

COUNCIL ITEM *9A*  
DATE *12/12/16*

COUNCIL ITEM *9A*  
DATE *11-14-16*

*REQUEST TO REMOVE  
& Reschedule*

**Karen Phillips**

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**From:** Lisa Self [lself@v-law.net]  
**Sent:** Thursday, November 10, 2016 6:06 PM  
**To:** Mary Ellen Sanchez; Karen Phillips; April Stoncius  
**Cc:** Donna Noto; vincent v-law.net  
**Subject:** Contractors Licensing case # 21287 Appeal - November 14, 2016

Good afternoon: we represent Cool Air, who is currently scheduled to go before the Board on Monday, November 14<sup>th</sup> at 7:00 p.m. as Agenda Item 9A. Unfortunately, we have an unforeseen scheduling conflict that will prevent us from getting to the Council meeting on time to represent our client. As such, we would like to see if we are able to reschedule the hearing to the December Council Meeting. We apologize for any inconvenience this may have caused. Please let us know at your earliest convenience. Thank you.

Lisa S. Self  
Florida Registered Paralegal  
Vincent F. Vaccarella, P.A.  
401 SE 12 Street, Suite 300  
Fort Lauderdale, FL 33316  
(305) 932-4044  
(305) 932-4990 Facsimile

This message is intended for the use of the addressee only and may be confidential and covered by the attorney/client privilege and other privileges. If the reader is not the intended recipient, DO NOT READ, NOTIFY SENDER AND DELETE THIS MESSAGE, AND ANY ATTACHMENT HERETO. In addition, be aware that any disclosure, copying, distribution or use of the contents of this message is strictly prohibited and may subject the individual(s) or entity to liability.

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# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 9A

Meeting Date: 11/14/16

TO: Mayor and City Council

THRU: Patricia Roebling, Interim City Manager

FROM: Karen Phillips, City Clerk *KAP*

Agenda Item: **Motion: Public Hearing:** Appeal of the decision of the Contractors' Examining Board Meeting held on September 8, 2016, Appeal requested by Lior Poyastro, Cool Air USA, Inc., Case # 21287

Submittal Date: November 1, 2016

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**STRATEGIC PLAN LINK:** Port St. Lucie Mission, Principal B, Responsive to the Community

**BACKGROUND:** On June 8, 2016, a formal complaint was filed by the City of Port St. Lucie against the license of Lior Poyastro, President of Cool Air USA, Inc., alleging violations of the Florida Building Code 105.1 and City of Port St. Lucie Code of Ordinances Section 150.520.2 for failing to obtain permits prior to commencing work at three addresses in Port St. Lucie: 1) 2220 SE Floresta Drive 2) 190 SW Exmore Avenue and 3) 641 SW Montana Terrace. On September 8, 2016, the Contractors' Examining Board found Mr. Poyastro in violation of Florida Building Code 105.1 and City of Port St. Lucie Code of Ordinances Section 150.105 and ordered the following disciplinary action: 1) Suspension of permitting privileges for 121 days and administrative fine of \$205; 2) All violations must be brought into compliance; 3) Recommendation to the CILB of a Suspension of Certification for 90 days.

**ANALYSIS:** Mr. Poyastro did not appear for his hearing in front of the Contractors Examining Board. Pursuant to Section 150.520.2(f) of the Port St. Lucie Code of Ordinances, the Board made its determination that a violation occurred based on the sworn complaint.

**FINANCIAL INFORMATION:** N/A

**LEGAL INFORMATION:** Approved by Assistant City Attorney Keri Norbraten as to form and sufficiency.

**STAFF RECOMMENDATION:** Support the decision of the City of Port St. Lucie Contractors' Examining Board

**SPECIAL CONSIDERATION:** Lior Poyastro and Counsel have been notified by certified mail of the November 14, 2016 Appeal Hearing date.

**PRESENTATION INFORMATION:** A brief presentation by Donna Noto, Contractor Licensing Coordinator, may be made upon request. Mr. Poyastro will be represented by his attorney, Vincent F. Vaccarella.

**REQUESTED MEETING DATE:** November 14, 2016

**LOCATION OF PROJECT:** 641 SW Montana Terrace, 2220 SE Floresta Drive, and 190 SE Exmore Avenue

**ATTACHMENTS:**

1. Formal Complaint, including Contractor Response and Notice of Hearing
2. Contractors Examining Board Order Dated September 9, 2016
3. Letter from Vincent Vaccarella, P.A. requesting an Appeal of Port St. Lucie Contractors Examining Board Order Dated September 9, 2016
4. Copy of Port St. Lucie Code of Ordinances Section 150.520.2 and Florida Building Code 105.1
5. Contractors Examining Board Minutes – September 8, 2016
6. Contractors Examining Board Meeting Backup for Case #21287

**RECEIVED**

NOV 02 2016

CITY MANAGER'S OFFICE

**VACCARELLA**

VINCENT F. VACCARELLA, P.A.

September 29, 2016

**VIA FEDERAL EXPRESS AND EMAIL**

City of Port St. Lucie  
City Clerk's Office  
121 S.W. Port St. Lucie Blvd.  
Port St. Lucie, FL 34984-5099  
[karenp@cityofpsl.com](mailto:karenp@cityofpsl.com)

**Re: Appeal of Port St. Lucie Contractors Examination Board's Order Dated September 9, 2016 – City of Port St. Lucie v. Lior Poyastro, Case #21287**

Dear Ms. Phillips:

The undersigned law firm represents Lior Poyastro ("Mr. Poyastro"). Mr. Poyastro is in receipt of the Port St. Lucie Contractors Examination Board's ("Board") Order dated September 9, 2016. Please accept this correspondence as Mr. Poyastro's formal written notice of appeal pursuant to section 150.520.2(k) of the Port St. Lucie Code regarding the Board's decision that Mr. Poyastro violated Florida Building Code 105.1 and Port St. Lucie Code section 150.105.1 involving the properties located in Port St. Lucie.

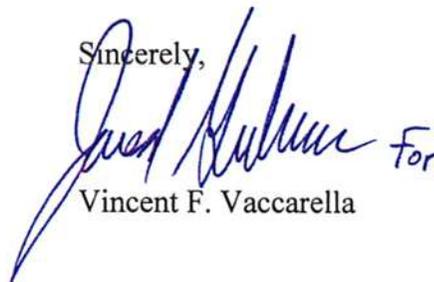
Mr. Poyastro disputes the decision of the Board that he violated the above stated code provisions which state as follows: "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."

Mr. Poyastro asserts that he did not violate any code provisions nor should he be given any disciplinary action because the work at the properties were performed with a permit that was pulled and such permit was pulled before any violation notice was received by Mr. Poyastro. Initially, Mr. Poyastro attempted to pull the permit through the City's newly installed online system; however, he was unable to do so. As a result, Mr. Poyastro had to ultimately pull the permit in person.

Based on the foregoing, Mr. Poyastro respectfully requests a hearing for this appeal. Please notify us when there is a date fixed for hearing the appeal.

Mr. Poyastro reserves the right to supplement this appeal with additional information, as well as all other rights under the Code and applicable law.

Sincerely,

A handwritten signature in blue ink, appearing to read "Vincent F. Vaccarella For". The signature is stylized and cursive.

Vincent F. Vaccarella

VFV/lss

cc: Lior Poyastro (via email)



# CITY OF PORT ST. LUCIE

CITY CLERK'S OFFICE

.....  
A CITY FOR ALL AGES

"A City for All Ages"

CERTIFIED MAIL

October 18, 2016

Lior Poyastro  
Cool Air USA, Inc.  
3901 NW 16<sup>th</sup> Street  
Lauderhill, FL 33311

RE: Appeal of the decision made on September 8, 2016, by the City of Port St. Lucie Contractors' Examining Board re:

Violation of:

FBC 105.1 and Port St. Lucie City Code Section 150.105.1

Dear Mr. Poyastro:

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, November 14, 2016, 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 meeting packet should be delivered to the City Clerk's Office by 12:00 noon on Friday, November 4, 2016, at the latest.

