

# AGENDA REQUEST FORM CITY OF DANIA BEACH

**Date:** March 4, 2015

**Agenda Item #:**

**Title: Request for Abatement**

**Requested Action:**

Approval of the Settlement Received for: Barak Rozen, 5091 SW 27 Avenue, Case #08-1415, #09-0120, and #09-1278

**Summary Explanation & Background:**

Case No. 08-1415

This was originally cited on 7/21/2008 for 6 violations, and was given 30 days to comply. This went to the Special Magistrate on 11/6/2008 for 2 violations. Special Magistrate Mitch Kraft issued an order giving the respondent until 12/16/2008 to comply or a fine of \$150.00 per day would be levied. At the 5/7/2009 hearing, Special Magistrate Gordon Linn confirmed the fine as a lien. The settlement offer was accepted on 9/22/14. The fines ran from 12/16/2008 through 9/22/14, 2,106 days @ \$150.00 per day = \$315,900.00 plus admin fees of \$141.00 for a total of \$316,041.00.

Case No. 09-0120

This was originally cited on 1/27/2009 for 1 violation, and was given 30 days to comply. This went to the Special Magistrate on 5/12/2009 for 1 violation. Special Magistrate Mark Berman issued an order giving the respondent until 4/17/2009 to comply or a fine of \$75.00 per day would be levied. At the 8/26/2009 hearing, Special Magistrate Gordon Linn confirmed the fine as a lien. The settlement offer was accepted on 9/22/14. The fines ran from 5/12/2009 through 9/22/14, 1,959 days @ \$75.00 per day = \$146,925.00 plus admin fees of \$141.00 for a total of \$147,066.00.

Case No. 09-1278

This was originally cited on 7/15/2009 for 1 violation, and was given 30 days to comply. This went to the Special Magistrate on 10/20/2009 for 1 violation. Special Magistrate Mark Berman issued an order giving the respondent until 10/28/2009 to comply or a fine of \$200.00 per day would be levied. At the 2/4/2010 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. The settlement offer was accepted on 9/22/14. The fines ran from 10/28/2009 through 9/22/14, 1,790 days @ \$200.00 per day = \$358,000.00 plus admin fees of \$249.50 for a total of \$358,249.50.

This is a motion to accept the settlement offer received by the City due to foreclosure. The City received \$3,500.00 as settlement for the code cases.

**Exhibits (List):**

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

**Purchasing Approval:**

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

**Recommended for Approval By:**

This is a motion to accept the settlement offer received by the City due to foreclosure.  
The City received \$3,500.00 as settlement for the code case.

**Commission Action:**

**Passed**     **Failed**     **Continued**     **Other**

**Comment:**

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

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

Case Number: 08-1415

Case Type:  
Notice of Violation

Case Description:  
MINIMUM STANDARDS

Case Start Date:  
07-21-2008

Status:  
Active

Status Date:

Default Inspector:  
Gary Phaneuf

Cited Address:  
5091 SW 27 AVE

Folio Number:

Cited Party:  
BARAK ROZEN

Note Type

Case Notes

Date

INSPECTOR NAME	GARY PHANEUF	07-21-2008
Case Narrative	Vio.Let. - 8-21a4e; 8-21a4f; 8-21a5a3; 13-34a; 13-34b; 14-2a	07-25-2008
Case Inspections Text	Property failed reinspection per inspector Gary Phaneuf. August 18, 2008 10:04:54 AM danilxg	08-18-2008
Case Inspections Text	Property failed reinspection per inspector Gary Phaneuf. December 18, 2008 10:10:38 AM danilxg	12-18-2008
Case Other Actions	Sent for Title Search	01-13-2009
Case Board Meetings	Compliance by December 16, 2008 or \$150.00 per day fine per hearing. November 24, 2008 1:56:29 PM daniszp Special Magistrate Mitch Kraft at the November 6, 2008	05-06-2009
Case Board Meetings	Fine confirmed per Special Magistrate Gordon Linn at the May 7, 2009 hearing. May 22, 2009 2:10:23 PM daniszp	05-22-2009
Case Inspections Text	Property failed reinspection per inspector Gary Phaneuf. August 17, 2009 2:24:20 PM danilxg	08-17-2009
Case Narrative	Per Tim Ryan's office, settlement accepted for \$3,500.00 on 9/25/14 for 08-1415, 09-0120, and 09-1278. Scheduled for Commission Abatement Hearing 3/4/15 LW 11/21/14	11-21-2014

