



## PINELLAS COUNTY CONSTRUCTION LICENSING BOARD

### MINUTES

The regular bimonthly meeting of the Pinellas County Construction Licensing Board was held at the Largo City Hall Community Room, 201 Highland Avenue, Largo on January 19, 2010. This meeting was publicly advertised and a quorum was present.

Members in attendance were:

<u>MEMBERS</u>	<u>CLASSIFICATION</u>
Paul Skipper	Building
Thomas Tafelski, Vice Chair	Residential
Steve Andrews	Building Official
John Burket	General
Rick Dunn	Building Official
Gareth Eich	Architect
Kevin Garriott	Building
Larry Goldman	Building Official
Ernest Hand	Fire Marshall
Rick Johnson	Building Official
Mike Kelly	Swimming Pool
Ed Mullins	Fire Marshal
Patrick Murphy	Building Official
James Rosenbluth	Building
John Tillinghast	Roofing
Peter Vasti	Consumer
Alfred A. Wolf, Jr.	Residential

Also attending: Rodney Fischer, Exec. Director  
Jason Ester, Esq.  
Caroline Jones, Executive Admin. Secretary

The meeting was called to order at 1:30 PM

#### Pledge of Allegiance/Roll Call/oath

#### I. PUBLIC HEARING

A. 1. The Board received a proposed local technical amendment to Section 1003.3.1 The Florida Building Code 2007 – Plumbing, as recommended by the Countywide Board of Adjustment &

Appeals – Plumbing, Mechanical, and Gas Div I. Following background information provided by Mr. Fischer, there being no individuals to be heard, on a motion by Member Tafelski, seconded by Member Goldman, the Board voted approval to amend Section 1003.3.1., as follows:

Text of Modification [additions underlined; deletions ~~stricken~~]:

**1003.3.1 Grease interceptors and automatic grease removal devices required.** A grease interceptor or automatic grease removal device shall be required to receive the drainage from fixtures and equipment with grease-laden waste located in food preparation areas, such as in restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias and clubs. Fixtures and equipment shall include pot sinks, prerinse sinks; soup kettles or similar devices; wok stations; floor drains or sinks into which kettles are drained; automatic hood wash units and dishwashers without prerinse sinks. Grease interceptors and automatic grease removal devices shall receive waste only from fixtures and equipment that allow fats, oils or grease to be discharged.

**Exception:** Kitchen Handwash sinks may be included when included in the interceptor sizing calculations.

**Local conditions and need:** This amendment allows an insignificant drainage impact (1 drainage fixture unit/ approx) on a grease interceptor or grease removal device.

**Rationale:** Building Officials of Florida Non-binding Interpretation #6144 determines that kitchen Handwash sinks must connect downstream of the grease interceptor. In the majority of local small commercial kitchen renovations the additional cost of adding a sanitary line for the handwash sink alone is not economically feasible when compared to the drainage load impact to the interceptor when included in the sizing calculations.

**Fiscal Impact Statement:** There is no cost impact associated with this amendment.

This amendment if implemented would not discriminate against materials, products, or construction techniques of demonstrated capabilities.

A. 2. The Board received a proposed local technical amendment to Section 909.1 The Florida Building Code 2007, Plumbing, as recommended by the Countywide Board of Adjustment & Appeals – Plumbing, Mechanical, and Gas Div. 1. Following background information provided by Mr. Fischer, there being no individuals to be heard, on a motion by Member Rosenbluth, seconded by Member Dunn, the Board voted approval to amend Section 909.1., as follows:

Text of Modification [additions underlined; deletions ~~stricken~~]:

**909.1 Horizontal wet vent permitted.** Any combination of fixtures within two bathroom groups located on the same floor level is permitted to be vented by a horizontal wet vent. The wet vent shall be considered the vent for the fixtures and shall extend from the connection of the dry vent along the direction of the flow in the drain pipe to the most downstream fixture drain connection to the horizontal branch drain. Only the fixtures within the bathroom groups shall connect to the wet-vented horizontal branch drain. Any additional fixtures shall discharge downstream of the horizontal wet vent.

