

# AGENDA REQUEST FORM CITY OF DANIA

**Date:** August 31, 2011

**Agenda Item #:**

**Title: Request for Abatement**

**Requested Action:**

Consideration of the Abatement Request for: Dania Phoenix Corp, 113 NW 1 Avenue, Case #10-1020

**Summary Explanation & Background:**

This was originally cited on July 21, 2010 for 5 violations, and was given 30 days to comply. This went to the Special Magistrate on 11/04/10 for 5 violations. The Special Magistrate issued an order giving the respondent until 12/14/10 to comply or a fine of \$150.00 per day would be levied. Special Magistrate Mark E. Berman ordered the fine confirmed at the 5/05/11 hearing. The fines ran from 12/14/10 through 6/20/11, 188 days @ \$150.00 per day = \$28,200.00 plus recording costs. The recommendation for abatement of the fine will be heard at the Special Magistrate hearing on September 8, 2011. The amount will be presented to the City Commission at the September 15, 2011 Abatement hearing.

**Exhibits (List):**

- (1) Copy of the original violation letter issued.
- (2) Copy of the Final Order issued and the Supplemental Order issued by the Special Magistrate.
- (3) Copy of the minutes from the 11/04/10 and 5/05/11 Special Magistrate hearings.
- (4) Copy of the lien total sheet.

**Purchasing Approval:**

**Source of Additional Information:** *(Name & Phone)*

**Recommended for Approval By:**

The recommendation for abatement of the fine will be heard at the Special Magistrate hearing on September 8, 2011. The amount will be presented to the Commission at the September 15, 2011 Abatement hearing.

**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
City Clerk



*City of Dania Beach*  
FLORIDA

July 21, 2010

DANIA PHOENIX CORP  
1323 SE 17 STREET STE 433  
FT. LAUDERDALE, FL 33316

Case Number: 10-00001020

Location: 113 NW 1 AVE  
Folio: 5042-34-01-1391-  
Legal Description:  
TOWN OF MODELO (DANIA) B-49 D LOT 13, BLK 9

Dear DANIA PHOENIX CORP:

You are hereby notified that you are presently in violation of Dania Beach Code of Ordinances. We have attached the ordinance section(s) and corrective actions for your reference.

You are required to correct the violation(s) and call for a re-inspection by August 20, 2010. Failure to comply will result in proceedings against you by the Code Enforcement Special Magistrate, as provided by law. If the violation is corrected and then reoccurs or if the violation is not corrected by the time specified for correction by the Code Inspector, the case may be presented to the Code Enforcement Special Magistrate for imposition of a fine and lien against the property even if the violation has been corrected prior to the hearing.

If you require further information or have any questions about the attached violation(s), please do not hesitate to contact me at 954 924-6810 ext.3706.

Sincerely,

WARREN OSTROFSKY  
CODE INSPECTOR

I certify that an original hereof was furnished to the above named addressee by:

Certified Mail # 7010 0290 0003 6192 2116 by SM

Also sent regular mail

xc: Dania Phoenix Corp, 529 NW 7 Street, Dania Beach, FL 33004  
Certified Mail # 7010 0290 0003 6192 2123

"Broward's First City"

CASE NUMBER 10-00001020  
PROPERTY ADDRESS 113 NW 1 AVE

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VIOLATION: CE013034001001 QUANTITY: 1  
DESCRIPTION: DBCC 13-34(a) Nus Accumulation DATE: 7/21/10  
LOCATION:

## ORDINANCE DESCRIPTION :

DBCC 13-34(a) states it is unlawful for any owner or operator of premises within the city to allow the accumulation of or to accumulate any garbage, litter, trash, stagnant water, untended vegetation, or to allow any discoloration, or any nuisance as defined in section 13-21 upon the premises.

## ✓ CORRECTIVE ACTION REQUIRED :

Remove any garbage, litter, trash, stagnant water, untended vegetation, or discoloration, or any nuisance as defined in section 13-21 from the premises and maintain the property in accordance with all applicable city ordinances.

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VIOLATION: CE013034002001 QUANTITY: 1  
DESCRIPTION: DBCC 13-34(b) Prop & RW Maint DATE: 7/21/10  
LOCATION:

## ORDINANCE DESCRIPTION :

✓ DBCC 13-34(b) states each owner or operator of property within the city shall keep such property and the adjoining unpaved portions of the public rights of way, swales, and/or canal banks clean and free from any accumulation of garbage, trash, and litter.

