

THE SUNRISE CITY

FORT PIERCE
CITY CLERK'S OFFICE
Florida

June 12, 2019

Mr. Patrick Silas
Silas Construction and Development
1190 SW Jericho Avenue
Port St. Lucie, FL 34953

Via First Class Mail and email to: plsilasjr@aol.com

Re: Appeal of Board of Examiners of Contractors Final Order

Dear Mr. Silas:

We are in receipt of a written notice of appeal which you filed on behalf of Silas Construction and Development to appeal a decision made by the Board of Examiners of Contractors of the City of Fort Pierce, Florida on May 14, 2019, pursuant to the Fort Pierce Code of Ordinances, Sec. 5-51(i), copy enclosed for your convenience.

There will be a hearing on this appeal before the City Commission of the City of Fort Pierce at their meeting which begins at 6:30 p.m. on Monday, July 15, 2019 in the City Hall Commission Chambers, 1st Floor, 100 North U.S. #1, Fort Pierce, Florida. Any documentation in addition to what was presented at the Board of Examiners of Contractors hearing that you wish to have included in the information provided to the City Commission for their consideration must be filed with the City Clerk no later than 5:00 am on Friday, June 28, 2019.

Very truly yours,

Linda W. Cox
City Clerk

cc: Paul Thomas, Building Official
Pete Sweeney, City Attorney

Shirley Ann Gibson, Complainant
424 N 29th Street
Fort Pierce, FL 34947-2602

Sec. 5-51. - Disciplinary procedures.

- (a) Any person including, but not limited to the director of building and community response of the city, may prefer charges against the holder of a contractor's certificate of competency issued pursuant to the provisions of this subchapter or a contractor certified by the state. Such charges shall be made in writing and sworn to by the complainant or complaining witness and submitted to the building official. The building official shall mail a copy of such charges to the respondent within fifteen (15) days from the receipt thereof.
- (b) The complaint shall be referred to the board for a hearing on the complaint proceedings of the board may be informal in nature and the board shall not be bound by the rules of evidence. The board shall be entitled to rely on such evidence as is regularly relied upon in the ordinary course of the conduct of business.
- (c) The proceedings shall not be delayed, deferred or suspended without the approval of the board even though the respondent is made a party of civil litigation, or is a defendant or is acquitted in a criminal action, notwithstanding that either of such proceedings involves the subject matter of the investigation.
- (d) At the hearing the respondent and complainant shall be allowed to testify and to produce evidence and other witnesses in his behalf. The respondent and complainant may be accompanied by counsel. The respondent and complainant shall be given an opportunity to make a statement personally or by counsel, verbally or in writing, sworn or unsworn, explaining, refuting or admitting the alleged charges. The respondent and complainant shall be granted the right to be present at any hearing when evidence is to be presented to the board of examiners of contractors and to call witnesses or present evidence and to cross-examine, subject to reasonable limitation.
- (e) If the respondent admits to the alleged charges the board may immediately make a finding of violation without further testimony. If the respondent fails to appear, the board may make its determination based upon the sworn complaint.
- (f) Upon conclusion of the formal hearing, the board shall make a determination. If the respondent is found to be guilty of misconduct by the board, the board shall thereupon enter its findings, an order of guilt and determine the proper disciplinary action to be imposed upon the respondent.
- (g) If a complaint is brought against a respondent whose competency card is in a state of expiration, or expires prior to the hearing, the proceedings on the complaint shall be stayed. Provided, however, that the competency card may not be renewed, re-issued or activated until the board has disposed of the complaint.
- (h) *Quorum/vote.* No fewer than six (6) members shall constitute a quorum. All findings of guilt and recommendations of discipline shall be by affirmative vote of a majority of the committee members present, which majority must number at least four (4) members.
- (i) *Appeal.* Any decision of the board imposing disciplinary action on a respondent may be appealed by the respondent to the city commission within fifteen (15) days of the date of the board's decision; provided, however, a written notice of such appeal shall be filed with the city clerk within

such a period of time. The city clerk shall notify all interested parties of the date fixed for hearing the appeal, which date shall be not less than thirty (30) days after the date of the filing of the notice of appeal. The hearing on appeal shall be, to the extent possible, upon the record and shall not be a hearing de novo. The city commission shall review the transcript of the hearing before the contractors examining board together with any tangible evidence considered by the board that determined its decision. The city commission may also entertain any additional testimony or evidence offered by the respondent or other interested party that was not brought out at the board hearing.

