

COLIN BAENZIGER  ASSOCIATES

EXECUTIVE RECRUITING

Section 5

Rhonda M. Hasan

*Fort Lauderdale City Attorney
Candidate Report*

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Cover Letter and Resume

Section 5

July 5, 2018
Colin Baenziger
Colin Baenziger & Associates
2055 South Atlantic Avenue
Suite 504
Daytona Beach Shores, FL 32118

RE: City of Fort Lauderdale City Attorney Position

Dear Mr. Baenziger:

I have had the distinct privilege of serving two high profile cities with demanding citizenry for over two (2) decades: the City of Miami Beach and the City of Fort Lauderdale. I am confident that my diverse experience makes me a perfect fit for the City Attorney position. I have and continue to always employ a very hands-on approach with my Departments, some on an almost daily basis, from sitting in staff or weekly construction meetings to the creation of contracts. I regularly prosecute Florida Building Code, Florida Fire Prevention Code and County and municipal code cases before local and County boards. I have served as an EEOC emergency coordinator and reviewed all Fire Department rules and regulations and standard operating procedures for accreditation. I served on hiring committees for Department heads and other key personnel in both cities. I am also currently in charge of the litigation division of the office and am responsible for reviewing and approving all office invoices for payment. I enjoy working cooperatively with my departments as well as members of the public and our elected officials. I have served on an interim basis as Police Legal Advisor. I prepare ordinances, resolutions and handle procurement and financial matters here at the City of Fort Lauderdale. I have handled labor appeals before personnel/civil service boards. Lastly, I have handled personal injury, construction and complex commercial litigation and appeals.

I believe that I have covered virtually all aspects of being a municipal attorney and believe that my diverse experience makes me a great fit for this City. I am also very proud of my decade of teaching and mentoring both my students and young lawyers. I have an absolute passion for excellence. I understand the current deficiencies of the office and believe I can address them timely to make our office more responsive and more efficient in our service to the City. I have superior communication skills and am comfortable speaking in any public forum including before the City Commission, small groups, large groups and judges, and occasionally have a sense of humor. Notably, I was offered the City Attorney position for the City of Margate in May 2018. While it was an incredible honor to be offered the position, I felt that I could make more of an impact here in Fort Lauderdale and believe that Fort Lauderdale is a better fit with my skill set and experience, particularly in light of the recent change in the office environment.

I would be pleased to speak with you in greater detail about all of my experience. My references include Tim Hemstreet, County Manager for Loudoun County and Raul Aguila, City Attorney for the City of Miami Beach.

Thank you for your consideration and I look forward to hearing from you.

Sincerely yours,
Rhonda Montoya Hasan
Rhonda Montoya Hasan
Attorney at Law

RHONDA MONTOYA HASAN, ESQ.

4003 S.W. 141st Avenue, Davie, Florida 33330 • fireatty@yahoo.com • (305) 812-5989

BAR ADMISSION

The Florida Bar, admitted 1990.

EDUCATION

University of Miami School of Law, Coral Gables, FL

Juris Doctor, *cum laude*, 1987 – 1990

Research and Writing Editor, Executive Board Member, Entertainment & Sports Law Review;
Author, The Battle in Both Courts, NCAA v. Tarkanian, Ent. & Sports L.Rev. (Spring 1990).

Duke University, Durham, NC

Bachelor of Arts, in History and Religion, 1982 – 1986

Sports Producer, Cable 13, Duke Video Yearbook; Reporter, The Chronicle; Managing Editor,
Teacher-Course Evaluation Book

EXPERIENCE

City Attorney's Office, Fort Lauderdale, FL

Assistant City Attorney, 2014 – Present

Administrative Law: Coordinate and handle Building, Fire and Code Compliance enforcement matters; present cases before various City and County Administrative boards, including Special Magistrate, Code Enforcement Board, Unsafe Structure Board, and Broward County Board of Rules and Appeals. Handle all appeals from administrative bodies.

