



# 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 May 15, 2007. This meeting was publicly advertised and a quorum was present.

Members in attendance were:

### MEMBERS

Thomas Tafelski, Vice Chair  
John C. Burket  
Gareth Eich  
Ernest Hand  
Rick Howard  
Jack Joyner  
Michael Keane  
Patrick Murphy  
Robert Nagin  
James Rosenbluth  
Charlie Spitzer  
Sandy Sullivan  
John Tillinghast  
Peter Vasti  
Fritz Wolf

### CLASSIFICATION

Building  
General  
Architect  
Fire Marshal  
Swimming Pool  
Mechanical  
General  
Building Official  
Building Official  
Building  
Electrical  
Fire Marshal  
Roofing  
Consumer  
Residential

Also attending:            Rodney Fischer, Exec. Director            Caroline Jones, Admin. Secretary  
                                 Jason Ester, 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 proposed revision to the Shutter/Opening/Protectives Specialty Contractor classification as recommended by the Ad Hoc Committee. After consideration and on a motion by Member Murphy and a second by Member Nagin, the Board voted approval of the revision as follows:

## SHUTTER/OPENING PROTECTIVES SPECIALTY CONTRACTOR

1. The "Shutter/Opening Protectives Specialty Contractor" is a specialty contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, application, handling, erection, installation, dismantling, adjustments, alteration, repair and servicing of protective shutters and panels.
2. The scope of such work shall include all types of shutters and panels that are designed to protect from hurricane and storm force winds, windborne debris and for security purposes including the related hardware, structural supports and operating devices. The scope of such work shall comply with all plans, specifications and applicable codes, laws and regulations.
3. The "Shutter/Opening Protectives Specialty Contractor" shall not contract for any other work of another trade that is included within the scope of any other licensed contractor. Nothing in this definition shall be construed to limit or infringe upon the scope of the work of any other specialty contractor licensed by the Pinellas County Construction Licensing Board.

B. The Board received a proposed revision to the Glass & Glazing Specialty Contractor classification as recommended by the Ad Hoc Committee. After consideration and on a motion by Member Nagin and a second by Member Howard, the Board voted approval of the revision as follows:

## GLASS & GLAZING SPECIALTY CONTRACTOR

1. The "Glass & Glazing Specialty Contractor" is specialty contractors whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, handling, erection, installation, dismantling, adjustments, alteration, repair and servicing involving glass, glazing and allied construction products.
2. The scope of such work shall include all types of windows and glass, whether fixed or movable; the installation of swinging or sliding glass doors to existing walls, floors, columns or other structural members of the building; the installation of glass holding or supporting mullions or horizontal bars which are attached to existing building walls, floors, columns, or other structural members of the building, and the cutting and installation of glass and mirrors. A glass and glazing specialty contractor may also install prefabricated glass, metal or plastic curtain walls or panels, caulking incidental to such work and assembly, and installation of shower & tub enclosures and the installation or replacement of wind borne debris protection devices. The scope of such work shall comply with all plans, specifications and applicable codes, laws and regulations.
3. The "Glass and Glazing Specialty Contractor" shall not contract for any other work of another trade that is included within the scope of any other licensed contractor. Nothing

in this definition shall be construed to limit or infringe upon the scope of the work of any other specialty contractor licensed by the Pinellas County Construction Licensing Board.

C. The Board received a proposed revision to the Plaster, Stucco Specialty Contractor classification as recommended by the Ad Hoc Committee. After consideration and on a motion by Member Howard and a second by Member Burket, the Board voted approval of the revision as follows:

#### PLASTER, STUCCO AND LATH SPECIALTY CONTRACTOR

1. The “Plaster, Stucco and Lath Specialty Contractor” is a specialty contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, application, handling, erection, installation, dismantling, adjustments, alteration, repair and servicing of plaster, stucco, lath and allied construction materials involved in the preparation of the surfaces involved.
2. The scope of such work shall include coatings and cladding products consisting of Portland cement, gypsum plaster, quick lime and other synthetic and related substrate products. The scope of the work shall include the installation of gypsum, metal and lath and/or metal studs, tracks, decorative moldings and related accessories. The scope of such work shall comply with all plans, specifications, codes, laws and regulations applicable.
3. The “Plaster, Stucco and Lath Specialty Contractor” shall not contract for any other work of another trade that is included within the scope of any other licensed contractor. Nothing in this definition shall be construed to limit or infringe upon the scope of the work of any other specialty contractor licensed by the Pinellas County Construction Licensing Board.

