

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: March 5, 2014

Agenda Item #:

Title: Request for Abatement

Requested Action:

Consideration of the Abatement Request for: Eytan Malka, 5170 SW 40 Ave, #29-E,
Case # 2013-0054

Summary Explanation & Background:

This was originally cited on 1/18/13 for 1 violation. This went to the Special Magistrate on 6/6/13 for 1 violation. The Special Magistrate issued an order giving the respondent until 6/26/13 to comply or a fine of \$200.00 per day would be levied. At the 10/3/13 hearing the Special Magistrate confirmed the fine as a lien. The property was brought into compliance on 9/10/13. The fines ran from 6/26/13 through 9/10/13, 76 days @ \$200.00 per day = \$15,200.00 plus recording/admin fees of \$279.00 totaling \$15,479.00. At the 1/9/14 hearing, Special Magistrate Mark Berman recommended an abatement of the fine to \$5,000.00 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 6/6/13, 10/3/13, and 1/9/14 hearings
- (4) Copy of the lien total sheet.

Purchasing Approval:

Source of Additional Information: (Name & Phone)

Recommended for Approval By:

At the 1/9/14 hearing, Special Magistrate Mark Berman recommended an abatement of the fine to \$5,000.00 to the City Commission.

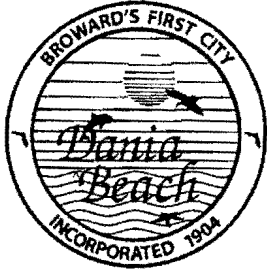
Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk



City of Dania Beach

Florida

Notice of Violation

1/18/2013

Eytan Malka
5170 SW 40 AVE, #29E
Dania Beach, Fl 33314

Case Number: 2013-00000054
Location: 5170 SW 40 AVE 29-E
Folio: 5042-31-AD-0180
Legal Description: See Attached Detail

Dear Eytan Malka:

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 action(s) for your reference.

You are required to correct the violation(s) and call for a re-inspection by 02/21/2013. 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,

Barbara Urow
Code Inspector

I certify that an original hereof was furnished to the above named addressee by:
Certified Mail # 7012 1010 0002 9793 2150 by JC

Also sent regular mail

"Broward's First City"

100 West Dania Beach Boulevard, Dania Beach, Florida 33004 * Phone: 954-924-6800 * www.daniabeachfl.gov

LEGAL DESCRIPTION DETAIL

OAK HILLS 4 CONDO UNIT 29E

VIOLATION DETAIL

Violation Description	Code Text	Corrective Action
CE105001000001 - 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).	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).

DETAILED INSPECTION REPORT

DATE : 1/11/13
CASE # : 2013-0054
FOLIO # : 5042 31 AD 0180
ADDRESS : 5170 SW 40 Ave #29E, Dania Beach
OWNER : Eytan Malka
Permits required: Electrical, structural, mechanical, and plumbing permits required for renovations made to condominium including the master bathroom, hall bathroom, A/C vent in hallway, pass thru openings created in kitchen. Obtain permits for all work done, pass inspections including final inspections in order to comply violation.

CODE COMPLIANCE SPECIAL MAGISTRATE

CITY OF DANIA BEACH, FLORIDA

CITY OF DANIA BEACH, a Florida : CASE # 2013-0054
Municipal Corporation,

PETITIONER, :

vs. :

EYTAN MALKA

RESPONDENT. :

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

This proceeding came on for Formal Hearing on June 6, 2013, 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, Eytan Malka, did allow the following code violations to exist at property Respondent owns, located at 5170 Southwest 40 Avenue 29E, Dania Beach, Florida, which property is legally described as: OAK HILLS 4 CONDO UNIT 29E: (0231 AD 0180).

1. FBC 105.1 Permits Required. 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, or to cause any such work to be done, to first make application to the building department and obtain the required permit(s). There was electrical, structural, mechanical, and plumbing work done throughout the apartment including, but not limited to, the master bathroom, hall bathroom, bedroom, hallway, and kitchen without permits.

Upon consideration thereof, it is thereupon ORDERED:

1. Respondent, Eytan Malka:

(a) has been found to be in violation of the above described code sections listed in paragraph b.(1) and a fine of \$200.00 per day will begin running on June 26, 2013 for the violations.

(b) In addition, there is also assessed \$125.00 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.

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 17 day of June 2013.

CODE COMPLIANCE SPECIAL MAGISTRATE

By: 

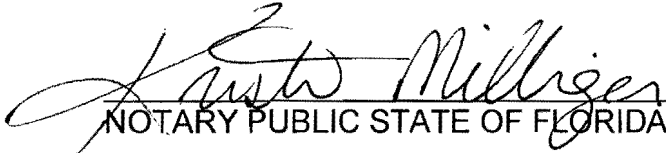
Mark Berman, Esq.

