

The regular bimonthly meeting of the Pinellas County Construction Licensing Board (PCCLB) was held online using the Zoom virtual meeting platform at 12:33 P.M. on this date.

Members Present:

<u>MEMBERS</u>	<u>CLASSIFICATION</u>
Alan Holderith, Jr., Chair	General Contractor
Mike Kelly, Vice-Chair	Pool Contractor
Laurence Dickie (late arrival)	Architect
Douglas Erwin	Electrical Contractor
Kevin Garriott	North County Building Official
Jason Holloway (late arrival)	Consumer Representative
James “Arry” Housh	Roofing Contractor
Marina Kron	Class A HVAC Contractor
Daniel Melker	Consumer Representative
James Millican	Fire Official
Bill Palmer	Beach Community Building Official
Evelyn Spencer	Pinellas County Building Official

Not Present:

Ernest Lashlee	Residential Contractor
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Also Present:

Gay Lancaster, Director, Contractor Licensing Department
Michelle Krickovic, Deputy Director
Todd Myers, Investigations Manager
Ashley Paulino, Legal Assistant
Thuyvy Connelly, Office Specialist
Jacina Haston, Senior Assistant County Attorney
Other interested individuals
Jenny Masinovsky, Senior Board Reporter, Deputy Clerk

All documents provided to the Clerk’s Office have been made a part of the record.

Ms. Krickovic related that pursuant to Executive Order No. 20-69 issued by the Governor on March 20, 2020 and extended thereafter, local government bodies may conduct meetings without a quorum of the members being physically present at any specific location, utilizing

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communications media technology in accordance with Section 120.54(5)(b)2, Florida Statutes; that she would be the Technology Moderator for the virtual meeting; and that Ms. Lancaster and Attorney Haston would serve as Process Moderators along with other staff members.

Ms. Krickovic conducted a roll call of the members, confirmed the presence of a quorum, and discussed the meeting procedures.

CALL TO ORDER

Chair Holderith called the meeting to order at 12:33 P.M.

APPROVAL OF MINUTES

Upon motion by Chief Millican, seconded by Mr. Melker and carried unanimously, the minutes of the July 27, 2020 meeting were approved.

CONSENT AGENDA

Chair Holderith presented the Consent Agenda items as follows:

Examination Committee Reports June 2020 – August 2020

Expired Permit Violations

The cases included under the Expired Permit Violations spreadsheet provided in the agenda packet were forwarded to the PCCLB from various building departments for disciplinary action by the Board due to expired permits, which were not resolved within the 30 days after notification by the Board.

Following review, an Administrative Complaint was served in each of the cases, and the violations remain. The contractors have been notified of the hearing by certified mail or constructive service. The Director recommended the Board accept the allegations as filed in the Administrative Complaints as findings of fact and enter a Final Order as follows:

- Reprimand for permit violation;
- Fine of \$300;
- Administrative costs (mailings and/or service costs); and
- Thirty days to comply. If not, license is subject to suspension.

Responding to query by Chair Holderith, Ms. Lancaster referred to the Expired Permit Violations spreadsheet and related that Cases Nos. EP20-11265 and EP20-11341, pertaining to Glenn William Kaiser, will be placed on the November Board meeting agenda.

Mr. Kelly moved, seconded by Mr. Holloway and carried unanimously, that the Consent Agenda be approved with the exclusion of the aforementioned cases from the Expired Permit Violations spreadsheet.

PUBLIC HEARINGS

The Board conducted informal administrative hearings in accordance with Section 120.57(2), Florida Statutes. The respondents elected informal hearings, defaulted by not executing an Election of Rights, or failed to respond, and were therefore scheduled for informal hearings by the Board to resolve the complaints. The actions taken are the Final Orders of the PCCLB.

Ms. Lancaster indicated that Case No. A19-223, respondent Julie Magill, will be continued to the November Board meeting, pursuant to the respondent's request. Later in the meeting, responding to query by Mr. Kelly, she explained the reasons for the continuance and related that the respondent's license is still suspended; and that her insurance has not been renewed, and Mr. Kelly opined that the case should be discussed by the Board in November, even if the respondent requests another continuance.

Chair Holderith administered the Oath to persons planning to give testimony.

Informal Hearings

Tiana M. Marshall appeared regarding Expired Permit Case No. EP20-10229, provided information regarding the case, and responded to queries by the members. Following discussion, Mr. Kelly moved, seconded by Ms. Spencer, that the case be tabled for 60 days to allow Ms. Marshall to resolve it. Upon call for the vote, the motion carried unanimously.

Mr. Palmer suggested that permit closure requirements by the County's municipal building departments be obtained and compiled into a list for future reference, and Ms. Lancaster agreed.

