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**7-Year, \$800,000 Fee Dispute Bounces to Another Court**

by **Samantha Joseph**  
sjoseph@alm.com

The principals of Fort Lauderdale-based Donovan Marine Inc. might have celebrated when it defeated a defamation suit against the company and an employee in 2008.

But seven years and three successful appeals later, the company is still trying to collect about \$800,000 in attorney fees from Daniel Delmonico, who started the litigation when President George W. Bush was still in office.

Now it seems the third time might be the charm for Donovan Marine, who won the latest appeal Wednesday before Fourth District Court of Appeal Judges Dorian Damoorgian, Jonathan Gerber and Alan Forst.

In the unsigned opinion, the appellate panel noted the "clear and unam-

**SEE FEES, PAGE A2**



GOOGLE

Donovan Marine is still trying to collect \$800,000 in attorney fees from a 2008 defamation suit it defeated.

**Insurer Must Fix Damage from Grow House Blast**

by **Celia Ampel**  
campel@alm.com

A Miami-Dade jury awarded \$100,000 to a couple whose insurance claim was denied after their house was damaged by the explosion of a marijuana grow house across the street.

The couple's home was insured by Citizens Property Insurance Corp., the state-backed insurer of last resort.

"Citizens' position has been that the damage claimed in this lawsuit was not a result of the explosion," Citizens spokesman Michael Peltier said in a statement. "The jury did not agree."

Several other homeowners in the neighborhood sued Citizens for denying their insurance claims after the explosion. While other insurers settled, the Citizens claims headed for trial, and two



J. ALBERT DIAZ

**Thomas C. Allison, Danny Espinosa and Frank Hernandez Jr. successfully argued Citizens must pay for damage to a house from an explosion at a marijuana grow house across the street.**

other juries found in favor of the company.

The marijuana house had been siphoning "an enormous amount of electricity" before the September 2012 explosion, said the homeowners' lawyer, Danny Espinosa of Espinosa Law Group in Miami.

"There's a very high voltage going through there," along with generators and propane tanks, he said. "One of the 20-gallon propane tanks leaked, and the rest is history."

Ricardo Gilart Vasquez was finishing a tour of duty in Afghanistan when he and his wife, Anaixa Gonzalez Ruiz, purchased the West Kendall home in March 2012.

The Army soldier returned a few weeks before the explosion, which was blamed for causing roof leaks and cracks in the in-

**SEE GROW HOUSE, PAGE A2**

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**CITY OF DORAL**  
**NOTICE OF PUBLIC HEARING**  
**TO CONSIDER A TEXT AMENDMENT TO**  
**THE CITY'S COMPREHENSIVE PLAN**

All residents, property owners and other interested parties are hereby notified of a **City Council Zoning Hearing** on **Wednesday, September 16<sup>th</sup>, 2015, beginning at 6:00 PM**, to consider text amendments to the City's Comprehensive Plan. The City Council will consider this item for **FIRST READING**. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida 33166**.

The City of Doral will consider the following Ordinance:

**Ordinance No. 2015-39**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING AN AMENDMENT TO THE CITY OF DORAL COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT TEXT FOR THE COMMUNITY MIXED USE (CMU) LAND USE CATEGORY; PROVIDING FOR CONFLICTS; PROVIDING FOR AUTHORIZATION AND TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-03

**APPLICANT:** Sanctuary at Doral, LLC

**REQUEST:** Consider for approval three (3) text amendments to the Comprehensive Plan Future Land Use Element Community Mixed Use (CMU) land use category as summarized below:

- 1.) Reduce minimum parcel size from 15 to 7 acres;
- 2.) Allow retail and commercial service businesses to develop on single-use parcels within a mixed use setting; and
- 3.) Add housing density bonus of 30% for provision of at least 20% of total units as workforce housing.

Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

**NOTE:** If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide translation services during the zoning application process or during any quasi-judicial proceeding.

**NOTA:** Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento o durante el proceso de solicitudes de zonificación.

Connie Diaz  
 City Clerk  
 City of Doral  
 15-74/2476376M

FROM PAGE A1

## FEES

biguous" instructions it had given to the lower court for calculating the award after the first two appeals.

But each time, it seemed the math got in the way.

The dispute started when Delmonico accused a Donovan Marine employee of making defamatory statements against him. He sued the worker and also wanted to hold the employer responsible.

The employee admitted making the statement, and a joint settlement proposal offered Delmonico \$20,000 with no admission of wrongdoing.

Delmonico refused, and settlement talks collapsed. The employee later reached a separate agreement.

His case against the company went to trial before Broward Circuit Judge Dale Ross, and the jury ruled in Donovan Marine's favor.

Ross reserved jurisdiction to award fees and costs. But in 2010, the appeals court found Donovan Marine's attorneys were entitled to an award for five years of work leading up to the final judgment and three post-judgment appeals.

That decision led to a two-day evidentiary hearing, where Ross determined the attorneys should recoup \$830,250 plus interest for "between 1,800 and 1,900" hours of attorney and paralegal work. Delmonico appealed, requiring a specific number of hours instead of the range provided in the order.

The award shrunk on the second remand after Ross determined Donovan's

lead attorney should have billed for only 1,734 hours, not 1,960.

"Additionally, contrary to our mandate, the trial court multiplied the total hours by a 'blended hourly rate of \$450' to yield an award of \$780,300," the appellate panel wrote in the latest ruling.

The recount led to Donovan Marine's third appeal to collect for the disputed 226 hours.

Ismael Diaz of Coral Gables, who represented Delmonico, declined comment.



Traynor

Rodger Traynor Jr. of Akerman in Miami did not respond to requests for comment by deadline.

"In the case at hand, our directive to the trial court was clear and unambiguous," the appellate panel wrote. "The trial court then proceeded to

choose a different hourly rate than the stipulated rate agreed upon by the parties and reduced the number of hours it determined had been reasonably expended without providing any explanation. These actions deviated from the mandate which directed the trial court only to explain its specific finding as to the number of hours reasonably expended."

This time around, the trial court should "recalculate the total amount of fees awardable using the stipulated rates and to provide specific findings as to which hours expended by appellant's lead counsel were disallowed and the reason(s) for their disallowance."

**Samantha Joseph can be reached at 954-468-2614.**

FROM PAGE A1

## GROW HOUSE

terior drywall, Espinosa said. The blast shifted a window enough to allow water to puddle in the dining room during rainstorms.

The couple's roof was installed in 2009, but the couple noted some preexisting cracks when showing the house to the insurance adjuster.

One of the biggest trial challenges was finding evidence to combat a defense argument that the damage happened before the explosion and the homeowners were looking to capitalize on their all-risk insurance policy, Espinosa said.

"Who purchases a home and then suddenly says, 'Hey, just in case a marijuana grow house explodes tomorrow, why don't we take a picture of every part of our home?'" he said. "Nobody does that. Nobody."

After a six-day trial, the jury emerged in 30 minutes with its verdict Aug. 24.

"Usually, when you deliberate that fast, there's a defense verdict," Espinosa said.

Instead, the jury found Citizens failed to prove the couple's policy did not cover the damage. Espinosa said he will seek the about \$600,000 in attorney fees.

Breach-of-policy suits are the main litigation avenue for Citizens policyholders since the Florida Supreme Court decided in May that the insurer could not be sued for bad faith.

Plaintiffs attorneys warned the court that the decision could cause Citizens to delay paying claims "indefinitely."

"It takes years to get a breach-of-contract case to judgment, and even then the insurer only pays what it should have originally paid under the policy," Pensacola attorney Richard Beckish Jr. wrote in a May 2014 brief in the Supreme Court case, which he lost. "Without the threat of bad-faith liability Citizens, like any other insurer, has no

**Without the threat of bad-faith liability Citizens, like any other insurer, has no incentive to timely pay claims."**

**RICHARD BECKISH**  
**PLAINTIFFS ATTORNEY**

incentive to timely pay claims."

Beckish represented Perdido Sun Condominium Association against Citizens on a bad-faith claim based on damage from Hurricane Ivan.

Citizens representatives have said the insurer aims to avoid litigation expenses that could be passed on to taxpayers.

"It's important to note that nine out of 10 times, Citizens pays claims quickly and without litigation," Peltier said. "It is our duty to stand behind individual policyholders by timely paying legitimate claims while ensuring that we do everything we can to keep rates low for all of our policyholders."

Miami-Dade Circuit Judge Barbara Areces presided over the trial.

The plaintiffs were represented by Espinosa, Frank Hernandez Jr. and Thomas C. Allison of the Espinosa Law Group in Miami. The team also represents several other homeowners who filed explosion claims. Six more cases are set for trial.

Citizens was represented by Michael J. Bradford and Julie A. Aiello of Hamilton Miller & Birthisell in Tampa. Bradford did not respond to a request for comment by deadline.

**Celia Ampel can be reached at 305-347-6672.**

## FROM THE COURTS

# California State Court Rips Oracle for Delaying Trial Against HP

by Marisa Kendall  
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A \$4 billion contract dispute between Hewlett-Packard Co. and Oracle Corp. in California is back on track for trial after a state appeals court blasted Oracle for needlessly delaying the litigation by two years.

The Sixth District Court of Appeal ruled that a motion Oracle filed in 2013 on the eve of trial was an abuse of California's anti-SLAPP law, which is intended to quash lawsuits that attack protected speech. Oracle's motion was filed with no such noble purpose in mind, the justices wrote, and instead likely was a ploy to postpone the breach-of-contract trial. The justices wrote that they declined to assess sanctions against Oracle only to avoid additional delay.

"In a pattern that has become all too familiar to the appellate courts of this state," the panel wrote, "the appeal, like the motion engendering it, is utterly without merit. The motion was late under any reasonable construction of the facts, and it was quite properly denied because it could not possibly achieve the purposes for which the anti-SLAPP statute was enacted."

Administrative Presiding Justice Conrad Rushing wrote the opinion, and was joined by Justices Franklin Elia and Miguel Marquez.



JASON DOIY

"In a pattern that has become all too familiar to the appellate courts of this state," Administrative Presiding Justice Conrad Rushing wrote, "the appeal, like the motion engendering it, is utterly without merit."

The appeal and underlying case has pit two high-powered legal teams: Oracle is represented by Latham & Watkins and HP is represented by Gibson, Dunn & Crutcher. In an emailed statement, an HP spokeswoman wrote: "HP is pleased with the appellate court's decision and looks forward to proceeding to trial."

HP sued Oracle in 2011, claiming Oracle reneged on an agreement when it announced it would stop updating its software to work with HP's high-end servers. In the first phase of

a bifurcated bench trial, Santa Clara County Superior Court Judge James Kleinberg sided with HP. A second trial to assess damages was set to begin in 2013, but was derailed by Oracle's anti-SLAPP motion. HP has said it will ask for \$4 billion.

Oracle filed its anti-SLAPP motion to cut off part of HP's damages theory. Oracle claimed the theory targeted the company's protected speech, namely Oracle's announcement that it intended to appeal the first trial ruling. HP's experts said the announcement demonstrated

ongoing market uncertainty, which harmed HP.

Oracle's anti-SLAPP motion was filed 558 days late, the justices wrote. The deadline is 60 days after the filing of the complaint.

"In fact the motion could not have been brought any later," the justices added. "It was heard on the last court day before trial."

"There was no way a motion brought that late could achieve the purpose of an anti-SLAPP motion—to save the defendant the cost and burden of unneces-

sary litigation. The costs of defense had already been spent, and the motion could do nothing but generate an expensive and time-consuming delay.

"Had that motion not been interposed, the entire case would presumably have been tried by now," the panel wrote, "and this court would be addressing all of the issues raised by an appeal from the resulting judgment, rather than an interruptive appeal that could at most resolve one issue while the rest of the case languished below."

In addition to slamming Oracle's legal team, the justices also used the opinion to launch a broader critique of the state's anti-SLAPP statute. Defendants routinely use the law as a shield even in cases where it doesn't come close to applying, the justices wrote. If the anti-SLAPP motion is denied, the litigant is entitled to an immediate appeal and a stay of further proceedings, essentially rewarding him or her with a "free time-out" from litigation.

"The case thus provides yet another illustration of the many ways in which the current anti-SLAPP produces unintended and even perverse results," the justices wrote. "It can be argued that the overbreadth of the statute has made the cure worse than the disease."

**Marisa Kendall reports for The Recorder, an ALM affiliate of the Daily Business Review.**

# Google General Counsel Fires Back Against EU Antitrust Charges

by David Ruiz  
druiz@alm.com

Google Inc. fought back against the European Union's antitrust charges, saying the company's method of displaying search results for comparison shopping sites doesn't hurt competition and, in fact, boosts consumer choice.

General counsel Kent Walker responded publicly to the EU allegations, known as a Statement of Objections, or SO, on Google's Europe Blog. He wrote Google had provided the European Commission in its formal response with data to disprove allegations that Google stifles competition by favoring its comparative shopping service above rivals in search results.

"The SO says that Google's displays of paid ads from merchants (and, previously, of specialized groups of organic search results) 'diverted' traffic away from shopping services. But the SO doesn't back up that claim, doesn't counter the significant benefits to consumers and advertisers, and doesn't provide a clear legal theory to connect its claims with its proposed remedy," Walker wrote.

Walker said the EU ignored Google's major competitors in online shopping and searching—Amazon and eBay—"who are the biggest players in this space." He cited data showing that Google has helped increase consumer choice, making 20 billion referrals to companies



General counsel Kent Walker said the EU ignored Google's major competitors in online shopping and searching—Amazon and eBay—"who are the biggest players in this space."

in Europe over the past decade for a 227 percent increase for Web traffic.

"We believe that the [Statement of Objections] preliminary conclusions are wrong as a matter of fact, law and economics," Walker wrote near the end of the post. According to the New York Times, the fight could take until the end of this year, at the earliest. Should Google lose, the EU could impose a maximum fine of \$6.7 billion, which is 10 percent

of Google's most recent annual revenue.

The Mountain View, California-based company has turned to Cleary Gottlieb Steen & Hamilton to fend off the charges. Partners Thomas Graf, Robbert Snelders and Maurits Dolmans, who work in the firm's Brussels and London offices, are leading the representation. Associates Hannah Bill, Andrew Leyden, Henry Mostyn and Mathieu Relange are also on the team.

European antitrust regulators have specifically targeted Google's comparison shopping product, Google Shopping, saying the company unfairly favored its own comparison shopping product in general search results.

"The Commission's preliminary view is that to remedy such conduct, Google should treat its own comparison shopping service and those of rivals in the same way," the commission wrote in April.

As a remedy, the commission proposes that Google include price comparison charts from rival companies such as Shopzilla, Shopping.com and Pricegrabber.com at the top of its search results.

In his blog post, Walker called the solution "peculiar and problematic." First, the display space at issue has been classically reserved for advertisements, Walker wrote. Requiring Google to provide that space to its competitors, he wrote, would require a finding that Google's ads are "essential," therefore treating Google like a utility service.

The blog post made no mention about a separate investigation into the company's Android operating system. That second matter was announced on the same day as the antitrust charges. Google has retained Allen & Overy for that work.

**David Ruiz reports for The Recorder, an ALM affiliate of the Daily Business Review.**

## FROM THE COURTS

# Skadden Forces Would-Be Class to Arbitrate Individually

by Jenna Greene  
jgreene@alm.com

Derailing a would-be class action against a company that makes roofing shingles, lawyers from Skadden, Arps, Slate, Meagher & Flom convinced a federal judge in California that the plaintiffs must arbitrate their claims individually.

In 2006, homeowners Robert and Linda Hoekman bought shingles made by Tamko Building Products Inc., persuaded by ads promising the roofing materials would be defect-free for 50 years.

But after seven years, the Hoekmans said they discovered the shingles were severely cracked and blistered. They moved to file a class action against Tamko, alleging the company didn't use enough asphalt to make the product properly and knew or should have known about the defect.

