

Largo, Florida, July 18, 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 1:30 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
Alan Holderith	General Contractor
James “Arry” Housh	Roofing Contractor
Jack Joyner	Mechanical
Rob Maslo	Plumbing
Mike Rodde	Fire Marshal
James Rosenbluth	Building
Glenn Wardell	Building Official
Fritz Wolf	Residential

Not Present:

Steve Gleaton	Specialty Structure
Danny Sandlin	Building Official
Peter Vasti	Consumer

Also Present:

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

Pledge of Allegiance/Roll Call/Oath

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

I. **PUBLIC HEARINGS** – None.

II. **CONSENT AGENDA – APPROVED**

Chair Dunn presented the Consent Agenda items as follows:

- A. Minutes for PCCLB meeting of January 17, 2017.
- B. Examining Committee Reports for June 2017.
- C. Special Magistrate Minutes for July 11, 2017.
- D. Stipulations (Section 120.57(3), Florida Statutes) – None.
- E. Expired Permit Violations – None.

Ms. Maddox confirmed that there was no additional information to present; whereupon, Mr. Rosenbluth moved, seconded by Mr. Joyner, that the Consent Agenda items be accepted. Upon call for the vote, the motion carried unanimously.

III. **REGULAR AGENDA**

A. Informal 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 Final Orders of the Pinellas County Construction Licensing Board. Anne L. Maddox appeared in the cases for the petitioners.

- 1. Marco Antonio Calderon – Administrative Complaint A16-1736, dismissed.
- 2. Matthew V. Tiernan – Administrative Complaint A16-1894, dismissed.
- 3. Raymond Morris McIntosh – Administrative Complaint A16-1682, dismissed.

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Ms. Maddox related that Final Orders were entered in the above cases, but the Building Department has since rescinded the expired permit violations for each due to errors being discovered, and staff recommends that the Board dismiss the cases, vacate the Final Orders, and authorize the refund of any fees paid.

Thereupon, Mr. Rosenbluth moved, seconded by Mr. Joyner, that the recommendation be approved, and discussion ensued. In response to query and comments by Mr. Wolf, Ms. Lancaster indicated that the errors were varied in nature and staff is working to tighten its systems so that communication is timely and errors are minimized. Upon call for the vote, the motion carried unanimously.

Daniel Jess Bickford, a Building Contractor, appeared in regard to Administrative Complaint A16-1793. Ms. Maddox indicated that he was originally scheduled for an administrative hearing at the May 23, 2017 Board meeting, but left early because he was ill; and that his hearing will be held at this time.

Mr. Bickford related that he is contesting his citation for an expired permit based on his contention that the inspector on his home improvement project told him his inspection was a “final final”; that he was surprised to learn months later that the plumber and electrician on the project had not called for their final inspections; and that he has since closed out the permits.

Responding to queries and comments by the members, Mr. Bickford confirmed that was the lead contractor and hired the plumber and electrician; that he did not check to ensure that their permits were closed out, but only because he was told by his inspector that no additional inspections were necessary; and that he is asking the Board to waive the fine, administrative fees, and costs of \$526 that are pending against him.

Discussion ensued, and Mr. Wardell and other members observed that Mr. Bickford’s inspection placard was filled out by the inspector in such a way that there was no place for additional signatures for plumbing and electrical inspections; whereupon, Mr. Wardell indicated that staff will correct the format of the placard.

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Jeff Michaels related that he was Mr. Bickford's customer in the matter, and confirmed Mr. Bickford's claim that the inspector who came to the home had indicated that no additional inspections were necessary; whereupon, Mr. Wardell commented that there was obviously miscommunication in the case, and staff will work to clarify its requirements of contractors. He stated that the Building Department does not conduct multi-trade inspections and will continue to hold contractors responsible for getting permits closed out.

Thereupon, Mr. Wardell moved that the Board waive Mr. Bickford's fine but uphold the assessment of \$226 for administrative fees and costs; and following discussion, Mr. Maslo seconded the motion. Upon call for the vote, the motion carried unanimously.

3. Gregory D. Hoskins, a Building Contractor, appeared in regard to Administrative Complaint A16-1532. Ms. Maddox provided background information, relating that the hearing is for reconsideration of the Final Order entered by the Board against Mr. Hoskins at its May 23 meeting assessing a fine, fees and costs of \$526 for an expired permit violation.

