

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: May 16, 2013

Agenda Item #:

Title: Request for Abatement

Requested Action:

Consideration of the Abatement Request for: Alon Elbaz, 2456 SW 58 Manor, Case # 11-1390

Summary Explanation & Background:

This was originally cited on 8/24/11 for 2 violations. This went to the Special Magistrate on 12/8/11 for 2 violations. The Special Magistrate issued an order giving the respondent until 1/17/12 to comply the violations or a fine of \$150.00 per day would be levied. At the 7/12/12 hearing, the Special Magistrate confirmed the fine as a lien. The property was brought into compliance on 3/15/13. The fines ran from 1/17/12 through 3/15/13, 423 days @ \$150.00 per day = \$63,450.00 plus recording/admin fees of \$254.00 totaling \$63,704.00. At the 4/4/13 hearing, Special Magistrate Gordon Linn recommended an abatement of the fine to \$3,000.00 to the City Commission.

Exhibits (List):

- (1) Copy of the original violation letter issued.
- (2) Copy of all Final Orders and Supplemental Orders issued by the Special Magistrate.
- (3) Copy of the minutes from 12/8/11, 7/12/12, and 4/4/13.
- (4) Copy of the lien total sheet.

Purchasing Approval:

Source of Additional Information: (Name & Phone)

Recommended for Approval By:

At the 4/4/13 hearing, Special Magistrate Gordon Linn recommended an abatement of the fine to \$3,000.00 to the City Commission.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk



City of Dania Beach
FLORIDA

August 24, 2011

ALON ELBAZ
1379 E 17 ST
BROOKLYN, NY 11230

Case Number: 11-00001390

Location: 2456 SW 58 MNR
Folio: 5042-32-25-0030-
Legal Description:
EMERALD GARDENS 87-42 B LOT 3 W 1/2

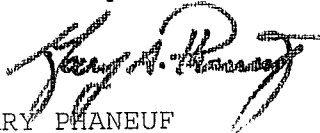
Dear ALON ELBAZ:

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 September 23, 2011. 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. 3647.

Sincerely,



GARY PHANEUF
CODE INSPECTOR

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

Certified Mail # 7011 1570 0002 7563 0366 by SGA

Also sent regular mail

"Broward's First City"

CASE NUMBER 11-00001390
PROPERTY ADDRESS 2456 SW 58 MNR

VIOLATION: CE015001000001 QUANTITY: 1
DESCRIPTION: DBCC 15-1 BTR/License Required DATE: 8/24/11
LOCATION:

ORDINANCE DESCRIPTION :

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.

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.

VIOLATION: CE022005009541 QUANTITY: 1
DESCRIPTION: DBCC 22-5(i)(5)(d) Tree Maint DATE: 8/24/11
LOCATION:

ORDINANCE DESCRIPTION :

DBCC 22-5(i)(5)(d) states all trees shall be kept trimmed by the abutting property owner or tenant and shall have a clearance of at least eight (8) feet above the sidewalk and fourteen (14) feet above the street level so as to permit pedestrian and vehicular traffic beneath them without interference.

CORRECTIVE ACTION REQUIRED :

Insure all trees are trimmed and provide a clearance of at least eight (8) feet above the sidewalk and fourteen (14) feet above the street level.

DETAILED INSPECTION REPORT

DATE: 08-17-11
CASE #:
FOLIO #: 504232250030
ADDRESS: 2456 SW 58 MANOR
OWNER: ALON ELBAZ
15-1
A BTR LICENSE IS REQUIRED TO LEASE YOUR PROPERTY AT 2456 SW 58 MANOR.
22-5(i)(5)(d)
TREE BRANCHES MUST BE TRIMMED UP A MINIMUM OF 14 FEET ABOVE THE STREET AND MAINTAINED ON A REGULAR BASIS. THE TRIMMING MUST BE IN ACCORDENCE WITH THE NATIONAL ARBORIST ASSOCIATION TO PREVENT TREE ABUSE.

