

# AGENDA REQUEST FORM CITY OF DANIA BEACH

**Date:** June 3, 2015

**Agenda Item #:**

**Title:** Request for Abatement

**Requested Action:**

Consideration of the Abatement Request for: HLNP Holding Inc., 4670 SW 25 Avenue,  
Case #2013-1822

**Summary Explanation & Background:**

This was originally cited on 2/26/2014 for 6 violations. This went to the Special Magistrate on 5/1/2014 for 4 violations. Special Magistrate Mark Berman issued an order giving the respondent until 5/21/2014 to comply the violations or a fine of \$100.00 per day would be levied. At the 9/11/2014 hearing Special Magistrate Mark Berman confirmed the fine as a lien. The property was brought into compliance on 1/23/2015. The fines ran from 5/21/2014 through 1/23/2015, 247 days @ \$100.00 per day = \$24,700.00 plus recording/admin fees of \$254.00 totaling \$24,954.00.

At the 5/7/15 hearing, Special Magistrate Bruce Jolly recommended an abatement of the fine to 2,495.00 to the City Commission. **The out of pocket costs to the City are 1,200.00**

**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 5/1/14, 9/11/14, and 5/7/15.
- (4) Copy of the lien total sheet.

**Purchasing Approval:**

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

**Recommended for Approval By:**

At the 5/7/15 hearing, Special Magistrate Bruce Jolly recommended an abatement of the fine to \$2,495.00 to the City Commission.

**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

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City Manager

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City Clerk



# City of Dania Beach

Florida

## Notice of Violation

11/27/2013

HLNP Holding Inc  
7950 NW 155 ST, Ste 203  
Miami Lakes, FL 33016

Case Number: 2013-00001822  
Location: 4670 SW 25 AVE  
Folio: 5042-29-05-0670  
Legal Description: See Attached Detail

Dear HLNP Holding Inc:

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 12/21/2013. 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. 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 9793 0071 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**

SEABOARD PARK 12-24 B LOT 1 S  
17 2 N 43 BLK 6

VIOLATION DETAIL

<b>Violation Description</b>	<b>Code Text</b>	<b>Corrective Action</b>
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.	Cease all unlawful activities and obtain all required business tax receipts (previously referred to as licenses) and approvals before resuming business operations.
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.	Cease and desist all unpermitted/prohibited uses on the subject property. Contact the inspector listed for further explanations and/or instructions.
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).	Obtain any and all permits and approvals required for any and all construction/building activities on the subject property. Contact the inspector listed for further explanations and/or instructions.
CE265100003001 - DBLDC 265-100(C) Parking Surface Required	DBLDC 265-100(C) states all areas reserved for off street parking shall be of smooth paved surface and in good repair in compliance with city codes.	Insure all parking areas are surfaced in accordance with the specifications of the city, and that the areas are inspected and approved prior to use of the premises. Obtain any and all permits and approvals as necessary or required.

# DETAILED INSPECTION REPORT

DATE: 11/19/13
CASE #: <i>2013-1822</i>
FOLIO #: 504229050670
ADDRESS: 4670 SW 25 AVE
OWNER: HLNP HOLDING INC
A PERMIT WITH INSPECTIONS AND APPROVALS ARE NEEDED FOR THE PAVERS THAT WAS INSTALLED. A BUSINESS TAX LIC IS NEEDED, FOR RENTING OUT THE PROPERTY. IT IS PROHIBITED TO STORE PAVERS IN A RESIDENTIAL ZONED AREA.

**CODE COMPLIANCE SPECIAL MAGISTRATE**

**CITY OF DANIA BEACH, FLORIDA**

CITY OF DANIA BEACH, a Florida : CASE # 2013-1822  
Municipal Corporation,  
  
PETITIONER, :  
  
vs. :  
  
HLNP HOLDING INC,  
  
RESPONDENT. :

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

This proceeding came on for Formal Hearing on May 1, 2014, 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, HLNP Holding Inc, did allow the following code violations to exist at property Respondent owns, located at 4670 SW 25 Avenue, Dania Beach, Florida, which property is legally described as: SEABOARD PARK 12-24 B LOT 1 S 17, 2 N 43 BLK 6: (0229 05 0670).

1. DBLDC 265-100 (C) Parking Surface Required. All areas reserved for off street parking shall be of smooth paved surface and in good repair in compliance with city codes. There is a truck being parked on a non-approved surface.

2. 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, must first make application to the building department and obtain the required permit(s). Pavers have been installed without the required permit.

Upon consideration thereof, it is thereupon ORDERED:

1. Respondent, HLNP Holding Inc:

(a) has been found to be in violation of the above described code sections listed in paragraphs b.(1) and b.(2), and a fine of \$100.00 per day will begin running on May 21, 2014 for these violations.

