



PINELLAS COUNTY CONSTRUCTION LICENSING BOARD

MINUTES

The regular bimonthly meeting of the Pinellas County Construction Licensing Board was held at the Largo City Hall Community Room, 201 Highland Avenue, Largo on January 17, 2012. This meeting was publicly advertised and a quorum was present.

Members in attendance were:

<u>MEMBERS</u>	<u>CLASSIFICATION</u>
Thomas Tafelski, Vice Chair	Building
Ken Andrews	Building Official
Steve Andrews	Building Official
John Burket	General
Rick Dunn	Building Official
Gareth Eich	Architect
Kevin Garriott	Building Official
Steve Gleaton	Aluminum
Larry Goldman	Building Official
Ernie Hand	Fire Marshal
Bill Heaberlein	Roofing
Alan Holderith	General Contractor
Jack Joyner	Mechanical
Patrick Murphy	Building Official
Peter Vasti	Consumer
Gerald H. White	Electrical
Fritz Wolf	Residential

Also attending: Rodney Fischer, Executive Director
Carl Brody, Senior Assistant County Attorney
Caroline Jones, Executive Administrative Secretary

The meeting was called to order at 1:30 PM

Pledge of Allegiance/Roll Call/Swearing In

I. **PUBLIC HEARING** - None

II. **CONSENT AGENDA**

After consideration and on a motion by Member Burket, seconded by Member Murphy, the Board unanimously accepted/approved the consent agenda. All stipulations are Final Orders of the Board in accordance with Section 120.57(3), Florida Statutes.

- A. Minutes for PCCLB – Regular PCCLB meeting of November 15, 2011 and Special Master Minutes of November 29, 2011
- B. Financial Reports – None
- C. Examining Committees Reports – September, October, November, December 2011
- D. Stipulations (Section 120.57(3), Florida Statutes)
 - 1. Son cong Duong 11-1346
 - 2. Brian Patrick Konitzer 11-1584
 - 3. Brendan E. Hosack 11-1713

III. REGULAR AGENDA

A. The Board conducted informal administrative hearings in accordance with section 120.57(2), Florida Statutes. The Respondent elected an informal hearing, defaulted by not executing an Election of Rights or failed to respond and was therefore scheduled for informal hearings by the Board to resolve the complaints. The actions taken are Final Orders of the Pinellas County Construction Licensing Board. Rodney S. Fischer appeared in the cases for the Petitioners.

1. GARY NIGER, a Painting Contractor (C-9506) did not appear and was not represented in the case of Administrative Complaint C11-990. Mr. Fischer read the staff recommendation into the record indicating that Mr. Niger had performed activities outside the scope of his license; and that the violation had caused financial harm and hardship to the homeowner Dorothy Thomas. Patrick Hubbard, Seminole Building Official, testified that Ms. Thomas has been left with an illegal roof on her home; and that if a problem occurs, her insurance company will deny the claim. In response to query from Member Wolf, he stated that the roof is currently leaking. Following discussion Member Gleaton moved staff recommendation, seconded by Member White. During discussion of the motion, Member Murphy expressed concerns with the gravity of the violation which involved a 98 year old woman; whereupon, the members entered into discussion with Mr. Hubbard regarding what would make the complainant whole; whereupon, the mover of the motion amended it to impose a \$1,000.00 per count fine rather than staff recommendation of \$500.00. Discussion ensued wherein Member Burket amended the motion to state that should Respondent settle the complaint and make restitution to Ms. Thomas in the amount of \$6,800.00 within 15 days of the final order, the fine will revert to \$500.00; if that does not occur, fine will stay at \$1000.00 per count and suspension of license after the 15 days, and upon second by Member Murphy, the Board approved the amendment. Thereupon, the original motion maker Member Gleaton concurred with the amendments. Mr. Hubbard requested that all contact with Ms. Thomas should be through either himself or an investigator of the PCCLB, and no objections were noted.

2. HENRY L. SCHLICHTE, a Sign Electrical Specialty Contractor (C-7716) did not appear and was not represented by counsel in the case of Administrative Complaint C11-1344. Mr. Fischer indicated that investigation by PCCLB Investigator Wiseman had disclosed Respondent allowing his certificate to be used by an uncertified person; that he had no workers compensation insurance, and found violations of abandonment, fraud, and misconduct. Following discussion by the members, on a motion by Member Burket, seconded by Member Dunn, the board voted to accept the allegations of Administrative Complaint 11-1344 as Findings of Fact and concluded that the Respondent violated Section 24(2)(d)(e)(j)(m), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty as recommended by staff:

- (a) Reprimand for permit and inspection violations, financial mismanagement, and misconduct; and
- (b) Administrative fine of \$1000.00 imposed; and
- (c) Suspension of Respondent's license, however, suspension is stayed and will be one-year probation if Respondent pays the fine and resolves this complaint within 30 days of a final order.