D. The Board received a proposed new classification titled Garage Door Specialty Contractor classification as recommended by the Ad Hoc Committee. Vice-Chair Tafelski pointed out certain changes to the original proposal which had been recommended by the Ad Hoc Committee at its May 15 1:00 PM meeting and after consideration and on a motion by Member Murphy and a second by Member Burket, the Board voted approval of the proposed new classification as amended:

#### GARAGE DOOR SPECIALTY CONTRACTOR

1. The “Garage Door Specialty Contractor” is a specialty contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, handling, erection, installation, dismantling, adjustments, alteration, repair and servicing of garage doors.
2. The scope of such work shall include all types of garage doors including the related hardware and operating devices. The scope of such work shall comply with all plans, specifications, codes, laws and regulations applicable.

3. The “Garage Door Specialty Contractor” shall be allowed to install low voltage wiring for safety features and cord and cap connected to the devices, motors and equipment; and shall be allowed to subcontract with other licensed contractors for work directly related to and incidental to the installation of the garage door. Any other Electrical work incidental to the installation of the garage door must be subcontracted to a licensed electrical contractor including and limited to the removal and/or installation of receptacles, lights, and switches.
4. The “Garage Door Specialty Contractor” shall not contract for any other work of another trade that is included within the scope of any other licensed contractor. Nothing in this definition shall be construed to limit or infringe upon the scope of the work of any other specialty contractor licensed by the Pinellas County Construction Licensing Board.

E. The Board received an amendment to the Tile/Marble Specialty Contractor classification as recommended by the Ad Hoc Committee. Following discussion, on a motion by Member Burket and a second by Member Murphy, the Board voted approval of the amendment to the Tile/Marble Specialty classification as follows:

#### TILE AND MARBLE SPECIALTY CONTRACTOR

1. Scope of Rule: The purpose of this rule is to provide for the certification of a Tile and Marble Specialty Contractor.
2. Definition:
  - 2.1 The “Tile and Marble Specialty Contractor” is a specialty contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, handling, erection, installation, dismantling, adjustments, alteration, repair and servicing when not prohibited by law, in accordance with accepted industry standards and/or according to the manufacturers specification involving hard tile, marble, cultured marble, non structural stone and thin pavers.
  - 2.2 The scope of such work shall include and be limited to the preparation and/or the installation of the base or substrate materials, ceramic tile, grout, marble, cultured marble, and stone floor tile and countertops and wall splash; and thin pavers installed on existing surfaces. The scope of such work shall comply with all plans, specifications, codes, laws and regulations applicable.
3. The “Tile and Marble Specialty Contractor” shall not contract for any other work of another trade that is included within the scope of any other licensed contractor. Nothing in this definition shall be construed to limit or infringe upon the scope of the work of any other specialty contractor licensed by the Pinellas County Construction Licensing Board.

## II. CONSENT AGENDA

After consideration, and on a motion by Member Rosenbluth 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. Motion carried.

### Stipulations (Section 120.57(3), Florida Statutes)

1.	Robert W. Dobson	C05-980; 05-981; 05-1024
2.	Robert Rumbaugh	C06-1023
3.	Wendell T. Brinson	C06-1041
4.	Terrie Gilligan	C06-1047
5.	Wayne Scott Prete	C06-1049
6.	Harold J. Myers	C06-1062; C06-1205
7.	Jeffrey Scott Skifstad	C06-1072
8.	Casey John Mooney	C06-1185
9.	John Oldja	C06-1214; C06-1215
10.	Hubert Steven McDowell	C06-1222
11.	Robert James Wyman	C07-3
12.	William F. Cournoyer	C07-72
13.	Guido J. Nardi	C07-79
14.	James R. Lucker	C07-86
15.	William E. Turner, Sr.	C07-113
16.	Gary Delaquil	C07-122
17.	Donald R. Beaumier	C07-131
18.	Robert T. Mitton	C07-134
19.	Emilio C. Cuzan	C07-136
20.	Benjamin T. Farkas	C07-138
21.	David Lee Brandon	C07-151
22.	Ronald Eugene Bryant	C07-153
23.	William W. Card	C07-160
24.	Wayne T. Popiolek	C07-169
25.	John Oldja	C07-179
26.	Henry Keith Cavaliere	C07-204
27.	Gene Michael Scherette	C07-211
28.	William John Voeller	C07-215
29.	Victor Anthony Trino	C07-220
30.	Eugene J. Maldony	C07-226
31.	Robert Spurr	C07-227
32.	Rocky Allen Gandee	C07-229
33.	William W. Brown	C07-238