(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 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 12 day of April, 2014.

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  
#2013-1822  
PAGE 3

Notary Seal:

Sworn and subscribed before me this  
12 day of May, 2014.

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

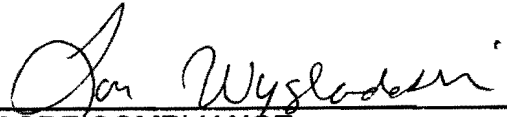
  
NOTARY PUBLIC STATE OF FLORIDA

Mark E. Berman is personally known to me.

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing Final Order was mailed to the  
Respondent, HLNP Holding Inc, this 12 day of May, 2014.

CERTIFIED MAIL # 7013 0600 0000 7437 5872

  
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 # 2013-1822  
Municipal Corporation,

PETITIONER, :

vs. :

HLNP HOLDING INC,  
RESPONDENT. :

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**SUPPLEMENTAL ORDER/CLAIM OF LIEN**

The CITY OF DANIA BEACH CODE COMPLIANCE SPECIAL MAGISTRATE, having considered the City's Motion to Confirm Fine on September 11, 2014, 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 May 12, 2014, a Final Order in the above-captioned case commanding the Respondent, HLNP Holding Inc., to bring the violations specified in said Final Order into compliance on or before May 21, 2014, or pay a fine in the amount of \$100.00 per date thereafter.
2. The violations found by the Code Compliance Special Magistrate and stated in the Final Order occurred on the subject property located at 4670 SW 25 Avenue, Dania Beach, Florida and legally described as: SEABOARD PARK 12-24 B LOT 1 S 17, 2 N 43 BLK 6: (0229 05 0670).
3. Respondent, HLNP Holding Inc, did not comply with the Final Order on or before the compliance date stated above. The violations stated in the Final Order still exist on the property.
4. The fine imposed in the Final Order for the violations specified in the Final Order are hereby confirmed and ratified and accrues at \$100.00 per day from May 21, 2014 until such time as the Respondent, HLNP Holding Inc, has complied with said Final Order. Upon complying, **the Respondent must notify** the City's Code Compliance



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 26 day of September, 2014.

CODE COMPLIANCE SPECIAL MAGISTRATE

By:   
Mark E. Berman, Esq.

Notary Seal:



Sworn and subscribed before me this 26 day of September, 2014.

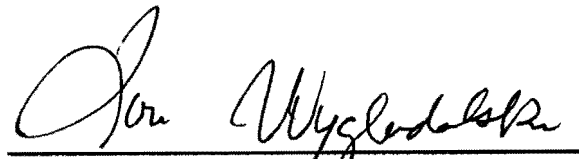
  
NOTARY PUBLIC STATE OF FLORIDA

Mark E. Berman is personally known to me.

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing Supplemental Order/Claim of Lien was mailed to the Respondent, HLNP Holding Inc, this 26 day of September, 2014.

CERTIFIED MAIL # 7013 0600 0000 7437 8897

  
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	2014-0147	Louis Ferrer Est	3448 SW 44 St	Compliance by June 10, 2014 or a \$200.00 per day fine. \$100.00 administrative fee assessed.	P
2	2014-0228	JRJD LLC	501 Stirling Rd	Compliance by June 10, 2014 or a \$150.00 per day fine. \$150.00 administrative fee assessed.	P
3	2013-1404	Andree V Chunn Est	1002 NW 2 St	Extension Granted to August 9, 2014	P
4	10-1562	Winifred Bramley c/o Barry Feinstein	1025 SE 4 Ave #206	Fine reduced to \$3,000.00 if paid by July 10, 2014.	P
5	2013-1366	William Charles	4680 SW 32 Ave	Compliance by July 10, 2014 or a \$100.00 per day fine. \$100.00 administrative fee assessed.	P
6	2013-0713	Charles E Dixon III	4465 SW 52 St	Extension Granted to June 10, 2014	P
7	2013-1822	<b>HLNP Holding Inc*</b>	<b>4670 SW 25 Ave</b>	<b>Compliance by May 21, 2014 or a \$100.00 per day fine. \$100.00 administrative fee assessed.</b>	<b>P</b>
8	2013-1574	Odyssey Investments LLC	679 SW 1 St	Compliance by May 21, 2014 or a \$200.00 per day fine. \$100.00 administrative fee assessed.	NP
9	2013-1552	Freeman Building LLC	3985 Ravenswood Rd	Continued to next available hearing	NP
10	2014-0142	DLJ Mortgage Capital Inc	129 NW 14 Way	Compliance by May 21, 2014 or a \$200.00 per day fine. \$100.00 administrative fee assessed.	NP
11	2014-0238	Samuel Clarke	326 SW 14 St	Compliance by June 10, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	NP
12	2014-0257	Kairos Holding Corp	708 SW 8 St	Compliance by June 10, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	NP
13	2012-1055	Demetric S Manley & Teonantra P Manley-Smith	2275 SW 44 St	Fine Confirmed	NP
14	2012-1057	Jose R Caldera	4604 SW 29 Ter	Case complied. Extension granted to May 1, 2014	NP
15	2013-1594	DS Realty c/o Scott Daiagi	2800 S Federal Hwy	Compliance by June 10, 2014 or a \$150.00 per day fine. \$150.00 administrative fee assessed.	NP
16	2013-1899	Edward Gonzalez	4751 SW 42 Ter	Compliance by June 10, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	NP
17	2014-0143	Robert Brigden Codling & Robert W & Emma L Codling	4951 SW 26 Ave	Compliance by June 10, 2014 or a \$200.00 per day fine. \$150.00 administrative fee assessed.	NP

