

# AGENDA REQUEST FORM CITY OF DANIA

**Date:** September 19, 2013

**Agenda Item #:**

**Title: Request for Abatement**

**Requested Action:**

Request for second reconsideration of the Abatement Request for: My Darling LLC, 4433 Stirling RD (AKA: SW 60 ST), Case #07-2287

**Summary Explanation & Background:**

This was originally cited on 9/12/07 for 2 violations. This went to the Special Magistrate on 2/4/08 for 2 violations. The Special Magistrate issued an order giving the respondent until 3/15/08 to comply or a fine of \$250.00 per day would be levied. At the 5/1/08 hearing, Special Magistrate Mitch Kraft denied the extension request and confirmed the fine as a lien. The property was brought into compliance on 10/28/08. The fine ran from 3/15/08 through 10/28/08, 227 days @ \$250.00 per day = \$56,750.00 plus recording/admin fees of \$141.00 for a total of \$56,891.00. At the 12/4/08 Special Magistrate hearing the case was continued to the 1/8/09 hearing upon respondent's request. At the 1/8/09 hearing Special Magistrate Mark E. Berman recommended an abatement of the fine to \$28,000.00 to the City Commission. Respondent then asked for a continuance at the 3/19/09, 5/21/09, 9/17/09, 11/19/09, and 1/21/10 Commission abatement hearings. At the 3/18/10 Commission abatement hearing, the Commission approved an abatement to \$28,000.00 due within 60 days. Payment was not received, and the fine reverted back to the total amount of \$56,891.00. At the 2/2/12 hearing Special Magistrate Gordon Linn authorized foreclosure of the lien, with a hold of 90 days to allow the respondent to seek re-consideration of the abatement request to the Commission, with the same recommendation as made previously. At the 3/15/12 Commission Abatement Hearing, an abatement of \$17,000.00 due within 90 days was granted. Two payments of \$1,000.00 were received until 6/14/12 after which no further payments were received. This is the second request for reconsideration of the abatement request.

**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 the 2/4/08, 5/1/08, 12/4/08, 1/8/09, and 2/2/12 Special Magistrate hearings, and the minutes from the 3/18/10 and 3/15/12 Commission Abatement hearings.
- (4) Copy of the lien total sheet.

**Purchasing Approval:**

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

**Recommended for Approval By:**

At the 2/2/12 hearing Special Magistrate Gordon Linn authorized foreclosure of the lien, with a hold of 90 days to allow the respondent to seek re-consideration of the abatement request to the Commission, with the same recommendation as made previously. At the 3/15/12 Commission Abatement Hearing, an abatement of \$17,000.00 due within 90 days was granted. Two payments of \$1,000.00 were received until 6/14/12 after which no further payments were received. This is the second request for reconsideration of the abatement request.

**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

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

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



*City of Dania Beach*  
FLORIDA

September 12, 2007

MY DARLING LLC  
2320 HOLLYWOOD BLVD  
HOLLYWOOD, FL 33020

Case Number: 07-00002287

Location: 4433 STIRLING RD  
Folio: 5041-36-03-0160-  
Legal Description:  
FRANCES GROVE ESTATES 26-46 B LOT 12,13 BLK 2

Dear MY DARLING LLC:

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 October 12, 2007. 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 954 924-3649.

Sincerely,

*Mike Moreno*

MIKE MORENO  
CODE INSPECTOR

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

Certified Mail # 7004 1350 0005 2993 6211 by SM

Also sent regular mail

"Broward's First City"

CASE NUMBER 07-00002287  
PROPERTY ADDRESS 4433 STIRLING RD

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VIOLATION: CE015001000001 QUANTITY: 1  
DESCRIPTION: DBCC 15-1 License Required DATE: 9/12/07  
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.

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VIOLATION: CE028004020401 QUANTITY: 1  
DESCRIPTION: DBCC 28-4.20(d) Prohibited Use DATE: 9/12/07  
LOCATION:

ORDINANCE DESCRIPTION :  
DBCC 28-4.20(d) states any use not specifically listed in  
the Schedule of Regulations as a permitted use or a special  
exception use is prohibited in all zoning districts.