CODE COMPLIANCE SPECIAL MAGISTRATE

CITY OF DANIA BEACH, FLORIDA

CITY OF DANIA BEACH, a Florida Municipal Corporation, : CASE # 11-1390
PETITIONER, :
vs. :
ALON ELBAZ,
RESPONDENT. :

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

This proceeding came on for Formal Hearing on December 8, 2011, 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. Respondent, Alon Elbaz, did allow the following code violations to exist at property Respondent owns, located at 2456 Southwest 58 Manor, Dania Beach, Florida, which property is legally described as: EMERALD GARDENS 87-42 B LOT 3 W1/2: (0232 25 0030).

1. DBCC 15-1 BTR/License Required. 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 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.

2. DBCC 22-5 (i) (5) (d) Tree Maintenance. All trees shall be kept trimmed by the abutting property owner or tenant and shall have a clearance of at least eight (8) feet above the sidewalk and fourteen (14) feet above the street level so as to permit pedestrian and vehicular traffic beneath them without interference. There is a tree on the property with the foliage extending less than fourteen (14) feet above the street level.

Upon consideration thereof, it is thereupon ORDERED:

1. Respondent, Alon Elbaz:

(a) has been found to be in violation of the above described code sections listed in paragraphs b.(1) and b.(2), and a fine of \$150.00 per day will begin running on January 17, 2012 for these violations.

(b) In addition, there is also assessed \$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 cost assessment may also constitute a lien against the above referenced property which may also be actionable by law.

The fine shall continue until said violations come 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.

Return to: Mark Bates, Finance Director
City of Dania Beach
100 W. Dania Beach Blvd.
Dania Beach, FL 33004

FINAL ORDER
11-1390
PAGE 3

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 21st day of December, 2011.

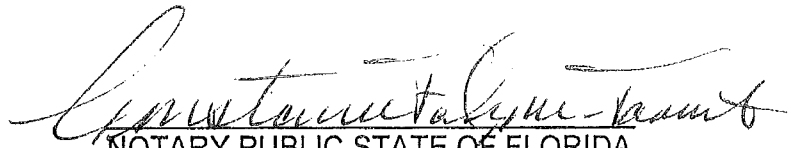


CODE COMPLIANCE SPECIAL MAGISTRATE

By: 
Mark E. Berman, Esq.

Notary Seal:

Sworn and subscribed before me this
21st day of December, 2011.


NOTARY PUBLIC STATE OF FLORIDA

Mark E. Berman is personally known to me.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Final Order was mailed to the Respondent, Alon Elbaz, this 21st day of December, 2011.

CERTIFIED MAIL # 7044 4570 0002 7563 3534


ACTING CODE COMPLIANCE
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail
am

Return to: Mark Bates, Finance Director
City of Dania Beach
100 W. Dania Beach Blvd.
Dania Beach, FL 33004

CODE COMPLIANCE SPECIAL MAGISTRATE

CITY OF DANIA BEACH, FLORIDA

CITY OF DANIA BEACH, a Florida : CASE # 11-1390
Municipal Corporation,

PETITIONER, :

vs. :

ALON ELBAZ,

RESPONDENT. :

SUPPLEMENTAL ORDER/CLAIM OF LIEN

The CITY OF DANIA BEACH CODE COMPLIANCE SPECIAL MAGISTRATE, having considered the City's Motion to Confirm Fine on July 12, 2012, and based on the evidence, the Code Compliance Special Magistrate enters the following findings of fact and order:

1. The Code Compliance Special Magistrate did render on December 21, 2011, a Final Order in the above-captioned case commanding the Respondent, Alon Elbaz, to bring the violations specified in said Final Order into compliance on or before January 17, 2012, or pay a fine in the amount of \$150.00 per day for each day of non-compliance thereafter.
2. The violations found by the Code Compliance Special Magistrate and stated in the Final Order occurred on the subject property located at 2456 SW 58 Manor, Dania Beach, Florida and legally described as: EMERALD GARDENS 87-42 B LOT 3 W1/2: (0232 25 0030).
3. Respondent, Alon Elbaz, did not comply with the Final Order on or before January 17, 2012. There are violations stated in the Final Order which still exist on the property.
4. The fine imposed in the Final Order rendered December 21, 2011 is hereby confirmed and ratified and shall accrue at \$150.00 per day from January 17, 2012, until

such time as the Respondent, Alon Elbaz, has complied with said Final Order. 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.

