

# AGENDA REQUEST FORM CITY OF DANIA BEACH

**Date:** March 4, 2015

**Agenda Item #:**

**Title: Request for Abatement**

**Requested Action:**

Consideration of the Abatement Request for: Cynthia Clark (Kellerhouse), 2605 SW 54 Street, Case #2013-1409

**Summary Explanation & Background:**

This was originally cited on 9/2/13 for 1 violation. This went to the Special Magistrate on 12/12/13 for 1 violation. Special Magistrate Mark Berman issued an order giving the respondent until 1/1/14 to comply the violations or a fine of \$150.00 per day would be levied. At the 10/9/14 hearing Special Magistrate Mark Berman confirmed the fine as a lien. The property was brought into compliance on 10/6/14. The fines ran from 1/1/14 through 10/6/14, 278 days @ \$150.00 per day = \$41,700.00 plus recording/admin fees of \$100.00 totaling \$41,800.00. At the 1/8/15 hearing, Special Magistrate Mark Berman recommended an abatement of the fine to \$4,100.00 to the City Commission. **The out of pocket costs to the City are \$1,000.00.**

**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 12/12/13, 10/9/14 and 1/8/15.
- (4) Copy of the lien total sheet.

**Purchasing Approval:**

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

**Recommended for Approval By:**

At the 1/8/15 hearing, Special Magistrate Mark Berman recommended an abatement of the fine to \$4,100.00 to the City Commission.

**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

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

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



# City of Dania Beach

Florida

## Notice of Violation

9/12/2013

Cynthia Kellerhouse  
11790 N Branch RD  
Boca Raton, FL 33428-5690

Case Number: 2013-00001409  
Location: 2605 SW 54 ST  
Folio: 5042-32-16-5970  
Legal Description: See Attached Detail

Dear Cynthia Kellerhouse:

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 09/27/2013. 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. 3706.

Sincerely,

Warren Ostrofsky  
Code Inspector

I certify that an original hereof was furnished to the above named addressee by:  
Certified Mail # 7012 1010 0002 9794 2470 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](http://www.daniabeachfl.gov)

**LEGAL DESCRIPTION DETAIL**

**Legal Description**

RAVENSWOOD ESTATES &  
MARINAS 2ND ADD 72-14 B LOT 10  
BLK 30

**VIOLATION DETAIL**

<b>Violation Description</b>	<b>Code Text</b>	<b>Corrective Action</b>
CE013034001001 - DBCC 13-34(a) Nuisance 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.	Remove any garbage, litter, trash, stagnant water, untended vegetation, or discoloration, or any nuisance as defined in section 13-21 from the premises and maintain the property in accordance with all applicable city ordinances.

**CODE COMPLIANCE SPECIAL MAGISTRATE**

**CITY OF DANIA BEACH, FLORIDA**

CITY OF DANIA BEACH, a Florida                 :                 CASE # 2013-1409  
Municipal Corporation,

PETITIONER,   :

vs.   :

CYNTHIA KELLERHOUSE,

RESPONDENT.   :

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

This proceeding came on for Formal Hearing on December 12, 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, Cynthia Kellerhouse, did allow the following code violation to exist at property Respondent owns, located at 2605 SW 54 Street, Dania Beach, Florida, which property is legally described as: RAVENSWOOD ESTATES & MARINAS 2ND ADD 72-14 B LOT 10 BLK 30: (0232 16 5970).

1. DBCC 13-34 (a) Nuisance Accumulation. It is unlawful for any owner or operator of premises within the city to allow the accumulation of or to accumulate any garbage, litter, stagnant water, trash, untended vegetation, or to allow any discoloration, or any nuisance as defined in section 13-21 upon the premises. There is overgrown vegetation on the vacant lot.

Upon consideration thereof, it is thereupon ORDERED:

1. Respondent, Cynthia Kellerhouse:

(a) has been found to be in violation of the above described code section listed

in paragraph b.(1), and a fine of \$150.00 per day will begin running on January 1, 2014 for this violation.

(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 violation comes into compliance with said section 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 December, 2013.

CODE COMPLIANCE SPECIAL MAGISTRATE

By: 

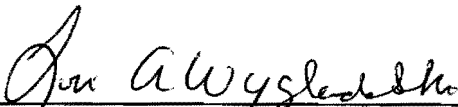
Mark E. Berman, Esq.

