

TAB 4

# PALMETTO

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

### CITY OF PALMETTO

A political subdivision of the  
State of Florida

### Petitioner,

vs.

Palmetto Automotive Sales and Service  
Thomas B. Brown, Jr.  
405 8<sup>th</sup> Avenue West  
Palmetto, Florida 34221


Case No. CEB – 12-03

### Respondent.

Violation Location: 405 8<sup>th</sup> Avenue West, Palmetto, Florida

## REPORT OF COMPLIANCE

This is notice that pursuant to the Administrative Order and the Order Imposing Fine and Lien of the Code Enforcement Board of the City of Palmetto dated March 27, 2012 and April 24, 2012 respectively, the violation of the Palmetto City Code in this matter was corrected May 3, 2012.

  
\_\_\_\_\_  
Director, Code Enforcement

cc: (property owner)

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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.

Palmetto Automotive Sales and Service  
Thomas B. Brown, Jr.  
405 8<sup>th</sup> Avenue West  
Palmetto, Florida 34221

Case No. CEB 12-03

### **Respondents**

## **ORDER IMPOSING FINE AND LIEN**

**Violation Location:** 405 8<sup>th</sup> Avenue West  
Palmetto, Florida 34221

On March 27, 2012, the Code Enforcement Board (CEB) of the City of Palmetto conducted a duly noticed Public Hearing in regard to the above Respondent. Following receipt of sworn testimony and other evidence, the Board makes the following findings:

1. The Respondent was found in violation of the City of Palmetto Code of Ordinances at a hearing held on March 27, 2012. A copy of the Board's Order is attached hereto and incorporated herein as Exhibit "A".
2. The Order required the Respondent to comply with the Palmetto Code of Ordinances, as cited, by April 3, 2012. The Order was sent to the Respondent by Certified Return Receipt Requested U.S. Mail and Regular U.S. Mail on March 28, 2012.

3. The Respondent was notified in that Order that the Code Enforcement Board would hold a hearing on April 24, 2012, to determine whether the Respondent was in compliance with the Order, and if not, whether to impose a fine.
4. At the April 24, 2012 hearing, the City of Palmetto Code Enforcement Director Bill Strollo, testified that the Respondent had not complied with the Palmetto Code of Ordinances as ordered by the Administrative Order dated March 27, 2012.

### **CONCLUSIONS OF LAW**

1. The hearing has been properly notified and convened. A quorum is present and voting.
2. Section 2-87 (2) of the Code of Ordinances states that:

In determining the amount of the fine, if any, the CEB shall consider the following factors:

- a. The gravity of the violation;
  - b. Any actions taken by the violator to correct the violation;
  - c. Any previous violations committed by the violator.
3. The prior Administrative Order of this Board, dated March 27, 2012 was not complied with by the date set forth in the Administrative Order.
  4. The Board has considered the three factors cited above in arriving at its determination to impose a fine.

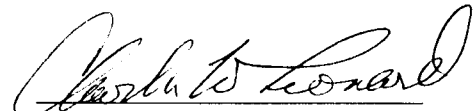
### **ORDER**

Based on the foregoing, the Code Enforcement Board moved to defer a fine from April 3, 2012, the date certain for correcting the violation, until May 1, 2012, on which date a fine of \$250.00 per day will commence and continue until the violation is corrected. A certified copy of this Order shall be recorded in the Public Records of Manatee County and any other county within the state of Florida where the Respondent has real or personal property, and it shall thereafter constitute a lien upon any real or personal property owned by the violator. Upon petition to the circuit court by the City, such Order may be enforced in the same manner as a court judgment by

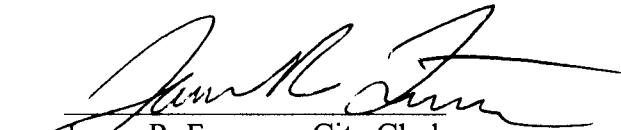
Palmetto Automotive Sales and Service  
Order Imposing Fine  
April 24, 2012  
Page 3 of 3

the sheriffs of this state, including levy against the personal property, but such Order shall not be deemed to be a court judgment except for enforcement purposes. **A fine imposed pursuant to this Order shall continue with interest accruing until the violator comes into compliance, or until judgment is rendered in a suit to foreclose on a lien created herein, whichever occurs first.**

Date: April 24, 2012

  
Charles W. Leonard, Chair  
Code Enforcement Board

Attest:

  
James R. Freeman, City Clerk

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

### **CITY OF PALMETTO**

A political subdivision of the  
State of Florida

**Petitioner,**

**vs.**

**Case No. 12-03**

Palmetto Automotive Sales and Service

Thomas B. Brown, Jr.

405 8<sup>th</sup> Avenue West

Palmetto, Florida 34221

**Respondent**

**Violation Location:** 405 8<sup>th</sup> Avenue West, Palmetto, Florida 34221

**Legal Description:** Furniture, Fixtures and Equipment

**Parcel ID #:** 90001092529 – Property Appraiser Account Number

## **AMENDED ADMINISTRATIVE ORDER IMPOSING LIEN**

**THIS MATTER** came before the City of Palmetto Code Enforcement Board for Public Hearing on March 27, 2012 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 have been conducting business as an automotive agency selling and servicing used vehicles under the business name of Palmetto Automotive Sales and Service at the above referenced address in the City of Palmetto. You have not renewed your business tax receipt that expired September 30, 2010.

### 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: Palmetto Code of Ordinances, Chapter 19, Licenses and Business Regulations, Article II Local Business Tax, Section 19-26(a)(1) & (b); Section 19-45 Enforcement and penalties; and Section 19-48 Schedule of business taxes.

## ORDER

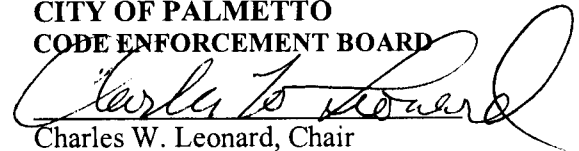
The Respondent, Business Owner Thomas B. Brown, Jr., Palmetto Automotive Sales and Service, is found in violation of the Palmetto Code of Ordinances as noticed and directed to bring the property into compliance within seven (7) days, or by April 3, 2012, by renewing a business tax receipt. If the aforementioned action is not taken by April 3, 2012, 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 \$425.00, 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 April 24, 2012 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

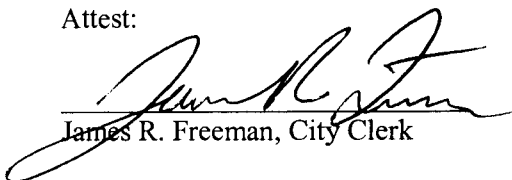
Done and ordered this 27<sup>th</sup> day of March, 2012

CITY OF PALMETTO  
CODE ENFORCEMENT BOARD



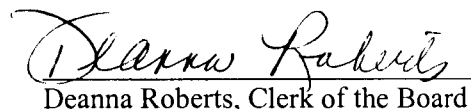
Charles W. Leonard, Chair

Attest:



James R. Freeman, City Clerk

I hereby certify that a true copy of the foregoing *Amended* Administrative Order Imposing Lien has been furnished to the Respondent by Regular Mail this 15<sup>th</sup> day of May, 2012. **This Order was amended on May 14, 2012 to change the legal description.**



Deanna Roberts, Clerk of the Board