

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

Board of Examiners of Contractors Regular Meeting - Tuesday, July 11, 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. **CONSIDERATION OF ABSENCE(S)**

APPROVAL OF MINUTES

APPROVAL OF JUNE 13, 2017 MEETING MINUTES

- 5. **CONSENT ITEMS**

- a.

Citation #	Violators Name	Violators Business Name	Enforcement Officer
228	James Chauncey	Chauncey's Glass Inc	Shaun Coss

- 6. **UNLICENSED CONTRACTOR(S) ADMINISTRATIVE HEARING**

- a.

Citation #	Violators Name	Violators Business Name	Enforcement Officer
207	Marcello Brunson		Shaun Coss

- b.

Citation #	Violators Name	Violators Business Name	Enforcement Officer
205	Hugo Tovar	Aztec Graphix	Shaun Coss

- 7. **PUBLIC COMMENTS**
- 8. **STAFF COMMENTS**
- 9. **BOARD COMMENTS**

10. **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

Meeting Date: 07/11/2017

Re: APPROVAL OF JUNE 13, 2017 MEETING MINUTES

Submitted For: Paul Thomas, Interim Building Official, Building

SUBJECT:

APPROVAL OF JUNE 13, 2017 MEETING MINUTES

CASE INFORMATION:

BACKGROUND

TIMELINE

FINDINGS

ALLEGED CHARGES:

RECOMMENDATION:

Attachments

BEC 6.13.17 Mins

Form Review

Form Started By: Karen Murphy
Final Approval Date: 07/06/2017

Started On: 07/06/2017 02:57 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, June 13, 2017.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chairman Bergman called the roll and it was noted that Scott Bruhn and Holly Theuns had notified the secretary ahead of time that they would not be attending.

Present: Ralph Fogg; Paul Thomas; Don Bergman; James Matula; John Langel; Kenneth Waters; Marvin Grimsley; Reed Sudderth

Absent: Holly Theuns; Robert Scott Bruhn

a. CONSIDERATION OF ABSENCE(S)

Motion was made by Reed Sudderth, seconded by John Langel to excuse the absences of Ms. Theuns and Mr. Bruhn.

AYE: Paul Thomas, Don Bergman, James Matula, John Langel, Kenneth Waters, Marvin Grimsley, Ralph Fogg, Reed Sudderth

Passed

4. APPROVAL OF MINUTES

a. Approval of May 9, 2017 Meeting Minutes

Motion was made by Reed Sudderth, seconded by Ralph Fogg to approve the minutes of the January 10, 2017 meeting as typed.

AYE: Paul Thomas, Don Bergman, James Matula, John Langel, Kenneth Waters, Marvin Grimsley, Ralph Fogg, Reed Sudderth

Passed

5. CONTRACTOR COMPLAINTS

a.

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

Paul Thomas began by stating the history of this case, that Mr. Musgrave, due to illness was unable to proceed with work associated with his fourteen (14) open permits, so they fell into an expired status. Mr. Thomas indicated that the Building Department created an action plan with Mr. Musgrave, who successfully reimbursed the Complainant for renewal charges associated with one of the permits. He successfully complied with the action plan, and at this time, since all permits were closed, Staff was recommending dismissal of the case.

Motion was made by Kenneth Waters, seconded by Marvin Grimsley to dismiss the charges against Mr. Musgrave.

AYE: Don Bergman, James Matula, John Langel, Kenneth Waters, Marvin Grimsley, Ralph Fogg, Reed Sudderth

Other: Paul Thomas (ABSTAIN)

Passed

6. PUBLIC COMMENTS

7. STAFF COMMENTS

8. BOARD COMMENTS

Mr. Sudderth began a discussion by asking how the City can monitor expired permits. Mr. Thomas explained that currently the City's Building Department does not have the software or the staff to track permits. He indicated that this is actually a statewide problem, and is often addressed with automated monitoring, but that it would cost money. He also noted that while the Building Department will seek a solution, the responsibility of monitoring permits primarily rests upon the contractor.

Mr. Thomas said the Building Department is working on a solution for this and other issues, but this takes staff and funding. He explained that Building Departments are an enterprise fund (self-funded) in every municipality by State Statute, and do not receive funding from the general fund, as do most other departments. He also noted that decisions made by construction Boards can impact Building Departments, their budgets, and their staff.

Mr. Matula commented that it is daunting to have to make two trips to City Hall when obtaining a permit. He said that certain standard permits should be signed off right at the counter. Mr. Thomas added that the Building Department has an "early start" letter option, which may help in some cases. He added that the Building Department is implementing a new software program "Project Dox" in October, which should help streamline the plan submittal and permitting process.

Mr. Thomas explained that it is not always the permitting process that delays a permit; but every permit needs a certified person to review and approve it. Mr. Thomas added that there is a shortage of qualified professionals in the construction industry. Other area municipalities compete with the City of Fort Pierce for these professionals, and limited available funding hinders the Building Department's ability to be attractive to qualified applicants in the job market.

There was discussion about requiring plan reviews for simple or emergency projects. Mr. Thomas noted that the Florida Building Code provides for a "work at your own risk" option for emergency cases if a contractor needs to proceed with construction up to the first inspection.

In conclusion, Mr. Thomas stated that the Building Department provides a monthly report to the City Commission, which includes information on permits. He said that he appreciates the discussion, and would like to improve the permit issuing process. He said he would inquire about a software patch to address expiring permits.

9. ADJOURNMENT

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

Board of Examiners of Contractors**5.a.****Meeting Date:** 07/11/2017**Re:** James M. Chauncey - Uncontested Citation**Submitted For:** Shaun Coss, Building Dept. Investigator, Building**SUBJECT:**

Citation #	Violators Name	Violators Business Name	Enforcement Officer
228	James Chauncey	Chauncey's Glass Inc	Shaun Coss

CASE INFORMATION:

Date of Citation	Location of Violation	Description of violation / facts
4/28/17	1807 Avenue D	On 4/7/17 Chauncey's Glass replaced the storefront at 1807 Avenue D. Prior to the permit being issued. As a courtesy, a stop work order was not issued. Mr. Chauncey was advised that the permit needed to be picked up ASAP. When checked on 4/27/17, the permit still had not been issued. Permit was issued on 5/9/17.

ORDINANCES VIOLATED:

5-53 (a)(8)	Commence or perform work for which a building permit is required pursuant to Chapter 5 of the Fort Pierce Code of Ordinance without such building permit being in effect.
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RECOMMENDATION:

The alleged violator(s) have not requested an administrative hearing and the citation(s) have not been paid – This is his 2 nd offense. Enter in an order to pay penalty in the amount of \$1,000.00

Attachments

James Chauncey

Form Review**Inbox**

Building

Form Started By: Kristie Kirstein

Final Approval Date: 06/28/2017

Reviewed By

Paul Thomas

Date

06/28/2017 02:01 PM

Started On: 06/27/2017 01:43 PM



Affidavit of Non-Compliance

Citation # 228

IN THE MATTER OF:

Property Location
1807 Avenue D

James M. Chauncey
PO Box 3747
Fort Pierce FL 34948

As of the 4th day of April, 2017, the violator of citation # 228 has not contested or paid the civil penalty within the period allowed on the citation. The citation should be forwarded to the Board of Examiners of Contractors.

Shaun Coss, Building Department Investigator

STATE OF FLORIDA
COUNTY OF ST. LUCIE

PERSONALLY APPEARED before me, the undersigned authority, Shaun Coss, (personally known) and acknowledged that he did execute the foregoing affidavit.

SWORN TO AND SUBSCRIBED before me this 20th day of June, 2017.

NOTARY PUBLIC - STATE OF FLORIDA

MY COMMISSION EXPIRES:





CITY OF FORT PIERCE CITATION

CITATION # 228 CERTIFIED MAIL #: 7015 1730 0000 9460 7002

This Citation is issued pursuant to City of Fort Pierce Ordinance 5-53 and State of Florida Statute 489. THE ACT FOR WHICH THIS CITATION IS ISSUED SHALL CEASE IMMEDIATELY UPON RECEIPT OF THE CITATION.

The enforcement officer has reasonable and probable grounds to believe that a violation of the Fort Pierce Code of Ordinances and Florida Statute 489 has occurred:

- 5-53 (a)(1) Falsely hold himself/herself or a business organization out as a licensee, certificate holder, or registrant.
- 5-53 (a)(2) Falsely impersonate a certificate holder or registrant.
- 5-53 (a)(3) Present as his/her own the certificate, registration of another.
- 5-53 (a)(4) Knowingly give false or forged evidence to the Board or a member thereof.
- 5-53 (a)(5) Use or attempt to use a certificate, registration that has been suspended or revoked.
- 5-53 (a)(6) Engage in the business or act in the capacity of a contractor or advertise himself/herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified.
- 5-53 (a)(7) Operate a business organization engaged in contracting after 60 days following the termination of its only Qualifying agent without designating another primary qualifying agent, except as provided in ss. 489.119 and 489.1195.
- 5-53 (a)(8) Commence or perform work for which a building permit is required pursuant to Chapter 5 of the Fort Pierce Code of Ordinance without such building permit being in effect.
- 5-53 (a)(9) Willfully or deliberately disregard or violate any municipal or county ordinance relating to uncertified or unregistered contractors.
- 5-53 (a)(10) Act in the capacity of a contractor different from the scope of work for which the contractor is certified to perform.
- 5-53 (a)(11) Fail to secure required inspections.
- 5-53 (a)(12) Willfully and deliberately obtain or attempt to obtain a permit for an entity unregistered or unlicensed.

Description of violation and facts: On 4-7-17 Chanancy's Glass replaced the storefront at 1807 Avenue D. Prior the Permit being issued. As a courtesy, a stopwork order was not issued. Mr. Chanancy was advised the Permit needed to be picked up ASAP. As of today, 4-27-17, it has not been issued.

Was observed on 4/7/17 at 11:30am pm At the property location of: 1807 Avenue D

ISSUED TO: James M Chanancy
First Middle Last

BUSINESS NAME: Chanancy's Glass, Inc TYPE OF WORK PERFORMED: Glass/ Glazing

ADDRESS: 621 S. US Hwy 1 CITY: ft. Pierce STATE: FL ZIP: 34950

PHONE NUMBER: 772-465-8090 DRIVERS LICENSE #: C520453471760 DATE OF BIRTH: 5-16-1947

Penalties for Licensed Contractors:		Penalties for Unlicensed Contractors	
1 st Offense	\$500	1 st Offense	\$500
2 nd Offense	\$1,000	2 nd Offense	\$1,250
3 rd Offense	\$1,500	3 rd Offense	\$2,500

The person cited for the above violation shall elect within ten (10) days, exclusive of weekends and legal holidays, of the receipt of the citation to either: 1) Correct the violation and pay the civil penalty in the manner indicated; or 2) Request an administrative hearing in writing to challenge the issuance of the citation, specifying the grounds for such appeal. Failure to request a hearing shall constitute a waiver of right to a hearing. A waiver of right to a hearing shall be deemed an admission of the violation and penalties may be imposed accordingly. If the person issued the citation or his designated representative shows that the citation is invalid or that the violation has been corrected prior to appearing before the Board of Examiners of Contractors, the board may dismiss the citation unless the violation is irreparable or irreversible. Failure to pay civil penalty within ten (10) days, exclusive of weekends and legal holidays, may result in the filing of a lien.

To make payment of the civil penalty or request an administrative hearing mail or come to:

City Hall, Building Department
100 N US Hwy 1
PO Box 1480
Fort Pierce FL 34954
772-467-3000
Monday-Friday: 8am-5pm

Notification of administrative hearing will be pursuant to City of Fort Pierce Ordinance 5-53

FURTHERMORE, I UNDERSTAND ANY PERSON WHO WILLFULLY REFUSES TO SIGN AND ACCEPT A CITATION ISSUED BY AN ENFORCEMENT OFFICER COMMITS A MISDEMEANOR OF THE SECOND DEGREE, PUNISHABLE AS PROVIDED IN FLORIDA STATE STATUE s. 775.082 or s.775.083.

Citation issued on 4/26/17 at am/pm via Certified mail

Violator's Printed Name _____ Enforcement Officer's Printed Name Sharon Lass

Violator's Signature _____ Date _____ Enforcement Officer's Signature [Signature] Date 4-27-17



4.27.2017 15:11

Property Information

Address: 1807 AVENUE D
 FT PIERCE, FL 34950
 Location ID: 6487
 Owner name: BROWN, JAMES H
 TAX ID #: 2409-603-0057-000/6
 Alternate ID description:
 Zoning: NA UNKNOWN
 Subdivision:

Application Information

Application desc: INSTALL GLASS STOREFRONT
 Application status: IN PLAN CHECK
 Status Date: 2/22/2017
 Application type: COMMERCIAL, REPAIRS & ALT NO CO
 Application date: 2/22/2017
 Tenant name/number: BO'S CRABSPOT
 Valuation: 2100
 Square footage: 0
 Public building: YES
 Reviewed by: 975240
 Pin number: AGIT
 Entered by:

Contractor Information

Contractor Name: CHAUNCEY'S GLASS, INC.
 Contractor Number: 17-00018234
 Type: GLASS AND GLAZING SP
 Status: ACTIVE
 Contractor Requirements
 LIABILITY INSURANCE
 STATE LICENSE - CN 06468272059257
 WORKMAN'S COMP INSURANCE CANCELLED

Outstanding Inspections

Type	Insp ID	Schedule Date	Confirmation Number	Permit Description	Pmt Seq	Min	Max

No outstanding inspections exist

Work Description

Code	Description	Quantity

CO Information

CO Issue	Date	Status	Description

Board of Examiners of Contractors**6.a.****Meeting Date:** 07/11/2017**Re:** Marcello Brunson - Contested Citation**Submitted For:** Shaun Coss, Building Dept. Investigator, Building**SUBJECT:**

Citation #	Violators Name	Violators Business Name	Enforcement Officer
207	Marcello Brunson		Shaun Coss

CASE INFORMATION:

Date of Citation	Location of Violation	Description of violation / facts
6/16/17	1901 York Ct	Marcello Brunson was installing tile at 1901 York Ct. without being licensed or as an employee of a properly licensed contractor.

ORDINANCES VIOLATED:

5-53 (a)(6)	Engage in the business or act in the capacity of a contractor or advertise himself/herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified.
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RECOMMENDATION:

1 st Offense	The City requests that if the Board finds the violation exists, the violator pay a penalty of \$500.00.
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Attachments

Marcello Brunson

Form Review**Inbox**

Building

Form Started By: Kristie Kirstein

Final Approval Date: 06/28/2017

Reviewed By

Paul Thomas

Date

06/28/2017 02:01 PM

Started On: 06/27/2017 01:31 PM

BOARD OF EXAMINERS OF CONTRACTORS
OF THE CITY OF FORT PIERCE, FLORIDA

CITY OF FORT PIERCE, FLORIDA,
Petitioner,

Citation(s) # 207

vs.

MR. Marcello Brunson,
Respondent.

COPY OF CITATION(S) INCLUDED

NOTICE OF CITATION HEARING

TO: Mr. Marcello Brunson, Respondent, 109 Bedford Dr., Fort Pierce FL 34946.

YOU ARE HEREBY NOTIFIED that the Board of Examiners of Contractors of the City of Fort Pierce, Florida (the "Board") has scheduled an administrative hearing in this case for the 11th day of July, 2017, at 9:00 A.M., in the Fort Pierce City Commission Chambers, 100 North US Hwy 1, Fort Pierce, Florida, on the following matter:

Respondent's appeal of citation(s) # 207 (copy attached) and violation(s) cited therein
Location(s) of Violation(s): 1901 York Ct

YOU ARE REQUIRED TO APPEAR BEFORE THE BOARD at said time and place to present evidence in opposition to the citation(s).

If the Board finds that a violation exists, the Board may order the Respondent to pay a civil penalty of not less than the amount set forth in the citation(s) but not more than \$2,500 per day for each violation. A certified copy of an Order imposing such a civil penalty against the Respondent may be recorded in the public records and shall thereupon constitute a lien against any real or personal property owned by the Respondent.

A copy of the Rules of Procedure for Actions Against Unlicensed Contractors for the Fort Pierce Board of Examiners of Contractors may be obtained upon request from the Department of Building.

If a person decides to appeal any decision made by the Board with respect to any matter considered at such hearing, such person will need a record of the proceedings, and, for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Department of Building
City of Fort Pierce, Florida

By: [Signature]
Building Official

I HEREBY CERTIFY that a copy of this Notice of Citation Hearing was mailed by certified mail and by first class mail to the above-named Respondent, at the above-stated address for the Respondent on this

21 day of June, 2017.


Department of Building

By: [Signature]
Title: Senior Permit Specialist

Enc: copy of citation(s) # 207

I Marcello Brunson would like to appeal citation # 207 For laying Tile for a member of my church. I sincerely didn't know that you had to be licensed to lay tile or paint. \$500 dollars is beyond my ability to pay for such a small job

RECEIVED
JUN 16 2017
Building Department


Marcello Brunson



CITY OF FORT PIERCE CITATION

CITATION # 207 CERTIFIED MAIL #: _____

This Citation is issued pursuant to City of Fort Pierce Ordinance 5-53 and State of Florida Statute 489. THE ACT FOR WHICH THIS CITATION IS ISSUED SHALL CEASE IMMEDIATELY UPON RECEIPT OF THE CITATION.

The enforcement officer has reasonable and probable grounds to believe that a violation of the Fort Pierce Code of Ordinances and Florida Statute 489 has occurred:

- 5-53 (a)(1) Falsely hold himself/herself or a business organization out as a licensee, certificate holder, or registrant.
- 5-53 (a)(2) Falsely impersonate a certificate holder or registrant.
- 5-53 (a)(3) Present as his/her own the certificate, registration of another.
- 5-53 (a)(4) Knowingly give false or forged evidence to the Board or a member thereof.
- 5-53 (a)(5) Use or attempt to use a certificate, registration that has been suspended or revoked.
- 5-53 (a)(6) Engage in the business or act in the capacity of a contractor or advertise himself/herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified.
- 5-53 (a)(7) Operate a business organization engaged in contracting after 60 days following the termination of its only Qualifying agent without designating another primary qualifying agent, except as provided in ss. 489.119 and 489.1195.
- 5-53 (a)(8) Commence or perform work for which a building permit is required pursuant to Chapter 5 of the Fort Pierce Code of Ordinance without such building permit being in effect.
- 5-53 (a)(9) Willfully or deliberately disregard or violate any municipal or county ordinance relating to uncertified or unregistered contractors.
- 5-53 (a)(10) Act in the capacity of a contractor different from the scope of work for which the contractor is certified to perform.
- 5-53 (a)(11) Fail to secure required inspections.
- 5-53 (a)(12) Willfully and deliberately obtain or attempt to obtain a permit for an entity unregistered or unlicensed.

Description of violation and facts: Marcello Brunson is installing tile at 1901 York Ct. Without being licensed or as an employee of a properly licensed contractor

Was observed on 6/16/17 at 2:25 am/pm At the property location of: 1901 York Ct.

ISSUED TO: Marcello L Brunson
First Middle Last

BUSINESS NAME: _____ TYPE OF WORK PERFORMED: Flooring

ADDRESS: 109 Bedford Dr. CITY: Ft. Pierce STATE: FL ZIP: 34946

PHONE NUMBER: 772-519-1428 DRIVERS LICENSE #: B652-SSZ-71-334-0 DATE OF BIRTH: 9-14-71

Penalties for Licensed Contractors:		Penalties for Unlicensed Contractors	
1 st Offense	\$500	1 st Offense	\$500
2 nd Offense	\$1,000	2 nd Offense	\$1,250
3 rd Offense	\$1,500	3 rd Offense	\$2,500

The person cited for the above violation shall elect within ten (10) days, exclusive of weekends and legal holidays, of the receipt of the citation to either: 1) Correct the violation and pay the civil penalty in the manner indicated; or 2) Request an administrative hearing in writing to challenge the issuance of the citation, specifying the grounds for such appeal. Failure to request a hearing shall constitute a waiver of right to a hearing. A waiver of right to a hearing shall be deemed an admission of the violation and penalties may be imposed accordingly. If the person issued the citation or his designated representative shows that the citation is invalid or that the violation has been corrected prior to appearing before the Board of Examiners of Contractors, the board may dismiss the citation unless the violation is irreparable or irreversible. Failure to pay civil penalty within ten (10) days, exclusive of weekends and legal holidays, may result in the filing of a lien.

To make payment of the civil penalty or request an administrative hearing mail or come to:

Notification of administrative hearing will be pursuant to City of Fort Pierce Ordinance 5-53

FURTHERMORE, I UNDERSTAND ANY PERSON WHO WILLFULLY REFUSES TO SIGN AND ACCEPT A CITATION ISSUED BY AN ENFORCEMENT OFFICER COMMITS A MISDEMEANOR OF THE SECOND DEGREE, PUNISHABLE AS PROVIDED IN FLORIDA STATE STATUE s. 775.082 or s.775.083.

City Hall, Building Department
100 N US Hwy 1
PO Box 1480
Fort Pierce FL 34954
772-467-3000
Monday-Friday: 8am-5pm

Citation issued on 6/16/17 at 2:30 am/pm

Marcello Brunson
Violator's Printed Name

[Signature]
Violator's Signature

Date

Shawn Coss
Enforcement Officer's Printed Name

[Signature]
Enforcement Officer's Signature

6/16/17
Date

Investigation/Inspection Request Details

Friday, June 16, 2017

11:01:46 AM

Filtered to show: [ID]=1612

Issue 1612: 1901 York Ct.

Category	Unlicensed Contractor Investigation Request	Assigned To	Shaun Coss
Status	Active	Due Date	
Priority	(2) Normal	Opened By	Shaun Coss
Attachments	📎(0)	Opened Date	16-Jun-17

Description

Recd anonymous complaint for unlicensed painters and tile setters at this location, a lot of work going on without any permits.

Comments

Maurice
Ricky - Not there
* Marcello - tile
2 others
Roberto - Painter

Board of Examiners of Contractors

6.b.

Meeting Date: 07/11/2017

Re: Hugo Tovar - Contested Citation

Submitted For: Shaun Coss, Building Dept. Investigator, Building

SUBJECT:

Citation #	Violators Name	Violators Business Name	Enforcement Officer
205	Hugo Tovar	Aztec Graphix	Shaun Coss

CASE INFORMATION:

Date of Citation	Location of Violation	Description of violation / facts
5/23/17	3500 Okeechobee Rd	Aztec Graphix was re-facing a sign at 3500 Okeechobee Road for Tasty Pot Jamaican Grill.

ORDINANCES VIOLATED:

5-53 (a)(6)	Engage in the business or act in the capacity of a contractor or advertise himself/herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified
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RECOMMENDATION:

1st Offense	The City requests that if the Board finds the violation exists, the violator pay a penalty of \$500.00.
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Attachments

Hugo Tovar

Form Review

Inbox
 Building
 Form Started By: Kristie Kirstein
 Final Approval Date: 06/28/2017

Reviewed By
 Paul Thomas

Date
 06/28/2017 02:01 PM
 Started On: 06/26/2017 05:22 PM

BOARD OF EXAMINERS OF CONTRACTORS
OF THE CITY OF FORT PIERCE, FLORIDA

CITY OF FORT PIERCE, FLORIDA,

Petitioner,

Citation(s) # 205

vs.

MR. Hugo Tovar,

Respondent.

COPY OF CITATION(S) INCLUDED

NOTICE OF CITATION HEARING

TO: Mr. Hugo Tovar, Respondent, 3343 S US Hwy 1, Fort Pierce, FL 34982

YOU ARE HEREBY NOTIFIED that the Board of Examiners of Contractors of the City of Fort Pierce, Florida (the "Board") has scheduled an administrative hearing in this case for the 11th day of July, 2017, at 9:00 A.M., in the Fort Pierce City Commission Chambers, 100 North US Hwy 1, Fort Pierce, Florida, on the following matter:

Respondent's appeal of citation(s) # 205 (copy attached) and violation(s) cited therein
Location(s) of Violation(s): 3500 Okeechobee Rd

YOU ARE REQUIRED TO APPEAR BEFORE THE BOARD at said time and place to present evidence in opposition to the citation(s).

If the Board finds that a violation exists, the Board may order the Respondent to pay a civil penalty of not less than the amount set forth in the citation(s) but not more than \$2,500.00 per day for each violation. A certified copy of an Order imposing such a civil penalty against the Respondent may be recorded in the public records and shall thereupon constitute a lien against any real or personal property owned by the Respondent.

A copy of the Rules of Procedure for Actions Against Unlicensed Contractors for the Fort Pierce Board of Examiners of Contractors may be obtained upon request from the Department of Building.

If a person decides to appeal any decision made by the Board with respect to any matter considered at such hearing, such person will need a record of the proceedings, and, for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Department of Building
City of Fort Pierce, Florida

By: [Signature]
Building Official


I HEREBY CERTIFY that a copy of this Notice of Citation Hearing was mailed by certified mail and by first class mail to the above-named Respondent, at the above-stated address for the Respondent on this 21 day of June, 2017.

Department of Building

By: [Signature]
Title: Senior Permit Specialist

Enc: copy of citation(s) # 205



Re: Citation 
Peggy Arraiz to: Aztec Graphix
Cc: cgreer, Shaun Coss

06/02/2017 11:10 AM

Good morning Hugo,

This email can be considered a request for a hearing. You need to plead your case before the Special Magistrate. Because of high volume, the next hearing available is July 19th at 9:00 am. I am cc:ing Colleen Greer, who will process your request for appeal and Shaun, so that he is aware of what is happening.

Sorry for the circumstances - but it was good to hear from you.

Margaret M. (Peggy) Arraiz | Code Compliance Manager | City of Fort Pierce

Community Response Divisions
Code Enforcement & Animal Control
Phone: 772.467.3148 • Fax: 772.468.0457 • 100 North U.S. 1 Fort Pierce, FL 34950

[Website](#) | [Facebook](#) | [Survey](#)



"Aztec Graphix" hey there, so I'm ashamed to admitted but after... 06/02/2017 10:59:20 AM

From: "Aztec Graphix" <hugo@myaztec.com>
To: <PArraiz@city-ftpierce.com>
Date: 06/02/2017 10:59 AM
Subject: Citation

hey there,

so I'm ashamed to admitted but after 13 years in business

I was just made aware that to do en sign refacing I need to have a special license

I knew that to replace faces or alter signs or new installs we need the GC over us

but I never knew that just to put sticker on a window, door or sign we need a special license

we already put it an application for it with the county, and waiting on testing date because I guess you are not set up to do the testing

so we should have that in the next few weeks

but in the meantime Shawn gave me a citation for \$500

doing his job nothing against him, but what can we do about appeal it,
if you can let me know, your thoughts on it I would appreciate any input

thanks

hugo

aztec graphix



CITY OF FORT PIERCE CITATION

CITATION # 205 CERTIFIED MAIL #: _____

This Citation is issued pursuant to City of Fort Pierce Ordinance 5-53 and State of Florida Statute 489. THE ACT FOR WHICH THIS CITATION IS ISSUED SHALL CEASE IMMEDIATELY UPON RECEIPT OF THE CITATION.

The enforcement officer has reasonable and probable grounds to believe that a violation of the Fort Pierce Code of Ordinances and Florida Statute 489 has occurred:

- | | |
|---|---|
| <input type="checkbox"/> 5-53 (a)(1) | Falsely hold himself/herself or a business organization out as a licensee, certificate holder, or registrant. |
| <input type="checkbox"/> 5-53 (a)(2) | Falsely impersonate a certificate holder or registrant. |
| <input type="checkbox"/> 5-53 (a)(3) | Present as his/her own the certificate, registration of another. |
| <input type="checkbox"/> 5-53 (a)(4) | Knowingly give false or forged evidence to the Board or a member thereof. |
| <input type="checkbox"/> 5-53 (a)(5) | Use or attempt to use a certificate, registration that has been suspended or revoked. |
| <input checked="" type="checkbox"/> 5-53 (a)(6) | Engage in the business or act in the capacity of a contractor or advertise himself/herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified. |
| <input type="checkbox"/> 5-53 (a)(7) | Operate a business organization engaged in contracting after 60 days following the termination of its only Qualifying agent without designating another primary qualifying agent, except as provided in ss. 489.119 and 489.1195. |
| <input type="checkbox"/> 5-53 (a)(8) | Commence or perform work for which a building permit is required pursuant to Chapter 5 of the Fort Pierce Code of Ordinance without such building permit being in effect. |
| <input type="checkbox"/> 5-53 (a)(9) | Willfully or deliberately disregard or violate any municipal or county ordinance relating to uncertified or unregistered contractors. |
| <input type="checkbox"/> 5-53 (a)(10) | Act in the capacity of a contractor different from the scope of work for which the contractor is certified to perform. |
| <input type="checkbox"/> 5-53 (a)(11) | Fail to secure required inspections. |
| <input type="checkbox"/> 5-53 (a)(12) | Willfully and deliberately obtain or attempt to obtain a permit for an entity unregistered or unlicensed. |

Description of violation and facts: Aztec Graphics is re-facing a sign at 3500 Creechlake Rd. for Tasty Pet Jamaica Grill

Was observed on 5/23/17 at 1:23 am (pm) At the property location of: 3500 Creechlake Rd.

ISSUED TO: Hugo Tovar
First Middle Last

BUSINESS NAME: Aztec Graphics TYPE OF WORK PERFORMED: Signs

ADDRESS: 3343 S US Hwy 1 CITY: Fort Pierce STATE: FL ZIP: 34982

PHONE NUMBER: 772-468-7023 DRIVERS LICENSE #: T140320790850 DATE OF BIRTH: 3-5-79

Penalties for Licensed Contractors:		Penalties for Unlicensed Contractors	
1 st Offense	\$500	1 st Offense	\$500
2 nd Offense	\$1,000	2 nd Offense	\$1,250
3 rd Offense	\$1,500	3 rd Offense	\$2,500

The person cited for the above violation shall elect within ten (10) days, exclusive of weekends and legal holidays, of the receipt of the citation to either: 1) Correct the violation and pay the civil penalty in the manner indicated; or 2) Request an administrative hearing in writing to challenge the issuance of the citation, specifying the grounds for such appeal. Failure to request a hearing shall constitute a waiver of right to a hearing. A waiver of right to a hearing shall be deemed an admission of the violation and penalties may be imposed accordingly. If the person issued the citation or his designated representative shows that the citation is invalid or that the violation has been corrected prior to appearing before the Board of Examiners of Contractors, the board may dismiss the citation unless the violation is irreparable or irreversible. Failure to pay civil penalty within ten (10) days, exclusive of weekends and legal holidays, may result in the filing of a lien.

To make payment of the civil penalty or request an administrative hearing mail or come to:

City Hall, Building Department
 100 N US Hwy 1
 PO Box 1480
 Fort Pierce FL 34954
 772-467-3000
 Monday-Friday: 8am-5pm

Notification of administrative hearing will be pursuant to City of Fort Pierce Ordinance 5-53

FURTHERMORE, I UNDERSTAND ANY PERSON WHO WILLFULLY REFUSES TO SIGN AND ACCEPT A CITATION ISSUED BY AN ENFORCEMENT OFFICER COMMITS A MISDEMEANOR OF THE SECOND DEGREE, PUNISHABLE AS PROVIDED IN FLORIDA STATE STATUE s. 775.082 or s.775.083.

Citation issued on 5/23/17 at 1:40 am (pm)

Hugo Tovar
 Violator's Printed Name

[Signature] 5/23/17
 Violator's Signature Date

Shawn Ross
 Enforcement Officer's Printed Name

[Signature] 5-23-17
 Enforcement Officer's Signature Date






Investigation/Inspection Request Details

Tuesday, May 23, 2017

5:49:15 PM

Filtered to show: [ID]=1587

Issue 1587: 3500 Okeechobee Rd.

Category	Unlicensed Contractor Investigation Request	Assigned To	Shaun Coss
Status	Active	Due Date	
Priority	(2) Normal	Opened By	Shaun Coss
Attachments	 (0)	Opened Date	23-May-17

Description

Recd anonymous complaint that Aztec Graphix was installing a sign at this location and they are not licensed to do that.

Comments