The complaint was filed on behalf of the Hoekmans and all others similarly situated. Tamko has also been hit with suits by individual consumers as well as would-be classes in jurisdictions including the Middle District of North Carolina, the Southern District of Illinois and the Western District of Kentucky.

Tamko, represented by Skadden mass torts, insurance and consumer litigation group head John Beisner, partner Jessica Miller, counsel Geoffrey Wyatt and associate Lauryn Fraas, successfully argued that the dispute must be arbitrated and cannot be brought as a class.

U.S. District Judge Troy Nunley of the Eastern District of California rejected the plaintiffs' claim that the arbitration agreement was unenforceable because the Hoekmans didn't know about it when they bought the shingles. The notice was printed on the shingle packag-

ing, and the shingles were delivered to their contractor.

Nunley said the agreement to arbitrate was also referenced on Tamko's website as part of the product warranty, and the plaintiffs could have seen it there.

As for printing it on the shingle packaging, Nunley compared that to "shrinkwrap" licenses for software, where consumers agree to the terms by opening the box. "Courts have repeatedly upheld arbitration provisions that come in the form of shrinkwrap agreements," he wrote. "In light of this precedent, the court concludes that Tamko delivered the arbitration agreement in a legally valid manner."

He also rejected the argument that because the plaintiffs did not personally read the arbitration agreement on the shingles, it did not bind them. "Holding for the plaintiffs would mean that pur-

chasers can deny unwanted terms, as long as they avoid reading them prior to purchase and then have the product delivered to someone else," he wrote.

The plaintiffs were represented by Daniel Bryson and Scott Harris of Raleigh, North Carolina-based Whitfield Bryson & Mason; Jordan Chaikin of Parker Waichman in Bonita Springs and David Birka-White of the Birka-White Law Offices in Danville, California.

The win comes on the heels of another Skadden victory this week involving New Jersey's bid to legalize sport gambling. Skadden and co-counsel Paul Clement of Bancroft prevailed before the U.S. Court of Appeals for the Third Circuit on behalf of sports leagues opposed to sports betting.

**Jenna Greene reports for the American Lawyer, an ALM affiliate of the Daily Business Review.**

# Target Flunks Hiring Test and Is Assessed \$2.8M in EEOC Fine

by Rebekah Mintzer  
rmintzer@alm.com

American workers may be enjoying the last dog days of summer, but the Equal Employment Opportunity Commission isn't sitting back and taking it easy. The commission announced that

it netted \$2.8 million from Target Corp. in a settlement payout over the company's allegedly illegal hiring practices.

The company's apparent mistakes turned out to be costly. And they may be all too easy for other companies to repeat if in-house counsel don't look carefully at how legal and human resources are managing their hiring processes.

The EEOC zeroed in on several aspects of Target's practices. The first issue was that three of the retailer's pre-employment tests appear to have had the effect of screening out applicants based on race and sex. "In a sense, this is a garden-variety disparate-impact case," said Thomas Wassel, a partner at Cullen and Dykman. Wassel said that even where there is no disparate treatment of workers based on protected characteristics, if hiring processes have the effect of excluding certain groups, a company could very well be on the hook with the EEOC.

Companies can't be held liable for disparate impact in hiring processes if there is a reason for the hiring test or standard that is "job-related and consistent with business necessity." Target's practices apparently didn't fit that bill, at least in the commission's view.

In-house counsel who want to ensure their companies are not running afoul of the law should have their pre-employment tests and screenings certified by a third-party professional. "After getting some expert advice on impact, employers need to figure out another effective alternative that does not have the same adverse impact," said Liane Fisher, a partner at Serrins Fisher. The EEOC will expect companies to explore alternatives to a test deemed discriminatory and noncompliant.

Another problem the EEOC found was Target's failure to track whom it hired or didn't hire. Apparently, the retail giant didn't keep hiring records that were good enough to even determine whether its hiring practices had discriminatory effects. "The employer has a record-keeping obligation and if they don't fulfill it, that really hurts them," said Fisher. "There is an adverse inference drawn against employers when they are not able to present sufficient paperwork, so it really hurts them in ways that will cost them a lot should litigation ensue."

Wassel pointed out that although keeping a record of employee data is required for such companies as Target, there is a downside to asking employees about what protected classes they may be a part of, even after they have been hired. "You can't necessarily force em-



DAVID RYDER/ BLOOMBERG NEWS

**The Equal Employment Opportunity Commission zeroed in on Target's pre-employment tests, which had the effect of screening out applicants based on race and sex.**

ployees to respond to questions about their race, ethnicity or religion," Wassel said, "and, in fact, many employers would say: 'I really don't want to know.'" If an employer doesn't know about a worker's religion or national origin, for instance, the employee will have trouble claiming that unrelated adverse actions were somehow discriminatory based on one of the protected characteristics.

The third strike against Target is related to the company's handling of prospective employees under the Americans with Disabilities Act. It appears the company erred by giving psychologist-administered assessments to job applicants before they were offered the job, which is prohibited by the ADA. Fisher explained that while some job-related tests are allowed earlier in the employment screening process, there are certain boundaries that cannot be crossed until the offer is on the table. "Once you cross the line into someone's medical and psychological background, the ADA is a lot more stringent in that regard," she said.

**Rebekah Mintzer reports for Corporate Counsel, an ALM affiliate of the Daily Business Review.**

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OCTOBER 1, 2015

## PRACTICE FOCUS: IMMIGRATION LAW

# Bill by Sens. Leahy and Grassley Would Revamp EB-5 Program

Commentary by Ronald R. Fieldstone



Fieldstone

In early June, a bill was introduced in the U.S. Senate by Sens. Patrick Leahy, D-Vermont, and Chuck Grassley, R-Iowa, to totally revamp the EB-5 immigrant investor program. The EB-5 visa program allows foreigners to invest \$500,000 in areas known as regional centers throughout the country in exchange for the U.S. citizenship.

From an immigration point of view, the good news is that the proposed legislation calls for the extension of the program for five years until Sept. 30, 2020, and shorter time periods for processing requests to designate regional centers and to process EB-5 visas petitions.

But the major changes and difficulties with the proposed EB-5 program legislation from an immigration standpoint include the redefinition of how to calculate a targeted employment area, or TEA, that could severely limit the ability of a project in certain metropolitan areas from obtaining a TEA approval.

TEA is a region where EB-5 investors are allowed to invest \$500,000 as opposed to the required \$1 million somewhere else in the US. The bill calls for 5,000 of the 10,000 annual visas for a project to be in a TEA area, compared to currently no such limitation. It also calls for increasing the TEA minimum investment amount to \$800,000 from \$500,000. The non-TEA investments could increase to \$1.2 million, up from currently \$1 million.

From a securities law standpoint, there seems to be a significant change in direction and the role of U.S. Citizenship and Immigration Services will play in overseeing the process. Under the securities laws, EB-5 investment is considered a securities offering exempt from registration with the Securities and Exchange Commission. Currently, not only do the private placement offering materials need to be filed, but also the marketing materials and any updates and changes related thereto.

However, what is new in the equation is the disclosure of the name and contact information of any person receiving the compensation with respect to the offering program itself. Disclosure includes any party receiving transaction-based compensation. Basically, this would include any parties involved in the process and possibly could include professionals as well, since professionals are receiving fees for services rendered in connection with the transaction.

## FILING CHANGES

Under the proposed legislation, there are additional requirements as part of the filing process, including that the new commercial enterprise — usually a real estate project — must include a description of the policies and procedures reasonably designed to ensure that the new commercial enterprise and its agents, employees and attorneys and any persons acting with them are in compliance with U.S. securities laws. It is difficult to predict at this time how this provision can be practically satisfied.

As one can see from the above requirements, both from an immigration and securities standpoint, there is a

significant increase in regulations and administration with respect to the entire EB-5 process. The new level of protection will require that immigration and corporate securities attorneys play a much larger role in the EB-5 process.

There are enhanced provisions involving the maintenance of regional centers and a new requirement of an annual fee of \$20,000, beginning the next calendar year. Congress created the regional center program decades ago to stimulate economic growth through job creation and capital investment by foreign investors in target areas across the U.S.

If a new regional center is approved during the year, then the \$20,000 fee does not apply until the subsequent calendar year. In addition, regional centers have a much more heightened reporting responsibility. This will have a significant impact on the so-called “regional center rental” model, since the regional center under the EB-5 program bill would take on direct responsibility for overseeing securities compliance.

## GRANDFATHERING

As is apparent, the proposed legislation is extraordinarily complicated, confusing and, to some degree, unclear as to certain provisions. After discussion with various immigration practitioners, it is believed that there will be strong opposition to the proposed legislation, given the fact that it seems to have been drafted by Grassley's staff and supported by Leahy, both of whom are bent on favoring rural areas.

It is difficult to determine if and when new legislation will be passed, since the existing pilot program sunsets on Sept. 30. It is possible that there will be a short-term extension of the pilot program consistent with prior renewal situations until new legislation can be finalized. It is also possible that the new legislation may be finalized by the deadline, although this would seem quite difficult given the extraordinary number of open issues that will need to be debated, negotiated and resolved.

As a matter of caution, it may be advisable, for all pending projects currently on the drawing board and ready to go to market in the near future and which are otherwise being marketed now, to file a regional center designation application in order to obtain the benefit of the proposed grandfathering provisions of the EB-5 bill.

The implications here are that if a modified form of the bill is eventually adopted, then any project that would be grandfathered would have a major advantage in going to market compared to a new project that obtains subsequent project approval.

Until all the pending grandfathered inventory has been absorbed — given the significant advantage as to the investment amount and the TEA designation and job creation criteria — the new projects will probably lag behind with respect to going to market with higher investment amounts per investor. It will be interesting to see how these marketing issues unfold.

**Ronald R. Fieldstone is a partner in the Miami office of Arnstein & Lehr. He focuses on corporate, securities and taxation law and he is often corporate/securities counsel for multifaceted industries involving EB-5 immigrant investor visa offerings. Since 2009, we have been involved in more than 150 projects with a combined capital raise of close to \$3 billion. We often work with individual EB-5 investors as well.**



## CITY OF DORAL NOTICE OF PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN

All residents, property owners and other interested parties are hereby notified of a **Local Planning Agency (LPA)** meeting on **Wednesday, September 16<sup>th</sup>, 2015, beginning at 5:00 PM**, to consider text amendments to the City's Comprehensive Plan. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166.**

The City of Doral proposes to adopt the following Resolution:

### Resolution No. 15-

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA SITTING AS THE LOCAL PLANNING AGENCY, APPROVING / DENYING OR GOING FORWARD WITHOUT A RECOMMENDATION TO AMEND THE CITY OF DORAL COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT TEXT FOR THE COMMUNITY MIXED USE (CMU) LAND USE CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-02

**APPLICANT:** Sanctuary at Doral, LLC

**REQUEST:** Consider for approval three (3) text amendments to the Comprehensive Plan Future Land Use Element Community Mixed Use (CMU) land use category as summarized below:

- 1.) Reduce minimum parcel size from 15 to 7 acres;
- 2.) Allow retail and commercial service businesses to develop on single-use parcels within a mixed use setting; and
- 3.) Add housing density bonus of 30% for provision of at least 20% of total units as workforce housing.

Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

**NOTE:** If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide translation services during the zoning application process or during any quasi-judicial proceeding.

**NOTA:** Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento o durante el proceso de solicitudes de zonificación.

Connie Diaz  
City Clerk  
City of Doral  
15-85/2476388M

## FROM THE COURTS

## Kagan Wants Better Writers From Law School

by Tony Mauro  
tmauro@alm.com

U.S. Supreme Court Justice Elena Kagan thinks American law schools—including those in the top tier—need to “think in a deep way” about how to help their students become better writers.

In an interview conducted last month by legal writing expert Bryan Garner, Kagan, who once taught at the University of Chicago Law School and was dean of Harvard Law School, said that for “too many students,” even at the schools she worked at, “nobody taught them” writing skills. She acknowledged that “writing is one of the hardest things to teach.”

When Garner said that some “lower tier” law schools take the teaching of legal writing more seriously than top schools, Kagan said that was based on the false assumption that students at elite law schools know how to write already. “There are lots of students whose writing can be improved,” at all levels, she said.

Garner, who conducts legal writing seminars and training at his company LawProse, interviewed Kagan at the court in July, and posted the video this week. He interviewed all nine justices in 2006 and 2007, before Justices Sonia



DIEGO M RADZINSCHI

Justice Elena Kagan said, “Writing is one of the hardest things to teach.”

Sotomayor and Kagan joined the court in 2009 and 2010, respectively. The Kagan interview was an effort to update the series, Garner said.

The two discussed Kagan’s own writing as a justice, which has been praised as more accessible and interesting to read for lawyers and non-lawyers alike than many of her colleagues and predecessors on the court.

Asked who her target reader is when she writes opinions, Kagan said, “I write so that a nonlawyer can understand it, but not any nonlawyer.” She said she did not want to “dumb down” the writing too much, so she has a “reader of The New Yorker, or something like that,” in mind when she writes.

In *Kimble v. Marvel Entertainment*, one decision Kagan wrote last term, she included some light-hearted Spider-Man references, since the case involved a patent for a Spider-Man-related toy. Garner asked her about it, and she said it might have been “close to the line” of being too informal for a Supreme Court decision. But she added, “There’s no rule against fun in Supreme Court decisions.” If her colleagues thought her writing was inappropriate, she added, they would have “let me know.”

Garner also noted that unlike some justices, Kagan uses contractions like “don’t” in her opinions. Kagan said she only does so in dissents, because those represent a more individual opinion than the judgment of the entire majority. “Some of my colleagues don’t like it,” she said. “At least one justice has given me a little grief” for using contractions.

Garner, who has co-written books with Justice Antonin Scalia, said Scalia thinks that using contractions in legal opinions is “the equivalent of wearing Bermuda shorts to an oral argument.”

**Tony Mauro is Supreme Court correspondent for the National Law Journal, an ALM affiliate of the Daily Business Review.**

## Pot Businesses Not Eligible for Bankruptcy

by Camisha Simmons

On Aug. 21, the Tenth Circuit Bankruptcy Appellate Panel affirmed the U.S. Bankruptcy Court for the District of Colorado’s dismissal of the bankruptcy case of a debtor that was engaged in the business of producing and distributing marijuana in Colorado.

Colorado and at least 22 other states and the District of Columbia have legalized some form of use of marijuana. U.S. federal law, however, still prohibits the possession, distribution and use of marijuana.

Recent bankruptcy case dismissals reveal that though marijuana businesses may be legal under state law, because they violate federal drug law, such businesses are ineligible for relief under the U.S. Bankruptcy Code.

This article discusses how Colorado state law and federal law diverge with respect to marijuana production and distribution, recent Colorado bankruptcy cases dismissed in light of federal drug law, and the implications of those decisions.

Though, Colorado has legalized the use, production and distribution of marijuana within the state, federal law prohibits the activity.

Under the federal Controlled Substances Act, marijuana is classified as a Schedule I controlled substance. A substance that is classified as a Schedule I controlled substance is considered by Congress to be a “drug or other substance [that] has a high potential for abuse;” has “no currently accepted medical use in treatment in the United States;” and has not obtained acceptance as a safe drug or substance persons may properly use under medical supervision.

Because marijuana is a controlled substance under federal law, “possess-

ing, growing, and dispensing marijuana and assisting others to do that are federal offenses.” Further, section 856(a) of the CSA makes it unlawful to use, lease, rent, maintain, manage or control real property for the purpose of manufacturing or distributing marijuana:

It shall be unlawful to—

(1) knowingly open, lease, rent, use, or maintain any place, whether permanently or temporarily, for the purpose of manufacturing, distributing, or using any controlled substance;

(2) manage or control any place, whether permanently or temporarily, either as an owner, lessee, agent, employee, occupant, or mortgagee, and knowingly and intentionally rent, lease, profit from, or make available for use, with or without compensation, the place for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance.

