

1. Stephen W. McKenzie, a Residential contractor, appeared and provided testimony in mitigation of Administrative Complaint C03-241. After consideration, review, and on a motion by Member Volmar and a second by Member Holloway, the Board voted to accept the allegations of Administrative Complaint C03-241 as Findings of Fact and concluded Respondent violated Section 24 (2)(d)(h)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- a. Administrative fine of \$1,000; and
- b. Suspension of license C-1656 (RR00290652) for one year, however, suspension is stayed for 30 days and shall become probation if Respondent pays the administrative fine, obtains final inspection, resolves lien issue, and provides the PCCLB with a letter of resolution from homeowner, Robinson.

2. Edward F. McCullough, a Roofing contractor, appeared and provided testimony in mitigation of Administrative Complaint C03-295. After consideration, review, and on a motion by Member Holloway and a second by Member Joyner, the Board voted to accept the allegations of Administrative Complaint C03-295 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 penalty:

- a. Reprimand for abandonment; and
- b. Administrative fine of \$500; and
- c. Payment of pending civil court judgment; and
- d. All future complaints found to have Probable Cause are to come before the PCCLB Board; and
- e. Suspension of license C-5113 (RC0061335) for one year, however, suspension is stayed for 30 days and shall become probation if Respondent pays the administrative fine and civil court judgment.

3. Jack Hart, an Aluminum Specialty contractor, appeared and provided testimony in mitigation of Administrative Complaint C03-361. Member Deeb abstained from discussion and vote, stating he was the attorney of record for the complainant in the case. After consideration, review, and on a motion by Member Tafelski and a second by Member DiPasqua, the Board voted to stay the case for six months, pending prosecution with possible restitution in the civil courts.

4. John Colombo, a Flatwork Masonry Specialty contractor, did not appear due to hospitalization. As he has requested appearance before the Board to provide testimony in mitigation of Administrative Complaint C03-377, on a motion by Member Deeb and a second by Member Tafelski, the Board (Members Burket and Wolf, contra) voted to continue the Informal Hearing until the November 18 meeting.

5. John Merillat, a Roofing contractor, appeared and provided testimony contesting the allegations of Administrative Complaint C03-394; 444. On a motion by Member Wolf and a second by Member DiPasqua, the Board (Member Burket, contra) voted to refer the case to the Division of Administrative Hearings for a formal hearing. Motion carried.

6. Kevin Dunlap, an Aluminum Specialty contractor, did not appear and was not represented in the case of Administrative Complaint C03-491. After consideration, review, and on a motion by Member Tafelski and a second by Member Nagin, the Board voted to accept the allegations of Administrative Complaint C03-491 as Findings of Fact and concluded Respondent violated Section 24 (2)(d)(g)(h)(j)(k)(m), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- a. Reprimand for financial mismanagement and abandonment; and
- b. Administrative fine of \$1,000; and
- c. Immediate suspension of license C-8679 until resolution of Administrative Complaint C03-491 and subsequent complaints, payment of the administrative fine, and fee to reinstate.
- d. Referral of Administrative Complaint(s) to Department of Justice and Consumer Services.

B. The Construction Industry Licensing Board recognizes the Specialty Structure license definition for aluminum contractors. (PCCLB Board approval of this definition had been granted for legislative action three years prior). To become consistent with the State, recommendation was made for the Board to establish a new licensing category of Specialty Structure contractor. On a motion by Member Nagin and a second by Member Joyner, the Board voted to grandfather all PCCLB aluminum license holders under this new classification, effective this date. Motion carried.

C. Executive Director Fischer stated the PCCLB has utilized the services of Experior (formerly Block & Assoc.) for many years as our exam vendor; however, Experior has recently elected to withdraw testing for a number of classifications including Finish Carpentry. On a motion by Member Burket and a second by Member Nagin, recommendation was made to allow PCCLB staff the option of utilizing any of the following four exam vendors, i.e. Experior, PSI, PTI or Gainesville Testing agencies to assure continuation of all exam classifications and assurance of reciprocity with all other licensing jurisdictions in Florida. Motion carried.

D. On a motion by Member Erdelac and a second by Member Nagin, the possibility of granting specialty licensing for tub painters was referred to the Painting Exam Committee of the PCCLB for their recommendation. Motion carried.

E. On a motion by Member Tafelski and a second by Member Holloway, the Board voted to approve adoption of the resolution relating to payment and reimbursement of travel expenses for PCCLB officers and employees, to be consistent with the rate schedule adopted by the Board of County Commissioners. The resolution relates to the change in state statute 112.061.

F. In an effort to more effectively cease unlicensed activity in the county, with the support of the Board, Don Crowell, PCCLB Attorney, has developed an ordinance to the Pinellas County Code which would allow for restructuring the enforcement procedures by either County Court prosecution or enforcement by the PCCLB through a Special Master administrative hearing process, legislatively setting fines at \$500 for each offense, allowing the PCCLB to retain fine monies for further enforcement activity, and allowing for stiffer penalties for repeat offenders, i.e. possibly subject to incarceration. The ordinance will also reflect changes made to State Law particularly with respect to the adoption of the Florida Building Code and removes

many outdated County Code sections relating to licensure. On a motion by Member Tafelski and a second by Member Wolf, the Board voted approval for moving forward with the ordinance. Passage of the ordinance will allow the PCCLB to consider hiring an additional investigator. Motion carried.

G. Attorney Crowell spoke on removing all specialty contractor definitions from the PCCLB Special Act legislation in order for the PCCLB to maintain these classifications through Board Rule. Further amendment to the act would allow all state license categories become consistent with the State definitions and referenced as such when State changes occur. As the CILB Rules are also available as an option to reference, on a motion by Member Burket and a second by Member Volmar, the Board voted to refer the decision to an Ad Hoc Committee for further study. Motion carried

H. For informational purposes, the Board was made aware that all Workers' Compensation exemptions are invalidated as of January 1, 2004 and new exemptions will be required to meet the reform legislation passed in 2003. The PCCLB will be placing those contractors who have not satisfied the requirements of Workers' Compensation coverage and/or exemption as of the 1st of January in a pending status. They will become administratively inactive after 30 days.

IV. CORRESPONDENCE & REQUESTS

A. Mr. Michael Gaddis came before the Board to request grandfathering in as a Finish Carpentry Specialty contractor. Mr. Gaddis previously held an Aluminum contractor license and was suspended by Board action many years ago. On a motion by Member Wolf and a second by Member Erdelac, the Board moved to accept Mr. Gaddis' application for grandfathering providing he meets the necessary criteria.

The meeting was adjourned at 3:25 P.M.

The next meeting of the Pinellas County Construction Licensing Board will be held on November 18, 2003 at 1:30 P.M. at Building 3, Largo City Hall Complex, 201 Highland Avenue, Largo, Florida.