

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: June 3, 2015

Agenda Item #:

Title: Request for Abatement

Requested Action:

Approval of the Settlement Received for: Sandra Cuomo Est, 2210 SW 46 Ct, Case #11-0362 and Case #2013-1053 due to sale of property

Summary Explanation & Background:

Case #11-0362

This was originally cited on 3/11/2011 for 2 violations, and was given 30 days to comply. This went to the Special Magistrate on 11/3/2011 for 2 violations. Special Magistrate Gordon Linn issued an order giving the respondent until 2/11/2012 to comply or a fine of \$200.00 per day would be levied. At the 7/10/2014 hearing, Special Magistrate Gordon Linn confirmed the fine as a lien. The fines ran from 2/11/2012 through 1/29/2015, 1,083 days @ \$200.00 per day = \$216,600.00 plus admin fees of \$354.00 for a total of \$216,954.00.

Case #2013-1053

This case was originally cited on 7/3/2013 for 2 violations and was given 10 days to comply. This went to the Special Magistrate on 9/11/2013 for 2 violations. Special Magistrate Gordon Linn issued an order giving the respondent until 10/21/2013 to comply or a fine of \$200.00 per day would be levied. In addition, the Special Magistrate also imposed a one-time fine of \$250.00 if a Business Tax Receipt was not issued from the City by 10/21/2013. At the 2/6/2014 hearing, Special Magistrate Gordon Linn confirmed the fine as a lien. The fines ran from 10/21/2013 through 1/29/2015, 465 days @ \$200.00 per day = \$93,000.00 plus admin fees of \$254.00 for a total of \$93,254.00.

This is a motion to accept the settlement offer received by the City due to sale of the property. The City received \$3,000.00 as settlement for both code cases.

Exhibits (List):

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

Purchasing Approval:

Source of Additional Information: (Name & Phone)

Case Number: 11-0362

Case Type:
Notice of Violation

Case Description:
MINIMUM STANDARDS

Case Start Date:
03-11-2011

Status: Active
Status Date:

Default Inspector:
Warren Ostrofsky

Cited Address:
2210 SW 46 CT

Folio Number:
5042 29 06 0153

Cited Party:
SANDRA CUOMO EST

Note Type

Case Notes

Date

INSPECTOR NAME	GARY PHANEUF	03-11-2011
Case Narrative	vio. let. - 100-40(D), FBC 105.1	03-24-2011
Case Inspections Text	Property failed reinspection on 4.27.11 per Inspector Gary Phaneuf. April 28, 2011 3:17:52 PM DANITXT.	04-28-2011
Case Board Meetings	Continuance granted to the September 8, 2011 Special Magistrate hearing per Special Magistrate Gordon Linn at the July 7, 2011 Special Magistrate hearing. July 11, 2011 10:13:29 AM danitxt.	07-11-2011
Case Board Meetings	Continuance granted to November 3, 2011 Special Magistrate hearing per Special Magistrate Gordon Linn at the September 8, 2011 Special Magistrate hearing. September 9, 2011 10:19:51 AM danitxt.	09-09-2011
Case Board Meetings	Compliance by Febuary 11, 2012 or \$200.00 per day fine. \$300.00 administrative fee is assessed by Special Magistrate Gordon Linn at the November 3, 2011 hearing. November 8, 2011 3:43:30 PM DANISGA.	11-08-2011
Case Inspections Text	Per Insp. Ostrofsky: Case failed reinspection on 1/27/14. Send to T/S for confirmation of fines. LW 1/28/14	01-28-2014
Case Inspections Text	Per T/S from Tim Ryan's office 5/15/14, send to next available hearing confirm fine LW 5/16/14	05-16-2014
Case Board Meetings	Per Special Magistrate Gordon Linn at the 7/10/14 hearing, the following was ordered: Fine Confirmed LW 7/11/14	07-11-2014
Case Inspections Text	Per Insp. Ostrofsky; Property changed owners 11/4/14. Case remains open due to outstanding fines/lien LW 2/5/15	02-05-2015
Case Inspections Text	Per Tim Ryan's office 4/23/15: Settlement of \$3,000.00 accepted to release this lien and the lien on 2013-1053. Send to 6/3/15 Commission Abatement Hearing LW 5/4/15	05-04-2015

Case Activity Comments

INITIAL - INITIAL INSPECTION	03-11-2011
HISTORICAL - DMS Violation Letter	03-24-2011
REINSPECTION - REINSPECTION	04-23-2011

HISTORICAL - DMS Affidavit of Service	10-19-2011
POST HEARING - POST BOARD	02-11-2012

Case Violations

1	CE100040004001 - DBLDC 100-40 (D) Prohibited Use	DBLDC 100-40(D) states any use not specifically listed as a permitted use or a special exception use for the subject property's zoning district is prohibited.	ACTIVE	03/11/2011
2	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).	ACTIVE	03/11/2011

