



COUNTY ATTORNEY
MIAMI-DADE COUNTY, FLORIDA

SUITE 2810, 111 NORTHWEST FIRST STREET
MIAMI, FLORIDA 33128-1993
TELEPHONE: 305.375.5151
FAX: 305.375.5634

October 4, 2022

****FOR HAND DELIVERY****

Generation Three, Inc.
c/o Betty L. Dunn
Registered Agent and President
8083 NW 103rd Street
Hialeah Gardens, FL 33016

Generation Three, Inc.
c/o Lowell S. Dunn II
Vice President
8083 NW 103rd Street
Hialeah Gardens, FL 33016

Santa's Enchanted Forest, Inc.
c/o Steven Shechtman
Registered Agent and President
11900 Biscayne Blvd. Suite 500
Miami, FL 33181

F03-2, LLC
c/o Betty L. Dunn
Registered Agent and Manager
1101 Quail Avenue
Miami Springs, FL 33166

Re: NOTICE TO CEASE AND DESIST THE UNPERMITTED CONSTRUCTION OF DETACHED STRUCTURES, SOIL IMPROVEMENT, CHAIN LINK FENCE, STORAGE OF TRAILER, AND THE SPREAD AND STORAGE OF RECLAIMED ASPHALT PAVEMENT at Folio numbers 30-3009-001-0010, 30-3009-001-0030, and 30-3009-001-0040 located approximately at 87 Avenue and Northwest 74 Street Miami, FL 33166

Dear Messrs. Dunn, Shechtman, and Ms. Dunn:

The Miami-Dade County Regulatory and Economic Resources Department Code Compliance Division ("Division") has referred this matter to the County Attorney's Office based on the Division's determination that ongoing violations of the Miami-Dade County Code ("Code") and violations of the Florida Building Code ("FBC") are occurring at the above referenced properties ("the subject properties"). On September 26, 2022, the Division issued a stop work order, and numerous inspections since then revealed that the order has been ignored. Please be advised that your failure to immediately comply with the stop work order may result in the filing of a lawsuit against you and your companies, as explained below, for injunctive relief (court orders to compel compliance with the Code and FBC), monetary penalties, enforcement costs, and the County's attorneys' fees.

The Division visited the subject properties on September 26, 2022, and noted building code violations at two of the three folios (30-3009-001-0010 and 30-3009-001-0030). Inspectors observed numerous detached structures being erected without obtaining a building permit, in violation of section 105.1 of the FBC which provides that "[a]ny owner

or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit." At the same inspection, the Division also noted on the same folios the installation of a chain link fence, soil improvement work, and the storage of a trailer without a building permit. A notice of violation was posted at folios 30-3009-001-0010 and 30-3009-001-0030 as well as a stop work order.

On September 30, 2022, the Division revisited the subject properties and observed work being conducted on two of the three folios in violation of the stop work order. Section 115.3 of the FBC provides that "[a]ny person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law."

As a result of the failure to obey the stop work order, the Division issued Civil Violation Notices ("CVNs") P040666, P040685, P040686, P040687, P040688, P040689, P040690, P040691, P040692, P040693, P040694, P040695, P040664, P040671, P040672, P040673, P040674, P040675, P040676, P040677, P040678, P040679, P040680, P040681, P040682, P040683, and P040684.

Additionally, the County's Division of Environmental Resource Management ("DERM") visited the subject properties on multiple dates and observed reclaimed asphalt pavement ("RAP") being spread on the open ground, in violation of the Code, including but not limited to section 15-5. Section 15-5 of the Code provides that "[i]t shall be unlawful for the owner, manager, occupant, lessee, or other person responsible for any lot, parcel or tract of land in any unincorporated area of the County, to deposit, store, keep, or maintain, or let, allow, cause, permit or suffer to be deposited, stored, kept or maintained, solid waste which is not containerized, upon such property, or adjoining right-of-way, easements or alleys except as specifically authorized in this chapter." Solid waste is defined in both chapter 15 and chapter 24 to include "construction and demolition debris" as well as asphalt paving material. Therefore, the deposit and storage of the asphalt paving material, as described above, is prohibited. As such, DERM issued a cease-and-desist order, pursuant to section 24-7(15) of the Code, which has been ignored.

Lastly, storage of the trailer is prohibited on either of the IU-3 folios without a building permit to establish outdoor storage because section 33-266.1 of the Code provides that "[a]t all manufacturing establishments or rebuildings, storage or repair places permitted in an IU-3 District, all materials and products shall be stored and all manufacturing, rebuilding, storing or renovating operations shall be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls, at least six (6) feet in height but no higher than eight (8) feet, excepting only shipyards, dry docks, boat slips, and the like, where necessary frontage on the water may be open."

As such, you are commanded to immediately cease and desist from the illegal construction of the detached structures, the illegal spread or storage of RAP, the unauthorized installation of the chain link fence, the unauthorized soil improvement, and the unauthorized storage of the trailer at the subject properties, until you obtain the appropriate and required permits. Be advised that permits shall not be issued while you owe code enforcement penalties, pursuant to section 8CC-7(d) of the Code.

Be advised further that any person or entity that violates chapter 24 of the Code is subject to the judicial imposition of a civil penalty up to twenty-five-thousand-dollars-and-zero-cents (\$25,000.00) per offense per day; any person or entity that violates chapter 8 of the Code is subject to the judicial imposition of a civil penalty up to ten-thousand-dollars-and-zero-cents (\$10,000.00) per offense per day; and any person or entity that violates chapter 33 of the Code is subject to the judicial imposition of a civil penalty up to five-thousand-dollars-and-zero-cents (\$5,000.00) per offense per day. These civil penalties are in addition to attorney's fees and administrative enforcement costs incurred by the County, and are separate and apart from any penalties resulting from CVNs, pursuant to section 1-5(g) of the Code.

To prevent an immediate referral to the County Attorney's Office requesting that a lawsuit be filed against you, you may contact Mr. Fabian Kopetman, Building Field Unit Supervisor, RER Building Code Enforcement Division, at (786) 315-2211 to completely address this matter.

Please govern yourselves accordingly.

David Sherman
Assistant County Attorney

Cc: Ricardo Roig, Assistant Director, RER Code Compliance Division
Beverly Washington, Chief, RER Code Compliance Division
Pedro Estopiñan, Chief, Building Code and Contractor Compliance
Fabian Kopetman, Building Field Unit Supervisor
Andrea Darrough, Neighborhood Compliance Supervisor
Vanessa McKay, DERM High Risk/Compliance Manager
JoAnne Clingerman, DERM Code Enforcement Manager
Joseph Bolufe, Division Chief, Code Enforcement Div., Dept. of Solid Waste Management