



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 May 18, 2010. This meeting was publicly advertised and a quorum was present.

Members in attendance were:

<u>MEMBERS</u>	<u>CLASSIFICATION</u>
Paul J. Skipper	Chairman
Thomas Tafelski, Vice Chair	Residential
Mike Besel	Plumbing
Rick Dunn	Building Official
Gareth Eich	Architect
Larry Goldman	Building Official
Ernest Hand	Fire Marshall
Alan Holderith	General
Jack Joyner	Mechanical
Mike Kelly	Swimming Pool
Patrick Murphy	Building Official
John Tillinghast	Roofing
Gerald H. White	Electrical
Fritz 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. CONSENT AGENDA

After consideration and on a motion by Member Murphy and a second by Member Joyner the Board unanimously accepted/approved the consent agenda with the exception of Stipulations C09-947, 09-1012, and 09-1220; which Chairman Skipper indicated would be addressed later in the meeting. All stipulations are Final Orders of the Board in accordance with Section 120.57(3), Florida Statutes.

- A. Minutes for PCCLB – March 18, 2010 and Special Master Hearing of April 13, 2010.
- B. Financial Report – March 2010
- C. Examining Committees Reports – April and May 2010
- D. Stipulations (Section 120.57(3), Florida Statutes)
 - 1. Ronald Mark Aleksin 09-889
 - 2. Frank Revella 09-947;1012; 1220 (Withdrawn)
 - 3. Kevin J. Marinaccio 09-1051
 - 4. Thomas J. Burns 09-1062
 - 5. Douglas W. Hoelzle 09-1063
 - 6. Mark Steven Cain 09-1089
 - 7. Robert T. Miano 09-1120
 - 8. John Oldja 09-1157
 - 9. Anthony Clark 09-1161
 - 10. Daniel E. Romano 09-1187
 - 11. Henry L. Schlichte 09-1208
 - 12. Shawn Ian Emley 09-1250
 - 13. James Paul Branam 09-1273
 - 14. Henry Keith Cavaliere 09-1275
 - 15. Kevin James Boucher 09-1305-1306
 - 16. Michael Bayless 10-2
 - 17. Michael L. Drapal 10-29
 - 18. Kurt D. Kucera 10-31; 10-43
 - 19. Carmen I. Rowland 10-78
 - 20. John Merillat 10-85
 - 21. Wade Scott Morrison 10-93
 - 22. Jeffrey Troy Craft 10-115
 - 23. Katia D. Bugs 10-123
 - 24. Jay O. Berry 10-126
 - 25. John C. Bujalski 10-132
 - 26. Michael J. Bednarski 10-136
 - 27. Justin C. Jones 10-138

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. Richard Hugh Bulmanski - Resolved
 - 2. Omar Baez, a state-certified Roofing Contractor (I-CCC1328956), did not appear in the case of Administrative Complaints 09-1091 and 09-1232. Mr. Fischer provided background information and following discussion, on a motion by Member Hand, seconded by Member Goldman, the Board voted to accept the allegations of Administrative Complaint C09-1091 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:

09-1091

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit/inspection violation, failure to honor warranty, failure to comply with workers compensation insurance requirements, and misconduct; and
- (b) Stipulated settlement of \$500.00 imposed; 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.

Mr. Fischer provided background information and following discussion, on a motion by Member Joyner, seconded by Member Hand the Board voted to accept the allegations of Administrative Complaint C09-1232 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:

09-1232

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit/inspection violation, failure to honor warranty, failure to comply with workers compensation insurance requirements, and misconduct; and
- (b) Stipulated settlement of \$500.00 imposed; 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.

3. Eric A. Fetrow, state-certified Residential Contractor (I-CRC1326805), did not appear in the case of Administrative Complaint C09-1252. Mr. Fischer indicated that Respondent had performed activities outside scope of his licensure in violation of Section 489.13(1), Florida Statutes; and Section 24(2)(g), Chapter 75-489, Laws of Florida, as amended.

Following discussion, Member White moved, seconded by Member Dunn. Upon call for the vote the Board voted to accept the allegations of Administrative Complaint C09-1252 as Findings of Fact and concluded Respondent violated Section 489.13(1), Florida Statutes; and Section 24(2)(g), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for working outside the scope of licensure; failure to register license with PCCLB, and misconduct; and
- (b) Stipulated settlement of \$500.00 imposed; 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 the complaint within 30 days of a final order

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; whereupon, he noted that Item No. 9 had been resolved and that Item No. 10 be postponed to a later meeting as the Respondent is hospitalized. Member Tafelski moved, seconded by Member Joyner, that the recommended disciplinary actions be approved. Upon call for the vote, the motion carried unanimously.

4. Troy Hawkins, a state-certified Building Contractor (I-CBC1250938) did not appear and was not represented by counsel with regard to Administrative Complaint C09-903
 - (a) Respondent is reprimanded for abandonment, permit and inspection violations (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.

5. Ronald W. Green, an Electrical Contractor (C-9911) did not appear and was not represented by counsel with regard to Administrative Complaint C09-1037:
 - (a) Respondent is reprimanded for abandonment, permit and inspection violations (expired permit), and misconduct; and
 - (b) Administrative fine 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.

