



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 18, 2007. This meeting was publicly advertised and a quorum was present.

Members in attendance were:

MEMBERS

Thomas Tafelski, Vice Chair
Steve Andrews
John C. Burket
Rick Dunn
Gareth Eich
Kevin Garriott
Ernest Hand
Jack Joyner
Michael Keane
Patrick Murphy
James Rosenbluth
Danny Sandlin
Charlie Spitzer
John Tillinghast
Peter Vasti
James Warman
Fritz Wolf

CLASSIFICATION

Building
Building Official
General
Building Official
Architect
Building
Fire Marshal
Mechanical
General
Building Official
Building
Building Official
Electrical
Roofing
Consumer
Fire Marshal
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 Specialty Structure Contractor classification as recommended by the Licensing Committee in order to remain consistent with the State of Florida Construction Industry Licensing Board definition. After consideration and on a motion by Member Murphy and a second by Member Eich, the Board voted approval of the revision, effective immediately, as follows:

SPECIALTY STRUCTURE CONTRACTOR

(a) "Specialty Structure Contractor" is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, handling, erection, installation, replacement, dismantling, adjustment, alteration, repair, servicing and design work when not prohibited by law, in accordance with accepted engineering data and/or according to manufacturers specifications in the aluminum, metal, canvas, vinyl and fiberglass screening, doors and windows, hurricane protection devices and allied construction materials.

(b) The scope of such work shall include and be limited to fabric coverings on metal substructures, screened porches, screened enclosures, pool enclosures, preformed panel-post and beam roofs, roof-overs, vinyl or acrylic panel window enclosures, guardrails, handrails, aluminum and vinyl fences, the installation or replacement of windstorm protective devices, single story self-contained aluminum utility storage structures (not to exceed 720 sq. ft.), residential glass window and door enclosures, sunrooms, siding, soffit, fascia and gutters. The installation or replacement of window and door assemblies certified in accordance with AAMA 101/ I.S.2 or Miami Dade TAS 201, 202, 203 as specified by the Florida Building Code in Group R occupancy buildings, as defined by the Florida Building Code, up to three stories or thirty feet in height. The installation or replacement of windstorm protective devices, except for impact resistant glazing, shall be unlimited. Division I Contractors shall be permitted to subcontract with Specialty Structure Contractors for the installation or replacement of window and door assemblies certified in accordance with AAMA 101/ I.S.2 or Miami Dade TAS 201, 202, 203 as specified by the Florida Building Code in buildings of Group R occupancy, as defined by the Florida Building Code, of any height. The scope of such work shall include wood work incidental to the aluminum and allied materials construction work. It shall be limited to the construction of wood framing for the walls of uninhabitable utility storage structures, raised wood decks for enclosures, and the repair and/or replacement of wood incidental to the installation of glass windows and doors, installation of siding, soffit, fascia, gutters and preformed panel-post and beam roofs. The scope of such work shall comply with all plans, specifications, codes, laws and regulations applicable.

(c) The scope of such work shall include masonry concrete work and be limited to foundations, slabs and block knee walls incidental to the aluminum and allied construction materials construction work. The specialty structure contractor, whose services are limited, shall not perform any work that alters the structural integrity of the building including but not limited to roof trusses, lintels, load bearing walls and foundations.

(d) The specialty structure contractor shall subcontract, with a licensed qualified contractor in the field concerned, all other work incidental to that which is defined herein but which is the work of a trade other than that of a specialty structure contractor. Nothing in this definition shall be construed to limit or infringe upon the scope of work of any specialty contractor certified pursuant to Sections 489.105(3) and 489.113(6), F.S.

(Established 9/16/03)(Revised 9/18/07)

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 with the exception of Item D (10), Stipulation C07-370, Gary Swailes. 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 17, 2007
- B. Financial Reports – June and July 2007
- C. Examining Committees Reports – July/August 2007
- D. Stipulations (Section 120.57(3), Florida Statutes)
 - 1. Gerhard George Kalke C07-235
 - 2. Paul E. Arnold C07-362
 - 3. Arnold A. Iannaccone C07-474
 - 4. Philip L. Phillips C07-518
 - 5. Joseph M. DiSalvo C07-543
 - 6. Sean Demetrius Carter C07-546
 - 7. Henry McCullough C07-553
 - 8. Dennis D. Allen C07-586
 - 9. David McGeehan C07-578
 - 10. Withdrawn - to be addressed under informal administrative hearings.

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. Gary Swailes, a specialty structure contractor (C-8181), did not appear and was not represented in the case of Administrative Complaint C07-370.

Following discussion and testimony by the Complainants, on a motion by Member Burket, seconded by Member Murphy, the Board voted to accept the allegations of Administrative Complaint C07-370 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(e)(j)(l)(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 C07-370;

- b) Respondent is assessed an administrative fine of \$1,000.00 per count for Administrative Complaint C07-370; and
- c) Respondent's license is suspended immediately, and if he reapplies for reinstatement, proof of resolution of Administrative Complaint C07-370 is to be provided with appearance before the Board and satisfaction of all outstanding fines and fees.

2. Jesus Cerda, a Roofing Contractor (C-8259), did appear and provided mitigating testimony pertaining to Administrative Complaint Nos. C07-1; 328; 397; 470, 483, 487, 538, 710, 726, and 741.

