



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 20, 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
Rick Dunn
Gareth Eich
Kevin Garriott
Steve Gleaton
Ernest Hand
Michael Keane
Patrick Murphy
Robert Nagin
James Rosenbluth
Danny Sandlin
Charles Spitzer
John Tillinghast
Fritz Wolf

CLASSIFICATION

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

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

Caroline Jones, Executive Admin. Secretary

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

I. PUBLIC HEARING – Pledge of Allegiance/Roll Call

No scheduled public hearings.

II. CONSENT AGENDA

After consideration, and on a motion by Member Nagin and a second by Member Hand, 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 March 18, 2008
- B. Financial Reports – March/April 2008
- C. Examining Committees Reports – April 2008
- D. Stipulations (Section 120.57(3), Florida Statutes)
 - 1. Harold J. Myers C07-995
 - 2. James Bryan Mosher C07-1103
 - 3. Calvin D. Johnson C07-1107; and C08-186
 - 4. Heinz J. Roeshink C07-1110
 - 5. George D. Mears C07-1117
 - 6. Donald J. Denick C08-9
 - 7. Jon Oldja C08-13
 - 8. Robert John Stanger C08-18
 - 9. Gordon W. Dafoe C08-26
 - 10. David Gaskins C08-40
 - 11. Tyler D. Sewart C08-52
 - 12. Thomas M. Farleo C08-72
 - 13. Richard N. Webster C08-79
 - 14. Robert Albert Levesque C08-89
 - 15. Julie J. Magill C08-41; 110; 111
 - 16. Steven Wilson C08-102; 181
 - 17. Larry David Bielicki C08-103; 299
 - 18. Timothy Carl Vanstone C08-104
 - 19. Sam J. Markopulos C08-118
 - 20. Sue Ann Fortenbery C08-135
 - 21. Richard H. Bulmanski C08-163
 - 22. William S. Colwell C08-166
 - 23. Doris G. Poulin C08-168
 - 24. David M. Ulatowski C08-172
 - 25. Christopher A. Rodgers C08-173
 - 26. Ronald P. Sciarretta C08-175
 - 27. Henry L. Schlichte C08-189
 - 28. Martin Lee Paro C08-190
 - 29. Thayne W. Swenson III C08-193
 - 30. Heinz J. Roeshink C08-197; 198; 199; 200; 201;

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.

Noting the absence of the Respondent, Robert Duncan, with regard to the first informal hearing, there being no objection, Chairman Skipper proceeded to the next case:

2. Gerhard Kalke, a Marine Specialty Contractor (C-9714) appeared and provided mitigating testimony in the case of Administrative Complaint C08-170. After consideration, review of testimony, and on a motion by Member Tafelski and a second by Member Dunn, the Board voted to accept the allegations of Administrative Complaint C08-170 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:

- a) Respondent is reprimanded for misconduct and assessed an Administrative Fine of \$500.00.
- b) Suspension of Respondent's license for one year, however, suspension is stayed if Respondent pays the administrative fine, provides proof that permit has been reinstated, and final inspection completed or resolution of the complaint with the Building Department within 30 days of a final order.

3. Lawrence Lee Norman, a state-certified Building Contractor did not appear and was not represented in Administrative Cases C07-927; 07-1088; and C08-92. Mr. Fischer noted for the record that three new complaints have been received but will not be heard by the Probable Cause Committee until late June. After consideration, review of testimony, and on a motion by Member Tafelski and a second by Member Dunn, the Board voted to accept the allegations of Administrative Complaint C07-927 as Findings of Fact and concluded Respondent violated Section 24 (2) (g)(h)(m), Chapter 75-489, Laws of Florida, and imposed the following penalty:

- a) Respondent is reprimanded for misconduct and a stipulated settlement of \$1,000.00 is imposed.
- b) Respondent's registration is suspended until such time as customer's complaints enumerated in Administrative Complaint C07-927 are resolved and proof of same provided to this office.

- c) Thereafter Respondent is placed on probation for one year with monthly reports of Respondent's construction activities reported to the PCCLB.

After consideration, review and on a motion by Member Nagin and a second by Member Eich, the Board voted to accept the allegations of Administrative Complaint C07-1088 as Findings of Fact and concluded Respondent violated Section 24 (2)(d)(j)(m), Chapter 75-489, Laws of Florida, and imposed the following penalty:

- a) Respondent is reprimanded for misconduct and a stipulated settlement of \$1,000.00 is imposed.
- b) Respondent's registration is suspended until such time as customer's complaints enumerated in Administrative Complaint C07-1088 are resolved and proof of same provided to this office.
- c) Thereafter Respondent is placed on probation for one year with monthly reports of Respondent's construction activities reported to the PCCLB.

After consideration, review and on a motion by Member Rosenbluth and a second by Member Nagin, the Board voted to accept the allegations of Administrative Complaint C08-92 as Findings of Fact and concluded Respondent violated Section 24 (2)(d)(e)(h)(j)(l)(m), Chapter 75-489, Laws of Florida, and imposed the following penalty:

- a) Respondent is reprimanded for misconduct and a stipulated settlement of \$1,000.00 per count (\$4,000) is imposed.
- b) Respondent's registration is suspended until such time as customer's complaints enumerated in Administrative Complaint C08-92 are resolved and proof of same provided to this office.
- c) Thereafter Respondent is placed on probation for one year with monthly reports of Respondent's construction activities reported to the PCCLB.

