

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: November 15, 2012

Agenda Item #:

Title: Request for Abatement

Requested Action:

Approval of the Settlement Received for: Patrick Cezaire/HSBC Bank USA NA, 720 SW 6 ST, Case # 08-1391, 09-2282, & 11-0920

Summary Explanation & Background:

For case #08-1391: This case was originally cited on 7/11/2008 for 6 violations, and was given 30 days to comply. This went to the Special Magistrate on 11/6/08 for 5 violations. The Special Magistrate issued an order giving the respondent until 2/14/2009 to comply or a fine of \$150.00 per day would be levied and authorizing the City to abate the nuisances. At the 7/9/09 hearing, the Special Magistrate confirmed the fine as a lien. The fines ran from 2/14/09 through 9/28/12, 1,322 days @ \$150.00 per day = \$198,300 plus admin fees of \$141.00, for a total of \$198,441.00.

For case #09-2282: This case was originally cited on 12/1/2009 for 9 violations, and was given 30 days to comply. This went to the Special Magistrate on 3/4/10. The Special Magistrate issued an order giving the respondent until 4/13/10 to comply or a fine of \$250.00 per day would be levied. The fine could not be confirmed as a lien due to foreclosure. The fines ran from 4/13/10 through 9/28/12, 899 days @ \$250.00 per day = \$224,750.00 plus \$100.00 in administrative cost, for a total of \$224,850.00.

For case #11-0920: This case was originally cited on 6/13/11 for 12 violations, and was given 30 days to comply. This went to the Special Magistrate on 10/6/11. The Special Magistrate issued an order giving the respondent until 12/15/11 to comply or a fine of \$250.00 per day would be levied. The fine was confirmed on 3/1/12, but was not recorded due to foreclosure. The fines ran from 12/15/11 through 9/28/12, 288 days @ \$250.00 per day = \$72,000.00 plus \$200.00 in administrative cost, for a total of \$72,200.00.

This is a motion to accept the settlement offer received by the City due to foreclosure. The City received \$19,844.10 as settlement for the fines, \$2,201.39 for nuisance abatement liens, and \$400.00 in administrative fees, for a total settlement received of \$22,445.49.

Exhibits (List):

- (1) Copy of the history report.
- (2) Copy of the lien sheet.

Purchasing Approval:

Source of Additional Information: (Name & Phone)

Recommended for Approval By:

This is a motion to accept the settlement offer received by the City. The City received \$519,844.10 as settlement for the fines, \$2,201.39 for nuisance abatement liens, and \$400.00 in administrative fees, for a total settlement received of \$22,445.49.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

PREPARED 9/10/12, 11:39:01
PROGRAM CE200L
CITY OF DANIA BEACH

CASE HISTORY REPORT
CASE NUMBER 08-00001391

CASE TYPE
Folio Number
ADDRESS
MINIMUM STANDARDS
5142-03-34-1010-
720 SW 6 ST
DANIA BEACH FL 33004

DATE ESTBL
INSPECTOR
7/11/08
ERIC WALTON

STATUS
TENANT NAME
ACTIVE

STATUS DATE
TENANT NBR
7/21/08

66. CASE 08-00001391

CASE DATA: CERTIFIED MAIL NUMBER 7008 0150 0003 4945 4729
CERT LINE JC
VIOLATION TYPE
VIOLATION TYPE
VIOLATION TYPE
VIOLATION TYPE
VIOLATION TYPE
FORMAL HEARING NOTICE CERT #
2ND INSPECTOR
3RD INSPECTOR
ALSO KNOWN AS ADDRESS

NARRATIVE: VTO LETTER: 8-21A2G; 8-21A2G; 15-1; 28-4.20A; 28-28.060; 7/21/08
FBC 105.1 7/21/08

NOTICE NAMES: PATRICK CEZAJRE OWNER
720 SW 6 STREET

RSLT TEXT: Property failed reinspection per inspector Eric Walton. 8/22/08
August 22, 2008 10:30:39 AM danilxg 8/22/08

NARRATIVE: Case is being continued to the Nov. Hearing due to a 2/18/10
service error. 2/18/10
October 1, 2008 4:17:11 PM danilxg 2/18/10

NARRATIVE: Compliance by February 14, 2009 or \$150.00 per day fine per 2/18/10
Special Magistrate Mitch Kraft at the November 6, 2008. 2/18/10
hearing. 2/18/10
November 24, 2008 1:55:50 PM daniszp 2/18/10

