

**Construction Licensing Board  
Pinellas County  
March 11, 2024 Meeting Minutes**

The Pinellas County Construction Licensing Board (PCCLB) met in regular session at 1:34 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  
Jason Holloway, Consumer Representative  
Steven James II, Roofing Contractor  
Marina Kron, Class A HVAC Contractor  
Chief James Millican, Fire Official  
Brian Rusu, Beach Community Building Official  
Lawrence Schear, Consumer Representative  
Evelyn Spencer, Pinellas County Building Official  
Don Tyre, South County Building Official  
John Wear, Plumbing Contractor

**Not Present**

Kevin Garriott, North County Building Official  
William Sheehan, Residential Contractor  
Michael Sofarelli, Architect

**Others Present**

Michelle Krickovic, Director, Contractor Licensing Department (CLD)  
David Barrera, Assistant County Attorney  
Jude Reazin, Code Enforcement Division Manager  
Shirley Westfall, 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 1:34 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.

## **CONTRACTOR LICENSING AND CODE ENFORCEMENT STAFF**

Ms. Krickovic introduced the staff members in attendance.

## **APPROVAL OF MINUTES FOR THE PCCLB MEETING OF JANUARY 8, 2024**

Mr. Kelly moved that the minutes of the January 8 meeting be approved. The motion was seconded by Mr. Erwin 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: January 29 and February 26, 2024
- Examination Committee Reports: January through February 2024
- Change of Status Committee Reports: January through February 2024
- Change of Status Applications Administratively Approved by Board Rule 2.03: None
- Order Expired Permit Violations: None

Chief Millican made a motion to approve the Consent Agenda items. The motion was seconded by Mr. Kelly and carried unanimously.

## **REGULAR AGENDA**

Chair Holderith indicated that there are no Certificate without Examination Recommendations, Insurance Violation Fee Waivers, or Collections Reports; and that the Financial Disclosure Form is due by July.

## 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.

### PAUL INCORVAIA

Ms. Krickovic indicated that Mr. Incorvaia, a marine specialty contractor, appeared at the November PCCLB meeting regarding an expired permit violation issued by the City of St. Pete Beach; that the Board agreed to give him additional time to reinstate and resolve the permit; and that he now wishes to appeal the decision of the building official. She noted that management recommends that the Board provide Mr. Incorvaia with 60 days in which to have the appeal scheduled and heard and a decision rendered.

Mr. Kelly related that the City of St. Pete Beach is currently having issues with its building department; and that he believes the Board should grant the 60-day extension and made a motion to that effect. The motion was seconded by Mr. Holloway and carried unanimously.

### BRUCE KOBEL

Referring to documents and photographs, Contractor Licensing Field Investigator Jamie Padgett provided detailed information regarding two citations issued for unlicensed electrical and plumbing work and for work being done without a permit, relating that there are three structures being utilized as short-term rentals on the property where the violations occurred; and that the property owner also constructed four sites for recreational vehicles. Thereupon, he provided an overview of the investigation timeline of events and presented several exhibits as evidence to the Board.

Mr. Kobel appeared, provided detailed background information regarding the subject property and its uses, and referenced State Statute related to the definition of *contracted work*, noting that as the owner of the property, he performed the work and did not seek or receive compensation; whereupon, he reiterated that he is not an unlicensed contractor.

Responding to a query by Mr. Holloway, Ms. Krickovic related that if a property is homesteaded, the homeowner can apply to act as an owner-builder contractor; and that Florida Statute requires that any work done on commercial properties must be performed by a licensed contractor. Thereupon, discussion ensued wherein Mr. Kobel responded to a query by Mr. Tyre, relating that his property is an investment property, not a commercial property; that he is working to secure an after-the-fact permit for the electrical work done on the property; and that the electrical and plumbing connections have been disconnected and will be removed if there is no other option.

In response to Mr. Kobel's comments, Ms. Krickovic clarified that any non-homestead property is considered commercial; and that a property owner could act as an owner-builder contractor for improving commercial buildings at a cost not to exceed \$75,000, which must be for the occupancy or use of the property owners and not offered for sale or lease; whereupon, in response to queries by Ms. Spencer and Chair Holderith, Mr. Kobel confirmed that the property has been offered for sale a couple of times over the years; and that he has received rent from individuals who parked their recreational vehicles on the property.

