

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

**MITIGATION COMMITTEE MEETING  
AGENDA**

**March 11, 2026  
12:00 PM**

**CALL TO ORDER:** Set for 12:00 PM

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**DISCUSSION ITEMS:**

1. Kingsley Arms Apartment - 9291 East Bay Harbor Drive
2. Rexleigh Apartments Inc. - 9881 East Bay Harbor Drive
3. 1150 98th Street, Bay Harbor Islands, FL 33154 - Complaint received regarding trees planted along a wall appear to be causing the wall to lean towards the adjacent property. File No. 21-000958.
4. 9550 Bay Harbor Terrace, Suite 9580, Bay Harbor Islands, FL 33154 - Found Interior Renovation in Progress without Permits. File No. 24-001232.
5. 1170 Kane Concourse, Suite 101, Bay Harbor Islands, FL 33154 - The Sales Center is operating without a valid Business Tax Receipt (BTR). The renewal requires Town Council Approval. Call#25-16171. File No. 25-000940

**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.*



February 16, 2024

**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

and Via email ([yhamilton@bayharborislands-fl.gov](mailto:yhamilton@bayharborislands-fl.gov))

**Re: Renewed 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 “Kingsley Apartments”).

We had previously submitted a request for a hearing with the Litigation Committee. Please see attached. The hearing was scheduled for February 7, 2024. Unfortunately, we were never provided notice of the date of the hearing and so could not attend. We confirmed with the Town’s Clerk that the lack of notice was due to an oversight.

We respectfully request a hearing with the Litigation Committee to present our request to further mitigate the outstanding fines on the Property.

Thank you for your time and consideration.

Respectfully submitted,

/s/Max Soren  
Max G. Soren

cc: Joseph Geller, Esq.



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 "Kingsley 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



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

# 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](mailto:buildingdepartment@bayharborislands.org)



November 27, 2018  
FILE NUMBER: 18-002329

## NOTICE OF VIOLATION

**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 violation(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](mailto:dlee@bayharborislands-fl.gov)

**TOWN OF BAY HARBOR ISLANDS**  
**BUILDING DEPARTMENT**  
9665 BAY HARBOR TERRACE  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



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### SPECIAL MAGISTRATE FINDINGS

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***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

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### HEARING INFORMATION

**Date:** November 29, 2023  
**Time:** 10:00AM

**Location:** Morris N. Broad Community Center  
**Special Magistrate:** Christopher E. Benjamin

A request postponement or continuance was timely received.

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### CITATION INFORMATION

**Notice of Violation #:** 18-002329

**Chief Building Official:** Mike Mesa

<b>Method of Service</b>	<b>Date</b>
Posted	November 29, 2023
Certified	November 29, 2023

Violations(s):

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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

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**APPEARANCES:**

9291 EBH LTD	(Owner/Violator)
Max Soren, ESQ.	(Owner's Attorney or Representative)
Evelyn Merizalde	(Code Compliance Supervisor)
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
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**EXHIBITS:**

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO
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**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 10/25/2023, 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 \$89,850.00. The fine was mitigated by 50% to \$44,925.00 plus a \$200.00 administrative fee.

Fine Assessed: \$44,925.00	Administrative Fee \$200.00	Total Owed: \$45,125.00
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Back to the next Special Master Hearing in days.

Special Magistrate: Christopher E. Benjamin

Signature:  \_\_\_\_\_  
Christopher Benjamin (Jan 9, 2024 08:42 EST)

# TOWN OF BAY HARBOR ISLANDS

## BUILDING DEPARTMENT

1030 95th Street

BAY HARBOR ISLANDS, FL 33154

Phone: (305) 993-1786



### BUILDING VIOLATION PROGRESS REPORT FORM

Citation No: **18-002329**

Inspector: Eliezer Palacio

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.

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**Photo(s)**

Created By: Created Date:



February 13, 2024  
Via U.S. Mail Return Receipt Requested and  
Email: [msoren@sorenlawgroup.com](mailto:msoren@sorenlawgroup.com)

Town Council

Elizabeth Tricoche  
Mayor

Joshua Fuller  
Vice Mayor

Stephanie Bruder  
Council Member

Molly Diallo  
Council Member

Teri D'Amico  
Council Member

Isaac Salver  
Council Member

Robert Yaffe  
Council Member

Town Officials

Maria Lasday  
Town Manager

Yvonne P. Hamilton  
Town Clerk

Greenspoon Marder LLP  
Town Attorneys  
By: Joseph S. Geller, Esq.

Mr. Max G. Soren  
Soren Law Group, PA  
1133 Normandy Drive  
Miami Beach, FL 33141

**Re: 9291 EBH, Ltd  
9291 East Bay Harbor Drive  
Bay Harbor Islands, FL 33154**

**Notice of Violation #18-002329**

Dear Mr. Soren:

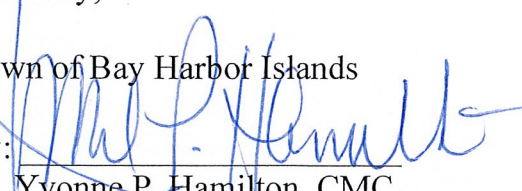
This letter shall serve to memorialize the settlement agreement reached in the above referenced matter at the Litigation Committee Meeting on February 7, 2024. As you are aware, the Special Master imposed fines against the referenced property in the amount of \$44,925.00 plus a \$200 Administrative Fee.

Notwithstanding same, the Town, acting through the Litigation Committee, has rejected the settlement offer and left standing the \$45,125.00 fine payable to the Town of Bay Harbor Islands within 30 days of February 7, 2024.

Please remit payment to the Town of Bay Harbor Islands within 30 days of February 7, 2024.

Sincerely,

Town of Bay Harbor Islands

By:   
Yvonne P. Hamilton, CMC  
Town Clerk

MAYOR JOSEPH J. GARDNER GOVERNMENT CENTER

The foregoing is a true and correct recitation of the settlement reached in the above-referenced matter and I agree to be bound by same.

\_\_\_\_\_  
**Max G. Soren**  
Soren Law Group PA

\_\_\_\_\_  
**Date**

**By:** \_\_\_\_\_  
**Title:** \_\_\_\_\_



October 18, 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: 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"). 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.

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:



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 expect to be able to receive our certificate of occupancy shortly. Once received, we will submit a new 50-year certification report reflecting that the Property has been fully upgraded and up to code.

We respectfully request a hearing with the Litigation Committee to assert our request to mitigate the outstanding fines on the Property. Thank you for your time and consideration.

Respectfully submitted,

/s/Max Soren  
Max G. Soren

# 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](mailto:buildingdepartment@bayharborislands.org)



July 23, 2021

FILE NUMBER: 21-001505

## NOTICE OF VIOLATION

### 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 Prini  
1281 94 Street  
Bay Harbor Islands, FI 33154

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

Code Section Violated: Sec. 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

A handwritten signature in black ink that reads "Mesa". The signature is stylized with a large, looping initial "M" and a cursive "esa".

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



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**SPECIAL MAGISTRATE FINDINGS**

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***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

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**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.

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**CITATION INFORMATION**

**Notice of Violation #:** 21-001505

**Chief Building Official:** Mike Mesa

<b>Method of Service</b>	<b>Date</b>
Posted	July 23, 2021
Certified	July 23, 2021

Violations(s):

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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

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**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
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**EXHIBITS:**

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO
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**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 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)



**BUILDING VIOLATION PROGRESS REPORT FORM**

Citation No: **21-001505**  
 Inspector: Eliezer Palacio

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:



Town Council

Elizabeth Tricoche  
Mayor

Joshua Fuller  
Vice Mayor

Stephanie Bruder  
Council Member

Molly Diallo  
Council Member

Teri D' Amico  
Council Member

Isaac Salver  
Council Member

Robert Yaffe  
Council Member

Town Officials

Maria Lasday  
Town Manager

Yvonne P. Hamilton  
Town Clerk

Greenspoon Marder LLP  
Town Attorneys  
By: Joseph S. Geller, Esq.

February 13, 2024  
Via U.S. Mail Return Receipt Requested and  
Email: [msoren@sorenlawgroup.com](mailto:msoren@sorenlawgroup.com)

Mr. Max G. Soren  
Soren Law Group, PA  
1133 Normandy Drive  
Miami Beach, FL 33141

**Re: 9881 EBH, Ltd  
9881 East Bay Harbor Drive  
Bay Harbor Islands, FL 33154**

**Notice of Violation #21-001505**

Dear Mr. Soren:

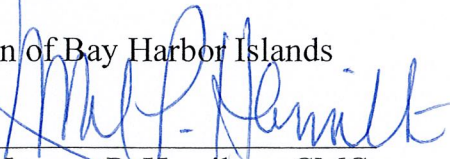
This letter shall serve to memorialize the settlement agreement reached in the above referenced matter at the Litigation Committee Meeting on February 7, 2024. As you are aware, the Special Master imposed fines against the referenced property in the amount of \$14,550.00.

Notwithstanding same, the Town, acting through the Litigation Committee, has rejected the settlement offer and left standing the \$14,550.00 fine payable to the Town of Bay Harbor within 30 days of February 7, 2024.

Please remit payment to the Town of Bay Harbor Islands within 30 days of February 7, 2024.

Sincerely,

Town of Bay Harbor Islands

By:   
Yvonne P. Hamilton, CMC  
Town Clerk

MAYOR JOSEPH J. GARDNER GOVERNMENT CENTER

The foregoing is a true and correct recitation of the settlement reached in the above-referenced matter and I agree to be bound by same.

\_\_\_\_\_  
**Max G. Soren**  
Soren Law Group PA

\_\_\_\_\_  
**Date**

**By:** \_\_\_\_\_  
**Title:** \_\_\_\_\_

**TOWN OF BAY HARBOR ISLANDS**  
**CODE COMPLIANCE DIVISION**  
 1030 95th Street  
 BAY HARBOR ISLANDS, FL 33154  
 Phone: (305) 993-1786



### CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **21-000958**  
 Inspector: Evelyn Merizalde

Parcel Address: 1150 98 Street  
 Lot(s):                      Block:

**Owner Information:**

The Villas at Bay Harbor Condominium Association,  
 Inc.  
 1150 98 Street  
 Bay Harbor Islands, FL 33154

**Violator Information:**

The Villas at Bay Harbor Condominium Association,  
 Inc.  
 1150 98 Street  
 Bay Harbor Islands, FL 33154

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 23-12(1)	05/17/2021	01/27/2023	Closed	
Comments:	Please remove the vegetation that appears to be damaging the wall, and have the wall repaired.			

DATE OPENED	ACTIVITY	DESCRIPTION
05/14/2021	Phone Call	Images provided via text message. Pictures entered to the file.
05/17/2021	Walk In	Access granted to inspect the wall from 1140 98 st.
05/19/2021	Inspection	The wall is visible from 1140 98st. Access granted by the complainant. Found the wall is in disrepair.
05/21/2021	Courtesy Notice	Courtesy notice issued to remove the tree and repair the wall.
06/22/2021	Phone Call	Contacted Regatta property management regarding the pending courtesy notice.
07/06/2021	Email	Email sent to the property manager requesting the status of the wall repairs.
07/08/2021	Compliance Inspection	The exterior wall has not been repaired.
08/05/2021	Email	Advised the property manager that the courtesy notice is pending.
08/06/2021	Inspection	The wall has not been repaired.
08/09/2021	Notice of Violation	Notice of violation issued to repair cracked cement wall located on the east side of the property.
08/16/2021	Code Action	Certified return receipt signed.
08/25/2021	Code Action	Matt Atkinson, property manager, requested a copy of the pending notice of violation. Violation sent via email. Matt stated he was sick and out of the office.
09/08/2021	Compliance Inspection	The exterior wall has not been repaired. No permits on file at time.

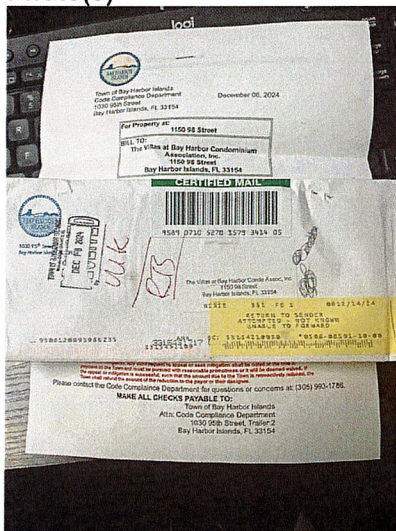
09/08/2021	Daily Fine Start	Daily fine active from Nov 8/9/21 until compliance is met.
09/17/2021	Code Action	Received the signed return receipt card for the NTA 9.29.21.
09/20/2021	Affidavit	Compliance not met. Affidavit completed for the case file. Fine is accruing at \$50.00 per day. NOV date 8/9/21-9/29/21 represents 52 days @ \$50.00 per day for a total of \$2,600.00.
09/29/2021	Notice To Appear	Notice to appear before the Special Master on 9/29/21, mailed certified and posted to the property.
09/29/2021	Special Master Hearing	Continuance granted for 60 days.
10/12/2021	Code Action	Mailed Special master findings certified. 7016 1970 0000 1070 7729
11/04/2021	Progress Activity	The \$150.00 administrative fee was paid.
11/09/2021	Progress Activity	As of today's date a permit has not been submitted to the Building Department.
11/18/2021	Progress Activity	Spoke to the President of the association who stated the board may decide to select another vendor to repair and/or replace the cement wall.
11/29/2021	Progress Activity	The cement wall repair and/or replacement has not been completed. This case will be placed on the next Special Master agenda in 2022.
11/29/2021	Compliance Inspection	The wall has not been repaired.
12/15/2021	Walk In	Spoke to the Condominium President regarding the pending violation.
01/06/2022	Inspection	The exterior wall has not been repaired. No permits on file at time.
01/06/2022	Email	Reminder email sent to the property owner.
02/10/2022	Progress Activity	Spoke to the association president regarding the pending violation. The association hired a new contractor to repair the wall.
03/03/2022	Progress Activity	Email received from the condo president stating they hired a new contractor to repair the wall and hopefully a permit will be submitted soon.
03/14/2022	Progress Activity	SMH on 9/29/21- extension granted to 60 days to obtain a permit. (11/29/21) Replacement of existing sewer line next door at 1140 98 st still in progress. This activity next door started on 2/8/22. Recommendation: Agree to an extension to comply.
03/14/2022	Progress Activity	A permit application was not received for the wall.
03/14/2022	Progress Activity	The \$150.00 administrative fee for the hearing on 9/29/21 was not paid. Reminder email sent to the president of the condominium.
03/14/2022	Affidavit	The \$150.00 administrative was not paid for the SMH on 9/29/21.
03/15/2022	Walk In	A resident at Regency Hall located behind 1150 98st, reported the exterior wall is deteriorated and submitted pictures of wooden panels installed along the entire length of the wall visible from the property.