**Exception:** A drinking fountain or a sink (without disposal or dishwasher) may be added to a commercial wet vented bathroom group.

**Local conditions and need:** This amendment allows an insignificant drainage impact (1/2 to 2 drainage fixture units) to a commercial wet vented bathroom group. It is a common practice of design professionals to locate plumbing fixtures in adjacent spaces to moderate plumbing installation costs.

**Rationale:** Drinking fountains and sinks are not fixtures included in the plumbing code definition of a bathroom group. However, when properly sized the wet vent is not impacted by the inclusion of these low flow fixtures.

**Fiscal Impact Statement:** There is no cost impact associated with this amendment.

This amendment if implemented would not discriminate against materials, products, or construction techniques of demonstrated capabilities.

A. 3. The Board received a proposed local technical amendment to Section P3108.1. The Florida Building Code 2007, Plumbing, as recommended by the Countywide Board of Adjustment & Appeals – Plumbing, Mechanical, and Gas Div. 1. Following background information provided by Mr. Fischer, there being no individuals to be heard, on a motion by Member Rosenbluth, seconded by Member Murphy, the Board voted approval to amend Section P3108.1, as follows:

Text of Modification [additions underlined; deletions ~~stricken~~]:

**P3108.1 Horizontal wet vent permitted.** Any combination of fixtures within two bathroom groups located on the same floor level are permitted to be vented by a horizontal wet vent. The wet vent shall be considered the vent for the fixtures and shall extend from the connection of the dry vent along the direction of the flow in the drain pipe to the most downstream fixture drain connection. Each fixture drain shall connect horizontally to the horizontal branch being wet vented or shall have a dry vent. Only the fixtures within the bathroom groups shall connect to the wet-vented horizontal branch drain. Any additional fixtures shall discharge downstream of the horizontal wet vent.

**Exception:** A bar sink (without disposal or dishwasher) and/or icemaker drain may be added to a residential wet vented bathroom group.

**Local conditions and need:** This amendment allows an insignificant drainage impact (1/2 to 1 drainage fixture units) to a residential wet vented bathroom group. It is a common practice of design professionals to locate plumbing fixtures in adjacent spaces to moderate plumbing installation costs.

**Rationale:** Residential bar sinks and icemakers are not fixtures included in the plumbing code definition of a bathroom group. However, when properly sized the wet vent is not impacted by the inclusion of these low flow fixtures.

**Fiscal Impact Statement:** There is no cost impact associated with this amendment.

This amendment if implemented would not discriminate against materials, products, or construction techniques of demonstrated capabilities.

At this time, Chair Skipper closed the public hearing.

## II. CONSENT AGENDA

After consideration and on a motion by Member Burket and a second by Member Rosenbluth 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.

- A. Minutes for PCCLB – November 17, 2009 and Special Master Hearing of December 8, 2009
- B. Financial Reports – October 2009
- C. Examining Committees Report – December 2009 and January 2010
- D. Stipulations (Section 120.57(3), Florida Statutes)
  - 1. Kevin Christopher Tufford 07-612
  - 2. Cliff J. Davis 09-680; 09-845
  - 3. Peter David Thibado 09-726; 09-759
  - 4. Raymond Kent 09-773
  - 5. Michael Isaac Simon 09-788
  - 6. Bernard Isaac 09-791
  - 7. Timothy John Martin 09-798
  - 8. Jacek Borys 09-843
  - 9. Christopher S. Wiggins 09-880
  - 10. Frank M. Revella 09-886; 09-892
  - 11. Carey B. Cameron 09-887; 09-988
  - 12. Robert H. Wilson III 09-910
  - 13. David M. Wilson 09-910
  - 14. James E. Reeves 09-987
  - 15. Michael J. Leccese, Jr. 09-1008

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| 16. | Gaylen Hilderbrand | 09-1009 |
| 17. | John Lynn          | 09-1021 |