Case Number: 2013-00001053

Case Type:
Notice of ViolationCase Description:
Initial caseCase Start Date:
07-01-2013Status:
Active

Status Date:

Default Inspector:
Warren OstrofskyCited Address:
2210 SW 46 CTFolio Number:
5042-29-06-0153Cited Party:
Sandra Cuomo Est

Note Type	Case Notes	Date
CASE ACTIVITY NOTES	CASE ACTIVITY NOTES	07-03-2013
CASE INSPECTION NOTES	CASE INSPECTION NOTES	07-03-2013
CASE HEARING NOTES	CASE HEARING NOTES	07-03-2013
CASE ACTIVITY NOTES	NOV approved and mailed on 7/5/13. JC 7/5/13	07-05-2013
CASE INSPECTION NOTES	Per Insp Ostrofsky: case failed reinspection on 7/17/13. Send to next available hearing. KM 7/17/13	07-18-2013
CASE HEARING NOTES	Per Special Magistrate Gordon Linn, at the 9/11/13 hearing, the following was ordered: compliance by 10/21/13 for item # 1 or \$250.00 one time assessment. Compliance by 10/21/13 for item # 2 or \$200.00 per day fine. \$100.00 administrative fee assessed. KM 9/12/13	09-12-2013
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed post-hearing inspection on 10/21/2013. Send to T/S for confirmation of fine LW 10/24/2013	10-24-2013
CASE INSPECTION NOTES	Per T/S results received 12/2/13: Send to next available hearing for confirmation of fines. LW 12/3/13	12-03-2013
CASE HEARING NOTES	Per Special Magistrate Gordon Linn, at the 2/6/14 hearing: Fine Confirmed. LW 2/7/14	02-07-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed foreclosure inspection. Send to T/S for foreclosure or money judgment. LW 10/6/14	10-06-2014
CASE INSPECTION NOTES	Per T/S results from Tim Ryan's office received 1/15/15, the property has been sold. Cite new owner if violations remain. This case remains open due to outstanding fines/liens. LW 1/15/15	01-15-2015
CASE INSPECTION NOTES	Per Tim Ryan's office 4/23/15: Settlement of \$3,000.00 accepted to release this lien and the lien on 11-0362. Send to 6/3/15 Commission Abatement Hearing LW 5/4/15	05-04-2015

Case Activity Comments

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.		07/01/2013
2	CE100040004001 - DBLDC 100-40 (D) Prohibited Use	DBLDC 100-40(D) states any use not specifically listed as a permitted use or a special exception use for the subject property's zoning district is prohibited.		07/01/2013

City of Dania Beach

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

OWNER: SANDRA CUMO EST

FOLIO: 0229 06 0153

LEGAL: WEST DANIA HEIGHTS 23-49 B LOT 2 & POR OF RUTH DR LYINGS N OF SAID LOT BLK 2

ADDRESS: 2210 SW 46 COURT, DANIA BEACH, FLORIDA

CODE ENFORCEMENT ORDER LIEN							CEB 11-0362		RECORDED		RELEASED	
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK/INSTRUMENT	PAGE	DATE
Date	Date	Amount	Days	FINE	Fee	Total						
2/11/2012	1/29/2015	\$200.00	1,083	\$216,600.00	\$354.00	\$216,954.00	50963	187-191	7/25/2014	112971520	Page 1 of 1	5/6/2015

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	200.00
			354.00

City of Dania Beach

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

OWNER: SANDRA CUOMO EST
FOLIO: 0229-06-0153
LEGAL: WEST DANIA HEIGHTS 23-49 B LOT 2 & POR OF RUTH DR LYING N OF SAID LOT BLK 2
ADDRESS: 2210 SW 46 Court, Dania Beach, Florida

CODE ENFORCEMENT ORDER LIEN							CEB 2013-1053			RECORDED		RELEASED	
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK/INSTRUMENT	PAGE	DATE	
Date	Date	Amount	Days	FINE	Fee	Total							
9/26/2013	10/21/2013	\$250.00		\$250.00	\$0.00	\$250.00	50556	1529-1534	2/18/2014				
10/21/2013	1/29/2015	\$200.00	465	\$93,000.00	\$254.00	\$93,254.00	50556	1529-1534	2/18/2014	112971520	Page 1 of 1	5/6/2015	

ESTIMATED COST OF RECORDING FEES

1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	32.00
2	PAGES	SUPPLEMENTAL ORDER	17.00
2	PAGES	RELEASE OF LIEN	25.00
		ADM. FEE RECORDING LIEN	40.00
		ADM. FEE RECORDING RELEASE	30.00
		ADM. FEE - SPECIAL MAGISTRATE FINE	100.00
			254.00