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

FINAL ORDER  
#2013-1409  
PAGE 3

Notary Seal:

Sworn and subscribed before me this  
27 day of December, 2013.

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

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, Cynthia Kellerhouse, this 27 day of December, 2013.

CERTIFIED MAIL # 7012 100 0002 5510 3608

  
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 # 2013-1409  
Municipal Corporation,

PETITIONER,   :

vs.   :

CYNTHIA KELLERHOUSE,

RESPONDENT.   :

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**ORDER IMPOSING FINE**

The CITY OF DANIA BEACH CODE COMPLIANCE SPECIAL MAGISTRATE, on October 9, 2014, having heard testimony and otherwise being advised in the premises, and in accordance with Florida Statutes, Section 162.09, states as follows:

1. A Final Order in the above-captioned case was rendered on December 27, 2013, by the Code Compliance Special Magistrate finding the Respondent, Cynthia Kellerhouse, in violation of the city code section as specified in said Final Order and imposing a fine in the amount of \$150.00 per day, beginning January 1, 2014 and continuing for each day until the property is brought into compliance.
2. The violation found by the Code Compliance Special Magistrate and entered in the Final Order occurred on the property located at 2605 SW 54 Street, Dania Beach, Florida, and legally described as: RAVENSWOOD ESTATES & MARINAS 2ND ADD 72-14 B LOT 10 BLK 30: (0232 16 5970).
3. The fine stated in the Final Order is hereby confirmed and ratified and did accrue at the per diem rate specified from January 1, 2014 to October 6, 2014. The total fine is \$41,700.
4. 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.

In the event the Final Order and the Order Imposing Fine are recorded as a lien, a charge will be imposed for recording the lien and any satisfaction.

Order Imposing Fine  
# 2013-1409  
Page 2

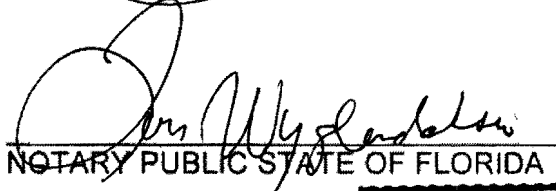
DONE and ORDERED at Dania Beach, Broward County, Florida, this 17 day  
of October, 2014.

CODE COMPLIANCE SPECIAL MAGISTRATE

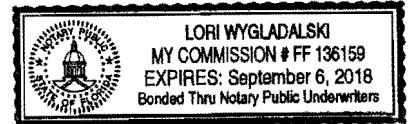
By:   
Mark E. Berman, Esq.

Notary Seal:

Sworn and subscribed before me this  
17 day of October, 2014.

  
NOTARY PUBLIC STATE OF FLORIDA


Mark E. Berman is personally known to me.



**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing Order Imposing Fine was mailed to the  
Respondent, Cynthia Kellerhouse, this 17 day of October, 2014.

