



GOREN CHEROF  
DOODY & EZROL P.A.  
ATTORNEYS AT LAW

September 21, 2023

Via Email and U.S. Mail

Benjamin A. Solomon, Esq.  
Association Law Group, Attorneys at Law  
1101 Brickell Avenue, Suite N1101  
Miami, FL 33131  
ben@algpl.com

Re: Update / Heron Pond Condominium Association, Inc. ("Client") / Property Located  
at 8400 SW 1<sup>st</sup> Street, Pembroke Pines, FL. 33025 ("Heron Pond")

Dear Mr. Solomon:

Please accept this letter on behalf of the City of Pembroke Pines ("City"). This letter shall provide a response to your inquiry regarding the lack of power in certain common areas within Heron Pond, address the lack of building permit applications and structural report submittals to the City, and provide you with a 30-Day Notice to provide engineering reports for buildings within Heron Pond.

#### Power Within Common Areas

The Chief Building Official and Fire Marshal have issued unsafe structure notifications for Buildings 2, 3, 5, 10, 14, and 16. Pursuant to each unsafe structure designation, the residents of the respective buildings deemed as "unsafe to occupy" were provided with a 10-day Notice to Vacate. Subsequently, the Chief Building Official and Fire Marshal requested that the electric utility company servicing Heron Pond shut down power to the respective buildings upon maturation of each Notice to Vacate.

In regards your inquiry regarding the lack of power to certain common areas within Heron Pond, please refer to the email addressing the matter composed by the City's Chief Electrical Inspector, Geoge Kropp, which has been attached to this letter as **Exhibit "A"**. As detailed by Mr. Kropp's email, the Building Official has noted the presence of unpermitted and unsafe electrical wiring and unsafe electrical conditions in the common areas surrounding the buildings that have been designated as Unsafe Structures. Mr. Kropp's letter details the responsibilities that your Client has to keep its residents safe under certain circumstances. Such responsibilities include but

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are not limited to the installation of self-contained portable light systems to provide external lighting to any areas within Heron Pond that remain unlit. Another responsibility referenced within Mr. Kropp's email is the responsibility to secure the area around vacated buildings to avoid injuries or break-ins.

To date, the City is not aware of any actions taken by your Client to provide any of the mitigation techniques referenced above. Should your client have any additional questions regarding the issue of power and lightning within Heron Pond, we ask that your Client contact the office of the Building Official. In the interim, we look forward to your compliance and efforts to secure any areas where power has been shut off.

### Building Permit Submittals

The City has engaged in continual efforts to request that your Client timely submit the structural reports and building permit applications required to address the significant structural issues within Heron Pond. However, despite the City's efforts, your Client has only submitted preliminary engineering reports for six (6) of the nineteen (19) buildings on the Property since the meeting between the City and your Client in May.

Further, your Client has failed to submit a single permit application package to commence work on any of the six (6) buildings that have been evaluated by your engineer. Most recently, the City was informed that the permit application(s) would be submitted by Monday, September 11<sup>th</sup>. In a follow-up email conversation last week regarding the status of the pending permit application submittal, the City was informed that your Client would submit the permit application(s) to the City by Friday, September 15<sup>th</sup>. On Thursday, September 14<sup>th</sup>, a representative of your Client visited the City's Building Department to inquire about permit application submittals despite the fact that the City had already thoroughly discussed the permit submittal process with your Client in late August.

As of this writing, no building permit application has been submitted. Additionally, the City has not received a structural report from your engineer for buildings on the Property since September 1<sup>st</sup>. As you know, the City has been expecting to receive the pending structural reports from your engineer on the remaining thirteen (13) occupied buildings on the Property.

