY COMMISSION # GG129633
EXPIRES: October 03, 2021

(Notary Public)

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

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 23 day of August, 2017, A.D.

Town Clerk of the Town of Bay Harbor Islands, Florida

TOWN OF BAY HARBOR ISLANDS
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
305-866-6241
codecompliance@bayharborisland.org

SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

Investments, LLC
Bal Harbour Investments, LLC
c/o Nua Shala
Bay Harbor Islands, FL 33154

ADDRESS OF VIOLATION

Bal Harbour Investments, LLC
1080 93 Street
Bay Harbor Islands, FL 33154
Parcel No: 13-2227-001-2900

REGISTERED AGENT:

Nua Shala
1060 95 Street
#4
Bay Harbor Islands, FL 33154

HEARING INFORMATION:

Date: 7/12/2017 **Location:** **Town of Bay Harbor Council Chambers**
Time: 9:30 AM **Special Master:** Special Master Richard Kroop

A request postponement or continuance was/was not (please encircle on), timely received.

CITATION INFORMATION:

Citation Number: CC2017-2395 **Code Inspector:** Scherrie Griffin

Method(s) of Service:	**Date**
Posted	June 23, 2017
Certified	6/23/2017

Violation(s):

Code Section Violated: 0040-4 /Section 13-8(1)(a)

Nature of Violation and Details:
Any person engaging in or managing any business, occupation or profession without first obtaining a local occupational license, if required hereunder, shall be subject..... Daily penalty $250.00

☐ 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 time for correction given by the Code Inspector was reasonable.

☐ The amount of the civil penalty shall be $ _____ per day of violation, 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 inspection of the Town.

☒ **The administrative cost of this hearing shall be $150.00.**

☐ Based on 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 civil penalties be mitigaged by a reduction of _____ % (not to exceed 50%)

☐ Due to natural disaster, act of God, or other unforseen circumstances or events, it is the Special Master's order that the accruing of fines be tolled until the impediment to performance ceases, or if the impediment has ceased, that the fines be considered tolled from _____ through _____ .

FURTHER RULING AND/OR REMARKS:

Fine imposed from 02/02/17-05/10/17 at which repersents 76 days at $250.00 per day.
$19,00.00 + $150.00 administrative fee for a total amount of $19, 150.00.

Back to the next Special Master Hearing in _____ ***days.***

Hearing on this matter commenced on 7/12/17 ***and was concluded on*** 7/12/17.

Special Master: 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

SPECIAL MAGISTRATE FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
OLD WESTBURY, NY 11568

ADDRESS OF VIOLATION:

Bal Harbour Investments, LLC -
1080 93 Street
Bay Harbor Islands , FL 33154-2388
Parcel No: 1322270012900

REGISTERED AGENT:

CHARTER REALTY GROUP LLC - CHARTER REALTY GROUP LLC
90 ALTON ROAD # 3209
Miami Beach, FL 33139

HEARING INFORMATION

Date: November 29, 2023
Time: 10:00AM

Location: Town of Bay Harbor Morris Broad Community Center
Special Magistrate: Christopher Benjamin

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: CC2017-2395

Compliance Officer: Scherrie Griffin

Method of Service	**Date**
Posted	February 22, 2017
Certified	February 22, 2017

Violations(s):

APPEARANCES:

Adam Anderson, Property Manager	(Owner/Violator)
Adam Anderson, Property Manager	(Owner's Attorney or Representative)
Evelyn Merizalde	(Code Compliance Supervisor)
Scherrie Grfifin	(Code Inspector)
Ayanidys Martinez	(Building & Zoning Supervisor)
Joseph Geller	(Town Attorney)
Mike Mesa	(Chief Building Official/Building Department Director)

WITNESSES:

NAME	ADDRESS	CALLED BY

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MAGISTRATE'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 $ 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 $200.00
- ☐ Based on the relevant evidence, the time for correction as first given by the Code Inspector was insufficient and the Special Magistrate 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 Magistrate'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:

The current owner's (Bay Harbor 1080 Partners, LLC) property manager submitted an offer to pay $500.00 to $1,000.00. Mitigation denied. Set to the Litigation Committee.

Fine Assessed: Administrative Fee Total Owed: $0.00

Back to the next Special Magistrate Hearing in days.

Special Magistrate: Christopher Benjamin

Signature: Christopher Benjamin (Jan 17, 2024 12:59 EST)

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

December 21, 2023

Town of Bay harbor Island,
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Phone: (305) 866-6241

Ref: Bal Harbor Islands. Code Compliance.
Citations Nos. CC2016-2260; CC2017-2477; CC 2017-2399; CC2017-2395; CC2015-2202; CC2017-2396; CC2019-2319; 12-000421.

Dear Bay Harbor Litigation Group,

I hope this letter finds you well. As the representative of the new owners for the properties at 1080 93rd Street and 1060 95th Street, Bay Harbor Islands, FL 33154, I am reaching out regarding the current issues concerning violations and related fees for these locations.

It has come to our attention that in 2019, the previous owner proposed a settlement of $36,840.00 to fully satisfy the Special Master's orders. However, on December 20, 2019, Frank Simone, representing the Town of Bay Harbor, countered with $250,000, to be paid over 10 months.

Given our recent acquisition of these properties and our commitment to their improvement, we respectfully request a review of this matter in order to reach a more manageable mutual settlement.

In our endeavor to ensure these properties contribute positively to the community, we have been proactive in addressing various outstanding obligations as well as paying all expenses paid by the city, a testament to our commitment. To date, we have covered the following expenses:

- Water bills for Property 1060 95th Street, Bay Harbor, FL 33154 amounting to $12,229.57
- Water bills for Property 1080 93rd Street, Bay Harbor, FL 33154 totaling $58,771.35.

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

- Fencing Expenses for Property 1060 95th Street, Bay Harbor, FL 33154 totaling $2,644.51
- Fencing Expenses for Property 1080 93rd Street, Bay Harbor, FL 33154 totaling $4,689.81
- Waste disposal charges for each property, included in the above expenses.

Recognizing the importance of resolving these lines, we are willing to revise the previous settlement offer you received. While the previous offer was $36,840.00, we are prepared to increase this to $50,000.00 in a gesture of good faith and commitment to resolving this amicably and without litigation. This revised offer is made with the hope that it will facilitate a positive and prompt resolution to this matter.

We believe this revised offer, along with our demonstrated commitment through the settlement of existing property dues, shows our dedication to not only resolving the outstanding issues but also enhancing the value and status of these properties within the community. Should this offer not be acceptable, we request a hearing to discuss this matter further.

We appreciate your consideration of our updated proposal and look forward to a favorable response.

Thank you for your time and attention to this important matter.

Adam anderson

BAY HARBOR 1060	VIOLATION	REASON	TOTAL LIEN	REQUESTING
1	CC2017-2396 ✓	BTR	$ 19,150.00	USD 500 - 1000
2	CC2018-00421 ✓	WALLS, FENCE, LANDSCAPIND PLAN.	$ 6,575.00	USD 500 - 1000
3	CC2016-2319 ✓	DETERIORATED PROPERTY	$ 45,500.00	USD 500 - 1000
4	CC21-001889	FENCE	$ 2,644.51	USD 500 - 1000
		TOTAL	$ 73,869.51	

PAID

BAY HARBOR 1080	VIOLATION	REASON	TOTAL LIEN	REQUESTING
1	CC2017-2477 ✓	HIRE A LICENSED PLUMBER	$ 68,150.00	USD 500 - 1000
2	CC2016-2260 ✓	EXTERIOR AND INTERIOR IN STRUCTURALLY GOOD CONDITION	$ 64,125.00	USD 500 - 1000
3	CC2017-2395 ✓	BTR	$ 19,150.00	USD 500 - 1000
4	CC2017-2399 ✓	BTR	$ 19,150.00	USD 500 - 1000
5	BC2015-2202 ✓	KEEP THE BUILDING IN GOOD CONDITION	$ 65,350.00	USD 500 - 1000
6	21-001888	FENCE	$ 4,689.81	USD 500 - 1000
7	19-002067	TRASH, LANDCAPE DEBRIS	WE PAID 100	
		TOTAL	$ 240,614.81	

PAID

6D

1020

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 3-1-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $58,771.35

Fifty-Eight Thousand and Seven Hundred and Seventy-One 35/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1080 93rd ST. - ACCT # 100-495-00-03

⑈001020⑈ ⑆026013576⑆ 150493098 6⑈

Details on back. Security Features

WATER lien. PAID BY (AN/DD)

1080

6E

1021

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 3-1-23

1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $12,229.57

Twelve Thousand and Two Hundred and Twenty-Nine 57/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1060 95th ST. -100-42300-02

⑈001021⑈ ⑆026013576⑆ 1504930986⑈

Details on back

Security Features

WATER
Lien PAID By LANDLORD

1060

1080

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-4-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 2471.50

Two Thousand and Four Hundred and Seventy-One 50/100 DOLLARS

Signature | SIGNATURE BANK®

FOR INVOICE LEF 2500-21 1060 95th ST
Bay Harbor Islands, FL 33154

⑈001080⑈ ⑆026013576⑆ 1504930986⑈

1081

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-4-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 4383.00

Four Thousand and Three Hundred and Eighty Three 00/100 DOLLARS

Signature | SIGNATURE BANK®

6F Fence PAD
By [illegible]

September 29-2023

Litigation Committee
c/o Yvonne P. Hamilton
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Mrs. Yvonne P. Hamilton:

I Formally request a hearing regarding the liens applied and open on the property located at:1080 93RD ST, Bay Harbor, FL, 33154. I am seeking to mitigate the debt associated with these cases.

1. **CC2017-2477** - $68,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

2. **CC2016-2260** - $64,125

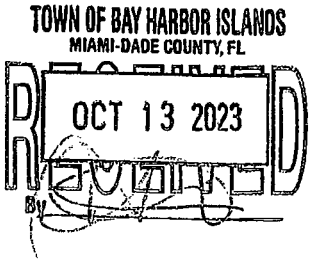
- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

3. **CC2016-2395** - $19,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.



4. **CC2016-2399** - $19,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

5. **BC2015-2202** - $65,350

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

6. Fence: $4689.81

- In this case the city incurred the cost of the fence at the time the building should have been evacuated. When we came in as the new owners and presented the project we found out about this fine. This has now been resolved.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

I appreciate your response and remain pending.

Respectfully,

Adam Anderson
Regional Property Management
Cell # (305) 904-0414
Office #(305) 682-8577
Fax # (305) 682-8570
Adam.elyseeinc@gmail.com

September 29-2023

Litigation Committee
c/o Yvonne P. Hamilton
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

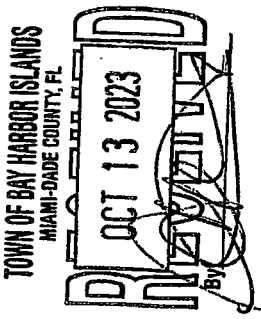
Mrs. Yvonne P. Hamilton:

I Formally request a hearing regarding the liens of 3 cases applied on the property located at:1060 95TH ST, Bay Harbor, FL, 33154. I am seeking to mitigate the debt associated with these cases.

1. **CC2016-2396** - $19,150

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.



2. **CC2018-00421** - $6,575

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

3. **CC2016-2319** - $45,500

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor

so we're requesting help with these violations caused by other people prior to our purchased.

4. Fence: $2644.51

- In this case the city incurred the cost of the fence at the time the building should have been evacuated. When we came in as the new owners and presented the project we found out about this fine. This has now been resolved.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

I appreciate your response and remain pending.

Respectfully,

Adam Anderson
Regional Property Management
Cell # (305) 904-0414
Office #(305) 682-8577
Fax # (305) 682-8570
Adam.elyseeinc@gmail.com

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

CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **CC2017-2396**
Inspector: Scherrie Griffin

Parcel Address: 1060 95 Street
Lot(s): Block:

Owner Information:
BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
OLD WESTBURY, NY 11568

Violator Information:
c/o Nua Shala
Bay Harbor Islands, FL 33154

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 13-8(1)(a)	02/22/2017		Open	

Comments: Please obtain a Business Tax Receipt for account no. 23543 from the Town Clerk's office. Invoiced attached.

DATE OPENED	ACTIVITY	DESCRIPTION
02/02/2017	Courtesy Notice	Courtesy Notice issued for failure to pay the renewal fee for account #23543 to obtain a Business Tax Receipt for 2017-2018 (apartment rental). Courtesy Notice mailed to the owner and posted to property.
02/22/2017	Progress Activity	Progress check to verify if the Business Tax Receipt has been obtained from the Town Clerk's office. Compliance not met.
02/22/2017	Notice of Violation	Failure to obtain a 2017-2018 Business Tax Receipt for account no. 23543 (apartment rental) . Violation posted to the property and mailed via certified receipt to the owner.
03/17/2017	Progress Activity	Spoke to Nua Shala to advise him the Business Tax Receipt has not been obtained and the fine has started to run at $250.00 per day . Nua Shala informed me he will come into the office to make a payment by March 24th.
03/28/2017	Phone Call	Spoke to Nua Shala, owner, to advise him the Business Tax Receipt has not been obtained and the fine will continue to accrue at $250.00 per day until compliance has been met. Nua Shala informed me he will take care of the matter.
04/03/2017	Progress Activity	Progress check to verify the Business Tax Receipt has been obtained. Compliance not met. Spoke to Nua Shala regarding the violation. Nua informed me he will take care of the matter.
04/11/2017	Progress Activity	30 days fine letter mailed to Nua in the amount of $12,000.00. which represent 48 days at $250.00 per day.
05/03/2017	Phone Call	Advised Nua Shala the Business Tax Receipt has not been obtained and the next step will be going in front of the Special Magistrate. Nua advised he was going to take care of the Business Tax Receipt.
05/03/2017	Progress Activity	30 days fine letter mailed to Nua Shala in the amount of $17,500.00 which represent 70 days at $250.00 per day.

05/04/2017	Email	Marlene Siegel, Director of Code, emailed Craig Sherman (Town Attorney) to advise him the violation is unresolved and the fine will continue to run.
05/08/2017	Walk In	Laura B. Wise, Owner's Representative, came into the office to advise me she will be taken care of the Business Tax Receipt.
05/10/2017	Progress Activity	Payment received in the amount of $83.38 by Nua Shala. Receipt no. MAIN/99831. Business Tax Receipt has been obtained from the Town Clerk's Office for the apartment rental. Compliance has been met. Fine stopped running in the amount is $19,000.00.
05/16/2017	Notice To Appear	Notice to Appear before the Special Master Hearing on June 7, 2017 at 9:30 AM mailed via certified receipt return to Nua Shala and posted to the property.
06/01/2017	Progress Activity	The Special Master Hearing was canceled due to a schedule conflict with Frank Simone (Town Attorney). Canceled Notice to Appear mailed via certified receipt return to the owner and registered agent.
06/02/2017	Progress Activity	Canceled Notice to Appear posted to the property.
06/19/2017	Progress Activity	Notice to Appear #1 before the Special Master Hearing held on June 7, 2017 at 9:30 am was returned back to the office as unclaimed.
06/23/2017	Notice To Appear	Notice to Appear #2 before the Special Master Hearing on July 12, 2017 at 9:30 AM mailed via certified receipt return to the owner and registered agent. Also, posted to the property.
07/11/2017	Progress Activity	Nua Shala asked for the case to be rescheduled because he has work gong on in his building and needs to be there.
07/12/2017	Special Master Hearing	Fine imposed fine from 02/22/17-05/10/17 which represents 76 days at $250.00 per day. The fine amount is $19,000.00 +$150.00 administrative fee, which equals $19,150.00.
08/16/2017	Progress Activity	30 days fine letter mailed to owner in the amount of $10,000.00 which represent 40 days at $250.00 per day.
08/23/2017	Progress Activity	Lien filed on the property in the amount of $19,150.00.
11/14/2017	Progress Activity	30 days fine letter mailed and emailed to owner in the amount $32,250.00 which represents 130 days at $250.00 per day.
11/14/2017	Email	Liana Tommasi, Certified Paralegal, emailed Marlene Siegel, Town Clerk, in regards to the fine amount for the violation.
01/16/2018	Progress Activity	Notice to Appear #1 for the Special Master Hearing held on February 7, 2018 at 9:30 AM posted to property and emailed to owner.
01/23/2018	Progress Activity	30 days fine letter mailed and emailed to owner in the amount of $50,000 which represent 200 days at $250.00 per day. Advised Nua Shala the fine will continue running at $250.00 per day until compliance has been met.
04/03/2018	Email	Email received from Erick K. Pamblanco,Founder & CEO, Integrated Property Management & Development Group, advising his company has been retained

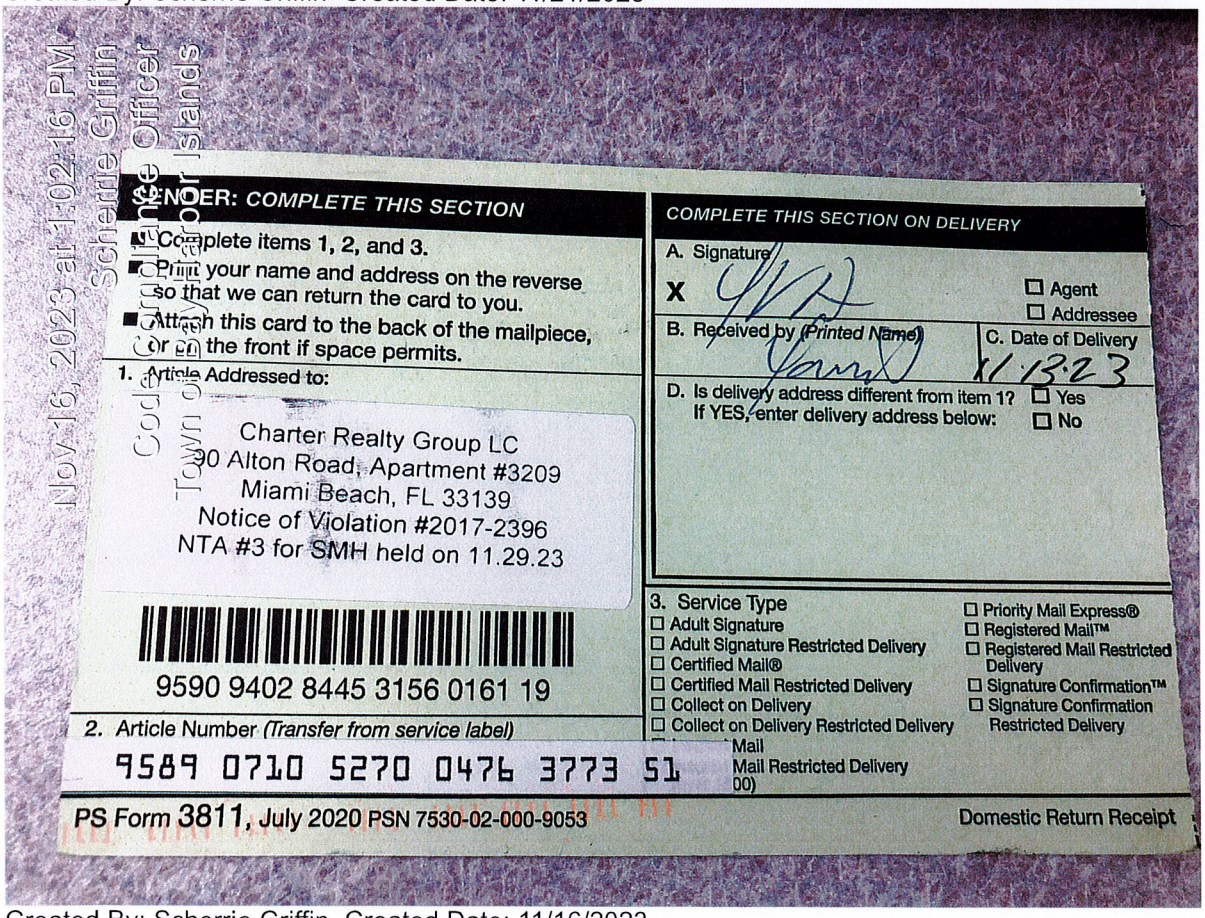
		as the property management company for Bal Harbour Investments, LLC regarding the subject line mentioned properties as of April 1st, 2018.
04/04/2018	Email	Notice of Violation emailed to Erick.
04/05/2018	Progress Activity	Erick will like to meet to go over the violation.
04/10/2018	Progress Activity	Met with Eric to discuss the violation.
04/20/2018	Progress Activity	Notice of Violation emailed to by Maria Perez-Boan, Broker as per her request.
05/30/2018	Email	Marc Yassky of Bay Harbor Lender c/o Millbrook Realty Capitalthe lender on the property emailed Marlene Siegel, Director of Code in regards to email the fine amount for the violation.
07/10/2018	Email	Email received from Maria Perez-Boan, Broker requesting to call her.
10/19/2018	Email	Email received from Michelle Barker regarding to the code violation.
01/29/2019	Email	Erick Pamblanco, Property Manager, advised Bal Harbour Investments, LLC (1060 95 Street and 1080 93 Street) has been sold. Also, the new owners will like a breakdown of the violation.
01/31/2019	Email	Email received from the Property Manger requesting the status of the violation.
02/05/2019	Progress Activity	Lien amount emailed to the Property Manager.
05/13/2019	Progress Activity	Proposed Settlement Offer emailed to the Town Clerk, Marlene Siegel, in the amount of $36,840 for full settlement of liens.
07/08/2019	Progress Activity	Case scheduled for the next Litigation Meeting.
12/11/2019	Progress Activity	Litigation Committee meeting - The settlement offer in the amount of $36,840.00 ,which includes an amount to close this violation, was denied. The Litigation Committee presented a counter offer in the amount of $250,000 allowing a payment plan of $25,000.00 a month for 10 months. Foreclosure proceedings will be filed if the owner fails to make the scheduled payments.
07/29/2022	Progress Activity	The property was sold to Charter Realty Group LLC on 05/10/2022. Previous owner: Bal Harbour Investments, LLC c/o Jordan Weinkle, Esq. Closed date: Owner Weinkle Abergel Law Group
10/31/2023	Progress Activity	The owner requested a hearing on 09/29/2023 The case will be placed on the agenda to go before the next Special Magistrate Hearing.
11/07/2023	Email	Received a letter from Adam Anderson requesting to mitigate the debt for the violation.
11/08/2023	Notice To Appear	Notice to Appear posted to property.
11/09/2023	Email	Notice to Appear emailed to Adam Anderson and mailed via certified return receipt to the owner and registered agent.
11/13/2023	Email	Received a notarized letter giving Adam Anderson authorization to represent the property for the Special Magistrate Hearing.

11/14/2023	Progress Activity	Case review meeting. Recommendation is to impose fine in the amount of $19,150.00.
11/16/2023	Progress Activity	Received domestic return receipt for Notice to Appear #3 for Special Magistrate Hearing held on November 29, 2023
11/21/2023	Progress Activity	Received domestic return receipt from the owner for Notice to Appear #3 for the Special Magistrate Hearing held on November 29,2023.
11/29/2023	Special Master Hearing	The current owner's (Bay Harbor 1080 Partners, LLC) property manager submitted an offer to pay $500.00 to $1,000.00. Mitigation denied. Set to the Litigation Committee.
12/21/2023	Email	A settlement amount of $50,000.00 for all violations has been received to go before the litigation committee.
01/22/2024	Email	Emailed the Special Magistrate Findings to the owner rep, Adam Anderson. Also, mailed via certified return receipt to the owner and registered agent.
02/01/2024	Progress Activity	On July 12, 2017, the Special Master assessed a fine from 02/22/2017-05/10/2017 which represents 76 days at $250.00 per a day, which represents $19,000.00 plus a $150.00 administrative fee that equals a total amount of $19,150.00.The previous owner proposed a settlement amount of $36,840.00 to satisfy all violations. Previous litigation results denied counter offer. No payments received. The new owner's rep, Adam Anderson, attended the Special Magistrate Hearing on November 29, 2023 offering to pay $500.00 to $1,000.00 for the violation. Mitigation denied by the Special Magistrate. Settlement amount offered in the amount of $50,000.00 to resolve the matter.

Photo(s)



Created By: Scherrie Griffin Created Date: 11/21/2023



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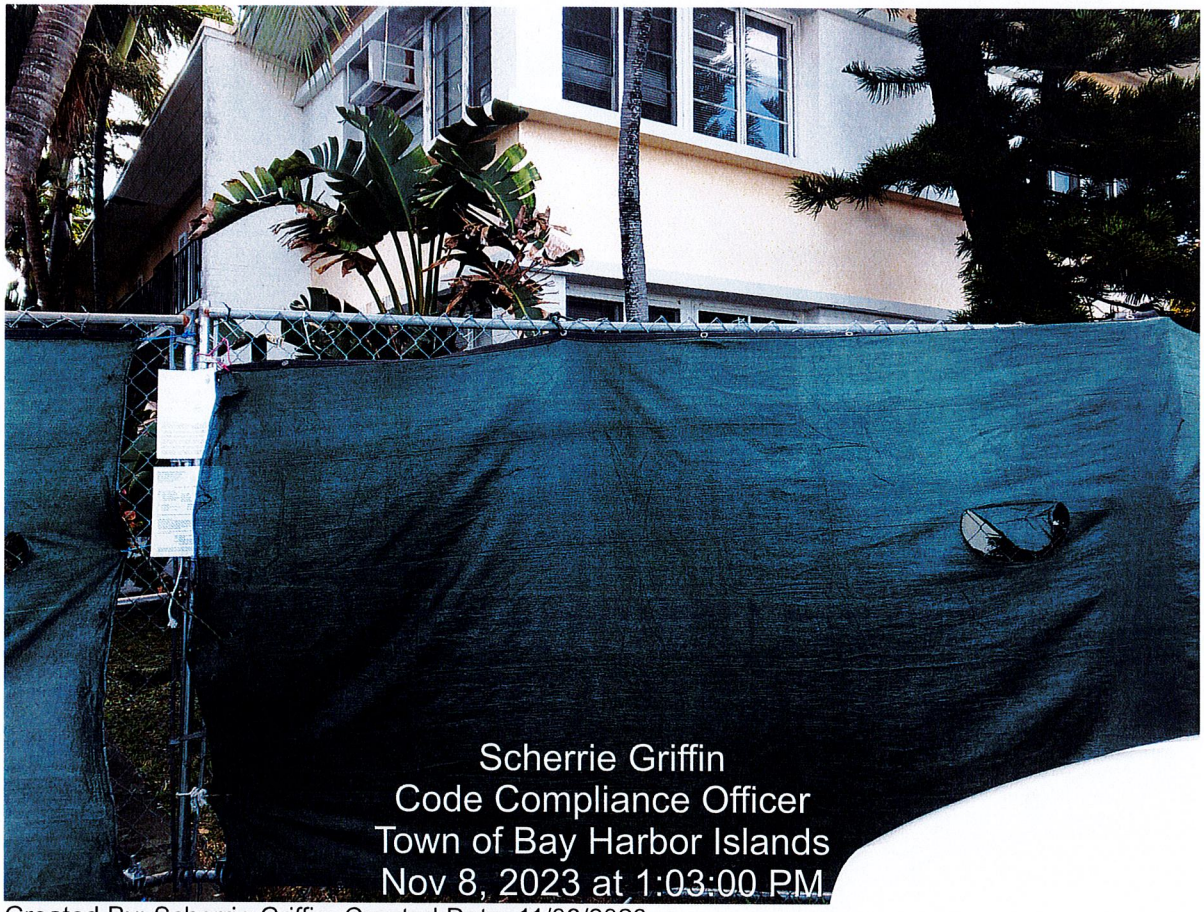

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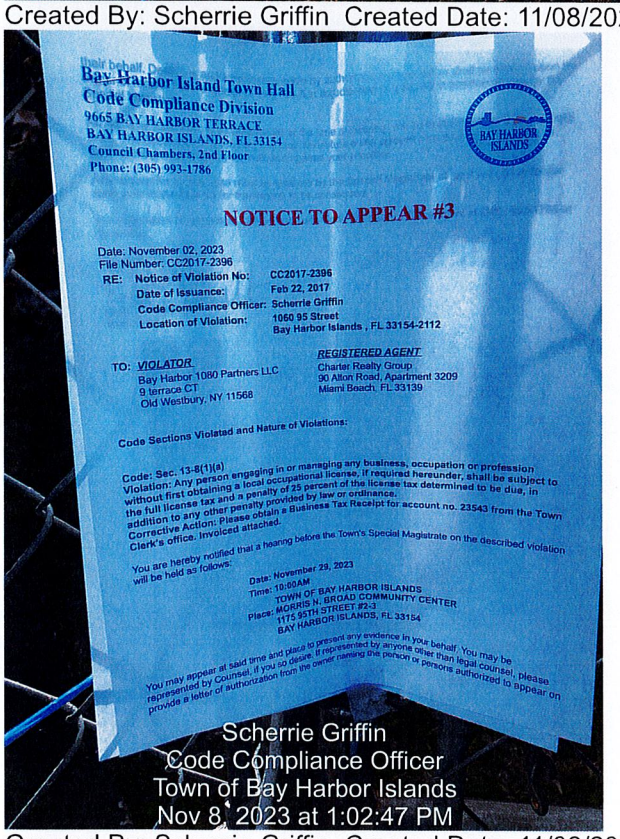

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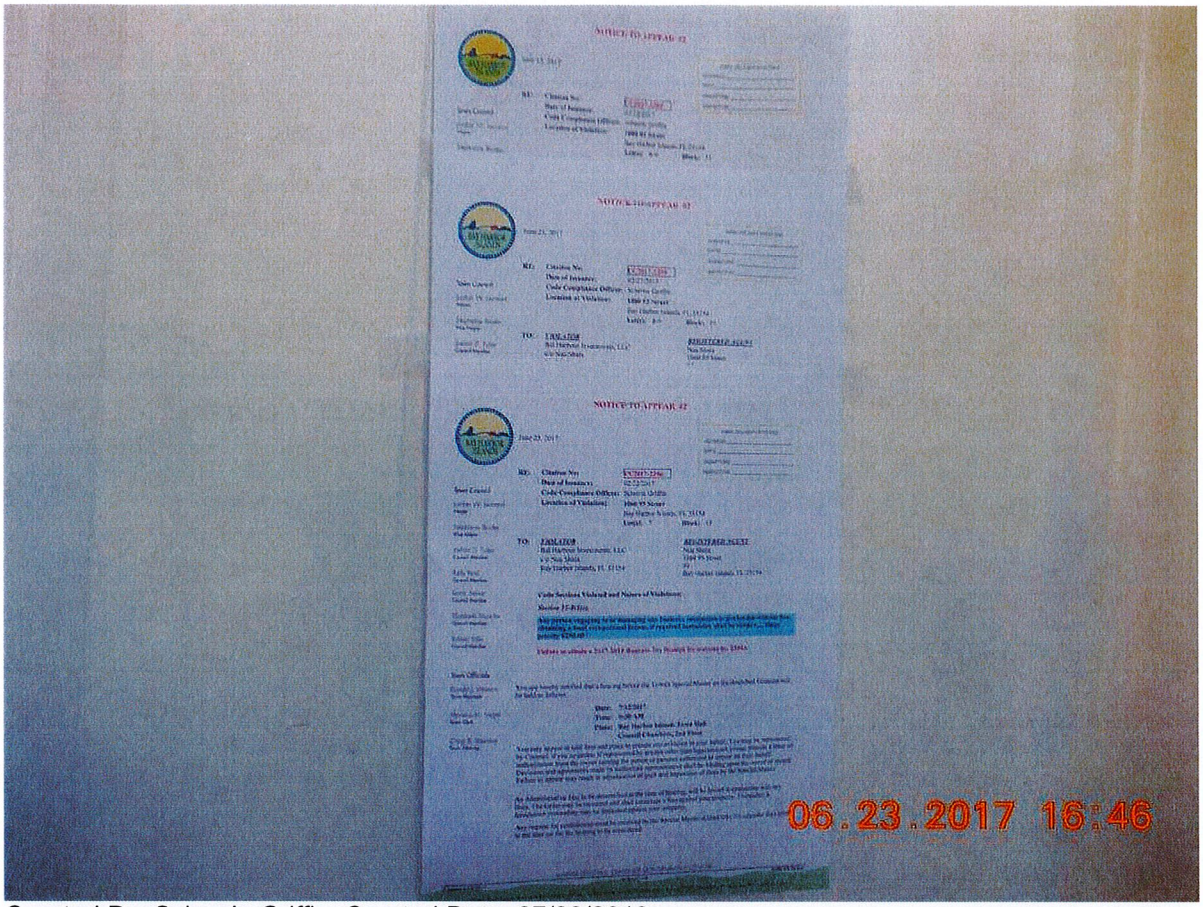