Mr. Hoskins stated that he was appealing the fees and costs, indicating that he came to the PCCLB office after receiving his Notice of Administrative Complaint, presented Ms. Lancaster with documentation showing that the permit had been closed out, and was led to believe the matter was resolved, so he did not attend the May 23 meeting. In response, Ms. Lancaster stated that Mr. Hoskins was angry and shouting when he came into the office; and that she had no knowledge he owed a fine. Following discussion, Mr. Holderith moved, seconded by Mr. Rodde and carried unanimously, that Mr. Hoskins' penalty be reduced to the \$300 fine.

4. Keely Brooke Richardson, an Air Conditioning Contractor, did not appear regarding Administrative Complaint A16-1866 but was represented by Michael Baxter, an employee. Ms. Maddox provided background information, indicating that the hearing is for reconsideration of the Final Order entered by the Board against Ms. Richardson at its May 23 meeting assessing a fine, administrative fees, and costs of \$526 for an expired permit violation.

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Mr. Baxter indicated that he is the newly hired General Manager of Air Conditioning Experts, and that the violation occurred because the contractor ordered the wrong type of inspection and believed that the permit was closed out when the inspection was completed.

Mr. Wardell corroborated Mr. Baxter's account, indicating that the inspection was completed, but the permit was not closed out because it was entered into the system under the wrong code. Responding to queries by the members, Mr. Baxter related that the license holder for the business is based in Atlanta; that she has four branches in this area; and that two other cases must be resolved before the company can resume doing business in the County. Discussion ensued in which some members indicated that they viewed the violation a misunderstanding, but Mr. Maslo opined that it was the fault of the contractor, noting that she may have caught the mistake if she were overseeing her business locally.

Thereupon, Mr. Wolf moved, seconded by Mr. Garriott, that Case A16-1866 be dismissed. Upon call for the vote, the motion carried 9-2, with Messrs. Ford and Maslo dissenting. Following the vote, the members advised Mr. Baxter of the steps the contractor needs to take to clear up the pending cases and discussed notification of the state regarding action against the contractor's license.

5. Steven Lee Miller – Administrative Complaint A16-1881 continued.
6. Steven Nadler, an Air Conditioning Contractor, appeared later in the meeting regarding Administrative Complaint A16-1688, and the Board agreed to hear the case even though it was not on the agenda. Ms. Maddox provided background information, indicating that a Final Order has been entered; that Mr. Nadler has filed an appeal with the District Court of Appeals; and that staff has investigated the matter and is recommending that the case be dismissed due to extenuating circumstances. Following brief discussion and further clarification by Ms. Maddox, Mr. Holderith moved, seconded by Mr. Joyner and carried unanimously, that the Final Order be vacated.

B. Criminal Enforcement of Unlicensed Contractors: State Attorney's Office

Ms. Lancaster introduced State Attorney Bernie McCabe, Chief Assistant State Attorney Bruce Bartlett, Assistant State Attorneys Fred Schaub and Elizabeth Jack, investigator Steve Porter, and Doug Templeton, Operations Manager, Office of Consumer Protection.

Referring to his previously announced decision to convene a Grand Jury to investigate the PCCLB, Mr. McCabe provided an update on the process as follows:

- The Grand Jury will begin meeting Friday, July 28 and conduct its investigation for an undetermined length of time.
- One or more PCCLB members may be called to testify.
- The panel will take a “big-picture” look at the agency’s operations, including its management and administrative procedures, and will focus on how it should be constituted in the future.
- Either he or Mr. Bartlett will be present during the proceedings, and Mr. Schaub will direct the investigation.
- Ms. Jack and Mr. Templeton are attending today’s meeting to discuss the collaboration between the State Attorney’s Office and Consumer Protection Office in prosecuting unlicensed contractors.

Responding to queries and comments by Messrs. Ford and Wolf, Mr. McCabe cited his long tenure with the State Attorney’s Office and indicated that he is not aware of any complaint that the Office does not prosecute unlicensed contractors; and that the apparent perceptions that it does not are wrong; whereupon, discussion ensued and Messrs. Ford and Wolf expressed appreciation for the clarification.

