

KOLEOS ROSENBERG
PROFESSIONAL ASSOCIATION

8211 W. Broward Blvd., Suite 330
Plantation, Florida 33324
Telephone: (954) 474-9929
Facsimile: (954) 474-9959
E-mail: kr@koleosrosenberg.com.



September 17, 2012

WRITTEN APPEAL

VIA UPS OVERNIGHT

Karen A. Phillips, CMC
City Clerk
City of Port St. Lucie
121 S.W. Port St. Lucie Boulevard
Port St. Lucie, FL 34984

Re: Contractor's Examining Board Administrative Complaint and Order dated August 13, 2012

Contractor License Number: CAC014619
Richard Levinson
Service America Enterprise, Inc.
2755 N.W. 63rd Court
Ft. Lauderdale, FL 33309

Initial Hearing Date: August 9, 2012
Appeal of Decision on August 9, 2012 by the City of Port St. Lucie Contractor's Examination Board regarding violation of FBC 105.4 and Port St. Lucie Code Section 150.105.4

Our File No.: SAM-12541

Dear Ms. Phillips:

As you know, the undersigned represents Richard Levinson (Contractor License Number: CAC014619), along with Service America Enterprise, Inc., in this Appeal of a Board Order Suspending Permitting Privileges for 365 days and Letter of Reprimand ordered by the Contractor's Examination Board for the City of Port St. Lucie, on or about August 10, 2012.

The following constitutes additional backup information and material to be placed into the packet for the Appellate Hearing set September 24, 2012, at the City Council Meeting at 7:00 p.m. in the Port St. Lucie Council Chambers, 121 S.W. Port St. Lucie Boulevard, Port St. Lucie, FL.

It is the contention of Richard Levinson and Service America Enterprise, Inc., that the 365 day Reprimand and Suspension of Permitting Privileges was excessive and contrary to FBC 105.4 and Port St. Lucie City Code Section 150.105.4, given the level

SEP 18 '12 AM 11:29

of violation and facts surrounding the violation set forth at the hearing establishing the reprimand and suspension.

Since 1973, Service America Enterprise, Inc., has been a Home Warranty Service Provider, servicing thousands of customers throughout the State of Florida. As a full service company, Service America Enterprise, Inc., has over 60,000 active customers throughout South Florida, Orlando, Tampa, Ft. Myers and Naples.

As Service America Enterprise, Inc.'s primary Mechanical Qualifier, Richard Levinson has been a Florida State Certified AC/Contractor for over thirty (30) years. His license has been in good standing for all times material. Mr. Levinson has applied for and closed to completion, over 10,000 permits during this time.

Service America Enterprise, Inc., works within twenty five (25) small and large counties, and has relationships with over two hundred sixty (260) municipalities within this state. Service America Enterprises, Inc., has continually shown a long standing good faith commitment in resolving any municipality complaint that has been brought forth. It takes great pride in its county and local partnerships and all compliance issues.

Service America's business relationship with the City of Port St. Lucie has produced over \$55,000.00 in permitting revenue over the last ten (10) years. With over 650 permits pulled during this time frame, this is the first instance of administrative action, committee hearings and/or penalty.

In the City of Port St. Lucie, Mr. Levinson has applied for eighty (80) permits, and has closed at least fifty five (55) this last year. Year to date, Service America Enterprise, Inc., is responsible for 2,086 residential permits in the State of Florida.

The penalty in question stems from six (6) expired City Permits. The City of Port St. Lucie sent a certified letter to Service America Enterprise, Inc., regarding these permits. For some reason unknown at this time, these letters did not reach their targeted destination and/or Richard Levinson. Not as an excuse, but as an explanation Mr. Levinson did not appear at the August 10, 2012 Administrative Hearing, as he was unaware of the proceeding at that time.

This resulted in an Order by the City of Port St. Lucie suspending permitting privileges for an entire year as it relates to both Service America Enterprise, Inc., and Richard Levinson.

Upon notification, Richard Levinson and Service America Enterprise, Inc., made themselves available to close the outstanding expired permits and take any and all legal action necessary to remedy the situation. These parties have been unable to do so based upon the order and suspension. This order now prevents Service America

Enterprise, Inc., and Richard Levinson from conducting any business, pursuant to its Contracts with homeowners and prevents Service America Enterprise, Inc., from closing and resolving its outstanding permitting issues within the city.

