

AGENDA REQUEST FORM CITY OF DANIA

Date: October 31, 2011

Agenda Item #:

Title: Request for Abatement

Requested Action:

Consideration of the Abatement Request for: Stirling Station Inc, 4051 Stirling Rd, Case #08-0834

Summary Explanation & Background:

This was originally cited on May 2, 2008 for 1 violation, and was given 30 days to comply. This went to the Special Magistrate on 10/2/08 for 1 violation. The Special Magistrate issued an order giving the respondent until 11/11/08 to comply or a fine of \$200.00 per day would be levied. Special Magistrate Gordon Linn ordered the fine confirmed at the 2/05/09 hearing. The fines ran from 11/11/08 through 09/30/11, 1,053 days @ \$200.00 per day = \$210,741.00 including costs. An abatement of \$2,500.00 was recommended to the City Commission per Special Magistrate Gordon Linn at the November 3, 2011 Special Magistrate hearing.

Exhibits (List):

- (1) Copy of the original violation letter issued.
- (2) Copy of the Final Order issued and Supplemental Order issued by the Special Magistrate.
- (3) Copy of the minutes from the 10/2/08, 2/5/09 and 11/3/11 Special Magistrate hearings.
- (4) Copy of the lien total sheet.

Purchasing Approval:

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

Recommended for Approval By:

An abatement of \$2,500.00 was recommended to the City Commission per Special Magistrate Gordon Linn at the November 3, 2011 Special Magistrate hearing.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk



City of Dania Beach
FLORIDA

May 2, 2008

STIRLING STATION INC
12305 S DIXIE HWY
MIAMI, FL 33156

Case Number: 08-00000834

Location: 4051 STIRLING RD
Folio: 5041-36-24-0010-
Legal Description:
GREENSLEEVES PLAT 157-33 B PARCEL A

Dear STIRLING STATION INC:

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 June 01, 2008. 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. 3718.

Sincerely,

MICHAEL RINALDI
CODE INSPECTOR

I certify that an original hereof was furnished to the above named addressee by:
Certified Mail # 7008 0150 0003 4943 6220 by HC

Also sent regular mail

"Broward's First City"

CASE NUMBER 08-00000834
PROPERTY ADDRESS 4051 STIRLING RD

VIOLATION: CE015001000001 QUANTITY: 1
DESCRIPTION: DBCC 15-1 License Required DATE: 5/02/08
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 license from the city.

CORRECTIVE ACTION REQUIRED :

Cease all unlawful activities and obtain all required licenses and approvals before resuming business operations.

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

CITY OF DANIA BEACH, a Florida : CASE # 08-0834
Municipal Corporation,

 PETITIONER, :

 vs. :

STIRLING STATION INC, :

 RESPONDENT. :

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

This proceeding came on for Formal Hearing on October 2, 2008, 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 and the subject matter of this action;
And
- b. The Respondent or a representative for the Respondent was not present at the hearing.
- c. Respondent, Stirling Station Inc, did allow the following code violation to exist at property Respondent owns, located at 4051 Stirling Road, Dania Beach, Florida, which property is legally described as: GREENSLEEVES PLAT 157-33 B PARCEL A (# 0136 24 0010):

1. 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 (previously referred to as a license) from the city. The property is being used for rental purposes without a business tax receipt. The business of renting property requires a business tax receipt.

Upon consideration thereof, it is thereupon ORDERED:

1. Respondent, Stirling Station Inc:

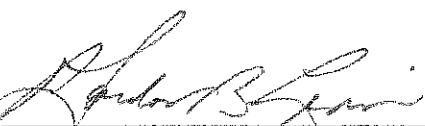
(a) has been found to be in violation of the above described code section listed in paragraph b.(1). A fine of \$200.00 per day will begin running on November 11, 2008.

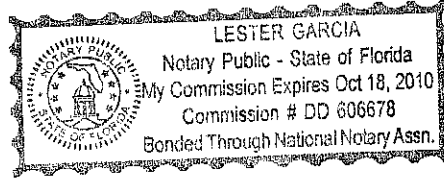
The City of Dania Beach shall have and recover from Respondent, Stirling Station Inc, for the foregoing violation listed in paragraph b.(1), a fine of \$200.00 per day beginning November 11, 2008.

The fine shall continue until said violation comes into compliance with said sections of the City Code upon requested inspection. Upon complying, the Respondent must notify the City's Code Compliance Department and an officer will inspect the property and notify the Code Compliance Special Magistrate whether Respondent has complied. If the Respondent does 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. Said fine shall constitute a lien upon the real property and personal property of the Respondent.