RSLT TEXT: Property failed reinspection per inspector Eric Walton. 2/19/09
February 19, 2009 10:29:28 AM danilxg 2/19/09

NARRATIVE: Fine confirmed per Special Magistrate Mark Berman. 7/18/11
July 22, 2009 4:01:39 PM danilxg 7/18/11

RSLT TEXT: Property failed reinspection per Inspector Eric Walton. 5/31/11
October 16, 2009 12:51:56 PM DANITXT 5/31/11

RSLT TEXT: Property failed reinspection per inspector Eric Walton. 8/22/08
August 22, 2008 10:30:39 AM danilxg 8/22/08

PREPARED 9/10/12, 11:39:01
 PROGRAM CE200L
 CITY OF DANIA BEACH

CASE HISTORY REPORT
 CASE NUMBER 08-00001391

CASE TYPE
 Folio Number
 ADDRESS

DATE ESTBL
 INSPECTOR

STATUS
 TENANT NBR

MINIMUM STANDARDS
 5142-03-34-1010-
 720 SW 6 ST
 DANIA BEACH

7/11/08
 ERIC WALTON

7/21/08

FL 33004

66. CASE 08-00001391

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
(1)	7/21/08	DBCC 8-21(a) (2) (g) Win/Door Mn shall be reasonably weathertight, maintained without cracks and holes, and in a state of Good repair. DBCC 8-21(a) (2) (g) Window Equi ventilation must be equipped with fully operable hardware and fitted with screens.	1	CE008021127001	ACTIVE	
(2)	7/21/08	DBCC 8-21(a) (2) (g) states all windows intended for	1	CE008021127002	ACTIVE	
(3)	7/21/08	DBCC 15-1 BTR/License Required DBCC 15-1 states it is unlawful for any person to engage in, manage or allow anyone on the person's property 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.	1	CE015001000001	ACTIVE	
(4)	7/21/08	DBCC 28-4.20(a) Appl of Regs on to, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the regulations established by this chapter for the district in which the building or land is located.	1	CE028004020101	ACTIVE	
(5)	7/21/08	DBCC 28-28.060 Prohibited Sign erected, maintain, or cause to be maintained any sign that is not specifically permitted, exempted, or authorized by the code.	1	CE028028060001	ACTIVE	
(6)	7/21/08	FBC 105.1 Permits Required to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Florida Building Code (2007 ed.), or to cause any such work to be done, must first make application to the building official (or building department) and obtain the required permit(s).	1	CE015001000001	ACTIVE	

PREPARED 9/10/12, 11:38:34
PROGRAM CE200L
CITY OF DANIA BEACH

CASE HISTORY REPORT
CASE NUMBER 09-00002282

CASE TYPE
Folio Number
ADDRESS
MINIMUM STANDARDS
5142-03-34-1010-
720 SW 6 ST
DANIA BEACH FL 33004

DATE ESTBL
INSPECTOR
12/11/09
ERIC WALTON

STATUS
TENANT NBR
ACTIVE
12/16/09

65. CASE 09-00002282

CASE DATA: CERTIFIED MAIL NUMBER 7009 1680 0000 9715 5154
SM
VIOLATION TYPE
VIOLATION TYPE
VIOLATION TYPE
VIOLATION TYPE
VIOLATION TYPE
FORMAL HEARING NOTICE CERT #
2ND INSPECTOR
3RD INSPECTOR
ALSO KNOWN AS ADDRESS

NARRATIVE: Vio. Let. - 8-21a4a; 8-21a4d; 8-21a4e; 8-21a4f; 8-21a5a1; 12/16/09
8-21a5a2; 13-34a; 13-34b; 13-34c 12/16/09

NOTICE NAMES: PATRICK CEZAIRE
7577 PARKVIEW WAY

OWNER

RSLT TEXT: Property failed reinspection on 12.31.09 per Inspector Eric
Walton.
January 15, 2010 9:47:18 AM DANITXT
NARRATIVE: Compliance by April 13, 2010 or \$250.00 per day fine per
Special Magistrate Mitch Kraft at the March 4, 2010 Special
Magistrate hearing. \$100.00 administrative fee is assessed.
March 15, 2010 12:35:53 PM DANITXT
RST TEXT: Property failed reinspection on 4.22.10 per Inspector Eric
Walton.
RSLT TEXT: April 27, 2010 11:16:35 AM DANITXT

1/15/10
1/15/10
1/15/10
4/29/11
4/29/11
4/29/11
4/29/11
12/05/11
12/05/11
12/05/11