Litigation: Perform all aspects of litigation, including taking and defending depositions and witness preparation, write and argue motions in County and Circuit Court; managed own case load for foreclosure defense and personal injury matters; defend against actions for injunctive relief.

General: Prepare resolutions, draft multiple ordinances; review commission memoranda, review development agreements; draft contracts; review Public Works task orders and change orders; handle issues on utility billing, procurement, public works operational issues, public works construction issues; review and approve City Attorney office bills; review all Fire Department policies and procedures for accreditation process; review hold harmless agreements; review software and licensing agreements; review memoranda of understanding with various outside government agencies; provide general daily support to both divisions of Public Works, Code Compliance, Building, Fire, Information Technology and Utility Billing; liaison for the Infrastructure Task Force and Consent Order Progress Committee.

City Attorney's Office, Miami Beach, FL

First Assistant City Attorney, 1997 – 2014

Commercial and Construction Litigation: Performed all aspects of litigation, including taking and defending depositions and witness preparation; researched, wrote and argued motions in County and Circuit Court; managed own case load; prepared appellate briefs and presented oral arguments

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before the 11th Circuit Court of Appeals and the Third District Court of Appeals; defended against actions for injunctive relief; negotiated settlements at numerous mediations; assisted in compliance with development agreements.

Capital Improvement Projects Office: provided general daily legal, pre-litigation support for all City projects as requested; negotiated with bonding companies; prepared settlement agreements; prepared default and termination notices; evaluated construction, delay and equitable adjustment claims; handled all litigation of City projects; co-managed large cases with outside counsel; reviewed and approved outside counsel bills; selected and coordinated with trial experts; prepared licensing and hold harmless agreements.

Legal Advisor, Building and Fire Departments: Coordinated and handled Building, Fire and Parking Departments enforcement matters; presented cases before various City, County and State Administrative boards, including Special Master, Miami-Dade County Unsafe Structures Board, Miami-Dade County Board of Rules and Appeals, Miami-Dade County Fire Prevention and Safety Appeals Board, Florida Building Commission, Florida Construction Trades Qualifying Board and Florida Electrical Contractors' Licensing Board; conducted training of regulatory departments' inspectors; participated in meetings with homeowners, developers, contractors and design professionals to assist regulatory departments in resolving code issues; opined on HIPAA issues; prepared formal legal opinions; reviewed resolutions and proposed City Code changes.

Labor and Personnel Issues: defended administrative appeals of employee discipline action; prepared and cross examined witnesses, prepared and executed opening and closing statements.

Personal Injury: handled all aspects of personal injury cases, including taking depositions, preparing and answering discovery; evaluated medical records and IME's; consulted with Risk Management to evaluate value of cases; participated in mediations; drafted settlement agreements and releases.

Member of final interview panel for selection of the City's current Risk Manager and Fire Chief, 2013.

Reviewed public records requests, coordinated multi-department responses and provided formal response to requestors.

St. Thomas University School of Law, Miami, FL

Instructor, 2003 - 2013

Part time instructor for Legal Research and Writing; Advanced Legal Writing; Appellate Advocacy.

O'Connor & Meyers, P.A., Coral Gables, FL

Associate Attorney, 1996 - 1997

Clarke, Silverlate, Williams & Montgomery, Miami, FL

Attorney, 1995 - 1996

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Lapidus & Frankel, P.A., Miami, FL
Attorney, 1993 – 1994

Administrative Office of the Courts, Eleventh Judicial Circuit, Miami, Florida, Miami, FL
Judicial Clerkship, 1990 – 1993

Preston, Thorgrimson, Ellis & Holman, Washington, DC
Administrative Assistant, 1986 – 1987

U.S. Department of State, Washington, DC
Intern, Summer 1985
Top security clearance.

COMMUNITY LEADERSHIP AND HONORS

Named a Top Government Attorney, *South Florida Legal Guide*, 2012 ed.

Member, Florida Elevator Safety Technical Advisory Committee, 2014-2016.

