



Sunil Menon <>

Nov 30 CBWCD Resident Concern + Status of Appeal to decide appellate judicial action

Sunil Menon <>

Tue, Mar 11, 2025 at 12:19 AM

To: "Meyers, Andrew" <ameyers@broward.org>, "Andron, Scott" <SAndron@broward.org> Cc: "Brian R. Kopelowitz" <>

Dear Andrew and Scott:

I would like to know why Michael Owens, counsel from the Broward County Permitting Division, has not followed up with my attorney on the issues I raised with him in late 2023 about misconduct of Broward County EEPD Staff.

Best regards,
Sunil Menon

----- Forwarded message -----

From: **Brian R. Kopelowitz** <>

Date: Thu, Dec 14, 2023 at 12:03 PM

Subject: FW: Nov 30 CBWCD Resident Concern + Status of Appeal to decide appellate judicial action

To: Sunil Menon <>

See my response below.

Brian R. Kopelowitz

Direct: 954-332-4214



KOPELOWITZ OSTROW
FERGUSON WEISELBERG GILBERT

From: Brian R. Kopelowitz <>

Sent: Thursday, December 14, 2023 12:03 PM

To: Owens, Michael <MOWENS@broward.org>

Subject: RE: Nov 30 CBWCD Resident Concern + Status of Appeal to decide appellate judicial action

Thanks Michael. I appreciate your response and I will make sure that Mr. Menon understands why he is not receiving a response from you and your staff directly.

Enjoy your mini vacation and please let me know once you are back and you have heard back from the relevant County staff, such that we can have a detailed discussion.

From: Owens, Michael <MOWENS@broward.org>
Sent: Thursday, December 14, 2023 11:59 AM
To: Brian R. Kopelowitz <>
Subject: RE: Nov 30 CBWCD Resident Concern + Status of Appeal to decide appellate judicial action

You don't often get email from mowens@broward.org. [Learn why this is important](#)

Brian, while I'm on leave today and tomorrow, I could take a call before 2 pm today or another mutually convenient time soon regarding this. Mr. Menon clearly alleges the potential for County liability for negligent or willful harm to himself and other similarly situated residents below, so I must communicate with you going forward and limit my communications with him to arranged communications where your client is clearly represented. I have requested that County staff also not communicate directly with Mr. Menon to ensure that you and I can adequately represent our clients after his assertion of such an adverse interest.

Of course, the County will continue to assess his claims in relation to County licensing and compliance with the County Code, and I am pursuing this with the relevant County staff. I must also clarify that any actions the County may take are not in furtherance of or to set the stage for any private claims that Mr. Menon or other similarly situated residents may have or pursue regarding their rights with Lennar or their HOA. However helpful the County's actions may be in relation to such claims, the County's actions cannot be taken with any intent to further such claims between private parties.

Best regards,

Michael C. Owens
Senior Assistant County Attorney
mowens@broward.org
954-357-7600 (o)
954-357-7614 (d)

From: Sunil Menon <>
Sent: Thursday, December 14, 2023 9:59 AM
To: Owens, Michael <MOWENS@broward.org>
Cc: Brian R. Kopelowitz <>; Sunderland, Linda <LSUNDERLAND@broward.org>; allan_weinthal@davie-fl.gov; psherwin@davie-fl.gov; richard_lemack@davie-fl.gov
Subject: Re: Nov 30 CBWCD Resident Concern + Status of Appeal to decide appellate judicial action

Hi Michael!

Just wanted to follow up on this communication from Dec 5.

The importance of retraction or clarification of Michelle Decker's October 18th letter accepting two-year old as-builts without verification of depth or width, cannot be stressed highly enough.

Broward County may end up being financially liable to Sierra Ranches residents for erroneously, or worse, willfully creating an impression through its employees actions that there are not serious problems with the Sierra Ranches Preserve.

The independent engineer's report and blatant violations of CBWCD published regulations, criteria and procedures and potential falsification of documents should already make the problems with the Sierra Ranches Preserve clear.

I am uncertain what Broward County and SFWMD development regs are violated. But the depth discrepancy in SFWMD Permit (2017 application 141223-14) and Broward County's executed EEPD is salient enough to require a redesign of the preserve especially in the channels around residential lots to create a 10 ft depth per the environmental plans, increase the width of the open water due to CBWCD grading constraints, and addition of a hydric berm to prevent future sloughing of mash muck and plants in the open water channels. While this is being done, it may also be wise to reinforce the channels to LBR40 or better to improve erosion resistance in perpetuity per the independent Engineer's recommendation.