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

FINAL ORDER
2013-0054
PAGE 3

Notary Seal:

Sworn and subscribed before me this
17 day of June 2013.


NOTARY PUBLIC STATE OF FLORIDA

Mark Berman is personally known to me.



CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Final Order was mailed to the Respondent, Eytan Malka, this 17 day of June 2013.

CERTIFIED MAIL # 7012 1010 0002 9794 0490


CODE COMPLIANCE
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail

km

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 Municipal Corporation, :

CASE # 2013-0054

PETITIONER, :

vs. :

EYTAN MALKA,

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 October 3, 2013, 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 June 17, 2013, a Final Order in the above-captioned case commanding the Respondent, Eytan Malka, to bring the violation specified in paragraph b.(1) of said Final Order into compliance on or before June 26, 2013, or pay a fine in the amount of \$200.00 per day for each day of non-compliance thereafter.
2. The violation found by the Code Compliance Special Magistrate and stated in the Final Order occurred on the subject property located at 5170 SW 40 Avenue 29E, Dania Beach, Florida and legally described as: OAK HILLS 4 CONDO UNIT 29E: (0231 AD 0180).
3. Respondent, Eytan Malka, did not comply with the Final Order on or before June 26, 2013. The violation stated in the Final Order was complied on September 10, 2013.
4. The fine imposed in the Final Order rendered June 17, 2013 is hereby confirmed and ratified and accrued at \$200.00 per day from June 26, 2013, until September 10, 2013.
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.

Supplemental Order/Claim of Lien
2013-0054
Page 2

DONE and ORDERED at Dania Beach, Broward County, Florida, this 8 day
of October, 2013.

CODE COMPLIANCE SPECIAL MAGISTRATE

By: 

Mark E. Berman, Esq.

Notary Seal:

Sworn and subscribed before me this
8 day of October, 2013.

NOTARY PUBLIC-STATE OF FLORIDA
Lori A. Wygladalski
Commission # EE023386
Expires: SEP. 06, 2014
BONDED THRU ATLANTIC BONDING CO., INC.



NOTARY PUBLIC STATE OF FLORIDA

Mark E. Berman 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, Eytan Malka, this 8 day of October, 2013.

CERTIFIED MAIL # 702 1010 0002 5510 0584


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	
1	2012-0713	Ronald J Fleenor	735 SW 5 ST	Extension granted until August 15, 2013.	P
2	11-1805	Palm Beach Polo Holdings Inc	750 NE 7 AVE	Fine reduced to \$4,200.00 if paid by July 6, 2013.	P
3	11-1749	Fox & Mysin Investments LLC c/o Eduard Gertsenzon Marina Gertsenzon	215 NW 4 AVE	Authorization to foreclose granted. Hold on filing until August 5, 2013.	P
4	12-0027	Edward Gonzalez	245 NW 6 AVE	Extension granted until August 15, 2013.	P
5	2012-1103	Dania Beach House LLC	37 SW 14 ST	Extension granted until August 15, 2013.	P
6	2013-0346	Rodolfo Solorzano	1303 SW 2 AVE	Compliance by August 15, 2013 or \$150.00 per day fine. \$125.00 administrative fee assessed.	P
7	2012-1151	Rodolfo Solorzano	1303 SW 2 AVE	Fine confirmed. Fine reduced to \$300.00 if paid by July 6, 2013.	P
8	12-0159	Alfred Corneallus Beason	4407 SW 25 TER	Fine confirmed.	P
9	2013-0438	Stella Ann Brayton	238 SW 6 ST	Compliance by June 26, 2013 or \$250.00 per day fine. \$125.00 administrative fee assessed.	P
10	2013-0064	Plaza Grand Inc	430 S Federal HWY	Recurring violation found. Case is now complied. Finding of fact issued, and \$100.00 administrative fee assessed.	P
11	10-1054	Nelson Wu	54 SW 16 ST	Authorization to foreclose granted. Abatement recommended to the City Commission for \$3,000.00.	P
12	2013-0301	Guy Cohen	2180 SW 47 ST	Compliance by August 15, 2013 or \$200.00 per day fine. \$125.00 administrative fee assessed.	P
13	2013-0054	*Eytan Malka	5170 SW 40 AVE 29E	Compliance by June 26, 2013 or \$200.00 per day fine. \$125.00 administrative fee assessed.	P
14	2013-0255	Jules Nadeau	2740 SW 53 ST	Compliance by August 15, 2013 or \$150.00 per day fine. \$75.00 administrative fee assessed.	P
15	2012-1068	Wilson Reynoso	4637 SW 24 AVE	Compliance by July 16, 2013 or \$150.00 per day fine. \$100.00 administrative fee assessed.	P
16	2012-1024	Hector L Cortes, C A Cortes Luis F Perez, E Perez	2730 Griffin RD	Compliance by June 26, 2013 or \$100.00 per day fine. \$75.00 administrative fee assessed.	P
17	10-1842	Marco F Osorio	127 SE 1 AVE	Continued to August 1, 2013 Special Magistrate Hearing.	P
18	2012-0985	Joseph Dobson Dorothea B Dobson Tr	231 SW 9 ST	Fine confirmed.	NP
19	2012-1114	Stella Ann Brayton	238 SW 6 ST	Compliance by July 16, 2013 or \$150.00 per day fine. \$125.00 administrative fee assessed.	NP
20	2012-1077	Shay Sasson	Vac Lot W of 2500 SW 55 ST	Fine confirmed.	NP
21	2012-1078	Sagit Asulin H/E Shay Sasson	2500 SW 55 ST	Fine confirmed.	NP
22	2013-0420	Itzhak Bak	348 S Federal HWY 27	Stipulated agreement. Compliance by July 16, 2013 or \$250.00 one time assessment. \$50.00 administrative fee assessed.	NP
23	2012-1090	TS Property Management	Vac Lot @ NW Corner of NW 4 AVE & NW 2 ST	Fine confirmed.	NP
24	2012-1092	TS Property Management	Vac Lot @ NE Corner of NW 5 AVE & NW 2 ST	Fine confirmed.	NP
25	2012-1102	SFR 2012-1 Florida LLC	724 SW 6 ST	Fine confirmed.	NP
28	12-0105	Wilbur Fernander	112 SW 7 AVE	Fine confirmed.	NP