03/15/2022	Phone Call	Spoke to Federrick, president regarding the complaint of the deteriorated wall visible from the adjacent property. The exterior wall can only be viewed from the neighboring property. He agreed to provide his contact information to the complainant.
03/23/2022	Phone Call	Mark Ackerman, property manager, called to stating he will pay the \$150.00 administrative fee from the hearing held on 9.29.21.
03/24/2022	Notice To Appear	Notice to appear before the Special Master on 3/4/22 at 10:00 AM, mailed certified and posted to the property.
03/24/2022	Progress Activity	The president of the association submitted a proposal to the Building Department. The Chief Building Official advised the president at the special master hearing that a permit is required for the proposed repairs. A copy of the email and proposal was submitted to the case file.
03/24/2022	Special Master Hearing	Continuance granted for 90 days.
03/24/2022	Code Action	Prepared the special master findings.
03/30/2022	Progress Activity	Mailed the special master findings to the registered agent and condominium president.
03/30/2022	Email	Emailed the 3.24.22 special master findings to the registered agent and board president.
05/23/2022	Progress Activity	Permit application B22-000264 submitted.
06/30/2022	Progress Activity	Town Planner Review Building Department Michael Miller Approved 05/30/2022 05/24/2022 Building Inspector Review Building Department Ismael Naranjo Disapproved 05/30/2022 05/31/2022 (1) Provide engineer inspection report along with recommendation for all repairs. The engineer should include details and specifications for the repairs.
07/05/2022	Compliance Inspection	The permit application was submitted to the Building Department but is currently in the denied status. Building Department review (1) Provide engineer inspection report along with recommendation for all repairs. The engineer should include details and specifications for the repairs.
07/25/2022	Progress Activity	The contractor has not addressed the comments provided in May 2022. This case will be scheduled for a re-hearing.
08/01/2022	Compliance Inspection	As of today's date the exterior wall has not been repaired. This case will be scheduled for a rehearing on Tuesday, August 30, 2022. Permit application comments provided in May 2022: Building Inspector Review: Ismael Naranjo, Status: Disapproved Start Date: 05/23/2022 Completed Date: 05/31/2022 (1) Provide engineer inspection report along with recommendation for all repairs. The engineer should include details and specifications for the repairs. Town Planner Review: Michael Miller, Status: Approved Start Date: 05/23/2022 Completed Date: 05/24/2022
08/01/2022	Code Action	Updated the violation file to reflect the current property management office. FYVE Property Management 1370 Washington Ave #301 Miami Beach, FL 33139

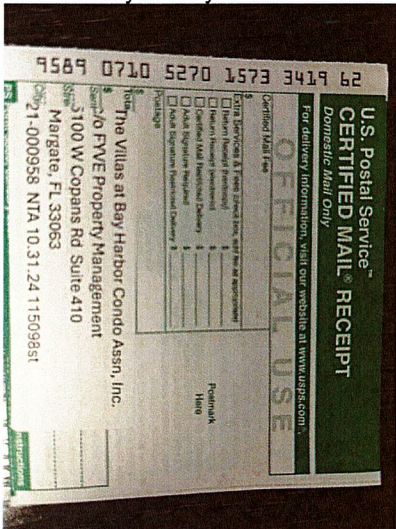
08/19/2022	Compliance Inspection	The perimeter wall has not been repaired. The association hired an engineer to inspect the exterior wall. The engineer recommends replacing the entire perimeter wall.
08/30/2022	Notice To Appear	Prepared the Notice to appear.
08/31/2022	Special Master Hearing	The hearing was canceled due to construction activity in the council chambers
01/28/2023	Compliance Inspection	Permit B22-000403 was issued to install an aluminum fence around the perimeter of the property. The new fence is installed on the east side of the building. Pictures uploaded to the case file. Compliance met. Fine calculated from the SMF extension
03/03/2023	Code Action	Provided a copy of the violation for lien search LS-4713.
05/18/2023	Phone Call	Spoke to the president of the association regarding the pending violations. The permit for the fence appears to be expired with no inspections.
07/26/2023	Progress Activity	The permit expired with no inspections. B22-000403 Addition/Alteration Aluminum Horizontal Fence Installation Expired 09/16/2022 03/16/2023
02/22/2024	Progress Activity	9/29/21 Special Magistrate hearing- Continuance granted a continuance for 60 days. 3/24/22 Special Magistrate hearing- Continuance granted for 90 days. Date to comply by is 6/22/22. Compliance not met.
02/26/2024	Code Action	Email sent to Fred Kolzwada fredkoz@icloud.com Good morning, The Special Magistrate hearing scheduled on Wednesday, February 28, 2024, is cancelled. This case will be rescheduled for a hearing in March. You will receive a notice to appear letter for the next hearing once the date/time are confirmed. Notified the board via email and left a message.
02/28/2024	Notice To Appear	Prepared Notice to appear for the February hearing. The hearing was canceled.
02/28/2024	Special Master Hearing	The hearing was canceled.
03/14/2024	Code Action	Uploaded the certified return receipt for the NTA 3.21.24 hearing.
03/15/2024	Code Action	Uploaded the sign return receipt for the hearing on 3.21.24.
03/20/2024	Affidavit	Completed the case affidavit of compliance.
03/20/2024	Phone Call	Left a message for the President of the association.
03/21/2024	Notice To Appear	Prepared the notice to appear letter for the Special Magistrate hearing scheduled on 3/21/24 at 10:00 AM.
03/21/2024	Special Master Hearing	Fine assessed in the amount of \$5,000.00 plus a \$200.00 administrative fee for a total of \$5,200.00. No one from the association attended the hearing.
04/18/2024	Code Action	Mailed the special magistrate findings and invoice to the property manager.
05/21/2024	Inspection	
09/06/2024	Progress Activity	Notice to appear before the special magistrate on 9/26/24 at 10am posted to the property. NV posting only

09/10/2024	Progress Activity	Emailed the notice to appear to the president of the condominium.
09/26/2024	Notice To Appear	Prepared the notice to appear letter for the special magistrate hearing scheduled on September 26, 2024, at 10:00 am.
09/26/2024	Special Master Hearing	The hearing was canceled due to the possible impact of hurricane Helene.
10/16/2024	Progress Activity	Emailed a copy of the notice to appear to the the president of the association.
10/31/2024	Notice To Appear	Prepared the notice to appear before the special magistrate on 10/31/24 at 10am.
10/31/2024	Special Master Hearing	The request for mitigation of the \$5,000.00 fine has been denied. As a result, you are required to pay the full amount of the fine, along with a \$200.00 administrative fee. Fred Koczvara, Association president, attended the hearing.
12/12/2024	Inspection	The association is in contact with the Town Clerk regarding a request to go before the Mitigation Committee. The email was uploaded to the file.
01/31/2025	Progress Activity	A mitigation committee meeting has not been scheduled.

**Photo(s)**



Created By: Evelyn Merizalde Created Date: 12/18/2024





Jan 27, 2023 at 1:53:39 PM

FL  
Evelyn Merizalde  
Code Compliance Supervisor



Created By: Evelyn Merizalde Created Date: 01/27/2023

Jan 27, 2023 at 1:53:42 PM

FL  
Evelyn Merizalde  
Code Compliance Supervisor



Created By: Evelyn Merizalde Created Date: 01/27/2023

Jan 27, 2023 at 1:54:48 PM

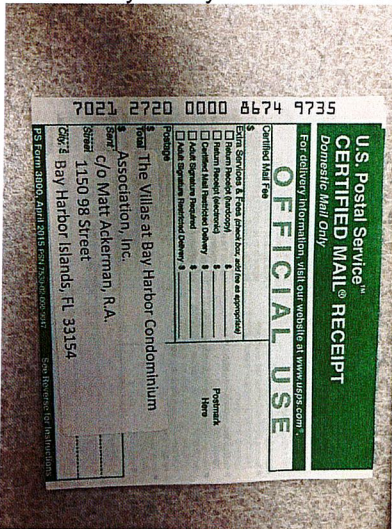
FL  
Evelyn Merizalde  
Code Compliance Supervisor



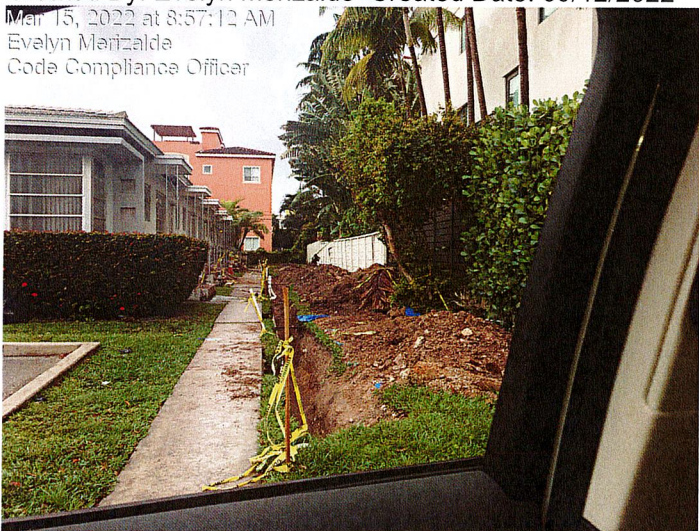
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Created By: Evelyn Merizalde Created Date: 01/27/2023



Created By: Evelyn Merizalde Created Date: 09/12/2022



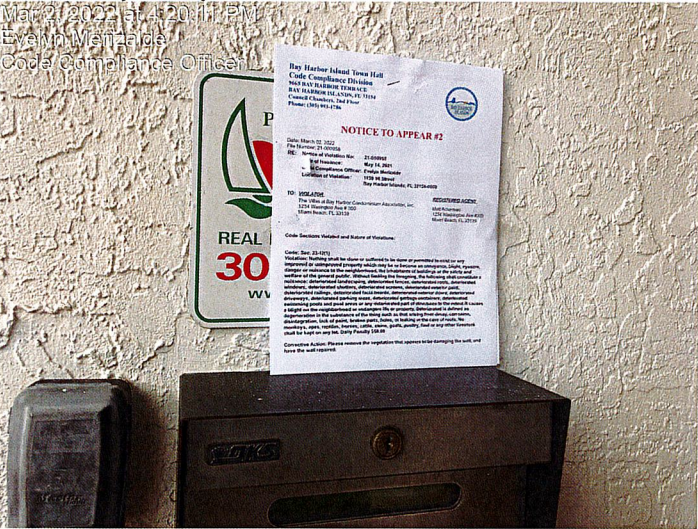
Created By: Evelyn Merizalde Created Date: 03/15/2022

Mar 2, 2022 at 4:20:20 PM  
Evelyn Merizalde  
Code Compliance Officer



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

Mar 2, 2022 at 4:20:17 PM  
Evelyn Merizalde  
Code Compliance Officer



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

Nov 4, 2021 at 2:25:36 PM  
Evelyn Merizalde  
Code Compliance Officer



Created By: Evelyn Merizalde Created Date: 11/04/2021



Created By: Evelyn Merizalde Created Date: 11/04/2021



Created By: Evelyn Merizalde Created Date: 09/14/2021



Created By: Evelyn Merizalde Created Date: 09/14/2021



Created By: Evelyn Merizalde Created Date: 09/14/2021



Created By: Evelyn Merizalde Created Date: 08/09/2021



Created By: Evelyn Merizalde Created Date: 08/09/2021



Aug 9, 2021 at 2:44:21 PM  
Evelyn Merizalde  
Coda Compliance Officer

Created By: Evelyn Merizalde Created Date: 08/09/2021



Aug 6, 2021 at 8:32:08 AM  
Evelyn Merizalde  
Coda Compliance Officer

Created By: Evelyn Merizalde Created Date: 08/06/2021



Aug 6, 2021 at 8:32:34 AM  
Evelyn Merizalde  
Coda Compliance Officer

Created By: Evelyn Merizalde Created Date: 08/06/2021



Aug 6, 2021 at 8:33:00 AM  
Evelyn Merizalde  
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: 08/06/2021



Aug 6, 2021 at 8:33:07 AM  
Evelyn Merizalde  
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: 08/06/2021



2021 at 8:33:18 AM  
Evelyn Merizalde  
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: 08/06/2021



Created By: Evelyn Merizalde Created Date: 08/06/2021



Created By: Evelyn Merizalde Created Date: 08/06/2021



Created By: Evelyn Merizalde Created Date: 08/06/2021



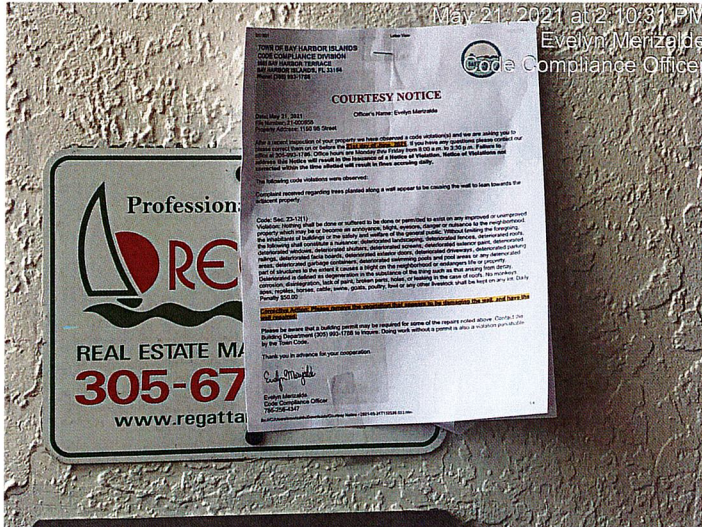
Jul 8, 2021 at 10:48:02 AM  
Evelyn Merizalde  
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: 07/09/2021



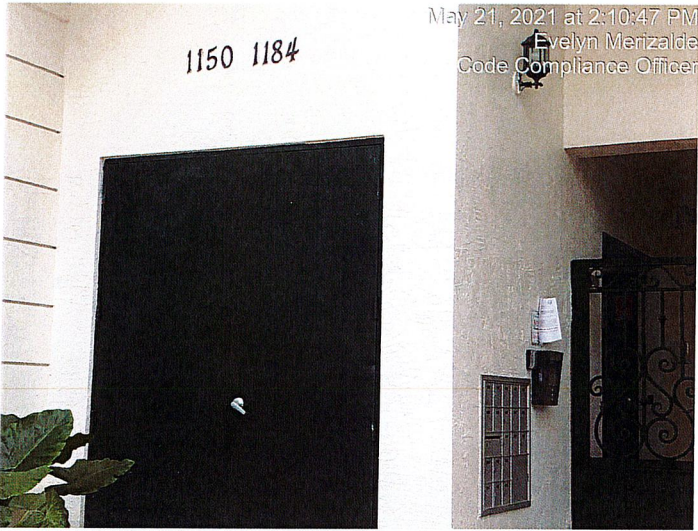
Jul 8, 2021 at 10:48:07 AM  
Evelyn Merizalde  
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: 07/09/2021



May 21, 2021 at 2:10:31 PM  
Evelyn Merizalde  
Code Compliance Officer

Created By: Evelyn Merizalde Created Date: 05/21/2021



Created By: Evelyn Merizalde Created Date: 05/21/2021



Created By: Evelyn Merizalde Created Date: 05/19/2021



Created By: Evelyn Merizalde Created Date: 05/19/2021



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Created By: Evelyn Merizalde Created Date: 05/19/2021



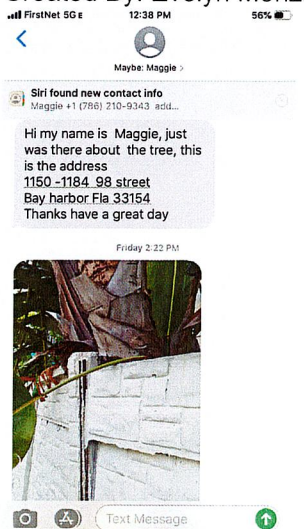
Created By: Evelyn Merizalde Created Date: 05/18/2021



Created By: Evelyn Merizalde Created Date: 05/18/2021



Created By: Evelyn Merizalde Created Date: 05/18/2021



Created By: Evelyn Merizalde Created Date: 05/14/2021

**TOWN OF BAY HARBOR ISLANDS  
CODE COMPLIANCE DIVISION**

1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



**SPECIAL MAGISTRATE FINDINGS**

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

**OWNER:**

The Villas at Bay Harbor Condominium Association, Inc.  
1150 98 Street  
Bay Harbor Islands, FL 33154

**ADDRESS OF VIOLATION:**

- The Villas at Bay Harbor Condominium Association,  
Inc.  
1150 98 Street  
Bay Harbor Islands, FL 33154-0000  
Parcel No: 1322271100001

**REGISTERED AGENT:**

FYVE Property Management -  
1370 Washington Ave #301  
Miami Beach, FL 33139

**HEARING INFORMATION**

**Date:** October 31, 2024

**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 #:** 21-000958

**Compliance Officer:** Evelyn Merizalde

**Method of Service**

**Date**

Posted

October 15, 2024

Certified

October 15, 2024

Violations(s):

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

**Nature of Violation and Details:**

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

**APPEARANCES:**

Fred Koczwarra, Association President	(Owner/Violator)
Evelyn Merizalde	(Code Compliance Supervisor)
Scherrie Griffin	(Code Inspector)
Analily Perez	(Compliance Manager)
Jacob Elberg	(Town Attorney)

**WITNESSES:**

NAME	ADDRESS	CALLED BY
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**EXHIBITS:**

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO
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**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 for mitigation of the \$5,000.00 fine has been denied. As a result, you are required to pay the full amount of the fine, along with a \$200.00 administrative fee.

Fine Assessed: \$5,000.00	Administrative Fee \$200.00	Total Owed: \$5,200.00
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Back to the next Special Magistrate Hearing in days.

Special Magistrate: Christopher Benjamin

Signature:    
Christopher Benjamin (Dec 3, 2024 10:08 EST)

# TOWN OF BAY HARBOR ISLANDS CODE COMPLIANCE DIVISION

1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## SPECIAL MAGISTRATE FINDINGS

### *In the Matter of the Notice of Violation served on:*

#### **OWNER:**

The Villas at Bay Harbor Condominium Association,  
Inc.  
1150 98 Street  
Bay Harbor Islands, FL 33154

#### **ADDRESS OF VIOLATION:**

- The Villas at Bay Harbor Condominium Association,  
Inc.  
1150 98 Street  
Bay Harbor Islands, FL 33154-0000  
Parcel No: 1322271100001

#### **REGISTERED AGENT:**

FYVE Property Management -  
1370 Washington Ave #301  
Miami Beach, FL 33139

## HEARING INFORMATION

**Date:** March 21, 2024

**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 #:** 21-000958

**Compliance Officer:** Evelyn Merizalde

<b>Method of Service</b>	<b>Date</b>
Posted	August 07, 2021
Certified	August 07, 2021

Violations(s):

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

#### **Nature of Violation and Details:**

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

lot. Daily Penalty \$50.00

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**APPEARANCES:**

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

**WITNESSES:**

NAME	ADDRESS	CALLED BY
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**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:**

Fine assessed in the amount of \$5,000.00 plus a \$200.00 administrative fee for a total of \$5,200.00.

Fine Assessed: \$5,000.00	Administrative Fee \$200.00	Total Owed: \$5,200.00
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Back to the next Special Magistrate Hearing in days.