Mr. Schaub provided additional detail regarding the investigation; whereupon, in response to query by Mr. Wolf, Mr. McCabe explained that while the primary function of a Grand Jury is to investigate crimes, Florida law also empowers them to examine the operation of local governments and make recommendations; and that that this Grand Jury will move forward under that authority. Responding to queries by the members, Mr. McCabe related that grand jurors come from the same pool as regular jurors; and that such investigations are undertaken infrequently because they are labor intensive.

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Mr. Templeton discussed his background and responsibilities with the Office of Consumer Protection, relating that he supervises criminal investigations, including those involving unlicensed contractors, and noting that the highest number of consumer complaints received involve home improvement construction. He provided an overview of the Office and its four core service areas of dispute resolution, criminal investigation, regulatory oversight of certain County ordinances, and outreach; whereupon, he discussed the investigation process and the Office's collaboration with the State Attorney's Office and Department of Financial Services and its Workers Compensation division, including occasional sting operations.

Ms. Jack discussed the State Attorney's Office's commitment to pursuing unlicensed contractors when criminal cases can be filed, relating that she is inundated with cases; and that referrals come from the Office of Consumer Protection, law enforcement agencies, and the Department of Business and Professional Regulation. With input by Messrs. McCabe and Schaub, she responded to queries and comments by the members as follows:

- Although the State Attorney's Office will prosecute cases involving unlicensed contractors working on new home construction, it primarily focuses its resources where there is consumer harm.
- Penalties resulting from construction-related consumer scams have included prison time and large amounts of restitution, and as a result, such activity in the County is on the decline.
- More could be done to establish a deterrent.
- Admissions made by contractors during PCCLB hearings can be used as evidence in criminal prosecutions.
- Fraud by unlicensed contractors can destroy victims financially, and Mr. McCabe sees those as real crimes.
- The State Attorney's Office has two full-time prosecutors devoted to consumer fraud and a third who specializes in it, and Ms. Jack oversees the unit.

Upon reference by Mr. McCabe, Ms. Lancaster provided an update on a pilot program the PCCLB is preparing to enter into with the Sheriff's Office in which deputies and staff will investigate complaints against contractors. She related that she met with Sheriff Bob Gualtieri last week; and that details will be worked out Friday in a meeting that will also include Mr. Templeton, Ms. Jack, and five

representatives from the Sheriff's Office; whereupon, she related that staff is exploring how the County's *SeeClickFix* app could be used by citizens to report suspected unlicensed contracting activity. She expressed her concurrence with Sheriff Gualtieri's proposed deployment of uniformed deputies to investigate contractor complaints, as opposed to Hillsborough County's approach of using undercover agents.

Discussion ensued in which the members related various experiences with contractors, and Ms. Jack provided additional detail regarding her office's processes for investigating cases; whereupon, at the request of Mr. Ford, Ms. Lancaster agreed to provide contact information for the individuals who addressed the Board.

C. Financial Reports for April, May, and June 2017

Ms. Lancaster referred to the Balance Sheets, Board of County Commissioners (BCC) Revenue and Fund Balance Report, and Budget Expenditure and Encumbrance Report contained in the agenda packet and discussed the PCCLB's financial status. She related that the Office of Management and Budget (OMB) projects that if nothing changes, the agency will enter into a deficit in February 2018; that she appeared before the BCC to discuss a bridge loan and was referred by the Commissioners to the Legislative Delegation; that she is preparing to meet with Senator Jack Latvala to request that the Legislature consider financial support for the agency; and that the pilot program the PCCLB is preparing to enter into with the Sheriff's Office could have a positive financial impact, as well as benefit the community, noting that the program will be operated at no cost to the Licensing Board.

Responding to query by Mr. Joyner, Ms. Lancaster indicated that the OMB projects that the Board will operate at a \$500,000 deficit in Fiscal Year 2018; and that while she does not believe the gap will be that great, she will need to request a bridge loan from the County if the Board wants to continue in its present configuration, as she does not expect the Legislature to provide funding. She related that the Board has a reasonable argument for requesting a loan based on the fact it has returned more than \$460,000 in budget surplus to the County over the years through the biennial sweep that occurs as part of the Interlocal Agreement; and that the only other option the Board has for not paring down the agency is to request smaller and less expensive rental space from the County, noting that the monthly lease payment for the existing space is approximately \$3,800.



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Discussion ensued, and in response to queries and comments by members, Ms. Lancaster indicated that the Board currently has two staff investigators; that using contract investigators has not proven fruitful; that the Inspector General tells her he is nearly finished with his examination of the agency's records, and it will be easier to move forward when that is resolved; and that the exact amount of excess revenue returned to the County is \$487,160 dating back to 1994.