Following discussion, on a motion by Member Burket, seconded by Member Murphy, the Board voted to accept the allegations of Administrative Complaints: C07-1; 328; 397; 470, 483, 487, 538, 710, 726, and 741 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(g)(h)(j)(m), Chapter 75-489, Laws of Florida, as amended, and imposed the follow penalty:

- a) Respondent is reprimanded for misconduct, financial mismanagement, and abandonment; and
- b) Respondent is assessed an administrative fine of \$1000.00 for each count of Administrative Complaints C07-1, 328, 397, 470, 483, 487, 538, 710, 726, 741; and
- c) Respondent's license is immediately revoked. Respondent may apply to this Board for reinstatement of license after one year period provided that all outstanding Administrative Complaints are resolved and All Administrative fines paid. Should the Board reinstate Respondent's license, Respondent will be on probation for one year with monthly reports as to Respondent's construction activities.

3. Joseph M. DiSalvo, an Air Conditioning Contractor (C-1708) did appear and provided mitigating testimony in the case of Administrative Complaint C07-367

Testimony was presented by the Complainant DeLois Martin, Clearwater wherein she noted that her home had incurred damages during the installation of an air conditioning unit by the Respondent's business National Heating, Air Conditioning, and Plumbing.

Member Burket moved, seconded by Member Dunn, that the recommended disciplinary action be approved. Following discussion, Member Burket modified his motion, with the concurrence of the seconder, and the Board voted to accept the allegations of Administrative Complaint C07-367 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 follow penalty:

- a) Respondent is reprimanded for misconduct; and
 - b) Assessed an Administrative fine of \$1,000.00 for Administrative Complaint C07-367; and
 - c) Respondent to reimburse Homeowner Martin \$2,000.00 within 30 days of September 18, 2007; and
 - d) Respondent's license is suspended for one year; however, suspension is stayed for 30 days and shall become probation for one year if Respondent satisfies administrative fine and reimbursement costs.
4. Richard Hillyer, Jr., a state-certified General Contractor (CGC-061087) did not appear and was not represented in the case of Administrative Complaint C07-251.

Following discussion with testimony by the Complainant, on a motion by Member Dunn and second by Member Burket, the Board voted to accept the allegations of Administrative Complaint C07-251 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 amended penalty:

- a) Respondent is reprimanded for misconduct, failure to qualify his company, operating in a name other than that in which he is licensed, financial mismanagement, and abandonment; and
- b) Settlement of \$1,000.00 for each count of Administrative Complaint C07-251; and
- c) Suspension of Respondent's registration until Respondent pays settlement charge and resolves C07-251 by refunding homeowner Slinkard's deposit monies; and
- d) Referral of Administrative Complaint C07-251 to the Department of Business and Professional Regulation; and
- e) If Respondent reaches settlement and resolution, he may apply to this Board for reinstatement of Respondent's registration but will be on probation for one year with monthly reports as to Respondent's construction activities.

5. Howard Kantor, a state-certified General Contractor (CGC-061931) did not appear and was not represented in the case of Administrative Complaint C07-365.

Following discussion, Member Joyner moved, seconded by Member Dunn, that the disciplinary recommendation be approved. Following further discussion, Member Joyner amended his motion with the concurrence of the seconder, and the Board voted to accept the allegations of Administrative Complaint C07-365 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(k)(m), Chapter 75-489, Laws of Florida as amended, and imposed the following amended penalty:

- a) Respondent is reprimanded for misconduct and abandonment; and
- b) Settlement of \$500.00 for Administrative Complaint C07-365; and

- c) Suspension of registration, however, suspension is stayed for 30 days and will become probation for one year if Respondent pays the settlement.
6. Raymond George Nevels, a Roofing Contractor (C-9458) did not appear and was not represented in the case of Administrative Complaint C07-283.

Following consideration, Member Murphy moved, seconded by Member Burket, the Board voted to accept the allegations of Administrative Complaint C07-283 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, financial mismanagement and abandonment; and
- b) Settlement of \$1,000.00 for Administrative Complaint C07-283; and
- c) Suspension of Respondent's license, however, suspension is stayed for 30 days and will become probation for one year if Respondent pays the settlement.

IV. MISCELLANEOUS CORRESPONDENCE & REQUESTS

- A. Old Business - None
- B. New Business:
 - 1. Licensing Committee recommendation presented pertaining to the adoption of a policy for awnings.
- C. Miscellaneous Correspondence and Reports Received:
 - 1. Scheduled effective date of the 2007 Florida Building Code
 - 2. Hurricane Mitigation Retrofit Requirements
 - 3. Letter from National Heating, Air Conditioning, and Plumbing, Inc.
 - 4. Letter of appreciation from Dale L. Hatton
 - 5. Correspondence from State of Florida Department of Highway Safety and Motor Vehicles re Appointment of New Program Manager for the Mobile Home Installer Program.
 - 6. Year-to-date Citation Report.

PUBLIC COMMENT

- 1. There was no public comment.

ADJOURNMENT

The September 18, 2007 meeting of the Pinellas County Construction Licensing Board was adjourned at 3:32 P.M.