Member, Florida Bar Grievance Committee, 11th Judicial Circuit, February 2000-2003; Chairman, 2002-2003.

CLE Lecturer on Building Codes and National and Local Speaker on Nightclub Overcrowding.

Member, State Fire Code Technical Advisory Committee, 1999 to 2001.

Leadership Miami, Greater Miami Chamber of Commerce, 1991-1992.

Member, Leadership 2000, 1995 - 1998.

Coordinator for the City of Miami Beach, International Municipal Lawyer's Association Annual Conference, 1998.

President, Duke Alumni Club of Miami/Ft. Lauderdale, 1988-1994; Board of Directors and Young Alumni Coordinator, March 1994-1998. Member, Duke South Florida Development Council, January 1994-1997; Duke Alumni Interviewing Committee, 1994 to present.

Member, University of Miami Alumni Board, 1993-1995.

Member, Board of Directors, UNIDAD/Miami Beach Hispanic Community Center, August 1997-2001.

Fundraising Advisor, Hispanic Law Enforcement Association of Miami Beach, Inc., April 1997-2000.

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Graduate and Class Commander, City of Miami, Citizen's Police Academy, 1998.

Member, Board of Directors and Treasurer, 2012 -2015, Davie Country Estates Homeowners' Association; past Vice-President and President, January 2004 to 2012.

Vice-Chairman of Events Programming, Historical Museum of South Florida (Tropees), 1996 - 1999; Member, Board of Directors, 1994 - 1999; Chairman and Founder, Historic Pursuit Fundraiser, 1995-1998, nationally recognized in December 1998 edition of Harper's Bazaar as one of the top fundraising events in Miami.

Delegate, 1995 Florida Democratic Party State Convention.

Member, Dade County Democratic Executive Committee, 1996 - 2000.

Coach, NCAA Goya/Pharmed Men's Summer Basketball League, Miami, Florida, 1988-1998.

REFERENCES

Available upon request.

Candidate Introduction

Rhonda Montoya Hasan

EDUCATION

University of Miami School of Law, Coral Gables, FL

Juris Doctor, *cum laude*

Duke University, Durham, NC

Bachelor of Arts, in History and Religion

EXPERIENCE

Assistant City Attorney, City of Fort Lauderdale	2014 – Present
First Assistant City Attorney, City of Miami Beach	1997 – 2014
Adjunct Professor, St. Thomas University School of Law	2003 – 2013

BACKGROUND

I currently work for the City of Fort Lauderdale (the “City”). The City was incorporated on March 27, 1911 and encompasses approximately 36 square miles with an estimated population of 176,747. The City is one of the ten largest cities in Florida.

There are approximately 2,749 employees in the City. There are 18 individuals employed by the City Attorney’s Office; 12 full time attorneys, 1 part time attorney and 15 support staff members. I am responsible for the Litigation Division, supervising two attorneys, two paralegals and two support staff personnel.

The City Attorney’s Office retains outside counsel to handle specialized matters which fall outside of the standard purview of municipal law, such as bonds or where a conflict exists. Recently, as a result of the departure of certain attorneys with the requisite institutional knowledge, the City Attorney’s Office increased its engagement with outside counsel. As the office is being rebuilt and a level of expertise has returned, I anticipate a reduction in the amount of outside counsel retained. As mentioned elsewhere, I envision that our office retain more litigation matters and cases in house.

The three most significant issues facing the City are:

- 1) *Necessary Infrastructure Repairs*. The City is currently under a consent order with the Florida Department of Environmental Protection (“FDEP”). As the attorney assigned to Public Works, I worked on the negotiations with FDEP and the finalizing of this order. There will be many deliverables, including multiple projects, along with reports associated with the FDEP order. Not only must the City work to meet the multiple milestones of the FDEP mandate, but it is a high priority of our neighbors and elected officials.