City of Dania Beach

Case Order	Case #	Name	Address	Results	
1	2012-1103	Dania Beach House LLC	37 SW 14 ST	Extension granted to November 12, 2013.	P
2	2013-0054	*Eytan Malka	5170 SW 40 AVE, 29-E	Fine confirmed. In compliance, hold recording lien until November 2, 2013	P
3	2013-0438	Stella Ann Brayton	238 SW 6 ST	Fine confirmed. Hold recording lien until October 23, 2013. Authorization to abate the nuisances by removing the dead tree after October 23, 2013.	P
4	2013-0159	Bobby Kenton Brown Jr	214 SW 4 ST	Extension granted to August 22, 2013. Case is complied	P
5	2013-1058	South Florida Haitian Evangelical Baptist Church Inc	23 NW 1 ST	Compliance by December 12, 2013 or a \$100.00 per day fine. \$75.00 administrative fee assessed.	P
6	2012-1085	IELC Land Tr	222 N Federal HWY	Fine confirmed. Hold recording lien until December 12, 2013	P
7	2012-1070	Blanchie Johnson EST	33 SW 6 AVE	Fine confirmed.	P
8	2013-0346	Rodolfo Solorzano	1303 SW 2 AVE	Extension granted to December 12, 2013	P
9	2012-1152	18 Realty LLC	1419 S Federal HWY	Fine confirmed	P
10	2012-1043	The Palms at Dania Beach Condominium Association Inc.	3265 Griffin RD	Extension granted to December 12, 2013	P
11	2013-0053	Dania Beach Boat Club Condominium Association Inc.	90 N Bryan RD - Common Area	Fine confirmed	NP
12	2013-0700	Clarice Taylor EST	41 SW 6 AVE	Compliance by November 12, 2013 or \$150.00 per day fine. Authorization to abate the nuisances by cleaning the trash and debris and cutting the overgrowth after November 12, 2013 granted in the interest of public health and safety . \$100.00 administrative fee assessed.	NP
13	2013-1050	Richard L Anderson & Mary Anderson	708 SW 8 ST	Compliance by October 23, 2013 or a \$250.00 one time assessment. \$50.00 administrative fee assessed.	NP
14	2013-1077	SRP Sub LLC	813 NW 9 AVE	Compliance by October 23, 2013 or a \$150.00 per day fine. \$150.00 administrative fee assessed.	NP
15	2013-1132	Wells Fargo Bank NA Trstee	809 NW 13 Ave	Compliance by November 12, 2013 or \$200.00 per day fine. Authorization to abate the nuisances by cleaning the trash and debris and cutting the overgrowth after October 23, 2013 granted in the interest of public health and safety . \$200.00 administrative fee assessed.	NP
16	2012-1348	Brian Richard Mathiasen	4500 SW 34 AVE	Fine Confirmed	NP
17	2013-1157	Raz Consulting Agency LLC	5605 SW 24 AVE	Compliance by November 12, 2013 or a \$200.00 per day fine. \$100.00 administrative fee assessed.	NP
18	2013-1159	Karen Abelein	5431 SW 24 AVE	Compliance by November 12, 2013 or a \$250.00 one time assessment. \$50.00 administrative fee assessed.	NP
19	2013-1161	Hanna Thaller	5611 SW 24 AVE	Compliance by October 23, 2013 or a \$100.00 per day fine. \$100.00 administrative fee assessed.	NP

