

WRS DEVELOPMENT LLC

DS 2018-002

Building Code Inspector Board
2601 Blair Stone Road
Tallahassee, FL 32399

Dear Sir/Madam:

Per our discussions with René at the Florida Building Commission, we are requesting a Declaratory Statement regarding Florida Building Code Chapter 109.3 - Building Permit Valuations (see below).

The Building Official of City of Riviera Beach, Ladi A. March ("BO") is interpreting that she has absolute authority and discretion to determine the construction cost and hence amount of the permit fees without any interference from any person (including the City Council members). We would like to get the following clarifications from the Florida Building Commission ("FBC"):

1. Does FBC Code include any provision confirming that City Council has no authority to intervene to offer solution for permit valuation, when there is a big difference between the Developer and BO, particularly when Developer is not getting "fair & equal treatment per constitutional rights (Equal Protection Clause contained in Fla. Const. art. I, §2, and the 14th Amendment to the U.S. Constitution.)"? In some Projects City Council had even waived full or partial permit fees; would that be allowed to reduce the fee to a more reasonable level while retaining the exaggerated valuation?
2. Does FBC have any provision for appealing the BO valuation? Is there provision for paying the permit fees under duress and recovering after completion?
3. If Building Official is not properly licensed, who can set building valuation and permit fees?
4. What process does FBC have to file a complaint for such actions and get fastest response?

I would also like to share with you the following points to provide background to the current dilemma.

1. The BO, Ladi March recently changed her license names to Goldwire, and has previously used Stepps. She has two CGC licenses, and Miami Dade County has administratively suspended her CGC license 1511460. Ladi March acted as BO from Jan 11, 2017, but her provisional license as BO was not issued until May 7, 2017.
2. BO is demanding our project, Amrit Wellness Resort & Spa ("WRS"), to pay the permit fee based on a valuation of \$175 million, when it should be around \$110 million based upon five methods such as actual trade bids, ICC calculation, valuation of similar project next to WRS, estimate from third party General Contractor ("GC") and agreement with affiliated GC. City determined a \$100 per square foot valuation for a similar project ¼

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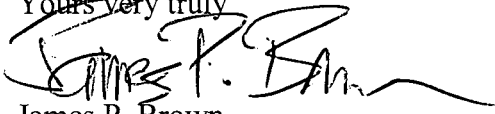
WRS DEVELOPMENT LLC

mile away (Vista Blue). BO is trying to charge valuation based on \$165 to \$170 per square foot cost for WRS. WRS is trying to get "fair & equal treatment" from BO and City in calculating valuations.

3. Human Dynamics –A WRS team member was contacted by State Attorney's office and was told that City Council and Building Official are being investigated. There has been Five City Managers in last year and last City Manager, Jonathan Evans, and City are in litigation. Current interim City Manager is weak; we understand she has authority to fire BO but the Council does not. BO has strong support from one Council member, the other four council members are sympathetic to WRS Project and want to help.
4. City & BO are already in litigation with Palm Beach Cold Storage where again the reason behind the dispute is BO's approach.
5. There is lots of negative press regarding the actions of the City of Riviera Beach and its officials. WRS does not want to get caught into such controversy.

Please let me know, if you need further information.

Yours very truly



James P. Brown

Manager

772.485.9639

FLORIDA BUILDING CODE 6TH EDITION

SECTION 109 FEES

[A]109.1 Payment of fees.

A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

[A]109.2 Schedule of permit fees.

On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

[A]109.3 Building permit valuations.

The applicant for a *permit* shall provide an estimated *permit* value at time of application. *Permit* valuations shall include total value of work, including materials and labor, for which the *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the *building official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *building official*. Final building *permit* valuation shall be set by the *building official*.

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