Case Activity Comments

INITIAL - INITIAL INSPECTION	07-21-2008
HISTORICAL - DMS Violation Letter	07-25-2008
REINSPECTION - REINSPECTION	08-08-2008
HISTORICAL - DMS Affidavit of Service	10-23-2008
POST HEARING - POST BOARD	12-16-2008
F-TITLE SEARCH - TITLE SEARCH	01-13-2009

HISTORICAL - DMS Affidavit of Service	04-22-2009
FORECLOSURE - FORECLOSURE REINSPECTION	08-07-2009
F-TITLE SEARCH - TITLE SEARCH	08-24-2009

### Case Violations

1	CE008021145001 - DBCC 8-21(a)(4)(e) Electrical Condition	DBCC 8-21(a)(4)(e) requires all electrical wiring and accessories to be maintained in good, safe working condition and be adequately insulated and protected. No wiring, outlets, or connections shall be left exposed so as to create a hazardous condition.	ACTIVE	07/21/2008
2	CE008021146002 - DBCC 8-21(a)(4)(f) Fence / Wall / in disrepair	DBCC 8-21(a)(4)(f) states all fences, walls, and similar enclosures shall be maintained in a state of good repair.	ACTIVE	07/21/2008
3	CE008021151301 - DBCC 8-21(a)(5)(a)(3) Parking Maintenance	DBCC 8-21(a)(5)(a)(3) states all off street parking spaces shall be paved with asphalt or constructed of concrete or block, and shall be of smooth surface and in good repair.	ACTIVE	07/21/2008
4	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.	ACTIVE	07/21/2008
5	CE013034002001 - DBCC 13-34(b) Property & R/W Maintenance	DBCC 13-34(b) states each owner or operator of property within the city shall keep such property and the adjoining unpaved portions of the public rights of way, swales, and/or canal banks clean and free from any accumulation of garbage, trash, and litter.	ACTIVE	07/21/2008
6	CE014002001001 - DBCC 14-2(a) Junk/Abandoned Vehicles	DBCC 14-2(a) states it is unlawful to park, store, have, or permit parking or storage of any junked and abandoned vehicle of any kind or parts thereof upon any private property unless the vehicle is completely enclosed within a building or is in connection with an approved business and licensed as such.	ACTIVE	07/21/2008

Case Number: 09-0120

Case Type:  
Notice of Violation

Case Description:  
MINIMUM STANDARDS

Case Start Date:  
01-27-2009

Status:  
Active

Status Date:

Default Inspector:  
Gary Phaneuf

Cited Address:  
5091 SW 27 AVE

Folio Number:

Cited Party:  
BARAK ROZEN

Note Type

Case Notes

Date

INSPECTOR NAME	GARY PHANEUF	01-27-2009
INSPECTOR NAME	TUCHETTE TORRES	01-27-2009
Case Narrative	Vio.Let.- 15-1	01-28-2009
Case Inspections Text	Property failed reinspection per inspector Gary Phaneuf. February 17, 2009 3:31:51 PM danilxg	02-17-2009
Case Inspections Text	Property failed reinspection per inspector Gary Phaneuf. May 15, 2009 4:19:25 PM danilxg	05-15-2009
Case Board Meetings	Compliance by May 12, 2009 or \$75.00 per day fine per Special Magistrate Mark Berman at the hearing. April 17, 2009 8:44:53 AM daniszp	08-05-2009
Case Board Meetings	Fine confirmed per Special Magistrate Gordon Linn. August 26, 2009 2:45:38 PM danilxg	08-26-2009
Case Inspections Text	Property failed reinspection on 11.18.09 per Inspector Gary Phaneuf. November 23, 2009 3:01:10 PM DANITXT	11-23-2009
Case Inspections Text	CHECK ON STATUS OF FORECLOSURE WITH TIM RYAN'S OFFICE	01-21-2010
Case Inspections Text	PER TIMR RYAN'S OFFICE FORECLOSURE STILL PENDING. March 19, 2010 8:59:09 AM DANITXT	05-26-2010
Case Inspections Text	Still pending per Tim Ryan's office. June 2, 2010 11:12:04 AM DANITXT.	06-01-2011
Case Narrative	Per Tim Ryan's office, settlement accepted for \$3,500.00 on 9/25/14 for 08-1415, 09-0120, and 09-1278. Scheduled for Commission Abatement Hearing 3/4/15 LW 11/21/14	11-21-2014

Case Activity Comments

INITIAL - INITIAL INSPECTION	01-27-2009
HISTORICAL - DMS Violation Letter	01-28-2009
REINSPECTION - REINSPECTION	02-11-2009

HISTORICAL - DMS Affidavit of Service	03-19-2009
POST HEARING - POST BOARD	05-12-2009
FORECLOSURE - FORECLOSURE REINSPECTION	11-06-2009
F-TITLE SEARCH - TITLE SEARCH	11-25-2009
FORECLOSURE - FORECLOSURE REINSPECTION	02-22-2010
FORECLOSURE - FORECLOSURE REINSPECTION	05-20-2010

### Case Violations

1	CE015001000001 - DBCC 15-1 BTR/License Required	DBCC 15-1 states it is unlawful for any person to engage in, manage or allow anyone on the person's property to engage in or manage any business in the city without having a business tax receipt (previously referred to as a license) from the city.	ACTIVE	01/27/2009
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Case Number: 09-1278

Case Type:  
Notice of Violation

Case Description:  
MINIMUM STANDARDS

Case Start Date:  
07-06-2009

Status:  
Active

Status Date:

Default Inspector:  
Gary Phaneuf

Cited Address:  
5091 SW 27 AVE

Folio Number:

Cited Party:  
BARAK ROZWN

Note Type

Case Notes

Date

INSPECTOR NAME	GARY PHANEUF	07-06-2009
INSPECTOR NAME	TUCHETTE TORRES	07-06-2009
Case Narrative	Vio letter-22-5(i)(5)(d)	07-15-2009
Case Inspections Text	Property failed reinspection per inspector Gary Phaneuf. August 20, 2009 2:45:41 PM danilxg	08-20-2009
Case Inspections Text	Property failed reinspection per Inspector Gary Phaneuf. November 12, 2009 9:32:15 AM DANITXT	11-12-2009
Case Board Meetings	Fine confirmed by Special Magistrate Mark Berman at the February 4, 2010 Special Magistrate hearing. \$100.00 administrative fee is assessed. February 9, 2010 12:57:28 PM DANITXT	02-09-2010
Case Inspections Text	CHECK FOR PAYMENT OF \$100.00	02-09-2010
Case Board Meetings	Compliance by October 28, 2009 or \$200.00 per day fine. Authorization to abate nuisances by trimming the trees after October 28,2009 granted in the interest of public health & safety per Special Magistrate Mark Berman. October 21, 2009 3:58:18 PM DANITXT	02-11-2010
Case Inspections Text	\$100.00 ADMIN FEE NOT PAID. May 7, 2010 8:41:10 AM DANITXT	05-07-2010
Case Inspections Text	Property failed reinspection on 5.7.10 per Inspector Gary Phaneuf. May 12, 2010 4:24:41 PM DANITXT	05-13-2010
Case Narrative	Per Tim Ryan's office, there is a pending foreclosure action, so case is not to be set for authorization to foreclose. November 1, 2010 8:58:44 AM DANITXT.	11-01-2010
Case Narrative	Per Tim Ryan's office, settlement accepted for \$3,500.00 on 9/25/14 for 08-1415, 09-0120, and 09-1278. Scheduled for Commission Abatement Hearing 3/4/15 LW 11/21/14	11-21-2014