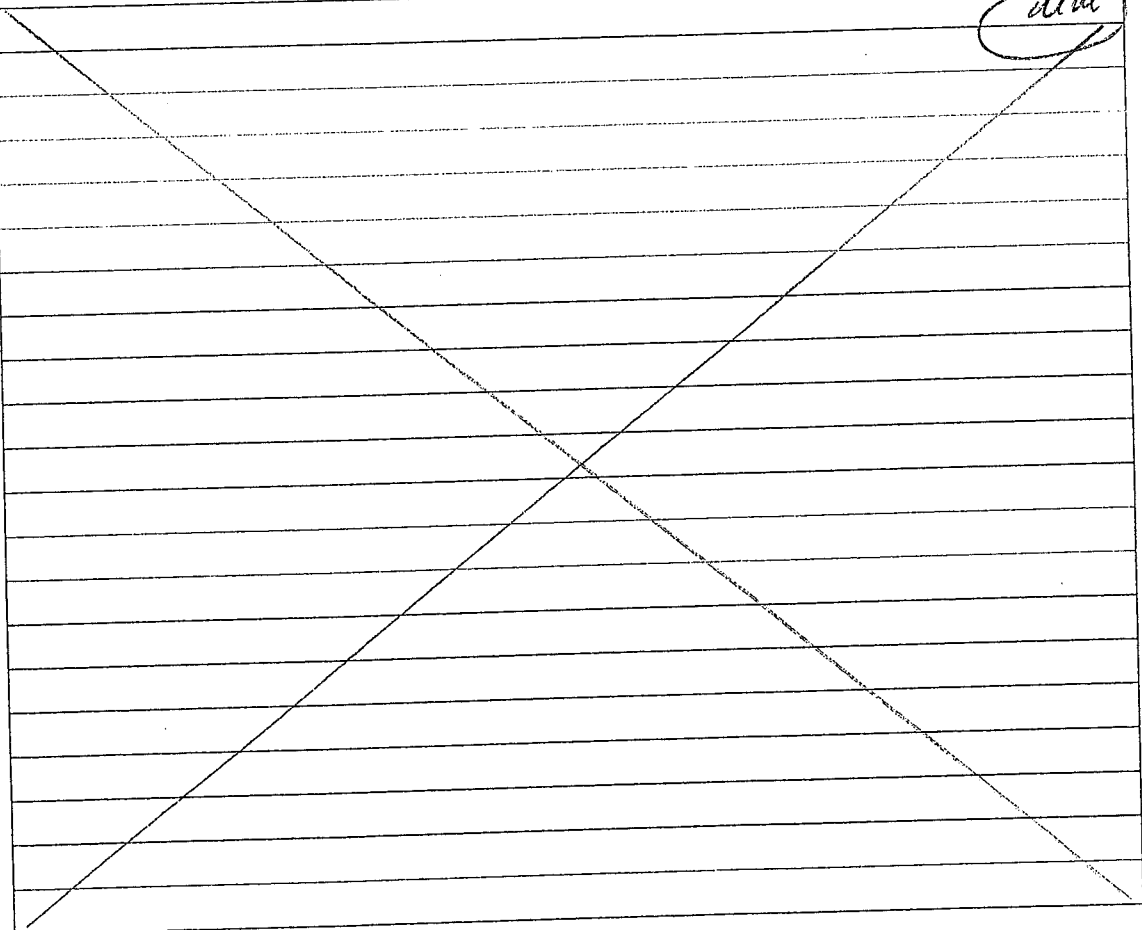
CORRECTIVE ACTION REQUIRED :  
Cease and desist all unpermitted/prohibited uses on the  
subject property. Contact the inspector listed for further  
explanations and/or instructions.

# DETAILED INSPECTION REPORT

DATE: SEPT 7, 2007
CASE #:
FOLIO #: 5041 3603 0160
ADDRESS: 4433 SW 60 ST // AKA 4433 STIRLING RD
OWNER: MY DARLING <i>LLC</i>

Ensure to obtain an occupational license to serve food as a restaurant. The tables and chairs used for outside seating are prohibited; ensure to remove all outdoor seating.

*llm*



CODE COMPLIANCE SPECIAL MAGISTRATE

CITY OF DANIA BEACH, FLORIDA

CITY OF DANIA BEACH, a Florida  
Municipal Corporation,

CASE # 07-2287

PETITIONER,

vs.

MY DARLING LLC,

RESPONDENT.

FINAL ORDER OF THE DANIA BEACH CODE COMPLIANCE  
SPECIAL MAGISTRATE

This proceeding came on for Formal Hearing on February 4, 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. Respondent, My Darling LLC, did allow the following code violations to exist at property Respondent owns, located at 4433 SW 60 Street, Dania Beach, Florida, which property is legally described as: FRANCES GROVE ESTATES 26-46 B LOT 12, 13 BLK 2 (# 0136 03 0160):

1. DBCC 15-1 Occupational License. It is unlawful for any person to engage in or manage any business in the city without having a license from the city. A business is operating on the property without an occupational license.

2. DBCC 28-4.20 (d) Prohibited Use. Any use not specifically listed in the Schedule of Regulations as a permitted use or a special exception use is prohibited in all zoning districts. A restaurant is operating on the property with outdoor seating, which is a prohibited use.

Upon consideration thereof, it is thereupon ORDERED:

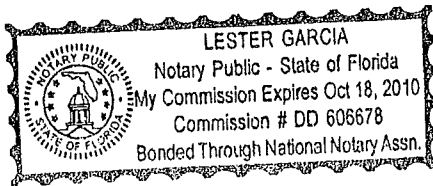
1. Respondent, My Darling LLC:

(a) has been found to be in violation of the above described code sections listed in paragraphs b.(1) and b.(2). A fine of \$250.00 per day will begin running on March 15, 2008.

The City of Dania Beach shall have and recover from Respondent, My Darling LLC, for the foregoing violations listed in paragraphs b.(1) and b.(2), a fine of \$250.00 per day beginning on March 15, 2008.

**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.**

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 27 day of FEBRUARY, 2007.




CODE COMPLIANCE SPECIAL MAGISTRATE

By: Gordon B. Linn  
Gordon Linn, Esq.

Notary Seal:

Sworn and subscribed before me this 27 day of FEBRUARY 2008.

FINAL ORDER  
#07-2287  
PAGE 3

  
\_\_\_\_\_  
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, My Darling LLC, this 27 day of FEBRUARY, 2008.

CERTIFIED MAIL #

7007 2680 0000 4987 1803

  
\_\_\_\_\_  
CODE COMPLIANCE  
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail  
lf

Return to: Patricia Varney, 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 # 07-2287  
Municipal Corporation,

PETITIONER, : FINAL ORDER

vs. :

MY DARLING LLC,

RESPONDENT. :

SUPPLEMENTAL ORDER /CLAIM OF LIEN

The CITY OF DANIA BEACH CODE COMPLIANCE SPECIAL MAGISTRATE, having received the Affidavit and testimony of Code Officer Michael Rinaldi, on the City's Motion to Confirm Fine held on May 1, 2008, and based on the evidence, the Code Compliance Special Magistrate enters the following findings of fact and order:

1. That the Code Compliance Special Magistrate did issue on February 27, 2008, a Final Order in the above-captioned case commanding the Respondent, My Darling LLC, to bring the violations specified in said Final Order into compliance on or before March 15, 2008, or pay a fine in the amount of \$250.00 per day for each day of non-compliance thereafter.
2. The violations found by the Code Compliance Special Magistrate and entered in the Final Order occurred on the following described real property situate, lying and being in Broward County, Florida, to wit: FRANCES GROVE ESTATES 26-46 B LOT 12, 13 BLK 2 (# 0136 03 0160).
3. Respondent, My Darling LLC, did not comply with the Final Order on or before the date specified therein.