5. 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.

DONE and ORDERED at Dania Beach, Broward County, Florida, this 20 day of August, 2012.



CODE COMPLIANCE SPECIAL MAGISTRATE

By: *Gordon Linn*
Gordon Linn, Esq.

Notary Seal:

Sworn and subscribed before me this
20 day of August, 2012.

Kristin Milligan
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, Alon Elbaz, this 20 day of August, 2012.

CERTIFIED MAIL # 7011 1570 0002 7563 8218

Kristin Milligan
CODE COMPLIANCE
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail
am

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

Case Order	Case #	Name	Address	Results	
* 26	11-1390	Alon Elbaz	2456 SW 58 Manor	Compliance by January 17, 2012 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	NP
27	11-1559	Griffin Partners Inc Eliane Naamad Ezra Mansur	3300 Griffin Rd	Compliance by January 17, 2012 or \$250.00 one time assessment. \$100.00 administrative fee is assessed.	NP
28	11-1610		2471 SW 58 Manor West	Compliance by January 17, 2012 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	NP
29	11-1637	Rhoda Tomlin	2939 SW 53 St	Compliance by January 17, 2012 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	NP
30	11-0564	Brett Thier	4720 SW 42 Ter	Fine confirmed.	NP
31	11-1604	Wells Fargo Bank	4650 SW 43 Ter	Compliance by January 17, 2012 or \$250.00 per day fine. \$100.00 administrative fee is assessed.	NP
32	11-1652	Reyna Juarez Julian Lizarde	4364 SW 51 St	Compliance by January 17, 2012 or \$250.00 per day fine. \$200.00 administrative fee is assessed.	NP
33	08-1850	Tauric L Reed	113 NW 13 Ave	Payment extension granted to December 13, 2011.	NP
34	09-1687	James Spinella & Renee Spinella	638 NE 3 St	Authorization to sue for money judgment granted.	NP
35	10-1919	Nell F Cueuer Est	254 SW 12 St	Authorization to abate nuisances by removing the bee infestation after December 28, 2011 granted in the interest of public health & safety.	NP
36	11-1104	William Diaz	911 NW 7 St	Compliance by January 17, 2012 or \$100.00 per day fine. \$150.00 administrative fee is assessed.	NP
37	11-1105	GFA Manufacturer LLC	711 SW 10 St	Stipulated agreement. Compliance by February 16, 2012 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	NP
38	11-1429	Myra Thea Davis	29 NW 4 Ave	Compliance by February 16, 2012 or \$100.00 per day fine. \$100.00 administrative fee is assessed.	NP

