



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 19, 2009. This meeting was publicly advertised and a quorum was present.

Members in attendance were:

| <u>MEMBERS</u> | <u>CLASSIFICATION</u> |
|-----------------------------|-----------------------|
| Paul Skipper, Chair | Building |
| Thomas Tafelski, Vice Chair | Building |
| John C. Burket | General |
| Gareth Eich | Architect |
| Kevin Garriott | Building Official |
| Steve Gleaton | Specialty Structure |
| Larry Goldman | Building Official |
| Jack Joyner | Mechanical |
| Michael Keane | General |
| Ed Mullins | Fire Marshal |
| James Rosenbluth | Building |
| Danny Sandlin | Building Official |
| John Tillinghast | Roofing |
| Gerald H. White | Electrical |
| Fritz Wolf | 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

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 Joyner 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 March 17, 2009 and Special Master Minutes of April 14, 2009
- B. Financial Reports – March 2009
- C. Examining Committees Report – April and May 2009
- D. Stipulations (Section 120.57(3), Florida Statutes)
 - 1. Bruce A. Williams C08-712
 - 2. Harry Eugene Brown C08-739
 - 3. Darrin McCormick C08-99; 1085-1087; 1496; 09-159
 - 4. Michael Hall Williams C08-1171
 - 5. John Sekas C08-1236
 - 6. Mark Robert Wells C08-1345
 - 7. Melvin Kennedy C08-1361
 - 8. William D. Smith C08-1377
 - 9. Randy Hendrick C08-1390
 - 10. .David H. Wysocki C08-1395
 - 11. Henry Bray C08-1415
 - 12. Patrick G. Krepper C08-1438
 - 13. Edward John Gleason C08-1458/09-244
 - 14. Anthony DeSalvo C08-1477
 - 15. Brian E. Lewis by Constance Lewis C08-1480
 - 16. Steven R. Bower C08-1505
 - 17. Cody D. Nichols C09-2
 - 18. Glenn E. Christiansen C09-25
 - 19. Dustin Farone C09-29, 30, 31
 - 20. William G. Ramsey C09-47
 - 21. James R. Lucker, Jr. C09-60, 61, 115
 - 22. Mary T. Anthony C09-66
 - 23. William Joseph Heaberlin C09-93
 - 24. Madelaine H. Silins C09-121
 - 25. John Oldja C09-125/192
 - 26. William J. Logan C09-127
 - 27. David John Parker C09-169
 - 28. Mark Alan Hogan C09-175
 - 29. Christopher Allen Rodgers C09-182
 - 30. Stephen G. Thompson C09-190
 - 31. Mark N. Schneberger C09-217
 - 32. Stephen L. Hugh C09-274

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. Kevin C. Petersen, an Air Conditioning "B" Contractor (I-CAC1814152) did not appear in the case of Administrative Complaint C08-1407. Mr. Fischer reported that the Respondent had contracted with Homeowner Karen Pauly to install an air handler; failed to obtain a permit, and upon completion of the installation the unit was found to leak and eventually resulted in the ceiling breaking down due to the installation of a drain pan which had been too small. Consequently, it was necessary for the homeowner to employ another contractor to correct the damage at a cost of \$256.00.

Member Tafelski moved the approval of the recommended disciplinary action, seconded by Member Burket. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C08-1407 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:

- (a) Respondent is reprimanded for permit violations, financial mismanagement, inspection violation, and misconduct; and
- (b) Respondent stipulates to a settlement fee of \$500.00 for Administrative Complaint C08-1407; and
- (c) Respondent's registration is suspended; however, suspension is stayed for 30 days and will become probation if Respondent pays the administrative fine, provides proof that Respondent has resolved the complaint with property owner, and obtained a final inspection within 30 days of a final order.

2. Vincent J. Formoso, a state-certified Building Contract, (I-CBC-1253323) did not appear in the case of Administrative Complaint C08-1192. Mr. Fischer reported that the Respondent had contracted with Bernie Kutchinski dba Miracle Method of Pinellas County, Inc. for construction work at various locations throughout Pinellas County Florida but failed to pay for invoices in the amount of \$20,850.00.

Following discussion, Member Burket moved 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 C08-1192 as Findings of Fact and concluded

Respondent violated Section 24(2)(d)(j)(m), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for misconduct; and
- (b) Respondent stipulates to a settlement of \$500; and
- (c) Respondent's registration is suspended; however, suspension is stayed for 30 days and will become probation for one year if within the 30 days, Respondent pays the settlement fee and provides proof Respondent has resolved the issues with the complainant.

3. James D. Shuler, a Residential Contractor, (C-8725) did not appear in the case of Administrative Complaint C09-12. Mr. Fischer reported that Respondent contracted with property owner Roberto Portales for construction of a custom, single family home for the sum of \$265,043.86. Respondent's contract indicated a specified construction time of ten months; project is at a standstill, and Respondent has abandoned the project; whereupon, Mr. Fischer indicated that the contractor is out of business and does not have the ability to complete the project.