Ken Vogel appeared regarding Expired Permit Cases Nos. EP20-10840, EP20-10841, EP20-10844, and EP20-10847. He provided information regarding the cases and responded to queries by the members, indicating that all the permits have been closed; and that he is requesting leniency on the assessed fines. At the request of Ms. Lancaster, Ms. Spencer reviewed the status of the permits and indicated that permits associated with Cases Nos. EP20-10841, EP20-10844, and EP20-10847 have been finalized, and the permit associated with Case No. EP20-10840 appears as *abandoned* and Mr. Myers confirmed the same.

Mr. Garriott moved, seconded by Mr. Kelly, that Case No. EP20-10840 be tabled for 60 days; whereupon, responding to query by Mr. Melker, Ms. Connelly provided background information relating to the respondent's history of outstanding permits, and Chair Holderith pointed out that the fines associated with the four cases heard today would remain, even if the respondent finalizes the permit for Case No. EP20-10840. Upon call for the vote, the motion failed, with Messrs. Garriott and Dickie casting the affirmative votes.

Following further discussion, Mr. Kelly moved, seconded by Mr. Melker, that staff's recommendations regarding Mr. Vogel's cases be accepted, including the fines in the total amount of \$1,200. Upon call for the vote, the motion carried unanimously.

In response to query by Chair Holderith, Attorney Haston advised that Mr. Dickie's votes on previous items would not be counted, as he was not an active participant due to technical difficulties. Mr. Melker indicated that having knowledge of respondents' violations history in advance is helpful to the Board's decision making, and Ms. Lancaster indicated that it can be available at future meetings.

Jerry L. Lawson appeared regarding Expired Permit Case No. EP20-10603, provided information regarding the case, and responded to queries by the members. He noted that he mailed a check in the amount of \$307.55 for the fine associated with the case; whereupon, Ms. Connelly indicated that the check was not received at the Contractor Licensing Department; and that it was mailed to a wrong address. Ms. Spencer provided input regarding the case records and status, and following discussion, Mr. Kelly moved, seconded by Mr. Garriott, that the case be tabled for 60 days to allow Mr. Lawson to resolve it. Upon call for the vote, the motion carried unanimously.

Randy Joseph Gibbs appeared regarding Expired Permit Case No. EP20-10935, provided information regarding the case, and responded to queries by the members. Following discussion,

Mr. Melker moved, seconded by Mr. Kelly, that staff's recommendations regarding the case be accepted, including a fine in the amount of \$300. Upon call for the vote, the motion carried unanimously; whereupon, Chair Holderith explained to the respondent what actions he should take to resolve the matter.

Jesse B. Jackson appeared regarding Expired Permit Case No. EP20-11338 and requested leniency on the assessed fine. Responding to query by Mr. Melker, Ms. Connelly and Mr. Myers provided information relating to the respondent's history of outstanding permits, and Ms. Spencer provided input.

Mr. Melker moved, seconded by Mr. Erwin, that staff's recommendation regarding the case be accepted, including a fine in the amount of \$300. Upon call for the vote, the motion carried unanimously.

REGULAR AGENDA

Request to Rescind Permit Violations

Cases Nos. EP20-10973, EP20-10861, EP20-10697, EP20-10590 – Alfred Edward Cox

Ms. Lancaster presented the item, indicating that a final order rendered for the above cases, which were included on the Consent Agenda at the last meeting, should be reconsidered, because Mr. Cox had requested a hearing. She noted that his request was not received in time, and Ms. Connelly provided input.

Ms. Lancaster invited Mr. Cox or a representative to speak on the matter, and no one appeared; whereupon, she recommended that the request to rescind be continued to the November Board meeting, to ensure that Mr. Cox has an opportunity to be heard, and responding to query by Chair Holderith, she confirmed that no action needs to be taken by the Board at this time.

Request to Waive Testing Requirements for Contractor License Reinstatement: George Douklias

Ms. Lancaster noted that documentation in support of the request is included in the agenda packet; and that Mr. Douklias and his attorney, Robert Jones, are present; whereupon, she invited them to discuss the matter. Mr. Jones appeared and indicated that Mr. Douklias' license has not been renewed since 2017 due to serious health issues; that his company continued to operate; and that

the exam requirement for reinstating his license is unnecessary in light of extensive experience as a tile and marble contractor and should be waived, and Mr. Douklias provided input.

During discussion and responding to queries by the members, Mr. Douklias stated that he was grandfathered without having to take the initial exam in order to receive his license; and that had he kept his license continuously active, he would have never had to take an exam. Mses. Lancaster and Krickovic indicated that Mr. Douklias received his license in 1992; that all continuing education requirements since then have been fulfilled; and that the Board has authority to waive the testing requirements pursuant to the Special Act. Responding to Mr. Dickie's concerns relating to setting a precedent, Mr. Jones reiterated that the basis for the exam waiver are extensive hands-on experience and staying current with regard to continuing education, even during Mr. Douklias' illness.

Mr. Kelly moved, seconded by Mr. Housh, that the exam requirement for license reinstatement be waived.