## City of Dania Beach

Case Order	Case #	Name	Address	Results	
1	2014-0859	Katie Sherman Est	18 SW 7 Ave	Compliance by December 20, 2014 or \$100.00 per day fine. \$100.00 administrative fee assessed.	P
2	2013-0583	SDS Development & Trust LLC	2632 W Griffin Rd	Extension granted until October 21, 2014.	P
3	2013-1893	Fishman Investments LLC	4580 SW 33 Ave	Fine Confirmed	P
4	09-1258	S&W Alf of Dania Inc c/o Fishman Investments LLC	4580 SW 33 Ave	Authorization to Foreclose Granted	P
5	2012-1183	Edy A & Bibian L Rivera	3011 SW 51 St	Extension granted until November 20, 2014	P
6	2014-0231	Front Water Holdings LLC	4607 SW 44 Ave	Extension Granted until October 1, 2014	P
7	2013-1210	Redmond Jay Manning	4416 SW 28 Ter	Extension Granted until October 1, 2014	P
8	2014-0784	Five Star Capital Corp	1101 Old Griffin Rd	Compliance by November 20, 2014 or a \$250.00 one time assessment. \$100.00 administrative fee assessed.	P
9	2014-0559	CTKO Dania Venture LLC	20 N Federal Hwy	Compliance by October 1, 2014 or \$100.00 per day fine. \$75.00 administrative fee assessed.	P
10	2014-0560	CTKO Dania Venture LLC	16 N Federal Hwy	Compliance by October 1, 2014 or \$100.00 per day fine. \$75.00 administrative fee assessed.	P
12	2014-1046	CTKO Dania Venture LLC	6 E Dania Bch Blvd	Compliance by October 1, 2014 for items #1 and #2 or \$100.00 per day fine. Compliance by November 20, 2014 for item #3 or a \$100.00 per day fine. \$75.00 administrative fee assessed.	P
13	2014-1063	CTKO Dania Venture LLC	NE Dania Bch Blvd	Compliance by October 1, 2014 for items #1 and #2 or \$100 per day fine. Compliance by November 20, 2014 for item #3 or a \$100 per day fine. \$75.00 administrative fee assessed.	P
14	2014-1065	CTKO Dania Venture LLC	14 NE 1 Ave	Compliance by October 1, 2014 for items #1 and #2 or \$100.00 per day fine. Compliance by November 20, 2014 for item #3 or a \$100.00 per day fine. \$75.00 administrative fee assessed.	P
15	2014-1066	CTKO Dania Venture LLC	10 NE 1 Ave	Compliance by October 1, 2014 for items #1 and #2 or \$100.00 per day fine. Compliance by November 20, 2014 for item #3 or a \$100.00 per day fine. \$75.00 administrative fee assessed.	P
16	2014-0814	IIT Lakeview BC LLC c/o Industrial Income Trust Inc	2201 Stirling Rd	Compliance by October 21, 2014 or a \$250.00 one time assessment. \$100.00 administrative fee assessed.	P
17	2014-0749	Millennium Management USA LLC	2615 Stirling Rd	Fine Confirmed	P
18	2013-1487	Rodney R & Lynette C Sendall and Ernesto & Kimberly Lee	4417 SW 34 Ter	Extension granted until December 20, 2014	P
19	2014-1200	HYH Management LLC	2330 SW 44 St	Compliance by October 21, 2014 or \$250.00 per day fine. \$250.00 administrative fee assessed.	P
20	2014-1198	Robert Pereira & Siona Pereira and Shulie Harazi Menasche	4720 SW 42 Ter	Compliance by November 20, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	P
21	2013-1366	William Charles	4680 SW 32 Ave	Extension granted until September 11, 2014. Case is now in compliance	P
22	2014-0942	David L Quillen	813 NW 6 Ave	Compliance by October 21, 2014 or a \$200.00 per day fine. \$100.00 administrative fee assessed.	NP
23	2014-1049	Scott Cory Hamilton	222 NW 8 Ave	Compliance by October 21, 2014 or a \$200.00 per day fine \$100.00 administrative fee assessed.	NP
24	2014-1172	Rodrigo & Melania Sandoval	4128 SW 49 Ct	Compliance by October 21, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	NP
25	2013-1822	<b>HLNP Holding Inc*</b>	<b>4670 SW 25 Ave</b>	<b>Fine Confirmed</b>	