Rhonda Montoya Hasan

- 2) *Controlled Development*. The neighbors and several elected officials are desirous of controlled, cautious and properly planned development as the City addresses infrastructure issues, traffic concerns and other quality of life issues affecting our neighbors.
- 3) *Traffic*. This issue has been one of major concern of our neighbors, with the influx of development, special events, vacation rentals and tourists.

GENERAL, MANAGEMENT STYLE AND EXPERIENCE

I am an honest, straightforward, motivated individual and a very loyal team player. I love working at the City of Fort Lauderdale and I am passionate about being a municipal attorney. I am ready for a new challenge and the opportunity to lead the City Attorney's Office. My two decades of experience as a municipal attorney, at the City and Miami Beach, make me an ideal candidate. My outstanding relationship with City Administration, from Department heads to employees, would ensure a seamless transition with minimal learning curve. I have received a great deal of encouragement and support from co-workers throughout the City who are comfortable with my ability to lead the City Attorney's Office. In May 2018, I rejected an offer to become the City Attorney for the City of Margate City in order to remain at the City of Fort Lauderdale. Although it was difficult to turn down such an honor, my decision conveys my devotion to and how invested I am in the City, the City you never want to leave. The opportunity to further my role at the City by becoming an integral member leading the City Attorney's Office is an ideal fit at this juncture in my career.

It goes without say that a successful City Attorney must have extensive knowledge and a level of comfort handling various matters of municipal law. Additionally, a successful City Attorney must understand the need and ability to delegate tasks and utilize institutional expert knowledge to address pressing matters in a timely and efficient manner. However, as important and integral as legal knowledge is for a successful City Attorney, I do feel that there are three qualities which are even more important:

1. The establishment of a productive organizational structure where there is mentoring of younger and less experienced assistant city attorneys and where collaboration between attorneys is encouraged;
2. The establishment of a positive working relationship with all charter officers and City administration in a positive and efficient manner to accomplish City business; and
3. To be responsive to elected officials and to encourage assistant city attorneys to do the same.

My approach to lawsuits depends on the type of suit. Personal injury litigation is typically driven by plaintiffs. Federal court litigation is generally organized and responsive to court orders and court mandated deadlines. Ideally, I feel that the City Attorney's Office should handle more cases in house with the litigation team, except in the event of a conflict. I am also in favor of and would

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encourage early Executive Sessions with the City Commission to receive feedback on the more complex, notable or potentially large cases. This structure was utilized during my tenure at the City of Miami Beach and I found it to be very effective.

My management style can be seen as open, fair, direct, and autonomous. I support, encourage and provide legal professionals with the ability to work independently, yet collaboratively. I do not like to micromanage. If there are performance issues with any member of the legal team, I think that it is important to address said issues directly and timely and to allow the opportunity for improvement. I strongly believe in an open door policy and find it to be increasingly valuable as a City Attorney so that the office's attorneys and staff are comfortable and able to advise the City Attorney about potentially controversial, hot button or other important issues. I expect for every member of the City Attorney's Office to work together as a team, despite any possible personal conflicts.

It is imperative for elected officials to be advised and well informed as to important litigation updates from pending matters, any changes in federal or state law that would affect the City and updates in ethics and public records issues. I have always found that inclusion rather exclusion with elected officials is a more positive approach and more appreciated by those elected officials. Given that the current Mayor, Commission and City Manager will evaluate my performance as one of the finalists, I feel that it would be appropriate and rather presumptuous to comment on what they would say about me.

A few of my strengths include that I have common sense, I am smart, a quick learner and get along well with almost everyone. I am compassionate, which allows people to open up and feel comfortable speaking to me. I am ambitious and have the desire to thrive, excel and continually learn more. I am also nurturing, which allows me to have the patience to mentor, train and educate, as I do with new attorneys and have done with my students throughout my ten years of teaching law school. Lastly, I am personable and confident. I have the ability to interact and engage with CEOs and elected officials as easily and seamlessly as with every day citizens.