CERTIFIED MAIL # 7014 1200 0001 7292 5521

  
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	2013-1552	Freeman Building LLC	3985 Ravenswood RD	Continued to March 6, 2014 Special Magistrate hearing.	P
2	11-0629	Dania Investments Inc c/o Realty Group Construction LLC	321 N Federal HWY	Abatement recommended to the Commission for \$13,260.00.	P
3	2013-1367	Palm Towers Emerald LLC	5950 SW 40 AVE	Compliance by January 21, 2014 or \$200.00 per day fine. \$100.00 administrative fee assessed.	P
4	2012-1152	18 Realty LLC	1419 S Federal HWY	Abatement to \$1,500.00 payable within 90 days, by March 12, 2014	P
5	2013-0825	FDG Flagler Station II LLC	97 Park AVE	Extension granted to January 21, 2014.	P
6	2013-0713	Charles E Dixon III	4465 SW 52 ST	Compliance by March 22, 2014 or \$150.00 per day fine. \$100.00 administrative fee assessed.	P
7	11-1804	Lawrence Marfechuk Est, c/o ZRL LLC	1057 SE 6 AVE	Abatement recommended to the Commission for \$10,000.00	P
8	2013-1404	Andree V Chunn Est	1002 NW 2 ST	Compliance by February 20, 2014 or \$100.00 per day fine. \$50.00 administrative fee assessed.	P
9	2013-1387	David Rhum	34 SW 6 AVE	Compliance by February 20, 2014 or \$150.00 per day fine. \$100.00 administrative fee assessed.	P
10	2013-1361	Ricardo & Ismaelie Jean Charles	3951 SW 51 ST	Compliance by January 1, 2014 or \$100.00 per day fine. \$100.00 administrative fee assessed.	P
11	11-1606	Cookies & Crackers Corp	730 SW 7 ST	Abatement recommended to the Commission for \$16,000.00.	P
12	2013-1363	Robert Barber	148 NW 14 Way, APT 2	Compliance by February 20, 2014 or \$100.00 per day fine. \$50.00 administrative fee assessed.	P
13	2013-1491	Sergei & Valentina Kogan	334 SE 3 PL	Finding of fact issued. \$50.00 administrative fee assessed payable within 30 days, January 11, 2014	P
14	2013-1339	Estates of FT Laud Property Owners Assoc	SW 54 ST	Extension granted to March 22, 2014.	P
15	2013-0717	Alfonzas Svipas	5199 SW 28 TER	Compliance by February 20, 2014 or \$150.00 per day fine. \$100.00 administrative fee assessed.	P
16	2013-1523	Parkash Kour	105-07 NW 1 AVE	Finding of fact issued. \$50.00 administrative fee assessed payable within 30 days, January 11, 2014	P
17	2013-1053	Jerry Uwnawich	117 NW 13 AVE	Abatement to \$1,500.00 payable within 30 days, by January 11, 2014	P
18	2013-0301	Guy Cohen	2180 NW 47 ST	Extension granted to December 12, 2013. Must pay outstanding admin costs of \$125.00.	P
19	2013-1245	Steven Altland	723 SW 5 ST	Compliance by January 21, 2014 or \$150.00 per day fine. \$100.00 administrative fee assessed.	P
20	2013-1567	Julia M Primus	762 SW 3 ST	Finding of fact issued. \$250.00 administrative fee assessed.	P
21	2012-0713	Ronald J Fleenor	735 SW 5 ST	Continuance granted for 60 days. Schedule for March 6, 2014 hearing	NP
22	2013-0836	David Montgomery	25 SW 5 ST	Fine Confirmed	NP
23	2013-1076	James D Volpe Est	900 NW 8 ST	Continued to February 6, 2014 hearing	NP
24	2012-1114	Stella Ann Brayton	238 SW 6 ST	Fine Confirmed	NP
25	2013-1309	Dalland Properties LP	113 NW 3 AVE	Compliance by January 21, 2014 or \$200.00 per day fine. \$100.00 administrative fee assessed.	NP
26	08-0473	Isela Millan	2 SW 6 AVE	Case withdrawn.	NP
27	12-0244	Bernice A Falso EST	301 SE 3ST, 501H	Fine Confirmed	NP
28	2013-0143	N & D Holding Inc	4800 SW 28 TER	Fine Confirmed	NP
29	2013-1409	<b>Cynthia Kellerhouse*</b>	2605 SW 54 ST	Compliance by January 1, 2014 or \$150.00 per day fine. \$100.00 administrative fee assessed.	NP
30	2013-1639	Wilbur Fernander	112 SW 7 AVE	Compliance by January 1, 2014 or \$200.00 per day fine. Authorization to abate the nuisance by removing the bees granted after January 1, 2014 in the interest of public health and safety. \$100.00 administrative fee assessed.	NP