FBC 105.4 provides the revocation of an actual permit itself. FBC 105.3.8 provides that "in the event that a permit has expired or any inspection or other fees are delinquent, or in the event a Contractor fails to obtain any necessary inspections before a permit expires, the building official is authorized to refuse to issue any new permits to such Contractor. One or more extension of time, for periods of not more than ninety (90) days each, may be allowed for the permit. Extensions must be required in writing and show justifiable case demonstrated. Extensions shall be in writing by the Building Official.

FBC 105.3.8 does not require or mandate the suspension of any and all new permits for 365 days. Discretion is within that of the Building Official and is based upon the severity of such violation and/or permit expiration. FBC 105.4.1.7 provides that the rules for this article shall be liberally construed in order to effectively carry out the purpose of the article.

The purpose of this article is not met by the 365 day suspension of permitting privileges based upon six expired permits upon which Service America Enterprise, Inc., and/or Richard Levinson, were unfortunately, unaware and therefore did not have the opportunity to either apply for an extension, nor close in an appropriate time.

CONCLUSION

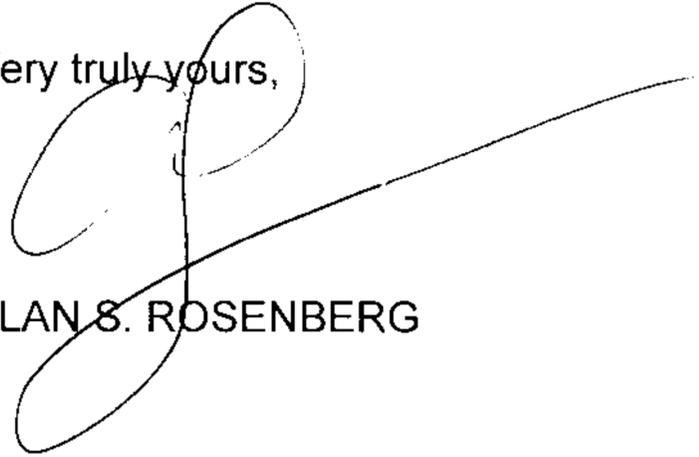
Richard Levinson and Service America Enterprise, Inc., stand ready, willing and able to remedy any and all permitting deficiencies as set forth in the six Addresses of Violations (**ADDRESSES OF VIOLATIONS:** 462 SW Meadow Terr., 1430 SW St Lucie West Blvd., 2537 SE Charleston Dr., 962 SE Breakwater Ave., 1528 Royal Green Cir. #204, 200 NW Liseron Way), and pay any administrative costs and fines necessary to remedy the findings of fact and conclusions of law, as well as the Board Order set forth August 10, 2012.

Richard Levinson and Service America Enterprise, Inc., respectfully request that the Order Suspending the Permitting Privileges for 365 days be withdrawn, and/or reduced substantially, so they can continue the fruitful relationship that has been established over time and on a go forward basis. Richard Levinson and Service America Enterprise, Inc., apologize for their failure to appear at the Port St. Lucie Contractor's Examining Board on August 9, 2012 and apologize for any inconvenience and/or administrative activity that these issues have caused.

The undersigned and Richard Levinson, on behalf of himself and Service America Enterprise, Inc., will appear and provide testimony at the City Council meeting held September 24, 2012 at 7:00 p.m. in council chambers, to both support the contentions and appeal raised herein, and answer any questions and provide any solutions at the oral presentation.

Thank you all for your cooperation and we look forward to an amicable and successful resolution to this issue on September 24, 2012.

Very truly yours,



ALAN S. ROSENBERG

ASR:jld

cc: **(Via US Mail)**
Joel Dramis, Building official

(Via US Mail)
Roger G Orr, City Attorney

(Via E-Mail - dnoto@cityofpsl.com)
Donna Noto, Building Specialist

(Via E-Mail)
Rick Levinson

KOLEOS ROSENBERG

PROFESSIONAL ASSOCIATION

8211 W. Broward Blvd., Suite 330
Plantation, Florida 33324
Telephone: (954) 474-9929
Facsimile: (954) 474-9959
E-mail: kr@koleosrosenberg.com.



