



PINELLAS COUNTY CONSTRUCTION LICENSING BOARD

MINUTES

The regular bimonthly meeting of the Pinellas County Construction Licensing Board was held at the Largo City Hall Community Room, 201 Highland Avenue, Largo on March 17, 2009. This meeting was publicly advertised and a quorum was present.

Members in attendance were:

MEMBERS

Paul Skipper, Chair
Thomas Tafelski, Vice Chair
Steve Andrews
John C. Burket
Rick Dunn
Gareth Eich
Kevin Garriott
Steve Gleaton
Larry Goldman
Michael Keane
Ed Mullins
Patrick Murphy
Danny Sandlin
Peter Vasti
Gerald H. White
Fritz Wolf

CLASSIFICATION

Building
Building
Building Official
General
Building Official
Architect
Building Official
Specialty Structure
Building Official
General
Fire Marshal
Building Official
Building Official
Consumer
Electrical
Residential

Also attending: Rodney Fischer, Exec. Director
Jason Ester, Esq.
Caroline Jones, Executive Admin. Secretary

The meeting was called to order at 1:36 p.m.

I. PUBLIC HEARING – Pledge of Allegiance/Roll Call/Oath

There were no public hearing items to be heard.

II. CONSENT AGENDA

After consideration and on a motion by Member Burket and a second by Member Murphy, 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 January 20; 2009 and Special Master minutes of February 10, 2009
- B. Financial Reports – February 2009
- C. Examining Committees Report – February and March 2009
- D. Stipulations (Section 120.57(3), Florida Statutes)
 - 1. John Alan Kamp, Jr. 08-660
 - 2. Jeffrey A. Reckson 08-707; 1428
 - 3. John David Hogan 08-809
 - 4. Tim David McGurk 08-902
 - 5. Robert Cotrone 08-993
 - 6. Horace Leon Rowe 08-994
 - 7. Thayne W. Swenson 08-1181
 - 8. Ryan James Pelky 08-1242
 - 9. Jeffrey A. Reckson 08-1244
 - 10. Calvin D. Johnson 08-1350
 - 11. Timothy C. Vanstone 08-1367, 1419-20, 1451
 - 12. Paul D. Gallagher 08-1388-89
 - 13. Richard H. Lavigne 08-1394
 - 14. Troy B. Hawkins 08-1426

III. REGULAR AGENDA

A. The Board received a Recommended Order from the Division of Administrative Hearings in the matter of PCCLB vs. Louise Wold-Parente (C08-616), DOAH Case No. 08-4473. After consideration and review of the record, and on a motion by Member Burket and a second by Member Goldman, the Board voted unanimously to accept the Recommended Order DOAH Case No. 08-4473 as the Final Order of the PCCLB in accordance with Section 120.57(1), Florida Statutes.

B. 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. Shelley Rose, a residential pool contractor (I-CPC029653) did not appear, however, was represented by Operations Manager Frank D. Ruggieri in the case of Administrative Complaint C08-952. Mr. Fischer reported that the case involved an expired permit, that the contractor does not believe he should be held responsible for a final inspection that only the electrical contractor is able to obtain pursuant to the process required by the Pinellas County Building Department; and that the PCCLB position is that the prime contractor is responsible for the entire project.

Responding to comments by Chairman Skipper, Mr. Ruggieri indicated that Mr. Rose has granted him authority to represent him in all day to day business transactions; whereupon, he noted his objections to the procedure in place at the Pinellas County Building Department; and requested that it be changed to allow the prime contractor to request a final electrical inspection.

Following discussion and review, the members concluded that it is the responsibility of the prime contractor to manage his project and subcontractors; and Pinellas County Building Official Member Goldman indicated that the permit could have been extended.

Member Burket moved the approval of the recommended disciplinary action, seconded by Vice-Chair Tafelski. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C08-952 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;
- (b) Respondent stipulates to a settlement fee of \$300.00 for Administrative Complaint 08-952; and
- (c) Respondent's registration is suspended; however, suspension is stayed for 30 days and if Respondent pays the administrative fine

and provides proof of final inspection within 30 days of a final order case will be closed.

Member Burket and Chairman Skipper recommended that the Pinellas County Building Department review its current policy with regard to electrical final inspections.

2. Robert M. Donaldson, a residential pool contractor (I-CPC035666) did appear and presented mitigating testimony in the case of Administrative Complaint C08-963. Mr. Fischer noted that the Respondent had allowed a permit to expire and read his recommendation into the record.

