

HIA2019-001

James Tundidor
885 SE 14 Street

~~Deferred
to Dec. 11th 20~~

~~Deferred to
Nov. 13th USIB
meeting.~~

~~Deferred to Jan 15, 2020~~

~~Agreed by both
parties
Letter on File~~

~~Deferred
to July 15, 2020~~



HAYDEE SERA, PARTNER
HSera@wsh-law.com

June 23, 2020

Via email only (Kathy.Charles@miamidade.gov)

Kathy Charles
Board Administrator
Miami-Dade County Department of Regulatory and Economic Resources
Unsafe Structures Board
11805 SW 26th Street, Room 230
Miami, FL 33175

RE: Unsafe Structures Board Case No.: HIA2019-001
Appeal of Notice of Violation of Unsafe Structure
Property Address: 885 SE 14 Street, Hialeah, FL 33010
Folio No.: 04-3120-010-0260
City of Hialeah Reference No.: 2019-7434

Dear Ms. Charles:

Please allow this letter to confirm that the Property Owner, James Tundidor, and the City of Hialeah are working towards resolution of this matter and have agreed to jointly request deferral of the hearing scheduled before the Unsafe Structures Board (the "Board") for July 15, 2020 until December 9, 2020.

We respectfully request that the Board defer the hearing until December 9, 2020. The City has authorized us to represent to you and the Board that the City agrees to the deferral of the July 15, 2020 hearing to December 9, 2020.

Should you have any questions or concerns, please do not hesitate to contact me at 305-854-0800 or by email at hsera@wsh-law.com.

Very truly yours,

Haydee Sera

cc: Alexander L. Palenzuela, Counsel, City of Hialeah (via email: alp@alp-law.com)
James Tundidor, Property Owner (via email)

Alvarez, Linda (RER)

From: Haydee S. Sera <HSera@wsh-law.com>
Sent: Tuesday, June 23, 2020 9:58 AM
To: Charles, Kathy (RER); Alvarez, Linda (RER)
Cc: Lifshitz, Daija (CAO); Carlin, Ryan (CAO); alp@alp-law.com
Subject: RE: Unsafe Structures Board Hearing - Feb. 12, 2020
Attachments: 3H54472-ContinuanceRequestToDecember2020.pdf

EMAIL RECEIVED FROM EXTERNAL SOURCE

Ms. Charles:

Attached please find a letter confirming that my client and the City of Hialeah are continuing their attempts to settle the matters between them and have agreed to request a joint continuance of the hearing scheduled for July 15, 2020 to December 9, 2020.

Please let us know if you have any questions or need anything further.

Regards,
Haydee

HAYDEE S.
SERA
PARTNER



2525 Ponce de Leon Blvd., Suite 700 | Coral Gables, FL 33134
P: (305) 854-0800 E: hsera@wsh-law.com Bio | wsh-law.com | [vCards](#)



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Pursuant to the Fair Debt Collection Practices Act, this communication is from a debt collector. Any information obtained will be used for the purpose of collecting a debt.

From: Charles, Kathy (RER) <Kathy.Charles@miamidade.gov>
Sent: Wednesday, February 12, 2020 10:04 AM



Department of Regulatory and Economic Resources
 Board Administration Section
 11805 SW 26th Street (Coral Way)
 Miami, Florida 33175
 (786) 315-2332 Fax (786) 315-2929
Unsafe Structures Board
 (786) 315-2574 Fax (786) 315-2570

Date: June 15th, 2020

**NOTICE OF HEARING
 MIAMI-DADE COUNTY UNSAFE STRUCTURES BOARD**

**James Tundidor
 43 Eucalyptus Drive
 Hialeah, FL 33010**

**Re: 855 SE 14 Street
 Case No: HIA2019-001**

The Unsafe Structures Board will hold a public hearing to hear evidence relative to the following order(s) issued by the Building Official:

BUILDING OFFICIAL'S ORDER:

BUILDING DESCRIPTION:

Repair or Demolish

(A) 1-Story Commercial Building

You may appear or have presentation by an attorney at the **1:00 P.M.** session on **July 15th, 2020**, **this meeting will be conducted as a Virtual Public Meeting.** Please note that there was a deferral of the matter in January 15th, 2020 already agreed to by interested parties and Building Official representatives that was placed on file. **Cases to be heard will be considered by the Board at 1:00 P.M.** The attached **Miami-Dade County Virtual Public Meeting Notice** provides the detailed information on how to access and participate in the public meeting.