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. Joseph M. DiSalvo, an Air Conditioning “A” and Plumbing Contractor (C-1708 and C-795), did not appear in the case of Administrative Complaints 09-782, 785, 802. Mr. Fischer reported that the Respondent has closed his license and no longer qualifies National Heating, Air Conditioning & Plumbing; and that the cases are being heard in the event the Respondent attempts to reinstate his licensure in the future; whereupon he read the recommendation into the record. Discussion ensued pertaining to the responsibilities of a new qualifier for the subject company wherein Mr. Fischer indicated that the rule allows the company 60 days to complete current jobs once a qualifier is lost. Member Goldman stated that the Pinellas County Building Department has advised the new qualifier that he will need to complete a change of contractor form for all open jobs. Following further discussion, Member Burket moved the approval of the recommended disciplinary action for Case Nos. 09-782, 785, and 802, seconded by Member Goldman. Responding to query by Member Wolf, Chairman Skipper indicated that should the company not obtain a new qualifier and continues to operate unlawfully; the State Attorney’s Office will become involved. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaints 09-782, 785, and 802 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:

09-782

- (a) Reprimand for misconduct; and
- (b) Administrative fine of \$1000.00 per count ;and
- (c) Respondent’s license is suspended for one year, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of the complaint within 30 days of a Final Order.

09-785

- (a) Reprimand for misconduct; and
- (b) Administrative fine of \$1000.00 per count; and
- (c) Respondent’s license is suspended for one year, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of the complaint within 30 days of a Final Order.

09-802

- (a) Reprimand for misconduct; and
- (b) Administrative fine of \$1000.00 per count; and
- (c) Respondent's license is suspended for one year, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of the complaint within 30 days of a Final Order.

B. Mr. Fischer indicated that the following cases pertain to expired permits that have been referred to the PCCLB by the Pinellas County Building Department and various municipalities; and that each specific violation has been indicated on the agenda:

- 2. Jerry Chris Auten, a state certified Roofing Contractor (I-CCC-1327748), did not appear in the case of Administrative Complaint C09-774. Mr. Fischer reported that the permit remains abandoned and the fine has not been paid.

Member Hand moved the approval of the recommended disciplinary action, seconded by Member Kelly. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-774 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit and inspection violation (expired permit), and misconduct; and
- (b) Stipulated settlement of \$500.00; and
- (c) Suspension of Respondent's license, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of permit violation within 30 days of a Final Order.

- 3. Joseph M. DiSalvo, an Air Conditioning "A" and Plumbing Contractor, (C-1708 and C-795), did not appear in the case of Administrative Complaints C09-915, 921, and 922. Following discussion, Member Tafelski moved the approval of the recommended disciplinary action, seconded by Member Murphy. Following discussion, upon call for the vote, the Board voted to accept the allegations of Administrative Complaints C09-915, 921, 922 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

09-915

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit and inspection violation (expired permit), and misconduct; and
- (b) Administrative Fine of \$1,000.00 per count; and

- (c) Suspension of Respondent's license, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of permit violation within 30 days of a Final Order.

09-921

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit and inspection violation (expired permit), and misconduct; and
- (b) Administrative Fine of \$1,000.00 per count; and
- (c) Suspension of Respondent's license, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of permit violation within 30 days of a Final Order.

09-922

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit and inspection violation (expired permit), and misconduct; and
- (b) Administrative Fine of \$1,000.00 per count; and
- (c) Suspension of Respondent's license, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of permit violation within 30 days of a Final Order.

- 4. Gerhard G. Kalke, a Marine Specialty Contractor, (C-9714), did not appear in the case of Administrative Complaint No. C09-918. Mr. Fischer reported that the fine has not been paid and the permit has been finaled.

Member Dunn moved the approval of the recommended disciplinary action, seconded by Member Hand. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-918 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit and inspection violation (expired permit), and misconduct; and
- (b) Stipulated settlement of \$500.00; and
- (c) Suspension of Respondent's license, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of permit violation within 30 days of a Final Order.

At this time, Chairman Skipper stated that anyone wishing to provide testimony for any of the scheduled hearings should raise their hand.