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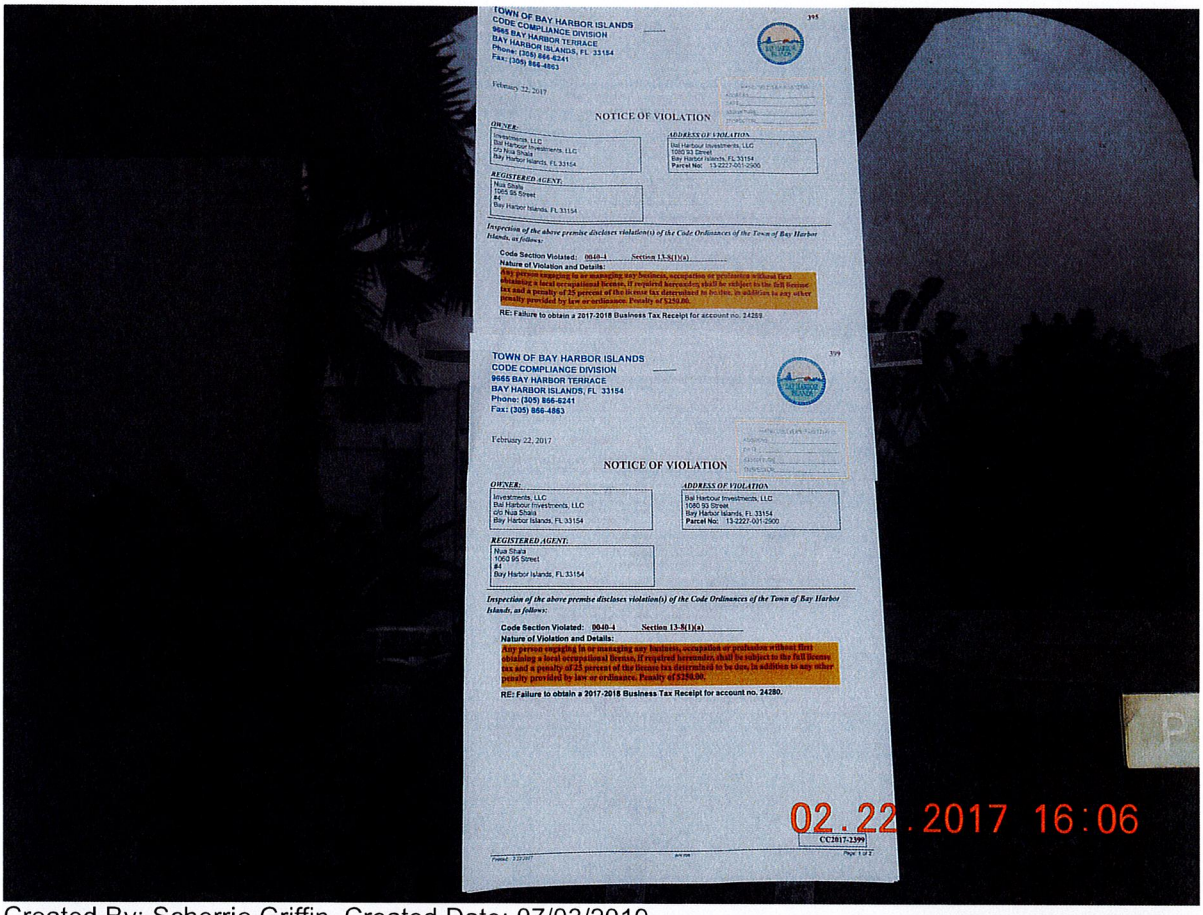

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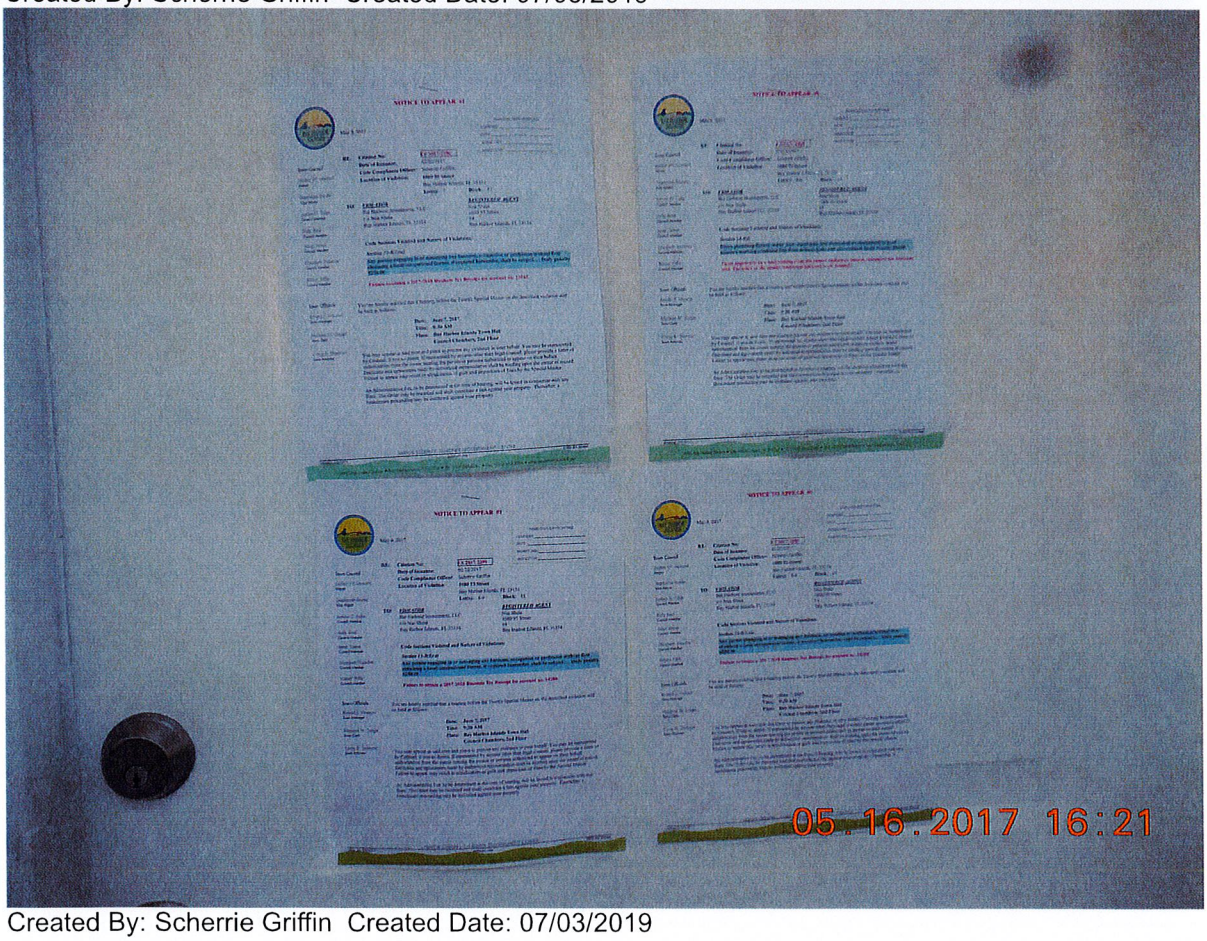

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TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 866-6241
Fax: (305) 866-4863

HAND DELIVERY/POSTING
ADDRESS:
DATE:
SIGNATURE:
INSPECTOR:

February 22, 2017

NOTICE OF VIOLATION

OWNER:

Investments, LLC
Bal Harbour Investments, LLC
c/o Nua Shala
Bay Harbor Islands, FL 33154

ADDRESS OF VIOLATION

Bal Harbour Investments, LLC
1060 95 Street
Bay Harbor Islands, FL 33154
Parcel No: 13-2227-001-2540

REGISTERED AGENT:

Nua Shala
1060 95 Street
#4
Bay Harbor Islands, FL 33154

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

Code Section Violated: **0040-4 Section 13-8(1)(a)**

Nature of Violation and Details:

Any person engaging in or managing any business, occupation or profession without first obtaining a local occupational license, if required hereunder, shall be subject to the full license tax and a penalty of 25 percent of the license tax determined to be due, in addition to any other penalty provided by law or ordinance. Penalty of $250.00.

RE: Failure to obtain a 2017-2018 Business Tax Receipt for account no. 23543.

CC2017-2396

Location, Date and Time of Violation: 1060 95 Street February 22, 2017

You may comply by: Please obtain a Business Tax Receipt for account no. 23543 from the Town Clerk's office. Invoice is attached.

Compliance Date: **March 8, 2017**

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: February 22, 2017 **Cert Mail Article #:** 7016 1970 0000 9571 7088

Date Posted: February 22, 2017

Scherrie Griffin
Code Compliance Officer
Town of Bay Harbor Islands

CC2017-2396


02.21.2017 13:42

BUSINESS TAX RECEIPT INVOICE

formerly Occupational License

2017-2018

Account Number: 23543

Category: APARTMENTS

Mailing Address:

BAL HARBOUR INVESTMENTS, LLC
1060 - 95 STREET, #4
BAY HARBOR ISLANDS, FL 33154

Business Name and Address:

BAL HARBOUR INVESTMENTS, LLC
1060 - 95 STREET
BAY HARBOR ISLANDS, FL 33154

PAST DUE

Receipt Fee:	$66.70
Late Charge:	$16.68
TOTAL DUE	$83.38

LATE CHARGE

ADDITIONAL 25% AFTER JANUARY IST

PLEASE INCLUDE LATE FEE WITH YOUR PAYMENT. IF YOU NO LONGER OPERATE THIS BUSINESS OR HAVE ALREADY SENT YOUR PAYMENT IN, PLEASE CALL 305-866-6241. LATE FEE WILL CONTINUE TO ACCRUE UNTIL PAYMENT IS RECEIVED.

TO MAKE YOUR PAYMENT USING OUR ONLINE BILL PAY. PLEASE VISIT:

www.bayharborislands.org/pay-taxes

OR

PLEASE HAVE A CHECK MADE PAYABLE TO:
TOWN OF BAY HARBOR ISLANDS
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154

Town of Bay Harbor Island Code of Ordinances

Sec. 13-8. Punishment for Violation

(1). Any person who shall carry on or conduct any privilege, business, occupation or profession for which a Business Tax Receipt is required by this chapter without first obtaining such receipts; or any person who shall make a false statement, application or oath, in connection with any application for a Business Tax Receipt under this chapter or under the terms of section 13-7, shall be declared delinquent and subject to punishment in the following manner:

a. Any person engaging in or managing any business, occupation or profession without first obtaining a Business Tax Receipt if required hereunder, shall be subject to the full tax and a penalty of twenty five (25) percent of the tax determined to be due, in addition to any other penalty provided by law or ordinance. Any person engaging in any business, occupation, or profession, covered by this article, who does not pay the required Business Tax Receipt within one hundred fifty (150) days after the initial notice of tax due, and who does not obtain the required Business Tax Receipt is subject to civil actions and penalties, including court costs, reasonable attorney's fees and additional administrative costs incurred as a result of collection efforts, and a penalty of two hundred fifty dollars ($250).

b. Business Tax Receipts not renewed by September 30 shall be considered delinquent and subject to a delinquency penalty of ten percent (10) for the month of October, plus an additional five percent (5) for each month of delinquency thereafter until paid; provided that the penalty shall not exceed twenty five (25) percent of the Business Tax fee.

Sec. 13-9. Enforcement; investigations and arrests.

a. It is hereby made the duty of the town clerk to investigate persons engaged in any of the aforesaid businesses, occupations, or professions and to make such inquiry and investigation as shall be necessary to determine whether or not they have procured a Business Tax Receipts or receipts as hereinbefore provided; and any person refusing to allow the town clerk to investigate for the purpose of determining whether such person has a Business Tax Receipt shall, upon conviction, be punished by a fine not to exceed two hundred and fifty dollars ($250) or serve a term not to exceed sixty (60) days or both such fine and imprisonment. The Town Clerk will issue to any person doing business without a valid receipt, a cease and desist order allowing reasonable time, but not less than five (5) working days, for compliance, after which the Town will initiate legal proceedings to ensure the closing of the place of business and/or arrest of violators if continuing to operate without a valid Business Tax Receipt. These actions may include impounding of vehicles, equipment, and other property, as well as placing liens to ensure the recovery of fees, penalties, fines and legal costs.

b. No person who shall have operated a business in the Town without a Business Tax Receipt in prior years shall be granted a current Business Tax Receipt without first having paid to the Town all amounts owed as fees and penalties for previous years during which the operation was carried on under such person or ownership, including late fees, which shall be twenty-five percent (25%) of the fee per year.

Thursday, February 02, 2017

CFN: 20170574452 BOOK 30715 PAGE 1844
DATE:10/12/2017 02:10:38 PM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

Claim of Lien

State of Florida
County of Miami-Dade

Before me, the undersigned Notary Public, personally appeared Ronald J. Wasson 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 # CC2016-2396; A fine of nineteen thousand dollars ($19,000.00), plus an administrative fee of one hundred fifty dollar ($150.00), levied on July 12, 2017 by Special Master Richard Kroop. The total amount of the lien equals $19,150.00; 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: 1060 95 Street
> Bay Harbor Islands, FL 33154
> Bay Harbor Islands, Florida, 33154
> Lot(s) 7, Block 13, PB 46, Page 5
> Miami-Dade County, Florida

owned by Bal Harbour Investments, LLC

of a total value of nineteen thousand one hundred fifty dollars ($19,150.00) of which there remains unpaid $ 19,150.00 as of August 22, 2017, that the lienor served his notice to owner on February 22, 2017 by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Ronald J. Wasson, Town Manager

Sworn to and subscribed before me this 22 day of August 2017.

ALBA L. CHANG
MY COMMISSION # GG129033
EXPIRES: October 03, 2021

(Notary Public)

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

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 23rd day of August, 2017, A.D.

Town Clerk of the Town of Bay Harbor Islands, Florida

TOWN OF BAY HARBOR ISLANDS
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
305-866-6241

SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

Investments, LLC
Bal Harbour Investments, LLC
c/o Nua Shala
Bay Harbor Islands, FL 33154

ADDRESS OF VIOLATION

Bal Harbour Investments, LLC
1060 95 Street
Bay Harbor Islands, FL 33154
Parcel No: 13-2227-001-2540

REGISTERED AGENT:

Nua Shala
1060 95 Street
#4
Bay Harbor Islands, FL 33154

HEARING INFORMATION:

Date: 7/12/2017 **Location:** **Town of Bay Harbor Council Chambers**
Time: 9:30 AM **Special Master:** Special Master Richard Kroop

A request postponement or continuance was/was not (please encircle on), timely received.

CITATION INFORMATION:

Citation Number: CC2017-2396 **Code Inspector:** Scherrie Griffin

Method(s) of Service:	**Date**
Posted	June 23, 2017
Certified	6/23/2017

Violation(s):

Code Section Violated: 0040-4 /Section 13-8(1)(a)

Nature of Violation and Details:
Any person engaging in or managing any business, occupation or profession without first obtaining a local occupational license, if required hereunder, shall be subject..... Daily penalty $250.00

APPEARANCES: (Ch . box if sworn)

- ☐ No Show _____ (Owner/Violator)
- ☐ _____ (Owner/Violator)
- ☐ _____ (Owner's attorney or representative)
- ☐ _____ (Owner's attorney or representative)
- ☐ SCHERRIE GRIFFIN _____ (Code Inspector)
- ☐ EVELYN MERIZALDE _____ (Code Inspector)
- ☐ MARLENE MARANTE _____ (Town Clerk)
- ☐ FRANK C. SIMONE _____ (Town Attorney)
- ☐ _____ (Town Manager or designee)
- ☐ _____

WITNESSES: (Check box if sworn)

	NAME	ADDRESS	CALLED BY
☐			
☐			
☐			

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MASTER'S FINDINGS OF FACT: (Check all that are appropriate)

☐ 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 time for correction given by the Code Inspector was reasonable.

☐ The amount of the civil penalty shall be $ _____ per day of violation, 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 inspection of the Town.

☒ **The administrative cost of this hearing shall be $150.00.**

☐ Based on 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 civil penalties be mitigaged by a reduction of _____ % (not to exceed 50%)

☐ Due to natural disaster, act of God, or other unforseen circumstances or events, it is the Special Master's order that the accruing of fines be tolled until the impediment to performance ceases, or if the impediment has ceased, that the fines be considered tolled from _____ through _____.

FURTHER RULING AND/OR REMARKS:

Fine imposed from 02/02/17-05/10/17 at which repersents 76 days at $250.00 per day.
$19,00.00 + $150.00 administrative fee for a total amount of $19, 150.00.

Back to the next Special Master Hearing in _____ days.

Hearing on this matter commenced on 7/12/17 ***and was concluded on*** 7/12/17.

Special Master: 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

SPECIAL MAGISTRATE FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
OLD WESTBURY, NY 11568

ADDRESS OF VIOLATION:

Bal Harbour Investments, LLC -
1060 95 Street
Bay Harbor Islands , FL 33154-2112
Parcel No: 1322270012540

REGISTERED AGENT:

CHARTER REALTY GROUP LLC - CHARTER REALTY GROUP LLC
90 ALTON ROAD # 3209
Miami Beach, FL 33139

HEARING INFORMATION

Date: November 29, 2023
Time: 10:00AM

Location: Town of Bay Harbor Morris Broad Community Center
Special Magistrate: Christopher Benjamin

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: CC2017-2396

Compliance Officer: Scherrie Griffin

Method of Service	**Date**
Posted	February 22, 2017
Certified	February 22, 2017

Violations(s):

Code Section Violated: Sec. 13-8(1)(a)
Nature of Violation and Details:
Any person engaging in or managing any business, occupation or profession without first obtaining a local occupational license, if required hereunder, shall be subject to the full license tax and a penalty of 25 percent of the license tax determined to be due, in addition to any other penalty provided by law or ordinance.
Daily Penalty: $250.00

APPEARANCES:

Adam Anderson, Property Manager	(Owner's Attorney or Representative)
Scherrie Grfifin	(Code Inspector)
Ayanidys Martinez	(Building & Zoning Supervisor)
Joseph Geller	(Town Attorney)
Mike Mesa	(Chief Building Official/Building Department Director)

WITNESSES:

NAME	ADDRESS	CALLED BY

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MAGISTRATE'S FINDINGS OF FACT:

- [x] 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 $ 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 $200.00
- [ ] Based on the relevant evidence, the time for correction as first given by the Code Inspector was insufficient and the Special Magistrate 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 Magistrate'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:

The current owner's (Bay Harbor 1080 Partners, LLC) property manager submitted an offer to pay $500.00 to $1,000.00. Mitigation denied. Set to the Litigation Committee.

Fine Assessed: Administrative Fee Total Owed: $0.00

Back to the next Special Magistrate Hearing in days.

Special Magistrate: Christopher Benjamin

Signature: Christopher Benjamin (Jan 17, 2024 12:59 EST)

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

December 21, 2023

Town of Bay harbor Island,
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Phone: (305) 866-6241

Ref: Bal Harbor Islands. Code Compliance.
Citations Nos. CC2016-2260; CC2017-2477; CC 2017-2399; CC2017-2395; CC2015-2202; CC2017-2396; CC2019-2319; 12-000421.

Dear Bay Harbor Litigation Group,

I hope this letter finds you well. As the representative of the new owners for the properties at 1080 93rd Street and 1060 95th Street, Bay Harbor Islands, FL 33154, I am reaching out regarding the current issues concerning violations and related fees for these locations.

It has come to our attention that in 2019, the previous owner proposed a settlement of $36,840.00 to fully satisfy the Special Master's orders. However, on December 20, 2019, Frank Simone, representing the Town of Bay Harbor, countered with $250,000, to be paid over 10 months.

Given our recent acquisition of these properties and our commitment to their improvement, we respectfully request a review of this matter in order to reach a more manageable mutual settlement.

In our endeavor to ensure these properties contribute positively to the community, we have been proactive in addressing various outstanding obligations as well as paying all expenses paid by the city, a testament to our commitment. To date, we have covered the following expenses:

- Water bills for Property 1060 95th Street, Bay Harbor, FL 33154 amounting to $12,229.57
- Water bills for Property 1080 93rd Street, Bay Harbor, FL 33154 totaling $58,771.35.

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
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AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

- Fencing Expenses for Property 1060 95th Street, Bay Harbor, FL 33154 totaling $2,644.51
- Fencing Expenses for Property 1080 93rd Street, Bay Harbor, FL 33154 totaling $4,689.81

- Waste disposal charges for each property, included in the above expenses.

Recognizing the importance of resolving these lines, we are willing to revise the previous settlement offer you received. While the previous offer was $36,840.00, we are prepared to increase this to $50,000.00 in a gesture of good faith and commitment to resolving this amicably and without litigation. This revised offer is made with the hope that it will facilitate a positive and prompt resolution to this matter.

We believe this revised offer, along with our demonstrated commitment through the settlement of existing property dues, shows our dedication to not only resolving the outstanding issues but also enhancing the value and status of these properties within the community. Should this offer not be acceptable, we request a hearing to discuss this matter further.

We appreciate your consideration of our updated proposal and look forward to a favorable response.

Thank you for your time and attention to this important matter.

Adam anderson

BAY HARBOR 1060	VIOLATION	REASON	TOTAL LIEN	REQUESTING
1	**CC2017-2396** ✓	BTR	$ 19,150.00	USD 500 - 1000
2	**CC2018-00421** ✓	WALLS, FENCE, LANDSCAPIND PLAN.	$ 6,575.00	USD 500 - 1000
3	**CC2016-2319** ✓	DETERIORATED PROPERTY	$ 45,500.00	USD 500 - 1000
4	**CC21-001889**	FENCE	$ 2,644.51	USD 500 - 1000
		TOTAL	**$ 73,869.51**	

PAID

BAY HARBOR 1080	VIOLATION	REASON	TOTAL LIEN	REQUESTING
1	CC2017-2477 ✓	HIRE A LICENSED PLUMBER	$ 68,150.00	USD 500 - 1000
2	CC2016-2260 ✓	EXTERIOR AND INTERIOR IN STRUCTURALLY GOOD CONDITION	$ 64,125.00	USD 500 - 1000
3	CC2017-2395 ✓	BTR	$ 19,150.00	USD 500 - 1000
4	CC2017-2399 ✓	BTR	$ 19,150.00	USD 500 - 1000
5	BC2015-2202 ✓	KEEP THE BUILDING IN GOOD CONDITION	$ 65,350.00	USD 500 - 1000
6	21-001888	FENCE	$ 4,689.81	USD 500 - 1000
7	19-002067	TRASH, LANDCAPE DEBRIS	WE PAID 100	
		TOTAL	$ 240,614.81	

PAID

6D

1020

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 3-1-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $58,771.35

Fifty-Eight Thousand and Seven Hundred and Seventy-One 35/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1080 93rd ST. - ACCT # 100-494-0003

⑈001020⑈ ⑆026013576⑆ 150493098 6⑈

Details on back. Security Features

WATER lien. PAID BY (TAN/OCD)

1080

6E

1021

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 3-1-23

1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $12,229.57

Twelve Thousand and Two Hundred and Twenty-Nine 57/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1060 95th ST. -100-42300-02

⑈001021⑈ ⑆026013576⑆ 1504930986⑈

Details on back

Security Features

WATER
Lien PAID By LANDLORD

1060

1080

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-4-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 2471.50

Two Thousand and Four Hundred and Seventy-One 50/100 DOLLARS

Signature | SIGNATURE BANK®

FOR INVOICE LEF 2500-21, 1060 95th ST
Bay Harbor Islands, FL 33154

⑈001080⑈ ⑆026013576⑆ 1504930986⑈

1081

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-4-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 4383.00

Four Thousand and Three Hundred and Eighty Three 00/100 DOLLARS

Signature | SIGNATURE BANK®

6F Fence PAD
By [illegible]

September 29-2023

Litigation Committee
c/o Yvonne P. Hamilton
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Mrs. Yvonne P. Hamilton:

I Formally request a hearing regarding the liens applied and open on the property located at:1080 93RD ST, Bay Harbor, FL, 33154. I am seeking to mitigate the debt associated with these cases.

1. **CC2017-2477** - $68,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

2. **CC2016-2260** - $64,125

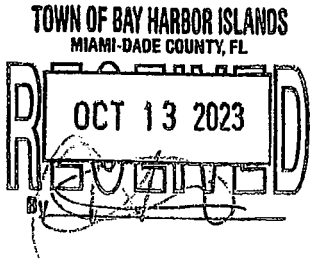
- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

3. **CC2016-2395** - $19,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.



4. **CC2016-2399** - $19,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

5. **BC2015-2202** - $65,350

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

6. Fence: $4689.81

- In this case the city incurred the cost of the fence at the time the building should have been evacuated. When we came in as the new owners and presented the project we found out about this fine. This has now been resolved.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

I appreciate your response and remain pending.

Respectfully,



Adam Anderson
Regional Property Management
Cell # (305) 904-0414
Office #(305) 682-8577
Fax # (305) 682-8570
Adam.elyseeinc@gmail.com

September 29-2023

Litigation Committee
c/o Yvonne P. Hamilton
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

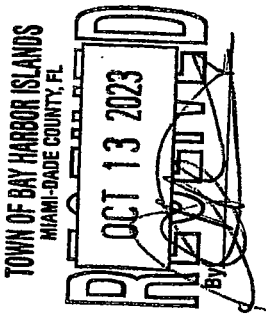
Mrs. Yvonne P. Hamilton:

I Formally request a hearing regarding the liens of 3 cases applied on the property located at:1060 95TH ST, Bay Harbor, FL, 33154. I am seeking to mitigate the debt associated with these cases.

1. **CC2016-2396** - $19,150

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.



2. **CC2018-00421** - $6.575

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

3. **CC2016-2319** - $45,500

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor

so we're requesting help with these violations caused by other people prior to our purchased.

4. Fence: $2644.51

- In this case the city incurred the cost of the fence at the time the building should have been evacuated. When we came in as the new owners and presented the project we found out about this fine. This has now been resolved.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

I appreciate your response and remain pending.

Respectfully,

Adam Anderson
Regional Property Management
Cell # (305) 904-0414
Office #(305) 682-8577
Fax # (305) 682-8570
Adam.elyseeinc@gmail.com

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

CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **CC2017-2399**
Inspector: Scherrie Griffin

Parcel Address: 1080 93 Street
Lot(s): 8-9 Block: 15

Owner Information:
Bay Harbor 1080 Partners LLC
90 Alton Road, Apartment 3209
Miami Beach, FL 33139

Violator Information:
CHARTER REALTY GROUP LLC
90 Alton Road # 3209
Miami Beach, FL 33139

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 13-8(1)(a)	02/22/2017		Pending	

Comments:

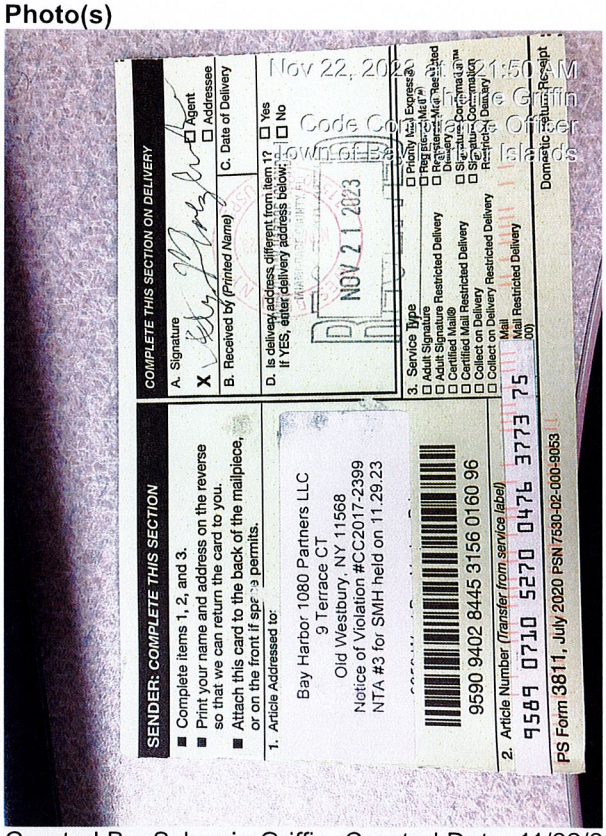
DATE OPENED	ACTIVITY	DESCRIPTION
02/07/2017	Courtesy Notice	Make a payment to the Town Clerk's office and obtain a Business Tax Receipt. Business Tax Receipt invoice is attached.
02/22/2017	Compliance Inspection	Progress check to verify if a Business Tax Receipt has been obtained from the Town Clerk's office. Compliance not met.
02/22/2017	Notice of Violation	Failure to obtain a 2017-2018 Business Tax Receipt for account no. 24280 (vending machines) . Violation posted to the property and mailed via certified return receipt to the owner.
03/07/2017	Progress Activity	Spoke to Nua Shala, owner, to advise a payment has not been received. Also, the fine has started running at $250.00 per day until a payment has been made. Nua stated he will come into the office to make a payment by March 24th.
03/08/2017	Compliance Inspection	Progress check to verify the Business Tax Receipt has been obtained. Compliance not met.
03/28/2017	Progress Activity	Advised Nua Shala, owner, the Business Tax Receipt has not been obtained and the fine will continue to accrue at $250.00 per day until the Business Tax Receipt has been obtained. Nua advised he will take care of the matter.
04/03/2017	Email	Email received from Erick Pamblanco of Integrated Property Management & Development Group, stating he has been retained as the property management company for Bal Harbour Invetments, LLC .Also, Erick will like clarification on pending violation.
04/03/2017	Progress Activity	Progress check to verify the Business Tax Receipt has been obtained. Compliance not met. Nua Shala advised he will take care of the matter.
04/05/2017	Email	Erick Pamblanco will like to schedule a meeting to go over the violation.
04/10/2017	Progress Activity	Met with Erick at the office to go over violation.

