

**Construction Licensing Board
Pinellas County
May 13, 2024 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
Steven James II, Roofing Contractor
Brian Rusu, Beach Community Building Official
Lawrence Schear, Consumer Representative
William Sheehan, Residential Contractor
Michael Sofarelli, Architect
Evelyn Spencer, Pinellas County Building Official
John Wear, Plumbing Contractor

Not Present

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

CONTRACTOR LICENSING AND CODE ENFORCEMENT STAFF

Ms. Krickovic introduced the staff members in attendance.

APPROVAL OF MINUTES FOR THE PCCLB MEETING OF MARCH 11, 2024

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

APPROVAL OF THE CONSENT AGENDA

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

- Special Magistrate Hearing Minutes: March 18 and April 22, 2024
- Examination Committee Reports: March through April 2024
- Change of Status Committee Reports: March through April 2024
- Change of Status Application Administratively Approved by Board Rule 2.03: None
- Order Expired Permit Violations: None

Mr. Holloway moved to approve the Consent Agenda items. The motion was seconded by Mr. Kelly and carried unanimously.

Mr. Sheehan arrived at 1:37 PM.

REGULAR AGENDA

Chair Holderith indicated that there are no Certificate without Examination Recommendations, Insurance Violation Fee Waivers, or Collections Reports; whereupon, Ms. Krickovic noted that the digital version of the agenda packet contains a link to the Financial Disclosure Form, which is due by July 1, 2024. Responding to a query by Chair

Holderith, Ms. Krickovic clarified that disclosures from the prior year are requested in the form.

Committee Updates

Ms. Krickovic indicated that Jeff Wolf and Doug King were appointed as General Contractors to the Board of Adjustment and Appeals (BOAA) for the Florida Building Code, while Michael McCarthy was reappointed as a Structural Engineer; that the Architect seat on that Board remains vacant; and that Joe Griner, a Mechanical and Fire Engineer, was appointed to the Plumbing, Mechanical, and Gas BOAA.

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 provided background information regarding Mr. Incorvaia's case and recommended its continuation to the CLB's July meeting to allow more time for him to attempt to resolve the issue with the City of St. Pete Beach.

Mr. Holloway moved to continue the item to the July meeting. The motion was seconded by Mr. Erwin.

In response to a query by Mr. Sheehan, Ms. Krickovic indicated that Mr. Incorvaia first appeared before the Board in November of 2023; and that she anticipates that this case can be resolved at the next meeting.

Upon the Chair's call for the vote, the motion carried unanimously.

Mr. Schear arrived at 1:43 PM.

ROBERT D'ANDREA

Ms. Krickovic provided a brief history of the case, noting that it concerns 34 expired permit violations issued by the City of Largo against Mr. D'Andrea; that 12 of the 34 expired permit violations have been rescinded; and that an administrative fine of \$6,766.10 is due to the PCCLB for the remaining 22 permits, which have all been resolved with the City;

whereupon, she briefly discussed a partial payment plan available to contractors with significant fines and noted that Mr. D'Andrea has not yet made any payments to the PCCLB.

Mr. D'Andrea appeared, provided information regarding the efforts he has taken to resolve the violations, and requested forgiveness of the balance owed to the PCCLB.

In response to queries by the members, Mr. D'Andrea provided clarifying information, explaining that all of the original expired permit violations have been resolved; and that his company had no record of any expired permits prior to receiving the violation notices. Responding to a query by Mr. Holloway, Ms. Krickovic remarked that she has no recollection of the CLB waiving expired permit violations in recent history.

Following discussion and hearing no motions, Chair Holderith indicated that the fines will remain in place.

GREG FARKAS

Ms. Krickovic introduced the case by indicating that Mr. Farkas is a licensed Fence Erection Specialty Contractor; that this case concerns 37 expired permit violations issued by the City of Largo, which he has resolved with the City; and that he is before the Board today to request consideration of the outstanding fines totaling \$11,379.35; whereupon, she reviewed the partial payment plan offered to Mr. Farkas.

Mr. Farkas appeared and provided details related to the expired permit violations, noting that there were instances when he was not notified of a need for reinspection and customers obtaining permits using his license number; whereupon, he requested leniency with regards to the outstanding fines, indicating that he could afford to pay approximately half of the fines on a partial payment plan.

In response to a query by Mr. Holloway, Ms. Krickovic indicated that it is at the Board's discretion to extend the term of the aforementioned payment plan; whereupon, Mr. Holloway moved to extend the term of Mr. Farkas's payment plan from 12 to 24 months. Following a query by Ms. Krickovic, Mr. Holloway confirmed that the 25% initial payment would remain unchanged.

Ms. Krickovic, responding to a query by Ms. Spencer, explained that any penalties against Mr. Farkas will be suspended as long as he maintains compliance with the payment plan. Thereupon, Ms. Spencer seconded the motion. Following brief discussion, and upon the Chair's call for the vote, the motion carried unanimously.

RAFAEL Y CASTELLON

Ms. Krickovic introduced the case by indicating that Mr. Castellon is a licensed Electrical Contractor; that four expired permit violations were issued by the City of St. Pete Beach, which have all been resolved; that costs due to the PCCLB total \$1,230.20; and that Mr. Castellon believes there was a miscommunication with the City and the Fire Marshall.

Mr. Castellon appeared, provided background information regarding the violations, and indicated that he did not request a fire inspection because the electrical inspection passed, leading him to believe everything was closed; and that he previously submitted photographs and drawings of hardwired smoke detectors to the Fire Marshall via an online portal; whereupon, Ms. Krickovic clarified that because the fire inspection was never called for, the fire inspector did not see the submitted photos. Following brief discussion, Mr. Castellon clarified that he is requesting full forgiveness of the fines.