- 5. William J. Marlin, a state-certified Air Conditioning "B" Contractor, (I-CAC-1813560), did not appear in the case of Administrative Complaint No. 09-772 Mr. Fischer reported that the fine has not been paid and the permit remains abandoned.

Member Murphy moved the approval of the recommended disciplinary action, seconded by Member Dunn. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-772 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit and inspection violation (expired permit), and misconduct; and
- (b) Stipulated settlement of \$500.00 and
- (c) Suspension of Respondent's registration, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of permit violation within 30 days of a Final Order.

6. Joseph J. Nanetti, a state-certified Residential Pool Contractor, (I-CFC-1457496), did not appear in the case of Administrative Complaint C09-895. Mr. Fischer reported that case C09-895's fine has not been paid and the permit remains open; whereupon, case No. 09-35 was withdrawn.

Member Kelly moved the approval of the recommended disciplinary action, seconded by Member Rosenbluth; whereupon, Member Kelly advised that the Respondent's company Anthony and Sylvan Pools Corp. has left the State of Florida. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-895 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit and inspection violation (expired permit), and misconduct; and
- (b) Stipulated settlement of \$500.00; and
- (c) Suspension of Respondent's registration, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of permit violation within 30 days of a Final Order.

7. August T. Nocella, a Specialty Structure Contractor, (C-3197), did not appear in the case of Administrative Complaint C09-769. Mr. Fischer reported that the permit remains abandoned and the fine has not been paid.

Member Burket moved the approval of the recommended disciplinary action, seconded by Member Hand. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-769 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit and inspection violation (expired permit), and misconduct; and
  - (b) Stipulated settlement of \$500.00; and
  - (c) Suspension of Respondent's registration, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of permit violation within 30 days of a Final Order.
8. Phil Phillips, a state-certified Building Contractor, (I-CBC-052262), did not appear in the case of Administrative Complaints C09-676, 09-677, and 691. Mr. Fischer reported that the permits remain abandoned and the fines not paid and responding to query by Chairman Skipper, stated that Respondent's license is currently expired; whereupon, Member Wolf added that Mr. Phillips is currently working on a project.

Member Burket moved the approval of the recommended disciplinary action, seconded by Member Rosenbluth. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-676, 677, and 691 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit and inspection violation (expired permit), and misconduct; and
  - (b) Stipulated settlement of \$500.00; and
  - (c) Suspension of Respondent's registration, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of permit violation within 30 days of a Final Order.
9. Alonda Stokes, a state-certified Specialty Structure Contractor, (I-SCC-131150040), did not appear in the case of Administrative Complaint C09-694. Mr. Fischer reported that the permit remains abandoned and the fine not paid.

Member Johnson moved the approval of the recommended disciplinary action, seconded by Member Murphy. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-694 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit and inspection violation (expired permit), and misconduct; and
- (b) Stipulated settlement of \$500.00; and
- (c) Suspension of Respondent's registration, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of permit violation within 30 days of a Final Order.

10. Scott H. Sutter, a state-certified Building Contractor, (I-CBC-028978), did appear and provided mitigating testimony in the case of Administrative Complaint C09-852. Mr. Fischer reported that the permit remains abandoned and the fine is not.

Member Burket moved the approval of the recommended disciplinary action with an amendment to reduce the fine to \$300.00, seconded by Member Murphy. In response to query by Member Wolf and Chairman Skipper, Mr. Sutter indicated that he had not responded to the Administrative Complaint due to the fact that he had put his company in an inactive status and moved at least twice in the last year; and that he would be able to resolve the issues within the 30-day time period. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint 09-852 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit and inspection violation (expired permit), and misconduct; and
- (b) Stipulated settlement of \$300.00; and
- (c) Suspension of Respondent's registration, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of permit violation within 30 days of a Final Order.

11. Michael C. Williams, a state-certified General Contractor, (I-CGC-1504271), did not appear in the case of Administrative Complaint C09-740. Mr. Fischer reported that the permit has been reinstated but the fine has not been paid.

Member Burket moved the approval of the recommended disciplinary action, seconded by Member Eich. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint 09-740 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit and inspection violation (expired permit), and misconduct; and
- (b) Stipulated settlement of \$500.00; and
- (c) Suspension of Respondent's registration, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of permit violation within 30 days of a Final Order.

