

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

NORTHWEST FLORIDA
WATER MANAGEMENT DISTRICT,

Plaintiff,

vs.

OX BOTTOM MORTGAGE HOLDINGS, LLC;
OB HOMES OF TALLAHASSEE, LLC;
G&A LLOYD, LLC;
GOLDEN OAK LAND GROUP, LLC; and
OX BOTTOM THOMASVILLE, LLC,

Defendants.

COMPLAINT

Plaintiff NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT (“NFWMD”), by and through undersigned counsel, hereby files this Complaint seeking injunctive relief and monetary penalties against Defendants OX BOTTOM MORTGAGE HOLDINGS, LLC; OB HOMES OF TALLAHASSEE, LLC; G&A LLOYD, LLC; GOLDEN OAK LAND GROUP, LLC; and OX BOTTOM THOMASVILLE, LLC, and alleges:

1. This is an action seeking temporary and permanent injunctive relief and monetary penalties arising from Defendants’ past and ongoing (and sometime purposeful) violations of the below-referenced NFWMD environmental resource permits and Chapter 373, Florida Statutes, in relation to ongoing construction projects currently occurring in Leon County.

Parties, Jurisdiction and Venue

2. NFWFMD is a governmental entity created by the Water Resources Act of 1972, including section 373.069, Florida Statutes, and is charged with managing the water resources of the Florida panhandle, including Leon County, Florida. This includes the issuance of and enforcement of compliance with environmental resource permits and rules related to the consumption and use of Florida's water supply.

3. Pursuant to sections 373.129, Florida Statutes, NFWFMD is authorized to commence and maintain legal proceedings to enforce applicable rules, regulations and orders adopted pursuant to Florida law; to enjoin or abate violations of Chapters 373, Florida Statutes, and rules and regulations adopted pursuant thereto; and to recover civil penalties for each offense in the amount of \$10,000 per offense per day.

4. OX BOTTOM MORTGAGE HOLDINGS, LLC, is a Florida limited liability company which conducts business in Leon County. It is subject to personal jurisdiction in Leon County and can be served with process through its registered agent Daniel Manausa, 1701 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308.

5. OB HOMES OF TALLAHASSEE, LLC, is a Florida limited liability company which conducts business in Leon County. It is subject to personal jurisdiction in Leon County and can be served with process through its registered agent Robert A. Pierce, 123 South Calhoun Street, Tallahassee, Florida 32301.

6. G&A LLOYD, LLC, is a Florida limited liability company which conducts business in Leon County. It is subject to personal jurisdiction in Leon County and can be served with process through its registered agent Susan Thompson, 3520 Thomasville Road, Tallahassee, Florida 32309.

7. GOLDEN OAK LAND GROUP, LLC, is a Florida limited liability company which conducts business in Leon County. It is subject to personal jurisdiction in Leon County and can be served with process through its registered agent Robert A. Pierce, 123 South Calhoun Street, Tallahassee, Florida 32301.

8. OX BOTTOM THOMASVILLE, LLC, is a Florida limited liability company which conducts business in Leon County. It is subject to personal jurisdiction in Leon County and can be served with process through its registered agent Daniel Manausa, 1701 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308.

9. The Second Judicial Circuit Court has subject matter jurisdiction over this action pursuant to section 26.012(2)(a) and (c), Florida Statutes.

10. Pursuant to section 47.051, Florida Statutes, venue is proper in Leon County because the activity sought to be enjoined is occurring in Leon County, because the below-referenced real property is located in Leon County, because the causes of action asserted herein accrued in Leon county, and because Defendants have or usually keep an office for transaction of its customary business in Leon County.

11. Defendants are limited liability companies which are owned or controlled by Behzad Ghazvini. Defendants are landowners, permit applicants, and permit holders pertaining to a number of active construction projects occurring in Leon County.

12. In August 2018, NFWFMD discovered that Defendants are conducting numerous construction projects in violation of the below-referenced NFWFMD environmental resource permits and various Florida statutes.

13. Pursuant to section 373.430(1), Florida Statutes, a violation of any NFWFMD permit, rule or regulation is a violation of Chapter 373, Florida Statutes.

14. NFWFMD has retained the undersigned to represent it in this matter and is obligated to pay the undersigned a reasonable attorneys' fee.