During further discussion, Ms. Lancaster indicated that reinstatement and other fees will be based on the Board's decision, and Mr. Douklias will be notified of the same; whereupon, she suggested that the Board consider providing options for practical exams in lieu of standard exams in the future, noting that Examination Committees could potentially create requirements for the alternative examinations.

Upon call for the vote, the motion carried unanimously, and discussion continued. In response to comments by Mr. Dickie, Mses. Krickovic and Lancaster indicated that they will conduct a review and ensure that the standard exams currently utilized by various testing entities are up to date and provide a report on the matter.

Partial Payment Proposal

Mses. Lancaster and Krickovic referred to the report included in the agenda packet and discussed the background information, purpose, timeframes, payment plans, conditions, and other topics pertaining to the proposal, relating that the partial payment arrangement would benefit licensed and unlicensed contractors with sizable outstanding fine amounts who wish to make payments over time; that a total amount of approximately \$81,000 in citations is currently owed; and that the policy would be effective January 1, 2021.

Discussion ensued, and Mses. Lancaster and Krickovic responded to the members' queries concerning handling default on payments and the proposed six-percent processing fee. Attorney

Haston stated that the fee may be perceived by the court as administrative, which the Contractor Licensing Department cannot charge; and that she would like to research the matter and report to the Board.

Mr. Dickie moved, seconded by Mr. Garriott and carried unanimously, that partial payment proposal recommended by staff be approved, subject to legal review pertaining to the processing fee.

Multi-Year License Renewal

Ms. Lancaster referred to her memorandum included in the agenda packet and reported that a concept of two-year contractor license renewal previously recommended by staff to the Board is not feasible due to an annual renewal requirement of the Special Act and constraints relating to a cash-based accounting category into which the department falls; whereupon, she pointed out that this year's deadline for renewal was extended by a month to October 31 due to exigent circumstances associated with COVID-19.

Boards of Adjustment and Appeals (BOAAs) Nominations

Ms. Lancaster related that Mr. Garriott nominated Jon S. Russell for a Natural Gas Contractor position on the Mechanical, Plumbing, and Gas BOAA; and that his resume is included in the agenda packet; whereupon, Mr. Dickie moved, seconded by Mr. Kelly, that the nomination be approved. Responding to query by Chair Holderith, Mr. Garriott provided information regarding Mr. Russell's professional credentials, and upon call for the vote, the motion carried unanimously.

Thereupon, a brief discussion ensued regarding the need to fill other BOAA vacancies and related matters.

Examination Committees and Sub-Committee Nominations

Ms. Lancaster offered to reach out to the plumbing contractors who applied for a position on the PCCLB but did not get appointed regarding vacancies on the Plumbing Examination Committee. Chair Holderith agreed, and Mr. Dickie suggested searching the same candidate pool to fill the Mechanical, Plumbing, and Gas BOAA vacancy.

Insurance Violation Fee Waivers Report

Ms. Lancaster reported that under the authority granted to her by the Board, the fees assessed to the contractors listed below have been waived due to insurance agent errors and a mail delay related to COVID-19.

- Frederick Hames – I-CGC1510739
- Jose R. Mejia – I-CAC1849772
- Douglas R. Allen – I-EG13000215
- Michael Roy Emery – I-EC13005396
- John Light – I-CBC259397
- Roy E. Carlevale – I-EC13001805
- Chad E. See – I-CAC1816122
- Joseph C. Laface – I-CUC1224980

CITIZENS TO BE HEARD

Upon call for citizens to be heard, William Botelho, License No. C-11099, appeared and requested a refund of \$225 paid for his license reinstatement and an associated late fee, indicating that he missed the license renewal deadline due to health issues; that he sent correspondence to the Board and staff regarding it; and that he is disputing the Board’s decision to deny his request at the July 27 meeting.

Chair Holderith referred the members to the July 27 meeting agenda packet for documentation in support of the matter; whereupon, Mr. Botelho and Ms. Lancaster responded to their queries. Following discussion, Mr. Garriott moved, seconded by Mr. Melker, that the refund request be approved.

Discussion ensued regarding the circumstances leading to Mr. Botelho’s missing the renewal deadline, precedent setting, consideration of hardship, prior violations, and related topics; whereupon, Mr. Melker withdrew his second, and Ms. Kron seconded the above motion. Upon call for the vote, the motion failed, with Messrs. Garriott, Dickie, and Holloway and Ms. Kron casting the affirmative votes, and Chair Holderith informed Mr. Botelho that his payment will not be refunded.

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Miscellaneous

Ms. Lancaster indicated that the department has implemented a new electronic queuing system for in-person service and discussed its function and benefits to the customers; whereupon, she provided an update regarding the Accela software implementation and the Inspector General's audit of the department operations, noting that the audit is in the process of being completed; and that she will present a report regarding it to the Board at the November meeting.

ADJOURNMENT

Upon motion by Mr. Dickie, seconded by Mr. Erwin and carried unanimously, the meeting was adjourned at 3:23 P.M.

Chair