

## NOVEMBER 14, 2012

The Construction Trades Board, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 3:00 p.m.

### Present were:

William "Bill" Humphreys, Jr., Chairman  
William J. Hennel, First Vice-Chairman  
George "Bill" Tolson, Second Vice-Chairman  
Robert "Bob" Brown  
Dale Cheetham  
James Cook  
Mary Forristall  
Peter Shea  
Debbie Smith  
Earl Wright

### Absent was:

Timothy Smith

### Also present were:

Maureen Sikora, Assistant County Attorney  
Vicki Tessmer, Board Records Supervisor,  
representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

## AGENDA

The agenda of November 14, 2012, and Notice of Public Meeting.

[CTB20121114DOC001](#)

## MINUTES

Upon motion by Mr. Shea and second by Mr. Wright, the minutes of October 24, 2012, were approved by a vote of 10 to 0.

## DISCIPLINARY HEARINGS

### HENRY TORNWALL dba HMR FABRICATIONS, INC. (LICENSE CSC056670) CASE 1207013

Complaint by Building Official for violations of Manatee County Land Development Code (LDC), Section 513.1; Manatee County Code of Ordinances, Sections 2-6-37(b)(2), 2-6-75(a), and 2-6-75(b); *Florida Statutes, Sections 489.129(1)(j) and 489.129(1)(o)*; and 2001 Florida Building Code, Sections 105.7 and 106.2.

C. J. Dupré, Building Official, stated Mr. Tornwall is a State Certified Sheet Metal Contractor. He reviewed the case summary and violations, and noted Mr. Tornwall has one open permit: **04030615**.

Hildy Voorhees, Building and Development Services Department, verified there is one open permit.

Pursuant to the provisions of Manatee County Ordinances 96-05 and 96-20, and based on the evidence and testimony presented at the hearing, Mr. Wright moved: (1) that the CTB adopt, as findings of fact, the statements contained in the case summary; (2) to find Henry Tornwall in violation of the following provisions by clear and convincing evidence: Manatee County LDC, Section 513.1; Manatee County Code of Ordinances, Sections 2-6-37(b)(2), 2-6-75(a), and 2-6-75(b); *Florida Statutes, Sections 489.129(1)(j) and 489.129(1)(o)*; and 2001 Florida Building Code, Sections 105.7 and 106.2; (3) to forward a recommendation to the State Construction Industry Licensing Board for further action; (4) to order that Henry Tornwall

close all open permits within 14 days from the date of this hearing; (5) to order that Henry Tornwall pay to Manatee County the costs incurred in processing this case in the amount of \$996, said amount to be paid in full within 14 days from the date of this hearing; (6) to order that, if Henry Tornwall fails to close all open permits, or fails to pay the costs within 14 days from the date of this hearing, the permitting privileges of Henry Tornwall shall be suspended until all open permits are closed and all outstanding costs are paid; and (7) to direct staff to prepare a written order consistent with this motion for execution by the Chairman. The motion was seconded by Mr. Tolson and carried 10 to 0.

[CTB20121214DOC002](#)

**ROLAND YODER dba ROLAND W. YODER CONSTRUCTION**  
**(LICENSE CPC055649) CASE 1207003**

Complaint by Building Official for violations of Manatee County LDC, Section 513.1; Manatee County Code of Ordinances, Sections 2-6-37(b)(2), 2-6-75(a), and 2-6-75(b); *Florida Statutes, Sections 489.129(1)(j) and 489.129(1)(o)*; and 2004 Florida Building Code, Section 109.6.

Mr. Dupré stated Roland Yoder is a State Certified Residential Swimming Pool/Spa Contractor. He reviewed the case summary and violations, and noted Mr. Yoder has one open permit: **06041429**. Ms. Voorhees confirmed there is one open permit.

Pursuant to the provisions of Manatee County Ordinances 96-05 and 96-20, and based on the evidence and testimony presented at the hearing, Ms. Forristall moved: (1) that the CTB adopt, as findings of fact, the statements contained in the case summary; (2) to find Roland Yoder in violation of the following provisions by clear and convincing evidence: Manatee County LDC, Section 513.1; Manatee County Code of Ordinances, Sections 2-6-37(b)(2), 2-6-75(a), and 2-6-75(b); *Florida Statutes, Sections 489.129(1)(j) and 489.129(1)(o)*; and 2004 Florida Building Code, Section 109.6; (3) to forward a recommendation to the State Construction Industry Licensing Board for further action; (4) to order that Roland Yoder close all open permits within 14 days from the date of this hearing; (5) to order that Roland Yoder pay to Manatee County the costs incurred in processing this case in the amount of \$996, said amount to be paid in full within 14 days from the date of this hearing; (6) to order that, if Roland Yoder fails to close all open permits, or fails to pay the costs within 14 days from the date of this hearing, the permitting privileges of Roland Yoder shall be suspended until all open permits are closed and all outstanding costs are paid; and (7) to direct staff to prepare a written order consistent with this motion for execution by the Chairman. The motion was seconded by Mr. Shea and carried 10 to 0.

