

## MINUTES

### Escambia County Contractor Competency Board

November 6, 2013

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

Absent: James Lee, Chairman  
Mike Batchelor

Staff Present: Sue Garrett, Secretary

Attendees: Kathy Peterson, BID Admin Supervisor  
Ryan Ross, Asst. County Attorney  
Robert Kyles, BID Investigator  
Deb Asplund, BID Investigator  
Robert Flewellyn, Applicant  
Gary Blatz  
Michael Bradford, Applicant  
Todd St. Ores  
Michael J. Brown  
William Gulsby, Complainant  
Gabrieli Davis, Complainant

1. Call to Order: Vice Chairman Matthews called to order the regular meeting of the Escambia County Contractor Competency Board at 9:00 a.m. on Wednesday, November 6, 2013, 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 November 2, 2013.

4. Approval of Minutes: Members were informed by the Board Secretary that the October 2013 Meeting Minutes would be provided at the next meeting.
5. Public Forum: No speakers were present.
6. Board Secretary Status Report:
  1. Members were informed the License Issuance Activity Report has been filed with DBPR for October 2013.
  2. The Board Secretary updated Members on the progress of the Ordinance Revision for License (expired) renewal time period.
  3. Members were advised that Staff had not completed drafting the Marine Contractor Workers' Compensation procedure but would provide the final document to the Board at a later date.
7. Old Business
  - A. Staff provided the proposed, revised Unlicensed Contractor Ordinance with Members, advising of the following: AMENDING AND REPLACING SECTIONS 18-91 THROUGH 18-105; PROVIDING FOR AUTHORITY AND INTENT; PROVIDING FOR CITATIONS AND NOTICES; ESTABLISHING VIOLATIONS AND FINES FOR UNLICENSED CONTRACTORS; ESTABLISHING PROCEDURES AFTER CITATIONS AND MAXIMUM FINE PENALTIES FOR UNLICENSED CONTRACTORS; PROVIDING FOR HEARINGS; PROVIDING FOR LIENS ON PROPERTY; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Leroy White, Seconded by James Reynolds to approve the proposed revisions to the Unlicensed Contractor Ordinance.

Motion made by Leroy White, Seconded by David Schwartz to recommend the Board of County Commissioners approve the scheduling of a Public Hearing for consideration of the revisions to the Unlicensed Contractor Ordinance.
8. Contractor Applications:
  - A. ROBERT COSTANTINI - Application for Examination (Marine Contractor)

Motion made by James Reynolds, Seconded by Victor Wallace to approve ROBERT COSTANTINI'S Application for Examination - Marine Contractor.
  - B. ROBERT M. FLEWELLYN, Certificate of Competency License No.: DWS0057 - Application for Restoration/Reinstatement (expired: 5/20/2011). This matter was continued from October 9, 2013 meeting so that Mr. Flewellyn could be present. Mr. Flewellyn explained to the Board that he had surgery prior to license expiration and was uncertain as to whether he would continue as a contractor. He stated he had been working for Rebuild Northwest Florida since he was able to return to work.

Motion made by Victor Wallace, Seconded by James Reynolds to approve ROBERT M. FLEWELLYN's Application for Restoration/Reinstatement of Certificate of Competency License No.: DWS0057, contingent upon payment of all past due renewal fees.

- C. MICHAEL D. BRADFORD, Certificate of Competency License No.: BC2058 - Application for Restoration/Reinstatement (expired: 8/30/2010). This matter was continued from October 9, 2013 in order that Contractor could attend. Mr. Bradford addressed the Board and explained that he has been working in other jurisdictions; his CEU's are current back to 2009 and his State Registration is current through August 2015.

Motion made by Victor Wallace, Seconded by Trice Dukes to approve MICHAEL D. BRADFORD's Application for Restoration/Reinstatement of Certificate of Competency No.: BC2058 to active status, contingent upon payment of all past due and current renewal periods.

- D. GARY D. BLATZ - Application for Reciprocity (Building Contractor)  
Mr. Blatz was present and addressed the Board explaining the reason(s) and providing documentation to supplement Page 5(A) where he answered 'yes' to the question pertaining to the filing of bankruptcy.

Motion made by Victor Wallace, Seconded by David Schwartz to approve GARY D. BLATZ's Application For Reciprocity for issuance of a Certificate of Competency License (Residential Contractor).

- E. MICHAEL F. BROWN, Certificate of Competency License No.: AB0051 - Application for Restoration/Reinstatement (expired: 9/30/1997). Mr. Brown was present and informed the Board that his State Registration has remained current. He provided proof of current CEU's dated 2001 to present and he is now current in Santa Rosa County.

Motion made by David Schwartz, Seconded by Verris Magee to approve MICHAEL F. BROWN'S Application for Restoration/Reinstatement of Certificate of Competency License No.: AB0051, contingent upon payment of all past due renewal periods, 2005 - present.

9. UNPERMITTED / UNLICENSED ACTIVITY & COMPLAINTS:

- A. COMPLAINT: WILLIAM L. GULSBY vs. ROBERT G. PETTRY and PETTRY PLUMBING AND GAS (Contractor Competency License No.: MP0268).  
The Board heard from Mr. Gulsby regarding his Complaint against Mr. Pettry and Pettry Plumbing and Gas. Mr. Pettry failed to show. The Board directed that a Show Cause Hearing be scheduled for December 11, 2013.

B. COMPLAINT: GABRIELI A. DAVIS vs. DAVID RADEMACHER and HORIZON SUNROOMS & SPAS, INC. (Certificate of Competency License No.: SS0017). The Board heard from Mr. Davis regarding his Complaint against David Rademacher and Horizon Sunrooms & Spas, Inc. Mr. Rademacher was not present. Staff requested this matter be continued to December 11, 2013 for a further report to the Board for determination of whether or not to schedule a Show Cause Hearing.