Responding to query by the Chairman, Mr. Fischer indicated that the unlicensed contractor mentioned in the complaint had been cited \$500.00.

1. Robert L. Duncan, a state-certified Roofing Contract (I-CCC-011607) (continued from the March 18, 2008 meeting) did not appear and was not represented. Mr. Fischer provided a brief summary of the issue before the Board wherein he indicated that Administrative Complaint C07-1075 contains two counts, one for misconduct and one for an expired permit. Following discussion and input from Investigator Garriques and on a motion by Member Rosenbluth and a second by Member Gleaton, the Board voted to

accept the allegations of Administrative Complaint C07-1075 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:

- a) Respondent is reprimanded for misconduct.
- b) Respondent's registration is suspended for one year; however, suspension stayed if Respondent pays a stipulated settlement of \$1,000.00 and resolves outstanding permits referenced on Administrative Complaint C07-1075 within 30 days of a final order.

(Member Nagin abstained from this vote)

B. Marco Alamina appeared to request that the Board discharge its final order wherein both his state-certified Building Contractor (CBC-1250858) and Roofing Contractor (CCC-1326541) registrations had been suspended. Following input by Mr. Fischer, Chairman Skipper directed that the three new cases involving Mr. Alamina be heard before consideration is given to the request.

1. C07-1139: Mr. Fischer provided information in the case of Administrative Complaint C07-1179. After consideration and review with input by Investigator Balas, Member Tafelski moved, seconded by Member Eich, that Administrative Complaint C07-1179 be dismissed on the grounds there was no violation of Pinellas County Licensing Law. Upon call for the vote, the motion carried with Members Dunn, Nagin, Rosenbluth and Wolf casting dissenting votes.

2. C08-20: Mr. Fischer provided a summary of the Administrative Complaint with Mr. Alamina answering questions by the Board members.. Following discussion by the members with input by Assistant County Attorney Ester and Investigator Balas, and on a motion by Member Tafelski and a second by Member Rosenbluth, the Board voted to dismiss C08-20 on the grounds there had been no violation of Pinellas County Licensing Law.

3. C08-32: Mr. Fischer provided an overview of the complaint wherein he indicated that the homeowner had contracted with Mr. Alamina dba Patriot Roofing Industries, Inc. to install a new roof and had paid the Respondent a \$10,000.00 deposit. The homeowner stated that the roof has never been started and has requested a refund of her deposit. Mr. Alamina stated that the Department of Business and Professional Regulation (DBPR) has been involved with the case; and that Patriot Roofing is refunding the \$10,000.00 and that both parties have signed off on the settlement agreement. Following input by Homeowner Monica Armella and review and discussion by the Board members, on a motion by Member Hand, and a second by Member Keane, the Board voted to accept the allegations of Administrative Complaint C08-32 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, as amended:

- a) Respondent is reprimanded for misconduct and a stipulated settlement of \$1,000.00 per count (\$3,000.00).
- b) Resolution of customer's complaint and follow through with the agreement signed between the homeowner and the Respondent.

In response to Member Murphy's suggestion that Mr. Alamina write a check now to the homeowner, Mr. Alamina stated that such a transaction would jeopardize Patriot Roofing Industries, Inc.

Request for Reinstatement of Registration by Marco Alamina. DENIED Mr. Fischer indicated that Mr. Alamina's permitting privileges had been suspended on March 18, 2008; and that the Respondent is requesting a review of the action; whereupon, Investigator Balas provided an overview of the three Administrative Complaints on which the suspension had been imposed: C07-988; C07-1067; and C07-1068.

In response to queries by the Chairman, Investigator Balas replied that the administrative fines had not been paid and that two of the three complaints remained outstanding. Following discussion, on a motion by Member Dunn and a second by Member Murphy, the Board unanimously voted to deny the request for reinstatement until all cases have been resolved and fines paid.

IV. MISCELLANEOUS CORRESPONDENCE & REQUESTS

- A. Old Business - None
- B. New Business
 - a. On a motion by Member Tafelski, seconded by Member Rosenbluth, the Board approved the 2008-2009 Employment Contract for Executive Director Rodney S. Fischer.
 - b. Member Tafelski moved, seconded by Member Dunn, that the State's revision with regard to Continuing Education for specialty contractor classifications be approved for adoption into the PCCLB requirements.
- C. Miscellaneous Correspondence and Reports Received
 1. Minutes of Special Master Hearing of April 8, 2008
 2. RULE 9B-3.0475 – Hurricane Mitigation Retrofits For Existing Site-Built Single Family Residential Structures.
 3. Letter from Sara Turshani to Investigator Jim Mapes expressing appreciation.
 4. Citations for 2008

5. Notice of retirement from James Hasbrouck, Chief Mechanical Inspector, Pinellas County Building and Development Services; and Board member of the Mechanical Examination Committee and Countywide Board of Adjustment and Appeals, Plumbing, Gas and Mechanical Division, effective June 30, 2008.

ADJOURNMENT

On a motion by Member Sandlin, seconded by Member Hand, the PCCLB meeting of May 20, 2008 was adjourned at 3:26 P.M.

Chair