Count I – Injunctive Relief – Ox Bottom Mortgage Holdings, LLC

15. NFWFMD incorporates herein the allegations of paragraphs 1 through 14 above.

16. This is an action against OX BOTTOM MORTGAGE HOLDINGS, LLC, for temporary and permanent injunctive relief.

17. OX BOTTOM MORTGAGE HOLDINGS, LLC, is the applicant for and holder of environmental resource permit number IND-073-17714-1, issued by NFWFMD, which authorizes the construction of a stormwater treatment pond, supporting infrastructure for the pond, and the construction of a certain impervious area in compliance with revised design drawings received by NFWFMD on December 22, 2016 upon a portion of the land situated in a currently-ongoing construction project colloquially known as Canopy PUD. Permit number IND-073-17714-1 governs approximately 6.2 acres of the larger area encompassing Canopy PUD.

18. OX BOTTOM MORTGAGE HOLDINGS, LLC, did not obtain an environmental resource permit from NFWFMD for any portion of the Canopy PUD outside of the 6.2 acres governed by permit number IND-073-17714-1. Construction on those other portions of Canopy PUD requires an environmental resource permit, which OX BOTTOM MORTGAGE HOLDINGS, LLC, has never sought or received. In addition, OX BOTTOM MORTGAGE HOLDINGS, INC. constructed and operated a dam on said property without obtaining a dam safety permit from NFWFMD.

19. OX BOTTOM MORTGAGE HOLDINGS, LLC, owns most of the land comprising Canopy PUD, which includes both the land governed by permit number IND-073-17714-1 and the land ungoverned by any permit.

20. OX BOTTOM MORTGAGE HOLDINGS, LLC, is obligated by law to ensure that construction activities occurring on said land are conducted in accordance with permit number IND-073-17714-1 and all NFWMD rules and regulations.

21. OX BOTTOM MORTGAGE HOLDINGS, LLC, and/or those operating on its behalf, is in current violation of permit number IND-073-17714-1 and Florida law in at least the following ways and has been for some time: violating section 373.430, Florida Statutes, by conducting unpermitted, unauthorized dredging or filling; by failing to install, maintain or use a required pollution control system or device; by failing to conduct construction in compliance with a permit by conducting entirely unpermitted work; by conducting construction work which does not comply with permit number IND-073-17714, special conditions 3, 6, 7 and 8; and by constructing and operating a dam on said property without obtaining a dam safety permit from NFWMD.

22. Despite being notified that its actions constitute violations of law, OX BOTTOM MORTGAGE HOLDINGS, LLC, has not ceased, and has purposefully continued, its violative activities.

23. NFWMD has a clear legal right to an injunction enjoining OX BOTTOM MORTGAGE HOLDINGS, LLC, from violating, and from conducting or allowing construction activities which violate the permit and Chapter 373.

24. NFWMD and the public will suffer irreparable harm from OX BOTTOM MORTGAGE HOLDINGS, LLC's continued violation of the permit, its rules, and its regulations.

WHEREFORE, NFWWMD respectfully requests the Court temporarily and permanently enjoin OX BOTTOM MORTGAGE HOLDINGS, LLC, from all construction activities until it and those operating on its behalf have brought all activities fully and completely in compliance with permit number IND-073-17714-1 and any and all required dam safety permits; enjoin OX BOTTOM MORTGAGE HOLDINGS, INC. from any unpermitted construction; and award NFWWMD reasonable attorneys' fee, court costs and investigative costs pursuant to section 373.129(6), Florida Statutes.

Count II – Monetary Penalty – Ox Bottom Mortgage Holdings, LLC

25. NFWWMD incorporates herein the allegations of paragraphs 1 through 14, 17 through 20, and 22 above.

26. OX BOTTOM MORTGAGE HOLDINGS, LLC, is in current violation of Florida law in at least the following ways and has been for some time: violating section 373.430, Florida Statutes by conducting unpermitted, unauthorized dredging or filling; by failing to install, maintain or use a required pollution control system or device; by failing to conduct construction in compliance with a permit by conducting entirely unpermitted work; and by conducting construction work which does not comply with permit number IND-073-17714, special conditions 3, 6, 7 and 8; and by constructing and operating a dam on said property without obtaining a dam safety permit from NFWWMD.