All file or case inquiries should be addressed to the City of Hialeah, Building Department at (305) 883-5825. The appropriate Building Official can provide specifics regarding the violations and information on compliance.

Secretary of the Board
 Unsafe Structures Board

cc: ***Known Interested Parties:*** Jose L. Arango, 2525 Ponce de leon Blvd., #700, Coral Gables, FL 33134; Porky's Cabaret, Inc., c/o Dulce E. Tundidor, 883 SE 14 Street, Hialeah, FL 33010; Betty Seidle, 10862 Leafwing Drive, Sarasota, FL 34241; AAJ of Miami, Inc., 2900 NW 36 Street, Miami, FL 33142; AAJ of Miami, Inc., c/o Vanessa Bertran, Esq., 250 Catalonia Avenue, Suite 205, Coral Gables, FL 33134; Michael A. Seidle, 10862 Leafwing Drive, Sarasota, FL 34241; Robert K. Seidle, 10862 Leafwing Drive, Sarasota, FL 34241; AAJ of Miami, Inc., 3450 Stallion Lane, Weston, FL 33331; Haydee S. Sera, 2525 Ponce de Leon Boulevard, Suite 700, Coral Gables, FL 33134; Daylen Docampo-Perez, 501 Palm Avenue, 2nd Floor, Hialeah, FL 33010; City of Hialeah, Building Department, 501 Palm Avenue, 2nd Floor, Hialeah, FL 33010, Attn: Alexis Riveron, Building Official.

It is the policy of Miami-Dade County to comply with all of the requirements of the Americans with Disabilities Act. For sign language interpreter services call (305) 670-9099 five days in advance. For material in accessible format or for ADA complaints call Kathy Charles at (786) 315-2571.



Department of Regulatory and Economic Resources
 Board Administration Section
 11805 SW 26th Street (Coral Way)
 Miami, Florida 33175
 (786) 315-2332 Fax (786) 315-2929
Unsafe Structures Board
 (786) 315-2573 Fax (786) 315-2570

Date: June 15th, 2020

**NOTICE OF HEARING
 MIAMI-DADE COUNTY UNSAFE STRUCTURES BOARD**

James Tundidor
43 Eucalyptus Drive
Hialeah, FL 33010

Re: 855 SE 14 Street
Case No: HIA2019-001

The Unsafe Structures Board will hold a public hearing to hear evidence relative to the following order(s) issued by the Building Official:

BUILDING OFFICIAL'S ORDER:

BUILDING DESCRIPTION:

Repair or Demolish

(A) 1-Story Commercial Building

You may appear in person or have presentation by an attorney at the **1:00 P.M.** session on **July 15th, 2020**, at the **Herbert Saffir Permitting & Inspection Center, Department of Regulatory and Economic Resources**, located at ***11805 SW 26 Street (Coral Way), Miami, Fl. 33175, 2nd Floor, Conference Rooms, I & J *(Meeting maybe converted to a Virtual Public Meeting and details will be provided.)**. Please note that there was a deferral of the matter in January 15th, 2020 already agreed to by interested parties and Building Official representatives that was placed on file. **Cases to be heard will be considered by the Board at 1:00 P.M.**

All file or case inquiries should be addressed to the City of Hialeah, Building Department at (305) 883-5825. The appropriate Building Official can provide specifics regarding the violations and information on compliance.

Secretary of the Board
 Unsafe Structures Board

cc: **Known Interested Parties:** Jose L. Arango, 2525 Ponce de Leon Blvd., #700, Coral Gables, FL 33134; Porky's Cabaret, Inc., c/o Dulce E. Tundidor, 883 SE 14 Street, Hialeah, FL 33010; Betty Seidle, 10862 Leafwing Drive, Sarasota, FL 34241; AAJ of Miami, Inc., 2900 NW 36 Street, Miami, FL 33142; AAJ of Miami, Inc., c/o Vanessa Bertran, Esq., 250 Catalonia Avenue, Suite 205, Coral Gables, FL 33134; Michael A. Seidle, 10862 Leafwing Drive, Sarasota, FL 34241; Robert K. Seidle, 10862 Leafwing Drive, Sarasota, FL 34241; AAJ of Miami, Inc., 3450 Stallion Lane, Weston, FL 33331; Haydee S. Sera, 2525 Ponce de Leon Boulevard, Suite 700, Coral Gables, FL 33134; Daylen Docampo-Perez, 501 Palm Avenue, 2nd Floor, Hialeah, FL 33010; City of Hialeah, Building Department, 501 Palm Avenue, 2nd Floor, Hialeah, FL 33010, Attn: Alexis Riveron, Building Official.

