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RESOLUTION NO. 2010-53

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR FBM LAW OFFICES IN THE AMOUNT OF \$29,947.37; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Palmetto Bay approved resolution no. 02-05, authorizing payment of Village Attorney non-retainer attorneys' fees and costs; and,

WHEREAS, FBM LAW OFFICES, submitted its statements to the village for legal services rendered, and costs advanced, for the period ending May 31, 2010, in the amount of \$29,947.37; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The statements for attorneys' fees and costs received from FBM LAW OFFICES, in the total amount of \$29,947.37, copies of which are attached, are approved for payment.

Section 2. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 7th day of June, 2010.

Attest:


Meighan Rader
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Eve A. Boutsis,
FBM LAW OFFICES, as Office
of the Village Attorney



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FINAL VOTE AT ADOPTION:

- Council Member Ed Feller YES
- Council Member Howard Tendrich YES
- Council Member Shelley Stanczyk YES
- Vice-Mayor Brain W. Pariser YES
- Mayor Eugene P. Flinn, Jr. YES



FBM LAW OFFICES

Attorneys & Counselors

18001 Old Cutler Road - Fifth Floor

Telephone: (305) 235-9344

Miami, Florida 33157-6417

Facsimile: (305) 235-9372

June 1, 2010

Ron Williams, Village Manager
Village of Palmetto Bay
8950 SW 152nd Street
Palmetto Bay, FL 33157

Re: STATEMENTS FOR PROFESSIONAL SERVICES
The Village of Palmetto Bay

Dear Mr. Williams:

Enclosed are our invoices for professional services rendered and for costs advanced for the period ending May 31, 2010, in the amount of \$29,947.37. I have tabulated the amounts *currently due* on each individual file as follows:

Please deduct from Village Attorney Account No. 5143110, General Legal.				
0293-001	Non-Retainer Legal Services <i>Invoice No. 20110 dated 5/31/10</i>	Prof'l Services	\$	9,083.50
		Disbursements		726.25
		Total Due		9,809.75
	Total		\$	9,809.75
Please deduct from Village Attorney Account No. 5143140, Code Enforcement.				
0293-002	<i>Zoning Application</i> <i>Invoice No. 20111 dated 5/31/10</i>	Prof'l Services	\$	2,201.50
		Disbursements		44.03
		Total Due		2,245.53
	Total		\$	2,245.53
0293-029	Palmer Trinity v, VPB-Appeal <i>Invoice No. 20112 dated 5/31/10</i>	Prof'l Services	\$	16,779.50
		Disbursements		335.59
		Total Due		17,115.09

0293-042	Joseph Hagan, et al. v. VPB <i>Invoice No. 20113 dated 5/31/10</i>	Prof'l Services Disbursements Total Due	\$ 777.00 0.00 777.00
	Grand Total		\$ 29,947.37

Do not hesitate to call me if you have any questions regarding these statements.

Very truly yours,



Eve A. Boutsis

Office of the Village Attorney

EAB/lcm

Enclosures

cc: Mayor and Village Council

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR FBM LAW OFFICES IN THE AMOUNT OF \$29,947.37; PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the amounts are reasonable and were necessarily incurred.

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Section 2. This resolution shall take effect immediately upon approval.

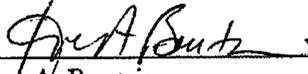
PASSED and ADOPTED this _____ day of June, 2010.

Attest: _____

Meighan Rader
Village Clerk

Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:



Eve A. Boutsis,
FBM LAW OFFICES, as Office
of the Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller _____

Council Member Howard J. Tendrich _____

Council Member Shelley Stanczyk _____

Vice-Mayor Brian W. Pariser _____

Mayor Eugene P. Flinn, Jr. _____

**FBM LAW OFFICES
ATTORNEYS & COUNSELORS**

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone No.: (305) 235-9344

Facsimile: (305) 235-9372

Eugene P. Flinn, Jr.
Village of Palmetto Bay
8950 SW 152nd Street
Palmetto Bay, Florida 33157