Case Activity Comments

INITIAL - INITIAL INSPECTION	07-06-2009
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HISTORICAL - DMS Violation Letter	07-15-2009
REINSPECTION - REINSPECTION	08-14-2009
HISTORICAL - DMS Affidavit of Service	09-22-2009
POST HEARING - POST BOARD	10-28-2009
F-TITLE SEARCH - TITLE SEARCH	11-12-2009
HISTORICAL - DMS Affidavit of Service	01-20-2010
F-PAYMENT VERIFY - PAYMENT RCVD/VERIFICATION	05-05-2010
FORECLOSURE - FORECLOSURE REINSPECTION	05-05-2010
F-TITLE SEARCH - TITLE SEARCH	06-23-2010

### Case Violations

1	CE022005009541 - DBCC 22-5(i)(5)(d) Tree Height Maintenance	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.	ACTIVE	07/15/2009
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# City of Dania Beach

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

**OWNER:** ROZEN,BARAK  
**FOLIO:** 0232-01-0340  
**LEGAL:** REED LAND CO SUB 2-32 D 32-50-42 E1/2 OF LOTS 3 & 4,LESS N 1276.74 &  
 LESS W 165 THEREOF, LESS E 40 FOR CO RD & LESS W 10 BLK 2  
**ADDRESS:** 5091 SW 27 AVENUE

CODE ENFORCEMENT ORDER LIEN							CEB 08-1415			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
12/16/2008	9/22/2014	\$150.00	2,106	\$315,900.00	\$141.00	\$316,041.00	46439	1189-1194	8/10/2009	51233	1531	11/10/2014			

SETTLEMENT OFFER ACCEPTED 9/22/14

## 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>

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 LESS E 40 FOR CO RD & LESS W 10 BLK 2  
**ADDRESS:** 5091 SW 27 AVENUE

CODE ENFORCEMENT ORDER LIEN							CEB 09-0120		RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE		
Date	Date	Amount	Days	FINE	Fee	Total								
5/12/2009	9/22/2014	\$75.00	1,959	\$146,925.00	\$141.00	\$147,066.00	46580	1946-1951	10/9/2009	51233	1531	11/10/2014		

SETTLEMENT OFFER ACCEPTED 9/22/14

## 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>

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**LEGAL:** REED LAND CO SUB 2-32 D 32-50-42 E1/2 OF LOTS 3 & 4,LESS N 1276.74 & LESS W 165 THEREOF, LESS E 40 FOR CO RD & LESS W 10 BLK 2  
**ADDRESS:** 5091 SW 27 AVENUE

CODE ENFORCEMENT ORDER LIEN						CEB 09-1278		RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE	
Date	Date	Amount	Days	FINE	Fee	Total							
10/28/2009	9/22/2014	\$200.00	1,790	\$358,000.00	\$249.50	\$358,249.50	46902	996-1002	2/25/2010	51233	1531	11/10/2014	

SETTLEMENT OFFER ACCEPTED 9/22/14

**ESTIMATED COST OF RECORDING FEES**

1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	25.50
3	PAGES	SUPPLEMENTAL ORDER	25.50
2	PAGES	RELEASE OF LIEN	18.50
		ADM. FEE RECORDING LIEN	40.00
		ADM. FEE RECORDING RELEASE	30.00
		ADM. FEE - SPECIAL MAGISTRATE FINE	100.00
			<b>249.50</b>