



# PINELLAS COUNTY CONSTRUCTION LICENSING BOARD

## MINUTES

The regular bimonthly meeting of the Pinellas County Construction Licensing Board was held at the YOUNG-RAINEY STAR CENTER, 7887 Bryan Dairy Road, Largo on November 18, 2008. This meeting was publicly advertised and a quorum was present.

Members in attendance were:

### MEMBERS

Paul Skipper, Chair  
Thomas Tafelski, Vice Chair  
Steve Andrews  
John C. Burket  
Rick Dunn  
Gareth Eich  
Kevin Garriott  
Steve Gleaton  
Ernest Hand  
Ed Mullins  
Patrick Murphy  
James Rosenbluth  
John Tillinghast  
Peter Vasti  
Gerald H. White  
Fritz Wolf

### CLASSIFICATION

Building  
Building  
Building Official  
General  
Building Official  
Architect  
Building  
Specialty Structure  
Fire Marshal  
Fire Marshal  
Building Official  
Building  
Roofing  
Consumer  
Electrical  
Residential

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

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

### WELCOME TO NEW MEMBER

Chairman Skipper introduced the new electrical representative, Gerald White.

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

Following presentation of the proposed amendment to the definition and clarification by Member Tafelski, there being no citizens to be heard, upon a motion by Member Dunn, seconded by Member Rosenbluth, the following definition was approved:

PLASTER, STUCCO, AND LATH SPECIALTY CONTRACTOR

1. The “Plaster, Stucco and Lath Specialty Contractor” is a specialty contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, application, handling, erection, installation, dismantling, adjustments, alteration, repair and servicing of plaster, stucco, lath and allied construction materials involved in the preparation of the surfaces involved.
2. The scope of such work shall include coatings and cladding products consisting of Portland cement, gypsum plaster, quick lime and other synthetic and related substrate products. The scope of the work shall include the installation of gypsum, metal studs, tracks, decorative moldings and related accessories. The scope of such work shall comply with all plans, specifications, codes, laws and regulations applicable.
3. The “Plaster, Stucco and Lath Specialty Contractor” shall not contract for any other work of another trade that is included within the scope of any other licensed contractor. Nothing in this definition shall be construed to limit or infringe upon the scope of the work of any other specialty contractor licensed by the Pinellas County Construction Licensing Board.

(Established 3/21/95)(Rev 5/15/07, effective 10/01/07)(Rev. 11/18/08)

II. CONSENT AGENDA

After consideration and on a motion by Member Burket and a second by Member Rosenbluth, 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 September 16, 2008
- B. Financial Reports – September/October 2008
- C. Examining Committees Report – November 2008

- D. Stipulations (Section 120.57(3), Florida Statutes)
1. Mark Edward Blair C07-936
  2. Alexander N. Kolosov C08-281
  3. Marc B. Kron C08-383
  4. Christopher Todd Parker C08-429
  5. Tim Belanger C08-449; 551; 799
  6. Barry J. Flaherty C08-462
  7. Mark Jason Broyles C08-506
  8. Richard H. Bulmanski C08-522, 523, 524
  9. Shane T. Wheeler C08-582
  10. Lloyd H. Glasgow C08-641
  11. Donald Adams C08-652
  12. Kori L. Monroe C08-665
  13. Tim David McGurk C08-717
  14. Daniel J. Witeck C08-835
  15. Michael C. Mobley C08-891
  16. Frank John Abramo C08-912
  17. Richard Brown C08-930
  18. Manual F. McAlpin C08-938
  19. Charlie N. Deal C08-939, 1054, 1055

### 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. Harry Eugene Brown, a state-certified general contractor (CGC-151449) did not appear in the case of Administrative Complaint C08-739. Mr. Fischer stated that the contractor had engaged in aiding and abetting and workers compensation violations. Responding to query by Member Dunn, Mr. Fischer indicated that the complaint had been initiated by the City of St. Petersburg WIN Program Director.

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 C08-739 as Findings of Fact and concluded Respondent violated Section 24 2(d)(e)(j)(l)(m), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Respondent is reprimanded for misconduct; aiding and abetting; workers' compensation violation, permitting and inspection violations
- (b) Respondent stipulates to a settlement fee of \$500 for Administrative Complaint 08-739; and
- (c) Respondent's registration is suspended; however, suspension is stayed if respondent settles the administrative complaint within 30 days and will become probation if Respondent resolves outstanding Administrative Complaint C08-739 and pays all outstanding fees.