August 23, 2012

NOTICE OF APPEAL

VIA E-MAIL (cheintz@cityofpsl.com)

Carol Heintz
City of Port St. Lucie Building Department
Contractor Licensing Department
121 S.W. Port St. Lucie Boulevard
Port St. Lucie, FL 34984

Re: Contractor's Examining Board Administrative Complaint and Order dated August 13, 2012

Contractor License Number: CAC014619
Richard Levinson
Service America Enterprise, Inc.
2755 N.W. 63rd Court
Ft. Lauderdale, FL 33309
Initial Hearing Date: August 9, 2012
Our File No.: SAM-12541

Dear Ms. Heintz:

The undersigned represents Richard Levinson (Contractor License Number: CAC014619), along with Service America Enterprises, Inc., and hereby files this Notice of Appeal of a Board Order Suspending Permitting Privileges for 365 Days and Letter of Reprimand ordered by the Contractor's Examination Board of the City of Port St. Lucie on or about August 10, 2012, and notarized August 13, 2012.

Among other things and without limitation, the Appeal is based upon the excessiveness of the suspension of permanent privileges, the finding of fact and guilt set forth in the Administrative Complaint and Court Order, and the lack of proper notice prior to the entry of said Order.

The Appellants, Levinson and Service America, respectfully request the opportunity to present their appeal both substantially in writing, and in person, at the next available meeting date with the City of Port St. Lucie, City Commission and/or Contractor Licensing Division. The Appellants further request that they receive an Agenda Matter, time and date for oral presentation of the appeal.

AUG 23 '12 AM 11:22

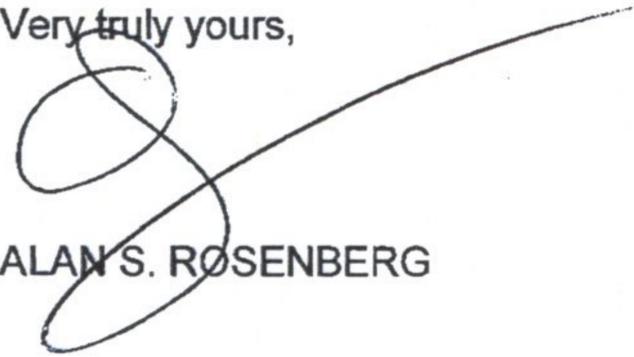
Carol Heintz
City of Port St. Lucie Building Department
Contractor Licensing Department
Page 2

Without limitation, Appellant challenges and appeals the following pursuant to Florida Statutes, Chapter 489.131, et al., and appeals the local jurisdiction enforcement body for recommended penalty.

I look forward to the receipt and confirmation of the presentation of the Notice of Appeal, as well as the Notice of Hearing pursuant to said Appeal.

Thank you for your cooperation.

Very truly yours,



ALAN S. ROSENBERG

ASR:jld

cc: (Via E-Mail - dnoto@cityofpsl.com)
Donna Noto

(Via E-Mail)
Rick Levinson

(Via US Mail)
Amanda Abbott
Department of Business and Professional Regulation
Contracting Licensing Board
1940 North Monroe Street
Tallahassee, FL 32399



CITY OF PORT ST LUCIE

BUILDING DEPARTMENT
Contractor Licensing Division

.....
A CITY FOR ALL AGES

Matthew Boettcher, Licensing Investigator
City Of Port St. Lucie
121 SW Port St Lucie Blvd
Port St Lucie FL 34984

Petitioner,

vs.

Richard Levinson
Service America Enterprises Inc
2755 NW 63rd Ct
Ft Lauderdale FL 33309

Respondent

Contractor License Number CAC014619

ADMINISTRATIVE COMPLAINT

This matter came before the Port St. Lucie Contractors Examining Board on August 9, 2012 for consideration of the complaint against Richard Levinson, Service America Enterprises Inc. pursuant to Port St. Lucie City Code section 150.520.3. The Board having reviewed the evidence and sworn statement of the complaint presented by City Of Port St. Lucie Licensing Investigator, Matthew Boettcher, deeming itself fully advised in these premises, enter the following findings of fact and conclusions of law based upon motions duly made, seconded and adopted:

The Petitioner Matthew Boettcher, Licensing Investigator was present.

The Respondent Richard Levinson was not present.

FINDINGS OF FACT

1. On May 4, 2012 the Petitioner, Licensing Investigator, Matthew Boettcher, filed a complaint against Richard Levinson pursuant to section 150.520.2 of the Port St. Lucie City Code.

Final Order DBPR.doc

2. In the complaint, Richard Levinson, is charged with violating;

Florida Building Code 105.4 and Port St Lucie Code Section 150.105.4
"Conditions of permit".

ADDRESSES OF VIOLATION(S): 462 SW Meadow Terr, 1430 SW St Lucie West Blvd,
2537 SE Charleston Dr, 962 SE Breakwater Ave, 1528 Royal Green Cir #204, 200 NW
Liseron Way.