## CORRECTIVE ACTION REQUIRED :

Remove any garbage, trash, and litter from the property and the adjoining unpaved portions of the public rights of way, swales, and/or canal banks.

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VIOLATION: CE013034003001 QUANTITY: 1  
DESCRIPTION: DBCC 13-34(c) Untended Veg DATE: 7/21/10  
LOCATION:

## ORDINANCE DESCRIPTION :

✓ DBCC 13-34(c) states the owners and operators of all improved property within the city shall not permit untended vegetation upon such property and the public rights of way, swales, and/or canal banks. Untended vegetation includes all grass, weeds, and underbrush in excess of eight (8) inches in height from the ground, and any overgrown vines and similar other vegetation.

## CORRECTIVE ACTION REQUIRED :

Cut all untended vegetation and maintain the property and the public rights of way, swales, and/or canal banks as required by code. Insure all grass, weeds, and underbrush

CASE NUMBER 10-00001020  
 PROPERTY ADDRESS 113 NW 1 AVE

CORRECTIVE ACTION REQUIRED :

are below eight (8) inches in height from the ground, and any overgrown vines and similar other vegetation are removed.

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 VIOLATION: CE014002001001 QUANTITY: 1  
 DESCRIPTION: DBCC 14-2(a) Junk/Abd Vehicles DATE: 7/21/10  
 LOCATION:

ORDINANCE DESCRIPTION :

DBCC 14-2(a) states it is unlawful to park, store, have, or permit parking or storage of any junked and abandoned vehicle of any kind or parts thereof upon any private property unless the vehicle is completely enclosed within a building or is in connection with an approved business and licensed as such.

CORRECTIVE ACTION REQUIRED :

Remove any junked and abandoned vehicle(s) or parts thereof, completely enclose the vehicle(s) within a building, or obtain all permits, licenses, and approvals to maintain the vehicle(s) on the subject property.

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 VIOLATION: CE015001000001 QUANTITY: 1  
 DESCRIPTION: DBCC 15-1 BTR/License Required DATE: 7/21/10  
 LOCATION:

ORDINANCE DESCRIPTION :

DBCC 15-1 states it is unlawful for any person to engage in or manage any business in the city without having a business tax receipt (previously referred to as a license) from the city.

CORRECTIVE ACTION REQUIRED :

Cease all unlawful activities and obtain all required business tax receipts (previously referred to as licenses) and approvals before resuming business operations.

# DETAILED INSPECTION REPORT

DATE : 07-14-10
CASE # :
FOLIO-5042-34-01-1391
ADDRESS -113 NW 1 AVE
OWNER-DANIA PHOENIX CORP
A BUSINESS TAX LIC IS REQUIRED FOR RENTAL MANAGEMENT.

**CODE COMPLIANCE SPECIAL MAGISTRATE**  
**CITY OF DANIA BEACH, FLORIDA**

CITY OF DANIA BEACH, a Florida                   :                   CASE # 10-1020  
Municipal Corporation,  
  
      PETITIONER,   :  
  
          vs.   :  
  
DANIA PHOENIX CORP  
  
      RESPONDENT(S).                                 :

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**FINAL ORDER OF THE DANIA BEACH CODE COMPLIANCE SPECIAL  
MAGISTRATE**

This proceeding came on for Formal Hearing on November 4, 2010, after notice. Based upon the evidence presented, the Code Compliance Special Magistrate makes the following findings of fact and conclusions of law:

- a. The Code Compliance Special Magistrate has jurisdiction of the Respondent(s) and the subject matter of this action.
- b. The Respondent(s) or a representative for the Respondent(s) was not present at the hearing.
- c. Respondent(s), Dania Phoenix Corp, did allow the following code violations to exist at property Respondent(s) owns/own, located at 113 NW 1 Avenue, Dania Beach, Florida, which property is legally described as: TOWN OF MODELO (DANIA) B-49 D LOT 13, BLK 9 (# 0234 01 1391):
  1. DBCC 13-34 (a) Nuisance Accumulation. It is unlawful for any owner or operator of premises within the city to allow the accumulation of or to accumulate any garbage,

litter, stagnant water, trash, untended vegetation, or to allow any discoloration, or any nuisance as defined in section 13-21 upon the premises. There are trash, debris and roofing material on the premises. All trash, debris and roofing material on the premises must be removed.