[CTB20121214DOC003](#)

**GERALD SOUDERS dba FRIENDLY'S AIR, INC.**  
**(LICENSE CAC1815407) CASE 1207011**

Complaint by Building Official for violations of Manatee County LDC, Section 513.1; Manatee County Code of Ordinances, Sections 2-6-37(b)(2), 2-6-75(a), and 2-6-75(b); *Florida Statutes, Sections 489.129(1)(j) and 489.129(1)(o)*; and 2007 Florida Building Code, Sections 109.6 and 110.4.

Mr. Dupré stated Gerald Souders is a State Certified Air Conditioning Contractor. He reviewed the case summary and violations, and noted Mr. Souders has one open permit: **09070850**. Ms. Voorhees verified there is one open permit.

Pursuant to the provisions of Manatee County Ordinances 96-05 and 96-20, and based on the evidence and testimony presented at the hearing, Ms. Smith moved: (1) that the CTB adopt, as findings of fact, the statements contained in the case summary; (2) to find Gerald Souders in violation of the following provisions by clear and convincing evidence: Manatee County LDC, Section 513.1; Manatee County Code of Ordinances, Sections 2-6-37(b)(2), 2-6-75(a), and 2-6-75(b); *Florida Statutes, Sections 489.129(1)(j) and 489.129(1)(o)*; and 2007 Florida Building Code, Sections 110.4 and 109.6; (3) to forward a recommendation to the State

Construction Industry Licensing Board for further action; (4) to order that Gerald Souders close all open permits within 14 days from the date of this hearing; (5) to order that Gerald Souders pay to Manatee County the costs incurred in processing this case in the amount of \$996, said amount to be paid in full within 14 days from the date of this hearing; (6) to order that, if Gerald Souders fails to close all open permits, or fails to pay the costs within 14 days from the date of this hearing, the permitting privileges of Gerald Souders shall be suspended until all open permits are closed and all outstanding costs are paid; and (7) to direct staff to prepare a written order consistent with this motion for execution by the Chairman. The motion was seconded by Mr. Wright and carried 10 to 0.

[CTB20121214DOC004](#)

**THEODORE WOLFF dba BLACKWOLFF HOMES LLC**  
**(LICENSE CBC015516) CASE 1207005**

Complaint by Building Official for violations of Manatee County LDC, Section 513.1; Manatee County Code of Ordinances, Sections 2-6-37(b)(2), 2-6-75(a), and 2-6-75(b); *Florida Statutes, Sections 489.129(1)(j) and 489.129(1)(o)*; and 2001 Florida Building Code, Sections 105.7 and 106.2.

Mr. Dupré stated Theodore Wolff is a State Certified Building Contractor. He reviewed the case summary and violations, and noted Mr. Wolff has one open permit: **05070006**. Ms. Voorhees verified there is one open permit.

Pursuant to the provisions of Manatee County Ordinances 96-05 and 96-20, and based on the evidence and testimony presented at the hearing, Mr. Cook moved: (1) that the CTB adopt, as findings of fact, the statements contained in the case summary; (2) to find Theodore Wolff in violation of the following provisions by clear and convincing evidence: Manatee County LDC, Section 513.1; Manatee County Code of Ordinances, Sections 2-6-37(b)(2), 2-6-75(a), and 2-6-75(b); *Florida Statutes, Sections 489.129(1)(j) and 489.129(1)(o)*; and 2001 Florida Building Code, Sections 105.7 and 106.2; (3) to forward a recommendation to the State Construction Industry Licensing Board for further action; (4) to order that Theodore Wolff close all open permits within 14 days from the date of this hearing; (5) to order that Theodore Wolff pay to Manatee County the costs incurred in processing this case in the amount of \$996, said amount to be paid in full within 14 days from the date of this hearing; (6) to order that, if Theodore Wolff fails to close all open permits, or fails to pay the costs within 14 days from the date of this hearing, the permitting privileges of Theodore Wolff shall be suspended until all open permits are closed and all outstanding costs are paid; and (7) to direct staff to prepare a written order consistent with this motion for execution by the Chairman. The motion was seconded by Mr. Tolson and carried 10 to 0.