Referring to a chart showing a recent history of the PCCLB budget, Ms. Lancaster related that agency expenditures have exceeded revenues every year since 2013 and are projected to do so again this year; whereupon, she discussed increases in the intergovernmental charge for services the agency receives from the County, noting that the largest increase is the technology charge from Business Technology Services (BTS), and she is requesting additional information about that allocation.

Discussion ensued pertaining to intergovernmental charges, and responding to queries by the members, Ms. Lancaster related that the wide range of services provided by the County includes County Attorney representation and support from the Human Resources Department, Clerk's Office, and OMB, in addition to BTS. Mr. Ford proposed that the agency investigate whether it can reduce its office leasing expense by moving into a County building, noting that the current annual cost is \$45,600 plus a cleaning fee, and Ms. Lancaster expressed concurrence and indicated that she will explore alternatives.

D. Amendments to Board Rules: Carl Brody, County Attorney's Office

Attorney Brody referred to a document titled *PCCLB Action Items for Board Rules* and related that it includes revisions and updates to changes and additions that were discussed at the last meeting; whereupon, he and Ms. Lancaster, with input by Ms. Maddox, provided information regarding each proposed rule.

Discussion ensued, and Attorney Brody, Ms. Lancaster, and Ms. Maddox responded to queries and comments by the members as follows:

- Re addition to *Rule 11:02 (3)*: A contractor must, at minimum, have a registered agent in the county to receive notices.

- Re new *Rule 11:08*: This streamlines the process by which a contractor requests reconsideration of a permit violation when claiming a Building Department error. Whereas such requests would have gone to the Division of Administrative Hearings previously, the proposed new rule allows them to be investigated by staff and, when an error is confirmed, brought to the Board as Consent Agenda items.

Following discussion, Mr. Ford moved, seconded by Mr. Joyner and carried unanimously, that the Board Rules be approved.

E. Gay Lancaster, Interim Director Report

Refund of Duplicate Citation Payments – Approved

Ms. Lancaster referred to a list contained in the agenda packet and related that during an examination of agency financial records dating back to 2013, staff discovered that eight individuals inadvertently paid the same citation twice, totaling 14 cases at \$300 each. Upon her request, Mr. Rosenbluth moved, seconded by Mr. Joyner, that the Board authorize a request that the Clerk's Office issue reimbursement checks totaling \$4,200. The motion carried unanimously.

F. Proposed Budget Fiscal Year 2018

Ms. Lancaster referred to the Fiscal Year 2018 Budget Request and requested Board approval, and discussion ensued.

Mr. Wolf commented that the Board will need to raise its licensing fees to help cover increased expenses; whereupon, he discussed the Interlocal Agreement and requested a copy, and Ms. Lancaster confirmed that agreements can be amended and agreed to provide it. Mr. Wolf noted that through his experience as a businessman, he has found private sector costs to be generally lower than governmental costs, and suggested that it may be possible to obtain support services more economically than those provided by the County; and Mr. Joyner indicated that he would not support pursuing the matter.

Thereupon, Mr. Joyner moved, seconded by Mr. Maslo and carried unanimously, that the budget request be approved.

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Following the vote, Mr. Joyner requested that staff investigate how much the licensing fees would need to be raised to compensate for the increased expenditures, and Ms. Lancaster provided a chart showing the fees charged by various Florida counties. Responding to query by Chair Dunn, Ms. Lancaster indicated that adjustments can be made in the Fiscal Year 2018 budget even though the Board has approved it.

Thereupon, Messrs. Wolf and Joyner commended Ms. Lancaster on her work as Interim Director, and she thanked them.

IV. **CITIZENS TO BE HEARD**

*The Board took up this item during the Regular Agenda. For purposes of organization, it is shown here in the minutes.*

Robert Dobson, Dobson's Pools, Inc., discussed the revocation of his license in 2007 and his interest in having it reinstated. Noting that the matter is not on the agenda, Chair Dunn advised him to schedule a meeting with staff to discuss the process for a reinstatement appeal, and brief discussion ensued.

V. **ADJOURNMENT**

Upon motion by Mr. Wolf, seconded by Mr. Garriott and carried, the meeting was adjourned at 4:00 P.M.

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Interim Chair