### 30 Day Notification

In consideration of your Client's long-standing pattern of delays and general lack of responsiveness to the City's life, health, and safety concerns over the structural issues of the multi-

Benjamin A. Solomon, Esq.  
Association Law Group, Attorneys at Law  
September 21, 2023  
Page 3

family residential buildings within Heron Pond, the City's Chief Building Official and Fire Marshal have collectively and independently made the decision to provide your client with a 30-Day Notice to provide engineering reports on the structural integrity of the thirteen (13) remaining occupied buildings within Heron Pond. Failure to produce the structural reports within 30 days shall result in the Chief Building Official and Fire Marshal's designation of each of the remaining thirteen (13) buildings as Unsafe Structures and the issuance of an order to vacate every unit within those buildings. A copy of the joint letter from the City's Building Official and Fire Marshal is attached to this letter as **Exhibit "B"**

Should you have any questions regarding this matter, please do not hesitate to call our office.

Sincerely,

*Samuel S. Goren*

Samuel S. Goren  
City Attorney

cc: Frank C. Ortis, Mayor  
Members of the City Commission  
Charles F. Dodge, City Manager  
Aner Gonzalez, Deputy City Manager  
Michael Stamm, Assistant City Manager and Director of Planning and Economic Development  
Daniel Almaguer, Fire Marshall  
Steve Pizzillo, Chief Building Official

EXHIBIT "A"

**From:** George Kropp <[GKropp@cgasolutions.com](mailto:GKropp@cgasolutions.com)>  
**Sent:** Tuesday, September 19, 2023 11:55 AM  
**To:** Paul B. Hernandez <[PHernandez@gorencherof.com](mailto:PHernandez@gorencherof.com)>; Dodge, Charles <[cdodge@ppines.com](mailto:cdodge@ppines.com)>; [agonzalez@ppines.com](mailto:agonzalez@ppines.com); Stamm, Michael <[mstamm@ppines.com](mailto:mstamm@ppines.com)>; Almaguer, Daniel <[dalmaguer@ppines.com](mailto:dalmaguer@ppines.com)>; Stephen Pizzillo <[spizzillo@cgasolutions.com](mailto:spizzillo@cgasolutions.com)>; 'bnettina@ppines.com' <[bnettina@ppines.com](mailto:bnettina@ppines.com)>; Pete Deveaugh <[PDeveaugh@cgasolutions.com](mailto:PDeveaugh@cgasolutions.com)>; Joel Ripoll <[jripoll@cgasolutions.com](mailto:jripoll@cgasolutions.com)>  
**Cc:** Samuel S. Goren <[SGoren@gorencherof.com](mailto:SGoren@gorencherof.com)>  
**Subject:** RE: Another Break in

Good Morning,

The electrical power has been disconnected to the house panels for buildings 2, 3, 5, 10, 14, and 16 as per 2020 FBC Broward County Provisions, section 112.3 and 116.2.1.3.1, due to unpermitted and unsafe electrical wiring. While visiting the properties and inspecting the electrical wiring for the house panels and site lighting for those buildings that have been posted as unsafe, I found multiple code violations and unsafe wiring. See attached pictures. The other item regarding the house/common area lighting is that the wiring is running through rotted structural framing members of the unsafe buildings and the wiring cannot be energized until the structures are repaired.

**116.2.1.3** A Building, or part thereof, shall be presumed to be unsafe if:

**116.2.1.3.1** The construction, installation of electrical, plumbing, or other equipment therein or thereon, or the partial construction or installation of equipment has been commenced or completed without a permit therefore having been obtained or the permit therefore expired prior to completion and a Certificate of Occupancy issued.

It is the property management company's/owner's responsibility to maintain a code compliant and safe property, they can purchase or rent self-contained portable lighting systems to provide the exterior lighting until such time the buildings are permitted and repaired.

Also, after discussion with the Building Official, Mr. Steve Pizzillo, the buildings that are posted as unsafe and that have been vacated are required to be "Secured" from entry by the installation of a temporary fence around the building, in which a permit is required as per 2020 FBC Broward County Provisions, section 116.5.