- (j) Stay on appeal. Any decision of the board imposing disciplinary action upon a respondent, other than revocation, which has been appealed by the respondent shall be automatically stayed upon receipt of the written notice of appeal by the city clerk.

(Ord. No. K-101, § 1, 9-17-01; Ord. No. K-253, § 4, 11-17-03; Ord. No. 17-001, § 11, 1-17-17; Ord. No. 18-035, § 9, 10-15-18)

Editor's note— Ord. No. K-101, § 1, adopted Sept. 17, 2001, repealed the former § 5-51 and enacted a new section as set out herein. The former § 5-51 pertained to revocation and suspension and derived from Code 1960, § 6-25.

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

SHIRLEY ANN GIBSON, Complainant

vs.

PATRICK SILAS, JR., d/b/a PATRICK SILAS JR. LAND DEVELOPMENT CO., INC.
State of Florida Certified Building Contractor No. CBC1254328,
City of Fort Pierce Certificate of Competency No. 19-00020107, Respondent.

Address of Alleged Violation(s): 424 N. 29th St., Fort Pierce, FL

FINAL ORDER

THIS MATTER came before the Board of Examiners of Contractors of the City of Fort Pierce, Florida, (the "Board") for hearing on May 14, 2019 upon the Complaint filed by the Complainant, Shirley Ann Gibson, against the Respondent, Patrick Silas, Jr. d/b/a Patrick Silas Jr. Land Development Co., Inc., dated February 8, 2019, and the Notice of Alleged Charges also filed with the Building Department of the City of Fort Pierce, Florida (the "Department") dated February 8, 2019, based upon said Complaint. The Respondent, the Complainant, and the Department appeared at said hearing. At the commencement of said hearing, the Board heard and considered the following findings and determinations pursuant to §5-52 of the Code of Ordinances of the City of Fort Pierce, (the "Code") and that there is evidence supportive thereof:

A. The Respondent is a State of Florida certified building contractor and the holder of a contractor's Certificate of Competency from the City of Fort Pierce, Florida.

B. On or about August 27, 2018 the Complainant engaged the Respondent to make renovations and repairs at the real property located 424 N. 29th St., Fort Pierce, Florida. Delays and misconduct in performing such services resulted in the filing of the Complaint, and, thereafter, the Notice of Alleged Charges. Such services remained incomplete almost nine (9) months by the Respondent with resulted in the Complainant recently filing the Complaint and the matter proceeded to the Board.

C. At this meeting, having heard testimony and having considered any exhibits while being otherwise advised in the premises, the Board voted individually on each of the following acts of misconduct:

Section 5-52 (2) of the City of Fort Pierce Code of Ordinances: Committing fraud or deceit in the practice of contracting as substantiated by complainant's testimony providing false information to the customer and proceeding with work on the property without obtaining all required permits;

(3) Committing incompetency or misconduct in the practice of contracting, as substantiated by complainant's testimony and photographic evidence depicting substandard construction practices;

(4) Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property as noted by the Board, as substantiated by complainant's testimony and photographic

evidence depicting unsafe electrical wiring and causing the home to be unfit for habitation due to extensive, unpermitted demolition activities;

(6) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement occurs when: (b) the contractor has abandoned the 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 fund within thirty (30) days after the date the job is abandoned, as substantiated by complainant's testimony and photographic evidence considered, the Board determined that the percentage paid exceeds the percentage of work completed;