Special Magistrate: Christopher Benjamin

Signature:   
Christopher Benjamin (Apr 13, 2024 14:34 EDT)

May 15, 2024

The Villas at Bay Harbor Condo Association  
1150 – 1184 98th Street  
Bay Harbor Islands, Florida 33154

Town of Bay Harbor Islands  
Code Compliance Division  
1030 95th Street  
Bay Harbor Islands, Florida 33154

RE: Violation #21-000958

Dear Town of Bay Harbor Islands:

I hope this letter finds you well. I am writing to provide a request for mitigation regarding the fine levied in the amount of \$5,200 for the above referenced matter.

As we understand the fine, the amount levied primarily relates to the timeliness of the repair of a pre-cast concrete wall that was breached by a palm tree at the east end of our property boundary. The breach did not pose a threat of imminent collapse and the damage was relegated to a small section of the wall. During a prior Special Magistrate hearing, we indicated that we were challenged in finding a suitable contractor and an appropriate solution to the breached section of the pre-cast wall. After evaluating a number of proposals, including commissioning an engineering firm to evaluate an appropriate remediation plan, we determined that we would demolish the pre-cast wall entirely (to head off potential future issues) and replace the pre-cast wall with an aluminum slate fence. Upon approval of permits, the work was completed.

However, due to dissatisfaction with the quality of the aluminum slate fence, we engaged a separate contractor to replace the aluminum slate fence with one that we believed to be of higher quality and aesthetic value to the Town of Bay Harbor Islands and surrounding / bordering condo associations. In fact, we took the additional step to re-sod the area beyond our property boundary to the benefit of a neighboring property.

All the above steps, qualifying appropriate contractors, evaluating various solutions (pre-cast concrete replacement or aluminum) and re-performing the work of the initial contractor, did require additional time to resolve the matter, but to the benefit of the surrounding properties and the Town of Bay Harbor Islands.

As such, we do not believe a fine is warranted in this instance, considering the care and due diligence observed by our community in addressing this matter.

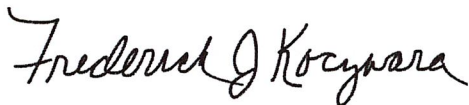
Regarding our non-appearance at the recent Special Magistrate hearing, we regret any inconvenience our absence may have caused. This matter was originally scheduled for February 28, 2024 (for which we were ready to appear) but this hearing was cancelled on February 26, 2024. There was a misunderstanding and miscommunication on our end as to the date this would be rescheduled for in March 2024.

We understand the importance of compliance with local codes and regulations, and we sincerely apologize for any inconvenience our absence may have caused. Please be assured that we take our obligations seriously as a condo association as evidenced by the care taken with this repair and other matters of permitting / compliance throughout the years.

We kindly request a mitigation of the fine and would welcome the opportunity to appear as needed.

Please feel free to contact me at 212-228-3912 or [fredkoz@icloud.com](mailto:fredkoz@icloud.com). You may also copy my fellow board members at the email addresses below.

Sincerely,

A handwritten signature in black ink that reads "Frederick J. Koczwar". The signature is written in a cursive, flowing style.

Fred Koczwar  
President  
Villas at Bay Harbor Islands Condo Association

Copy To:  
Ali Sharifi, Treasurer ([alisharifi@mac.com](mailto:alisharifi@mac.com))  
Danny Serfer, Secretary ([danielserfer@mac.com](mailto:danielserfer@mac.com))  
Villas at Bay Harbor Condo Association

**TOWN OF BAY HARBOR ISLANDS  
CODE COMPLIANCE DIVISION**

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



August 07, 2021  
FILE NUMBER: 21-000958

**NOTICE OF VIOLATION**

**OWNER:**

The Villas at Bay Harbor Condominium Association, Inc.  
1234 Washington Ave #300  
Miami Beach, FL 33139

**ADDRESS OF VIOLATION:**

The Villas at Bay Harbor Condominium Association, Inc. -  
1150 98 Street  
Bay Harbor Islands, FL 33154-0000  
Parcel No: 1322271100001

**REGISTERED AGENT:**

Regatta Real Estate Management  
1234 Washington Ave #300  
Miami Beach, FL 33139

**TENANT:**

-

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

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

Nature of Violation and Details:

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

**You may comply by: Please remove the vegetation that appears to be damaging the wall, and have the wall repaired.**

RE: Complaint received regarding trees planted along a wall appear to be causing the wall to lean towards the adjacent property.

Location of Violation: 1150 98 Street Violation Date: 05/14/2021

**Compliance Date: September 07, 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:*

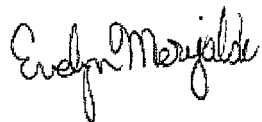
**Town of Bay Harbor Islands  
Office of the Town Clerk  
9665 Bay Harbor Terrace  
Bay Harbor Islands, FL 33154**

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

**Service Information:**

Date Mailed: 08/09/2021  
Date Posted: 08/09/2021

Cert Mail Article #: 7019 1120 0000 0739 7292



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

ADDENDUM



Photo  
Evelyn Merizalde  
Aug 06, 2021



Photo  
Evelyn Merizalde  
Aug 06, 2021

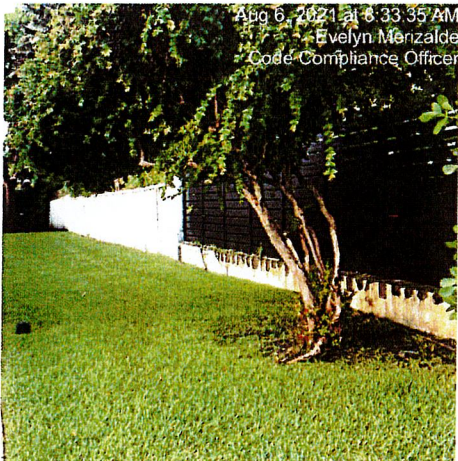


Photo  
Evelyn Merizalde  
Aug 06, 2021



Photo  
 Evelyn Merizalde  
 Aug 06, 2021

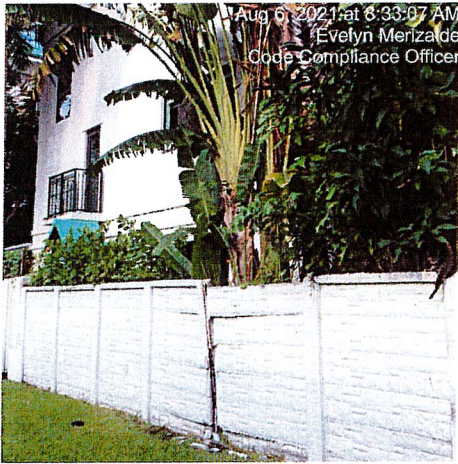


Photo  
 Evelyn Merizalde  
 Aug 06, 2021



Photo  
 Evelyn Merizalde  
 Aug 06, 2021



Photo  
Evelyn Merizalde  
Aug 06, 2021



Photo  
Evelyn Merizalde  
Aug 06, 2021

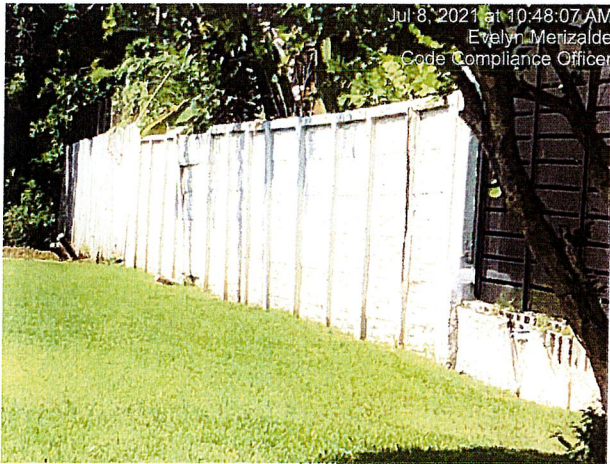


Photo  
Evelyn Merizalde  
Jul 09, 2021

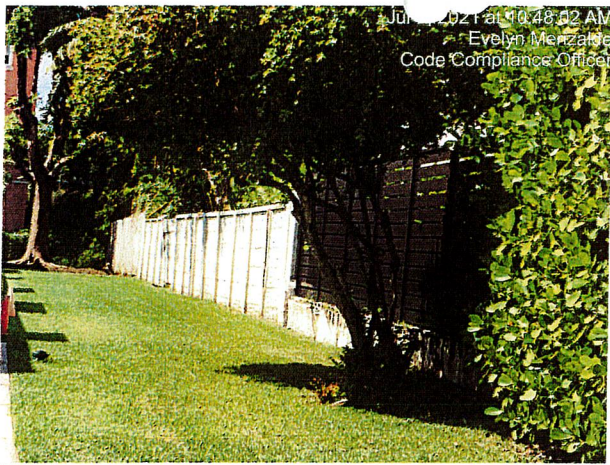


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Jul 09, 2021

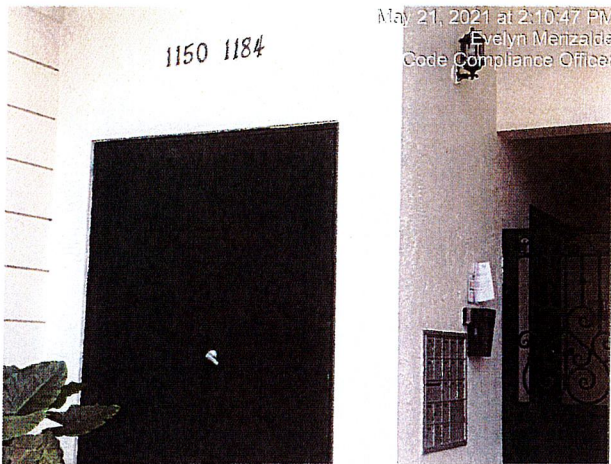


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Evelyn Merizalde  
May 21, 2021

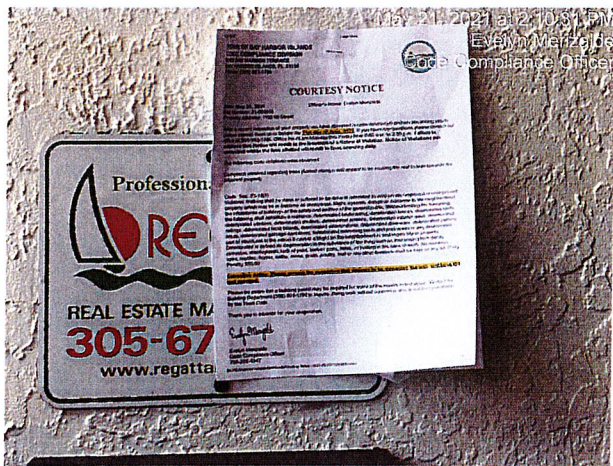


Photo  
Evelyn Merizalde  
May 21, 2021



May 19, 2021 at 4:06:09 PM  
Evelyn Merizalde  
Code Compliance Officer

Photo  
Evelyn Merizalde  
May 19, 2021



May 19, 2021 at 4:09:48 PM  
Evelyn Merizalde  
Code Compliance Officer

Photo  
Evelyn Merizalde  
May 19, 2021



May 19, 2021 at 4:08:25 PM  
Evelyn Merizalde  
Code Compliance Officer

Photo  
Evelyn Merizalde  
May 19, 2021



May 19, 2021 at 4:08:32 PM  
Evelyn Merizalde  
Code Compliance Officer

Photo  
Evelyn Merizalde  
May 19, 2021



Photo  
Evelyn Merizalde  
May 18, 2021



Photo  
Evelyn Merizalde  
May 18, 2021

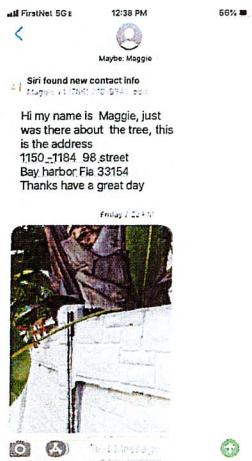


Photo  
Evelyn Merizalde  
May 18, 2021

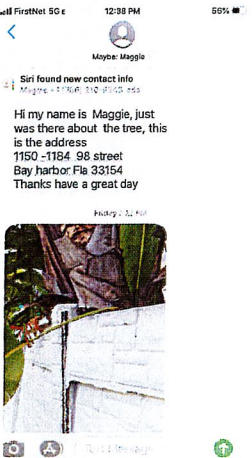


Photo  
Evelyn Merizalde  
May 14, 2021

**TOWN OF BAY HARBOR ISLANDS**  
**CODE COMPLIANCE DIVISION**  
 1030 95th Street  
 BAY HARBOR ISLANDS, FL 33154  
 Phone: (305) 993-1786



**CODE COMPLIANCE PROGRESS REPORT FORM**

Citation No: **24-001232**  
 Inspector: Scherrie Griffin

Parcel Address: 9550 BAY HARBOR Terrace Suite 9580  
 Lot(s): Block:

**Owner Information:**  
 W 9550 BH TERRACE LLC WATERSTONE 2618  
 LLC  
 1124 KANE CONCOURSE  
 BAY HARBOR ISLANDS, FL 33154

**Violator Information:**  
 W 9550 BH TERRACE LLC WATERSTONE 2618  
 LLC  
 1124 KANE CONCOURSE  
 BAY HARBOR ISLANDS, FL 33154

Violation Code	Open Date	Closed Date	Status	Violation Disposition
Sec. 5-6(a)	07/10/2024		Open	
Comments:	Hire a licensed contractor to obtain building, plumbing, electrical and mechanical permits from the building department.			

DATE OPENED	ACTIVITY	DESCRIPTION
07/10/2024	Phone Call	Advised Richard Wasserstein, property owner, and Arnold, tenant, a 30-day notice of violation and work stop order will be issued today. FYI - Permit application for Interior Remodel to include: Demo of Non-load Bearing wall ,Plumbing, Electrical and Mechanical per plans was submitted to the building department on 06/07/2024 and approved by the mechanical and electrical reviewers. Denied by the building inspector reviewer and plumbing reviewer.
07/10/2024	Notice of Violation	A notice of violation has been issued to hire a licensed contractor to obtain building, plumbing, electrical and mechanical permits from the building department.
08/08/2024	Phone Call	Michael Martinez, project manager, and Arnold, tenant, called to request an extension. They were advised an administrative hearing to go before the Special Magistrate to request an extension could have been made 20 days after the notice of violation was issued.
08/13/2024	Compliance Inspection	Compliance has not been met. Permit application/plan for Interior Remodel to include Demo of Non-load Bearing wall, Plumbing, Electrical and Mechanical per plans is approved by mechanical and electrical. Comments provided by plumbing reviewer: 1. - NOT ENOUGH INFORMATION TO PERFORM A FULL REVIEW, F.B.C. 107.2.1 2. Clarify scope of work - interior 3. - Provided detail for and installation spec for grease trap in high water table 4. - FBC 107.1 Plans shall be submitted to DERM for review and approval. 5. - FBC 107.1 Plans shall be submitted to FOG for review and approval. Comments provided by building inspector reviewer: 1. Plumbing approval required. 2. Outside agencies approval required. 3. Project should be designed in accordance with the 8th Edition to the 2023 Florida Building Code. 4. Provide plans with the original signature and seal of the license design professional. Copies of a digital signature will void the documents. 5. Provide a code legend, Code in effect, use and occupancy, construction type, occupant load. 6. Provide a description of the intended use of the space. (Business type) 7. Additional comments may follow once the above comments are addressed.

08/22/2024	Email	The tenant, Arnold Bergman, provided an explanation letter. The case will be placed on the agenda for the next Special Magistrate Hearing.
09/05/2024	Notice To Appear	
09/10/2024	Email	As of today, the fine amount is \$15,750.00 Notice to Appear #1 for the Special Magistrate Hearing held on September 26, 2024, emailed to Arnold Bergman, tenant, and Richard Wasserstein, property owner.
09/20/2024	Progress Activity	As of today, permit application for Interior Remodel to include Demo of Non-load Bearing wall, Plumbing, Electrical and Mechanical per plans is still denied by the Plumbing Reviewer and Building Inspector Reviewer. Plumbing comments provided: - NOT ENOUGH INFORMATION TO PERFORM A FULL REVIEW, F.B.C. 107.2.1 - Clarify scope of work - interior - Provided detail for and installation spec for grease trap in high water table - FBC 107.1 Plans shall be submitted to DERM for review and approval. - FBC 107.1 Plans shall be submitted to FOG for review and approval Building Inspector Reviewer Comments: - Plumbing approval required. - Outside agencies approval required. - Project should be designed in accordance with the 8th Edition to the 2023 Florida Building Code. - Provide plans with the original signature and seal of the license design professional. Copies of a digital signature will void the documents. - Provide a code legend, Code in effect, use and occupancy, construction type, occupant load. - Provide a description of the intended use of the space. (Business type) - Additional comments may follow once the above comments are addressed. The fine amount is \$ \$18,000.00, which represents 72 days at \$250.00 from July 10, 2024, to September 20, 2024. The fine will continue to accrue daily until compliance has been met.
09/20/2024	Progress Activity	Case review meeting held today. The recommendation is to assess fine of \$250.00 daily until compliance has been met.
09/20/2024	Phone Call	Arnold Bergman, tenant, advised the property owner, Richard Wasserstein, will be attending the Special Magistrate Hearing.
09/21/2024	Affidavit	
09/24/2024	Phone Call	Advised Richard Wasserstein property owner, and Arnold Bergman, tenant, the Special Magistrate Hearing has been canceled due to possible tropical storm Helene. Notification will be provided for the next Special Magistrate Hearing.
10/24/2024	Affidavit	
10/31/2024	Notice To Appear	NOV and Stop Work Order issued.
10/31/2024	Special Master Hearing	60 days to abate the violation. If compliance is not met a daily penalty of \$250.00 will accrue until compliance is met.
10/31/2024	Progress Activity	As of today the fine amount is \$28,250.00, which represents 113 days at \$250.00 per day from July 10, 2024 to October 31, 2024.
12/04/2024	Email	Emailed Special Magistrate Findings from Special Magistrate Hearing held on October 31, 2024, to Richard Waserstein, property owner, and Arnold Bergman, tenant.
12/10/2024	Phone Call	Spoke to the tenant, Arnold, regarding the Special Magistrate Findings.

