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SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA  
BROWARD COUNTY COURTHOUSE  
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**CLOSE-OUT MEMORANDUM**

**To: File**

**From: David Schulson** *DS*

**Re: Ronald Morgan, Assistant Chief Building Official for the Broward County Public Schools/ File #SP15-05-040**

**Date: November 9, 2015**

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**Reason for Close-out:**

In late April of 2015, the Broward SAO received information that the demolition of seven (7) buildings at Blanche Ely High School in Pompano Beach had commenced in March of 2015 prior to the issuance of a building permit by Building Department for the Broward County Public Schools. Shortly thereafter, the Broward SAO commenced an investigation of Ronald Morgan, Assistant Chief Building Official, for the misdemeanor crime of Falsifying Records pertaining to his preparation and issuance of the building permit for this demolition project.

With assistance from FDLE Special Agent Brian Jerome, I obtained relevant records from the Broward County Public Schools, and proceeded to take sworn statements from Ronald Morgan, Robert F. Hamberger, Chief Building Official, Sam Bays, Director of Physical Plant Operations, Roy Norton, Manager of Custodial/Grounds within Physical Plant Operations, and David Herrmann, Supervisor of Workflow/Labor Utilization within Physical Plant Operations. While I have concluded for the reasons detailed below that there is insufficient evidence to warrant the filing of any criminal charge against Ronald Morgan, the evidence uncovered during our investigation unfortunately indicates that some of the "bad habits" and "management issues" within the Building Department and Facilities & Construction Management Department raised in the Final Report of the Nineteenth Statewide Grand Jury in January of 2011 continue to be present within the Broward County Public Schools.

Ronald Morgan has been employed by the Broward County School Board since August of 1991. After serving for a number of years as a building inspector and then as a supervisor of trades inspectors, he became the Acting Chief Building Official in 2005. At the time that Ronald Morgan was promoted to Acting Chief Building Official, there was a proviso that he secure an academic degree and upgrade his provisional building official license to keep

his position. In May of 2009, Ronald Morgan was removed from his position as Acting Chief Building Official because he had failed to secure an academic degree, and also because he was criminally charged with a violation of F.S. 468.629(1)(a) for executing Certificates of Occupancy and Temporary Certificates of Occupancy for school properties after his provisional Chief Building Official license had lapsed. Ronald Morgan pled no contest to this misdemeanor charge and was placed on probation. Ronald Morgan was not terminated by the Broward County School Board, but was demoted to Assistant Chief Building Official and, to date, continues to serve as the Assistant Chief Building Official and to receive a salary of approximately \$101,000.

The Broward County Public Schools began to address the demolition of buildings at Blanche Ely High School in 2010. Specifically, in October of 2010, representatives from the Facilities and Construction Management Department executed a Consultant's Authorization to Proceed with Avart Ammann & Whitney ("Avart"), Inc. to provide the architectural and engineering documents for the demolition of nine (9) designated buildings at Blanche Ely High School. With Avart serving as a consultant, a permit application for this demolition project was submitted to the Building Department for review in March of 2012. In the ensuing years, two bids were actually obtained for this demolition project. In October of 2013, a bid was received from MVP Contractors in the total amount of \$570,000.00, and in October of 2014, the second bid was received from HA Contracting in the total amount of \$564,252.00.

By January of 2015, the Facilities and Construction Management Department, then under the direction of Derek Messier, decided that it would be less expensive to have this demolition project managed and undertaken internally by Physical Plant Operations. Notwithstanding the provisions of F.S. 255.20(1)&(c)9 which seems to require the approval of the School Board for construction related projects in excess of \$300,000 even if the project is to be done internally, the Facilities and Construction Management Department then under the control of Derek Messier decided not to request the approval of the School Board and arranged with Sam Bays to have Physical Plant Operations manage the demolition project.

Sam Bays proceeded to assign Roy Norton to serve as the project manager for the demolition project. Roy Norton and Ronald Morgan have not only been employed by the Broward County School Board for over 20 years, they have also been friends for most of those years.

According to their sworn testimony, Roy Norton and Ronald Morgan discussed the demolition project in person and during telephone conversations during the early part of 2015. However, on or about March 23, 2015, Roy Norton proceeded to have his team commence the demolition of buildings at Blanche Ely High School based solely on a verbal authorization from Ronald Morgan during a telephone conversation without even submitting an online application to the Building Department for a building permit for the demolition project.

When Chief Building Official Robert Hamberger discovered on Friday, April 10, 2015 that two buildings and a portion of a third building had already been demolished at Blanche Ely High School without the receipt of even an online application for a building permit, he instructed personnel within the Building Department to prepare and serve a Red Tag and Stop Work Order on Sam Bays and/or Roy Norton. On the morning of Monday, April 13, 2015 as Robert Hamberger was driving to Gainesville, Florida to attend a conference, he was completely unaware that Roy Norton was meeting with Ronald Morgan to finally submit an application for a building permit. So, as personnel within the Building Department were serving a Red Tag and Stop Work Order on the demolition project, Assistant Building Chief Ronald Morgan was issuing a building permit for the demolition project which included buildings that had already been demolished.

Ultimately, the only issue for my determination was whether the preparation and issuance of a building permit which specifically included the listing of at least two buildings which had already been completely demolished prior to even the submission of the building permit application constituted a falsifying of a public record. Thus, on October 29, 2015, I took sworn statements from Julio Briceno, the Chief Building Official for Broward County, and Ralph Gonzalez, the Chief Code Enforcement Officer within the Broward County Building Department. Both Mr. Briceno and Mr. Gonzalez explained to me that it was a reality within the building industry, both residential and commercial, for building permit applications to be submitted on occasion "after the fact" or after work had commenced on a building project. For building projects under the jurisdiction of Broward County, these late building permit applications are normally processed and, according to both Mr. Briceno and Mr. Gonzalez, the primary consequence is that that applicant has to pay a late fee which can be as much as double the regular application fee.

While I have concluded that there was no criminal law violation in this particular case by Ronald Morgan, this combined Broward SAO/FDLE investigation will hopefully serve as an impetus for the Broward County School Board to continue to review its management practices to insure that all construction projects are handled in a transparent and professional manner.

This matter should now be closed.

APPROVED: Timothy J. Donnelly DATE: 11.9-2015