2. Barry Webb, a state-certified building contractor (CBC-1254621) was not present at the time the hearing convened but did appear later and presented mitigating testimony in the case of Administrative Complaint C08-646. Mr. Fischer presented allegations that the Respondent had committed financial mismanagement and misconduct wherein he failed to pay subcontractors and suppliers and had abandoned the job; whereupon, Member Tafelski moved, seconded by Member Hand that the disciplinary recommendation be approved.

Discussion ensued pertaining to the Respondent's failure to pay subcontractors and the use of unlicensed contractors on the project. Upon call for the vote, the motion carried 12 to 6 to accept the allegations of Administrative Complaint C08-646 as Findings of Fact and concluded Respondent violation Section 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; misconduct; and permitting and inspection violations.
- (b) Respondent is assessed a stipulated settlement of \$500; and
- (c) Respondent's registration is suspended. Suspension is stayed for 30 days and will become probation if Respondent resolves outstanding Administrative Complaint C08-646 and stipulates to a settlement of \$1,000 per count (\$4,000.00).

3. Page Wurts, a state-certified residential contractor (CRC-1327279) appeared and provided mitigating testimony in the case of Administrative Complaint C08-134. Mr. Fischer indicated that although Mr. Wurts had requested a formal hearing, sufficient information to accommodate that request had not been provided by the Respondent; therefore, the request had triggered an informal hearing.

Mr. Fischer presented an overview of the case noting that the Respondent had ordered the wrong size trusses and subsequently changed the second story layout to accommodate the trusses, that the second story balcony leaks causing water damage in the living areas below; and that Respondent had failed to correct deficiencies and has abandoned the job causing financial harm to the homeowner. At this time, Member Vasti recused himself from the vote noting a conflict of interest.

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared and presented testimony:

Olga Kulinsky, Homeowner/Complainant  
Trudy Capone, former client of Mr. Wurts  
Frederick Hawes, Building Official, Town of Belleair

Following testimony from Ms. Capone and Mr. Hawes, with input from Attorney Ester, Chairman Skipper directed the members to ignore their testimony since it did not have bearing on the current case.

In response to query by Member Wolf, PCCLB Investigator Connie Garriques indicated that Mr. Wurts' registration had been suspended previously due to a complaint filed by Ms. Capone.

Member Andrews indicated that he would recuse himself from the vote since he had taken part in the inspections performed on Ms Kulinsky's property.

Following further discussion by the members, Member Burket moved the disciplinary recommendation with the amendment that Counts five and six be combined reducing the total counts to six; whereupon, Member Gleaton seconded the motion. Upon call for the vote, the motion carried with Members Andrews and Vasti not voting to accept the allegations of Administrative Complaint C08-134 as Findings of Fact and concluded Respondent violation Section 2(d)(h)(j)(k)(m)(n), Chapter 75-489, Laws of Florida, as amended; and imposed the following amended penalty:

- a. Respondent is reprimanded for abandonment, financial mismanagement, misconduct, and permitting and inspection violations;
- b. Suspension of Respondent's registration, with notification to all Pinellas County jurisdictions; however, suspension is stayed for 30 days and will become probation if Respondent resolves outstanding

Administrative Complaint 08-134 and stipulates to a settlement of \$1,000.00 per count.

#### IV. MISCELLANEOUS CORRESPONDENCE & REQUESTS

- A. Old Business - None
- B. New Business:
  - (1) Upon a motion by Member Gleaton, seconded by Member Murphy, the Board voted to re-elect Paul Skipper Chairman and Thomas Tafelski Vice-Chairman.
  - (2) On a motion by Member Rosenbluth, and a second by Member Hand, the Board approved the appointment of members to the Countywide Board of Adjustment and Appeals for a two-year term.
- C. Miscellaneous Correspondence and Reports Received
  - 1. Discussion of the revised definition of a Roofing Contractor as it relates to wood work, i.e. "The scope of work of a roofing contractor also includes required roof-deck attachments and any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement."
  - 4. Request for waiver of late fee by Carlisle Palmer – Denied
  - 5. Special Master Hearing Minutes of October 14, 2008 - Approved
  - 6. Discussion pertaining to drop in rates for marine long shore insurance
  - 7. Request by Scott Rosenlund for reduction in back fees – Board grants waiver of two years.
- D. Public Comment – None.

#### ADJOURNMENT

The November 18, 2008 meeting of the PCCLB was adjourned at 3:10 P.M.

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Chairman