



To: Edward Hudak

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

RE: Legal Opinion Regarding Squatter Off Premises

Date: October 21, 2014

Thanks for your offer of assistance. Please note, for purposes of your records, it is my opinion your department could assist once a squatter is ordered off the premises pursuant to the ordinance and the time for the squatter to leave passes (assuming the time is not extended/stayed by the special magistrate per an appeal). At that point, you could enforce the ordinance, and order/require the squatter to leave the premises per the ordinance (and secure the residence). If the squatter fails to comply, you could arrest for a municipal ordinance violation in your presence or for obstruction/failure to comply with a lawful police order (in certain circumstances you could arrest for trespass as well where we have been granted authority to give a trespass warning per the abandoned property ordinance). Please note, an alleged squatter has the right to contest being removed by requesting an appeal and a hearing (which will be heard by a special master before removal except in emergency circumstances). The failure to appeal by the alleged violator constitutes an admission of squatting. There are also certain rebuttable presumptions of squatting in the ordinance. The ordinance also provides immunity for actions by the police taken pursuant to the ordinance. We could discuss further on Tuesday.

As for this residence, it is my understanding from Alex and Will that they are not squatters.

Parramore, Carol

From: Leen, Craig
Sent: Tuesday, October 21, 2014 8:59 AM
To: Parramore, Carol
Subject: Fwd: 1248 Sorolla

Please place in the opinion folder.

Sent from my iPhone

Begin forwarded message:

From: "Hudak, Edward" <ehudak@coralgables.com>
Date: October 21, 2014 at 7:04:49 AM EDT
To: "Leen, Craig" <cleen@coralgables.com>
Cc: "Ortiz, William" <wortiz@coralgables.com>, "alp@alp-law.com" <alp@alp-law.com>
Subject: Re: 1248 Sorolla

I agree Craig. Let me know what we can do to help.

Ed Hudak

On Oct 21, 2014, at 12:39 AM, "Leen, Craig" <cleen@coralgables.com> wrote:

Good evening, Chief. Thanks for your offer of assistance. Please note, for purposes of your records, it is my opinion your department could assist once a squatter is ordered off the premises pursuant to the ordinance and the time for the squatter to leave passes (assuming the time is not extended/stayed by the special magistrate per an appeal). At that point, you could enforce the ordinance, and order/require the squatter to leave the premises per the ordinance (and secure the residence). If the squatter fails to comply, you could arrest for a municipal ordinance violation in your presence or for obstruction/failure to comply with a lawful police order (in certain circumstances you could arrest for trespass as well where we have been granted authority to give a trespass warning per the abandoned property ordinance). Please note, an alleged squatter has the right to contest being removed by requesting an appeal and a hearing (which will be heard by a special master before removal except in emergency circumstances). The failure to appeal by the alleged violator constitutes an admission of squatting. There are also certain rebuttable presumptions of squatting in the ordinance. The ordinance also provides immunity for actions by the police taken pursuant to the ordinance. We could discuss further on Tuesday.

As for this residence, it is my understanding from Alex and Will that they are not squatters. Alex and Will, please advise.

Sent from my iPhone

On Oct 20, 2014, at 6:03 PM, "Hudak, Edward" <ehudak@coralgables.com> wrote:

Where are we at on this? I would say we didn't want to help on this I am not sure if we legally can until certain criteria is met. We will assist if needed. Are they squatters???

Edward J. Hudak 
Interim Chief of Police
Coral Gables Police Dept.
305-460-5418

From: Leen, Craig
Sent: Wednesday, October 08, 2014 12:36 PM
To: Hudak, Edward
Cc: Ortiz, William; 'alp@alp-law.com'
Subject: FW: 1248 Sorolla
Importance: High

Chief, please see below and assist. The City needs to determine if the residents are squatters. If so, this would be a municipal ordinance violation, and we would likely invoke our squatters ordinance.

Alex, please work with Will to determine whether a presumption of squatting applies (i.e. if this is on the abandoned property ordinance, is it listed as vacant).

Craig E. Leen, City Attorney
*Board Certified by the Florida Bar in
City, County and Local Government Law*
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com

From: Ortiz, William
Sent: Wednesday, October 08, 2014 11:18 AM
To: Leen, Craig; alp@alp-law.com
Subject: FW: 1248 Sorolla

Good morning Alex and Craig:

Please see Detective Christensen's email below. She mentioned to Jorge that she needs to know if the property has been thru foreclosure and if the bank is ok with the people remaining there.

Craig:

It looks like police doesn't want to assist with this property so you may want to speak with the Chief.

Alex:

Please find out if the bank has foreclosed on the property and if they approve of the previous owner's presence at the property.
Thanks.

From: Pino, Jorge
Sent: Wednesday, October 08, 2014 10:42 AM
To: Ortiz, William
Subject: Fwd: 1248 Sorolla

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Christensen, Michelle" <MChristensen@coralgables.com>
Date: 10/08/2014 10:19 AM (GMT-05:00)
To: "Pino, Jorge" <jpino@coralgables.com>
Subject: RE: 1248 Sorolla

Mr. Pino,

A police report stating that a crime has occurred needs to be generated. Once that has occurred, it will be reviewed by my supervisor and may or may not be assigned.

Thank you

Detective Michelle Christensen
Coral Gables Police Department
Economic Crimes Unit
2801 Salzedo Street
Coral Gables, FL 33134
Main (305) 460-5472
FAX (305) 460-5442
mchristensen@coralgables.com

From: Pino, Jorge
Sent: Wednesday, October 08, 2014 9:29 AM
To: Christensen, Michelle
Cc: Ortiz, William; Kattou, Michael
Subject: 1248 Sorolla

Morning Michelle,

I wanted to update you regarding the above. I asked police to respond this morning in order to verify the identity of the occupants.

Ofcr. Valdavia and Wheeler responded and we made contact with Robert Sanchez Jr., who stated that he and his family reside at that property for several years. He advised that his father and mother were not home.

In front of the property there were two vehicles, a white Honda Accord (4D) tag CJTT40 that is registered to Robert Narin Sanchez-Guzman and a gold Cadillac (4D) registered to Robert Sanchez.

As I advised yesterday, Mia Dade shows that the property owners as Robert Sanchez and Wife/ Anna Sanchez. Further research revealed that New York Mellon Bank is the responsible party on (VPR). (*Contact number for Bank – 212 495-1784*)

Based on our conversation, in addition to Bank verification that the occupants are not legally able to occupy the property is there any other items/issues that you require?

Please advise.

Thank you,

Jorge Pino
Code Enforcement Ofcr.