May 31, 2010
Matter ID: 0293-001
General Municipal-VPB
Invoice Number 20110

			Hours	Amount
4/27/2010	EAB	Attended agenda review staff meeting.	1.50	277.50
4/27/2010	EAB	Revised Portland contract to include approvals by Village Council, increased scope of work and other edits.	1.00	185.00
4/28/2010	EAB	Drafted May Village Attorney Update; and attention to FPL matter	0.50	92.50
5/3/2010	EAB	Prepared for and attended Council Meeting.	2.00	370.00
5/6/2010	LRF	Reviewed agreements and addendum; exchange e-mails with Master Builders regarding services related to LEEDS and responsibility for providing those services; various telephone conferences with Mr. Ed Silva re: same; and telephone conference with Mr. Jim Beeson.	3.00	555.00
5/6/2010	EAB	Reviewed, revised and commented on MDC/VPB interlocal relating to film crews.	0.50	92.50
5/6/2010	EAB	Attention to Burch public records request and drafter letter to Mr. Aaron Dunlap regarding same.	0.30	55.50
5/6/2010	EAB	Attention to public records request.	0.30	55.50
5/7/2010	EAB	Meeting with Ms. Fanny Carmona and finalized Portland Contract revisions.	0.40	74.00
5/10/2010	EAB	Attention to public records requests.	0.30	55.50
5/10/2010	EAB	Attention to public records request.	3.00	555.00
5/11/2010	EAB	Reviewed public records relating to phone records of council.	0.30	55.50
5/11/2010	EAB	Telephone conference with CP Howard Tendrich and VM Brian Pariser.	0.40	74.00
5/12/2010	EAB	Telephone conference with Mr. Scott Silver on fire station; communications with Ms. Shannon Clarke regarding same; communication with Mr. Carlos Heredia regarding same; and analyzed survey and documents provided by County.	0.70	129.50

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

Date	Attorney	Description	Rate	Amount
5/13/2010	EAB	Attention to Sewer connection fee; communications with VM Pariser; attention to FPL schedule.	0.40	74.00
5/13/2010	EAB	Began drafting amendment to interlocal and CAM agreement.	2.00	370.00
5/19/2010	EAB	Attention to MB matter.	0.20	37.00
5/19/2010	EAB	Telephone conference with CP Shelley Stanczyk on pending matter (.3); telephone conference with Mayor Eugene Filinn relating to COW agenda and pending items.	0.60	111.00
5/20/2010	EAB	Attention to public records requests; telephone conference with Ms. Meighan Rader; communications with VM Pariser; communications CP Stanczyk; attention to FPL site planning process; and attention to SB 360 litigation; attention to SFWMD matter.	1.00	185.00
5/20/2010	EAB	Attention to AIPP artist contract and provided comments regarding same (.4); and attention to Building related issue; telephone conference with Mr. Bilbaut regarding same.	0.60	111.00
5/21/2010	EAB	Meeting with Mr. Ron Williams and Mr. Figueredo on pending matters including litigation; attention to SFWMD matter; telephone conference with Mr. Jorge Jaramillo of SFWMD and Mr. Frank Mendez, attorney for SFWMD; and attention to public records requests.	3.00	555.00
5/21/2010	EAB	Telephone conference with Mr. Isaac del Sol and telephone conference with Ms. Corrice Patterson.	0.30	55.50
5/21/2010	EAB	Telephone conference with Mr. Williams and Mr. Mendez; drafted communication to Mr. Mendez re: SFWMD and AIPP.	0.30	55.50
5/24/2010	EAB	Attention to pending matters; attention to public records requests; communications with Ms. Rader; communications with Mr. Pariser; attention to Del Sol matter; telephone conference with Mr. Williams; telephone conference with Mr. Perez; communications with Mr. Francisco Mendez.	2.50	462.50
5/25/2010	EAB	Began drafting first amendment to Library Interlocal and Supplement CAM agreement.	2.00	370.00
5/25/2010	EAB	Telephone conference with Mr. Julian Perez; attention to SFRPC and FPL matter; attention to Miami Lakes public record ruling; communications with Ms. Nina Boniske; communications with Mr. Perez and Mr. Efrén Nunez; provided comments to Mr. Nunez on the AIPP contract; communications with Mr. Joe Centorino of S.A. office; reviewed public records responsive to community request; telephone conference with Ms. Rader relating to same.	1.50	277.50
5/25/2010	EAB	Revised CAM agreement.	2.00	370.00
5/25/2010	EAB	Telephone conference with AGO; Lexis research relating to 119, F.S.	0.60	111.00
5/26/2010	EAB	Follow up on Park items; and follow up with MB/CB matter; communications with Manager, Mr. Silva, Ms. Olga Cadaval; communications with Mr. Perez regarding agenda items and	1.30	240.50

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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

reviewed same for finalization.

