

ESCAMBIA COUNTY CONTRACTOR COMPETENCY BOARD

**ESCAMBIA COUNTY CONTRACTOR
COMPETENCY BOARD,**

Petitioner

Vs

Case No.: COM151100033

**JAMES FREEMAN
and James Freemant
d/b/a FREEMAN ROOFING CO.,
RR0133/RC0058058,**

Respondent.

ADMINISTRATIVE COMPLAINT

**To: JAMES FREEMAN and
JAMES FREEMAN d/b/a FREEMAN ROOFING CO.**

YOU ARE HEREBY NOTIFIED that pursuant to the provisions of subsection 489.131(7), Florida Statutes, and Article II of Chapter 18 of the Escambia County Code of Ordinances, the Escambia County Contractor Competency Board ("Board") has caused an investigation to be made of your activities as an Unlimited Roofing Contractor, under Certificate of Competency License No.: RR0133 and State of Florida Registered Roofing Contractor No.: RC0058058 and as a result finds that:

1. **JAMES FREEMAN** (hereinafter referred to as "Respondent") is a Registered Contractor in Escambia County under Registration No.: RC0058058 and subject to the jurisdiction and regulation of the Escambia County Contractor Competency Board (hereinafter referred to as "Board")

pursuant to Chapter 18, Article II, Division I, Sec. 18-37 of the Escambia County Code of Ordinances.

2. Complainant, **Laura M. Malone**, whose address, 5175 Leesway Boulevard, is located within the City Limits of Pensacola, Escambia County, Florida; wherein the Board is vested with jurisdiction over contractor licensing and registration, investigating complaints against contractors, and also provides hearings for disciplinary actions, when necessary, for state certified, state registered and locally licensed contractors who work within Escambia County.

3. This matter came to be heard upon an investigation of the Complaint filed by Laura M. Malone, (“Complainant”) on or about November 16, 2015, alleging Respondent’s unauthorized contracting activity at her residence located at **5175 Leesway Boulevard, Pensacola, Florida**, concerning: entering Complainant’s property and proceeding to repair the roof without authorization and/or contract resulting in complaint of poor workmanship and job abandoned, work partially completed.

FINDINGS OF FACT

1. The Complaint was received from the Complainant on or about November 16, 2015. Complainant, Laura M. Malone, 5175 Leesway Boulevard, Pensacola, Escambia County, Florida, alleges multiple violations of F.S. § 489 and Sec. 18, of the Escambia County Code of Ordinances.

2. Formal Notice of the Complaint was provided to Respondent via United States Postal Service, Certified Mail Return Receipt Requested No.: 7014 0150 0002 2143 2297, on or about November 18, 2015.
4. On or about October 26, 2015, Complainant contacted Respondent along with two other Contractors to obtain a free estimate for roof repair at her residence.
5. Complainant alleges that on or about October 27, 2015, Respondent or his designee visited her residence to provide an estimate and advised the roof was rotten. Additionally, Respondent and/or his designee informed Complainant the roof repair would cost \$2500, promising to email a copy of the proposal that would require her signature.
6. Complainant later that same evening, via email, received Freeman Roofing's estimate and responded with questions regarding the proposal. Furthermore, Complainant alleges that Respondent did not answer her inquiry.
7. Complainant alleges that as of October 30, 2015, she continued to contact other roofing companies because she was not satisfied with earlier proposals received. Complainant further alleges that during this search she contacted Diamond Contractors LLC, a company who scheduled an appointment for that same morning, came out, repaired a leak at no charge.

8. Complainant alleges that on November 2, 2015, her husband arrived home and discovered Freeman Roofing Co. employees' on their roof located at 5175 Leesway Boulevard without authorization.
9. Complainant stated she contacted the City of Pensacola Police Department who dispatched an officer to her residence due to the unauthorized work.
10. On December 2, 2015, the Board, at a duly noticed Show Cause Hearing, after the taking of sworn testimony and other documentation and evidence presented, found probable cause for the violation(s) against Respondent as set forth herein. Complainant and Respondent were present for the duration of the Show Cause Hearing.
11. Respondent admitted on the record that he understood the basis of the complaint was because he made a mistake and went out and did roof repair at Complainant's residence, including buying a permit from the City of Pensacola.
12. Complainant testified on the record that she believed Respondent replaced two out of three ridge vents; placed mismatched shingles on the roof of a different color and manufacturer; used chipped shingles; did not secure the shingles down; left exposed nails; and chipped, bent and broke some of Complainant's original shingles on the roof. Complainant further stated on the record, after inquiry from the Board, that the roof has not leaked since the Respondent and Freeman Roofing Co. went out and performed roof repair.