Most recently, in the case *Arenas v. United States Trustee (In re Arenas)*, the Tenth Circuit Bankruptcy Appellate Panel affirmed the U.S. Bankruptcy Court for the District of Colorado’s decision to dismiss a Chapter 7 bankruptcy case because the majority of the debtors’ income was generated from a marijuana business.

In the *Arenas* case, a husband and wife couple filed for Chapter 7 bankruptcy protection. The bankrupt couple jointly owned a commercial building in Denver. The building contained two units. One unit was used by the husband, the debtor Frank Arenas, to, legally under Colorado state law, grow and wholesale marijuana. The second unit of the building was leased to a marijuana business that was lawful under Colorado state law. Though lawful under Colorado law, both the debtor’s and the lessee’s marijuana businesses were unlawful under the federal CSA.

The U.S. trustee in the Arenas bankruptcy case requested that the bankruptcy court dismiss the case because the assets of the bankruptcy estate were being used for unlawful purposes pursuant to the federal CSA. The trustee contended that a Chapter 7 bankruptcy trustee could not administer the assets of the bankruptcy case, namely the Building and the income generated from the marijuana business, without violating federal law. The court agreed and dismissed the case.

The court also concluded that the Chapter 7 bankruptcy case could not be converted to a Chapter 13 case. The court reasoned that because any Chapter 13 plan would be funded primarily from rental income derived from activity considered criminal under federal law, any proposed Chapter 13 plan would not be feasible. Additionally, given the federal government could prosecute the unlawful activity at any time, the assets of the debtors’ bankruptcy estate were vulnerable to forfeiture.

In light of its decision to dismiss the bankruptcy case, the court in Arenas made sure to emphasize that “bankruptcy relief is merely a privilege.”

The Colorado bankruptcy court’s dismissal of cases involving marijuana businesses reveals that until Congress legalizes marijuana under federal law those who venture into the “high” world of cannabis will not be entitled to restructure their businesses under the protections afforded by the federal Bankruptcy Code.

In closing, the question that lingers is, with respect to the legalization of marijuana use, possession and distribution, will Congress ever align federal law with individual state law so long as there are some U.S. states that have yet to legalize marijuana?

**Camisha Simmons is the founder and managing member of Simmons Legal PLLC.**

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## FROM THE COURTS

## Yelp Wanted: Using the Website to Find, or Complain, About Lawyers

by Jenna Greene  
jgreene@alm.com

Yelp reviews are a great way to choose a restaurant for brunch. But what about for hiring a lawyer?

Reviews of big firms are almost entirely absent on the site, minus a few random comments. Cooley, for example, got four stars from Laurence H. for throwing good parties. ("Five open bars, 4 different Asian food theme rooms and an awesome dessert room.")

Daniel L. praised the "very friendly and pleasant security guards in the lobby" of Latham & Watkins in a three-star review, and Woofgang q gave Skadden, Arps, Slate, Meagher & Flom five stars for being "perfect if you're Gordon Gecko."

Fenwick & West got four stars from Shannon C., who said, "I like the statues outside your office. ... They're just balls, but I like the green one" (and posted a photo of herself hugging it).

The lack of comments about big firms make sense. If you are Lloyd Blankfein, you are not going to write a nasty Yelp review if you get mad at your outside counsel.

Where Yelp is incredibly helpful is when ordinary people need to hire lawyers, as I discovered this week.

After 18 years of writing about lawyers, I had to hire one of my own for a real estate dispute too tedious to detail. I realized I had almost no idea how to proceed.

There aren't many ways to evaluate a local solo practitioner; there's no Chambers or Lawdragon or National Law Journal hot list to turn to for ratings.

But there is Yelp. As a forum, it's got a few things going for it when it comes to reviewing lawyers, namely, unvarnished comments from clients.



The lack of comments about big firms make sense. If you are Lloyd Blankfein, you are not going to write a nasty Yelp review if you get mad at your outside counsel.

The feedback from regular people—what they like about their lawyers and what makes them mad—isn't much different than what general counsel want from Big Law partners.

Consider what sparks client praise:

"She gave me a rapid, no-cost, detailed answer to my question."

"My first phone call simply felt like talking to a friend or colleague (albeit, MUCH more knowledgeable)."

"He spoke to me like a real person."

"He was always completely honest & up-front, which is what I appreciated the very most, especially not having any clue as to what I was doing."

"In a world where lawyers seem to be always looking to make a quick buck, it was such a surprise to have the ability to pick their brain, only to be advised that the situation didn't

require a lawyer at all."

"When you become a client of their firm, you become part of their family."

"I've never run into lawyers who put the good of their client above the billability potential of that client!"

Then there's what they don't like:

"They claim they are experienced but they charge hours for reading the simplest real estate documents!"

"After speaking with him, you don't get the sense that he cares much or has a genuine vested interest in your situation."

"The document was absolutely unreadable, it was so poorly crafted in legalese."

"Charged for an hour and gave me 30 mins of her time saying she read the docs I had sent her ... very apparent she had not read anything!"

"They changed the attorney that handled my case twice

without a single word."

"He didn't come from a big-time law school (Golden Gate Univ). Which is not a big, big deal, but THERE ARE BETTER ATTORNEYS OUT THERE—with more experience."

Best of all, there's the stuff that corporate clients would never say about their lawyers, but might be thinking.

"He is so professional, polite and the most important is that he is soooooo hand-some!"

"If you want someone like Glenn Close representing you, you either need to have some big-money cases, or you better go with someone younger and hotter like Tanya."

"He is fair and reasonable and a great guy to boot!! Did I mention he's a dog lover??"

"She is far beyond a pretty face, she's the full package."

"I did interview several other DUI attorneys before them, and

the rest seemed sleazier."

"I'm not a typical criminal." "The truth is it really wasn't much of a fight and I really didn't think it would be considered to be domestic violence when I called the police."

"It's not right that rich people get away with it. You shouldn't be able to buy your way out of problems."

And an apt summation: "My metaphor for law professionals has always been comparison to the guides that work taking people through the labyrinths and mazes in Morocco or Egypt. Blindly following someone in and hoping you make it out the other side."

In the end, I didn't rely on Yelp to pick a lawyer, though I did use it to disqualify some. Instead, I did it the old-fashioned way, through a referral.

**Jenna Greene reports for the American Lawyer, an ALM affiliate of the Daily Business Review.**

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## THE FIRM

# Law Firm Shakes Malpractice Claims From Encyclopaedia Britannica

by Sheri Qualters  
squalters@alm.com

A Washington federal judge has dismissed Encyclopaedia Britannica Inc.'s malpractice case against Dickstein Shapiro over the law firm's patent prosecution work for the company, finding the intellectual property at issue was ineligible for patenting.

U.S. District Judge Royce Lamberth found Thursday that the encyclopedia company lost its "case-within-a-case" under Section 101 of the Patent Act necessary to prevail on the malpractice claims.

Encyclopaedia Britannica filed a \$250 million lawsuit against the Washington-based firm in 2010 for "incompetent prosecution." It claims the firm exposed two of its patents to the possibility of being declared invalid because of the company's own prior art, or information published before the patent filing which describes the claimed invention.

The company claimed Dickstein IP partner Jon Grossman was responsible for "fatal prosecution errors" that led to a 2009 court ruling invalidating the two patents. The case claimed the firm and



Grossman also "fraudulently suppressed and concealed the incompetent prosecution."

Encyclopaedia Britannica sued for professional negligence and breach of fiduciary duty. The patents, which stem

from the same original patent application, are for a computerized encyclopedia with text and graphics.

The technology involves "multimedia systems for retrieving textual and graphical information," according to the case.

Both patents have method claims, which cover a series of steps, and system claims, which relate to a method for performing the steps.

Lamberth noted the Dickstein Shapiro attorneys' conduct "is not currently before the court" because it is only considering patent validity at this stage.

He cited the U.S. Supreme Court's 2014 ruling in *Alice v. CLS Bank International*, which held that some inventions related to computers are too abstract to meet the threshold for patent eligibility.

The high court "has long held that abstract ideas are unpatentable" and that the Alice ruling "merely clarified how these longstanding principles should be applied to computer-implemented methods and systems," wrote Lamberth.

Encyclopaedia Britannica's "abstract concept of collecting, reorganizing, and storing data" is not patentable because "humans have been collecting and organizing information and storing it in

printed form for thousands of years," Lamberth wrote.

He concluded that the two patents in the case do not contain an inventive concept that can transform the ideas into a patent-eligible application. Both involve "routine, conventional computer functions" he wrote.

The outcome marks a bright spot this year for Dickstein, which has seen several of its professionals depart over the past year including insurance litigation rainmaker Kirk Pasich in California and former U.S. House Speaker Dennis Hastert. He resigned after facing a federal indictment on charges that he violated banking laws.

Encyclopaedia Britannica did not return calls for comment. Raymond Niro of Chicago's Niro, Haller & Niro was in court, according to a firm employee, and Robert Cummins of Portland, Maine did not respond.

Neil Koslowe of the Potomac Law Group in Washington said he was local counsel for and Encyclopaedia Britannica. He referred questions to other lawyers or the company.

Dickstein Shapiro, Grossman and Dickstein's lawyers from Boston's Goodwin Procter also did not respond.

# Ex-Big Law Partner's Husband Pleads Guilty to Bilking Firms

by Charles Toutant  
ctoutant@alm.com

The husband of a former partner at two large New York law firms has admitted to his role in a scheme using phony litigation-support companies to defraud the firms of more than \$7 million.

Melvin Feliz, 48, pleaded guilty to one count each of tax evasion and conspiracy to commit wire fraud before U.S. District Judge Kevin McNulty in New Jersey on Aug. 25. Sentencing is set for Dec. 14. The fraud conspiracy count is punishable by a maximum 20 years in prison and a \$250,000 fine, or twice the gross gain or loss from the offense. The tax evasion charge is punishable by up to five years in prison and a \$250,000 fine.

Feliz admitted in court that he and his wife, Keila Ravelo, 49, carried out the conspiracy while she was with Hunton & Williams from 2005 to 2010 and continued when she worked at Willkie Farr &

Gallagher from 2010 to 2014. Feliz admitted establishing two limited liability companies that submitted invoices to the firms for purported litigation-support work that was in fact not performed, according to the U.S. attorney's office for the District of New Jersey. Ravelo, as a partner, approved the invoices. Feliz admitted he used the money for personal expenses but did not report it as income with the Internal Revenue Service, prosecutors said.

They charged the companies formed by Feliz and Ravelo issued checks to people for performing litigation-support work, but those individuals later said they never performed any such work for the defendants' companies. Employees of the two law firms who worked with Ravelo on matters allegedly supported by the two companies also said they never saw any work product produced by those companies, according to prosecutors.

In February, Feliz pleaded guilty to one count of conspiracy to distribute narcotics, and



The husband of Keila Ravelo, a former attorney at Willkie Farr & Gallagher and Hunton & Williams, said as part of his guilty plea that she was part of a scheme to fleece the firms on phony litigation-support bills.

he awaits sentencing in that case. Authorities said he transported 44 pounds of cocaine from California to New Jersey. The sentences are likely to be concurrent, said Will Skaggs, a spokesman for the U.S. attorney's office in Newark.

Ravelo's charge of conspiracy to commit wire fraud is still

pending. Last December, shortly after authorities charged the pair, Ravelo retained Aidan O'Connor of Pashman Stein in Hackensack. In January, she retained Lawrence Lustberg of Gibbons P.C. in Newark and Steven Sadow of Schulten, Ward & Turner in Atlanta. On Aug. 6, O'Connor moved to

withdraw as counsel, citing Ravelo's alleged failure to honor terms of his retainer agreement as well as her failure to respond to communications from him since March.

On Aug. 10, U.S. District Judge Joseph A. Dickson granted a 60-day continuance of Ravelo's case so she could continue plea negotiations.

Sadow issued a statement criticizing the guilty plea by his client's estranged husband.

"Until today, Ms. Ravelo had hoped and prayed that Feliz would take full responsibility for his actions by publicly proclaiming what he has repeatedly and consistently told his family: that Ms. Ravelo acted as Feliz coercively demanded—not freely, voluntarily or with criminal intent. Instead, Feliz caved to the intense and overwhelming government pressure to implicate Ms. Ravelo," the statement said.

Feliz's attorney, Jason Orlando, declined to comment on Sadow's allegations against his client or any other aspect of the case.



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## CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Council Zoning Hearing** on **Wednesday, September 16<sup>th</sup>, 2015, beginning at 6:00 PM** to consider an amendment to the City's Land Development Code. The City Council will consider this item for **First Reading**. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida 33166**.

The City of Doral proposes to adopt the following Ordinance:

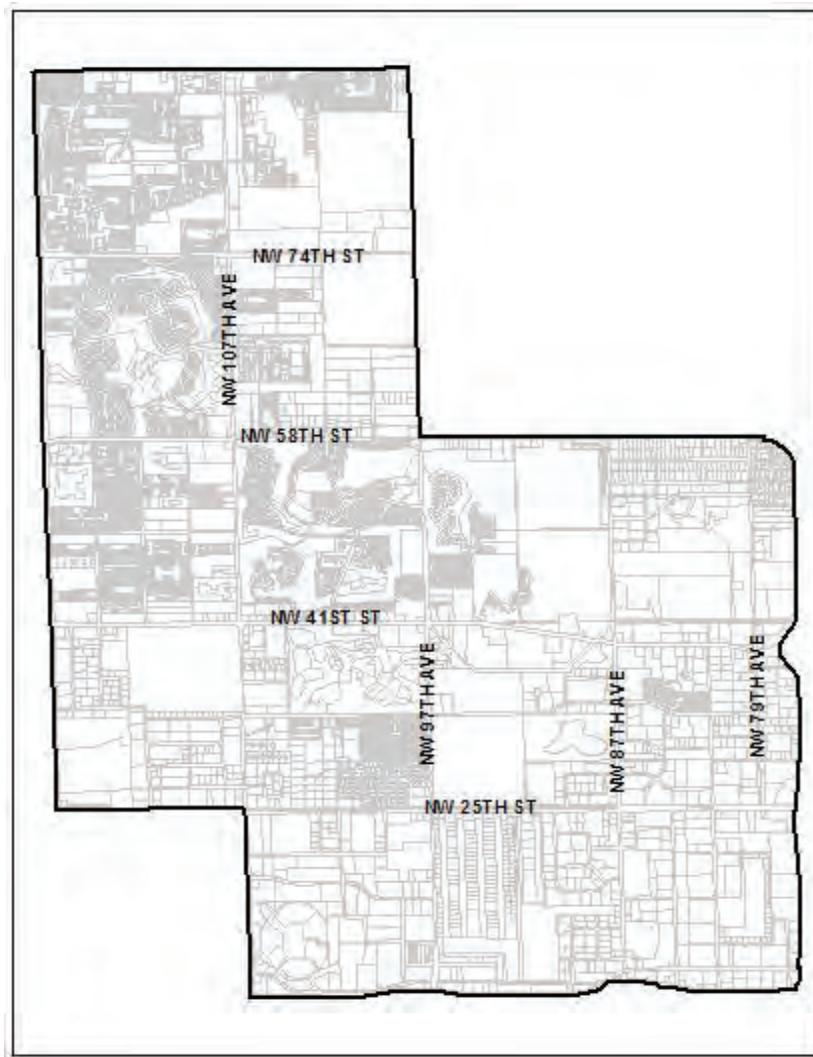
**Ordinance No. 2015-42**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING AN AMENDMENT TO CHAPTER 53, "ADMINISTRATION," OF THE CITY'S LAND DEVELOPMENT CODE OF ORDINANCES BY PROVIDING FOR REVISED PROCEDURES FOR REQUESTING, NOTICING, CONSIDERING, AND GRANTING VARIANCES OF THE LAND DEVELOPMENT CODE; REVISING APPELLATE PROCEDURES FOR APPROVAL OR DENIAL OF SAME; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-18

**APPLICANT:** City of Doral

**REQUEST:** The City of Doral ("Applicant") is requesting an amendment to Chapter 53, "Administration," of the City's Land Development Code of Ordinances.



Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

**NOTE:** If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide translation services during the zoning application process or during any quasi-judicial proceeding.

**NOTA:** Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento o durante el proceso de solicitudes de zonificación.

Connie Diaz  
City Clerk  
City of Doral  
15-70/2476372M



## CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **City Council Zoning Hearing** on **Wednesday, September 16th, 2015, beginning at 6:00 PM**, to consider an amendment to the Sign Regulations in the Land Development Code. The City Council will consider this item for **SECOND READING**. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida 33166**.

The City of Doral proposes to adopt the following Ordinance:

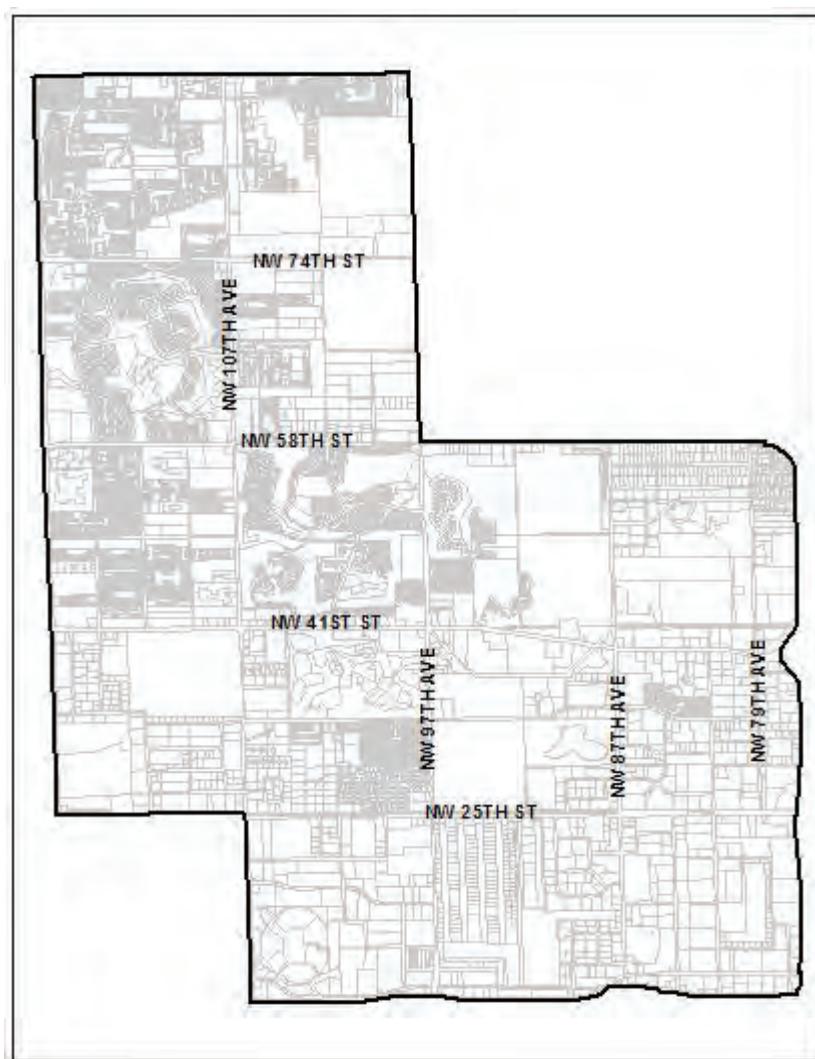
Ordinance No. 2015-33

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 80, ARTICLE IV, DIVISION 2, SECTION 80-128 AND ARTICLE V, DIVISION 2, SECTION 80-212 OF THE LAND DEVELOPMENT CODE OF THE CITY DORAL ENTITLED "TEMPORARY IDENTIFICATION BANNERS ON HIGH RISE BUILDINGS"; PROVIDING FOR DEFINITION; PROVIDING FOR SPECIFICATION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-13

**APPLICANT:** City of Doral

**REQUEST:** To amend the sign regulations of the Land Development Code to establish specifications to guide the use of temporary identification banners on high rise buildings to optimize communication while protecting the public and aesthetic character of the City.



Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes if a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

**NOTE:** If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral **DOES NOT** provide translation services during the zoning application process or during any quasi-judicial proceeding.

**NOTA:** Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral **NO** suministra servicio de traducción durante ningún procedimiento o durante el proceso de solicitudes de zonificación.

Connie Diaz  
City Clerk  
City of Doral

15-71/2476373M



## CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Council Zoning Hearing** on **Wednesday, September 16<sup>th</sup>, 2015, beginning at 6:00 PM** to consider an amendment to the City's Land Development Code. The City Council will consider this item for **First Reading**. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida 33166**.

The City of Doral proposes to adopt the following Ordinance:

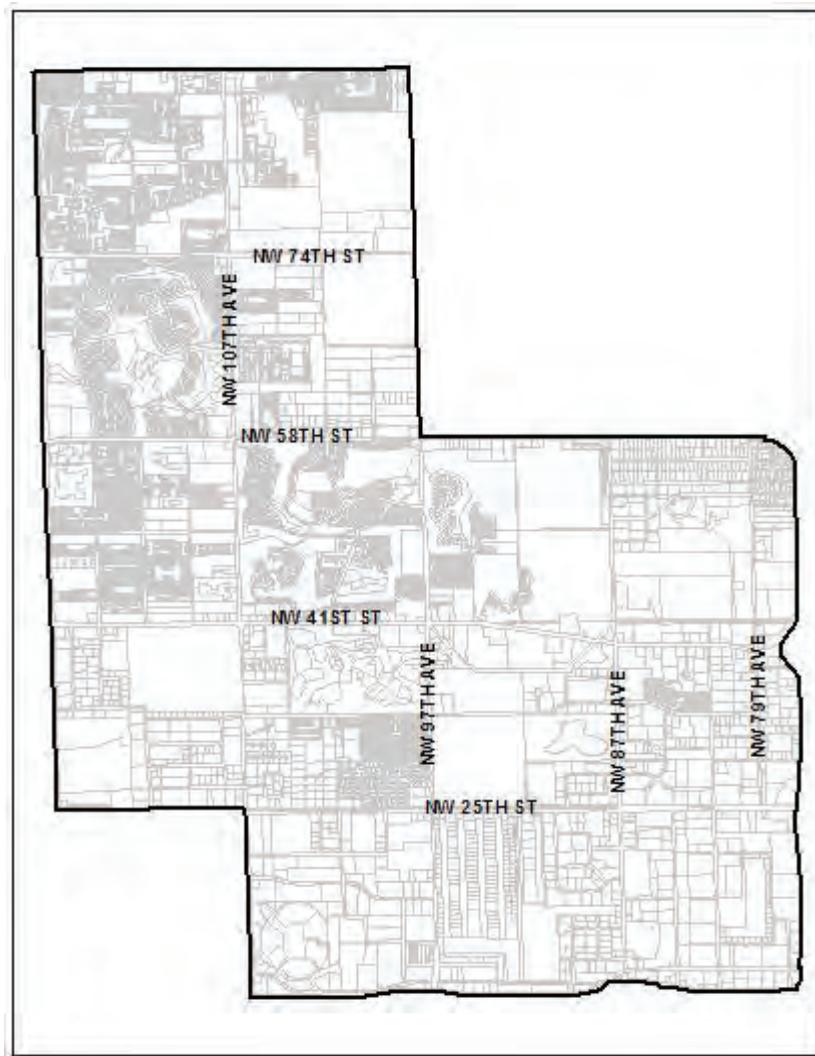
Ordinance No. 2015-40

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING AN AMENDMENT TO THE LAND DEVELOPMENT CODE TO ESTABLISH PROCEDURES FOR SITE PLAN REVIEW WORKSHOPS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-12

**APPLICANT:** City of Doral

**REQUEST:** The City of Doral ("Applicant") is requesting Mayor and Council approval for the establishment of procedures for zoning workshops to provide an open and public forum for members of the public and City Council to comment on proposed site plans within the boundaries of the City.



Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

**NOTE:** If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral **DOES NOT** provide translation services during the zoning application process or during any quasi-judicial proceeding.

**NOTA:** Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral **NO** suministra servicio de traducción durante ningún procedimiento o durante el proceso de solicitudes de zonificación.

Connie Diaz  
City Clerk  
City of Doral

15-73/2476375M



# CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **City Council Zoning Hearing on Wednesday, September 16<sup>th</sup>, 2015, beginning at 6:00 PM**, to consider an amendment to the Grand Bay South PUD Master Development Agreement and Fourth Amendment to Settlement Agreement for Section 8. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida 33166**.

The City of Doral proposes to adopt the following Resolution:

**Resolution No. 15-**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA APPROVING/DENYING AN AMENDMENT TO MODIFY CERTAIN SECTIONS OF THE GRAND BAY SOUTH PLANNED UNIT DEVELOPMENT (PUD) MASTER DEVELOPMENT AGREEMENT (MDA) AND FOURTH AMENDMENT TO THE SETTLEMENT AGREEMENT SECTION 8 WHICH PROVIDES FOR THE CONSTRUCTION AND OPERATIONS OF THE CHARTER SCHOOL TO BE LOCATED ON APPROXIMATELY FOUR (4) ACRE TRACT OF LAND ON THE NORTHWEST CORNER OF THE INTERSECTION OF NW 102 AVENUE AND NW 78 STREET, CITY OF DORAL, FLORIDA; PROVIDING FOR RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-13

**APPLICANT:** Flordade, LLC

**PROJECT NAME:** Grand Bay South PUD

**LOCATION:** The proposed charter school location in the Grand Bay South PUD is generally located on the northwest corner of the intersection of NW 102 Avenue and NW 78 Street.

**SIZE OF PROPERTY:** 160 ± acres (Proposed school site is approximately 4 acres)

**REQUEST:** Holland & Knight LLP on behalf of Flordade, LLC (the "Applicant") is requesting to modify certain provisions of the Grand Bay South PUD Master Development Agreement and the Fourth Amendment to the Settlement Agreement for Section 8, dated as of June 12, 2005, as amended from time to time. The purpose of this request is to modify those sections of the agreements related to the construction and operations of the charter school.

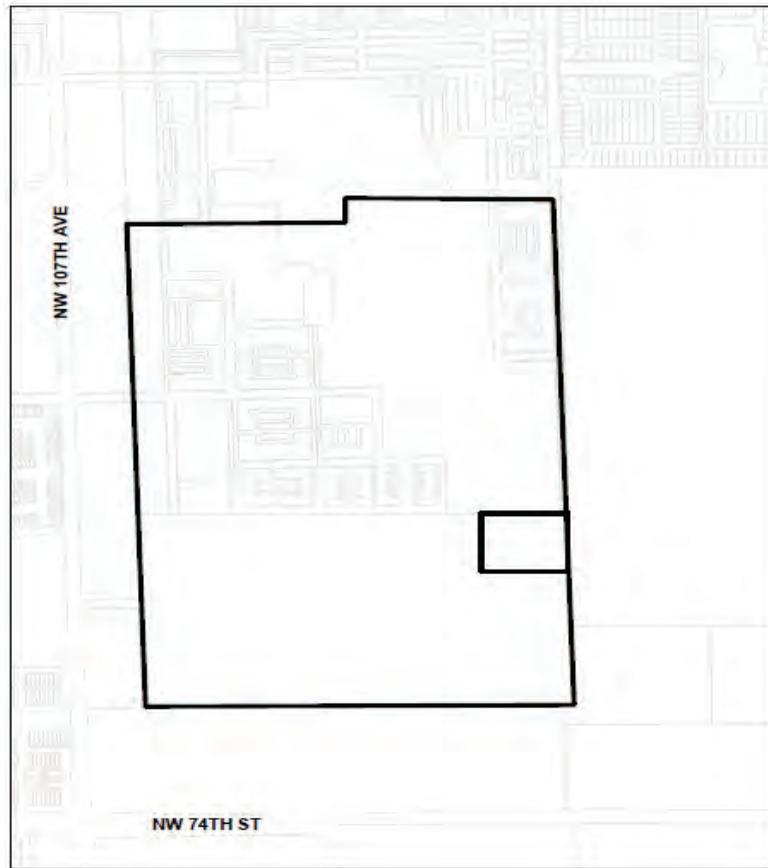
**LEGAL DESCRIPTION:**

A portion of Section 8, Township 53 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northwest Corner of said Section 8; thence N89deg39min28secE, along the North Line of said Section 8, for a distance of 40.01 feet; thence S01deg43min29secE for a distance of 240.07 feet; thence N89deg39min28secE for a distance of 310.09 feet; thence S01deg43min29secE along the West Line of a 170.00 feet Wide Florida Power and Light Easement, as described in Official Records Book 6142, at Page 326 of the Public Records of Miami-Dade County, Florida for a distance of 1348.81 feet to the POINT OF BEGINNING of the hereinafter described Parcel of Land; thence N88deg16min31secE for a distance of 994.69 feet; thence N01deg42min31secW for a distance of 141.56 feet; thence N88deg17min29secE for a distance of 926.97 feet; thence N88deg15min36secE for a distance of 384.09 feet; thence S01deg44min24secE for a distance of 3156.70 feet; thence S89deg39min25secW, along a line that is parallel with and 730.00 feet North of the South line of Section 8, for a distance of 2307.30 feet; thence N01deg43min29secW, along the West Line of a 170.00 feet wide Florida Power and Light Easement as recorded in Official Records Book 6142, at Page 326 of the Public Records of Miami-Dade County, Florida for a distance of 608.96 feet to a point of curvature of a circular curve to the right, concave to the Southeast; thence Northerly along the arc of said curve, having for its elements a radius of 23.00 feet, through a central angle of 12°33'07" for an arc distance of 5.04 feet; thence S88deg16min17secW, for a distance of 310.55 feet; thence N01deg43min29secW, along a line 40.00 feet East of and parallel with the West line of the Southwest 1/4 of said Section 8, for a distance of 60.00 feet; thence N88deg16min17secE for a distance of 310.55 feet to its intersection with the arc of a circular curve to the right, concave to the Northeast, a radial line from said point bears N75deg42min56secE; thence Northerly along the arc of said curve, having for its elements a radius of 23.00 feet, through a central angle of 12°33'35" for an arc distance of 5.04 feet to a point of tangency; thence N01deg43min29secW, along the West line of said 170 feet wide Florida Power and Light Easement, for a distance of 1208.64 feet; thence S88deg16min31secW for a distance of 310.00 feet; thence N01deg43min29secW, along a line 40.00 feet East of and parallel with the West line of said Section 8, for a distance of 60.00 feet; thence N88deg16min31secE for a distance of 310.00 feet; thence N01deg43min29secW, along the West line of said 170 feet wide Florida Power and Light Easement, for a distance of 1012.05 feet to the POINT OF BEGINNING.

Containing 7,112,394.37 Square Feet or 163.28 Acres more or less.

Location Map



Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes if a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

NOTE: If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide translation services during the zoning application process or during any quasi-judicial proceeding.

NOTA: Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento o durante el proceso de solicitudes de zonificación.

Connie Diaz  
City Clerk  
City of Doral  
15-75/2476377M



## CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Council Zoning Hearing** on **Wednesday, September 16, 2015, beginning at 6:00 PM**, to consider an amendment to Chapter 74, Article XII, Farmers' Market of the Land Development Regulations. The City Council will consider this item for **FIRST READING**. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166**.