04/17/2017	Progress Activity	30 Day fine letter mailed to owner in the amount of $12,000, which represents 48 days at $250.00.
04/19/2017	Email	Maria Perez-Boan, Broker,requested a listing of all violations open for the property. Violation emailed to Maria.
05/03/2017	Progress Activity	30 day letter mailed to Nua Shala in the amount of $17,500.00, which represents 70 days at $250.00 per day.
05/03/2017	Phone Call	Spoke to Nua Shala to advise the Business Tax Receipt has not been obtained. The next step will be going in front of the Special Magistrate. Nua stated he was going to take care of the Business Tax Receipt.
05/04/2017	Email	Marlene Siegel, Director of Code, emailed Craig Sherman, Town's Attorney, to advise him the violation is unresolved and the fine is continuing to run.
05/08/2017	Walk In	Laura B. Wise, owner's representative, came into the office to advise she will be taken care of the Business Tax Receipt.
05/10/2017	Progress Activity	Payment received in the amount of $121.50 by Nua Shala. Receipt no. MAIN/99831. Business Tax Receipt has been obtained for the vending machines. Compliance met . Fine stopped running in the amount of $19,000.
05/16/2017	Progress Activity	Notice to Appear #1 before the Special Master Hearing on June 7, 2017 at 9:30 am located at Bay Harbor Islands Town Hall Council Chambers, 2nd floor mailed via certified receipt return to Nua Shala and posted to the property.
05/22/2017	Affidavit	
06/01/2017	Progress Activity	Special Master Hearing was canceled due to a scheduling conflict with Frank Simone (Town Attorney). Canceled Notice to Appear mailed via certified receipt return to the owner.
06/02/2017	Progress Activity	Canceled Notice to Appear posted to the property.
06/19/2017	Progress Activity	Notice to Appear #1 was returned back to the office as unclaimed.
06/23/2017	Progress Activity	Notice to Appear #2 before the Special Master Hearing held on July 12, 2017 at 9:30 am located at Bay Harbor Islands Town Hall Council Chambers, 2nd floor mailed via certified receipt return to owner and registered agent and posted to the property.
07/12/2017	Special Master Hearing	Fine imposed from 02/22/17-05/10/17 which represents 76 days at $250.00 per day. The fine amount is $19,000.00 +$150.00 administrative fee, which equals $19,150.00.
07/13/2017	Progress Activity	Special Master Findings/Invoice mailed to owner and registered agent.
07/22/2017	Progress Activity	Progress check to verify the Business Tax Receipt has been obtained. Compliance not met.
08/22/2017	Progress Activity	Claim of lien filed in the amount of $19,150.00.
11/13/2017	Email	Liana L. Tommasi, Certified Paralegal, emailed Marlene Siegel, Director of

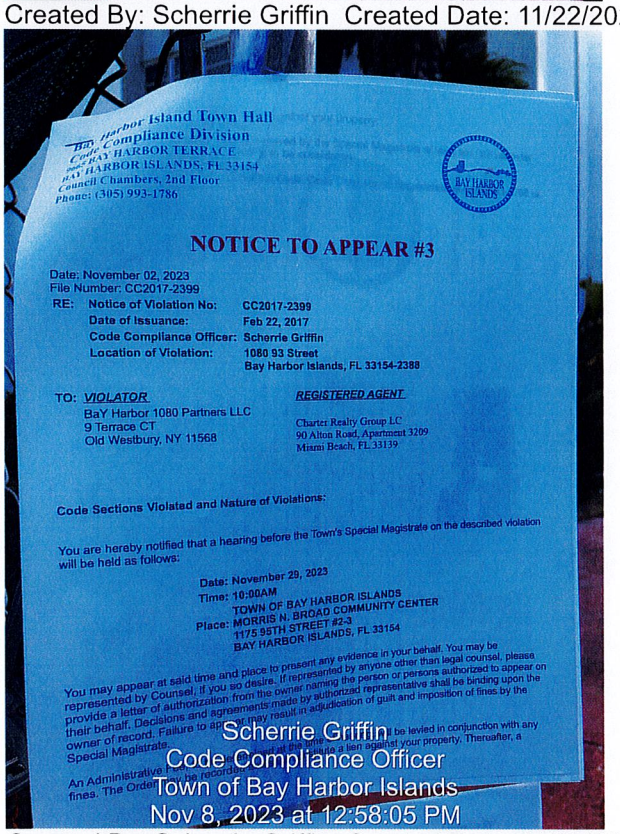
		Code, in regards to an update on the violation.
11/14/2017	Email	Marlene Siegel, Director of Code, advised Liana Tommasi the fine amount due is $19,150.00.
01/29/2018	Email	Erick Pamblanco, property manager, advised Bal Harbour Investments, LLC (1060 95 Street & 1080 93 Street) has been sold. Also, the new owners would like a breakdown of the violation.
04/03/2018	Email	Erick Pamblanco founder and CEO of Integrated Property Management & Development Group (IPMDG) advised his company has been retained as the property management company for Bal Harbour Investments, LLC regarding the subject line mentioned properties as of April 1st, 2018.
04/10/2018	Progress Activity	Met with Eric to discuss the violation at the office.
05/30/2018	Email	Marc Yassky of Bay Harbor Lender c/o Millbrook Realty Capital, emailed Marlene Siegel, Town Clerk, requesting outstanding liens and violations with fines.
06/06/2018	Email	Marlene Siegel, Town Clerk, emailed violation and lien amount to Marc Yassky,
10/16/2018	Email	Email received from Michelle Barker in regards to the code violation. Advised Michelle the fine amount is $19,150.00.
10/19/2018	Email	Violation and lien amount emailed to Michelle Barker.
02/04/2019	Email	Email received from the property manager requesting an update on outstanding balance owed.
02/05/2019	Email	Lien amount emailed to the property manager.
04/18/2019	Progress Activity	As of today, the lien has not been paid.
05/13/2019	Progress Activity	Proposed Settlement Offer submitted to Marlene Siegel, Town Clerk, in the amount of $36,840.00 for all liens.
07/08/2019	Progress Activity	Case scheduled for the next Litigation Meeting.
12/11/2019	Progress Activity	Litigation Committee meeting - The settlement offer in the amount of $36,840.00 ,which includes an amount to close this violation, was denied. The Litigation Committee presented a counter offer in the amount of $250,000 allowing a payment plan of $25,000.00 a month for 10 months. Foreclosure proceedings will be filed if the owner fails to make the scheduled payments.
02/13/2020	Inspection	First payment installation due in the amount of $25,000.00. Payment has not been received. Lien already on file for all violations presented to the Litigation Committee.
07/29/2022	Progress Activity	The property was sold to CHARTER REALTY GROUP LLC on 5/10/22. Previous Owner: Bal Harbour Investments, LLC c/o Jordan Weinkle, Esq. Closed Date: Owner Address: Weinkle Abergel Law Group
10/31/2023	Progress Activity	The owner requested a hearing on 09/29/2023 The case will be placed on the agenda to go before the next Special Magistrate Hearing.

11/07/2023	Email	Received a letter from Adam Anderson proposing a settlement amount of $500.00 to $1,000.00.
11/08/2023	Notice To Appear	Notice to Appear posted to property.
11/09/2023	Email	Notice to Appear emailed to the owner and mailed certified return receipt to the owner and registered agent.
11/13/2023	Email	Received a notarized letter giving Adam Anderson authorization to represent the property for the Special Magistrate Hearing.
11/14/2023	Progress Activity	Case review meeting. Recommendation is to impose fine in the amount of $19,150.00.
11/21/2023	Progress Activity	Received domestic return receipt for Notice to Appear #3 for the Special Magistrate Hearing held on November 29, 2023.
11/29/2023	Special Master Hearing	The current owner's (Bay Harbor 1080 Partners, LLC) property manager submitted an offer to pay $500.00 to $1,000.00. Mitigation denied. Set to the Litigation Committee.
12/21/2023	Email	The owner offered a settlement amount of $50,000.00 for all violations to go before the litigation committee.
02/01/2024	Progress Activity	On July 12, 2017, the Special Master assessed a fine from 02/22/2017-05/10/2017 which represents 76 days at $250.00 per a day, which represents $19,000.00 plus a $150.00 administrative fee that equals a total amount of $19,150.00.The previous owner proposed a settlement amount of $36,840.00 to satisfy all violations. Previous litigation results denied counter offer. No payments received. The new owner's rep, Adam Anderson, attended the Special Magistrate Hearing on November 29, 2023 offering to pay $500.00 to $1,000.00 for the violation. Mitigation denied by the Special Magistrate. Settlement amount offered in the amount of $50,000.00 to resolve the matter.

Photo(s)



Created By: Scherrie Griffin Created Date: 11/22/2023



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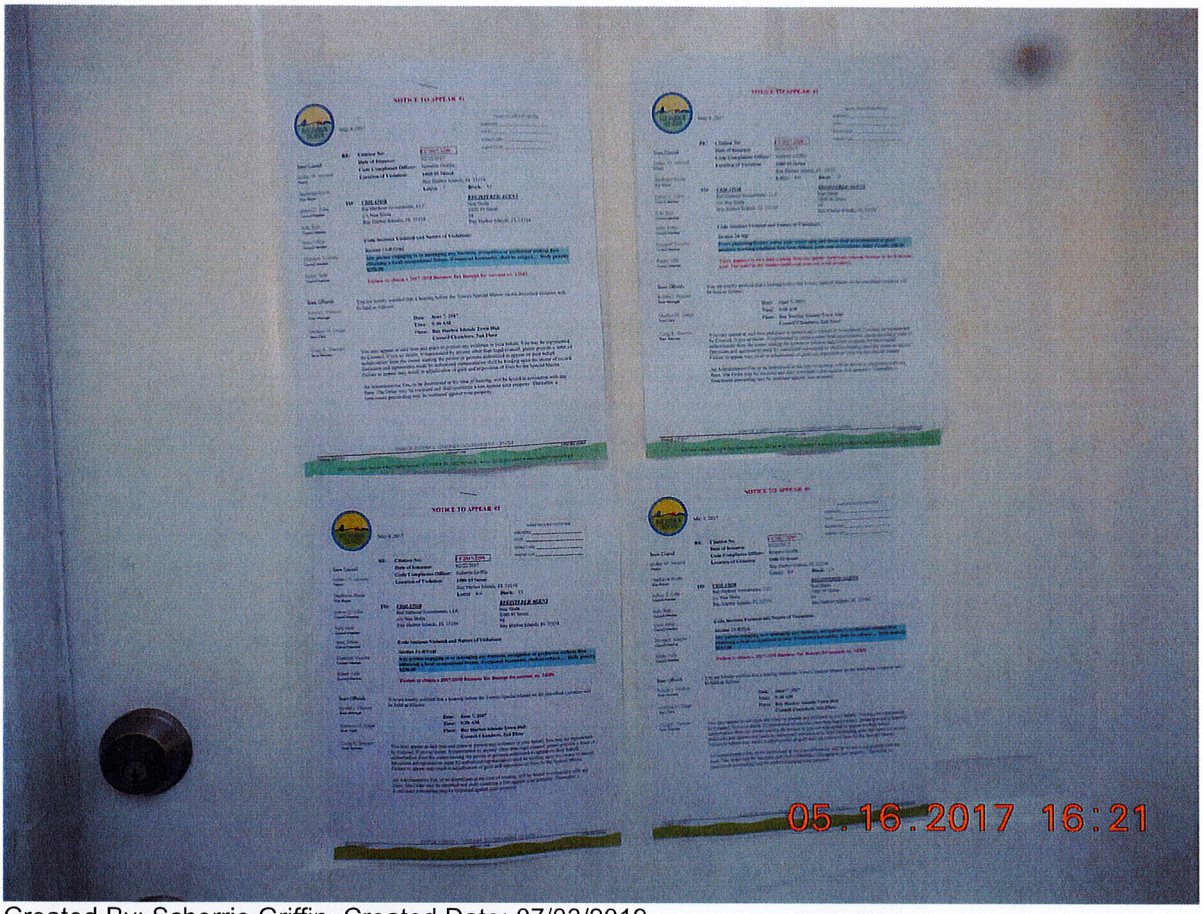
Created By: Scherrie Griffin Created Date: 11/08/2023



Created By: Scherrie Griffin Created Date: 07/03/2019



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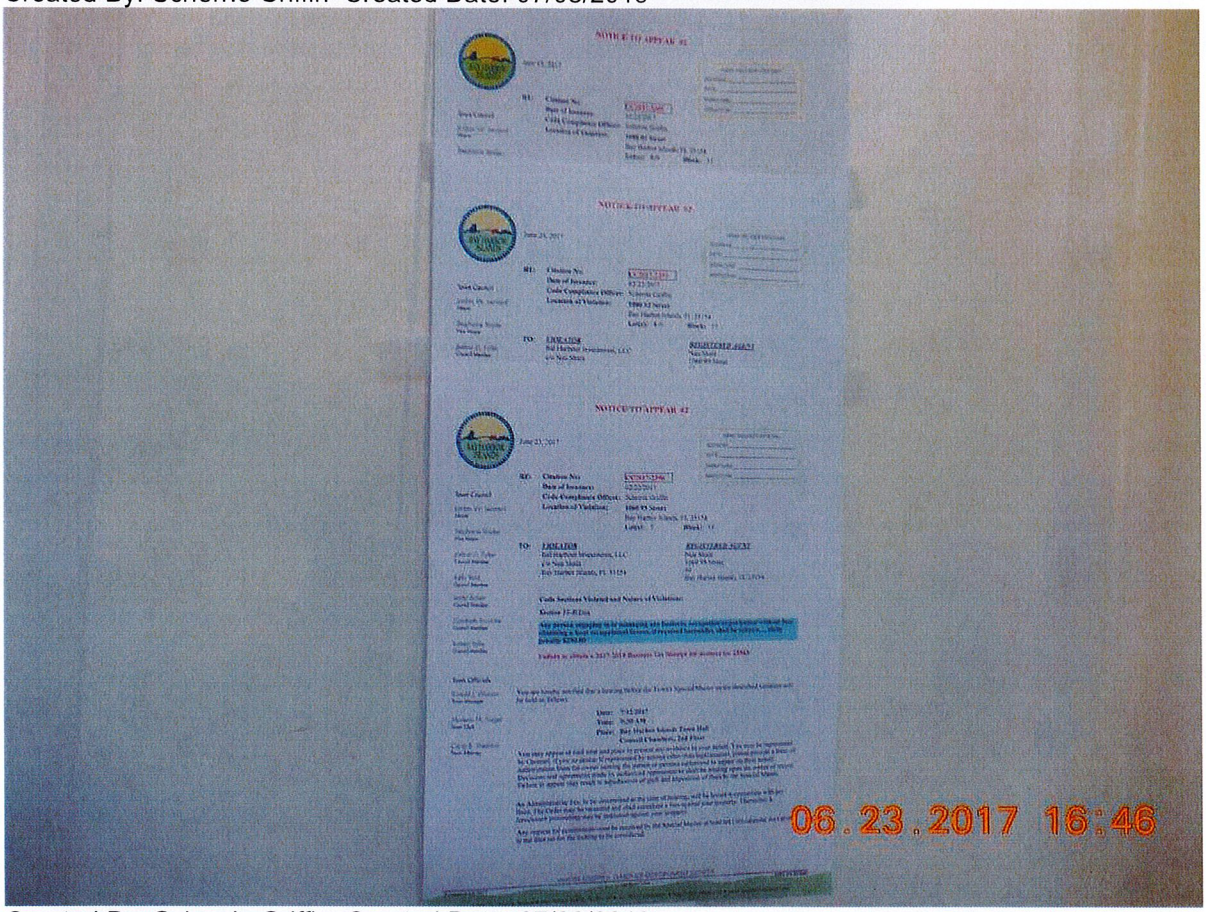

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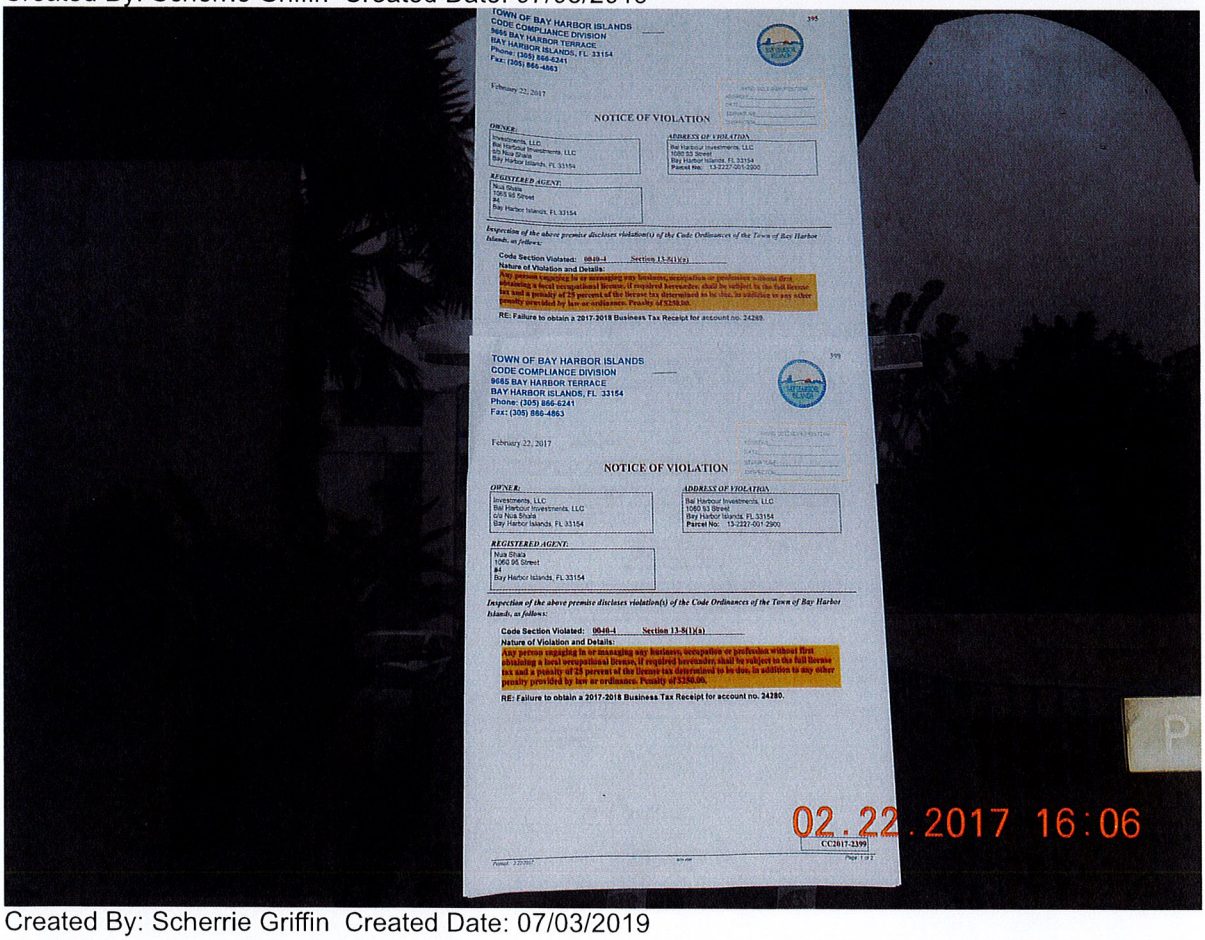


Created By: Scherrie Griffin Created Date: 07/03/2019



Created By: Scherrie Griffin Created Date: 07/03/2019

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 866-6241
Fax: (305) 866-4863

HAND DELIVERY/POSTING
ADDRESS:
DATE:
SIGNATURE:
INSPECTOR:

February 22, 2017

NOTICE OF VIOLATION

OWNER:

Investments, LLC
Bal Harbour Investments, LLC
c/o Nua Shala
Bay Harbor Islands, FL 33154

ADDRESS OF VIOLATION

Bal Harbour Investments, LLC
1080 93 Street
Bay Harbor Islands, FL 33154
Parcel No: 13-2227-001-2900

REGISTERED AGENT:

Nua Shala
1060 95 Street
#4
Bay Harbor Islands, FL 33154

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

Code Section Violated: **0040-4 Section 13-8(1)(a)**

Nature of Violation and Details:

Any person engaging in or managing any business, occupation or profession without first obtaining a local occupational license, if required hereunder, shall be subject to the full license tax and a penalty of 25 percent of the license tax determined to be due, in addition to any other penalty provided by law or ordinance. Penalty of $250.00.

RE: Failure to obtain a 2017-2018 Business Tax Receipt for account no. 24280.

CC2017-2399

Location, Date and Time of 1080 93 Street February 22, 2017

You may comply by: Please obtain a Business Tax Receipt for account no. 24280 from the Town Clerk's office. Invoice is attached.

Compliance Date: **March 8, 2018**

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: February 22, 2017 **Cert Mail Article #:** 7016 1970 0000 9571 7064

Date Posted: February 22, 2017

Scherrie Griffin
Code Compliance Officer
Town of Bay Harbor Islands

CC2017-2399


02 21 2017 16 34

BUSINESS TAX RECEIPT INVOICE

2017-2018

formerly Occupational License

Account Number: 24269

Category: APARTMENTS

Mailing Address:

BAL HARBOUR INVESTMENT, LLC
NUA SHALA
1060 - 95 STREET, #4
BAY HARBOR ISLANDS, FL 33154

Business Name and Address:

BAL HARBOUR INVESTMENT, LLC
1060 - 93 STREET
BAY HARBOR ISLANDS, FL 33154

PAST DUE

Receipt Fee:	$168.00
Late Charge:	$42.00
TOTAL DUE	$210.00

LATE CHARGE

ADDITIONAL 25% AFTER JANUARY IST

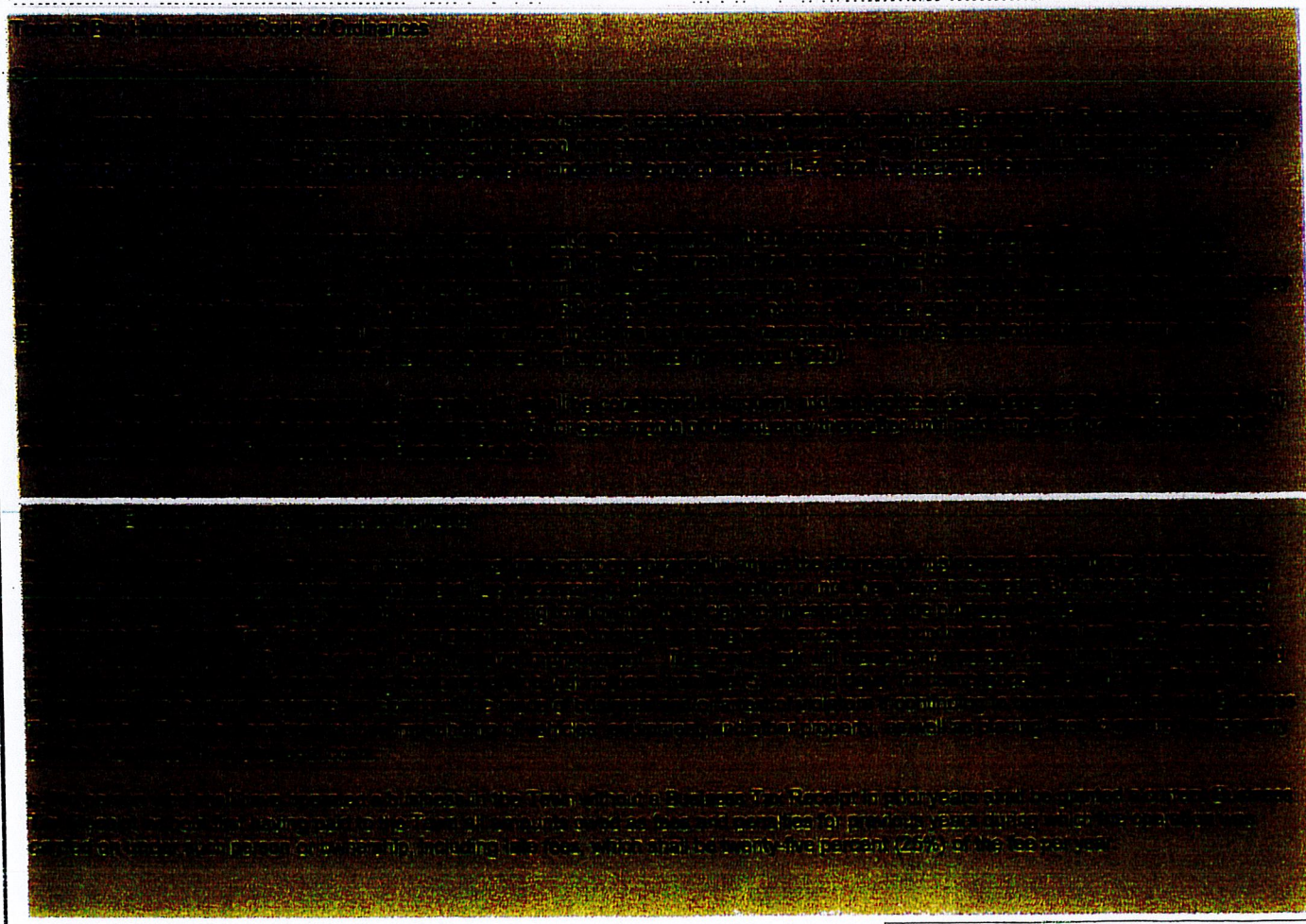
PLEASE INCLUDE LATE FEE WITH YOUR PAYMENT. IF YOU NO LONGER OPERATE THIS BUSINESS OR HAVE ALREADY SENT YOUR PAYMENT IN, PLEASE CALL 305-866-6241. LATE FEE WILL CONTINUE TO ACCRUE UNTIL PAYMENT IS RECEIVED.

TO MAKE YOUR PAYMENT USING OUR ONLINE BILL PAY, PLEASE VISIT:

www.bayharborislands.org/pay-taxes

OR

PLEASE HAVE A CHECK MADE PAYABLE TO:
TOWN OF BAY HARBOR ISLANDS
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154



Thursday, February 02, 2017


02 21 2017 16:34

CFN: 20170574453 BOOK 30715 PAGE 1848
DATE:10/12/2017 02:10:38 PM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

Claim of Lien

State of Florida
County of Miami-Dade

Before me, the undersigned Notary Public, personally appeared Ronald J. Wasson 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 # CC2016-2399; A fine of nineteen thousand dollars ($19,000.00), plus an administrative fee of one hundred fifty dollar ($150.00), levied on July 12, 2017 by Special Master Richard Kroop. The total amount of the lien equals $19,150.00; 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: 1080 93 Street
> Bay Harbor Islands, FL 33154
> Bay Harbor Islands, Florida, 33154
> Lot(s) 8 - 9, Block 15, PB 46, Page 5
> Miami-Dade County, Florida

owned by Bal Harbour Investments, LLC

of a total value of nineteen thousand one hundred fifty dollars ($19,150.00) of which there remains unpaid $ 19,150.00 as of August 22, 2017, that the lienor served his notice to owner on February 22, 2017 by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Ronald J. Wasson, Town Manager

Sworn to and subscribed before me this 22 day of August 2017.

ALBA L. CHANG
MY COMMISSION # GG129633
EXPIRES: October 03, 2021

(Notary Public)

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

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 23 day of August, 2017, A.D.

Town Clerk of the Town of Bay Harbor Islands, Florida

TOWN OF BAY HARBOR ISLANDS
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
305-866-6241

SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

Investments, LLC
Bal Harbour Investments, LLC
c/o Nua Shala
Bay Harbor Islands, FL 33154

ADDRESS OF VIOLATION

Bal Harbour Investments, LLC
1080 93 Street
Bay Harbor Islands, FL 33154
Parcel No: 13-2227-001-2900

REGISTERED AGENT:

Nua Shala
1060 95 Street
#4
Bay Harbor Islands, FL 33154

HEARING INFORMATION:

Date: 7/12/2017 **Location:** **Town of Bay Harbor Council Chambers**
Time: 9:30 AM **Special Master:** Special Master Richard Kroop

A request postponement or continuance was/was not (please encircle on), timely received.

CITATION INFORMATION:

Citation Number: CC2017-2399 **Code Inspector:** Scherrie Griffin

Method(s) of Service:	**Date**
Posted	June 23, 2017
Certified	6/23/2017

Violation(s):

Code Section Violated: G040-4 /Section 13-8(1)(a)

Nature of Violation and Details:
Any person engaging in or managing any business, occupation or profession without first obtaining a local occupational license, if required hereunder, shall be subject..... Daily penalty $250.00

APPEARANCES: (Check box if sworn)

- ☐ No Show _____ (Owner/Violator)
- ☐ _____ (Owner/Violator)
- ☐ _____ (Owner's attorney or representative)
- ☐ _____ (Owner's attorney or representative)
- ☐ SCHERRIE GRIFFIN _____ (Code Inspector)
- ☐ EVELYN MERIZALDE _____ (Code Inspector)
- ☐ MARLENE MARANTE _____ (Town Clerk)
- ☐ FRANK C. SIMONE _____ (Town Attorney)
- ☐ _____ (Town Manager or designee)
- ☐ _____

WITNESSES: (Check box if sworn)

	NAME	ADDRESS	CALLED BY
☐			
☐			
☐			

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MASTER'S FINDINGS AS TO FACT: (Check all that are applicable)

☐ 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 time for correction given by the Code Inspector was reasonable.

☐ The amount of the civil penalty shall be $ _____ per day of violation, 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 inspection of the Town.

☒ **The administrative cost of this hearing shall be $150.00.**

☐ Based on 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 civil penalties be mitigaged by a reduction of _____ % (not to exceed 50%)

☐ Due to natural disaster, act of God, or other unforseen circumstances or events, it is the Special Master's order that the accruing of fines be tolled until the impediment to performance ceases, or if the impediment has ceased, that the fines be considered tolled from _____ through _____.

FURTHER RULING AND/OR REMARKS:

Fine imposed from 02/02/17-05/10/17 at which repersents 76 days at $250.00 per day.
$19,00.00 + $150.00 administrative fee for a total amount of $19, 150.00.

Back to the next Special Master Hearing in _____ days.

Hearing on this matter commenced on 7/12/17 ***and was concluded on*** 7/12/17.

Special Master: Special Master Richard Kroop ***Signature:*** _____

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

December 21, 2023

Town of Bay harbor Island,
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Phone: (305) 866-6241

Ref: Bal Harbor Islands. Code Compliance.
Citations Nos. CC2016-2260; CC2017-2477; CC 2017-2399; CC2017-2395; CC2015-2202; CC2017-2396; CC2019-2319; 12-000421.

Dear Bay Harbor Litigation Group,

I hope this letter finds you well. As the representative of the new owners for the properties at 1080 93rd Street and 1060 95th Street, Bay Harbor Islands, FL 33154, I am reaching out regarding the current issues concerning violations and related fees for these locations.

It has come to our attention that in 2019, the previous owner proposed a settlement of $36,840.00 to fully satisfy the Special Master's orders. However, on December 20, 2019, Frank Simone, representing the Town of Bay Harbor, countered with $250,000, to be paid over 10 months.

Given our recent acquisition of these properties and our commitment to their improvement, we respectfully request a review of this matter in order to reach a more manageable mutual settlement.

In our endeavor to ensure these properties contribute positively to the community, we have been proactive in addressing various outstanding obligations as well as paying all expenses paid by the city, a testament to our commitment. To date, we have covered the following expenses:

- Water bills for Property 1060 95th Street, Bay Harbor, FL 33154 amounting to $12,229.57
- Water bills for Property 1080 93rd Street, Bay Harbor, FL 33154 totaling $58,771.35.

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

- Fencing Expenses for Property 1060 95th Street, Bay Harbor, FL 33154 totaling $2,644.51
- Fencing Expenses for Property 1080 93rd Street, Bay Harbor, FL 33154 totaling $4,689.81
- Waste disposal charges for each property, included in the above expenses.

Recognizing the importance of resolving these lines, we are willing to revise the previous settlement offer you received. While the previous offer was $36,840.00, we are prepared to increase this to $50,000.00 in a gesture of good faith and commitment to resolving this amicably and without litigation. This revised offer is made with the hope that it will facilitate a positive and prompt resolution to this matter.

We believe this revised offer, along with our demonstrated commitment through the settlement of existing property dues, shows our dedication to not only resolving the outstanding issues but also enhancing the value and status of these properties within the community. Should this offer not be acceptable, we request a hearing to discuss this matter further.

We appreciate your consideration of our updated proposal and look forward to a favorable response.

Thank you for your time and attention to this important matter.