### **116.5 Emergency Action.**

**116.5.1** When in the opinion of the Building Official, there is actual or immediate danger of the failure or the collapse of a building or structure, or there is a health, windstorm or fire hazard, he or she may order the occupants to vacate, temporarily close for use or occupancy the rights-of-way thereto, sidewalks, streets or adjacent buildings or nearby area and institute such other temporary safeguards, including securing posting and demolition of the building or structure

Respectfully,

**George W. Kropp**

Chief Electrical Inspector/ABO (City of Pembroke Pines)

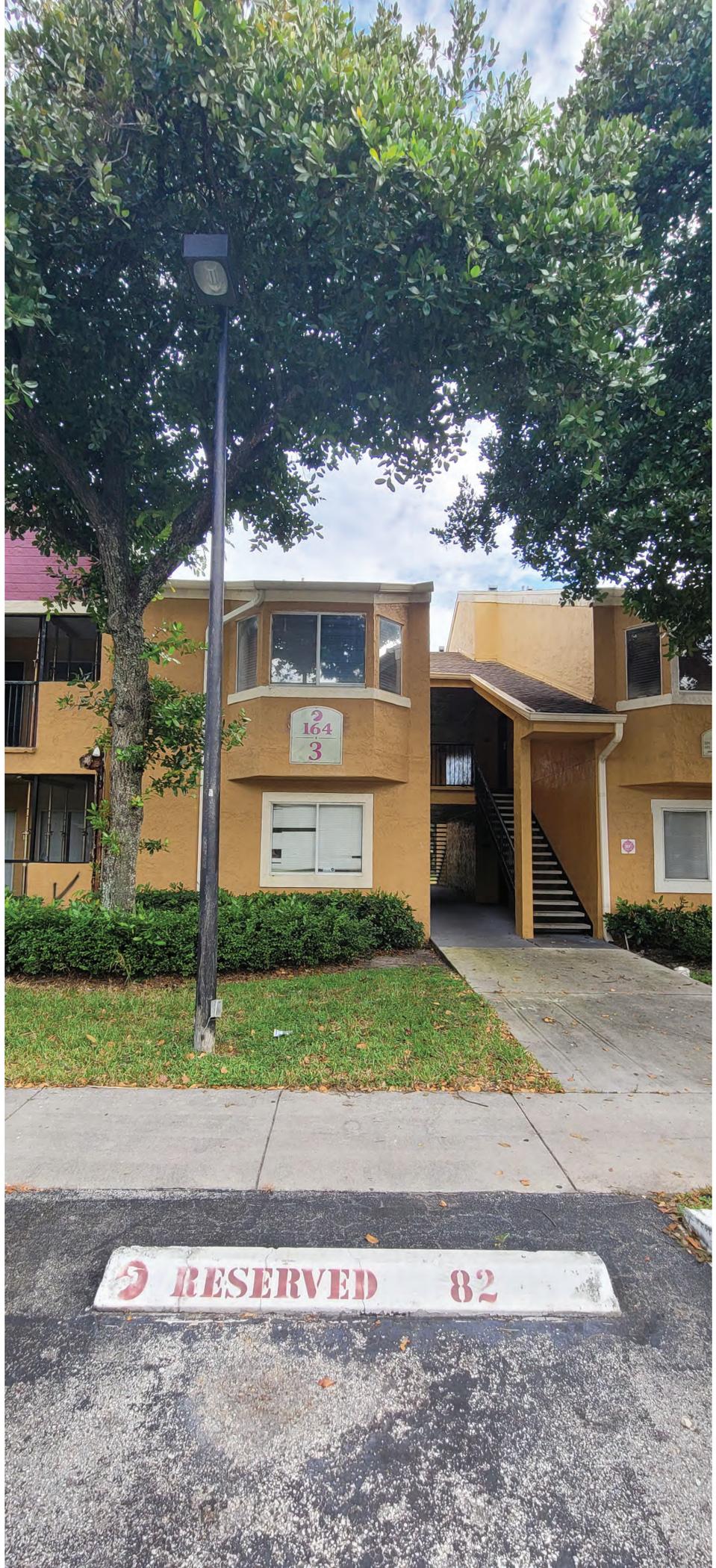


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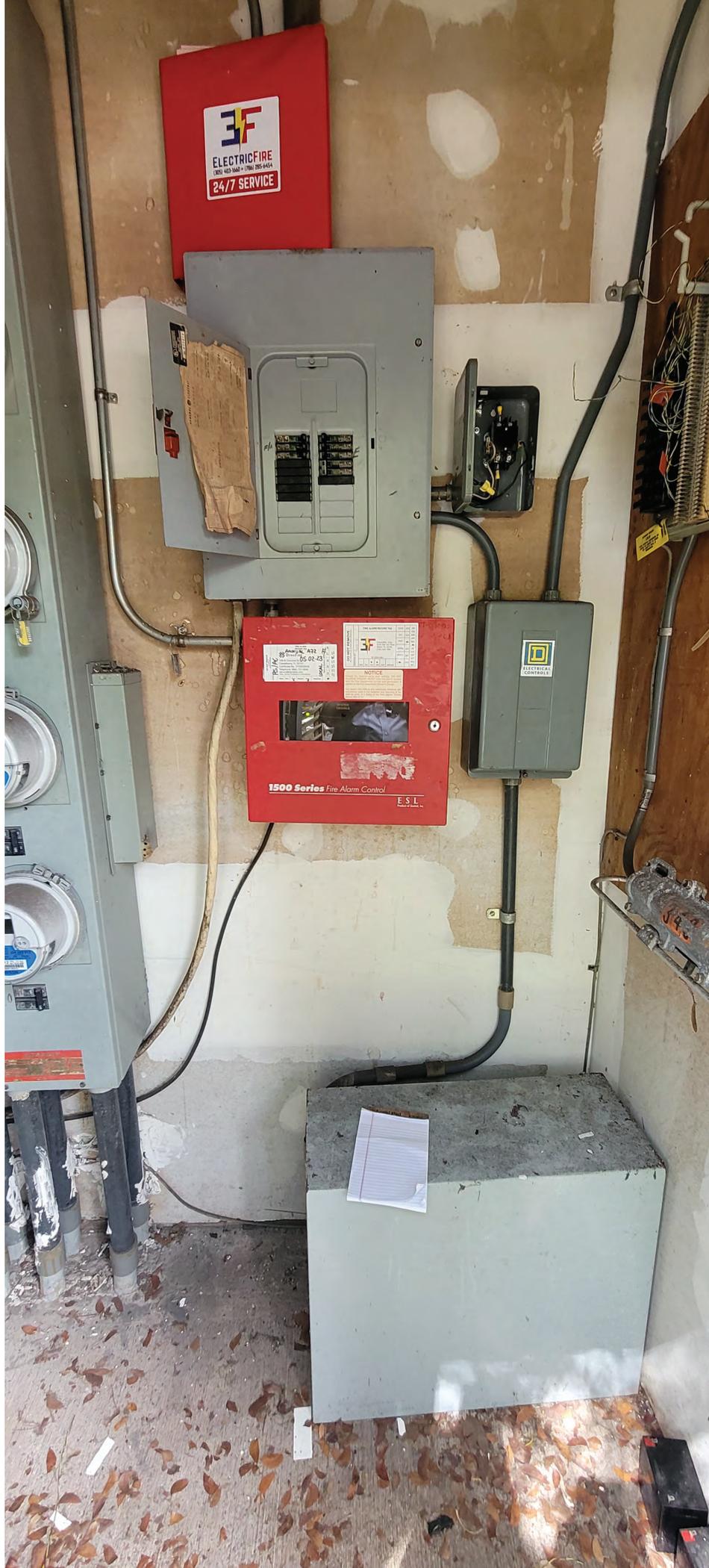
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**3**





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EXHIBIT "B"

CITY OF PEMBROKE PINES  
OFFICE OF THE FIRE MARSHAL  
OFFICE OF THE BUILDING OFFICIAL



TO: Heron Pond Condominium Association

SUBJ: 30-Day Notification

DATE: September 21, 2023

Unsafe Structure Notifications have been issued to the Heron Ponds Condominiums at 8400 S.W. 1<sup>st</sup> Street, Pembroke Pines, Florida, for Buildings 2, 3, 5, 10, 14, & 16.