C. COMPLAINT: M/M TOMMY WILLIAMS, 1950 SMYERS ROAD vs JIMMY RAY JONES and JIMMY JONES ROOFING (Certificate of Competency License No.: RR01309)  
The Board reviewed correspondence including DBPR Complaint filed 9/25/2013 by M/M Williams.

Motion made by Victor Wallace, Seconded by James Reynolds to dismiss the Complaint against Jimmy Ray Jones and Jones Roofing after a finding the parties resolved all issues.

D. COMPLAINT: ANN SEWELL, 6937 FALCON ROAD vs JIMMY RAY JONES and JONES ROOFING, (Certificate of Competency License No.: RR01309).  
[continued from September 11, 2013 meeting].  
1. Board review for determination of Notice to Show Cause Hearing.

Motion made by Victor Wallace, Seconded by James Reynolds to defer determination of whether to schedule a Show Cause Hearing in this matter until the December 11, 2013 meeting

E. CITATION NO.: 2013 K (Unlicensed Complaint No.: UN130800348) GERALD MOSHE PALMER  
1. Board to schedule hearing on above referenced Citation for Wednesday, December 4, 2013 at 9:00 a.m., or as soon thereafter as it may be heard.  
2. Member Leroy White stated for the record he has a conflict and would not be voting in this matter.

Motion made by Victor Wallace, Seconded by James Reynolds to schedule a hearing on Citation No.: 2013-6K (Unlicensed Complaint No.: UN130800348) Gerald Moshe Palmer for December 4, 2013.

F. CITATION NO.: 2013 7K (Unlicensed Complaint No.: UN130500203) TIMOTHY L. DUGGINS and DUGGINS CARPET CARE INC. d/b/a DUGGINS SERVICES.  
1. Board to schedule hearing on above referenced Citation for Wednesday, December 4, 2013, at 9:00 a.m. or as soon thereafter as it may be heard.

Motion made by Victor Wallace, Seconded by David Schwartz to schedule a hearing on Citation No.: 2013-7K (Unlicensed Complaint No.: UN130500203) Timothy L. Duggins and Duggins Carpet Care, Inc. d/b/a Duggins Services, for December 4, 2013.

- G. For Information: The Board received a 'highlight' report of UNLICENSED/UNPERMITTED ACTIVITY for the month of October 2013 as follows:
1. Hafdis B. Wright and H. Wright Roofing - (Complaint No.: UN131000436) - reroof under permit number BD131005875; no NOC recorded - job valuation underestimated; homeowner concerns regarding material; NOC recorded; roof passed final inspection.
  2. Christopher Joel Melei and Absolute Electrical - abandoned job
  3. Members were advised a more informational report will be developed to provide additional information regarding the monthly activities of BID's Investigation Division.

10. Written Communication: NONE.

11. Disciplinary Hearing

A. HAFDIS B. WRIGHT and H. WRIGHT ROOFING, Certificate of Competency License No.: RR0186

On October 9, 2013, the Board reserved jurisdiction to award staff/administrative costs in this matter.

Mrs. Wright was not present although she had been properly noticed of the hearing to award staff/administrative costs as a result of prior disciplinary action.

1. FOR INFORMATION:

The Board received copies of the Final Order and cover letter provided to Hafdis B. Wright and DBPR in the matter " *CONTRACTOR COMPETENCY BOARD vs HAFDIS B. WRIGHT.*" Mrs. Wright did not appear although she was properly noticed. Member Dukes abstained from voting as he was not present for the disciplinary action handed down in October.

2. Assessment of administrative costs per Disciplinary Hearing held October 9, 2013.

Motion made by Leroy White, Seconded by James Reynolds to assess seven (7) cases, \$350.00 administrative costs each, for a total of \$2,450.00 which would be added to the prior disciplinary fines in the Final Order dated October 18, 2013, nunc pro tunc October 9, 2013.

3. Clarification of disposition: 6938 Corrydale Drive  
re: Board found violation of Section 18-37(d)(8) "Mismanagement or misconduct causing financial harm to the customer ..." and ordered \$750 fine and Letter of Reprimand.

Board was not clear regarding harm to homeowner, (i.e., restitution).

Motion made by James Reynolds, Seconded by David Schwartz to take no further action.

4. Clarification of disposition: 5771 Highway 95A  
Re: Board found violation of Section 18-37(15) "Proceeding on any job without obtaining applicable local building department permits and/or inspections ..."; ordered \$1000 fine and Letter of Reprimand; and violation of Section 18-37(d)(9)(b) "Contracting beyond scope of practice allowed by license, no safety hazard ..." and fined \$500 fine and Letter of Reprimand.

Homeowner previously requested restitution; however Staff failed to address this at the time of the Disciplinary Hearing.

Motion made by James Reynolds, Seconded by David Schwartz to take no further action

12. The Board directed Staff to contact Hafdis B. Wright and direct that permits and inspections must be obtained for 1911 Waxwing Drive and 4690 Red Bud Lane prior to the next meeting on December 4, 2013, with instruction that she is to meet the Building Inspector on site to discuss each job.
13. The Board requested:
1. Staff review the current \$350 administrative costs assessment to determine whether an increase is warranted due to increased costs of personnel, fuel, etc.; and
  2. Staff to review whether the Contractor Competency Board has the authority to order restitution in a disciplinary hearing as part of a disciplinary action(s) and/or penalty phase.
14. Adjournment.

Motion made by Victor Wallace, Seconded by Leroy White to adjourn.