Thereupon, discussion ensued regarding the Board's options. During discussion, Attorney Barrera provided legal guidance to the Board related to the sections of County Code that Mr. Kobel violated.

Following lengthy discussion, Ms. Spencer made a motion to rule in favor of the defendant and dismiss Citation No. 24-0057 regarding unlicensed contracting. The motion was seconded by Ms. Kron. Upon the Chair's call for the vote, the motion carried 6 to 5, with Messrs. Erwin, Kelly, Rusu, and Wear, and Chair Holderith dissenting.

Chief Millican made a motion to deny the defendant's request and uphold Citation No. 24-0058 regarding work without a permit, which was seconded by Mr. Tyre. In response to a query by Chair Holderith, Attorney Barrera confirmed that a vote must be taken even if the Board is in agreement. Upon the Chair's call for a vote, the motion carried unanimously; whereupon, with input from Chair Holderith, Ms. Krickovic informed Mr. Kobel that payment of the \$500 civil penalty is due within 30 days.

#### JEFFREY MUNGER

Ms. Krickovic introduced the case regarding two expired permit violations issued in 2020, noting that PCCLB meetings in 2020 were greatly interrupted by the pandemic; and that Mr. Munger would like to address the Board; whereupon, Chair Holderith invited Mr. Munger to the podium.

Mr. Munger provided background information regarding the issue, indicating that a permit was pulled for an incorrect address in 2018; that he previously requested that the permit be rescinded; and that he has been a licensed contractor since 2005, without incident.

Responding to queries by Chair Holderith, Mr. Munger related that he was required to reinstate the permit for the incorrect address, despite never having worked on the property; whereupon, he noted that the permit was never closed, which has resulted in the two expired permit violations; and that he is willing to correct the issue but does not feel that he should have to pay two \$300 fines.

Upon Ms. Krickovic's request, Mr. Munger provided information regarding his previous email exchanges with County staff in an attempt to correct the issue.

Following discussion, Mr. Kelly made a motion, which was seconded by Mr. Erwin, to rescind one of the two \$300 fines; whereupon, Chair Holderith explained that the proposed waiver of one of the fines is contingent upon Mr. Munger closing the expired permit, which is still open and needs to be resolved with the County. In response to a query by Ms. Krickovic, Mr. Kelly recommended that this matter must be resolved within 60 days, and Mr. Erwin concurred. Upon the Chair's call for the vote, the motion carried unanimously.

### Revocation of License

Ms. Krickovic indicated that the Board previously revoked the license of contractor Gary Seligman; and that she would like to correct the record to reflect that Mr. Seligman is not deceased. Thereupon, responding to a query by Chair Holderith, she related that his license is still revoked.

Ms. Krickovic related that contractor Matthew Schoeppe passed away on January 11, 2023; and that the Department of Business and Professional Regulation (DBPR) has been notified since the status of his license continues to appear as active.

Ms. Krickovic informed the members that David Traynham passed away on September 10, 2020; and that since the administrative fine in the amount of \$300 is uncollectible, it has been reduced to zero.

### Boards and Committees

Deviating from the order of the agenda, Chair Holderith introduced City of Clearwater Assistant Building Official Dana Root and requested that the Board appoint him to the Building Examination Committee; whereupon, Chief Millican made a motion, which was seconded by Mr. Kelly and carried unanimously, to appoint Mr. Root to the Committee.

Ms. Krickovic presented a request for volunteers to join the newly formed Sunshine Committee, which will ensure that current Board Rules comply with new legislation, and which will make recommendations to the PCCLB. She related that management recommends that two contractors, one or two building officials, and one citizen representative from the Board volunteer to join the Committee. Thereupon, Messrs. Kelly and Holloway and Ms. Kron volunteered to serve on the Committee, and Ms. Krickovic related that one or two building officials are still needed.

Ms. Krickovic related that a contractor and a building official are needed to fill two vacancies on the Case Review Committee; that meetings are anticipated to be held every 60 days; and that anyone wishing to volunteer should contact her or staff.

Ms. Krickovic provided information regarding the functions of the four Boards of Adjustment and Appeals (BOAA) and current vacancies which exist on each, indicating that the Special Act and the Board rules define who may sit on the BOAA, with PCCLB members listed as ineligible to serve; and that any recommendations or referrals from the members are appreciated.