City of Dania Beach

Case Order	Case #	Name	Address	Results	
1	11-1478	My Darling LLC	4433 Stirling Rd	Extension granted to April 19, 2014.	P
2	11-1553	My Darling LLC	4433 Stirling Rd	Extension granted to April 19, 2014.	P
3	2013-0855	My Darling LLC	4417 SW 60 St	Compliance by January 29, 2014 for Item #3 or a \$150.00 per day fine. Compliance by April 19, 2014 for Item #2 or a \$150 per day fine. \$100.00 administrative fee assessed.	P
4	2013-0054	*Eytan Malka	5170 SW 40 Ave 29-E	Abatement recommended to \$5,000.00	P
5	12-0038	Jacques A Gallet TR	374 SW 4 Ct	Extension granted to January 9, 2014	P
6	2013-1597	Hollywood Boulevard Pawnbrokers Inc	3463 Griffin Rd A Lot	Compliance by January 29, 2014 or a \$200.00 per day fine. \$100.00 administrative fee assessed.	P
7	2013-1569	Dania Real Estate LLLP	1470 SW 2 Ave	Finding of Fact Issued. \$50 Admin Fee assessed.	P
8	2012-1101	Kristen Burke	43 SW 13 St	Abatement recommended to \$4,000.00	P
9	2013-1540	Nelson McCutcheon	401 NW 3 PI	Compliance by January 29, 2014 on Item #10 or \$125.00 per day fine. Authorization to abate the nuisances by erecting a safety fence around the pool after January 29, 2014 granted in the interest of public health and safety. Compliance by April 19, 2014 on Items #2, #9, #11, and #12 or a \$125.00 per day fine. \$50.00 administrative fee assessed.	P
10	2013-0389	DRE (2012) (FL) LLC	275 SW 8 St	Extension granted to April 19, 2014.	P
11	12-0132	Steve A & Jillian Brown	738 SW 3 PI	Extension granted to January 9, 2014	P
12	11-0818	Jennifer A Etsubneh	4613 SW 33 Ave	Abatement recommended to \$1,500.00	P
13	2012-1054	Mary Johnson	733 Phippen Rd	Continued to next available hearing. Admin costs of \$100.00 must be paid prior to next hearing	P
14	2013-0718	Mary Chiramel & Kamaljit Kaur	2220 SW 46 Ct	Compliance by March 20, 2014 or a \$125.00 per day fine. \$100.00 administrative fee assessed.	P
15	2012-1057	Jose R Caldera	4604 SW 29 Ter	Extension granted February 18, 2014	P
16	2012-1078	Sagit Asulin H/E, Shay Sasson	2500 SW 55 St	Money judgement granted	NP
17	2013-1520	Gentlemen Crepe Makers Inc	129 N Federal Hwy	Compliance by February 18, 2014 for Items #1, #2, and #3 or \$250.00 per day fine. Authorization to abate the nuisances by cleaning the trash and debris and cutting the overgrowth after February 18, 2014 granted in the interest of public health and safety. \$150.00 administrative fee assessed.	NP
18	2012-1090	T S Property Management	Vacant Lot @ NW Corner of NW 4 Ave & NW 2 St	Authorization to Foreclose Granted	NP
19	2012-1092	T S Property Management	Vacant Lot @ NE Corner of NW 5 Ave & NW 2 St	Authorization to Foreclose Granted	NP
20	2012-1026	Joseph J Herold	4542 SW 25 Ave	Extension granted to April 19, 2014. Admin costs of \$100.00 must be paid prior to extension date.	NP
21	2013-0964	DMKM LLC c/o Corazon B James	5519 SW 24 Ave	Compliance by February 18, 2014 or a \$250.00 one time assessment. \$100.00 administrative fee assessed.	NP
22	2013-1476	Baby Steps Investments LLC	2238 SW 34 St	Compliance by March 20, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	NP

City of Dania Beach

100 W. Dania Beach Blvd.
 Dania Beach, FL 33004
 954-924-6810

OWNER: EYTAN MALKA
FOLIO: 0231-AD-0180
LEGAL: OAK HILLS 4 CONDO UNIT 29E
ADDRESS: 5170 SW 40 Avenue 29E, Dania Beach, Florida

CODE ENFORCEMENT ORDER LIEN							CEB 2013-0054			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
6/26/2013	9/10/2013	\$200.00	76	\$15,200.00	\$279.00	\$15,479.00	50323	1402-1407	11/12/2013						

CASE COMPLIED 9/10/13

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
2		ADM. FEE RECORDING RELEASE	30.00
		ADM. FEE - SPECIAL MAGISTRATE FINE	125.00
			279.00