2. DBCC 13-34 (b) Property and Right of Way Maintenance. Each owner or operator of property within the city shall keep such property, and the adjoining unpaved portions of the public rights-of-way, swales and canal banks, clean and free from any accumulation of garbage, trash, and litter. There are bottles and cans on the right of way.

3. DBCC 13-34 (c) Untended Vegetation Minimum Standards. The owners and operators of all improved property within the city shall not permit untended vegetation upon such property, and the adjoining portions of rights of way, swales, and canal banks. There is an overgrowth of vegetation on the right of way.

4. DBCC 14-2 (a) Junked and Abandoned Vehicles. It is unlawful to park, store, have, or permit parking or storage of any junked and abandoned vehicle of any kind or parts thereof upon any private property. There is a trailer without a tag on the property.

5. DBCC 15-1 BTR/License Required. It is unlawful for any person to engage in or manage any business in the city without having a Business Tax Receipt from the city. The business of renting property requires a Business Tax Receipt. The property is being used for rental purposes without a Business Tax Receipt. A Business Tax Receipt must be obtained for Dania Phoenix Corporation.

Upon consideration by the Special Magistrate, it is ORDERED:

1. Respondent(s) has/have been found to be in violation of the above described code sections listed in paragraph(s) c.(1) through c.(5). A fine of \$150.00 per day will begin running on December 14, 2010.

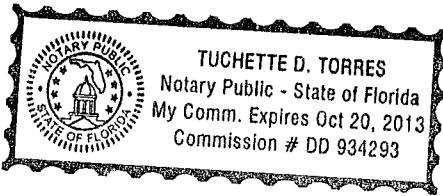
The City of Dania Beach shall have and recover from Respondent(s), for the foregoing violations listed above, a fine of \$150.00 per day beginning December 14, 2010.

**The fine shall continue until the violations come into compliance with the sections of the City Code upon requested inspection. Upon complying, the Respondent(s) MUST notify the City's Code Compliance Department and an**

officer will inspect the property and notify the Code Compliance Special Magistrate whether Respondent(s) has/have complied. If the Respondent(s) does/do not notify the City's Code Compliance Department, an officer will not inspect the property and the fine will continue to be imposed each day until a Code Officer is notified, inspects the property and determines the property to be in compliance with this order. The fine shall constitute a lien upon the real property and personal property of the Respondent(s).

2. In addition, the Special Magistrate has also assessed an additional fine of \$100.00 to cover costs incurred by the City in the prosecution of this matter. Said amount is now due, and must be paid prior to the compliance date as ordered. If not paid, this fine may also constitute a lien against the above referenced property which may also be actionable by law.

In the event this Final Order is recorded as a lien, a charge will be imposed to record the Final Order and any lien satisfaction. ORDERED at Dania Beach, Broward County, Florida, on November 18, 2010.



CODE COMPLIANCE SPECIAL MAGISTRATE

By: Gordon B. Linn

Gordon Linn, Esq.

Notary Seal:

Sworn and subscribed before me on  
November 18 2010.

Tuchette Torres  
NOTARY PUBLIC STATE OF FLORIDA

Gordon Linn is personally known to me.



**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing Final Order was mailed to the  
Respondent(s) on November 18, 2010.

7010 2780 0001 4212 5356

CERTIFIED MAIL #

Stuchette Jones

CODE COMPLIANCE  
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail  
sm

**CODE COMPLIANCE SPECIAL MAGISTRATE  
CITY OF DANIA BEACH, FLORIDA**

CITY OF DANIA BEACH, a Florida                   :                   CASE # 10-1020  
Municipal Corporation,  
  
      PETITIONER,   :                   FINAL ORDER  
  
          vs.   :  
  
DANIA PHOENIX CORP  
  
      RESPONDENT(S).                                 :  
  
\_\_\_\_\_

**SUPPLEMENTAL ORDER /CLAIM OF LIEN**

The CITY OF DANIA BEACH CODE COMPLIANCE SPECIAL MAGISTRATE, having received the notice and testimony of Code Officer Warren Ostrofsky, on the City's Motion to Confirm Fine held on May 5, 2011, and based on the evidence, the Code Compliance Special Magistrate enters the following findings of fact and order:

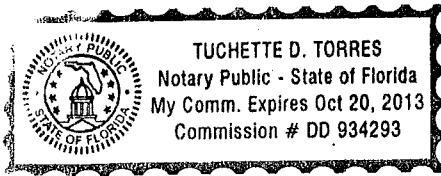
1. The Respondent(s) or a representative for the Respondent(s) was not present at the hearing.
2. That the Code Compliance Special Magistrate did issue on November 4, 2010, a Final Order in the above-captioned case commanding the Respondent(s), DANIA PHOENIX CORP, to bring the violations specified in the Final Order into compliance on or before December 14, 2010, or pay a fine in the amount of \$150.00 per day for each day of non-compliance thereafter.
3. The violations found by the Code Compliance Special Magistrate and entered in the Final Order occurred on the following described real property located 113 NW 1 AVENUE, Dania Beach, which property is legally described as: TOWN OF MODELO (DANIA) B-49 D LOT 13, BLK 9 (# 0234 01 1391).
4. Respondent(s) did not comply with the Final Order on or before December 14, 2010. There are violations stated in the Final Order which still exist on the Property.

5. The fine stated in the Final Order is confirmed and ratified and shall accrue at the per diem rate specified until such time as the Respondent(s) has/have complied with the Final Order. Upon complying, **the Respondent(s) MUST notify** the City's Code Compliance Department and an officer will inspect the property and notify the Code Compliance Special Magistrate whether Respondent(s) has/have complied.

6. The fine shall constitute a lien against the above-described real property and it shall be a lien against any other real or personal property owned by Respondent(s).

DONE and ORDERED at Dania Beach, Broward County, Florida, on

18th day of May, 2011.



Notary Seal:

CODE COMPLIANCE SPECIAL MAGISTRATE

By: [Signature]  
Richard Conner, Esq.

Sworn and subscribed before me on May 18, 2011.

[Signature]  
NOTARY PUBLIC STATE OF FLORIDA

Richard Conner is personally known to me.

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing Supplemental Order/Claim of Lien was mailed to the Respondent(s) on May 18, 2011.

CERTIFIED MAIL # 7010 3090 0001 3262 0756

[Signature]  
CODE COMPLIANCE  
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail

tt

xc: Sean Sullivan, Registered Agent, 1323 SE 17 St., # 433, Ft. Lauderdale, FL 33316  
Certified Mail # 7010 3090 0001 3262 0763

Return to: Code Compliance  
City of Dania Beach  
100 West Dania Beach Blvd.  
Dania Beach, FL 33004

# City of Dania Beach

100 W. Dania Beach Blvd.  
 Dania Beach, FL 33004  
 954-924-6800 Ext. 3662

**OWNER:** DANIA PHOENIX CORP  
**FOLIO:** 0234-01-1391  
**LEGAL:** TOWN OF MODELO (DANIA) B-49 D LOT 13, BLK 9  
**ADDRESS:** 113 NW 1 AVENUE

CODE ENFORCEMENT ORDER LIEN				CEB 10-1020		RECORDED		RELEASED		
Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	BOOK	PAGE	DATE	BOOK	DATE
12/14/2010	6/20/2011	\$150.00	188	\$28,200.00	\$254.00	47947	1304-1310	6/1/2011		
					<b>Total</b>					
					\$28,454.00					

This property is in compliance as of 6/20/11.

REVISED 8/31/2011

ESTIMATED COST OF RECORDING FEES		
1	PAGES CERTIFIED COPY COVER	10.00
3	PAGES FINAL ORDER	32.00
2	PAGES SUPPLEMENTAL ORDER	17.00
2	PAGES RELEASE OF LIEN	25.00
	ADM. FEE RECORDING LIEN	40.00
	ADM. FEE RECORDING RELEASE	30.00
	ADM. FEE - SPECIAL MAGISTRATE FINE	100.00
		<b>254.00</b>