City of Dania Beach

Case Order	Case #	Name	Address	Results	
1	2013-1359	Franklin Belle	314 SW 13 St	Case continued to December 4, 2014 hearing.	P
2	2013-1210	Redmond Jay Manning	4415 SW 28 Ter	Fine Confirmed. Hold recording of lien for 30 days. Schedule for December 4, 2014 hearing.	P
3	2013-0143	N & D Holding Inc	4800 SW 28 Ter	Abatement recommended to the City Commission of \$9,000.00	P
4	2014-1139	N & D Holding Inc	4291 Griffin Rd	Compliance by November 18, 2014 or \$150.00 per day fine. \$100.00 administrative fee assessed.	P
5	2013-0858	Tamara Youel	4343 SW 49 Ct	Extension granted until December 18, 2014	P
6	2014-1032	Mesad Shehadeh	790 NW 1 St	Finding of Fact Issued. \$150.00 admin fee assessed	P
7	2014-1023	Berthum & Carolyn Knight	227 NW 8 Ave	Compliance by January 17, 2015 or \$100.00 per day fine. \$100.00 administrative fee assessed.	P
8	2014-0299	One 1 LLC	4565 SW 35 Ave	Compliance by February 16, 2015 or a \$200.00 per day fine. \$100.00 administrative fee assessed.	P
9	2014-1363	Meadowbrook Lakes View Assn A	SE 3 St	Compliance by November 18, 2014 or \$200.00 per day fine. \$100.00 administrative fee assessed.	P
10	2014-0622	Doris Chapman	5291 SW 22 Ave	Continued to December 4, 2014 hearing	P
11	2013-0258	Lyne Simard	5180 SW 26 Ave	Fine abated to \$2,850.00 payable within 30 days	P
12	2014-0286	Veronique Fleurimont	309 SW 14 St	Extension granted to January 17, 2015	P
13	2012-1348	Brian Richard Mathiasen	4500 SW 35 Ave	Continued to December 4, 2014 hearing	P
14	2012-1070	Blanchie Johnson Est	33 SW 6 Ave	Continued to December 4, 2014 hearing	P
15	2014-1517	Lesly S Cutler	809 NW 6 Ave	Compliance by November 18, 2014 or \$100.00 per day fine. Authorization to abate the nuisances by cleaning the trash and debris, cutting the overgrowth, securing the building, and repairing the gate on the fence around the pool after November 18, 2014 granted in the interest of public health and safety. Administrative fee waived.	P
16	2014-0084	Jennifer & Stephen Zapp; Julie Zapp	380 S Federal Hwy	Extension granted to September 14, 2014. Case is complied	NP
17	2013-0825	FDG Flagler Station II LLC	97 Park Ave	Fine confirmed	NP
18	2014-1248	Trust No ALM503700 c/o Action Loss Mitigation LLC Trstee	37 NW 7 Ave #2	Compliance by November 18, 2014 or \$250.00 per day fine. \$200.00 administrative fee assessed.	NP
19	2014-1261	Pompee Uppal	228 NW 13 Ct	Compliance by November 18, 2014 or a \$150.00 per day fine. Obtain BTR by 11/18/14 or a one time fine of \$250.00. \$150.00 administrative fee assessed.	NP
20	2014-1037	George Alfred Sickler Est	4091 SW 51 St	Compliance by November 18, 2014 or a \$200.00 per day fine. \$150.00 administrative fee assessed.	NP
21	2014-1359	HBS Investment LLC	4032 SW 52 St	Continued to December 4, 2014 hearing	NP
22	08-1181	Dorene C Darling c/o Live Cheap LLC	210 NW 9 Ave	Abatement request denied. Respondent not present	NP
23	10-0589	Dorene C Darling c/o Live Cheap LLC	210 NW 9 Ave	Abatement request denied. Respondent not present	NP
24	2013-0250	Karmi Ella c/o Ruhamar Sahar	4681 SW 33 Ave	Extension granted to December 18, 2014	NP
25	2013-1409	<b>Cynthia Kellerhouse*</b>	2605 SW 54 St	Fine confirmed. Order Imposing fine - \$41,700.00	NP
26	2013-1899	Edward Gonzalez	4751 SW 42 Ter	Fine confirmed. Order Imposing fine - \$18,000.00	NP

