



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 September 16, 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
John C. Burket
Rick Dunn
Gareth Eich
Kevin Garriott
Steve Gleaton
Ernest Hand
Michael Keane
Ed Mullins
Patrick Murphy
Robert Nagin
James Rosenbluth
Charles Spitzer
John Tillinghast
Peter Vasti
Fritz Wolf

CLASSIFICATION

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

Also attending:
Secretary

Rodney Fischer, Exec. Director
Jason Ester, Esq.

Caroline Jones, Executive Admin.

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

I. PUBLIC HEARING – Pledge of Allegiance/Roll Call/Oath

Following introduction of the proposed revised definition, there being no citizens to be heard, Member Tafelski moved, seconded by Member Dunn, that the proposed revised definition be approved.

DRYWALL SPECIALTY CONTRACTOR - APPROVED

1. The “Drywall Contractor” is a specialty contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary to install, repair, maintain, and replace drywall.
2. The scope of such work shall include the installation of all necessary and incidental metal accessories, including metal studs, runners, hanger channels, drywall metal suspension accessories, ceiling materials, insulation, and the preparation of the surface over which drywall or other cementitious board product is to be applied. This work also includes the application of base and finish coats specifically designed for the drywall products. The scope of such work shall comply with all plans, specifications and applicable codes, laws and regulations.
3. The “Drywall 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.

Discussion ensued wherein Member Wolf objected to the verbiage relating to the drywall contractor using structural metal studs. Upon call for the vote, the motion carried to approve the revised definition with Member Wolf voting in opposition.

II. CONSENT AGENDA

After consideration and on a motion by Member Burket and a second by Member Dunn 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 July 15, 2008
- B. Financial Reports – July/August 2008
- C. Examining Committees Report – August/ September 2008
- D. Stipulations (Section 120.57(3), Florida Statutes)
 1. Ronald Edwin Artile C08-133
 2. Calvin Dean Johnson C08-150
 3. Kurt J. Pasionek C08-211

4.	Raymond Smith III	C08-213
5.	Patrick E. Johnson	C08-214
6.	Wilson Ray Petitt	C08-219
7.	Kevin Sherrod Wells	C08-230
8.	Robin Lee Cousino	C08-249
9.	Gentian Kraja	C08-253
10.	George Payson	C08-269
11.	James D. Shuler	C08-274
12.	Richard Bulmanski	C08-292/293
13.	Richard Frank Hicks, Jr.	C08-301
14.	Desmond G. Rowden	C08-317
15.	Heinz J. Roeshink	C08-320
16.	Peter Rober5 Bycroft	C08-336
17.	David Anthony Reed	C08-342
18.	Guy Patrick Kunnen	C08-344
19.	Manual F. McAlpin	C08-394
20.	John Surdich	C08-412
21.	Vladmir V. Dudenkov	C08-430
22.	James Harvey Blasingim	C08-431
23.	Ronald P. Sciarretta	C08-441
24.	Christopher Stubblefield	C08-444
25.	Randall J. Sanders	C08-445; 568; 569
26.	Thomas H. Whalley	C08-450
27.	William P. Duret	C08-484/654
28.	Thomas Robinson	C08-499/527
29.	Robert J. Yankanich	C08-503
30.	Charles V. Cahall	C08-512
31.	Robert M. Hope	C08-516
32.	Stephen C. Dondero, Sr.	C08-528
33.	Ray C. White	C08-529
34.	Hans L. Balchen	C08-535
35.	Cody D. Nichols	C08-538
36.	Ethan Tyler Lillibridge	C08-560
37.	Robert Thomas Miano	C08-576
38.	Larry Wayne Mink	C08-584
39.	Robert J. Bronsard	C08-599
40.	Angel Pintado	C08-603
41.	James L. Brown, Jr.	C08-633
42.	Robert Charles Adams	C08-643
43.	Jacek Borys	C08-645
44.	Michael Wayne Bracewell	C08-650
45.	Kenneth McDuff Roesch III	C08-721
46.	Archie C. Blackmon	C08-723/724
47.	James E. H. Newman	C08-726
48.	Corey Frank Babcock	C08-746
49.	Timothy Leon Revels	C08-750
50.	Guido Nardi	C08-790
51.	Mark C. Wessel	C08-791

Deviating from the agenda, Chairman Skipper noted that Assistant County Attorney Jason Ester would present an overview of the Administrative Complaint process.

Referring to the PCCLB Election of Rights document, Attorney Ester defined the three options available to the respondent when the complaint is first received:

- (1) Does not dispute the allegations of fact contained in the administrative complaint, waives the right to object or to be heard; and stipulates to the facts and a recommended penalty;
- (2) Does not dispute allegations of fact in the administrative complaint but wishes to be accorded an informal hearing where respondent is permitted to submit oral and /or written evidence mitigating the complaint in front of the PCCLB; and
- (3) Does dispute the allegations of fact in the administrative complaint wherein respondent petitions for a formal hearing in front of an administrative law judge from Tallahassee.

