



**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 November 17, 2009. This meeting was publicly advertised and a quorum was present.

Members in attendance were:

<u>MEMBERS</u>	<u>CLASSIFICATION</u>
Thomas Tafelski, Vice Chair	Residential
Steve Andrews	Building Official
Mike Besel	Plumbing
Rick Dunn	Building Official
Gareth Eich	Architect
Kevin Garriott	Building
Larry Goldman	Building Official
Ernest Hand	Fire Marshall
Rick Johnson	Building Official
Jack Joyner	Mechanical
Mike Kelly	Swimming Pool
Ed Mullins	Fire Marshal
Patrick Murphy	Building Official
James Rosenbluth	Building
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

Pledge of Allegiance/Roll Call/Oath

WELCOME TO NEW BOARD MEMBERS

Vice Chair Tafelski welcomed new board members Mike Besel, Mike Kelly, and Rick Johnson.

ADMINISTRATIVE SUPPORT MANAGER ANNE DIAMOND RECOGNIZED IN HONOR OF UPCOMING RETIREMENT

On behalf of the Board members, Vice Chair Tafelski presented Mrs. Diamond with a dozen red roses, acclaimed her more than 29 years with the PCCLB, and offered best wishes on her upcoming December 31, 2009 retirement.

BOARD MEMBERS HONOR THE LATE MICHAEL KEANE IN A MOMENT OF SILENCE

I. PUBLIC HEARING – Proposed Changes to Local Technical Amendment re Section 3109, FB2007 – Building, Pinellas Gulf Beaches Coastal Construction Code - Approved

The Board received a proposed revision to the existing local technical amendment applicable to section 3109, Florida Building Code 2007 – Building, Pinellas Gulf Beaches Coastal Construction Code. Discussion ensued wherein Mr. Fischer indicated that the proposed changes were housekeeping in nature; whereupon, on a motion by Member Dunn and a second by Member Rosenbluth, the Board voted approval of the revision, a copy of which has been filed and made a part of the record.

II. CONSENT AGENDA

After consideration and on a motion by Member Rosenbluth and a second by Member Hand 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 - Meeting of September 15, 2009 and Special Master Hearing of October 13, 2009
- B. Financial Reports – August/September 2009
- C. Examining Committees Report – October/November 2009
- D. Stipulations (Section 120.57(3), Florida Statutes)
 - 1. Robert Irwin C09-344
 - 2. Harold J. Myers C09-364, 09-790
 - 3. Patrick J. O’Connell C09-456
 - 4. Larry Thomas Bagwill C09-539
 - 5. Russell F. Federspiel C09-552
 - 6. Dave Clark Fago, Jr. C09-586
 - 7. Robert Cius C09-615
 - 8. Joseph Steven Sciandra C09-632
 - 9. Louis Lynch C09-633
 - 10. Joseph M. Belanger C09-636/734

11. Stanley R. Ayen	C09-639
12. Justin A. Vessey	C09-686
13. Frank Revella	C09-703
14. Solliman A. Pizarro	C09-725
15. Steven Broderick Phillips	C09-729
16. Cynthia Ann Levy	C09-736
17. Frank J. Abramo	C09-738
18. James J. Hubert	C09-750
19. Jeffrey E. Fuller	C09-755

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. Cliff J. Davis, a state-certified Building Contractor (I-CBC060284), did not appear in the case of Administrative Complaint 09-680. Mr. Fischer reported that the Respondent had obtained a permit for construction activity at 2525 58th Avenue North, St. Petersburg but had allowed said permit to expire without first obtaining required inspections in violation of Section 105, 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. During discussion of the recommended disciplinary recommendation, Mr. Fischer stated that should an expired permit complaint not be resolved and it is necessary to bring to the Board for final action, the fine is increased from \$300.00 to \$500.00; however, if the \$300.00 fine has been previously paid but the permit remains expired, a \$300.00 credit will be appropriated to the Respondent towards the \$500.00 fine, if approved by the Board. Following further discussion, Member Rosenbluth 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 09-680 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) Reprimand for misconduct, abandonment, and inspection violations;
and
- (b) Administrative fine of \$500.00 for Administrative Complaint 09-680;
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 within 30 days of a Final Order.

2. Robert Franklin Elder – Administrative Complaint 09-695 resolved.
3. Eddie Johnson, a Roofing Contractor (C-2847), appeared and provided mitigating testimony in the case of Administrative Complaint C09-682. Mr. Fischer reported that the Respondent had obtained a permit for construction activity at 1717 Winfield Road South, Clearwater but allowed permit to expire without first obtaining required inspections in violation of Section 105, 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.

Following discussion, Member Hand moved the approval of the recommended disciplinary action, seconded by Member Joyner. Following further discussion, upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-682 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, permit and inspection violation (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.

4. William V. Kunigonis, a state-certified General Contractor, (I-CGC1509251), did not appear in the case of Administrative Complaint C09-547. Mr. Fischer reported that the Respondent obtained a permit for construction activity at 1000 Cove Cay Drive, Clearwater but allowed said permit to expire without first obtaining required inspections in violation of Section 105, 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.

Following discussion, Member Hand moved the approval of the recommended disciplinary action, seconded by Member Mullins. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-547 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, 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.

