

June 28, 2006

Dear Mr. Fiore,

ETHICS COMMISSIONERS

Kerry E. Rosenthal, CHAIRPERSON
Gail A. Dotson, VICE CHAIRPERSON
Seymour Gelber
Dawn E. Addy
Brenda Rivera

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Thank you for your fax and the opportunity to speak with you concerning the matters contained in your fax. Your question is whether you, as a Community Council member, must recuse yourself from a hearing, which you expect to occur on July 6, 2006, on an application filed by the Lennar Corporation on account of the fact you bought at least two homes from the Lennar Corporation in the past. In your fax, you mention that you closed on one Lennar home in November 2004 and the second Lennar home in September 2005. Both homes were resold by you – the first in March of 2005 and the second home in April of 2006. You further state that the homes you purchased from Lennar were outside the boundaries of your community council. Lastly, you indicate that you have no current contracts with Lennar Corporation.

The issue for the Ethics Commission to consider is whether a voting conflict is created because of your prior contractual relationship with Lennar Corporation -- a party which has an item to be heard by your community council. The Ethics Commission has consistently held that once a business/contractual relationship between a party and a government official ceases to exist, the official may participate in decisions affecting that party. The Ethics Commission does take into account that a business relationship recently ended may be viewed differently than a business relationship with a party that concluded in the more distant past, for purposes of determining whether the official can participate.

In your particular case, assuming that a business/contractual relationship once existed between you and Lennar, the county's Conflict of Interest and Code of Ethics Ordinance would not preclude you from participating in or voting on an upcoming application brought by the Lennar Corporation, as you are not presently doing business with the Lennar Corporation.

If you wish to discuss the above with me, please contact me at your convenience.

Sincerely,

Robert Meyers
Executive Director



To: Robert Meyers - 579 0273 - TX
COMMISSION ON ETHICS

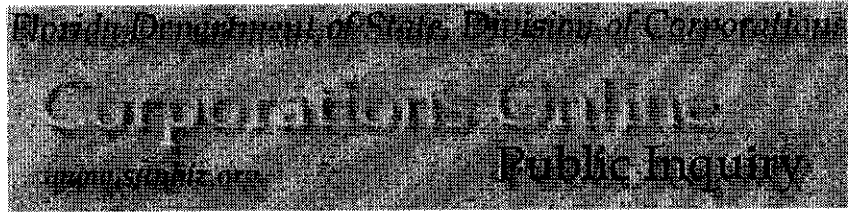
Robert, I would like an opinion on whether I should
recuse myself from an application coming before
my Community Council on July 6th. I want to know
if it would be a conflict of interest. In June of
2003, and in November of 2003, I signed contracts
to purchase two homes from Lennar Corp, one in
Homestead, the other in Cutler Bay. I paid the
hard opening price, as others did who showed up
within the first week or so, and Lennar ~~worked~~
worked with me on the deposits as they did
with other qualified ~~buyer~~ buyers at that time.
I closed on one home in 11/30/2004, and the
other in 09/30/2005. I have since sold the
homes, the first one in Homestead in March, 2005
and the ~~Cutter~~ Cutler Bay home in April, 2006.
I currently have no pending business or contracts
with Lennar at this time. Oh, these homes were
purchased initially as pre-construction sales.
I re-financed my own home, and took out a
\$65,000 home equity credit line to use to

cont. →

Cont. →

invest in these properties. Please note that these properties were not in my council district. The first big sewer project in my council district was on 04/01/2003. I purchased or signed the contracts for these homes as stated on 06/21/2003, and 11/2003. I don't know any subsequent applications they had occurred but I think there was one or two. If my memory serves me, the votes on these were UNANIMOUS or near UNANIMOUS. Please let me know if I should re-use myself for this upcoming application.