Mr. Castellon responded to further queries by the members; whereupon, Mr. Sheehan moved to deny the request for a reduction of payment. The motion was seconded by Mr. Kelly; whereupon, a brief discussion ensued.

Upon the Chair's call for a vote, the motion carried 11 to 1, with Mr. Schear dissenting.

ANDREW GOLDSMITH

Referencing a document included in the agenda packet, Ms. Krickovic provided historical information regarding the Garage Door Specialty Contractor license and related legislation, including House Bills 735 and 1383, and Senate Bill 1142. She summarized House Bill 1383, noting that the state's definition regarding the specialty license is nearly identical to that of the PCCLB; whereupon, she responded to queries by Chair Holderith and explained that Mr. Goldsmith seeks to challenge the requirement that he become a Garage Door Specialty Contractor in order to repair and service garage doors.

Mr. Goldsmith appeared and opined that the majority of work done to repair garage doors does not alter the structural integrity of the building or require a permit; that the wording of County and state requirements is ambiguous; and that non-structural repair work does not substantially correspond with the state's specialty license. He responded to queries by the members and indicated that the requirement for licensure for work that has no impacts on structural integrity or wind mitigation and which does not require permitting, is an unnecessary financial burden; that he does not believe the Board has the ability to require a license; and that he is requesting that the Board re-examine the language of House Bills 735 and 1383.

Ms. Krickovic clarified that the Board does have the authority to require a license, as confirmed by the County Attorney's Office; whereupon, discussion ensued regarding remedies that may be available for Mr. Goldsmith to pursue the issue further.

Thereupon, Ms. Krickovic requested that the Board affirm a written statement included in the aforementioned document regarding the Board's position related to specialty licenses. Mr. Holloway made a motion, which was seconded by Mr. Kelly, to affirm the statement.

Upon request by Chair Holderith, Ms. Krickovic provided Mr. Holloway with a copy of the statement; whereupon, Mr. Holloway made a motion to affirm that it is in the interest of public health, safety and welfare to regulate the construction industry in Pinellas County and the list of specialty licenses included in the aforementioned document under the authority of Chapter 75-489, Laws of Florida, as amended, and subsequent proposed legislation under House Bill 1483 awaiting the signature of the Governor, continue until revoked or rescinded by the Board or otherwise ordered by state statute. The motion was seconded by Mr. Kelly and carried unanimously.

Mr. Sofarelli left the meeting at 3:03 PM.

Local Technical Amendments to the Florida Building Code

Referring to a memorandum included in the agenda packet, Ms. Krickovic indicated that the BOAA for the Florida Building Code unanimously recommended that the CLB adopt eight local technical amendments to the 8th Edition of the Florida Building Code; and that City of Gulfport Planner Mark Griffin is present to address any questions relating to one of the proposed amendments which pertains to the City of Gulfport's flood ordinance; whereupon, in response to a query by Mr. Sheehan, Mr. Griffin clarified the nature of the amendment.

In response to a comment by Chair Holderith, Ms. Spencer clarified that there are no errors in the amendments as written; whereupon, Ms. Krickovic noted that the seven remaining proposed amendments are identical to local technical amendments adopted in the 7th Edition of the Florida Building Code.

Mr. Kelly made a motion to adopt the local technical amendments, which was seconded by Mr. Erwin. Upon the Chair's call for the vote, the motion carried unanimously, with Mr. Sheehan abstaining.

Director's Report

Referring to a PowerPoint presentation, Ms. Krickovic provided a legislative update regarding House Bill 1483 and its effects on the Board, including that state-certified

contractors will no longer register with the PCCLB; that it will no longer monitor state-certified contractors' insurance; that contractors will continue to be licensed by the PCCLB; and that it will continue the enforcement and suspension of state-certified, local, and specialty contractors for violations of state statute and municipal ordinances.

She highlighted the bill's impacts on building departments and related that, as a result of the updates, building departments and citizens will no longer be able to use the PCCLB website as the sole means to verify contractors' eligibility to work in Pinellas County; and that it will be necessary to affirm eligibility through the Department of Business and Professional Regulation.

Explaining that every building department has a statutory requirement to monitor contractors' insurance, Ms. Krickovic referred to a slide demonstrating signs of fraudulent insurance certificates; whereupon, she indicated that staff will be publishing an insurance training manual online and conducting in-person and virtual training for building departments.

Ms. Krickovic discussed the effects of House Bill 1483 on the CLD, indicating that removal of the requirement for state-certified contractors to register with the PCCLB will result in a \$450,000 loss in revenue; and that impacts to staffing include the early termination of two contract workers and the elimination of one supervisor's position, which will cause service reductions.

Thereupon, Ms. Krickovic recommended that the Board suspend the requirement for state-certified contractors to renew their licenses, noting that renewal season normally begins on June 1; and that, without a suspension of the requirement, state-certified contractors who renewed their licenses would need to be refunded if House Bill 1483 is signed into law; whereupon, Mr. Kelly made a motion to that effect. The motion was seconded by Mr. Sheehan and carried unanimously.

Management Report – Investigations

Mr. Reazin indicated that investigators and magistrates are learning to navigate the new Accela software; that an investigator will be attending a Florida Association of Code Enforcement conference in June to gather information regarding integration of code enforcement and contractor licensing investigations; and that recent cases are becoming noticeably more complex and severe, with higher dollar values and risk factors; whereupon, he related that staff is working with law enforcement and other business partners to combat these cases, some of which he anticipates will be brought to the Board in upcoming meetings.

Citizens to be Heard

This item was not addressed.

ADJOURNMENT

Mr. Holloway made a motion to adjourn the meeting. The motion was seconded by Mr. Kelly and carried unanimously; whereupon, the meeting was adjourned at 3:32 PM.