Discussion ensued pertaining to the Respondent's difficulty in obtaining a final inspection due to the homeowner being uncooperative; whereupon, Member Goldman indicated that there is a process in place with the Pinellas County Building Department that can be implemented for contractors experiencing this type of problem. Additional discussion followed concerning issues with swimming pool barrier requirements; whereupon, Member Burket moved the recommended disciplinary action, seconded by Member Gleaton. Upon call for the vote, the motion carried unanimously and the following penalty was imposed:

- (a) Respondent is reprimanded for misconduct;
- (b) Respondent stipulates to a settlement fee of \$300.00; and
- (c) Respondent's registration is suspended; however, suspension is stayed for 30 days and if Respondent pays the administrative fine and provides evidence that the permit has been reinstated and final inspection completed or resolution of the complaint with the Building Department within 30 days of a final order case will be closed.

C. Review of Stipulation/Final Order C07-936 – Mark Blair

At this time, Member Vasti, recuses himself from the hearing.

Mr. Fischer provided background information concerning Stipulation/Final Order C07-936 and reported that the stipulation agreement had been approved by the Board at its meeting of November 18, 2008 wherein Respondent was to pay an administrative fine of \$500.00 and to provide proof of either a final inspection or resolution of permitting violations in order to close the case; and that failure to do same would result in suspension of his licensure. He indicated that attorneys were present for the Respondent and the Complainant, Harry League; that Mr. League resides in another

state; that Mr. Blair and his attorney assert they have not been able to communicate with Mr. League nor his attorney to resolve the outstanding issues; that staff's position is that Mr. Blair cannot correct the problem and has exhausted all means of reconciliation; and that the Board has the decision today as to whether or not Mr. Blair's license is to be suspended.

Cary Cash, attorney for the respondent, referred to a series of exhibits which have been filed and made a part of the record, and indicated that their inability to contact the homeowner has prevented his client from resolving the violations referred to in the stipulation; whereupon, Mr. Cash presented an overview of the issues to date.

In response to query by Vice-Chair Tafelski, Attorney Ester indicated that the case did involve civil litigation and therefore could be held in abeyance pursuant to the PCCLB Civil Litigation Policy.

Brian P. Battaglia, attorney for the complainant, Harry League, stated that he has made himself available to the Respondent and his attorney; that the Civil Litigation Policy is not appropriate in this arena; and that the issues proffered today do not justify staying suspension of Mr. Blair's license.

Investigator Garriques indicated that Attorney Battaglia had told her he could not discuss the case nor make decisions for Mr. League; and Ms. Garriques further stated that Mr. League has refused to provide her with an address where he could be reached and that all information should be sent to his attorney, Mr. Battaglia.

Following discussion and additional input by Attorney Battaglia, Member Dunn moved to maintain the original requirements of the stipulation, however, to stay it and the suspension for 90 days; and require Mr. League to provide his address or allow the civil courts to make the decision in the matter; seconded by Member Gleaton.

Discussion ensued wherein Vice-Chair Tafelski noted his disagreement with the motion and referring to the Civil Litigation Policy, noted its longevity and asserted that it has worked efficiently for complicated cases such as the one being heard today; whereupon, Member Burket noted his accord.

Attorney Ester advised that the question for the Board is whether the contractor met the requirements on the stipulation indicated as 5. a, b, and c. If so, the matter is closed; if not, the Board must take further action; whereupon, Member Dunn withdrew his motion and the seconder concurred.

On a motion by Member Tafelski, seconded by Member Andrews, the Board voted to impose its Civil Litigation Policy as outlined in the agenda packet with Member Vasti recusing himself.

IV. MISCELLANEOUS CORRESPONDENCE & REQUESTS

A. Old Business: Mr. Fischer reported that the adopted Local Technical Amendments can be found on the PCCLB website

B. New Business: Mr. Fischer updated the members on the newest enhancement to on-line transactions indicating that administrative fines and citation fees can be paid on line by either Visa or Master Card; and responding to Vice-Chair Tafelski's query, reported that the service is free to the customer; whereupon, Mr. Fischer reviewed plans for future enhancements. Vice-Chair Tafelski asked that the PCCLB Rules be made accessible on the website; and discussion ensued as to the likeliness of placing final orders on line.

C. Miscellaneous Correspondence and Reports Received:

Member Vasti noted his uncertainty with the Civil Litigation Policy; whereupon, Vice-Chair Tafelski advised that all complaints received by the PCCLB are reviewed by the Probable Cause Committee and that the policy is often invoked at that level since the Board nor the investigators have power of discovery, depositions, or can demand any evidence relevant to certain issues; whereupon, Chairman Skipper advised that this is the first occurrence in 20 years where the policy has been questioned.

D. Public Comment – None.

ADJOURNMENT

The March 17, 2009 meeting of the PCCLB adjourned at 3:30 PM.

Chairman