Sincerely,
Patrick M. Fioa
786 200 9344



Florida Limited Liability
C & S INVESTMENT GROUP, LLC

PRINCIPAL ADDRESS
15857 SW 44TH ST.
MIAMI FL 33185

MAILING ADDRESS
15857 SW 44TH ST.
MIAMI FL 33185

Document Number L03000039364	FEI Number 200333268	Date Filed 10/14/2003
State FL	Status ACTIVE	Effective Date 10/14/2003
Last Event NAME CHANGE AMENDMENT	Event Date Filed 01/28/2004	Event Effective Date NONE
Total Contribution 0.00		

Registered Agent

Name & Address
URQUIOLA, JOAQUIN R GOLDSTEIN SCHECHTER PRICE, ET AL 2121 PONCE DE LEON BLVD., STE. 1100 CORAL GABLES FL 33134

Manager/Member Detail

Name & Address	Title
HERNANDEZ, CARLOS 15857 SW 44TH ST. MIAMI FL 33185 US	MGR
HERNANDEZ, SANDRA 15857 SW 44TH ST	MGR

MIAMI FL 33185 US

Annual Reports

Report Year	Filed Date
2004	04/27/2004
2005	04/25/2005
2006	04/24/2006

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Document Images

Listed below are the images available for this filing.

04/24/2006 -- ANN REP/UNIFORM BUS REP 04/25/2005 -- ANNUAL REPORT 04/27/2004 -- ANNUAL REPORT 01/28/2004 -- Name Change 10/14/2003 -- Florida Limited Liabilites
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THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

[Corporations Inquiry](#)

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Posted on Sun, Aug. 20, 2006

HERALD WATCHDOG

Kendall officials' home deals raise red flags

Ethics experts say elected officials should not be doing any kind of business with developers they deal with regularly. The county's ethics commission is not so sure.

BY YUDY PINEIRO
ypineiro@MiamiHerald.com

Two members of the West Kendall Community Council have made thousands of dollars after purchasing properties from local developers who routinely appear before the council seeking zoning changes.

Council Chairman Patrick Fiore and council member Miguel Cervera said they did not need to disclose their dealings with major home builder Lennar Corp. and, in Cervera's case, with Century Homebuilders and commercial developer Robert Shapiro, too.

After The Miami Herald inquired about Cervera, Fiore sought an official county ethics opinion -- and was told he was fine as long as the business had been done in the past. But that wasn't the case: Fiore's two deals were under contract when he voted on Lennar proposals.

Regardless, Fiore and Cervera said they never gave the developers any special treatment and noted that they were never the deciding vote.

"There was a time in Miami-Dade County that just about anybody who had a little extra money was purchasing projects," said Cervera, who flipped six properties for at least \$360,000 more than he paid for them. "I took advantage of what everybody else did."

Fiore, who made about \$180,000 in flipping two Lennar properties, said: "I would never do anything to jeopardize the integrity of the council, my family and God."

Carlos Gonzalez, president of the Dade County Homebuilders Division for Lennar, said Fiore and Cervera received no preferential treatment.

"They paid fair market value for the homes they purchased -- and paid a price that's consistent with what many other people in the community paid," he said.

Gonzalez added: "We, over the last several years, have sold homes to literally hundreds of investors and they've made oodles of money, so there's nothing uncommon."

Officials for Lennar and Century denied requests to view contracts, citing privacy reasons. The Miami Herald could not reach Shapiro.

Cervera

Lennar sold Cervera and Fiore each a Lakes by the Bay townhome in Cutler Bay and an Estates at Mendicino home in Homestead. Cervera's homes are across from Fiore's in both developments.

"It certainly doesn't look good to have them both buy property next door to each other from someone who has business before the council," said Judy Nadler, senior fellow in government ethics at Santa Clara University and former Santa Clara mayor.

Public records show that over the past two years, Cervera, a Miami reserve police officer and Wendy's franchise owner, bought four Lennar homes, two from Sergio Pino's Century Homebuilders, and one office condo from Shapiro.

He flipped each of the six homes in less than half a year but still owns one Century home.

Fiore, a state child-welfare investigator, bought two Lennar homes in the same time frame, records show, and had Cervera notarize a warranty deed on his Cutler Bay home.

