



PINELLAS COUNTY CONSTRUCTION LICENSING BOARD

MINUTES

The regular bimonthly meeting of the Pinellas County Construction Licensing Board was held at 201 Highland Avenue, Building 3 in the Largo City Hall Complex on January 15, 2008. This meeting was publicly advertised and a quorum was present.

Members in attendance were:

MEMBERS

Paul Skipper, Chair
Thomas Tafelski, Vice Chair
Steve Andrews
Mike Brizzi
Gareth Eich
Kevin Garriott
Steve Gleaton
Ernest Hand
Jack Joyner
Patrick Murphy
James Rosenbluth
Charles Spitzer
Peter Vasti
Fritz Wolf

CLASSIFICATION

Building
Building
Building Official
Plumbing
Architect
Building
Specialty Structure
Fire Marshal
Mechanical
Building Official
Building
Electrical
Consumer
Residential

Also attending: Rodney Fischer, Exec. Director
Jason Ester, Esq.

Caroline Jones, Admin. Secretary

The meeting was called to order at 1:30 p.m.

I. PUBLIC HEARING – Pledge of Allegiance/Roll Call

A. The Board received a proposed awnings policy as recommended by the Standing Licensing Committee for consideration and public input. Following discussion, upon motion by Member Tafelski, seconded by Member Murphy, the following awning policy was adopted by a unanimous vote, effective with today's date:

The Chap. 489.103(6), F.S. exemption for awnings shall apply to awnings that are movable or retractable or consist of fabrics installed onto an existing frame. All other awnings shall be installed by qualified contractors.

II. CONSENT AGENDA

After consideration, and on a motion by Member Rosenbluth and a second by Member Joyner, the Board unanimously accepted/approved the consent agenda. All stipulations are Final Orders of the Board in accordance with Section 120.57(3), Florida Statutes. Motion carried.

- A. Minutes for PCCLB - Meeting of November 20, 2007
- B. Financial Reports – October and November 2007
- C. Examining Committees Reports – December 2007
- D. Stipulations (Section 120.57(3), Florida Statutes)
 - 1. Jerome Neavins C07-739
 - 2. Paul Partridge C07-749
 - 3. Zachary D. Williamson C07-754
 - 4. Robert Ernest June C07-761
 - 5. Gregory W. Dayton C07-819
 - 6. Page Wurts C07-827
 - 7. Harry Denny Sanders C07-829
 - 8. Mark Hammock C07-849*
 - 9. William L. Frazier C07-864
 - 10. Peter Anthony Cafaro C07-866
 - 11. Harold J. Myers C07-894
 - 12. Steven Robert Bouffard C07-909
 - 13. Andrew Nicholas Spierings C07-968
 - 14. Tim David McGurk C07-1030
 - 15. Bradley A. Martin C07-1091

Referring to stipulation No. 8, Mark Hammock, Case C07-849, Mr. Fischer requested that the Board not approve the proposed stipulation; whereupon, Member Rosenbluth moved, seconded by Member Joyner, that item No. 8, be withdrawn from the approved stipulations. Upon call for the vote, the motion carried unanimously.

III. REGULAR AGENDA

A. The Board conducted informal administrative hearings in accordance with section 120.57(2), Florida Statutes. The Respondent either elected an informal hearing or defaulted by not executing an Election of Rights and was therefore scheduled for informal hearings by the Board to resolve the complaints. The actions taken are Final Orders of the Pinellas County Construction Licensing Board. Rodney S. Fischer appeared in the cases for the Petitioners.

1. John R. Erickson, a state-certified General Contractor (CGC-057566) (continued from the November 20, 2007 meeting) did not appear and was not represented.

Mr. Fischer noted that he had conferred with the respondent and advised him that his attendance was not required at this hearing as discussion would be limited to the clarification of trademarks; and that subject to the action by the Board, Mr. Erickson's case would be heard at the March 18, 2008 meeting.

Assistant County Attorney Ester presented information pertaining to trademarks as they relate to the respondent's case; and indicated that when a trademark is exhibited in such a manner that it precludes the consumer from identifying the actual contracting entity either on an agreement or a business card; he would reasonably deem that the company identified in said trademark would need to be qualified.

Member Tafelski moved that a policy be adopted to clarify that one must qualify a name or trademark if their intention is to do business under that name or trademark; and that it would include a predominant name or trademark being exhibited in any means of solicitation; whereupon, Member Joyner seconded the motion.

During discussion and in response to a query by Member Vasti, Attorney Ester clarified that the proposed policy would also apply to a service mark; and Member Wolf commented that the policy might be more clearly understood if it read the largest name represented rather than the predominant symbol or name. Following further discussion, Member Tafelski amended his motion to state predominant or largest and the seconder concurred. Upon call for the vote, the motion carried unanimously.

2. Dominic David Coia II, a state-certified Air Conditioning "B" Contractor (CAC-1814816), did not appear and was not represented in the case of Administrative Complaint C07-862.

Mr. Fischer provided background information wherein he indicated that the respondent had obtained a permit from the City of Pinellas Park; had allowed said permit

to expire without first obtaining required inspections; and that Mr. Coia has been unresponsive to all correspondence.

Member Tafelski moved that whenever a case involves the absence of a final inspection with no outstanding code violations, that the Respondent be cited \$50.00 and given the opportunity to resolve the matter; and that the motion become effective with the present case. Motion dies for lack of second.

Mr. Fischer reported that the PCCLB sends the contractor a letter prior to initiating an administrative complaint stating that a complaint has been filed against their licensure by a jurisdiction for an expired permit; that the building department has previously sent the notice to the contractor; and that if the contractor responds to the complaint and is able to resolve it within a certain time period, the Probable Cause Committee will dismiss it subject to any other code violations. Discussion ensued pertaining to the establishment of a countywide policy for handling of expired permits wherein the Board agreed that Mr. Fischer work with the building departments to effect such a policy.

On a motion by Member Joyner, seconded by Member Spitzer, the Board voted to accept the allegations of Administrative Complaint C07-862 as Findings of Fact and concluded Respondent violated Section 24 2(d)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- a) Respondent is reprimanded for misconduct, and
- b) Respondent is assessed an administrative fine of \$500.00 for Administrative Complaint C07-862; and
- c) Respondent's license is suspended for one year; however, suspension is stayed for 30 days and shall become probation for one year if Respondent reinstates his license, pays the settlement, and provides proof of final inspection.

IV. MISCELLANEOUS CORRESPONDENCE & REQUESTS

- A. Old Business - None
- B. New Business:
 1. Assistant County Attorney Ester presented the Board with new legislation pertaining to governmental entities use of social security numbers.
 2. Board grants authority to Executive Director to proceed with negotiations to procure the services of a Collection Agency.

3. Proposed revisions for Structural Masonry Specialty Contractor; Flatwork Masonry Specialty Contractor; and Paving Specialty Contractor provided to the members for consideration. Public hearings to be held at the March 18, 2008 meeting.

 4. Member Tafelski requested that all board policies be posted on the www.pcclb.com website as well as local technical amendments; and that a new local technical amendment be created to address the Florida Residential Code provision that governs the size of stair risers and treads. Referring to the PCCLB Local Technical Amendments, Mr. Fischer indicated that they are available on the state website; whereupon, Chairman Skipper directed the Executive Director to draft an amendment for the Board's consideration with regard to the provision of stair risers and treads.
- C. Miscellaneous Correspondence and Reports Received - None

PUBLIC COMMENT - None

ADJOURNMENT

The January 15, 2008 meeting of the Pinellas County Construction Licensing Board was adjourned at 2:37 P.M.