



March 19, 2020

Certified Mail  
Return Receipt Requested

Raj Polavaram  
RASI LLC GG GALLA LLC  
2025 Giovanni Ct.  
Cary, NC 27518

Re: NOTICE OF CIVIL PENALTY ASSESSMENT  
Project Name: Center Street Pharmacy  
Structural SCM(s): One (1) Bio Retention Cell

Dear Mr. Polavaram;

On January 9, 2020, the Town of Apex (Town) sent a Notice of Violation and Correction Order to you for violation of section 6.1.12(l)(1) of the Town Unified Development Ordinance (UDO). The Notice of Violation and Correction Order was delivered by the USPS on January 21, 2020 and specified a deadline for compliance of 10 calendar days after the date of receipt. Multiple attempts were made to contact you in reference to bringing the site into compliance to include: signature receipt with the USPS, site visit, speaking with your realtor (who is selling the facility) with North Carolina Medical & Commercial Realty on 2/26/2020 and I'm glad to hear that James Misciagno was able to speak with you over the phone on March 12, 2020. As of March 18, 2020, the items identified in the Notice of Violation and Correction Order have not been completed. Section 6.1.15(B) of the Town UDO provides authority to impose a civil penalty in accordance with UDO section 11.4.4. Civil penalties of up to \$100.00 per violation per day can accrue and can continue to accrue if the violation is not remedied.

**You are hereby assessed a civil penalty in the amount of \$4700.00.**

In order to comply with the Town UDO, you must and are hereby ordered to conduct the following:

- Pay assessed civil penalty.
- Take immediate action to complete the corrective actions specified in the January 9, 2020 Notice of Violation and Correction Order.

The civil penalty payment of \$4700.00 is due by 5:00pm on Friday, April 24, 2020. Please make payment payable to the Town of Apex, Attn: Lindley Paynter, P.O. Box 250, Apex, NC 27502. If you wish to contest this assessment, please provide written demand for a hearing within thirty (30) days after receipt of this notice to the Town Clerk at P.O. Box 250, Apex, NC 27502. A hearing on a civil penalty shall be conducted

by the Town Board of Adjustment after the date of the written demand for the hearing. The Town Board of Adjustment shall render its final decision on the civil penalty after the close of the hearing record.

Failure to comply with the listed measures will be considered a continuation of the January 9, 2020 Notice of Violation and Correction Order. No further notices of violation will be issued; violations will result in further accumulation of civil penalties.

Your assistance and cooperation in this matter is appreciated. If you have any questions, please feel free to contact me at (919) 249-3413 or [Michael.Deaton@apexnc.org](mailto:Michael.Deaton@apexnc.org).

Sincerely,  
TOWN OF APEX, NC



Michael Deaton, PE  
*Water Resources Director*

cc: Brian Meyer, *Assistant Town Attorney*