



# 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 20, 2009. This meeting was publicly advertised and a quorum was present.

Members in attendance were:

### MEMBERS

Thomas Tafelski, Vice Chair  
John C. Burket  
Rick Dunn  
Steve Gleaton  
Larry Goldman  
Ernest Hand  
Jack Joyner  
Ed Mullins  
Patrick Murphy  
James Rosenbluth  
Danny Sandlin  
John Tillinghast  
Gerald H. White  
Fritz Wolf

### CLASSIFICATION

Building  
General  
Building Official  
Specialty Structure  
Building Official  
Fire Marshal  
Mechanical  
Fire Marshal  
Building Official  
Building  
Building Official  
Roofing  
Electrical  
Residential

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

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

### WELCOME TO NEW MEMBER

Vice-Chairman Tafelski welcomed new board member Larry Goldman.

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

There were no public hearing items to be heard.

II. CONSENT AGENDA

After consideration and on a motion by Member Rosenbluth and a second by Member Mullens, 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 November 18, 2008; Special Master minutes of December 9, 2008
- B. Financial Reports – November/December 2008
- C. Examining Committees Report – December 2008 and January 2009
- D. Stipulations (Section 120.57(3), Florida Statutes)
  - 1. Thomas E. Russell C07-931
  - 2. Richard Hugh Bulmanski C08-751, 698
  - 3. Michael Cirusuolo C08-752
  - 4. William D. Smith C08-817
  - 5. Grant Marks C08-880
  - 6. Ben A. Barnett C08-901
  - 7. Joseph Tobias C08-959
  - 8. Bruce A. Williams C08-959
  - 9. Robert E. deGraffenried C08-964
  - 10. Christopher A. Dombrowski C08-974
  - 11. Samuel Lee Stockburger C08-992
  - 12. Donnie Walker O'Steen C08-1039
  - 13. Robert T. Miano C08-1058
  - 14. Wilson R. Petitt C08-1065
  - 15. Kevin M. McNulty C08-1068
  - 16. James C. Reynolds C08-1069
  - 17. Sean M. Flinn C08-1076
  - 18. John C. Nash C08-1083
  - 19. Michael M. Mestas C08-1084
  - 20. Wayne C. Carothers C08-1097
  - 21. Cory J. Kollister C08-1146
  - 22. James Lee Holzhauer C08-1163
  - 23. Owen Thomas C08-1167
  - 24. Jacek Borys C08-1207

25. Michael A. Ramirez

C08-1347

### 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. Sam Markopulous, a Shutter/Opening Protectives Specialty Contractor (C-8758) did not appear in the case of Administrative Complaint C08-1067. Mr. Fischer reported that the contractor had engaged in activities outside the scope of his licensure, failed to obtain a building permit prior to the start of construction as required, and that Mr. Markopoulos had failed to correct leaks in the homeowner's roof.

Member Joyner 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 C08-1067 as Findings of Fact and concluded Respondent violated Section 24 2(d)(g)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for contracting outside scope of license, permitting and inspection violations, roof leaks, and misconduct;
- (b) Respondent stipulates to a settlement fee of \$1000.00 for Administrative Complaint 08-1067; and
- (c) Respondent's registration is suspended; however, suspension is stayed for 30 days and will become probation for one year if respondent pays administrative fine, provides proof roof leak is resolved, and obtains letter of satisfaction from homeowner.

2. Joseph DiSalvo, an Air Conditioning Contractor (C-1708) was present and mitigating testimony was provided by his representative Mark Henderson in the case of Administrative Complaint C08-898. Mr. Fischer presented allegations that the Respondent had committed misconduct in the practice of contracting with homeowner Linemeyer as well as permitting and inspection violations.

Discussion ensued pertaining to the Respondent's history of abandoned permits wherein Mr. Fischer indicated that all other permits were in good standing; whereupon, Member Burket moved that the disciplinary recommendation be approved, seconded by Member Joyner. Member Dunn noted that the Respondent had requested an additional 30 days to resolve the permitting matter; whereupon, Vice-Chair Tafelski indicated that if the county building department procedure is complied with, the matter could be resolved within one week. Upon call for the vote, the motion carried to accept the allegations of Administrative Complaint C08-898 as Findings of Fact and concluded Respondent violated Section 2(d)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended; and imposed the following penalty:

- (a) Respondent is reprimanded for misconduct;
- (b) Respondent is assessed an administrative fine of \$300; and
- (c) Respondent's registration is suspended; however, suspension is stayed for 30 days and will become probation if Respondent pays the administrative fine and provides evidence that Respondent has resolved the permit violation with Pinellas County.