Adam anderson

BAY HARBOR 1060	VIOLATION	REASON	TOTAL LIEN	REQUESTING
1	CC2017-2396 ✓	BTR	$ 19,150.00	USD 500 - 1000
2	CC2018-00421 ✓	WALLS, FENCE, LANDSCAPIND PLAN.	$ 6,575.00	USD 500 - 1000
3	CC2016-2319 ✓	DETERIORATED PROPERTY	$ 45,500.00	USD 500 - 1000
4	CC21-001889	FENCE	$ 2,644.51	USD 500 - 1000
		TOTAL	$ 73,869.51	

PAID

BAY HARBOR 1080	VIOLATION	REASON	TOTAL LIEN	REQUESTING
1	CC2017-2477 ✓	HIRE A LICENSED PLUMBER	$ 68,150.00	USD 500 - 1000
2	CC2016-2260 ✓	EXTERIOR AND INTERIOR IN STRUCTURALLY GOOD CONDITION	$ 64,125.00	USD 500 - 1000
3	CC2017-2395 ✓	BTR	$ 19,150.00	USD 500 - 1000
4	CC2017-2399 ✓	BTR	$ 19,150.00	USD 500 - 1000
5	BC2015-2202 ✓	KEEP THE BUILDING IN GOOD CONDITION	$ 65,350.00	USD 500 - 1000
6	21-001888	FENCE	$ 4,689.81	USD 500 - 1000
7	19-002067	TRASH, LANDCAPE DEBRIS	WE PAID 100	
		TOTAL	$ 240,614.81	

PAID

6D

1020

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 3-1-23

1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 58,771.35

Fifty-Eight Thousand and Seven Hundred and Seventy-One 35/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1080 93rd ST. - ACCT # 100-494-00-03

⑈001020⑈ ⑆026013576⑆ 1504930986⑈

Details on back

Security Features

WATER lien. PAID BY (AN/OSD)

1080

6E

1021

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 3-1-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $12,229.57

Twelve Thousand and Two Hundred and Twenty-Nine 57/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1060 95TH ST: -100-42300-02

⑈001021⑈ ⑆026013576⑆ 1504930986⑈

Details on back. Security Features

WATER
Lien PAID BY LANDLORD

1060

1080

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-4-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 247.50

Two Thousand and Four Hundred and Seventy-One 50/100 DOLLARS

Signature | SIGNATURE BANK®

FOR Invoice # 2500-21 1060 95th ST Bay Harbor Islands, FL 33154

⑈001080⑈ ⑆026013576⑆ 1504930986⑈

Fence PAID By Invoice

(6F)

1081

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-4-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 4383.00

Four Thousand and Three Hundred and Eighty Three 00/100 DOLLARS

Signature | SIGNATURE BANK®

September 29-2023

Litigation Committee
c/o Yvonne P. Hamilton
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Mrs. Yvonne P. Hamilton:

I Formally request a hearing regarding the liens applied and open on the property located at:1080 93RD ST, Bay Harbor, FL, 33154. I am seeking to mitigate the debt associated with these cases.

1. **CC2017-2477** - $68,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

2. **CC2016-2260** - $64,125

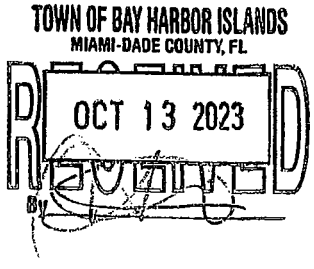
- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

3. **CC2016-2395** - $19,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.



4. **CC2016-2399** - $19,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

5. **BC2015-2202** - $65,350

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

6. Fence: $4689.81

- In this case the city incurred the cost of the fence at the time the building should have been evacuated. When we came in as the new owners and presented the project we found out about this fine. This has now been resolved.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

I appreciate your response and remain pending.

Respectfully,



Adam Anderson
Regional Property Management
Cell # (305) 904-0414
Office #(305) 682-8577
Fax # (305) 682-8570
Adam.elyseeinc@gmail.com

September 29-2023

Litigation Committee
c/o Yvonne P. Hamilton
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

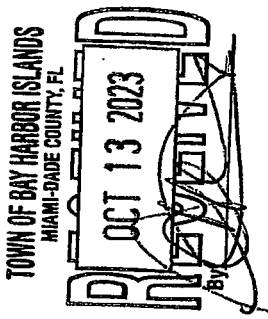
Mrs. Yvonne P. Hamilton:

I Formally request a hearing regarding the liens of 3 cases applied on the property located at:1060 95TH ST, Bay Harbor, FL, 33154. I am seeking to mitigate the debt associated with these cases.

1. **CC2016-2396** - $19,150

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.



2. **CC2018-00421** - $6.575

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

3. **CC2016-2319** - $45,500

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor

so we're requesting help with these violations caused by other people prior to our purchased.

4. Fence: $2644.51

- In this case the city incurred the cost of the fence at the time the building should have been evacuated. When we came in as the new owners and presented the project we found out about this fine. This has now been resolved.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

I appreciate your response and remain pending.

Respectfully,

Adam Anderson
Regional Property Management
Cell # (305) 904-0414
Office #(305) 682-8577
Fax # (305) 682-8570
Adam.elyseeinc@gmail.com

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

CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **CC2017-2477**
Inspector: Scherrie Griffin

Parcel Address: 1080 93 Street
Lot(s): Block:

Owner Information:
BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
OLD WESTBURY,, NY 11568

Violator Information:
BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
OLD WESTBURY,, NY 11568

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 5-6(a)	03/27/2018		Open	

Comments: Hire a licensed plumber to obtain a plumbing permit from the Building Department.

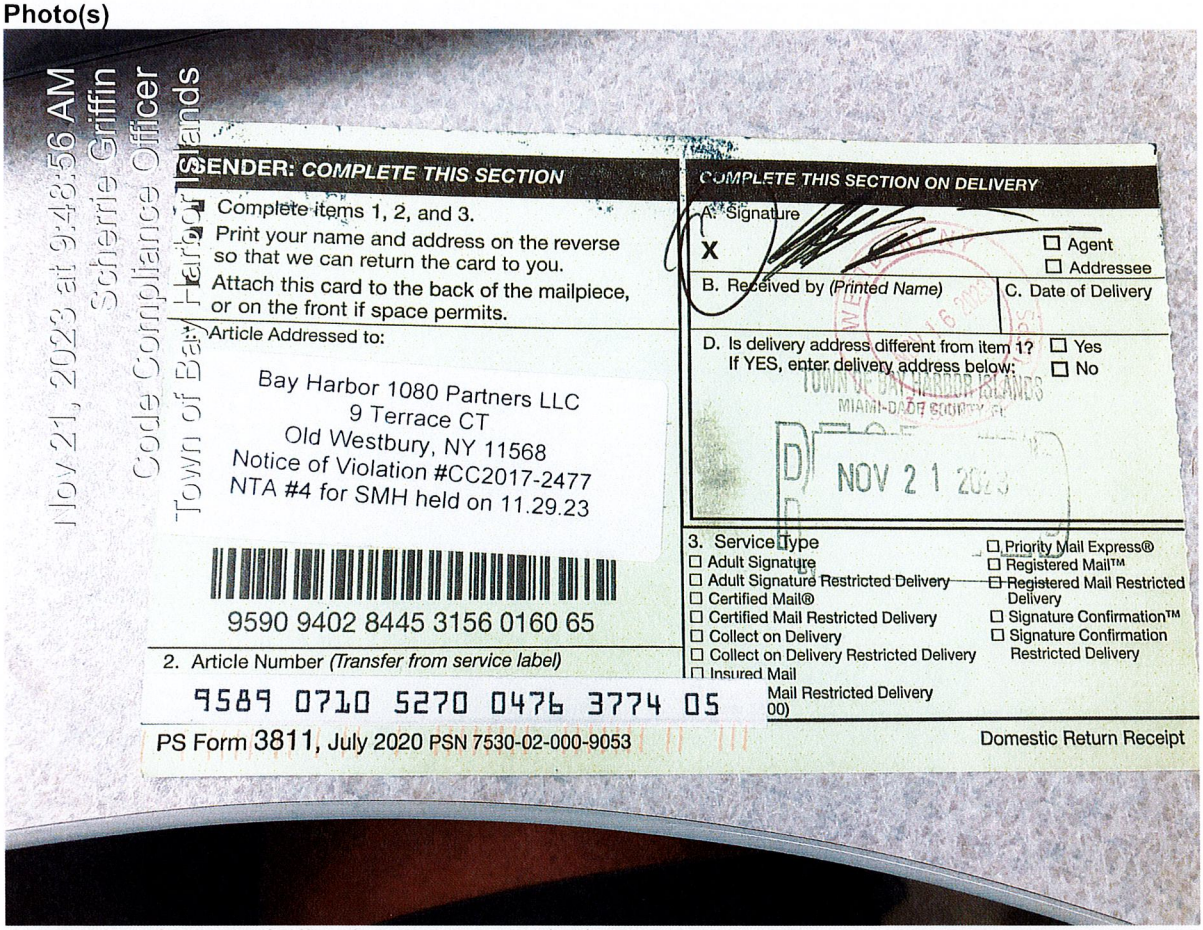
DATE OPENED	ACTIVITY	DESCRIPTION
04/27/2017	Courtesy Notice	Hire a licensed plumber to repair the water heater. Permit is required from the Building Department. Permit application attached.Courtesy Notice posted to property.
04/27/2017	Progress Activity	Received an anonymous complaint about the water heater is leaking. Went out to the property and found the water heater leaking. Called Nua Shala, property owner, and left a voicemail to contact me regarding the water heater leaking.
05/11/2017	Progress Activity	Nua Shala, owner, asked for an extension because the new water heater will not be delivered until 06/18/17. Extension granted until 06/22/17. Nua was advised a licensed plumber will need to obtain a permit before the water can be installed.
07/06/2017	Compliance Inspection	Progress check to verify a plumbing permit has been obtained from the Building Department. Compliance not met.
07/06/2017	Progress Activity	Found a new water heater has been installed without a permit.
07/07/2017	Notice of Violation	Hire a licensed plumber to obtain a plumbing permit from the Building Department. Notice of Violation posted to property and mailed via certified return receipt to owner and Registered Agent.
07/18/2017	Progress Activity	Certified domestic receipt returned to the office signed by Nua Shala.
08/16/2017	Phone Call	Spoke to Nua Shala to advise him a permit has not been obtained and he needs to take care of this matter as soon as possible. Nua asked for an extension. He was advised an extension cannot be given once a Notice of Violation has been issued. Nua informed me he will take care of the matter.
08/16/2017	Progress Activity	Fine letter mailed to Nua Shala in the amount of $10,000.00 which represent 40 days at $250.00 per day. Spoke to Nua Shala to advise a permit has not been obtained for the installation of the water heater.

08/18/2017	Compliance Inspection	Verify a plumbing permit has been obtained from the Building Department. Compliance has not been met.
11/14/2017	Progress Activity	Checked with the Building Department to verify a plumbing permit has been obtained for the water heater. Permit has not been obtained.
11/14/2017	Progress Activity	Fine letter emailed and mailed to Nua Shala in the amount of $32,500.00 which represents 130 days at $250.00 per day. Owner's email address: oraezana@gmail.com
12/06/2017	Compliance Inspection	Verify a plumbing permit has been obtained. Compliance not met.
01/16/2018	Progress Activity	Notice to Appear #1 posted to the property and emailed to Nua Shala, owner, and David Goldwasser, co-owner. Email: oraezana@gmail.com and dgoldwasser@fiacp.com.
01/17/2018	Progress Activity	Nua Shala, property owner,advised he has a plumber coming into the office to obtain a plumbing permit for the water heater.
01/25/2018	Affidavit	
02/06/2018	Progress Activity	Took an updated picture of the water heater.
02/06/2018	Progress Activity	As of today, the fine amount is $53,750.00 which represents 215 days at $250.00 per day.
02/07/2018	Special Master Hearing	The case will be carried over and placed on the agenda for the next Special Master Hearing.
02/13/2018	Progress Activity	Special Master Findings mailed via certified return receipt to Nua Shala, property owner.
03/06/2018	Email	Advised Nua Shala as a follow up today a permit has not been obtained for the water heater and the fine will continue to accrue at $250.00 per day until compliance has been met.
03/19/2018	Walk In	Nua Shala came into the office to submit a permit application to the Building Department for the installation of the water heater. The application was signed by an electrician instead of a plumber.
03/23/2018	Walk In	Nua Shala, property owner, and a plumber came into the Building Department to complete a permit application. The plumber did not have his license or insurance.
03/29/2018	Progress Activity	Permit application submitted to the Building Department for the installation of the water heater.
03/30/2018	Email	Notice to Appear #2 emailed to the owner and posted to the property.
04/03/2018	Email	Received an from Erick Pamblanco, founder and CEO of Intergrated Property Management & Development Group, advising me his company has been retained as the property management company for Bal Harbour Investments, LLC as of April 1, 2018.
04/04/2018	Progress Activity	Received certified return receipt for the Notice to Appear #2 signed by Nua Shala.

04/05/2018	Daily Fine Start	Fine stopped running in the amount of $68,000.00 (272 days at $250.00 per day). Fine letter mailed to owner and property manager.
04/05/2018	Compliance Inspection	Plumbing permit # P18-00004 has been obtained from the Building Department.
04/06/2018	Email	Fine letter emailed to owner and property manager.
04/19/2018	Progress Activity	Case review meeting.
04/24/2018	Notice To Appear	Mailed certified return receipt to the owner.
04/24/2018	Special Master Hearing	Fine assessed from 07/07/17 - 04/05/18 which represents 272 days at $250.00 per day for an amount of $68,000.00 plus an $150.00 administrative fee that equals a total amount of $68.150.00.
04/27/2018	Email	Special Master Findings emailed to Nua Shala and Erick Pamblanco.
04/30/2018	Progress Activity	Final inspection for water heater replacement passed.
05/01/2018	Progress Activity	Plumbing permit #P18-000042 closed out.
05/18/2018	Email	Emailed Nua Shala to follow up with the Special Master Findings.
05/19/2018	Email	Erick Pamblanco of Integrated Property Management & Development Group advised he will reach out to the owner.
05/29/2018	Email	Received Appeal letter from Attorney Sheleen Khan.
05/31/2018	Progress Activity	Appeal letter received by mail.
06/04/2018	Email	Emailed Attorney Sheleena Khan, and Erick Pamblanco to advise a payment for the administrative fee in the amount of $150.00 needs to paid for the appeal. Erick Pamblanco advised a payment will be brought in tomorrow morning
06/05/2018	Progress Activity	Payment received in the amount of $150.00. Receipt no. MAIN/104543
06/05/2018	Email	Erick K. Pamblanco advised a payment in the amount of $150.00 has been processed and Nua Shala is on his way to deliver.
08/07/2018	Email	Emailed Sheleen Khan, owner attorney, to advise her upon review of her request for the mitigation hearing she will need to provide the required documentation before the hearing can be scheduled. Sheelen advised she will do.
10/03/2018	Progress Activity	Lien filed against the property in the amount of $68,150.00.
05/13/2019	Progress Activity	Proposed Settlement Offer submitted to the Town Clerk, Marlene Siegel in the amount of $36,840 for all lien.
07/08/2019	Progress Activity	Case scheduled for the next Litigation Meeting.
12/11/2019	Progress Activity	Litigation Committee meeting - The settlement offer in the amount of $36,840.00 ,which includes an amount to close this violation, was denied. The Litigation Committee presented a counter offer in the amount of $250,000 allowing a

		payment plan of $25,000.00 a month for 10 months. Foreclosure proceedings will be filed if the owner fails to make the scheduled payments.
02/13/2020	Inspection	First payment installation due in the amount of $25,000.00. Payment has not been received. Lien already on file for all violations presented to the Litigation Committee.
10/31/2023	Progress Activity	The owner requested a hearing on 09/29/2023. The case will be placed on the agenda to goi before the next Special Magistrate Hearing.
11/07/2023	Email	Received a letter from Adam Anderson proposing a settlement amount of $500.00 to $1,000.00.
11/08/2023	Notice To Appear	Notice to Appear posted to property.
11/09/2023	Email	Notice to Appear emailed to Adam Anderson and mailed certifed return receipt to the owner and registered agent.
11/13/2023	Email	Received a notarized letter giving Adam Anderson authorization to represent the property for the Special Magistrate Hearing.
11/14/2023	Progress Activity	Case review meeting. Recommendation is to impose fine in the amount of $68,150.00.
11/16/2023	Progress Activity	Received domestic return receipt for Notice to Appear #4 for the Special Magistrate Hearing held on November 29, 2023.
11/21/2023	Progress Activity	Received domestic return receipt from the owner for Notice to Appear #4 for the Special Magistrate Hearing held on November 29, 2023.
11/29/2023	Special Master Hearing	The current owner's (Bay Harbor 1080 Partners, LLC) property manager submitted an offer to pay $500.00 to $1,000.00. Mitigation denied. Set to the Litigation Committee.
12/21/2023	Email	The owner offered a settlement amount of $50,000.00 for all violations to go before the litigation committee.
01/31/2024	Progress Activity	On April 24, 2018, the Special Master assessed a fine from 07/07/2017-04/05/2018 which represents 272 days at $250.00 per a day in the amount of $68,000 plus a $150.00 administrative fee that equals a total amount of $68,150.00.The previous owner proposed a settlement amount of $36,840.00 to satisfy all violations. Previous litigation results denied counter offer. No payments received. The new owner's rep, Adam Anderson, attended the Special Magistrate Hearing on November 29, 2023 offering to pay $500.00 to $1,000.00 for the violation. Mitigation denied by the Special Magistrate. Settlement amount offered in the amount of $50,000.00 to resolve the matter.

Photo(s)



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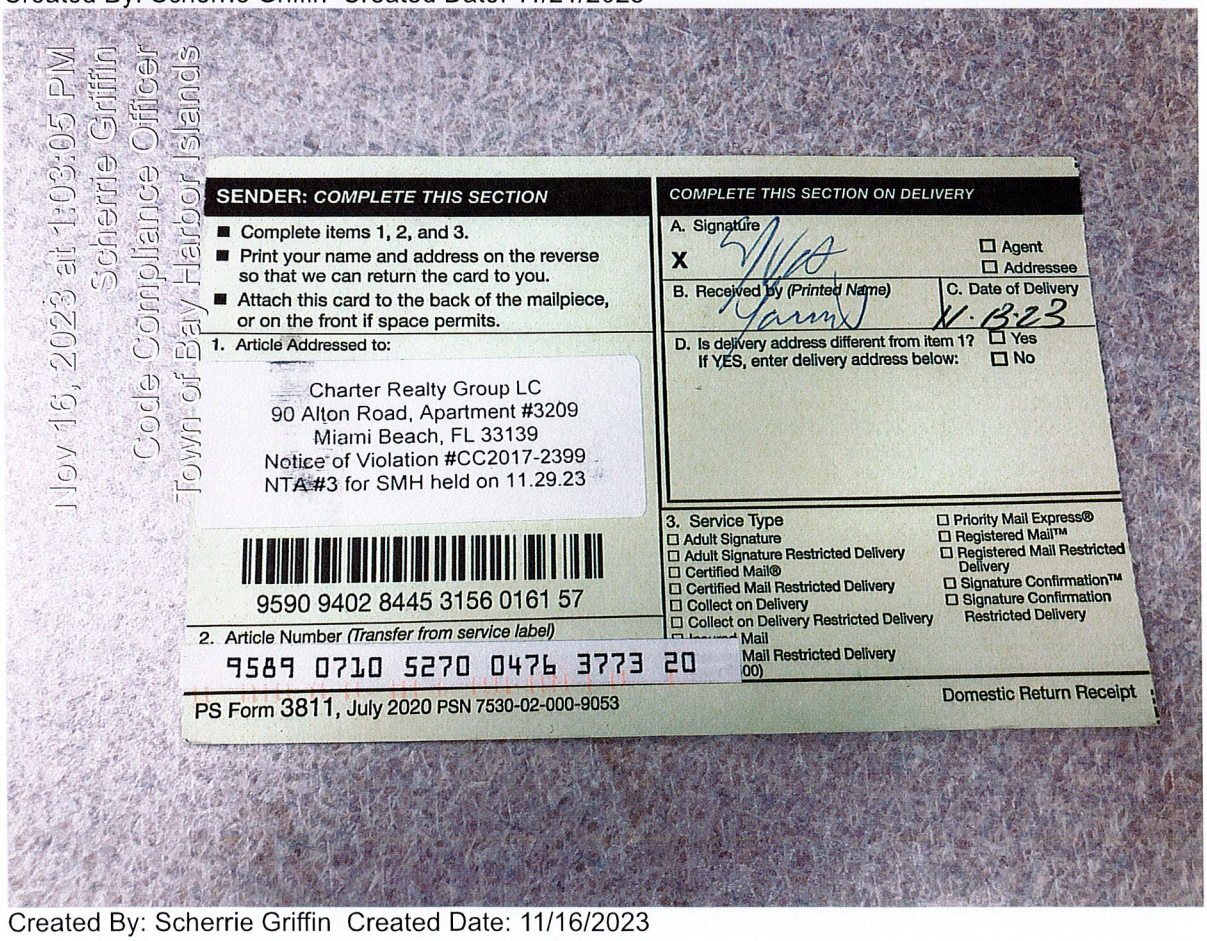

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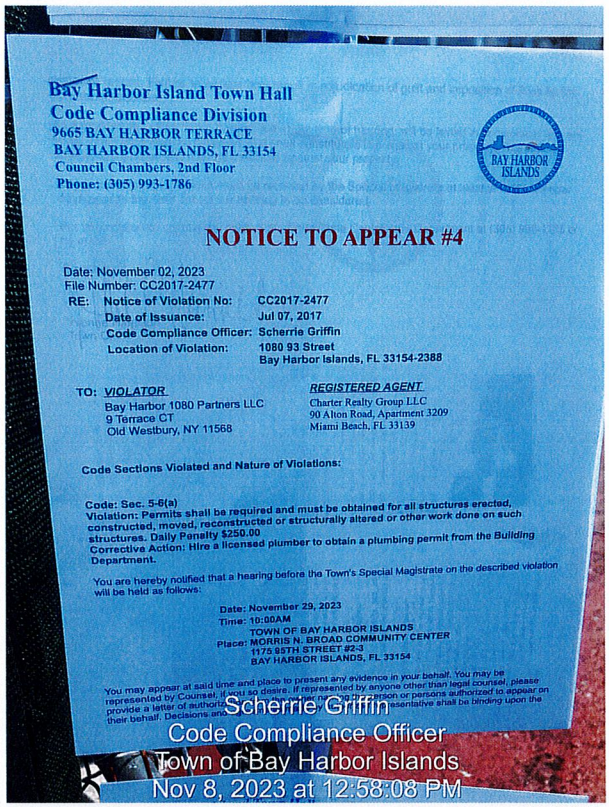

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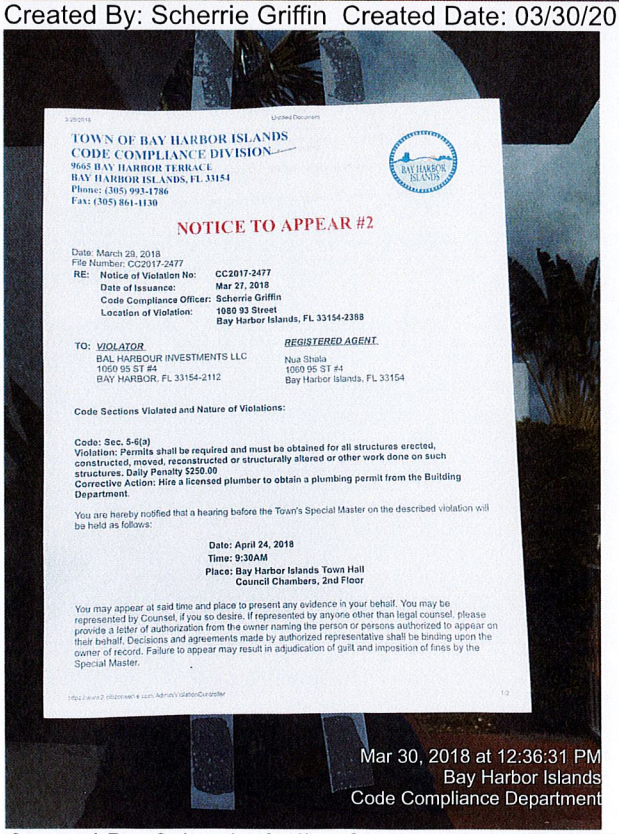
Created By: Scherrie Griffin Created Date: 03/30/2018



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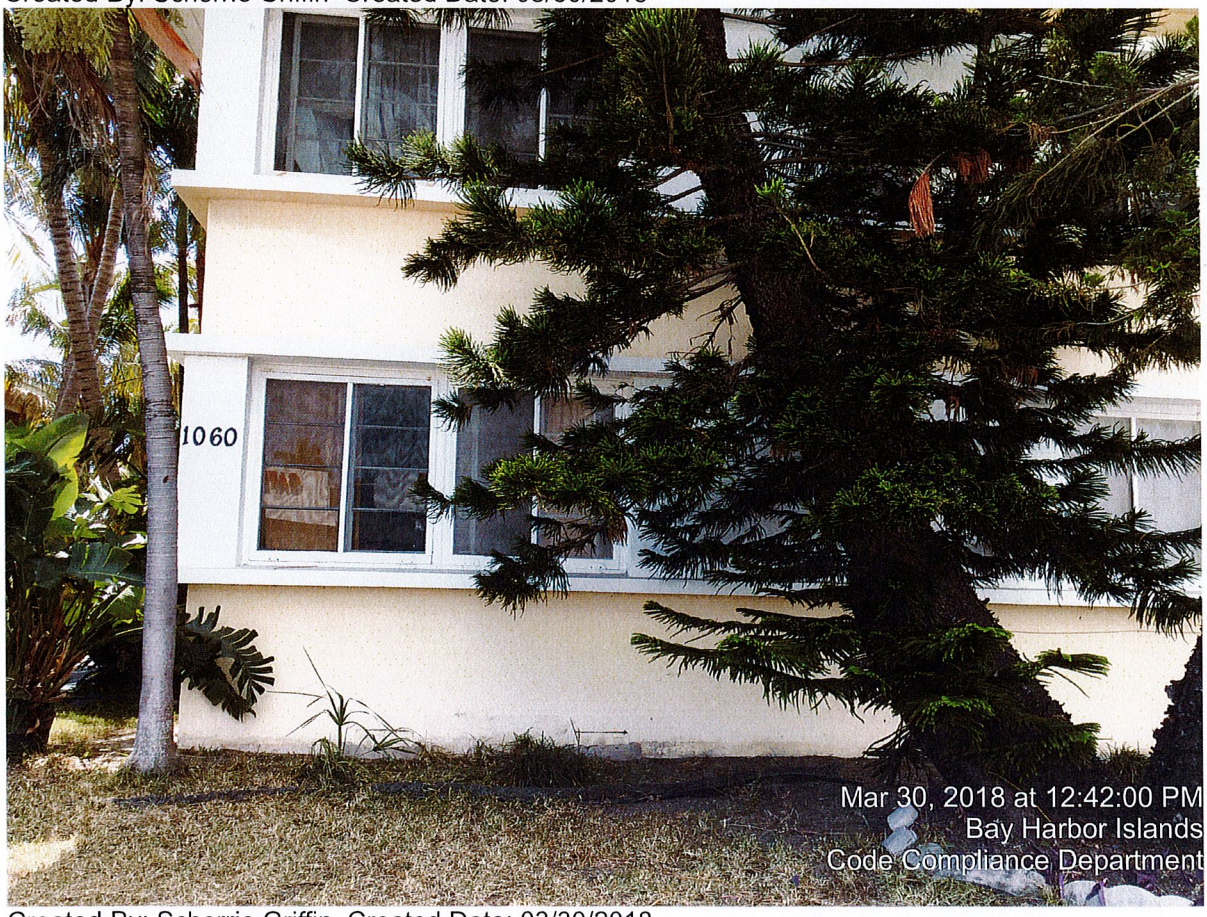

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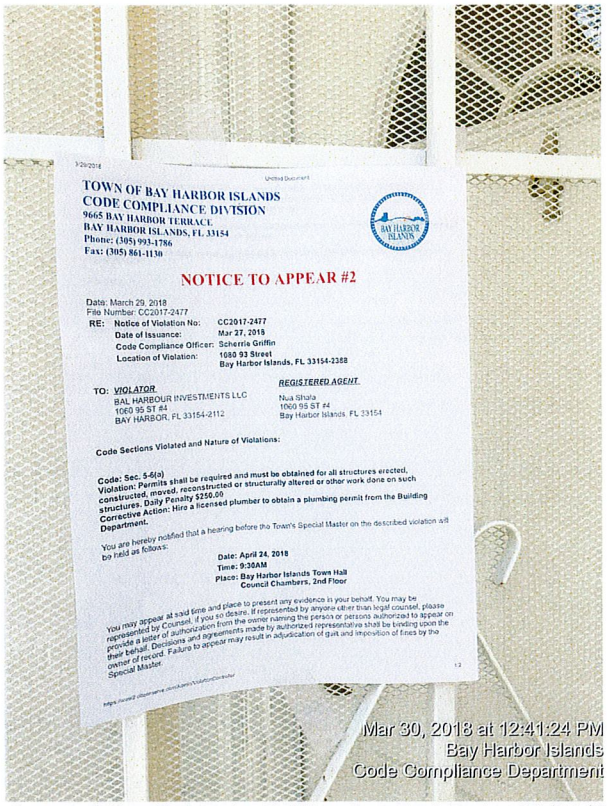

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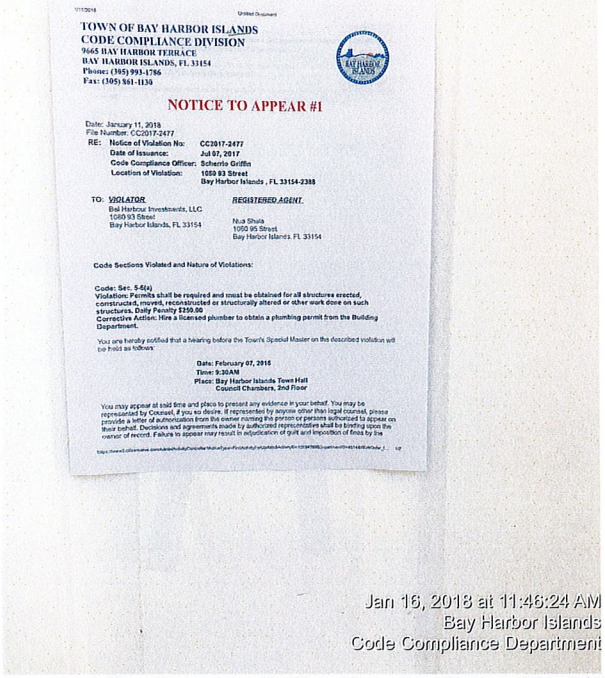

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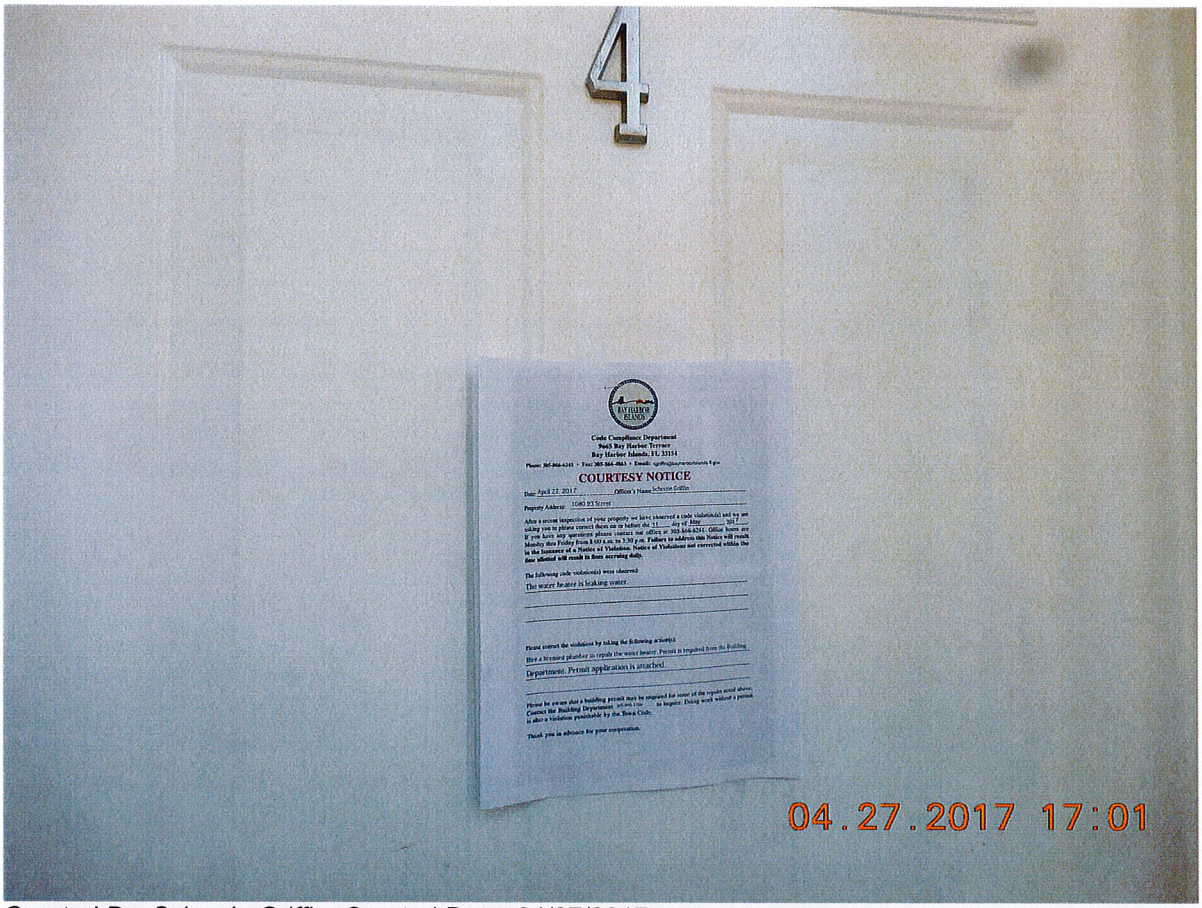