Case Order	Case #	Name	Address	Results	
1	11-1607	PPTS V Corp	710 SW 3 PI	Fine confirmed. Hold until September 10, 2012 on recording the lien if the nuisance abatement liens are paid within 5 days with the administrative fee.	P
2	11-1662	Holy Tabernacle United Church of God	79 NW 13 Ave	Continued to September 6, 2012 Special Magistrate hearing.	P
3	11-1606	Cookies & Crackers Corp	730 SW 7 St	Fine confirmed. Hold until September 10, 2012 on recording the lien if the nuisance abatement liens are paid within 5 days with the administrative fee.	P
4	11-1427	DDRM Sheridan Square LLC	401 E Sheridan St	Fine confirmed. Hold until August 11, 2012 on recording the lien if the administrative fee is paid within 5 days.	P
5	12-0307	Dania-Auger Inc	645 S Federal Hwy	Compliance by September 20, 2012 or \$150.00 per day fine. \$125.00 administrative fee assessed.	P
6	11-0820	Gentlemen Crepe Makers Inc FKA Never on Sunday Inc	129 N Federal Hwy	Compliance by October 20, 2012 or \$200.00 per day fine. \$125.00 administrative fee assessed.	P
7	11-1856	Maria C Greenidge	48 SW 12 St	Compliance by September 20, 2012 or \$100.00 per day fine. \$100.00 administrative fee assessed.	P
8	12-0179	Daniel S Mann	409 SE 5 St	Compliance by August 21, 2012 or \$100.00 per day fine. \$100.00 administrative fee assessed.	P
9	11-1201	Daniel S Mann 2006 Rev Tr Robert Periberg	235 NE 2 PI	Fine confirmed. Hold until August 11, 2012 on recording the lien.	P
10	11-0124	Edward F Gonzalez	219 SW 11 St	Authorization to foreclose granted.	NP
11	11-0170	Betty Chery	728 SW 7 St	Authorization to foreclose granted.	NP
12	11-0355	Dawn Lipka	719 SW 7 St	Fine confirmed.	NP
13	11-1520	Jeff & Laura Clymer Karen Derris	40 SE 7 St	Fine confirmed.	NP
14	12-0306	Dania Chateau De Ville Condo Assoc Inc	421 SE 10 St Bldg A	Case complied.	NP
15	12-0308	Bank of America NA Lasalle Bank	203 SE 2 St	Compliance by August 21, 2012 for item # 4 or \$250.00 one time assessment. Finding of fact issued for items # 1, 2, & 3 as recurring violations. \$125.00 administrative fee assessed.	NP
16	10-1740	Chase Home Finance LLC	2320 SW 44 St	Authorization to foreclose granted.	NP
17	11-1215	% Michael Geley ALJJ Holdings LLC	4896 SW 28 Ter	Fine confirmed.	NP
18	11-1386	Teonatra Patrice Manley	4501 SW 25 Ter	Fine confirmed.	NP
19	11-1468	CLMIA LLC	4470 Ravenswood Rd Mma	Extension granted to October 20, 2012.	NP
20	11-1469	CLMIA LLC	4470 Ravenswood Rd	Extension granted to October 20, 2012.	NP
21	11-0827	WHB Holdings LLC	3015 Ravenswood Rd 101	Fine confirmed. Administrative fee and assessment has been paid.	NP
22	11-0828	WHB Holdings LLC	3015 Ravenswood Rd 102	Fine confirmed. Administrative fee and assessment has been paid.	NP
23	11-1390	Alon Eibaz	2456 SW 58 Mnr	Fine confirmed.	NP
24	11-1739	Frederick A Fulchino	2320 SW 51 PI	Extension granted to September 20, 2012.	NP
25	11-0597	Amaury Dominguez	4932 SW 45 Ave	Fine confirmed.	NP
26	10-1769	William Diaz	911 NW 7 St	Authorization to sue for money judgment granted.	NP
27	10-1772	Charles Akiba & Ann Francine	24 W Dania Beach Blvd	Fine confirmed.	NP
28	11-0161	Timothy Ivey	126 NW 5 Ave	Extension granted to October 20, 2012.	NP
29	11-0543	34 SW 7 LLC	34 SW 7 Ave	Fine confirmed.	NP
30	11-1104	William Diaz	911 NW 7 St	Fine confirmed.	NP
31	11-1804	Lawrence Marfechuk Est	1057 SE 6 Ave	Fine confirmed.	NP
32	12-0098	Frances H Rolph & Rodney Rolph	214 NW 8 Ave	Compliance by August 21, 2012 or \$250.00 per day fine. \$100.00 administrative fee assessed.	NP

