



To: Peter A. Gonzalez

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "CL", is written over the name "Craig E. Leen".

RE: Legal Opinion Regarding Filing of Appeal Form

Date: September 29, 2015

1. It is my office's opinion that the Zoning Code only requires a "Notice of Appeal" and does not specify a particular form. Thus, as long as the document filed within 10 days evidences an intent to appeal, that is sufficient. I would note that the fee waiver document does evidence this intent. This is also the way that Florida courts treat notices of appeal. As indicated in *Wynn v. State*, 557 So. 2d 188, 189-90 (Fla. 1st DCA 1990):

"Although the pro se notice of appeal was not timely filed, defendant asserts that certain pleadings and letters filed by the defendant and made known to the trial court within the 30-day period for filing an appeal conferred jurisdiction on this court under any or all of the following three theories: 1) A letter and motion for appointment of counsel should be construed as a notice of appeal; 2) defendant's due process rights were violated when the trial court did not afford him a timely appeal; and 3) defense counsel was ineffective for not filing a timely notice of appeal. The state agrees with the defendant that this court should accept jurisdiction of this matter under either of the first two theories of jurisdiction proposed by the defendant. Although the parties cannot confer jurisdiction on this court by agreement or stipulation, we agree that the letter and pleadings filed within the 30-day appeal period are sufficient to confer jurisdiction on this court. Deficiencies in form or substance in the notice of appeal are not jurisdictional and are not a basis for

dismissal of the appeal unless it is clearly shown that the complaining party was misled or prejudiced by the deficiencies.”

The same basic principle was followed nine years earlier by the Third District, where the Court held in denying a motion to dismiss an appeal: “To the contrary, *in accordance with the welcome policy that appellate like other judicial proceedings should be determined on their merits*, instead of upon irrelevant technicalities, our supreme court has determined-by both its decisions and its enactment of the governing rules of appellate procedure-*that non-jurisdictional and non-prejudicial defects in the notice or other steps in the appellate process are not grounds for dismissal.*” *Puga v. Suave Shoe Corp.*, 417 So. 2d 678, 679 (Fla. 3d DCA 1981)(emphasis added) (internal footnote omitted); *see also Florida Sugar Cane League, Inc. v. Florida Dept. of Environmental Regulation*, 602 So. 2d 544, 545 (Fla. 1st DCA 1991) (“Although not articulated by the appellee, there is an implied argument in the motion to dismiss that the order of June 7 was final and that appellee’s identification of the May 15 order in the notice of appeal has resulted in a jurisdictional defect. The identification of the wrong order in a notice of appeal, without more, is not grounds for dismissal.”). It is my office’s opinion that it would be clear error to dismiss the appeal where the appeal waiver petition was filed within ten days of the underlying decision and evidences an intent to appeal.

2. Please note, the City has accepted an email as a notice of appeal in the past. I am asking my office to review your request as a public records request, as I believe there may be other instances. I am also forwarding you two cases I recalled where an email notice of appeal was accepted (one was accepted quite recently).

3. The City recently adopted the appellate fee waiver process by resolution. There have been two recent instances where it has been used (I am asking my office to check whether there are other cases as well). In a recent instance involving residents near the Coral Gables Country Club, the initial notice of appeal was filed by email (mentioned above). At that time, there was no fee waiver process. The process was established in response to a request to waive the fee made in that appeal. The other case where it has been used is here in this case. I would note that the fee waiver resolution expressly indicates that the fee waiver form is filed with my office. The Deputy City Attorney then provided it to the City Clerk and other City staff the same day. It is my view that this is the appropriate procedure for handling an appeal fee waiver petition.

4. I view the jurisdictional issue in a similar manner to the courts. For jurisdictional purposes, a specific notice of appeal form is not required. As long as the document filed substantially complies, it is sufficient. In my opinion, the appellate fee waiver contains the necessary information for an appeal, and evidences an intent to appeal. I believe it would be clear error not to accept it as indicated in the cases above.

