

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: Kairos Holding Corp, 708 SW 8 Street,
Case #2014-0257

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 6/10/2014 to comply the violations or a fine of \$150.00 per day would be levied. At the 1/8/2015 hearing Special Magistrate Mark Berman confirmed the fine as a lien. The property was brought into compliance on 2/18/2015. The fines ran from 6/10/2014 through 2/18/2015, 253 days @ \$150.00 per day = \$37,950.00 plus recording/admin fees of \$254.00 totaling \$38,204.00.

At the 5/7/15 hearing, Special Magistrate Bruce Jolly recommended an abatement of the fine to \$3,820.00 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 5/1/14, 1/8/15, 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 \$3,820.00 to the City Commission.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk



City of Dania Beach

Florida

Notice of Violation

2/26/2014

Kairos Holding Corp
134 S Dixie HWY, Ste 110
Hallandale Beach, FL 33009

Case Number: 2014-00000257
Location: 708 SW 8 ST
Folio: 5142-03-34-0510
Legal Description: See Attached Detail

Dear Kairos Holding Corp:

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 03/10/2014. 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. 3649.

Sincerely,

George White
Code Inspector

I certify that an original hereof was furnished to the above named addressee by:
Certified Mail # 7012 1010 0002 5510 3806 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

Legal Description

COLLEGE TRACT 19-9 B LOT 13
BLK 4

VIOLATION DETAIL

Violation Description	Code Text	Corrective Action
CE008021127001 - DBCC 8-21(a)(2)(g) Window/Door Maint./ Equip.	DBCC 8-21(a)(2)(g) states every window and exterior door shall be reasonably weathertight, maintained without cracks and holes, and in a state of good repair and all windows intended for ventilation must be equipped with fully operable hardware and fitted with screens.	Insure every window and exterior door is reasonably weathertight, maintained without cracks and holes, and in a state of good repair. Insure all windows intended for ventilation are equipped with fully operable hardware and fitted with screens. Obtain any and all permits and approvals as necessary or required.
CE008021144001 - DBCC 8-21(a)(4)(d) Plumbing Condition	DBCC 8-21(a)(4)(d) requires every plumbing fixture, water pipe, drain, waste pipe, and gas pipe to be maintained in good, sanitary working condition, and free from defects, leaks and obstructions.	Insure every plumbing fixture, water pipe, drain, waste pipe, and gas pipe are maintained in good, sanitary working condition, and free from defects, leaks and obstructions.
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.	Insure all electrical wiring and accessories are maintained in good, safe working condition, are adequately insulated and protected, and that no wiring, outlets, or connections are exposed so as to create a hazardous condition.
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.
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.

CODE COMPLIANCE SPECIAL MAGISTRATE

CITY OF DANIA BEACH, FLORIDA

CITY OF DANIA BEACH, a Florida : CASE # 2014-0257
Municipal Corporation,

 PETITIONER, :

 vs. :

KAIROS HOLDING CORP.,

 RESPONDENT. :

ORDER IMPOSING FINE

The CITY OF DANIA BEACH CODE COMPLIANCE SPECIAL MAGISTRATE, on January 8, 2015, 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 May 12, 2014, by the Code Compliance Special Magistrate finding the Respondent, Kairos Holding Corp, in violation of the city code sections as specified in said Final Order and imposing a fine in the amount of \$150.00 per day, beginning June 10, 2014 and continuing for each day until the property is brought into compliance.
2. The violations found by the Code Compliance Special Magistrate and entered in the Final Order occurred on the property located at 708 SW 8 Street 1-4, Dania Beach, Florida, and legally described as: COLLEGE TRACT 19-9 B LOT 13 BLK 4: (1203 34 0510).
3. The fine stated in the Final Order is hereby confirmed and ratified and did accrue at the per diem rate specified from June 10, 2014 to December 15, 2014. The total fine is \$28,350.
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
2014-0257
Page 2

DONE and ORDERED at Dania Beach, Broward County, Florida, this 21 day
of January, 2015.

CODE COMPLIANCE SPECIAL MAGISTRATE



Notary Seal:

Sworn and subscribed before me this
21 day of January, 2015.