VOTED IN FAVOR

Meanwhile, in their public roles, Cervera and Fiore voted in favor of a series of projects for the developers. The council approved at least four projects sought by Lennar, five by Century and two by Shapiro, a Miami Herald review found.

According to county ethics law, an elected official should not vote on a project if he or she has a business relationship with the applicant and can benefit from the vote.

And Robert Meyers, executive director of Miami-Dade County's Commission on Ethics and Public Trust, said that as long as business was done in the past, it shouldn't pose a problem.

But while it's unclear when Cervera entered into contracts for his purchases, records show that Fiore was under contract with Lennar during times he cast votes on Lennar issues -- once in April 2004 and once in May 2005.

Meyers said he didn't consider that fact when answering Fiore's request for an ethics opinion. "That's not what he asked," Meyers said.

In late June, after The Miami Herald began asking Cervera about his property transactions, Fiore asked the ethics commission whether he should excuse himself from voting on a Lennar project going before the council July 6, since he had previously done business with the builder.

In a letter dated June 28, Meyers wrote: "The Ethics Commission has consistently held that once a business/contractual relationship between a party and a government official ceases to exist, the official may participate in decisions."

Meyers said he could not say for sure how the board would rule on votes cast by a council member who was under contract for a home because the ethics commission has not dealt with such a case.

But ethical experts polled by The Miami Herald say regardless of whether they were under contract or already owned the homes, the transactions raise ethical questions.

Nadler said the best practice for a public official is to be overly cautious and "clearly separate your professional life and personal life as it relates to land acquisition, property development, contractual business or any other kind."

Referring to the county ethics commission's stance, Nadler added: "Just because it is allowed by law does not mean that you should do it, that it's ethical."

JoNel Newman, a University of Miami law ethics professor, said the actions of Fiore and Cervera definitely do not "pass the smell test."

"Any time you've got a council person doing business with an individual or corporation that is before the council on another issue, you have to be concerned," Newman said.

On July 6, the council cast four favorable votes for the developers -- two for Lennar on luxury condominium complexes, a multimillion-dollar Century homes project and a Shapiro-developed retail complex that will replace Don Carter Kendall Lanes.

A month earlier, the council unanimously approved a 40-acre Shapiro development and a West Kendall-area Century Homebuilders project, Century Gardens Village.

Cervera is 15th in line to receive a Century Gardens home, a project approved by the council, according to a list of lottery home winners still up on the developer's website.

When asked about the lottery home, Cervera said he "was not aware" of it. The next day, he told The Miami Herald he had canceled the contract on Jan. 4.

"Going back through my records, I remembered I asked the saleswoman at Century to cancel my deal on that because I realized it was coming before the council," Cervera said. He could not offer proof of the cancellation.

LENNAR HOMES

In one case, Cervera voted to approve a Lennar Tuscan Village Phase III project in West Kendall. Twelve days later, he bought a Lennar home in West Miami-Dade. Two days after, he bought a Lennar Cutler Bay townhome. It is not clear when he entered into the contracts.

As for Fiore, in one instance, he entered into a contract for a Homestead home, then voted to approve Lennar's Tuscan Village Phase II. He closed the deal on the Homestead home and sold it four months later in March 2005. Two months later, the council approved the third phase of Tuscan Village.

Miami-Dade Commission Chairman Joe Martinez appointed Cervera in 2002 and Fiore in 2000 to fill posts on the zoning board storied for its troubled past. Cervera was subsequently elected and then reelected unopposed this year. Fiore was elected in 2004.

This year, a fellow council member of theirs, former Vice Chairman Donald J. Abbott, paid a \$750 fine to settle conflict-of-interest allegations.

Among their predecessors: Manuel G. Vera and Roberto Curbelo, indicted on multiple corruption-related charges in a 2000 kickback scandal. Vera was convicted for unlawful compensation and two counts of perjury. Curbelo is awaiting trial.