4. The fine stated in the Final Order is hereby confirmed and ratified and shall accrue at the per diem rate specified until such time as the Respondent, My Darling LLC, has complied with said Final Order. Upon complying, the Respondent shall 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 29 day of MAY, 2008.

CODE COMPLIANCE SPECIAL MAGISTRATE

By:   
\_\_\_\_\_  
Mitch Kraft, Esq.

Notary Seal:

Sworn and subscribed before me this 29 day of MAY, 2008.


  
\_\_\_\_\_  
NOTARY PUBLIC STATE OF FLORIDA

Mitch Kraft 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, My Darling LLC, this 29 day of MAY, 2008.

CERTIFIED MAIL # 7008 0150 0003 4945 6402

  
\_\_\_\_\_  
CODE COMPLIANCE  
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail

If  
Return to: Patricia Varney  
Finance Director  
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

**ABATEMENT HEARING DATE: 3/15/12 6:00 pm**

**PROPERTY OWNER:** My Darling LLC

**PROPERTY FOLIO #** 0136-03-0160

On this date your case has been heard before the City Commission of the City of Dania Beach, Florida. The following decision has been made.

**CODE ENFORCEMENT ORDER(S) OR LOT MOWING LIEN(S) CASE #07-2287**

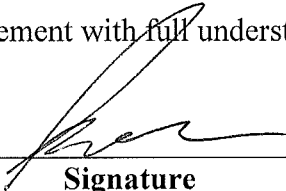
**HAS BEEN ABATED TO THE AMOUNT OF:** \$ 17,000.00

**THIS AMOUNT IS DUE WITHIN:** 90 **DAYS FROM THIS HEARING DATE ABOVE.**

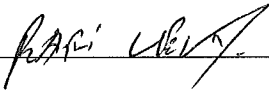
If this abated amount is not paid by this due date the Code Enforcement Order against your property will revert back to the original enforced order and you will lose the right to come before the Commission again for abatement.

I the property owner or representative signs this agreement with full understanding of the information held within.

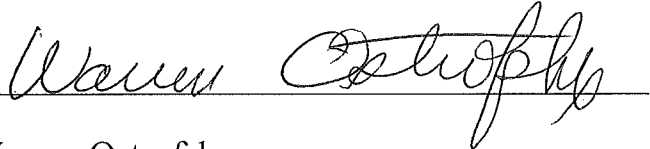
**Property Owner/Representative** \_\_\_\_\_

  
Signature

**PRINT NAME** \_\_\_\_\_



**WITNESS:** \_\_\_\_\_

  
Warren Ostrofsky

**ALL PAYMENTS MUST BE IN THE FORM OF A CASHIERS CHECK OR MONEY ORDER,  
AND MADE OUT TO THE CITY OF DANIA BEACH Attn: A/R Dept**

**Contact the Accounts Receivable Dept. for any further questions you may have**

Case Order	Case #	Name	Address	Results
1	07-0657	Golden Communications Inc	2580 SW 32 St	Extension granted until February 4, 2008. Case is complied.
2	07-0846	Dania Beach Boat Condo Assoc	90 N Bryan Rd Comm. Area	Fine confirmed. Abated to \$5,000.00 if paid within 30 days.
3	06-1447	Williams Robert Lee Est.	125 NW 10 Ct	Fine confirmed. Extension denied.
4	07-1798	Marc A Victoria	711 SW 9 St	Extension granted until February 4, 2008. Case is complied.
5	06-1630	Neville Crook	2400 SW 58 Mnr	Granted authorization to seek money judgment.
6	07-2621	British Oak Entertainment Inc	3281 Griffin Rd	Compliance by May 14, 2008 or \$100.00 per day fine.
7	07-0523	Rossemary Guzman	517 NE 2 St	Fine confirmed. Abated to \$500.00 if paid within 30 days.
8	07-1725	Mary B Nielsen	202 SE 3 Pl	Extension granted until April 14, 2008.
9	06-1618	Adrian & Gabriela Kadas	4524 SW 54 St 601 W	Fine confirmed. Abated to \$2,000.00 if paid within 30 days.
10	06-1619	Mukhtar A Waseem	4524 SW 54 St 502 W	Fine Confirmed. Abated to \$2,000.00 if paid within 30 days.
11	07-0064	Jorge M Fallad & Maria A Velez	102 N Federal Hwy	Extension granted until May 14, 2008.
12	06-1442	Joceline Vedrine	717 SW 3 Pl	Fine confirmed. Abated to \$4,000.00 if paid within 60 days.
13	07-1261	Venetian Beach LLC	4430 SW 32 Ave	Fine confirmed. Abated to \$500.00 if paid within 30 days.
14	07-0327	Kathryn Fritz	4750 SW 27 Ave	Fine confirmed. Re-abated to \$3,500.00 if paid within 60 days.
15	07-1755	Kathryn Fritz	4750 SW 27 Ave	Fine confirmed. Re-abated to \$620.00 if paid within 60 days.
16	07-0336	Judith W Williams	2933 Lakeshore Dr	Extension denied.
17	06-1444	Urzule & Nesly Bonny	713 SW 3 Pl	Fine confirmed. Abatement request sent to commission.
18	07-0271	Richard L Anderson & Mary Anderson	708 SW 8 St	Extension granted until May 14, 2008.
19	07-2663	Robert Periberg	235 NE 2 Pl	Compliance by April 14, 2008 or \$100.00 per day fine.
20	07-1503	Wendy Weeks 1/2 Int, Christopher R. Weeks	4248 SW 52 St	Extension granted until May 14, 2008.
21	07-1457	Irwin Seeman	2948 SW 54 St	Extension granted until May 14, 2008.
22	07-1307	Luis Tapia	230 NE 5 Ave	Extension granted until March 15, 2008.
23	07-1744	Linda Le Aube 1/2 Int, Richard Aube 1/4 Int. ETAL	109 SE 2 St	Extension granted until May 14, 2008.
24	07-2827	Hess Realty Corp	4155 Griffin Rd	Compliance by May 14, 2008 or \$100.00 per day fine.
25	07-1695	Tuscany Villas LLC	4702 SW 33 Ave 1&2	Extension granted until February 4, 2008. Case is complied.
26	07-1700	Villas Tuscany	4696 SW 33 Ave 5 & 6	Extension granted until February 4, 2008. Case is complied.
27	07-0195	Corene C Douglas, LL Howard 1/2 Int.	1101 NW 1 St	Fine confirmed. Abated to \$1,000.00 if paid within 60 days.
28	07-2287	My Darling LLC	4433 Stirling Rd	Compliance by March 15, 2008 or \$250.00 per day fine.

