

**FORT PIERCE BOARD OF EXAMINERS OF CONTRACTORS  
AGENDA**

Board of Examiners of Contractors Regular Meeting - Tuesday, June 13, 2017 - 9:00 a.m.  
City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
  - a. Approval of May 9, 2017 Meeting Minutes
5. **CONSIDERATION OF ABSENCE(S)**
6. **CONSENT ITEMS**
7. **UNLICENSED CONTRACTOR(S) ADMINISTRATIVE HEARING**
8. **APPLICATIONS TO BE CONSIDERED FOR A CERTIFICATE OF COMPETENCY**
9. **CONTRACTOR COMPLAINTS**
  - a. 

Contractor/Qualifier	Db	Competency Card #	State License #
Mark Musgrave	Mark Musgrave, LLC	16-00018078	N/A
10. **PUBLIC COMMENTS**
11. **STAFF COMMENTS**
12. **BOARD COMMENTS**
13. **ADJOURNMENT**

Any person seeking to appeal any decision by the Board of Examiners of Contractors with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3052 at least 48 hours prior to the meeting.

**Board of Examiners of Contractors**

**4.a.**

**Meeting Date:** 06/13/2017

**Re:** Minutes of May 9, 2017 Meeting

**Submitted For:** Paul Thomas, Interim Building Official, Building

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**SUBJECT:**

Approval of May 9, 2017 Meeting Minutes

**CASE INFORMATION:**

**BACKGROUND**

**TIMELINE**

**FINDINGS**

**ALLEGED CHARGES:**

**RECOMMENDATION:**

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**Attachments**

BEC 5.9.17 Mins.

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**Form Review**

Form Started By: Karen Murphy  
Final Approval Date: 05/12/2017

Started On: 05/12/2017 02:44 PM

MINUTES OF A REGULAR MEETING OF THE BOARD OF EXAMINERS OF CONTRACTORS OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 9:00 A.M. ON TUESDAY, MAY 9, 2017.

**1. CALL TO ORDER**

Chairman Langel called the meeting to order at 9:00 A.M.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Roll call was taken. Mr. Grimsley had called in that he would be unable to attend the meeting.

Present: Holly Theuns; Ralph Fogg; Paul Thomas; James Matula; John Langel; Kenneth Waters; Reed Sudderth; Robert Scott Bruhn

Absent: ; Marvin Grimsley

**4. CONSIDERATION OF ABSENCE(S)**

Motion was made by Kenneth Waters, seconded by Reed Sudderth to excuse the absence of Mr. Grimsley.

AYE: Holly Theuns, Paul Thomas, , James Matula, John Langel, Kenneth Waters, Ralph Fogg, Reed Sudderth, Robert Scott Bruhn

Passed

**5. APPROVAL OF MINUTES**

Approval of January 10, 2017 meeting minutes

Motion was made by Reed Sudderth, seconded by Robert Scott Bruhn to approve the January 10, 2017 meeting minutes.

AYE: Holly Theuns, Paul Thomas, , James Matula, John Langel, Kenneth Waters, Ralph Fogg, Reed Sudderth, Robert Scott Bruhn

Passed

**6. APPLICATIONS TO BE CONSIDERED FOR A CERTIFICATE OF COMPETENCY**

**a. Request from Ray Hardisky to add "Decorative Metal Contractor" as a Specialty Contractor.**

Mr. Hardisky has requested that Decorative Metal Contractor be added to the forty-two (42) specialty contractor licenses recognized by the City, which would allow this designation to fabricate and install guards and handrails for both residential and commercial properties.

Mr. Hardisky indicated that his metal products are fabricated to an engineer's specifications for pressure and wind load, and that although he is hired by general contractors, they usually ask him to do the installation. Mr. Hardisky reported that he is licensed to install in Martin County and has been doing so for 30 years. It was noted that the City of Fort Pierce does not provide

exam testing, however reciprocates licenses with jurisdictions that do provide testing.

After much discussion, Mr. Waters moved to allow the specialty license to install if the product is created to an engineer's specifications, and if the installation is followed with an inspection. Mr. Sudderth seconded.

Mr. Bruhn respectfully requested more discussion on the topic, and disagreed out of concern for public safety that this proposed specialty should be authorized to install guards and handrails. He felt that the specialty should also hold a general contractor's license, or work under the direct supervision of a general contractor.

Mr. Waters withdrew his motion. There was general discussion of metal materials and how guards and handrails are built to an engineer's specifications, and how guards are addressed in the Florida Building Code but handrails are not.

Motion was made by Kenneth Waters, seconded by Ralph Fogg to not recommend the designation of Decorate Metal Contractor be added to the list of specialty contractors recognized by the City.

AYE: , James Matula, John Langel, Kenneth Waters, Ralph Fogg, Reed Sudderth, Robert Scott Bruhn

NAY: Holly Theuns, Paul Thomas

Passed

**7. CONTRACTOR COMPLAINTS**

a.

Contractor/Qualifier	Dbas	Competency Card #	State License #
Terrence John Mager	Mager Construction, Inc.	1700018340	CBC059059

The hearing began with Mr. Feliciano addressing the Board and explaining the background and exhibits provided to the Board. He indicated that he conducted business with Mr. Mager using texts and photos due to the fact that he lives in Coral Gables. Mr. Feliciano upon visiting the project after a complaint was filed, found that the work was incomplete or completed without permits. He then put a stop on a payment of \$2,800.00. He stated that over a period of eleven (11) months, he had paid Mr. Mager \$32,920.00 for repairs that were not or only partially completed.

Mr. Mager addressed the Board and reported that he experienced one difficulty after another while working on the project, and that the project was over budget. He indicated that he had almost \$5,795.00 of his own money invested in the repairs.

Staff noted that there was substantial work done without proper permits, and the valuations were not correct at time of permit. There were seven (7) separate charges which the Board decided to vote on separately using a roll call for each charge. The charges were as follows, numbered as listed on the City's Alleged Charges form:

- (2) Committing fraud or deceit in the practice of contracting;
- (3) Committing incompetency or misconduct in the practice of contracting;
- (7) Substantial departure from, or disregard, of plans or specifications without consent of the owner or his duly 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;

(12) Contracting with persons or firms not having a certificate of 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.

Mr. Mager was found guilty on all but one charge, which was (9) Willfully and deliberately engaging in a type or class of contracting for which the contractor is not licensed or registered.

Motion was made by Kenneth Waters, seconded by Ralph Fogg to find Mr. Mager in violation of charges numbered 2, 3, 7, 8, 12, and 13, and to require disciplinary action be taken in the form of a warning letter to be placed in his file with the City of Fort Pierce, but not to be sent to the State. Any further charges in the future would determine whether a letter to the State would be sent at that time.

AYE: Kenneth Waters, Ralph Fogg, Robert Scott Bruhn

NAY: Holly Theuns, Paul Thomas, James Matula, John Langel, Reed Sudderth

Failed

Motion was made by Reed Sudderth, seconded by Holly Theuns to find Mr. Mager in violation of charges numbered 2, 3, 7, 8, 12, and 13, and to require disciplinary action be taken in the form of a warning letter to be placed in his file with the City of Fort Pierce, with a copy of the written reprimand to be forwarded to the State.

AYE: Holly Theuns, Paul Thomas, James Matula, John Langel, Reed Sudderth

NAY: Kenneth Waters, Ralph Fogg, Robert Scott Bruhn

Passed

**8. PUBLIC COMMENTS**

There was no public comment.

**9. STAFF COMMENTS**

There were no staff comments.

**10. BOARD COMMENTS**

There were no Board comments.

**11. ADJOURNMENT**

There being no further discussion, Chairman Langel adjourned the meeting at 10:40 A.M.

**Board of Examiners of Contractors****9.a.****Meeting Date:** 06/13/2017**Re:** Laura Knowles vs. Mark Musgrave D/B/A Mark Musgrave, LLC**Submitted For:** Paul Thomas, Interim Building Official, Building**SUBJECT:**

Contractor/Qualifier	Dbas	Competency Card #	State License #
Mark Musgrave	Mark Musgrave, LLC	16-00018078	N/A

**CASE INFORMATION:**

Property Owner	Address of Violation	Complainant
Tara Development of Palm Beach	2400 S. Ocean Dr. Units 5321, 5313, 5336	Laura Knowles

**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, Mr. Coss received a formal written response from Mr. 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 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.

On September 13, 2016 Ms. Knowles contacted the Building Department via email to withdraw her complaint against Mr. Musgrave.

On October 11, 2016 the complaint was heard at the Board of Examiners of Contractors hearing where it was continued until further notice until such time as the permits are renewed and inspected at a rate of two per month as per the Terms of Compliance as set forth in the Agreement between the Respondent and the City dated September 1, 2016 (Agreement).

As of May 5, 2017, Mr. Musgrave has renewed, obtained inspection and closed all 17 permits that had expired thus complying with the action plan.

## TIMELINE

7/26/16	Ms. Knowles files a Contractor Complaint with the Building Department.
8/31/16	Mr. Musgrave responds to complaint and asks for leniency.
9/1/16	Mr. Musgrave renews two permits and begins action plan to renew 14 other expired permits at a rate of 2 per month.
9/13/16	Ms. Knowles withdraws her complaint.
10/11/16	The matter was continued at the Board of Examiners' of Contractors Meeting.
5/5/17	All expired permits have been renewed, inspected and closed.
5/10/17	Mr. Musgrave is sent the Notice of Rescheduled Hearing letter.

## FINDINGS

1.	The following Sections have been violated 5-52 (3) (5)
2.	Ms. Knowles has withdrawn her complaint; however since the Board previously continued this matter, this item must be re-heard by the Board of Examiners of Contractors for final action.

## ALLEGED CHARGES:

5-52 (3)	Committing incompetency or misconduct in the practice of contracting.
5.52 (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.)

## RECOMMENDATION:

It is staff's recommendation that this complaint be dismissed as all of the expired permits have been renewed and closed; and, that an Order of such dismissal be placed in the contractor's file.
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## Attachments

BEC Musgrave Order of Continuance

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## Form Review

Inbox	Reviewed By	Date
Building	Karen Murphy	05/18/2017 01:54 PM
Building	Paul Thomas	05/18/2017 03:35 PM
Form Started By: Karen Murphy		Started On: 05/12/2017 01:43 PM
Final Approval Date: 05/18/2017		

BOARD OF EXAMINERS OF CONTRACTORS  
OF THE CITY OF FORT PIERCE, FLORIDA, A MUNICIPAL CORPORATION

LAURA KNOWLES,  
Complainant,

v.

MARK MUSGRAVE,  
D/B/A MARK MUSGRAVE, LLC.  
Respondent.

Address of Alleged Violation(s): 2400 S. Ocean Drive, Units #5321, #5313, and #5336, Fort Pierce, Florida

ORDER OF CONTINUANCE

THIS MATTER, came before the Board of Examiners of Contractors of the City of Fort Pierce, Florida (the "Board") for hearing on October 11, 2016, upon the Complaint filed by the Complainant, Laura Knowles, against the Respondent, Mark Musgrave D/B/A Mark Musgrave, LLC, dated July 26, 2016, and the Notice of Alleged Charges filed by the Building Official with the Building Department of the City of Fort Pierce, Florida (the "Department") dated September 13, 2016, based upon said Complaint. Notice of said hearing was provided to the Respondent by letter dated September 22, 2016. The Complainant, the Respondent, and the Department appeared at said hearing. The Board, proceeded with such hearing and, having been advised of the Respondent's agreement to renew and obtain approved inspections for expired permits,

IT IS ACCORDINGLY ORDERED that this matter shall be continued until further notice pending such time as the agreed upon expired permits have been renewed and inspected at a rate of two permits per month by the Respondent as per the Terms of Compliance as set forth in the Agreement between Respondent and the City dated September 1, 2016 (Agreement). The Building Official shall be responsible for monitoring the Respondent's observance of the terms in accordance with the Agreement and rescheduling this cause for a hearing before the Board of Examiners of Contractors with due notice to the parties.

DONE AND ORDERED this 2 day of November, 2016.

  
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Ken Waters, Acting Chairman of the Board

CERTIFICATE OF SERVICE

In my capacity as Secretary for the Board of Examiners of Contractors of the City of Fort Pierce, Florida, I certify that a true and correct copy of the above Order was furnished by U.S. Mail and, if designated, emailed to: the Complainant, Laura Knowles, [laura.knowles1@coldwellbanker.com](mailto:laura.knowles1@coldwellbanker.com); the Respondent, Mark Musgrave, dba Mark Musgrave, LLC, 2513 S. F.F.A. Road, Fort Pierce, FL 3494, [mark.musgrave56@gmail.com](mailto:mark.musgrave56@gmail.com); City of Fort Pierce Building Department, Attention: Shaun Coss, Building Department Investigator, PO Box 1480, Fort Pierce, FL 34954-1480, [scoss@city-ftpierce.com](mailto:scoss@city-ftpierce.com); and James M. Messer, City Attorney, Post Office Box 1480, Fort Pierce, FL 34954-1480, [awilkinson@city-ftpierce.com](mailto:awilkinson@city-ftpierce.com) on November 3, 2016.



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Secretary for the Board of Examiners of Contractors