

From: [Mona Mares](#)
To: [Faizel M. Kassam](#); [Hughes, James D.](#); [Stephen Pendergraft](#)
Cc: [Biazar, Shahab](#); [Cassandra Durkin](#); [Alozano@Pavilionconstruction.com](#); [Kcalixto@Pavilionconstruction.com](#); [Jeff Hart](#); [Esparza, David](#)
Subject: RE: 22.06.17 ESC Notice of Violation #2 and invoice for Fine #1 for Peaks at Markana Phase 2 - 6500 Glendale - B18E029 - NMR1004WQ
Date: Monday, June 20, 2022 7:26:11 AM
Attachments: [image002.png](#)
[Const Scanner_20220620_072344.pdf](#)
[B18E029_fine_1-invoice.pdf](#)
[B18E029_Violation_2_fine1-signed.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Good Morning Faizel
This has been taken care of
Please see attached receipt with invoice

CITY OF ALBUQUERQUE

Your transaction is complete – Thank you!

Your request for payment has been received.

An additional confirmation will be sent to your email account if it was provided with the payment.

Your Reference Number: **2022170001-10**

06/20/2022 7:17:25 AM

Mona Mares

Construction Coordinator

Kassam Construction, LLC / Legacy Development & Management

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Office (505) 205.1877

Cell (505) 417.6178

mmares@legacydm.net

From: Faizel M. Kassam <fkassam@legacydm.net>

Sent: Friday, June 17, 2022 3:32 PM

To: Hughes, James D. <jhughes@cabq.gov>; Stephen Pendergraft <spendergraft@legacydm.net>;
Mona Mares <MMares@legacydm.net>

Cc: Biazar, Shahab <sbiazar@cabq.gov>; Cassandra Durkin <cassandra@inspectionsplus.com>;
Alozano@Pavilionconstruction.com; Kcalixto@Pavilionconstruction.com; Jeff Hart
<jeff@inspectionsplus.com>; Esparza, David <esparza.david@epa.gov>

Subject: RE: 22.06.17 ESC Notice of Violation #2 and invoice for Fine #1 for Peaks at Markana Phase 2 - 6500 Glendale - B18E029 - NMR1004WQ

Thank you Doug. I haven't touched this site. I disagree with you and I take issue with this but its not worth the argument.

Mona, please pay the fine and send Doug the receipt. Cc Stephen.

Stephen, connect with Cassadra. Please fix this issue.

Thanks
Faizel

From: Hughes, James D. <jhughes@cabq.gov>
Sent: Friday, June 17, 2022 1:43 PM
To: Faizel M. Kassam <fkassam@legacydm.net>
Cc: Stephen Pendergraft <spendergraft@legacydm.net>; Biazar, Shahab <sbiazar@cabq.gov>; Cassandra Durkin <cassandra@inspectionsplus.com>; Alozano@Pavilionconstruction.com; Kcalixto@Pavilionconstruction.com; Jeff Hart <jeff@inspectionsplus.com>; Esparza, David <esparza.david@epa.gov>
Subject: RE: 22.06.17 ESC Notice of Violation #2 and invoice for Fine #1 for Peaks at Markana Phase 2 - 6500 Glendale - B18E029 - NMR1004WQ

Mr Kassam,

Please find attached ESC Notice of Violation #2 and an invoice for Fine #1. Please pay the fine and return the receipt to me showing it has been paid. Here is the link to the payment page. Enter the reference number beginning with "SI". Include the dashes.

https://secure33.ipayment.com/cbtsecuretransfer_cabq/cbtsecuretransfer.aspx/ProcessToken?ClientID=CABQ&Token=c1952b46-91ac-4e45-a3db-bb2ffcf641ae

An additional \$500 per day penalty will be assessed if the violations in notice #2 are not mitigated before the next City Inspection and additional sanctions will be imposed if the fines are not paid. A follow-up Inspection will be conducted in a week to verify compliance with the CGP and the City Ordinance.

The vegetation has been removed from a large portion of your site exposing erosive soil, some new and some old. Regardless of who removed the vegetation or when, the property owner is responsible (see ordinance at

https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-19897)

At the inspection on 6/15/22 only one of the four previous violations had been mitigated. The remaining 3 violations in Notice #2 are:

1. Posting per CGP 1.5
2. SWPPP per CGP 7.1
3. BMPs per CGP 2.1.4 and Part 5

One new violation was also noted, the disturbed portions of the site have been inactive for more than 14 days and must be stabilized in accordance with CGP 2.2.14.



DOUG HUGHES, P.E., CFM, CPESC

principal engineer construction SWQ

o 505.924.3420

e jhughes@cabq.gov

cabq.gov/planning

From: Hughes, James D.

Sent: Tuesday, May 10, 2022 8:09 AM

To: 'fkassam@legacy-hospitality.com' <fkassam@legacy-hospitality.com>

Cc: 'Spendergraft@Legacydm.net' <Spendergraft@Legacydm.net>; Biazar, Shahab

<sbiazar@cabq.gov>; Cassandra Durkin <cassandra@inspectionsplus.com>;

'Alozano@Pavilionconstruction.com' <Alozano@Pavilionconstruction.com>;

'Kcalixto@Pavilionconstruction.com' <Kcalixto@Pavilionconstruction.com>; 'Jeff Hart'

<jeff@inspectionsplus.com>

Subject: 22.05.09 ESC Notice of Violation #1 for Peaks at Markana - 6500 Glendale - B18E029 - NMR1004WQ

Mr Kassam,

Please see attached ESC Notice of Violation #1 for commencing construction activities:

1. Without ESC Plan and NOI approval from the City,
2. Without any BMPs,
3. Without posting permit coverage, and
4. Without an up-to-date SWPPP available on site.

You may be thinking that you haven't commenced construction, but there has been a significant amount of clearing, grading, and stockpiling particularly in the south east corner of the site and on the City's property south of the site. Appendix A of the CGP defines "*Commencement of Construction Activities*" – *the initial disturbance of soils (or 'breaking ground') associated with clearing, grading, or excavating activities or other construction-related activities (e.g., grubbing; stockpiling of fill material; placement of raw materials at the site).*

The grading isn't shown on the City's property on either the G&D Plan or on the ESC Plan. It must be added to both plans and approved by the City. Written permission is typically required to use City property including bonds, insurance, and an approved plan. The area should be fenced off to prevent further unauthorized use without approved plans and permission from the City.

A follow-up inspection will be conducted in a week to verify compliance with the Construction General Permit (CGP) and the City Ordinance. The SWPPP map must show the grading on the City

property and identify stabilization per CGP 2.2.14. The SWPPP must be kept up-to-date and available onsite per CGP 7.1. Post permit coverage and install BMPs.



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Faizel M. Kassam

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