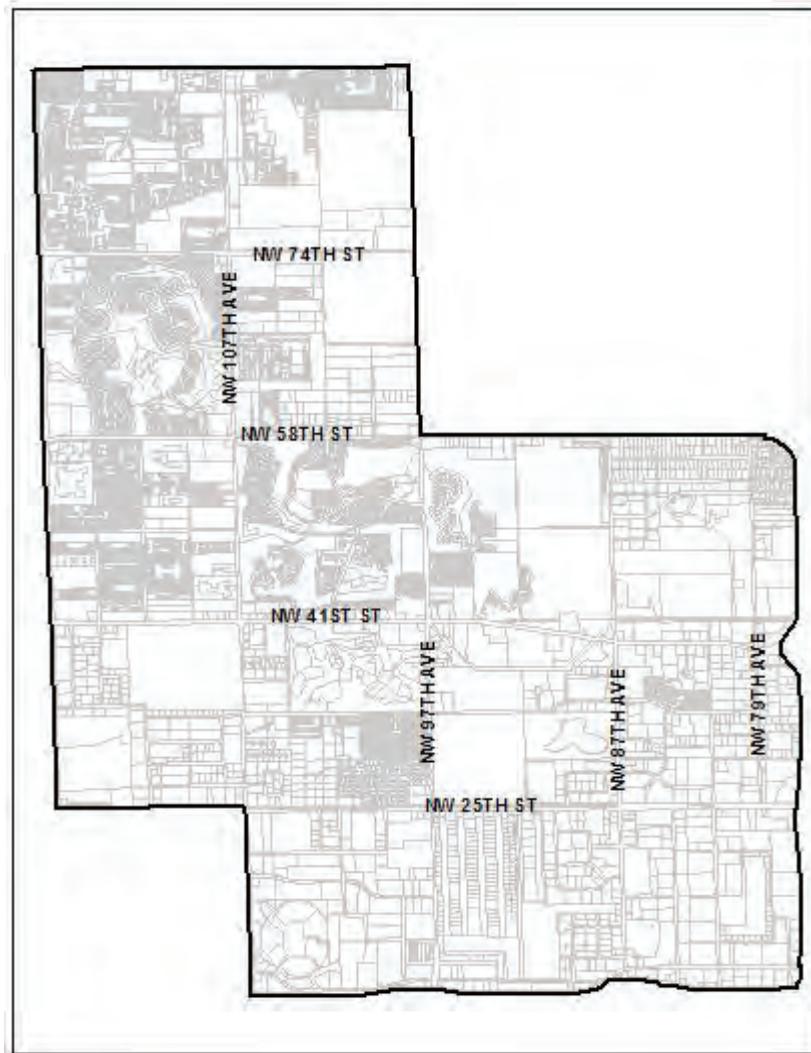
### ORDINANCE No. 2014-47

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 74, ARTICLE XII, FARMERS' MARKET OF THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-14

**APPLICANT:** City of Doral

**REQUEST:** To amend the farmer's market regulations in the Land Development Code to further define the purpose, scope and operating functions.



Information relating to the subject application is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

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**NOTE:** If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide translation services during the zoning application process or during any quasi-judicial proceeding.

**NOTA:** Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento o durante el proceso de solicitudes de zonificación.

Connie Diaz  
City Clerk  
City of Doral

15-76/2476378M



## CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Council Zoning Hearing** on **Wednesday, September 16<sup>th</sup>, 2015, beginning at 6:00 PM** to amend the City's sign regulations to establish general operating standards for Electronic Messaging Centers (EMCs). The City Council will consider this item for **First Reading**. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida 33166**.

The City of Doral proposes to adopt the following Ordinance:

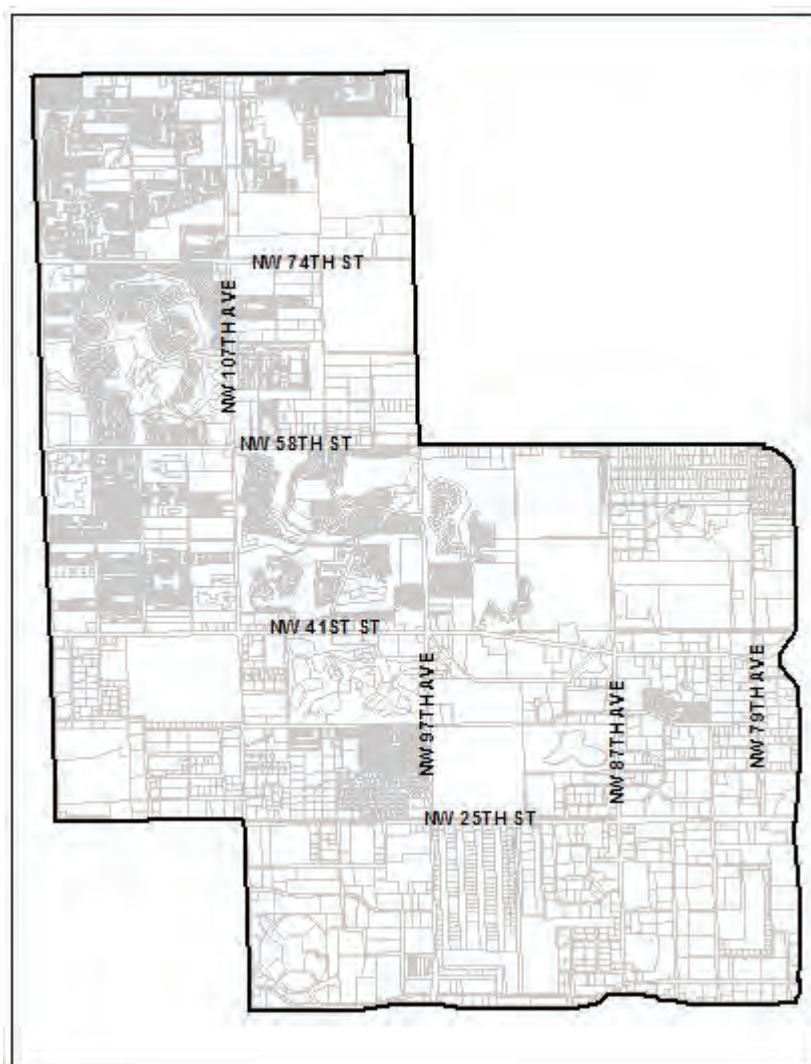
**Ordinance No. 2015-38**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING THE SIGN REGULATIONS OF THE LAND DEVELOPMENT CODE OF THE CITY OF DORAL, CHAPTER 80, ARTICLE V, DIVISION 6, ESTABLISHING SECTION 80-296 THROUGH SECTION 80-300 - ELECTRONIC MESSAGE CENTERS (EMCs) PROVIDING FOR GENERAL OPERATING STANDARDS; PROVIDING FOR SPECIFIC PERMITTING CONDITIONS IN CERTAIN LIMITED LOCATIONS AND ARTERIAL CORRIDORS; PROVIDING FOR THE PREVENTION OF UNSAFE DRIVER DISTRACTION CONDITIONS; PROVIDING FOR A FULL BALANCING OF LEGIBILITY, MESSAGE FUNCTION, CLEAR PURPOSE AND REASONABLE PUBLIC INTEREST CONSIDERATIONS; PROVIDING FOR A LEGALLY DEFENSIBLE CONDITIONAL USE APPLICATION AND MONITORING PROCESS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-11

**APPLICANT:** City of Doral

**REQUEST:** The City of Doral ("Applicant") is requesting Mayor and City Council approval to establish general operating standards to ensure that Electronic Messaging Centers (EMCs) are designed, constructed, installed and maintained according to minimum aesthetic and public safety standards in order to promote the aesthetic ambience of the City's street corridors.



Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, Fl. 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, Fl. 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

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Connie Diaz  
City Clerk  
City of Doral  
15-77/2476379M



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# CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **City Council Zoning Hearing** on **Wednesday, September 16th, 2015, beginning at 6:00 PM**, to consider the following rezoning application. The City Council will consider this item for **SECOND READING**. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida 33166**. The proposed rezoning applies to the following property shown on the map below.

**The City of Doral proposes to adopt the following Ordinance:**

**Ordinance No. 2015-31**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY DORAL, FLORIDA, APPROVING/DENYING THE REZONING OF 2.96± ACRE PARCEL FROM INDUSTRIAL DISTRICT ("I") TO CORRIDOR COMMERCIAL DISTRICT ("CC") FOR THE PROPERTIES GENERALLY LOCATED AT 8690 NORTHWEST 58 STREET AND 5675 NORTHWEST 87 AVENUE, CITY OF DORAL, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-06

**APPLICANT:** Tracy R. Slavens, Esq. on behalf of Doral 87 Group, LLC

**PROJECT NAME:** Doral 87 Group, LLC

**LOCATION:** The subject properties are generally located at 8690 Northwest 58 Street and 5675 Northwest 87 Avenue, Doral, Florida 33166

**SIZE OF PROPERTY:** 2.96 ± acres

**PRESENT ZONING:** Industrial District (I)

**REQUEST:** Tracy R. Slavens, Esq. on behalf of Doral 87 Group, LLC (The "Applicant") is requesting a rezoning from Industrial District (I) to Corridor Commercial District ("CC").

**LEGAL DESCRIPTION:**

**PARCEL A:**

The West 132.185 feet of the North 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East less the West 35 feet, and less the North 35 feet thereof.

**PARCEL B:**

The East 132.185 feet of the West 264.37 feet of the North 1/2 of the North 1/2 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East, less the North 35 feet thereof.

**PARCEL C:**

The East 132.20 feet of the West 264.40 feet of the South 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East less the South 25 feet thereof.

**PARCEL D:**

The West 132.20 feet of the South 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East less the South 25 feet and less the West 35 feet thereof.

**LESS THE FOLLOWING PARCELS:**

The South 10 feet of the North 45 feet of the West 2/5 of the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 22, Township 53 South, Range 40 East, Miami-Dade County, Florida.

AND

The East 5 feet of the West 40 feet of the North 1/2 of the NW 1/4 of the NW 1/4 of the NW 1/4 of said Section 22, less the North 35 feet thereof.

AND

The area bounded by the South line of the North 45 feet of the NW 1/4 of said Section 22 and bounded by the East line of the West 40 feet of the NW 1/4 of said Section 22, and bounded by a 25 foot radius arc concave to the Southeast said arc being tangent to both of the last described lines.

AND

The East 5 feet of the West 40 feet of the South 1/2 of the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 22, Township 53 South, Range 40 East, Miami-Dade County, Florida, and the North 10 feet of the South 35 feet of the West 2/5 of the NW 1/4 of the NW 1/4 of the NW 1/4 of said Section 22 and the area bounded by the East line of the West 40 feet of the South 1/2 of the NW 1/4 of the NW 1/4 of said Section 22 and bounded by the North line of the South 35 feet of the West 2/5 of the NW 1/4 of the NW 1/4 of the NW 1/4 of said Section 22 and bounded by a 25 foot radius arc concave to the Northeast and being tangent to both the last described lines.

**Location Map**



Information relating to the subject application is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, Fl. 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, Fl. 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes if a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

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Connie Diaz  
City Clerk  
City of Doral

# COMMERCIAL REAL ESTATE by SAMANTHA JOSEPH

## SOUTH FLORIDA TRANSACTIONS

### Wellington Office Doubles in Value

**Address:** 10111 Forest Hill Blvd., Wellington  
**Property type:** 50,741-square-foot professional services building constructed in 1986 on 1 acre  
**Price:** \$8.65 million, or \$170 per square foot  
**Seller:** University Drive Professional Plaza Partnership  
**Buyer:** Forest Hill Medical Properties LLC  
**Past sale:** \$4 million in October 1998

### Buyer Scoops Up Dealership for \$1.7M

**Address:** 1190 S. State Road 7, North Lauderdale  
**Property type:** A high-exposure 4,785-square-foot car dealership constructed in 1989 on more than 2.8 acres  
**Price:** \$1.78 million, or \$371 per square foot  
**Seller:** 1190 South State Road Seven LLC  
**Buyer:** PV-NOLA LLC  
**Past sale:** \$1.78 million on July 24, 2015

### Dania Service Station Flipped for \$1.5 Million

**Address:** 1554 S. Federal Highway, Dania Beach

**Property type:** 2,730-square-foot service station constructed in 1965 on an 18,008-square-foot lot  
**Price:** \$1.58 million, or \$577 per square foot  
**Seller:** 1554 S Federal Highway LLC  
**Buyer:** Guru Shakti Group LLC  
**Past sale:** \$1.58 million on Aug. 6, 2015 as part of a multi-parcel sale

### Lauderdale Apartment Trade Tops \$1 Million

**Address:** 1137 NE 15th Ave., Fort Lauderdale  
**Property type:** 1,065-square-foot multifamily building with two units constructed in 1964 on a 6,506-square-foot parcel

**Address:** 1133-1135 NE 15th Ave., Fort Lauderdale  
**Property type:** Eight apartments totaling 3,784 square feet built in 1956 on a 9,759-square-foot lot

**Address:** 1131 NE 15th Ave., Fort Lauderdale  
**Property type:** 2,920-square-foot multifamily property with four units built in 1953 on a 9,760-square-foot lot

**Price:** \$1.08 million  
**Seller:** Sukar Yasewatty  
**Buyer:** PSD Investments LLC

### DEAL OF THE DAY

## \$3.1 Million Pumped into Hialeah Gas Station

**Address:** 1005 W. 29th St., Hialeah  
**Property type:** 5,470-square-foot Chevron gas station built in 2002 on a 15,524-square-foot parcel  
**Price:** \$3.1 million, or \$567 per square foot  
**Seller:** JFRF Investments LLC  
**Buyer:** Blue Ocean Land LLC  
**Past sale:** \$2.06 million on Oct. 25, 2011



GOOGLE

These reports are based on public records filed with the clerks of courts. Building area is cited in gross square footage, the total area of a property as computed for assessment purposes by the county appraiser.

# With Multifamily Money Flowing, Class B Gets More Attention

by Carrie Rossenfeld  
GlobeSt.com

Companies involved in multifamily are focusing more on Class B product and value-add deals than ever now that the capital spigots are more open to purchasing and renovating these properties, the ConAm Group's executive vice president of property management Julie Brawn-Whitesides said. Brawn-Whitesides recently joined the firm, as part of its strategy to increase its national multifamily property portfolio aggressively through both company-owned and third-party fee-management assets. We spoke with Brawn-Whitesides exclusively about her new post, trends in apartment management and dealing with renters' amenities expectations.

### What are your main goals in your new role at ConAm?

First is really fostering an environment where we can improve and maintain the core competencies of the company to the highest levels. Growth is always an objective, but controlled growth, where we can be successful at internal and third-party accounts, collaborating with a team of professionals to offer a high level of talent at all times and to put our best foot forward. We're becoming a better company in terms of services, responsiveness and technology



Julie Brawn-Whitesides of ConAm Group said there has been a shift since the recession years, with a greater focus on Class B product and value-add deals.

that's meaningful to our clients.

### What trends are you seeing emerge in apartment management?

The biggest shift happening in our business currently is the focus on Class B product and value-add deals, whether for third-party clients or internally from our acquisitions-and-development de-

partment. This has shifted definitely from some of the recession years, when owners weren't expending resources to improve properties and their value because everyone was holding on so tightly. Also, portfolio business coming in and out of companies versus a deal or two is becoming more prevalent as companies strive to align with their marketing and operational partners, creating relationships and partnerships with companies that can facilitate the needs of its investment as well as its operations arms.

### Is apartment management becoming more challenging as amenities expectations increase among renters?

Yes and no. It is challenging at times to manage some of the amenity requests but exciting to see some of the newer items that create value for a renter. For example, really tailoring an amenity to a household—for example, a pet owner—is important because we need a clear-cut policy that doesn't alienate a renter because they own a pet or multiple pets. We want to make sure every resident's needs are met to the best of our ability, and that means being sensitive to pet owners and non-pet owners.