VIOLATIONS: DATE DESCRIPTION QTY CODE STATUS
(1) 12/16/09 DBCC 8-21(a)(4)(a) Bldg Cond 1 CE008021141001 ACTIVE
DBCC 8-21(a)(4)(a) requires foundations, floors, walls,
ceilings, roofs, roof surfaces, windows, doors, and all

DATE RESOLVED

PREPARED 9/10/12, 11:38:34
PROGRAM CE200L
CITY OF DANIA BEACH

CASE HISTORY REPORT
CASE NUMBER 09-00002282

CASE TYPE
Folio Number
ADDRESS

DATE ESTBL
INSPECTOR

STATUS
TENANT NAME
ACTIVE

STATUS DATE
TENANT NBR
12/16/09

MINIMUM STANDARDS
5142-03-34-1010-
720 SW 6 ST
DANIA BEACH FL 33004

65. CASE 09-00002282

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
(1)	12/16/09	DBCC 8-21(a)(4)(a) Bldg Cond other building parts to be structurally sound, weather proof, water tight, rodent proof, and kept in a state of good repair.	1	CE008021141001	ACTIVE	
(2)	12/16/09	DBCC 8-21(a)(4)(d) Plumb Cond requires every plumbing fixture, water pipe, drain, waste pipe, and gas pipe to be maintained in good, sanitary working condition, and free from defects, leaks and obstructions.	1	CE008021144001	ACTIVE	
(3)	12/16/09	DBCC 8-21(a)(4)(e) Elec Cond requires all electrical wiring and accessories to be maintained in good, safe working condition and be adequately insulated and protected. No wiring, outlets, or connections shall be left exposed so as to create a hazardous condition.	1	CE008021145001	ACTIVE	
(4)	12/16/09	DBCC 8-21(a)(4)(f) Fences/Wall states all fences, walls, and similar enclosures shall be maintained in a state of good repair.	1	CE008021146002	ACTIVE	
(5)	12/16/09	DBCC 8-21(a)(5)(a)(1) Bldg Mnt states the exterior of all premises and every structure thereon, including all parts of the structure and appurtenance where exposed to public view, shall be maintained in good condition and shall not show evidence of deterioration, weathering, discoloration, ripping, tearing, or other holes or breaks.	1	CE008021151201	ACTIVE	
(6)	12/16/09	DBCC 8-21(a)(5)(a)(2) Paint states all surfaces requiring painting or which are otherwise protected from the elements shall be kept painted or protected, maintained free of graffiti, and be of uniform colors void of any evidence of deterioration.	1	CE013034001001	ACTIVE	
(7)	12/16/09	DBCC 13-34(a) Nus Accumulation 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.	1	CE013034002001	ACTIVE	
(8)	12/16/09	DBCC 13-34(b) Prop & RW Maint 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				

PREPARED 9/10/12, 11:38:34
PROGRAM CE200L
CITY OF DANIA BEACH

CASE HISTORY REPORT
CASE NUMBER 09-00002282

CASE TYPE
Folio Number
ADDRESS

DATE ESTBL
INSPECTOR

STATUS

STATUS DATE

12/11/09

TENANT NAME

TENANT NBR

MINIMUM STANDARDS
5142-03-34-1010-
720 SW 6 ST
DANIA BEACH

12/16/09

ACTIVE

12/16/09

ERIC WALTON

FL 33004

65. CASE 09-00002282

VIOLATIONS:
(8)

DATE
12/16/09

DESCRIPTION

DBCC 13-34(b) Prop & RW Maint
canal banks clean and free from any accumulation of garbage,
trash, and litter.

QTY CODE

1 CE013034002001

STATUS
ACTIVE

DATE RESOLVED

(9)

DATE
12/16/09

DESCRIPTION

DBCC 13-34(c) Untended Veg
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.