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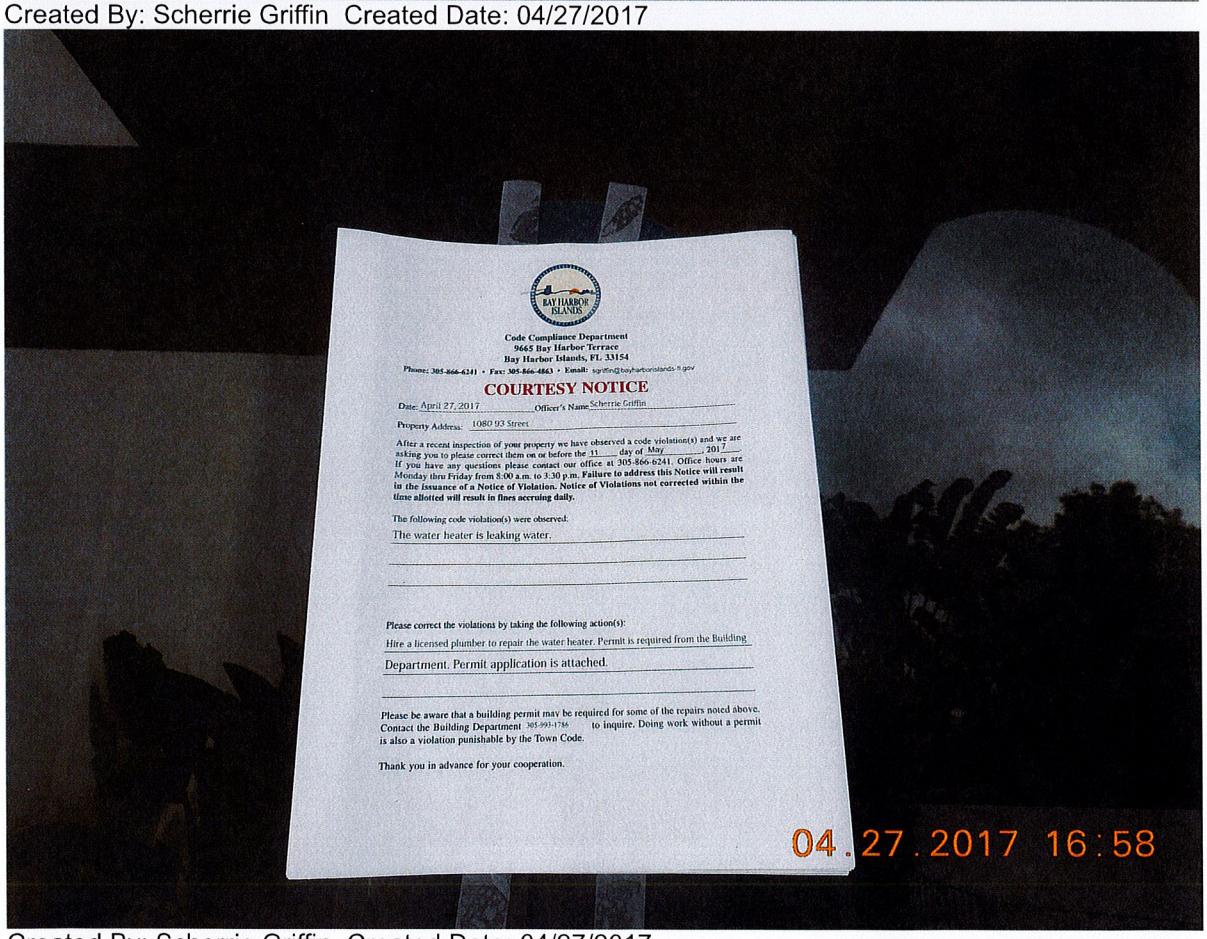


Created By: Scherrie Griffin Created Date: 04/27/2017



Created By: Scherrie Griffin Created Date: 04/27/2017

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 866-6241
Fax: (305) 866-4863

HAND DELIVERY/POSTING
ADDRESS:_____
DATE:_____
SIGNATURE:_____
INSPECTOR:_____

July 7, 2017

NOTICE OF VIOLATION

OWNER:

Investments, LLC
Bal Harbour Investments, LLC
c/o Nua Shala
Bay Harbor Islands, FL 33154

ADDRESS OF VIOLATION

Bal Harbour Investments, LLC
1080 93 Street
Bay Harbor Islands, FL 33154
Parcel No: 13-2227-001-2900

REGISTERED AGENT:

SHALA, NUA, MGR
1060 95 ST.
#4
BAY HARBOR ISLANDS, FL 33154

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

Code Section Violated: 0015-6 Section 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

RE: The water heater was installed without a permit.

CC2017-2477

Location, Date and Time of Violation: 1080 93 Street July 7, 2017

You may comply by: Hire a licensed plumber to obtain a plumbing permit from the Building Department.

Compliance Date: **August 7, 2017**

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: July 7, 2017 **Cert Mail Article #:** 7014 2870 0000 2142 9030

Date Posted: July 7, 2017

Scherrie Griffin
Code Compliance Officer
Town of Bay Harbor Islands

CC2017-2477


07.06.2017 15:49


07.06.2017 15:48

CFN: 20180604447 BOOK 31166 PAGE 3106
DATE:10/03/2018 10:53:57 AM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

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 Ronald J. Wasson 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 # CC2017-2477; A fine of sixty eight thousand dollars ($68,000.00), plus an administrative fee of one hundred fifty dollar ($150.00), levied on April 24, 2018 by Special Master Richard Kroop. The total amount of the lien equals $68,150.00; 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: 1080 93 Street
> Bay Harbor Islands, Florida 33154
> Lot(s) 8 & 9, Block 15, PB 46, Page 5
> Miami-Dade County, Florida

owned by Bal Harbour Investments, LLC

of a total value of sixty eight thousand one hundred fifty dollars ($68,150.00) which there remains unpaid $68,150.00 as of September 10, 2018, and that the lienor served his notice to owner on July 7, 2017 by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Ronald J. Wasson, Town Manager

Sworn to and subscribed before me this 10th day of September 2018.

ALBA L. CHANG
MY COMMISSION # GG129633
EXPIRES: October 03, 2021

(Notary Public)
ALBA L. CHANG

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 10th day of September 2018, A.D.

Town Clerk of the
Town of Bay Harbor Islands, Florida

CFN: 20180604447 BOOK 31166 PAGE 3107

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

SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

BAL HARBOUR INVESTMENTS LLC
1060 95 ST #4
BAL HARBOUR, FL 33154-2112

ADDRESS OF VIOLATION:

- BAL HARBOUR INVESTMENTS LLC
1080 93 Street
Bay Harbor Islands, FL 33154-2388
Parcel No: 1322270012900

REGISTERED AGENT:

- Nua Shala
1060 95 Street
Bay Harbor Islands, FL 33154

HEARING INFORMATION

Date: April 24, 2018
Time: 9:30AM

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

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: CC2017-2477

Code Inspector: Scherrie Griffin

Method of Service	**Date**
Posted	July 07, 2017
Certified	July 07, 2017

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

APPEARANCES:

No Show	(Owner/Violator)
Scherrie Griffin	(Code Inspector)
Evelyn Merizalde	(Code Inspector)
Frank Simone	(Town Attorney)
Patrick Prendergast	(Town Manager or Designee)
Alba Chang, Deputy Clerk	(Other)

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.

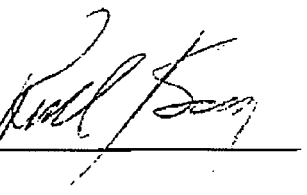
☐ Provided the violation is corrected by , it is the Special Master's Order that the total amount of the civil penalties be mitigated by a reduction of % (not to exceed 50%)

FURTHER RULING AND/OR REMARKS:

Fine assessed from 07/07/17 - 04/05/18 which represents 272 days at $250.00 per day for an amount of $68,000.00 plus an $150.00 administrative fee that equals a total amount of $68.150.00.

Fine Assessed: $68,000.00 Administrative Fee $150.00 Total Owed: $68,150.00

Back to the next Special Master Hearing in days.

Special Master: 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

SPECIAL MAGISTRATE FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
OLD WESTBURY,, NY 11568

ADDRESS OF VIOLATION:

- BAY HARBOR 1080 PARTNERS LLC
1080 93 Street
Bay Harbor Islands, FL 33154-2388
Parcel No: 1322270012900

REGISTERED AGENT:

CHARTER REALTY GROUP LLC - CHARTER REALTY GROUP LLC
90 ALTON ROAD # 3209
Miami Beach, FL 33139

HEARING INFORMATION

Date: November 29, 2023
Time: 10:00AM

Location: Town of Bay Harbor Morris Broad Community Center
Special Magistrate: Christopher Benjamin

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: CC2017-2477

Compliance Officer: Scherrie Griffin

Method of Service	**Date**
Posted	July 17, 2017
Certified	July 17, 2017

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

APPEARANCES:

Adam Anderson, Property Manager	(Owner's Attorney or Representative)
Evelyn Merizalde	(Code Compliance Supervisor)
Scherrie Grfifin	(Code Inspector)
Ayanidys Martinez	(Building & Zoning Supervisor)
Joseph Geller	(Town Attorney)
Mike Mesa	(Chief Building Official/Building Department Director)

WITNESSES:

NAME	ADDRESS	CALLED BY

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MAGISTRATE'S FINDINGS OF FACT:

- [x] 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 $ 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 $200.00
- [ ] Based on the relevant evidence, the time for correction as first given by the Code Inspector was insufficient and the Special Magistrate 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 Magistrate'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:

The current owner's (Bay Harbor 1080 Partners, LLC) property manager submitted an offer to pay $500.00 to $1,000.00. Mitigation denied. Set to the Litigation Committee.

Fine Assessed: Administrative Fee Total Owed: $0.00

Back to the next Special Magistrate Hearing in days.

Special Magistrate: Christopher Benjamin Signature: Christopher Benjamin (Jan 31, 2024 09:19 EST)

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

December 21, 2023

Town of Bay harbor Island,
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Phone: (305) 866-6241

Ref: Bal Harbor Islands. Code Compliance.
Citations Nos. CC2016-2260; CC2017-2477; CC 2017-2399; CC2017-2395; CC2015-2202; CC2017-2396; CC2019-2319; 12-000421.

Dear Bay Harbor Litigation Group,

I hope this letter finds you well. As the representative of the new owners for the properties at 1080 93rd Street and 1060 95th Street, Bay Harbor Islands, FL 33154, I am reaching out regarding the current issues concerning violations and related fees for these locations.

It has come to our attention that in 2019, the previous owner proposed a settlement of $36,840.00 to fully satisfy the Special Master's orders. However, on December 20, 2019, Frank Simone, representing the Town of Bay Harbor, countered with $250,000, to be paid over 10 months.

Given our recent acquisition of these properties and our commitment to their improvement, we respectfully request a review of this matter in order to reach a more manageable mutual settlement.

In our endeavor to ensure these properties contribute positively to the community, we have been proactive in addressing various outstanding obligations as well as paying all expenses paid by the city, a testament to our commitment. To date, we have covered the following expenses:

- Water bills for Property 1060 95th Street, Bay Harbor, FL 33154 amounting to $12,229.57
- Water bills for Property 1080 93rd Street, Bay Harbor, FL 33154 totaling $58,771.35.

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

- Fencing Expenses for Property 1060 95th Street, Bay Harbor, FL 33154 totaling $2,644.51
- Fencing Expenses for Property 1080 93rd Street, Bay Harbor, FL 33154 totaling $4,689.81
- Waste disposal charges for each property, included in the above expenses.

Recognizing the importance of resolving these lines, we are willing to revise the previous settlement offer you received. While the previous offer was $36,840.00, we are prepared to increase this to $50,000.00 in a gesture of good faith and commitment to resolving this amicably and without litigation. This revised offer is made with the hope that it will facilitate a positive and prompt resolution to this matter.

We believe this revised offer, along with our demonstrated commitment through the settlement of existing property dues, shows our dedication to not only resolving the outstanding issues but also enhancing the value and status of these properties within the community. Should this offer not be acceptable, we request a hearing to discuss this matter further.

We appreciate your consideration of our updated proposal and look forward to a favorable response.

Thank you for your time and attention to this important matter.

Adam anderson

BAY HARBOR 1060	VIOLATION	REASON	TOTAL LIEN	REQUESTING
1	**CC2017-2396** ✓	BTR	$ 19,150.00	USD 500 - 1000
2	**CC2018-00421** ✓	WALLS, FENCE, LANDSCAPIND PLAN.	$ 6,575.00	USD 500 - 1000
3	**CC2016-2319** ✓	DETERIORATED PROPERTY	$ 45,500.00	USD 500 - 1000
4	**CC21-001889**	FENCE	$ 2,644.51	USD 500 - 1000
		TOTAL	**$ 73,869.51**	

PAID

BAY HARBOR 1080	VIOLATION	REASON	TOTAL LIEN	REQUESTING
1	CC2017-2477 ✓	HIRE A LICENSED PLUMBER	$ 68,150.00	USD 500 - 1000
2	CC2016-2260 ✓	EXTERIOR AND INTERIOR IN STRUCTURALLY GOOD CONDITION	$ 64,125.00	USD 500 - 1000
3	CC2017-2395 ✓	BTR	$ 19,150.00	USD 500 - 1000
4	CC2017-2399 ✓	BTR	$ 19,150.00	USD 500 - 1000
5	BC2015-2202 ✓	KEEP THE BUILDING IN GOOD CONDITION	$ 65,350.00	USD 500 - 1000
6	21-001888	FENCE	$ 4,689.81	USD 500 - 1000
7	19-002067	TRASH, LANDCAPE DEBRIS	WE PAID 100	
		TOTAL	$ 240,614.81	

PAID

6D

1020

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

1-1357/260

DATE 3-1-23

PAY TO THE ORDER OF Town of Bay Harbor Islands $58,771.35

Fifty-Eight Thousand and Seven Hundred and Seventy-One 35/100 DOLLARS

SIGNATURE BANK®

FOR 1080 9321 ST. - ACCT # 100-494-0003

⑈001020⑈ ⑆026013576⑆ 150493098 6⑈

Details on back. Security Features.

WATER lien. PAID BY (AN/OD)

1080

6E

1021

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 3-1-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $12,229.57

Twelve Thousand and Two Hundred and Twenty-Nine 57/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1060 95TH ST. -100-42300-02

⑈001021⑈ ⑆026013576⑆ 1504930986⑈

Details on back. Security Features

WATER
Lien PAID BY LANDLORD

1060

1080

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-4-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 2471.50

Two Thousand and Four Hundred and Seventy-One 50/100 DOLLARS

Signature | SIGNATURE BANK®

FOR INVOICE LEF 2500-21, 1060 95th ST
Bay Harbor Islands, FL 33154

⑈001080⑈ ⑆026013576⑆ 1504930986⑈

1081

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-4-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 4383.00

Four Thousand and Three Hundred and Eighty Three 00/100 DOLLARS

Signature | SIGNATURE BANK®

6F Fence PAD
By [illegible]

September 29-2023

Litigation Committee
c/o Yvonne P. Hamilton
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Mrs. Yvonne P. Hamilton:

I Formally request a hearing regarding the liens applied and open on the property located at:1080 93RD ST, Bay Harbor, FL, 33154. I am seeking to mitigate the debt associated with these cases.

1. **CC2017-2477** - $68,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

2. **CC2016-2260** - $64,125

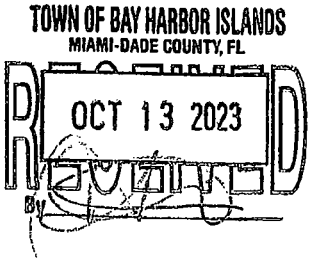
- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

3. **CC2016-2395** - $19,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.



4. **CC2016-2399** - $19,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

5. **BC2015-2202** - $65,350

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

6. Fence: $4689.81

- In this case the city incurred the cost of the fence at the time the building should have been evacuated. When we came in as the new owners and presented the project we found out about this fine. This has now been resolved.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

I appreciate your response and remain pending.

Respectfully,

Adam Anderson
Regional Property Management
Cell # (305) 904-0414
Office #(305) 682-8577
Fax # (305) 682-8570
Adam.elyseeinc@gmail.com

September 29-2023

Litigation Committee
c/o Yvonne P. Hamilton
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

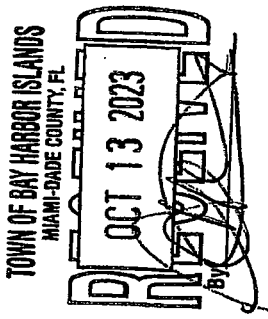
Mrs. Yvonne P. Hamilton:

I Formally request a hearing regarding the liens of 3 cases applied on the property located at:1060 95TH ST, Bay Harbor, FL, 33154. I am seeking to mitigate the debt associated with these cases.

1. **CC2016-2396** - $19,150

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.



2. **CC2018-00421** - $6.575

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

3. **CC2016-2319** - $45,500

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor

so we're requesting help with these violations caused by other people prior to our purchased.

4. Fence: $2644.51

- In this case the city incurred the cost of the fence at the time the building should have been evacuated. When we came in as the new owners and presented the project we found out about this fine. This has now been resolved.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

I appreciate your response and remain pending.

Respectfully,

Adam Anderson
Regional Property Management
Cell # (305) 904-0414
Office #(305) 682-8577
Fax # (305) 682-8570
Adam.elyseeinc@gmail.com

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 866-6241
Fax: (305) 866-4863
codecompliance@bayharborisland.org

HAND DELIVERY/POSTING
ADDRESS:
DATE:
SIGNATURE:
INSPECTOR:

February 3, 2016

NOTICE OF VIOLATION

OWNER:

Investments, LLC
Bal Harbour Investments, LLC
c/o Nua Shala
Bay Harbor Islands, FL 33154

ADDRESS OF VIOLATION

Bal Harbour Investments, LLC
1080 93 Street
Bay Harbor Islands, FL 33154
Parcel No: 13-2227-001-2900

REGISTERED AGENT:

SHALA, NUA
1060 95 ST.
#4
BAY HARBOR ISLANDS, FL 33154

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

Code Section Violated: 0070-30 Section 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

RE: Failure to repair pool wall.planters repaired and re-painted.

Code Section Violated: 0065-27 Section 23-12(22)(f)

Nature of Violation and Details:

(f) Hedge material required for fencing and walls. All fencing or walls must have hedge material installed simultaneously with the installation of the fence or wall. Said hedge must be planted along the entire length of the fence or wall, except at gate locations or as otherwise approved by the town, and shall have a height at the time of planting of at least 50 percent of the

RE: Failure to install hedges along the entire lenght of the pool wall planted 2 ft. apart and 50% the height of the wall.

CC2016-2260

Location, Date and Time of Violation: 1080 93 Street February 3, 2016

You may comply by: Have the swimming pool wall/planters repaired and re-painted. Plant hedges that are 50 % the height of the wall, no more than 2 ft. apart along the entire length of the wall.

Compliance Date: March 2, 2016

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: February 3, 2016 **Cert Mail Article #:** 7014 2870 0000 2142 6107

Date Posted: February 3, 2016

EVELYN MERIZALDE
Code Compliance Officer
Town of Bay Harbor Islands

CC2016-2260



02.02.2016 11:39



02.02.2016 11:39


02.02.2016 11:38


02.02.2016 11:39

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

SPECIAL MAGISTRATE FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
Old Westbury, NY 11568

ADDRESS OF VIOLATION:

- BAY HARBOR 1080 PARTNERS LLC
1080 93 Street
Bay Harbor Islands, FL 33154-2388
Parcel No: 1322270012900

REGISTERED AGENT:

CHARTER REALTY GROUP LLC - CHARTER REALTY GROUP LLC
90 ALTON ROAD # 3209
Miami Beach, FL 33139

HEARING INFORMATION

Date: November 29, 2023
Time: 10:00AM

Location: Town of Bay Harbor Morris Broad Community Center
Special Magistrate: Christopher Benjamin

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: CC2016-2260

Compliance Officer: Evelyn Merizalde

Method of Service	**Date**
Posted	February 03, 2016
Certified	February 03, 2016

Violations(s):

Code Section Violated: Sec. 23-12(22)(f)
Nature of Violation and Details:
Hedge material required for fencing and walls. All fencing or walls must have hedge material installed simultaneously with the installation of the fence or wall. Said hedge must be planted along the entire length of the fence or wall, except at gate locations or as otherwise approved by the town, and shall have a height at the time of planting of at least 50 percent of the height of the fence or wall and must be installed a maximum of two feet apart, measured from the center of the plants. Planting materials associated with fences or walls must be of a type that will grow to a height equal to or greater than the height of the fence or wall and shall be of a depth so as to engulf and hide the fence or wall. The location of any required hedge material shall be determined on a case-by-case basis. Hedges shall be kept and maintained in a neat and attractive manner. If the hedge deteriorates, new planting material to match the existing hedge shall be added. Daily Penalty $25.00

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

APPEARANCES:

Adam Anderson	(Owner/Violator)
Evelyn Merizalde	(Code Compliance Supervisor)
Scherrie Griffin	(Code Inspector)
Ayanidys Martinez	(Building & Zoning Supervisor)
Joseph Gellar	(Town Attorney)
Mike Mesa	(Chief Building Official/Building Department Director)

WITNESSES:

NAME	ADDRESS	CALLED BY

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MAGISTRATE'S FINDINGS OF FACT:

- [x] 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 $ 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.
- [x] The administrative cost of this hearing shall be $200.00
- [ ] Based on the relevant evidence, the time for correction as first given by the Code Inspector was insufficient and the Special Magistrate 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 Magistrate'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:

The request to reduce the fine of $64,125.00 is denied.

The owner must submit a settlement offer to the town litigation committee.

Fine Assessed: $64,125.00 Administrative Fee $200.00 Total Owed: $64,325.00

Back to the next Special Magistrate Hearing in days.

Special Magistrate: Christopher Benjamin

Signature: Christopher Benjamin (Jan 17, 2024 12:59 EST)

CFN 2016R0551189
OR BK 30238 Pgs 3699-3702 (4Pgs)
RECORDED 09/21/2016 09:07:35
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Claim of Lien

State of Florida
County of Miami-Dade

Before me, the undersigned Notary Public, personally appeared Ronald J. Wasson 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 # CC2016-2260; A fine of thirteen thousand one hundred twenty five dollars ($13,125.00), levied on July 27, 2016 by Special Master Richard Kroop. The total amount of the lien equals $13,125.00; a fine of seventy five dollars ($75.00) per day will continue to run until the violation is cured; 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: 1080 93 Street
Bay Harbor Islands, FL 33154
Bay Harbor Islands, Florida, 33154
Lot(s) 8 - 9 , Block 15, PB 46 , Page 5
Miami-Dade County, Florida

owned by Bal Harbour Investments, LLC

of a total value of thirteen thousand one hundred twenty five dollars ($ 13,125.00) of which there remains unpaid $ 13,125.00 as of September 7th, 2016, that the lienor served his notice to owner on February 3, 2016 by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Ronald J. Wasson, Town Manager

Sworn to and subscribed before me this 7th day of September 2016.

ALBA L. CHANG
MY COMMISSION # FF059862
EXPIRES: October 03, 2017

(Notary Public)

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

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 14th day of September, A.D. 2016

Town Clerk of the Town of Bay Harbor Islands, Florida

CIRCUIT AND COUNTY COURTS CLERK IN GOD WE TRUST MIAMI-DADE COUNTY, FLORIDA

TOWN OF BAY HARBOR ISLANDS
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
305-866-6241
codecompliance@bayharborisland.org

SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

Investments, LLC
Bal Harbour Investments, LLC
c/o Nua Shala
Bay Harbor Islands, FL 33154

ADDRESS OF VIOLATION

Bal Harbour Investments, LLC
1080 93 Street
Bay Harbor Islands, FL 33154
Parcel No: 13-2227-001-2900

REGISTERED AGENT:

SHALA, NUA
1060 95 ST.
#4
BAY HARBOR ISLANDS, FL 33154

HEARING INFORMATION:

Date: 07/27/2016
Time: 9:30 AM
Location: Town of Bay Harbor Council Chambers
Special Master: Richard Kroop

A request postponement or continuance was/was not (please encircle on), timely received.

CITATION INFORMATION:

Citation Number: CC2016-2260
Code Inspector: EVELYN MERIZALDE

Method(s) of Service:	**Date**
Posted	July 7, 2016
Certified	July 7, 2016

Violation(s):

Code Section Violated: 0070-30 /Section

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: 0065-27 /Section 23-12(22)(f)

Nature of Violation and Details:
(f) Hedge material required for fencing and walls. All fencing or walls must have hedge material installed simultaneously with the installation of the fence or wall. Said hedge must be planted along the entire length of the fence or wall, except at gate locations or as otherwise approved by the town, and shall have a height at the

CIRCUIT AND COUNTY COURTS CLERK IN GOD WE TRUST MIAMI-DADE COUNTY, FLORIDA

SPECIAL MASTER'S FINDINGS OF FACT: (Check all that are appropriate)

☐ 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 time for correction given by the Code Inspector was reasonable.

☐ The amount of the civil penalty shall be $ _____ per day of violation, 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 inspection of the Town.

☐ **The administrative cost of this hearing shall be $150.00.**

☐ Based on 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 civil penalties be mitigaged by a reduction of _____ % (not to exceed 50%)

☐ Due to natural disaster, act of God, or other unforseen circumstances or events, it is the Special Master's order that the accruing of fines be tolled until the impediment to performance ceases, or if the impediment has ceased, that the fines be considered tolled from _____ through _____.

FURTHER RULING AND/OR REMARKS:

Fine imposed from 2/3/16 to 7/27/16 which represents 175 days @ $75.00 per day for a total of $13,125.00. Fine of $75.00 per day shall continue to accrue until compliance is met.

Back to the next Special Master Hearing in _____ days.

Hearing on this matter commenced on _____ and was concluded on _____.

Special Master: Richard Kroop ***Signature:*** _____

CIRCUIT AND COUNTY COURTS CLERK IN GOD WE TRUST MIAMI-DADE COUNTY, FLORIDA

OR BK 30238 PG 3702
LAST PAGE

APPEARANCES: (Check box if sworn)

- ☐ No show _____ (Owner/Violator)
- ☐ _____ (Owner/Violator)
- ☐ _____ (Owner's attorney or representative)
- ☐ _____ (Owner's attorney or representative)
- ☐ ALBA CHANG _____ (Code Inspector)
- ☐ EVELYN MERIZALDE _____ (Code Inspector)
- ☐ MARLENE MARANTE _____ (Town Clerk)
- ☐ FRANK C. SIMONE _____ (Town Attorney)
- ☐ _____ Town Manager or Designee
- ☐ _____

WITNESSES: (Check box if sworn)

	NAME	ADDRESS	CALLED BY
☐			
☐			
☐			

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the original filed in this office on _____ day of SEP 21 2016, A.D. 20_____
WITNESS my hand and Official Seal.
HARVEY RUVIN, CLERK of Circuit and County Courts
By _____ D.C.
SHAKIERRA BRAZIL #162588

CIRCUIT AND COUNTY COURTS CLERK MIAMI-DADE COUNTY, FLORIDA

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

CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **CC2016-2260**
Inspector: Evelyn Merizalde

Parcel Address: 1080 93 Street
Lot(s): 8-9 Block: 15

Owner Information:
BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
Old Westbury, NY 11568

Violator Information:
BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
Old Westbury, NY 11568

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 23-12(22)(f)	02/03/2016		Open	
Comments:				
24-13(a)	11/14/2017		Open	
Comments:				

DATE OPENED	ACTIVITY	DESCRIPTION
10/14/2015	Courtesy Notice	Courtesy Notice issued to repair the planters located around the pool, re-paint the wall/planters and install hedges. Entered By: Evelyn Merizalde
11/16/2015	Progress Activity	Progress check to verify the wall and planters have been repaired and hedges have been installed along the length of the wall .Compliance not met.Extension granted to repair wall. Entered By: Evelyn Merizalde
02/03/2016	Daily Fine Start	The daily fine $50.00 24-13(a)
02/03/2016	Notice of Violation	Notice of Violation issued for failure to repair pool wall planters repaired and re-painted. Failure to install hedges along the entire length of the pool wall planted 2 ft. apart and 50% the height of the wall. Notice of violation issued for failure to repair the pool wall, repaint and install hedges 50% the height of the entire wall. Section 23-12(22)(f) Section 24-13(a) Entered By: Evelyn Merizalde
02/03/2016	Daily Fine Start	Fine of $25.00 daily 23-12(22)(f)
03/07/2016	Progress Activity	Progress inspection to verify compliance. Compliance not met fine will continue to run until compliance is met. Entered By: Evelyn Merizalde
03/07/2016	Progress Activity	Progress check to verify the swimming pool wall/planters has been repaired and re-painted. The hedges along the pool wall has been planted.Compliance has not been met. Fine of $50.00 per day will continue to accrue until compliance is met. Entered By: Evelyn Merizalde
03/10/2016	Progress Activity	30 day fine letter mailed via certified and via regular mail to the Registered Agent. As of today the fine is $2,700.00. Entered By: Evelyn Merizalde
03/31/2016	Progress Activity	Fine letter returned to Town Hall. Entered By: Evelyn Merizalde

06/29/2016	Progress Activity	Spoke to owner regarding pending violation. As per the owner he will have the repairs completed. Entered By: Evelyn Merizalde
07/06/2016	Notice To Appear	Notice to Appear #1 before Special Master hearing on July 27, 2016 at 9:30 a.m. posted to property and mailed via certified to the Registered Agent. Entered By: Evelyn Merizalde
07/21/2016	Progress Activity	Progress check to verify compliance has been met. Compliance has not been met, progress picture entered to case file. Entered By: Evelyn Merizalde
07/27/2016	Special Master Hearing	No show for the Special Master Hearing. Fine imposed from 2/3/16 to 7/27/16 which repersents 175 days at $75.00 per day for a total of $13,125.00. Fine of $75.00 per day shall continue to accrue until compliance is met. Entered By: Evelyn Merizalde
07/29/2016	Progress Activity	Special Master Findings mailed via certified return receipt to the Registered Agent. Entered By: Evelyn Merizalde
08/01/2016	Progress Activity	Notice to Appear #1 was returned to the office as unclaimed. Entered By: Evelyn Merizalde
08/20/2016	Progress Activity	Special master findings for the hearing on 7/27/16 was returned to town hall. Entered By: Evelyn Merizalde
09/06/2016	Progress Activity	Mailed fine letter to the property owner. As of today's date the possible fine amount is $5,400.00. Entered By: Evelyn Merizalde
09/06/2016	Progress Activity	Compliance has not been met. Notice of violation submitted to the Clerk's Office to file a lien. Entered By: Evelyn Merizalde
09/21/2016	Claim of Lien	CFN 2016R0551189 Lien filed in the amount of $ 13,125.00. Fine will continue to accrue at $75.00 per day until compliance is met.
11/13/2017	Progress Activity	Property owner is attempting to settle the open violations. The violation has not been cured. As of today's date the fine amount is $Violation CC2016-2260 Section 24-13(a) $50.00 & Section 23-12(22)(f) As of today the fine from 2/3/16 to 11/14/17 which represents 651 days at $75.00 per day is a total of $48,825.00.
11/14/2017	Inspection.	Progress inspection to verify compliance. Compliance not met fine of $75.00 will continue to accrue until compliance is met.
04/03/2018	Email	Received emails from Erick Pamblanco advising his company is the new manager for the property.
04/09/2018	Code Action	Meeting held with Erick Pamblanco, property manager, to discuss all pending violations for the property. As per Erick the property is in preflorclosure and he is assisting with resolving all violations on the property. He will call to request an inspection once all violations are cured.
06/05/2018	Progress Activity	Attorney Mark Yaffe contacted the Town Clerk's Office to obtain all code violations. The original case file was scanned to Citizenserve. A copy of the violation and lien emailed to the Town Clerk's office.
06/08/2018	Daily Fine Start	Fine completed 2/3/18-6/8/18.
06/08/2018	Inspection	Compliance met. Fine stopped. Fine calculated from 2/3/16-6/7/18 855 days at $75.00 per day for a total of $64,125.00

06/13/2018	Progress Activity	Email sent to the manager advising the amount of the fine.
07/01/2019	Progress Activity	Settlement offer in the amount of $36,840.00 received to settle all violations for 1080 93 street and 1060 95 street. This offer will be presented to the Litigation Committee at the next scheduled meeting.
12/11/2019	Progress Activity	Litigation Committee meeting - The settlement offer in the amount of $36,840.00 ,which includes an amount to close this violation, was denied. The Litigation Committee presented a counter offer in the amount of $250,000 allowing a payment plan of $25,000.00 a month for 10 months. Foreclosure proceedings will be filed if the owner fails to make the scheduled payments.
02/13/2020	Inspection	First payment installation due in the amount of $25,000.00. Payment has not been received. Lien already on file for all violations presented to the Litigation Committee.
07/29/2022	Progress Activity	The property was sold to CHARTER REALTY GROUP LLC on 5/10/22. Previous Owner: Bal Harbour Investments, LLC c/o Jordan Weinkle, Esq. Closed Date: Owner Address: Weinkle Abergel Law Group
09/21/2023	Code Action	Meeting held with the new owner and agents regarding the violations/liens. A copy of the liens/violations were provided at the meeting. Adam Anderson 305-904-0414 Erika Figueroa 561-680-2025, Florida Building Plans
10/09/2023	Progress Activity	The property manager submitted a request for a hearing.Adam Anderson Property Manager Added On: 11/06/2023 Work: 3056828570 Mobile: 3059040414 Email: adam.elyseeinc@gmail.com
10/31/2023	Progress Activity	The property manager submitted a request for mitigation of fines. " We are requesting to pay $500 to $1,000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code form the previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchase." Adam Anderson- Property Manager
11/08/2023	Progress Activity	Mailed the notice to appear for the special magistrate hearing on 11.29.23 at 10:00 AM.
11/29/2023	Notice To Appear	Prepared the notice to appear letter for the Special Magistrate hearing on 9/29/23 at 10:00 AM.
11/29/2023	Special Master Hearing	The request to reduce the fine of $64, 125.00 is denied. The owner must submit a settlement offer to the town litigation committee.
12/14/2023	Progress Activity	The property owner submitted a settlement offer in the amount of $38,000.00. This offer will be presented to the litigation committee at the next scheduled hearing.
12/21/2023	Progress Activity	Settlement offer received in the amount of $50,000.00.
01/22/2024	Progress Activity	This case will be presented to the Litigation Committee on February 7, 2024 at 6:00 PM.

