



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 September 15, 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	Residential
Steve Andrews	Building Official
Michael Brizzi	Plumbing
Rick Dunn	Building Official
Gareth Eich	Architect
Steve Gleaton	Specialty Structure
Larry Goldman	Building Official
Ernest Hand	Fire Marshall
Michael Keane	General
Ed Mullins	Fire Marshal
Patrick Murphy	Building Official
James Rosenbluth	Building
Danny Sandlin	Building Official
John Tillinghast	Roofing
Gerald Hugh White	Electrical
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

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 White 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 May 21, 2009 and Special Master Hearing of June 9, 2009
- B. Financial Reports – July 2009
- C. Examining Committees Report – August and September 2009
- D. Stipulations (Section 120.57(3), Florida Statutes)
 - 1. Gerhard G. Kalke 09-80
 - 2. David W. Mueller 09-187
 - 3. Darrin McCormick 09-263, 323
 - 4. Dennis Michael Brown 09-386
 - 5. Frank M. Revella 09-392
 - 6. Gregg F. Gallagher 09-441
 - 7. Richard Keith Bailey 09-464
 - 8. Gordon W. Dafoe 09-469
 - 9. Carl F. Doyle 09-480
 - 10. Frank Revella 09-496
 - 11. Frederick T. Campbell 09-508
 - 12. Dennis E. Emery 09-512
 - 13. Thomas M. Coyle 09-516
 - 14. Andrew Mitchell, Sr. 09-521
 - 15. Richard Alan Noble 09-555
 - 16. William V. Kunigonis 09-556 and 557
 - 17. Karl G. Emmelman 09-569
 - 18. Aftene Iacob 09-576
 - 19. Sally A. Stewart 09-587
 - 20. Michael Cirusuolo 09-588
 - 21. Jaroslaw Wilczynski 09-592
 - 22. Earl Fletcher 09-593
 - 23. William G. Ramsey 09-595
 - 24. Darrin McCormick 09-630
 - 25. Michael G. Bowes 09-631

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. Robert C. Bober, a Glass and Glazing Specialty Contractor (C-9691), did not appear in the cases of Administrative Complaints 09-315 and 09-601. Mr. Fischer reported that the Respondent had contracted with a condominium owner for the replacement of doors and windows, had taken a deposit of \$2,444.00, and failed to complete the installation. In response to queries by the Chair and Vice-Chair, he added that the Respondent had been notified of today's hearing and that there has been no response. Member Tafelski moved the approval of the recommended disciplinary action, seconded by Member Gleaton. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint 09-315 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(h)(j)(m), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Reprimand for misconduct, abandonment, contracting in a name other than licensed, financial mismanagement, no license number on billing statement; and
- (b) Administrative fine of \$500.00 for Administrative Complaint 09-315; and
- (c) Respondent's license is suspended, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of the complaint with property owner, including refund of deposit within 30 days of a Final Order.

Following Mr. Fischer's presentation of Administrative Complaint 09-601, wherein he reported that Respondent had as in prior complaint, taken a deposit in the amount of \$513.60 and had failed to supply products and install said glass interior door, Member Gleaton 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 09-601 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(g)(h)(j)(m), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for misconduct, contracting in a name other than licensed, financial mismanagement; and
- (b) Administrative fine of \$750.00; and
- (c) Respondent's license is suspended, however, suspension is stayed and will be one-year probation if Respondent pays the fine and provides proof of resolution of the complaint with property owner, including refund of deposit within 30 days of a Final Order.

2. Dave Clark Fago, Jr. – Administrative Complaint 09-586 deferred.

3. Frank Houston McKinney, a Roofing Contractor (I-CCC-042879), appeared and provided mitigating testimony in the case of Administrative Complaint C09-606. Mr. Fischer reported that the Respondent had contracted with the complainant to replace a roof; that Respondent had obtained a permit, completed the roofing work, obtained a final inspection, and provided homeowner with a lifetime warranty. The homeowner has experienced roof leaks and although Respondent has attempted to correct leakage, they have not been successful.

Following discussion, Member Dunn moved the approval of the recommended disciplinary action, seconded by Member Murphy. Following further discussion, upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-606 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(g)(h)(j)(m), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for misconduct, contracting in a name other than licensed, roof leaks, financial mismanagement, abandonment, and failure to honor warranty; 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 settlement and provides proof of resolution of the complaint with property owner, including roof repair and restitution for property damage repairs within 30 days of a Final Order.
4. Benjamin N. Zeller, a Residential Contractor, (I-CRC-1328344), did not appear in the case of Administrative Complaint C09-423. Mr. Fischer reported that the Respondent had contracted with homeowners Tom and Lisa Delp to build an addition for the amount of \$107,175.00; had obtained permit; but that Respondent ceased construction and notified homeowners he would not be completing the job.

Member Rosenbluth moved 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 C09-423 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(h)(j)(k)(l)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for permit and licensing violations; 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 settlement and provides proof of resolution of permit violation within 30 days of a Final Order.

5. Wilson Ray Petitt, a Residential Contractor, (I-CRC-1328526), did not appear; whereupon discussion ensued regarding the Respondent's bankruptcy status and its impact on his attempting to obtain licensure or opening a new business. During discussion, Assistant County Attorney Jason Ester advised that outstanding fines would survive the bankruptcy judgment but that any type of restitution would be difficult to enforce. Member Wolf requested that a caveat be placed in the Respondent's file which would require him to show proof of restitution made before any reinstatement of registration be sought. PCCLB Investigator Connie Garriques provided input wherein she indicated that the Respondent has applied to the State of Florida for a General Contractor's license. Following further discussion, Member Gleaton moved the approval of the recommended disciplinary action on all five cases for Wilson Ray Petitt, seconded by Member Murphy. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaints C09-1216, C08-1243, C09-170, C09-228 and C09-229 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(h)(j)(k)(m), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalties:

C08-1216

- (a) Respondent is reprimanded for misconduct; and
- (b) Stipulated settlement of \$1,000.00; and
- (c) Suspension of Respondent's registration, however, suspension is stayed will become one-year probation if Respondent pays the settlement and provides proof of resolution of the complaint by paying subcontractor, within 30 days of a Final Order.

