

**Construction Licensing Board
Pinellas County
July 11, 2022 Meeting Minutes**

The Pinellas County Construction Licensing Board (PCCLB) met in regular session at 1:36 PM on this date in the Palm Room at the Pinellas County Communications Building, 333 Chestnut Street, Clearwater, Florida.

Present

Alan Holderith Jr., Chair, General Contractor
Michael E. Kelly, Vice Chair, Pool Contractor
Douglas Erwin, Electrical Contractor
Kevin Garriott, North County Building Official
Jason Holloway, Consumer Representative (late arrival)
Steven James II, Roofing Contractor
Lawrence Schear, Consumer Representative (late arrival)
Michael Sofarelli, Architect
Evelyn Spencer, Pinellas County Building Official
Don Tyre, South County Building Official
Mark Vasquez, Beach Community Building Official
John Wear, Plumbing Contractor

Not Present

Marina Kron, Class A HVAC Contractor
Chief James Millican, Fire Official

Others Present

Michelle Krickovic, Director, Contractor Licensing Department (CLD)
Jacina Parson, Senior Assistant County Attorney
Jude Reazin, Code Enforcement Division Manager
Sarah Rathke, Board Reporter, Deputy Clerk
Other interested individuals

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

CALL TO ORDER

Chair Holderith called the meeting to order at 1:36 PM.

PLEDGE OF ALLEGIANCE/ROLL CALL

Chair Holderith led the Pledge of Allegiance; whereupon, Ms. Krickovic conducted a roll call of the members and confirmed the presence of a quorum.

INTRODUCTION OF STAFF

Ms. Krickovic introduced the staff members in attendance.

APPROVAL OF MINUTES FOR THE PCCLB MEETING OF MAY 23, 2022

Mr. Kelly moved that the minutes of the May 23 meeting be approved. The motion was seconded by Mr. Erwin and carried unanimously.

Mr. Holloway arrived at 1:39 PM.

CONSENT AGENDA

Chair Holderith indicated that supporting documentation for the following Consent agenda items is included in the agenda packet:

- Special Magistrate Hearing Minutes: June 20, 2022
- Examination Committee Reports: June 2022
- Expired Permit Violations (none)

Mr. Kelly made a motion, which was seconded by Mr. Ewin and carried unanimously, that the Consent Agenda items be approved.

REGULAR AGENDA

Licensed Contractor Case Review Hearings

ERIC PUSATERI

Referring to documents included in the agenda packet, Ms. Krickovic provided background information regarding the matter, including Mr. Pusateri's citation history, relating that he owes a total of almost \$26,000 in fines and fees for violations, mostly related to unlicensed contracting; that final orders have been issued by a Special Magistrate for all the citation cases; that the CLD has the authority to suspend or withhold license renewal of any contractor who has outstanding fines and fees; and that staff has reached out to Mr. Pusateri in an effort to collect his fines, but he has declined to pay.

Attorney Dan Hughes of Michael Steffen P.A. appeared and explained that he is representing Mr. Pusateri; whereupon, he provided background information regarding the case, indicating that his client acknowledges the outstanding fines. He requested that the case be continued to the next Board meeting, so that public records related to the case can be obtained and reviewed to determine whether to contest or accept the charges.

During discussion, Ms. Krickovic related that Mr. Pusateri was notified that the department is awaiting a payment for a public records request made in May; that the deadlines to contest the majority of the citations have passed; and that the current status of Mr. Pusateri's license is "needs attention".

Responding to queries by the members, Ms. Krickovic indicated that the unpaid fines have been in the books since 2011; that the issue for the Board to consider is whether or not to attach additional fines and fees and suspend Mr. Pusateri's license or revoke it; and that the current status of his license is not categorized as active, which does not allow him to work or be eligible to pull future permits.

Following lengthy discussion, Ms. Spencer made a motion to suspend Mr. Pusateri's license, which was seconded by Mr. Sofarelli, and discussion continued; whereupon, Ms. Spencer made a motion to suspend Mr. Pusateri's license until his fines are paid in full, and responding to a query by Mr. Wear, Ms. Krickovic related that the department can move toward notifying municipalities' building departments of the suspension.

After comments from staff and the members and with further clarifications, Ms. Spencer made a motion to suspend Mr. Pusateri's license, and if the fines are not paid in full until the next meeting, the Board will determine at that time if his license should be revoked.