5. The appealing party has confirmed that she is ordering the transcript on an expedited basis, which is her responsibility. For an appeal of a Board of Architects decision, there is no mailing requirement, as only posting is required. The appeal information will be posted. The purpose of the checklist is to let the appealing party know what needs to be done in processing the appeal. Please note, some of these items cannot always be done by the time the notice or application is filed. Ultimately, it is my view that filling out the checklist is not a jurisdictional requirement. This opinion is consistent with the cases cited above.

6. As I do not view the specific form as jurisdictionally required, it makes sense that the appealing party could amend it if she wishes. That is completely her decision, and is not being recommended or required by the City.

7. Please note, my office does not provide legal advice. My office simply provides legal opinions and interpretations on behalf of the City to applicants and appealing parties who request the City's position on a legal matter within the City's jurisdiction. The opinions my office issues makes it clear as to the City's position on these matters. It remains my office's view that both sides should have access to opinions and interpretations that are issued in this matter, and that documents placed in the record are provided to both sides, in conformance with the Jennings standard.

I fully understand that you do not agree with all my opinions as expressed above, and I would note that you have raised your objections through your emails, which will be placed in the record.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Cc: [Ramos, Miriam](#); [Figueroa, Yanneris](#); [Chen, Brigette](#)
Subject: FW: PonceCat Segovia LLC - Segovia Project
Date: Monday, September 28, 2015 8:43:03 PM
Attachments: [image004.png](#)
[image006.png](#)
[image007.png](#)

Please publish as a City Attorney Opinion.

Craig E. Leen, City Attorney

*Board Certified by the Florida Bar in
City, County and Local Government Law*
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com



Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Monday, September 28, 2015 8:27 PM
To: 'Peter A. Gonzalez'
Subject: RE: PonceCat Segovia LLC - Segovia Project

Mr. Gonzalez,

Good evening. I am writing in response to your email of September 24th. I will address the main points in your email that have not already been addressed:

1. It is my office's opinion that the Zoning Code only requires a "Notice of Appeal" and does not specify a particular form. Thus, as long as the document filed within 10 days evidences an intent to appeal, that is sufficient. I would note that the fee waiver document does evidence this intent. This is also the way that Florida courts treat notices of appeal. As indicated in *Wynn v. State*, 557 So. 2d 188, 189-90 (Fla. 1st DCA 1990):

“Although the pro se notice of appeal was not timely filed, defendant asserts that certain pleadings and letters filed by the defendant and made known to

the trial court within the 30-day period for filing an appeal conferred jurisdiction on this court under any or all of the following three theories: 1) A letter and motion for appointment of counsel should be construed as a notice of appeal; 2) defendant's due process rights were violated when the trial court did not afford him a timely appeal; and 3) defense counsel was ineffective for not filing a timely notice of appeal. The state agrees with the defendant that this court should accept jurisdiction of this matter under either of the first two theories of jurisdiction proposed by the defendant. Although the parties cannot confer jurisdiction on this court by agreement or stipulation, we agree that the letter and pleadings filed within the 30 day appeal period are sufficient to confer jurisdiction on this court. Deficiencies in form or substance in the notice of appeal are not jurisdictional and are not a basis for dismissal of the appeal unless it is clearly shown that the complaining party was misled or prejudiced by the deficiencies."

The same basic principle was followed nine years earlier by the Third District, where the Court held in denying a motion to dismiss an appeal: **"To the contrary, *in accordance with the welcome policy that appellate like other judicial proceedings should be determined on their merits*, instead of upon irrelevant technicalities, our supreme court has determined-by both its decisions and its enactment of the governing rules of appellate procedure-*that non-jurisdictional and non-prejudicial defects in the notice or other steps in the appellate process are not grounds for dismissal.*"** *Puga v. Suave Shoe Corp.*, 417 So. 2d 678, 679 (Fla. 3d DCA 1981)(emphasis added) (internal footnote omitted); *see also Florida Sugar Cane League, Inc. v. Florida Dept. of Environmental Regulation*, 602 So. 2d 544, 545 (Fla. 1st DCA 1991) ("Although not articulated by the appellee, there is an implied argument in the motion to dismiss that the order of June 7 was final and that appellee's identification of the May 15 order in the notice of appeal has resulted in a jurisdictional defect. The identification of the wrong order in a notice of appeal, without more, is not grounds for dismissal."). It is my office's opinion that it would be clear error to dismiss the appeal where the appeal waiver petition was filed within ten days of the underlying decision and evidences an intent to appeal.

