

Sheppard, Terri

From: alp@alp-law.com
Sent: Tuesday, May 15, 2018 11:20 AM
To: Sheppard, Terri
Subject: FW: 431 Vilabella Ave - proposed agreed CEB order - TIME SENSITIVE

FYI

Very truly yours,

Alexander L. Palenzuela
Law Offices of Alexander L. Palenzuela, P.A.
1200 Brickell Avenue, Suite 1440
Miami, FL 33131-3205
main (305) 375-9510, ext. 303
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From: Martha Delgado <mdelgado@coralgables.com>
Date: Tuesday, May 15, 2018 at 11:18 AM
To: Alexander Palenzuela <alp@alp-law.com>
Cc: Miriam Soler Ramos <mramos@coralgables.com>, Michael Kattou <mkattou@coralgables.com>
Subject: Re: 431 Vilabella Ave - proposed agreed CEB order - TIME SENSITIVE

Alex,

This is Terri's case.

On May 15, 2018, at 11:14 AM, "alp@alp-law.com" <alp@alp-law.com> wrote:

Dear Miriam:

Please see below. If we do not hear back from Ms. Irizarry regarding her agreement to the revised proposed agreed order, I would proceed to ask for an order according to the terms below anyway. Please note that she has not responded to my email from yesterday (see below) asking for documentation regarding the a/c repair, which might substitute for the inspection.

Thanks!

Very truly yours,

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From: Alexander Palenzuela <alp@alp-law.com>
Date: Tuesday, May 15, 2018 at 11:05 AM
To: Milady Irizarry <milady625@hotmail.com>
Subject: Re: 431 Vilabella Ave - proposed agreed CEB order - TIME SENSITIVE

Dear Ms. Irizarry:

This is to follow up on the voice mail I just left you. Please see the terms of the revised proposed agreed order below. I revised paragraph 7 so that you only have to pay the administrative fee if you do not comply with the order. However, the City cannot remove the a/c violation until the medical inspector determines whether a permit is required for the a/c work. Please confirm that you will allow an inspection of the a/c work and I will send the inspector your contact information, so that you can coordinate a date and time for the inspection. In the meantime, since there is no time to conduct the inspection before tomorrow's hearing, please advise as soon as

possible whether you agree to the revised proposed order as set forth below. Please note that if there is no agreement, you must attend the hearing.

Thank you.

The Owner shall apply for all permits or other development approvals required to correct all violations that require permits (i.e.:(a) interior remodeling and installation of an air conditioner without permits; (b) failure to fully complete building in substantial compliance with plans and specifications upon which a building permit was within one (1) year after the commencement of erection of any building, addition, or renovation; specifically, by allowing permit PL-08-06-0819 to expire; and (c) painting of the exterior of the Structure without obtaining color pallet approval)(“Permits”)

1. The Owner shall obtain all Permits required to remedy all City code violations on the Property within 30 days of the date that the application is complete and, in any event, no later than 60 days from the date of this Order.
2. The Owner shall pass final inspection on all Permits required to remedy all City code violations on the Property within 30 days of the date that the City notifies the owner that the Permit is ready to be picked up and, in any event, no later than 90 days from the date of this Order.
3. The City agrees to expedite its review of the applications for Permits, the building plans, and its inspections.
4. In the event of non-compliance by the Owner, a fine of \$150 per day shall accrue for every day that the non-compliance continues.
5. The City Code Enforcement Division Manager or Code Enforcement Board may extend any of the above deadlines if either finds good cause beyond the control of the Owner and that the Owner acted in good faith and exercised due diligence in its efforts to obtain all required Permits, to correct all code violations, and to request an extension of any deadlines, as applicable. Good cause to obtain an extension shall include the time required for the City to review the application for Permits, the plans, and any revisions (collectively referred to as “Plans”), but only for the number of days the Plans have been submitted for review. Any additional time granted due to the City’s review shall be computed from the date the Plans are submitted until the date the City notifies the owner that the Plans are ready to be picked up for any required revisions or that the Permits are ready to be picked up.
6. If the Owner fails to comply with terms of this Order, the owner shall pay the administrative costs for the hearing of \$108.75.

Very truly yours,

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From: Alexander Palenzuela <alp@alp-law.com>

Date: Monday, May 14, 2018 at 5:24 PM

To: Milady Irizarry <milady625@hotmail.com>

Subject: Re: 431 Vilabella Ave - proposed agreed CEB order - TIME SENSITIVE

Dear Ms. Irizarry:

This is to follow up on the voice mail I just left you. The City agreed to waive the administrative costs, provided you comply with the terms of the order. Please see below the proposed revised agreed order. Please submit documentation regarding the scope of the air conditioner repair or advise whether you will consent to an inspection of the air conditioner to confirm that it was not replaced, which would require a permit, whereas a repair would not.

If you cannot submit this before the hearing, please confirm that you agree to the revised order. If you do, you will not have to attend the hearing on Wednesday. If you submit acceptable documentation after the hearing that you only repaired the air conditioner and did not replace it, the City will find you in compliance on the violation.

Thank you.