Case Order	Case #	Name	Address	Results
1	07-2287	My Darling LLC	4433 Stirling Rd	Extension request denied. Fine confirmed.
2	04-0320	Griffin Investment Realty LLC	3401 Griffin Rd	50% reduction recommended to City Commission.
3	08-0017	Griffin Investment Realty LLC	3401 Griffin Rd	Compliance by July 10, 2008 or \$150.00 per day fine.
4	07-3074	Griffin Investment Realty LLC	2980 Griffin Rd	Compliance by July 10, 2008 or \$150.00 per day fine.
5	07-1316	Michael Kane	4407 SW 37 Ave	Extension granted until July 10, 2008.
6	07-2162	Shirlelee Fisher & Charles E Fisher	75 NW 13 Ave	Extension granted until July 10, 2008.
7	08-0206	Tigertail Lake Warehouse Ltd.	2040 Tigertail Blvd	Compliance by June 10, 2008 or \$200.00 per day fine.
8	07-1714	Pamela Smith	217 NW 7 Ave	Extension granted until May 1, 2008. Case is in compliance.
9	07-2878	Tropical Paradise Resorts	2420 W State Road 84	Compliance by June 10, 2008 for the temporary signs; Compliance by September 20, 2009 for the pole sign; or \$250.00 per day fine.
10	07-1401	Johanne Lefebvre	1401 SW 3 Ave	Extension granted until August 9, 2008.
11	07-2481	Sharon Nielsen	4326 SW 48 Ct	Extension request denied. Fine confirmed.
12	07-2398	Walter Moreano, Miriam Mejia 1/2 Int. Ea.	332 SW 1 Ave	Compliance by August 9, 2008 or \$100.00 per day fine.
13	07-2703	Michael C Meadows	5200 SW 27 Ter	Compliance by September 8, 2008 or \$100.00 per day fine.
14	07-2374	Salvatore Verrilli	2890 Griffin Rd 1&2	Extension granted until August 9, 2008.
15	07-3051	Paul Sazanow Trstee, Paul Sazanow Rev. TR.	3271 SW 44 St	Compliance by August 9, 2008 or \$100.00 per day fine.
16	07-2937	Susan M Hansford	206 SW 3 St	Compliance by August 9, 2008 or \$100.00 per day fine.
17	07-2618	Alimudin Saffie	4381 SW 54 Ct	Vacate previous Final Order. Compliance by August 9, 2008 or \$200.00 per day fine.
18	07-2587	Douglas Hammond	3001 SW 45 St	Extension granted until July 10, 2008.
19	06-1706	Robert M Uhrrie	4661 SW 42 Ave	Authorization to foreclosure granted. Hold on filing per City Attorney.
20	07-2947	Elizabeth Gonzalez	3730 SW 47 Ct	Compliance by July 10, 2008 or \$150.00 per day fine.
21	07-0361	Robert E Rock	225 SW 15 St	Fine confirmed.
22	07-2399	Bruno J & Iris Morin	362 SW 1 Ave	Compliance by July 10, 2008 or \$100.00 per day fine.
23	07-2929	Stirling Industrial Park % Alan Levy	1300 Stirling Rd	Compliance by July 10, 2008 or \$250.00 per day fine.
24	07-2899	Stirling Industrial Park % Alan Levy	1300 Stirling Rd	Compliance by July 10, 2008 or \$250.00 per day fine.
25	07-1752	Sunshine Ocean Surf Inc	Vacant lot E of 4540 SW 27 Ave Lot C	Fine confirmed. City authorized to abate nuisances within 15 days, in the interest of public health and safety, if not done by the property owner.
26	07-1753	Sunshine Ocean Surf Inc	Vacant lot E of 4540 SW 27 Ave Lot B	Fine confirmed. City authorized to abate nuisances within 15 days, in the interest of public health and safety, if not done by the property owner.
27	07-2989	Clive Forrest & Gertrude Forrest	4813 SW 44 Ter	Compliance by June 10, 2008 or \$200.00 per day fine.
28	08-0178	A & J Subachan Invest Inc	380 S Federal Hwy	Compliance by July 10, 2008 or \$150.00 per day fine.
29	07-3016	Gaston Lemaire & Jeanne Verret Lemaire	201 SE 5 St	Compliance by July 10, 2008 or \$100.00 per day fine.