If you should have any questions, please do not hesitate to contact me at 772-871-7325.

Sincerely,

Karen A. Phillips, CMC  
City Clerk

CC: Joel Dramis, Building Official  
O. Reginald Osenton, City Attorney  
Keri Norbraten, Assistant City Attorney  
Donna Noto, Building Permit Specialist, Building Department  
Vincent F. Vaccarella, P.A., Law Offices of Vaccarella

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- 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:

*Lior Poyastro*  
*Cool Air USA, Inc.*  
*3901 N.W. 16<sup>th</sup> Street*  
*Lauderhill, FL 33311*



9590 9402 1974 6123 7600 06

2. Article Number (Transfer from service label)

7016 1370 0001 6088 0026

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*\*Y. Rodriquez*

- 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

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

**CITY OF PORT ST. LUCIE  
BUILDING DEPARTMENT**

**POYASTRO, LIOR**

Cool Air USA Inc

Certified Air Conditioning Contractor  
CAC1815656  
ACTIVE

**FORMAL COMPLAINT ISSUED** June 8, 2016

**LOCATION(S):** 641 SW Montana Ter, 2220 SE Floresta Dr, 190 SE Exmore Ave

**CASE NUMBER: 21287**

To: **CONTRACTORS EXAMINING BOARD**

Hearing Date: **September 8, 2016**

Florida Building Code 105.1  
PSL Code Sect 150.105.1

*"Required permits"*

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



**COMPLAINT / RECEIPTS/CONTRACTOR RESPONSE**



# CITY OF PORT ST LUCIE

BUILDING DEPARTMENT  
Contractor Licensing Division

.....  
A CITY FOR ALL AGES

Regular Mail  
June 8, 2016

Case #21287

Lior Poyastro  
Cool Air USA Inc  
3901 NW 16<sup>th</sup> St  
Lauderhill FL 33311

Re: Formal complaint location: 641 SW Montana, 2220 SE Floresta, 190 SE Exmore  
Allegation:  
Violation of: Florida Building Code 105.1  
Port St Lucie Code Section 150.105.1  
Required Permits"

Dear Mr. Poyastro:

Please be advised a formal complaint has been submitted by City Of Port St. Lucie Licensing Investigator, James LaPonza, 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 July 7, 2016.

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 July 7, 2016. The Committee will determine 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 find 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 or email [dnoto@cityofpsl.com](mailto:dnoto@cityofpsl.com).

Sincerely,

Donna Noto  
Contractor Licensing Coordinator  
Enclosures

Complaint Response Request.doc

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

Case # 21287

FORMAL COMPLAINT FORM  
AGAINST "STATE CERTIFIED" CONTRACTORS

James LaPonza - 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

Lior Poyastro  
Name of Qualifier/Contractor  
Cool Air USA  
Name of Company  
4151 SW 47th Ave #2B  
Street Address  
Davie FL 33314  
City State Zip  
(954) 915 - 1155  
Telephone Number

Location of Complaint: 641 SW Montana, 2220 SE Floresta, 190 SW Exmore Ave  
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? Previous violations for same offense  
What was the response? Violations continue to occur

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 Have you had estimates for repairs? n/a  
If so, who and when? If so, who and when?  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
When: \_\_\_\_\_ 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 105.1 & PSL Ord 150.105.1 "Required permits"

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**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:

On March 21, 2016 an air conditioning unit change out was in progress at 2220 SE Floresta Dr. and investigators Dennis Millward & Sheldon Godfrey performed a license/permit check. The technicians worked for Cool Air USA and informed the investigators they could not locate the paperwork for permit. It was determined a permit was not obtained prior to commencing the work. On March 23, 2016 Investigator, Dennis Millward noticed an air conditioning change out in progress at 190 SW Exmore Ave. It was determined there was no permit issued for the work. The technician for Cool Air USA called the office & was told the runner was on their way. However, a permit was not applied for until March 29, 2016 via online. On March 25, 2016 a building inspector noticed a new air conditioning unit at 641 SW Montana Ter, he determined there was no permit issued for the work. The owner supplied a copy of their contract indicating the work was performed on March 18th by Cool Air USA, Lior Poyastro.

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.

James La Ponga  
Signature of Complainant

State of Florida  
County of St Lucie



DONNA M. NOTO  
MY COMMISSION # FF 231892  
EXPIRES: August 4, 2019  
Bonded Thru Budget Notary Services

Sworn to (or affirmed) and subscribed before me this 31 day of March 2016  
by James La Ponga

Personally known  OR Produced Identification   
Type of Identification produced: \_\_\_\_\_

Donna M. Noto  
Signature of Notary Public

Case #21287

### CONTRACTOR RESPONSE

Please complete this form fully and describe events in the order in which they occurred. Give exact dates, times and places.

Has the complainant/homeowner ever refused to give permission to you to complete the project for or correct any code violations: Yes \_\_\_\_\_ No

If yes, please give detailed explanation, dates and times.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Did the complainant/homeowner contact your office? NO  
If so, what was your response?

\_\_\_\_\_  
\_\_\_\_\_

IN RESPONSE TO COMPLAINT.

PERMIT APPLICATION WERE HELD UP  
DUE TO THE NEW ON-LINE PERMITTING.

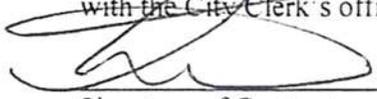
NO INTENT FOR FRAUD OR ANY ACTION TO  
INSTALL WITHOUT PERMIT

WE PULL PERMITS ON ALL JOBS !!  
I PERSONALLY APPEARED IN THE OFFICE IN ORDER  
TO ~~STAY~~ EXPEDITE THE PROCESS.

Please list the name, address and telephone number of a person to contract for additional information, if necessary:  
LICOR POYASTOR (954) 354-9566

I understand that my response regarding this complaint will be reviewed by the review committee and possibly the Contractors' Examining Board.

Also, any decision of the Board 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.

  
\_\_\_\_\_  
Signature of Contractor

6/14/16  
\_\_\_\_\_  
Date

Pres  
\_\_\_\_\_  
Title

**LOCAL CODE**

**104.9 Approved materials and equipment.** Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

**104.9.1 Used materials and equipment.** The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

**104.10 Modifications.** Reserved.

**104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

**104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

**104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recog-

nized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

**104.11.3 Accessibility.** Alternative designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11-2.2.

## SECTION 105 PERMITS

**105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

**105.1.1 Annual facility permit.** In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

**105.1.2 Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall

**PROBABLE CAUSE STATEMENT**

# MEMORANDUM

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**to:** Joel Dramis, Building Official  
Jack Reisinger, Building Official Designee  
Greg Oldakowski, Contractors' Examining Board Chairman

**from:** Donna Noto, Contractor Licensing Coordinator

**subject:** Complaint filed against:  
Lior Poyastro, Cool Air USA Inc

**date:** July 12, 2016



Attached please a complaint filed by Licensing Investigator, James LaPonza, for the following address(es): 641 SW Montana, 2220 SE Floresta & 190 SE Exmore – Case #21287

- Contractor holds local certificate of competency.
- 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 Legal Representative.
- No response from contractor.

Please review and respond as soon as possible.

Thank you.