Case Order	Case #	Name	Address	Results	NP
21	09-1383	Sakara Chin	413 SW 2 Ave	Continuance granted to December 2, 2010 hearing.	NP
22	10-0578	Shirley M Reeves	320 SW 15 St	Extension granted to November 4, 2010. Case is complied and \$100.00 administrative fee is paid.	NP
23	10-0743	Miguel & Avilia De La Torre	206 SE 10 St 402	Compliance by February 12, 2011 or \$200.00 per day fine. \$100.00 administrative fee is assessed.	NP
24	10-0960	Paul Lebrun H/E Gladys C Coon	1025 SE 2 Ave Bldg 1 203	Compliance by February 12, 2011 or \$100.00 per day fine. \$100.00 administrative fee is assessed.	NP
25	10-1209	Monique Lessard	205 SE 11 Ter 107	Continuance granted to December 2, 2010 hearing.	NP
26	09-0912	Associates Financial Services of America Inc	728 SW 7 St	Continuance granted to December 2, 2010 hearing.	NP
27	09-1538	Sylvia L Mack Est	734 SW 3 PL	Fine confirmed.	NP
28	07-1810	% Jasmine N Anderson	4700 SW 34 Ter	Continuance granted to December 2, 2010 hearing.	NP
29	09-2360	Karen Wright	4940 SW 28 Ter	Fine confirmed.	NP
30	10-0083	Christine Good	4880 SW 28 Ave	Fine confirmed.	NP
31	10-0257	Stephen R Cunningham 2080 Griffin Holdings LLC	2080 Griffin Rd	Fine confirmed.	NP
32	10-1075	2080 Griffin Holdings LLC	2080 Griffin Rd	Compliance by December 14, 2010 or \$150.00 per day fine. \$150.00 administrative fee is assessed.	NP
33	08-1081	Joanne H Kestler	5511 SW 44 Ave	Continuance granted to December 2, 2010 hearing.	NP
34	09-2208	Elias Perchik	3321 SW 44 St	Fine confirmed.	NP
35	09-2306	James Nanan	129 NW 14 Way	Continuance granted to December 2, 2010 hearing.	NP
36	10-0931	Loan Team Inc	38 NW 7 Ave	Stipulated agreement. Compliance by January 13, 2011 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	NP
37	10-0992	Stirling Design Center % Neal Property Mgmt Inc	1249 Stirling Rd	Compliance by December 14, 2010 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	NP
38	10-1020	Dania Phoenix Corp	113 NW 1 Ave	Compliance by December 14, 2010 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	NP
39	10-1055	Roger Scott Helwig	711 NW 8 Ave	Compliance by December 14, 2010 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	NP
40	10-1133	Paul Sazanow Rev Tr Paul Sazanow Trstee	1040 SE 2 Ave	Stipulated agreement. Compliance by January 13, 2011 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	NP
41	10-1240	Nauman Akhtar	214 NE 5 Ave	Compliance by December 14, 2010 or \$150.00 fine per day in regards to charges # 1, 2 and 3. Compliance by November 24, 2010 or \$150.00 per day fine in regards to charges # 4, 5, and 7. Authorization to abate nuisances by cutting and cleaning the overgrowth and debris on the property, and repairing the sidewalk in regards to charges # 4, 5, and 7 after November 24, 2010 granted in the interest of public health and safety. \$100.00 administrative fee is assessed.	NP

Case Order	Case #	Name	Address	Results	
28	11-0253	Walter & Hannelore Simmons H/E Maureen & Mick Nolte	2360 SW 51 Ct	Compliance by June 14, 2011 or \$250.00 per day fine. \$200.00 administrative fee is assessed.	NP
29	10-0284	Patricia Devanny	54 SW 14 St	Fine confirmed.	NP
30	10-0440	Rickin Sanchez	224 SW 3 PI	Extension granted to July 17, 2011.	NP
31	10-0643	Money Line Mortgage LLC	215 NW 4 Ave	Fine confirmed.	NP
32	10-0796	Michelle B & Darryl Wilcox	141 NW 4 Ave	Fine confirmed.	NP
33	10-0800	Osmín Granados	180 NW 7 Ave	Fine confirmed.	NP
34	10-0802	Ramesh James	245 NW 6 Ave	Fine confirmed.	NP
35	10-0912	Barbara Arutt	610 NE 3 St	Fine confirmed.	NP
36	10-1020	Dania Phoenix Corp	113 NW 1 Ave	Fine confirmed.	NP
37	10-1055	Roger Scott Helwig	711 NW 8 Ave	Fine confirmed.	NP
38	10-1240	Nauman Akhtar	214 NE 5 Ave	Fine confirmed on both sections of the final order.	NP
39	11-0082	Miami 1620 LLC	137 SW 5 Ct	Compliance by June 14, 2011 or \$250.00 per day fine. \$100.00 administrative fee is assessed.	NP