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08/25/2006

* * * PUBLIC VALUE INQUIRY * * *

PTXM0186

FOLIO 30 5913 031 0060 PROP ADDR 12600 SW 120 ST

6
MCD 3000

NAME AND LEGAL		VALUE HISTORY		
C & S INVESTMENT GROUP LLC	YEAR	0000	0000	07/17/2006
15857 SW 44 ST	LAND			
MIAMI FL	BLDG			
	MARKET			137566
	331855308	=====		
SOUTH KENDALL SQUARE PROFESSIONAL	ASSESS			137566
CENTER CONDO	HEX			Y
UNIT 6	WVDB			
UNDIV 3.021061%	TOT EX			
INT IN COMMON ELEMENTS	TAXABLE			137566
OFF REC 23823-4868				
COC 24486-2982 03 2006 1	STATE EXEMPT:			

SALE DATE	03/2006	SALE AMT	240000
SALE TYPE	1 I/V I	SALE O/R	24486-298

PF1-MORE LEGAL PF2-PARCEL INFO PF3-FOL SRCH PF5-TAX COLL PF7-PREV OWNER PF8-MEN
PF13-OCCUP LIC

e: 1 Document Name: untitled

* * * *

PREVIOUS OWNERS

* * * *

PTXM0120

FOLIO NUMBER: 30 5913 031 0060

PROPERTY ADDRESS: 12600 SW 120 ST 6

DELETE CODE

PREVIOUS OWNERS: 01 SKS OFFICE CONDOMINIUMS
02 MIGUEL CERVERA
03 COC 23894-1061 10 2005 1
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PF5-MORE OWNERS

ENTER-VALUE INQUIRY

*INQUIRY ONLY - ALL PREVIOUS OWNERS DISPLAYED *



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NEIGHBOR

Posted on Sun, Jul. 02, 2006

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Here's a timeline of transactions and votes, according to public records...

Here's a timeline of transactions and votes, according to public records and Fiore:

- **In 2003**, Fiore signs contracts for Homestead and Cutler Bay homes.
- **April 2004**, while Fiore was under contract with the developer, the council voted near unanimous to approve Lennar Homes' Tuscany Village Phase II project.
Under contract for Homestead + Cutler Bay Homes.
- **Nov. 2004**, Fiore takes out a mortgage for about \$270,000 on a 4-1 Lennar home at 3501 NE 11th Dr. in Homestead.
- **March 2005**, two months before Lennar appeared before the council again for a vote on the Tuscany Village pPhase III project, Fiore sells sold the Homestead home for \$365,000.
- **May 2005**, The council votes 4-1 in approval of a the pPhase III project. Council member Frank Irizarry is the only dissenting vote.
- **Sept. 2005**: Fiore gets a loan for \$138,000 on a 3-2 townhome at 22181 SW 93rd Pl. in the Lakes by the Bay community in Cutler Bay.
- **April 2006**, two months before Lennar project appears before the council again, Fiore sells Cutler Bay townhome for \$295,000.

W
M
EX

- News**
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- Entertainment**
- Business**
- Tropical Life & Home**
- Opinion**
- Visitor's Guide**

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- Today's Front Page
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- Web Cams

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- News by email
- News by text message
- Contact Us



COMMUNITY ZONING APPEALS BOARD 11

Hearing Date: MAY 11, 2005

I The Items listed below may be appealed to B.C.C.
Appeal Deadline for PUBLIC: MAY 31, 2005
Appeal Deadline for Department: JUNE 3, 2005

05-5-CZ11-2 DELCAR INVESTMENTS, INC. 04-244 14-55-39
Approved CZAB111305

Abbot - yes
Fiorie - " 1, 2, 3, 4, 5
Bustillo - absent
Cenera - yes
Schram - yes; Castillo - absent
Jirany - NO.

II Items listed below have been withdrawn or deferred to a later date:

05-2-CZ11-1 COSTCO WHOLESALE CORP. 04-159 02-55-39
Deferred To Date Certain (07/06/05)
No readvertisement needed. At applicant's request.