Sierra Ranches residents cannot accept the financial implications of a flawed preserve in perpetuity.

I am encouraging the Sierra Ranches HOA board to file a construction defect with Lennar. However, they are mistakenly holding on to your staff's letter and another letter from SFWMD as reason not to pursue this right to sue for construction defects that exclusively belongs to the HOA as the owner of the Sierra Ranches Preserve.

Lennar has done a quit claim in February 2023, which I am not sure is valid, because construction activities and planting activities were never completed prior to my initial flagging of issues on July 17th, 2023 with the SFWMD.

<https://officialrecords.broward.org/AcclaimWeb/Details/GetDocumentbyInstrumentNumber/O/118687202>

The CBWCD legal counsel had also mistakenly made the circular argument in public hearings that all the government agencies have accepted the Sierra Ranches Preserve- they can't be all wrong? That argument should be debunked based on the facts.

The timeline of events beginning from my initial complaint to SFWMD on July 17, 2023 that the Sierra Ranches Preserve was not compliant from a build and maintenance perspective does not look good.

There has been a rush and flurry of activities after July 17th, 2023 from Lennar, individuals and the various state agencies involved in the process. It could be coincidental timing, incompetence, plain oversight or lack of comprehensive/ interdisciplinary thinking, or worse, conspiracy against residents that will directly hurt them to protect the interests of a private developer.

I have personally spent \$40K this far to address this issue that should in good faith be resolved by government. This is money that could go to my child's college or pay the \$45K in property taxes I pay Broward County each year. The economic injury is real.

My latest concern is that I heard at my HOA meeting on Tuesday this week that Lennar wants a release from Sierra Ranches against any claims in the future in exchange for pennies compared to what it will actually cost to fix the Sierra

Ranches Preserve and other problems in the community. While wise residents in the meeting pointed out the defects with the Sierra Ranches Preserve as a compelling reason not to provide such a release, Broward County's delay will increase the odds that this ploy will be successful.

There is a history of construction defects in my community. One family even left their home due to severe mold and plumbing issues, and has been renting outside paying both mortgage and rent. Many other homes have had severe mold and plumbing issues. The common area trees in our community keep falling and our HoA has to fix it because Lennar did not plant them deep enough.

If Lennar cannot do basics of construction correctly, do you even trust them to design and develop an infinitely more complex wetland preserve?

I hope you will proceed expeditiously on retracting the as built acceptance by Broward County or clarifying that the survey was two years old, does not reflect site conditions and Broward County staff has not independently verified depth or width to opine on the accuracy of the data contained in the as-built survey you accepted.

This will set the stage to pursue construction defect claims from the HOA, while other state and local government agencies are independently doing what is right to compel Lennar to fix the Sierra Ranches Preserve for the residents of Florida/Broward County/Davie/Sierra Ranches.

Best regards,

Sunil Menon

On Tue, Dec 5, 2023 at 11:32 AM Owens, Michael <MOWENS@broward.org> wrote:

Sunil, I'll get briefed by staff on this to be able to adequately advise County staff. I'm also acknowledging receiving your three other emails forwarding information for our review.

Brian, feel free to reach out.

Best regards,

Michael C. Owens

Senior Assistant County Attorney

mowens@broward.org

954-357-7600 (o)

954-357-7614 (d)

From: Sunil Menon <>
Sent: Monday, December 4, 2023 4:16 PM
To: Owens, Michael <MOWENS@broward.org>
Cc: Brian R. Kopelowitz <>; Sunderland, Linda <LSUNDERLAND@broward.org> **Subject:** Fwd: Nov 30 CBWCD Resident Concern + Status of Appeal to decide appellate judicial action

Hi Michael!

I got your information from Linda Sunderland today after I paid a visit to the Environmental Permitting Division to check the status of a Open Records Request from over a month ago. I will forward the original email from October 23 to you separately.

This in reference to the Sierra Ranches Preserve in Davie Florida. Broward County EEPD has executed the environmental plan on this project, I believe by delegated authority from SFWMD.

Below is my correspondence to the Central Broward Water Control District regarding their acceptance of as-builts and bond release. There may be potential litigation action. Hence apprising you of the situation.

I will forward you a few other pieces of information that my lawyer, Brian K. has exchanged with the Central Broward Water Control District.