6. William Rozo, a state-certified Plumbing Contractor (I-CFC1427914) did not appear and was not represented by counsel with regard to Administrative Complaint C09-1049:
 - (a) Respondent is reprimanded for abandonment, permit and inspection violations (expired permit), and misconduct; and
 - (b) Stipulated settlement of \$500.00 is imposed; 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. Richard W. Cronce, Jr., a Roofing Contractor (C-8189) did not appear and was not represented by counsel with regard to Administrative Complaint C09-1060:

- (a) Respondent is reprimanded for abandonment, permit and inspection violations (expired permit), and misconduct; and
 - (b) Administrative fine of \$500.00 is imposed; 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.
8. Stephanie Chavez, a Flatwork Concrete Specialty Contractor (C-9061) did not appear and was not represented by counsel with regard to Administrative Complaint C09-1112:
- (a) Respondent is reprimanded for abandonment, permit and inspection violations (expired permit), and misconduct; and
 - (b) Administrative fine of \$500.00 is imposed; 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.
9. Withdrawn
10. Withdrawn
11. Joseph M. DiSalvo, an Air Conditioning "A" Contractor (C-1708) did not appear and was not represented by counsel with regard to Administrative Complaints C09-1304, C10-9, and C10-16:
- (a) Respondent is reprimanded for abandonment, permit and inspection violations (expired permits), and misconduct; and
 - (b) Administrative fines of \$1,000 per count for each case is imposed; and
 - (c) Suspension of Respondent's license.

B. DOAH RECOMMENDED ORDER – DEFERRED TO JULY MEETING

C. REINSTATEMENT REQUEST BY DOMINIC COIA - Denied

Dominic Coia did not appear and was not represented by counsel. Following discussion, on a motion by Member Dunn, seconded by Member Wolf, the Board voted unanimously to deny Mr. Coia's request for reinstatement.

D. REQUEST BY GARY SWAILES TO SIT FOR FINISHED CARPENTRY SPECIALTY CONTRACTOR LICENSE – DENIED

Mr. Fischer indicated that Mr. Swailes Company had filed bankruptcy and that it has been closed for some time; that the Examining Committee had denied his application to sit for a Finished Carpentry Specialty license; and that he is before the Board today to appeal that decision. Mr. Fischer further related that there is one outstanding administrative fine of \$5,000.00 applicable to

his inactive Specialty Structure Contractor license C-8181; that \$2500.00 of that has been paid to the PCCLB; and that a payment schedule was to be set up for the balance.

Referring to bankruptcy law, Attorney Ester advised that it prohibits government entities from denying an individual a license based solely upon a bankruptcy or failure to pay judgments which are dischargeable through bankruptcy; and that denial of his licensure must be based on other justifiable evidence.

Bruce Cooper, Examining Committee Member, noted that the Committee's position was based on the Final Order imposed by the PCCLB against Mr. Swailes which stated that if Respondent seeks to renew his license, all outstanding complaints are to be satisfied with the requirement that the Respondent appear before this Board with proof of resolution of outstanding issues; and at that time reinstatement would be considered. Responding to query by the Chairman, Mr. Cooper indicated that the file does not reflect that the consumer has been made whole.

Responding to queries by the board members, Mr. Swailes indicated that he had filed bankruptcy due to illegal activities by his employees; and that with the exception of the one outstanding Administrative Complaint, all complaints had been resolved in a timely manner.

Following deliberation, Member Hand moved that based on the information received from Mr. Fischer, staff, and the testimony of Messrs. Cooper and Swailes, the request be denied and that Mr. Swailes be required to provide proof of satisfaction from all homeowners with pending complaints before further consideration; whereupon, Member Goldman seconded the motion. Upon call for the vote, the motion carried unanimously.

IV. **MISCELLANEOUS CORRESPONDENCE & REQUESTS**

- A. Old Business – Case Nos. 09-947; 09-1012; 09-1220 (Frank Revella), a Marine Specialty Contractor dba Pleasure Docks Unlimited, Inc.

Mr. Fischer indicated that the stipulations had been pulled from the Consent Agenda to be heard at the July 20, 2010 meeting; and he explained that the Respondent, Frank Revella, had been administratively suspended due to noncompliance with specific deadlines spelled out in the stipulations therefore enacting the informal hearing process.

Following input by the Respondent and Gary Henkel, owner of Pleasure Docks Unlimited, Inc., and deliberation by the members, Member Tafelski moved, seconded by Member Dunn, to approve Stipulation C09-947 requiring the complaint to be resolved and fine paid within 30 days of a Final Order.

- B. New Business:
1. On a motion by Member Tafelski, seconded by Member Joyner, the board voted to approve the Annual Employment Contract for the PCCLB Executive Director.
 2. Following discussion, on a motion by Member Wolf, seconded by Member Hand, the Board voted to approve the Administrative Law Judge Service Contract.
 3. Following a report from Member Wolf with input from numerous Board members, the PCCLB is stepping up measures to enforce the commercial vehicle sign ordinance; and responding to query by Member Wolf, Mr. Fischer advised that the field investigators are vigilant in seeking fraudulent subcontractors.

C. Miscellaneous Correspondence – Received

D. Citizens To Be Heard - None

ADJOURNMENT

The meeting was adjourned at 3:15 PM

The next meeting of the PCCLB will be held on July 20, 2010, in the Community Room, Largo City Hall.

Chair