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I fully understand that you do not agree with all my opinions as expressed above, and I would note that you have raised your objections through your emails, which will be placed in the record.

Best regards,

Craig E. Leen, City Attorney

*Board Certified by the Florida Bar in
City, County and Local Government Law*
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218

Fax: (305) 460-5264
Email: cleen@coralgables.com



Celebrating 90 years of a dream realized.

From: Peter A. Gonzalez [<mailto:pgonzalez@smgqlaw.com>]
Sent: Thursday, September 24, 2015 2:50 AM
To: Leen, Craig
Cc: Ramos, Miriam; Laura Russo; Roney J. Mateu; Foeman, Walter; Figueroa, Yaneris; Davis, Yolande; Wu, Charles; Alberto Perez
Subject: RE: PonceCat Segovia LLC - Segovia Project

Dear Mr. Leen,

Thanks for your prompt reply at this late hour.

How can we go about learning or determining how many other appeals have been accepted by the city after appellants have failed to deliver a completed Application for Appeal within the 10-day time period? And how many appeals have been rejected for not having submitted the completed Application for Appeal in a timely manner, within the 10-day time period?

How many other appeals have received the same treatment of construing the filing of the appellate fee waiver request as constituting the same as the timely filing of a notice of appeal?

Your email states that a written document (presumably the appellate fee waiver request) was filed evidencing an intent to appeal, and that a copy was provided to the Clerk's Office upon receipt. Who actually provided the appellate fee waiver request to the Clerk's Office?

What is the basis for your office's opinion that the appeal was perfected for purposes of jurisdiction at the moment the appellate fee waiver was filed?

What is the basis for your opinion that there is no legal or jurisdictional requirement obligating the appellant to physically fill out the checklist with checks? If your opinion is correct, then why bother having the checklist with empty boxes in the Application for Appeal form under the section titled "**(FOR APPLICANT ONLY)**" in the first place?

Where in the Application for Appeal form does it state that the appellant can ignore the questions, not fill out or check any of the boxes, and turn in the form days after the 10-day deadline has elapsed?

Where on the form does it state that the Application for Appeal is merely designed or "meant to assist the appellant in proceeding with the appeal."?

Your email below implies that Ms. Longo may file an amended form, effectively giving Ms. Longo even more guidance and support in her efforts to derail my client's project and continue to deliberately interfere with my client's property rights, at my client's substantial expense. There is absolutely no reason why anyone in the city should gratuitously provide Ms. Longo with what amounts to free legal advice on how to possibly cure a seemingly defective (and untimely submitted) Application for Appeal, by virtue of an email that states that the appellant can determine whether or not to file an amended form.

Where in the Application for Appeal or elsewhere does it state that an appellant can amend an Application for Appeal that was untimely submitted in an incomplete manner?

If you put yourself in my client's shoes for a nanosecond, you may begin to understand and appreciate why my client is increasingly dismayed and disturbed with the "process" in play here. Many others are also equally frustrated and troubled by what is going on here. As a long-time resident of Coral Gables and a businessperson that has enjoyed having his business in downtown Gables and employing many individuals in the city of Coral Gables for nearly 20 years, I am also troubled with how Ms. Longo is permitted to do as she pleases, at my client's expense.

To the extent possible, please refrain from directly or indirectly sending Ms. Longo anymore friendly advice on how she can try to cure possibly fatal deficiencies in connection with her appeal.