Photo(s)



Created By: Evelyn Merizalde Created Date: 06/12/2018



Created By: Evelyn Merizalde Created Date: 06/08/2018



Created By: Evelyn Merizalde Created Date: 06/08/2018



Created By: Evelyn Merizalde Created Date: 06/07/2018



Created By: Evelyn Merizalde Created Date: 06/07/2018



Created By: Evelyn Merizalde Created Date: 10/12/2015



Created By: Evelyn Merizalde Created Date: 10/12/2015

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

December 21, 2023

Town of Bay harbor Island,
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Phone: (305) 866-6241

Ref: Bal Harbor Islands. Code Compliance.
Citations Nos. CC2016-2280; CC2017-2477; CC 2017-2399; CC2017-2395; CC2015-2202; CC2017-2396; CC2019-2319; 12-000421.

Dear Bay Harbor Litigation Group,

I hope this letter finds you well. As the representative of the new owners for the properties at 1080 93rd Street and 1060 95th Street, Bay Harbor Islands, FL 33154, I am reaching out regarding the current issues concerning violations and related fees for these locations.

It has come to our attention that in 2019, the previous owner proposed a settlement of $36,840.00 to fully satisfy the Special Master's orders. However, on December 20, 2019, Frank Simone, representing the Town of Bay Harbor, countered with $250,000, to be paid over 10 months.

Given our recent acquisition of these properties and our commitment to their improvement, we respectfully request a review of this matter in order to reach a more manageable mutual settlement.

In our endeavor to ensure these properties contribute positively to the community, we have been proactive in addressing various outstanding obligations as well as paying all expenses paid by the city, a testament to our commitment. To date, we have covered the following expenses:

- Water bills for Property 1060 95th Street, Bay Harbor, FL 33154 amounting to $12,229.57
- Water bills for Property 1080 93rd Street, Bay Harbor, FL 33154 totaling $58,771.35.

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

- Fencing Expenses for Property 1060 95th Street, Bay Harbor, FL 33154 totaling $2,644.51
- Fencing Expenses for Property 1080 93rd Street, Bay Harbor, FL 33154 totaling $4,689.81

- Waste disposal charges for each property, included in the above expenses.

Recognizing the importance of resolving these lines, we are willing to revise the previous settlement offer you received. While the previous offer was $36,840.00, we are prepared to increase this to $50,000.00 in a gesture of good faith and commitment to resolving this amicably and without litigation. This revised offer is made with the hope that it will facilitate a positive and prompt resolution to this matter.

We believe this revised offer, along with our demonstrated commitment through the settlement of existing property dues, shows our dedication to not only resolving the outstanding issues but also enhancing the value and status of these properties within the community. Should this offer not be acceptable, we request a hearing to discuss this matter further.

We appreciate your consideration of our updated proposal and look forward to a favorable response.

Thank you for your time and attention to this important matter.

Adam anderson

TOWN OF BAY HARBOR ISLANDS
CODE COMPLIANCE DIVISION
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 866-6241
Fax: (305) 866-4863

HAND DELIVERY/POSTING
ADDRESS:_____
DATE:_____
SIGNATURE:_____
INSPECTOR:_____

June 29, 2016

NOTICE OF VIOLATION

OWNER:

Investments, LLC
Bal Harbour Investments, LLC
c/o Nua Shala
Bay Harbor Islands, FL 33154

ADDRESS OF VIOLATION

Bal Harbour Investments, LLC
1060 95 Street
Bay Harbor Islands, FL 33154
Parcel No: 13-2227-001-2540

REGISTERED AGENT:

SHALA, NUA
1060 95 ST.
#4
BAY HARBOR ISLANDS, FL 33154

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

Code Section Violated: 0065-5 Section 23-12 (1)

Nature of Violation and Details:

Any condition, or activity which is or may become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, inhabitants of buildings or the safety and welfare of the general public. Daily Penalty $50.00

RE: Failure to comply with a Courtesy notice issued hire a licensed contractor to remove the chain link fence located along the second floor balcony, obtain a permit and install hand

CC2016-2319

Location, Date and Time of Violation: 1060 95 Street June 29, 2016

You may comply by: Hire a licensed contractor to install hand railings along the second floor balcony as per code and remove the chain link fence. Permit required.

Compliance Date: **July 27, 2016**

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:

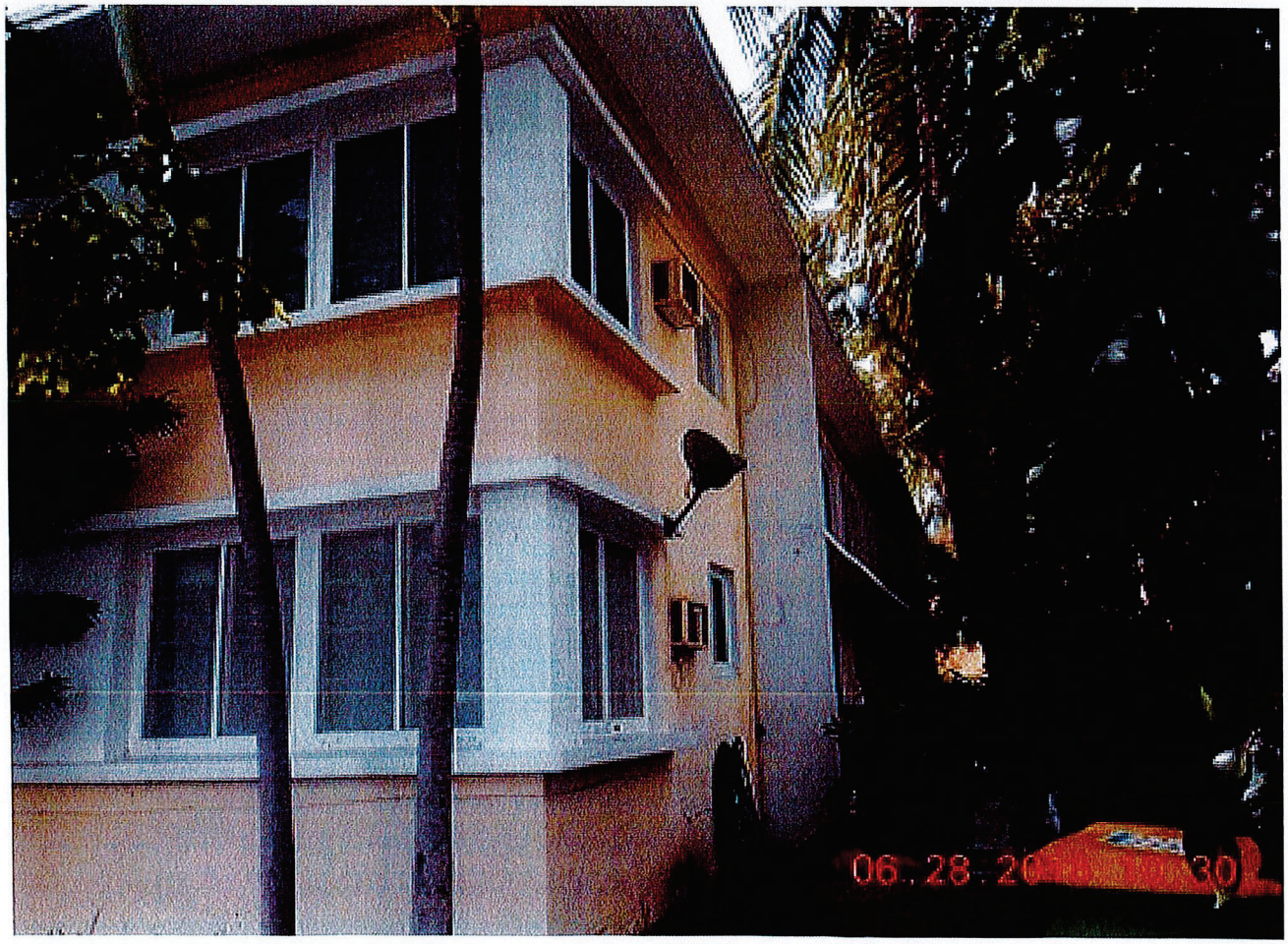
Date Mailed: June 29, 2016 **Cert Mail Article #:** 7014 2870 0000 2142 7678

Date Posted: June 29, 2016

EVELYN MERIZALDE
Code Compliance Officer
Town of Bay Harbor Islands

CC2016-2319


06 28 2016 10:30


06 28 20 30


06 28 2016

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

SPECIAL MAGISTRATE FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
OLD WESTBURY, NY 11568

ADDRESS OF VIOLATION:

- BAY HARBOR 1080 PARTNERS LLC
1060 95 Street
Bay Harbor Islands, FL 33154-2112
Parcel No: 1322270012540

REGISTERED AGENT:

CHARTER REALTY GROUP LLC - CHARTER REALTY GROUP LLC
90 ALTON ROAD # 3209
Miami Beach, FL 33139

HEARING INFORMATION

Date: November 29, 2023
Time: 10:00AM

Location: Town of Bay Harbor Morris Broad Community Center
Special Magistrate: Christopher Benjamin

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: CC2016-2319

Compliance Officer: Evelyn Merizalde

Method of Service	**Date**
Posted	June 29, 2016
Certified	June 29, 2016

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 facia 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

APPEARANCES:

Adam Anderson	(Owner/Violator)
Evelyn Merizalde	(Code Compliance Supervisor)
Scherrie Griffin	(Code Inspector)
Ayanidys Martinez	(Building & Zoning Supervisor)
Mike Mesa	(Chief Building Official/Building Department Director)

WITNESSES:

NAME	ADDRESS	CALLED BY

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MAGISTRATE'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 $ 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 $200.00

☐ Based on the relevant evidence, the time for correction as first given by the Code Inspector was insufficient and the Special Magistrate 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 Magistrate'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:

The request to mitigate the fine of $45,500.00 is denied.

The owner may submit a settlement offer to the town litigation committee.

Fine Assessed: Administrative Fee Total Owed: $0.00

Back to the next Special Magistrate Hearing in days.

Special Magistrate: Christopher Benjamin

Signature: Christopher Benjamin (Jan 17, 2024 12:59 EST)

CFN: 20170000009 BOOK 30372 PAGE 4428
DATE:01/05/2017 08:35:16 AM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

Claim of Lien

State of Florida
County of Miami-Dade

Before me, the undersigned Notary Public, personally appeared Ronald J. Wasson 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 # CC2016-2319; A fine of four thousand six hundred fifty dollars ($4,650.00), levied on September 29, 2016 by Special Master Richard Kroop. The total amount of the lien equals $4,650.00; a fine of fifty dollars ($50.00) per day will continue to run until the violation is cured; 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: 1060 95 Street
Bay Harbor Islands, FL 33154
Bay Harbor Islands, Florida, 33154
Lot(s) 7, Block 13, PB 46, Page 5
Miami-Dade County, Florida

owned by Bal Harbour Investments, LLC

of a total value of four thousand six hundred and fifty dollars ($ 4,650.00) of which there remains unpaid $ 4,650.00 as of December 22nd, 2016, that the lienor served his notice to owner on June 29, 2016 by Certified Mail/Posting.

TOWN OF BAY HARBOR ISLANDS
(Lienor)

Ronald J. Wasson, Town Manager

Sworn to and subscribed before me this 22nd day of December 2016.

ALBA L. CHANG
MY COMMISSION # FF059862
EXPIRES: October 03, 2017

(Notary Public)

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

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 22nd day of December, A.D. 2016

Town Clerk of the Town of Bay Harbor Islands, Florida

TOWN OF BAY HARBOR ISLANDS
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
305-866-6241

SPECIAL MASTER FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

Investments, LLC
Bal Harbour Investments, LLC
c/o Nua Shala
Bay Harbor Islands, FL 33154

ADDRESS OF VIOLATION

Bal Harbour Investments, LLC
1060 95 Street
Bay Harbor Islands, FL 33154
Parcel No: 13-2227-001-2540

REGISTERED AGENT:

SHALA, NUA
1060 95 ST.
#4
BAY HARBOR ISLANDS, FL 33154

HEARING INFORMATION:

Date: 09/29/2016 **Location:** **Town of Bay Harbor Council Chambers**
Time: 9:00 AM **Special Master:** Richard Kroop

A request postponement or continuance was/was not (please encircle on), timely received.

CITATION INFORMATION:

Citation Number: CC2016-2319 **Code Inspector:** EVELYN MERIZALDE

Method(s) of Service:	**Date**
Posted	September 6, 2016
Certified	September 6, 2016

Violation(s):

Code Section Violated: 0065-5 /Section 23-12 (1)

Nature of Violation and Details:
Any condition, or activity which is or may become an annoyance, blight, eyesore, danger or nuisance to the neighborhood, inhabitants of buildings or the safety and welfare of the general public. Daily Penalty $50.00

APPEARANCES: (Check box if sworn)

- ☑ No show _____ (Owner/Violator)
- ☐ _____ (Owner/Violator)
- ☐ _____ (Owner's attorney or representative)
- ☐ _____ (Owner's attorney or representative)
- ☑ ALBA CHANG _____ (Code Inspector)
- ☑ EVELYN MERIZALDE _____ (Code Inspector)
- ☐ MARLENE MARANTE _____ (Town Clerk)
- ☐ FRANK C. SIMONE _____ (Town Attorney)
- ☐ _____ Town Manager or Designee
- ☐ _____

WITNESSES: (Check box if sworn)

	NAME	ADDRESS	CALLED BY
☐			
☐			
☐			

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MASTER'S FINDINGS OF FACT: (Check all that are appropriate)

- ☐ 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 time for correction given by the Code Inspector was reasonable.
- ☐ The amount of the civil penalty shall be $ _____ per day of violation, 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 inspection of the Town.
- ☑ **The administrative cost of this hearing shall be $150.00.**
- ☐ Based on 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 civil penalties be mitigaged by a reduction of _____ % (not to exceed 50%)
- ☐ Due to natural disaster, act of God, or other unforseen circumstances or events, it is the Special Master's order that the accruing of fines be tolled until the impediment to performance ceases, or if the impediment has ceased, that the fines be considered tolled from _____ through _____.

FURTHER RULING AND/OR REMARKS:

Fine imposed from 6/29/16-9/29/16 which represents 93 days at $50.00 per day for a fine of $4,650.00. The fine will continue to accrue until compliance is met. The chainlink fence located on the second floor balcony must be removed and handrailings installed. Permit required.

Back to the next Special Master Hearing in _____ days.

Hearing on this matter commenced on _____ and was concluded on _____.

Special Master: Richard Kroop ***Signature:*** _____

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

CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **CC2016-2319**
Inspector: Evelyn Merizalde

Parcel Address: 1060 95 Street
Lot(s): 7 Block: 13

Owner Information:
BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
OLD WESTBURY, NY 11568

Violator Information:
BAY HARBOR 1080 PARTNERS LLC
9 TERRACE CT
OLD WESTBURY, NY 11568

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 23-12(1)	06/29/2016		Open	

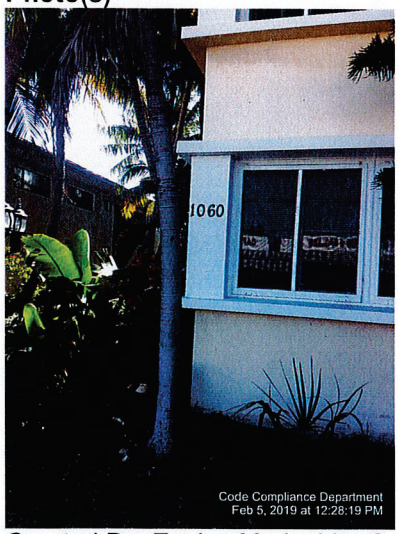
Comments:

DATE OPENED	ACTIVITY	DESCRIPTION
05/03/2016	Progress Activity	Found a chainlink fence has been installed along the second floor balcony instead of hand railings. Courtesy notice issued to obtain a permit to install handrailings to met the Florida Building Code and to complete the installation. Entered By: Evelyn Merizalde
06/09/2016	Progress Activity	Progress check to verify the chainlink fence has been removed from the balcony. Compliance not met. Entered By: Evelyn Merizalde
06/15/2016	Progress Activity	Progress check to verify the chainlink fence has been removed from the second floor balcony. Compliance not met. Entered By: Evelyn Merizalde
06/29/2016	Progress Activity	Failure to comply with a Courtesy notice issued hire a licensed contractor to remove the chain link fence located along the second floor balcony, obtain a permit and install hand railings.
06/29/2016	Daily Fine Start	Failure to comply with removing the chain link fence installed along the second floor walkway. Railings to code must be installed. Permit required.
06/29/2016	Progress Activity	Notice of violation issued and mailed via certified receipt return to the owner for failure to comply with a Courtesy Notice issued to hire a licensed contractor to remove the chainlink fence installed along the second floor balcony and to install hand railings. Notice posted to the property. Entered By: Evelyn Merizalde
07/28/2016	Progress Activity	Spoke to the Nua Shala, owner, to advise him the Notice of Violation is still open. Entered By: Evelyn Merizalde
08/01/2016	Progress Activity	Progress check to verify the chainlink fence installed along the second floor balcany have been replaced with handrailings. Permit required. Compliance has not been met. Fine will continue to accrue. Entered By: Evelyn Merizalde
08/03/2016	Progress Activity	Mailed 30 day fine letter certified return receipt to the owner. As of today the amount is $1,750.00. 35 days at $50.00 per day. Entered By: Evelyn Merizalde

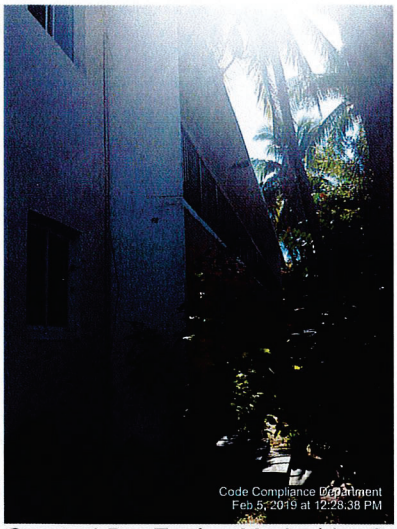
08/08/2016	Progress Activity	Progress check to verify the chainlink fence has been removed from the balcony. Compliance not met. Entered By: Evelyn Merizalde
08/24/2016	Progress Activity	Mailed 30 days fine letter to owner. As of today the fine is $2,800.00. 56 days at $50.00 per day. Entered By: Evelyn Merizalde
09/06/2016	Progress Activity	Notice to Appear before the Special Master on 9/29/16 at 9:30 am mailed certified return receipt and posted to the property. Entered By: Evelyn Merizalde
09/06/2016	Progress Activity	Mailed fine letter to the property owner. As of today's date the possible fine amount is $3,450.00. Entered By: Evelyn Merizalde
09/21/2016	Progress Activity	Notice to Appear was returned to the Town Hall. Entered By: Evelyn Merizalde
09/27/2016	Progress Activity	Spoke to Nua Shala in person and reminded him of the special master hearing scheduled for 9/29/16 at 9:30 am. Owner has not submitted a permit for balcony railings. Entered By: Evelyn Merizalde
09/28/2016	Progress Activity	Progress pictures taken of the second floor balcony. Compliance has not been met. Entered By: Evelyn Merizalde
09/29/2016	Notice To Appear.	Ruling: Comments:
09/29/2016	Special Master Hearing	Fine imposed from 6/29/16-9/29/16 which represents 93 days at $50.00 per day for a fine of $4,650.00. The fine will continue to accrue until compliance is met. The chainlink fence located on the second floor balcony must be removed and handrailings installed. Permit required. Comments:
09/30/2016	Progress Activity	Special Master Findings mailed via certified Receipt return to the owner. Entered By: Evelyn Merizalde
12/02/2016	Progress Activity	Request to file a lien submitted to the Clerk's office. Entered By: Evelyn Merizalde
01/05/2017	Claim of Lien	Original fine amount $ 4,650.00 daily fine of $50.00 accrued until compliance met CC2016-2319 Railings Lien $45,500.00 910 days @ $50.00 per day
12/13/2017	Progress Activity	Progress inspection to verify compliance. Compliance has not been met. The daily $50.00 fine will continue to accrue until compliance is met.
12/13/2017	Progress Activity.	Received an email from Nick Hawkins, Property Analyst, inquiring about an active lien filed against the property. He was advised that the lien is active and compliance has not been met. As of today's date the fine is $26,650.00 which is from 6/29/16-12/13/17. A 30 day fine letter was mailed to the property owner.
01/23/2018	Progress Activity.	Received an inquiry regarding this pending violation. A copy of the violation has been emailed to gilardonilive@live.com.
01/25/2018	Phone Call.	Received a request for a copy of the notice of violation and lien. Email sent to gilardonilive@live.com.
03/23/2018	Walk In	Nua Shala came into the office to speak with Patrick Prendergast, Director of Code, in regards to the chain-link fence.
06/05/2018	Progress Activity	Attorney submitted a request for copies of all open violations for the property. Notice of violation and lien emailed to the Clerk's office.

11/01/2018	Phone Call	Spoke to Mairicio Cabral, Optimus Development, who stated he is the contractor who will obtain permits for the railing .
02/05/2019	Progress Activity	B18-000435.pdf railing permit complied on 12/26/18.
02/05/2019	Progress Activity	CC2016-2319 Railings Lien $45,500.00 910 days @ $50.00 per day
05/13/2019	Progress Activity	Settlement offer received in the amount of $36,840. to settle all open violations on the 108093 st bldg. & 1060 95 st bldg. This offer will be presented to the Ligation Committee at the next schedule meeting.
11/08/2023	Progress Activity	Sent the notice to appear letter to the property manager via email, posted to the property and mailed certified.
11/29/2023	Notice To Appear	Prepared a notice to appear letter for the Special Magistrate hearing on 9/29/23 at 10:00 AM.
11/29/2023	Special Master Hearing	The request to mitigate the fine of $45,500.00 is denied. The owner may submit a settlement offer to the town litigation committee.
12/14/2023	Progress Activity	The owner submitted a settlement offer in the amount of $48,000.00. This offer will be presented to the litigation committee at the next scheduled meeting.
01/22/2024	Progress Activity	This case is be presented to the Litigation Committee on February 7, 2024.

Photo(s)



Created By: Evelyn Merizalde Created Date: 02/05/2019



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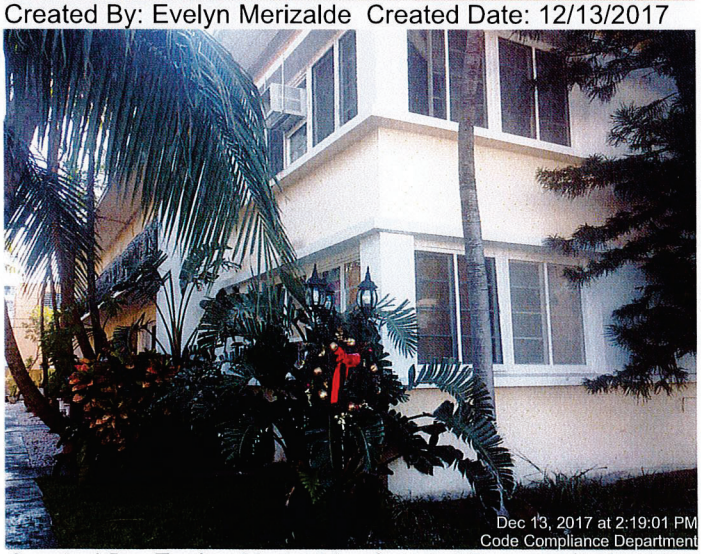
Created By: Evelyn Merizalde Created Date: 12/13/2017



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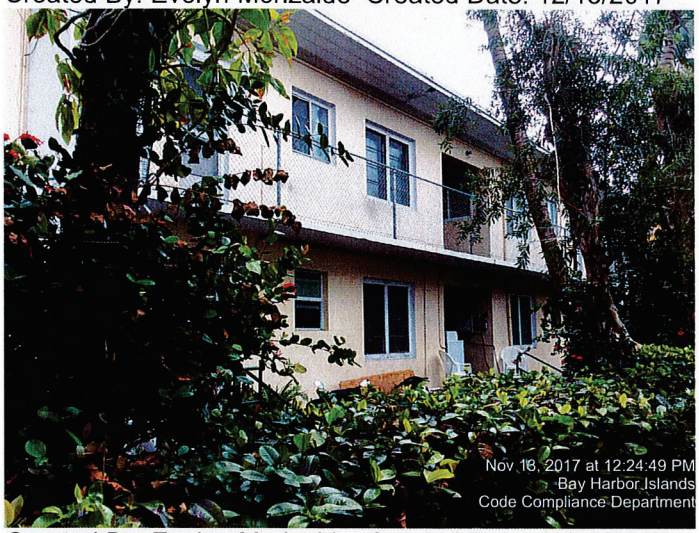
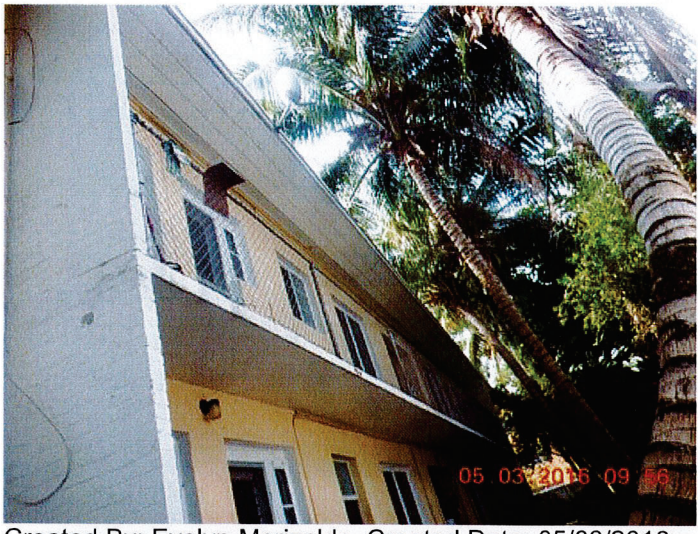
Created By: Evelyn Merizalde Created Date: 12/13/2017



Created By: Evelyn Merizalde Created Date: 11/13/2017



Created By: Evelyn Merizalde Created Date: 05/03/2016



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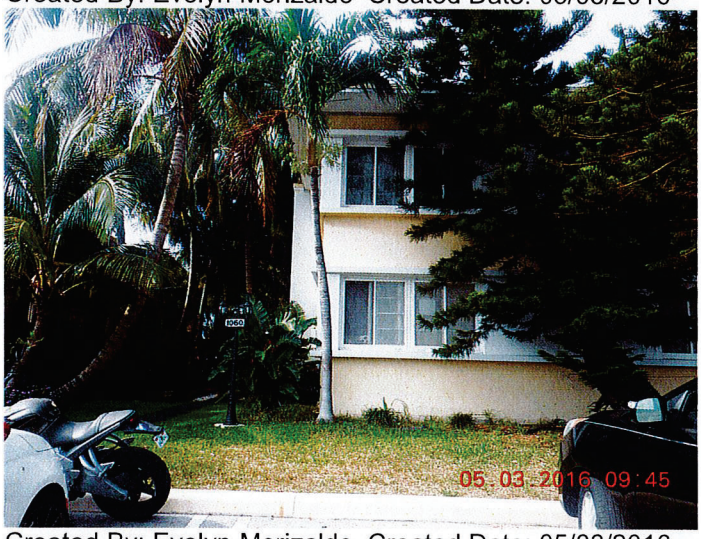


Created By: Evelyn Merizalde Created Date: 05/03/2016

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

RECEIVED
DEC 14 2023
BY:

December 13, 2023

Town of Bay harbor Island,
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Phone: (305) 866-6241

missing CC2016-2319

Ref: Bal Harbor Islands. Code Compliance.
Citations Nos. CC2016-2260; CC2017-2477; CC 2017-2399; CC2017-2395; CC2015-2202; CC2017-2396; CC2019-2319; 12-000421.

Dear Bay Harbor Litigation Group,

I hope this letter finds you well. I am writing to you as the representative of the new owners for the properties located at 1080 93 Street and 1060 95 Street, Bay Harbor Islands, FL 33154. We have recently become aware of the ongoing situation regarding the violations and associated fees for these properties.

I understand that a settlement of $250,000 was initially proposed to the previous owner to resolve these violations. Given our recent acquisition of these properties and our commitment to their improvement, we respectfully request a review of this matter with a view to reaching a more manageable agreement.

In our endeavor to ensure these properties contribute positively to the community, we have been proactive in addressing various outstanding obligations as well as paying all expenses paid by the city, a testament to our commitment. To date, we have covered the following expenses: see the attached checks attached totally.

- Water bills for Property 1060 95th street, Bay harbor, FL 33154 amounted to $12,229.57.
- Water bills for Property 1080 93rd street, Bay harbor Island, FL 33154, totaling $58,771.35.
- Fencing expenses for Property 1060 1 95th street, Bay harbor, FL 33154 at $2,644.51
- Fencing expenses for Property 1080 93rd street, Bay harbor Island, FL 33154 at $4,689.81.
- Waste disposal charges for each property, included in the above expenses.