City of Dania Beach

Case Order	Case #	Name	Address	Results	
1	2014-2053	Twin Oil Co Inc	1201 S Federal Hwy	Finding of Fact issued. \$100.00 administrative fee assessed and payable within 30 days	P
2	2014-1669	Thomas Shisler	829 NW 8 Ave	Compliance by April 18, 2015 or \$100.00 per day fine. \$100.00 administrative fee assessed.	P
3	2014-1911	Peter & Eda Boulahanis	4750 SW 27 Ave	Compliance by February 17, 2015 or \$100.00 per day fine. \$50.00 administrative fee assessed.	P
4	12-0228	Florence Konschnik	320 Sheridan St	Compliance by March 19, 2015 or \$150.00 per day fine. \$100.00 administrative fee assessed.	P
5	2014-1824	Skyland Plaza LLC	118 N Federal Hwy	Compliance by April 18, 2015 or \$150.00 per day fine. \$100.00 administrative fee assessed.	P
6	2013-1409	<b>Cynthia Kellerhouse*</b>	2605 SW 54 St	Abatement of \$4,100.00 recommended to the City Commission	P
7	2014-1363	Meadowbrook Lakes View Assn A	SE 3 St	Extension Granted until March 19, 2015	P
8	2014-2085	Luis Rafael Sanchez	2360 SW 45 St	Compliance by January 28, 2015 or a \$100.00 per day fine. \$100.00 administrative fee assessed.	P
9	2014-1895	Michael Schwagel Rev Liv Tr	230 SW 14 St	Compliance by February 17, 2015 or \$75.00 per day fine. \$50.00 administrative fee assessed.	P
10	2014-2005	Michael Schwagel Rev Liv Tr	224 SW 14 St	Compliance by February 17, 2015 or \$75.00 per day fine. Administrative fee waived.	P
12	2014-2058	MORS Properties LLC	2 S Federal Hwy	Compliance by February 17, 2015 or a \$250 one-time assessment. \$150.00 administrative fee assessed.	NP
13	2014-2072	BH-NV Dania Properties LLC	5430 SW 25 Ave	to abate the nuisances by cleaning the pool and repairing the fence around the pool after January 28, 2015 granted in the interest of public health and safety. Compliance by February 17, 2015 for items #1 and #4 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	P
14	2014-2076	BH-NV Dania Properties LLC	5426 SW 25 Ave	Compliance by January 28, 2015 for items #2 and #3 or \$150.00 per day fine. Authorization to abate the nuisances by cleaning the pool and repairing the fence around the pool after January 28, 2015 granted in the interest of public health and safety. Compliance by April 18, 2015 for items #2 and #4 or a \$150.00 per day fine. \$50.00 administrative fee assessed.	P
15	08-1181	Dorene C Darling c/o Live Cheap LLC	210 NW 9 Ave	Abatement of \$5,400.00 recommended to the City Commission	P
16	10-0589	Dorene C Darling c/o Live Cheap LLC	210 NW 9 Ave	Abatement of \$1,700.00 recommended to the City Commission	P
17	2013-1540	Nelson McCutcheon	401 NW 3 PI	Fine abated to \$1,000.00 payable by May 18, 2015	P
18	2014-0238	Samuel Clarke	326 SW 14 St	Fine confirmed	P
19	2014-0257	Kairos Holding Corp	708 SW 8 St	Fine confirmed. Hold recording of lien for 30 days	P
20	2014-1605	Angie Yuk Ngan Wong	601 NW 3 Ter	Compliance by March 19, 2015 or a \$150.00 per day fine. \$50.00 administrative fee assessed.	P
21	2014-1706	Pompee Uppal	228 NW 13 Ct	Compliance by March 19, 2015 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	NP
22	2013-0389	DRE (2012) (FL) LLC	275 SW 8 St	Extension Granted until February 17, 2015	NP
23	2013-1568	Dalland Properties LP	113 NW 13 Ave	Fine confirmed	NP
24	2014-0520	Jason D Schaffer	109 NE 2 PI	Fine confirmed	NP
25	2014-1921	Federal National Mortgage Assn	317 NW 5 Ave Apt A	Case Continued 30 days	

# City of Dania Beach

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

**OWNER:** CYNTHIA KELLER HOUSE  
**FOLIO:** 0232 16 5970  
**LEGAL:** RAVENSWOOD ESTATES & MARINAS 2ND ADD 72-14 B LOT 10 BLK 30  
**ADDRESS:** 2605 SW 54 Street, Dania Beach, Florida

ORDER IMPOSING FINE/FINAL ORDER							CEB 2013-1409			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
1/1/2014	10/6/2014	\$150.00	278	\$41,700.00	\$100.00	\$41,800.00	51193	1896-1901	10/24/2014						

CASE COMPLIED 10/6/2014

**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
			<b>254.00</b>