

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 14, 2019.

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Present: Holly Theuns; Ralph Fogg; Michael Waldrop; Ryan Collins; Robert Allen; James Matula; Don Bergman

Absent: Reed Sudderth

Staff Present: Peter Sweeney, City Attorney  
Shaun Coss, Building Dept. Coordinator

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

Motion was made by Holly Theuns, seconded by Ralph Fogg to excuse the absence of Reed Sudderth. A voice vote was taken and the motion passed unanimously.

AYE: Holly Theuns, Don Bergman, James Matula, Michael Waldrop, Ralph Fogg, Robert Allen, Ryan Collins

Passed

**5. ADDITIONS OR DELETIONS TO THE AGENDA AND APPROVAL OF THE AGENDA**

There were no additions or deletions to the agenda.

**6. APPROVAL OF MINUTES**

- a. Approval of April 9, 2019 meeting minutes.

Motion was made by Michael Waldrop, seconded by Ralph Fogg to approve the April 9, 2019 meeting minutes. A voice vote was taken and the motion passed unanimously.

AYE: Holly Theuns, Don Bergman, James Matula, Michael Waldrop, Ralph Fogg, Robert Allen, Ryan Collins

Passed

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

- a.

Applicant Name	Company Name	Classification Type
Carlos Bello	MTD Painting and Pressure Cleaning Corp	Painting & Decorating Specialty Contractor

Staff recommended approval of all three Applications for Certificate of Competency.

Motion was made by Holly Theuns, seconded by Ralph Fogg to approve the Applications for Certificate of Competency of applicants Carlos Bello dba MTD Painting and Pressure Cleaning Corp., David Ervin dba Wavelength Electric, Inc.; and Kevin Lovely dba Kevin Lovely Plumbing, Inc. A roll call vote was taken, and the motion passed unanimously.

AYE: Holly Theuns, Don Bergman, James Matula, Michael Waldrop, Ralph Fogg, Robert Allen, Ryan Collins

Passed

b.

Applicant Name	Company Name	Classification Type
David Ervin	Wavelength Electric, Inc.	Registered Electrical Contractor

Staff recommended approval of all three Applications for Certificate of Competency.

Motion was made by Holly Theuns, seconded by Ralph Fogg to approve the Applications for Certificate of Competency of applicants Carlos Bello dba MTD Painting and Pressure Cleaning Corp., David Ervin dba Wavelength Electric, Inc.; and Kevin Lovely dba Kevin Lovely Plumbing, Inc. A roll call vote was taken, and the motion passed unanimously.

AYE: Holly Theuns, Don Bergman, James Matula, Michael Waldrop, Ralph Fogg, Robert Allen, Ryan Collins

Passed

c.

Applicant Name	Company Name	Classification Type
Kevin Lovely	Kevin Lovely Plumbing, Inc.	Registered Plumbing Contractor

Staff recommended approval of all three Applications for Certificate of Competency.

Motion was made by Holly Theuns, seconded by Ralph Fogg to approve the Applications for Certificate of Competency of applicants Carlos Bello dba MTD Painting and Pressure Cleaning Corp., David Ervin dba Wavelength Electric, Inc.; and Kevin Lovely dba Kevin Lovely Plumbing, Inc. A roll call vote was taken, and the motion passed unanimously.

AYE: Holly Theuns, Don Bergman, James Matula, Michael Waldrop, Ralph Fogg, Robert Allen, Ryan Collins

Passed

8. **CONTRACTOR COMPLAINTS**

a.

Contractor/Qualifier	DBA	Competency Card	State License No.
Philip Petruzzelli	Port St. Lucie Properties, Inc.	1900018601	CBC1257923

This item was continued from a hearing in 2016 pending the outcome of a Civil hearing. The Respondent was present however the Complainant was not. Mr. Petruzzelli indicated that the Complainant did not pay for work that was completed and his company took a loss in paying the sub-contractors himself. There being no further evidence in support of the Complainant's case, the Board moved to dismiss.

Motion was made by Ralph Fogg, seconded by Holly Theuns to dismiss the Contractor Complaint against Mr. Petruzzelli. A roll call vote was taken and the motion passed unanimously.

AYE: Holly Theuns, Don Bergman, James Matula, Michael Waldrop, Ralph Fogg, Robert Allen, Ryan Collins  
Passed

b.

Contractor/Qualifier	DBA	Competency Card #	State License #
Patrick Silas	Patrick Silas Land Development Co., LLC	19-20107	CBC1254328

Both the Respondent and Complainant were present. The Complainant and her nephew, Darren Gibson were present and provided photos of the work completed at the site. It was noted that no permits were obtained. Mr. Silas indicated that work was supposed to recommence after a project meeting attended by himself and the Complainant, but he was locked out of the site. The Board, after much discussion, took a roll call vote on nine (9) alleged charges, finding Mr. Silas guilty of seven (7) of those charges.

The Board chose to take disciplinary action against Mr. Silas', including suspended permitting privileges, a letter in his file at the City, and a Letter of Reprimand to the Construction Industry Licensing Board at the Department of Business and Professional Regulation.

Motion was made by Ralph Fogg, seconded by Michael Waldrop to find Mr. Silas guilty of the following charges under Section 5-52 of the City of Fort Pierce Code of Ordinance: (1) 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; (6) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer, financial mismanagement occurs when: 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 contact or refunds the excess funds within thirty (30) days after the date the job is abandoned; (8) Knowingly or deliberately disregarding or violating any applicable building codes or laws of the state, county or city; (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; (13) Proceeding on any job without obtaining the applicable building department permits and inspections. A Letter of Reprimand would also be filed with the Construction Licensing Board at the Department of Business and Professional Regulation, and placed in the contractor's file at the City, and permitting privileges would be suspended for 180 days.

AYE: Holly Theuns, Don Bergman, James Matula, Michael Waldrop, Ralph Fogg, Robert Allen, Ryan Collins  
Passed

9. **PUBLIC COMMENTS**

**10. STAFF COMMENTS**

Iola Mosley, Assistant City Attorney announced that this would be her last meeting as this would be her last week at the City. The Board and staff wished her well in her future endeavors and thanked her for her outstanding work with the City.

**11. BOARD COMMENTS**

**12. ADJOURNMENT**

There being no further discussion, the meeting adjourned at 10:30 AM.