5. Jeffrey F. Lockler, a state-certified Air Conditioning “B” Contractor, (I-CAC-1814409), did not appear in the case of Administrative Complaint No. C09-625. Mr. Fischer reported that the Respondent obtained a permit for construction activity at 11575 Oak Lane, Palm Harbor, FL but allowed said permit to expire without first obtaining required inspections in violation of Section 105, 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.

Following discussion, Member Hand 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 C09-625 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, 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. John L. Merillat, a Roofing Contractor, (C-6854), did not appear in the case of Administrative Complaint No. C09-449. Mr. Fischer reported that the Respondent obtained a permit for construction activity at 3534 Ridge Boulevard, Palm Harbor, FL but allowed said permit to expire without first obtaining required inspections in violation of Section 105, 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.

Following discussion, Member Dunn 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 C09-625 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, permit and inspection violation (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.

7. Victor C. Vizaro, a state-certified Air Conditioning “B” Contractor, (I-CAC057046), did not appear in the case of Administrative Complaint Nos. C09-69, 70, and 758. Mr. Fischer reported that cases C09-69 and C09-70 are both expired permit complaints and that the Respondent obtained permits for construction activity at 11513 104th Street North, Largo and 8405 Ridge Road, Seminole but allowed said permits to expire without first obtaining required inspections in violation of Section 105, 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. In response to query by Vice Chair Tafelski, Mr. Fischer indicated that although Mr. Vizaro’s license is currently expired, the penalties imposed at today’s meeting must be complied with prior to any reinstatement taking place.

Following discussion, Member Eich moved the approval of the recommended disciplinary action, seconded by Member Besel. Upon call for the vote, the Board voted to accept the allegations of Administrative Complaint C09-69 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, 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.

Following discussion, Member Eich 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 C09-70 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, 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.

Referring to Administrative Complaint C09-758, Mr. Fischer reported that the Respondent had contracted as Curley’s Air Conditioning and Heating, Inc. with John J. Lee on April 24, 2009 at 8780 43rd Avenue, St. Petersburg to install a new air conditioning system including ductwork, elevated slab, and permits for \$8,500; terms of payment were \$1,000.00

down, paid on April 24, 2009 and \$7,200.00 at final. The contractor was paid another \$1,700.00 on May 4, 2009 and \$625.00 on May 19, 2009. In total Mr. Lee says he has paid \$3,325.00 but his proof of payment shows only \$2,425.00. Mr. Lee has not heard from the Respondent since May 19, 2009 and his numerous phone calls have gone unanswered, and the phone is currently disconnected. Following discussion, Member Rosenbluth 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 C09-758 as Findings of Fact and concluded Respondent violated Section 24(2)(d)(j)(k)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for abandonment, permit and inspection violations, financial mismanagement and misconduct; and
- (b) Stipulated settlement of \$1000.00; 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 Administrative Complaint C09-758 within 30 days of a Final Order.

IV. MISCELLANEOUS CORRESPONDENCE AND REQUESTS

A. Old Business – None.

B. New Business:

1. On a motion by Member Rosenbluth, seconded by Member Murphy, the Board approved reappointments/appointments to the various countywide boards of adjustment and appeals for the years 2010 and 2011.
2. Mr. Fischer reported on a recent request to the Construction Industry Licensing Board for a Declaratory Statement pertaining to the scope of work for swimming pool/spa servicing contractors and the modification of commercial swimming pools and spas as required by Florida Public Swimming Pool Code, (64E-9, FAC) and the Virginia Graeme Baker Pool & Spa Safety Act. He continued to relate that question (1): "Can a swimming pool/spa servicing contractor do work that includes penetration or modification of a swimming pool concrete structure; and (2) Can a swimming pool/spa servicing contractor change a filtration system from a direct suction type to a gravity fed collection tank type system?". Mr. Fischer indicated that during a hearing held in Orlando at which he provided testimony, the CILB had concluded that the answers to both questions to be No they cannot. Discussion ensued wherein Member Kelly provided additional information and answered questions from the Board members.
3. Listing of Examining Committee members, meeting dates, and times.

4. Letter of appreciation received from complainant praising Field Investigator Mapes for outstanding service.
5. Notice of upcoming retirement reception for Anne Diamond, PCCLB staff.
6. Update on PCCLB's Probable Cause Committee duties.
7. Report on mandatory self-adhering membrane and how it affects the re-roofing process was given by Member Tillinghast.
8. Discussion with regard to the various municipalities and their procedures for handling expired permits.
9. Report by Mr. Fischer on renewals and revenue for year ending November 1, 2009.
10. Vice Chair Tafelski offers congratulations to Rodney S. Fischer on his recent appointment to President of the Construction Licensing Officials Association of Florida.

D. Citizens To Be Heard

Request by Lee Pitney on behalf of plumbing contractor Bill Puckett to waive late fees in the amount of \$300.00. On a recommendation by staff and a motion by Member Mullins, seconded by Member Dunn, the Board approved decreasing fee from \$300.00 to \$100.00.

The next meeting of the PCCLB will be held on January 19, 2010 in the Community Room, Largo City Hall.

The meeting was adjourned at 3:00 P.M.

Vice Chair