I FIND PROBABLE CAUSE TO BELIEVE A VIOLATION OCCURRED  
8-1-16  
JR

I FIND PROBABLE CAUSE TO BELIEVE A VIOLATION OCCURRED.  
7/25/16  
JLD

**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

7013060000073974557

CERTIFIED MAIL  
REGULAR MAIL

August 4, 2016

Mr. Lior Poyastro  
Cool Air USA Inc  
3901 NW 16<sup>th</sup> St  
Lauderhill FL 33311

Re: City of Port St. Lucie  
vs

Lior Poyastro, Cool Air USA Inc

Location(s): 641 SW Montana Ter, 2220 SE Floresta Dr. & 190 SE Exmore Ave  
Case #21287

Allegation(s) Florida Building Code 105.1 "Required Permits"  
Port St Lucie Code Section 150.105.1

Dear Mr. Poyastro:

This letter is regarding the formal complaint(s) that has been submitted by Licensing Investigator James LaPonza, regarding the above.

The Review Committee has 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).**

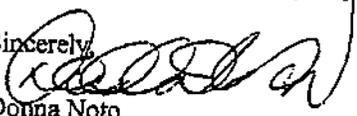
The hearing is scheduled for **September 8, 2016 at 9:30 am**, in the City Hall Complex, Building A, Council Chambers, 121 SW Port St. Lucie Blvd., Port St. Lucie.

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 or [dnoto@cityofpsl.com](mailto:dnoto@cityofpsl.com).

Those who do not speak English are required to bring your own translator. *Los personas que no hablan ingles son requerido traer propio traductor. Moun sa yo ki pa pale angle yo obtije mlann ou moun pou tradui.*

Sincerely,

  
Donna Noto  
Contractor Licensing Coordinator

7013 0600 0000 7397 4557

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- 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:  
 Mr. Lior Poyastro  
 Cool Air USA Inc  
 3901 NW 16<sup>th</sup> St  
 Lauderdale FL 33311



2. Article Number (Transfer from mailpiece)  
 7013 0600 0000 7397 4557

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  *ORIS*

Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type
- Adult Signature Restricted Delivery
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Registered Mail
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

4557

(over \$500) Restricted Delivery

Domestic Return Receipt

Postage \$

**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



# CITY OF PORT ST LUCIE

BUILDING DEPARTMENT  
Contractor Licensing Division

.....  
A CITY FOR ALL AGES

James LaPonza, Licensing Investigator  
City Of Port St. Lucie  
121 SW Port St Lucie Blvd  
Port St Lucie FL 34984

Petitioner,  
vs.

Mr. Lior Poyastro  
Cool Air USA Inc  
3901 NW 16<sup>th</sup> St  
Lauderhill FL 33311

Respondent

Contractor License # CAC1815656

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## ADMINISTRATIVE COMPLAINT

This matter came before the Port St. Lucie Contractors Examining Board on September 8, 2016 for consideration of the complaint against Lior Poyastro, Cool Air USA 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, James LaPonza, 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, James LaPonza was present.  
The Respondent, Lior Poyastro was not present.

## FINDINGS OF FACT

1. On June 8, 2016 the Petitioner, Licensing Investigator, James LaPonza, filed a complaint against Lior Poyastro, pursuant to section 150.520.2 of the Port St. Lucie city Code.

Final Order DBPR.doc

121 S.W. Port St Lucie Boulevard • Port St Lucie, FL 34984-5099 • 772-871-5132 • Fax 772-871-5

EXHIBIT

tabbles

2

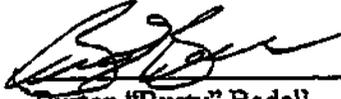


The respondent is hereby notified that upon the timely filing of a Notice of Appeal with the City Clerk within fifteen (15) days of the date of the Boards decision, the decision of the Contractors Examining Board may be appealed.

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.

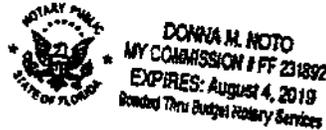
Ordered by the Contractors Examining Board effective 9th Day of September, 2016.

  
Burton "Rusty" Bedell      9-21-16  
Chief Building Inspector      Date

State of Florida  
County of St. Lucie

The foregoing instrument was acknowledged before me this 21 day of September, 2016 by Rusty Bedell, who personally known to me and who did not take an oath.

  
Notary Public Signature





# **CITY OF PORT ST LUCIE**

**BUILDING DEPARTMENT  
Contractor Licensing Division**

.....  
**A CITY FOR ALL AGES**

September 23, 2016

Department of Business & Professional Regulation  
1940 North Monroe St.  
Tallahassee, FL 32399  
Attn: Amanda Wynn

Dear Ms. Wynn:

Enclosed you will find Administrative Complaint(s) containing the disciplinary action(s) and finding of fact regarding the following contractor(s):

Mr. Sherried Watson, Promag Energy Group Inc – CMCA48033  
Mr. Lior Poyastro, Cool Air USA Inc – CAC1815656

A local hearing of the Contractor's Examining Board was held on September 8, 2016. A copy of the Minutes along with any other documents required will be supplied upon request.

Should you have any questions, please give me a call at 772.873.6371 or email me at [dnoto@cityofpsl.com](mailto:dnoto@cityofpsl.com)

Sincerely,

A handwritten signature in black ink, appearing to read "Donna M. Noto".

Donna M. Noto  
Contractor Licensing Coordinator  
City of Port St. Lucie

Enc.

CC: Mr. Sherried Watson  
Mr. Lior Poyastro

**VACCARELLA**

VINCENT F. VACCARELLA, P.A.

September 29, 2016

**VIA FEDERAL EXPRESS AND EMAIL**

City of Port St. Lucie  
City Clerk's Office  
121 S.W. Port St. Lucie Blvd.  
Port St. Lucie, FL 34984-5099  
[karenp@citvofpsl.com](mailto:karenp@citvofpsl.com)

**Re: Appeal of Port St. Lucie Contractors Examination Board's Order Dated September 9, 2016 – City of Port St. Lucie v. Lior Poyastro, Case #21287**

Dear Ms. Phillips:

The undersigned law firm represents Lior Poyastro ("Mr. Poyastro"). Mr. Poyastro is in receipt of the Port St. Lucie Contractors Examination Board's ("Board") Order dated September 9, 2016. Please accept this correspondence as Mr. Poyastro's formal written notice of appeal pursuant to section 150.520.2(k) of the Port St. Lucie Code regarding the Board's decision that Mr. Poyastro violated Florida Building Code 105.1 and Port St. Lucie Code section 150.105.1 involving the properties located in Port St. Lucie.

Mr. Poyastro disputes the decision of the Board that he violated the above stated code provisions which state as follows: "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."

Mr. Poyastro asserts that he did not violate any code provisions nor should he be given any disciplinary action because the work at the properties were performed with a permit that was pulled and such permit was pulled before any violation notice was received by Mr. Poyastro. Initially, Mr. Poyastro attempted to pull the permit through the City's newly installed online system; however, he was unable to do so. As a result, Mr. Poyastro had to ultimately pull the permit in person.

Based on the foregoing, Mr. Poyastro respectfully requests a hearing for this appeal. Please notify us when there is a date fixed for hearing the appeal.



Sec. 150.520.2. - Procedures.

