



MINUTES

MAY 25, 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 May 25, 2004.

Members in attendance were:

MEMBERS

Paul J. Skipper, Chair
Peter Jon Volmar, Vice Chair
John Burket
Wayne Butler
Brian Deeb
Kevin Garriott
Bill Holloway
Billy Huettig
Jack Joyner
Michael Keane
Milton Massanet
Patrick Murphy
Michael Nadeau
Robert Nagin
Fred Oppenheimer
Danny Sandlin
James Saul
Sandy Sullivan
Thomas Tafelski
Fritz Wolf

CLASSIFICATION

Building
Architect
General
Fire Marshal
Consumer
Building Official
Roofing
Electrical
Mechanical
General
Building Official
Building Official
Building Official
Building Official
Aluminum
Building Official
Plumbing
Fire Marshal
Building
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

A. 1. The Board received a proposed local technical amendment to Section 405.3.1 to add an Exception, as recommended by the Countywide Board of Adjustment & Appeals – Plumbing, Mechanical & Gas, Division I. After consideration and on a motion by Member Joyner and a second by Member Burket, the Board voted approval of adding an Exception to Section 405.3.1 as follows:

405.3.1 EXCEPTION: For any one, two or three residential family dwellings

When the building owner approves in writing, the lavatory may be placed closer than 15 inches to any sidewall, partition, vanity or other obstruction on one side only. All other fixture clearances are required.

A. 2. The Board received a proposed amendment to Table 603.1 to add an Exception, as recommended by the Countywide Board of Adjustment & Appeals – Plumbing, Mechanical & Gas, Division I. After consideration and on a motion by Member Burket and a second by Member Volmar, the Board voted approval of adding an Exception to Table 603.1 as follows:

603.1 EXCEPTION: For any one, two or three residential family dwellings

When the building owner approves in writing, one bathroom group may be added to the existing hot and cold water system, not to exceed a maximum of eight drainage fixture units for any fixtures added.

Motion carried on both proposals and they will be forwarded to the Florida Building Commission as local technical amendments to the Florida Building Code, 2001 – Plumbing, with an effective date upon FBC approval.

B. The Board received a proposed local technical amendment to Section 304.1 General, to clarify/change the section, as recommended by the Countywide Board of Adjustment & Appeals – Plumbing, Mechanical & Gas, Division II. After consideration and on a motion by Member Keane and a second by Member Burket, the Board voted approval of the revision to Section 304.1 General, as follows:

304.1 General

~~Equipment and appliances shall be installed as required by the terms of their approval. Equipment and appliances shall be installed~~ in accordance with the conditions of the product listing and the ~~manufacturer's installation instructions~~ and this code. Manufacturer's installation instructions shall be available on the job site at the time of inspection.

Motion carried on this proposal and it will be forwarded to the Florida Building Commission as a local technical amendment to the Florida Building Code, 2001 – Mechanical, effective upon the Commission's approval, which should be granted in approximately 30 days.

C. On a motion by Member Burket and a second by Member Volmar, the Board voted approval to amend the PCCLB Rules to increase the experience required to obtain a Painting Specialty license to four years. Motion carried.

D. On a motion by Member Tafelski and a second by Member Nagin, the Board voted approval to amend the PCCLB Rules to administratively deem contractor licenses inoperable when mandatory insurance requirements are not met. Motion carried. Rule 04-4 is as follows:

The Executive Director of the PCCLB shall, upon notification of expiration of any applicable insurance coverage, or exemption from such coverage, inform the licensee of such notification in writing at the last address listed with the PCCLB for the contractor. The Executive Director shall allow a period of ten (10) days from the mailing of such notification to provide proof of coverage or exemption. If contractor fails to provide the requisite proof, the Executive Director shall place the contractor's license in an inoperable status and send notification to all Pinellas County Building Departments that the license is currently inoperable. Any such license may be reinstated by the contractor upon proof of proper coverage and payment of the applicable fee. Any licensee whose license has become inoperable may

request a hearing before the PCCLB. Such hearing will be held at the next regularly scheduled PCCLB meeting. Inoperable license shall mean that the license is of no current force and effect sufficient to pull permits or engage in contracting or perform work under existing contracts.

Member Tafelski requested all local technical amendments and PCCLB Rules be made available for informational purposes on the PCCLB website.

II. CONSENT AGENDA

After consideration, and on a motion by Member Volmar and a second by Member Murphy, 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 informal administrative hearings in accordance with section 120.57(2), Florida Statutes. The Respondents 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 case for the Petitioner.

1. Lee Owens, a Pool/Spa Service Specialty contractor, did not appear and was not represented in the case of Administrative Complaint C03-653. After consideration, review, and on a motion by Member Burket and a second by Member Volmar, the Board voted to accept the allegations of Administrative Complaint C03-653 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:

- a) Respondent is reprimanded for misconduct and abandonment; and
- b) Respondent is assessed an Administrative fine of \$1,500; and
- c) Suspension of license C-8766 for one year, however, suspension is stayed for 30 days and shall become probation if Respondent pays the administrative fine and corrects the homeowner's problem.

2. Anthony Mircovich, a Painting Specialty contractor, did not appear and was not represented in the case of Administrative Complaint C03-1033. After consideration, review, and on a motion by Member Deeb and a second by Member Nagin, the Board voted to dismiss the case and refer it to the Department of Justice and Consumer Services due to the fact that Mr. Mircovich's license had been closed with the PCCLB. Motion carried.

3. Lisa A. Moran, a Marine Specialty contractor, did not appear and was not represented in the case of Administrative Complaints C03-949 and C03-1047. On behalf of homeowner and complainant Geistwhile, Myron Gibson, Marine Specialty Contractor License C-3880, gave testimony. After consideration, review, and on a motion by Member Burket and a second by Member Huettig, the Board voted to accept the allegations of Administrative Complaints C03-949 and C03-1047 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:

- a) Respondent is assessed an Administrative fine of \$4,000, payable within 30 days of the Final Order; and
- b) Respondent's Marine Specialty contractor license C-6894 is hereby revoked; and

- c) Reinstatement of Respondent's license will require Board appearance and the payment of restitution in the amount of \$7,000 agreed to in a mediated settlement with complainant, Geistwhile.

B. Upon the recommendation of Executive Director Fischer, and on a motion by Member Tafelski and a second by Member Joyner, the Board voted (Member Deeb, contra) to authorize the Board to enter into a one-year contract to hire the following three applicants for Special Master. These candidates were chosen from over thirty applicants. Attorneys Patricia Muscarella, Bruce Taylor and Robert Walker will serve as Special Masters.

C. Executive Director Fischer informed the Board of the hiring of Don Balas as the third Field Investigator with the PCCLB.

D. On a motion by Member Tafelski and a second by Member Deeb, the Board authorized Chairman Skipper to renew the contract with Executive Director Fischer for the period July 1, 2004 through June 30, 2005 with a 5% salary increase. Current terms and conditions to remain the same.

IV. CORRESPONDENCE & REQUESTS

- A. The Board accepted miscellaneous reports for filing.

The meeting was adjourned at 3:05 P.M.

The next meeting of the Pinellas County Construction Licensing Board will be held on July 20, 2004 at 1:30 P.M. at Building 3, Largo City Hall Complex, 201 Highland Avenue, Largo, Florida.