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, this 20 day of OCTOBER, 2008.

CODE COMPLIANCE SPECIAL MAGISTRATE

By 
Gordon Linn, Esq.



Notary Seal:

Sworn and subscribed before me this
20 day of OCTOBER 2008.



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, Stirling Station Inc, this 20 day of OCTOBER, 2008.

CERTIFIED MAIL # 7008 0150 0003 2417
1351



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 # 08-0834
Municipal Corporation,

PETITIONER, : FINAL ORDER

vs. :

STIRLING STATION INC,

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 Michael Rinaldi, on the City's Motion to Confirm Fine held on February 5, 2009, 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 October 2, 2008, a Final Order in the above-captioned case commanding the Respondent(s), Stirling Station Inc, to bring the violations specified in the Final Order into compliance on or before November 11, 2008, or pay a fine in the amount of \$200.00 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 at 4051 Stirling Road, Dania Beach, which property is legally described as: GREENSLEEVES PLAT 157-33 B PARCEL A (# 0136 24 0010).
4. Respondent(s) did not comply with the Final Order on or before November 11, 2008. 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

Supplemental Order/Claim of Lien
#08-0834

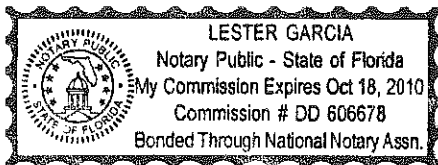
Page 2

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

MARCH 3, 2009.



CODE COMPLIANCE SPECIAL MAGISTRATE

By:

Gordon B. Linn
Gordon Linn, Esq.

Notary Seal:

Sworn and subscribed before me on

MARCH 3 2009.

[Signature]
NOTARY PUBLIC STATE OF FLORIDA

Gordon Linn 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 MARCH 3, 2009.

CERTIFIED MAIL # 7008 1300 0000 4135 2668

[Signature]
CODE COMPLIANCE
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail

sm

Return to: Patricia Varney
Finance Director
City of Dania Beach
100 West Dania Beach Blvd.
Dania Beach, FL 33004

Case Order	Case #	Name	Address	Results
71	08-0830	Gloria Gaviria	5011 Leeward Ln 2902	Compliance by November 11, 2008 or \$100 per day fine.
72	08-0834	Stirling Station Inc	4051 Stirling Rd	Compliance by November 11, 2008 or \$200 per day fine.
73	07-3026	Petrol Enterprises Inc	2109 Griffin Rd	Fine confirmed.
74	08-1101	Ronda L Podell	4701 SW 24 Ave	Stipulated agreement. Compliance by January 10, 2009 or \$100.00 per day fine.
75	06-0182	Olga M Gonzalez	809 NW 12 Ave	Continued to the November 6, 2008 Special Magistrate hearing.
76	07-2144	Terry Thomas & Victoria Thomas	301 NW 4 Ave	Fine confirmed.
77	07-2712	Michelle Wilcox & Jeffery Bryant	137 NW 4 Ave	Abatement request denied.
78	08-0176	Red Sound Realty LLC	73 SW 12 Ave 102-1	Fine confirmed.
79	08-0247	GMAC Mortgage LLC	133 SW 5 Ct	Fine confirmed.
80	08-0625	Barbara Florian Corwin & Berkeley J. Florian	1500 Floridian Drive	Compliance by December 11, 2008 or \$200.00 per day fine. Authorization granted to abate the pool violation after 20 days in the interest of public health and safety.
81	08-1063	Mauricio Trillos	500 NE 2 St 118	Compliance by November 11, 2008 or \$100.00 per day fine.
82	08-1100	Camargo, Fernando & Patricia Viloria	34 SW 6 Ave	Stipulated agreement. Compliance by December 11, 2008 or \$100.00 per day fine.
83	08-1145	Willie J Gant Jr	Vac Lot E of 615 NW 3 Ter	Compliance by November 11, 2008 or \$150.00 per day fine.
84	08-1178	Donald E Johnson Trustee % Lisa K. Herrmann	217 NW 4 Ave	Compliance by November 11, 2008 or \$150.00 per day fine.
85	08-1181	Dorene C Darling	210 NW 9 Ave	Compliance by December 11, 2008 or \$200.00 per day fine.
86	08-1368	Aurora Loan Services LLC	38 SW 6 Ave	Compliance by November 11, 2008 or \$200.00 per day fine.