3. A copy of the complaint was sent regular mail to the respondent.
4. That on May 4, 2012 Richard Levinson, Service America Enterprises Inc, has been charged with a formal complaint regarding, the above locations, located in The City of Port St Lucie. The charging allegation of violating item(s) **Florida Building Code 105.4 and Port St Lucie Code Section 150.105.4** supported by the signed and sworn complaint.
5. Pursuant to 150.520.2 (h), a determination of guilt has been made based upon the sworn complaint.

CONCLUSION OF LAW

That by a vote of seven to zero the Contractors Examining Board based upon the findings of fact concludes that the Respondent is guilty of the above violations.

That pursuant to Port St. Lucie City Code, section 150.520.3, a finding of guilt constitutes grounds for disciplinary action.

BOARD ORDER

Upon these findings, by a vote of the Board of **seven in favor to zero opposed**, therefore it is ordered *"suspension of permitting privileges for 365 days and pay \$205 in Administrative Costs"*.

Furthermore, recommendation by a vote of the Board of **seven in favor to zero opposed** is made to the CILB for **"Letter of Reprimand"**.

The respondent is hereby notified that upon the timely filing of a Notice of Appeal with the City Clerk within fifteen (15) days of the date of the Boards decision, the decision of the Contractors Examining Board may be appealed.

In accordance with Florida Statutes, Chapter 489.131 (7) (d) and (e), the department, the disciplined contractor, the complainant, may challenge the local jurisdiction enforcement bodies recommended penalty for board action to the Construction Industry Licensing Board. A challenge shall be filed within sixty (60) days of the issuance of the recommended penalty to the board. If challenged, there is a presumptive finding of probable cause and the case may proceed without the need for a probable cause hearing.

Failure of the department, the disciplined contractor, or the complainant to challenge the local jurisdictions recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the board. A waiver of the right to a hearing before the board shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by the board rule without further board action. The disciplined contractor may appeal this board action to the district court.

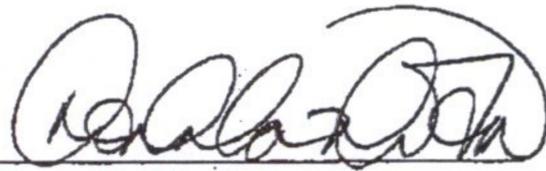
Ordered by the Contractors Examining Board effective 10th Day of August, 2012.



Technical Services Manager

State of Florida
County of St. Lucie

The foregoing instrument was acknowledged before me this 13 day of August,
2012, by Jack Reisinger, who personally known to me and who did not take
an oath.



Notary Public Signature



DONNA M. NOTO
MY COMMISSION # EE 080046
EXPIRES: August 4, 2015
Bonded Thru Budget Notary Services

Carol Heintz

From: Donna Noto
Sent: Thursday, August 23, 2012 11:12 AM
To: Carol Heintz
Subject: FW: Contractor License Number: CAC014619/ Richard Levinson - Service America Enterprise, Inc. / Initial Hearing Date: August 9, 2012
Attachments: 8-23-12 Notice of Appeal.pdf

From: Jessica DeBlasio [mailto:jessica@koleosrosenberg.com]
Sent: Thursday, August 23, 2012 11:04 AM
To: Donna Noto
Cc: asr@koleosrosenberg.com
Subject: FW: Contractor License Number: CAC014619/ Richard Levinson - Service America Enterprise, Inc. / Initial Hearing Date: August 9, 2012

From: Jessica DeBlasio [mailto:jessica@koleosrosenberg.com]
Sent: Thursday, August 23, 2012 11:03 AM
To: 'cheintz@cityofpsl.com'
Cc: 'asr@koleosrosenberg.com'
Subject: Contractor License Number: CAC014619/ Richard Levinson - Service America Enterprise, Inc. / Initial Hearing Date: August 9, 2012

Attached please find the Notice of Appeal with a copy of the attached Administrative Complaint for the above referenced matter. Should you have any questions regarding this matter please do not hesitate to contact me and thank you.