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Delivering Excellence Every Day

Department of Regulatory and Economic Resources
Herbert Saffir Permitting & Inspection Center
11805 SW 26th Street (Coral Way)
Miami, Florida 33175
UNSAFE STRUCTURES BOARD
(786) 315-2573 FAX (786) 315-2570

Clerk of Courts Use

Date Transmitted: February 19th, 2020

NOTICE OF BOARD DECISION
MIAMI-DADE COUNTY UNSAFE STRUCTURES BOARD

PLEASE NOTE: FOR FULL INFORMATION CONCERNING THE DECISION PLEASE READ THIS DOCUMENT IN ITS ENTIRETY

James Tundidor
43 Eucalyptus Drive
Hialeah, FL 33010

Re: 855 SE 14 Street

Legal Description: West Buena Vista PB 7-6, Lots 4-5 and 6 Block 3, Lot Size 142.060 X 136, Or 14220-528 0789 5, Hialeah, Florida.

Master Case No.: HIA2019-001

Board action on (A) 1-Story Commercial Building located at the above address is as follows:

At its meeting of February 12, 2020, the Unsafe Structures Board ruled that:

This case shall be deferred to the Unsafe Structures Board meeting of Wednesday, July 15th, 2020 at 1:00 P.M.

Please contact the City of Hialeah, Building Department, (305) 883-5825, Ext. 6045, to address any case inquires or case information.

The Unsafe Structures Board is Quasi-Judicial; the decision and specified compliance date is final and binding. Any person aggrieved by a decision of the Unsafe Structures Board may seek judicial review of that decision in accordance with the Florida Rules of Appellate Procedure as indicated in Chapter 8, Section 8-5 (o) of the Code of Miami-Dade County.

Respectfully,

[Handwritten signature of Kathy Charles]
Secretary of the Board
Unsafe Structures Board

This instrument was prepared by
Linda M. Alvarez
Miami Dade County
Department of Regulatory and Economic Resources
Board Administration Section
11805 SW 26 Street (Coral Way), 2nd Floor
Miami, Florida 33175

LA

cc: Known Interested Parties: Jose L. Arango, 2525 Ponce de leon Blvd., #700, Coral Gables, FL 33134; Porky's Cabaret, Inc., c/o Dulce E. Tundidor, 883 SE 14 Street, Hialeah, FL 33010; Betty Seidle, 10862 Leafwing Drive, Sarasota, FL 34241; AAJ of Miami, Inc., 2900 NW 36 Street, Miami, FL 33142; AAJ of Miami, Inc., c/o Vanessa Bertran, Esq., 250 Catalonia Avenue, Suite 205, Coral Gables, FL 33134; Michael A. Seidle, 10862 Leafwing Drive, Sarasota, FL 34241; Robert K. Seidle, 10862 Leafwing Drive, Sarasota, FL 34241; AAJ of Miami, Inc., 3450 Stallion Lane, Weston, FL 33331; Haydee S. Sera, 2525 Ponce de Leon Boulevard, Suite 700, Coral Gables, FL 33134; Daylen Docampo-Perez, 501 Palm Avenue, 2nd Floor, Hialeah, FL 33010; City of Hialeah, Building Department, 501 Palm Avenue, 2nd Floor, Hialeah, FL 33010, Attn: Alexis Riveron, Building Official.

Seal

I hope you are doing well. I am writing to follow up on the below email and getting the appeal scheduled for hearing. Please let me know if we can get on the agenda for this month. If it would be helpful for us to advertise the hearing, I can discuss that option with my client.

Thank you,
Haydee

From: Haydee S. Sera
Sent: Friday, August 23, 2019 4:20 PM
To: 'linda.alvarez@miamidade.gov' <linda.alvarez@miamidade.gov>; 'kathy.charles@miamidade.gov' <kathy.charles@miamidade.gov>
Cc: Jose L. Arango <JLArango@wsh-law.com>; Eric P. Hockman <EHockman@wsh-law.com>
Subject: RE: Appeal of Notice of Violation of Unsafe Structure / Property Address: 885 SE 14 Street, Hialeah, FL 33010 / Folio No.: 04-3120-010-0260 / City of Hialeah Reference No.: 2019-7434

Linda:

Thank you for confirming receipt of the appeal. To clarify, the City of Hialeah conducted an unauthorized inspection of the Property in the late evening of Thursday, July 25, 2019. It is our position that the date of July 5, 2019 on the Notice of Violation was a scrivener's error. I would direct attention to the Red Tag notice, which is dated July 25, 2019. A photo of the notice is found on Exhibit A (page 4 of the 68 page PDF) and on Exhibit B (page 14 of the 68 page PDF) of the appeal we filed earlier today. The Notice of Violation was apparently sent in follow up to the July 25, 2019 inspection.