#### IV. MISCELLANEOUS CORRESPONDENCE AND REQUESTS

- A. RECEIPT OF APPROVED FINAL ORDER RE DECLARATORY STATEMENT - VIRGINIA GRAEME BAKER POOL & SPA SAFETY ACT

Member Kelly advised that the final order received from the State of Florida Construction Industry Licensing Board (CILB) reiterates that a swimming pool/spa service contractor cannot work on a commercial pool to change the pools from a direct suction type to a gravity fed collection tank type system; and that the Building Officials Association of Florida, Suncoast Chapter, will be scheduling classes in the near future to provide additional information.

B. New Business:

1. On a motion by Member Murphy, seconded by Member Hand, the Board approved the re-election of Paul Skipper as Chair and Thomas Tafelski as Vice Chair for the year 2010.
2. Richard Niger appeared before the Board to request reinstatement of his county Painting Specialty Contractor License (C-4954); whereupon, Mr. Fischer presented a proposed recommendation for reinstatement of Mr. Niger's licensure:

Reinstate license subject to Mr. Niger providing proof of resolution of all unresolved outstanding Administrative Complaints, payment of all applicable outstanding fines, and subject to Mr. Niger providing proof satisfaction of small claim and civil judgments and Federal and State tax liens. Upon application for reinstatement Mr. Niger is required to pay the unpaid renewal fees for past periods before a reinstated license shall be issued; provide proof of completion of 14 hours of continuing education for each inactive biennium (including all required courses for each license renewal cycle. Upon reinstatement and issuance of Mr. Niger's license, he will be placed on probation for a period of one year with monthly reports of painting activities provided to the Board.

During discussion, Vice-Chair Tafelski requested that Attorney Ester conduct a search of civil judgments for the Board's review. After additional deliberation, Member Goldman moved, seconded by Member Johnson that staff's recommendation be approved. Upon call for the vote, the motion carried 16 to 1.

3. Richard Mowery appeared before the Board to request reinstatement of his county Roofing Contractor License (C-7779); whereupon, Mr. Fischer presented a proposed recommendation for reinstatement of Mr. Mowery's licensure:

Reinstate license subject to Mr. Mowery providing proof of resolution of all unresolved outstanding administrative complaints and payment of applicable outstanding fines, payment of renewal fees for past periods, and proof of completion of 14 hours of continuing education for each inactive biennium (including all required courses for each license renewal cycle). Upon reinstatement and issuance of Mr. Mowery's license, license will remain inactive until proof of active state registration is provided to the PCCLB at which time license will be activated and Mr. Mowery

will be placed on probation for a period of one year with monthly reports of roofing activities provided to the Board.

Mr. Fischer indicated that Mr. Mowery has executed a Promissory Note with regard to Administrative Complaint C99-617 whereby the \$11,000.00 will be paid back to the property owner; and that should Mr. Mowery default on the agreement, the PCCLB will immediately suspend his license. Mr. Mowery provided litigating testimony and presented a copy of the Promissory Note into the record; whereupon, discussion ensued with Vice-Chair Tafelski questioning the benefit of requiring that an individual sit through certain classes four and five times. Following deliberation Member Burket moved, seconded by Member Dunn, the approval of the proposed recommendation with the amendment that Mr. Mowery is required to comply with mandatory requirements for the two last cycles and that the balance of required hours he be allowed to schedule continuing education classes as would best benefit the consumer. Upon call for the vote, the motion carried unanimously.

4. Member Tafelski moved, seconded by Member Burket, that the previous amendment pertaining to continuing education classes be established as a policy for the PCCLB. Responding to query by Member Murphy, Mr. Fischer related that the amendment would apply to Mr. Niger, and that he would advise him of same.

Upon call for the vote, the motion carried unanimously.

D. Citizens To Be Heard - None

The meeting was adjourned at 2:42 PM.

The next meeting of the PCCLB will be held on March 16, 2010, in the Community Room, Largo City Hall.

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Chair