## City of Dania Beach

Case Order	Case #	Name	Address	Results	
1	2015-0173	Sheldon of S FL LC % Davis & Bellinson LLC	2333 Griffin Rd	Compliance by July 16, 2015 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	P
2	2012-1200	Ginny Lee Benton	5740 SW 40 Ave	Fines confirmed. Fine abated to \$2,000.00 payable by June 6, 2015 (30 days)	P
3	2014-2444	My Darling LLC	4417 SW 60 St	Compliance by June 16, 2015 or a \$100.00 per day fine. \$100.00 administrative fee assessed.	P
4	2013-1822	<b>HLNP Holding Inc*</b>	<b>4670 SW 25 Ave</b>	<b>Abatement of \$2,495.00 recommended to the City Commission</b>	<b>P</b>
5	12-0228	Florence Konschnik	320 Sheridan St	Extension Granted until May 7, 2015. Case is complied	P
6	07-0008	Myra Thea Davis	29 NW 4 Ave	Abatement of \$1,000.00 recommended to the City Commission	P
7	11-1429	Myra Thea Davis	29 NW 4 Ave	Abatement of \$1,000.00 recommended to the City Commission	P
8	2015-0199	Brandon R Coleman	3400 SW 44 St	Compliance by June 16, 2015 or a \$100.00 per day fine. \$100.00 administrative fee assessed.	P
9	2015-0277	Claudia M Franklin	318 SE 4 Ter	Compliance by August 15, 2015 or a \$100.00 per day fine. \$100.00 administrative fee assessed.	P
10	2015-0232	R H Investments Properties LLC	60 SW 15 St	Finding of Fact Issued	P
11	2014-0980	Kimberly Lynch	5091 SW 26 Ave	Extension granted to August 15, 2015	P
12	2014-2410	RJ Marina Holdings LLC	70 S Bryan Rd	Compliance by August 15, 2015 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	P
13	2015-0179	Park Ocean LLC	E Dania Beach Blvd (Vacant Lot)	Compliance by July 16, 2015 or a \$100.00 per day fine. \$100.00 administrative fee assessed.	P
14	2015-0093	Robert P Scally; Robert P Scally Rev Liv Tr	37 SW 10 St	Compliance by August 15, 2015 or a \$100.00 per day fine. \$50.00 administrative fee assessed.	P
15	2015-0104	Richard Judge	112 NW 4 Ave	Compliance by July 16, 2015 or a \$100.00 per day fine. \$100.00 administrative fee assessed.	P
16	2015-0153	Elnora Brown Green Est; D L Cooper	234 NW 5 Ave	Compliance by August 15, 2015 or a \$100.00 per day fine. \$100.00 administrative fee assessed.	P
17	2015-0149	Assunta Vardaro & Nicola Vardaro	414 SE 10 St #405	Compliance by July 16, 2015 or a \$100.00 per day fine. \$100.00 administrative fee assessed.	P
18	2015-0108	Andre Nelson	606 Phippen Rd	Compliance by June 16, 2015 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	P
19	2013-0836	David Montgomery	25 SW 5 St	Fine abated to \$1,500.00 payable by June 6, 2015 (30 days)	P
20	2014-0247	Kairos Holding Corp	708 SW 8 St	Abatement of \$3,820.00 recommended to the City Commission	P
21	2015-0151	Avraham Levi	734 SW 3 Pl	Compliance by July 16, 2015 or a \$100.00 per day fine. \$100.00 administrative fee assessed.	NP

# City of Dania Beach

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

OWNER: HLNP HOLDING INC  
 FOLIO: 0229 05 0670  
 LEGAL: SEABOARD PARK 12-24 B LOT 1 S 17, 2 N 43 BLK 6  
 ADDRESS: 4670 SW 25 Avenue, Dania Beach, Florida

CODE ENFORCEMENT ORDER LIEN							CEB 2013-1822			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
5/21/2014	1/23/2015	\$100.00	247	\$24,700.00	\$254.00	\$24,954.00	51138	818-823	10/2/2014						

CASE COMPLIED 1/23/2015

**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
			<b>254.00</b>