Case Order	Case #	Name	Address	Results	
* 1	11-1390	Alon Elbaz M Sterling Collins Rev Tr Anita L Collins	2456 SW 58 MNR	Authorization to foreclose granted. Abatement recommended to the City Commission for \$3,000.00.	P
2	11-0630		6 SW 5 AVE	Extension granted until April 4, 2013. Case is compiled. Compliance by July 13, 2013 or \$100.00 per day fine. \$100.00 administrative fee assessed.	P
3	2012-1042	Natalia Kogan Tigertail Lake Warehouses LTD	Vacant Lot W of 3860 SW 56 CT	Compliance by July 13, 2013 or \$250.00 one time assessment. \$100.00 administrative fee assessed.	P
4	2012-1063	% J Pery & Associates	2040 Tigertail BLVD	Repeat violation found. \$5,200.00 fine assessed. Fine to be paid by May 4, 2013. \$200.00 administrative fee assessed.	P
5	2013-0186	Bank of America NA Lasalle Bank	203 SE 2 ST	Compliance by June 13, 2013 or \$100.00 per day fine. \$100.00 administrative fee assessed.	P
6	2012-1348	Brian Richard Mathiasen	4500 SW 34 AVE	Compliance by July 13, 2013 or \$100.00 per day fine. \$100.00 administrative fee assessed.	P
7	12-0132	Steve A & Jillian Brown	738 SW 3 PL	Compliance by July 13, 2013 or \$150.00 per day fine. \$100.00 administrative fee assessed.	P
8	12-0244	Bernice A Falso Est	301 SE 3 ST 501	Compliance by June 13, 2013 or \$150.00 per day fine. \$100.00 administrative fee assessed.	P
9	2012-1339	Estates of Ft Laud Property Owners Assoc	5371 Ravenswood RD	Compliance by May 14, 2013 or \$250.00 one time assessment. \$50.00 administrative fee assessed.	P
10	2013-0053	Dania Beach Boat Club Condominium Assn Inc	90 N Bryan RD Common Area	Compliance by May 14, 2013 or \$250.00 one time assessment. \$50.00 administrative fee assessed.	P
11	11-0597	Anaury Dominguez	4932 SW 45 AVE	Authorization to foreclose granted. Hold on filing until July 13, 2013.	P
12	11-0637	David Duckworth Brenda Duckworth	4157 SW 49 CT	Fine reduced to \$500.00 if paid by May 4, 2013.	P
13	11-0842	Louis Ferrer Est	3448 SW 44 ST	Authorization to foreclose denied.	P
14	2013-0048	Scott B Stuart Est	4131 SW 54 CT	Continued to May 2, 2013 Special Magistrate Hearing.	NP
15	2013-0049	Scott B Stuart Est	4201 SW 54 CT	Compliance by May 14, 2013 or \$250.00 one time assessment. \$50.00 administrative fee assessed.	NP
16	2012-1124	Sormi Inc	308 E Dania Beach BLVD	Compliance by May 14, 2013 or \$100.00 per day fine. \$100.00 administrative fee assessed.	NP
17	2012-1127	Fernando Camargo & Patricia Vilorio	34 SW 6 AVE	Compliance by April 24, 2013 for items #1, 9, 10 & 11 or \$250.00 per day fine. Compliance by May 14, 2013 for items # 2, 3, 4, 5, 6, 7, 8, 12 & 13 or \$250.00 per day fine. Authorization to abate the nuisances by securing the property, cleaning the trash & debris, and cutting the overgrowth after April 24, 2013 granted in the interest of public health and safety. \$200.00 administrative fee assessed.	NP
18	11-0482	New Horizon Counseling Center Inc	4648 SW 24 AVE	Authorization to foreclose granted.	NP
19	11-1115	Jose Bencosme	3040 SW 44 CT	Compliance by May 14, 2013 or \$200.00 per day fine. \$100.00 administrative fee assessed.	NP
20	2012-1079	David Montgomery	25 SW 5 ST	Compliance by May 14, 2013 or \$200.00 per day fine. \$200.00 administrative fee assessed.	NP
21	11-1104	William Diaz	911 NW 7 ST	Authorization to foreclose granted.	NP
22	11-1199	Stanley D Grundy Est	237 NW 5 AVE	Authorization to foreclose granted.	NP

City of Dania Beach

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

OWNER: ALON ELBAZ
 FOLIO: 0232-25-0030
 LEGAL: EMERALD GARDENS 87-42 B LOT 3 W1/2
 ADDRESS: 2456 SW 58 MANOR

CODE ENFORCEMENT ORDER LIEN

Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee		RECORDED		RELEASED	
					Record	Fee	BOOK	PAGE	BOOK	DATE
1/17/2012	3/15/2013	\$150.00	423	\$63,450.00	\$254.00	\$63,704.00	49021	1305-1310		8/23/2012
Total										

CEB 11-1390

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
			254.00