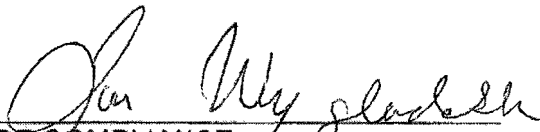

NOTARY PUBLIC STATE OF FLORIDA

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, Kairos Holding Corp, this 21 day of January, 2015.

CERTIFIED MAIL # 9014 1200 0001 7282 7402


CODE COMPLIANCE
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail
am

CODE COMPLIANCE SPECIAL MAGISTRATE

CITY OF DANIA BEACH, FLORIDA

CITY OF DANIA BEACH, a Florida Municipal Corporation, : CASE # 2014-0257
PETITIONER, :
vs. :
KAIROS HOLDING CORP, :
RESPONDENT. :

**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, Kairos Holding Corp, did allow the following code violations to exist at property Respondent owns, located at 708 SW 8 Street, Dania Beach, Florida, which property is legally described as: COLLEGE TRACT 19-9 B LOT 13 BLK 4: (1203 34 0510).

1. DBCC 8-21 (a) (2) (g) Window/Door Maint./Equip. Every window and exterior door shall be reasonably weathertight, maintained without cracks and holes and in a state of good repair and all windows intended for ventilation must be equipped with fully operable hardware and fitted with screens. There are cracks in the windows and missing screens.

2. DBCC 8-21 (a) (4) (d) Plumbing Condition Minimum Standards. Every plumbing fixture, water pipe, drain, waste pipe, and gas pipe must be maintained in good, sanitary working condition, and free from defects, leaks and obstructions. The water meter has been removed.

3. DBCC 8-21 (a) (4) (e) Electrical Condition. 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. The electric meter has been removed and there are exposed wires.

4. 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 trash, litter and untended vegetation on the property. All trash and litter on the property must be removed and all untended vegetation on the property must be cut.

Upon consideration thereof, it is thereupon ORDERED:

1. Respondent, Kairos Holding Corp:

(a) has been found to be in violation of the above described code sections listed in paragraphs b.(1) through b.(4), and a fine of \$150.00 per day will begin running on June 10, 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


FINAL ORDER
2014-0257
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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 May, 2014.

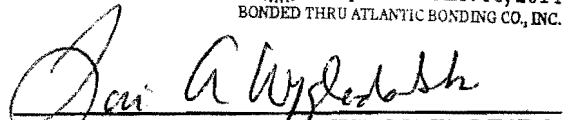
CODE COMPLIANCE SPECIAL MAGISTRATE

By: 
Mark E. Berman, Esq.

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.

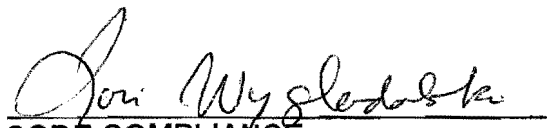

NOTARY PUBLIC STATE OF FLORIDA

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, Kairos Holding Corp, this 12 day of May, 2014.

CERTIFIED MAIL # 7013 0600 0000 7437 5933


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

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	HLNP Holding Inc	4670 SW 25 Ave	Compliance by May 21, 2014 or a \$100.00 per day fine. \$100.00 administrative fee assessed.	P
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	2014-2053	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	Cynthia Kellerhouse (Clark)	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 Pl	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
26	2013-1309	Dalland Properties LP	113 NW 13 Ave	Fine Confirmed	NP
27	2014-0104	Action Loss Mitigation Inc	2200 SW 46 Ct	Fine Confirmed	NP

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	HLNP Holding Inc	4670 SW 25 Ave	Abatement of \$2,495.00 recommended to the City Commission	P
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	2014-0257	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 PI	Compliance by July 16, 2015 or a \$100.00 per day fine. \$100.00 administrative fee assessed.	NP
22	2015-0172	CitiMortgage Inc	4424 SW 52 St	Compliance by June 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:KAIROS HOLDING CORP
 FOLIO: 1203 34 0510
 LEGAL: COLLEGE TRACT 19-9 B LOT 13 BLK 4
 ADDRESS: 708 SW 8 Street, Dania Beach, Florida

CODE ENFORCEMENT ORDER LIEN							CEB 2014-0257			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK/INSTRUMENT	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
6/10/2014	2/18/2015	\$150.00	253	\$37,950.00	\$254.00	\$38,204.00	112832865	Page 1 to 6	2/25/2015						

CASE COMPLIED 2/18/2015

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