Additionally, I will send you an independent Engineer's report that should render Broward County Environmental Permitting Division's acceptance of as-builts null and void as they do not reflect actual field conditions. Linda confirmed that Michelle Decker had no way to verify the depth or width in her acceptance letter of as-builts.

Please send a letter to my HOA and to Lennar retracting the acceptance of as-builts. Other correspondence to follow.

Best regards,
Sunil Menon

----- Forwarded message -----

From: Sunil Menon <>
Date: Sun, Dec 3, 2023 at 11:54 PM
Subject: Nov 30 CBWCD Resident Concern + Status of Appeal to decide appellate judicial action
To: commissioners <commissioners@centralbrowardwcd.org>, MAX PULCINI <mpulcini@cbwcd.com>, Jace <districtmanager@centralbrowardwcd.org>, <districtclerk@centralbrowardwcd.org>
Cc: Julie F. Klahr <JKlahr@gorencherof.com>, Brian R. Kopelowitz <>, <allan_weinthal@davie-fl.gov>, <ejohnson@sfwmd.gov>

Dear CBWCD Commissioners:

Thank you for allowing me to highlight the points below at the Nov 30th CBWCD Commissioners meeting. Sierra Ranches Preserve is an interagency issue, even though my main concern is the water buffer around residential lots over which CBWCD has primary jurisdiction. Therefore, I am also copying the legal counsel for South Florida Water Management District on this communication as well as the legal counsel for the Town of Davie.

I am attaching the documents I physically gave the CBWCD counsel/ board that day.

One thing I missed pointing out is that there is a time crunch for me to bring appellate judicial action against the CBWCD (I believe I have to bring action in court by December 8th) unless the Commissioners provide an appeal hearing date. My preference is to resolve this appeal amicably and out of court to avoid wasting taxpayer money. I also understand that you are in the middle of finalizing your district manager likely on December 13th.

If your legal counsel can provide a communication to my attorney by Wednesday, December 6th, that my appeal will be considered in January 2024 after the new district manager has taken charge and had a chance to absorb the issues, and that we preserve our rights to bring judicial action after that, then I believe we can have an amicable and less expensive pathway to address the concerns. And it goes without saying that the Sierra Ranches performance bonds should not be released pending appellate action in CBWCD and elsewhere.

Concerns expressed by resident Sunil Menon at the November 30th, 2023 CBWCD Special Meeting

1/ That I have not been afforded due process on my appeal of CBWCD's 90% bond release on the Sierra Ranches Project per their own published procedures. This includes placing my appeal on the agenda and giving parties an opportunity to explain their position (see attorney communication from November 21st, 2023). CBWCD violated their own published procedures, criteria and regulations, ***both in the as-built approval on August 9th and the bond release on October 25th***. It was transparent to many concerned Sierra Ranches residents at the October 25th bond release hearing ***that obvious data and facts were completely ignored based on:***

a/ ***Misguided direction from CBWCD's legal counsel*** that there was no way to undo the as-built approved on Aug 9th, ***which should be null and void in the first place based on potential falsified documents, procedural irregularities and violation of CBWCD's published rules, criteria and procedures***

b / ***Misguided direction from their district engineer*** (reviewer Hans Murzi from RJ Behar). Both Craven Thompson (typically the district engineer, but also the Engineer of Record in case of the Sierra Ranches Project) and RJ Behar have conflicts of interest as they were involved in the design and review respectively of the Sierra Ranches project.

2/ That ***there is a pattern of the as-builts CBWCD approves differing from the field conditions***. The two examples that directly impact me are Sierra Ranches, Davie, where I own my primary home and Sienna, Cooper City by virtue of ownership of real estate in Monterra, Cooper City, whose wetlands and drainage are directly impacted by Sienna, Cooper City.

In case of Sienna Cooper, City though there is now a fix possible after the glaring problems were discovered at an early stage over the past few weeks due to concerted efforts by residents of Monterra, Cooper City authorities and Monterra CDD. Efforts by CBWCD to obfuscate the Sienna issue as nothing more than a misunderstanding to educated residents (some of them engineers) ***ignores the fundamental issue that the as-built differs from the field condition on several pages*** of the as-built survey of that development. This is the exact same scenario of approved as-builts of the Sierra Ranches Preserve differing from field conditions is core in the Sierra Ranches Preserve case.

3/ That the CBWCD commissioners erred in just retaining 10% or \$800K in bond money because my engineer clearly told you that it would likely cost \$1.7M in 2019 dollars (inflation has been rampant since then) to fix the problem in the Sierra Ranches Preserve.