Case Order	Case #	Name	Address	Results	
31	08-0879	Twin Condos of Mederos LLC	3265 Griffin Rd 102	Fine confirmed.	NP
32	08-0891	Twin Condos of Mederos LLC	3265 Griffin Rd 204	Fine confirmed.	NP
33	08-0900	Michael Cole	5140 SW 26 Ave	Fine confirmed.	NP
34	08-1685	Tammie R Lawhorn-Bennett	4650 SW 27 Ave	Stipulated agreement. Compliance by May 15, 2009 or \$150.00 per day fine.	NP
35	07-2937	Susan M Hansford	206 SW 3 St	Extension granted until February 5, 2009. Case is in compliance.	NP
36	08-0597	Wells Fargo Trustee, Carrington Mortgage Loan TR	38 SW 6 St	Fine confirmed.	NP
37	08-0723	Norman J & Antonia P Labonte & Guillermo Agudelo ETAL	2312 Coral Reef Ct 4704	Fine confirmed.	NP
38	08-0726	Fercor Latin America Corp	2300 Coral Reef Ct 4701	Fine confirmed.	NP
39	08-0813	Richard Zwebner & Anat R Aliakim	4937 N Harbor Isles Dr 107	Fine confirmed.	NP
40	08-0830	Gloria Gaviria	5011 Leeward Ln 2902	Fine confirmed.	NP
41	08-0834	Stirling Station Inc	4051 Stirling Rd	Fine confirmed.	NP
42	08-1617	Jose Antonio Romao & Lori Romao	25 SE 15 St	Compliance by April 16, 2009 or \$100.00 per day fine.	NP
43	08-1681	Jack & Bonnie Christy	205 NW 1 Ave	Stipulated agreement. Compliance by May 16, 2009 or \$100.00 per day fine.	NP
44	07-1692	Mila Paskaleva & Felix M Quinones	5414 SW 43 Ter	Authorization to sue for money judgement granted.	NP
45	08-1238	Puerta Guillermo	2756 SW 47 St	Stipulated agreement. Compliance by May 16, 2009 or \$150.00 per day fine.	NP
46	08-1573	Nathan W & Maria T Conner	2340 SW 34 St	Stipulated agreement. Compliance by March 19, 2009 or \$100.00 per day fine.	NP
47	08-0767	Danians Corp	601 E Dania Beach Blvd	Continued to the May 7, 2009 Special Magistrate hearing.	NP
48	08-1288	Reconor Miami LLC	Vac Lot E of 70 NW 13 Ave	Fine confirmed.	NP
49	08-1368	Aurora Loan Services LLC	38 SW 6 Ave	Fine confirmed.	NP
50	08-1374	Hilda Besner Tr & Jack Besner Irrev Trust	111 NW 7 Ave	Stipulated agreement. Compliance by April 16, 2009 or \$150.00 per day fine.	NP