A Technical Analysis of all buildings in the community was requested on May 18, 2023, and to this date, a detailed comprehensive report, plans, or a permit application has not been submitted to the City of Pembroke Pines for repairs, rehabilitation, demolition, or corrective action.

This notice shall once serve as a notification that the Heron Ponds Condominiums, located at 8400 S.W. 1<sup>st</sup> Street, Pembroke Pines, Florida, is not maintaining General Safety Requirements as outlined in the Florida Fire Prevention Code and the Florida Building Code.

You are hereby notified that as of the date of this letter, you have 30 days to provide Engineering Reports on the Structural Integrity of the remaining occupied buildings. As stated by a 3<sup>rd</sup> Party Engineer on June 28, 2023, retained by the City, "It is our recommendation that any building believed to be unsafe should be evacuated until it is proven that they are safe enough to occupy or until such time that they have been repaired to a condition which would provide complete structural stability."

If, within the allotted time, reports are not obtained, the City will have no choice but to protect the health and safety of the residents that reside in the Heron Pond Condominiums and issue a 10-day notice of eviction for all remaining buildings.

During the time that the required information is prepared, buildings may be deemed Unsafe to Occupy by the Building Official and or the Fire Marshal based on further information obtained.

Respectfully,

Handwritten signature of Daniel Almaguer in black ink.

Daniel Almaguer, FCO  
Division Chief | Fire Marshal

Handwritten signature of Stephen Pizzillo in black ink, with the initials "CBO" written to the right.

Stephen Pizzillo, CBO  
Building Official



ISO Class One

CIUDAD DE PEMBROKE PINES  
OFICINA DEL JEFE DE BOMBEROS  
OFICINA DEL OFICIAL DE CONSTRUCCIÓN



PARA: Asociación de Condominios Heron Pond

ASUNTO: Notificación de 30 días

FECHA: 21 de Septiembre de 2023

Se han emitido Notificaciones de Edificaciones Inseguras a los Condominios Heron Pond en 8400 S.W. 1st Street, Pembroke Pines, Florida, para los Edificios 2, 3, 5, 10, 14, y 16.

El 18 de Mayo de 2023, se requirió realizar un análisis técnico de todos los edificios de la comunidad y a la fecha, no se ha presentado a la Ciudad de Pembroke Pines, un reporte completo y detallado, planos, ni ninguna solicitud de permiso para reparaciones, rehabilitación, demolición o acción correctiva.

Este aviso servirá como notificación de que los Condominios Heron Pond, localizados en 8400 S.W. 1st Street, Pembroke Pines, Florida, no están cumpliendo los requisitos generales de seguridad como los define el Código de Prevención de Fuego de la Florida y el Código de Construcción de la Florida.

Por lo cual, se les notifica que, a partir de la fecha de esta carta, tienen treinta (30) días para presentar Reportes de Ingeniería de la Integridad Estructural de los edificios restantes ocupados. Como lo declaró el 28 de Junio de 2023, una Autoridad de Ingeniería e Instructa, en poder de la Ciudad "Es nuestra recomendación que cualquier edificio que se considere inseguro debe ser evacuado hasta que se pruebe que es lo suficientemente seguro para ocuparse o hasta que haya sido reparado a una condición tal que provea estabilidad estructural completa".

Si en el plazo otorgado, no se obtienen los reportes, la Ciudad no tendrá otra opción sino proteger la salud y seguridad de los residentes que habitan en los Condominios Heron Pond y emitir una notificación de desalojo en un plazo de diez (10) días para todos los edificios restantes.

Durante el tiempo que se prepare la información requerida, los edificios pueden estar considerados como inseguros para ocuparse, por el Oficial de Construcción y el Jefe de Bomberos, con base en la información adicional obtenida.

Respetuosamente,

Daniel Almaguer, FCO  
Jefe de División | Jefe de Bomberos

Stephen Pizzillo, CBO  
Oficial de Construcción