## 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. Ramon Arrazcaeta a Roofing Contractor (CCC-032495), did not appear and was not represented in the case of Administrative Complaint C06-1008.

Following discussion with regard to the handling of restitution to the complainant, on a motion by Member Burket, seconded by Member Nagin, the Board voted to accept the allegations of Administrative Complaint C06-1008 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(h)(j)(k)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- a) Respondent is reprimanded for misconduct for failure to resolve Administrative Complaint C06-1008;
- b) Respondent is assessed settlement charges in the amount of \$1,000.00; and restitution to Homeowners Geas in the amount of \$599.00; and
- c) Respondent's license is currently closed and will remain so until payment of settlement charges and resolution of C06-1008. Upon renewal, Respondent will be on probation for one year with monthly reports as to construction activities.

2. Robert Glen Mahan, a Roofing Contractor (CCC-058300), did not appear and was not represented in the case of Administrative Complaint C06-1046.

Following discussion, on a motion by Member Burket, seconded by Member Nagin, the Board voted to accept the allegations of Administrative Complaint C06-1046 as Findings of Fact and concluded Respondent violated Section 242 (e)(l), Chapter 75-489, Laws of Florida, as amended, and imposed the follow penalty:

- a) Respondent is reprimanded for misconduct, aiding and abetting, workers' compensation insurance violations; and
- b) Respondent is assessed a settlement charge of \$500.00 for each count of Administrative Complaint C06-1046 (two counts); and
- c) Respondent's registration to be suspended for one year, however, suspension is stayed and will become probation for one year if Respondent pays the settlement within 30 days.

3. Gilbert Montgomery, a certified Building Contractor (CBC-1252392) was not represented in the case of Administrative Complaint C06-1267.

Upon motion by Member Rosenbluth, seconded by Member Howard, the Board voted to dismiss all counts due to the recent death of the Respondent, with Members Burket and Nagin casting dissenting votes.

4. James Avery Stitt, a certified General Contractor (CGC-1504058) did not appear and was not represented in the case of Administrative Complaint C07-129.

Following discussion, on a motion by Member Wolf and a second by Member Murphy, the Board voted to accept the allegations of Administrative Complaint C07-129 as Findings of Fact and concluded Respondent violated Section 24(2) (d)(h)(j)(k)(m), Chapter 75-489, Laws of Florida as amended, and imposed the following amended penalty:

- a) Respondent is reprimanded for misconduct, inspection and code violations, financial mismanagement, and abandonment; and
- b) Settlement of \$1,000.00 per count (four counts) for Administrative Complaint C07-129; and
- c) Respondent to resolve issues with Homeowner Rubart as well as pay appropriate restitution; and
- d) In the event Respondent attempts to renew license (currently expired), upon payment of settlement charges and Homeowners satisfaction, Respondent will be on probation for one year with monthly reports as to Respondent's construction activities.

5. Lee Ray Thaxton, a state-certified Roofing Contractor (CCC-1326697) did not appear and was not represented in the cases of Administrative Complaints C06-1164 and C06-1198.

Executive Director Rodney S. Fischer, indicated that the Respondent has filed for bankruptcy and responding to query by Member Wolf, Attorney Jason Ester advised that the Mr. Thaxton had filed for both personal and corporate Chapter 7 bankruptcy.

In response to the Vice-Chair's call for anyone wishing to be heard, Mrs. Larry Zellers (complainant) appeared and provided background information to the Board.

