



MINUTES

MARCH 23, 2004

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 March 23, 2004.

Members in attendance were:

<u>MEMBERS</u>	<u>CLASSIFICATION</u>
Peter Jon Volmar, Vice Chair	Architect
John Burket	General
Wayne Butler	Fire Marshal
Brian Deeb	Consumer
Kevin Garriott	Building Official
David Habib	Building
Bill Holloway	Roofing
Jack Joyner	Mechanical
Patrick Murphy	Building Official
Michael Nadeau	Building Official
Robert Nagin	Building Official
Fred Oppenheimer	Aluminum
Danny Sandlin	Building Official
James Saul	Plumbing
Sandy Sullivan	Fire Marshal
Thomas Tafelski	Building
Fritz Wolf	Residential

Also attending:	Rodney Fischer, Exec. Director	Dianne Schiller, Admin. Secretary
	Don Crowell, Esq.	Carl Brody, Esq.
	Members of the Public	

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

I. PUBLIC HEARING - Pledge of Allegiance/Roll Call

A. The Board received a proposal from the Ad Hoc Committee on Specialty Contractor Licensing to amend the PCCLB rules to require the mandatory countywide competency licensure of the tub and tile refinishing trade in the construction and home improvement industry. On a motion by Member Tafelski and a second by Member Murphy, the Board voted approval of the licensure category of Painting Limited, a sub-category of the Painting Specialty license formulated specifically for tub and tile refinishing, etc., effective immediately, with a grandfathering period of 120 days. The license would be limited to the grandfathering period; thereafter all applicants would be subject to fulfill the requirements of the Painting Specialty license. Licensure by the Board will provide uniform countywide licensing

criteria for all jurisdictions within the regulatory framework and provisions of Chapter 75-489, Laws of Florida, as amended. There was no public comment at the hearing.

Title: Painting Limited Specialty Contractor
Scope: Limited to painting, refinishing and recoating of fixtures and ceramic tile in kitchens and baths. Scope of work includes refinishing of appliances on site.

B. On a motion by Member Nagin and a second by Member Burket, the Board voted approval to amend the PCCLB rules to establish provisions to conduct administrative hearings on violations of law by 489.127(5), Florida Statutes (2003) and Pinellas County Ordinance No. 03-98 on December 2, 2003, in order to comply with due process requirements and state law. Adoption of the rule would allow for enforcement by the Board or Code Enforcement Special Masters for citations promulgated by office of the PCCLB. See PCCLB Rule 04-3 attached to original minutes. Motion carried.

II. CONSENT AGENDA

After consideration, and on a motion by Member Burket and a second by Member Nagin, 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.

III. REGULAR AGENDA

A. The Board conducted an informal administrative hearing in accordance with section 120.57(2), Florida Statutes. The Respondent defaulted by not executing an Election of Rights and was therefore scheduled for an informal hearing by the Board to resolve the complaint. The action taken is a Final Order of the Pinellas County Construction Licensing Board. Rodney S. Fischer appeared in the case for the Petitioner.

1. Christopher Nurczyk, a Fence Erection Specialty contractor, appeared and provided testimony. After consideration, review, and on a motion by Member Burket and a second by Member Nagin, the Board voted to accept the allegations of Administrative Complaint C03-698 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:

- a) Respondent is reprimanded for financial mismanagement; and
- b) Respondent is assessed an Administrative fine of \$500; and
- c) Suspension of license C-8594 for one year, however, suspension is stayed for 30 days and shall become probation if Respondent pays the administrative fine.

2. Christopher Nurczyk, a Fence erection Specialty contractor, appeared and provided testimony. After consideration, review, and on a motion by Member Burket and a second by Member Nagin, the Board voted to accept the allegations of Administrative Complaint C03-894 as Findings of Fact and concluded Respondent violated Section 24 (2)(d)(h)(j)(k)(m)(n), Chapter 75-489, Laws of Florida, and Pinellas County Code 22-14, and imposed the following penalty:

- a) Respondent is reprimanded for financial mismanagement, abandonment, violation of Pinellas County ordinance, and willful violation of a municipal ordinance; and
- b) Respondent is assessed an Administrative fine of \$750; and
- c) Suspension of license C-8594 for one year, however, suspension is stayed for 30 days and shall become probation if Respondent pays the administrative fine.

C. The Board conducted administrative hearings in accordance with section 489.127(5), Florida Statutes and Pinellas County Ordinance No. 03-98. The Respondents opted not to pay the \$500 fine in each case and requested to appear for a hearing. The actions taken are final decisions of the Pinellas County Construction Licensing Board. Connie Garriques-Sang appeared in these cases for the Petitioners. Attorney Don Crowell presided as counsel on behalf of the PCCLB. Attorney Carl Brody sat as the impartial party in the proceeding.

1. Victor Holcomb, Increte of Tampa, Inc./Increte Systems: Bob Vigneron, Business Manager of Increte Systems appeared on behalf of Victor Holcomb and provided testimony in mitigation of Citation C04-137. After consideration of the evidence and testimony provided by Mr. Vigneron, and on a motion by Member Deeb and a second by Member Nagin, the Board concluded to dismiss Citation C04-137 on the grounds that there was no violation of Pinellas County Code 22-14. Motion carried with Member Wolf contra.
2. Lawrence Ford, LLMN Co. Inc. American Closet Systems: Lawrence Ford did not appear and was not represented. After consideration of the evidence and testimony provided by Investigator Garriques-Sang, and on a motion by Member Nagin and a second by Member Tafelski, the Board voted to accept the allegations of Citation C04-197 as Findings of Fact and imposed the fine of \$500. Motion carried.
3. Sol Minc, Atlantic Vinyl Windows & Doors, Inc.: Due to an immediate emergency, the Respondent was unable to partake in the hearing for Citation C04-198 and asked it to be continued. On a motion by Member Nagin and a second by Member Murphy, this case was recommended for continuation at a later date. Motion carried.

D. The Board received a request for reinstatement of Building License RB0031024/C-1806 to Walter Tuglus. Mr. Tuglus spoke on his behalf and assured the Board all claims have been satisfied and he is willing to do whatever is necessary to become reinstated as a Building contractor. On a motion by Member Tafelski and a second by Member Burket, the Board voted to reinstate the Building license to Mr. Tuglus, provided he pay all back licensing fees, provide proof of workers compensation insurance or exemption, proof of liability insurance, proof of continuing education credits and proof of satisfaction of all claims against his license. Motion carried.

IV. CORRESPONDENCE & REQUESTS

A. The Board accepted miscellaneous reports for filing.

B. Mr. Fischer publicly commended the PCCLB staff for the outstanding way they have dealt with the 2,700 licensee expirations, due to the workers comp changes mandated by the State. He updated the Board as to the status of the PCCLB Special Act legislation, stating passage before the House of Representatives. Currently, the bill has been introduced and is awaiting passage by the Senate, then it will progress to the Governor for approval and signature.

The meeting was adjourned at 3:20 P.M.

The next meeting of the Pinellas County Construction Licensing Board will be held on May 25, 2004 at 1:30 P.M. at Building 3, Largo City Hall Complex, 201 Highland Avenue, Largo, Florida.