27. Pursuant to section 373.129, Florida Statutes, NFWWMD is entitled to recover from OX BOTTOM MORTGAGE HOLDINGS, LLC, a monetary penalty in the amount of \$10,000 per violation per day.

WHEREFORE, NFWWMD respectfully requests the Court issue judgment against OX BOTTOM MORTGAGE HOLDINGS, LLC, in the amount of \$10,000 per day for each violation of Chapter 373; and award NFWWMD reasonable attorneys' fee, court costs and investigative costs pursuant to section 373.129(6), Florida Statutes.

Count III – Injunctive Relief – OB Homes of Tallahassee, LLC

28. NFWWMD incorporates herein the allegations of paragraphs 1 through 14 above.

29. This is an action against OB HOMES OF TALLAHASSEE, LLC, for temporary and permanent injunctive relief.

30. OB HOMES OF TALLAHASSEE, LLC, is the owner of a portion of the land within Canopy PUD. No entity has ever obtained a NFWWMD environmental resource permit governing the land owned by OB HOMES OF TALLAHASSEE, LLC.

31. OB HOMES OF TALLAHASSEE, LLC, is obligated by law to ensure that construction activities occurring on said land are conducted in accordance with Florida law and all NFWWMD rules and regulations.

32. OB HOMES OF TALLAHASSEE, LLC, and/or those operating on its behalf, is in current violation of Florida law in at least the following ways and has been for some time: violating section 373.430, Florida Statutes, by conducting unpermitted, unauthorized dredging or filling; by failing to install, maintain or use a required pollution control system or device; and by failing to conduct construction in compliance with a permit by conducting entirely unpermitted work.

33. Despite being notified that its actions constitute violations of Florida law, OB HOMES OF TALLAHASSEE, LLC, has not ceased, and has purposefully continued, its violative activities.

34. NFWFMD has a clear legal right to an injunction enjoining OB HOMES OF TALLAHASSEE, LLC, from violating, and from conducting or allowing construction activities which violate the permit and Chapter 373.

35. NFWFMD and the public will suffer irreparable harm from OB HOMES OF TALLAHASSEE, LLC, continued violation of its rules, its regulations, and Florida law.

WHEREFORE, NFWFMD respectfully requests the Court temporarily and permanently enjoin OB HOMES OF TALLAHASSEE, LLC, from all construction activities until all necessary permits have been obtained and all activities on its land have been brought fully and completely in compliance with such permits and any and all required dam safety permits; enjoin OB HOMES OF TALLAHASSEE, LLC, from any unpermitted construction; and award NFWFMD reasonable attorneys' fee, court costs and investigative costs pursuant to section 373.129(6), Florida Statutes.

Count IV – Monetary Penalty – OB Homes of Tallahassee, LLC

36. NFWFMD incorporates herein the allegations of paragraphs 1 through 14, 30, 31 and 33 above.

37. OB HOMES OF TALLAHASSEE, LLC, is in current violation of Florida law in at least the following ways and has been for some time: violating section 373.430, Florida Statutes, by conducting unpermitted, unauthorized dredging or filling; by failing to install, maintain or use a required pollution control system or device; and by failing to conduct construction in compliance with a permit by conducting entirely unpermitted work.

38. Pursuant to section 373.129, Florida Statutes, NFWFMD is entitled to recover from OB HOMES OF TALLAHASSEE, LLC, a monetary penalty in the amount of \$10,000 per violation per day.

WHEREFORE, NFWWMD respectfully requests the Court issue judgment against OB HOMES OF TALLAHASSEE, LLC, in the amount of \$10,000 per day for each violation of Chapter 373; and award NFWWMD reasonable attorneys' fee, court costs and investigative costs pursuant to section 373.129(6), Florida Statutes.

Count V – Injunctive Relief – G&A Lloyd, LLC

39. NFWWMD incorporates herein the allegations of paragraphs 1 through 14 above.

40. This is an action against G&A LLOYD, LLC, for temporary and permanent injunctive relief.

41. G&A LLOYD, LLC, is the applicant for and holder of environmental resource permit number IND-073-8544-1, issued by NFWWMD, which authorizes the construction of a wet detention pond upon land situated in a currently-ongoing construction project colloquially known as Barineau Walk Subdivision.