In terms of weaknesses, given my honest and direct nature, early in my legal career I occasionally found that I could be too blunt. Over the years, I have learned to be more tactful and take things less personally while still being honest and straightforward. This approach has helped me tremendously in the regulatory area of my practice. In addition, I often delegate less than I should because I tend to be a bit of a perfectionist. I am learning to delegate more work to the legal staff to help me be more efficient.

Personally, I consider all of my court wins to be achievements. However, one always stands out because it was fairly early on in my legal career. Years ago, the City of Miami Beach was served with an injunction complaint on a Friday of a Memorial Day weekend. I was assigned the matter and responsible for attending the hearing the following morning. With very little time to lose, I arrived at the office early, read the lengthy complaint, found and prepared the Building Official to present his testimony, and arranged for our Chief Structural Inspector to appear telephonically, as

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he was out of town on vacation. Opposing counsel was a very experienced, highly regarded and high profile construction attorney with a team of people. The Building Official and I were the only representatives for the City. I prevailed in the hearing, defeating the injunction. Following the hearing, opposing counsel approached me by saying he hoped he would not be offending me by telling me I did a great job. I have never forgotten that. Here at the City, from a personal perspective as an animal lover, I am very proud to have drafted the puppy mill ordinance which was passed by the City Commission.

I take pride and put a lot of effort in my work to avoid failures or mistakes. That being said, I can think of a mistake that had a profound effect on me. I submitted an answer to a construction litigation case, after my assistant had prepared much of the standard language from our template. Inadvertently, she included a request for jury trial, which was specifically prohibited and excluded in all of our construction contracts. The judge initially declined to strike that portion, but finally did so on a rehearing. This occurrence brought to light the importance of what I have always known, attorneys are ultimately responsible for their complete work product and the details of same are always extremely important, even when working off of draft templates. Careful reading and attention to detail are a very important component of legal work.

Fortunately, I have never had to fire an employee. However, I have and continue to make an active effort to regularly assess and evaluate the performance of the staff members that report to me. I have periodic meetings to directly address deficient performance prior to an employee's yearly evaluation and provide clear, candid and concise examples of problems and what the expectations are to improve in those areas. I find that it is important to reassess the employee's work after a fixed time period, such as 30 days, to allow for the opportunity to improve. I also invite employees to ask questions and to speak up about any confusion, vague instructions or projects at the time before unsatisfactory performance becomes an issue.

In my first six months as City Attorney, I would focus on continuing to redevelop and improve the overall structure of the office. Currently, there is minimal mentoring and little collaboration in the City Attorney's Office, although that has improved since the Interim City Attorney took office. In restructuring the office, I intend to reassess and reevaluate the work load to ensure a more equal division of labor amongst both attorneys and support staff. Based on my experience, I believe that it would be beneficial to establish a hierarchy in the City Attorney's Office consisting of two senior attorneys, directly under the City Attorney, who can assist and mentor existing and future attorneys. I am familiar with issues from Administration vis-à-vis the City Attorney's Office and those issues are being addressed currently. Additionally, I think it would be important to meet with the City Commission to discuss and further comprehend their goals and perspectives on our office as well as their needs for legal advice and counsel. This will ensure that the Commission's needs and priorities are addressed in the most efficient and timely manner possible. I am familiar and work exceptionally well with the Community Enhancement and Compliance Division (previously known as the Code Compliance Division) and City Administrators, and as such there would be no additional learning curve or need to further assess those areas. I also intend to work with Human Resources to develop a new employee evaluation form; one which is more applicable

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to the City Attorney's Office as the current form is outdated and does not properly address performance evaluation in the City Attorney's Office. The ultimate goal is to continue and build off of the initial steps taken by the Interim City Attorney to make the City Attorney's Office more welcoming, helpful and supportive of the other charter offices and City Departments.

Under the previous City Attorney, I had no direct involvement with the media and most communications would go through the City's PIO. During my tenure at the City of Miami Beach, I was interviewed on several occasions, usually in connection with regulatory enforcement cases. I am comfortable speaking with members of the media and directing the City Commission and staff with regards to Sunshine Law.