Regards,

Jessica DeBlasio

Jessica DeBlasio
Legal Assistant to Alan S. Rosenberg
Koleos Rosenberg P.A.
Am Trust Bank Building
8211 W. Broward Blvd., Suite 330
Plantation, FL 33324
Tel: (954) 474-9929
Fax: (954) 474-9959
jessica@koleosrosenberg.com

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CITY OF PORT ST. LUCIE

CITY CLERK'S OFFICE



"A City for All Ages"

A CITY FOR ALL AGES

CERTIFIED MAIL

August 31, 2012

Richard Levinson
Service America Enterprise, Inc.
2755 NW 63rd Court
Ft. Lauderdale, FL 33309

RE: Appeal of the decision made on August 9, 2012, by the City of Port St. Lucie Contractors' Examining Board re:

Violation of:

FBC 105.4 and Port St. Lucie City Code Section 150.105.4

Dear Mr. Levinson:

Please be advised that your request for appeal to the City Council from the decision of the Contractors' Examining Board has been scheduled for the Monday, September 24, 2012, City Council meeting to be held at 7:00 p.m., or as closely thereafter as business permits, in the Port St. Lucie Council Chambers, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

Any back-up material you wish to have put into the packet should be delivered to the City Clerk's Office by 12:00 noon on Wednesday, September 19, 2012, at the latest.

If you should have any questions, please do not hesitate to contact me at 344-4370.

Sincerely,

Karen A. Phillips, CMC
City Clerk

CC: Joel Dramis, Building Official
Roger G. Orr, City Attorney
Donna Noto, Building Permit Specialist, Building Department
Alan S. Rosenberg, Koleos Rosenberg Professional Association

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard Levinson
 Service America Enterprises, Inc.
 2755 NW 63rd Court
 Ft. Lauderdale, FL
 33309

2. Article Number
 (Transfer from service label)

7012 1640 0000 3778 5775

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

5225 8228 0000 0497 2702
 5225 8228 0000 0497 2702



CERTIFIED MAIL™
 PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
 OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

Sent to
 Richard Levinson, Service America
 Street, Apt. No.
 or PO Box No. 2755 NW 63 Court
 City, State, ZIP+4
 FT. LAUDERDALE, FL 33309

9. DISCIPLINARY HEARINGS—TABLED:

City of Port St. Lucie, Mark Brockway
Vs.

Edward Louderback Jr., Sign Connection of the T/C Inc

642 SW Port St Lucie Blvd, 1006 SW St Lucie West Blvd,
10272 S US Hwy 1, 8958 S US Hwy 1, 2076 NW Courtyard

VIOLATION OF:
FBC 105.4 & PSL Code Sect 150.105.4

“Conditions of Permits” *“every permit issued shall become invalid...if the work authorized is suspended or abandoned for a period of 6 months”....(105.4.1.3) .”work shall be considered active when permit has rec'd an approved inspection within 180 days.”*

City of Port St. Lucie, Kevin Pierce
Vs.

Steve Singer, Definitely Different Home Repairs LLC

351 SW Panther Trace

VIOLATION OF:
FBC 105.1& PSL Code Sect 150.105.1

“Required Permits” *“any owner or authorized agent who intends to...replace any mechanical system... shall first make application...and obtain the required permit.”*

* **10. DISCIPLINARY HEARINGS:** *

City of Port St. Lucie, Matthew Boettcher
Vs.

Richard M Levinson, Service America Enterprises Inc

462 SW Meadow Ter, 1430 SW St Lucie West Blvd,
2537 SE Charleston Dr, 962 SE Breakwater Ave,
1528 Royal Grn Cir #204, 200 NW Liseron Way *

* **VIOLATION OF:**
FBC 105.4 & PSL Code Sect 150.105.4

“Conditions of Permits” *“every permit issued shall become invalid...if the work authorized is suspended or abandoned for a period of 6 months”....(105.4.1.3) .”work shall be considered active when permit has rec'd an approved inspection within 180 days.” **

City of Port St. Lucie, Kevin Pierce
Vs.

Clifford Russ, Skyhigh Siding & Roofing

1797 SW Monterey Ln

VIOLATION OF:
FBC 105.4 & PSL Code Sect 150.105.4

“Conditions of Permits” *“every permit issued shall become invalid...if the work authorized is suspended or abandoned for a period of 6 months”....(105.4.1.3) .”work shall be considered active when permit has rec'd an approved inspection within 180 days.”*

City of Port St. Lucie, Dennis Millward
Vs.

Frederick B Ellis III, Alias Signs LLC

1901 SW South Macedo Blvd, 3259 SW Port St Lucie Blvd

VIOLATION OF:
Florida State Statute 489.129(1)(o)
Port St Lucie Code Sect 150.520.3(m)
Port St Lucie Code Sect 150.520.3(h)

“Proceeding w/out inspections”
“Knowingly violating applicable building codes.”