02/05/2025	Compliance Inspection	As of today, permit application for Interior Remodel to include: Demo of Non-load Bearing wall, Plumbing, Electrical and Mechanical per plans has been approved by the Plumbing Reviewer, Mechanical Reviewer, and Electrical Reviewer. Disapproved by the Building Inspector Reviewer. Comments provided: 1. Some of the pages, including the cover sheet, are not signed and sealed by the Florida license design professional. Please provide original, signed and sealed plans by the engineer of record. Copies of signatures and seal will void the documents. 2. According to the information provided on the plans the occupant load for the food service establishment is 65 people. As per section 456.4.1. Each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated, except as provided within this section. Please correct accordingly. 3. Additional comments may follow once the above comments are addressed. Arnold Bergman, tenant, called to advised the corrections were dropped off this morning. He will send an email to follow up on our phone call.
02/06/2025	Email	Email received from Arnold, tenant, stating: Scherrie, The DERM has approved everything. I submitted all the plans to the building department; the mechanical, electricity, and plumbing plans have been approved. When the cover plan was printed, the seal signature was not showing up, and the number of seats on the plan was too high. The number of seats has been rectified on the plan and sealed and signed. The cover plan update has been submitted this morning to the building department. We are just waiting for the answer from the building department regarding getting the permits. Best regards Arnold Bergman
02/07/2025	Phone Call	Arnold, tenant, called to inquire about the fine amount. The file is being reviewed. Also, comments have been submitted to the building department this week and pending review from the Building Inspector Reviewer.
02/15/2025	Progress Activity	Permit application for Interior Remodel to include: Demo of Non-load Bearing wall, Plumbing, Electrical and Mechanical per plans denied by the Building Inspector Reviewer. Comment provided: Provide compliance with section 456.4.1 of 2023 FBC by providing bathrooms for each sex properly designated.
02/27/2025	Email	Notice to Appear #2 to go before the Special Magistrate Hearing held on 3/13/2025, emailed to the tenant and property owner. The property owner, Richard, inquired about the permits that are missing. He was advised the the permit application is denied by the Building Inspector Reviewer
03/05/2025	Progress Activity	Case review meeting held. Recommendation is grant an extension for 60 days
03/11/2025	Affidavit	
03/13/2025	Notice To Appear	NTA #1 for SMH held on 3.13.25
03/13/2025	Special Master Hearing	Extension granted for 60 days.
03/29/2025	Progress Activity	Permit application for interior Remodel to include Demo of Non-load Bearing wall, Plumbing, Electrical and Mechanical per plans still denied by the Building Inspector Reviewer. Comments provided: 1.The plans provided are by different design professionals, please mark void all sheets that are not applicable to this project. If using a delegated design professional for a particular portion of the project, please have the design professional of record acknowledge by providing the delegated design professionals information on the cover sheet and specifying the delegated duties of such professional. 2. Based on the information provided and as result of the new design professionals the Miami Dade county Sheets have been marked as void. Please submit new plans to Miami Dade County for review and approval. 105.3.1. 3. Based on the dimensions provided on the plans the space has approximately 500 square feet. However, the areas used to calculate the occupant loads exceed 700 square feet. Please revise

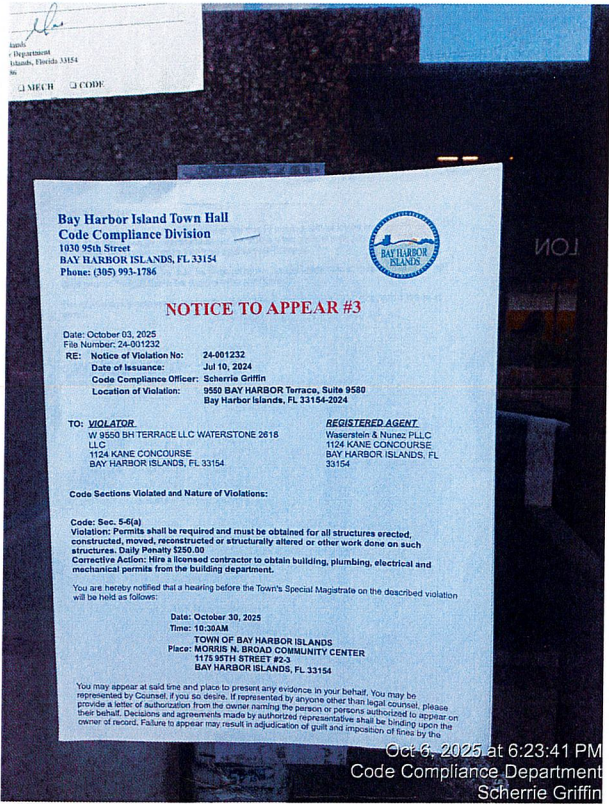
accordingly. 4.Symbols used to ID floor areas on the area legend and on floor plan are the same. Please revise accordingly.

04/01/2025	Email	Special Magistrate Findings emailed to the property owner and the business owner.
05/05/2025	Progress Activity	As of today, Interior Remodel to include Demo of Non-load Bearing wall, Plumbing, Electrical and Mechanical per plans is pending review from the Structural Reviewer and still denied by the Building Inspector Reviewer. Comments provided. 1. Miami Dade county approval required. New plans need to be reviewed and approved by outside agencies. 105.3.1. 2.Slab repair details reflected on plumbing plans should also be reflected on the architectural plans or on structural plans. Please revise accordingly. 3. Town of Bay Harbor structural plans examiner approval required. 105.3. 4. Zoning approval required. 105.3.1.
05/14/2025	Compliance Inspection	Permits have not been obtained from the building department. Compliance not met.
05/29/2025	Progress Activity	Permit #B24-000289 for Interior Remodel to include Demo of Non-load Bearing wall, Plumbing, Electrical and Mechanical per plans and permit #M25-000055 has been approved. Payment needs to be made, and permit need to be obtained.
06/13/2025	Phone Call	I spoke with the tenant, Arnold Bergman, regarding the violation.
07/15/2025	Progress Activity	Mechanical permit #M25-000055 (Mechanical work under master [B24-000289]) has been approved. Payment is pending and permit needs to be obtained.
07/16/2025	Progress Activity	Permits #P25-00096 (Plumbing work under master [B24-000289]) and E25-000128 (Electrical work under master [B24-000289]) have been approved. Payment is pending and permits need to be obtained.
07/17/2025	Compliance Inspection	Permits listed below have been obtained from the building department. Compliance met. - Permits #B24-000289 for Interior Remodel to include Demo of Non-load Bearing wall, Plumbing, Electrical and Mechanical per plans. - M25-000055 for Mechanical work under master [B24-000289]. - E25-000128 for Electrical work under master [B24-000289] - P25-000096 for Plumbing work under master [B24-000289]
07/18/2025	Email	Arnold Bergman, tenant, advised the permits have been obtained.
09/03/2025	Progress Activity	The Special Magistrate Hearing has been canceled due to staff availability.
09/24/2025	Notice To Appear	
10/02/2025	Notice To Appear	Notice to Appear #3 to go before the Special Magistrate held on October 30, 2025.
10/09/2025	Email	Notice to Appear #3 to go before the Town's Special Magistrate on October 30, 2025, emailed to the tenant, Arnold Bergman, and property owner, Richard Wasserstein. Richard Wasserstein, inquired about the recommendation for the file. He was advised the case file will undergo a review, after which a recommendation will be made.
10/10/2025	Phone Call	Received a phone call from Arnold Bergman, tenant, regarding Notice to Appear #3 to go before the Town's Special Magistrate on October 30, 2025.

10/20/2025	Progress Activity	The case review meeting was held today. Recommendation is to impose a fine in the amount of \$16,000.00, which represents 64 days at \$250.00 per day from March 14, 2025, to July 17, 2025.
10/28/2025	Affidavit	
10/28/2025	Phone Call	Arnold Bergman, tenant, called to inquire about the recommendation for the file. He was advised a fine has been assessed from 05/14/2025 to 07/17/2025 which represents 64 days at \$250.00 per day for a total of \$16,000.00 plus a \$200.00 administrative fee.
10/30/2025	Special Master Hearing	A fine was assessed from May 14, 2025, to July 17, 2025, totaling 64 days at \$250.00 per day, amounting to \$16,000.00 plus a \$200.00 administrative fee. The fine was reduced to \$14,000.00, with an administrative fee of \$200.00, resulting in a total of \$14,200.00.
11/20/2025	Progress Activity	Received a request for settlement reduction from \$14,000.00 to \$2,000.00 by the property owner, Richard Waserstein.
01/20/2026	Phone Call	The tenant called to inquire the status of the mitigation of the \$14,000.00 fine. He was advised that a mitigation committee meeting needs to be scheduled by the Town Clerk. He was advised to submit a letter provide the current status of the remodeling and his scheduled open date.
01/22/2026	Email	Received an email from the tenant, Arnold Bergman, requesting to expedite the mitigation hearing.
01/26/2026	Phone Call	Arnold Bergman, tenant, inquired if a date has been scheduled for the mitigation meeting. As of today a date has not been confirmed.

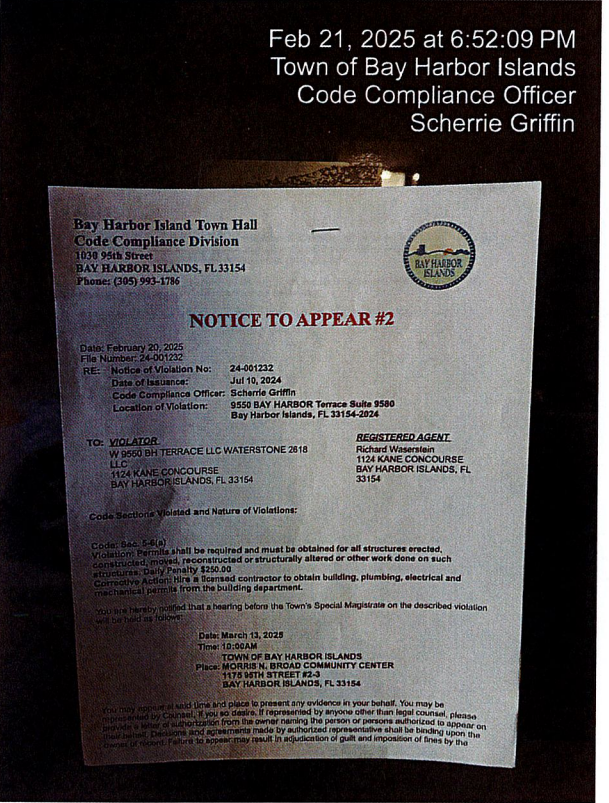
**Photo(s)**





Oct 3, 2025 at 6:23:41 PM  
Code Compliance Department  
Scherrie Griffin

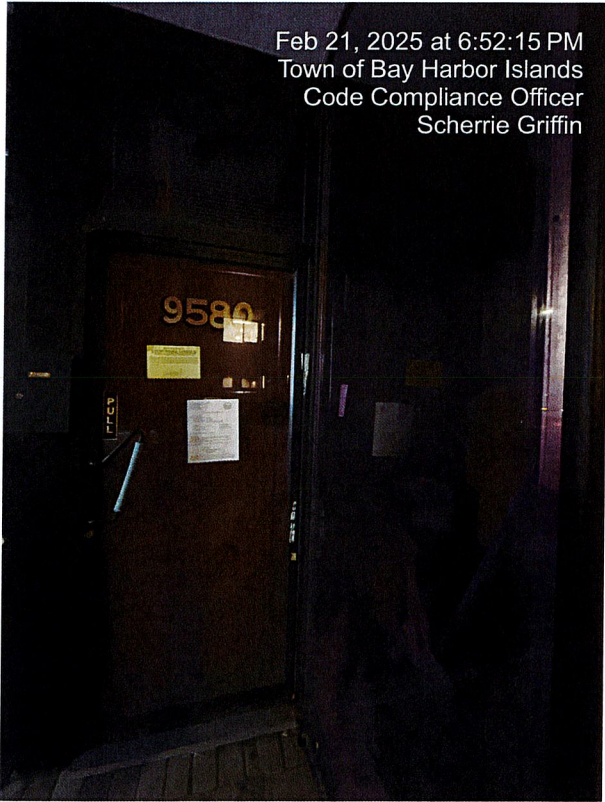
Created By: Scherrie Griffin Created Date: 10/07/2025



Feb 21, 2025 at 6:52:09 PM  
Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin

Created By: Scherrie Griffin Created Date: 02/21/2025

Feb 21, 2025 at 6:52:15 PM  
Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin



Created By: Scherrie Griffin Created Date: 02/21/2025

Jul 10, 2024 at 5:05:58 PM  
Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin



Created By: Scherrie Griffin Created Date: 07/10/2024

Jul 10, 2024 at 5:05:42 PM  
Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin

PENALTY FOR REMOVAL  
**STOP WORK ORDER**  
SUSPEND WORK UNTIL FURTHER NOTICE

MDC: Sec. 8-12 (c) Double fee. When work for which a permit is required is started prior to the obtaining of said permit, the applicant for a permit shall be required to pay double the fee as specified herein as the cost of the permit. The payment of a permit fee shall not relieve any person, firm or corporation from fully complying with the requirements of this Code, nor from any other penalties prescribed therein. Town of Bay Harbor Islands Sec. 5-6. Performing or having performed without permits any work requiring a permit. One-time fee of \$100.00

Description of Work *Interior renovation in progress without permits*  
Owner / Contractor *W 9550 BH Terrace LLC Waterstone 2618 LLC / TMI Co*  
Address *9580 Bay Harbor Terrace*  
Date *July 10, 2024* By *[Signature]*

Town of Bay Harbor Islands  
Building and Code Compliance Department  
9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154  
Office (305) 993-1786

- BLDG
- ELECT
- PLUM
- MECH
- CODE

Created By: Scherrie Griffin Created Date: 07/10/2024

Jul 10, 2024 at 5:05:45 PM  
Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin

TOWN OF BAY HARBOR ISLANDS  
CODE COMPLIANCE DIVISION  
1030 95th Street  
Bay Harbor Islands, Florida 33154  
Phone: (305) 993-1786



NOTICE OF VIOLATION

July 10, 2024  
FILE NUMBER: 24-001232

OWNER:  
W 9550 BH TERRACE LLC WATERSTONE 2618  
LLC  
1124 KANE CONCOURSE  
BAY HARBOR ISLANDS, FL 33154

ADDRESS OF VIOLATION:  
W 9550 BH TERRACE LLC WATERSTONE 2618  
LLC  
9550 Bay Harbor Terrace, Suite 8500  
Bay Harbor Islands, FL 33154-2024  
Parcel No. 133270913420

REGISTERED AGENT:  
WASERSTEIN & HUNEZ, P.L.L.C.  
1124 KANE CONCOURSE  
BAY HARBOR ISLANDS, FL 33154

VIOLATION:

Implications of the above-pertinent violation(s) of the Code Ordinance of the Town of Bay Harbor Islands, as follows:

Code Section Violated: Sec. 5-5(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 remedy by: **Obtain a permit for the work and obtain building, plumbing, electrical and mechanical permits from the Building Department.**

RE: Work being performed in progress without permits.

Location of Violation: 9550 BH TERRACE Terrace Suite 8500 Violation Date: 07/10/2024

Compliance Due: **ASAP**

**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 this violation is corrected within the prescribed time period, the chief shall not be held responsible. If the violation is not corrected within the prescribed time period, a stop-work order will be issued and the violator will be responsible for the cost of such work. The violator shall be responsible for the cost of such work. The violator shall be responsible for the cost of such work. The violator shall be responsible for the cost of such work.

