

11-6-12
PUR-12



Stephanie J. Toothaker
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**NOT RECEIVED
AT MEETING**

November 6, 2012

VIA E-Mail

The Honorable Mayor John P. "Jack" Seiler
The Honorable Vice Mayor Charlotte Rodstrom
The Honorable Bobby DuBose
The Honorable Bruce Roberts
The Honorable Romney Rogers
City Hall
100 North Andrews Avenue
Fort Lauderdale, FL 33301

**Re: Additional Information Pertaining to City's Bid Number 423-11009
Storm Structure Service Maintenance (Annual Contract) ("Contract" or
"Bid")**

Dear Mayor Seiler, Vice Mayor Rodstrom, Commissioner DuBose, Commissioner Roberts and
Commissioner Rogers:

On behalf of our client, F. A. Johnson, Inc. ("F.A. Johnson") we are respectfully
submitting additional follow-up information regarding A&A.

Enclosed for your reference are copies of the three Citations issued by Broward County
Contractor Investigations & Enforcement, Permitting, Licensing and Consumer Protection. As I
have previously advised the Commission, I have personally spoken to the County Investigator
that issued the citations on numerous occasions. He indicated that out of courtesy he set a
meeting with Mr. Scrima to go over the Citations and deliver them personally but that a delay
was caused because Mr. Scrima kept requesting that the meeting be deferred. With regard to the
violations, FA Johnson did provide Broward County with copies of A&A's invoices to the City
of Cooper City which were public record, and which clearly indicated that A&A was performing
extensive work without the proper licenses. Broward County then performed its own
investigation of the violations and Broward County issued the Citations bases upon 26 individual
violations that occurred over the previous *two year period*. The hearing on the Citations is
scheduled for this Friday and the County Investigator advises that he believes the County has a
very strong case.

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Post Office Box 14245 • Fort Lauderdale, Florida 33302
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Fort Lauderdale • Tallahassee

I was also advised today by the County Investigator that Mr. Scrima appeared before the Engineered Construction Contractors Licensing Board (“Licensing Board”) last evening, on November 5. Mr. Scrima had previously appeared before the Licensing Board on August 6, 2012 and had requested permission to sit for the 1A Primary Pipelines Exam in order to obtain the proper license to perform the kind of work contemplated by the Contract. At that time, the Licensing Board tabled Mr. Scrima’s request to give him the opportunity to provide detailed information to the Licensing Board showing that he met the minimum qualifications to even apply for the license and sit for the exam. Mr. Scrima appeared before the Licensing Board again on November 5 and after questioning from the Licensing Board, the Licensing Board denied his request on the basis that he did not have the proper qualifications to even sit for the license.

We also understand A&A has also produced a copy of an alleged receipt for a \$2,000.00 cash deposit on a \$76,000.00 VAC TRUCK. First of all, the mere fact that A&A provided a City a copy of a receipt, frankly is an acknowledgement that A&A did not **own** the required number of trucks for the Bid at the time of the Bid’s opening on June 13, 2012.

Once again the Contract provides in relevant part:

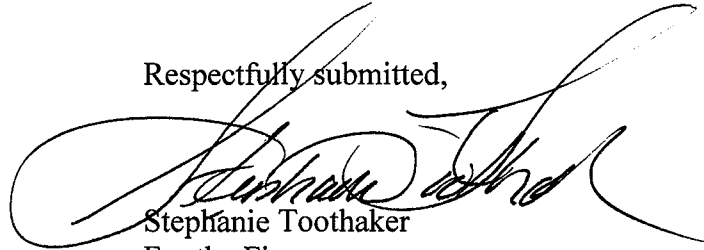
Page 6, Part I “Information Special Conditions” provides in Section 05: “Eligibility: To be eligible for award of a contract in response to this solicitation, the Contractor must demonstrate that they have successfully completed services, as specified in the Technical Specifications / Scope of Services section of this solicitation are normally and routinely engaged in performing such services, and are properly and legally licensed to perform such work. In addition, the Contractor must have no conflict of interest with regard to any other work performed by the Contractor for the City of Fort Lauderdale. Have no violations in the past three years. Have a minimum of six employees. **Own a minimum of three permitted vacuum vehicles that can perform the bided activities.** Must operate within the tri-County area. (Dade, Broward and Palm Beach).”