RICHARD LEVINSON

Service America Enterprises Inc

Certified Air Conditioning Class A Contractor

CAC014619

Current/Active

FORMAL COMPLAINT ISSUED May 4, 2012

LOCATION(S): 462 SW Meadow Ter, 1430 SW St Lucie West Blvd, 2537 SE
Charleston Dr, 962 SE Breakwater Ave, 1528 Royal Green Cir #204, 200 SW
Liseron Way

CASE NUMBER: 15070

To: CONTRACTORS EXAMINING BOARD

Hearing Date: August 9, 2012

**Florida Building Code 105.4
Port St Lucie Code Section 150.105.4**

"Conditions of permit"

NOTICE OF NONCOMPLIANCE / RECEIPTS



CITY OF PORT ST LUCIE
BUILDING DEPARTMENT

121 SW Port St Lucie Blvd
Port St Lucie, FL 34984

FL

NOTICE OF NONCOMPLIANCE

Case# 15070

Date 2/27/2012

To RICHARD M LEVINSON D/B/A SERVICE AMERICA ENTERPRISES INC
Address From File 2755 NW 63RD CT Lic# CAC 014619
City FT LAUDERDALE State FL Zip 33309
Location 8 VOIDED PERMITS MULTIPLE ADDRESSES Parcel# 342058500050002
Section 18 Block N/A Lot TRACT F Permit# 8 PERMITS

Local/Registered Certificate of Competency Holders:

- 150.520.3(a) Obtaining a certificate by fraud or misrepresentation.
150.520.3(b) Committing fraud or deceit in the practice of contracting.
150.520.3(c) Committing incompetency or misconduct in the practice of contracting.
150.520.3(d) Committing gross negligence, repeated malignance or negligence resulting in a significant danger to life or property
150.520.3(e) Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after ninety (90) days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for ninety (90) consecutive days.
150.520.3(f) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer.
150.520.3(h) Knowingly or deliberately disregarding or violating any applicable building codes or laws of the state, county or the city.
150.520.3(i) Willfully and deliberately engaging in a type or class of contracting for which the contractor is not licensed or registered.
150.520.3(m) Proceeding on any job without obtaining the applicable building department permits and inspections.
150.520.3(o) Knowingly combining or conspiring with an uncertified or unregistered person by allowing his certificate or registration to be used by the uncertified or unregistered person with intent to evade the provisions of this code. When a certificate holder or registrant allows his certificate or registration to be used by one (1) or more business organizations without having any active participation in the operations, management, or control of such business organizations, such act constitutes prima facie evidence of an intent to evade the provisions of this code.

State Certified Contractors:

* 489.516(3) or 489.113(4) Committing fraud in the practice of contracting or committing a willful building code violation.

FBC: 105.4

CORRECTIVE ACTION REQUIRED

OBTAIN NEW PERMITS AND INSPECTIONS FOR ALL EXPIRED PERMITS

Therefore, you are hereby directed that on or before the 2 day of April 2012, you must take action in correcting the violation. Failure to do so may result in disciplinary proceedings.

Copy to:

This notice of NonCompliance was issued by
Hand Delivery or Mailed on: 2, 28, 12
by: D NOTO

Signature of Licensing Investigator

COMPLAINT / RECEIPTS/CONTRACTOR RESPONSE

RC.



CITY OF PORT ST LUCIE

BUILDING DEPARTMENT
Contractor Licensing Division

.....
A CITY FOR ALL AGES

Regular Mail

May 4, 2012

Case #15070

Richard Levinson
Service America Enterprises Inc.
2755 NW 63rd Ct
Ft Lauderdale FL 33309

Re: Formal complaint location: 462 Meadow, 1430 St Lucie West Blvd, 2537 Charleston
962 Breakwater, 1528 Royal Green #204, 200 Liseron

Allegation:

Violation of:

Florida Building Code 105.4
Port St Lucie Code Section 150.520.3(h)
"Conditions of Permits"

Dear Mr. Levinson:

Please be advised a formal complaint has been submitted by City Of Port St. Lucie Licensing Investigator, Matthew Boettcher, in regard to the above allegations.

For the investigation of the complaint, our office requests that page four be completed and returned to this department by June 7, 2012.

