

**Construction Licensing Board
Pinellas County
November 13, 2023 Meeting Minutes**

The Pinellas County Construction Licensing Board (PCCLB) met in regular session at 1:33 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 Kelly, Vice-Chair, Pool Contractor
Douglas Erwin, Electrical Contractor
Kevin Garriott, North County Building Official
Jason Holloway, Consumer Representative
Chief James Millican, Fire Official
Lawrence Schear, Consumer Representative
William Sheehan, Residential Contractor
Michael Sofarelli, Architect
Evelyn Spencer, Pinellas County Building Official

Not Present

Steven James II, Roofing Contractor
Marina Kron, Class A HVAC Contractor
Don Tyre, South County Building Official

Others Present

Michelle Krickovic, Director, Contractor Licensing Department (CLD)
David Barrera, Assistant County Attorney
Jude Reazin, Code Enforcement Division Manager
Krista Johnson, 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 1:33 PM.

PLEDGE OF ALLEGIANCE

Chair Holderith led the Pledge of Allegiance.

ROLL CALL – CONFIRMATION OF A QUORUM

Ms. Krickovic conducted a roll call of the members and confirmed the presence of a quorum.

INTRODUCTION OF CONTRACTOR LICENSING AND CODE ENFORCEMENT STAFF

Ms. Krickovic introduced the staff members in attendance.

APPROVAL OF MINUTES FOR THE PCCLB MEETING OF SEPTEMBER 11, 2023

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

APPROVAL OF 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 28, September 25, and October 23, 2023
- Examination Committee Reports: September 2023 through November 2023
- Change of Status Committee Reports: September 2023 through November 2023
- Change of Status Applications Administratively Approved by Board Rule 2.03:
 - Richard Minto, C-11198, Penny Rich Pools Inc.
 - James Pettinato, C-11769, PJ & J Handyman & Construction Services LLC
 - Zarkop Miljanic, C-11767, ZM Finish Carpentry LLC
- Expired Permit Violations: September and October 2023

The expired permit violation cases were forwarded to the PCCLB from various building departments for disciplinary action by the Board due to expired permits. The contractors have been notified of this hearing by certified mail or constructive service. The Director recommends that the Board accept the allegations as filed in the Administrative Complaint as findings of fact and enter a Final Order to be signed by the Chairman; and that each final order include the following:

- Reprimand for permit violation
- Fine of \$300
- Administrative costs (mailings and/or service costs)
- Thirty (30) days to comply. If not, the license is subject to suspension.

Chief Millican made a motion, which was seconded by Mr. Sheehan, to approve the Consent Agenda items. Upon call for the vote, the motion carried unanimously.

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.

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

ROBERT D'ANDREA, JR.

Ms. Krickovic provided brief comments regarding the case and recognized Mr. D'Andrea's efforts to rectify the expired permit issue; whereupon, she indicated that he is present to provide an update.

Mr. D'Andrea appeared and indicated that this has been a complex and time-consuming process; and that he is still working with the City of Largo to address the remainder of the violations; whereupon, he responded to queries by the members.

Following a lengthy discussion and a request by Mr. D'Andrea for additional time to work on the issues, Mr. Sheehan made a motion to continue the hearing for six months. The motion was seconded by Mr. Holloway and carried unanimously.

MARK SPEELER

Ms. Krickovic indicated that Mr. Speeler has paid the fee for the expired permit violation; and that he is in total compliance; whereupon, she indicated that he would like to address the Board.

Mark Speeler and Doug Speeler appeared. Mr. Mark Speeler provided information regarding his concerns related to the City of St. Pete Beach permitting requirements, which required an electrician to be added to Mr. Speeler's permit. He indicated that the violation resulted from the electrician not closing out their part of the permit.

Ms. Krickovic noted that work is being done during roundtable discussions with County Building Officials to establish standard applications at the local level; whereupon, Mr. Doug Speeler indicated that there are now other municipalities utilizing the same practice.

A lengthy discussion ensued, with Ms. Krikovic providing details related to the expired permit process.

Mr. Kelly made a motion to authorize Ms. Krikovic to draft a letter, which will be approved by the Board, to be sent to the City of St. Pete Beach. The motion was seconded by Mr. Holloway and carried unanimously.

A brief discussion ensued, and Ms. Krickovic indicated that she will work with the County Attorney's Office to create a statement, which will be reviewed with the Board, and then published as official guidance to the jurisdictions.

PAUL INCORVAIA

Ms. Krickovic introduced the case by indicating that Mr. Incorvaia is a marine specialty contractor; that he has one expired permit which has not been reinstated; and that the fine has not been paid.