- (a) Any person including, but not limited to the building official of the city, may prefer charges against the holder of a contractor's certificate of competency issued pursuant to the provisions of this subchapter. Such charges shall be made in writing and sworn to by the complainant or complaining witness and submitted to the building official of the city who shall immediately notify the chairman of the receipt thereof. The building official shall mail a copy of such charges to the respondent within fifteen (15) days from the receipt thereof.
- (b) The building official, building official designee and the chairman of the board shall review the complaint for probable cause. If no probable cause is found, the complaint shall be denied and not referred to the board. A copy of the complaint and the findings of the building official and the chairman shall be placed in the respondent's file. The complainant or complaining witness shall have no right of appeal. Where a probable cause is found, the complaint shall be referred to the board for a hearing on the complaint.
- (c) The 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.
- (d) 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.
- (e) At the hearing the respondent shall be allowed to testify and to produce evidence and other witnesses in his behalf. The respondent may be accompanied by counsel. The respondent 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 shall be granted the right to be present at any hearing when evidence is to be presented to the contractors examining board and to call witnesses or present evidence and to cross-examine, subject to reasonable limitation.
- (f) If the respondent admits to the alleged charges the board shall immediately make a finding of guilt without further testimony. If the respondent fails to appear, the board may make its determination of guilt based upon the sworn complaint.
- (g) The complainant or complaining witness is not a party to the disciplinary proceeding. Unless found to be impractical by the chairman of the board due to unreasonable delay or other good cause, the complainant or complaining witness shall be granted the right to be present at any board hearing when evidence is to be presented, subject to reasonable limitations. The complainant or complaining witness shall have no right of appeal from the decision of the board.
- (h) Upon conclusion of the formal hearing, the board shall make a determination of guilt. 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.
- (i) 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.
- (j) Quorum/vote. No fewer than four (4) members, one (1) of whom must be the chairman or vice-chairman, 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 three (3) members.
- (k) Appeal. Any decision of the Board imposing disciplinary action on a respondent may be appealed by the respondent to the city council 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 council 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 council may also entertain any additional testimony or evidence offered by the respondent or other interest party that was not brought out at the board hearing.

- (l) 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. 90-43, passed 5-14-90; Am. Ord. 93-25, passed 6-14-93; Am. Ord. 06-108, § 1, 9-25-06)

**104.7 Department records.** The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

**104.8 Liability.** Any officer or employee, or member of the board of adjustments and appeals, charged with the enforcement of this code, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provisions of this code shall be defended by the department of law until the final termination of the proceedings, unless such person is found to have acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for the safety, health, and welfare of the public.

**104.9 Approved materials and equipment.** Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

**104.9.1 Used materials and equipment.** The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

**104.10 Modifications.** Reserved.

**104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

**104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

**104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

**104.11.3 Accessibility.** Alternative designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11-2.2.

## **SECTION 105 PERMITS**

**105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

**CITY OF PORT ST. LUCIE  
CONTRACTORS' EXAMINING BOARD MEETING MINUTES  
SEPTEMBER 8, 2016**

A Regular Meeting of the CONTRACTORS' EXAMINING BOARD of the City of Port St. Lucie was called to order by Chairman Oldakowski on September 8, 2016, at 9:30 a.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

Chair Oldakowski led the assembly in the Pledge of Allegiance.

**3. ROLL CALL**

Members Present:           Greg Oldakowski, Chairman  
                                  Jason Parish, Vice Chairman  
                                  Richard Fopiano  
                                  Russell Raabe  
                                  Terry Wix

Members not Present:       Jan Gallo  
                                  Melissa Stephenson

Others Present:           Beth Barense, Customer Service Specialist, Building  
  Department  
                                  Rusty Bedell, Chief Building Inspector  
                                  Mark Giers, Licensing Investigator, Building Department  
                                  Sheldon Godfrey, Licensing Investigator, Building  
  Department  
                                  James LaPonza, Licensing Investigator, Building Department  
                                  Jim MacMillan, Police Officer  
                                  Keri Norbraten, Assistant City Attorney  
                                  Denise French, Deputy City Clerk

The Chief Building Inspector said, "This Board is established by the City of Port St. Lucie City Council and has been assigned specific duties and functions in accordance with local ordinances, state statutes, and the Florida Building Code. Members of this Board, with the exception of the Building Official's designee, serve without compensation. The Chairman of the Board is Greg Oldakowski, and the Board is represented today by Assistant City Attorney Keri Norbraten. The Board Agenda today consists of one application for Certificate of Competency, applications approved by staff for reciprocity, nine Citation Hearings, four Disciplinary Hearings, and six Certification of Fines/Orders to Lien. If the Board has a question of any applicant, contractor, or alleged violator they will be asked to come down to the podium to speak on his or her behalf. Once the applicants have been approved, they will be sworn in together and asked a



**CONTRACTORS' EXAMINING BOARD MEETING MINUTES    SEPTEMBER 8, 2016**

Mr. Raabe said, "Mr. Chairman, I **move** to recommend to the CILB a Level 2, Letter of reprimand placed in the contractor's file." Vice Chair Parish **seconded** the motion, which **passed unanimously** by voice vote.

Chair Oldakowski said, "Alright, Mr. Harris, we trust that you'll get all your paperwork in on time." Mr. Harris said, "Thank you. You all have a good day."

*City of Port St. Lucie, James LaPonza*  
*Vs.*  
*Lior Poyastro, Cool Air USA Inc.*

*641 SW Montana Terrace, 2220 SE Floresta Drive, 190 SE Exmore Avenue*

Chief Building Inspector Bedell stated, "This complaint was filed by City of Port St. Lucie Licensing Investigator James LaPonza against the license of Lior Poyastro, a state-certified air conditioning contractor, doing business as Cool Air USA, Inc. The formal complaint was sent to the violator on June 8, 2016. The contractor was charged with violating Port St. Lucie Code Section 150.105.1, Required Permit, and Florida Building Code 105.1, Required Permits. The contractor's response is in your packet." Investigator LaPonza said, "On March 21, 2016, an air conditioning change-out was in progress at 2220 SE Floresta Drive, and Licensing Investigators Dennis Millward and Sheldon Godfrey performed a license/permit check. The technicians worked for Cool Air USA, and informed the investigators they could not locate the paperwork for the permit. It was determined that a permit was not obtained prior to commencing the work. On March 23, 2016, Licensing Investigator Millward noticed an air conditioning change-out in progress at 190 SW Exmore Avenue. It was determined that no permit was issued for the work. The technician for Cool Air USA called the office and was told that the runner was on his way. However, a permit was not applied for until March 29, 2016, on-line. On March 25, 2016, a Building Inspector noticed a new air conditioning unit at 641 SW Montana Terrace. He determined there was no permit issued for the work. The owner supplied a copy of their contract indicating work was performed on March 18<sup>th</sup> by Cool Air USA by Lior Poyastro." Chair Oldakowski inquired, "Is there anyone representing Cool Air here today?" (**Clerk's Note:** There was no representative in the audience.)

Vice Chair Parish said, "Mr. Chairman, based on the testimony heard today and the evidence produced by the parties of this case, I **move** to find that the following facts did occur, and the Conclusions of Law is as follows: on June 8, 2016, a complaint was filed by the City of Port St. Lucie against the license of Lior Poyastro, pursuant to Port St. Lucie City Code Section 150.520.2. Notice was achieved by certified mail. The contractor has been charged with, and did violate Florida Building Code 105.1, and Port St. Lucie Code Section 150.105.1. Mr. Raabe **seconded** the motion, which **passed unanimously** by voice vote. The contractor's file was given to Chairman Oldakowski, who reported, "There are three citations from May, 2014, for no permits; another one from May, 2014, for no permits - citation paid; and January, 2016, acting as a plumbing contractor - citation paid."

Vice Chair Parish said, "Mr. Chairman, based on the Findings of Fact and Conclusion of Law, I **move** to order the following disciplinary action: Level 3, Suspension of permitting privileges for 121 days and order to pay an administrative fee of \$205, and bring the

**CONTRACTORS' EXAMINING BOARD MEETING MINUTES    SEPTEMBER 8, 2016**

violations into compliance." Mr. Raabe seconded the motion, which passed unanimously by voice vote.

Vice Chair Parish said, "Mr. Chairman, I move to recommend to the CILB a Level 3, Suspension of Certification for 90 days." Mr. Raabe seconded the motion, which passed unanimously by voice vote.