QTY CODE

1 CE013034003001

STATUS
ACTIVE

PREPARED 9/10/12, 11:38:11
PROGRAM CE200L
CITY OF DANIA BEACH

CASE HISTORY REPORT
CASE NUMBER 11-00000920

CASE TYPE
Folio Number
ADDRESS

MINIMUM STANDARDS
5142-03-34-1010-
720 SW 6 ST
DANIA BEACH

FL 33004

64. CASE 11-00000920

DATE ESTBL

STATUS

STATUS DATE

INSPECTOR

TENANT NAME

TENANT NBR

6/13/11

ACTIVE

6/21/11

WARREN OSTROFSKY

CASE DATA: CERTIFIED MAIL NUMBER

7010 3090 0001 3261 8807

CERT LINE

SCA

VIOLATION TYPE

VIOLATION TYPE

VIOLATION TYPE

VIOLATION TYPE

VIOLATION TYPE

VIOLATION TYPE

FORMAL HEARING NOTICE CERT #

2ND INSPECTOR

3RD INSPECTOR

ALSO KNOWN AS ADDRESS

NARRATIVE: vio. let. 8-21(a)8-21(a)(2)(g),8-21(a)(4)(a),8-21(a)(4)(d), 6/21/11
8-21(a)(4)(e),8-21(a)(4)(f),8-21(a)(5)(a)(1),8-21(a)(5)(a)(2) 6/21/11
,13-34(a),13-34(b),13-74(c),FBC 105.1 6/21/11

NOTICE NAMES: HSBC BANK USA NA

C/O MARSHALL C WATSON PA

OWNER

RESULT TEXT:

Property failed reinspection on 7.26.11. per Inspector Warren
Ostrofsky. Case will be scheduled for 10.6.11 special
magistrate.
July 27, 2011 11:59:38 AM danitxt.

8/26/11
8/26/11
8/26/11

NARRATIVE:

Compliance by December 15, 2011 or \$250.00 per day fine per
Special Magistrate Mark Berman at the October 6, 2011
Special Magistrate hearing. \$200.00 administrative fee is
assessed.
October 11, 2011 3:10:32 PM danitxt.

10/11/11
10/11/11
10/11/11
10/11/11
10/11/11

RESULT TEXT:

Case failed reinspection on 12/15/11 per Insp. Ostrofsky.
Will be sent to title search.
December 17, 2011 1:17:27 PM daninxl.

12/17/11
12/17/11
12/17/11

RESULT TEXT:

Per title search: schedule for hearing to confirm fine on
the next available SM agenda.
January 24, 2012 8:37:04 PM daninxl.

1/24/12
1/24/12
1/24/12

NARRATIVE:

At the hearing on 3/1/12, the following was ordered by
Special Magistrate Mark Berman: Fine confirmed.
March 5, 2012 6:06:09 PM Daninxl.

3/05/12
3/05/12
3/05/12

CASE HISTORY REPORT
CASE NUMBER 11-00000920

PREPARED 9/10/12, 11:38:11
PROGRAM CE200L
CITY OF DANIA BEACH

DATE ESTBL STATUS DATE RESOLVED
INSPECTOR TENANT NBR
6/13/11 ACTIVE 6/21/11

INSPECTOR WARREN OSTROFSKY
TENANT NAME
ADDRESS

MINIMUM STANDARDS
5142-03-34-1010-
720 SW 6 ST
DANIA BEACH FL 33094

64. CASE 11-00000920

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
(1)	6/21/11	DBCC 8-21(a)(2)(g) Win/Door Mn DBCC 8-21(a)(2)(g) states every window and exterior door shall be reasonably weathertight, maintained without cracks and holes, and in a state of good repair.	1	CE008021127001	ACTIVE	6/21/11
(2)	6/21/11	DBCC 8-21(a)(2)(g) Window Equi DBCC 8-21(a)(2)(g) states all windows intended for ventilation must be equipped with fully operable hardware and fitted with screens.	1	CE008021127002	ACTIVE	6/21/11
(3)	6/21/11	DBCC 8-21(a)(4)(a) Bldg Cond DBCC 8-21(a)(4)(a) requires foundations, floors, walls, ceilings, roofs, roof surfaces, windows, doors, and all other building parts to be structurally sound, weather proof, water tight, rodent proof, and kept in a state of good repair.	1	CE008021141001	ACTIVE	6/21/11
(4)	6/21/11	DBCC 8-21(a)(4)(d) Plumb Cond DBCC 8-21(a)(4)(d) requires every plumbing fixture, water pipe, drain, waste pipe, and gas pipe to be maintained in good, sanitary working condition, and free from defects, leaks and obstructions.	1	CE008021144001	ACTIVE	6/21/11
(5)	6/21/11	DBCC 8-21(a)(4)(e) Elec Cond DBCC 8-21(a)(4)(e) requires all electrical wiring and accessories to be maintained in good, safe working condition and be adequately insulated and protected. NO wiring, outlets, or connections shall be left exposed so as to create a hazardous condition.	1	CE008021145001	ACTIVE	6/21/11
(6)	6/21/11	DBCC 8-21(a)(4)(f) Fences/Wall DBCC 8-21(a)(4)(f) states all fences, walls, and similar enclosures shall be maintained in a state of good repair.	1	CE008021146002	ACTIVE	6/21/11
(7)	6/21/11	DBCC 8-21(a)(5)(a)(1) Bldg Mnt DBCC 8-21(a)(5)(a)(1) states the exterior of all premises and every structure thereon, including all parts of the structure and appurtenance where exposed to public view, shall be maintained in good condition and shall not show evidence of deterioration, weathering, discoloration, ripping, tearing, or other holes or breaks.	1	CE008021151101	ACTIVE	6/21/11
(8)	6/21/11	DBCC 8-21(a)(5)(a)(2) Paint DBCC 8-21(a)(5)(a)(2) states all surfaces requiring painting or which are otherwise protected from the elements shall be kept painted or protected, maintained free of graffiti, and be of uniform colors void of any evidence of deterioration.	1	CE008021151201	ACTIVE	6/21/11
(9)	6/21/11	DBCC 13-34(a) Nus Accumulation DBCC 13-34(a) Nus Accumulation	1	CE013034001001	ACTIVE	6/21/11