42. G&A LLOYD, LLC, owns the land which is governed by permit number IND-073-8544-1.

43. G&A LLOYD, LLC, is obligated by law to ensure that construction activities occurring on said land are conducted in accordance with permit number IND-073-8544-1 and all NFWWMD rules and regulations.

44. G&A LLOYD, LLC, and/or those operating on its behalf, is in current violation of permit number IND-073-8544-1 and Florida law in at least the following ways and has been for some time: violating section 373.430, Florida Statutes, by failing to install, maintain or use a required pollution control system or device and by failing to perform construction in compliance with permit number IND-073-8544-1.

45. NFWWMD has a clear legal right to an injunction enjoining G&A LLOYD, LLC, from violating, and from conducting or allowing construction activities which violate the permit and Chapter 373.

46. NFWWMD and the public will suffer irreparable harm from G&A LLOYD, LLC's continued violation of the permit, its rules, and its regulations.

WHEREFORE, NFWWMD respectfully requests the Court temporarily and permanently enjoin G&A LLOYD, LLC, from all construction activities until it and those operating on its behalf have brought all activities fully and completely in compliance with permit number IND-073-8544-1; award NFWWMD reasonable attorneys' fee, court costs and investigative costs pursuant to section 373.129(6), Florida Statutes.

Count VI – Monetary Penalty – G&A Lloyd, LLC

47. NFWWMD incorporates herein the allegations of paragraphs 1 through 14 and 41 through 43 above.

48. G&A LLOYD, LLC, is in current violation of permit number IND-073-8544-1 and Florida law in at least the following ways and has been for some time: violating section 373.430, Florida Statutes, by failing to install, maintain or use a required pollution control system or device and by failing to perform construction in compliance with permit number IND-073-8544-1.

49. Pursuant to section 373.129, Florida Statutes, NFWWMD is entitled to recover from G&A LLOYD, LLC, a monetary penalty in the amount of \$10,000 per violation per day.

WHEREFORE, NFWWMD respectfully requests the Court issue judgment against G&A LLOYD, LLC in the amount of \$10,000 per day for each violation of NFWWMD permit number

IND-073-8544-1 and Chapter 373; and award NFWFMD reasonable attorneys' fee, court costs and investigative costs pursuant to section 373.129(6), Florida Statutes.

Count VII – Injunctive Relief – Golden Oak Land Group, LLC

50. NFWFMD incorporates herein the allegations of paragraphs 1 through 14 above.

51. This is an action against GOLDEN OAK LAND GROUP, LLC, for temporary and permanent injunctive relief.

52. GOLDEN OAK LAND GROUP, LLC, is the applicant for and holder of environmental resource permit number IND-073-18023-1, issued by NFWFMD, which authorizes construction of a dry retention stormwater system and the repair of two existing dams upon land situated in a currently-ongoing construction projects colloquially known as Brookside Village Subdivision.

53. GOLDEN OAK LAND GROUP, LLC, owns the land which is governed by permit number IND-073-18023-1.

54. GOLDEN OAK LAND GROUP, LLC, is obligated by law to ensure that construction activities occurring on said land are conducted in accordance with permit number IND-073-18023-1 and all NFWFMD rules and regulations.

55. GOLDEN OAK LAND GROUP, LLC, and/or those operating on its behalf, is in current violation of permit number IND-073-18023-1 and Florida law in at least the following ways and has been for some time: violating section 373.430, Florida Statutes, by failing to install, maintain or use a required pollution control system or device and by failing to perform construction in compliance with permit number IND-073-18023-1.

56. NFWWMD has a clear legal right to an injunction enjoining GOLDEN OAK LAND GROUP, LLC, from violating, and from conducting or allowing construction activities which violate the permit and Chapter 373.

57. NFWWMD and the public will suffer irreparable harm from GOLDEN OAK LAND GROUP, LLC's continued violation of the permit, its rules, and its regulations.

WHEREFORE, NFWWMD respectfully requests the Court temporarily and permanently enjoin GOLDEN OAK LAND GROUP, LLC, from all construction activities until it and those operating on its behalf have brought all activities fully and completely in compliance with permit number IND-073-18023-1; award NFWWMD reasonable attorneys' fee, court costs and investigative costs pursuant to section 373.129(6), Florida Statutes.