**13. CERTIFICATION OF FINES/ORDERS TO LIEN:**

Chief Building Inspector Bedell said, "You have six citations before you. The alleged violators have not requested an administrative hearing, and the citations have not been paid."

Vice Chair Parish stated, "In accordance with City Code Section 150.530(a)(6), I move to certify the Fines and Orders to Lien for contracting without a license."

<b>Citation</b>	<b>Violator Name</b>	<b>Amt</b>	
21037	Yohanny Herrera	\$ 300	Act in the capacity of a Tile Contractor
21669	Marcell Muniz	\$1,000	Act in the capacity of a General Contractor
21595	Marcell Muniz	\$1,000	Act in the capacity of a Plumbing Contractor
20985	Marcell Muniz	\$1,000	Act in the capacity of an Electrical Contractor
21755	Charles Earl Gould, Jr.	\$ 500	Act in the capacity of a Carpentry Contractor

Mr. Raabe seconded the motion, which passed unanimously by voice vote.

Vice Chair Parish stated, "In accordance with City Code Section 150.530(a)(6), I move to certify the Fines and Orders to Lien for commencing work without a permit."

<b>Citation</b>	<b>Violator Name</b>	<b>Amt</b>	
20630	Arthur Willis	\$1,400	Commence work without a permit

Mr. Raabe seconded the motion, which passed unanimously by voice vote.

**14. COMMENTS TO BE HEARD FROM BOARD, STAFF AND/OR CITY ATTORNEY**

The Chief Building Inspector said, "I would like to make one comment. Ms. Noto is out today, so thank you very much to Ms. Barense; she did a good job sitting in for her."

**15. ADJOURN**

There being no further business, the meeting adjourned at 10:28 a.m.

---

Greg Oldakowski, Chair

---

Denise M. French, Deputy City Clerk

**VACCARELLA**

VINCENT F. VACCARELLA, P.A.

November 3, 2016

**VIA FEDERAL EXPRESS AND EMAIL**

City of Port St. Lucie  
City Clerk's Office  
121 S.W. Port St. Lucie Blvd.  
Port St. Lucie, FL 34984-5099  
[karenp@cityofpsl.com](mailto:karenp@cityofpsl.com)

**Re: Appeal of Port St. Lucie Contractors Examination Board's Order Dated  
September 9, 2016**

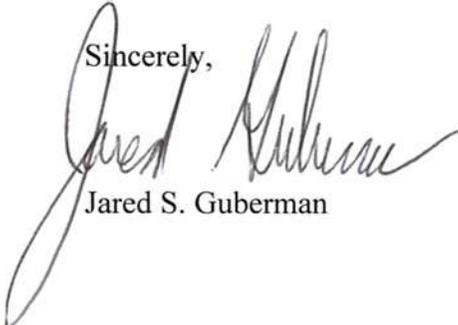
City of Port St. Lucie v. Lior Poyastro, Case #21287

Dear Ms. Phillips:

The undersigned law firm represents Lior Poyastro ("Mr. Poyastro"). Enclosed herein are supporting documents that we wish to place into the City Council's meeting packet for the November 14, 2016 City Council meeting at 7:00 p.m. regarding Mr. Poyastro's appeal.

If you have any questions or concerns, please free to contact me. Thank you.

Sincerely,

  
Jared S. Guberman

JSG/lss

Encl.

cc: Lior Poyastro (via email)

This document is created for the purpose of demonstrating a list of events in chronological order between Cool Air USA and the City of Port St. Lucie.

**January 1, 2016 – March 15, 2016**

Cool Air USA was able to apply, pay, and receive permits online with no difficulties.

**March 18, 2016**

Cool Air USA receives several contracts for replacement of HVAC units in Port St. Lucie. Cool Air USA applies online for contracted work in Port St. Lucie, however to no success.

**March 22, 2016**

Lior Poyastro, upon request, attends a mandatory appearance in order to formally sign in to the Online Contractor E-Signature platform provided by Port St. Lucie.

**March 28, 2016**

E-Mail sent on behalf of Cool Air USA's Permits Department to building official, notifying proper personnel that Cool Air USA was still experiencing difficulties with the online platform.

**March 29, 2016**

Cool Air USA is once again able to pull permits online through the use of the online platform. Cool Air USA then applies for several permits through this platform provided by the City of Port St. Lucie.

**May 16, 2016**

Cool Air USA passes final inspection on said permits.

**June 9, 2016**

Cool Air USA received Notice of Violation from Port St. Lucie.

(Letter dated June 8th, 2016)

Violation explanation mailed back to the City of Port St. Lucie immediately after receiving correspondence June 14, 2016.

**August 5, 2016**

Cool Air USA received notification for a scheduled hearing on September 8<sup>th</sup>, 2016.

**September 21, 2016**

Chief Building Inspector, Rusty Badell, signs off on disciplinary action and administrative complaint on city documents.

**September 22, 2016**

Cool Air USA is no longer permitted to obtain permits through the online platform.

**September 28, 2016**

Cool Air USA officially receives findings and results of scheduled hearing that was held on September 8, 2016.

**October, 2016**

Cool Air USA files for an appeal in the City of Port St. Lucie.

**October 19, 2016**

Cool Air USA received certified letter from the City of Port St. Lucie which confirmed Appeal Notification Meeting was received indicating November 14, 2016 will be the date of meeting.

Cool Air USA in no way attempted to deceive or mislead the City of Port St. Lucie. Since 2014, Cool Air USA has applied and passed over 150 permits in the City of Port St. Lucie. It is apparent that due to miscommunication and implementation of the new online platform there was some confusion. Said jobs were finalized prior to receiving first notice from the City of Port St. Lucie. Upon further examination of the facts, Cool Air USA did not operate under malicious pretenses as we have a healthy relationship with both the City of Port St. Lucie and the State of Florida.

SERAYA

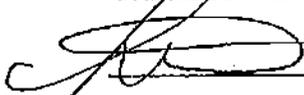
CITY OF PORT ST LUCIE  
BUILDING DEPARTMENT  
ONLINE CONTRACTOR  
E-SIGNATURE AUTHORIZATION FORM

This document will be used to notify licensed contractors that no one other than themselves shall be allowed to use the contractors' identity to obtain a permit. As part of the online permitting process, a licensed contractor must be able to digitally/electronically sign their application when obtaining a permit. This creates an Electronic Identity that the City of Port St Lucie stores and uses to verify that the qualifier is applying for the permit.

The specific requirements that have to be met for a digital signature are found in the Florida Administrative Code 61G15-23.003. The processes employed in online permitting by the City of Port St. Lucie conform to the standards of the Florida Administrative Code relating to submittal of permit, survey, architectural drawings, plans and documents online.

I do hereby swear and confirm that I am an authorized computer member and/or certificate of competency holder, with the City of Port St. Lucie's Building Department and that under no circumstances will another person or entity be utilizing my electronic signature.

Company Name: Cool/AIR USA PSL Comp # 12583  
Qualifier Email: PERMITS@COOLAIRUSA.COM License # CAC/815656  
ONLINE CONTRACTOR ID: 12204



Qualifier Signature

Lior Poyastro

Print Name

State of Florida, County of St Lucie

The foregoing instrument was acknowledged before me this 22 day of March, 2016.

By Lior Poyastro who produced identification of FL State ID.

Notary Signature Seraya N. Mone  
My Commission Expires 2.1.2019



SERAYA N. MONE  
MY COMMISSION # FF 184760  
EXPIRES: February 1, 2019  
Bonded Thru Budget Notary Services

873 6380



Angela Martinez <permits@coolairusa.com>

(no subject)

3 messages

install@coolairusa.com <install@coolairusa.com>  
To: PERMITS-ANGELA <permits@coolairusa.com>

Mon, Mar 28, 2016 at 4:27 PM

This E-mail was sent from "MP2550" (Aficio MP 5001).

