

**Construction Licensing Board
Pinellas County
September 12, 2022 Meeting Minutes**

The Pinellas County Construction Licensing Board (PCCLB) met in regular session at 1:44 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
Steven James II, Roofing Contractor
Marina Kron, Class A HVAC Contractor
Chief James Millican, Fire Official
Lawrence Schear, Consumer Representative
William Sheehan, Residential Contractor
John Wear, Plumbing Contractor

Not Present

Michael Sofarelli, Architect
Evelyn Spencer, Pinellas County Building Official
Don Tyre, South County Building Official
Mark Vasquez, Beach Community Building Official

Others Present

Michelle Krickovic, Director, Contractor Licensing Department (CLD)
Jacina Parson, Senior Assistant County Attorney
Jude Reazin, Code Enforcement Division Manager
Katie Poviones, 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 1:44 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 JULY 11, 2022

Chief Millican moved that the minutes of the July 11 meeting be approved. The motion was seconded by Mr. Kelly and carried unanimously.

CONSENT AGENDA

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

- Special Magistrate Hearing Minutes: August 1, 2022 and August 15, 2022
- Examination Committee Reports: July and August 2022
- Expired Permit violations (none)

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

REGULAR AGENDA

Licensed Contractor Case Review Hearings

ANDREW ROTHERMEL

Ms. Krickovic provided background information regarding the matter, relating that the case was continued from a previous PCCLB meeting; that staff has been unable to deliver notice to Mr. Rothermel despite multiple attempts to do so; and that he has defaulted on a partial payment plan of his fines and fees.

Chair Holderith explained that the Board previously decided that non-payment of the fines by August 31 would result in a hearing to consider the revocation of Mr. Rothermel's license; and that per the Board's deferral of the hearing to today's meeting, the members may now decide whether to revoke his license.

Responding to queries by the members, Ms. Krickovic clarified that Mr. Rothermel has not complied with requests to appear before the Board; that he signed an affidavit accepting the terms of the partial payment plan; and that the various attempts to contact Mr. Rothermel can be viewed within the exchange of correspondence attached in the case record.

Chief Millican made a motion, which was seconded by Mr. Kelly and carried unanimously, to revoke Mr. Rothermel's license.

Reappointment of Board of Adjustments and Appeals and Examination Committee Vacancies

Ms. Krickovic indicated that all Committee members agreed to reappointment; and that the Board may make one motion to accept and reappoint all of them; whereupon, Mr. Holloway made a motion to reappoint the current Board of Adjustment and Appeals and Examination Committee appointees. The motion was seconded by Mr. Kelly and carried unanimously.

Board members Reappointments confirmed at the BCC meeting September 22, 2022

Ms. Krickovic confirmed the reappointment of the following members:

- William Sheehan
- Mark Vasquez
- Evelyn Spencer
- Lawrence Schear
- Michael Sofarelli
- Kevin Garriott
- Alan Holderith, Jr.
- Douglas Erwin

She noted that Chair Holderith's two-year term as Chair is ending and thus, the Board must appoint or reappoint a chair at the PCCLB's November meeting. Chair Holderith commented that he is willing to continue serving as Chair, however, he is not opposed to allowing someone else to take his place; and that any interested individuals should contact him or Mr. Kelly.

Report – Insurance Violation Fee Waivers

Ms. Krickovic reported that the fees assessed to the contractor listed below have been waived due to an administrative error:

- David McCloskey Jr – I-CFC1429703

Report – Collections write-down

None.

Director's Report

Ms. Krickovic noted that over 250 expired permit violations have been issued and provided an update on the following topics:

- Continuation of natural gas specialty contractor classification
- Discounted renewal rate for natural gas contractors
- Pinellas County Building Officials Roundtable meeting
- Efforts to introduce legislation to amend or revoke House Bill 735
- Implications of Senate Bill 4-D

During discussion, Ms. Krickovic welcomed Joseph Fleming, noting that he is an intern working with the CLD to find uniformity in the application of building codes, and Mr. Fleming introduced himself and discussed his background; whereupon, in response to queries by Mr. Sheehan, Ms. Krickovic discussed the impacts of House Bill 735 on local contractors and recognized the passing of a former long-term staff member, Kathy Benedict.

Management Report – Investigations

Mr. Reazin related that the Code Enforcement Division's newest investigator Jamie Padgett, who was introduced to the members at a previous PCCLB meeting, is now working independently; and that the Division currently has a full roster of investigators actively working on cases.

Citizens to be Heard

Chair Holderith reminded the Board of a licensed contractor case review hearing for Eric Pusateri held at a previous meeting and indicated that the Board had decided to suspend his license effective immediately with the stipulation that it would be revoked if his fines and fees totaling nearly \$26,000 were not paid by September 12; whereupon, Michael Steffen, Esq., appeared and related that he represents Mr. Pusateri; that a majority of his client's citations were not properly served; and that Mr. Pusateri has offered to resolve the outstanding fines related to the valid citations for a total of \$4,000 to be paid within five business days to the Board for the full reinstatement of his licensure.

In response to queries by the members, Mr. Steffen provided clarifying comments regarding Mr. Pusateri's claims of unnoticed citations, relating that his client was not given an opportunity to challenge them and thus, he should not be required to pay fines or fees

related to them due to the lack of due process. Thereupon, discussion ensued and Ms. Krickovic stated that many of Mr. Pusateri's citations were served utilizing a process server because they were for unlicensed contracting; that final orders issued by the PCCLB must be contested within 30 days at the Court of Appeal; and that the Board does not have the authority to negotiate fees, fines, or settlements.

Chair Holderith remarked that the special magistrate previously determined that Mr. Pusateri's citations were properly served, and stated that the Board cannot overturn the special magistrate's ruling. Responding to a query by Mr. Garriott, Attorney Parson explained that the time has lapsed in which Mr. Pusateri could have appealed the special magistrate's final order; whereupon, seeing that no fines or fees were paid, Mr. Kelly moved to revoke Mr. Pusateri's license. The motion was seconded by Chief Millican and carried unanimously.

In response to a query by Mr. Holloway, Chair Holderith noted that the CLD can report the suspension and revocation of Mr. Pusateri's license to the State, and Ms. Krickovic clarified that Mr. Pusateri may avoid revocation if he makes a full and final payment to the CLD before four o'clock today.

ADJOURNMENT

The meeting was adjourned at 2:38 PM.