The fact that the “receipt” has only just now been produced is also curious when the ownership of the required trucks has been discussed at numerous commission meetings. Also curious is the fact that the receipt states “Unpaid Balance of Cash Price \$74,560.00”. Putting a \$2,000.00 deposit down with no terms for payment for a lease or purchase payments other than the entire balance of \$74,560.00 in cash, hardly meets the required minimum standards of the Bid.

We also understand that after the Bid’s opening and after the Commission’s original vote on the Bid, Mr. Scrima hired a qualifier, obviously since he is not eligible to sit for a license. Again the date that the qualifier was hired was some time in October, long after the Bid’s opening.

Again we appreciate the Commissions reconsideration of its Contract and we respectfully request that for the forgoing reasons, the Commission terminate the Contract with A&A and award the Contract to F.A. Johnson.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Stephanie Toothaker', is written over the typed name.

Stephanie Toothaker
For the Firm

Cc: Lee Feldman
Harry Stewart, Esq.
Kirk Buffington
Jonda Joseph

EB00025272

CASE NO 12-536



EB 00 025272



CONTRACTOR INVESTIGATIONS & ENFORCEMENT
Permitting, Licensing and Consumer Protection Division

CITATION

In the name of Broward County Florida: The undersigned certifies that he/she has just and reasonable grounds to believe, and does believe that:

YEAR	MAKE	COLOR
TAG #	DECAL #	STATE
YEAR		YEAR
VIN #		

VIOLATION OF BROWARD COUNTY CHAPTER 9 SECTION AND PENALTY

- Proceeding on any job without first obtaining a required permit
Section 9-14(b)(15) 1st Violation: \$100 Repeat Violation: \$250
- Failure to ensure certificate number appears in advertisements.
Section 9-14(b)(19) 1st Violation: \$150 Repeat Violation: \$250
- Advertising as capable of performing work without said certification.
Section 9-14(b)(24) 1st Violation: \$100 Repeat Violation: \$250
- Engaging in business without being certified.
Section 9-120(b)(6) 1st Violation: \$500 Repeat Violation: \$500
- Advertising as a contractor without being certified.
Section 9-120(b)(7) 1st Violation: \$500 Repeat Violation: \$500
- Engaging in business without a business tax receipt.
Section 9-120(b)(11) 1st Violation: \$500 Repeat Violation: \$500
- Other:
- Failure to comply with descriptive lettering requirements.
Section 9-120(c)(5) 1st Violation: \$100 Repeat Violation: \$200
- Failure to maintain a current Tree Trimmer License.
Section 9-165(d) 1st Violation: \$500 Repeat Violation: \$500
- Advertising as a tree trimmer without a license.
Section 9-166(a) 1st Violation: \$500 Repeat Violation: \$500
- Failure to include license number in advertisements.
Section 9-166(b) 1st Violation: \$250 Repeat Violation: \$500
- Advertising with a license number of higher classification.
Section 9-166(c) 1st Violation: \$250 Repeat Violation: \$200
- Failure to display license number on vehicle.
Section 9-166(d) 1st Violation: \$250 Repeat Violation: \$500

VIOLATION DESCRIPTION: ENGAGING AS ENGINEER TOTAL CITATION AMOUNT: \$ 500.00

DATE ISSUED: 10/19/2012 TIME ISSUED: 12:18

LOCATION OF VIOLATION: COOPER CITY, BROWARD COUNTY, FL.

COMMENTS:

OFFICER NAME (PRINT): <u>ROBERT M. LAMON</u>	AGENCY: <u>BROWARD CLE</u>
OFFICER SIGNATURE: <u>[Signature]</u>	ID #: <u>1848</u>

VIOLATOR INFORMATION

ALLEGED VIOLATOR: JAMES A. SCRIMA / H&A DRAINAGE + UAC

ADDRESS: 13846 NW 14 ST.

CITY: PEMBROKE PINES STATE: FL. ZIP: 33028

PHONE: 954-680-0294 DL #: 5650-4041-68-087-0

DISCIPLINE/TRADE: ENGINEERING

NOTICE

Failure to pay the applicable civil penalty within (10) working days of the issuance of this citation or to appear before a Hearing Officer or Special Magistrate as scheduled below, to appeal the issuance of this citation shall constitute an admission of the violation. A waiver to contest the citation and a judgment shall be rendered ex parte up to the maximum civil penalty. The violator may be liable for the reasonable costs of the administrative hearing should the violator be found guilty of the violation. Pursuant to Chapter 286 F.S. a person deciding to appeal any decision of a Hearing Officer will need to ensure that a verbatim record of the proceedings is made.