As additional support for this position, I am attaching the U.S. Postal Service Tracking Information for the certified mail that is listed on the Notice. The Notice apparently arrived at the USPS facility on August 6, 2019 and was out for delivery on August 8, 2019. The Notice was never received by my client via certified mail. In addition, the Unsafe Structure Deficiency List (Page 8 of 68) is dated August 2, 2019 and another report from the inspection is dated July 26, 2019 (page 9 to 10 of 68). On page 10, the conclusion states that the property was deemed unsafe on July 25, 2019, the date of the inspection.

I trust that this information is helpful. As far as scheduling the hearing, I understand that advertisements have gone out for the September 18, 2019 hearing. We would appreciate the opportunity to be added to the September 18 agenda as the business has been wrongfully shut down for over a month, causing damages to many individuals and families.

Please let us know if you have any further questions or concerns.

Regards,
Haydee

From: Haydee S. Sera
Sent: Friday, August 23, 2019 12:53 PM
To: 'linda.alvarez@miamidade.gov' <linda.alvarez@miamidade.gov>; 'bldgdept@miamidade.gov' <bldgdept@miamidade.gov>
Cc: 'ddocampo@hialeahfl.gov' <ddocampo@hialeahfl.gov>; 'buildingdepartment@hialeahfl.gov' <buildingdepartment@hialeahfl.gov>; 'latisha.byrd@miamidade.gov' <latisha.byrd@miamidade.gov>; 'kathy.charles@miamidade.gov' <kathy.charles@miamidade.gov>; Eric P. Hockman <EHockman@wsh-law.com>; Jose L. Arango <JLArango@wsh-law.com>
Subject: Appeal of Notice of Violation of Unsafe Structure / Property Address: 885 SE 14 Street, Hialeah, FL 33010 / Folio No.: 04-3120-010-0260 / City of Hialeah Reference No.: 2019-7434

Dear Ms. Alvarez:

Our firm represents Porky's Cabaret, Inc. d/b/a Bella's Cabaret, a business located at 885 SE 14 Street, Hialeah, FL 33010 (the "Property"). On July 25, 2019, the City of Hialeah's Building Official (the "Building Official") posted an Unsafe Structure Notice

(the "Red Tag Notice") at the Property. Thereafter, the Building Official issued a Notice of Violation (the "Unsafe Structure Notice") relating to the Property.

Attached (via a Citrix Attachment) please find a request for hearing and appeal to the Miami-Dade County Unsafe Structures Board.

We respectfully request that a hearing be scheduled before the Board at the earliest available date. Please send the Notice of Hearing to my attention at 2525 Ponce de Leon Boulevard, Suite 700, Coral Gables, Florida 33134 and via email at hsera@wsh-law.com.

Should you have any questions or concerns, please do not hesitate to contact me or my colleagues, Eric Hockman and Jose Arango, at 305-854-0800 or by email at hsera@wsh-law.com, ehockman@wsh-law.com, or jarango@wsh-law.com.