Thank you for stating that the City Commission will hear the appeal on its merits, and make the ultimate decision. By your statement, I am assuming that Ms. Longo will not be permitted to continue to do as she pleases once more by, for instance, adding to the existing record. I submitted no fewer than 17 exhibits into evidence, and none of the witnesses from the audience that testified under oath in favor of the Segovia project were hired guns that were paid for their testimony. Please confirm that the parties may not introduce "new" evidence at the Commission hearing. I have ordered a copy of the transcript of the September 9, 2015 Board of Architects hearing which will be provided to the Commission prior to any hearing on Ms. Longo's appeal. If Ms. Longo wishes to have a copy, she will need to pay for it since I do not believe that private court reporting companies have a fee waiver process that allows an individual that owns multiple Coral Gables properties to claim poverty to escape the responsibility of paying the cost of a transcript of proceedings.

Ms. Longo and her team provided no documentary evidence whatsoever which was requested by her (or Mr. Fabre) to be admitted as part of the record, and at least one of her "witnesses" was not a Coral Gables resident and did not come clean with the Board as to whether or not she was paid to be present and paid for her testimony. As you may recall, I objected to one of the witnesses testifying in opposition to the project, and you overruled my objection. I would be happy to discuss this issue with you at your convenience since proceedings before the Board of Architects should be transparent, and not a cynical game by the opposition designed to damage residents and business owners of Coral Gables such as my client and its principals.

Sincerely,

PETER A. GONZÁLEZ



SANCHEZ-MEDINA, GONZALEZ, QUESADA,
LAGE, CRESPO, GOMEZ, MACHADO & PREIRA LLP
201 Alhambra Circle | Suite 1205 | Coral Gables, Florida 33134-5107
Office: 305.377.1000 Ext. 105 | Direct Fax: 855.898.2748 | Toll Free: 855.213.4806
PGonzalez@SMGOLAW.com | SMGOLAW.com | [Attorney Bio](#)

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From: Leen, Craig [<mailto:cleen@coralgables.com>]
Sent: Thursday, September 24, 2015 1:35 AM
To: Peter A. Gonzalez
Cc: Ramos, Miriam; Laura Russo; Roney J. Mateu; Foeman, Walter; Figueroa, Yaneris; Davis, Yolande; Wu, Charles; Alberto Perez
Subject: Re: PonceCat Segovia LLC - Segovia Project

Good evening, Mr. Gonzalez,

In response to this inquiry, I would refer you to my prior email, which indicates that my office treats the filing of the appellate fee waiver as the filing of a notice of appeal for purposes of the Zoning Code. It was clear at that moment of the intent to appeal, and a written document was filed evidencing that fact. A copy was provided to the Clerk's Office upon receipt, which occurred within the ten day appeal period.

In my office's opinion, the appeal was perfected for purposes of jurisdiction at the moment the appellate fee waiver was filed. The document you are now objecting to is the form that was subsequently filed by the appellant after the appellate fee waiver was filed. The form is provided by the Clerk's Office to assist appellants in filing an appeal. My office would not know why the appellant filled out the form in any particular manner. There is no legal or jurisdictional requirement, however, obligating the appellant to physically fill out the checklist with checks. Instead, the checklist is meant to assist the appellant in proceeding with the appeal. I would also note that the appellant provided the substantive information requested on the first page, and that she also noted that she is proceeding with an appellate fee waiver.

The appellant will be informed of your objection and can determine for herself whether or not to file an amended form. This will not affect the City Commission's jurisdiction over the appeal. The City

Commission will hear the appeal on its merits, and make the ultimate decision. Once again, your objection is noted for the record.

Craig E. Leen
City Attorney

Sent from my iPhone

On Sep 24, 2015, at 12:04 AM, Peter A. Gonzalez <pgonzalez@smgqlaw.com> wrote:

Dear Ms. Ramos,

Thank you for providing me with a copy of the Application for Appeal signed by Ms. Longo earlier today, September 23, 2015, well after the 10-day deadline to submit the appeal application form to the City Clerk.