C08-1243

- (a) Respondent is reprimanded for misconduct; and
- (b) Stipulated settlement of \$1,000.00; and
- (c) Suspension of Respondent's registration, however, suspension is stayed will become one-year probation if Respondent pays the settlement and provides proof of resolution of the complaint by paying subcontractor, within 30 days of a Final Order.

C09-170

- (a) Respondent is reprimanded for misconduct; and
- (b) Stipulated settlement of \$1,000.00 per count; and
- (c) Suspension of Respondent's registration, however, suspension is stayed will become one-year probation if Respondent pays the settlement and provides proof of resolution of the complaint by paying subcontractor, within 30 days of a Final Order.

C09-228

- (a) Respondent is reprimanded for misconduct; and
- (b) Stipulated settlement of \$1,000.00 per count; and
- (c) Suspension of Respondent's registration, however, suspension is stayed will become one-year probation if Respondent pays the settlement and provides proof of resolution of the complaint by paying subcontractor, within 30 days of a Final Order.

C09-229

- (a) Respondent is reprimanded for misconduct; and
- (b) Stipulated settlement of \$1,000.00 per count; and
- (c) Immediate suspension of Respondent's registration for one year with consideration of reinstatement subject to resolution of all outstanding Administrative Complaints and payment of outstanding settlement charges.

6. Case C09-346 withdrawn

7. Walter G. Landers, Jr., an Air Conditioning "B" Contractor (I-CAC-1814539) did not appear in the case of Administrative Complaint C09-566. Mr. Fischer advised that this case pertains to an abandoned permit which has not been reinstated nor the fine paid; and that the original fine was \$300.00 but once it is elevated to an informal hearing, the fine becomes \$500.00.

Member Dunn moved the approval of the recommended disciplinary action, seconded by Member Keane. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-566 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit violations, 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 settlement and provides proof of permit resolution within 30 days of a Final Order.

8. Bryan Phillip Stone, a General Contractor, (I-CGC-1515381), did not appear in the case of Administrative Complaint C09-544. Mr. Fischer advised that this case pertains to an abandoned permit which has not been resolved nor the fine been paid.

Member Dunn moved the approval of the recommended disciplinary action, seconded by Member Tillinghast. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-544 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit violations, 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 settlement and provides proof of permit resolution within 30 days of a Final Order.

9. Reginald A. Termulo C09-343, - case resolved prior to meeting.

10. Michael Charles Williams, a General Contractor, (I-CGC-1504271), did not appear in the case of Administrative Complaint C09-563. Mr. Fischer advised that the case pertains to an abandoned permit which has been reinstated but fine not paid.

Member Hand 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 C09-563 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit violations, 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 settlement within 30 days of a Final Order.

11. George Dellis, a Building Contractor (I-CBC-1254126), did not appear in the case of Administrative Complaint C09-448. Mr. Fischer advised that the case pertains to an abandoned permit which has not been resolved and that the fine is not paid.

Member Rosenbluth moved the approval of the recommended disciplinary action, seconded by Member White. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-448 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit violations, 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 settlement and provides proof of permit resolution within 30 days of a Final Order.

12. Terry Wayne Stables, an Air Conditioning "A" Contractor (I-CAC-1813616), did not appear in the case of Administrative Complaint C09-389. Mr. Fischer advised that the fine has been paid, however, the permit remains abandoned.

Member Rosenbluth moved the approval of the recommended disciplinary action, seconded by Member White. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-389 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit violations, 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 settlement and provides proof of permit resolution within 30 days of a Final Order.

13. Michael Charles Williams, a General Contractor (I-CGC-1504271), did not appear in the case of Administrative Complaint C09-327. Mr. Fischer indicated that the permit remains abandoned and that the fine has not been paid.

Member Rosenbluth moved the approval of the recommended disciplinary action, seconded by Member White. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-327 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for abandonment, Florida Building Code permit violations, 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 settlement and provides proof of permit resolution within 30 days of a Final Order.

IV. MISCELLANEOUS CORRESPONDENCE AND REQUESTS

A. Old Business – Reports accepted.

B. New Business:

1. On a motion by Member Tafelski, seconded by Member Dunn, the Board voted to approve the appointment of St. Pete Beach Building Official Bruce Cooper to the Countywide Board of Adjustments & Appeals – Life Safety.
2. Appointments/Reappointments to the PCCLB by BCC Chairman Calvin D. Harris received.
3. Appointment of Keith Odland to the Countywide Board of Adjustment Appeals – Plumbing and the Plumbing Examining Committee to fill vacancy resulting from resignation of Wayne Madascy.
4. Assistant County Attorney Ester reported on the appeal filed by Walter Sowa regarding the decision of the Board finding the City of St. Pete Beach compliant with the Pinellas Gulf Beaches Coastal Construction Code; and indicated that they had lost their appeal; and that the time for a re-appeal has expired.
5. Recognition of outgoing members Michael Brizzi, Steve Gleaton, and Danny Sandlin.

The next meeting of the Board will be held on November 17, 2009 at 1:30 PM at the Largo Community Room, City Hall, 201 Highland Avenue, Largo.

The meeting was adjourned at 2:15 PM.

Chair