In my limited leisure time, I enjoy spending time with my family and animals, logging service hours for NJHS with my middle school daughter, reading and baking.

To my knowledge, I have never done anything that would embarrass the City if it became public knowledge. Similarly, I do not believe there is anything in my background that would embarrass the City if it became public knowledge.

When it becomes known that I am a finalist for the City of Fort Lauderdale, I do not believe there would be any "dirt" provided on me from any community activist. However, having handled administrative enforcement of building, fire, and municipal codes for several decades, I would imagine that some may express their support or dismay for the level of enforcement. I am confident that I have earned the utmost respect from all of the Special Magistrates and Code Enforcement Board members that I have appeared before.

REASON FOR WANTING TO LEAVE CURRENT OR MOST RECENT JOB

After previously being offered and rejecting the position as City Attorney for the City of Margate, I have no intention of leaving the City of Fort Lauderdale. I feel that my experience after two decades in municipal legal work, knowledge, management style, and personality make me an ideal candidate to be promoted to the position of City Attorney. It would be an honor and privilege to ensure that a dynamic and experienced team assists the elected officials and City Administration.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

- Loyal
- Accessible
- Team player
- Strong Advocate or Litigator
- Honest
- Empathetic

Rhonda Montoya Hasan

CURRENT/MOST RECENT SALARY

My current compensation as a City Attorney III is \$173,680.

Section 5

CB&A Background Checks

**Background Check Summary for
RHONDA LEE MONTOYA HASAN**

Criminal Records Checks:

Nationwide Criminal Records Search	No Records Found
County	
Broward County, FL	No Records Found
Miami Dade County, FL	No Records Found
State	
Florida	No Records Found

Civil Records Checks:

County	
Broward County, FL	No Records Found
Miami Dade County, FL	No Records Found
Federal	
Florida	No Records Found

Motor Vehicle

Florida	No Records Found
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Credit

Excellent

Bankruptcy

No Records Found

Education

Confirmed

Employment

Confirmed

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

**Background Check Summary for
RHONDA LEE MONTOYA HASAN
Personal Disclosure**

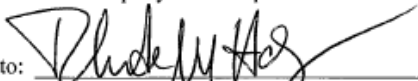
Personal Disclosure Questionnaire

Name of Applicant: Rhonda Montoya Hasan

The following questions are designed so that we will be able to make full disclosure to our client concerning your background. Please answer them honestly. Cutting corners or misrepresenting your past will result in you being eliminated from all further searches conducted by this firm. We understand that frivolous charges are sometimes made and that charges do not mean you were guilty. We also understand that you may have been wronged and needed to seek compensation. The bottom line is that we want to be certain that our client is fully informed. If you have any questions, please contact us for clarification.

Please explain any yes answers on a separate sheet of paper.

1. Have you ever been charged or convicted of a felony?
Yes No
2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?
Yes No
3. Have you ever declared bankruptcy or been an owner in a business that did so?
Yes No
4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?
Yes No
5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?
Yes No
6. Have you ever been convicted of driving while intoxicated?
Yes No
7. Have you ever sued a current or former employer?
Yes No
8. Do you have a personal My Space, Face Book or other type of Web Page?
Yes No
9. Do you have a personal Twitter Account?
Yes No
10. Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism?
Yes No
11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.

Attested to: 
Signature of Applicant

Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to
(888) 539-6531 **no later than 5:00 PM PST 07/16/18.**

(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)

CB&A Reference Notes

Since the candidate is an internal candidate, we did not perform reference checks.

CB&A Internet Research

Internet – Newspaper Archives Searches
Rhonda Montoya Hasan
(Articles are in reverse chronological order)

The Miami Herald
September 23, 2002

DETERIORATING DECO DEBATED IN THE BEACH

Author: NICOLE WHITE

Miami Beach's battle to preserve its Art Deco ambience has become increasingly complicated as many of the historic buildings deteriorate into unsafe structures. This month alone, the city has issued emergency demolition orders for five historically significant buildings. Preservationists say the building department may be too quick to condemn some structures. And they suspect developers may be deliberately neglecting the buildings because they don't want to restore them.