Case Order	Case #	Name	Address	Results
1	07-1997	Livio Basso & Claudette Dionne-Basso	2855 SW 58 St	Abatement of \$2,500.00 recommended to City Commission. P
2	08-1006	Dania Beach Hotel LLP	180 E Dania Beach Blvd	Abatement of \$35,000.00 recommended to City Commission. P
3	08-0563	Ronjean Corporation	475 W Dania Beach Blvd	Extension granted until February 12, 2009. P
4	08-1178	Donald E Johnson Trustee % Lisa K Hermann	217 NW 4 Ave	Extension granted until March 14, 2009. P
5	07-1370	Henry Bowe Jr	4717 SW 35 Ave	Abatement of \$10,000.00 recommended to City Commission. P
6	08-0049	Haralambides Properties LLLP De Rosa Paula ETAL	215 SW 12 St	Fine confirmed. P
7	06-1234	Stanley Warren Rev Tr 45% Int F Zorovich 45%, C Gilliam 10%	1921 Stirling Rd	Continued to the hearing presided over by Magistrate Mitch Kraft on March 5, 2009. P
8	07-0902	Stanley Warren Rev Tr 45% Int F Zorovich 45%, C Gilliam 10%	1921 Stirling Rd	Continued to the hearing presided over by Magistrate Mitch Kraft on March 5, 2009. P
9	08-1277	Oak Hills Condominium Inc	5150 SW 40 Ave	Compliance by January 13, 2009 or \$100.00 per day fine. P
10	08-0421	Michael E Endres	500 NE 2 St 120	Fine confirmed at \$19,350.00. Reduced to \$750.00 if paid by January 4, 2009. P
11	07-1503	Wendy Weeks 1/2 Int Christopher R Weeks	4248 SW 52 St	Extension granted until March 14, 2009. P
12	07-2088	Thomas & Rosemarie Neuman	402 Phippen Rd Bldg	Fine confirmed at \$36,300.00. Reduced to \$3,500.00 if paid by March 4, 2009. P
13	08-1215	Patricia J Halstead	4730 SW 42 Terr	Compliance by April 13, 2009 or \$150.00 per day fine. P
14	08-0923	N & D Holdings Inc	3325 Griffin Rd	Compliance by March 14, 2009 or \$100.00 per day fine. P
15	06-1676	Joseph Warren Homer IV	4610 SW 26 Terr	Extension granted until January 13, 2009. P
16	08-1649	Anne Hubbard Everson Rev Liv Tr	2775 SW 54 St	Compliance by April 13, 2009 or \$150.00 per day fine. P
17	07-2956	Banias Realty	3891 Stirling Rd	Fine confirmed at \$21,000.00. Reduced to \$15,750.00 if paid by March 4, 2009. P
18	07-2287	My Darling LLC	4433 Stirling Rd	Continued to January 8, 2009 hearing. P
19	07-1794	Carlos Jimeno & Keith Thompson	53 SE 11 St	Extension granted until December 4, 2008. Case is in compliance. P
20	08-0704	Clyde & Victoria Nanan	602 NW 1 St	Extension granted until February 12, 2009. P
21	07-2040	Wayne V Boyce	305 SW 14 St	Fine confirmed at \$23,250.00. Reduced to \$2,500.00 if paid by January 4, 2009. P
22	07-1960	Charles Metis & Pierre Mertus, Evelyn Charles	224 SW 13 St	Authorization to foreclose deferred. Fine confirmed at \$54,000.00. Abatement of \$27,000.00 recommended to City Commission. P
23	08-0538	Jean & Raymond Funeus & Jeannine Funeus	4173 SW 51 St A	Compliance by April 13, 2009 or \$100.00 per day fine. P
24	07-2709	Frank & Elisa Alberghina	3990 SW 51 Street	Fine confirmed at \$39,200.00. Reduced to \$3,290.00 if paid by February 4, 2009. P
25	08-1471	William & Yasmin Mcintosh	330 Phippen Road	Compliance by April 13, 2009 or \$125.00 per day fine. P
26	07-2558	Ellen Bithel & Linda J Simon	1461 NW 10 St	Extension granted until March 14, 2009. P
27	08-0150	Allied Mortgage & Financial Corp	850 NW 3 Terr	Extension granted until February 12, 2009. P
28	07-2225	Daniel A & Marlen Manter & Danny S Maitten	118-120 SE 2 Ave	Final Order review motion dismissed and challenge of compliance denied. P
29	08-0355	Renee M Liber 1/2 Int, Orlando E Bueno	702 NW 7 St	Extension granted until February 12, 2009. P
30	08-0376	Jorge Rodriguez	278 SW 9 St	Fine confirmed at \$5,000.00. Reduced to \$500.00 if paid by January 4, 2009. P
31	07-2587	Douglas Hammond	3001 SW 45 St	Fine confirmed. P
32	08-1170	Juan Bonilla 1/2 Int, Danilo Mina & Myriam Bonilla	4850 SW 28 Terr	Compliance by February 12, 2009 or \$100.00 per day fine. P
33	08-0657	MORS Properties LLC	128 SW 1 St	Extension granted until January 13, 2009. P