Sincerely,

Haydee Sera

Citrix Attachments

Expires February 19, 2020

3FR6485.PDF

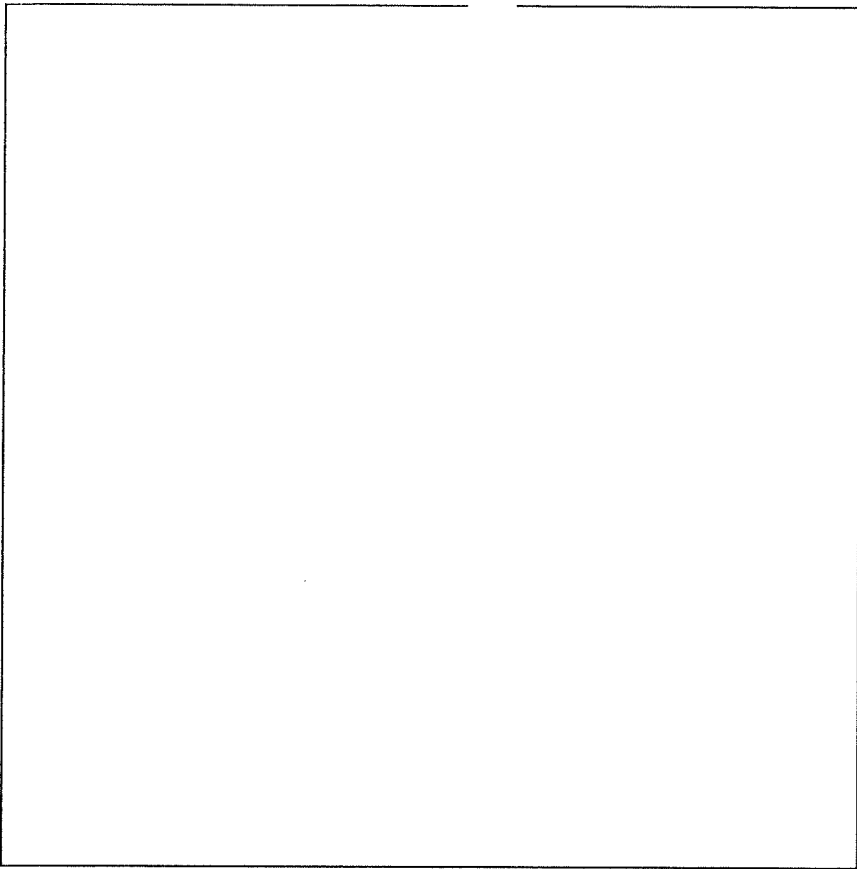
96.8 MB

[Download Attachments](#)

Haydee Sera uses Citrix Files to share documents securely.

Haydee Sera

Associate Attorney



2525 Ponce de Leon Blvd., Suite 700 | Coral Gables, FL 33134
P: (305) 854-0800 x237 F: (305)-854-2323 wsh-law.com | vCard



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Carlos Hernandez
Mayor

Vivian Casáls-Muñoz
Council President

Isis Garcia-Martinez
Council Vice President

Council Members
Jose F. Caragol
Katharine E. Cue-Fuente
Paul B. Hernandez
Lourdes Lozano
Carl Zogby

City of Hialeah

Thursday, September 12, 2019

Kathy Charles
Board Administrator
Miami-Dade County
Department of Regulatory and Economic Resources
Board Administration Section
11805 SW 26th Street, Room 230
Miami, Florida 33175

Via email to Kathy.Charles@miamidadegov

RE: Filing of Case Records in regards to Appeal of Notice of Violation of Unsafe Structure submitted by counsel representing Property Owners.

Property Address: 885 SE 14 Street, Hialeah, Florida 33010

Folio: 04-3120-010-0260

City of Hialeah Reference No.: 2019-7434

Dear Ms. Charles and Honorable Members of the Unsafe Structure Board:

Pursuant your request, we have enclosed the following records in regards to the Appeal of Notice of Violation of Unsafe Structure submitted by counsel representing the Property Owners:

- Case Resume.
- List of Interested Parties.
- Notice of Violation – Unsafe Structure.
- Inspection Reports from Chief Electrical Inspector and Chief Building Inspector.
- Inspection Photos.
- Building Permit History and Microfilms.

If you need additional information, or should you have any additional questions or concerns, please contact the City Attorney, Ms. Lorena E. Bravo at 305-883-5936 or by email at LBravo@hialeahfl.gov. Please forward all further notices and correspondence to the City Attorney, Ms. Bravo.

Sincerely,

Alexis Riveron
Building Official

501 Palm Ave, 2nd Floor, Hialeah FL 33010 Ph.: 305-883-5825 Fax: 305-883-8082
buildingdepartment@hialeahfl.gov

501 Palm Avenue, Hialeah, Florida • 33010-4719
www.hialeahfl.gov

**MIAMI DADE COUNTY UNSAFE STRUCTURES BOARD
CASE RESUME**

CITY REFERENCE NO: 2019-7434 Unsafe Structure

PROPERTY ADDRESS: 855 SE 14 Street, Hialeah, Florida 33010.

FOLIO: 04-3120-010-0260

LEGAL DESCRIPTION: LOT 4,5 AND 6, BLOCK 3, WEST BUENA VISTA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, AT PAGE 6, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA.

