



THE SUNRISE CITY
FORT PIERCE
BUILDING DEPARTMENT *Florida*

September 22, 2016

Sent via: CERTIFIED LETTER & 1st CLASS MAIL

Mr. Mark Musgrave
Mark Musgrave, LLC
2513 S. F.F.A Road
Ft. Pierce, FL 34945

**Re: Notice of Hearing – Mark Musgrave, LLC v. City of Ft. Pierce
Contractor Complaint – 2400 S. Ocean Drive #'s 5313, 5321, 5336**

Dear Mr. Musgrave:

This pertains to the complaint submitted to the City of Fort Pierce against you, as a contractor, in the above-referenced case and provides you with notice of the hearing that has been scheduled on such complaint.

After reviewing such complaint and your response, the Director of Building & Code Enforcement and the Chairman of the Board of Examiners of Contractors have found **probable cause** and have referred such complaint to the Board for hearing which is scheduled for **9:00 a.m. October 11, 2016, in the City Commission Chambers on the 1st floor of City Hall.**

Pursuant to the Rules of Procedure for Disciplinary Matters for the Board, enclosed is the Notice of Alleged Charges form listing the specific charges against you, together with copies of documents related thereto which are being sent to the Board.

The Respondent may be represented by counsel at the hearing, may present relevant evidence, and will be given an opportunity to cross examine witnesses. A copy of the Rules of Procedure for Disciplinary Matters for the Fort Pierce Board of Examiners of Contractors may be obtained upon request from the Department of Building & Code Enforcement.

If you have any further questions, please call Karen Murphy at (772) 467-3188.

Sincerely,


Marc Meyers, CBO, CFM
Building Official

MM/km

Enclosure

cc: Board Chairman - Don Bergman
Linda Cox, City Clerk/Asst. City Manager
Board Attorney - Jim Messer
Contractor's License File
Complainant

**CITY OF FORT PIERCE
BOARD OF EXAMINERS OF CONTRACTORS
NOTICE OF ALLEGED CHARGES**

Contractor/Qualifier: Mark Musgrave d/b/a: Mark Musgrave, LLC
 City License No: 16-00018078 State License No: _____
 Property Owner: Tara Development of Palm Beach Address of Violation: 2400 S. Ocean Dr. #5313, 5321, 5336
 Complainant: Laura Knowles

You are hereby notified that the Fort Pierce Board of Examiners of Contractors has scheduled the above referenced matter for hearing on the 11 day of October, 2016 at 9:00 a.m., in the Commission Chambers, City Hall, 100 North US #1, Fort Pierce, FL 34950.

The Checked boxes specify the charges being brought against the above named contractor under the Fort Pierce Code of Ordinance, Section 5-52:

- (1) Obtaining a certificate by fraud or misrepresentation.
- (2) Committing fraud or deceit in the practice of contracting.
- (3) Committing incompetency or misconduct in the practice of contracting.
- (4) Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property.
- (5) Abandoning a construction project in which the contractor is engaged or under contract as a contractor. (A project may be presumed abandoned after ninety days if the contractor terminates the project without just cause or without property notification to the owner, including the days.)
- (6) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:
 - (a) Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not has the liens removed form the property, by payment or by bond, within seventy-five (75) days after the date of such liens;
 - (b) The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within thirty (30) days after the date the job is abandoned.
 - (c) The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.
- (7) Substantial departure from, or disregard, of plans or specifications without consent the owner or his dully authorized representative;
- (8) Knowingly or deliberately disregarding or violating any applicable building codes or laws of the state, county or city;
- (9) Willfully and deliberately engaging in a type or class of contracting for which the contractor is not licensed or registered;
- (10) Being disciplined by any other municipality or county;
- (11) Failing to actively supervise construction projects for which the contractor has applied for and obtained a building permit; or for projects for which the contractor is, by contract; responsible;
- (12) Contracting with persons or firms not having a certificate or competency issued by the city for work or services to be performed within the city when said persons or firms are required by this chapter to possess such a certificate of competency in order to perform the contracted work or services;
- (13) Proceeding on any job without obtaining the applicable building department permits and inspections.
- (14) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting.
- (15) Knowingly combining or conspiring with an uncertified or unregistered person by allowing his certificate or registration to be used by the uncertified or unregistered person with intent to evade the provision of this code. When a certificate holder or registrant allows his certificate or registration to be used by one (1) or more business organizations without having any active participation in the operations, management, or control of such business organizations, such act constitutes prima facie evidence of an intent to evade the provisions of this Code.

Any decision of the Board may be appealed. A verbatim transcript of the hearing is necessary for an appeal. Anyone desiring a verbatim transcript shall have the responsibility at his own cost to arrange for same. Please govern yourself accordingly.