Case Order	Case #	Name	Address	Results
1	08-0782	JP Morgan Chase Bank % Homecomings Financial LLC	716 SW 9 St	Fine confirmed. P
2	08-0023	Miami Showmens Assn	3391 Griffin Rd	Fine confirmed. Reduced to \$750.00 if paid by February 7, 2009. P
3	07-2287	My Darling LLC	4433 Stirling Rd	Abatement of \$28,000.00 recommended to City Commission. P
4	08-1846	Julianne Gorham	5588 SW 28 Terr	Compliance by March 19, 2009 or \$100.00 per day fine. P
5	07-0937	Ruth Mae Wells & Roosevelt Wells	21 NW 6 Ave	Authorization to foreclose granted. P
6	08-0580	Benna Bell	744 SW 5 St	Fine confirmed. Reduced to \$2,500.00 if paid by March 19, 2009. P
7	08-1082	R O Powell & J S Powell Jr	760 Taylor Rd	Compliance by April 18, 2009 or \$250.00 per day fine. P
8	08-0866	18 Realty LLC	1419 S Federal Hwy	Fine confirmed. Reduced to \$1,500.00 if paid by March 19, 2009. P
9	07-0765	Mark Calzaretta	2661 SW 54 Pl	Authorization to sue for money judgment granted. P
10	06-1802	Shamsideen Obafemi Laguda	715 SW 6 St #1	Abatement of \$45,000.00 recommended to City Commission. P
11	07-2270	Violet R Kaminski	4510 SW 43 Ave	Fine confirmed. P
12	08-0719	Samuel Weiss	128 SW 2 Ave	Charge # 2 is dismissed without prejudice. Compliance by March 19, 2009 or \$200.00 per day fine. P
13	08-0769	Samuel Weiss	130 SW 3 Ave	Compliance by March 19, 2009 or \$100.00 per day fine. P
14	07-1501	Michael J Garramone	42 SW 16 St	Payment extension granted to March 19, 2009. P
15	08-0630	Bernard Bloechinger	3260 SW 44 St	Extension granted until April 18, 2009. P
16	07-2481	Sharon Nielsen	4326 SW 48 Ct	Fine confirmed. Reduced to \$1000.00 if paid by April 18, 2009. P
17	08-0952	Larry J Black	213-215 NW 7 Ave	Extension granted until February 17, 2009. P
18	08-1559	Ginny Lee Benton	5740 SW 40 Ave	Compliance by March 19, 2009 or \$125.00 per day fine. P
19	08-1562	Ginny Lee Benton	5740 SW 40 Ave	Compliance by March 19, 2009 or \$75.00 per day fine. P
20	08-0216	Richard Dwyer	4621 SW 42 Terr	Extension granted until January 8, 2009. Case is in compliance. P
21	07-1883	Bank of New York Co, J P Morgan	35 SE 13 Terr	Fine confirmed. NP
22	07-0118	Chase Bank	501 SW 4 Ave	Extension granted until April 18, 2009. NP
23	07-0808	Dania Lions Club	1303 SW 2 Ave	Fine confirmed. NP
24	08-1392	Charles R Rhodes	131 SE 2 Ave	Extension granted until March 19, 2009. NP
25	08-1880	Andrew Osswald	231 SW 15 St	Extension granted until February 17, 2009. NP
26	08-2023	Wells Fargo Bank NA	716 SW 6 St	Compliance by January 28, 2009 or \$200.00 per day fine. Authorization to abate nuisances granted after 20 days in the interest of public health and safety. NP
27	08-0492	Maria I Monteagudo	710 SW 3 Pl	Compliance by January 28, 2009 or \$200.00 per day fine. Authorization to abate nuisances granted after 20 days in the interest of public health and safety. NP
28	08-0783	Racheish C Boota	5131 SW 26 Ave	Fine confirmed. NP
29	08-0787	US Bank National Assn Trustee % Home Serv Corp.	5201 SW 27 Terr	Abatement request denied. NP
30	07-2835	Aurora Ramentol	248 SW 15 St	Fine confirmed. NP
31	08-0383	Jeremy Goldstein	Vac Lot E of 3730 SW 47 Ct	Fine confirmed. NP
32	08-0656	Ramon & Vivian P Garcia	2209 Mariner Ct 25	Authorization to abate nuisances granted after 20 days in the interest of public health and safety. NP
		Merav Alfia		Fine confirmed. NP
				Fine confirmed. Reduced to \$500.00 if paid by February 17, 2009. NP