Upon receipt of your response, the complaint will be forwarded to the Review Committee for further investigation. Should you choose not to respond; the complaint will then be forwarded to the Committee on June 7, 2012. The Committee will ascertain if there is just reason to proceed to a formal hearing. Our office will extend proper notification to you on the determination made by the Review Committee. Should the Committee determine probable cause to proceed with a disciplinary hearing, you will be notified in advance of said hearing date and time.

If you need assistance, please contact our office at 772-873-6371.

Sincerely,

Donna Noto
Contractor Licensing
Enclosures

Complaint Response Request.doc

CITY OF PORT ST. LUCIE
CONTRACTOR CERTIFICATION
121 S.W. PORT ST. LUCIE BLVD
PORT ST. LUCIE, FL 34984

FORMAL COMPLAINT FORM
AGAINST "STATE CERTIFIED" CONTRACTORS

Matthew Boettcher - City of Port St Lucie

Complaints Name

121 SW Port St Lucie Blvd

Street Address

Port St Lucie FL 34984

City

State

Zip

772-871-5132

Home Telephone

Work Telephone

Richard Levinson

Name of Qualifier/Contractor

Service America Enterprises Inc

Name of Company

2755 NW 63rd Ct

Street Address

Ft Lauderdale FL 33309

City

State

Zip

954-556-2145

Telephone Number

Location of Complaint: 6 separate locations.

Sec/Unit _____ Block _____ Lot _____ Date of Occupancy: n/a

When was Certificate of Occupancy Issued?: n/a

Have you as the complainant/homeowner ever refused to give permission to the contractor/
subcontractors to complete a project for or correct any code violations: ___ yes no

Did you complain to the company? yes

When? Notice of Non Compliance #15070 sent February 28, 2012

What was the response? Violations still exist.

List all persons connected with the company with whom you have been in contact:

Have you contacted a private attorney? n/a

Attorney Name: _____

Address: _____

Phone #: _____

Have you contacted any other agencies regarding this problem? n/a

Names of Agency: _____

What was the response? _____

Have you had anyone attempt repairs? n/a

If so, who and when?

Name: _____

When: _____

Have you had estimates for repairs? n/a

If so, who and when?

Name: _____

When: _____

Please indicate in the space provided, whether in your opinion, the contractor has violated any of the following items, please check only those that apply.

489.113(4) Committing fraud in the practice of contracting

Yes No (If yes, please include documentation)

489.113(4) Committing a willful building code violation

Yes No (include appropriate statute and/or City Ordinance)

FBC 105.4 & PSL Ord 150.105.4 "Condition of permits"

Fraud – The intentional false representation of a present or past fact made by a person to another who then relies on this fact to act and is thereby damaged as a result.

489.113 (4) – NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a), a local construction regulation board may deny, suspend, or revoke the authority of a certified contractor to obtain a building permit or limit such authority to obtaining a permit or permits with specific conditions, if the local construction regulation board has found such a contractor, through the public hearing process, to be guilty of fraud or a willful building code violation within the county or municipality that the local construction regulation board represents.

Please explain your complaint fully and describe events in the order in which they occurred. Give exact dates, time and places. List all representatives with whom you have had contact regarding your complaint:

Richard Levinson, Service America Enterprises Inc. had (8) permits expired due to no passed inspections within 180 days. Notice of noncompliance was sent on February 28, 2012 requiring new permits and passed inspections by April 2, 2012. To date there are (6) properties still in violation. The properties are 462 Meadow, 1430 St Luce West Blvd, 2537 Charleston, 962 Breakwater, 1528 Royal Green #204 and 200 Liseron.

List all witnesses, their addresses and telephone numbers:

I understand that any decision of the Board regarding action taken against a contractor may be appealed to the City Council within fifteen (15) days of the date of the Board's decision, provided that written notice of such appeal shall be filed with the City Clerk's office within that period. I understand the Board cannot access fines or order a contractor to perform work.

Matthew Boettcher
Signature of Complainant

State of Florida
County of St. Lucie



DONNA M. NOTO
MY COMMISSION # EE 080846
EXPIRES: August 4, 2015
Bonded Thru Budget Notary Services

Sworn to (or affirmed) and subscribed before me this 4 day of May 2012
by Matthew Boettcher

Donna M. Noto
Signature of Notary Public

Personally known OR Produced Identification
Type of Identification produced: _____

N/A

NO RESPONSE
FROM
CONTRACTOR

LOCAL CODE

tors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

105.4 Conditions of the permit.

105.4.1 Permit intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction or violations of this code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced.

105.4.1.1 If work has commenced and the permit is revoked, becomes null and void or expires because of lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work.