13. Such activities have resulted in violations of Part I of Chapter 489, Florida Statutes, and Article II of Chapter 18 of the Escambia County Code of Ordinances governing registered contractors in Escambia County. These violations are related to, but are not limited to, the following:

Count I: Violation of Sec. 18-37(d)(4), of the Escambia County Code of Ordinances, “*Violation of state or local building codes or laws. ...*”

Count II: Violation of F.S. § 489.1195(2)(e), as amended, and Sec. 18-37(d)(9)(h), of the Escambia County Code of Ordinances, “*Failure to supervise construction activities. ...*”

As a result of the above cited violations, Respondent created a serious danger to the health, safety and welfare of the public in Escambia County dependent upon the Respondent.

It is determined that the charges stated herein are grounds for disciplinary action as outlined in Title 61G4, F.A.C, and Florida Statutes § 489.129.

IT IS THEREFORE CHARGED that Respondent, in the conduct of business under his Escambia County Contractor Certificate of Competency License No.: RR0133, doing business as a registered contractor in Escambia County, violated the provisions of F. S. § 489.129 and Section 18-37 of the Escambia County Code of Ordinances as set forth above and may be subject to the following:

1. Section 18-37(c), states “... the contractor competency board may revoke, suspend, or deny the issuance or renewal of the certificate of a contractor, impose a fine not to exceed \$5,000.00, place a contractor

on probation, or reprimand or censure, or require restitution by a contractor, or any combination thereof if the contractor, or if the business entity or any general partner, officer, director, trustee, or a member of a business entity for which the contractor is a qualifying agent is found guilty of any of the acts as outlined in this article. ...”

2. Grounds now exist for the consideration of SUSPENSION OR REVOCATION of James Freeman’s Escambia County Contractor Certificate of Competency License No.: RR0133 or such other penalty as may be permitted by the Contractor Competency Board, Escambia County, Florida, pursuant to Chapter 18, Article II, Division I, Section 18-37, Code of Ordinances of Escambia County, Florida and Part I of Chapter 489, Florida Statutes.
3. In accordance with subsection 489.131(7)(b), Florida Statutes, the Escambia County Contractor Competency Board may also impose the cost of investigating this Complaint upon the determination and finding that the Respondent is in violation of any charge set forth above.

NOTICE OF RIGHTS

JAMES FREEMAN shall have the right to a hearing before the Escambia County Contractor Competency Board in accordance with the provisions of Article II of Chapter 18 of the Escambia County Code of Ordinances of Escambia County, Florida, and Part I of Chapter 489, Florida Statutes, to contest these charges. Respondent will have the right to be represented by Counsel, call witnesses, and present evidence contesting the allegations set out in this

Administrative Hearing. Such hearing shall be held on **WEDNESDAY, January 6, 2016, at 9:00 a.m., or as soon thereafter as it may be called, at the Escambia County Central Office Complex, 3363 West Park Place, Room 104, Pensacola, Florida 32505.**

DONE AND ORDERED this ____ day of December, 2015, *nunc pro tunc* December 2, 2015.

JOHN MATTHEWS, Chairman
Escambia County Contractor Competency Board
3363 West Park Place
Pensacola, FL 32505

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been served upon James Freeman and James Freeman dba Freeman Roofing Co., 4201 Auckland Road, Pace, Florida 32571, via Certified Mail, Return Receipt Requested No.: 7014 0150 0002 2143 1948, this 21th day of December, 2015.

JENNIFER HAMPTON
On Behalf of the
Escambia County Contractor Competency Board
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Pensacola, FL 32505
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