Following discussion, on a motion by Member Nagin and second by Member Burket, the Board voted to accept the allegations of Administrative Complaint C06-1198 as Findings of Fact and concluded Respondent violated Section 24(2) (d)(g)(n), Chapter 75-489, Laws of Florida as amended, and imposed the following amended penalty:

- a) Respondent is reprimanded for misconduct, permitting, inspection and code violations; and
- b) Settlement of \$500.00 per count (three counts); and

- c) Restitution to homeowner Zellers to be paid in the amount of \$3,391.00; and
- d) Suspension of permitting privileges until time all requirements of order have been met at which time Respondent will be on probation for one year.

Upon call for the vote, motion carried with Member Hand casting a dissenting vote.

Following further discussion, upon motion by Member Nagin and a second by Member Murphy, the Board voted to accept the allegations of Administrative Complaint C06-1164 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(g)(n), Chapter 75-489, Laws of Florida as amended, and imposed the following amended penalty:

- a) Respondent is reprimanded for misconduct, permitting, inspection and code violations; and
- b) Restitution to homeowner Dane to be paid in the amount of \$6,400.00; and
- c) Suspension of permitting privileges until such time all requirements of this order have been met at which time Respondent will be on probation for one year.

#### B. BOARD APPEARANCES

1. Joseph DiSalvo – a Class A Air Conditioning contractor (C-1708) did not appear but was represented by Mark Henderson, National Air Conditioning Office Manager who reported that 18 of the 36 outstanding permits have been closed; that six more are scheduled for closure within the next few days; that the balance of the outstanding permits represent out of state customers; and that they will be resolved as soon as the individuals return to Pinellas County.

James Mapes, Field Investigator, provided input to the Board with regard to outstanding complaints.

Following discussion, upon motion by Member Nagin and a second by Member Vasti, the Board voted to require Mr. DiSalvo to appear at each meeting of the Board to submit a status report, with Members Hand and Joyner casting dissenting votes.

#### IV. MISCELLANEOUS CORRESPONDENCE & REQUESTS

##### A. Old Business

1. Following discussion and with input from Attorney Ester, on a motion by Member Burket and a second by Member Joyner, the Board voted to dismiss the proposal to grant licensure without benefit of examination.

##### B. New Business:

1. Member Sullivan provided a status report on the recent change of protocol and indicated that the Fire Marshal's Association no longer presides in Pinellas County and that nominations will now be submitted to the Board by the Fire Chiefs' Association; and

recommended that at least one alternate member be appointed to the Life Safety Board of Appeals. Chief Sullivan further recommended that the residency requirement allow the appointee to live outside of Pinellas County as long as the member is employed within the County. Following discussion with input by Attorney Ester, Member Burket moved, seconded by Member Spitzer, that the Board grant approval for three alternates to be appointed to the Life Safety Board of Appeals; and that the fire chiefs do not have to reside in Pinellas County, however, must be employed by a municipality within the County. During review of the motion, Member Nagin proposed an amendment that would allow the same residence requirement to apply to building officials wherein both Members Burket and Spitzer accepted the amendment. Following additional discussion with regard to the Life Safety Board of Appeals, it was decided that Attorney Ester would meet with the Fire Chiefs to discuss additional membership and local jurisdiction for the Florida Fire Prevention Code. Upon call for the vote, the motion carried unanimously.

Chief Sullivan announced his retirement effective July 1, 2007.

2. Executive Director Rodney S. Fischer provided input with regard to the State Recovery Fund and its requirement that any individual seeking to recover funds must possess a Final Order of the PCCLB indicating a dollar amount for restitution.

3. Board approved renewal of Executive Director's annual employment contract and granted merit increase within Pinellas County personnel guidelines, effective July 1, 2007 through June 30, 2008.

C. Miscellaneous Correspondence and Reports Received:

1. Minutes of proposed 2008 budget presentation to the Board of County Commissioners.
2. Lee County Permitting Ordinance.

PUBLIC COMMENT

1. David Strauss re continuing education requirements – Board directed that Mr. Strauss meet with Executive Director to discuss issue.

ADJOURNMENT

The May 15, 2007, meeting of the Pinellas County Construction Licensing Board was adjourned at 3:52 P.M.