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

Recognizing the importance of resolving these violations, we are willing to revise the previous settlement offer you received. While the previous offer was $38,000, we are prepared to increase this $38,000 to $48,000, in a gesture of good faith and commitment to resolving this matter amicably. This revised offer is made with the hope that it will facilitate a positive and prompt resolution to this matter.

We believe this revised offer, along with our demonstrated commitment through the settlement of existing property dues, shows our dedication to not only resolving the outstanding issues but also enhancing the value and status of these properties within the community.

We appreciate your consideration of our revised proposal and are hopeful for a favorable response. Our aim is to work collaboratively towards a solution that is acceptable to all parties involved. Thank you for your time and attention to this important matter.

Sincerely,

Adam anderson

AA MANAGEMENT SERVICES AND CONSULTING LLC.
3585 NE 207 ST
SUITE C-77
AVENTURA, FL 33180
adam.elyseeinc@gmail.com
Phone number: (305)682-5470

Please see checks Attached that was prepaid by the new owners, in order to cover out-of-pocket expenses for the City of Bal Harbor, as we promise.

Watter bill

- for property 1060 95th street, Bay harbor, FL 33154 at: $12,229.57

-For property 1080 93rd street, Bay harbor Island, FL 33154 at : $58,771.35

Fencing Expenses

- for property 1060 1060 95th street, Bay harbor, FL 33154at: $2,644.51

-For property 1080 1080 93rd street, Bay harbor Island, FL 33154 at : $4,689.81

Paid by the owners totaling $ 78,335.24.

PROOF OF WATER

Reimbursment

Lien CLOSED +

CITY OUT OF POCKET

REPAYED

1020

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

1-1357/260

DATE 3-1-23

PAY TO THE ORDER OF Town of Bay Harbor Islands $58,771.35

Fifty-Eight Thousand and Seven Hundred and Seventy-One 35/100 DOLLARS

Signature | SIGNATURE BANK

FOR 1080 93rd ST. - ACCT # 100-494-0003

⑈001020⑈ ⑆026013576⑆ 150493098 6⑈

Details on back. Security Features

WATER Reimbursement

1080

WATER lien.

1080

1021

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 3-1-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $12,229.57

Twelve Thousand and Two Hundred and Twenty-Nine 57/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1060 95TH ST. -100-42300-02

⑈001021⑈ ⑆026013576⑆ 1504930986⑈

Details on back. Security Features

WATER Reimbursement
1060

WATER
Lien

1060

Proof of Fence

Reimbursement TO

CITY

1080 + 1060

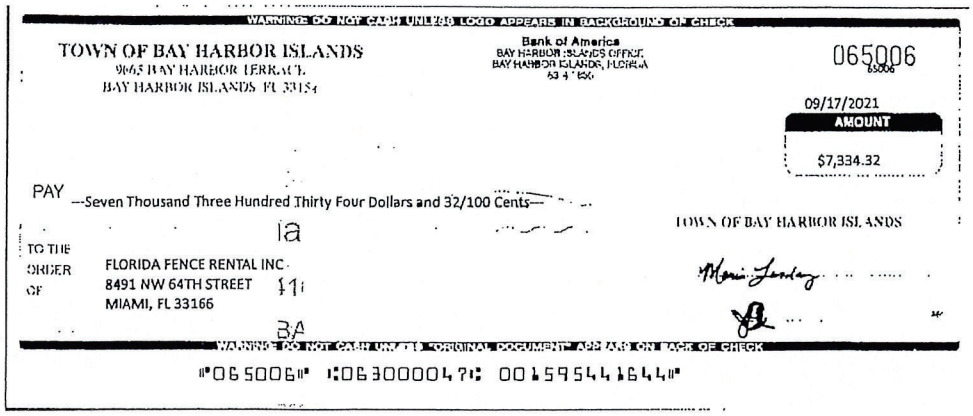
Check Inquiry Summary

BANK OF AMERICA

Account Number: 001595441644

Account Name: TOWN OF BAY HARBOR ISLANDS-Payroll

Bank ID: 063100277



WARNING: DO NOT CASH UNLESS LOGO APPEARS IN BACKGROUND OF CHECK

TOWN OF BAY HARBOR ISLANDS
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS FL 33154

Bank of America
BAY HARBOR ISLANDS OFFICE
BAY HARBOR ISLANDS, FLORIDA
63-4 1650

065006
65006

09/17/2021

AMOUNT
$7,334.32

PAY --Seven Thousand Three Hundred Thirty Four Dollars and 32/100 Cents--

TOWN OF BAY HARBOR ISLANDS

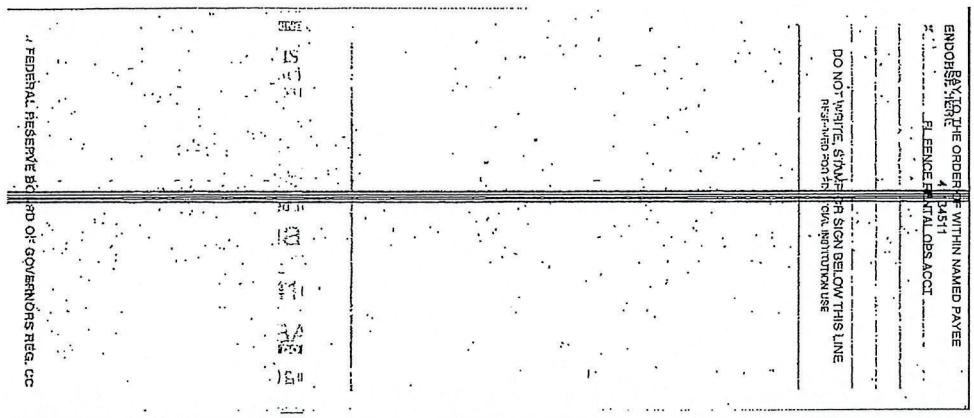
TO THE ORDER OF
FLORIDA FENCE RENTAL INC
8491 NW 64TH STREET
MIAMI, FL 33166

WARNING: DO NOT CASH UNLESS "ORIGINAL DOCUMENT" APPEARS ON BACK OF CHECK

⑈065006⑈ ⑆063000047⑆ 001595441644⑈

PAY TO THE ORDER OF WITHIN NAMED PAYEE
ENDORSE HERE
FLEENCE RENTAL OPS ACCT
4 34511

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE



FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

Check Details

Check Number: 65006
Account Number: 001595441644
Account Name: TOWN OF BAY HARBOR ISLANDS-Payroll
Bank ID: 063100277

Amount: 7,334.32
Posted Date: 10/01/2021
Paid Date: 10/01/2021

ADD'L
TAX Due

original chs:

12/8/23 Ck# 306.81 + 1080.93 ① 4383 — ck# 1081
NOW P/F # 173.01 + 1060-95 ② 2471.50 : ck# 1080
7334.32 = 479.82 + 6854.00 = Paid 12/4 (2 chs)

1

1081

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-4-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 4383.00

Four Thousand and Three Hundred and Eighty Three 00/100 DOLLARS

Signature | SIGNATURE BANK®

FOR Invoice # F2499-24, 1080 93rd St Bay Harbor Islands, FL 33154

⑈001081⑈ ⑆026013576⑆ 1504930986⑈

1080

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

1-1357/260

DATE 12-4-23

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 247.50

Two Thousand and Four Hundred and Seventy-One 50/100 DOLLARS

Signature | SIGNATURE BANK®

FOR MINOR EF 2500-21 1060 95th ST Bay Harbor Islands, FL 33154

⑈001080⑈ ⑆026013576⑆ 150493098 6⑈

1082

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-8-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 306.81

Three Hundred and Six and 81/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1080 93rd ST, BHI, FL, INV# F2499-21

⑈001082⑈ ⑆026013576⑆ 1504930986⑈

1083

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-8-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 173.01

One Hundred and Seventy-Three 01/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1060 95TH ST, BHI, FL, INV#: F2520-21

6D

1020

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 3-1-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $58,771.35

Fifty-Eight Thousand and Seven Hundred and Seventy-One 35/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1080 93rd ST. - Acct # 100-494-0003

⑈001020⑈ ⑆026013576⑆ 150493098 6⑈

Details on back. Security Features

WATER lien. PAID BY LANDLORD

1080

6E

1021

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 3-1-23

1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $12,229.57

Twelve Thousand and Two Hundred and Twenty-Nine 57/100 DOLLARS

Signature | SIGNATURE BANK®

FOR 1060 95th ST. -100-42300-02

⑈001021⑈ ⑆026013576⑆ 1504930986⑈

Details on back

Security Features

WATER
Lien PAID By LANDLORD

1060

1080

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-4-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 247.50

Two Thousand and Four Hundred and Seventy-One 50/100 DOLLARS

Signature | SIGNATURE BANK®

FOR INVOICE F 2-500-24 1080 95th ST Bay Harbor Islands, FL 33154

⑈001080⑈ ⑆026013576⑆ 150493098 6⑈

1081

BAY HARBOR 1080 PARTNERS LLC
40 CUTTERMILL RD, SUITE 308
GREAT NECK, NY 11021

DATE 12-4-23 1-1357/260

PAY TO THE ORDER OF Town of Bay Harbor Islands $ 4383.00

Four Thousand and Three Hundred and Eighty Three 00/100 DOLLARS

Signature | SIGNATURE BANK®

6 Fence PAID By Invoice

September 29-2023

Litigation Committee
c/o Yvonne P. Hamilton
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Mrs. Yvonne P. Hamilton:

I Formally request a hearing regarding the liens applied and open on the property located at:1080 93RD ST, Bay Harbor, FL, 33154. I am seeking to mitigate the debt associated with these cases.

1. **CC2017-2477** - $68,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

2. **CC2016-2260** - $64,125

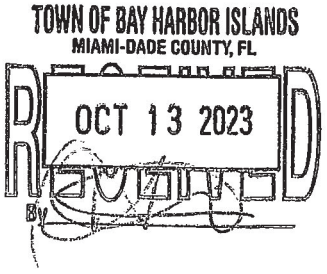
- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

3. **CC2016-2395** - $19,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.



4. **CC2016-2399** - $19,150

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

5. **BC2015-2202** - $65,350

- This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

6. Fence: $4689.81

- In this case the city incurred the cost of the fence at the time the building should have been evacuated. When we came in as the new owners and presented the project we found out about this fine. This has now been resolved.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

I appreciate your response and remain pending.

Respectfully,

Adam Anderson
Regional Property Management
Cell # (305) 904-0414
Office #(305) 682-8577
Fax # (305) 682-8570
Adam.elyseeinc@gmail.com

September 29-2023

Litigation Committee
c/o Yvonne P. Hamilton
Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Mrs. Yvonne P. Hamilton:

I Formally request a hearing regarding the liens of 3 cases applied on the property located at:1060 95TH ST, Bay Harbor, FL, 33154. I am seeking to mitigate the debt associated with these cases.

1. **CC2016-2396** - $19,150

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.



2. **CC2018-00421** - $6.575

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

3. **CC2016-2319** - $45,500

-This case belongs to the previous owners of the property; the violations were settled but the liens were not paid. We, the new owners, have inherited these claims and want to take care of them to resolve and mitigate them as best as possible.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor

so we're requesting help with these violations caused by other people prior to our purchased.

4. Fence: $2644.51

- In this case the city incurred the cost of the fence at the time the building should have been evacuated. When we came in as the new owners and presented the project we found out about this fine. This has now been resolved.

- We are requesting to pay $500 to $1000 for each violation since we were not the cause of the violation. It was the previous landlord, and we are about to invest a million dollars to get the building up to code from previous landlord and invest even more to make it a beautiful, living place for the community and the city of Bay Harbor so we're requesting help with these violations caused by other people prior to our purchased.

I appreciate your response and remain pending.

Respectfully,

Adam Anderson
Regional Property Management
Cell # (305) 904-0414
Office #(305) 682-8577
Fax # (305) 682-8570
Adam.elyseeinc@gmail.com

AGENDA ITEM REPORT
February 7, 2024

ITEM NUMBER: 7.

ITEM: Approval or **Denial** of a settlement agreement for Notice of Violation No. 21-001505 for failure to obtain the 40-year re-certification as required by Miami-Dade County. Rexleigh Apartments, Inc., 9881 East Bay Harbor Drive, Bay Harbor Islands, FL 33154. The assessed fine was $28,700.00. On September 27, 2023, the Special Magistrate mitigated the fine to $14,550.00. **Counsel for the property owner, Soren Law Group, PA, is proposing the fine be reduced to $0.00.**

DESCRIPTION:
Approval or **Denial** of a settlement agreement for Notice of Violation No. 21-001505 for failure to obtain the 40-year re-certification as required by Miami-Dade County. Rexleigh Apartments, Inc., 9881 East Bay Harbor Drive, Bay Harbor Islands, FL 33154. The assessed fine was $28,700.00. On September 27, 2023, the Special Magistrate mitigated the fine to $14,550.00. **Counsel for the property owner, Soren Law Group, PA, is proposing the fine be reduced to $0.00.**

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

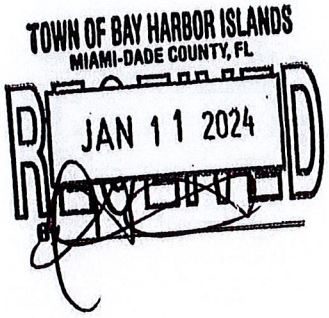
Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	21-001505 9881 EBHD Settlement Offer

Soren

Soren Law Group P.A



December 29, 2023

Sent Via US Mail

Litigation Committee
c/o Yvonne P. Hamilton
Acting Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Re: Revised Request for Hearing With Litigation Committee; Citation No. 21-001505; 9881 E. Bay Harbor Drive, Bay Harbor Islands, FL 33154

Dear Ms. Hamilton and Litigation Committee Members:

We represent 9881 EBH, Ltd., the owner of 9881 E. Bay Harbor Drive, Bay Harbor Islands, FL 33154 ("Property" or "Rexleigh Apartments").

Our client took possession of the Property on August 1, 2022. At that time, the building was fully occupied and needed to be vacated before substantive repairs could be made to remediate and bring the property into compliance with the City's Code.

We moved as rapidly as the law permitted to remove the tenants. With the new tenant ordinance in place requiring a 60-day termination notice, and with some tenants not moving voluntarily, this took some months and a number of legal proceedings to accomplish. The building was finally vacated in February of 2023.

Our client has worked expeditiously to upgrade and renovate the entire building from the roof down. Please see attached permits:

1133 Normandy Drive, Miami Beach, FL 33141
Tel: 786.431.1333 • Fax: 786.513.7700 • E-mail: info@sorenlawgroup.com

Soren

Soren Law Group P.A

1. Permit B22-000570 for Apartments 4A, 4B, 4C
2. Permit B22-000543 for Apartments 4D, 4E
3. Permit B23-000012 for Apartments on Floors 2, 3 and 5
4. Permit B22-000555 for all Concrete Repairs. This Permit has been Closed (see attached final inspection approved on 5-8-2023).
5. Permit B22-000579 to Re-Roof the Entire Building. This Permit has been Closed (see attached final inspection approved on 3-27-2023).
6. Permit B22-000576 to Replace all Windows for the Entire Building. This Permit has been Closed (see attached final inspection approved on 10-5-2023)

We appeared before the Special Magistrate on September 27, 2023. The Special Master reduced the fines imposed by the City and advised that we could seek further reduction via a hearing before the Litigation Committee. The current amount of the fine is $14,350.00 and we are seeking a further reduction to $0 based upon the fact that our client inherited the issues with the property and has diligently corrected the violations and improved the building.

We respectfully request a hearing with the Litigation Committee to seek mitigation of the outstanding fines on the Property. Thank you for your time and consideration.

Respectfully submitted,

/s/Max Soren
Max G. Soren

1133 Normandy Drive, Miami Beach, FL 33141
Tel: 786.431.1333 • Fax: 786.513.7700 • E-mail: info@sorenlawgroup.com

Town of Bay Harbor Islands
Building Department
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

October 23, 2023

For Property at: **9881 East BAY HARBOR Drive**
BILL TO: **9881 EBH LTD** **1133 NORMANDY** **MIAMI BEACH, FL 33141**

Quantity	Description	Amount
	Violation 21-001505 Failure to obtain 40 Year Re-certification as required by Miami Dade Fine Assessed - $14,350.00 Administrative Fee - $200.00	
	Total	$14550.00

THE ABOVE AMOUNT MUST BE PAID WITHIN 30 DAYS FROM THE INVOICE DATE TO AVOID A LIEN FILED AGAINST THE PROPERTY LOCATED AT 9881 East Bay Harbor Drive Bay Harbor Islands, Florida 33154

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 Building Department for questions or concerns at: (305) 993-1786.

MAKE ALL CHECKS PAYABLE TO:

Town of Bay Harbor Islands
Attn: Building Department
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida 33154

Make a payment online at:
https://www.municipalonlinepayments.com/bayharborislandfl/easypay

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

NOTICE OF VIOLATION

July 23, 2021
FILE NUMBER: 21-001505

OWNER:

REXLEIGH APARTMENTS INC
9881 E BAY HARBOR DR
BAY HARBOR ISLANDS, FL 33154-3808

ADDRESS OF VIOLATION:

REXLEIGH APARTMENTS INC -
9881 East BAY HARBOR Drive
Bay Harbor Islands, FL 33154-3808
Parcel No: 1322270010990

REGISTERED AGENT:

Mathew Pnini
1281 94 Street
Bay Harbor Islands, Fl 33154

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. 24-3
Nature of Violation and Details:
The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above.
Daily Penalty: $50.00
You may comply by: Submit Engineers 40, 50, 60.... Year Re-Certification Report and $250.00 processing fee.

Compliance Date: 08/23/2021

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 lime 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: 07/23/2021 Cert Mail Article #: 7017-2620-0001-0315-2850
Date Posted: 07/23/2021

Mike Mesa, CBO
Chief Building Official
mmesa@bayharborislands-fl.gov

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

SPECIAL MAGISTRATE FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

9881 EBH, LTD.
1133 Normandy
Miami Beach, Fl 33141

ADDRESS OF VIOLATION:

9881 EBH LTD
9881 East BAY HARBOR Drive
Bay Harbor Islands, FL 33154-3808
Parcel No: 1322270010990

REGISTERED AGENT:

David J Kahn
1133 Normandy Drive
Miami Beach, FL 33141

HEARING INFORMATION

Date: September 27, 2023
Time: 10:00AM

Location: Morris N. Broad Community Center
Special Magistrate: Christopher E. Benjamin

☐ A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: 21-001505

Chief Building Official: Mike Mesa

Method of Service	**Date**
Posted	July 23, 2021
Certified	July 23, 2021

Violations(s):

Code Section Violated: Sec. 24-3
Nature of Violation and Details:
The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above.
Daily Penalty: $50.00

APPEARANCES:

9881 EBHD. LTD	(Owner/Violator)
David J Kahn	(Owner's Attorney or Representative)
Max Soren, ESQ.	(Owner's Attorney or Representative)
Scherrie Griffin	(Code Inspector)
Ayanidys Martinez	(Building & Zoning Supervisor)
Joseph Geller	(Town Attorney)
Mike Mesa, CBO	(Chief Building Official/Building Department Director)

WITNESSES:

NAME	ADDRESS	CALLED BY

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MAGISTRATE'S FINDINGS OF FACT:

- [x] 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 $ 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.
- [x] The administrative cost of this hearing shall be $200.00
- [ ] 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 in the amount of $28,700.00. The fine was mitigated by 50% to $14,350.00 plus a $200.00 administrative fee.

Fine Assessed: $14,350.00 Administrative Fee $200.00 Total Owed: $14,550.00

Back to the next Special Master Hearing in days.

Special Magistrate: Christopher E. Benjamin Signature: Christopher Benjamin (Oct 19, 2023 15:57 EDT)

TOWN OF BAY HARBOR ISLANDS
BUILDING AND ZONING DEPARTMENT
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786

Building Permit

Permit Number: B22-000570 **Master Permit #:** B22-000570
Date Issued: 01/23/2023
Expiration Date: 07/23/2023

Applicant

Name: FOF Investments, LLC - FOF INVESTMENTS LLC Phone: (954) 205-3519
Address: Jorge Gutman
2645 Pine Tree Drive
Miami Beach, 33140

Project Description

Work only for units 4A, 4B and 4C. Remove and replace flooring inside units, Remodel bathroom, Provide Shower, Replace Fixtures & Cabinets in kitchen, Provide New Glass Doors, Provide new railing extension, Epoxy corridor floors.

Parcel

Unit #:

Parcel Number:: 1322270010990
Address: 9881 East BAY HARBOR Drive
Lot(s): 23-24

Zoning:
Bay Harbor Islands, FL 33154-3808
Block: 4

Owners

Name: 9881 EBH, LTD.
Address: 1133 Normandy
Miami Beach, Fl 33141

Phone:
Cellular:

Contractor

Contractor Type: Certified General Contractor
Name: FOF INVESTMENTS LLC Jorge Gutman-FOF Investments, LLC Phone: (786) 953-6104
Address: 560 Lincoln Road, Suite 203
Miami Beach FL 33139

Inspection Checklist

Required?	Inspection Type	Date	Signature
	Final		
	Final Building		
	Framing		

Fees and Receipts

Description	Account Code	Total Cost
Structural 11/29/2022	15	50.00
Zoning Plan Review - Per Hour 11/29/2022 Approved	17	60.00
Structural 12/15/2022	15	25.00
Processing Fee - Surcharge (Credit Card)	6	1.00
Processing Fee	6	500.00
Permit Fee	1	2050.00
Dade County Surcharge	24	60.00
Technology Fee	10	205.00
DBPR F.S. 468.631	26	30.75

DBPR F.S. 553.721	27	20.50
	Total Fees:	3002.25

Payment Date	Amount Paid
01/23/2023	3,002.25

Permit Information

Construction Value: 100000.00
Construction Type:
Purpose:

Total Area:
New Sq Ft:

Comments

FAILURE TO COMPLY WITH MECHANICS LIEN LAW CAN RESULT IN THE PROPERTY OWNER PAYING TWICE FOR BUILDING IMPROVEMENTS

THIS PERMIT BECOMES NULL AND VOID UNLESS THE WORK AUTHORIZED IS COMMENCED WITHIN ONE HUNDRED EIGHTY (180) DAYS AFTER ITS ISSUANCE, OR IF THE WORK AUTHORIZED IS NOT INSPECTED FOR A PERIOD OF ONE HUNDRED EIGHTY (180) DAYS. THE FLORIDA ENERGY CODE SUBMITTED BECOMES AN INTEGRAL PART OF

Any changes in building plans or specifications must be recorded with this office. Any work not cover above, must have a valid permit prior to starting. In consideration of the granting of this permit, the owner and builder agree to erect this structure in full compliance with the Building and Zoning Codes of the Town of Bay Harbor, Florida. The permit fee is not refundable.

This permit is granted upon the express condition that all facts stated in the application are true and that the work complies strictly with the plans and specifications submitted, and in accordance and compliance with the Building Laws of the State of Florida and with all Ordinances of the Town of Bay Harbor Islands. This permit may be revoked at any time upon the violation of any provisions of said laws, ordinances or rules and regulations, or upon any change in plans and specifications unauthroized by the Town of Bay Harbor Islands. All sidewalks, gutters, drains, fire hydrants, roadways and private driveways within the block in which the work being down are to be kept open by the Contractor for their intended uses.

Chief Building Official

In consideration of the issuance to me of the foregoing Permit, I hereby agree to do the proposed work or construction in strict conformity with the application and the plans and specifications thereof heretofore by me submitted, and in compliance with all provisions of all Building Laws of State of Florida and Miami-Dade County, all all Ordinances of the Town of Bay Harbor Islands and all of the rules and regulations of the Town Council of the Town of Bay Harbor Islands.

Contractor or Builder

FBC 105.7 Placement of Permit. The Building permit or copy shall be kept on the site of the work until completion of the project.

Hours of Construction (Town Code Section 12-26)
The performance of the activity within the town should be allowed only from 9:00 am until 6:00 pm, Monday to Friday. The performance of the construction activity within the town will not be allowed on Saturdays, Sundays, and legal holidays, and the same is hereby specifically prohibiited. For purposes of this section, the term "legal holidays", is defined as any day legally observed as a holiday by the town.

NOTICE TO OWNER:

IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT, THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY, AND THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENT ENTITIES SUCH AS WATER MANAGEMENT DISTRICTS, STATE AGENCIES, OR FEDERAL AGENCIES.

INSPECTIONS ARE TO BE CALLED IN 24 HRS IN ADVANCE BY THE CONTRACTOR AT (305) 993-1786.
ALL INSPECTIONS ARE SCHEDULED ON MONDAY, WEDNESDAY, AND FRIDAYS.

TOWN OF BAY HARBOR ISLANDS
BUILDING AND ZONING DEPARTMENT
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786

Building Permit

Permit Number: B22-000543 **Master Permit #:** B22-000573
Date Issued: 01/03/2023
Expiration Date: 07/03/2023

Applicant

Name: FOF Investments, LLC - FOF INVESTMENTS LLC Phone: (954) 205-3519
Address: Jorge Gutman
2645 Pine Tree Drive
Miami Beach, 33140

Project Description

Work Only for Units 4D & 4E: Remove and Replace Flooring Inside Units, Remodel Bathroom, Provide Shower, Replace Fixtures & Cabinets in Kitchen, Provide New Glass Doors, Provide New Railing Extension,

Parcel

Parcel Number:: 1322270010990
Address: 9881 East BAY HARBOR Drive
Lot(s): 23-24

Unit #:
Zoning:
Bay Harbor Islands, FL 33154-3808
Block: 4

Owners

Name: 9881 EBH, LTD
Address: 1133 Normandy
Miami Beach, Fl 33141

Phone: 305-450-6334
Cellular:

Contractor

Contractor Type: Certified General Contractor
Name: FOF INVESTMENTS LLC Jorge Gutman-FOF Investments, LLC Phone: (786) 953-6104
Address: 560 Lincoln Road, Suite 203
Miami Beach FL 33139

Inspection Checklist

Required?	Inspection Type	Date	Signature
	Final		
	Final Building		
	Framing		

Fees and Receipts

Description	Account Code	Total Cost
Zoning Plan Review - Per Hour 11/1/2022 Denied	17	60.00
Structural 11/3/2022	15	50.00
Zoning Plan Review - Per Hour 12/8/2022 Approved	17	30.00
Processing Fee - Surcharge (Credit Card)	6	1.00
Processing Fee	6	125.00
Permit Fee	1	550.00
Dade County Surcharge	24	15.00
Technology Fee	10	55.00
DBPR F.S. 468.631	26	8.25

DBPR F.S. 553.721	27	5.50
	Total Fees:	899.75

Payment Date	**Amount Paid**
01/03/2023	899.75

Permit Information

Construction Value: 25000.00
Construction Type:
Purpose:

Total Area:
New Sq Ft:

Comments

FAILURE TO COMPLY WITH MECHANICS LIEN LAW CAN RESULT IN THE PROPERTY OWNER PAYING TWICE FOR BUILDING IMPROVEMENTS

THIS PERMIT BECOMES NULL AND VOID UNLESS THE WORK AUTHORIZED IS COMMENCED WITHIN ONE HUNDRED EIGHTY (180) DAYS AFTER ITS ISSUANCE, OR IF THE WORK AUTHORIZED IS NOT INSPECTED FOR A PERIOD OF ONE HUNDRED EIGHTY (180) DAYS. THE FLORIDA ENERGY CODE SUBMITTED BECOMES AN INTEGRAL PART OF

Any changes in building plans or specifications must be recorded with this office. Any work not cover above, must have a valid permit prior to starting. In consideration of the granting of this permit, the owner and builder agree to erect this structure in full compliance with the Building and Zoning Codes of the Town of Bay Harbor, Florida The permit fee is not refundable

This permit is granted upon the express condition that all facts stated in the application are true and that the work complies strictly with the plans and specifications submitted, and in accordance and compliance with the Building Laws of the State of Florida and with all Ordinances of the Town of Bay Harbor Islands. This permit may be revoked at any time upon the violation of any provisions of said laws, ordinances or rules and regulations, or upon any change in plans and specifications unauthroized by the Town of Bay Harbor Islands. All sidewalks, gutters, drains, fire hydrants, roadways and private driveways within the block in which the work being down are to be kept open by the Contractor for their intended uses.

Chief Building Official

In consideration of the issuance to me of the foregoing Permit, I hereby agree to do the proposed work or construction in strict conformity with the application and the plans and specifications thereof heretofore by me submitted, and in compliance with all provisions of all Building Laws of State of Florida and Miami-Dade County, all all Ordinances of the Town of Bay Harbor Islands and all of the rules and regulations of the Town Council of the Town of Bay Harbor Islands.

Contractor or Builder

FBC 105.7 Placement of Permit. The Building permit or copy shall be kept on the site of the work until completion of the project.

Hours of Construction (Town Code Section 12-26)
The performance of the activity within the town should be allowed only from 9:00 am until 6:00 pm, Monday to Friday. The performance of the construction activity within the town will not be allowed on Saturdays, Sundays, and legal holidays, and the same is hereby specifically prohibiited. For purposes of this section, the term "legal holidays", is defined as any day legally observed as a holiday by the town.

NOTICE TO OWNER:

IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT, THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY, AND THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENT ENTITIES SUCH AS WATER MANAGEMENT DISTRICTS, STATE AGENCIES, OR FEDERAL AGENCIES.

INSPECTIONS ARE TO BE CALLED IN 24 HRS IN ADVANCE BY THE CONTRACTOR AT (305) 993-1786.
ALL INSPECTIONS ARE SCHEDULED ON MONDAY, WEDNESDAY, AND FRIDAYS.

TOWN OF BAY HARBOR ISLANDS
BUILDING AND ZONING DEPARTMENT
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786

Building Permit

Permit Number: B23-000012 **Master Permit #:** B23-000012
Date Issued: 03/20/2023
Expiration Date: 09/20/2023

Applicant

Name: FOF Investments, LLC - FOF INVESTMENTS LLC Jorge Phone: (954) 205-3519
Address: Gutman
2645 Pine Tree Drive
Miami Beach, 33140

Project Description

Work Only for Units on 2nd Floor, 3rd Floor and 5th Floor: Remove and Replace Flooring Inside Units, Remodel Bathroom, Provide Shower, Replace Fixtures & Cabinets in Kitchen, Provide New Glass Doors, Provide New Railing Extension,

Parcel

Parcel Number:: 1322270010990
Address: 9881 East BAY HARBOR Drive
Lot(s): 23-24

Unit #:
Zoning:
Bay Harbor Islands, FL 33154-3808
Block: 4

Owners

Name: 9881 EBH, LTD.
Address: 1133 Normandy
Miami Beach, Fl 33141

Phone:
Cellular:

Contractor

Contractor Type: Certified General Contractor
Name: FOF INVESTMENTS LLC Jorge Gutman-FOF Investments, LLC
Address: 560 Lincoln Road, Suite 203
Miami Beach FL 33139

Phone: (786) 953-6104

Inspection Checklist

Required?	Inspection Type	Date	Signature
	Final		
	Final Building		
	Framing		

Fees and Receipts

Description	Account Code	Total Cost
Processing Fee - Surcharge (Credit Card)	6	1.00
Zoning Plan Review - Per Hour 1/24/2023 Approved	17	60.00
Structural 1/26/2023	15	50.00
Processing Fee	6	1500.00
Permit Fee	1	6050.00
Dade County Surcharge	24	180.00
Technology Fee	10	605.00
DBPR F.S. 468.631	26	90.75
DBPR F.S. 553.721	27	60.50
	Total Fees:	8597.25

Payment Date
03/20/2023

Amount Paid

8,597.25

Permit Information

Construction Value: 300000.00
Construction Type:
Purpose:

Total Area:
New Sq Ft:

Comments

FAILURE TO COMPLY WITH MECHANICS LIEN LAW CAN RESULT IN THE PROPERTY OWNER PAYING TWICE FOR BUILDING IMPROVEMENTS

THIS PERMIT BECOMES NULL AND VOID UNLESS THE WORK AUTHORIZED IS COMMENCED WITHIN ONE HUNDRED EIGHTY (180) DAYS AFTER ITS ISSUANCE, OR IF THE WORK AUTHORIZED IS NOT INSPECTED FOR A PERIOD OF ONE HUNDRED EIGHTY (180) DAYS. THE FLORIDA ENERGY CODE SUBMITTED BECOMES AN INTEGRAL PART OF

Any changes in building plans or specifications must be recorded with this office. Any work not cover above, must have a valid permit prior to starting. In consideration of the granting of this permit, the owner and builder agree to erect this structure in full compliance with the Building and Zoning Codes of the Town of Bay Harbor, Florida. The permit fee is not refundable.