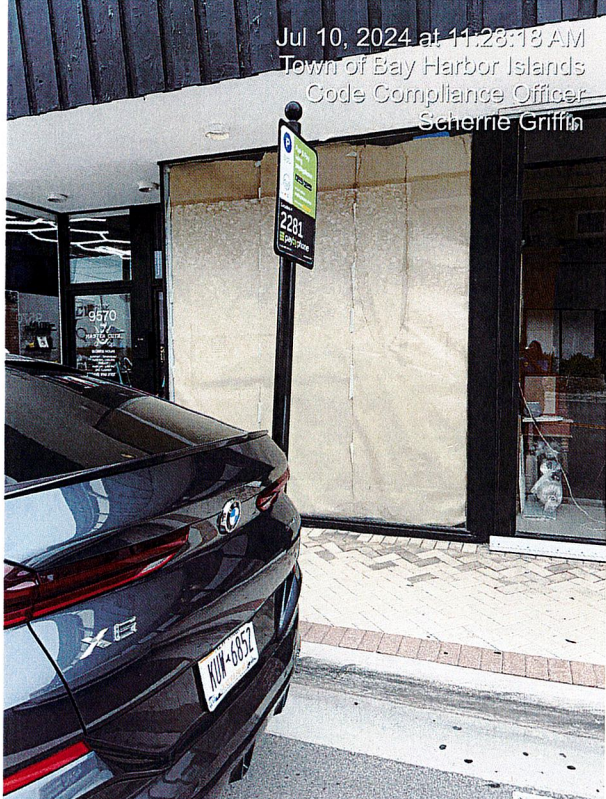
Printed at the Town of Bay Harbor Islands  
1030 95th Street, Suite 8500  
Bay Harbor Islands, FL 33154

Created By: Scherrie Griffin Created Date: 07/10/2024



Jul 10, 2024 at 12:07:18 PM  
Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin

Created By: Scherrie Griffin Created Date: 07/10/2024



Jul 10, 2024 at 11:28:18 AM  
Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin

Created By: Scherrie Griffin Created Date: 07/10/2024



Jul 10, 2024 at 11:22:19 AM  
Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin

Created By: Scherrie Griffin Created Date: 07/10/2024



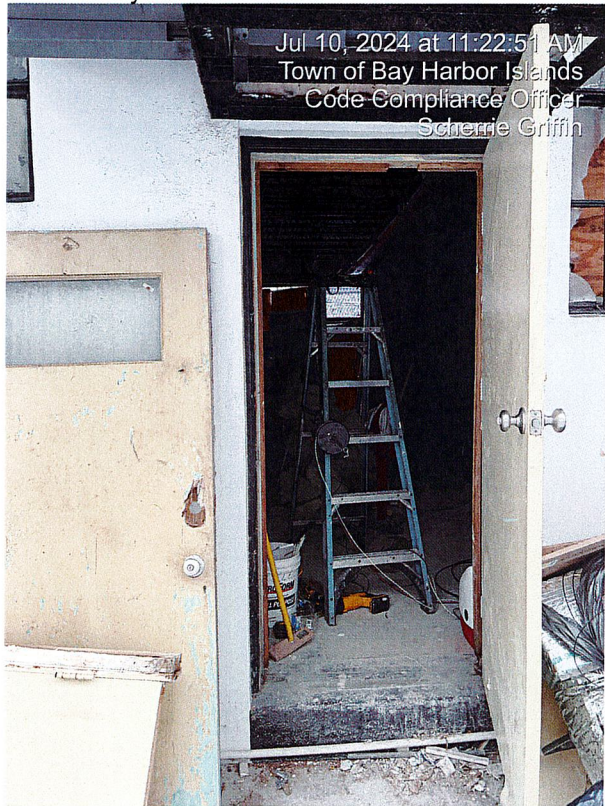
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Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin

Created By: Scherrie Griffin Created Date: 07/10/2024



Jul 10, 2024 at 11:22:48 AM  
Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin

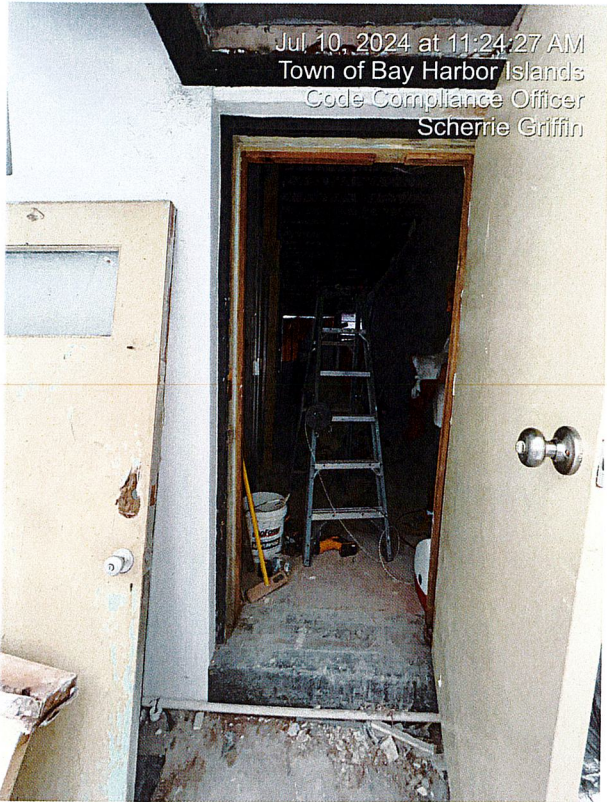
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Jul 10, 2024 at 11:22:51 AM  
Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin

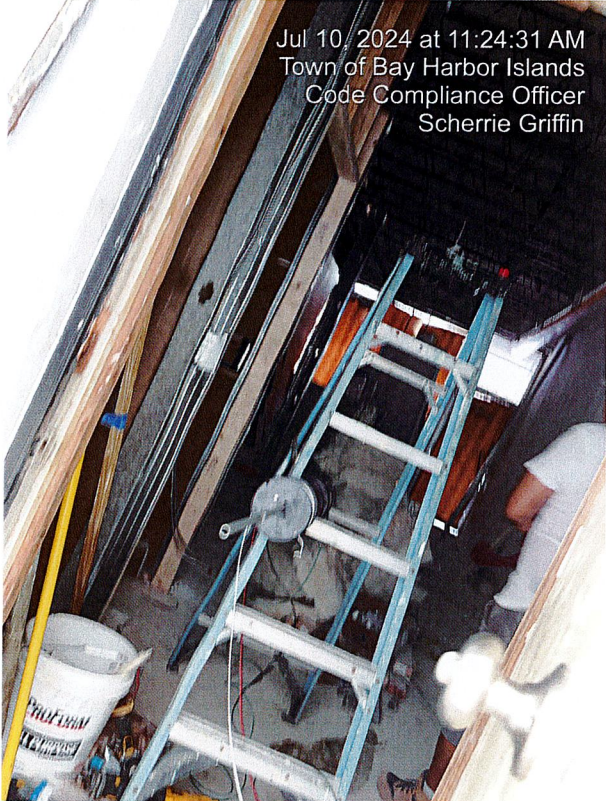
Created By: Scherrie Griffin Created Date: 07/10/2024

Jul 10, 2024 at 11:24:27 AM  
Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin



Created By: Scherrie Griffin Created Date: 07/10/2024

Jul 10, 2024 at 11:24:31 AM  
Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin



Created By: Scherrie Griffin Created Date: 07/10/2024

Jul 10, 2024 at 11:28:01 AM  
Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin



Created By: Scherrie Griffin Created Date: 07/10/2024

Richard Waserstein  
W 9550  
1124 Kane Concourse  
Bay Harbor Islands, FL, 33154  
Cell 786 201 1455  
Was913@aol.com

Date: 11/20/2025

To:  
Mitigation Department  
Bay Harbor Islands

**Re: Request for Settlement Reduction – Case No. 24-001232**  
**Violation Address: 9580 Bay Harbor Ter**

Dear Mitigation Committee,

I am submitting this letter on behalf of the owner to respectfully request a settlement reduction regarding Case No. 24-001232, for the property located at 9580 Bay Harbor Ter.

### **Brief Explanation of the Violation**

We are the landlord and only leased the space to the violator. Our lease does not provide for the landlord to perform any work as the lease was as is lease. The lease also requires all work be performed with permits and inspections. The tenant hired a gc who started working, without tenants knowledge without a permit. occurred due to work being started without all required permits being fully approved. Unfortunately, this situation arose because the architect that the tenant initially hired also had a consulting company responsible for arranging engineers, the contractor, and handling permit submissions. This architect instructed the contractor to begin construction despite the fact that only the electrical and mechanical portions of the plans had been approved. At the moment the violation was issued, the tenant immediately stopped all work and prohibited any contractor from returning until proper permits were opened. There were no life safety issues involved and space was closed and windows covered.

### **Steps Taken to Correct the Violation**

After the violation, the architect disappeared, taking the payment the tenant had made for the plans, leaving the project incomplete. Tenant was forced to find a new engineer to correct and complete the plans. This engineer, however, refused to collaborate with the Building Department to finalize the requirements properly. Mr. Messa, the Building Director, encouraged Tenant to file a complaint with the Florida Engineers Board, given the professional misconduct.

As a result, Tenant had to hire a **third engineer** to finalize the plans correctly as well as a **new licensed contractor** to legally open the permits. Throughout this time, I fully complied with all requests from the Building Department and never allowed work to resume without proper authorization.

### **Mitigating Circumstances**

In total, tenant was defrauded twice, lost significant funds paid for plans and professionals who abandoned the project, and continued paying rent for a small business space of only 450 square feet with no ability to operate or generate income during this process. Tenant have at all times respected the law, immediately stopped work when the violation was issued, and diligently followed every directive provided by the city.

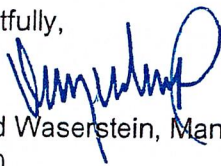
Landlord had no involvement in the matter other than owning the and following tenants work in complying with the city.

### **Request for Settlement Reduction**

Given the financial hardship caused by fraud, loss of funds, and ongoing rent obligations, Tenant respectfully requested a reduction of the Special Master fine from \$14,000 to \$2,000. As Tenant is a very small business owner, who just moved to the community. Tenant simply do not have the means to pay the full amount, especially after the substantial financial damages already endured while working to comply with the city. Particularly when Tenant was not at fault and did not cause the violation intentionally but rather was defrauded. Landlord requests it's reduction to \$0, as Landlord had no involvement in the violation and followed thru with Tenant to assure compliance.

Thank you very much for your time and understanding.

Respectfully,



Richard Waserstein, Manager  
W 9550



Town of Bay Harbor Islands  
 Code Compliance Department  
 1030 95th Street  
 Bay Harbor Islands, FL 33154

November 20, 2025

<b>For Property at:</b> <b>9550 BAY HARBOR Terrace Suite 9580</b>
<b>BILL TO:</b> <b>W 9550 BH TERRACE LLC WATERSTONE</b> <b>2618 LLC</b> <b>1124 KANE CONCOURSE</b> <b>BAY HARBOR ISLANDS, FL 33154</b>

Quantity	Description	Amount
1	Violation 24-001232 Found interior renovation in progress without permits.	\$14,000.00
1	Administrative fee	\$200.00
	<b>Total</b>	<b>\$14,200.00</b>

**THE ABOVE AMOUNT MUST BE PAID WITHIN 30 DAYS  
 FROM THE INVOICE DATE TO AVOID A LIEN FILED AGAINST THE  
 PROPERTY LOCATED AT 9550 BAY HARBOR Terrace Suite 9580 Bay Harbor Islands, FL  
 33154-2024 .**

**Sec. 5-6(e) - 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, stop work orders, 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. Further, the town shall suspend further project reviews, including design review board meetings, site development plans, or building permits, until full or partial compliance is achieved, as determined by the building official. Nothing contained herein, or anywhere in the Town Code, shall prevent a party, who owes any money to the town for outstanding liens, fines or otherwise, from paying said monies in full, in order to proceed with development or construction, obtain permits of any kind, or otherwise proceed with any other endeavor (including finalizing a transfer of the property), and thereafter proceeding to appeal, or seek mitigation of the liens, fines or other monies owed to the town, through regular established processes for such appeal or request for mitigation. Any such request to appeal or seek mitigation shall be noted at the time of payment to the town and must be pursued with reasonable promptness or it will be deemed waived. If the appeal or mitigation is successful, such that the amount due to the town is retroactively reduced, the town shall refund the amount of the reduction to the payor or their designee.**

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

**MAKE ALL CHECKS PAYABLE TO:**

Town of Bay Harbor Islands  
 Attn: Code Compliance Department  
 1030 95th Street, Trailer 2  
 Bay Harbor Islands, FL 33154

**Make a payment online at:**

<https://www.municipalonlinepayments.com/bayharborislandfl/easypay>

# TOWN OF BAY HARBOR ISLANDS CODE COMPLIANCE DIVISION

1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## SPECIAL MAGISTRATE FINDINGS

### *In the Matter of the Notice of Violation served on:*

#### OWNER:

W 9550 BH TERRACE LLC WATERSTONE 2618  
LLC  
1124 KANE CONCOURSE  
BAY HARBOR ISLANDS, FL 33154

#### ADDRESS OF VIOLATION:

- W 9550 BH TERRACE LLC WATERSTONE 2618  
LLC  
9550 BAY HARBOR Terrace Suite 9580  
Bay Harbor Islands, FL 33154-2024  
Parcel No: 1322270013420

#### REGISTERED AGENT:

WASERSTEIN & NUNEZ PLLC -  
1124 KANE CONCOURSE  
BAY HARBOR ISLANDS, FL 33154

## HEARING INFORMATION

**Date:** October 30, 2025

**Time:** 10:30AM

**Location:** Town of Bay Harbor Morris Broad Community  
Center

**Special Magistrate:** Terryann Howell

A request postponement or continuance was timely received.

## CITATION INFORMATION

**Notice of Violation #:** 24-001232

**Compliance Officer:** Scherrie Griffin

Method of Service	Date
Posted	July 10, 2024
Certified	July 10, 2024

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

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**APPEARANCES:**

Richard Waserstein, Property Owner	(Owner/Violator)
Arnold Bergman, Business Owner	(Owner/Violator)
Evelyn Merizalde	(Code Compliance Manager)
Scherrie Griffin	(Code Compliance Supervisor)
Ayanidys Martinez	(Building Department Manager)
Evelyn Herbello	(Town Clerk)
Ahmand Johnson	(Town Attorney)
Alexander Garcia	(Building Official)

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**WITNESSES:**

NAME	ADDRESS	CALLED BY
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**EXHIBITS:**

NUMBER	BRIEF DESCRIPTION	SUBMITTED BY	RETURN TO
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**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%)

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**FURTHER RULING AND/OR REMARKS:**

A fine was assessed from May 14, 2025, to July 17, 2025, totaling 64 days at \$250.00 per day, amounting to \$16,000.00 plus a \$200.00 administrative fee. The fine was reduced to \$14,000.00, with an administrative fee of \$200.00, resulting in a total of \$14,200.00.

Fine Assessed: \$14,000.00

Administrative Fee \$200.00

Total Owed: \$14,200.00

Back to the next Special Magistrate Hearing in days.

Special Magistrate: Terryann Howell

Signature: \_\_\_\_\_

# TOWN OF BAY HARBOR ISLANDS CODE COMPLIANCE DIVISION

1030 95th Street

Bay Harbor Islands, Florida 33154

Phone: (305) 993-1786



July 10, 2024

FILE NUMBER: 24-001232

## NOTICE OF VIOLATION

**OWNER:**

W 9550 BH TERRACE LLC WATERSTONE 2618  
LLC  
1124 KANE CONCOURSE  
BAY HARBOR ISLANDS, FL 33154

**ADDRESS OF VIOLATION:**

W 9550 BH TERRACE LLC WATERSTONE 2618  
LLC -  
9550 Bay Harbor Terrace, Suite 9580  
Bay Harbor Islands, FL 33154-2024  
Parcel No: 1322270013420

**REGISTERED AGENT:**

WASERSTEIN & NUNEZ PLLC -  
1124 KANE CONCOURSE  
BAY HARBOR ISLANDS, FL 33154

**TENANT:**

-

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

Code Section Violated: **Sec. 5-6(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: Hire a licensed contractor to obtain building, plumbing, electrical and mechanical permits from the building department.**

RE: Found interior renovation in progress without permits.

Location of Violation: 9550 BAY HARBOR Terrace Suite 9580      Violation Date: 07/10/2024

**Compliance Date: August 12, 2024**

**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  
1030 95th Street, Trailer 2  
Bay Harbor Islands, FL 33154**

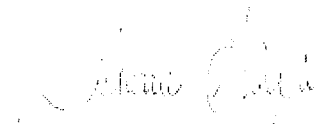
You may request an administrative hearing before a Special Magistrate to appeal the notice of violation or to request an extension of time. The request for hearing must be filed in the office of the Town Clerk in writing within twenty (20) days after service of notice of violation or you will be deemed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

5-6 (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, stop work orders, 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. Further, the Town shall suspend further project reviews, including Design Review Board meetings, Site Development Plans, or Building Permits, until full or partial compliance is achieved, as determined by the Building Official. Nothing contained herein, or anywhere in the Town Code, shall prevent a party, \_ who owes any money to the Town for outstanding liens, fines or otherwise, from paying said monies in full, in order to proceed with development or construction, obtain permits of any kind, or otherwise proceed with any other endeavor (including finalizing a transfer of the property), and thereafter proceeding to appeal, or seek mitigation of the liens, fines or other monies owed to the Town, through regular established processes for such appeal or request for mitigation. Any such request to appeal or seek mitigation shall be noted at the time of payment to the Town and must be pursued with reasonable promptness or it will be deemed waived. If the appeal or mitigation is successful, such that the amount due to the Town is retroactively reduced, the Town shall refund the amount of the reduction to the payor or their designee.