Mr. Incorvaia appeared and provided background information regarding the permit and attempts to pay the fine, relating that he was informed by the City of St. Pete Beach that he will not be able to complete a final inspection due to the seawall being constructed on a permit that should never have been issued; and that he will need to redesign the existing seawall and obtain a new permit.

Ms. Krickovic shared information regarding the PCCLB's Board of Adjustment and Appeals (BAA), explaining that it is a body to which written appeals may be made; that it is an option that Mr. Incorvaia has available to him; and that during continuances and formal appeals, all enforcement actions are stopped; whereupon, responding to a query by Chair Holderith, Attorney Barrera, with input by Ms. Krickovic, provided details regarding the BAA, including membership and the appeals process.

Following a lengthy discussion, Mr. Kelly made a motion to defer the case to the Board's March 2024 meeting, and the motion was seconded by Mr. Erwin.

Responding to a query and comment by Mr. Sheehan, Chair Holderith indicated that all fines and penalties will be stayed until the case is before the Board again in March, and Mr. Kelly clarified that the intent of his motion is to provide time for Mr. Incorvaia to file an appeal with the BAA; whereupon, Ms. Krickovic related that she will contact Mr. Incorvaia once she has obtained clarification on the appeal process.

Upon call for the vote by Chair Holderith, the motion carried unanimously.

DOUGLAS NORMAN KING

Ms. Krickovic indicated that Mr. King is a licensed general contractor; that this case is an expired permit violation issued by the City of St. Pete Beach; that the fine is unpaid; and that the City's Building Department has closed the permit since final inspections have occurred.

Mr. King appeared and provided background information regarding the expired permit, including concerns regarding lack of notification by the City relating to the expired permit and violations of statutes listed on the PCCLB's complaint; whereupon, Ms. Krickovic indicated that each building department has an obligation to provide a notification when a permit is expiring; and that it is an expectation that the violations that are being enforced by the PCCLB, on behalf of jurisdictions, have been noticed.

Ms. Krickovic suggested to Mr. King that he could request proof of the notification from the City's Building Department and invited him to attend the roundtable discussions held with County Building Officials.

In response to a query by Chair Holderith, Mr. King indicated that he is requesting that the PCCLB case be dismissed; whereupon, responding to a query by Chair Holderith, Ms. Krickovic confirmed that the PCCLB fee is in the amount of \$300.

Chief Millican made a motion, based on information provided, that the PCCLB fee be waived. The motion was seconded by Mr. Sofarelli and carried with a vote of 8 to 2, with Mr. Kelly and Mr. Schear casting the dissenting votes.

Responding to comments and queries by the members, Ms. Krickovic provided the following information:

- A PCCLB policy change would be needed to require expired permit proof of notification to contractors by building departments.
- One of the reasons that the PCCLB assumes the enforcement arm for these situations is to provide a service to ensure that permits are properly closed.
- Information could be provided to each municipality indicating that it is the Board's recommendation for the date of notification to be provided; and that this will be a procedural change.

MATTHEW SOFARELLI

Ms. Krikovic provided background information on the case, including that Mr. Sofarelli was issued a citation for unlicensed contracting; and that he wishes to contest the violation through the PCCLB, as opposed to the more frequently used option of appealing before a Special Magistrate; whereupon, she indicated that she recommends hearing the evidence in the same manner as a Special Magistrate. Attorney Barrera detailed the hearing process utilized by Special Magistrates and indicated that he believes, following presentation of evidence, a vote to determine whether the violation occurred should be taken by the Board.

Chair Holderith administered the Oath to Pinellas County Construction Licensing Board Investigator Cheryl Ferland; whereupon, Ms. Ferland referred to documents and photographs included in the agenda packet and provided information regarding Citation No. 23-1234, noting that it was issued for the installations of air conditioning, a window, and doors, without the required permit.

Responding to queries by Ms. Krikovic, Mr. Erwin, and Board member Michael Sofarelli, Ms. Ferland clarified that Matthew Sofarelli has not been cited for unlicensed contracting or for violating the one-year rule for the owner/builder affidavit and the homestead exemption; and that the date of the citation is May 23.

Mr. Sofarelli appeared and provided background details regarding the house at which the citation was issued and his efforts with County staff regarding the permitting process and to deal with the fine, noting that he has now sold the house; whereupon, responding to queries by Ms. Krikovic and Attorney Barrera, he detailed the installations which had been completed prior to the violation being issued and work which had been done both with and without permits being obtained, noting that he did apply for a homestead exemption; and that he did not apply for a permit to install a sliding glass door.

In response to queries by the members, Mr. Sofarelli provided information related to the purchase and sale of the house, air conditioning and sliding glass door installation, and plumbing work; whereupon, he stated that there were no changes to windows.