Case Order	Case #	Name	Address	Results	
1	11-0068	Thomas Hart	5117 SW 28 Ter	Continuance granted to the January 2012 hearing.	P
2	09-2176	Davie Property Group LLC	4485 Stirling Rd	Abatement of \$16,705.80 recommended to City Commission.	P
3	07-2333	Pierrie & Therese Bernard	287 SW 9 St	Abatement of \$15,000.00 recommended to City Commission.	P
4	11-1482	Lael Baptist Church Inc	Vac lot W of 334 SW 14 St	Compliance by February 11, 2012 or \$150.00 per day fine. No administrative fee is assessed.	P
5	11-0980	Elizabeth Gonzalez	3730 SW 47 Ct	Extension granted to January 12, 2012.	P
6	10-0903	James & Judy Lounsberry	315 SE 11 Ter #206	Compliance by December 13, 2011 or \$100.00 per day fine. \$50.00 administrative fee is assessed.	P
7	11-0289	Anthony Scheitino	4608 SW 29 Ter	Fine confirmed. Reduced to \$180.00 if paid by December 3, 2011.	P
8	09-2212	Rene Morgenstein	4440 SW 28 Ter	Abatement of \$2,600.00 recommended to City Commission.	P
9	10-0440	Rickin Sanchez	224 SW 3 Pl	Fine confirmed. Hold on recording for 70 days.	P
10	10-0876	Harry Lookninan	315 SE 11 Ter #202	Compliance by February 11, 2012 or \$150.00 per day fine. \$50.00 administrative fee is assessed.	P
11	08-0834	Stirling Station Inc	4051 Stirling Rd	Abatement of \$2,500.00 recommended to City Commission.	P
12	10-1161	Stirling Station Inc	4051 Stirling Rd	Abatement of \$3,465.00 recommended to City Commission.	P
13	11-0396	Kazi Foods of Louisiana Inc	506 S Federal Hwy	Fine confirmed. Reduced to \$600.00 if paid by December 3, 2011.	P
14	09-2113	Catherine Egholm & Thomas L Ford III	325 SE 4 Ave	Motion for Foreclosure Authorization rescinded at this time. Continuance granted to the December 2011 hearing.	P
15	11-1563	Stanley R Potter Stanley R Potter Rev Liv Tr	2800 SW 57 Ct	Compliance by February 11, 2012 or \$150.00 per day fine. \$50.00 administrative fee is assessed.	P
16	11-1392	Moshe Agam	2440 SW 58 Mnr	Compliance by December 13, 2011 or \$250.00 fine (one time assessment). \$50.00 administrative fee is assessed.	P
17	10-0838	Lisa Hutchinson	1024 SE 4 Ave #204	Compliance by January 12, 2012 or \$100.00 per day fine. \$50.00 administrative fee is assessed.	P
18	11-0359	Rawson Portnoy Properties LLC	118 NW 7 Ave	Case is compiled.	P
19	07-2977	Rico R & Rhonda Rowell & Edward & Pocahontas Reynolds	1411 NW 10 St	Abatement of \$1,500.00 recommended to City Commission.	P
20	11-0025	Edilberto Costafreda & Edilia Carmenate	4749 SW 35 Ave	Fine confirmed. Reduced to \$180.00 if paid by December 3, 2011.	P
21	08-0099	Sean Eckhardt & Penny Eckhardt	4741 SW 42 Ter	Authorization to sue for money judgment granted.	P
22	09-1069	Cheryl Clarke	501 W Dania Beach Blvd	Fine confirmed. Reduced to \$2,500.00 if paid by February 1, 2012.	P
23	06-1496	Lloyd M Singh & Anastasia Thelsuma	137 SW 5 Ct	Abatement of \$10,000.00 recommended to City Commission.	P
24	09-1754	Prince Washington Jr	270 NW 14 Way	Authorization to foreclose granted. Hold on filing for 100 days.	P
25	10-0075	Sakara Chin	270 SW 14 St	Extension granted to February 11, 2012.	P
26	11-0695	James Rose	221 SW 6 St	Compliance by February 11, 2012 or \$200.00 per day fine. \$100.00 administrative fee is assessed.	P
27	11-1405	Veronique Fleurimont	309 SW 14 St	Continuance granted to the December 2011 hearing.	P
28	09-1052	Gloria L Thomas	218 SW 16 St	Authorization to foreclose granted.	NP
29	10-1332	Eleanor G Zenobia	238 SE 3 Pl	Fine confirmed.	NP
30	05-0213	Roberta H Hansell	23 SW 3 St	Continuance granted to the December 2011 hearing.	NP
31	11-0123	Jorge Rodriguez	278 SW 9 St	Abatement request denied without prejudice.	NP
32	11-0382	Performance Enterprises LLC	714 SW 4 St	Compliance by February 11, 2012 or \$200.00 per day fine. \$100.00 administrative fee is assessed.	NP
33	11-1109	Dania Chateau De Ville Condominium Association Inc c/o Anthony Brocato	421 SE 10 St - Bldg A	Continuance granted to the January 2012 hearing.	NP

Special Magistrate Minutes
1/13/11

City of Dania Beach

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

OWNER: STIRLING STATION INC
 FOLIO: 0136-24-0010
 LEGAL: GREENSLEEVES PLAT 157-33 B PARCEL A
 ADDRESS: 4051 STIRLING ROAD

CODE ENFORCEMENT ORDER LIEN										CEB 08-0834					
Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	Total	BOOK	PAGE	DATE	RECORDED BOOK	PAGE	DATE	RELEASED BOOK	PAGE	DATE
11/11/2008	9/30/2011	\$200.00	1,053	\$210,600.00	\$141.00	\$210,741.00	46115	86-91	4/7/2009						
						Total									

Case compiled on 9/30/11

REVISED 9/30/2011

ESTIMATED COST OF RECORDING FEES		
1	PAGES CERTIFIED COPY COVER	10.00
3	PAGES FINAL ORDER	25.50
2	PAGES SUPPLEMENTAL ORDER	17.00
2	PAGES RELEASE OF LIEN	18.50
	ADM. FEE RECORDING LIEN	40.00
	ADM. FEE RECORDING RELEASE	30.00
		141.00