

Virtual Meeting, July 27, 2020

The regular bimonthly meeting of the Pinellas County Construction Licensing Board (PCCLB) was held online using the Zoom virtual meeting platform at 12:35 P.M. on this date.

Members Present:

MEMBERS

Alan Holderith, Chair
Mike Kelly, Vice-Chair
Laurence Dickie
Douglas Erwin
Jason Holloway
James “Arry” Housh
Marina Kron
Ernest Lashlee
Daniel Melker
Bill Palmer
Evelyn Spencer

CLASSIFICATION

General Contractor
Pool Contractor
Architect
Electrical Contractor
Consumer Representative
Roofing Contractor
Class A HVAC Contractor
Residential Contractor
Consumer Representative
Beach Community Building Official
Pinellas County Building Official

Not Present:

Kevin Garriott
James Millican

North County Building Official
Fire Official

Also Present:

Gay Lancaster, Director, Contractor Licensing Department
Michelle Krickovic, Deputy Director
Todd Myers, Investigations Manager
Ashley Paulino, Legal Assistant
Thuyvy Connelly, Office Specialist
Jacina Haston, Senior Assistant County Attorney
Other interested individuals
Teresa Adkins, Board Reporter, Deputy Clerk

All documents provided to the Clerk’s Office have been made a part of the record.

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Ms. Krickovic introduced herself and related that pursuant to Executive Order No. 20-69 issued by the Governor on March 20, 2020 and extended thereafter, local government bodies may conduct meetings without a quorum of the members being physically present at any specific location, utilizing communications media technology in accordance with Section 120.54(5)(b)2, Florida Statutes; that she would be the Technology Moderator for the virtual meeting; and that Ms. Lancaster and Attorney Haston would serve as Process Moderators along with other staff members.

Ms. Krickovic conducted a roll call of the members, confirmed the presence of a quorum, and discussed the procedures to be used for the virtual meeting.

CALL TO ORDER

Chair Holderith called the meeting to order at 12:35 P.M.

APPROVAL OF MINUTES

Upon motion by Mr. Holloway, seconded by Mr. Dickie and carried unanimously, the minutes of the meeting of January 21, 2020, were approved.

CONSENT AGENDA

Chair Holderith presented the Consent Agenda items as follows:

Special Magistrate Hearing Minutes: January 14, February 11, and March 10, 2020

Examination Committee Reports January 2020 – May 2020

Expired Permit Violations

The cases included under the Expired Permit Violations spreadsheet provided in the agenda packet were forwarded to the PCCLB from various building departments for disciplinary action by the Board due to expired permits, which were not resolved within the 30 days after notification by the Board.

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Following review, an Administrative Complaint was served in each of the cases, and the violations remain. The contractors have been notified of the hearing by certified mail or constructive service. The Director recommended the Board accept the allegations as filed in the Administrative Complaint as findings of fact and enter a Final Order as follows:

- Reprimand for permit violation;
- Fine of \$300;
- Administrative costs (mailings and/or service costs); and
- Thirty days to comply. If not, license is subject to suspension.

Responding to query by Chair Holderith, Ms. Lancaster related that administrative costs have been reduced from \$226.00 to a mailing fee of \$7.55; whereupon, Attorney Haston provided background information regarding the decision and indicated that the PCCLB has not been served with any lawsuits pertaining to retroactive liability with regard to previously charged costs.

Mr. Dickie moved, seconded by Mr. Kelly and carried unanimously, that the Consent Agenda be approved.

PUBLIC HEARINGS

The Board conducted informal administrative hearings in accordance with Section 120.57(2), Florida Statutes. The respondents elected informal hearings, defaulted by not executing an Election of Rights, or failed to respond, and were therefore scheduled for informal hearings by the Board to resolve the complaints. The actions taken are the Final Orders of the PCCLB.

Chair Holderith administered the Oath to persons planning to give testimony.

Informal Hearings

Ms. Lancaster called upon Robert Grondin, Anthony Manos, Brendan Hosak, and Tiana Marshall for testimony regarding their cases, and no response was received; whereupon, the Chair indicated that they will be called upon again later in the meeting.