Additional citations may be issued for each day that the applicable violation is found to exist.
Willful refusal to sign and accept this citation is a misdemeanor of the second degree as provided in §775.082 & §775.083 Fla. Stat. Signatures only acknowledge receipt of citation and does not constitute an admission of guilt.

SIGNATURE: [Signature] DATE: 10/19/12

RECIPIENT NAME: JAMES SCRIMA

If you choose to contest this citation, a hearing will be held at West Regional Courthouse, 100 N. Pine Island Road, Court Room 240, Plantation, FL 33324. Your hearing date is scheduled for NOVEMBER 9 2012 at 1:00 PM

Payment of the civil penalty may be made in person at any Broward County Courthouse; Monday through Friday between 8:00 a.m. and 4:00 p.m., or by mailing a personal check, cashier's check or money order in this envelope. For case information or how to pay by credit card call (954) 721-7899.

EXHIBIT 2, 5

EB00025273

CASE NO. 12-536



EB00025273



CONTRACTOR INVESTIGATIONS & ENFORCEMENT
Permitting, Licensing and Consumer Protection Division

CITATION

In the name of Broward County Florida: The undersigned certifies that he/she has just and reasonable grounds to believe, and does believe that:

YEAR	MAKE	COLOR
TAG #	DECAL #	STATE
YEAR		
VIN #		

VIOLATION OF BROWARD COUNTY CHAPTER 9 SECTION AND PENALTY

- Proceeding on any job without first obtaining a required permit. Section 9-14(b)(15) 1st Violation: \$100 Repeat Violation: \$250
- Failure to ensure certificate number appears in advertisements. Section 9-14(b)(19) 1st Violation: \$100 Repeat Violation: \$250
- Advertising as capable of performing work without said certification. Section 9-14(b)(24) 1st Violation: \$100 Repeat Violation: \$250
- Engaging in business without being certified. Section 9-120(b)(6) 1st Violation: \$500 Repeat Violation: \$500
- Advertising as a contractor without being certified. Section 9-120(b)(7) 1st Violation: \$500 Repeat Violation: \$500
- Engaging in business without a business tax receipt. Section 9-120(b)(11) 1st Violation: \$500 Repeat Violation: \$500
- Other:
- Failure to comply with descriptive labeling requirements. Section 9-120(c)(5) 1st Violation: \$150 Repeat Violation: \$300
- Failure to maintain a current Tree Trimmer License. Section 9-165(d) 1st Violation: \$500 Repeat Violation: \$500
- Advertising as a tree trimmer without a license. Section 9-166(a) 1st Violation: \$500 Repeat Violation: \$500
- Failure to include license number in advertisements. Section 9-166(b) 1st Violation: \$250 Repeat Violation: \$500
- Advertising with a license number of higher classification. Section 9-166(c) 1st Violation: \$250 Repeat Violation: \$500
- Failure to display license number on vehicle. Section 9-166(d) 1st Violation: \$250 Repeat Violation: \$500

VIOLATION DESCRIPTION: ADVERTISING ON WEBSITE AS ENGINEERING CONTRACTOR WITHOUT CERTIFICATION TOTAL CITATION AMOUNT: \$500.00

DATE ISSUED: 10/19/2012 TIME ISSUED: 12:35 AM/PM

LOCATION OF VIOLATION: COURTNEY, BROWARD COUNTY, FL.

COMMENTS: WEBSITE ADVERTISING

OFFICER NAME (PRINT): EDWARD ALJAMAN AGENCY: BROWARD CLE

OFFICER SIGNATURE: [Signature] ID #: 1848

VIOLATOR INFORMATION

ALLEGED VIOLATOR: JAMES A. SCRIMA / A/A DRAINAGE P/ALC

ADDRESS: 13846 NW. 14 ST.

CITY: PEMBROKE PINES STATE: FL. ZIP: 33028

PHONE: 954-680-0294 DL #: 5650-441-68-087-0

DISCIPLINE/TRADE: ENGINEERING

NOTICE

Failure to pay the applicable civil penalty within (10) working days of the issuance of this citation or to appear before a Hearing Officer or Special Magistrate as scheduled below, to appeal the issuance of this citation shall constitute an admission of the violation. A waiver to contest the citation and a judgment shall be rendered ex parte up to the maximum civil penalty. The violator may be liable for the reasonable costs of the administrative hearing should the violator be found guilty of the violation. Pursuant to Chapter 286 F.S. a person deciding to appeal any decision of a Hearing Officer will need to ensure that a verbatim record of the proceedings is made.

