

Largo, Florida, May 23, 2017

The regular bimonthly meeting of the Pinellas County Construction Licensing Board (PCCLB) was held in the Board Conference Room, 12600 Belcher Road, Suite 102, Largo, Florida at 1:33 P.M. on this date.

Members Present:

<u>MEMBERS</u>	<u>CLASSIFICATION</u>
Rick Dunn, Interim Chair	Building Official
Jim Ford	Building Official
Kevin Garriott	Building Official
Steve Gleaton	Specialty Structure
James "Arry" Housh	Roofing Contractor
Jack Joyner	Mechanical
Rob Maslo	Plumbing
Mike Rodde	Fire Marshal
Danny Sandlin	Building Official
Peter Vasti	Consumer
Glenn Wardell	Building Official
Fritz Wolf	Residential

Not Present:

Alan Holderith	General Contractor
James Rosenbluth	Building

Also Present:

Gay Lancaster, Interim Executive Director
Carl Brody, Senior Assistant County Attorney
Anne L. Maddox, Department Administrative Manager
Other interested individuals
Jenny Masinovsky, Board Reporter, Deputy Clerk

Pledge of Allegiance/Roll Call/Swearing In

The meeting was called to order at 1:30 P.M. by Interim Chair Dunn; whereupon, he led the Pledge of Allegiance and administered the Oath to persons planning to give testimony. Ms. Maddox conducted the roll call of the members and confirmed the presence of a quorum.

III. REGULAR AGENDA

A. 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 Final Orders of the Pinellas County Construction Licensing Board. Ms. Maddox introduced the cases for the respondents.

1. Jason Loiacano, a Roofing Contractor, did appear in the case of Administrative Complaint A16-819. Referring to the agenda packet, Ms. Maddox indicated that the three counts of the complaint include financial mismanagement, roof leaks, and misconduct by failure to honor a warranty; whereupon, she read the Executive Director's disciplinary recommendation into the record.

Mr. Loiacano provided background information regarding the roof installation, relating that while two payments toward the contracted total amount of \$27,000 were received from the complainant, \$11,000 is still owed; that the roof installation was completed and passed final inspection; that problems, such as a subsequent roof leak and driveway stain, not caused by his company, were nevertheless addressed, pursuant to the owner's request; that a supplier placed a lien on the complainant's property for non-payment of material costs; that a tile manufacturer's representative has inspected the roof and found no issues with it; and that his company, Done Rite Roofing, has vast experience in roof installations.

Responding to queries by the members, Mr. Loiacano indicated that he did not file a lien himself based on the complainant's history of contesting other contractors' liens; and that he felt that a supplier's lien would hold more weight; whereupon, he related that the complainant walked on the roof pulling and ripping up ridge tiles.

In response to the Chair's call for the complainant, Donald Wood, Palm Harbor, provided background information and responded to queries by the members, indicating that he made two payments in the total amount of \$17,000; that he was told that the initial payment of \$9,000 would pay for materials; and that he is displeased with the roof, noting there are major

2. Demetrius Antonio Jenkins, a Roofing Contractor, did not appear and was not represented by counsel with regard to Administrative Complaint A16-820. Ms. Maddox provided background information, indicating that the complaint was investigated by Shawn Meeks and relates to aiding and abetting two unlicensed contractors, both of whom were cited and paid the fines; whereupon, she read the staff recommendation into the record.

Responding to query by Mr. Wardell, Ms. Maddox clarified that the unlicensed contractors were not the direct employees of the company, and upon motion by Mr. Vasti, seconded by Mr. Housh, the Board voted to accept the allegations of Administrative Complaint A16-820 as Findings of Fact and concluded that the respondent violated Sections 489.129(1)(d), Florida Statutes; Section 24(2)(e), Chapter 75-489, Laws of Florida, as amended; and Section 26-129(b)(5), Pinellas County Code, and imposed the following penalty:

- (a) Reprimand for aiding and abetting an unlicensed contractor;
 - (b) Administrative fine of \$500 plus administrative costs; and
 - (c) Suspension of the respondent's license; however, the suspension is stayed and will be a one-year probation if the respondent resolves the complaint and pays the administrative fine plus costs.
3. Jeremy Spuhler, a General Contractor, did appear in the case of Administrative Complaint A16-259. Ms. Maddox introduced the case; whereupon, Mr. Spuhler referred to email correspondence outlining the events of the case and indicated that he entered into a cost-plus contract with the complainant, Linda Melville, in January of 2015 for structural work relating to a single-family addition to her residence; and that subsequently, he contacted Ms. Melville several times regarding the outstanding amount in excess of \$20,000 and has provided her and her representative, Frank Fulgham, with copies of invoices, cleared checks, and a letter outlining the completed work.