Julie Magill appeared regarding Expired Permit Case No. EP20-10226 and to request a reversal of action previously taken on Case Nos. A18-331, A18-2018, and A19-1535. She provided information regarding the cases and responded to queries by the members. Ms. Lancaster indicated that Ms. Magill's license is suspended because she has not provided proof of liability and worker's

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compensation insurance coverage or exemption nor responded to notices or appeared at the hearings when the cases were considered; therefore, Ms. Lancaster related that she does not recommend that the previous decisions by the Board be reversed.

Following discussion, Mr. Lashlee moved, seconded by Mr. Dickie, that the request to reverse previous actions by the Board pertaining to the aforementioned cases be denied. Upon call for the vote, the motion carried unanimously.

Ms. Lancaster recommended that Case No. A19-223 not be heard today as there is no proof of service; and that the Board proceed with considering Case No. EP20-10226. Responding to query by the Chair, Ms. Magill provided information regarding the case, and discussion ensued.

Mr. Melker moved that the Board grant Ms. Magill 60 days to rectify the issue, and Ms. Lancaster pointed out that the permit was assumed by another contractor and subsequently closed; whereupon, Mr. Melker withdrew his motion. In response to query by Chair Holderith, Ms. Lancaster confirmed that staff's recommendation is a fine of \$300.00.

Mr. Kelly moved, seconded by Mr. Dickie, to accept the recommendation by staff regarding Case No. EP20-10226, and upon call for the vote, the motion carried unanimously. During further discussion, Ms. Lancaster informed Ms. Magill that the total amount of outstanding fines due from her is \$1,207.55, and responding to queries by Ms. Magill, Ms. Krickovic indicated that staff will follow up with additional information regarding the sources of the administrative complaints against her.

William Daubmann did not appear but Ms. Lancaster indicated that he submitted a document regarding Case No. 20-1006, included in the agenda packet, which provided information and contained a request that the case be dismissed along with the associated fine. She related that the respondent's associate is present to answer questions on his behalf, but cannot give testimony; whereupon, she and Mr. Myers provided information concerning the case and responded to queries by the Chair.

Ms. Spencer moved, seconded by Mr. Holloway, that the case be dismissed, and discussion ensued. Responding to query by Mr. Palmer, Ms. Lancaster related that the Department does not currently issue warnings for violations, and Mr. Dickie discussed the importance of listing contractor license numbers on advertising materials and other documentation, consistency in the Board's decisions, and concerns about setting a wrong precedent by dismissing the case.

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Upon call for the vote, the motion carried by a vote of 8 to 3, with Messrs. Dickie, Kelly, and Palmer dissenting; whereupon, following further discussion, Ms. Lancaster indicated that pursuant to the Board's directive, staff will research and present to the Board a recommendation regarding the warnings and a graduated fine schedule based on varying degrees of offense severity, and Attorney Haston provided input.

Mr. Dickie moved, seconded by Mr. Kelly and carried unanimously, that the following cases be continued to the September meeting due to possible challenges with the virtual environment experienced by the respondents today. Upon call for the vote, the motion carried unanimously.

Robert Grondin, Case No. EP20-10141

Anthony Manos, Cases Nos. EP20-10228 and EP20-10325

Brendan Hosak, Case No. EP20-10214

Tiana Marshall, Case No. EP20-10229

Thereupon, Attorney Haston suggested that the individuals whose cases are being continued be contacted regarding the virtual meeting participation process and to request that they provide case summaries for the Board's consideration at the September meeting, in the event they are unable to connect, and Mr. Dickie provided input.

REGULAR AGENDA

Request to Rescind Permit Violation

Case No. EP19-10731 – Glenn Kaiser

Case No. EP19-10479 – Chris Everingham

Ms. Lancaster presented the item, and responding to queries by Chair Holderith, related that the originating building department has rescinded the violations associated with the above-referenced cases due to an internal error, and requested that the Board rescind them as well; whereupon, Mr. Dickie moved, seconded by Ms. Spencer, that the permit violations be rescinded. Upon call for the vote, the motion carried unanimously.