We want to make sure we have the proper amenities to accommodate those renters. Also, in an urban environment, it would be meaningful to offer a bike

kitchen (a place where they can repair their own bike equipment, with a vending machine that can distribute items such as tubes) instead of having renters take their bikes out for repair. So, we're insuring the needs of renters, while making them cost-effective and achieving value.

### What else should our readers know about apartment management?

It's an exciting time in our industry. We have many new investors to this art of the real estate landscape, which is interesting and has kept us busy. With ConAm having a 40-year operating platform, it's interesting to see some new faces in the field. At the end of the day when it comes to apartments, people have a variety of choices. We want those who choose apartment living to see it not as a second choice, but as a first choice. We really want to foster an environment where they're happy with their choice. Rather than taking what can be perceived as a risk in homeownership at this time, apartments are at the top of the list from an investment perspective. More residents every year are coming into apartment rentership from a variety of areas, and the industry continues to rise.

Carrie Rossenfeld reports for [GlobeSt.com](http://GlobeSt.com), an ALM affiliate of the Daily Business Review.

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## BANKING/ FINANCE

# While Many Panicked, Japanese Day Trader Made \$34 Million

by Jason Clenfield Yuji Nakamura

Bloomberg News

While a lot of investors were hitting the panic button, a Japanese day trader who'd made a big bet against the market timed the bottom almost perfectly and narrated a play-by-play of the trade to his 40,000 Twitter followers. He claims to have walked away with \$34 million.

As financial markets got crazy last week, many people turned cautious. Some were paralyzed. Not the 36-year-old day trader known by the Internet handle CIS.

"I do my best work when other people are panicking," he said in an interview about an hour after winding up the biggest trade of a long career betting on stocks. He asked that his real name not be used because he's worried about robbery or extortion. To support his claims, he shared online brokerage statements showing his trades second by second.

CIS had been shorting futures on the Nikkei 225 Stock Average since mid-August, wagering it would fall. By the market close on Aug. 24, a paper profit of \$13 million was staring him in the face. He kept building the position. When he cashed out late that night, a collapse in New York had caused his profit to double.

Instead of celebrating, he kept trading. He started betting the market had bottomed. When he finally took his winnings off the table Aug. 25, he tweeted, "That's the end of my epic rebound trade." His profit, he said, had almost tripled.

"It was a perfect trade," said Naoki Murakami, who follows CIS on Twitter and whose markets blog has made him a minor celebrity in his own right.

## TRASH TALKING

Last year, when he was the subject of a profile in

Bloomberg Markets magazine, CIS said that in a decade of day trading, mostly from a spare bedroom in a rented apartment, he had amassed a fortune of about \$150 million. At the time, he shared tax returns and brokerage statements to back up his claims. One document showed he had traded \$14 billion worth of Japanese equities in 2013 — about half of 1 percent of all the share transactions done by individuals on the Tokyo Stock Exchange that year.

CIS became a cult figure among Japan's tight-knit community of day traders by trash talking on Internet message boards early in his career. He's notorious for lines like "Not even Goldman Sachs can beat me in a trade." Last year he opened a Twitter account, on which he talks about video games and, regularly, his trading. It's impossible to say how many of his followers are also day traders, and how many of those buy and sell in his wake. Those who do, of course, are quite possibly helping him make money.

During the interview at a Tokyo coffee shop, where he had agreed to talk before continuing on to a poker game with buddies, he explained his recent trades step by step. Dressed in a plain gray T-shirt with a flannel shirt tied around his waist, he was monitoring a brokerage account on his iPad and had a \$1,600 burgundy under one arm, a 2003 Domaine de la Romanee-Conti. (It wasn't a celebratory bottle, he said; he drinks a lot of good wine.)

"Of course I'm happy about today, but you win some and you lose a lot, too," he said, explaining the Greek financial crisis had cost him about \$6 million.

CIS said he has no idea whether or not China is going to drag down the global economy. He doesn't even care. When he trades, he tracks volumes and price moves to follow the momentum. For him the basic rule is: "Buy stocks that are being bought, and sell stocks

that are being sold."

The latest trade began Aug. 12 when CIS noticed a shift in equity markets he hadn't seen for a while. Shares in the major indexes were struggling to recover from selloffs. He started shorting Nikkei futures: 200 contracts the first day and another 1,300 over the following week and a half.

The stakes were enormous. With 1,500 contracts at a notional value of about \$160,000 each, his bet against the Nikkei was about \$240 million. For every 100 yen move in the index, he stood to make or lose \$1.25 million.

The market was mostly flat over the next few days; CIS bided his time playing video games. On Aug. 21, the Nikkei dipped. Then on Aug. 24, the index plunged the most in two years, and the futures fell more than 1,000 points to 18,410. By the close at 3 p.m. in Tokyo, his profit stood at about \$13 million.

This is the point where most traders would take their money off the table and call it a year. Not CIS.

"I'm adding to my position," he wrote on Twitter. "Then I'm going to go for a walk and prayer."

He sold 100 more futures contracts. Two hours later, he sold another 100. His bet against the Nikkei had risen to about \$275 million. He would lose \$1.4 million for every 100-yen increase in the index.

His logic for hanging on to the trade until the U.S. open, at 10:30 p.m. Tokyo time, was this: Panic would grip American investors returning from a weekend after they saw the scope of Asian selling, including Shanghai's 8.5 percent plunge. That would trigger selling, which, in a feedback loop, would pull Nikkei 225 futures down violently amid the thin volume of late-night trading.

"I figured there would be a lot of fear around the U.S. open and that's what I was aiming for," he said.

# How a \$500,000 Check That Sat Uncashed Adds to Mexico Scandal

by Eric Martin Brendan Case

Bloomberg News

For months, Mexicans have been clamoring for more details about Finance Minister Luis Videgaray's purchase of a luxury house perched at the edge of a lush golf course a couple of hours outside of Mexico City.

Now, documents have been released suggesting Videgaray completed his purchase of the vacation home after taking office in an unusual deal with a builder with ties to the government. Videgaray, a former investment banker, paid for the home with three works of art and a personal check dated Jan. 31, 2014. But the \$500,000 check wasn't cashed until almost a year later — just days before a news report was published questioning the minister's dealings with the government contractor.

The revelations — included in thousands of documents released as part of a federal investigation into home purchases by the finance minister, the president and his wife that cleared them of wrongdoing — add to the political soap opera that has dominated the headlines for months and helped undermine public approval of President Enrique Pena Nieto.

"This doesn't pass the smell test," said Arturo Pueblita, a constitutional law expert at the Ibero-American University in Mexico City. "This is completely irregular and generates a great amount of suspicion."

In an email Thursday night, Videgaray said he and the home seller agreed that the seller wouldn't cash his check until he was officially released from the mortgage obligation. He said he's always



YOUTUBE

Finance Minister Luis Videgaray's golf course home was built by a builder with ties to the Mexican government.

acted within the law. The president and first lady have also denied they acted improperly and declined to be interviewed for this article.

The probe was led by the federal comptroller, who reports directly to Pena Nieto, and large portions of his findings — occasionally almost full pages — were blacked out, doing little to quell concerns that his administration favors preferred business partners in a nation with a deeply embedded history of corruption and impunity, some opposition lawmakers and political analysts say.

Ricardo Anaya, head of the National Action Party, Mexico's largest opposition bloc, called the investigation clearing Pena Nieto and Videgaray an "offensive joke." The Democratic Revolution Party

said on its website the verdict "lacks credibility."

"There are a series of unusual actions here," said Ernesto Villanueva, a transparency and corruption researcher at Mexico's National Autonomous University. "It gives me the feeling that there was an effort by the investigators to exonerate the finance minister."

A Pew survey conducted April 7-19 shows 27 percent of respondents approve of Pena Nieto's handling of corruption, down from 42 percent a year ago.

Comptroller Virgilio Andrade, a Pena Nieto appointee whose job is to oversee and investigate federal officials, didn't respond to requests for comment.

In documents released last month,

Andrade's office said Videgaray wrote the check for about \$500,000 to a unit owned by Juan Armando Hinojosa in January 2014. The businessman's Grupo Higa is a construction conglomerate with 22 federal contracts including a deal to renovate the presidential hangar at the Mexico City airport. Hinojosa's firm didn't cash the check until Dec. 5, just days before a Wall Street Journal article questioned the home purchase. Hinojosa's company declined to comment.

Andrade's office concluded the finance minister bought his home before becoming a federal official and wasn't personally involved in the awarding of government contracts. That echoes Videgaray's statements in a public letter penned in December in which he said he acquired the home before he became finance minister in December 2012.

The documents released alongside the conclusion show Videgaray didn't close on the property until Nov. 28, 2013, almost a year after he took office. The \$500,000 check is dated two months after that.

The only document Videgaray cited in written testimony to investigators backing his claim that he struck a deal with Hinojosa in October 2012 was notarized more than a year later on the closing date. It includes a schedule of payments that was dated November 2013.

In the year between when Videgaray said he agreed to buy the home and the closing date, Hinojosa's companies won contracts from four development banks where Videgaray served as chairman, including one to fly high-ranking executives such as Videgaray around on official business.



# CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **City Council Zoning Hearing** on **Wednesday, September 16th, 2015, beginning at 6:00 PM**, to consider adoption of the Annual Update (2015) to the Capital Improvement Element of the City's Comprehensive Plan. The City Council will consider this item for **SECOND READING**. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, FL 33166**.

The City of Doral proposes to adopt the following Ordinance:

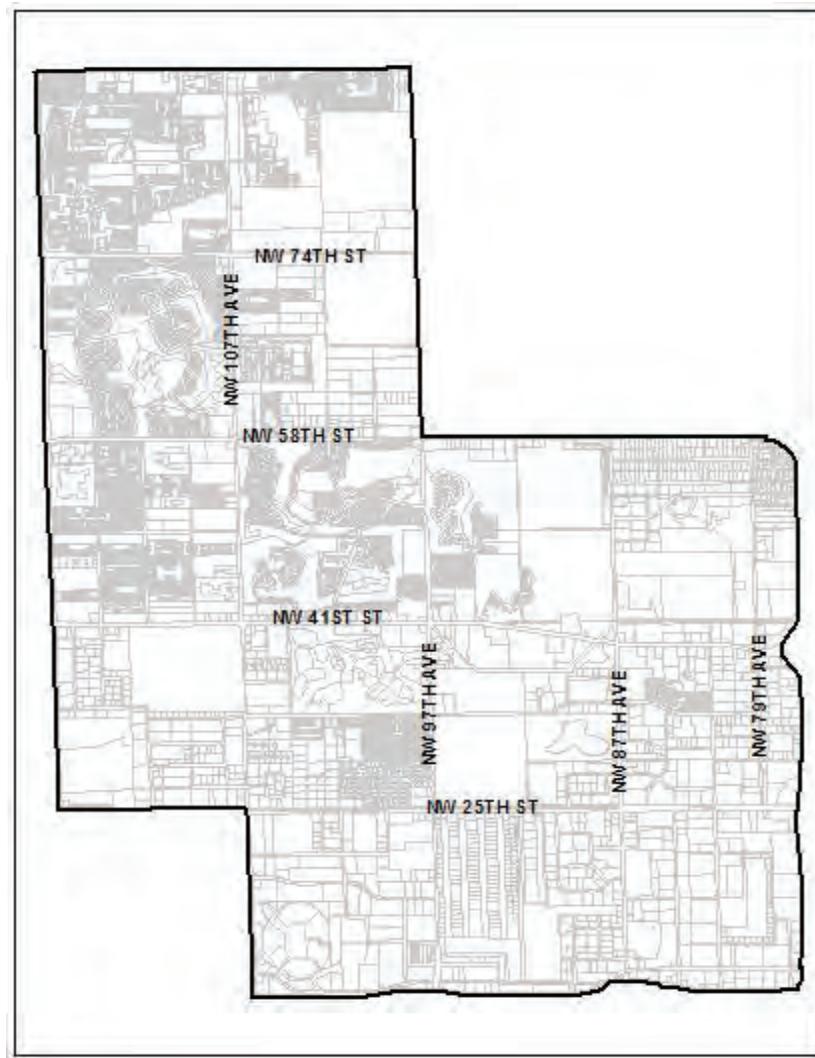
**ORDINANCE No. 2015-34**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, ADOPTING THE 2015 ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN CONSISTENT WITH SECTION 163 FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL OF THE CAPITAL IMPROVEMENTS SCHEDULE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-09

**APPLICANT:** City of Doral

**REQUEST:** To adopt the 2015 Annual Update to the Capital Improvements Element of the Comprehensive Plan and to authorize transmittal of the Capital Improvement Schedule to the Florida Department of Economic Opportunity (FDEO).



Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

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Connie Diaz  
City Clerk  
City of Doral



# CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **City Council Zoning Hearing** on **Wednesday, September 16th, 2015, beginning at 6:00 PM**, to consider an amendment to the Sign Regulations in the Land Development Code. The City Council will consider this item for **SECOND READING**. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida 33166**.

The City of Doral proposes to adopt the following Ordinance:

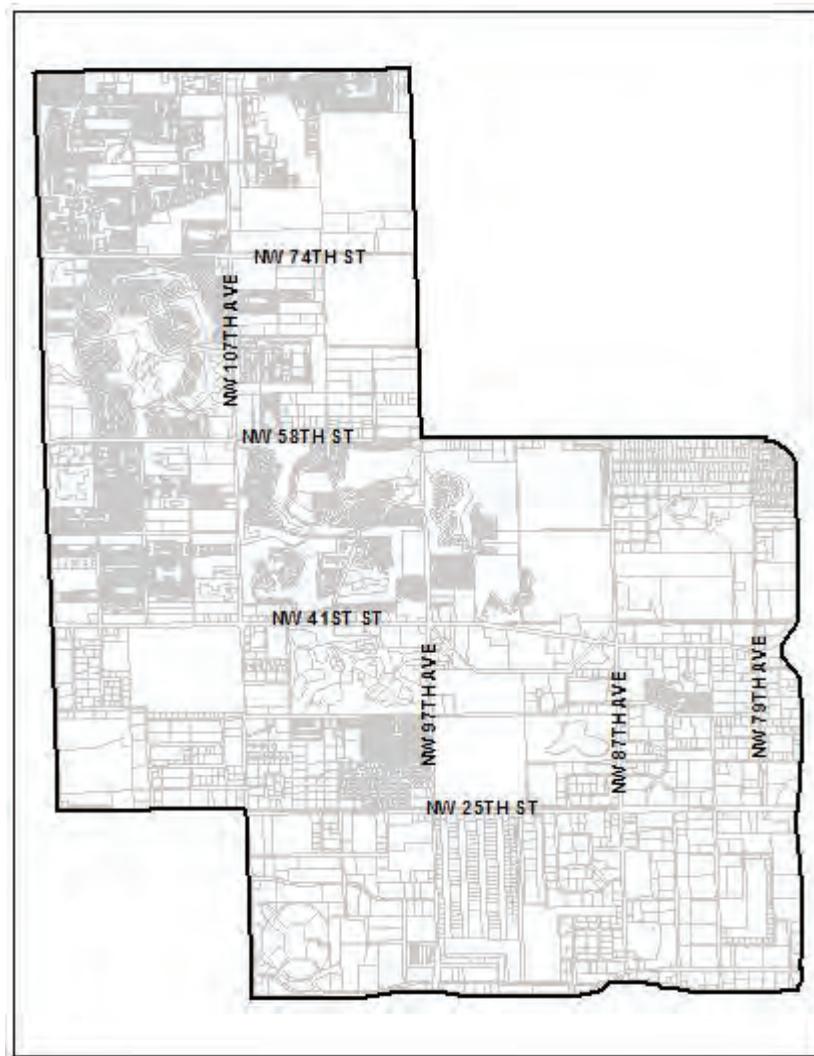
**Ordinance No. 2015-32**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING THE SIGN REGULATIONS OF THE LAND DEVELOPMENT CODE OF THE CITY OF DORAL, CHAPTER 80, ARTICLE V, DIVISION 3, CREATING SECTION 80-234, ENTITLED LED ELECTRONIC MESSAGING SIGN IN GATED RESIDENTIAL COMMUNITIES WITH AN EXISTING HOMEOWNER ASSOCIATION; PROVIDING FOR GENERAL OPERATING STANDARDS; PROVIDING FOR PREVENTION OF UNSAFE DRIVER DISTRACTION CONDITIONS; PROVIDING FOR A FULL BALANCING OF LEGIBILITY, MESSAGE FUNCTION, CLEAR PURPOSE AND REASONABLE PUBLIC INTEREST CONSIDERATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-10

**APPLICANT:** City of Doral

**REQUEST:** To amend the sign regulations of the Land Development Code to establish minimum standards to permit "LED Electronic Messaging in Single-Family Residential Developments" with an existing HOA to keep residences informed of community activities.



Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

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Connie Diaz  
City Clerk  
City of Doral  
15-81/2476384M



## CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **City Council Zoning Hearing** on **Wednesday, September 16<sup>th</sup>, 2015, beginning at 6:00 PM**, to consider the following rezoning application. The City Council will consider this item for **SECOND READING**. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida 33166**. The proposed rezoning applies to the following property shown on the map below.

The City of Doral proposes to adopt the following Ordinance:

Ordinance No. 2015-29

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING THE REZONING FROM INDUSTRIAL COMMERCIAL DISTRICT ("IC") TO CORRIDOR COMMERCIAL DISTRICT ("CC") OF 4.4± ACRES FOR THE PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF N.W. 58 STREET AND N.W. 97 AVENUE, CITY OF DORAL, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-04

**APPLICANT:** Tracy R. Slavens, Esq. on behalf of 97 Property, LLC

**PROJECT NAME:** 97 Property, LLC

**LOCATION:** The subject property is located on the Southeast corner of N.W. 58 Street and N.W. 97 Avenue, Doral, Florida.

**SIZE OF PROPERTY:** 4.4 ± acres

**PRESENT ZONING:** Industrial Commercial District (IC)

**REQUEST:** Tracy R. Slavens, Esq. on behalf of 97 Property, LLC is requesting a rezoning from Industrial Commercial (IC) to Corridor Commercial District ("CC").

**LEGAL DESCRIPTION:** The West 1/2 of Tract 32, LESS the North 40 feet, in Section 21, Township 53 South, Range 40 East, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, according to the Plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida.

**Location Map**



Information relating to the subject application is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, Fl. 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, Fl. 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes if a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

**NOTE:** If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide translation services during the zoning application process or during any quasi-judicial proceeding.

**NOTA:** Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento o durante el proceso de solicitudes de zonificación.

Connie Diaz  
City Clerk  
City of Doral



## CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Local Planning Agency (LPA)** meeting on **Wednesday, September 16<sup>th</sup>, 2015, beginning at 5:00 PM**, to consider an amendment to the City's sign regulations in the Land Development Code. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166**.

The City of Doral proposes to adopt the following Resolution:

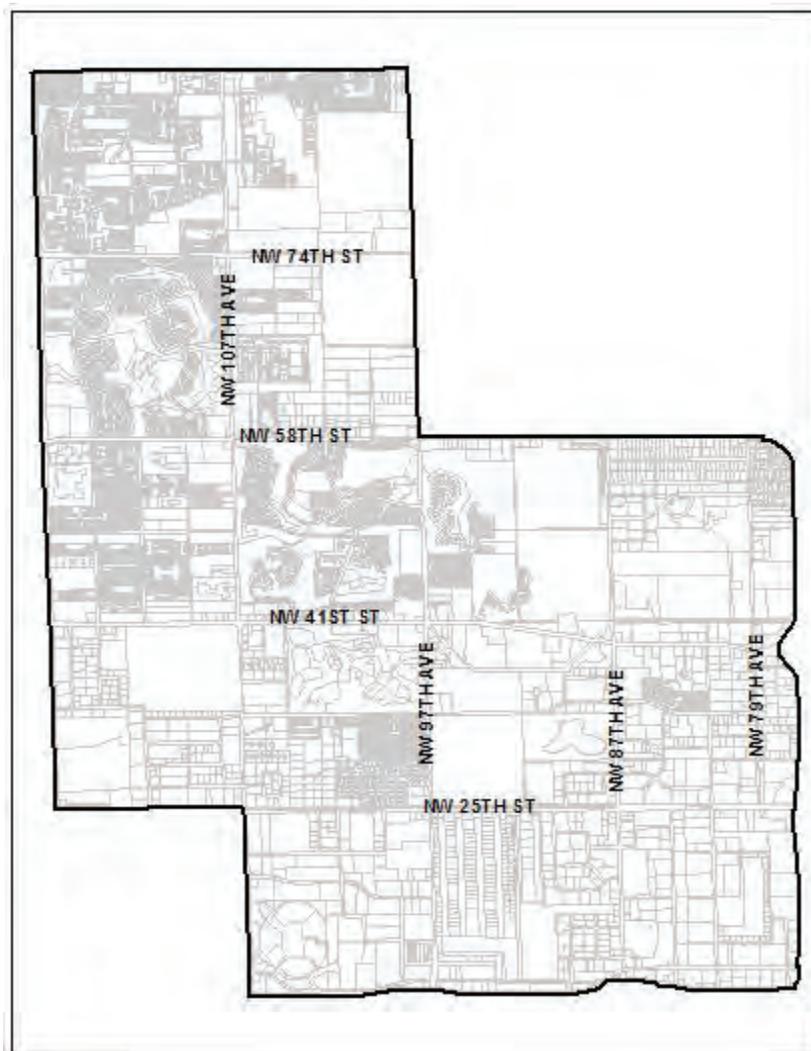
### Resolution No. 15-

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA SITTING AS THE LOCAL PLANNING AGENCY, APPROVING / DENYING OR GOING FORWARD WITHOUT A RECOMMENDATION TO AMEND THE SIGN REGULATIONS OF THE LAND DEVELOPMENT CODE OF THE CITY OF DORAL, CHAPTER 80, ARTICLE V, DIVISION 6, ESTABLISHING SECTION 80-296 THROUGH SECTION 80-300 - ELECTRONIC MESSAGE CENTERS (EMCs) PROVIDING FOR GENERAL OPERATING STANDARDS; PROVIDING FOR SPECIFIC PERMITTING CONDITIONS IN CERTAIN LIMITED LOCATIONS AND ARTERIAL CORRIDORS; PROVIDING FOR THE PREVENTION OF UNSAFE DRIVER DISTRACTION CONDITIONS; PROVIDING FOR A FULL BALANCING OF LEGIBILITY, MESSAGE FUNCTION, CLEAR PURPOSE AND REASONABLE PUBLIC INTEREST CONSIDERATIONS; PROVIDING FOR A LEGALLY DEFENSIBLE CONDITIONAL USE APPLICATION AND MONITORING PROCESS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-15

**APPLICANT:** City of Doral

**REQUEST:** The City of Doral ("Applicant") is requesting Mayor and City Council approval to establish general operating standards to ensure that Electronic Messaging Centers (EMCs) are designed, constructed, installed and maintained according to minimum aesthetic and public safety standards in order to promote the aesthetic ambience of the City's street corridors.



Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

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Connie Diaz  
City Clerk  
City of Doral  
15-83/2476386M



# CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Local Planning Agency (LPA)** meeting on **Wednesday, September 16<sup>th</sup>, 2015, beginning at 5:00 PM**, at the City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166 to consider the following variance application:

**The City of Doral will consider the following Resolution:**

**Resolution No. 15-**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA SITTING AS THE LOCAL PLANNING AGENCY, APPROVING / DENYING A VARIANCE APPLICATION FOR GRAND DORAL I AND II RESIDENTIAL DEVELOPMENT TO PERMIT A WALL TO BE EIGHT (8) FEET IN HEIGHT WHERE THE MAXIMUM HEIGHT IS SIX (6) FEET PER SECTION 74-222 OF THE CITY LAND DEVELOPMENT CODE ON THE PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF N.W. 112 AVENUE AND N.W. 82 STREET, DORAL, FLORIDA, CONSISTING OF APPROXIMATELY 8.46 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-01

**APPLICANT:** Pablo Jose Valdes Florida Irrevocable Trust

**PROJECT NAME:** Grand Doral I and II

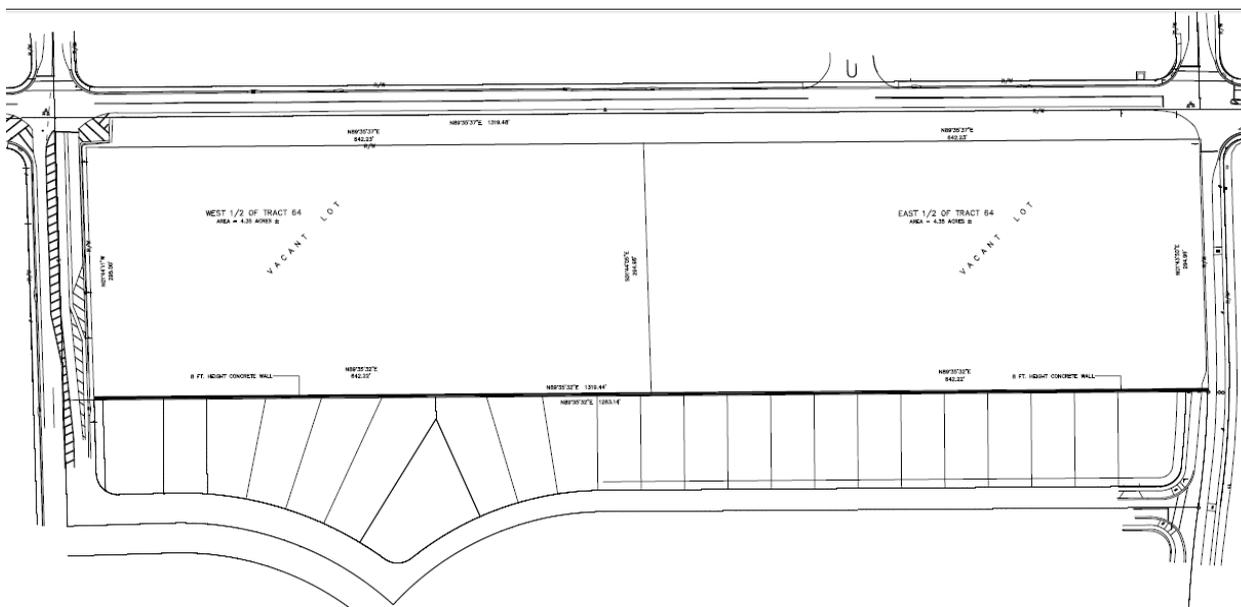
**LOCATION:** The subject property is located on the southeast corner of NW 112<sup>th</sup> Avenue and NW 82<sup>nd</sup> Street, Doral, Florida

**SIZE OF PROPERTY:** 8.46 ± acres

**REQUEST:** Pablo Jose Valdes Florida Irrevocable Trust is requesting a variance to permit a wall to be eight (8) feet in height where the maximum height shall not exceed six (6) feet per Section 74-222 (Heights in Residential Districts) of the City Land Development Code.

**LEGAL DESCRIPTION:** Tract 64 of Florida Fruit Lands Company's Subdivision No. 1 in Section 7, Township 53 South, Range 40 East Less West 35 Ft. and Less the North 35 Ft as Recorded in Plat Book 2 at Page 17 of the Public Records of Miami-Dade County.

**Location Map**



Information relating to the subject application is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

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Connie Diaz  
City Clerk  
City of Doral



## CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Local Planning Agency (LPA)** meeting on **Wednesday, September 16<sup>th</sup>, 2015, beginning at 5:00 PM**, to consider a text amendment to the Land Development Code. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166.**

**The City of Doral proposes to adopt the following Resolution:**

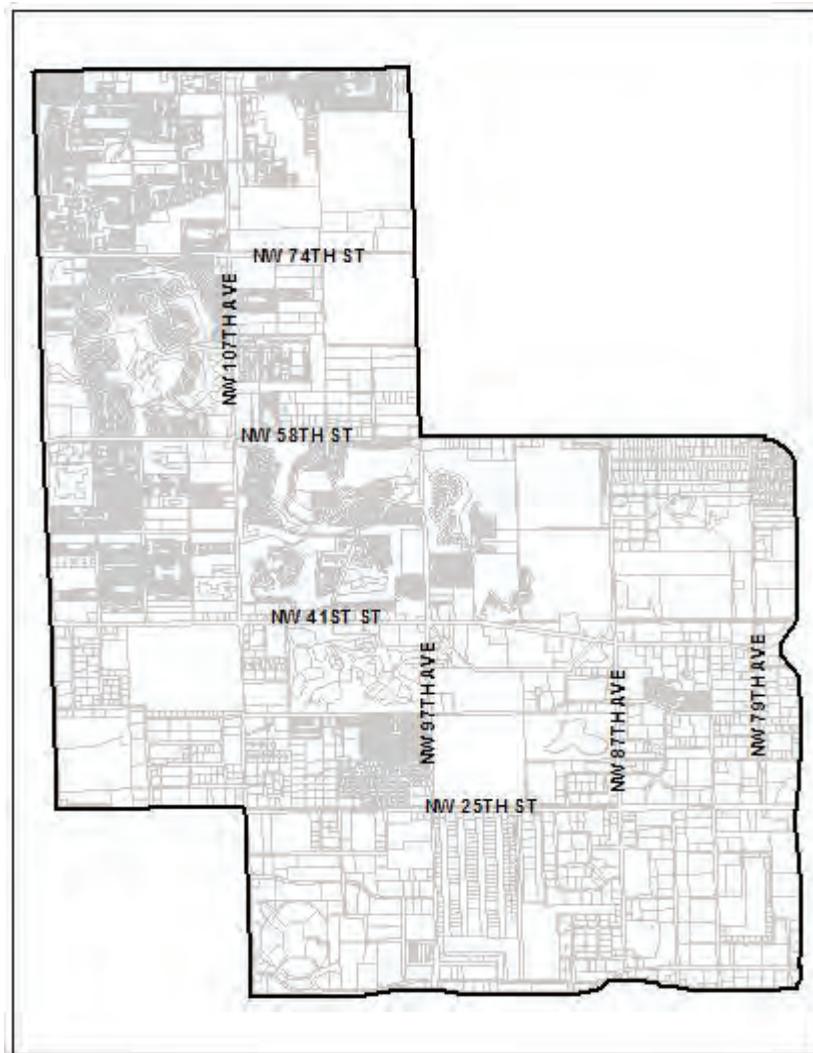
**Resolution No. 15-**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA SITTING AS THE LOCAL PLANNING AGENCY, APPROVING / DENYING OR GOING FORWARD WITHOUT A RECOMMENDATION TO AMEND THE LAND DEVELOPMENT CODE TO ESTABLISH PROCEDURES FOR SITE PLAN REVIEW WORKSHOPS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-08

**APPLICANT:** City of Doral

**REQUEST:** The City of Doral ("Applicant") is requesting the establishment of procedures for site plan review workshops to provide an open and public forum for members of the public and City Council to comment on proposed site plans within the boundaries of the City.



Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

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Connie Diaz  
City Clerk  
City of Doral



# CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Local Planning Agency (LPA)** meeting on **Wednesday, September 16<sup>th</sup>, 2015, beginning at 5:00 PM**, to consider an amendment to the City's Land Development Code. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166.**

The City of Doral proposes to adopt the following Resolution:

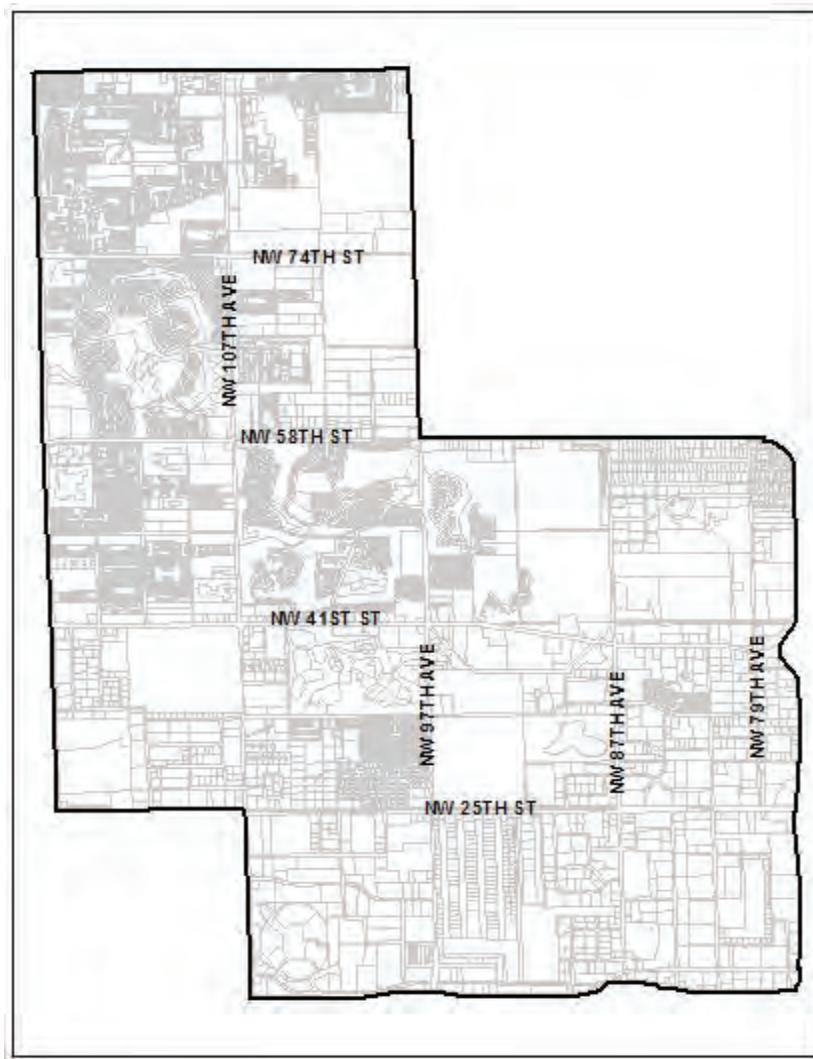
Resolution No. 15-

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA SITTING AS THE LOCAL PLANNING AGENCY, APPROVING / DENYING OR GOING FORWARD WITHOUT A RECOMMENDATION TO AMEND CHAPTER 53, "ADMINISTRATION," OF THE CITY'S LAND DEVELOPMENT CODE OF ORDINANCES BY PROVIDING FOR REVISED PROCEDURES FOR REQUESTING, NOTICING, CONSIDERING, AND GRANTING VARIANCES OF THE LAND DEVELOPMENT CODE; REVISING APPELLATE PROCEDURES FOR APPROVAL OR DENIAL OF SAME; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-17

**APPLICANT:** City of Doral

**REQUEST:** The City of Doral ("Applicant") is requesting an amendment to Chapter 53, "Administration," of the City's Land Development Code of Ordinances.



Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

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Connie Diaz  
City Clerk  
City of Doral  
15-87/2476390M



## CITY OF DORAL NOTICE OF PUBLIC HEARING TO CONSIDER A SMALL-SCALE DEVELOPMENT AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN FUTURE LAND USE MAP

All residents, property owners and other interested parties are hereby notified of a **Council Zoning Hearing** on **Wednesday, September 16<sup>th</sup>, 2015, beginning at 6:00 PM**, to consider the following Small-Scale Development Amendment to the City's Comprehensive Plan Future Land Use Map. The **City Council** will consider this item for **SECOND READING**. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166**. The proposed Small-Scale Development Amendment applies to the property shown on the map below.

**The City of Doral proposes to adopt the following Ordinance:**

### Ordinance No. 2015-30

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING A SMALL-SCALE DEVELOPMENT AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM INDUSTRIAL DISTRICT ("I") WITH A COMMUNITY MIXED USE OPPORTUNITY AREA ("CMUOA") OVERLAY TO BUSINESS DISTRICT ("B") WITH A COMMUNITY MIXED USE OPPORTUNITY AREA ("CMUOA") OVERLAY FOR 2.96± ACRES FOR THE PROPERTIES GENERALLY LOCATED AT 8690 NORTHWEST 58 STREET AND 5675 NORTHWEST 87 AVENUE, CITY OF DORAL, FLORIDA; PROVIDING FOR TEXT AND MAP CHANGES AS REQUIRED FOR SMALL SCALE AMENDMENT TO THE CITY'S COMPEHENSIVE PLAN PURSUANT TO THE PROVISIONS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATIONS; PROVIDING FOR RECORDATION AND EFFECTIVE DATE**

**HEARING NO.:** 15-09-DOR-05

**APPLICANT:** Tracy R Slavens, Esq. on behalf of Doral 87 Group, LLC

**PROJECT NAME:** Doral 87 Group, LLC

**LOCATION:** The subject properties are generally located at 8690 Northwest 58 Street and 5675 Northwest 87 Avenue, Doral, Florida 33166.

**SIZE OF PROPERTY:** 2.96 ± acres

**PRESENT LAND USE:** Industrial District (I) with a Community Mixed Use Opportunity Area ("CMUOA") overlay.

**REQUEST:** Tracy R Slavens, Esq. on behalf of Doral 87 Group, LLC is requesting a small scale development amendment to the City's Comprehensive Plan, Future Land Use Map (FLUM) from Industrial District ("I") with a Community Mixed Use Opportunity Area ("CMUOA") overlay to Business District ("B") with a Community Mixed Use Opportunity Area ("CMUOA") overlay.

**LEGAL DESCRIPTION:**

PARCEL A:

The West 132.185 feet of the North 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East less the West 35 feet, and less the North 35 feet thereof.

PARCEL B:

The East 132.185 feet of the West 264.37 feet of the North 1/2 of the North 1/2 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East, less the North 35 feet thereof.

PARCEL C:

The East 132.20 feet of the West 264.40 feet of the South 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East less the South 25 feet thereof.

PARCEL D:

The West 132.20 feet of the South 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East less the South 25 feet and less the West 35 feet thereof.

LESS THE FOLLOWING PARCELS:

The South 10 feet of the North 45 feet of the West 2/5 of the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 22, Township 53 South, Range 40 East, Miami-Dade County, Florida.

AND

The East 5 feet of the West 40 feet of the North 1/2 of the NW 1/4 of the NW 1/4 of the NW 1/4 of said Section 22, less the North 35 feet thereof.

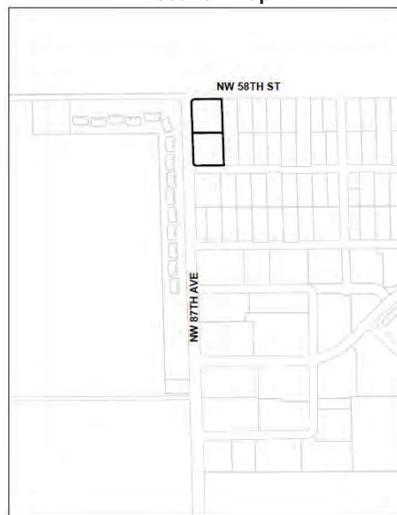
AND

The area bounded by the South line of the North 45 feet of the NW 1/4 of said Section 22 and bounded by the East line of the West 40 feet of the NW 1/4 of said Section 22, and bounded by a 25 foot radius arc concave to the Southeast said arc being tangent to both of the last described lines.

AND

The East 5 feet of the West 40 feet of the South 1/2 of the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 22, Township 53 South, Range 40 East, Miami-Dade County, Florida, and the North 10 feet of the South 35 feet of the West 2/5 of the NW 1/4 of the NW 1/4 of the NW 1/4 of said Section 22 and the area bounded by the East line of the West 40 feet of the South 1/2 of the NW 1/4 of the NW 1/4 of said Section 22 and bounded by the North line of the South 35 feet of the West 2/5 of the NW 1/4 of the NW 1/4 of the NW 1/4 of said Section 22 and bounded by a 25 foot radius arc concave to the Northeast and being tangent to both the last described lines.

**Location Map**



Information relating to the subject application is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

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Connie Diaz  
City Clerk  
City of Doral

### OFFICE HOURS

Monday – Friday, 8:30 am – 5 pm  
TEL: (212) 457-7762 • (855-8LAWJOB)  
CONTACT: Nick Fletcher  
EMAIL: [nfletcher@alm.com](mailto:nfletcher@alm.com)  
PUBLISHES DAILY: Monday – Friday

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### Employment Attorneys

### Employment Attorneys

### Employment Secretaries

### Employment Secretaries

### Employment Secretaries

### Employment Secretaries

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*Our verdicts tell the story.* **LITIGATION ATTORNEY**

LUKS SANTANIELLO, LLC., Insurance Defense litigation trial practice has immediate openings for Boca Raton, Ft. Lauderdale and Miami offices. 7-15 yrs. exp. in liability and wrongful death cases. Trial exp. a plus! Portable book will be considered. Competitive salaries and benefit packages. 401K Retirement Plan. Send resumes to [vra@insurancedefense.net](mailto:vra@insurancedefense.net). For more information visit our website at [www.ls-law.com](http://www.ls-law.com).

DADE DADE

**Full-Time bilingual (English/Spanish required) front desk/office services person for busy Brickell area law firm.**

8:30AM to 5:30PM, with 1 hour lunch break. Responsible for answering calls and greeting clients in a professional manner. Duties include processing mail, organizing/stocking supplies, copying, filing, and other overflow clerical work as needed. Must be dependable and punctual, and have excellent communication and people skills. Familiar with Outlook, Word and Excel. Benefits Included. Please send info to [legalhrassist@gmail.com](mailto:legalhrassist@gmail.com)

DADE DADE

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## Did Third DCA Have Last Word on Waterfront Plan?

An appellate court has thwarted a Miami taxpayer's attempt to upset a plan for waterfront redevelopment.

Stephen Kneapler, former owner of Monty's Raw Bar, sued the city in 2013. He claimed a selection committee violated Florida's Government in the Sunshine Law when it secretly chose a developer for prime property that's home to Grove Key Marina and the popular watering hole Scotty's Landing.

Kneapler, a member of the selection committee, was the holdout in a 4-1 vote for the winning bidder Grove Bay Investor Group, which got a 50-year lease. Developers Eddy Garcia and Giraldo Leyva Jr. got \$18 million to build three new restaurants, renovate two Pan Am hangars and add a baywalk and pier on 7 acres beside City Hall.



Schumacher

But Kneapler got nowhere with his lawsuit. The city still held a referendum in November 2013 when voters approved the Grove Bay proposal. Miami-Dade Circuit Judge Marc Schumacher granted Grove Bay's motion for summary judgment.

The Third District Court of Appeal affirmed Schumacher's ruling May 27. The court said Kneapler lacks standing to sue because he couldn't claim the city's actions hurt him in any legally compensable way. Besides, he took part in the very selection process he was challenging.

"If lack of standing did not preclude Mr. Kneapler's suit, the principle of waiver certainly would," Judge Richard Suarez wrote for the panel.

On Aug. 21, the Third District denied rehearing or certification to the Florida Supreme Court in a one-paragraph order.

### STANDING TOGETHER

In his opinion Suarez referenced a companion ruling also issued May 27 by the same panel, *Graciela Solares v. City of Miami*.

"Without reciting the lengthy history of the law of standing in the state of Florida, to which we are bound and cannot deviate, we adopt in full" the *Solares* opinion, Suarez wrote.

Solares, who like Kneapler argued her taxpayer status allowed her to sue the city, is a political activist and head of the Miami-Roads Neighborhood Civic Association.

Her lawyer's Third District brief didn't discuss the line of cases that define taxpayer standing; however, Judge Thomas Logue did. He wrestled with an argument that makes sense at first blush: If taxpayer Solares doesn't have standing to sue over a city lease—in her case at Bayside Marketplace in downtown Miami—then who does?

Apparently this isn't a new idea.

"The argument that Solares must have standing because



J. ALBERT DIAZ

Judge Richard Suarez said the former owner of Monty's Raw Bar lacks standing to sue Miami over a redevelopment plan, and even if he did have standing, he waived it by participating in the selection process.

otherwise no one would have standing is the perennial argument of parties that lack standing," Logue wrote. "It presents the same reoccurring question with the same reoccurring answer."

For this answer he looked to the U.S. Supreme Court.

Cases going back to 1974 hold the approach that goes "if not me, who?" doesn't get the wannabe litigant very far. In *Schlesinger v. Reservists Committee to Stop the War*, the Supreme Court ruled citizens do not have the right to challenge the constitutionality of congressmen holding reserve commissions in the armed forces.

Against the backdrop of the Vietnam War, the committee tried to sue under the U.S. Constitution's Ineligibility Clause, which could be read to guard against the exertion of undue influence upon legislators who are military of-

de plume of longtime Grove activist Glenn Terry:

- It's bigger and more intrusive on existing facilities than billed.

- The water view from Bayshore Drive would be blocked by restaurants, other buildings and seven-story boat racks.

- The plan would turn historic Pan American Drive into a parking lot.

Some reports have suggested political payback is one motive for Kneapler's anti-Grove Bay position.

A staunch backer is Marc Sarnoff, the city commissioner for Coconut Grove. Sarnoff keeps bringing up Kneapler's troubles in the 1970s with the Securities and Exchange Commission. Kneapler supported a candidate running against Sarnoff's wife for Sarnoff's term-limited seat.



The two men aren't known to exchange Christmas cards. Could Kneapler be operating on the theory that the friend of my enemy is my enemy?

Kneapler's lead counsel in his Grove Bay fight is Alejandro "Alex" Vilarello, who could not be reached for comment before deadline. Interestingly, he seems to be involved in real estate development.

The phone at Vilarello's Miami Lakes office is answered by a receptionist for something called the Pacifica Cos. Another extension serves tenants of "our apartment communities."

Vilarello is the registered agent for a bunch of what look like landholding limited liability companies, the first-listed being Pacifica RCA LLC.

A privately owned international real estate firm based in San Diego, Pacifica has Florida apartment interests in Miramar, St. Petersburg and St. Augustine Beach.

Its website touts this guiding principle: "The greatest opportunities are not found, they are created."

### STEPHEN J. KNEAPLER, APPELLANT, V. CITY OF MIAMI, ET AL., APPELLEES

Case nos.: 3D14-2500 and 3D14-2501

Rehearing denied: Aug. 21, 2015

Case type: Taxpayer

Court: Third District Court of Appeal

Author of opinion: Judge Richard J. Suarez

Lawyers for petitioner:

Alejandro Vilarello, Alejandro Vilarella, Miami Lakes, and Thais Hernandez, Thais Hernandez P.A., Miami Lakes

Lawyers for respondents:

Victoria Mendez, Miami City Attorney's office, Miami; John A. Greco, Warren Bittner and Forrest L. Andrews and Juan Carlos Planas, Kurkin Brandes, Aventura

Panel: Suarez, Chief Judge Frank A. Shepherd and Judge Thomas Logue

Originating court: Miami-Dade Circuit Court

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