On Tuesday, the city planning staff hopes to tackle the problem by proposing a "demolition by neglect" ordinance to the Planning Board. The ordinance would require owners of historic buildings to secure the buildings against the elements and do basic maintenance to preserve against "decay, deterioration and demolition," and to take "prompt and corrective action to preserve the building."

But building official Phil Azan says the reality is that many of these buildings, as significant as they are, will not stand no matter how hard a developer or private homeowner tries. He said the crux of the problem is that the buildings are 60-year-old structures that often contain sand and sea water in their construction materials and have been further eroded by those same elements over the years.

SASSON HOTEL

Among the five buildings is the old Sasson hotel at 2009 Collins Ave., an eight-story Art Deco structure set to be incorporated into the Setai, a \$190 million, 40-story hotel/condo project scheduled to open in 2004. Concerned by the knock-down order, the Historic Preservation Board last week held an emergency meeting to try to save the building, one of the few large Art Deco hotels.

The other structures set to meet the wrecking ball are at 334 Euclid Ave., 227 E. San Marino Dr., 2200 Collins Ave. and a building at 36 Ocean Dr., that was to be home of the Greek restaurant Taverna Opa. Concrete and steel bars often get so eroded that the building is very difficult to preserve. "Some you can save, and others you can't save," Azan said.

City Commissioner Matti Bower says the same argument was used 20 years ago to deter the preservation movement. "They said the buildings would fall apart back then and they're still standing," Bower said. "We need sensitive people figuring out creative ways to save these buildings."

Historic Preservation Board member Colleen Martin agrees. "I understand [Azan] is charged with keeping South Beach a safe place," Martin said. "I think he does his job, but that

Internet – Newspaper Archives Searches

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(Articles are in reverse chronological order)

developers are using the fact that he has to do his job to their advantage. "I'm concerned the Beach is going to soon look like tenement housing; they keep building on top of the original district. It's ruining the cohesive fabric of the Art Deco district."

Board chairman Mitch Novick and others in the preservation community say they remain unconvinced that the Setai's developers did everything to save the building. Novick cites its unsecured windows, and the removal of a bracing system that had been in place to hold up the walls.

Herb Sosa, the executive director of the Miami Design Preservation League, noted that it doesn't take an engineer to tell you that an unsecured building facing the ocean will deteriorate. Sosa asks why the Setai developers didn't pay more attention to restoring the old Sasson before building a 36-story tower behind it.

The developers say they have spent millions on finding ways to restore the building, even hiring the engineers who worked on the Pentagon restoration to give them ideas. The building is simply "decayed from the inside out," said Setai owner Jonathan Breene. Built in 1936, it was designed by well-known architect Henry Hohaus and is on the register of historical buildings. The developers say they lose a \$10 million tax credit for not restoring the building. Said Lucia Dougherty, the attorney representing the Setai: "This is a disaster for us."

Breene said his company is more than willing to build a replica of the hotel. Most preservation board members are leaning toward accepting that alternative when the matter comes up for a vote Oct. 8. They don't have much choice, Martin said.

REPLICA WORKED

The Royal Palm Crowne Plaza resort at 15th Street and Collins Avenue faced a similar fate in 1998 when engineers told developer R. Donahue Peebles that the building was so decayed it could not be restored. Azan issued a demolition order, a decision that also caused a furor among preservationists.

Peebles built a replica, and the end result has pleased many former critics. "I have no problem with exact replication. Cement is cement, old or new," Martin said. "It's not a problem if it's done right." If the ordinance being proposed eventually passes, it would mean that the city will have the right to inspect properties that fall into disrepair. They would give owners 48-hour notice to address problems. A \$5,000-a-day fine could be levied against a property owner who does not comply.

