

Escambia County  
**Contractor Competency Board**

MINUTES

March 5, 2014

Present: John Matthews, Vice Chairman  
Victor Wallace  
Mike Batchelor  
Sam Menezes  
Trice Dukes  
David Schwartz  
Leroy White  
Verris Magee  
James Reynolds

Staff Present: Sue Garrett

Attendees: Kathy Peterson, BID Admin Supervisor  
Kerra A. Smith, Asst. County Attorney  
Deb Asplund, BID Investigator  
Robert Kyles, BID Investigator  
Bruce Pernicka, Applicant  
Luevender Ali, Complainant  
Majid Ali, Complainant  
Gabrieli A. Davis, Complainant  
James Rich, Contractor  
Peter T. Harris-Inman, Applicant  
Jimmy R. Jones, Contractor  
Christina Lambeth, Complainant  
Wayne Mitchell, Esq.  
Everette Lambeth  
Antonio Villegas, Contractor

- 1 Call to Order: Vice Chairman Matthews called to order the regular meeting of the Escambia County Contractor Competency Board on Wednesday, March 5, 2014, in Room 104 of the Central Office Complex.
- 2 Determination of Quorum: Vice Chairman Matthews confirmed a quorum of members were present.
- 3 Proof of Publication: Vice Chairman Matthews, upon inquiry, confirmed the meeting date and time was properly advertised in the Pensacola News Journal on March 1, 2014.

4 Approval of Minutes.

Motion Made by Victor Wallace, Seconded by David Schwartz to defer approval of the Minutes to a later date.

**Vote:** 9 - 0 - Unanimously

5 Public Forum: No speakers were present.

6 **Board Secretary Status Report:**

1. Members were informed by the Board Secretary that the License Issue Activity Report for February 2014 was provided to DBPR.

7 Old Business

A Kerra A. Smith, Asst. County Attorney, informed Members that the Board of County Commissioners, at its February 6, 2014 meeting, voted to uphold the Contractor Competency Board's stay in the Citation Hearing of Timothy Duggins, et al.

B Kerra A. Smith, Asst. County Attorney, informed Members that the Board of County Commissioners, at its February 6, 2014, meeting voted to uphold the Contractor Competency Board's dismissal of the Complaint in the Gabrieli A. Davis vs. David Rademacher and Horizon Sunrooms and Spa, Inc.

C The Board received an update from the Board Secretary regarding revisions to Sec. 18-80(a)(4) [Certificate Termination], Code of Ordinances of Escambia County, Florida, informing that the matter will be corrected through the current process of updating and revising Sections 14 and 18. Additionally, Members were advised that the draft revisions would be presented for review when the draft is complete.

D The Board received an update from the Board Secretary regarding implementing a licensing procedure requiring all Marine Contractors comply with mandated Workers' Compensation coverage.

8 Contractor Applications:

A HARRIS-INMAN, PETER - Application for Restoration of Certificate of Competency License No.: BC0423, (exp: 5/9/2006). Applicant was present.

Motion Made by James Reynolds, Seconded by Sam Menezes to approve Peter Harris-Inman's Application for Restoration of Certificate of Competency License No.: BC0423 contingent upon payment of all past and current renewal periods.

**Vote:** 7 - 2

Voted No: Mike Batchelor  
Verris Magee

- B BRUCE A. PERNICKA - APPLICATION FOR RECIPROCITY (ROOFING).  
The Board was informed that Mr. Pernicka has received two (2) Citations for unlicensed/unpermitted construction activity in the past six (6) months and currently has a fine balance due. Mr. Pernicka was present and addressed the Board.

Motion Made by Victor Wallace, Seconded by Trice Dukes to approve Bruce Pernicka's Application for Reciprocity (Roofing), contingent upon immediate payment of any balance due on a Citation before license issuance; and ninety (90) days probation after license issued.

**Vote:** 9 - 0 - Unanimously

9 UNPERMITTED / UNLICENSED ACTIVITY / COMPLAINTS:

- A **FOR INFORMATION:** The Board received the following UNPERMITTED / UNLICENSED Activity.