5/26/2010	EAB	Meeting with Mr. Perez; telephone conferences with Dr. Ed Feller, CP Tendrich, CP Stanczyk and Mr. Williams (1.5); discussion with Mr. Williams on pending items; analyzed responses to public records requests (1.); meeting with Mr. Silva, Ms. Cadaval and Mr. Figueredo (1.); and attended COW meeting (2.2).	6.00	1,110.00
5/27/2010	EAB	Follow up with Mr. Coker; communications with Mr. Silva and Ms. Cadaval regarding MB; telephone conference with Mr. Silva regarding same; follow up with County and Village staff regarding PBVC Fire Station.	0.60	111.00
5/27/2010	EAB	Attended Agenda Review; and meeting with Mr. Perez on pending items.	1.50	277.50
5/27/2010	EAB	Reworked CRP bridge contract per request of Parks and Building Departments, new principles at Company; updated insurance, bonding, price, and guarantees.	2.50	462.50
5/27/2010	EAB	Additional follow up with Mr. Richard Coker.	0.20	37.00
5/27/2010	EAB	Communications with Mr. Joe Centorino; attention to public records and attorney client privilege; and provided direction to Council regarding same.	0.60	111.00
5/27/2010	EAB	Discussion with Mr. Williams and Mr. Desmond Chin regarding bonding counsel and review.	0.20	37.00
5/28/2010	EAB	Finalized Portland Contract and began AIPP Cervino contract; telephone conference with Mr. Silva on pending matters.	5.00	925.00
Total Professional Services				9,083.50

Rate Summary

Luis R. Figueredo	3.00 hours at \$185.00/hr	555.00
Eve A. Boutsis	46.10 hours at \$185.00/hr	8,528.50
Total hours:	49.10	9,083.50

Disbursements

12/2/2009	Mileage	5.04
12/4/2009	Mileage	5.04
12/23/2009	Mileage	9.12
1/20/2010	Mileage	5.52
2/2/2010	Mileage	8.74
2/5/2010	Mileage	5.04
2/9/2010	Mileage	13.78

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3/8/2010	Mileage	8.74
3/9/2010	Mileage	5.04
3/31/2010	Mileage	5.04
3/31/2010	Database Legal research	454.12
5/31/2010	Postage Charge for May 2010.	19.36
5/31/2010	Disbursements incurred - 2.0%	181.67

Payments and Credits

5/12/2010	Check No.: 10863	5,569.20
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Sub-total Payments:	5,569.20
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For Professional Services	9,083.50
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For Disbursements Incurred	726.25
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Current Balance:	9,809.75
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Previous Balance:	5,569.20
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Payments - Thank you	5,569.20
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Total Due	9,809.75
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To be properly credited, please indicate invoice Number on your remittance check.

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

**FBM LAW OFFICES
ATTORNEYS & COUNSELORS**

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone No.: (305) 235-9344

Facsimile: (305) 235-9372

Eugene P. Flinn, Jr.
Village of Palmetto Bay
8950 SW 152nd Street
Palmetto Bay, Florida 33157

May 31, 2010
Matter ID: 0293-002
Zoning Applications
Invoice Number 20111

			Hours	Amount
5/10/2010	EAB	Telephone conference with MDC Shannon Clarke regarding fire station; and drafted email to Ms. Clarke and Mr. Silver regarding same.	0.40	74.00
5/17/2010	EAB	Research relating to charter schools and Village Charter Amendment.	1.00	185.00
5/18/2010	EAB	Meeting with Mr. Perez, Mr. Nunez, and Mr. Williams on pending matters: charter school, AIPP, and code related matters.	2.50	462.50
5/19/2010	EAB	Analyzed Best Practices Guide for Public School Concurrency developed by Fla. Dept. of Community Affairs in relation to State Law requirements on public schools.	2.50	462.50
5/20/2010	EAB	Prepared and attended MDC meeting re: Fire station.	4.00	740.00
5/21/2010	EAB	Drafted correction to resolution VPB zoning 08-003 and analysis (Fire Station).	1.50	277.50
			Total Professional Services	2,201.50

Rate Summary

Eve A. Boutsis	11.90 hours at \$185.00/hr	2,201.50
Total hours:	11.90	2,201.50

5/31/2010 Disbursements incurred - 2.0% 44.03

Payments and Credits

5/12/2010 Check No.: 10863 56.61

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

Sub-total Payments: 56.61

For Professional Services	2,201.50
For Disbursements Incurred	44.03
Current Balance:	<u>2,245.53</u>
Previous Balance:	56.61
Payments - Thank you	56.61
Total Due	<u>2,245.53</u>

To be properly credited, please indicate Invoice Number on your remittance check.