B. The following cases were referred to the PCCLB for disciplinary action by the Pinellas County Building Department for violation of the Florida Building Code 2004 – Building; Section 489.129 (1)(o), Florida Statutes and Section 24(2)(n), Chapter 75-489, Laws of Florida, as amended. Respondent either did not pay the fine and/or did not resolve the permitting violation. Items may be approved for suspension by one vote or addressed individually.

- 1. John Bohan 08-917
- 2. Michael Davis 08-757
- 3. Donald Denick 08-984
- 4. John A. Kamp, Jr. 08-660 – Withdrawn prior to meeting
- 5. James Lucker 08-845
- 6. Charles Rogers 08-962
- 7. Mary Rose 08-620
- 8. Terry W. Stables 08-263, 386, 387, 1034

During discussion, Member Burket offered a motion, seconded by Member Rosenbluth, that should a respondent demonstrate a desire to correct a violation by appearing at the meeting, a 60-day stay be provided in order to resolve outstanding permit violations. Mr. Fischer noted that Respondents are given 60 to 90 days prior to being brought to the Board for its action; whereupon, Member Burket withdrew his motion and the seconder concurred.

Following testimony by David S. Bean representing Charles Rogers (C08-962) and by Donald J. Denick (C08-984) wherein respondents satisfied outstanding fines; Member Dunn moved the suspension of respondents Bohan, Davis, Lucker, Rose, and Stables licensure/or permitting privileges pending payment of outstanding fines and/or permit issues, seconded by Member Gleaton. Discussion ensued pertaining to the suspension of permitting privileges and its impact on a homeowner wherein Member Dunn stated that once a suspension notice on a contractor is received from the PCCLB, all permits are then placed on hold.

Upon call for the vote, the motion carried unanimously.

C. FLORIDA BUILDING CODE 2007 – AUTHORITY GRANTED FOR STAFF TO PROCEED WITH SUBMITTAL OF NEW LOCAL TECHNICAL AMENDMENTS

On a motion by Member Hand, seconded by Member Joyner, the Board granted authority for staff to submit previously approved Local technical Amendments to the Department of Community Affairs as Local Technical Amendments to the 2007 Florida Building Code.

IV. MISCELLANEOUS CORRESPONDENCE & REQUESTS

A. Old Business - None

B. New Business:

(1) Mr. Fischer extended an invitation to all the members to visit staff's new office located at 12600 Belcher Road, Suite 102, Largo.

C. Miscellaneous Correspondence and Reports Received

(1) Project report from Central Florida Roofing

D. Public Comment

Vice-Chair Tafelski recognized the following individuals who presented testimony in opposition to Wilson Petitt (License No. I-CRC-1328526) maintaining registration in Pinellas County:

1. Stephen Farrell, Farrell Roofing
2. Jane Bytell, Redington Beach

Mr. Fischer assured the individuals that the State of Florida DBPR would be notified that Mr. Petitt's permitting privileges had been suspended in Pinellas County.

Other Miscellaneous Discussion

Member Wolf referred to a handout titled Attorney Fees To Drive Up Cost Of Workers' Comp by 18.6% and indicated that the increase is a result of the recent ruling by the State Supreme Court wherein the 2003 reforms to the attorney fee provision in the workers' compensation statute that limited attorneys' fees to a strict statutory percentage of the benefits recovered is no longer valid. Member Rosenbluth added that the test case had revealed the problem lies with the fact of not being able to put a cap on the defense attorneys' fees. Mr. Fischer noted that the Department of Workers' Compensation will be conducting a seminar at the PCCLB office tentatively scheduled for April 16, 2009.

ADJOURNMENT

The January 20, 2009 meeting of the PCCLB was adjourned at 2:30 PM.

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Chairman