Scan Date: 03.28.2016 16:27:53 (-0400)  
Querles to: install@coolairusa.com

 20160328162753774.pdf  
251K

Angela Martinez <permits@coolairusa.com>  
To: jlaponca@cityofpsl.com

Mon, Mar 28, 2016 at 4:45 PM

Hello Mr. James,

I'm writing to you to let you know that since the day of the install I have been trying consistantly to work with the new system of PSL that recently changed the way to submit permits online, I always submit permits before the installs. I have been talking to Tracy, Amy, and Melissa about me trying to submit these permits online and also with tech support but the system is somehow blocked and I haven't been able to complete the process. I've been trying adobe, PDF signature drawing, and scanning documents into the file with no success repeatedly and tech support only answered one time after calling several times throughout the day until I gave up and decided to go in person tomorrow 3/29/2016. ps: please try to help me with this issue don't want to be fined, please I've always been good in PSL and have always completed all permits I submit and pass inspections. Thank you very much, please give me a chance. Thank you, call me if you can I'm coming tomorrow.

Angela Martinez 954-915-1155 ext.112

 Picture

**Permit and Inspections Department**  
**ANGELA MARTINEZ**  
**KEILA PINEIRO**

**954-915-1155 EXT 112**

[Quoted text hidden]

 20160328162753774.pdf  
251K

Microsoft Outlook  
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@cityofpsl.com>  
To: permits@coolairusa.com

Mon, Mar 28, 2016 at 4:45 PM



Cool Air USA  
 4700 SW 51st St  
 Davie 33314  
 877-895-1155

**Work Order**  
 185487

**Work Location**  
 Primary  
 CLAUDIA STOREY  
 Contact: CLAUDIA STOREY  
 2220 SE FLORESTA DR  
 Port St Lucie, FL 34984

: (772) 905-8834  
 : 518 9292846\*\*  
 E-Mail: ole@fairpoint.net

*Passed* 4/18/16

Work Date	Arrive Between	Duration	Time In	Time Out
07-Apr-2016	11:00AM - 2:00PM	2.00		

Terms	Last Service	Map Code	Access	Teams
COD	28-May-2016			Team 05<Mini Box>

**Summary** FAILED(#5) customer is home/permit # 1607477/ both / final 8-12pm

Service/Product	Description	Price	Qty	Amount
P 041 - Home Depot Parts	Home Depot Parts	\$0.00	0.00	\$0.00
S Recall Permit	Recall Permit	\$0.00		\$0.00
<b>Subtotal</b>				\$0.00
<b>Tax</b>				\$0.00
<b>Total</b>				\$0.00

*Oscar Naim*

Additional Items	Description	Price	Qty	Amount
1				
2	Applied Date 3/29/16			
3	Insured Date 3/29/16			
4	Compliance Date 4/18/16			
5				
6				
7	DATE OF SALE		1/5/16	
8	DATE OF INSTALL		3/21/16	
9				
10				
11				
12				
13				
14				



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[Business Tax](#)

[Code Compliance](#)

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[Back to Property Search](#)

**\*\*Red permit information denotes a flagged permit\*\***

**PERMITS ON A PROPERTY IN PORT ST. LUCIE, FL  
2220 SE FLORESTA DR**

ORDERED BY PERMIT #

Permit #:	1607477	AppliedDate:	3/29/2016
PermitType:	ACC - A/C Changeout	DateIssued:	3/30/2016
Address:	2220 SE FLORESTA DR	Completed:	4/18/2016
Contractor:	COOL AIR USA INC		
Permit Status:	Completed		

LEGACY DATA

[Home](#) | [Contact Us](#) | [Accessibility](#)



Cool Air USA  
 4700 SW 51st St  
 Davie 33314  
 877-895-1155

**Work Order**  
 186171

**Work Location**  
 Primary  
 JOHN EDGAR  
 Contact: JOHN EDGAR  
 190 SW EXMORE AVE  
 Port St Lucie, FL 34983  
 : (772) 475-8349

*passed  
4/6/16*

Work Date	Arrive Between	Duration	Time In	Time Out
05-Apr-2016	9:00AM - 12:00PM	2.00		
Terms	Last Service	Map Code	Access	Teams
COD	05-Apr-2016			Permit Inspection
<b>Summary</b>	passed(#)customer needs to be home /permit # 1607470/ both /final			

Service/Product	Description	Price	Qty	Amount
S Recall Permit	Recall Permit	\$0.00		\$0.00
<i>grey/yorki</i>				
Subtotal				\$0.00
Tax				\$0.00
Total				\$0.00

Additional Items	Description	Price	Qty	Amount
1	<i>Applied Date</i>	<i>3/29/2016</i>	<i>Submitted</i>	
2	<i>Issued Date</i>	<i>3/30/2016</i>	<i>Approved</i>	
3	<i>Completed Date</i>	<i>4/10/2016</i>	<i>Pass Final</i>	
4	<i>Date of Sale</i>	<i>3/18/16</i>		
5	<i>Date of Install.</i>	<i>3/23/16</i>		
6				
7				
8				
9				
10				
11				
12				
13				
14				

Scheduled:            \$0.00  
 Add On Subtotal:             
 Add On Tax:             
**Total:**



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**\*\*Red permit information denotes a flagged permit\*\***

**PERMITS ON A PROPERTY IN PORT ST. LUCIE, FL  
190 SW EXMORE AVE**

ORDERED BY PERMIT #

<b>Permit #:</b> 1606939	<b>AppliedDate:</b> 3/24/2016
<b>PermitType:</b> SL - Slab	<b>DateIssued:</b> 4/6/2016
<b>Address:</b> 190 SW EXMORE AVE	<b>Completed:</b> 4/13/2016
<b>Contractor:</b> ALL AMERICAN BUILDERS & REMODELERS INC	
<b>Permit Status:</b> Completed	
<hr/>	
<b>Permit #:</b> 1607470	<b>AppliedDate:</b> 3/29/2016
<b>PermitType:</b> ACC - A/C Changeout	<b>DateIssued:</b> 3/30/2016
<b>Address:</b> 190 SW EXMORE AVE	<b>Completed:</b> 4/6/2016
<b>Contractor:</b> COOL AIR USA INC	
<b>Permit Status:</b> Completed	

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Cool Air USA  
 4700 SW 51st St  
 Davie 33314  
 877-895-1155

**Work Order**  
 190003

*Passed*  
*5/16/16*

**Work Location**  
 Primary  
 Pamela Gerard/Amanda Danzi  
 Contact: PAMELA WINANS  
 641 SW MONTANA TERR  
 Port St Lucie, FL 34953  
 : (772) 342-6381 \*\*\*  
 : (772) 335-2091

Work Date	Arrive Between	Duration	Time In	Time Out
11-May-2016	1:00PM - 4:00PM	2.00		

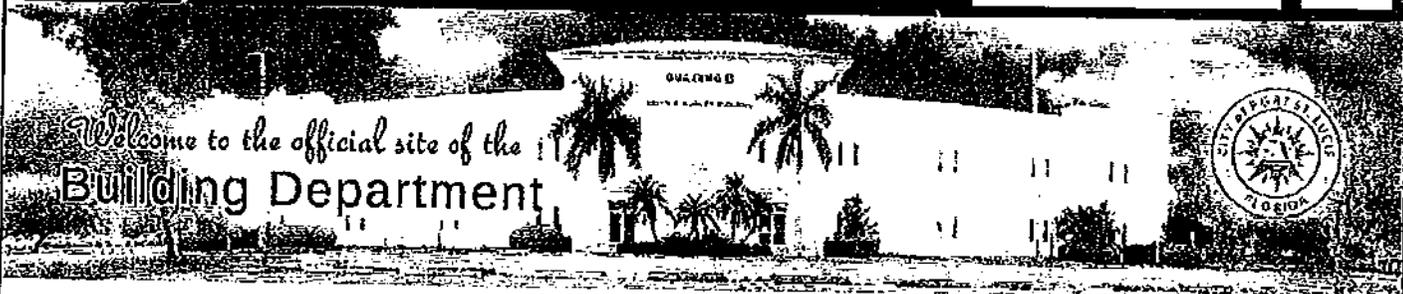
Terms	Last Service	Map Code	Access	Teams
COD	28-May-2016			Permit Inspection