Following discussion, 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 C09-12 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(h)(j)(k)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for abandonment, financial mismanagement, inspection violations, and misconduct; and
- (b) Respondent is assessed an administrative fine of \$500.00;
- (c) Respondent's license is suspended, however, suspension is stayed for 30 days and will become probation for one year if within the 30 days Respondent pays the administrative fine and provides proof Respondent has resolved the complaint with the property owner, and provides proof of final inspection.

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.

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| 1. | James Kelly Spencer | C08-1282 |
| 2. | Matthew Duncan | C08-1283 |
| 3. | Timothy Vanstone | C08-1450 |

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| 4. | Duane Thompson | C08-1298 |
| 5. | Timothy Shawn McConnell | C08-1386 |
| 6. | Frank Abramo | C08-1424 (Closed) |
| 7. | Eddie Johnson | C08-1427 |
| 8. | Timothy Belanger | C08-1483/09-42 |
| 9. | Bradley Ruel | C09-67 |
| 10. | Mark J. Levy | C09-91 |

Following presentation by Mr. Fischer, Member Burket moved, seconded by Member Tillinghast, to grant an extension of one week to the Respondents Duncan and Johnson, to satisfy the \$300.00 fines and should the payments not be received within the seven day time period, immediate suspension of registration be invoked. Upon call for the vote, the motion carried unanimously.

Responding to the Chairman's call for persons wishing to be heard with regard to abandoned permits, the following Respondents appeared and offered their comments:

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| Timothy Belanger | C08-1483/09-42 |
| Bradley Ruel | C09-67 |
| Mark J. Levy | C09-91 |

Following discussion, the Board voted to grant a 14-day extension to Respondents Belanger, Ruel, and Levy to allow the permit issues and fines to be satisfied; however, should the Respondents go beyond the 14-day extension; immediate suspension of registration or licensure to be invoked.

Following further discussion, Member Burket moved, seconded by Member Joyner, to immediately suspend the license/registration of all Respondents not appearing for today's hearing under Item B. Upon call for the vote, the motion carried unanimously.

C. Request for Reinstatement by Ricky Fulmer - Denied

Mr. Fischer provided background information relevant to the request by Mr. Fulmer wherein he indicated that Mr. Fulmer had been a roofing contractor (C-5746); that he has four unresolved cases; and that his license had been suspended in 2003; whereupon, Mr. Fischer read the summary for Ricky A. Fulmer, a copy of which has been filed and made a part of the record.

Mr. Fulmer appeared and provided testimony wherein he stated that due to a fall he had taken in 2003 he has not been able to engage in roofing work and consequently unable to resolve his outstanding complaints; and responding to a query by the Chairman, affirmed that

he is now capable of solving the cases. Discussion ensued pertaining to fulfilling continuing education requirements pursuant to PCCLB Rules; whereupon, the Chairman concluded that Mr. Fulmer should resolve all outstanding complaints and satisfy unpaid fines at which time he then petition the Board for reinstatement of his license and no objections were noted.

Member Tillinghast inquired as to the ability of reviewing contractor files in order to ascertain whether violations have become a pattern for certain individuals and consequently afford the Board more insight to impart an informed decision in similar instances brought to the Board. In response to Member Tillinghast's question, Mr. Fischer indicated that staff is working on a table which would list all administrative complaints applicable to each contractor (rap sheet) and enable the files to be placed on-line; whereupon, Member Wolf asked that the "rap sheet" be available for all cases heard by the Board.

IV. MISCELLANEOUS CORRESPONDENCE & REQUESTS

A. Old Business:

1. Illegal advertising by unlicensed contractors

Pursuant to a request by Vice-Chair Tafelski and Member Gleaton, Assistant County Attorney Jason Ester provided information with regard to the concept of citing publishers who allow advertisement by unlicensed and indicated that he was uncertain whether the PCCLB has the authority to pursue publishing companies; and that it would be tenuous should a lawsuit occur. Member Tafelski noted a survey recently undertaken by Member Gleaton; whereupon, Member Gleaton stated that 462 advertisements were found in the Idearc yellow pages for construction services either not licensed or not advertising a license in their advertisement. Consensus by the Board was reached to contact the publishing companies and promote awareness of the illegal advertising; and PCCLB staff to pursue the unlicensed contractors advertising in various publications.

2. Sign requirements for commercial vehicles – Any vehicle carrying man, equipment or material to job sites are considered commercial vehicles and a commercial vehicle requires a sign exhibiting business name and qualifying license number.

B. New Business:

1. Executive Director Employment Contract, 2009/2010 - Approved
2. PCCLB Audit and Response by Executive Director - Accepted
3. Elimination of Qualified Business License by Legislature.

C. Miscellaneous Correspondence and Reports Received - None

D. Public Comment:

1. Charles Spitzer re unlisted and untagged electrical equipment – To be heard by Electrical Committee.
2. Levi Lindsey – Request for waiver of reinstatement fee – Granted.
3. Chris Alvarez – Mitigation of fees for reinstatement of license – Board approves the inactive license fee rate.

ADJOURNMENT

The May 19, 2009 meeting of the PCCLB adjourned at 3:25 PM.

Chairman