105.4.1.2 If a new permit is not obtained within 180 days from the date the initial permit became null and void, the building official is authorized to require that any

work which has been commenced or completed be removed from the building site. Alternately, a new permit may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

105.4.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process.

105.4.1.4 The fee for renewal reissuance and extension of a permit shall be set forth by the administrative authority.

105.5 Expiration. Reserved.

105.6 Suspension or revocation. Reserved.

105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project.

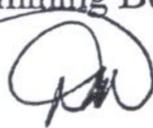
105.8 Notice of commencement. As per Section 713.135, Florida Statutes, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than ~~18 point~~, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

105.9 Asbestos. The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of Section

PROBABLE CAUSE STATEMENT

MEMORANDUM

to: Joel Dramis, Building Official
Jack Reisinger, Building Official Designee
Michael Flaxman, Contractors' Examining Board Chairman

from: Donna Noto, Contractor Licensing 

subject: Complaint filed against:
Richard Levinson, Service America Enterprises Inc

date: July 16, 2012

Attached please a complaint filed by Licensing Investigator, Matthew Boettcher for the following addresses:

462 Meadow, 1430 St Lucie West Blvd, 2537 Charleston, 962 Breakwater
1528 Royal Green #204, 200 Liseron

Contractor holds local certificate of competency and Registered through DBPR

Contractor holds a state certification license.

Staff would like to present the complaint to the review committee, to determine if the complaint should be presented before the Contractor's Examining Board for a formal disciplinary hearing.

Enclosed response from contractor and/or his attorney.

No response from contractor.

Please review and respond as soon as possible.

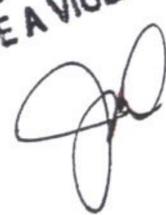
Thank you.

I FIND PROBABLE CAUSE TO
BELIEVE A VIOLATION OCCURRED

 7-17-12

Complreviewcommittee.wpd

I FIND PROBABLE CAUSE TO
BELIEVE A VIOLATION OCCURRED.

 7/16/12

NOTICE OF HEARING / RECEIPTS

(Right to appear before and be heard by the local enforcement board.)



CITY OF PORT ST LUCIE

BUILDING DEPARTMENT
Contractor Licensing Division

.....
A CITY FOR ALL AGES

CERTIFIED MAIL
REGULAR MAIL

70071490000433909466

July 18, 2012

Richard Levinson
Service America Enterprises Inc
2755 NW 63rd Ct
Ft. Lauderdale, FL 33309

Re: City of Port St. Lucie
vs
Richard Levinson, Service America Enterprises Inc.

Location(s): **462 Meadow, 1430 St Lucie West Blvd, 2537 Charleston,
962 Breakwater, 1528 Royal Green #204, 200 Liseron**
Allegation(s) **Florida Building Code 105.4 "Conditions of permit"
PSL Code Sec 150.105.4**

Dear Mr. Levinson:

This letter is regarding the formal complaint(s) that has been submitted by Licensing Investigator, Matthew Boettcher, regarding the property(s) noted above.

It has been determined to forward the complaint(s) to the Contractors' Examining Board for a disciplinary Hearing. Should the Board determine the violation was committed, in addition to any disciplinary action, **Administrative Fees will be imposed in the amount of \$205.00 (two hundred five dollars).**

The hearing is scheduled for August 9, 2012 at 10:00 am, in the City Hall Complex, Building A, Council Chambers, 121 SW Port St. Lucie Blvd., Port St. Lucie.

You may wish to be represented at the hearing, by an attorney. Also, please note that all evidence pertinent to your case, should be brought to the hearing by you or your attorney.

This hearing is recorded. If you have any questions, you may contact our office at 772-873-6371.

Sincerely,

Donna Noto
Contractor Licensing Staff

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information, visit our website at www.usps.com

OFFICIAL USE

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

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Sent To
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 B. Received by (Printed Name) Addressee
 C. Date of Delivery 7-20-12
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

RECEIVED

JUL 20 2012

3. Service Type
 Certified Mail
 Registered Mail
 Insured Mail
 Restricted Delivery? (Extra Fee) Yes
 Return Receipt for Merchandise
 C.O.D.

SENDER: COMPLETE THIS SECTION

- Complete items 1-2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard Levinson
 Service America Enterprises Inc
 2755 NW 63rd Ct
 Ft Lauderdale FL 33309

2. Article N (Transfer)

7007 1490 0004 3390 9466

PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1546