

TAB 3



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**BEFORE THE CODE ENFORCEMENT BOARD  
OF THE CITY OF PALMETTO, FLORIDA**

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED  
REGULAR MAIL**

**CITY OF PALMETTO**

A political subdivision of the  
State of Florida

**Petitioner,**

**vs.**

**Case No. 11-10**

Sergio Nasser Ghaffari Nikon  
3970 Gocio Road  
Sarasota, Florida 34235-6728  
**Respondent**

**Re: Violation Location:** 1811 8<sup>th</sup> Avenue West, Palmetto, Florida  
**Legal Description:** **BEG AT NE COR OF SE¼ OF SE¼ OF SW1/4, THENCE S 75 FT,  
THENCE W 225 FT, THENCE N 75 FT, THENCE E 225 FT TO  
POB AS DESC IN DB 342 P 303; LESS H/W R/W OFF E P-22  
Township 34S, Range 17E, Section 11**

**Parcel ID #:** 24243.0000/8

**ADMINISTRATIVE ORDER IMPOSING LIEN**

**THIS MATTER** came before the City of Palmetto Code Enforcement Board for Public Hearing on November 29, 2011 at 6:00 p.m. at Palmetto City Hall after due notice to the Respondent.

**FINDINGS OF FACT:**

The Code Enforcement Board of the City of Palmetto finds as a matter of fact that:

- You were operating an unlicensed rooming house at the above referenced commercial property that is licensed as an automotive sales lot.
- As a result of this unlicensed use, your Local Business Tax Receipt will be referred to City Commission for revocation.
- Interior and exterior renovations have been made to the above referenced commercial property without proper permitting.

**CONCLUSIONS OF LAW:**

1. The Code Enforcement Board is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. Codes Violated: , Appendix B Zoning Code, Article I, Section 1.2 Legislative Authority; Section 1.3 Intent and Purpose; Section 1.5 Area of Coverage; Section 1.6 Code Affects ...Structures, Uses and Occupancies; Section 1.7(b) Code Affects ...Population Density...; Article II, Section 2.1 Establishment of Zoning Districts; Article III, Section 3.2 Definitions of Terms; Article IV Schedule of District Regulations, Section 4.1(a)(4) RS-3; Palmetto Code of Ordinances, Chapter 7, Article III, Florida Building Code, Section 7-31; Palmetto Code of Ordinances, Chapter 19, Licenses and Business Regulations, Article II Local Business Tax Receipt, Section 19-26(a)(1) & (b); Section 19-40 Approval of the building and zoning departments before issuance; Section 19-45 Enforcement and penalties; and Section 19-48 Schedule of business taxes:

**ORDER**

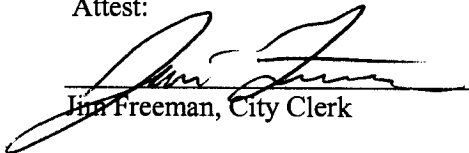
The Respondent, Sergio Nasser Ghaffari Nikon, is found in violation of the Palmetto Code of Ordinances as noticed and directed to bring the property into compliance within ten (10) days, or by December 9, 2011. If the aforementioned action is not taken by December 9, 2011, a fine of up to \$250.00 per day may be imposed for each day the violation continues past the date and time specified herein. The Respondent is entitled to notice and an opportunity to be heard prior to a fine being assessed. Administrative costs incurred by the City in the prosecution of this case in the amount of \$763.000, plus any applicable recording fees, are hereby assessed. Upon recording, such costs shall constitute a lien and shall continue with interest accruing. **A public hearing will be held on December 27, 2011, to determine if the violation has been corrected by the date certain.**

A certified copy of this Administrative Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors-in-interest or assigns if the violation concerns real property and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors-in-interest or assigns.

Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of the execution of this Administrative Order

Done and ordered this 29<sup>th</sup> day of November, 2011.

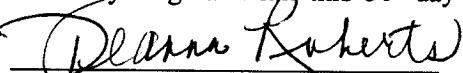
Attest:

  
Jim Freeman, City Clerk

**CITY OF PALMETTO  
CODE ENFORCEMENT BOARD**

  
Charles W. Leonard, Chair

I hereby certify that a true copy of the foregoing Administrative Order Imposing Lien has been furnished to the Respondent by Certified Mail/ Return Receipt Requested and by Regular Mail this 30<sup>th</sup> day of November, 2011.

  
Deanna Roberts, Clerk of the Board

**POINT PAPER**  
**CODE ENFORCEMENT BOARD HEARINGS**  
**NOVEMBER 29, 2011**

**Sergio Nasser Ghaffari Nikon, 3970 Gocio Road, Sarasota, Florida 34235-6728:**

The property that is the subject of this code enforcement action is located at 1811 8<sup>th</sup> Avenue West, Palmetto, Florida, Parcel ID #24243.0000/8 Township 34S, Range 17E, Section 11.

