

**Construction Licensing Board
Pinellas County
March 15, 2021 Meeting Minutes**

The Construction Licensing Board (PCCLB) met in regular session at 1:33 PM on this date in the Pinellas County Cooperative Extension Magnolia Room, 12520 Ulmerton Road, Largo, Florida.

Present

Alan Holderith, Jr., Chair, General Contractor
Mike Kelly, Vice-Chair, Pool Contractor
Douglas Erwin, Electrical Contractor
Kevin Garriott, North County Building Official
Jason Holloway, Consumer Representative (late arrival)
Daniel Melker, Consumer Representative
Michael Sofarelli, Architect
Evelyn Spencer, Pinellas County Building Official
Don Tyre, South County Building Official
John Wear, Plumbing Contractor

Not Present

James "Arry" Housh, Roofing Contractor
Marina Kron, Class A HVAC Contractor
Ernest Lashlee, Residential Contractor
James Millican, Fire Official
Bill Palmer, Beach Community Building Official

Others Present

Michelle Krickovic, Director, Contractor Licensing Department
Ashley Paulino, Legal Assistant, Contractor Licensing Department
Jacina Parson, Senior Assistant County Attorney
Jude Reazin, Code Enforcement Division Manager
Sitara Coyle, 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/ROLL CALL

Chair Holderith led the Pledge of Allegiance; whereupon, Ms. Krickovic conducted a roll call of the members, confirming the presence of a quorum.

INTRODUCTION OF CONTRACTOR LICENSING AND CODE ENFORCEMENT STAFF AND NEW MEMBERS

Ms. Krickovic introduced staff members in attendance, and Mr. Kelly provided introductory remarks and welcomed new Board member Michael Sofarelli.

APPROVAL OF MINUTES

Upon motion by Mr. Tyre, seconded by Mr. Kelly and carried unanimously, the minutes of the January 25, 2021 meeting were approved.

CONSENT AGENDA

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

- Special Magistrate Hearing Minutes: January 11, 2021
- Examination Committee Reports: January – February 2021
- Board of Adjustment and Appeals for the Florida Building Code Minutes: December 17, 2020
- Expired Permit Violations

The Expired Permit Violations cases were forwarded to the PCCLB from various building departments for disciplinary action by the Board due to expired permits, which were not resolved within 30 days after notification by the Board.

Following review, an Administrative Complaint was served in each of the cases, and the violations remain. The contractors have been notified of the hearing by certified mail or constructive service. The Director recommended that the Board accept the allegations as filed in the Administrative Complaints as findings of fact and enter a Final Order as follows:

- Reprimand for permit violation;
- Fine of \$300;
- Administrative costs (mailings and/or service costs); and
- Thirty days to comply. If not, the license is subject to suspension.

Mr. Tyre moved, seconded by Mr. Kelly and carried unanimously, that the Consent Agenda items be approved.

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 all persons planning to give testimony.

Informal Hearings

GLENN KAISER

- Expired Permit Case Nos. EP20-10103, EP19-10100, EP20-10177, EP20-10555, EP20-10772, EP20-10866, EP20-10943, and EP20-10216

Ms. Krickovic referred to the agenda packet and provided background information regarding the above cases, indicating that all the permits associated with the violations were marked final or closed by August 24, 2020, and final orders have been issued.

Mr. Kaiser and Kevin Byrne, owner of Pinellas County Electric, appeared and provided information regarding the cases and responded to queries by the members, contending that the permits are not valid; that the fines were issued after the permits were closed; and that the current permitting system causes confusion and frustration for the contractors.

During discussion, Ms. Krickovic indicated that there is proof of delivery for each of the citations to Mr. Kaiser's address on file, which was recently updated. In response to comments by Mr. Byrne, Chair Holderith and Ms. Krickovic clarified that the role of the Board is to enforce expired permit and other violations forwarded to the Department by individual municipalities or the County; and that concerns regarding the permits should be discussed with either PCCLB staff or the issuing entities during regular business hours.

Mr. Holloway arrived at 1:53 PM.

Ms. Krickovic suggested that as an alternative to making a determination on the cases based on the information provided in the staff report, the Board could allow Mr. Byrne to provide evidence regarding each violation for staff to evaluate on a case-by-case basis.

Responding to query by Chair Holderith, Mr. Kaiser indicated that he did not receive a notice for the Board hearing of the cases last July, and following further discussion, Mr. Kelly moved, seconded by Mr. Tyre and carried unanimously, that the cases be tabled for 60 days to allow for the respondent to work with staff and resolve them.

JOHNATHAN WEBER

- Expired Permit Case No. EP21-10095

Mr. Weber appeared, provided background information regarding the case, and responded to queries by the members, requesting further direction pertaining to the issue surrounding the expired permit and a 60-day extension to resolve the matter.

During discussion, Mr. Tyre indicated that per Code requirements, installation of a rooftop air conditioning unit should be integrated with an existing fire alarm system; and that the integration was not completed, leaving the building owner in violation of the Code. He stated that the owner can be made aware of the Code requirement by the Fire Marshal, but that would not alleviate the responsibility of the respondent.

Mr. Tyre moved, seconded by Ms. Spencer and carried unanimously, that the case be dismissed on the grounds that as the Building Official for the City of St. Petersburg, he will rescind the administrative complaint and work with the Fire Marshal and the respondent to resolve the issue. He indicated that if it is not resolved within 90 days, the City may refile the complaint with the PCCLB, and Ms. Krickovic requested that Mr. Tyre follow up in writing regarding his motion.