05-5-CZ11-1 JOSE M. CUPEIRO 04-65 22-54-39
Deferred To Date Certain (07/06/05)
With leave to amend. Readvertisement at County's expense
1, 1, 2, 3



COMMUNITY ZONING APPEALS BOARD 11

Hearing Date: MAY 11, 2005

III The Items listed below may be appealed to Circuit Court

Appeals to Circuit Court must be made within thirty (30) days of the date the resolution is transmitted to the Clerk's Office

05-5-CZ11-3	NIKOL BRUGUERA Approved	04-323 CZAB111405	22-54-39
	1 , 2		
05-5-CZ11-4	ROBERT B. SCHARNAGL Approved	04-342 CZAB111505	11-55-39
	1		
05-5-CZ11-5	REINALDO E. DIAZ Approved	04-372 CZAB111605	09-55-39
	1 , 2 , 3 , 4		
05-5-CZ11-6	PATRICIA ARANGO Approved	04-423 CZAB111705	28-54-39
	1 ,		
05-5-CZ11-7	CELMO MOSQUERA Approved	05-4 CZAB111805	29-54-39
	1 ,		



COMMUNITY ZONING APPEALS BOARD 11

Hearing Date: MAY 11, 2005

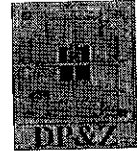
Appeals to Circuit Court must be made within thirty (30) days of the date the resolution is transmitted to the Clerk's Office

05-5-CZ11-8	CARMEN C. MARTINEZ Approved	05-6 CZAB111905	22-54-39
	1 , 2		
05-5-CZ11-9	BELA PELI Approved	05-9 CZAB112005	27-54-39
	1 , 2 , 3 ,		



COMMUNITY ZONING APPEALS BOARD 11

Hearing Date: APRIL 1, 2004



I The Items listed below may be appealed to B.C.C.
Appeal Deadline for PUBLIC: APRIL 19, 2004
Appeal Deadline for Department: APRIL 23, 2004

04-2-CZ11-1	BOXFORD OVERSEAS LTD., INC.	02-74	04-55-39
	Approved	CZAB111204	
	Modified condition #2 to reflect plans on covenant.		

04-3-CZ11-1	DELCAR INVESTMENTS, INC.	03-267	14-55-39
	Approved	CZAB111304	

Abbot - yes
 Fiore - yes
 Bustillo - yes
 Cervera - yes
 Franken - absent
 Burkes - no
 Schram - absent
 Feinberg - yes

II Items listed below have been withdrawn or deferred to a later date:

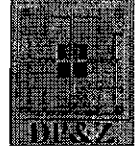
04-4-CZ11-3	TRAILWALK L.L.C.	03-346	14-55-39
	Deferred To Date Certain (05/06/04)		
	Due to lack of time.		
	1 , 2 , 3 ,		

04-4-CZ11-4	MANUEL A. SOLAUN & PILAR BOSCH	03-352	21-54-39
	Deferred To Date Certain (05/06/04)		
	Due to lack of time.		
	1 , 2 , 3		



COMMUNITY ZONING APPEALS BOARD 11

Hearing Date: APRIL 1, 2004



04-4-CZ11-5 ALBERT & MICHELLE TOURIZ 03-371 05-55-39
 Deferred To Date Certain (05/06/04)
 To correct error in ad.
 1 , 2 ,

04-4-CZ11-1 ANTONIO J. CHALJUB 02-132 27-54-39
 Deferred To Date Certain (05/06/04)
 To correct error in legal ad.
 1 , 2 , 3 , 4

04-4-CZ11-2 ELMER & MORAG BECKETTE 03-255 28-55-39
 Deferred To Date Certain (06/02/04)
 With leave to amend, advertisement at applicant's expense
 if necessary.
 1 , 2 , 3 , 4 , 5 , 6. , 7.

III The Items listed below may be appealed to Circuit Court

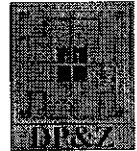
Appeals to Circuit Court must be made within thirty (30) days of the date the resolution is transmitted to the Clerk's Office

03-12-CZ11-1 CHURCH OF JESUS CHRIST ALMIGHTY 01-428 25-54-39
 Approved CZAB111104
 As herein modified.