This permit is granted upon the express condition that all facts stated in the application are true and that the work complies strictly with the plans and specifications submitted, and in accordance and compliance with the Building Laws of the State of Florida and with all Ordinances of the Town of Bay Harbor Islands. This permit may be revoked at any time upon the violation of any provisions of said laws, ordinances or rules and regulations, or upon any change in plans and specifications unauthroized by the Town of Bay Harbor Islands. All sidewalks, gutters, drains, fire hydrants, roadways and private driveways within the block in which the work being down are to be kept open by the Contractor for their intended uses.

Chief Building Official

In consideration of the issuance to me of the foregoing Permit, I hereby agree to do the proposed work or construction in strict conformity with the application and the plans and specifications thereof heretofore by me submitted, and in compliance with all provisions of all Building Laws of State of Florida and Miami-Dade County, all all Ordinances of the Town of Bay Harbor Islands and all of the rules and regulations of the Town Council of the Town of Bay Harbor Islands.

Contractor or Builder

FBC 105.7 Placement of Permit. The Building permit or copy shall be kept on the site of the work until completion of the project.

Hours of Construction (Town Code Section 12-26)
The performance of the activity within the town should be **allowed only from 9:00 am until 6:00 pm, Monday to Friday.** The performance of the construction activity within the town will not be allowed on Saturdays, Sundays, and legal holidays, and the same is hereby specifically prohibiited. For purposes of this section, the term "legal holidays", is defined as any day legally observed as a holiday by the town.

The following fines and penalties shall be imposed on violaters of this article.
Town Code Section 12-27, **Penalties:**

- First Violation - $1,000.00
- Second Violation - $2,000.00
- Third Violation - $3,000.00 plus 8 hour Stop Work Order
- Each subsequent violation $5,000.00

NOTICE TO OWNER:

IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT, THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY, AND THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENT ENTITIES SUCH AS WATER MANAGEMENT DISTRICTS, STATE AGENCIES, OR FEDERAL AGENCIES.

INSPECTIONS ARE TO BE CALLED IN 24 HRS IN ADVANCE BY THE CONTRACTOR AT (305) 993-1786.
ALL INSPECTIONS ARE SCHEDULED ON MONDAY, WEDNESDAY, AND FRIDAYS.

TOWN OF BAY HARBOR ISLANDS
BUILDING AND ZONING DEPARTMENT
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786

Building Permit

Permit Number: B23-000003 **Master Permit #:** B23-000003
Date Issued: 01/30/2023
Expiration Date: 07/30/2023

Applicant

Name: FOF Investments, LLC - FOF INVESTMENTS LLC Phone: (954) 205-3519
Address: Jorge Gutman
2645 Pine Tree Drive
Miami Beach, 33140

Project Description

Paint Exterior of Building White in Color

Parcel

Unit #:

Parcel Number:: 1322270010990
Address: 9881 East BAY HARBOR Drive
Lot(s): 23-24

Zoning:
Bay Harbor Islands, FL 33154-3808
Block: 4

Owners

Name: 9881 EBH, LTD. Phone:
Address: 1133 Normandy Cellular:
Miami Beach, Fl 33141

Contractor

Contractor Type: Certified General Contractor
Name: FOF INVESTMENTS LLC Jorge Gutman-FOF Investments, LLC Phone: (786) 953-6104
Address: 560 Lincoln Road, Suite 203
Miami Beach FL 33139

Inspection Checklist

Required?	Inspection Type	Date	Signature
	Final Repairs		
	Final Paint		

Fees and Receipts

Description	Account Code	Total Cost
Zoning Plan Review - Per Hour 1/24/2023 Approved	17	30.00
Processing Fee	6	300.00
Permit Fee	1	1250.00
Dade County Surcharge	24	36.00
Technology Fee	10	125.00
DBPR F.S. 468.631	26	18.75
DBPR F.S. 553.721	27	12.50
Total Fees:		1772.25

Payment Date **Amount Paid**
01/30/2023

1,772.25

Permit Information

Construction Value: 60000.00
Construction Type:
Purpose:

Total Area:
New Sq Ft: 36383

Comments

FAILURE TO COMPLY WITH MECHANICS LIEN LAW CAN RESULT IN THE PROPERTY OWNER PAYING TWICE FOR BUILDING IMPROVEMENTS

THIS PERMIT BECOMES NULL AND VOID UNLESS THE WORK AUTHORIZED IS COMMENCED WITHIN ONE HUNDRED EIGHTY (180) DAYS AFTER ITS ISSUANCE, OR IF THE WORK AUTHORIZED IS NOT INSPECTED FOR A PERIOD OF ONE HUNDRED EIGHTY (180) DAYS. THE FLORIDA ENERGY CODE SUBMITTED BECOMES AN INTEGRAL PART OF

Any changes in building plans or specifications must be recorded with this office. Any work not cover above, must have a valid permit prior to starting. In consideration of the granting of this permit, the owner and builder agree to erect this structure in full compliance with the Building and Zoning Codes of the Town of Bay Harbor, Florida The permit fee is not refundable

This permit is granted upon the express condition that all facts stated in the application are true and that the work complies strictly with the plans and specifications submitted, and in accordance and compliance with the Building Laws of the State of Florida and with all Ordinances of the Town of Bay Harbor Islands. This permit may be revoked at any time upon the violation of any provisions of said laws, ordinances or rules and regulations, or upon any change in plans and specifications unauthroized by the Town of Bay Harbor Islands. All sidewalks, gutters, drains, fire hydrants, roadways and private driveways within the block in which the work being down are to be kept open by the Contractor for their intended uses.

Chief Building Official

In consideration of the issuance to me of the foregoing Permit, I hereby agree to do the proposed work or construction in strict conformity with the application and the plans and specifications thereof heretofore by me submitted, and in compliance with all provisions of all Building Laws of State of Florida and Miami-Dade County, all all Ordinances of the Town of Bay Harbor Islands and all of the rules and regulations of the Town Council of the Town of Bay Harbor Islands.

Contractor or Builder

FBC 105.7 Placement of Permit. The Building permit or copy shall be kept on the site of the work until completion of the project.

Hours of Construction (Town Code Section 12-26)
The performance of the activity within the town should be allowed only from 9:00 am until 6:00 pm, Monday to Friday. The performance of the construction activity within the town will not be allowed on Saturdays, Sundays, and legal holidays, and the same is hereby specifically prohibiited. For purposes of this section, the term "legal holidays", is defined as any day legally observed as a holiday by the town.

NOTICE TO OWNER:

IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT, THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY, AND THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENT ENTITIES SUCH AS WATER MANAGEMENT DISTRICTS, STATE AGENCIES, OR FEDERAL AGENCIES.

INSPECTIONS ARE TO BE CALLED IN 24 HRS IN ADVANCE BY THE CONTRACTOR AT (305) 993-1786.
ALL INSPECTIONS ARE SCHEDULED ON MONDAY, WEDNESDAY, AND FRIDAYS.

TOWN OF BAY HARBOR ISLANDS
BUILDING AND ZONING DEPARTMENT
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786

Building Permit

Permit Number: B22-000555 **Master Permit #:** B22-000555
Date Issued: 11/18/2022
Expiration Date: 05/18/2023

Applicant

Name:	FOF Investments, LLC - FOF INVESTMENTS LLC	Phone: (954) 205-3519
Address:	Jorge Gutman 2645 Pine Tree Drive Miami Beach, 33140	

Project Description

Repair concrete columns in pool area tie beam spalling to be repaired. Window SIU cracks to repair, wall stucco cracks, columns spalling to be repaired. (Change of Contractor)

Parcel

Unit #:

Parcel Number:: 1322270010990
Address: 9881 East BAY HARBOR Drive
Lot(s): 23-24

Zoning:
Bay Harbor Islands, FL 33154-3808
Block: 4

Owners

Name:	9881 EBH, LTD	Phone: 305-450-6334
Address:	1133 Normandy Miami Beach, Fl 33141	Cellular:

Contractor

Contractor Type: Certified General Contractor

Name:	FOF INVESTMENTS LLC Jorge Gutman-FOF Investments, LLC	Phone: (786) 953-6104
Address:	560 Lincoln Road, Suite 203 Miami Beach FL 33139	

Inspection Checklist

Required?	Inspection Type	Date	Signature

Fees and Receipts

Description	Account Code	Total Cost
Change of Contractor Fee	1	100.00
Processing Fee - Surcharge (Credit Card)	6	1.00
DBPR F.S. 468.631	26	2.00
DBPR F.S. 553.721	27	2.00
	Total Fees:	**105.00**

Payment Date	Amount Paid
11/18/2022	105.00

Permit Information

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View other Permits on this project

Permit #: B22-000555
Project #: 22-000950
Status: Approved
Balance Due: $0.00
Address: 9881 East BAY HARBOR Drive
Description: Repair concrete columns in pool area tie beam spalling to be repaired. Window SIU cracks to repair, wall stucco cracks, columns spalling to be repaired. (Change of Contractor)



Permit Reviews Documents Inspections

Inspection Type	Inspector	Date	Status
Final	Charles Lester	05/08/2023	Approved

TOWN OF BAY HARBOR ISLANDS
BUILDING AND ZONING DEPARTMENT
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786

Building Permit

Permit Number: B22-000579 **Master Permit #:** B22-000579
Date Issued: 12/08/2022
Expiration Date: 06/08/2023

Applicant

Name: Building Unlimited Inc - Martin Curi
Address: 247 Southwest 8 Street
Miami, FL 33130
Phone:

Project Description

Re-Roof Flat

Parcel

Parcel Number:: 1322270010990
Address: 9881 East BAY HARBOR Drive
Lot(s): 23-24
Unit #:
Zoning:
Bay Harbor Islands, FL 33154-3808
Block: 4

Owners

Name: 9881 EBH, LTD.
Address: 1133 Normandy
Miami Beach, Fl 33141
Phone:
Cellular:

Contractor

Contractor Type: Certified Roofing Contractor
Name: Martin Curi-Building Unlimited Inc
Address: 2520 Coral Way Ste 2-065
Miami FL 33145
Phone:

Inspection Checklist

Required?	Inspection Type	Date	Signature
☑	Final		
☐	Roof Truss		
☑	Tin Cap		
☑	Anchor Sheet		
☐	Battens		
☑	Mop In Progress		
☐	In Progress Attachment		
☐	Tile In Progress		
☐	Uplift Test		
☐	Density Sample Report		
☐	Compressive Strength		

Fees and Receipts

Description	Account Code	Total Cost
Processing Fee - Surcharge (Credit Card)	6	1.00
Structural 11/29/2022	15	50.00
Zoning Plan Review - Per Hour 11/29/2022 Approved	17	60.00
Processing Fee	6	360.00
Permit Fee	1	1490.00
Construction Bond	23	700.00

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Permit #: B22-000579
Project #: 22-002348
Status: Approved
Balance Due: $0.00
Address: 9881 East BAY HARBOR Drive
Description: Re-Roof Flat



Permit | Reviews | Documents | Inspections

Inspection Type	Inspector	Date	Status
Final Roof	Charles Lester	03/27/2023	Approved
Final Roof	Charles Lester	01/12/2023	Partial Approved VIEW COMMENTS →
Tin Cap	Charles Lester	12/15/2022	Partial Approved

TOWN OF BAY HARBOR ISLANDS
BUILDING AND ZONING DEPARTMENT
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786

Building Permit

Permit Number: B22-000576 **Master Permit #:** B22-000576
Date Issued: 12/09/2022
Expiration Date: 06/09/2023

Applicant

Name: Crawford Development - Eduardo Goudie Phone: (305) 663-1122
Address: 1701 Ponce de Leon Suite 203
Coral Gables, FL 33134

Project Description

Replace all Windows - Entire Complex

Parcel

Parcel Number:: 1322270010990 Unit #:
Address: 9881 East BAY HARBOR Drive Zoning:
Lot(s): 23-24 Bay Harbor Islands, FL 33154-3808
Block: 4

Owners

Name: 9881 EBH, LTD. Phone:
Address: 1133 Normandy Cellular:
Miami Beach, Fl 33141

Contractor

Contractor Type: General Contractor
Name: Eduardo Goudie-Crawford Development Phone: (305) 663-1122
Address: 1701 Ponce de Leon Suite 203
Coral Gables FL 33134

Inspection Checklist

Required?	Inspection Type	Date	Signature
	Final Window and Door		
	Window Buck		
	Zoning		

Fees and Receipts

Description	Account Code	Total Cost
Structural 11/22/2022	15	50.00
Zoning Plan Review - Per Hour 11/22/2022 Approved	17	60.00
Structural 11/29/2022	15	25.00

Credit - Permit Fee Resolution 5107	1	-4310.00
Processing Fee	6	1065.00
Permit Fee	1	4310.00
Dade County Surcharge	24	127.80
Technology Fee	10	431.00
DBPR F.S. 468.631	26	64.65
DBPR F.S. 553.721	27	43.10
	Total Fees:	**1866.55**

Payment Date	Amount Paid
12/09/2022	1,866.55

Permit Information

Construction Value: 213000.00
Construction Type:
Purpose:

Total Area:
New Sq Ft:

Comments

FAILURE TO COMPLY WITH MECHANICS LIEN LAW CAN RESULT IN THE PROPERTY OWNER PAYING TWICE FOR BUILDING IMPROVEMENTS

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Any changes in building plans or specifications must be recorded with this office. Any work not cover above, must have a valid permit prior to starting. In consideration of the granting of this permit, the owner and builder agree to erect this structure in full compliance with the Building and Zoning Codes of the Town of Bay Harbor, Florida. The permit fee is not refundable.

This permit is granted upon the express condition that all facts stated in the application are true and that the work complies strictly with the plans and specifications submitted, and in accordance and compliance with the Building Laws of the State of Florida and with all Ordinances of the Town of Bay Harbor Islands. This permit may be revoked at any time upon the violation of any provisions of said laws, ordinances or rules and regulations, or upon any change in plans and specifications unauthroized by the Town of Bay Harbor Islands. All sidewalks, gutters, drains, fire hydrants, roadways and private driveways within the block in which the work being down are to be kept open by the Contractor for their intended uses.

MIKE MESA, CBO - AM

Chief Building Official

In consideration of the issuance to me of the foregoing Permit, I hereby agree to do the proposed work or construction in strict conformity with the application and the plans and specifications thereof heretofore by me submitted, and in compliance with all provisions of all Building Laws of State of Florida and Miami-Dade County, all all Ordinances of the Town of Bay Harbor Islands and all of the rules and regulations of the Town Council of the Town of Bay Harbor Islands.
SIGNATURE ON FILE

Contractor or Builder

FBC 105.7 Placement of Permit. The Building permit or copy shall be kept on the site of the work until completion of the project.

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Permit #: B22-000576
Project #: 22-002334
Status: Approved
Balance Due: $0.00
Address: 9881 East BAY HARBOR Drive
Description: Replace all Windows - Entire Complex



Permit | Reviews | Documents | Inspections

Inspection Type	Inspector	Date	Status
Final Window and Door	Charles Lester	Scheduled for	Pending
Final Window and Door	Charles Lester	10/05/2023	Approved
In Progress	Charles Lester	04/04/2023	Approved VIEW COMMENTS →
Location / Attachment	Charles Lester	01/17/2023	Partial Approved VIEW COMMENTS →
Window Buck	Charles Lester	01/17/2023	Partial Approved VIEW COMMENTS →
Window Buck	Charles Lester	01/04/2023	Denied VIEW COMMENTS →

TOWN OF BAY HARBOR ISLANDS
BUILDING DEPARTMENT
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786

BUILDING VIOLATION PROGRESS REPORT FORM

Citation No: **21-001505**
Inspector: Mike Mesa

Parcel Address: 9881 East BAY HARBOR Drive
Lot(s): 23-24 Block: 4

Owner Information:
9881 EBH, LTD.
1133 Normandy
Miami Beach, Fl 33141

Violator Information:
9881 EBH LTD
1133 Normandy Drive
MIAMI BEACH, FL 33141

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 24-3	07/23/2021		Open	

Comments: Submit Engineers 40, 50, 60.... Year Re-Certification Report and $250.00 processing fee.

DATE OPENED	ACTIVITY	DESCRIPTION
07/23/2021	Notice of Violation	Notice of Violation was posted on 7/23/2021 and sent by Certified Mail.
09/14/2021	Progress Activity	Continuance Requested
09/22/2021	Affidavit	
09/29/2021	Notice To Appear	Posted and mailed Certified Letter for the Notice to Appear on 9/9/2021
03/04/2022	Progress Activity	Letter requesting extension was approved by CBO Mike Mesa (90 Days) Item removed from SM 3.24.2022. (Letter attached under documents)
03/21/2022	Progress Activity	Mike Mesa, Chief Building Official - Approved 8 Month Extension - See Letter attached under Documents.
03/24/2022	Notice To Appear	Notice to Appear was sent by Certified Mail on March 3, 2022.
08/10/2022	Progress Activity	Property was sold - See attached recorded (Warranty Deed)
12/08/2022	Progress Activity	Mike Mesa, Chief Building Official - Approved 6 Month Extension - See Letter attached under Documents.
03/20/2023	Progress Activity	Engineer Report Submitted - Processing Fee Paid - MB23-000018
09/26/2023	Affidavit	
09/27/2023	Notice To Appear	Notice to Appear #3 was sent by regular mail, certified mail, posted and emailed.
09/27/2023	Special Master Hearing	Fine assessed in the amount of $28,700.00. The fine was mitigated by 50% to $14,350.00 plus a $200.00 administrative fee.

Photo(s)

Created By: Created Date:

AGENDA ITEM REPORT
February 7, 2024

ITEM NUMBER: 8.

ITEM: Approval or **Denial** of a settlement agreement for Notice of Violation No. 18-002329 for failure to obtain the required permits to correct the deficiencies in the 40-year re-certification. Kingsley Arms Apartments, Inc., 9291 East Bay Harbor Drive, Bay Harbor Islands, FL 33154. The fine was assessed at $89,850.00. On September 27, 2023 the Special Magistrate mitigated the fine to $44,925.00 plus a $200 Administrative Fee. **Counsel for the applicant, Soren Law Group, PA, is proposing the fine be reduced to $0.00.**

DESCRIPTION:
Approval or **Denial** of a settlement agreement for Notice of Violation No. 18-002329 for failure to obtain the required permits to correct the deficiencies in the 40-year re-certification. Kingsley Arms Apartments, Inc., 9291 East Bay Harbor Drive, Bay Harbor Islands, FL 33154. The fine was assessed at $89,850.00. On September 27, 2023 the Special Magistrate mitigated the fine to $44,925.00 plus a $200 Administrative Fee. **Counsel for the applicant, Soren Law Group, PA, is proposing the fine be reduced to $0.00.**

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

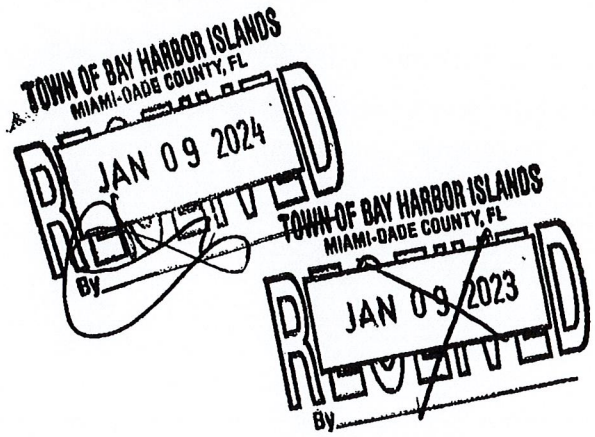
BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Town Clerk

ATTACHMENTS

1.	18-002329 9251 East Bay Harbor Drive Settlement Offer

Soren
Soren Law Group P.A



December 29, 2023

Sent Via US Mail

Litigation Committee
c/o Yvonne P. Hamilton
Acting Town Clerk
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Re: Revised Request for Hearing With Litigation Committee; Citation No. 18-002329; 9291 E. Bay Harbor Drive, Bay Harbor Islands, FL 33154

Dear Ms. Hamilton and Litigation Committee Members:

We represent 9291 EBH, Ltd., the new owner of 9291 E. Bay Harbor Drive, Bay Harbor Islands, FL 33154 ("Property" or "Rexleigh Apartments").

Our client took possession of the Property on August 1, 2022. Our client and its professionals determined that the building was in such disrepair that it needed to be demolished. However, at that time, the building was fully occupied and needed to be vacated.

We moved as rapidly as the law permitted to remove the tenants. With the new tenant ordinance in place requiring a 60-day termination notice, and with some tenants not moving voluntarily even after the 60-day notices were served, this took some months and a number of lawsuits to accomplish. The building was finally vacated in April of 2023.

Our client filed its application for a demolition permit on June 27, 2023 and worked expeditiously to meet the requirements to obtain the permit, a lengthy process which included obtaining a permit to install sewer caps and a back flow preventer on the building's water meter; applying for and obtaining a fence permit and meeting with the City (mandatory pre-demolition meeting).

A demolition permit was issued to our client in November of 2023 (permit #B23-000439) (attached).

The demolition process has begun and the building is expected to be torn down by or on January 5, 2024.

On November 29, 2023, we appeared before the Special Magistrate regarding the above-referenced citation. The Special Master mitigated the fines imposed by the City to $44,925.00

1133 Normandy Drive, Miami Beach, FL 33141
Tel: 786.431.1333 • Fax: 786.513.7700 • E-mail: info@sorenlawgroup.com

Soren

Soren Law Group P.A

plus a $200 administrative fee and advised that we could seek further reduction via a hearing before the Litigation Committee.

We respectfully request a hearing with the Litigation Committee to present our request to further mitigate the outstanding fines on the Property to $0 given the building is being demolished.

Thank you for your time and consideration.

Respectfully submitted,

/s/Max Soren
Max G. Soren

1133 Normandy Drive, Miami Beach, FL 33141
Tel: 786.431.1333 • Fax: 786.513.7700 • E-mail: info@sorenlawgroup.com

TOWN OF BAY HARBOR ISLANDS
BUILDING AND ZONING DEPARTMENT
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786

Demolition Permit

Permit Number: D23-000007 **Master Permit #:** B23-000439
Date Issued: 10/27/2023
Expiration Date: 04/27/2024

Applicant

Name: FOF Investments, LLC - FOF INVESTMENTS Phone: 9542053519
Address: LLC Jorge Gutman
2645 Pine Tree Drive
Miami Beach, 33140

Project Description

Complete Demolition of Building and Pool

Parcel

Parcel Number: 1322270010140
Address: 9291 East BAY HARBOR Drive
Lot(s): 15 &16

Unit #:
Zoning:
Bay Harbor Islands, FL 33154-2782
Block: 1

Owners

Name: 9291 EBH, LTD
Address: 1133 NORMANDY DRIVE
MIAMI BEACH, FL 33141

Phone:
Cellular:

Contractor

Contractor Type: Certified General Contractor
Name: FOF INVESTMENTS LLC Jorge Gutman-FOF Investments, LLC Phone: 7869536104
Address: 560 Lincoln Road, Suite 203
Miami Beach FL 33139

Inspection Checklist

Required?	Inspection Type	Date	Signature
X	Final		

Fees and Receipts

Description	Account Code	Total Cost
Permit Fee	1	1500.00
Dade County Surcharge	24	135.00
Technology Fee	10	150.00
	Total Fees:	**1785.00**

TOWN OF BAY HARBOR ISLANDS
BUILDING AND ZONING DEPARTMENT
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786
Fax: (305) 861-1130
buildingdepartment@bayharborislands.org

NOTICE OF VIOLATION

November 27, 2018
FILE NUMBER: 18-002329

OWNER:

KINGSLEY ARMS APARTMENTS INC
9601 COLLINS AVE STE 1206
BAL HARBOUR, FL 33154

ADDRESS OF VIOLATION:

KINGSLEY ARMS APARTMENTS INC -
9291 East BAY HARBOR Drive
Bay Harbor Islands, FL 33154-2782
Parcel No: 1322270010140

REGISTERED AGENT:

Jeffrey Perlow & Associates, P.A.
1820 East Hallandale Beach Blvd
Hallandale, Fl 33009

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. 24-3
Nature of Violation and Details:
The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above.
Daily Penalty: $$50.00
You may comply by: Apply and obtain all permits and inspections as per the repairs indicated on your engineers report.

Compliance Date: 12/28/2018

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 lime 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

The Board shall hear all appeals from the decisions of the Building Official wherein such decision is on matters regulated by the Building Code from any person aggrieved thereby. Application for appeal shall be in writing and addressed to the Secretary of the Board. The Board shall have the power to affirm, modify or reverse the decision of the Building Official wherein such decision is on matters regulated by the Building Official.

Service Information:
Date Mailed: 11/28/2018
Date Posted: 11/28/2018
Cert Mail Article #: 7018-0040-0000-0597-9215

Dale E. Lee, CBO
Chief Building Official
dlee@bayharborislands-fl.gov

ADDENDUM

TOWN OF BAY HARBOR ISLANDS
BUILDING DEPARTMENT
BAY HARBOR ISLANDS, FL 33154
Phone: (305) 993-1786

BUILDING VIOLATION PROGRESS REPORT FORM

Citation No: **18-002329**
Inspector: Mike Mesa

Parcel Address: 9291 East BAY HARBOR Drive
Lot(s): 15 &16 Block: 1

Owner Information:
9291 EBH, LTD
1133 NORMANDY DRIVE
MIAMI BEACH, FL 33141

Violator Information:
9291 EBH LTD
1133 Normandy Drive
Miami Beach, FL 33141

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 24-3	11/28/2018		Open	

Comments: Apply and obtain all permits and inspections as per the repairs indicated on your engineers report.

DATE OPENED	ACTIVITY	DESCRIPTION
05/24/2018	Email	Received 40 Yr Engineers report by email.
06/14/2018	Phone Call	Dale Lee, Chief Building Official left a message and later spoke to the Engineer of record (Edward Landers) Visible violations at property do not match submitted report.
08/21/2018	Progress Activity	Revised 40 Year Report was submitted. Deficiencies must be corrected prior to re-certification.
08/22/2018	Progress Activity	Sixty (60) day letter was mailed and hand delivered to property owner. Need to obtain building permit and make corrections as per their engineers report.
11/27/2018	Daily Fine Start	Compliance not Met
11/27/2018	Notice of Violation	Notice of Violation mailed regular and certified. Certified letter received on 12/3/2018.
07/17/2019	Notice To Appear	Notice to Appear mailed regular and certified. Certified letter received on 6/28/19.
07/17/2019	Special Master Hearing	Continuance was granted
01/17/2020	Progress Activity	To date no permit application has been submitted for the repairs as indicated in the engineers report.
01/23/2020	Notice To Appear	Notice to Appear mailed regular and certified return receipt.
09/14/2021	Progress Activity	Continuance Requested
09/22/2021	Affidavit	
09/29/2021	Notice To Appear	Posted and mailed Certified Letter for the Notice to Appear on 9/9/2021
03/04/2022	Progress Activity	Letter requesting extension was approved by CBO Mike Mesa (8 Months) Item removed from SM 3.24.2022
03/24/2022	Notice To Appear	Notice to Appear was posted and sent by Certified Mail on March 3, 2022.
08/09/2022	Progress Activity	Property was sold. See attached recorded (Warranty Deed).
03/20/2023	Progress Activity	Received Updated Report by New Engineer / New Property Owner. MB18-000058
06/27/2023	Progress Activity	Application submitted to demolish the structure D23-000007.
09/26/2023	Affidavit	

09/27/2023	Special Master Hearing	Property owner has 15 days to comply with the violation. Set case for next hearing.
09/27/2023	Notice To Appear	Notice to Appear #5 was sent by regular mail, certified mail, posted and emailed.
10/27/2023	Progress Activity	Demolition Permit D23-000007 was obtained.
11/29/2023	Notice To Appear	NTA #6 sent by regular and certified mail and posted on the property on 11/7/2023.
11/29/2023	Special Master Hearing	Fine assessed in the amount of $89,850.00. The fine was mitigated by 50% to $44,925.00 plus a $200.00 administrative fee.

Photo(s)

Created By: Created Date:

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

SPECIAL MAGISTRATE FINDINGS

In the Matter of the Notice of Violation served on:

OWNER:

9291 EBH, LTD
1133 NORMANDY DRIVE
MIAMI BEACH, FL 33141

ADDRESS OF VIOLATION:

9291 EBH LTD
9291 East BAY HARBOR Drive
Bay Harbor Islands, FL 33154-2782
Parcel No: 1322270010140

REGISTERED AGENT:

David J Kahn
1133 Normandy Drive
Miami Beach, FL 33141

HEARING INFORMATION

Date: September 27, 2023
Time: 9:00AM

Location: Morris N. Broad Community Center
Special Magistrate: Christopher E. Benjamin

A request postponement or continuance was timely received.

CITATION INFORMATION

Notice of Violation #: 18-002329

Chief Building Official: Mike Mesa

Method of Service	**Date**
Posted	November 27, 2018
Certified	November 27, 2018

Violations(s):

Code Section Violated: Sec. 24-3
Nature of Violation and Details:
The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above.
Daily Penalty: $50.00

APPEARANCES:

9291 EBH LTD	(Owner/Violator)
David J Kahn	(Owner's Attorney or Representative)
Max Soren, ESQ.	(Owner's Attorney or Representative)
Scherrie Griffin	(Code Inspector)
Ayanidys Martinez	(Building & Zoning Supervisor)
Joseph Geller	(Town Attorney)
Mike Mesa, CBO	(Chief Building Official/Building Department Director)

WITNESSES:

NAME	ADDRESS	CALLED BY

EXHIBITS:

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO

SPECIAL MAGISTRATE'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 $ 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 $200.00

☐ 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:

Property owner has 15 days to comply with the violation. Set case for next hearing.

Fine Assessed: Administrative Fee $200.00 Total Owed: $200.00

Back to the next Special Master Hearing in 30 days.

Special Magistrate: Christopher E. Benjamin Signature: Christopher Benjamin (Oct 19, 2023 15:57 EDT)

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:

KINGSLEY ARMS APARTMENTS INC
9601 COLLINS AVE STE 1206
BAL HARBOUR, FL 33154

ADDRESS OF VIOLATION:

- KINGSLEY ARMS APARTMENTS INC
9291 East BAY HARBOR Drive
Bay Harbor Islands, FL 33154-2782
Parcel No: 1322270010140

REGISTERED AGENT:

Jeffrey Perlow & Associates, P.A. - Jeffrey Perlow
1820 East Hallandale Beach Blvd
Hallandale, Fl 33009

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 #: 18-002329

Chief Building Official: Clayton Parker

Method of Service	**Date**
Posted	June 24, 2019
Certified	June 24, 2019

Violations(s):

Code Section Violated: Sec. 24-3
Nature of Violation and Details:
The intent and purpose of this chapter is to protect the public health, safety, morals and welfare of all of the people of the town by establishing minimum standards governing the condition, occupancy and maintenance of all buildings and premises, establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make such buildings and premises safe, sanitary and fit to be occupied, fixing certain responsibilities and duties of owners, operators, agents and occupants of any building, and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest and it is intended that this chapter be liberally construed to effectuate the purposes as stated above.
Daily Penalty: $50.00

APPEARANCES:

Clayton Parker, Chief Building Official (Town Manager or Designee)
Ayanidys Martinez, CEP Building & Zoning Supervisor

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 $ 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:

Continuance was granted

Fine Assessed: Administrative Fee Total Owed: $0.00

Back to the next Special Master Hearing in days.

Special Master: Richard Kroop Signature: