

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, March 13, 2018.

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Present: Holly Theuns; Ralph Fogg; Michael Waldrop; Don Bergman; James Matula; John Langel; Kenneth Waters; Reed Sudderth

Staff Present: Iola Mosley, Assistant City Attorney  
 Paul Thomas, Building Official  
 Shaun Coss, Building Department Coordinator

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

All members were in attendance.

**5. APPROVAL OF MINUTES**

- a. Approval of January 9, 2018 Meeting Minutes

Motion was made by Reed Sudderth, seconded by Ralph Fogg to approve the minutes as typed. A voice vote was taken and the Motion was passed unanimously.

AYE: Holly Theuns, Don Bergman, James Matula, John Langel, Kenneth Waters, Michael Waldrop, Ralph Fogg, Reed Sudderth

Passed

**6. CONSENT ITEMS**

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

- a.
 

Applicant Name	Company Name	Classification Type
Juan Carlos Macias, Sr.	Carlos Macias & Sons, Inc.	Irrigation

Motion was made by Kenneth Waters, seconded by John Langel to approve the application for Certificate of Competency of Juan Carlos Macias, Sr. of Carlos Macias & Sons Inc. The Motion passed unanimously.

AYE: Holly Theuns, Don Bergman, James Matula, John Langel, Kenneth Waters, Michael Waldrop, Ralph Fogg, Reed Sudderth

Passed

- b.
 

Applicant Name	Company Name	Classification Type
Robert Stone	Fenced In, LLC	Fence Specialty Contractor

Motion was made by Kenneth Waters, seconded by John Langel to approve the application for Certificate of Competency for Robert Stone of Fenced In, LLC. The vote passed unanimously.

AYE: Holly Theuns, Don Bergman, James Matula, John Langel, Kenneth Waters, Michael Waldrop, Ralph Fogg, Reed Sudderth

Passed

8. **CONTRACTOR COMPLAINTS**

a.

<b>Contractor/Qualifier</b>	<b>Db</b>	<b>Competency Card #</b>	<b>State License #</b>
John G. Cannon	John G. Cannon, LLC	1700018447	CCC1330664

This item was continued from the February 13, 2018 meeting to give Mr. Cannon time to finish the repair at the Complainant's address. Both Ms. Razey-Smith, the Complainant, and Mr. Cannon were present at the meeting. Ms. Razey-Smith indicated that the work had been completed at the location; however, she still wanted to proceed with the complaint due to the length of time it took for Mr. Cannon to obtain a permit.

Mr. Cannon indicated that due to the hurricanes, the amount of work that needed to be completed at the time, and medical issues, he was unable to obtain the permit in a timely manner.

The Board voted individually on each of the two charges brought against Mr. Cannon under the Fort Pierce Code of Ordinance 5-52: (3) Committing incompetency or misconduct in the practice of contracting, and (13) Proceeding on any job without obtaining the applicable Building Department permits and inspections. Mr. Cannon was found not guilty of the first charge.

Motion was made by John Langel, seconded by Ralph Fogg to find the Respondent, John G. Cannon, guilty of Florida State Statute 5-52 (13) of the Code of Ordinances of the City of Fort Pierce: Proceeding on any job without obtaining the applicable Building Department permits and inspections. Also, the Board ruled that a letter of reprimand would be placed in the Respondent's City of Fort Pierce Contractor file.

AYE: Holly Theuns, Don Bergman, James Matula, John Langel, Kenneth Waters, Michael Waldrop, Ralph Fogg, Reed Sudderth

Passed

After finding Mr. Cannon guilty of the second charge 5-52(13), the Board voted whether or not to place a letter in the contractor file located at the City of Fort Pierce. The Board voted unanimously to do so.

b.

<b>Contractor/Qualifier</b>	<b>Db</b>	<b>Competency Card #</b>	<b>State License #</b>
William B. Jones	Freedom Homebuilders, Inc.	1700029097	CBC1255957

The Complainant, Mr. Nelson was present for the hearing but neither Mr. Jones nor his attorney was present. Mr. Nelson stated that he found out on his own that Freedom Homebuilders was going out of business, leaving the renovations to his home incomplete. He had to work with various companies and pay outstanding invoices to complete the repairs and renovations, and did not receive any response to his calls or certified mailings to Mr. Jones.

The Board voted separately on each charge against Mr. Jones under the Fort Pierce Code of Ordinance Section 5-52 (5) Abandoning a construction project in which the contractor is engaged or under contract as a contractor. (A project may be considered abandoned after ninety days if the contractor terminates the project without just cause or without proper notification to the owner, including the days.), and (6)(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 refund the excess funds within thirty (30) days after the date the job is abandoned.

Motion was made by John Langel, seconded by Holly Theuns to find Mr. Jones guilty of both charges (5) and (6)(b) being brought against him per the Fort Pierce Code of Ordinances. The Board voted unanimously to suspend all permitting privileges, and to place a letter of reprimand in his contractor file at the City of Fort Pierce, and to send a copy to the Department of Business and Professional Regulation, Division of Contractor Licensing.

AYE: Holly Theuns, Don Bergman, James Matula, John Langel, Kenneth Waters, Michael Waldrop, Ralph Fogg, Reed Sudderth

Passed

C.

<b>Contractor/Qualifier</b>	<b>Db</b>	<b>Competency Card #</b>	<b>State License #</b>
Reed Sudderth	CRS Plumbing, LLC	1700017449	CFC1426853

This item was continued from the February 13, 2018 meeting. Both the Complainant, Mr. Abdelquader and the Respondent, Mr. Sudderth were present. Mr. Sudderth recused himself from the Board since he would be acting as Respondent. Mr. Bergman abstained from voting due to the Sunshine Law, and Ken Waters became acting Chairman.

The Complainant stated that he was dissatisfied with the work that was installed at his business, and that the contractor would not correct it. The Respondent indicated that at the time the work was done, it was agreed upon by both parties as a temporary fix so the Complainant could pursue grant funding toward a grease trap.

After much testimony from the Complainant, Respondent and witnesses, the Board took a vote on each charge brought against the Respondent under the Fort Pierce Code of Ordinances, Section 5-52: (3) Committing incompetency or misconduct in the practice of contracting; (6)(c) Committing mismanagement or misconduct in the practice of contacting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when: The contractors 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 order, 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 contractor and the customer; and (8) Knowingly or deliberately disregarding or violating any applicable building codes or laws of the state, county, or city.

Each Board member voted on each of the three charges and the Respondent was found unanimously not guilty for all of the charges, after which the Chairman dismissed the case.

9. **PUBLIC COMMENTS**

**10. STAFF COMMENTS**

**11. BOARD COMMENTS**

**12. ADJOURNMENT**

There being no further discussion, the Chairman adjourned the meeting at 11:49.