[CTB20121214DOC005](#)

**MICHAEL SWARTZ dba COAST TO COAST POOLS**  
**(LICENSE CPC1456717) CASE 1207017**

Complaint by Building Official for violations of Manatee County LDC, Section 513.1; Manatee County Code of Ordinances, Sections 2-6-37(b)(2), 2-6-75(a), and 2-6-75(b); *Florida Statutes, Sections 489.129(1)(j) and 489.129(1)(o)*; and 2004 Florida Building Code, Section 109.6.

Mr. Dupré stated Mr. Swartz is a State Certified Residential Swimming Pool/Spa Contractor. He reviewed the case summary and violations, and noted Mr. Swartz has one open permit: **07040916**. Ms. Voorhees confirmed there is one open permit.

Discussion: Discrepancy with zip code used in mailing the notices; two of the notices were returned undeliverable; Mr. Swartz's license appears to be inactive; etc.

Maureen Sikora, Assistant County Attorney, advised that one of the notices was received at the main address, 3904 Oak Grove Drive (post office receipt dated 8/23/12). Notice of this meeting was also published in the newspaper.

Pursuant to the provisions of Manatee County Ordinances 96-05 and 96-20, and based on the evidence and testimony presented at the hearing, Mr. Tolson moved: (1) that the CTB adopt, as findings of fact, the statements contained in the case summary; (2) to find Michael Swartz in violation of the following provisions by clear and convincing evidence: Manatee County LDC, Section 513.1; Manatee County Code of Ordinances, Sections 2-6-37(b)(2), 2-6-75(a), and 2-6-75(b); *Florida Statutes, Sections 489.129(1)(j) and 489.129(1)(o)*; and 2004 Florida Building Code, Section 109.6; (3) to forward a recommendation to the State Construction Industry Licensing Board for further action; (4) to order that Michael Swartz close all open permits within 14 days from the date of this hearing; (5) to order that Michael Swartz pay to Manatee County the costs incurred in processing this case in the amount of \$996, said amount to be paid in full within 14 days from the date of this hearing; (6) to order that, if Michael Swartz fails to close all open permits, or fails to pay the costs within 14 days from the date of this hearing, the permitting privileges of Michael Swartz shall be suspended until all open permits are closed and all outstanding costs are paid; and (7) to direct staff to prepare a written order consistent with this motion for execution by the Chairman. The motion was seconded by Mr. Shea and carried 10 to 0.

[CTB20121214DOC006](#)

**LEE THAXTON dba THAXTON ENTERPRISES, INC.**  
**(LICENSE CCC1326697) CASE 1207022**

Complaint by Building Official for violations of Manatee County LDC, Section 513.1; Manatee County Code of Ordinances, Sections 2-6-37(b)(2), 2-6-75(a), and 2-6-75(b); *Florida Statutes, Sections 489.129(1)(j) and 489.129(1)(o)*; and 2004 Florida Building Code, Section 109.6.

Mr. Dupré stated Mr. Thaxton is a State Certified Roofing Contractor. He reviewed the case summary and violations, and noted Mr. Thaxton has two open permits: **06050890** and **06050894**. Ms. Voorhees confirmed there are two open permits.

Ms. Sikora stated the State's licensing information shows Mr. Thaxton's license has been revoked; however, he is not prevented from applying for a new license.

Pursuant to the provisions of Manatee County Ordinances 96-05 and 96-20, and based on the evidence and testimony presented at the hearing, Mr. Brown moved: (1) that the CTB adopt, as findings of fact, the statements contained in the case summary; (2) to find Lee Thaxton in violation of the following provisions by clear and convincing evidence: Manatee County LDC, Section 513.1; Manatee County Code of Ordinances, Sections 2-6-37(b)(2), 2-6-75(a), and 2-6-75(b); *Florida Statutes, Sections 489.129(1)(j) and 489.129(1)(o)*; and 2004 Florida Building Code, Section 109.6; (3) to forward a recommendation to the State Construction Industry Licensing Board for further action; (4) to order that Lee Thaxton close all open permits within 14 days from the date of this hearing; (5) to order that Lee Thaxton pay to Manatee County the costs incurred in processing this case in the amount of \$996, said amount to be paid in full within 14 days from the date of this hearing; (6) to order that, if Lee Thaxton fails to close all open permits, or fails to pay the costs within 14 days from the date of this hearing, the permitting privileges of Lee Thaxton shall be suspended until all open permits are closed and all outstanding costs are paid; and (7) to direct staff to prepare a written order consistent with this motion for execution by the Chairman. The motion was seconded by Mr. Hennel and carried 10 to 0.

[CTB20121214DOC007](#)

**NEXT MEETING**

The Chairman announced the next scheduled meeting will be held on December 12, 2012.

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 3:46 p.m./dev

Minutes Approved: December 12, 2012