Request for Refund Due to Extenuating Circumstances

William Botelho, C-11099

Ms. Lancaster referred to her memorandum to the members dated March 13, 2020 and other related documents included in the agenda packet, and indicated that Mr. Botelho is asking for a refund of a total \$225.00 paid for his license reinstatement and an associated late fee, due to financial hardship, noting that health issues prevented him from renewing the license timely. Following discussion concerning setting a precedent, with input by Mr. Myers and Ms. Spencer regarding Mr. Botelho's history of late fees and other violations, Mr. Kelly moved, seconded by Mr. Melker, that the request be denied. Upon call for the vote, the motion carried unanimously.

Appointments/Reappointments to the Boards of Adjustment and Appeals

Ms. Lancaster stated that Boards of Adjustment and Appeals (BOAA) were established through the Special Act; and that the BOAA members are appointed annually to serve one-year terms. She requested that the Board appoint and/or reappoint members for the following BOAAs, and responded to queries by the Chair regarding membership; whereupon, she noted that there is currently a vacancy for the Plumbing Contractor position on the PCCLB and urged the members to reach out to business-owning plumbing contractors regarding participation.

Mechanical, Plumbing, and Gas BOAA

Mr. Dickie moved, seconded by Mr. Melker and carried unanimously, that the Board reappoint Stanley Newton, Dave Feddon, Paul Keller, and Peter Dembek.

Responding to query by Chair Holderith, Mr. Kelly suggested reaching out to Clearwater Gas regarding vacancies for the PCCLB and the Mechanical, Plumbing, and Gas BOAA, and discussion ensued concerning eligibility, the ability to hold virtual meetings without a quorum, and advertising for vacant positions through the County website and LinkedIn.

Electrical BOAA

Mr. Dickie moved, seconded by Mr. Melker and carried unanimously, that the Board reappoint Curtis Voysey, Charlie Spitzer, and Neal Burdick.

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Mr. Erwin moved to nominate Mike Spychala to fill the Electrical Engineer vacancy, indicating that he will contact Mr. Spychala regarding the nomination; whereupon, Mr. Dickie seconded the motion. Upon call for the vote, the motion carried unanimously.

Ms. Lancaster indicated that the vacancy for the Board's Building Industry Representative position remains open, and following brief discussion, Mr. Erwin indicated he would inquire with vendors in the area.

Life, Safety, and Fire BOAA

Mr. Dickie moved, seconded by Mr. Kelly and carried unanimously, that the Board reappoint Chief Michael Domante, Chief Jim Warman, Darin Cushing, Dan Weigner, and Joe Griner.

Florida Building Code BOAA

Mr. Dickie moved, seconded by Ms. Spencer and carried unanimously, that the Board reappoint Joe Esposito, Robert Powel, Michael McCarthy, and Don Tyre.

Following brief discussion, Ms. Lancaster indicated that the Board's Registered Architect position remains open, and Mr. Dickie indicated that he would attempt to find a candidate shortly.

Appointments/Reappointments to the Examination Committees and Sub-Committee

Ms. Lancaster provided background information pertaining to the establishment of the Committees and the Sub-Committee, and responding to queries by Chair Holderith, she discussed the frequency and purpose of the Committee meetings, as well as member eligibility, noting that unlike with the BOAAs, PCCLB members are not excluded from serving, and Chair Holderith indicated that he wishes to fill the Building Contractor vacancy on the Building Committee.

Building Examination Committee

Noting that Chair Holderith would be abstaining from the vote, Mr. Kelly moved, seconded by Mr. Erwin, that he be appointed to serve on the Committee. Upon call for the vote, the motion carried 10 to 0, with Chair Holderith abstaining.

Mr. Kelly moved, seconded by Mr. Erwin and carried unanimously, that the Board reappoint James Rosenbluth, Tom Jimpie, and Dennis Gullo.

Electrical Examination Committee

Mr. Dickie moved, seconded by Mr. Kelly and carried unanimously, that the Board reappoint Wayne Keener, Doug Erwin, and Nick Zito.