COMMUNITY ZONING APPEALS BOARD 11

Hearing Date: APRIL 1, 2003



I The Items listed below may be appealed to B.C.C.
Appeal Deadline for PUBLIC: APRIL 21, 2003
Appeal Deadline for Department: APRIL 25, 2003

03-3-CZ11-1	S. V. K. AIRPORT SHOPPING CENTER, LTD. PARTNERSHIP Approved Board accepted proffered covenant	02-19 CZAB111303	14-55-39
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I The Items listed below may be appealed to B.C.C.
Appeal Deadline for PUBLIC: APRIL 21, 2003
Appeal Deadline for Department: APRIL 25, 2003

00-6-CZ11-3	TAMIAMI KENDALL INV. INC., ET AL Approved Board accepted covenant with changes.	99-413 CZAB111403	14-55-39
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II Items listed below have been withdrawn or deferred to a later date:

03-4-CZ11-1	NELSON & DENISE PAGANACCI Deferred To Date Certain (05/01/03) At Department's request and expense to correct error in ad	02-351	11-55-39
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COMMUNITY ZONING APPEALS BOARD 11

Hearing Date: APRIL 1, 2003



03-4-CZ11-2	MARVIN ROSS FRIEDMAN FAMILY LTD. Deferred To Date Certain (05/01/03) At Department's request and expense to correct error in ad 1	02-363	14-55-39
02-3-CZ11-2	PRIMECO PERSONAL WIRELESS & ARMANDO GARCIA Deferred To Date Certain (09/03/03) Due to Omnipoint issue	01-423	30-55-39

RECEIVED
204294
SUN 23 2004

14	55	39
Sec.	Twp.	Range

ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING

LIST ALL FOLIO #S: 30-5914-000-0180 30-5914-000-0181 and 30-5914-000-0160 Date Received _____

1. **NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

DELCAR INVESTMENTS, INC.

2. **APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: c/o Stephen M. James, Esq., One SE Third Avenue
City: Miami State: FLA Zip: 33131 Phone#: (305) 374-5600

3. **OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): Mailing Address: Same as above
City: _____ State: _____ Zip: _____ Phone#: _____

4. **CONTACT PERSON'S INFORMATION:**

Name: c/o Stephen M. James Company: Akerman Senterfltt, P.A.
Mailing Address: One SE Third Avenue, Suite 2800
City: Miami State: FL Zip: 33131
Phone#: (305) 374-5600 Fax#: (305) 374-5095 E-mail: _____

5. **LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets as needed. In addition to paper version it is requested that lengthy metes and bounds description be provided on disquette or compact disc in Microsoft Word or compatible software.) See Exhibit "A"

6. **ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc.)

South of SW 132nd Street at approximately SW 130th Avenue.

7. SIZE OF PROPERTY _____ 'x _____' (in acres): ±5.53 acres
(divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property acquired leased: January, 2003 (month & 9. Lease term: _____ years
year)

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S),
provide complete legal description of said contiguous property. (See notes related to item 5.)

YES 'B'

11. Is there an option to purchase or lease the subject property or property contiguous thereto?
 no yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

Lennar Homes, Inc.

12. PRESENT ZONING CLASSIFICATION: IU-1

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

- District Boundary Changes (DBC) [Zone class requested]: RU-3M
- Unusual Use: _____
- Use Variance: _____
- Non-use Variance: _____
- Alternative Site Development: _____
- Special Exception: _____
- Modification of previous resolution/plan: _____
- Modification of Declaration or Covenant: _____
- _____

14. Has a public hearing been held on this property within the last year & a half? no yes. If
yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

Delcar Investments, Inc., District Boundary Change from IU-C to IU-1, Resolution No. CZAB 11-13-04

15. Is this application as a result of a violation notice? no yes. If yes, give name to whom the
violation notice was served: _____ and describe the violation:

16. Describe structures on the property: None

17. Is there any existing use on the property? no yes. If yes, what use and when established?

Use: _____ Year: _____

APPLICANT'S AFFIDAVIT
 (SELECT APPROPRIATE AFFIDAVIT AND NOTARIZE BELOW)

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the owner tenant of the property described and which is the subject matter of the proposed hearing.