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SIGNATURE: [Signature] DATE: 10/19/12
RECIPIENT NAME: JAMES SCRIMA

If you choose to contest this citation, a hearing will be held at West Regional Courthouse, 100 N. Pine Island Road, Court Room 240, Plantation, FL 33324. Your hearing date is scheduled for:

NOVEMBER 9 2012 at 1:00 PM

Payment of the civil penalty may be made in person at any Broward County Courthouse; Monday through Friday between 8.00 a.m. and 4:00 p.m., or by mailing a personal check, cashier's check or money order in this envelope. For case information or how to pay by credit card call (954) 721-7699.

EXHIBIT 3,5

EB00025274

CASE NO. 12-536



EB00 025274



CONTRACTOR INVESTIGATIONS & ENFORCEMENT
Permitting, Licensing and Consumer Protection Division

CITATION

In the name of Broward County Florida: The undersigned certifies that he/she has just and reasonable grounds to believe, and does believe that:

YEAR	MAKE	COLOR
TAG #	DECAL #	STATE
YEAR		
VIN #		

VIOLATION OF BROWARD COUNTY CHAPTER 9 SECTION AND PENALTY

- Proceeding on any job without first obtaining a required permit. Section 9-14(b)(15) 1st Violation: \$100 Repeat Violation: \$250
- Failure to ensure certificate number appears in advertisements. Section 9-14(b)(10) 1st Violation: \$100 Repeat Violation: \$250
- Advertising as capable of performing work without said certification. Section 9-14(b)(24) 1st Violation: \$100 Repeat Violation: \$250
- Engaging in business without being certified. Section 9-120(b)(8) 1st Violation: \$500 Repeat Violation: \$500
- Advertising as a contractor without being certified. Section 9-120(b)(7) 1st Violation: \$250 Repeat Violation: \$500
- Engaging in business without a business tax receipt. Section 9-120(b)(11) 1st Violation: \$500 Repeat Violation: \$500
- Failure to comply with descriptive lettering requirements. Section 9-120(c)(5) 1st Violation: \$150 Repeat Violation: \$325
- Failure to maintain a current Tree Trimmer License. Section 9-165(d) 1st Violation: \$500 Repeat Violation: \$500
- Advertising as a tree trimmer without a license. Section 9-166(a) 1st Violation: \$500 Repeat Violation: \$500
- Failure to include license number in advertisements. Section 9-166(b) 1st Violation: \$250 Repeat Violation: \$500
- Advertising with a license number of higher classification. Section 9-166(c) 1st Violation: \$250 Repeat Violation: \$500
- Failure to display license number on vehicle. Section 9-166(d) 1st Violation: \$150 Repeat Violation: \$200

Other:

VIOLATION DESCRIPTION	TOTAL CITATION AMOUNT
ENGAGING AS ENGINEER/CONTRACTOR WITHOUT PROPER BUSINESS TAX RECEIPT	\$ 500.00

DATE ISSUED	TIME ISSUED	AM/PM
10/19/2012	12:45	AM

LOCATION OF VIOLATION Broward County

OFFICER NAME (PRINT)	AGENCY
Richard H. Luman	Broward CLE
OFFICER SIGNATURE	ID #
<i>[Signature]</i>	1848

VIOLATOR INFORMATION

ALLEGED VIOLATOR JAMES A. SCRIMA/ATA DRISWAGE #VAC

ADDRESS 13846 NW. 14 ST.

CITY	STATE	ZIP
Pembroke Pines	FL	33028
PHONE	DL	
954-680-0294	3650-441-68-087-0	

DISCIPLINE/TRADE ENGINEERING

NOTICE

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Willful refusal to sign and accept this citation is a misdemeanor of the second degree as provided in §775.082 & §775.083 Fla. Stat. Signature only acknowledges receipt of citation and does not constitute an admission of guilt.

SIGNATURE	DATE
<i>[Signature]</i> James Scrima	10/19/12

If you choose to contest this citation, a hearing will be held at West Regional Courthouse, 100 N. Pine Island Road, Court Room 240, Plantation, FL 33324. Your hearing date is scheduled for: NOVEMBER 9 2012 at 1:00 PM

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EXHIBIT 4,5