Please explain to me why Ms. Longo's untimely Application for Appeal was accepted by the city when it is an incomplete form that has none of the boxes checked off under the section titled "**(FOR APPLICANT ONLY)**". In fact, the last item has two boxes, one box for **Yes** and a second box for **No** to determine whether the Application was submitted within the "**10 days deadline for filing appeal from a decision of the Board has been met**". Neither box was checked off. Why not?

Please advise.

Sincerely,

PETER A. GONZÁLEZ



SANCHEZ-MEDINA, GONZALEZ, QUESADA,
LAGE, CRESPO, GOMEZ, MACHADO & PREIRA LLP
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PGonzalez@SMGQLAW.com | SMGQLAW.com | [Attorney Bio](#)

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constitute legal advice and is not intended to create and does not constitute an attorney-client relationship. Any attorney-client relationship, as well as any legal advice given thereunder, shall only be entered into and/or given, as applicable, pursuant to an express written agreement signed by an authorized member of Sanchez-Medina, Gonzalez, Quesada, Lage, Crespo, Gomez, Machado & Preira LLP.

From: Ramos, Miriam [<mailto:mramos@coralgables.com>]
Sent: Wednesday, September 23, 2015 3:58 PM
To: Peter A. Gonzalez
Cc: Laura Russo; Roney J. Mateu; Foeman, Walter; Leen, Craig; Figueroa, Yaneris; Davis, Yolande; Wu, Charles; Alberto Perez
Subject: RE: PonceCat Segovia LLC - Segovia Project

Mr. Gonzalez,

As requested, please find form filed by Ms. Longo attached.

Sincerely,

Miriam S. Ramos, Esq.

Deputy City Attorney
City of Coral Gables
405 Biltmore Way, 3rd Floor
Coral Gables, FL 33134
(305) 460-5218
(305) 460-5084 direct dial



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PUBLIC RECORDS:

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From: Peter A. Gonzalez [<mailto:pgonzalez@smgqlaw.com>]
Sent: Wednesday, September 23, 2015 3:11 PM
To: Ramos, Miriam
Cc: Laura Russo; Roney J. Mateu; Foeman, Walter; Leen, Craig; Figueroa, Yaneris; Davis, Yolande; Wu, Charles; Alberto Perez
Subject: RE: PonceCat Segovia LLC - Segovia Project

Dear Ms. Ramos,

Thank you for your email. Your email below confirms that the appellant failed to submit the “application for appeal” until today, September 23, 2015, well after the 10-day deadline. As acknowledged by you in your email below, this is a violation of the requirements to appeal the Board of Architects decision to the Commission. Please let me know the basis for your office’s belief that such violation may be cured and kindly provide me with a copy of whatever was filed untimely today which supposedly cured the violation.

The Application for Appeal which Maricris Longo failed to timely submit as required contains a section titled “**(FOR APPLICANT ONLY)**”. It appears that Ms. Longo is not an “Applicant” since she did not even bother to submit the Application timely, but even if she had complied with the rules (and she did not), it also appears that she did not comply with the items enumerated under the “**(FOR APPLICANT ONLY)**” section. Please advise how is it that Ms. Longo may proceed with an appeal without having complied with all requirements set forth in the Application for Appeal which she did not even bother to submit within the 10-day time period.

I am troubled and disturbed that Ms. Longo, who purports to be objecting to the Board of Architect’s decision purportedly because the Board failed to comply with Ms. Longo’s warped view of “the rules” is then permitted to move forward with an untimely appeal without complying with all of the rules and requirements herself.

I look forward to receiving your response, and thank you for your attention to this matter.