(8) Knowingly or deliberately disregarding or violating any applicable building codes or laws of the state, county or city, as substantiated by complainant's, department's and respondent's testimony that required permits were not obtained but should have been obtained prior to work commencing;

(9) Willfully and deliberately engaging in a type or class of contracting for which the contractor is not licensed or registered;

(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, as substantiated by complainant's testimony and photographic evidence considered. Work completed by sub-contractors is substandard and unpermitted. Respondent failed to identify sub-contractors in order to verify proper licensing;

(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, as substantiated by complainant's, department's and respondent's testimony that required permits were not obtained but should have been obtained prior to work commencing.

D. At this meeting, having heard testimony and having considered any exhibits while being otherwise advised in the premises, the Board voted on each charge individually and found the Respondent guilty of eight (8) of the ten (10) alleged charges listed above. In disposition of said finding of guilt, imposed the measures specified herein below against the Respondent. Accordingly, it is ORDERED AND ADJUDGED as follows:

1. The Respondent is GUILTY of the acts or omissions as alleged above in the Notice of Alleged Charges, with the exception of charges: (9) Willfully and deliberately engaging in a type or class of contracting for which the contractor is not licensed or registered; and (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.

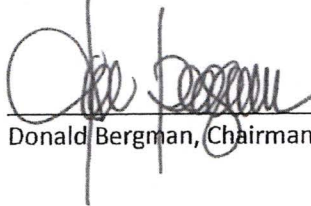
2. Based thereon, the following measures are imposed against the Respondent: A memorandum reprimanding the Respondent for such conduct for which the Respondent was found guilty and containing therein a finding that such conduct falls below the acceptable standards of conduct in the business of contracting shall be made part of the Respondent's record maintained by the City of Fort Pierce, Florida, pursuant to §5-50 of the Code.

This Final Order shall serve as such memorandum reprimanding the Respondent by making it, or a copy of it, a part of the records of the proceedings and a part of the Respondent's record maintained by the City of Fort Pierce, Florida pursuant to said §5-50 of the Code.

3. That the circumstances warrant the suspension of the contractor's permitting privileges for new permits only. The term of suspension shall be one hundred and eighty (180) days.

4. The Building Official of the City of Fort Pierce, Florida is directed to notify the Florida Department of Business and Professional Regulations, Construction Industry Licensing Board, of this Board's aforesaid reprimand of the Respondent by providing said agency with copies of documents pertinent thereto, including this Final Order.

Dated this 17th day of MAY, 2019.



Donald Bergman, Chairman of the Board

This Final Order shall not become final until the time for rehearing has expired. See Rule 8, *Rules of Procedure for Disciplinary Matters of the Fort Pierce Board of Examiners of Contractors*.

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

Board of Examiners of Contractors Regular Meeting - Tuesday, May 14, 2019 - 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)**
5. ADDITIONS OR DELETIONS TO THE AGENDA AND APPROVAL OF THE AGENDA
6. **APPROVAL OF MINUTES**
 - a. Approval of April 9, 2019 meeting minutes.

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

b.

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

c.

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

8. **CONTRACTOR COMPLAINTS**

a.

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

b.

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

9. **PUBLIC COMMENTS**

10. **STAFF COMMENTS**

11. **BOARD COMMENTS**

12. **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.

1190 SW Jericho Ave
Port St. Lucie, FL 34953
CBC1254328



P. 772.260.0374
F. 772.224.8826
silasconstruction.com

To board of commissioners

I am formally requesting an appeal for this case. The evidence presented in the case was unfavorable and doesn't depict the totality of the situation. I understand the system is designed to help and protect homeowner, which is a great thing, however I think it is very vital to get both sides of a story to actually be able to understand exactly what is happening. Without fully knowing situation, how can you fully understand a situation and take corrective steps?

Thank you

A handwritten signature in black ink, appearing to read 'Patrick Silas', written in a cursive style.

Patrick Silas

Received
5/29/2019