A similar ordinance was discussed in the past but challenged on the grounds that it violated the constitutional rights of private property owners, said **Rhonda Montoya**, a city attorney. **Montoya** said this new proposal is "legally sound. One that will solve some of the problems that the city keeps encountering."

Internet – Newspaper Archives Searches

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(Articles are in reverse chronological order)

Martin hopes the ordinance is approved. ``Too few people realize that once their history is gone there is no reason to come here," Martin said. ``We're not famous for new condos; we're famous for our Art Deco buildings." But developers say any new ordinance will continue to push them away. Wallace Tutt, whose historic renovation projects include the Versace mansion, says he's doing more and more business away from the Beach because of the city's constant push for new laws to govern the development community.

For example, he said, it took him four months to build his new hotel, the Rock House on Arbor Island in the Bahamas, a project that was sensitive to the existing structures on the island. He said a similar hotel on Miami Beach would have taken him two years. ``There are too many hassles to do business on Miami Beach . . . with all the red tape and ordinances you can't get anything done," he said. ``There's a lack of consistency because you never know what's the right way to do something in that city."

Internet – Newspaper Archives Searches
Rhonda Montoya Hasan
(Articles are in reverse chronological order)

The Miami Herald
December 30, 2001

CODE OFFICER'S SUSPENSION DROPPED BY CITY

Author: NICOLE WHITE

The Miami Beach city administration has withdrawn a three-day suspension issued to a code enforcement officer who had been reprimanded for refusing to issue a garbage permit. Manuel Villar, a city employee for seven years, received the suspension in February after he refused to grant a garbage permit for a commercial building located at 708 Sixth St.

According to Villar's complaint, he was reprimanded and subsequently suspended by his supervisor, Robert Thomas, because he refused on at least three occasions to issue a permit until the building's owner built an enclosed area to accommodate a garbage trolley. The suspension, said Villar's attorney Pamela Terranova, was unwarranted because her client was simply trying to do his job in following the city's code enforcement rules.

City Attorney **Rhonda Montoya's** decision to withdraw the suspension at a meeting before the personnel board on Dec. 19, though 10 months in the making, was further proof that the suspension was without merit and should never have occurred, Terranova said. "My frustration is that he never should have been disciplined in the first place," Terranova said. "Mr. Thomas berated him [Villar] in front of others and embarrassed my client; it doesn't erase his anguish," Terranova said of the city's recent decision. "This still doesn't make it whole."

Terranova said the suspension had marred Villar's otherwise unblemished reputation and caused him to miss out on promotional opportunities. As a result, Villar will receive back pay for the three days he lost and his personnel file will reflect the suspension has been withdrawn.

Montoya, who represented the city when both sides went before the personnel board this month, said the suspension was perhaps precipitated by some misinformation about the property. Villar had always maintained that more than 50 percent of the building had been renovated, yet there was no garbage enclosure. Based on his observation of the amount of renovation done to the property, he refused to grant the permit until the enclosure was built.

Thomas testified that when he pulled the permit history for that address, there was no indication of substantial renovation. Based on that finding, Thomas insisted that the permit be granted. However, since Villar's suspension, the owner of the building submitted a request for change of use from residential to commercial. The change of use is typically submitted at the end of the renovation process, **Montoya** said. "Once it was brought to our attention - and subsequent research confirmed - that there was a change of use from residential to commercial, then the city felt it appropriate to rescind the suspension," **Montoya** said. "It was the right thing to do."

Richard McKinnon, president of Communication Workers of America Local 3178, the union that represents Villar, said this case and others brought to the personnel board was a "reflection that

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there is a problem within the city's administration . . . and how they handle their disciplinary actions."

``We've got good people doing good jobs of enforcing the code and it's important that they be able to do their job without interference," McKinnon said. But City Manager Jorge Gonzalez said the city acted fairly. ``Had they shared the information they had sooner we would have taken action sooner," Gonzalez said. ``When we discovered that there was something we should correct, we corrected it."

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