



**PINELLAS COUNTY
CONSTRUCTION LICENSING BOARD**

MINUTES

JANUARY 18, 2005

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 18, 2005.

Members in attendance were:

MEMBERS

Paul J. Skipper, Chair
Thomas Tafelski, Vice Chair
John Burket
Wayne Butler
Gareth Eich
Kevin Garriott
David Habib
Bill Holloway
Jack Joyner
Michael Keane
Milton Massanet
Patrick Murphy
Michael Nadeau
Robert Nagin
Fred Oppenheimer
Danny Sandlin
James Saul
Charlie Spitzer
Sandy Sullivan
Fritz Wolf

CLASSIFICATION

Builder
Building
General
Fire Marshal
Architect
Building Official
Building
Roofing
Mechanical
General
Building Official
Building Official
Building Official
Building Official
Aluminum
Building Official
Plumbing
Electrical
Fire Marshal
Residential

Also attending: Rodney Fischer, Exec. Director
Don Crowell, Esq.

Dianne Schiller, Admin. Secretary
Members of the Public

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

I. PUBLIC HEARING - Pledge of Allegiance/Roll Call

There were no public hearings.

The Board accepted with regret the resignation of Brian Deeb, Esq., Consumer Member. The Board of County Commissioners will be appointing a replacement member.

II. CONSENT AGENDA

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

III. REGULAR AGENDA

A. The Board conducted informal administrative hearings in accordance with section 120.57(2), Florida Statutes. The Respondents either elected an informal hearing or defaulted by not executing an Election of Rights or defaulted in their response to a previously set agreement and were 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. Albert Green, a Paving Specialty contractor (C-7249), did not appear and was not represented in the cases of Administrative Complaint C04-342.

After consideration and review of complaint, and on a motion by Member Nagin and a second by Member Tafelski, regarding Administrative Complaint C04-342, the Board voted to accept the allegations of Administrative Complaint C04-342 as Findings of Fact and concluded Respondent violated Section 24 (2)(d)(g)(h)(j)(k)(m)(n), Chapter 75-489, Laws of Florida, and imposed the following penalty: Motion carried.

- a) Respondent is reprimanded for misconduct, and
- b) Respondent is assessed an administrative fine of \$750.
- c) Respondent's license as a Paving Specialty Contractor (C-7249) is hereby suspended however suspension is stayed if fine is paid, the required inspections are obtained and customer complaint is resolved regarding the paving work within 30 days of the Final Order.

2. Mark Yelvington, a Mechanical contractor CMC057051, did not appear and was not represented in the cases of Administrative Complaint C04-486.

After consideration and review of complaint, and on a motion by Member Burket and a second by Member Keane, regarding Administrative Complaint C04-486, the Board voted to accept the allegations of Administrative Complaint C04-486 as Findings of Fact and concluded Respondent violated Section 24 (2)(d)(j)(m)(n), Chapter 75-489, Laws of Florida, and imposed the following penalty: Motion carried.

- a) Respondent is reprimanded for misconduct, and
- b) Suspension of Respondent's registration I-CMC057051 for one year, with notification to all permitting jurisdictions. Suspension is stayed for 30 days and shall be come probation for one year if Respondent, within 30 days, stipulates to the charges with provision of proof of permit and final inspection, resolve of customer complaint, payment of administrative fine of \$1,000 per count (3) and provision of monthly business activity reports to the PCCLB for one year.

After consideration and review of complaint, and on a motion by Member Burket and a second by Member Nagin, regarding Administrative Complaint C04-549, the Board voted to accept the allegations of Administrative Complaint C04-549 as Findings of Fact and concluded Respondent violated Section 24 (2)(d)(h)(j)(m)(n), Chapter 75-489, Laws of Florida, and imposed the following penalty: Motion carried.

- a) Respondent is reprimanded for misconduct, and

- b) Suspension of Respondent's registration I-CMC057051 for one year, with notification to all permitting jurisdictions and referral to State CILB. Suspension is stayed for 30 days and shall be come probation for one year if Respondent, within 30 days, stipulates to the charges with provision of proof of permit and final inspection, resolve of customer complaint regarding property damage and payment of administrative fine of \$1,000.
3. Marco Alamina, a Building contractor I-CBC1250858, did not appear and was not represented in the cases of Administrative Complaint C04-547.

After consideration and review of complaint, and on a motion by Member Burket and a second by Member Murphy, regarding Administrative Complaint C04-547, the Board voted to accept the allegations of Administrative Complaint C04-547 as Findings of Fact and concluded Respondent violated Section 24 (2)(d)(h)(j)(k)(m), Chapter 75-489, Laws of Florida, and imposed the following penalty: Motion carried.

- a) Respondent is reprimanded for misconduct, and
 - b) Suspension of Respondent's registration I-CBC1250858 for one year, with notification to all permitting jurisdictions. Suspension is stayed for 30 days and shall be come probation for one year if Respondent, within 30 days, stipulates to the charges with resolve of customer complaint, and payment of administrative fine of \$1,000.
4. Edward F. McCullough, a Roofing contractor (C-5113, RC0061335), appeared and provided testimony in mitigation of Administrative Complaint C04-628.