Case Order	Case #	Name	Address	Results	
1	10-1363	Ronald R Rogowski	4649 SW 35 Ave	Payment extension granted to March 13, 2012.	P
2	11-1807	Roberto & Ana Aguilera	274 SW 7 St	Compliance by March 13, 2012 or \$150.00 per day fine. \$125.00 administrative fee assessed.	P
3	10-1019	Federal National Mortgage Assn c/o Flagstar Bank FSB	2630 SW 49 Ct	Authorization to foreclose granted. Hold for 90 days on filing the complaint.	P
4	11-1715	Danny Botton	4408 SW 34 Ter	Compliance by May 12, 2012 or 150.00 per day fine. \$125.00 administrative fee assessed.	P
5	07-2287	My Darling LLC	4433 Stirling Rd	Authorization to foreclose granted. Hold for 90 days on filing the complaint.	P
6	11-1776	Yacht Club At Treasure Cove HOA Inc	Comm area W of 4448 SW 27 Ave	Hold for 90 days on filing the complaint.	P
7	10-1142	800 Marine Technical Center Inc PPF Industrial 2201-2381 LTD	800 Old Griffin Rd	Respondent's motion dismissed, & City's motion approved.	P
8	10-1758	Stirling Road LLC	2301 Stirling Rd	Extension granted to March 13, 2012.	P
9	11-0541	Stamfika Glarentzos	18-22 SW 11 St	Extension granted to March 13, 2012.	P
10	11-0142	Etienne Coulombe Sylvie Trudeau	841 NW 9 Ave	Compliance by May 12, 2012 or 150.00 per day fine. \$125.00 administrative fee assessed.	P
11	11-1790	KOBI Properties LLC	1477 NW 10 St	Compliance by May 12, 2012 or 150.00 per day fine. \$125.00 administrative fee assessed.	P
12	09-0148	Jason T Capozziello	2320 Anchor Ct #2801	Authorization to foreclose granted. Hold for 90 days on filing the complaint. Abatement recommended to the City Commission of \$1,500.00.	P
13	10-0541	Joseph Thomas	2921 SW 46 Ct	Authorization to foreclose granted.	P
14	10-1842	Marco F Osorio	127 SE 1 Ave	Fine confirmed. Hold for 40 days on recording of the lien.	P
15	11-1591	Richard E Amann	Vac lot N of 4541 SW 26 Ave	Compliance by May 12, 2012 or \$100.00 per day fine. \$100.00 administrative fee assessed.	P
16	07-1976	Haralambieis Properties LLLP	215 SW 12 St	Authorization to foreclose granted. Hold for 90 days on filing the complaint. Abatement recommended to the City Commission of \$22,612.50.	P
17	07-1978	Haralambieis Properties LLLP	209 SW 12 St	Authorization to foreclose granted. Hold for 90 days on filing the complaint. Abatement recommended to the City Commission of \$22,612.50.	P
18	10-0756	Kenneth & Edith Crews	32 SE 4 St	Authorization for money judgment granted. Authorization to abate the nuisances by cutting the overgrowth and cleaning the trash and debris on the right of way and removing any obstructions to the sidewalk after February 22, 2012 granted in the interest of public health and safety.	NP
19	10-0933	Georgios Vinos	242 SW 7 St	Authorization to foreclose granted.	NP
20	09-0688	Edward F Gonzalez	219 SW 11 St	Authorization to foreclose granted.	NP
21	07-1457	Inwin Seeman	2948 SW 54 St	Authorization to foreclose granted.	NP
22	10-0708	David Brian Earl	2460 SW 50 St	Authorization to foreclose granted.	NP
23	11-1007	Hector & Tina Rodiruguez	2723 Griffin Rd	Extension granted to March 13, 2012.	NP
24	11-1012	Lloyd Orellano	2788 SW 47 St	Fine confirmed.	NP
25	11-1739	Frederick A Fulchino	2320 SW 51 Pl	Compliance by April 12, 2012 or \$200.00 per day fine. \$125.00 administrative fee assessed.	NP
26	11-1784	2974 Griffin Road LLC	2974 Griffin Rd	Case is compiled.	NP
27	09-0996	Randall A Suhr	309 NE 2 Ave	Authorization for money judgment granted.	NP
28	10-0643	Money-Line Mortgage LLC	215 NW 4 Ave	Authorization to foreclose granted.	NP
29	10-0796	Michelle B & Darryl Wilcox	141 NW 4 Ave	Authorization to foreclose granted.	NP
30	10-1054	Nelson Wu	54 SW 16 St	Extension granted to April 12, 2012. Final extension.	NP

Commissioner Anton noted that the issue with absentee landlords is that the neighbors are the ones suffering the problems with the properties that are not properly maintained.

Mr. Lupo advised that the applicant has two other cases that will appear before the Commission when they come into compliance.

**Commissioner Anton motioned to abate the lien to \$4,500.00, as recommended by the Special Magistrate, to be paid in 60 days; seconded by Vice-Mayor McElyea. The motion carried on the following 2-1 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
		<b>Mayor Castro</b>	<b>No</b>

*Item #3.12 was heard before Item #3.1*

3.12 Case #09-0877 Consideration of the Abatement Request for: Indira Maharaj, 2227 Clipper Place 5107

Attorney Tim Ryan noted this case involved one violation for failure to obtain a business tax receipt for a rental property. The fine ran for 114 days for a total of \$17,100.00. The Special Magistrate recommended an abatement of \$1,710.00.

Chrystal Freed, Attorney for property owner, noted that Ms. Maharaj resides in Trinidad and Tobago and only comes to the United States every quarter. She further explained that Ms. Maharaj had a personal tragedy which caused her to be under extreme depression. Attorney Freed asked that the recommendation of the Special Magistrate be ratified by the Commission.

**Commissioner Anton motioned to abate the lien to \$1,710.00, as recommended by the Special Magistrate, to be paid in 30 days; seconded by Vice-Mayor McElyea. The motion carried on the following 3-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
		<b>Mayor Castro</b>	<b>Yes</b>

*Item #3.13 was heard after Item #3.11*

\*3.13 Case #07-2287 Consideration of the Abatement Request for: My Darling LLC, 4433 Stirling Rd – *Continued from January 21, 2010*

Attorney Tim Ryan noted this case is for 2 violations of operating a business without an occupational license and operating a restaurant with outdoor seating, which is a prohibited use. The fine ran for 227 days for a total of \$56,891.00, including recording fees. The Special Magistrate recommended abatement to \$28,000.00.

Nick Lupo, Code Compliance Manager, noted this is the 7<sup>th</sup> request for continuance of this case. He indicated that he understands they are trying to sell the property and let the new owner deal



with the fine. Mr. Lupo asked the Commission to uphold the \$28,000.00 recommended by the Special Magistrate.

Attorney Ryan advised that, once the Commission has made a decision on this case, staff should send a letter to the property owner and their counsel with the information.

**Commissioner Anton motioned to abate the lien to \$28,000.00, as recommended by the Special Magistrate, to be paid in 60 days, or it reverts back to the original amount; seconded by Vice-Mayor McElyea. The motion carried on the following 3-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
		<b>Mayor Castro</b>	<b>Yes</b>

3.14 Case #09-0121 Consideration of the Abatement Request for: Daniel Gelfand, 2235 Clipper Place 5109

Attorney Tim Ryan noted that this case was mainly to discuss the policy with respect to certain properties in foreclosure where the City could lose any of the liens in the proceedings. He advised that it involved 4 violations: trash and litter on the premises and the adjoining rights-of-way; and operating a business on the property without a business tax receipt. The fine ran for 223 days for a total of \$22,300.00. Attorney Ryan indicated that this is a motion to accept a \$1,500.00 settlement offer received by the City during a short sale transaction.