1. Selectricity, LLC/Dustin Oliver - unpermitted electrical
2. Wingate's Air Conditioning, Inc./Jonathan Wingate - unpermitted mechanical
3. Economy Appliance Heating & Air/Kenneth Siefert - unpermitted mechanical
4. All Seasons Service Network/Michael Sarra - unpermitted mechanical (4 counts)
5. Avia Fine Homes, Inc./Anthony Buccanfuso - unpermitted alteration
6. B & E Mobile Home Movers/Billy Colvin - issued Ceast & Desist Notice
7. Installed Building Products - Panhandle/Ernie Hall (State Certified) - unpermitted garage doors
8. Emerald Coast Backflow/Willy Gibson - unpermitted plumbing (3 counts)
9. Southern Star Plumbing, Inc./Ricky Davidson - unpermitted plumbing

- B COMPLAINT NO.: UN14020082 - MARIA MORALES (7491 NORTHPOINTE BLVD) vs WILBERT CLAUSE AND SOUTHERN BREEZE ONE HOUR A/C & HEAT:  
Members were informed that Staff had received correspondence from the Homeowner/Complainant that all issues were resolved and she desired to dismiss her Complaint.

Motion Made by Victor Wallace, Seconded by James Reynolds to dismiss Complaint No.: UN14020082.

**Vote:** 9 - 0 - Unanimously

- C COMPLAINT NO.: COM140100002: GABRIELI A. DAVIS (6020 SONGBIRD DRIVE) vs DAVID RADEMACHER and HORIZON SUNROOMS & SPAS, INC. [2nd COMPLAINT; filed 1/8/14]: Mr. Davis was present and addressed the Board. Mr. Rademacher was not present although notified by certified mail. Kerra A. Smith, Asst. County Attorney explained the principle of *res judicata* to members. Robert Kyles, BID Investigator, answered questions from Members.

Motion Made by Leroy White, Seconded by James Reynolds to dismiss Complaint No.: COM140100002.

**Vote:** 9 - 0 - Unanimously

- D COMPLAINT NO.: UN140100022 - Paula Lambeth & Christina Lambeth vs Antonio Villegas and Rough Plumbing, LLC related to 28 Randolph Drive, Pensacola, FL: Ms. Christina Lambeth, Mr. Everette Lambeth and Mr. Antonio Villegas were present and addressed the Board.

Motion Made by Trice Dukes, Seconded by Verris Magee to schedule a Show Cause Hearing for April 2, 2014 upon a finding of probable cause violations exist.

**Vote:** 9 - 0 - Unanimously

- i NOTE: Member, Trice Dukes, left the meeting at 11:00 a.m.

- E COMPLAINT NO.: COM140200003: ESCAMBIA COUNTY CONTRACTOR LICENSING vs ANTONIO VILLEGAS and ROUGH PLUMBING, LLC. Mr. Villegas was present and addressed the Board.

Motion Made by James Reynolds, Seconded by David Schwartz to schedule a Show Cause Hearing for April 2, 2014, upon a finding that probable cause a violation exists.

**Vote:** 9 - 0 - Unanimously

- F COMPLAINT NO.: COM131200028: KIMBERLY COBB (1119 N PACE BLVD) vs DONALD WRIGHT and WRIGHT ROOFING COMPANY - RR0029/RC0029939: Ms. Cobb and Mr. Wright were present and addressed the Board.

Motion Made by James Reynolds, Seconded by David Schwartz to schedule a Show Cause Hearing for April 2, 2014 upon a finding that probable cause of a violation exists.

**Vote:** 9 - 0 - Unanimously

- G COMPLAINT NO.: COM131100024 - ABDUL-MAJID & LUEVENDER ALI (5810 Blaze Ave - City Limits)vs JAMES A. RICH, JR. and JAMES RICH BUILDERS, State Certified License No.: CBC1256247. Mr. Majid Ali, Mrs. Luevender Ali and Mr. James A. Rich, Jr. were present and addressed the Board.