**Service Information:**

Date Mailed: 07/10/2024  
Date Posted: 07/10/2024

Cert Mail Article #: 9589071052700476370376



Scherrie Griffin  
Code Compliance Officer  
Town of Bay Harbor Islands  
1030 95th Street  
Bay Harbor Islands, FL 33154  
786-792-9619  
sgriffin@bayharborislands-fl.gov

## ADDENDUM



Photo  
Scherrie Griffin  
07/10/2024

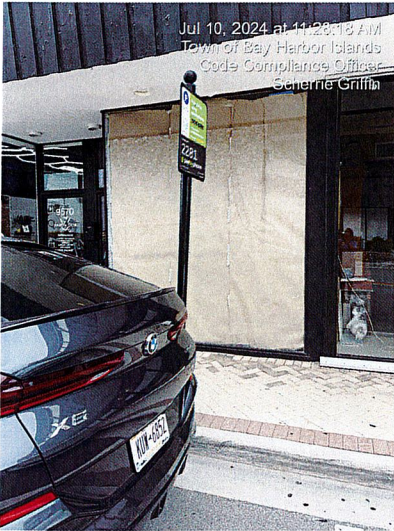


Photo  
Scherrie Griffin  
07/10/2024



Jul 10, 2024 at 11:22:19 AM  
Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin

Photo  
Scherrie Griffin  
07/10/2024



Jul 10, 2024 at 11:22:34 AM  
Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin

Photo  
Scherrie Griffin  
07/10/2024



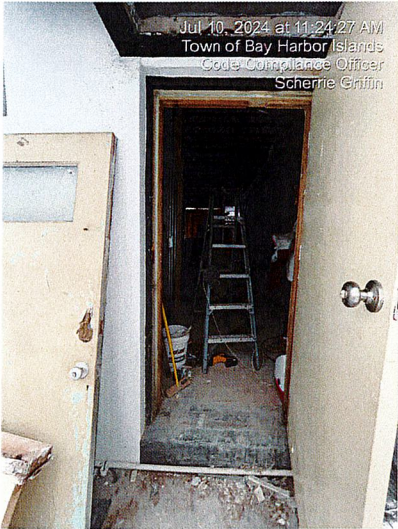
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Town of Bay Harbor Islands  
Code Compliance Officer  
Scherrie Griffin

Photo  
Scherrie Griffin

07/10/2024



Photo  
Scherrie Griffin  
07/10/2024



Document  
Scherrie Griffin  
07/10/2024

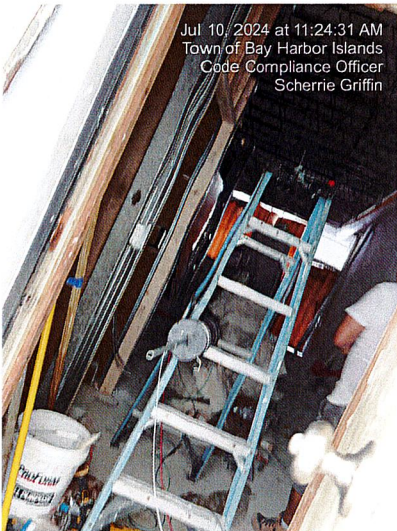


Photo  
Scherrie Griffin  
07/10/2024



Photo  
Scherrie Griffin  
07/10/2024

**TOWN OF BAY HARBOR ISLANDS**  
**CODE COMPLIANCE DIVISION**  
 1030 95th Street  
 BAY HARBOR ISLANDS, FL 33154  
 Phone: (305) 993-1786



### CODE COMPLIANCE PROGRESS REPORT FORM

Citation No: **25-000940**  
 Inspector: Evelyn Merizalde

Parcel Address: 1170 KANE CONC 101  
 Lot(s):                      Block:

**Owner Information:**

1170 LLC  
 21170 NE 22 CT  
 MIAMI BEACH, FL 33180-1002

**Violator Information:**

1170 LLC  
 21170 NE 22 CT  
 MIAMI BEACH, FL 33180-1002

Violation Code	Open Date	Closed Date	Status	Violation Disposition
23-4(7)	05/13/2025	10/08/2025	Closed	
Comments: Obtain approval from the Town Council to operate a temporary sales center at this location. For questions or concerns regarding the application process please contact Yvonne Hamilton, Town Clerk, at (305) 866-6241 or by email at yhamilton@bayharborislands-fl.gov .				
Sec. 13-8(1)	05/13/2025	10/08/2025	Closed	
Comments: A Business Tax Receipt is required to operate a sales center. The temporary sales center must be approved by the Town Council.				

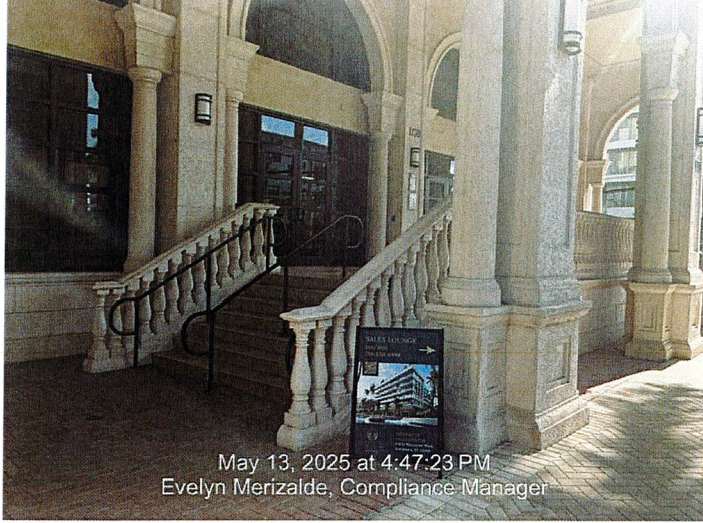
DATE OPENED	ACTIVITY	DESCRIPTION
05/13/2025	Notice of Violation	Notice of violation issued to obtain council approval to continue to operate the Origin Residences Sales Center and renew the BTR.
05/15/2025	Email	Email received from German Rojas, Origin Residences Sales Director, stating the lawyer sent an email to Yvonne Hamilton requesting to expedite the BTR permit.
06/16/2025	Progress Activity	The sales center was not on the JUNE 2025 council agenda. The agenda was uploaded to the file.
06/17/2025	Compliance Inspection	The BTR was not renewed.
06/17/2025	Daily Fine Start	Daily fine of \$250.00 active for section 13-8(1) Business Tax Receipt.
06/17/2025	Daily Fine Start	Daily fine of \$250.00 active for section 23-4(7) Sales Center.
07/25/2025	Email	Status- The BTR is expired. The sales center has not requested council approval. - information from Business Specialist Action: Email sent to the sales office and attorney requesting the status of the approval request. Uploaded the email to the case file.
07/25/2025	Progress Activity	Mailed the 30 days fine letter to the owner and registered agent.
08/25/2025	Inspection	The sales center is still operating at this location.

09/24/2025	Email	Email received from ,Eduardo Rodríguez Siblesz, Associate attorney for Origin, stating the extension request will be placed on the October 8, 2025 council agenda.
10/08/2025	Compliance Inspection	The town council approved the sales center extension to 10/8/2026 or until all units are sold before then a 30 day vacate period will apply. Which ever comes first. BTR # 2605 Account 36336 2025-2026
10/30/2025	Special Master Hearing	Fine imposed from 6/17/25 to 10/08/2025 which represents 113 days at \$500.00 per day for a total of \$56,500 plus a \$200.00 administrative fee.
10/30/2025	Notice To Appear	Prepared the notice to appear for the hearing on 10/30/25.
12/01/2025	Phone Call	I spoke to Jessica, Moise Saltiel's assistant, regarding a request for a copy of the SMF 10.30.25.
12/04/2025	Email	Bay Harbor Investment, Inc., Origin Bay Harbor, attorney requested a call to discuss the mitigation process. Eduardo Rodríguez Siblesz Associate Attorney (305) 735 - 6565 eduardo@saltielawgroup.com saltielawgroup.com
12/05/2025	Phone Call	I spoke to Eduardo Rodriguez, Saltiel Law Group representing the Origins Sales center(Tenant), regarding the procedure to request mitigation of fines. He will submitted a settlement offer. Recommendation: I have no objection to the proposed settlement amount.
12/05/2025	Walk In	Discuss the mitigation process with Corinne Rosen, 1170, LLC, for violation 25-0009940. BWC activated. Event # 2512050100
12/16/2025	Inspection	
02/17/2026	Progress Activity	This case will be reviewed by the mitigation committee on 3/11/26.
02/20/2026	Email	Notified the attorney via email of the scheduled meeting.
03/11/2026	Inspection	Mitigation committee meeting
03/11/2026	Inspection	Mitigation committee meeting

Photo(s)



Created By: Evelyn Merizalde Created Date: 12/01/2025



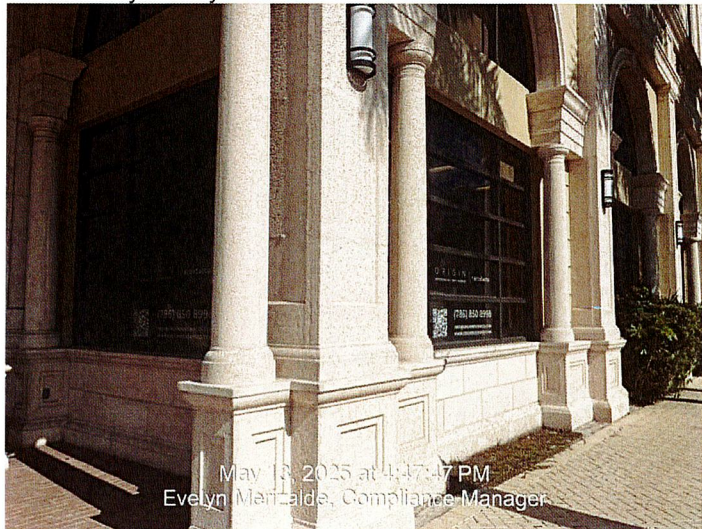
May 13, 2025 at 4:47:23 PM  
Evelyn Merizalde, Compliance Manager

Created By: Evelyn Merizalde Created Date: 05/13/2025



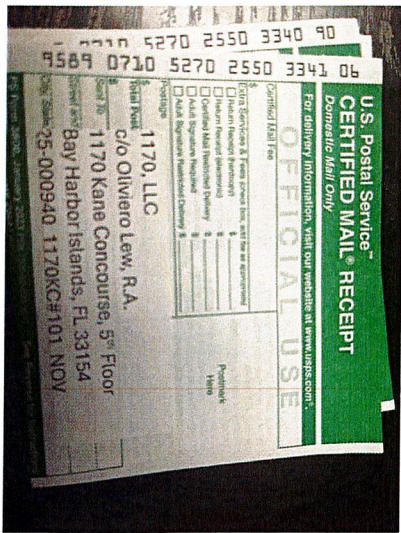
May 13, 2025 at 4:47:40 PM  
Evelyn Merizalde, Compliance Manager

Created By: Evelyn Merizalde Created Date: 05/13/2025



May 13, 2025 at 4:47:47 PM  
Evelyn Merizalde, Compliance Manager

Created By: Evelyn Merizalde Created Date: 05/13/2025



Created By: Evelyn Merizalde Created Date: 05/13/2025

# TOWN OF BAY HARBOR ISLANDS CODE COMPLIANCE DIVISION

1030 95th Street  
BAY HARBOR ISLANDS, FL 33154  
Phone: (305) 993-1786



## SPECIAL MAGISTRATE FINDINGS

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

**OWNER:**

1170 LLC  
21170 NE 22 CT  
MIAMI BEACH, FL 33180-1002

**ADDRESS OF VIOLATION:**

- 1170 LLC  
1170 KANE CONC 101  
Bay Harbor Islands, FL 33154-2013  
Parcel No: 1322270013520

**REGISTERED AGENT:**

- Oliviero Lew  
1170 KANE CONCOURSE, 5TH FLOOR  
Bay Harbor Islands , FL 33154

## HEARING INFORMATION

**Date:** October 30, 2025

**Time:** 10:00AM

**Location:** Town of Bay Harbor Morris Broad Community Center

**Special Magistrate:** TerryAnn Howell

A request postponement or continuance was timely received.

## CITATION INFORMATION

**Notice of Violation #:** 25-000940

**Compliance Officer:** Evelyn Merizalde

Method of Service	Date
Posted	May 13, 2025
Certified	May 13, 2025

Violations(s):

Code Section Violated: 23-4(7)

### Nature of Violation and Details:

In the RM-1 and RM-2 Multiple Family districts, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be used or occupied for any purpose, excepting for one or more of the following uses:

Temporary sales and business offices, construction trailers, and model dwelling units, but only in connection with the construction of dwelling units, and upon specific approval and permit of the town council, including but not limited to such time limits and other any other conditions as may be imposed by the town council at its discretion.

Daily Penalty: \$250.00

Code Section Violated: Sec. 13-8(1)

### Nature of Violation and Details:

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 receipt; any person who shall make a false statement, application or oath, in connection with any application for a business tax receipt.

Daily Penalty: \$250.00

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**APPEARANCES:**

Eduardo Rodriguez, Attorney	(Owner's Attorney or Representative)
Evelyn Merizalde	(Code Compliance Manager)
Scherrie Griffin	(Code Compliance Supervisor)
Ayanidys Martinez	(Building Department Manager)
Evelyn Herbello	(Town Clerk)
Ahmand Johnson	(Town Attorney)
Alexander Garcia	(Building Official)

**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 \$500.00 per day, which shall be accruing from the date Notice was served (as per Sec 5 3/4 of the Town Code) until the date the violation is or was corrected and verified as corrected by inspector of the Town.
- The administrative cost of this hearing shall be \$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:**

Fine imposed from 6/17/25 to 10/08/2025 which represents 113 days at \$500.00 per day for a total of \$56,500 plus a \$200.00 administrative fee.

Fine Assessed: \$56,500.00                      Administrative Fee \$200.00                      Total Owed: \$56,700.00

Back to the next Special Magistrate Hearing in days.

Special Magistrate: TerryAnn Howell

Signature:  \_\_\_\_\_  
TerryAnn Howell (Nov 18, 2025 09:36:42 EST)

THIS LICENSE MUST BE DISPLAYED IN A CONSPICUOUS PLACE

A penalty will be imposed for failure to keep this license exhibited conspicuously at your establishment or place of business.

# BUSINESS TAX RECEIPT

Year: 2025-2026

Number: 2605

Account Number: 36336

**Mailing Address:**

BAY HARBOUR INVESTMENT INC  
ORIGIN RESIDENCES  
BAY HARBOUR INVESTMENT INC  
1170 KANE CONCOURSE, STE 101  
BAY HARBOR ISLANDS, FL 33154

**Business Name and Address:**

BAY HARBOUR INVESTMENT INC  
ORIGIN RESIDENCES  
BAY HARBOUR INVESTMENT INC  
1170 KANE CONCOURSE, STE 101  
BAY HARBOR ISLANDS, FL 33154

**Category:** BUSINESS AND PROFESSION OFFICE

**Phone Number:** 786-944-3995

**Tax ID Number:** 38-4191159

**Approval Date:** 2/23/2023

**Nature of Business:**

SALES CENTER

**Comments:**

10-8-2025 TC Apprved extension for 12 month period expiring 10/8/2026 or if all units are sold before then a 30 day vacate period will apply. Which ever comes first.

APPROVED BY TC ON 2.1.2023 TWO YEARS

THIS RECEIPT EXPIRES SEPTEMBER 30th OF THE YEAR SHOWN ABOVE.

**Fee:** \$121.55

**Late Fees:** \$12.16

**Date Paid:** 10/1/2025

By   
Evelyn Herbello  
Town Clerk



**Marlon Martinez**

---

**From:** noreply@municipalonlinepayments.com  
**Sent:** Monday, October 27, 2025 6:19 PM  
**To:** Marlon Martinez  
**Subject:** Payment Notification - Business Tax Receipt



**Bay Harbor Islands, FL**

This is your payment receipt.

Confirmation Number	Payer Contact Info	Payment Method
YMXNPHP7H4	eduardo@saltiellawgroup.com	*****1067

**Business Tax Receipt**

Account Number 36336  
Business Name Bay Harbour Investment Inc.  
Business Address 1170 Kane Concourse, Ste 101, Bay Harbor Islands FL  
33154  
Daytime Telephone 3057356565  
Email eduardo@saltiellawgroup.com

Base Price	\$133.71
Credit Card Processing Fee	\$3.34
<b>Total</b>	<b>\$137.05</b>

[Municipal Online Services](#)

[Login](#)

## FIRST LEASE MODIFICATION AGREEMENT

**THIS FIRST LEASE MODIFICATION AGREEMENT** ("First Modification") is made as of this 21st day of November, 2024, between **1170, LLC**, a Florida limited liability company, ("Landlord") and **Bay Harbour Investment, Inc.**, a Florida corporation ("Tenant").