Count VIII – Monetary Penalty – Golden Oak Land Group, LLC

58. NFWWMD incorporates herein the allegations of paragraphs 1 through 14 and 52 through 54 above.

59. GOLDEN OAK LAND GROUP, LLC, is in current violation of permit number IND-073-18023-1 and Florida law in at least the following ways and has been for some time: violating section 373.430, Florida Statutes, by failing to install, maintain or use a required pollution control system or device and by failing to perform construction in compliance with permit number IND-073-8544-1.

60. Pursuant to section 373.129, Florida Statutes, NFWWMD is entitled to recover from GOLDEN OAK LAND GROUP, LLC, a monetary penalty in the amount of \$10,000 per violation per day.

WHEREFORE, NFWFMD respectfully requests the Court issue judgment against GOLDEN OAK LAND GROUP, LLC in the amount of \$10,000 per day for each violation of NFWFMD permit number IND-073-18023-1 and Chapter 373; and award NFWFMD reasonable attorneys' fee, court costs and investigative costs pursuant to section 373.129(6), Florida Statutes.

Count IX – Injunctive Relief – Ox Bottom Thomasville, LLC

61. NFWFMD incorporates herein the allegations of paragraphs 1 through 14 above.

62. This is an action against OX BOTTOM THOMASVILLE, LLC, for temporary and permanent injunctive relief.

63. OX BOTTOM THOMASVILLE, LLC, is the applicant for and holder of environmental resource permit number IND-073-16916-1, issued by NFWFMD, which authorizes construction of a stormwater management system to be constructed as per plans received by NFWFMD on August 19, 2015, upon land situated in a currently-ongoing construction project colloquially known as Ox Bottom Crest.

64. OX BOTTOM THOMASVILLE, LLC, owns the land which is governed by permit number IND-073-16916-1.

65. OX BOTTOM THOMASVILLE, LLC, is obligated by law to ensure that construction activities occurring on said land are conducted in accordance with permit number IND-073-16916-1 and all NFWFMD rules and regulations.

66. OX BOTTOM THOMASVILLE, LLC, and/or those operating on its behalf, is in current violation of permit number IND-073-16916-1 and Florida law in at least the following ways and has been for some time: violating section 373.430 by failing to perform construction in compliance with the permit number IND-073-16916-1.

67. NFWWMD has a clear legal right to an injunction enjoining OX BOTTOM THOMASVILLE, LLC, from violating, and from conducting or allowing construction activities which violate the permit and Chapter 373.

68. NFWWMD and the public will suffer irreparable harm from OX BOTTOM THOMASVILLE, LLC's continued violation of the permit, its rules, and its regulations.

WHEREFORE, NFWWMD respectfully requests the Court temporarily and permanently enjoin OX BOTTOM THOMASVILLE, LLC, from all construction activities until it and those operating on its behalf have brought all activities fully and completely in compliance with permit number IND-073-16916-1; award NFWWMD reasonable attorneys' fee, court costs and investigative costs pursuant to section 373.129(6), Florida Statutes.

Count X – Monetary Penalty – Ox Bottom Thomasville, LLC

69. NFWWMD incorporates herein the allegations of paragraphs 1 through 14 and 63 through 65 above.

70. OX BOTTOM THOMASVILLE, LLC, and/or those operating on its behalf, is in current violation of permit number IND-073-16916-1 and Florida law in at least the following ways and has been for some time: violating section 373.430 by failing to perform construction in compliance with the permit number IND-073-16916-1.

71. Pursuant to section 373.129, Florida Statutes, NFWWMD is entitled to recover from OX BOTTOM THOMASVILLE, LLC, a monetary penalty in the amount of \$10,000 per violation per day.

WHEREFORE, NFWWMD respectfully requests the Court issue judgment against OX BOTTOM THOMASVILLE, LLC, in the amount of \$10,000 per day for each violation of permit

number IND-073-16916-1 and Chapter 373; award NFWWMD reasonable attorneys' fee, court costs and investigative costs pursuant to section 373.129(6), Florida Statutes.

NFWWMD demands a jury trial on any issues so triable.

Dated this 17th day of August 2018.

/s/ William D. Horgan

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