St. Lucie County
State of Florida

The forgoing instrument was acknowledged before me this 13 day of Sept 2016 by Marc Meyers

Personally known/Type of Identification _____

Mark Musgrave 9/13/16
Building Official Date

[Signature]
Notary Public State of Florida
My Commission FF 129619
Signature of Notary Expires 06/04/2016



RE: Mark Musgrave

Laura Knowles

to:

SCoss, Mark Musgrave

09/13/2016 09:41 AM

Hide Details

From: Laura Knowles <lknowles0687@gmail.com>

To: SCoss@city-ftpierce.com, Mark Musgrave <mark.musgrave56@gmail.com>

Please respond to laura.knowles1@coldwellbanker.com

Security:

Some images were prevented from loading. [Show Images](#)

"I withdraw my complaint against Mark Musgrave"

Thank you

laura R. Knowles
Realtor
CELL: 772-342-8816

Coldwell Banker Paradise
100 Mainsail Drive
Ft. Pierce Florida 34949
Office: 772-489-6100
FAX: 772-489-7330

laura.knowles1@coldwellbanker.com



THE SUNRISE CITY
FORT PIERCE
BUILDING DEPARTMENT
Florida



September 1, 2016

Mark Musgrave
2513 South F.F.A. Road
Fort Pierce, FL 34945

Dear Mr. Musgrave,

It has recently come to our attention that you have allowed 17 permits to expire without obtaining an approved final inspection. The City would like to thank you for your willingness to resolve these issues and bring these expired permits into compliance.

Florida Building Code section 105.4.1.1 provides that "If work has commenced and the permit is revoked, becomes null and void or **expires because of lack of progress or abandonment**, a new permit covering the proposed construction shall be obtained before proceeding with the work."

Florida Building Code section 105.4.1.4 provides that "The fee for renewal reissuance and extension of a permit shall be set forth by the administrative authority."

City Ordinance 5-267(26) provides that the fee for a renewal is \$50 plus the current cost of the permit.

Provided with this information, the Building Official is unable to simply re-instate the permits and waive the required fees. However, we are able to work with you in providing additional time to bring these issues into compliance.

Please renew and obtain an approved inspection for permits 15-1999 and 15-2508 within the next seven days. The remaining 14 permits, attached for reference, will need to be renewed at a rate of two per month until all permits have been renewed and inspected with the exception of permit 15-1998.

Permit 15-1998 has been renewed and paid for the by the property owner; although the Building Department cannot require you to reimburse the property owner for the required fees, it may be in your best interest to do so considering the complaint that has been filed against you.

By signing below you are agreeing to these terms of compliance.



Marc Meyers
Building Official



Mark Musgrave



CONTRACTOR COMPLAINT INVESTIGATION

Date: 9/1/2016

Property Address: 2400 S Ocean Dr. Units 5313, 5321, 5336

Background:

On July 26, 2016, the Building Department received a complaint from Laura Knowles that Mark Musgrave has allowed three permits to expire without obtaining approval for required inspections. On the same day, Mark Musgrave called the Building Department to explain the situation and ask for leniency in regards to renewal fees for the 17 permits that he has allowed to expire.



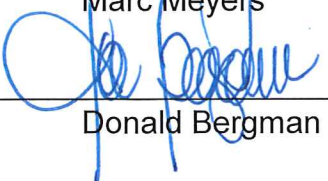
On August 31, 2016, I received a formal written response from Mark Musgrave indicating the reason for the expired permits was due to health issues including surgeries, hospitalization and subsequent medication and physical therapy. Mr. Musgrave stated in his response that in July, 2016 he was able to efficiently operate his business again.

As of September 1, 2016, Mr. Musgrave has renewed two of the permits and intends on reimbursing Ms. Knowles for the renewal of the third permit. Mr. Musgrave has also entered into an action plan with the Building Official to renew the other 14 expired permits at a rate of 2 per month until all permits have been renewed and inspected.

Findings:

1. The following sections have been violated; 5-52(3)(5)
2. Since the complainant has not withdrawn her complaint, it is my recommendation to forward this matter to the Board of Examiners of Contractors.
3. At the hearing it will be my recommendation that this matter be continued until all of the expired permits have been renewed and closed. At that time it will be my recommendation to dismiss this complaint.

Investigator's recommendation for a hearing:

	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Signature 
			Shaun Coss
Building Official:	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	Signature 
			Marc Meyers
Board Chairman:	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	Signature 
			Donald Bergman



Fwd: Mr. Mike Meyers
Mark Musgrave
to:
scoss
08/31/2016 11:00 AM
Hide Details
From: Mark Musgrave <mark.musgrave56@gmail.com>
To: scoss@city-ftpierce.com

----- Forwarded message -----

From: **mark.musgrave56** <mark.musgrave56@gmail.com>
Date: Tue, Jul 26, 2016 at 11:18 AM
Subject: Fwd: Mr. Mike Meyers
To: mmeyers@city-ftpierce.com

Mr. Meyers:

I am writing to you in hopes that you can help with me a huge burden that I am carrying. I am a local small screening contractor that is recovering from several operations and hospital stays. I applied for several permits for screen rooms from July of 2015 through October 2015 for properties at 2400 South Ocean Drive. Following that, I had separate neck and knee replacement surgeries with complications that caused me to be rehospitalized with months of therapy and heavy medications.

I am trying to get my business back on its feet. All of these jobs are now finally ready for inspection but most of the permits have expired. Because these operations have caused me much physical and financial hardship, I ask that you waive the cost of reapplying for these permits and allow me to proceed with extensions and final inspections on them. Due to the time out from work and hospital bills, I do not have the money to pay for these permits again.

If possible, I would like to meet with Kevin to get them all inspected at the same time. I would greatly appreciate your assistance in this matter and am looking forward to speaking with you. You can reach me at [\(772\) 528-5212](tel:(772)528-5212).

Sincerely,

Mark Musgrave

Mark Musgrave LLC



Fwd: Emailing - Mark Musgrave LLC.pdf

Mark Musgrave

to:

scoss

08/31/2016 10:58 AM

Hide Details

From: Mark Musgrave <mark.musgrave56@gmail.com>

To: scoss@city-ftpierce.com

1 Attachment



Mark Musgrave LLC.pdf

Per our conversation yesterday, please find my response to the complaint filed against me. I will also forward you the email that I sent to Mr. Coss in a separate email. PLEASE call me to let me know you have received this and to set up an appointment for tomorrow to discuss our plan of action. Thank you for your time.

Mark Musgrave

August 31, 2016
City of Fort Pierce
Attention: Shaun Coss

Mr. Coss:

Thank you for your conference call with Paul Thomas and me on August 30 regarding the complaint filed against me from Laura Knowles on the properties at 2400 S. Ocean Drive in Fort Pierce. As I explained, I have been trying to resolve this issue with the City since July 26, and you are the first person to respond to my request for assistance. I am a resident of Fort Pierce for over 50 years and have been a licensed contractor in the area since the early 1980's with no issues. Recent health issues have caused this unfortunate incident, and I am grateful for your assistance in resolving it.

On July 26, I contacted the City of Fort Pierce and spoke with Mr. Marc Myer's assistant Karen to explain my situation and ask to speak with him for assistance in resolving it. I was told that Mr. Myers was not available to speak with me but would return my call. Upon not hearing back, I again called and she advised me that he was the person I needed to speak with and that I was to send him an email explaining the situation. I did so (see attached). I still did not hear back from him and was told it was because he was on vacation and would handle when he returned. As of this date, I have still not heard from him.

On August 12, I received notice by mail that a complaint had been filed against me for one of the permits in question. I immediately called and again spoke with Karen to advise her of the complaint and inform her that my request for assistance had not yet been addressed. As neither you nor Mr. Coss was again not available, she told me that you and the inspector Kevin would figure something out to resolve this and that someone would get back with a plan of action to resolve this complaint. After several timely (both written and verbal) attempts on my part to resolve this, you and Paul Thomas were the first to tell me in our phone call yesterday to place another response to the complaint in writing and submit it to you.

MY RESPONSE TO COMPLAINT FILED:

As I mentioned, during the last four months of 2015, I had two separate surgeries in September and November and hospital stay that ultimately required another hospital stay in December due to complications. Pain, heavy medications and physical therapy lasted for months into 2016 and caused me to not be able to efficiently operate my business. In July of this year, I was able to get myself and business back together and contacted the City to resolve the outstanding permits for work that had already been completed but had not been called for final inspections. I have explained multiple times and to at least 4 people at the City that due to my surgery bills and time out of work, I do not have the money to pay additional fees for these permits and need a compromise. Paul suggested yesterday that I renew a few permits at a time over the following months until they are all finalized. I would greatly appreciate a waiver/discount of renewal permit fees as this is an overwhelming situation to be in, financially, physically and mentally. The renewal fees are almost what I paid for the original permits.

I have contacted Mr. Tom Knowles (representative for Coldwell Banker) as Laura Knowles was unavailable. I apologized and inform him that I received a response to my issue from the City just yesterday. I assured him that the properties that Coldwell Banker are responsible for from the complaint she filed on Units 5321, 5313 and 5336 will be resolved this week and that I would reimburse Coldwell Banker for the fee the City charged them. My response was more than satisfactory to him. I will be in tomorrow to pay the necessary fees and would like to meet with you any time after 10:30 a.m. I apologize for this situation and as always will do my very best to satisfy my customers. There is no need to refer this matter to the Board or include in my file as I have immediately and diligently responded and followed all instructions the City has provided to me for resolving this issue and resolved the complaint with the customer. Please contact me at (772) 528-5212 to let me know you received my response and to set up an appointment.