### WITNESSETH:

A. Tenant is the tenant under a Lease Agreement made as of November 30, 2022, between Landlord and Tenant for Suite 101 (the "**Lease**"), covering approximately Six Hundred Sixty-Two (662) square feet in the building located at 1170 Kane Concourse, Bay Harbor Islands, Florida (the "**Premises**");

B. Tenant wishes to further extend its Lease for an additional term of two (2) years commencing on the last day of the Term.

C. Landlord and Tenant desire to modify the Lease upon the terms and conditions herein set forth.

D. Capitalized terms not otherwise defined herein, shall have the meaning ascribed to them in the Lease.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is hereby agreed as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated into this Third Modification.

2. **Modification of Lease.** The Lease is hereby modified as follows:

(a) **Section 1.4** shall be replaced and the following substituted therefor: "**Section 1.4 Term.** Tenant shall have and hold the Premises for a term beginning on December 1, 2024 and terminating on November 30, 2026 ("**Term**"), unless terminated earlier in accordance with the terms of the Lease or pursuant to law."

(b) **Base Rent.** Base Rent for the additional Term shall remain the same calculated at \$53.04 per sq. ft. or Two Thousand Nine Hundred Twenty-Six and 04/100 (\$2,926.04) Dollars per month, plus applicable sales tax.

(c) **Option to Extend.** The Option to Extend included in the Lease is hereby deleted in its entirety.

3. **Effectiveness of the Lease.** Except as expressly set forth herein, this First Modification shall not be deemed to have amended, modified or altered any of the terms, conditions or provisions of the Lease, and such terms, conditions and provisions shall, in all respects, continue



in full force and effect. If there shall by any conflict between the terms and provisions of this First Modification and the Lease, the terms and provisions of this First Modification shall control.

**4. Captions.** The captions contained in this First Modification are for convenience and reference only and in no way define, describe, extend or limit the scope or intent of this First Modification nor the intent of any provision hereof.

**5. Counterparts.** This First Modification may be executed in one or more counterparts, each of which shall be deemed to be an original but all of which shall constitute one and the same agreement.

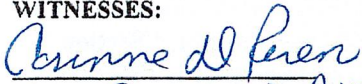
**6. Binding Effect.** This First Modification shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns.


**7. Defined Terms.** All capitalized terms not defined herein shall have the same meanings as in the Lease.

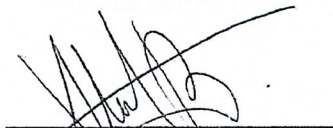
**8. Electronic Transmission.** For all purposes hereof, this First Modification (or signature page thereto) signed and transmitted by facsimile machine or an image thereof sent via electronic mail shall be considered for all purposes, including delivery, as originals. The signature of any party thereon, for purposes hereof, is to be considered as an original signature, and the document transmitted is to be considered to have the same binding effect as an original signature on an original document.

**IN WITNESS WHEREOF,** the parties hereto have duly executed this First Modification as of the day and year first above written.

**WITNESSES:**

  
Print Name: Corinne D. Rosen


  
Print Name: W. T. M. M. M. M. M.

  
Print Name: ADP

  
Print Name: RG


**LANDLORD:**

1170, LLC  
a Florida limited liability company

By:   
Gabriel Gilinski, Manager

**TENANT:**

**BAY HARBOUR INVESTMENT, INC.**  
a Florida corporation

By:   
Mauricio Moya, President



SALTIEL  
LAW GROUP  
INTERNATIONAL MEMBER OF **EJASO**

December 9, 2025

**VIA ELECTRONIC MAIL**

Mitigation Committee  
c/o Evelyn Herbello  
Town Clerk  
Town of Bay Harbor Islands 1030 95<sup>th</sup> Street  
Bay Harbor Islands, FL 33154

**RE: Mitigation of Violation No.: 25-000940  
1170 Kane Concourse, Ste. 101, Bay Harbor Islands, FL  
33154**

Dear Ms. Herbello:

We represent Bay Harbour Investment, Inc. (“BHI”), the owner and developer of the properties located at 9740 and 9760 West Bay Harbor Drive, Bay Harbor Islands, Florida. As you know, on February 23, 2023, the Town issued a Business Tax Receipt authorizing BHI to establish a sales center at 1170 Kane Concourse, Suite 101 (the “Premises”), which expired in February of this year. On October 8, 2025, we appeared before the Town Council to request an extension of the approval to continue operating the Premises as our Client’s sales center, which request was granted.

On October 30, 2025, we were summoned before the Town’s Magistrate for the imposition of a fine related to the unauthorized use of the Premises during the period between the expiration of the original Business Tax Receipt and October 8, 2025—the date on which the Town Council renewed its approval for the continued use of the Premises as a sales center. At that hearing, the Magistrate imposed a daily fine of Five Hundred and 00/100 Dollars (\$500.00), accruing from June 17, 2025 through October 8, 2025, for a total of Fifty-Six Thousand Five Hundred and 00/100 Dollars (\$56,500.00).

We respectfully request mitigation of the fine imposed by the Magistrate, and specifically request that the accrual period be adjusted for the reasons set forth below.

On May 13, 2025, the Town issued a Notice of Violation, attached hereto as Exhibit A, establishing a compliance date of June 16, 2025. Notably, although the Notice of Violation was mailed to the owner of the Premises, its registered agent, and to BHI at the Premises, it was not mailed to BHI’s registered agent.

Unfortunately, Mr. Allan Bascuñan, BHI’s representative in charge of the sales office, was required to leave the country on February 16, 2025 due to the expiration of his visa. Consequently, the sales office remained unstaffed until BHI was able to secure a suitable replacement for Mr. Bascuñan.

On August 7, 2025, our office requested to appear before the Town Council in order to remedy the violation,

by submitting correspondence to you, attached hereto as Exhibit B. At that time, we were advised that it was too late to be included in the agenda for the August Regular Meeting, but that the matter would be scheduled for the September meeting. However, after following up, we learned that the item had not been placed on the September agenda and were instructed to contact Ms. Lorraine Belle, who subsequently confirmed on September 24, 2025 that the matter would be included in the October agenda.

The issue was ultimately heard at the Town Council's Regular Meeting on October 8, 2025. At that meeting, the Town Council approved the continued use of the Premises as BHI's sales center for an additional year. In turn, and as a token of its good faith, BHI agreed to make a donation of Five Thousand and 00/100 Dollars (\$5,000.00) to the Town's youth programs, in addition to any fine ultimately imposed.

Nevertheless, and despite the fact that we respectfully sought to have the issue heard in August, the daily fine of Five Hundred and 00/100 Dollars (\$500.00) continued to accrue until the matter was resolved on October 8, 2025—sixty-two (62) days after our initial request to have the matter considered by the Town Council. As a result, the fine increased by Thirty-One Thousand and 00/100 Dollars (\$31,000.00) during this period.

We raised this delay before the Magistrate, who appeared receptive to considering a reduced fine in light of the time that elapsed between our August request and the October hearing at which the matter was resolved. However, the Code Compliance Department referenced an email from March in which an individual named German Rojas indicated that BHI was aware of the matter and addressing it. Mr. Rojas is a realtor with no affiliation or authority to speak on behalf of BHI and no knowledge of BHI's operations, as confirmed by his sworn affidavit attached hereto as Exhibit C.

For the reasons stated above, we respectfully request that the Mitigation Committee reduce the fine imposed against BHI by tolling the accrual of the fine as of August 7, 2025—the date on which we first requested Council review—and fix the fine at Twenty-Five Thousand Five-Hundred and 00/100 Dollars (\$25,500.00).

### **Request**

We would be grateful if you would calendar this matter for consideration by the Mitigation Committee at its next meeting.

Thank you for your attention and consideration.

Sincerely,

/s/ Eduardo Rodriguez Siblesz  
Eduardo Rodriguez Siblesz, Esq.  
eduardo@saltiellawgroup.com  
(305) 735-6565

Enclosures

# Exhibit A

Notice of Violation

**TOWN OF BAY HARBOR ISLANDS  
CODE COMPLIANCE DIVISION**

1030 95th Street  
Bay Harbor Islands, Florida 33154  
Phone: (305) 993-1786



**NOTICE OF VIOLATION**

May 13, 2025  
FILE NUMBER: 25-000940

**OWNER:**

1170 LLC  
21170 NE 22 CT  
MIAMI BEACH, FL 33180-1002

**ADDRESS OF VIOLATION:**

1170 LLC -  
1170 KANE CONCOURSE 101  
Bay Harbor Islands, FL 33154-2013  
Parcel No: 1322270013520

**REGISTERED AGENT:**

- Oliviero Lew  
1170 KANE CONCOURSE, 5TH FLOOR  
Bay Harbor Islands , FL 33154

**TENANT:**

Bay Harbour Investment, Inc. -  
Origin Residences Sales Center  
1170 Kane Concourse, Ste. 101  
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: 23-4(7)  
Nature of Violation and Details:

In the R.M. 1 and R.M. 2 Multiple Family districts and districts of land shall be used and no building shall be erected, reconstructed or substantially altered which is designed, intended or intended to be used or dedicated for any purpose, except as shown or more on the following uses:

Temporary sales and business offices as in all trailers and mobile well units, but only in compliance with the construction of dwelling units and only with specific approval and permit of the town council should be but not limited to sales and other any other conditions as may be imposed by the town council at its discretion. Daily Penalty \$25.000

You may comply by: Obtain approval from the Town Council to operate a temporary sales center at this location.

For questions or concerns regarding the application process please contact Yvonne Hamilton, Town Clerk, at (305) 866-6241 or by email at yhamilton@bayharborislands-fl.gov.

Code Section Violated: Sec. 13-8(1)  
Nature of Violation and Details:

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 receipt; any person who shall make a false statement, application or oath, in connection with any application for a business tax receipt. Daily Penalty \$250.00

You may comply by: A Business Tax Receipt is required to operate a sales center. The temporary sales center must be approved by the Town Council.

RE: The sales center is operating without a valid Business Tax Receipt (BTR).The renewal requires Town Council approval. Business Tax Receipt # 2605 expired February 2025. Call # 25-16171

Location of Violation: 1170 KANE CONCOURSE 101 Violation Date: 05/13/2025

Compliance Date: ~~June 16, 2025~~

**YOU MUST REQUEST AN INSPECTION BY CODE COMPLIANCE OFFICER UPON COMPLETION OF THE WORK. IF YOU DONT 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  
1030 95th Street, Trailer 2  
Bay Harbor Islands, FL 33154**

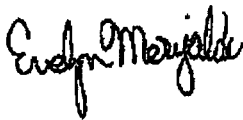
*You may request an administrative hearing before a Special Magistrate to appeal the notice of violation or to request an extension of time. The request for hearing must be filed in the office of the Town Clerk in writing within twenty (20) days after service of notice of violation or you will be deemed 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.*

*5-6 (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, stop work orders, 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. Further, the Town shall suspend further project reviews, including Design Review Board meetings, Site Development Plans, or Building Permits, until full or partial compliance is achieved, as determined by the Building Official. Nothing contained herein, or anywhere in the Town Code, shall prevent a party, who owes any money to the Town for outstanding liens, fines or otherwise, from paying said monies in full, in order to proceed with development or construction, obtain permits of any kind, or otherwise proceed with any other endeavor (including finalizing a transfer of the property), and thereafter proceeding to appeal, or seek mitigation of the liens, fines or other monies owed to the Town, through regular established processes for such appeal or request for mitigation. Any such request to appeal or seek mitigation shall be noted at the time of payment to the Town and must be pursued with reasonable promptness or it will be deemed waived. If the appeal or mitigation is successful, such that the amount due to the Town is retroactively reduced, the Town shall refund the amount of the reduction to the payor or their designee.*

**Service Information:**

Date Mailed: 05/13/2025  
Date Posted: 05/13/2025

Cert Mail Article #: 9589071052702550334106



Evelyn Merizalde  
Compliance Manager  
Town of Bay Harbor Islands  
1030 95th Street  
Bay Harbor Islands, FL 33154  
786-256-4347  
emerizalde@bayharborislands.net

# **Exhibit B**

Letter of Intent dated August 7, 2025



August 7, 2025

**VIA ELECTRONIC MAIL**

Evelyn Herbello  
Town Clerk  
Town of Bay Harbor Islands  
1030 95th Street, Trailer 2  
Bay Harbor Islands, FL 33154

**RE: Letter of Intent – *Origin Bay Harbor* Temporary Sales  
Office Located at 1170 Kane Concourse, Suite 101**

Dear Ms. Herbello:

We represent Bay Harbour Investment, Inc (“BHI”), the owner and developer of 9740 & 9760 West Bay Harbor Drive, Bay Harbor Islands, Florida. As you know, on October 18, 2022, the Town’s Design Review Board approved BHI’s application to develop a 7-story, 27-unit multifamily residential building at the property. Since then, BHI has been working to develop the project and launch sales for the condominium units. Furthermore, on February 23, 2023, the Town issued a Business Tax Receipt for BHI to establish a sales center at 1170 Kane Concourse, Suite 101, which expired in February of the current year.

We write to request Town Council approval, pursuant to Section 23-5(14) of the Town Code, for the continued operation of a temporary sales office for the *Origin* project, within the existing office building located at 1170 Kane Concourse.

**Background**

In November 2022, BHI consulted with Town staff regarding the viability of operating a temporary sales office for the *Origin* project at the 1170 Kane Concourse building, just a few blocks from the *Origin* development site. The Town’s building department confirmed to BHI in writing that the proposed temporary sales office use is allowed at the 1170 Kane Concourse property under B-1 zoning without requiring Town Council approval. Nevertheless, Town planning staff later determined that the use requires Town Council approval because it is not specifically enumerated in the list of allowed uses for the B-1 zoning district.

BHI disagrees that Town Council approval is required by code. The proposed use—a professional office where prospective buyers can meet with the developer and its broker, view renderings and floor plans of the units, and enter into contracts for their purchase—though not identified expressly in the code, certainly is encompassed within the many office and commercial uses permitted by right in the B-1 district, the Town’s sole “business” district. Nevertheless, in the spirit of cooperation, and without waiving any rights, BHI is willing to seek Town Council approval.

201 Alhambra Circle | Suite 1050 | Coral Gables, FL 33134  
p. 305-735-6565 | [www.saltielawgroup.com](http://www.saltielawgroup.com)

BHI entered into a lease with 1170, LLC, the owner of the 1170 Kane Concourse building, for purposes of operating the sales office at 1170 Kane Concourse, Suite 101. Enclosed as **Exhibit A** is a letter from 1170, LLC, confirming its consent to this application and urging the Town Council's approval.

### **Proposed Sales Office**

Section 23 5(14) of the Town Code allows the Town Council to approve uses that are "similar" to those permitted under B-1 zoning, so long as they are "compatible with and do not adversely affect the character of the district." Town planning staff has indicated that the proposed sales office use is eligible for such approval. Indeed, the proposed sales office use is similar to the many business and professional office uses which B-1 zoning generally permits "by right," such as a real estate sales office, and is a far less intense use than the office, retail, restaurant, and related commercial uses that currently line Kane Concourse. We understand, in fact, that the Town Council has approved several other development sales offices previously, such for the La Baia project and the *Origin* project.

Enclosed as **Exhibit B** are pictures of the sales center's interiors, and **Exhibit C** contains a copy of the lease floor plan. Though the Town Council's review does not extend to the interiors, you will see that the sales office is beautifully and tastefully designed to provide an intimate setting where prospective buyers can learn more about the developer and the project, choose desired finishes and upgrades for their units, and sign any necessary paperwork.

BHI intends to continue operating the sales office for a period of 18 months from the date of this correspondence, when BHI expects to have concluded the construction of the *Origin* project. At that time, BHI expects to move the sales center to the premises of the completed *Origin* project. The office will continue to operate Monday through Friday from 8:00 am to 6:00 pm, Saturdays from 8:00 am to 4:00 pm, and Sundays from 11:00 am to 4:00 pm. Many if not most visits will occur by advance appointment. To deliver exceptional client service, only a few clients will be present in the office at a given time.

Ultimately, the proposed use will continue to activate a storefront on the Town's most important corridor, will continue to have no discernable adverse effects on the surrounding area, and is far more desirable than the alternative of having BHI construct a temporary sales office structure at their development site.

### **Request**

We would be grateful if you would calendar this item for consideration by the Town Council at their August 2025 meeting.

Thank you for your attention and consideration.