Motion Made by James Reynolds, Seconded by Verris Magee to notify DBPR that Contractor, James A. Rich, Jr., based upon the testimony and evidence considered by the Board, finds that the Contractor is guilty of willful violations of Part I of Chapter 489, Florida Statutes, and the following provisions of Article II, Chapter 18, Section 18-37 of the Code of Ordinances of Escambia County:

- Count 1: Section 18-37(c)(1)- Disregard or failure to correct Building Code violations or any municipal or county building, ordinances, or laws of the State of Florida;
- Count 2: Section 18-37(c)(6)-Financial mismanagement or misconduct in the practice of contracting that causes financial harm to a customer; and
- Count 3: Section 18-37(d)(10)- Abandonment.

**Vote:** 9 - 0 - Unanimously

Motion Made by James Reynolds, Seconded by Verris Magee assess a fine of \$100 related to Count 1; and assess a \$500 fine related to Count 3; allowing permitting privileges to remain open for the duration of a DBPR review of this Boards action.

**Vote:** 9 - 0 - Unanimously

10 Written Communication

A The Board received (for information) correspondence from Nova L. Jernigan (Certificate of Competency License No.: SM0014) requesting he be removed as qualifier for Southern Erectors, Inc. and to cancel his license effective December 11, 2013 (fax received 2/25/2014).

B The Board received correspondence from Wes Reeder, Esq. requesting the Board schedule a hearing on his request to lift the stay in Complaint No.: COM120800011 - "*Gene & Maureen Valentino vs Grant Wood and Grant Wood Contracting Co., Inc.*" for April 2, 2014.

Motion Made by Victor Wallace, Seconded by Mike Batchelor to schedule a hearing for April 2, 2014 on Mr. Reeder's request to lift the stay in Complaint No.: COM120800011 - "*Gene & Maureen Valentino vs Grant Wood and Grantwood Contracting Co. Inc.*"

**Vote:** 9 - 0 - Unanimously

C The Board received copies of email between Staff and all Parties regarding status of Timothy Duggins, et al Citation Hearing stay.

D The Board received a copy of email and a Motion to Lift Stay in the Duggins Citation Hearing matter (Citation No. 2013-7K) received from Wayne Mitchell, Esq., counsel for Homeowner/Complainant. Wayne Mitchell, Esq. was present before the Board.

Motion Made by James Reynolds, Seconded by Victor Wallace to schedule a hearing on April 2, 2014 regarding the Motion to Lift Stay in the Duggins Citation Hearing matter (Citation No. 2013-7K) received from Wayne Mitchell, Esq., counsel for Homeowner/Complainant.

**Vote:** 9 - 0 - Unanimously

E The Board received the Motion For Continuance submitted by Stephen R. Moorhead, Esq., counsel for Timothy Duggins, et al regarding Citation No.: 2013-7K.

F The Board recieved a copy of email with Response Opposing Request for Continuance of Mr. McClammy's Motion To Lift Stay of Pending Citation Appeal from Wayne Mitchell, Esq., counsel for Homeowner/Complainant.

G The Board received a copy of the Reply to Albert McClammy's Opposition to Appellants' Motion For Continuance filed by Stephen Moorhead, Esq., counsel for Timothy Duggins, et al in the Duggins Citation matter (Citation No.: 2013-7K).

11 Show Cause Hearing

- A ANN SEWELL vs JIMMY RAY JONES AND JONES ROOFING, Certificate of Competency License No.: RR01309  
[Mr. Jones was present and addressed the Board; the Complainant/Homeowner was not present although properly notified of the date and time of the meeting.]

Motion Made by Mike Batchelor, Seconded by Victor Wallace to dismiss and close the Complaint by Ms. Sewell against Mr. Jones and Jones Roofing and to reinstate the permitting privileges of Jimmy Ray Jones and Jones Roofing.

**Vote:** 9 - 0 - Unanimously

12 New Business.

- A Staff reviewed the proposed Rules and Procedures of the Escambia County Contractor Competency Board with Members. This matter was deferred to the April 2014 meeting for further review and discussion.

13 Adjournment.

Motion Made by Leroy White, Seconded by David Schwartz to adjourn the meeting at 12:03 p.m.

**Vote:** 9 - 0 - Unanimously