**Summary** failed-FINAL - permit #1607483 home / confirmed/ both 1-5pm

Service/Product	Description	Price	Qty	Amount
S Recall Permit	Recall Permit	\$0.00		\$0.00
<i>Pedro/marco / Joe</i>				
Subtotal				\$0.00
Tax				\$0.00
Total				\$0.00

Additional Items	Description	Price	Qty	Amount
1				
2	Applied Date - 3/29/2016			Submitted
3	Issue Date - 3/30/2016			Approved
4	Completed Date - 5/16/2016			pass final.
5				
6	Date of Sale			3/15/16
7	Date of Install			3/18/16
8				
9				
10				
11				
12				
13				
14				

Scheduled: \$0.00  
 Add On Subtotal: \_\_\_\_\_  
 Add On Tax: \_\_\_\_\_  
 Total: \_\_\_\_\_



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- [Business Tax](#)
- [Code Compliance](#)
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**\*\*Red permit information denotes a flagged permit\*\***

**PERMITS ON A PROPERTY IN PORT ST. LUCIE, FL  
641 SW MONTANA TER**

ORDERED BY PERMIT #

<b>Permit #:</b> 1607447	<b>AppliedDate:</b> 3/29/2016
<b>PermitType:</b> ACC - A/C Changeout	<b>DateIssued:</b>
<b>Address:</b> 641 SW MONTANA TER	<b>Completed:</b>
<b>Contractor:</b> COOL AIR USA INC	
<b>Permit Status:</b> Denied	
<b>Permit #:</b> 1607483	<b>AppliedDate:</b> 3/29/2016
<b>PermitType:</b> ACC - A/C Changeout	<b>DateIssued:</b> 3/30/2016
<b>Address:</b> 641 SW MONTANA TER	<b>Completed:</b> 5/16/2016
<b>Contractor:</b> COOL AIR USA INC	
<b>Permit Status:</b> Completed	

LEGACY DATA

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# CITY OF PORT ST LUCIE

BUILDING DEPARTMENT  
Contractor Licensing Division

.....  
A CITY FOR ALL AGES

Regular Mail  
June 8, 2016

Case #21287

Lior Poyastro  
Cool Air USA Inc  
3901 NW 16<sup>th</sup> St  
Lauderhill FL 33311

Re: Formal complaint location: 641 SW Montana, 2220 SE Floresta, 190 SE Exmore  
Allegation:  
Violation of: Florida Building Code 105.1  
Port St Lucie Code Section 150.105.1  
Required Permits"

Dear Mr. Poyastro:

Please be advised a formal complaint has been submitted by City Of Port St. Lucie Licensing Investigator, James LaPonza, 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 July 7, 2016.

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 July 7, 2016. The Committee will determine 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 find 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 or email [dnoto@cityofpsl.com](mailto:dnoto@cityofpsl.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Donna Noto".

Donna Noto  
Contractor Licensing Coordinator  
Enclosures

Complaint Response Request.doc

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

Case # 21287

FORMAL COMPLAINT FORM  
AGAINST "STATE CERTIFIED" CONTRACTORS

James LaPonza - 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

Lior Poyastro  
Name of Qualifier/Contractor  
Cool Air USA  
Name of Company  
4151 SW 47th Ave #2B  
Street Address  
Davie FL 33314  
City State Zip  
(954) 915 - 1155  
Telephone Number

Location of Complaint: 641 SW Montana, 2220 SE Floresta, 190 SW Exmore Ave  
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? Previous violations for same offense  
What was the response? Violations continue to occur

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 Have you had estimates for repairs? n/a  
If so, who and when? If so, who and when?  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
When: \_\_\_\_\_ 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 105.1 & PSL Ord 150.105.1 "Required permits"

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**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:

On March 21, 2016 an air conditioning unit change out was in progress at 2220 SE Floresta Dr. and investigators Dennis Millward & Sheldon Godfrey performed a license/permit check. The technicians worked for Cool Air USA and informed the investigators they could not locate the paperwork for permit. It was determined a permit was not obtained prior to commencing the work.

On March 23, 2016 Investigator, Dennis Millward noticed an air conditioning change out in progress at 190 SW Exmore Ave. It was determined there was no permit issued for the work. The technician for Cool Air USA called the office & was told the runner was on their way. However, a permit was not applied for until March 29, 2016 via online.

On March 25, 2016 a building inspector noticed a new air conditioning unit at 641 SW Montana Ter, he determined there was no permit issued for the work. The owner supplied a copy of their contract indicating the work was performed on March 18th by Cool Air USA, Lior Poyastro.

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 assess fines or order a contractor to perform work.

James LaPonza  
Signature of Complainant

State of Florida  
County of St Lucie



DONNA M. NOTO  
MY COMMISSION # FF 231692  
EXPIRES: August 4, 2019  
Bonded thru Budget Notary Services

Sworn to (or affirmed) and subscribed before me this 31 day of March 2016  
by James LaPonza

Personally known  OR Produced Identification \_\_\_\_\_  
Type of identification produced: \_\_\_\_\_

Donna M. Noto  
Signature of Notary Public

Case #21287

### CONTRACTOR RESPONSE

Please complete this form fully and describe events in the order in which they occurred. Give exact dates, times and places.

Has the complainant/homeowner ever refused to give permission to you to complete the project for or correct any code violations: Yes \_\_\_\_\_ No

If yes, please give detailed explanation, dates and times.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

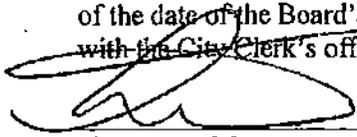
Did the complainant/homeowner contact your office? NO  
If so, what was your response?

IN RESPONSE TO COMPLAINT.  
PERMIT APPLICATION WERE HELD UP  
DUE TO THE NEW ON-LINE PERMITTING.  
NO INTENT FOR FRAUD OR ANY ACTION TO  
INSTALL WITHOUT PERMIT  
WE PULL PERMITS ON ALL JOBS !!  
I PERSONALLY APPEARED IN THE OFFICE IN ORDER  
TO SORT OUT THE PROCESS.

Please list the name, address and telephone number of a person to contract for additional information, if necessary:  
LORRY POYASTOR (954) 354-9566

I understand that my response regarding this complaint will be reviewed by the review committee and possibly the Contractors' Examining Board.

Also, any decision of the Board 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.

  
\_\_\_\_\_  
Signature of Contractor

6/14/16  
\_\_\_\_\_  
Date

P.O. Box  
\_\_\_\_\_  
Title



# CITY OF PORT ST LUCIE

BUILDING DEPARTMENT  
Contractor Licensing Division

A CITY FOR ALL AGES

7013060000073974557

CERTIFIED MAIL  
REGULAR MAIL

August 4, 2016

Mr. Lior Poyastro  
Cool Air USA Inc  
3901 NW 16<sup>th</sup> St  
Lauderhill FL 33311

Re: City of Port St. Lucie  
vs

Lior Poyastro, Cool Air USA Inc

Location(s): 641 SW Montana Ter, 2220 SE Floresta Dr. & 190 <sup>SW</sup> SE Exmore Ave  
Case #21287

Allegation(s) Florida Building Code 105.1 "Required Permits"  
Port St Lucie Code Section 150.105.1

Dear Mr. Poyastro:

This letter is regarding the formal complaint(s) that has been submitted by Licensing Investigator James LaPonza, regarding the above.