Mr. Spuhler related that in September of 2015, the complainant requested credit for various items in an amount totaling \$6,000, to which he agreed; and that unexpectedly thereafter, he received a letter stating that his company was removed from the building permit; whereupon, he filed a lien and consequently a satisfaction of lien, without receiving payment. He indicated

obligations under the contract, noting that case information indicates that the complainant may hire legal counsel to recover her losses; whereupon, he moved that the case be tabled until the next meeting, requesting that staff review it and decide if additional data is required from the complainant; however, the motion died for lack of a second.

Thereupon, Mr. Ford moved, seconded by Mr. Maslo, that based on the evidence provided today, the charges against the respondent be dismissed for lack of cause. Following further discussion and input by Attorney Brody, the motion carried by a vote of 11 to 0, with Mr. Wolf abstaining due to lack of information.

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Ms. Maddox indicated that Mohammed Behbahani, whose case is not included on the agenda, has been in the office numerous times regarding a permit and wishes to speak at this time as he has to leave. Upon clarification provided by Attorney Brody, Chair Dunn deviated from the agenda, allowing Mr. Behbahani an opportunity to speak.

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Mohammed Behbahani, Case No. A16-1364

Mr. Behbahani provided information regarding the above-referenced case, indicating that there appears to be confusion with regard to the status of his permit; that it is not expired; that he has repeatedly requested but was not provided case information from the County; and that he wants to make sure that his permit was finalized, which is what he was advised by the County Chief Inspector yesterday and confirmed at the PCCLB today; whereupon, Chair Dunn referred Mr. Behbahani to Mr. Wardell for further assistance.

B. CliftonLarsonAllen Audit for Fiscal Year ended September 30, 2016

CliftonLarsonAllen Principal Andrew Laflin presented a set of documents, including financial statements for the year ended September 30, 2016, the Independent Auditors' Report, and various related reports, copies of which have been filed and made a part of the record, and provided highlights of the audit for the PCCLB operation as compared to the previous year. He noted that while the results are largely consistent, there was an impactful decrease in citation fees from \$223,000 for 730 issued citations in the prior year to \$155,000 for 575 issued

effective with fewer people as it is already very small; and that a well-trained County inspector has been contracted for the position.

Ms. Lancaster discussed several proposed mechanisms for improvement of PCCLB operations in terms of increased revenue and efficiency:

- Increasing fees and utilizing an amnesty program, suggested by the County Office of Management and Budget and the Clerk's Office;
- Collecting owed fees totaling \$1.8 million with the assistance of Business Technology Services staff and a Collections Agency;
- Implementing an electronic record system – PCCLB has a Commissioner's commitment to bring the item forward as a special budget request;
- Utilizing fine deadlines;
- A bridge loan from the County may be possible if there is a revenue increase by the end of the year.

During discussion and responding to queries by the members, Ms. Lancaster indicated that Attorney Brody has agreed to review the Special Act with regard to deterrence of unlicensed contractors by affecting their driving ability; and that she will provide average monthly administrative fine and citation fee information to the members pursuant to Mr. Wolf's request; whereupon, Mr. Wolf commended staff and Ms. Lancaster for their efforts during a challenging time.

E. Fiscal Year 2018 Budget Status Report

Ms. Lancaster indicated that the budget for Fiscal Year 2018 is anticipated to be a continuation of the 2017 budget, aside from modest increases related to increases in intergovernmental charges and the cost of doing business in general; whereupon, responding to queries by Messrs. Gleaton and Wolf, she confirmed that the PCCLB will have four investigators, and noted that significant increases in costs relating to employee benefits and information technology have impacted the budget.

F. Amendments to Board Rules

Referring to the draft of the amended rules, Attorney Brody indicated that they provide standards for contractors, administration, and the Board; that the Board has final authority over the rules; and that in order to ensure transparency, decisions should be made in open hearings, and discretionary decisions should be limited;

whereupon, discussion ensued regarding the problem of unlicensed contractors, current enforcement options, collaboration among various authorities, and experiences of other Counties relating to successful deterrence, and Ms. Lancaster indicated that she wishes to pursue the matter further.

Referring to earlier discussion of the proposed Case Review Committee, Ms. Lancaster indicated that it would follow the standard used throughout the state, where a process to determine whether a case contains sufficient information for the Board's review is considered an administrative function; and that the Committee would ensure that the Board is not missing information regarding cases. Mr. Wolf disagreed, indicating that members of the Board have more expertise in determining the matter, but following discussion relating to options for the Committee composition and function, indicated that the proposed approach should be given a chance, and Ms. Lancaster reminded the Board that the rules can be altered; whereupon, Mr. Gleaton moved, seconded by Mr. Joyner, that the Case Review Committee be accepted. Upon call for the vote, the motion carried unanimously.