1. The Owner shall apply for all permits or other development approvals required to correct all violations that require permits (i.e.:(a) interior remodeling and installation of an air conditioner without permits; (b) failure to fully complete building in substantial

compliance with plans and specifications upon which a building permit was within one (1) year after the commencement of erection of any building, addition, or renovation; specifically, by allowing permit PL-08-06-0819 to expire; and (c) painting of the exterior of the Structure without obtaining color pallet approval)(“Permits”)

The Owner shall obtain all Permits required to remedy all City code violations on the Property within 30 days of the date that the application is complete and, in any event, no later than 60 days from the date of this Order.

The Owner shall pass final inspection on all Permits required to remedy all City code violations on the Property within 30 days of the date that the City notifies the owner that the Permit is ready to be picked up and, in any event, no later than 90 days from the date of this Order.

The City agrees to expedite its review of the applications for Permits, the building plans, and its inspections.

In the event of non-compliance by the Owner, a fine of \$150 per day shall accrue for every day that the non-compliance continues.

The City Code Enforcement Division Manager or Code Enforcement Board may extend any of the above deadlines if either finds good cause beyond the control of the Owner and that the Owner acted in good faith and exercised due diligence in its efforts to obtain all required Permits, to correct all code violations, and to request an extension of any deadlines, as applicable. Good cause to obtain an extension shall include the time required for the City to review the application for Permits, the plans, and any revisions (collectively referred to as “Plans”), but only for the number of days the Plans have been submitted for review. Any additional time granted due to the City’s review shall be computed from the date the Plans are submitted until the date the City notifies the owner that the Plans are ready to be picked up for any required revisions or that the Permits are ready to be picked up.

If the Owner fails to comply with terms of this Order, the owner shall pay the administrative costs for the hearing of \$108.75.

Very truly yours,

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From: Milady Irizarry <milady625@hotmail.com>
Date: Monday, May 14, 2018 at 11:07 AM
To: Alexander Palenzuela <alp@alp-law.com>
Subject: Re: 431 Vilabella Ave - proposed agreed CEB order - TIME SENSITIVE

Dear Mr. Palenzuela:

I agree with the order as specified herein. I am in the process of complying with all code violations. I have already applied for and received the permit for the structural paint. I went to the Dade County Property Appraiser's office and filed the proper paperwork to process a name change on the property back to my maiden name of Irizarry.

I am living in the house so there was no need to register the property. As previously stated, I have an alarm system on the home. The back fence issue has been resolved.

The a/c system has not been replaced. The original unit was recently repaired. I inquired at City Hall and was advised that a permit was not required to repair the a/c.

I have a question on #7. Will I have to pay administrative costs for the hearing if I am not required to attend as I have agreed with your order?

Sincerely,

Milady Irizarry

From: alp@alp-law.com <alp@alp-law.com>
Sent: Friday, May 11, 2018 2:30 PM
To: Milady Irizarry
Subject: 431 Vilabella Ave - proposed agreed CEB order - TIME SENSITIVE

Dear Ms. Irizarry:

Please find below for your review and approval the terms of the proposed Code Enforcement Board order. Please advise no later than noon on Monday, whether you agree to the order and I will forward it to the City for its review and approval.

1. The Owner shall apply for all permits or other development approvals required to correct all violations that require permits (i.e.:(a) interior remodeling and installation of an air conditioner without permits; (b) failure to fully complete building in substantial compliance with plans and specifications upon which a building permit was within one (1) year after the commencement of erection of any building, addition, or renovation; specifically, by allowing permit PL-08-06-0819 to expire; and (c) painting of the exterior of the Structure without obtaining color pallet approval)(“Permits”)
2. The Owner shall obtain all Permits required to remedy all City code violations on the Property within 30 days of the date that the application is complete and, in any event, no later than 60 days from the date of the Order.
3. The Owner shall pass final inspection on all Permits required to remedy all City code violations on the Property within 30 days of the date that the City notifies the owner that the Permit is ready to be picked up and, in any event, no later than 90 days from the date of the Order.
4. The City agrees to expedite its review of the applications for Permits, the building plans, and its inspections.
5. In the event of non-compliance by the Owner, a fine of \$150 per day shall accrue for every day that the non-compliance continues.
6. The City Code Enforcement Division Manager or Code Enforcement Board may extend any of the above deadlines if either finds good cause beyond the control of the Owner and that the Owner acted in good faith and exercised due diligence in its efforts to obtain all required Permits, to correct all code violations, and to request an extension of any deadlines, as applicable. Good cause to obtain an extension shall include the time required for the City to review the application for Permits, the plans, and any revisions (collectively referred to as “Plans”), but only for the number of days the Plans have been submitted for review. Any additional time granted due to the City’s review shall be computed from the date the Plans are submitted until the date the City notifies the owner that the Plans are ready to be picked up for any required revisions or that the Permits are ready to be picked up.
7. The owner shall pay the administrative costs for the hearing of \$108.75.

Once the City has confirmed in writing that the proposed agreed order was approved, you will not be required to attend the Code Enforcement Board hearing on 5-16-18 at 8:30 a.m., at which the City will present the order for the Board’s approval. However, you are welcome to attend the hearing if you choose.

Please let me know if you have any questions or concerns.
Very truly yours,

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