PETER A. GONZÁLEZ



SANCHEZ-MEDINA, GONZALEZ, QUESADA,
LAGE, CRESPO, GOMEZ, MACHADO & PREIRA LLP
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From: Ramos, Miriam [<mailto:mramos@coralgables.com>]
Sent: Wednesday, September 23, 2015 2:38 PM
To: Peter A. Gonzalez
Cc: Laura Russo; Roney J. Mateu; Foeman, Walter; Leen, Craig; Figueroa, Yaneris; Davis, Yolande; Wu, Charles
Subject: RE: PonceCat Segovia LLC - Segovia Project

Dear Mr. Gonzalez,

Attached please find the email thread reflecting that appellant filed the signatures required to waive the appeal fee on Sept. 18th, nine days after the hearing. While appellant failed to submit the “application for appeal” itself, this is a technical violation and one which we believe may be cured (and has been as of today), especially given the fact that appellant is a non-attorney. Therefore, this office opines that the 10-day deadline was adhered to.

As for the number of signatures, you will find in the attachment that there are actually 40 signatures. The attachment also reflects that we confirmed that the individuals who signed were within the 1,000 foot radius. We found one individual was not, therefore there are either 39 or 38 signatures that were considered, depending on whether we count Ms. Longo’s. As to the requirement to provide proof of financial hardship or burden, Section 3 of Resolution No. 2014-224 As Amended, states, that “a fee waiver will be available to all applicants who

present to the City Attorney a petition requesting a fee waiver signed by thirty households within a thousand feet of the subject property.” Said petition was submitted directly to our office on Sept. 18th. Regarding the submittal of the transcript, although typically done, is not required for Board of Architects appeals.

Based on the above, we opine that the appeal may proceed. This opinion is issued pursuant to Sec. 2-201(e)(1) and (8) of the City of Coral Gables Code giving the City Attorney’s Office the authority to issue opinions and interpretations on behalf of the City.

Sincerely,

Miriam S. Ramos, Esq.

Deputy City Attorney
City of Coral Gables
405 Biltmore Way, 3rd Floor
Coral Gables, FL 33134
(305) 460-5218
(305) 460-5084 direct dial



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From: Foeman, Walter
Sent: Wednesday, September 23, 2015 2:08 PM
To: Leen, Craig
Cc: Ramos, Miriam
Subject: FW: PonceCat Segovia LLC - Segovia Project

FYI.

From: Peter A. Gonzalez [<mailto:pgonzalez@smgqlaw.com>]
Sent: Wednesday, September 23, 2015 12:44 PM
To: City Clerk
Cc: Laura L. Russo Esq. (Laura@laurarussolaw.com); Alberto Perez; 'Roney Mateu (rjm@mateuarchitecture.com)'
Subject: RE: PonceCat Segovia LLC - Segovia Project

Dear Mr. Foeman:

As a follow up to my email below, attached please find a copy of what was supposedly provided to someone at the city by Maricris Longo. It appears that Ms. Longo may not have filed a notice of appeal with the city clerk within the 10-day deadline, as is required. Please advise.

Also, the attached does not indicate that the required appeal fee was timely paid. The attached appears to contain signatures designed to get away from paying the required fee to file an appeal, but there are only 24 signatures, one of which is Ms. Longo's own signature, so she only obtained 23 signatures, and not the minimum 30 required signatures. Moreover, the attached does not indicate any showing of proof of income below 200% of the national poverty level or proof that paying the appeal fee would be a hardship or burden on Ms. Longo who owns multiple properties in Coral Gables. Furthermore, there is nothing on the attached to suggest that Ms. Longo submitted the transcript of the September 9, 2015 hearing or rendition letter from the Board of Architects, as required of the applicant for appeal.

There may be other fatal flaws and additional deficiencies which render the appeal moot or which would prohibit the city from allowing the so-called appeal from moving forward to the commission level. I will review this matter more carefully after I have received responses from you to my emails.

Thank you for your attention to this matter. I look forward to hearing from you.