After consideration and review of complaint, and on a motion by Member Holloway and a second by Member Butler, regarding Administrative Complaint C04-628, the Board voted to accept the allegations of Administrative Complaint C04-628 as Findings of Fact and concluded Respondent violated Section 24 (2)(d)(h)(j)(m)(n), Chapter 75-489, Laws of Florida, and imposed the following penalty: Motion carried with the ratio of 12/7 opposed.

- a) Respondent is reprimanded for misconduct, and
- b) Respondent is assessed an administrative fine of \$1,000 per count (3).
- c) Respondent's license as a Roofing Contractor (C-5113) is hereby suspended however suspension is stayed if fine is paid and the required permit and inspection is obtained within 30 days of the Final Order.

After consideration and review of complaint, and on a motion by Member Tafelski and a second by Member Murphy, regarding Administrative Complaint C04-629, the Board voted to continue the case until the March 22 Board meeting.

5. Robert W. Dobson, Sr., a Commercial Pool contractor (C-2578, RP0023937), appeared and provided testimony in mitigation of Administrative Complaints C04-935, C04-948, C04-1031, and C04-1070.

After consideration and review of complaint, and on a motion by Member Burket and a second by Member Massanet, regarding Administrative Complaint C04-935, the Board voted to accept the allegations of Administrative Complaint C04-935 as Findings of Fact and concluded Respondent violated Section 24 (2)(d)(j)(m)(n), Chapter 75-489, Laws of Florida, and imposed the following penalty: Motion carried with 1 vote opposed.

- a) Respondent is reprimanded for misconduct, and
- b) Respondent is assessed an administrative fine of \$1,000 per count (2).

- c) Respondent's license as a Commercial Pool contractor (C-2578) is hereby suspended however suspension is stayed if fine is paid, code violations resolved, final inspection obtained and reports of business activity are submitted to the PCCLB monthly.

After consideration and review of complaint, and on a motion by Member Burket and a second by Member Nagin, regarding Administrative Complaint C04-948, the Board voted to accept the allegations of Administrative Complaint C04-948 as Findings of Fact and concluded Respondent violated Section 24 (2)(d)(j)(m)(n), Chapter 75-489, Laws of Florida, and imposed the following penalty: Motion carried with Member Massanet abstaining.

- a) Respondent is to continue to obtain final inspections each week through the City of St. Petersburg until the 71 inspections have been completed per Administrative Complaint C04-948.
- b) The Board tabled consideration of the recommended disciplinary action until the March 22, 2005 Board meeting.

After consideration and review of complaint, and on a motion by Member Wolf and a second by Member Nagin, regarding Administrative Complaint C04-1031, the Board voted to accept the allegations of Administrative Complaint C04-1031 as Findings of Fact and concluded Respondent violated Section 24 (2)(d)(g)(h)(j)(k)(m)(n), Chapter 75-489, Laws of Florida, and imposed the following penalty: Motion carried.

- a) Respondent is reprimanded for misconduct, and
- b) Respondent is assessed an administrative fine of \$1,000 per count (6).
- c) Respondent's license as a Commercial Pool contractor (C-2578) is hereby suspended however suspension is stayed if the administrative fine is paid.

After consideration and review of complaint, and on a motion by Member Burket and a second by Member Holloway, regarding Administrative Complaint C04-1070, the Board voted to accept the allegations of Administrative Complaint C04-1070 as Findings of Fact and concluded Respondent violated Section 24 (2)(d)(h)(j)(k)(m)(n), Chapter 75-489, Laws of Florida, and imposed the following penalty: Count Four was dropped. Motion carried.

- a) Respondent is reprimanded for misconduct, and
- b) Respondent is assessed an administrative fine of \$1,000 per count (3).
- c) Respondent's license as a Commercial Pool contractor (C-2578) is hereby suspended however suspension is stayed if the administrative fine is paid.

- B. Executive Director Fischer informed the Board the new Fire Prevention Code (2003 Ed. Of NFPA 1, 101) is now in effect as of January 1, 2005.

IV. CORRESPONDENCE & REQUESTS

- A. The Board accepted miscellaneous reports along with the report on PCCLB citation activity totaling \$108,000 for the year, 2004. We are still only "scratching the surface" of unlicensed activity.
- B. New appointments to the various appeals boards for the next two-year term were distributed. Mr. Luis Rodriguez presented his case to establish a separate classification of tile, marble and stone under the Cabinet license for the installation of marble and granite countertops. On a motion by Member Burket and a second by Member Garriot, this request will be forwarded to the Ad Hoc Committee on Specialty Licensing for their review. Motion carried.

The next meeting of the Pinellas County Construction Licensing Board will be held on March 22, 2005 at 1:30 P.M. at Building 3, Largo City Hall Complex, 201 Highland Avenue, Largo, Florida.

The meeting was adjourned at 4:05 P.M.