Again, I thank you for your assistance in resolving this in a timely matter for me, my customer and the City. Please know that resolving this issue and complaint is, and has been, a priority for me and that I will follow your instructions to the best of my ability.

Mark Musgave

(772) 528-5212

Permit #	Issued	Expired	Address	
15-1874	7/27/2015	1/23/2016	2400 s Ocean 5329	
15-1872	7/27/2015	1/23/2016	2400 s Ocean 5312	
15-2372	9/21/2015	3/19/2016	2400 s Ocean 5311	
15-1871	7/27/2015	1/23/2016	2400 s Ocean 5319	
15-1873	7/27/2015	7/27/2015	2400 s Ocean 5324	
15-1997	8/12/2015	2/8/2016	2400 s Ocean 5331	
15-1953	8/12/2015	2/8/2016	2400 s Ocean 5314	
15-1998	7/27/2016	CL	2400 s Ocean 5321	owner took over
15-1970	8/12/2015	2/8/2016	2400 s Ocean 5322	
15-1999	8/12/2015	2/8/2016	2400 s Ocean 5336	
15-2186	9/10/2015	3/8/2016	2400 s Ocean 5320	
15-2508	9/21/2015	3/19/2016	2400 s Ocean 5313	
15-2367	9/21/2015	3/19/2016	2400 s Ocean 5323	
15-2187	9/10/2015	3/8/2016	2400 s Ocean 5325	
15-2373	9/21/2015	3/19/2016	2400 s Ocean 5327	
15-2369	9/21/2015	3/19/2016	2400 s Ocean 5333	
15-2605	10/12/2015	4/9/2016	2400 s Ocean 5335	

emailed + sent 8/10/16



file copy

BUILDING DEPARTMENT
100 N US Highway 1
Fort Pierce, FL 34950
Tel: 772.467.3000
Fax: 772.467.3849
www.cityoffortpierce.com

August 9, 2016

Via: CERTIFIED LETTER & 1st CLASS MAIL

Mr. Mark Musgrave
Mark Musgrave, LLC
2513 S. F.F.A. Road
Fort Pierce, FL 34945

Re: 2400 S. Ocean Drive

Dear Mr. Musgrave:

This letter is to inform you that a complaint has been filed with the City of Fort Pierce against you, as the holder of a Contractor's Certificate of Competency, and/or as a contractor certified by the State of Florida. Attached is a copy of the complaint affidavit that has been filed with the Building Department.

You may submit to the Director of Building and Code Enforcement a written response to this complaint within 15 days of the date of this letter. Per Section 5-51 of the City of Fort Pierce Code of Ordinances, the Director of Building & Code Enforcement and the Chairman of the Board of Examiners of Contractors shall review the complaint for probable cause.

If no probable cause is found, the complaint shall be denied and will not be referred to the Board of Examiners of Contractors. A copy of the complaint and the findings will be placed in your contractor's license file. The complainant shall have no right of appeal.

Where probable cause is found, the complaint shall be referred to the Board for a hearing. You will be sent a Notice of Alleged Charges and notified of the date, time, and place of the hearing.

If you have any further questions, please call my assistant at (772) 467-3188.

Sincerely,


Marc Meyers
Building Official, CBO, CFM

MM/km
Attachment

cc: Board Chairman – Don Bergman; Board Attorney – James Messer; Contractor's License File; Complainant



CONTRACTOR COMPLAINT AFFIDAVIT

PERSON OR COMPANY COMPLAINT IS AGAINST: Mark Muskayane
ADDRESS OF THE COMPLAINT: 2400 S. Ocean Dr. Ft Pierce R. 34949
Unit 5324, 5313, 5336
MADE BY: (Mr. /Mrs. /Ms.) Laura Cowles
Address: 2379 NW Cove View
City: Stuart
Home Phone: _____ Work/Cell Phone: 772 342 8816
Email: Laura.Cowles4@ColdwellBanker.com

BEFORE ME, the above signed authority, this day personally appeared to file a complaint against:

Name of Person and/or Company: Mark Muskayane
Phone Number: _____
Address: _____
City: _____ State: _____ Zip: _____

IN DETAIL, clearly state your complaint below: (Please include any contracts, bills, cancelled checks, correspondences, etc.)

contractor completed the work but never had work inspected - this permit original expired & owner now has to reapply for permit & pay.

I have paid \$ \$154.00 to: City of Ft Pierce
By check _____ Money Order _____ other _____

Type of action being requested of the Board. (Note: If seeking a refund, this would be a civil matter.)

[Signature]
Signature



SWORN TO AND SUBSCRIBED BEFORE ME this 26th day of July, 2016

[Signature]
Notary Signature