Chairman Skipper noted that historically the three options have been conclusive when dealing with administrative complaints.

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. Thomas E. Russell, a state-certified Roofing Contractor (CCC-1327013) did not appear in the case of Administrative Complaint C07-931. Mr. Fischer indicated that the contractor had failed to obtain a building permit prior to the start of construction; and that the drywall repairs had been subcontracted to an unlicensed individual. During testimony Operations Manager, Mark Nivens' advised that Mr. Russell's failure to attend the hearing is due to family illness and stated that he had been authorized to represent the respondent. Chairman Skipper advised that during a disciplinary action it is mandatory for the licensed individual to be present.

Member Burket moved the approval of the recommended disciplinary action, seconded by Member Rosenbluth. Discussion ensued wherein Member Burket amended his motion to include that the respondent either provide a notarized

Power of Attorney for his operations manager or appear before the PCCLB at its November meeting in order to reinstate his license. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C07-931 as Findings of Fact and concluded Respondent violated Section 24 2(d)(e)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for misconduct
- (b) Respondent stipulates to a settlement fee of \$500 for Administrative Complaint 07-931; and
- (c) Respondent's registration is suspended, however, suspension is stayed if respondent settles the administrative complaint within 30 days of the final order and provides the Board with a notarized document listing Respondent's current address and location and/or a notarized Power of Attorney authorizing Respondent's representative to settle this administrative complaint on Respondent's behalf; or appearance before the Board at the November 2008 meeting; and
- (d) Thereafter, Respondent is placed on probation for one year with monthly reports of Respondent's Pinellas County roofing activities reported to the PCCLB.

2. Jerry L. Davis, a state-certified general contractor (CGC-1505950) did not appear and was not represented in the case of Administrative Complaint C08-351. Mr. Fischer presented allegations that the Respondent had aided and abetted an unlicensed individual; that said individual had used Respondent's license to obtain a building permit; that Respondent had failed to provide proof of workers' compensation insurance coverage; and that Mr. Davis is guilty of misconduct. Responding to queries by the Chairman, Mr. Fischer indicated that the Respondent had failed to reply to the complaint; and PCCLB Investigator Don Balas stated that the unlicensed individual had been cited.

Following discussion, Member Burket moved, seconded by Member Rosenbluth, that the disciplinary recommendation be approved. Following further discussion, Member Burket amended his motion with the concurrence of the seconder, and the Board voted to accept the allegations of Administrative Complaint C08-351 as Findings of Fact and concluded Respondent violation Section 2(d)(e)(j)(l)(m), Chapter 75-489, Laws of Florida, as amended; and imposed the following amended penalty:

- (a) Respondent is reprimanded for misconduct;
- (b) Respondent is assessed a stipulated settlement of \$500; and
- (c) Respondent's registration is suspended until such time as administrative complaint C08-351 is resolved, settlement paid, appears before the PCCLB; and thereafter is placed on probation for one year with monthly reports of Respondent's construction activities reported to the PCCLB.

IV. MISCELLANEOUS CORRESPONDENCE & REQUESTS

- A. Old Business:
 - (1) Attorney Ester provided an overview of the Sunshine Law as it relates to the PCCLB members and Executive Director.
 - (2) Referring to Robert Duncan, a state-certified roofing contractor (CCC-011607), Mr. Fischer reported that administrative complaint C07-1075 has been resolved and closed; whereupon, Pinellas County Chief Building Inspector John Segrete advised that Mr. Duncan did not have any abandoned permits at the present time. Following discussion, the Board agreed that any current complaints pertaining to Mr. Duncan's expired permits be resolved without the imposition of fines.
- B. New Business:
 - (1) Mr. Fischer reported that the November 2008 meeting will be held at the Young-Rainey Star Center.
 - (2) Acknowledgement of the retirement of Member Nagin and Member Spitzer's departure from the Board; whereupon, Chairman Skipper presented plaques to both outgoing members.
 - (3) Member Nagin reported that the 2007 Florida Building Code had been postponed to March 1, 2009; whereupon, Member Spitzer advised that the 2008 National Electric Code had also been postponed; and Members Hand and Mullins reported on the Florida Fire Prevention Code.
 - (4) Discussion pertaining to roof code.
- C. Miscellaneous Correspondence and Reports Received
 - 1. Minutes of Special Master Hearing of August 12, 2008
 - 2. Letter of resignation from Rob Nagin.
- D. Public Comment – None.

ADJOURNMENT

The September 16, 2008 meeting of the PCCLB was adjourned at 2:37 P.M.

Chairman