4/ That SFWMD Permit (2017 application 141223-14) can never be closed as the 10 feet depth was never achieved per the environmental plan and there is no variance to explain the discrepancy.

Following your own criteria and procedures and directing the developer to make the necessary fixes will avoid wasting taxpayer dollars.

Thank you in advance for your kind consideration.

Best regards,
Sunil Menon

----- Forwarded message -----

From: **Brian R. Kopelowitz** <>

Date: Tue, Nov 21, 2023 at 10:41 AM

Subject: Sierra Ranches Appeal

To: Julie F. Klahr <JKlahr@gorencherof.com>, Ashley Foster <districtclerk@centralbrowardwcd.org>

Cc: Dennis Mele <dennis.mele@gmlaw.com>, allan_weinthal@davie-fl.gov <allan_weinthal@davie-fl.gov>, Sunil Menon <>, commissioners@centralbrowardwcd.org <commissioners@centralbrowardwcd.org>, mpulcini@cbwcd.com <mpulcini@cbwcd.com>, scoyle@cbwcd.com <scoyle@cbwcd.com>

In response to your email below, my client does indeed request further assistance.

Specifically, the District's Criteria prescribes a right to appeal. An appellant should be afforded due process, with proper notice and an opportunity for all parties to present their respective positions and explanations. An email to the commissioners on the morning of November 8, 2023, simply containing a copy of my client's appeal, does not constitute due process, nor does it provide my client with a meaningful ability to exercise his appellate rights mandated in your District's Criteria. We request that Mr. Sunil's appeal be placed on the next available agenda, and he be afforded his appellate rights.

Coincidentally, Mr. Menon is also a property owner in Monterra in Cooper City. That community is now aware that the Sienna project, within Monterra, received approval for As-Built plans from the CBWCD on November 8, 2023 based upon a 2' perimeter berm surrounding the Sienna community, designed to prevent runoffs from pollutants contaminating the Monterra lake and Monterra wetlands. In fact, in Sienna, there is no berm. Many residents of Monterra are outraged and I suspect the CBWCD will be hearing from those residents shortly.

The fact that there is another huge discrepancy between approved As-Builts and actual on the ground data underscores a real problem in the handling of CBWCD As-Builts approval process. The Commission is comprised of elected officials whose job is to serve the residents of Broward County – not to serve developers seeking a rubber stamp for As-Built approvals.

We respectfully request an actual appellate hearing so the Commissioners can be given another chance to properly consider this important environmental wetland concern.

Brian R. Kopelowitz

Direct: 954-332-4214



From: Julie F. Klahr <JKlahr@gorencherof.com>
Sent: Friday, November 10, 2023 2:14 PM
To: Brian R. Kopelowitz <kopelowitz@kolawyers.com>; Ashley Foster <districtclerk@centralbrowardwcd.org>
Cc: Dennis Mele <dennis.mele@gmlaw.com>; allan_weinthal@davie-fl.gov; Sunil Menon <think.sunilmenon@gmail.com>; Michael D. Cirullo, Jr. <MCirullo@gorencherof.com>
Subject: RE: Sierra Ranches

Brian,

I am sending this correspondence as my attempt to reach you at the office was unsuccessful.

As I previously advised, the Commission received your correspondence dated October 26, 2023 below, and your request therein made on behalf of your client, for the District Commission to reconsider their decision reached at the October 25, 2023 Commission meeting regarding the release of the bonds associated with the Sierra Ranches development. Please be advised that the Commission took no action with respect to your request for reconsideration at its next regularly scheduled Commission meeting on November 8, 2023. In other words, no member of the District Commission moved to reconsider the action and vote taken on October 25, 2023 regarding this item. Therefore, at this time, the Commission's October 25, 2023 action on this matter is deemed final.

If you require anything further, do not hesitate to contact me.

Julie F. Klahr



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From: Brian R. Kopelowitz <>
Sent: Thursday, October 26, 2023 1:39 PM
To: Ashley Foster <districtclerk@centralbrowardwcd.org>
Cc: Dennis Mele <dennis.mele@gmlaw.com>; allan_weinthal@davie-fl.gov; Julie F. Klahr <JKlahr@gorencherof.com>; Sunil Menon <>
Subject: Sierra Ranches

Please see attached.

Spacer



Brian R. Kopelowitz
KOPELOWITZ OSTROW
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