Responding to a query by Ms. Spencer and a brief discussion, Attorney Barrera provided brief remarks and indicated that the burden before the Board today is a preponderance of the evidence provided as to whether unpermitted work had been performed at the time the citation was issued; whereupon, he requested that Board member Michael Sofarelli abstain from voting due to what appears to be a familial relationship.

Following a brief discussion, Attorney Barrera clarified that the citation was issued for the totality of unpermitted work performed; that Investigator Ferland may be called to speak again if there are further technical questions from the Board; and that a call to vote would be to determine whether Citation No. 23-1234 was issued validly.

Mr. Kelly made a motion to vote, which was seconded by Chief Millican; whereupon, Chair Holderith provided the direction that a vote of yea would indicate that there is a preponderance of the evidence that a violation did occur. Upon call for the vote, the motion carried unanimously, with Board member Michael Sofarelli abstaining.

Ms. Krickovic informed Matthew Sofarelli that the violation stands; and that he is ordered to pay the fine of \$500 within 30 days.

In accordance with the provisions of the Standards of Conduct Law, a completed Memorandum of Voting Conflict form has been received and made a part of the record.

REGULAR AGENDA

Certificate without Examination Recommendations

None.

Report – Insurance Violation Fee Waivers

None.

Report – Collections Write-down

Ms. Krickovic provided information related to the below fee waiver that was issued:

- Kenneth Walker – C11750

Painting Specialty Contractor – Recommended Change

Ms. Krickovic related that management is recommending that the Painting Specialty Contractor license be eliminated effective November 30, 2023, prior to it being removed on July 1, 2024, through House Bill (HB) 1383; whereupon, she discussed avoidance of an undue burden on new applicants, as well as an additional recommendation related to for refunds license renewal fees to contractors should the Board accept the recommendation to eliminate the license prior to the effective date of HB 1383.

Chief Millican made a motion to accept the recommendation of the November 30 effective date for eliminating the license and to issue refunds to contractors involved between

October 1 and November 30. The motion was seconded by Mr. Sheehan and carried unanimously.

Responding to a query by Chief Millican, Ms. Krickovic indicated that a reduced renewal fee has been implemented for other specialties which will be eliminated through HB 1383; and that staff is not recommending for other specialty licenses to be eliminated prior to the July 1 effective due to many of those specialty licensed contractors having active permits and needing time to close those out.

Revocation of Contractor Licenses

Ms. Krickovic related that the licenses of state-certified contractor, Jordan Hidalgo have been revoked due to the voluntary relinquishment of his state licenses; and that all nine of the following licenses have been revoked by the Department of Business and Professional Regulation:

- I-CBC1260338 – Building Contractor / A To Z Gulfcoast Services LLC
- I-CBC1260956 – Building Contractor / Pinellas Construction Services LLC
- I-CPC1459718 – Commercial Pool/Spa Contractor / 30 Day Pools
- I-CPC1459143 – Commercial Pool/Spa Contractor / Pools By Jordan LLC
- I-CPC1459487 – Swimming Pool/Spa Servicing Contractor / Staycation Pools & Spas
- I-CPC1458569 – Commercial Pool/Spa Contractor / Modern Pools
- I-CPC1458865 – Commercial Pool/Spa Contractor / Pinellas Construction Services LLC
- I-CGC1529876 – General Contractor / Pools By Jordan LLC

Director's Report

Utilizing a PowerPoint presentation titled *FY23 Accomplishments and FY23/FY24 Work Plan*, Ms. Krickovic highlighted the following topics:

- Building Officials' Roundtable meetings
- Six special committee meetings
- Communication efforts regarding effects of HB 1383
- Upcoming Accela roll-out
- Nearly 1,500 new state contractors registered
- Improved insurance processing procedures
- Continued email communication messages with contractors
- Decrease in complaints against licensed contractors
- Impacts to revenue
- Anticipated move to new office location at 440 Court Street, Clearwater
- Upcoming introduction of 24-hour online licensing

- Employee recognition and career path programs
- Implementation of changes related to HB 1383
- Plans to update, adopt, and publish a new set of Board Rules
- Continued improvements to the PCCLB's website
- Improvements to process training to support Code Enforcement

Ms. Krickovic provided details regarding two Board vacancies, and related that both should be filled by the next Board meeting.

Investigations Report

Mr. Reazin thanked the Board for its continued support; whereupon, he noted that staff is working diligently to learn the new Accela program.

Citizens to be Heard

None.

ADJOURNMENT

Mr. Kelly made a motion to adjourn the meeting, which was seconded by Ms. Spencer and carried unanimously; whereupon, the meeting was adjourned at 4:03 PM.