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

**FBM LAW OFFICES
ATTORNEYS & COUNSELORS**

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone No.: (305) 235-9344

Facsimile: (305) 235-9372

Eugene P. Flinn, Jr.
Village of Palmetto Bay
8950 SW 152nd Street
Palmetto Bay, Florida 33157

May 31, 2010
Matter ID: 0293-029
Palmer Trinity v. VPB - Appeal
Invoice Number 20112

			Hours	Amount
4/27/2010	EAB	Telephone conference with CP Shelley Stanczyk relating to hearing and disclosures.	0.50	92.50
4/27/2010	EAB	Telephone conference with Mr. Stanley Price, Ms. Eileen Mehta, Ms. Alex Deas, Mr. Efron Nunez, and Mr. Julian Perez; telephone conference with Mr. Tucker Gibbs; assisted with agenda finalization for 5/4 hearing; and telephone conference with Mr. Price regarding due process matters.	4.00	740.00
4/28/2010	EAB	Attention to state law and due process items; telephone conference with CP Stanczyk.	0.50	92.50
4/28/2010	EAB	Meeting with CP Stanczyk, Mr. Williams and Mr. Perez (2.5); meeting with Mr. Joe Corradino and Mr. Perez (1.5); discussions with Mr. Williams (.5); meeting with Mr. Ed Silva and Mr. Perez (.7); meetings with Mr. Perez and Mr. Nunez; telephone conference with Ms. Mehta on pending items; and continued to work on final drafts of analysis with Mr. Perez.	9.50	1,757.50
4/29/2010	EAB	Telephone conference with Ms. Mehta; telephone conference with Mr. Price; communications with Mr. Corradino; meeting with Mayor Eugene Flinn and Mr. Williams relating to site plan; attention to disclosures; telephone conferences with CP Stanczyk; and meeting with Mr. Perez and Mr. Nunez on preparing agenda, finalizing reports, etc.	8.00	1,480.00
4/29/2010	EAB	Prepared for and attended zoning hearing; and after action.	2.00	370.00
4/30/2010	EAB	Finalized agenda, meeting with Mr. Julian Perez and Mr. Nufiez, attended conference call with Mr. Price, Ms. Mehta, Mr. Carter McDowell and Ms. Deas, communications with Fire Chief and communications with Mr. Gibbs.	6.00	1,110.00
5/1/2010	EAB	Telephone conference with CP Stanczyk, Dr. Feller, Mayor Flinn; communications with entire council; telephone conferences with Ms. Melghan Rader, and Mr. Perez; discussion with Ms. Weintraub and Mr. Nunez; attention to disclosures; and meeting with Mr. Nunez to work on presentation.	5.50	1,017.50

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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

5/2/2010	EAB	Telephone conferences with council persons; attention to PT matter and community news.	2.00	370.00
5/3/2010	EAB	Attention to disclosures; attention to motion to recuse; communications with council; telephone conference with Mayor; and communications with CP Stanczyk.	1.00	185.00
5/3/2010	EAB	Telephone conferences with CP Stanczyk; telephone conference with CP Tendrich; telephone conference with CP Dr. Feller; telephone conference with Mayor Flinn; telephone conference with Mr. Price and Ms. Mehta; meetings with Mr. Williams and Ms. Rader; attention to coordination of hearing; meeting with Mr. Perez and attention to drafting of final exhibits/presentation; communications with Council; communications with Mr. Gibbs and Mr. Price on schedule and procedures; attention to disclosures.	9.00	1,665.00
5/4/2010	EAB	Attention to PT; telephone conference with Mayor Flinn.	0.60	111.00
5/4/2010	EAB	Meeting with CP Stanczyk (2.5); meeting with Mr. Williams; meeting with staff in anticipation of hearing; telephone conference with MDCCEPT; communications with all parties; attention to presentation; telephone conference with Mr. George Knox; and drafted presentations.	8.00	1,480.00
5/4/2010	EAB	Prepared and attended hearing (2:00 a.m. of 5/5/2010).	9.00	1,665.00
5/5/2010	EAB	Communications relating hearing; communications with Mr. Price and drafted conditions; communications with Mr. Pariser; communications with Mr. Kress; Communications with Ms. Mehta; telephone conference with CP Tendrich; telephone conference with Mayor Flinn; and communications with CP Stanczyk.	5.00	925.00
5/6/2010	EAB	Attention to order.	0.30	55.50
5/6/2010	EAB	Revised and completed final order on VPB 07-012 B; telephone conference with Ms. Mehta; telephone conference with Mr. Perez; and telephone conference with Dr. Feller.	2.70	499.50
5/10/2010	EAB	Revised draft ordinance; responded to Council inquiries relating to same; telephone conference with CP Stanczyk and Mr. Williams; telephone conference with VM Pariser and Mr. Williams; and finalized draft with aid of Mr. Perez.	4.00	740.00
5/10/2010	EAB	Telephone conference with Mr. Gibbs; telephone conference with Ms. Mehta; and drafted extension of time relating to motion to tax costs.	0.50	92.50
5/11/2010	EAB	Finalized resolution; telephone conference with Mr. Williams and Ms. Rader; communications with PT and CCOCI on draft resolutions and ordinance.	1.00	185.00
5/12/2010	EAB	Attention to communications by CCOCI; telephone conference with CP Stanczyk; telephone conference with Mr. Perez and Ms. Rader; analyzed tape of meeting and finalized/edits to resolution; and communications with Mr. Price.	2.40	444.00
5/12/2010	EAB	Attention to motion to tax costs, FRAP, and case law relating to	1.00	185.00