Following input from Attorney Parson and upon a request by the Chair, Ms. Spencer withdrew her motions; whereupon, Mr. Kelly made a motion to suspend Mr. Pusateri's license effective immediately, indicating that his license will be revoked if he does not pay all fines and fees by September 12. The motion was seconded by Mr. Sofarelli and passed unanimously. Responding to a query by Mr. Wear, Ms. Krickovic explained that the department can report Mr. Pusateri's license suspension to the Florida Department of Business and Professional Regulation.

ANDREW ROTHERMEL

Referring to documents included in the agenda packet, Ms. Krickovic provided background information regarding the matter, indicating that Mr. Rothermel has defaulted on a partial payment plan of his fines and fees; that his license is currently suspended; and that he is not present to speak before the Board.

Responding to queries by the members, Ms. Krickovic clarified that there are administrative issues regarding the case that need to be remedied, as based on the department's notice to Mr. Rothermel; that he has until August 31 to pay the fines; and that the non-payment of those fees will result in a hearing by the Board to consider his license revocation; whereupon, Mr. Tyre made a motion to defer the hearing to the next meeting. The motion was seconded by Mr. Holloway and passed unanimously.

Certification without Examination Recommendation

JASON WARR

Ms. Krickovic provided background information regarding the matter, indicating that Mr. Warr's license status is "closed"; that he applied for it to be reinstated without examination; and that the Electrical Committee recommends approval.

Mr. Erwin, a member of the Electrical Committee, explained why approval was recommended and responded to queries by Chair Holderith, relating that Mr. Warr took a position with the County related to the electrical field; and that he was under the impression that his electrical license would create a conflict of interest and consequently inactivated it.

Mr. Warr appeared and addressed the Board, indicating that he stayed current on continuing education relating to his license; whereupon, Mr. Kelly endorsed Mr. Warr's application, noting that he is a qualified professional, and made a motion to reinstate his certification without an examination. The motion was seconded by Ms. Spencer and carried unanimously.

Mr. Schear arrived.

Reconsideration for Certification with Examination

ROBERT WELLS

Referring to a document included in the agenda packet, Ms. Krickovic provided background information regarding the matter, indicating that Mr. Wells had applied for a certification without examination; that the Electrical Examination Committee recommended denial, and, furthermore, was opposed to providing Mr. Wells an opportunity for a certification with the examination. She invited Mr. Erwin to share his perspective on the matter; whereupon, he indicated that the Committee denied Mr. Wells certification without examination because he was not practicing, as he had been incarcerated, and therefore unable to keep up his continuing education; and that being convicted of a serious offense was the reason that the Committee did not feel comfortable allowing him to get his license reinstated even if with an exam.

Ms. Krickovic explained that a requirement of good moral character is included in the application to the PCCLB; that Mr. Wells was convicted for drug-related offenses and felony battery of a first responder; that a felony involving the use or threat of physical force or violence against any individual may be grounds for denial of licensure; and that Mr. Wells is not present to make his request.

Following discussion and input by Attorney Parson, Mr. Wear made a motion to uphold the full recommendation by the Electrical Examination Committee to reject the request for Mr. Wells' license to be reinstated without examination and to not allow examination, and Mr. Kelly seconded. The motion carried 10 to 2, with Ms. Spencer and Mr. Schear dissenting. Ms. Krickovic indicated that Mr. Wells will be informed of the Board action.

Board of Adjustment and Appeals (BOAA) and Examination Committee Vacancies

Ms. Krickovic indicated that there are BOAA and Electrical Examination Committee vacancies; and that the Electrical Examination Committee has recommended to remove a Committee member Nicholas Zito, as he has only attended 1 out of 11 meetings.

Following brief discussion, Mr. Tyre related that he will communicate with Mr. Zito and make sure that he has time set aside to attend monthly meetings; whereupon, Ms. Krickovic accepted his commitment.

Report- Insurance Violation Fee Waivers

None.

Report- Collections write-down

Ms. Krickovic explained that due to an administrative error, the department did not renew \$28,899.06 worth of liens, causing them to be expired and the amount uncollectable. She noted that the collections process will improve upon implementation of the Accela software.

Director's Report

Ms. Krickovic provided an update on the following topics:

- License renewal season
- Impacts of House Bill 735
- Upcoming Pinellas County Building Officials Roundtable meeting

Management Report – Investigations

Mr. Reazin introduced the Code Enforcement Division's newest investigator, Jamie Padgett, and provided background information regarding Mr. Padgett's previous experience and qualifications.

Citizens to be Heard

Dean Jarvis, Largo, addressed the Board and stated his concerns regarding the impacts of House Bill 735; whereupon, Ms. Krickovic directed him to reach out to the department directly to further discuss the topic.

ADJOURNMENT

Chair Holderith adjourned the meeting at 3:05 PM.