CHRISTIAN HERN

- Expired Permit Case No. EP21-10033

Mr. Hern appeared, provided background information regarding the case, and responded to queries by the members, noting that the homeowner has been uncooperative in his attempt to finalize a permit and owes money for the completed work. Chair Holderith indicated that there is a process for dealing with an uncooperative owner; whereupon, Mr. Tyre related that St. Petersburg suspended that process because of contractor misuse.

Following further discussion, Mr. Tyre moved, seconded by Mr. Holloway and carried unanimously, that the St. Petersburg Building Department rescind the administrative complaint to allow time for the respondent to resolve it; and that if not resolved within four months, the City may re-file a complaint.

Thereupon, Ms. Krickovic requested that Mr. Hern check the PCCLB website for information regarding another unpaid administrative fine.

REGULAR AGENDA

Collections Write-Down

Ms. Krickovic provided background information regarding the accounting method that the County uses and how the D2K Oracle application is utilized as a transactional record system for documents related to contractor licenses, citations, and administrative fines. She indicated that the amounts owed for unpaid fines and fees do not appear in the system as owed, which resulted in many fines over the years being no longer collectible due to statute of limitations or related business decisions; and that she is seeking authority to resolve the unpaid balances totaling just over a million dollars by writing them down to zero before transitioning to the new Accela software. She related that the collection of administrative fines will only be pursued if a fine was incurred after the PCCLB became a dependent district of Pinellas County in June 2018; and that the department report included in the agenda packet itemizes the proposed write-down totals.

In response to queries by the members, Ms. Krickovic explained the difference between citations and administrative fines and provided information about the collection process, and Chair Holderith noted that the County would not be taking a financial hit by writing the balance to zero.

Mr. Garriott moved, seconded by Mr. Kelly and carried unanimously, that staff write the requested unpaid uncollectable fine and fee balances to zero.

Thereupon, Ms. Krickovic noted that a collection specialist has begun focusing her efforts on current delinquencies.

Amendments to Board Rules

RULE 3.07

Ms. Krickovic indicated that the proposed rule language is included in the agenda packet. Mr. Holloway moved, seconded by Mr. Tyre and carried unanimously, that the amendment be approved.

RULE 11.07

Ms. Krickovic introduced the item; whereupon, Mr. Kelly moved, seconded by Mr. Tyre and carried unanimously, that the amendments be approved.

Boards of Adjustment and Appeals (BOAA) and Examination Committee Vacancies

Ms. Krickovic discussed the current vacancies and responded to a request by Mr. Tyre to appoint a building industry representative to the BOAA Florida Building Code, stating that she will investigate the matter further and provide a report.

Insurance Violation Fee Waivers Report

Ms. Krickovic indicated that the fees assessed to the contractors listed below have been waived by the Department due to insurance agent or staff errors; and that a compassion discretion waiver was granted to Jonathan C. Tuttle (C-10890).

- Scott Monroe – I-CFC057846
- Marie L. Kohler – I-CGC1522076
- Donald T. Reynolds – I-CGC1509923
- Harold H. Hammer – I-CBC1255115
- Anthony Link Dang – I-CFC1426773
- Brian L. Pugh – I-CGC059456

Director's Report

Ms. Krickovic reported that Messrs. Lashlee and Melker will be resigning from the PCCLB; and that since the seventh edition of the Florida Building Code has been published, hearings will be scheduled for the BOAA Florida Building Code to rehear all prior local technical and administrative amendments.

Ms. Krickovic updated the Board regarding various organizational and staffing changes within the Contractor Licensing Department and provided background information regarding the County Administrator's vision for strategic alignment between the Department and the Code Enforcement Division, noting that the Department's investigators would be reassigned to the Division under the supervision of Mr. Reazin; that there is a proposal to utilize Code Enforcement officers as investigators; and that Mr. Reazin will provide reports to the PCCLB at future meetings.

Management Report – Investigations

Mr. Reazin introduced himself and explained how Code Enforcement efforts align with Contractor Licensing investigations, noting recent and upcoming improvements in protocols and training plans. He stated that over the last years, the Code Enforcement Division has reduced overall case response time by 85 percent and increased the number of issued citations by 400 percent; and that some of the Division's tools and practices are already being incorporated; whereupon, Ms. Krickovic thanked Mr. Reazin for his hard work and commitment during the transition.

Citizens to be Heard – None.

OTHER DISCUSSION

Responding to query by Mr. Kelly, Messrs. Tyre and Garriott and Ms. Spencer discussed the plans to fully re-open the building department offices to the public and the current systems for permitting review and inspection.

Responding to query by Mr. Tyre concerning virtual permitting review and inspections, Messrs. Kelly and Sofarelli expressed their appreciation for the process, especially pertaining to re-inspections; whereupon, Ms. Krickovic stated that the department's doors have been open to the public since last September; that since the department introduced the QLess queue management system, 81.3 percent of all customers rated service as excellent; and that approximately 87 percent indicated that their expectations were met or exceeded.

ADJOURNMENT

Upon motion by Mr. Holloway, seconded by Mr. Tyre and carried unanimously, the meeting was adjourned at 3:03 PM.