HENRY L. SCHLICHTE, a Sign Electrical Specialty Contractor (C-7716) did not appear and was not represented by counsel in the case of Administrative Complaint 11-1424. Mr. Fischer reported that Respondent contracted with Carey Canedy for permitting and installation of a sign at Windtree Villas; that Respondent was paid deposits of \$500.00; and that Respondent failed to obtain a permit and to return said deposit causing financial harm to customer. Following discussion, on a motion by Member Dunn, seconded by Member Burket, the board voted to accept the allegations of Administrative Complaint 11-1424, as Findings of Fact and concluded that the Respondent violated Section 24(2)(d)(h)(j)(m), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Reprimand for permit and inspection violations; financial mismanagement, and misconduct; and
- (b) Administrative fine of \$1000.00 imposed; and
- (c) Suspension of Respondent's registration, however, suspension is stayed and will be one-year probation if Respondent resolves this complaint and pays the fine within 30 days of a final order.

3. BENJAMIN T. KOENN, a state-certified Building Contractor (I-CBC1253814) did not appear and was not represented by counsel in the case of Administrative Complaint 11-1553. Mr. Fischer reported that investigation by PCCLB had revealed Respondent does not qualify RESCOM; and that it is not registered with the PCCLB. Following additional background information presented by Mr. Fischer and

discussion by the members, on a motion by Member Burket, seconded by Member Dunn, the board voted to accept the allegations of Administrative Complaint 11-1553 as Findings of Fact and concluded that the Respondent violated Section 24(2)(d)(e)(g)(h)(j)(k)(l)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following penalty:

- (a) Reprimand for failure to qualify a company, aiding and abetting unlicensed persons, workers compensation insurance violation, permit and inspection violations, abandonment, and misconduct;
- (b) Settlement of \$1000.00 imposed; and
- (c) Suspension of Respondent's registration, however, suspension is stayed and will be one-year probation if Respondent pays the fine and resolves this complaint within 30 days of a final order.

B. EXPIRED PERMITS – Mr. Fischer indicated that items Nos. seven and eight represented expired permit cases that had not been paid and not resolved:

7. John P. Duffy 11-1266

On a motion by Member Burket, seconded by Member Dunn, the Board voted to accept the allegations of Administrative Complaint 11-1266 as Findings of Fact and concluded that the Respondent violated Section 24(2)(d)(j)(m)(n), Chapter 75-489, Laws of Florida, as amended, and imposed the following recommended penalty:

- (a) Reprimand for permit violations; and
- (b) Settlement of \$500.00; and
- (c) Suspension of Respondent's registration, however, suspension if stayed and will be one-year probation if Respondent pays the fine and resolves permitting issue within 30 days of a final order.

8. Frank Lawrence Winter 11-1491

Following discussion, on a motion by Member Wolf, seconded by Member Eich, the Board voted to grant a continuance to Mr. Winter to the March 20, 2012 meeting; with Member Burket voting no.

9. James A. Lair 11-1417

Mr. Fischer indicated that the permit has been reinstated; however, the fine remains unpaid. Mr. Lair was present and provided mitigating testimony. Following discussion by the members, on a motion by Member Dunn, seconded by Member Joyner, the Board approved the following final order:

- (a) Fine to be waived; and
- (b) Permit finalized within 30 days of a final order; and
- (c) Suspension of registration if not complied with within the 30 days of the final order; and \$500.00 fine to be reinstated.

C. APPEAL OF FINAL ORDER RE KENNETH B. WILLIAMS – CONTINUED

Mr. Fischer indicated that Respondent Kenneth B. Williams, a state-certified Building Contractor (I-CBC1250108) has requested that the Board reconsider its Final Order enacted at its November 15, 2011 board meeting wherein Mr. Williams had been imposed a \$1000.00 fine for each abandoned permit case which totaled a sum of \$6000.00 to be paid within 30 days of a final order. If this did not occur, Respondent's registration would be suspended. He reported that Respondent did not feel the penalties were justified as there had been a change of address which had not been reported timely to the PCCLB.

Mr. Williams appeared and provided mitigating testimony wherein he stated that he had been out of town and had not received notification of the original hearing date of November 15, 2011. Discussion ensued wherein the members reviewed the subject permits and queried the Respondent on the progress of resolving them. Responding to query by Member Dunn, Mr. Williams stated that many of the permits in question are for contracted work with the Pinellas County Urban League; and that a problem had arisen with finances. Following additional discussion, upon a motion by Member Burket, seconded by Member Murphy, the board unanimously approved continuing the case to the March 20, 2012 meeting at which time Mr. Williams would provide a report on the status of the expired permits.

D. Miscellaneous:

- a. Old Business – None.
- b. New Business – Mr. Fischer noted that there would be a Special Meeting of the Board on February 21, 2012 for the purpose of reviewing local technical amendments.
- c. Miscellaneous Correspondence – Letter from homeowner commending PCCLB Investigator Balas and PCCLB staff.
- d. Following discussion regarding effective date of 2010 Florida Building Code, on a motion by Member Ken Andrews, seconded by Member Joyner, the board voted to direct staff to send a letter to the Florida Building Commission requesting that the effective date of the 2010 Florida Building Code be extended by at least 90 days.

E. Citizens to Be Heard: None

ADJOURNMENT

The January 17, 2012 meeting of the PCCLB was adjourned at 2:54 PM.

Vice Chairman