PROPERTY OWNER: James Tundidor

PROPERTY OWNER'S ADDRESS: 43 Eucalyptus Dr, Hialeah, Florida 33010.

INTERESTED PARTIES: See attached.

BUILDING DESCRIPTION: Single story commercial building.

DESCRIPTION AND DEFECT OF BUILDING:

Substantial improvements, remodeling, additions, repairs, and alterations have been done to the interior of the building without first obtaining a building permit, including without limitation, electrical, plumbing, mechanical, structural, and building construction work. The current use of some spaces is inconsistent with the permitted use found on existing building records. For example, the basement has been remodeled to be used as a place of assembly with a full bar, dance stage etc., all without a building permit and inconsistent with the permitted use, which is storage, and in violation of several technical codes including the Florida Building Code. Evidence of structural modifications and reconfiguration of interior spaces was found, including without limitation the relocation of a kitchen and a bar, all done without first obtaining a building permit.

Further defects were found to exist as mentioned in the Notice of Violation, Deficiency List, and Inspection Reports enclosed herein. Photos depicting the existing condition of the building have attached.

IN THE MATTER OF: The Building Department has found the above described building to be an unsafe structure, as required in section 8-5 of the code of Miami- Dade County, a Notice of Violation was sent to the owner directing them to:

1. Submit proper construction documents for review to obtain permits to LEGALIZE OR DEMOLISH all improvements, remodeling, additions, repairs, and alterations done without first obtaining a building permit.
2. VACATE the premises until such time the unsafe condition is removed as determined by the Building Official, and a Certificate of Occupancy is reissued.



The Notice provisions having been complied with by the City of Hialeah, this public hearing is being held as a result of the Property owner's appeal of the decision of the Building Official, and so that the Unsafe Structure Board may hear testimony, and to direct the owner to show cause why the Building Official's order should not be carried out. We hereby request that this Case Resume ad. I request that this Resume be made part of your official records together with the documents attached hereafter as follows:

- Exhibit "A" - List of Interested Parties.
- Exhibit "B" - Notice of Violation – Unsafe Structure.
- Exhibit "C" - Inspection Reports from Chief Electrical Inspector and Chief Building Inspector.
- Exhibit "D" – Inspection Photos.
- Exhibit "E" - Building Permit History and Microfilms.

CRITERIA: Per Section 8-5 of the Miami-Dade County Code, our estimate of the percentage of deterioration is as follows:

| | Percent Deterioration | Approximate value | Approximate repair |
|---|-----------------------|-------------------|--------------------|
| Structure (one-story commercial building) | 30% | \$674,900 | \$202,470 |

PREVIOUS ACTIONS TAKEN BY THE BUILDING DEPARTMENT:

| Dates | Previous Actions Taken |
|---------|--|
| 7-25-19 | INITIAL INSPECTION PERFORMED, PICTURES TAKEN |
| 7-25-19 | UNSAFE STRUCTURE SIGN POSTED ON BUILDING, PICTURE TAKEN |
| 8-5-19 | NOTICE OF VIOLATION - UNSAFE STRUCTURE ISSUED, MAILED TO OWNER (CERTIFIED MAIL RETURN RECEIPT REQUESTED) |
| 8-14-19 | INSPECTION REPORTS AND PHOTOS SENT TO COUNSEL REPRESENTING PROPERTY OWNER |

BUILDING OFFICIAL'S DECISION AND REQUEST:

Based on the application of the physical and valuation criteria contained in section 8-5 of the Code of Miami-Dade County and based on the application of Section 8-5 to the subject structure, it is the decision of the Building Official that this building is unsafe and constitutes a hazard, as cited in the Notice of Violation.

The Building Official therefore respectfully requests that the Unsafe Structures Board uphold my decision as written, and order the Property Owner to:

1. Submit proper construction documents for review to obtain permits to **LEGALIZE OR DEMOLISH** all improvements, remodeling, additions, repairs, and alterations done without first obtaining a building permit, within the time frame recommended to the Unsafe Structure Board.
2. **VACATE** the premises until such time the unsafe condition is removed as determined by the Building Official, and a Certificate of Occupancy is reissued.

Presented by:



Alexis Riveron
City of Hialeah Building Official

501 Palm Ave, 2nd Floor, Hialeah FL 33010 Ph.: 305-883-5825 Fax: 305-883-8082
buildingdepartment@hialeahfl.gov