Mechanical Examination Committee

Mr. Dickie moved, seconded by Mr. Lashlee and carried unanimously, that the Board reappoint Jack Joyner, Mike Bowman, and Marty Marcum.

Plumbing Examination Committee

Ms. Spencer moved, seconded by Mr. Holloway and carried unanimously, that the Board reappoint Lucas Hendershott.

Responding to comment by Chair Holderith regarding two vacant positions, Ms. Lancaster reiterated a request for the Board members to reach out to qualified colleagues.

Ad Hoc Examination Committee

At the request of Mr. Dickie, Ms. Lancaster indicated that she will provide additional information regarding serving on the Committees to the members; whereupon, she briefly discussed the Ad Hoc Committee function.

Mr. Dickie moved, seconded by Mr. Melker, that the Board reappoint Mike Kelly. Upon call for the vote, the motion carried by a vote of 10 to 0, with Mr. Kelly abstaining.

In response to query by Chair Holderith, Mr. Erwin indicated that he will inquire whether Todd Beal, an irrigation contractor, would be willing to serve on the Committee.

Retirement of Extraneous Classifications

Ms. Krickovic referred to Ms. Lancaster's memorandum to the Board dated March 5, 2020 and related that staff recommends retiring the extraneous classifications as stated therein. She indicated that the affected contractors' licenses would be reassigned to appropriate classifications; and that they will be provided new licenses with the updated information.

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Mr. Kelly moved, seconded by Mr. Dickie and carried unanimously, that staff's recommendation be approved.

Fiscal Year 2021 Budget – APPROVED

Ms. Lancaster provided a brief overview of the Fiscal Year 2021 budget and the associated resolution, included in the agenda packet. She related that the budget is based on very thorough data regarding licensing and citation activity; that the Department is doing well; and that upon the Board's approval of the budget, it will be presented for consideration to the Board of County Commissioners, and discussion ensued.

Responding to queries by the members, Ms. Lancaster and Krickovic provided information pertaining to the reserves, excess revenues, and other financial matters; whereupon, Mr. Kelly moved, seconded by Ms. Spencer and carried unanimously, that the budget and Resolution No. 20-02 be approved.

Fiscal Year 2019 Audit – ACCEPTED

Ms. Lancaster referred to the audit report included in the agenda packet and stated that the audit was clean; whereupon, Mr. Dickie moved, seconded by Mr. Holloway, that the Audit for the PCCLB Fiscal Year Ended September 30, 2019 be accepted. Upon call for the vote, the motion carried unanimously.

Public Records Liaison Policy 2020 – ADOPTED

Ms. Lancaster remarked that the policy was developed pursuant to statutory requirements and reviewed by the County Attorney's Office. Mr. Dickie moved, seconded by Mr. Melker, that the policy be adopted. Following discussion and upon call for the vote, the motion carried unanimously.

Insurance Violation Fee Waivers

Ms. Lancaster reported that under the authority granted to her by the Board, the fees assessed to the contractors listed below have been waived due to broker/staff errors or delays due to COVID-19.

- Jonathan Tuttle - C-10890
- Scott Monroe - I-CFC057846

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- Marie Kohler - I-CGC1522076
- Donald Reynolds - I-CGC1509923
- Harold Hammer - I-CBC1255115
- James Ham - I-EC0000571
- Daniel Sanders - I-CAC1813930
- Andrew Hall - I-EC13008844
- Oscar Dorough - I-CAC1816096
- Shpetim Arapi - C-9993
- Buddy Gadd Jr - I-CBC1261867
- Benjamin Mallett - I-CGC1518719
- Dannie Charles Patterson - I-CBC040886
- Ralph L Olesky - I-CGC012423
- Jerry Sliger - C-5007

Mr. Dickie moved, seconded by Ms. Spencer, that the waivers be accepted. Upon call for the vote, the motion carried unanimously.

CITIZENS TO BE HEARD

No one appeared in response to the Chair's call for persons wishing to be heard.

ADJOURNMENT

Upon motion by Mr. Dickie, seconded by Mr. Holloway and carried unanimously, the meeting was adjourned at 3:10 P.M.

Chair