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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

same.

5/13/2010	EAB	Communications with VM Pariser; telephone conference with Ms. Rader and Mr. Perez; continued to edit draft resolution; and communications with Mr. Gibbs and Mr. Price.	2.00	370.00
5/13/2010	EAB	Began drafting motion for summary judgment.	2.00	370.00
5/14/2010	EAB	Telephone conference with CP Stanczyk; communications with VM Pariser; and follow up with Clerk Rader on resolution; and telephone conference with Mr. Williams.	1.00	185.00
5/17/2010	EAB	Research on "mootness" for motion on summary judgment.	1.00	185.00
5/19/2010	EAB	Follow up on final resolution; communications relating to public records; telephone conference with Mayor Flinn; and communications with Mr. Price.	0.60	111.00
5/20/2010	EAB	Attention to motion to tax costs; analyzed statute and case law; provided update to council; and attention to amended motion to tax costs and underlying invoices.	0.70	129.50
5/21/2010	EAB	Telephone conference with Ms. Mehta; and communications with Mr. Gibbs.	0.30	55.50
5/24/2010	EAB	Attended settlement conference call.	0.60	111.00
				16,779.50
Total Professional Services				16,779.50

Rate Summary

Eve A. Boutsis	90.70 hours at \$185.00/hr	16,779.50
	Total hours: 90.70	16,779.50

5/31/2010	Disbursements incurred - 2.0%	335.59
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Payments and Credits

5/12/2010	Check No.: 10863	20,248.19
Sub-total Payments:		20,248.19

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	16,779.50
For Disbursements Incurred	335.59
	<hr/>
Current Balance:	17,115.09
Previous Balance:	20,248.19
Payments - Thank you	20,248.19
	<hr/>
Total Due	17,115.09

To be properly credited, please indicate invoice Number on your remittance check.

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FMB LAW OFFICES
Attorneys & Counselors

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone: (305) 235-9344

Facsimile: (305) 235-9372

Ron E. Williams
8950 SW 152 Street
Palmetto Bay, Florida 33157

May 31, 2010
Matter ID: 0293-042
Joseph Hagan, et al. v. VPB

Invoice Number 20113

			Hours	Amount
5/5/2010	LRF	Telephone conference with opposing counsel re settlement.	0.50	92.50
5/11/2010	EAB	Follow up on meeting date.	0.30	55.50
5/20/2010	EAB	Telephone conference with Ms. Patterson and attention to litigation.	0.40	74.00
5/25/2010	EAB	Attention to complaint, answer and underlying litigation.	1.00	185.00
5/26/2010	EAB	Drafted answer.	2.00	370.00
				<hr/>
Total Professional Services				777.00

Rate Summary

Luis R. Figueredo	0.50 hours at \$	165.00/hr	92.50
Eve A. Boutsis	3.70 hours at \$	165.00/hr	684.50
<hr/>			
Total hours:		4.20	

Payments

5/12/2010	Payment	Check No.: 10863	277.50
			<hr/>
Sub-total Payments:			277.50

Payment is due upon receipt. Please notify us within 10 days of receipt of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

Figueredo Boutsis & Montalvo,

Matter ID: 0203-042 Statement No.: 20113

Page: 2

For Professional Services	777.00
For Disbursements Incurred	0.00
Current Balance:	<u>777.00</u>
Previous Balance:	277.50
Payments - Thank you	277.50
Total Due	<u>777.00</u>

Invoice Number: 20113

To be properly credited, please indicate Invoice Number above on your remittance check.

Payment is due upon receipt. Please notify us within 10 days of receipt of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.