The Respondent, Sergio Nasser Ghaffari Nikon is identified as the owner of the property through the Manatee County Property Appraiser's and Tax Collector's web sites. This is commercially zoned property. Doing business as Win-Some Auto Sales, the owner operates a used car lot from this location.

On August 3, 2011, Officer Chapman received a call from the Building Official, Neal Mazzei, requesting assistance at this location. He explained that the Fire Department was on site due to a medical emergency call at 5:00a.m., and in turn had found multiple violations at this location initiating the Fire Department, Building Department, and Code Enforcement to issue a Cease & Desist order to close the business. Officer Chapman met with Mr. Mazzei and Ron Cales at the fire department for a briefing of the situation prior to going to the location. Details and pictures were provided from the fire department. The initial call was a medical emergency in which the fire department had to break down an interior door in order to access the caller in distress. All interior doors had illegal padlocks on the exterior of the door frames. The location was being used as a rooming house. The fire department had assistance from the Palmetto Police due to illegal drugs and paraphernalia being found in the patient's room. The patient/tenant was taken to the hospital and after treatment, transported to jail. Ron Cales then requested that we go to the location to close the business down and ensure that everyone vacated the building.

Upon arrival to the location, Officer Chapman observed three men inside the building. Officer Chapman then observed unpermitted remodeling and additions at this location that altered the building to four bedrooms, with a fifth being worked on, a common bathroom and kitchen, and a garage being erected on the exterior of the property. New walls, electrical work, interior wall a/c units, and plumbing were all observed and documented. Pictures were taken of all work, interior and exterior, by Officer Chapman and a Cease & Desist order was posted on the front door and rear door of the location. All tenants were order by NRRFD Fire Marshall Ron Cales to vacate the premises immediately. Sergio Nikon, owner arrived shortly after the orders were posted and he was informed of the violations and Cease & Desist orders. Mr. Nikon said he was unaware that permits were required and that he was not allowed to run a rooming house from this location. Mr. Nikon was then informed that occupying the location was forbidden and he would be arrested if he was caught on the premises while the orders were posted. Code Enforcement issued a Notice of Violation to the owner, Sergio Nikon,

and gave him five (5) days to obtain permits for all the work performed. Officer Chapman received a phone call from Mr. Nikon on August 10, 2011, stating he was working with the contractor to obtain permits for everything that needs to be done.

Building permits were issued to remodel the building back to its original condition on August 26, 2011. A public hearing was scheduled on this case on August 30, 2011. However, the Respondent never signed for the certified copy of the Notice of Hearing, and he did not appear for the scheduled hearing. A public hearing was re-scheduled for this case on September 20, 2011.

On September 13, 2011 I met with the Respondent, Sergio Nikon, at the Win Some Auto Sales. He stated there was no business to conduct at this site. He remodeled the interior, returning it to its original condition. He was advised of the CEB hearing date of September 20, 2011, but he stated he would not be present due to the recent death of his brother; he was scheduled to fly to Minnesota at the time of the hearing. On September 19, 2011 Mr. Nikon dropped off a handwritten letter with an airline itinerary for a flight from Bradenton to Atlanta on September 19, 2011. The return flight was scheduled for October 25, 2011.

The September 30<sup>th</sup> CEB Hearing was cancelled and rescheduled for November 29, 2011.

On October 6, 2011 the letter rescheduling tonight's public hearing was hand delivered to one of Mr. Nikon's employees, Ed Dieu, who stated Mr. Nikon was out of the country, but he would hand deliver the letter to Sergio's wife. At the time of this visit we noticed an RV connected to potable water & electric at the side of the office. Since it was believed the vehicle was being used as a residence, Mr. Dieu was ordered to disconnect the RV from the utilities. Both employees on site claimed the RV was used as an office, but they complied with the directive to disconnect.

This business site has been regularly visited since that time, but it has not appeared to be open for business. A contractor has been demolishing the unpermitted structure at the rear of the office, and he anticipates completion of this job by November 30, 2011.

**Recommendation:**

It is recommended that the Respondent, Sergio Nasser Ghaffari Nikon, be found in violation of City of Palmetto Code of Ordinances, and that the current Local Business Tax Receipt be referred to the City Clerk to initiate revocation proceedings against the Respondent. Further, any unpermitted alterations to this building must be removed within ten (10) days. It is recommended that the City's costs for processing this case, plus any applicable recording fees be assessed against the respondents at this time.