Sincerely,

*/s/ Eduardo Rodriguez Siblesz*  
Eduardo Rodriguez Siblesz

Enclosures

# Exhibit A

Landlord Consent Letter

**1170, LLC**  
1170 Kane Concourse, Suite 500  
Bay Harbor Islands, Florida 33154

August 7, 2025

Ms. Evelyn Herbello  
Town Clerk  
Town of Bay Harbor Islands  
1030 – 95<sup>th</sup> Street, Trailer 2  
Bay Harbor Islands, Florida 33154

**Re: Sales Office for Origin Bay Harbor Project  
1170 Kane Concourse, Suite 101**

Dear Ms. Herbello:

Please be advised that 1170, LLC entered into a Lease Agreement (the “Lease”) with Bay Harbour Investment, Inc. (“BHI”), the developer of the Origin Bay Harbor residential Project being constructed at 9740 & 9760 West Bay Harbor Drive, to occupy Suite 101 within the 1170 Kane Concourse building in order to operate a sales office for the Origin project. The Lease requires that BHI comply with all municipal codes and ordinances.

We understand that the Town staff has determined that BHI must obtain Town Council approval to operate the proposed sales center. We fully support BHI’s application and urge the Council to approve it.

We believe BHI has made a significant investment in Bay Harbor with a beautifully designed residential project to be built just a few blocks from the proposed sales center. The sales center request is compatible with the character of the B-1 business district; in fact, many other sales centers are located along this stretch of Kane Concourse, which enhances pedestrian activity and activates a vacant storefront. In our view, the request is far more desirable than the alternative of having BHI construct a temporary sales center structure at their development site.

We urge the Town Council’s approval and would gladly make ourselves available if there are any questions.

Sincerely,

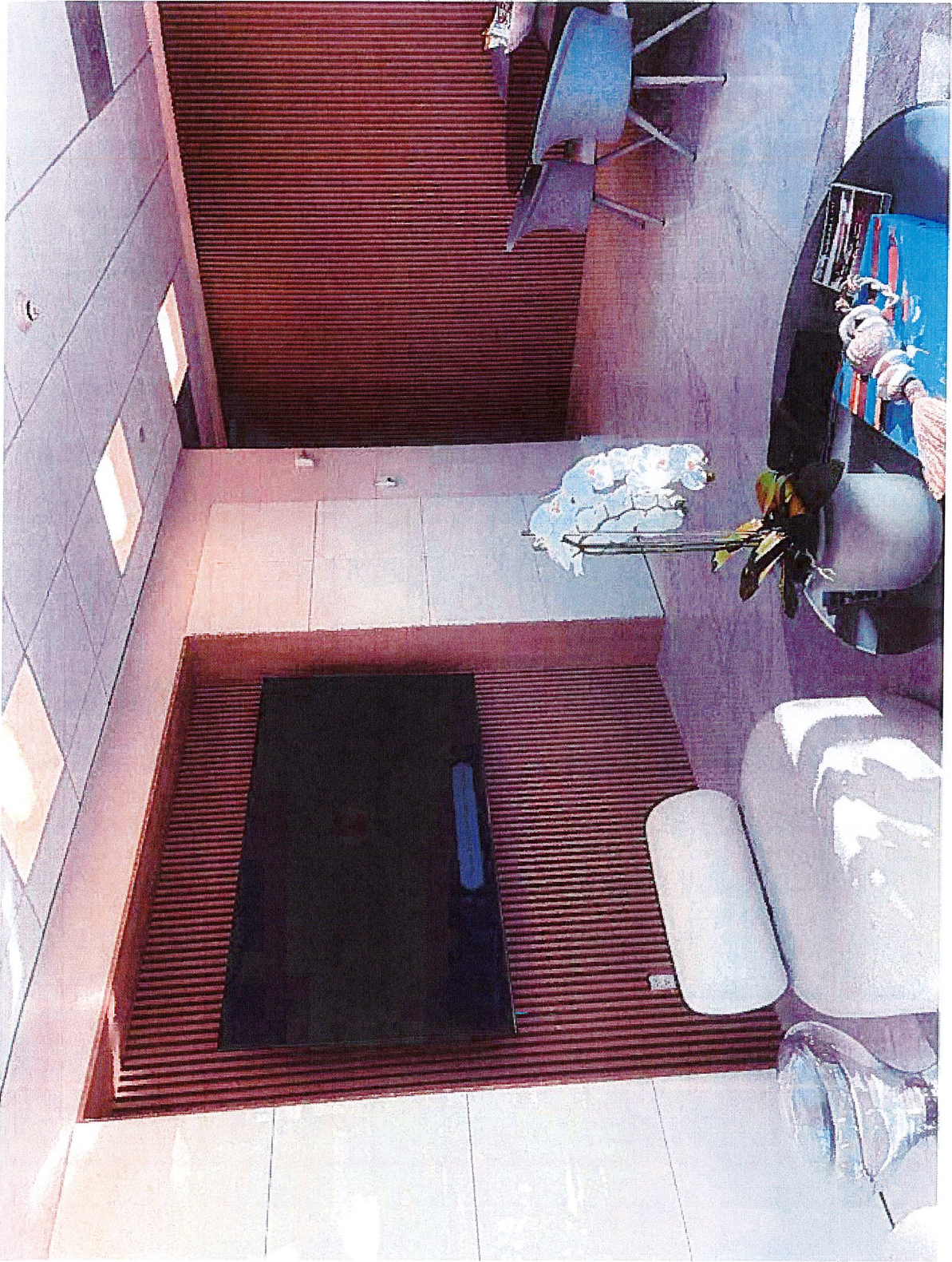


Corinne D. Rosen  
Property Manager

/cdr

# Exhibit B

Pictures of Sales Center's  
Interior



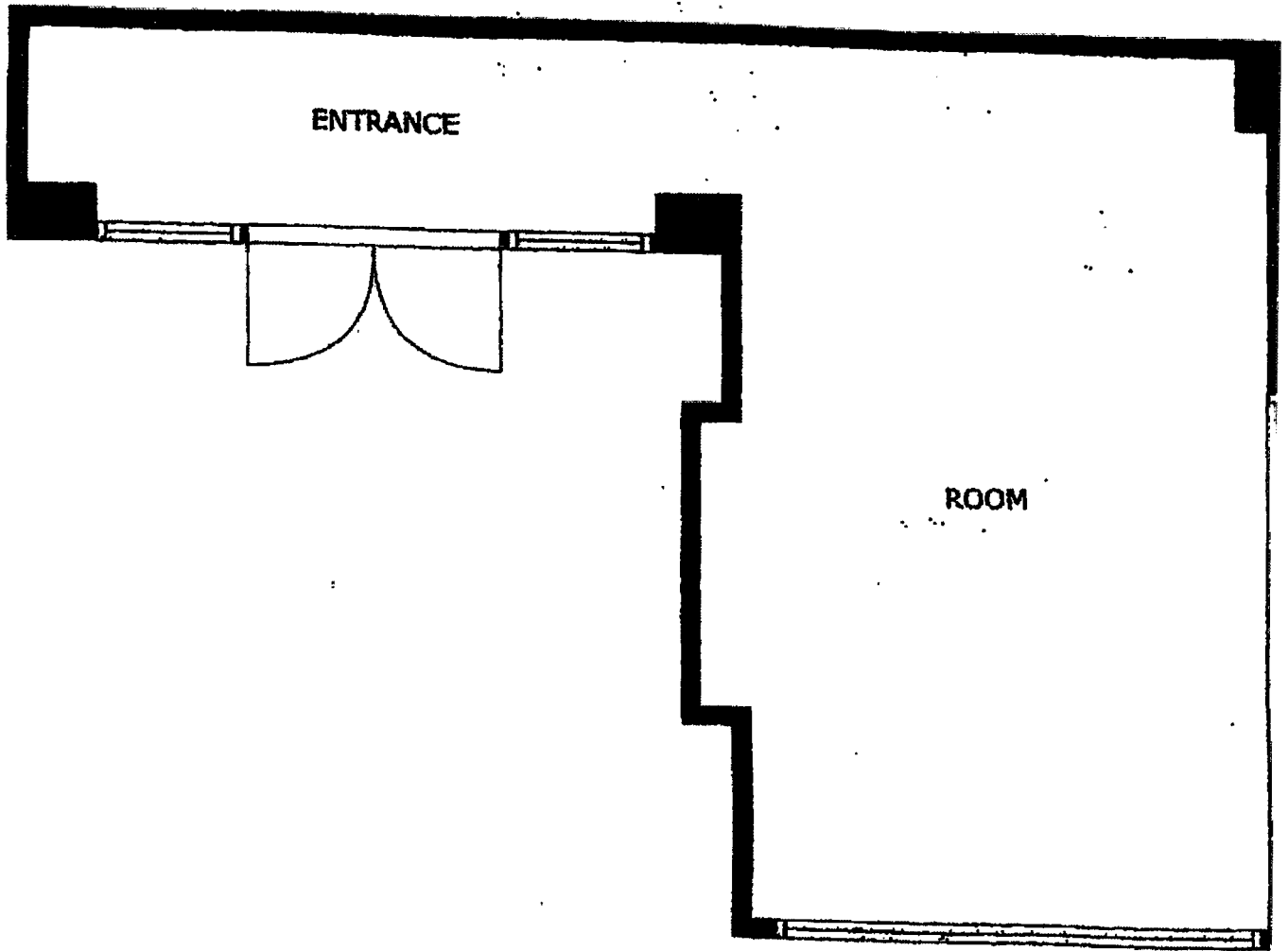




# Exhibit C

Lease Floor Plan

FLOOR PLAN



# Exhibit C

Affidavit of German Rojas

**AFFIDAVIT OF GERMAN ROJAS**  
**IN SUPPORT OF MITIGATION OF FINE**

Before me, the undersigned authority, personally appeared German Rojas, who was sworn and says:

1. My name is German Rojas.
2. I am over the age of 18, competent to testify, and I make this Affidavit based on my personal knowledge regarding the facts related to the imposition of a fine for the alleged operation of a sales office located at 1170 Kane Concourse, Suite 101, Bay Harbor Islands, FL 33154.
3. I am a licensed realtor affiliated with Cervera Real Estate, Inc.
4. I have never operated, managed, supervised, or participated in the operation of the sales office at 1170 Kane Concourse, Suite 101, nor have I ever directed or authorized any activity at that location.
5. I have never been responsible for obtaining permits, authorizations, or approvals for the operation of the sales center, nor was I aware of any lapse in such authorizations
6. Upon my information and belief, the sales center located at the above-referenced address is operated by Bay Harbour Investment, Inc.
7. I am not, and have never been, affiliated with Bay Harbour Investment, Inc., nor with any of its shareholders, officers, employees, affiliates, or subsidiaries
8. I am not, and have never been, an agent, employee, representative, or contractor of Bay Harbour Investment, Inc. Accordingly, I do not have, and have never had, authority to speak on behalf of, act for, or legally bind Bay Harbour Investment, Inc. in any capacity.
9. My relationship with Bay Harbour Investment, Inc. is limited solely to serving as a realtor representing certain purchasers of units in the building located at 9740 and 9760 West Bay

Harbor Drive, Bay Harbor Islands, FL 33154, which was developed by Bay Harbour Investment, Inc.

10. Any presence I may have had at the sales office was solely in my capacity as a realtor meeting prospective purchasers, and not as a representative of Bay Harbour Investment, Inc.

**FURTHER AFFIANT SAYETH NAUGHT.**

By: [Signature]  
Name: German Rojas

**SWORN TO AND SUBSCRIBED** before me by means of  physical presence or  online notarization this 9 day of December, 2025 by German Rojas. Such individual is personally known to me  or has produced ID # R260 526 98-9000-0 as identification .

[Signature]  
Notary Public

Aliuska Gonzalez  
Printed Name of Notary



**ALIUSKA GONZALEZ**  
Notary Public  
State of Florida  
Comm# HH656085  
Expires 5/12/2029

# TOWN OF BAY HARBOR ISLANDS CODE COMPLIANCE DIVISION

1030 95th Street  
Bay Harbor Islands, Florida 33154  
Phone: (305) 993-1786



May 13, 2025  
FILE NUMBER: 25-000940

## NOTICE OF VIOLATION

**OWNER:**

1170 LLC  
21170 NE 22 CT  
MIAMI BEACH, FL 33180-1002

**ADDRESS OF VIOLATION:**

1170 LLC -  
1170 KANE CONCOURSE 101  
Bay Harbor Islands, FL 33154-2013  
Parcel No: 1322270013520

**REGISTERED AGENT:**

- Oliviero Lew  
1170 KANE CONCOURSE, 5TH FLOOR  
Bay Harbor Islands , FL 33154

**TENANT:**

Bay Harbour Investment, Inc. -  
Origin Residences Sales Center  
1170 Kane Concourse, Ste. 101  
Bay Harbor Islands , FL 33154

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

Code Section Violated: **23-4(7)**

Nature of Violation and Details:

**In the RM-1 and RM-2 Multiple Family districts, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be used or occupied for any purpose, excepting for one or more of the following uses:**

**Temporary sales and business offices, construction trailers, and model dwelling units, but only in connection with the construction of dwelling units, and upon specific approval and permit of the town council, including but not limited to such time limits and other any other conditions as may be imposed by the town council at its discretion. Daily Penalty \$250.00**

**You may comply by: Obtain approval from the Town Council to operate a temporary sales center at this location.**

**For questions or concerns regarding the application process please contact Yvonne Hamilton, Town Clerk, at (305) 866-6241 or by email at [yhamilton@bayharborislands-fl.gov](mailto:yhamilton@bayharborislands-fl.gov) .**

Code Section Violated: **Sec. 13-8(1)**

Nature of Violation and Details:

**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 receipt; any person who shall make a false statement, application or oath, in connection with any application for a business tax receipt. Daily Penalty \$250.00**

**You may comply by: A Business Tax Receipt is required to operate a sales center. The**

**temporary sales center must be approved by the Town Council.**

RE: The sales center is operating without a valid Business Tax Receipt (BTR). The renewal requires Town Council approval. Business Tax Receipt # 2605 expired February 2025. Call # 25-16171

Location of Violation: 1170 KANE CONCOURSE 101 Violation Date: 05/13/2025

**Compliance Date: June 16, 2025**

**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  
1030 95th Street, Trailer 2  
Bay Harbor Islands, FL 33154**

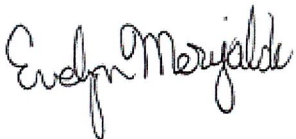
*You may request an administrative hearing before a Special Magistrate to appeal the notice of violation or to request an extension of time. The request for hearing must be filed in the office of the Town Clerk in writing within twenty (20) days after service of notice of violation or you will be deemed 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.*

*5-6 (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, stop work orders, 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. Further, the Town shall suspend further project reviews, including Design Review Board meetings, Site Development Plans, or Building Permits, until full or partial compliance is achieved, as determined by the Building Official. Nothing contained herein, or anywhere in the Town Code, shall prevent a party, \_ who owes any money to the Town for outstanding liens, fines or otherwise, from paying said monies in full, in order to proceed with development or construction, obtain permits of any kind, or otherwise proceed with any other endeavor (including finalizing a transfer of the property), and thereafter proceeding to appeal, or seek mitigation of the liens, fines or other monies owed to the Town, through regular established processes for such appeal or request for mitigation. Any such request to appeal or seek mitigation shall be noted at the time of payment to the Town and must be pursued with reasonable promptness or it will be deemed waived. If the appeal or mitigation is successful, such that the amount due to the Town is retroactively reduced, the Town shall refund the amount of the reduction to the payor or their designee.*

**Service Information:**

Date Mailed: 05/13/2025  
Date Posted: 05/13/2025

Cert Mail Article #: 9589071052702550334106



Evelyn Merizalde  
Compliance Manager  
Town of Bay Harbor Islands  
1030 95th Street  
Bay Harbor Islands, FL 33154  
786-256-4347  
emerizalde@bayharborislands.net

# ADDENDUM

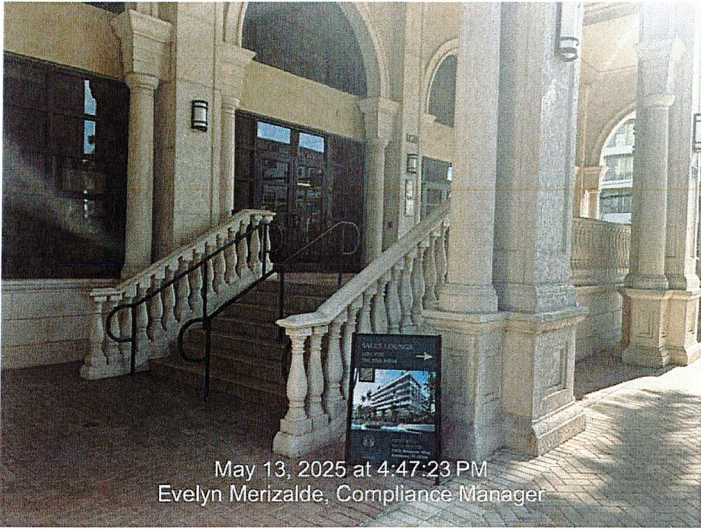


Photo  
Evelyn Merizalde  
05/13/2025



Photo  
Evelyn Merizalde  
05/13/2025



May 13, 2025 at 4:47:47 PM  
Evelyn Merizalde, Compliance Manager

Photo  
Evelyn Merizalde  
05/13/2025