The Review Committee has 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 September 8, 2016 at 9:30 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 or [dnoto@cityofpsl.com](mailto:dnoto@cityofpsl.com).

Those who do not speak English are required to bring your own translator. *Los personas que no hablan ingles son requerido traer propio traductor. Moun sa yo ki pa pale angle yo obije mianun ou moun pou tradui.*

Sincerely,

  
Donna Noto  
Contractor Licensing Coordinator



**CITY OF PORT ST. LUCIE**  
**Building Department/Contractor License Division**

.....

121 S.W. Port St. Lucie Boulevard  
Port St. Lucie, Florida 34984-5099

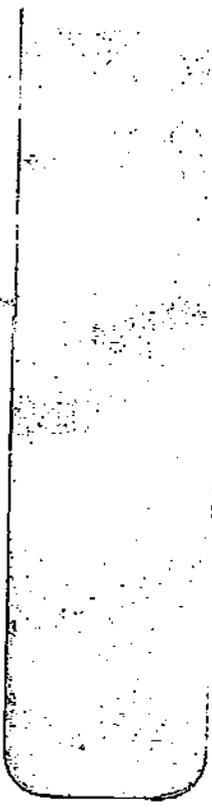
neopost  
09/26/2018  
USPS

FIRST-CLASS MAIL

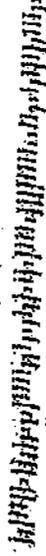
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ZIP 34984  
041112A0742



3351184109 0001





# CITY OF PORT ST LUCIE

BUILDING DEPARTMENT  
Contractor Licensing Division

.....  
A CITY FOR ALL AGES

September 23, 2016

Department of Business & Professional Regulation  
1940 North Monroe St.  
Tallahassee, FL 32399  
Attn: Amanda Wynn

Dear Ms. Wynn:

Enclosed you will find Administrative Complaint(s) containing the disciplinary action(s) and finding of fact regarding the following contractor(s):

Mr. Sherried Watson, Promag Energy Group Inc -- CMCA48033  
Mr. Lior Poyastro, Cool Air USA Inc -- CAC1815656

A local hearing of the Contractor's Examining Board was held on September 8, 2016. A copy of the Minutes along with any other documents required will be supplied upon request.

Should you have any questions, please give me a call at 772.873.6371 or email me at [dnoto@cityofpsl.com](mailto:dnoto@cityofpsl.com)

Sincerely,

Donna M. Noto  
Contractor Licensing Coordinator  
City of Port St. Lucie

Enc.

CC: Mr. Sherried Watson  
Mr. Lior Poyastro



# **CITY OF PORT ST LUCIE**

**BUILDING DEPARTMENT**  
**Contractor Licensing Division**

.....  
**A CITY FOR ALL AGES**

James LaPonza, Licensing Investigator  
City Of Port St. Lucie  
121 SW Port St Lucie Blvd  
Port St Lucie FL 34984

Petitioner,  
vs.

Mr. Lior Poyastro  
Cool Air USA Inc  
3901 NW 16<sup>th</sup> St  
Lauderhill FL 33311

Respondent

Contractor License # CAC1815656

---

## **ADMINISTRATIVE COMPLAINT**

This matter came before the Port St. Lucie Contractors Examining Board on September 8, 2016 for consideration of the complaint against Lior Poyastro, Cool Air USA 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, James LaPonza, 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, James LaPonza was present.  
The Respondent, Lior Poyastro was not present.

## **FINDINGS OF FACT**

1. On June 8, 2016 the Petitioner, Licensing Investigator, James LaPonza, filed a complaint against Lior Poyastro, pursuant to section 150.520.2 of the Port St. Lucie city Code.

Final Order DBPR.doc

2. In the complaint, Lior Poyastro, is charged with violating;

Fl Building Code 105.1  
Port St Lucie Code Sect 150.105.1

*"Required permits"*

**ADDRESSES OF VIOLATION(S)**: 641 SW Montana Ter, 2220 SE Floresta Dr, &  
190 SE Exmore Ave

3. A copy of the complaint was sent regular mail to the respondent and/or his attorney.
4. That on June 8, 2016 Lior Poyastro, has been charged with a Formal Complaint regarding the property(ies) above, located in The City of Port St Lucie. The Charging allegations of violating Fl Building Code 105.1 and Port St Lucie Code Sect 150.105.1 is 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 five 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 five in favor to zero opposed, therefore it is ordered *"Suspension of permitting privileges for 120 (one hundred twenty) days, ALL violations be brought into compliance, and pay administrative fine in the amount of \$205.00.*

Furthermore recommendation by a vote of the Board five in favor to zero opposed is made to CLB for *"Suspension of Certification for 90 (ninety) days".*

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.

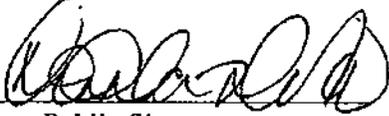
Failure of the department, the disciplined contractor, or the complainant to challenge the local jurisdictions recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the board. A waiver of the right to a hearing before the board 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 9th Day of September, 2016.

  
Burton "Rusty" Bedell                      9-21-16  
Chief Building Inspector                      Date

State of Florida  
County of St. Lucie

The foregoing instrument was acknowledged before me this 21 day of September  
2016 by Rusty Bedell, who personally known to me and who did not take  
an oath.

  
Notary Public Signature





"A City for All Ages"

# CITY OF PORT ST. LUCIE

CITY CLERK'S OFFICE

.....  
A CITY FOR ALL AGES

CERTIFIED MAIL

October 18, 2016

Lior Poyastro  
Cool Air USA, Inc.  
3901 NW 16<sup>th</sup> Street  
Lauderhill, FL 33311

RE: Appeal of the decision made on September 8, 2016, by the City of Port St. Lucie Contractors' Examining Board re:

Violation of:

FBC 105.1 and Port St. Lucie City Code Section 150.105.1

Dear Mr. Poyastro:

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, November 14, 2016, 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 meeting packet should be delivered to the City Clerk's Office by 12:00 noon on Friday, November 4, 2016, at the latest.

If you should have any questions, please do not hesitate to contact me at 772-871-7325.

Sincerely,

Karen A. Phillips, CMC  
City Clerk

CC: Joel Dramis, Building Official  
O. Reginald Osenton, City Attorney  
Keri Norbraten, Assistant City Attorney  
Donna Noto, Building Permit Specialist, Building Department  
Vincent F. Vaccarella, P.A., Law Offices of Vaccarella



ORIGIN ID:HWCA (954) 703-2450  
LISA SELF  
VINCENT F. VACCARELLA, P.A.  
401 SE 12 STREET  
SUITE 300  
FORT LAUDERDALE FL 33316  
UNITED STATES US

SHIP DATE: 03NOV16  
ACTWGT: 1.00 LB  
CAD: 9485413IN/ET3790  
BILL SENDER

TO **KAREN PHILLIPS**  
CITY CLERK / CITY OF PORT ST. LUCIE  
121 SW PORT ST. LUCIE BLVD.

**PORT ST LUCIE FL 34984**  
(305) 932-4044 REF COOL AIR  
NV DEPT



TRK# 7776 3264 8139  
0201  
FRI - 04 NOV 10:30A  
PRIORITY OVERNIGHT

**3E FPPRA**  
FL-US **34984**  
**PBI**

544.2/2506/14E8

**After printing this label:**

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
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