PREPARED 2/10/12, 11:38:11
 PROGRAM CE200L
 CITY OF DANIA BEACH

CASE HISTORY REPORT
 CASE NUMBER 11-00000920

CASE TYPE
 Folio Number
 ADDRESS

STATUS

TENANT NBR
 6/21/11

DATE ESTBL

TENANT NAME
 ACTIVE

MINIMUM STANDARDS
 5142-03-34-1010-
 720 SW 6 ST
 DANIA BEACH FL 33004

6/13/11

WARREN OSTROFSKY

64. CASE 11-00000920

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
(9)	6/21/11	DBCC 13-34(a) Nus Accumulation 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.	1	CE013034001001	ACTIVE	
(10)	6/21/11	DBCC 13-34(b) Prop & RW Maint 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.	1	CE013034002001	ACTIVE	
(11)	6/21/11	DBCC 13-74(c) Removal of Items DBCC 13-74(c) states all garbage carts and all other receptacles shall be removed from the right of way and from the front yard no later than dusk of the day of collection.	1	CE013074003002	ACTIVE	
(12)	6/21/11	FBC 105.1 Permits Required FBC 105.1 requires any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Florida Building Code (2007 ed.), or to cause any such work to be done, must first make application to the building official (or building department) and obtain the required permit(s).	1	CE105001000001	ACTIVE	

City of Dania Beach

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

OWNER: CEZAIRE,PATRICK
 FOLIO: 1203-34-1010
 LEGAL: COLLEGE TRACT 19-9 B LOT 20 BLK 7
 ADDRESS: 720 SW 6 STREET

CODE ENFORCEMENT ORDER LIEN CEB 08-1391

Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee		RECORDED		RELEASED			
					Record	Fee	BOOK	PAGE	BOOK	PAGE	DATE	DATE
2/14/2009	9/28/2012	\$150.00	1,322	\$198,300.00	\$141.00	\$198,441.00	46581	64-69			10/9/2009	
Total												

REVISED 11/7/2012

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

City of Dania Beach

City of Dania Beach
954-924-6800 Ext 3562

OWNER: CEZAIRE, PATRICK
 FOLIO: 1203-34-1010
 LEGAL: COLLEGE TRACT 19-9 B LOT 20 BLK 7
 ADDRESS: 720 SW 6 STREET

Nuisance Abatement Liens

CASE # 08-1391 RECORDED RELEASED

Interest Start	Through Date	Lien Amount	# of Days	Interest Amount	Per Diem	Interest Amount	Record Fee	Total	BOOK	PAGE	DATE	BOOK	PAGE	DATE
2/16/2010	9/28/2012	\$297.80	955	0.00032900	\$0.097976	\$93.57	\$90.00	\$481.37	46902	918	2/25/2010			
7/9/2009	9/28/2012	\$1,175.02	1,177	0.00032900	\$0.386582	\$455.01	\$90.00	\$1,720.03	46765	1147	12/30/2009			

REVISED 11/7/2012

ESTIMATED COST OF RECORDING FEES	
1	PAGE(S) CLAIM OF LIEN 10.00
	ADM. FEE RECORDING LIEN 40.00
1	PAGE(S) RELEASE OF LIEN 10.00
	ADM. FEE RECORDING RELEASE 30.00
	90.00