

Largo, Florida, January 23, 2018

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 12:33 P.M. on this date.

Members Present:

<u>MEMBERS</u>	<u>CLASSIFICATION</u>
Glenn Wardell, Vice-Chair	Building Official
Doug Erwin	Electrical Contractor
Kevin Garriott	Building Official
Alan Holderith	General Contractor
James "Arry" Housh	Roofing Contractor
Mike Kelly	Pool Contractor
Marina Kron	Mechanical Contractor
Rob Maslo (late arrival)	Plumbing Contractor
Greg Rice	Building Official
Mike Rodde	Fire Marshal
James Rosenbluth	Building Contractor

Not Present:

Rick Dunn, Chair	Building Official
Fritz Wolf	Residential Contractor
Jim Ford	Building Official

Also Present:

Gay Lancaster, Interim Executive Director, PCCLB
Anne L. Maddox, Department Administrative Manager, PCCLB
Pamela Glad, Senior Office Specialist, PCCLB
Carl S. Brody, Senior Assistant County Attorney
Jacina Haston, Assistant County Attorney
Other interested individuals
Jenny Masinovsky, Board Reporter, Deputy Clerk

Ms. Lancaster, with input provided by Attorney Brody, indicated that minor changes that she recommended were not accepted; whereupon, she suggested that it may be more effective for Mr. Kelly to convey his concerns directly to the Representative's office. Later in the meeting, Vice-Chair Wardell indicated that he had also commented on the errors, as well as on the exclusion of representatives from Clearwater and St. Petersburg as permanent members of the Board, with which he disagreed, noting that they bring valuable perspectives.

Responding to queries by Mr. Rosenbluth, Ms. Lancaster provided clarification regarding the budget, indicating that while the County officials contend that there remains a need for a bridge loan, they realize that PCCLB revenues are much higher than projected; however, there may be additional expenditures, such as the Sheriff's service, which may require more manpower and funding.

Pledge of Allegiance/Roll Call/Oath

Ms. Lancaster indicated that Mr. Maslo, whose presence would constitute a quorum, is en route, and responding to her query, Attorney Brody stated that his participation by phone will require a vote. Vice-Chair Wardell led the Pledge of Allegiance; whereupon, Mr. Garriott moved, seconded by Mr. Rosenbluth and carried unanimously, that Mr. Maslo's participation by phone be approved. Later in the meeting, Vice-Chair Wardell administered the Oath to persons planning to give testimony, and Ms. Lancaster conducted a roll call of the members and confirmed the presence of a quorum.

I. CONSENT AGENDA – APPROVED

Vice-Chair Wardell presented the Consent Agenda items as follows:

- A. Minutes for PCCLB Meeting of December 11, 2017.
- B. Examining Committee Reports for November and December 2017.
- C. Special Magistrate Minutes for Meetings of September 12 and November 14, 2017.
- D. Expired Permit Violations (Spreadsheet):
 - 1. Motion to remove any cases in which contractors made a last-minute request for hearing.

In response to query by Vice-Chair Wardell, Ms. Maddox confirmed that the only pending case is a request for reconsideration by Daniel Bickford, and Ms. Lancaster referred to backup materials, included in the agenda packet, and provided background information, indicating that while Mr. Bickford had requested reconsideration of his case, he communicated that he did not intend to appear at the hearing; and that there is a solid violation record.

Responding to queries by Ms. Lancaster and Mr. Holderith, Attorney Brody provided information concerning the violation and the complainant's request and advised that before the Board makes a decision regarding a fine, it must decide whether to reconsider the case.

Noting that the complainant has not made an effort to appear at the hearing, Mr. Holderith moved, seconded by Mr. Rosenbluth, that the case not be reconsidered. Upon call for the vote, the motion carried unanimously.

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Mr. Maslo entered the meeting at 12:59 P.M.

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III. REGULAR AGENDA

A. Approval of Independent Testing Agencies.

Ms. Glad introduced Jay E. Bowermeister, President of the Independent Testing Service, LLC, and provided background information regarding him, the company, and the original testing company utilized by the PCCLB, Block and Associates. She indicated that Independent Testing Service was previously approved and needs to be recertified, adding that her office has received positive feedback from contractors regarding the company.

Mr. Bowermeister referred to a handout titled *Gainesville Independent Testing Service, LLC*, noting that it includes information pertaining to the company's legal status and background, business tax receipts, license numbers of the primary developers and consultants, contact information, a recommendation letter, and the names and code numbers of the exams they provide; whereupon, he discussed the

option of utilizing a special magistrate to arbitrate formal hearings in lieu of DOAH, noting the efficiency and convenience that the change may bring.

During discussion and responding to queries by the members, Ms. Lancaster indicated that there will be no additional cost to using a special magistrate. Attorney Brody advised that while there is no strict time limit for testimony presented to the Board or special magistrate, a chairman or magistrate may exercise controls based on basic rules of decorum. He discussed the advantages of utilizing a special magistrate, indicating that the number of informal hearings may decrease because the respondents may choose to have formal hearings by a special magistrate instead, given that the process is generally understood; that they would not be automatically admitting guilt as they do by choosing informal hearings by the Board; and that special magistrate cases would be prosecuted by Attorney Haston.

Mr. Kelly moved, seconded by Mr. Rodde, that Attorney Brody proceed to draft a rule change offering the option for a special magistrate hearing in lieu of the DOAH hearing, pending approval by the Board. Upon call for the vote, the motion carried unanimously.

PCCLB Position on addressing expired building permits / House Bill 1077

Ms. Kron referred to correspondence she received from the Refrigeration and Air Conditioning Contractors Association, Inc. (RACCA) inquiring as to the Board's position on addressing permits which expire due to contractors' inability to obtain final inspections. During discussion, Messrs. Garriott and Kelly and Vice-Chair Wardell indicated that there is a process in Pinellas County and the cities of Clearwater and St. Petersburg whereby a permit may be closed *prior* to its expiration if a contractor is unable to obtain a final inspection; that a notice is sent out a month in advance of the potential expiration, allowing time to resolve the matter; and that if a permit expires, a \$168 fee must be paid to renew it before it can be closed.

In response to a comment by Ms. Lancaster, Vice-Chair Wardell stated that the PCCLB deals with technical adjustments to the Florida Building Code, whereas the opinion that is being sought pertains to a local administrative matter, and discussion regarding House Bill 1077, which creates a process for property owners to close open or expired permits, ensued. Noting that he is speaking on behalf of the County Building Department, Vice-Chair Wardell indicated that a permit is used to ensure compliance with the code and not as a leverage for payment by any party; and that his opinion as to the legislation is neutral; whereupon, there appeared to be a consensus by the members to not opine on the matter.