



# 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 November 15, 2005. This meeting was publicly advertised and a quorum was present.

Members in attendance were:

### MEMBERS

Paul J. Skipper, Chair  
Thomas Tafelski, Vice Chair  
Steve Andrews  
John C. Burket  
Gareth Eich  
Ernest Hand  
Rick Howard  
Milton Massanet  
Patrick Murphy  
Robert Nagin  
James Rosenbluth  
Charlie Spitzer  
John Tillinghast  
Peter Vasti  
Fritz Wolf

### CLASSIFICATION

Building  
Building  
Building Official  
General  
Architect  
Fire Marshal  
Swimming Pool  
Building Official  
Building Official  
Building Official  
Building  
Electrical  
Roofing  
Consumer  
Residential

Also attending: Rodney Fischer, Exec. Director Carol Jones, Admin. Secretary  
Don Crowell, Esq. Members of the Public

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

### I. PUBLIC HEARING - Pledge of Allegiance/Roll Call

There were no public hearings.

A plaque for faithful and dedicated service to the PCCLB Board was presented to outgoing members David Habib and Bill Holloway.

### II. CONSENT AGENDA

After consideration, and on a motion by Member Burket 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. Motion carried.

### III. REGULAR AGENDA

A. The Board conducted informal administrative hearings in accordance with section 120.57(2), Florida Statutes. The Respondents either elected an informal hearing or defaulted by not executing an Election of Rights and were 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. Earl Eberly, a State-Certified General contractor (CGC001695), did not appear and was not represented in the case of Administrative Complaint C05-141. After consideration, review of testimony, and on a motion by Member Burkett and a second by Member Nagin, the Board voted to accept the allegations of Administrative Complaint C05-141 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, permit violations, violation of Pinellas County Ordinance; and
- b) Suspension of Respondent's permitting privileges with notification to all Pinellas County jurisdictions, until Respondent pays an administrative fine of \$1,000 per count (\$98,000), provides evidence that Respondent has renewed state license, and provides the PCCLB with evidence that Respondent has reinstated the referenced permits and satisfactory final inspection from the City of St. Petersburg.

Discussion ensued wherein Vice-Chair Tafelski moved that press releases be utilized for the purpose of promoting public awareness of contractors who are found to repetitively violate the law. Following additional discussion, Vice-Chair Tafelski withdrew his motion and upon motion by Member Burket with a second by Vice-Chair Tafelski, the Board approved the establishment of an Ad Hoc Committee to examine the aforesaid issues.

2. Robert S. Powell, a Certified Building contractor (CBC057205) appeared and provided testimony in the case of Administrative Complaint C05-180. After consideration, review of testimony, and on a motion by Vice-Chair Tafelski and a second by Member Burket, the Board voted to temporarily defer Administrative Complaint C05-180. Motion carried.

3. Marco Alamina, a certified Building Contractor (I-CBC1250858, CBC1250858), appeared and provided testimony in mitigation of Administrative Complaints C05-319, 464, 508, 535, and 592. After consideration, review, and on a motion by Member Burket and a second by Member Nagin, the Board directed the case be temporarily deferred to the January meeting; and that Mr. Alamina be given until December 5, 2005 to resolve the outstanding complaints. Motion carried.

4. Christopher Miller, a Certified Flatwork Masonry Specialty Contractor (C-8696), did not appear and was not represented in the case of Administrative Complaints C05-635, 636, 637, 638, 639, and 862. After consideration, review of testimony, and on a motion by Vice-Chair Tafelski and a second by Member Murphy, the Board voted to accept the allegations of Administrative Complaints C05-635, 636, 637, 638, 639 and 862 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 financial mismanagement, abandonment, misconduct and
- b) Respondent is assessed an Administrative Fine of \$1,000.00 per outstanding Administrative Complaint; and
- c) Revocation of Respondent's license, with notification to all Pinellas County jurisdictions; and

- d) Reinstatement will not be considered by the PCCLB until Respondent pays administrative fines, reinstatement and renewal fees, and resolves all outstanding Administrative Complaints.

5. James P. McMahon, a Glass and Glazing Specialty Contractor (C-7890), did not appear and was not represented in the case of Administrative Complaint CO5-591. After consideration, review of testimony, and on a motion by Member Burket and a second by Member Howard, the Board voted to accept the allegations of Administrative Complaint C05-591 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, permit violations, and violation of Pinellas County Ordinance; and
- b) Suspension of Respondent's license, with notification to all Pinellas County jurisdictions; and
- c) Respondent's license can be reinstated if Respondent pays an administrative fine of \$500.00, license renewal fee, reinstatement fee, and provides the PCCLB with evidence that Respondent obtained a permit and satisfactory final inspection from the City of Oldsmar.

#### B. Board Appearances

Joseph DiSalvo, a Class "A" Air Conditioning Contractor (C-1708, RA0027210) was not present. The Board reviewed his business activity report and recommended extending Mr. DiSalvo's probation one month.

C. Department of Administrative Hearings (DOAH) Case No. 05-1973PL (PCCLB No. 04-867) approved upon motion by Member Burket and a second by Member Spitzer in the matter of PCCLB vs. Robert Neal Davis, as the Final Order of the PCCLB in accordance with Section 120.57(1), Florida Statutes finding the Respondent guilty of the violations alleged in the Administrative Complaint and imposing an Administrative Fine in the amount of \$400.00.

#### IV. CORRESPONDENCE & REQUESTS

A. Following discussion with input by Senior Assistant County Attorney Don Crowell, Vice-Chair Tafelski moved, seconded by Member Hand, that based on testimony presented by Mr. Fischer with regard to incorrect information in the finding of Administrative Complaint CO4-735 against Jorge Luis Rivera, State Air Conditioning "A" Contractor (CAC051482), the \$2,000.00 Administrative Fine be refunded to Mr. Rivera. Motion passed with Members Massanet and Burket dissenting.

B. Under new business, Mr. Fischer provided a status report with regard to on-line license renewals, PCCLB staff, and enhanced recording equipment.

Attorney Crowell briefed the new board members on responsibilities pursuant to the Sunshine Law.

The next meeting of the Pinellas County Construction Licensing Board will be held on January 17, 2006 at 1:30 P.M. at Building 3, Largo City Hall Complex, 201 Highland Avenue, Largo, Florida.

The meeting was adjourned at 3:08 P.M.