Commissioner Anton noted that the City's main purpose is to bring the properties into compliance. He said that a short sale is good for the City because it will bring people to occupy a previously vacant property. Commissioner Anton would like for staff to try to negotiate at least the City's cost involved in this type of case.

Mayor Castro suggested a committee be created to include Code Compliance, our Code Attorney, the City Manager and/or City Attorney, so they can make an administrative decision and report back to the Commission at the next Abatement Hearing. She remarked that we are looking for property improvement and homeownership.

Mr. Lupo noted that the City's cost in this case was \$750.00 and the bank offered \$1,500.00. He confirmed with the Commission that this policy would apply to both residential and commercial properties.

**Commissioner Anton motioned to move forward with staff recommendation to accept the \$1,500.00 settlement offer; seconded by Vice-Mayor McElyea. The motion carried unanimously.**

#### 4. Adjournment

Mayor Castro adjourned the meeting at 7:27 p.m.

MINUTES OF MEETING  
DANIA BEACH CITY COMMISSION  
ABATEMENT HEARING  
✂ THURSDAY, MARCH 15, 2012 – 6:00 P.M.

1. Call to Order

Mayor Flury called the meeting to order at 6:03 p.m.

2. Roll Call

Present:

Mayor:	Patricia A. Flury
Vice-Mayor:	C. K. "Mac" McElyea
Commissioner:	Anne Castro
City Manager:	Robert Baldwin
City Attorney:	Thomas J. Ansbro
City Clerk:	Louise Stilson
Code Attorney:	Tim Ryan

Absent:

Commissioners:	Walter Duke
	Bobbie H. Grace

3. Abatement Requests

- ✂ 3.1 Reconsideration of the abatement request for My Darling LLC for property located at 4433 Stirling Road (aka SW 60 Street), Case #07-2287 (Folio #0136-03-0160)

**Vice-Mayor McElyea motioned to reconsider the abatement request; seconded by Commissioner Castro. The motion carried unanimously.**

Attorney Ryan noted at the March 18, 2010 Abatement hearing, the City Commission abated the lien to \$28,000.00, payable in 60 days, or the fine would revert back to the original amount of \$56,891.00. On February 2, 2012, the Special Magistrate authorized foreclosure, with a hold of 90 days to allow the respondent to seek reconsideration of the abatement request from the City Commission, with the same recommendation previously made.

**Vice-Mayor McElyea motioned to abate the lien to \$28,000.00, as recommended by the Special Magistrate, seconded by Commissioner Castro.**

**Commissioner Castro amended the motion to \$17,000.00, to be paid in 90 days; seconded by Vice-Mayor McElyea. The motion carried on the following 3-0 Roll Call vote:**

<b>Commissioner Castro</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
		<b>Mayor Flury</b>	<b>Yes</b>

3.2 Consideration of the abatement request for Haralambides Properties LLLP & Hermitage Partners LLC for property located at 215 SW 12 Street, Case #07-1976 (Folio #1203-11-0010)

Attorney Ryan noted cases #3.2 and #3.3 involved violations for damaged or deteriorated windows and doors; fence in disrepair; building exterior is deteriorated and needs to be painted; vehicles parked on non-approved surfaces; trash, litter, and untended vegetation on the premises and adjoining rights-of-way; property used for rental purposes without an occupational license; and a structure on the property was altered without building and zoning approval or permits. The fine on the first case ran for 603 days for a total of \$90,608.00, including a \$158.00 recording fee. The Special Magistrate recommended an abatement of \$22,612.50. The second case also ran for 603 days for a total of \$90,608.00, including a \$158.00 recording fee. The Special Magistrate also recommended an abatement of \$22,612.50 for the second case.

**Commissioner Castro motioned to abate the lien to \$12,000.00, to be paid in 6 months; seconded by Vice-Mayor McElyea. The motion carried on the following 3-0 Roll Call vote:**

<b>Commissioner Castro</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
		<b>Mayor Flury</b>	<b>Yes</b>

3.3 Consideration of the abatement request for Haralambides Properties LLLP & Hermitage Partners LLC for property located at 209 SW 12 Street, Case #07-1976 (Folio #1203-10-2500)

**Commissioner Castro motioned to abate the lien to \$7,000.00, to be paid in 6 months; seconded by Vice-Mayor McElyea. The motion carried on the following 3-0 Roll Call vote:**

<b>Commissioner Castro</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
		<b>Mayor Flury</b>	<b>Yes</b>

3.4 Consideration of the abatement request for Jason T. Capozziello & Scott Kistner, Etal, for property located at 2320 Anchor Court #2801, Case #09-0148 (Folio #0232-AB-1910)

Attorney Ryan noted this case is for a violation of renting property without a business tax receipt. The fine ran for 99 days for a total of \$10,162.50, including a recording fee of \$262.50. The Special Magistrate recommended an abatement of \$1,500.00.

**Commissioner Castro motioned to abate the lien to \$1,500.00, as recommended by the Special Magistrate, to be paid in 6 months; seconded by Vice-Mayor McElyea. The motion carried on the following 3-0 Roll Call vote:**

# City of Dania Beach

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

**OWNER:** MY DARLING LLC  
**FOLIO:** 0136-03-0160  
**LEGAL:** FRANCES GROVE ESTATES 26-46 B LOT 12,13 BLK 2  
**ADDRESS:** 4433 SW 60 STREET

## CODE ENFORCEMENT ORDER LIEN CEB 07-2287

Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	RECORDED		RELEASED		
						BOOK	PAGE	BOOK	PAGE	DATE
3/15/2008	10/28/2008	\$250.00	227	\$56,750.00	\$141.00	45794	471-476			11/5/2008
					Total					
					\$56,891.00					

REVISED 3/5/2012

### 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
			<b>141.00</b>