



To: Carmen Olazabal

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

A handwritten signature in blue ink, appearing to be "CL", is written over the end of the "From:" line.

RE: Legal Opinion Regarding Special Master Consideration To Mitigate Fines

Date: April 29, 2012

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In answer to your inquiry, the Special Master may consider whether to mitigate the fines if the violation has been corrected and the other conditions for mitigation have been met as described in section 101-190 of the City Code. This is true regardless of whether an appeal is filed or not. Please note, however, an attempt to mitigate the fines through the Special Master process does not stay or extend the time to appeal the original order.

Osle, Zilma

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**From:** Leen, Craig  
**Sent:** Sunday, April 29, 2012 12:22 AM  
**To:** Osle, Zilma  
**Subject:** FW: 1100 Alfonso Ave Case

Please place in the opinion folder.

Craig E. Leen  
City Attorney  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
Fax: (305) 460-5264  
Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)

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**From:** Leen, Craig  
**Sent:** Sunday, April 29, 2012 12:21 AM  
**To:** Olazabal, Carmen  
**Cc:** Osle, Zilma  
**Subject:** RE: 1100 Alfonso Ave Case

Carmen,

In answer to your inquiry, the Special Master may consider whether to mitigate the fines if the violation has been corrected and the other conditions for mitigation have been met as described in section 101-190 of the City Code. This is true regardless of whether an appeal is filed or not. Please note, however, an attempt to mitigate the fines through the Special Master process does not stay or extend the time to appeal the original order.

Please call me on Monday to further discuss.

Craig E. Leen  
City Attorney  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
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**From:** Olazabal, Carmen  
**Sent:** Friday, April 27, 2012 11:39 AM  
**To:** Leen, Craig  
**Cc:** Osle, Zilma  
**Subject:** RE: 1100 Alfonso Ave Case

Hey Craig,

I got on invite for meeting with you at 4:30 pm regarding the below case but you were not there. Do you have some time today when we can talk?

just need to know if the Special Master has the ability to mitigate fines imposed in a ticket hearing....

**Carmen Olazabal, P.E.**

Assistant Director  
Development Services Department  
405 Biltmore Way, 3rd Floor  
Coral Gables, Florida 33134  
Office: (305) 460-5244  
[colazabal@coralgables.com](mailto:colazabal@coralgables.com)

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**From:** Leen, Craig  
**Sent:** Wednesday, April 25, 2012 10:08 PM  
**To:** Olazabal, Carmen  
**Cc:** Osle, Zilma  
**Subject:** Re: 1100 Alfonso Ave Case

Please come by on Thursday around 4pm. Craig

Sent from my iPhone

On Apr 25, 2012, at 4:41 PM, "Olazabal, Carmen" <[colazabal@coralgables.com](mailto:colazabal@coralgables.com)> wrote:

Craig,

I am not sure if you remember this case but this is the Gregan Construction case where the resident requested that it be heard by a different Ticket Hearing Officer after feeling "mistreated" at the Ticket Hearing where her case was deferred. The case was heard at a later time by a different officer who reduced the running fine from \$8000 to \$800. The customer was not happy with the outcome as she felt that the fines should not have started running in the first place. She asked if there was any way she could mitigate the fines. I called Lourdes at the time for advise and she said that fines could be mitigated at the Special Master. In any case, the customer applied for the Special Master and has now been informed that she can only appeal the decision at the Circuit Court but not mitigate the fines at the Special Master. Does the Special Master not have the authority to mitigate fines imposed at the Ticket Hearing?

Please let me know what you think. I have to get back to the customer on this issue,  
Thank you,

**Carmen Olazabal, P.E.**

Assistant Director  
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