Mr. Gleaton noted that a letter that is initially sent out by the PCCLB to contractors with regard to a complaint does not have an alternative to admitting to a violation, which should be changed. Attorney Brody agreed, indicating that the only provided alternative is proceeding with the Chapter 120 hearing, which in his opinion is extreme; whereupon, Mr. Gleaton moved, seconded by Mr. Garriott, that different options with regard to the Election of Rights be considered, and Attorney Brody indicated that he will bring back a draft of the amended letter. Upon call for the vote, the motion carried unanimously.

G. Adoption of Bylaws

Attorney Brody presented the proposed Bylaws, noting that they provide a basic structure; that they can be altered to be consistent with the Board's practice; and that they address various matters, including membership and duties of a Chair and a Vice Chair; whereupon, he pointed out that a Chair is provided with authority to call special meetings of the Board when necessary, as long as there is a five-day notice.

During discussion relating to membership terms and requirements, Attorney Brody provided clarifications, indicating that term limits are not retroactive; that a former member could be re-appointed; and that language of the bylaws is based on state

IV. CITIZENS TO BE HEARD

Thomas Smith, Cases Nos. A16-1509 and A16-1511 (Consent Agenda)

Referring to correspondence from Thomas Smith, TA Smith Development Corporation, whose cases were included on the Expired Permit Violations list considered under the Consent Agenda, Ms. Maddox related that Mr. Smith is unable to attend the hearing; and that he has two expired permits in the above-referenced cases and owes a \$300 fine for each. She indicated that according to his letter, he has renewed the permits and requests waiver of the fines due to the extenuating circumstances outlined therein.

Later in the meeting and upon reviewing the respondent's record, Ms. Maddox provided information regarding the aforementioned cases and an additional case, A16-103, and the history of complaints. She indicated that Mr. Smith's commercial pool license was suspended and reinstated, and his building license is currently suspended. Following discussion and noting recurring complaints, Mr. Rodde moved, seconded by Mr. Maslo, that the respondent be reprimanded in accordance with the Final Order pertaining to Expired Permit Violations, and upon call for the vote, the motion carried unanimously.

Edward Lee Cox, Case No. A16-798 (Consent Agenda)

Mr. Cox provided information regarding the case, indicating that his job of replacing a gas water heater with an electric tankless water heater was completed and inspected timely; that his permit expired as a consequence of the attached electrical permit not being closed and unresponsiveness to his requests for a resolution by the electrical contractor and the homeowner; and that pursuant to his conversations with the County Building Department, he assumed that the matter was settled.

During discussion, Messrs. Wardell, Dunn, and Maslo confirmed that a process whereby one permit is issued for separate services required for a job presents a challenge, notably in cases where tankless water heaters are involved; whereupon, noting that the County Building Department waived its fees; and that the respondent followed the proper process and did his due diligence to resolve the matter, Mr. Gleaton moved, seconded by Mr. Joyner, that fees charged with respect to the expired permit be waived. Upon call for the vote, the motion carried 10 to 2, with Messrs. Ford and Rodde dissenting.

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Scott Post, Case No. A17-185 (Consent Agenda)

Mr. Post provided information regarding the case, indicating that it involved a roof installation on a property in foreclosure; that a Notice of Commencement required to close the permit was signed by the property management company acting on behalf of the foreclosing bank and provided to the County Building Department, but not accepted without the property owner's signature, who has refused to sign the document.

Following discussion, the members indicated that the bank should be able to provide legal verification of its authority to rehabilitate a property in foreclosure; and that Mr. Post should not be responsible for the fines; whereupon, Mr. Vasti moved, seconded by Mr. Gleaton, that the case be stayed for 60 days pending resolution with the County Building Department and the bank, and upon call for a vote, the motion carried unanimously.

Ronald Morgan, Case No. A16-1902 (Consent Agenda)

Noting that he has never had a violation in 30 years on the job, Mr. Morgan presented the case information and mitigating circumstances, indicating that his permit expiration relates to the estate administration process following the passing of the homeowner; and that the permit was reinstated by another general contractor and finalized on May 20, 2017; whereupon, he requested that the \$300 fine be waived.

Following discussion, Mr. Joyner moved, seconded by Mr. Garriott, that the fine be waived, and upon call for the vote, the motion carried unanimously.

Howard Cordner, Case No. A16-1745 (Consent Agenda)

Mr. Cordner provided information regarding the case, indicating that he is not disputing the charges and will pay the \$300 fine; and that the case involves a foreclosed property; whereupon, noting that the deadline to obtain the inspection and permit is today, he requested a 30-day extension.

Following discussion, Mr. Rodde moved, seconded by Mr. Joyner, that the permit be extended for 30 days with the payment of the fine, and upon call for the vote, the motion carried unanimously.

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V. **ADJOURNMENT**

The meeting was adjourned at 5:45 P.M.


Interim Chair