Noting two anticipated appeals in the near future, Ms. Krickovic presented a request for the Board's consideration, indicating that the request is to consider empowering management to appoint qualified individuals in an effort to eliminate the need for a special meeting of the PCCLB to validate appointments. Following a brief discussion, Chief Millican made a motion, which was seconded by Mr. Holloway and carried unanimously, to provide management the authority to appoint members to the BOAA.

#### Legislative Update

Ms. Krickovic referred to a memorandum included in the agenda packet and provided information regarding House Bill (HB) 1483, which she calls "The New Special Act," noting that it passed unanimously in the Florida House and Senate and is awaiting endorsement by the Governor; whereupon, she discussed the Bill's potential impacts on the PCCLB's authority and responsibilities.

Referring to the aforementioned memorandum, Ms. Krickovic provided an update regarding Senate Bill (SB) 1142 and its impacts on specialty licensing in the County, highlighting a 10% reduction in the number of specialty contractors since 2021. Thereupon, she indicated that SB 1142 specified a July 1, 2024, deadline for the DBPR to create new State specialty licenses for a group of contractors known as "Section B contractors"; that the deadline has been extended to July 1, 2025, due to delays; and that the CLD will also extend the licenses of Section B contractors to allow them to remain licensed and continue acquiring permits.

Ms. Krickovic related that SB 1142 also provides an expiration date of July 1, 2025, for local specialty classifications; and that the Board may consider whether to continue or eliminate any of the specialty licenses listed on Chart A of the aforementioned memorandum, which currently have a published expiration date of July 1, 2024; whereupon, she noted that management recommends extending the expiration of the Pile Driving Specialty to July 1, 2025, as it is the only specialty on Chart A that requires a permit and a particular skill, which typically relates to underpinning work; and that there has not been a provision at the State level to address the Pile Driving license classification.

Chair Holderith entertained a motion from the members, clarifying that it would confirm the July 1, 2024, expiration date of the specialty classifications listed in Chart A, excluding the Pile Driving Specialty; whereupon, Mr. Kelly made a motion to that effect. The motion was seconded by Chief Millican and carried unanimously.

Thereupon, Chair Holderith entertained a motion from the members, noting that it would allow the Pile Driving Specialty to expire on July 1, 2025. Mr. Holloway made a motion to that effect, which was seconded by Mr. Kelly and carried unanimously.

Ms. Krickovic indicated that HB 1483 allowed the Fence Erection and Veneer Specialties to continue at the local level in perpetuity; whereupon, she requested that the Board determine whether to continue these specialties. In response to queries by Chair Holderith, Ms. Krickovic clarified that management's desire is that the Board would carefully consider the risks and implications associated with these specialties; and that if the Board takes no action, the licenses will still be required by the PCCLB. Discussion ensued regarding fencing requirements for residential and commercial settings and other topics; whereupon, Chair Holderith confirmed that the members do not want to eliminate the Fence Erection and Veneer Specialties.

Ms. Krickovic noted that it is forecasted that, by July 1, 2025, the CLD will represent approximately 660 contractors compared to 1,745 in 2021.

#### Proposed Rule Changes Governing Special Masters

Ms. Krickovic referred to a memorandum included in the agenda packet and related that, in an effort to eliminate duplication of services and improve efficiencies, management recommends that the Board approve proposed changes to Board rules governing the solicitation, engagement, and oversight of Special Masters in the Special Act. Thereupon, she provided an overview of the proposed changes related to the solicitation process and negotiation of contracts for Special Masters. Mr. Holloway made a motion to adopt the proposed changes, which was seconded by Chief Millican and carried unanimously.

## DIRECTOR'S REPORT

Ms. Krickovic reported that the CLD's office relocation to 440 Court Street, Clearwater, has been completed; and that the implementation of Accela went live on February 26.

### Management Report – Investigations

Mr. Reazin provided additional comments regarding the implementation of Accela, and related that the Special Magistrate rules adopted by the Board will create a more standardized approach for other County divisions; whereupon, he responded to queries by Mr. Kelly and welcomed the members to attend a Special Magistrate hearing.

### Citizens to be Heard

None.

## **ADJOURNMENT**

At the request of Chair Holderith, Chief Millican made a motion to adjourn the meeting. The motion was seconded by Mr. Erwin and carried unanimously. Thereupon, the meeting was adjourned at 3:26 PM.