PETER A. GONZÁLEZ



SANCHEZ-MEDINA, GONZALEZ, QUESADA,
LAGE, CRESPO, GOMEZ, MACHADO & PREIRA LLP
201 Alhambra Circle | Suite 1205 | Coral Gables, Florida 33134-5107

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From: Peter A. Gonzalez
Sent: Wednesday, September 23, 2015 12:35 PM
To: 'cityclerk@coralgables.com'
Cc: Laura L. Russo Esq. (Laura@laurarussolaw.com); Alberto Perez; 'Roney Mateu (rjm@mateuarchitecture.com)'
Subject: PonceCat Segovia LLC - Segovia Project
Importance: High

Dear Mr. Foeman:

I represent PonceCat Segovia LLC, the owner and developer of the Segovia project that was the subject of the Board of Architects lengthy hearing on September 9, 2015, which commenced at 3:30 p.m. and concluded at approximately 8:15 p.m.

I have been told that Maricris Longo supposedly filed an appeal of the Board's decision approving the Segovia project, but I have not seen any written verification which confirms that Ms. Longo timely filed any appeal of the Board of Architect's decision with the City Clerk's office.

Assuming a notice of appeal was timely filed with the city clerk within 10 days of September 9, 2015, then we will also need to confirm whether Ms. Longo timely paid the required fee for the appeal or, alternatively, whether she complied with the rules for waiver of such fee which requires no fewer than 30 signatures of Coral Gables residents residing within 1000 feet of the subject property and showing of proof of income below 200% of the national poverty level or proof that paying the appeal fee would be a hardship or burden on Ms. Longo who owns multiple properties in Coral Gables.

I have not seen anything to suggest that Ms. Longo also submitted the (a) transcript of the September 9, 2015 hearing; (b) receipt of request for mailing labels, and (c) rendition letter from the Board of Architects, as required of the applicant, as clearly stated in writing in the Application for Appeal issued by the Coral Gables City Clerk.

Kindly provide me with a true, correct and complete copy of any notice of appeal that Ms. Longo may have filed with the City Clerk, providing the date and time the same was filed, together with proof that all other requirements were timely met so that we may determine how to proceed in this matter. We intend to object to any so-called "appeal" moving forward if Ms. Longo failed to comply with all the rules and requirements for filing and pursuing an appeal of decision rendered by the Board of Architects on September 9, 2015.

Ms. Longo offered no documentary evidence nor requested that any such evidence be admitted as part of the record during the September 9, 2015 Board of Architects hearing. The only documentary evidence offered and admitted during the September 9 hearing was provided for by the property owner/developer in favor of approval of the project, so I am unclear as to what may possibly be the proper basis for Ms. Longo's purported appeal. Indeed, the testimony offered by Ms. Longo and her partner Ernesto Fabre during the September 9 hearing confirmed that representations made to the city and to residents of the Coral Gables community to try to create opposition to my client's project were false, misleading and incomplete, and that many of the persons that supposedly signed a petition created by them were not even residents of Coral Gables.

In fact, if I recall Mr. Fabre's testimony on September 9 correctly, Mr. Fabre even had a relative in Colombia sign the petition he created opposing the Segovia project which marks the first time I have ever heard of someone try to use the signature of a non-US person residing in South America, thousands of miles away from Coral Gables, to manufacture opposition to a Coral Gables property owner's project that seeks approval as a matter of right and which is in full compliance with the applicable code. Such opposition is absurd, but that is the type of obstructionist, bad faith conduct that my client has been dealing with for months as a result of Ms. Longo's and Mr. Fabre's unsavory tactics.

I tried reaching you by telephone earlier today, and left a voicemail for you at the city clerk's office. I look forward to receiving a copy of whatever Ms. Longo may have filed with the city clerk by email, and all other information you and the city clerk's office may have that is responsive to my questions or requests above.

If you wish to speak regarding this matter, please call me at your convenience.
Thank you for your attention to this matter.

Sincerely,

PETER A. GONZÁLEZ



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<Application form to appeal - Segovia Project.pdf>

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