 Signature (see notary below) Affiant Signature

CORPORATION AFFIDAVIT

(I)(WE), DEL CAR INVESTMENTS, INC., being first duly sworn, depose and say that (I am)(we are) the President Vice-President Secretary Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

 Signature

(Corp. Seal)

CARLOS POLANS / PRESIDENT
 Print Name

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the owner tenant of the property described herein which is the subject matter of the proposed hearing.

 (Name of Partnership)

By _____ %

By _____ %

By _____ %

By _____ %

ATTORNEY AFFIDAVIT

I, Stephen M. James, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

 Signature

Sworn to and subscribed to be me
 this 23 day of June 2004.

 Notary Public
 Commission



RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of conditions and covenants. The County Attorney's Office is seeking review of the decision in the Florida Supreme Court, as well as a stay of the decision's effect. While the case is pending, the decision is in effect and binding on all parties. Its impact is to suspend consideration of zoning applications for most special exceptions, unusual uses, non-use variances, and modification of conditions and covenants. In the interim, County staff have developed and proposed to the Board of County Commissioners certain ordinances that would provide interim standards for limited categories of applications. If these standards are enacted, certain applications may be able to proceed to hearing. However, absent a reversal by the courts or enactment of revised regulations, pending applications will not be able to proceed to hearing until the disposition of the pending litigation.
6. Any covenant to be proffered must be submitted to the Department's Legal Advisor, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075

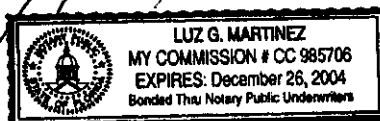
DEL CAR INVESTMENTS, INC.

By: Carlos Perlas
PRESIDENT

Sworn to and subscribed before me this 18 day of June, 2004. Affiant are personally known to me or has produced _____ as identification.

(Notary Public)

My commission expires _____



**OWNERSHIP AFFIDAVIT
FOR
CORPORATION**

Public Hearing No. _____

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Carlos Pernas, hereinafter the Affiant(s), who being duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the DEL CAR INVESTMENTS, INC., with the following address: _____
2. The Corporation owns the property, which is the subject of the proposed hearing.
3. The subject property is legally described as:
See Exhibit "A"
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

DEL CAR INVESTMENTS, INC.

Witnesses:

Manuel Vargas
Signature

Manuel Vargas
Print Name

[Signature]
Signature

Carlos M. Pernas
Print Name

[Signature]
Signature

CARLOS PERNAS/PRESIDENT
Print Name

Sworn to and subscribed before me on the 18 day of June, 2004. Affiant is personally known to me or has produced _____ as identification.

[Signature]
Notary Public-State of Florida

My Commission Expires: _____

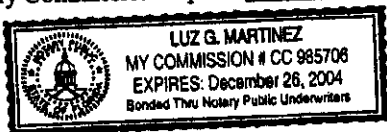


EXHIBIT "A"

Legal Description

The North 483.19 Feet of the East $\frac{3}{4}$ of the East $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, Township 55, Range 39 East, all lying and being in Miami-Dade County, Florida.

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal, stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: DEL CAR INVESTMENTS, INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Carlos Pernas</u>	<u>50%</u>
<u>Delfin Pernas</u>	<u>50%</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
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If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
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If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: LENNAR HOMES, INC.

NAME AND ADDRESS (if applicable)	Percentage of Interest
<u>Wholly owned subsidiary of Lennar Corp., a Publicly Traded company</u>	

Date of contract: 2003

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

DEL CAR INVESTMENTS, INC.

Signature: [Signature]
By: CARLOS PERALTA
PRESIDENT

Sworn to and subscribed before me this 18 day of June, 2004. Affiant is personally known to me or has produced _____ as identification



[Signature]
(Notary Public)

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

EXHIBIT "B"

Legal Description – Contiguous Property

The East $\frac{3}{4}$ of the East $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, Township 55, Range 39 East, less the North 483.19 feet thereof, all lying and being in Miami-Dade County, Florida.