

**MANATEE COUNTY CONSTRUCTION TRADES BOARD
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Mantee Avenue West
Bradenton, Florida
April 26, 2017**

Present were:

William Edwards, Chairman
George "Bill" Tolson, First Vice-Chairman
Albert Benincasa, Second-Vice Chairman
Stephen Hicks
Howard Jensen

Absent were:

Dale Cheetham (excused)
William J. Hennel (excused)

Also present was:

Geoffrey Nichols, Assistant County Attorney
Quantana Acevedo, Deputy Clerk, Clerk of the Circuit Court



The meeting was called to order at 3:04 p.m.

PLEDGE OF ALLEGIANCE

Chairman Edwards led the Pledge of Allegiance.

ROLL CALL AND DECLARATION OF A QUORUM

A quorum was declared.

AGENDA


Deanna Ward, Permitting Supervisor, reported the following disciplinary cases were complied and deleted from the agenda:

5. **William Baker dba Baker & Son's A/C Inc. – License CAC1813986, Case 201701003** CT20170426DOC001
 7. **Matthew Bell dba Bell Builders Co LLC – License CBC1255544, Case 2017011187** CT20170426DOC002
 14. **Kevin Neipert dba Trademark Aluminum, Inc. – License SCC056789, Case 201701215** CT20170426DOC003
 17. **Kim Ralph dba The Right Way Associates – License CCC1326133, Case 201701247** CT20170426DOC004
- CT20170426DOC005

Ms. Ward submitted the Violation Summary and explanation of violations, which was omitted from e-agenda and reviewed changes to the case summaries for the following cases:


12. **Aftene Iacob dba Iacob's Property Mgmt, Inc. – License CCC1327622, Case 201701087** – Permit 15121060 has been closed CT20170426DOC006
13. **Gary Merrill dba Professional Heating & Cooling – License CAC057946, Case 201701037** – Permit 091200095 has been closed
15. **Spiro Paizes dba Sarasota Construction & Remodel – License CAC1817880, Case 201701044** – Case number on the summary should be corrected to 201701044 instead 201701244
9. **Thomas Borchert dba Five Star Renovations – License CGC1508629, Case 201701126** – Case number on the summary should be corrected to 201701126 instead of 20171126

1. **APPROVAL OF MINUTES**

 A motion was made by Member Benincasa, seconded by Member Tolson and carried 5-0, with Members Cheetham and Hennel absent, to approve the minutes of February 22, 2017 and March 8, 2017.

DISCIPLINARY CASES3. **ADVERTISEMENT**


A copy of the Bradenton Herald advertisement was provided with agenda. CT20170426DOC007

 Deanna Ward, Permitting Supervisor, read the following disciplinary cases into record for open and expired building permits. She requested the agenda materials for the cases be entered into evidence for each case.

4. **Kevin Baker dba RCT Disaster Recovery – License CGC1508985, Case 20171248**
CT20170426DOC008
6. **Deidre Bedford dba West Coast Pools, Inc. – License CPC1458701, Case 201701101**
CT20170426DOC009
8. **David Blumberg, Sr. dba Air Institution LLC – License CMC046179, Case 201701004**
CT20170426DOC010
9. **Thomas Bouchert dba Five Star Renovations– License CGC1508629, Case 201701126**
10. **Michael Bouilly dba Bouilly Construction Services – License CGC1515236, Case 201701127**
CT20170426DOC011
11. **Ryan Collins dba Collins Construction – License SCC131150016, Case 201701193**
CT20170426DOC012
12. **Aftene Iacob dba Iacob's Property Mgmt, Inc. – License SCC1327622, Case 201701087**
CT20170426DOC013
15. **Spiro Paizes dba Sarasota Construction & Remodel – License CAC1817880, Case 201701044**
CT20170426DOC014
16. **Spiro Paizes dba Sarasota Construction & Remodel – License CBC1251225, Case 201701243**
CT20170426DOC015
18. **Kenneth Vogel dba Solar Shield Windows – License CGC1523348, Case 201701164**
CT20170426DOC016

Ms. Ward stated each of the above cases has been reviewed and as of this date (4/26/17), the listed violations still remain for open and expired building permits. She read the recommended motion for disciplinary action: Pursuant to provisions of Manatee County Ordinances 14-08 and 14-33, based on the evidence presented, I move that the Construction Trades Board (CTB) adopt as findings of fact in the case summary and to find each contractor in violation by clear and convincing evidence, to forward a recommendation to the State Construction Industry Licensing Board for further action, to order that each contractor close all open building permits listed in their case summary within 14 days from the date of this hearing, to order that each contractor pay to Manatee County the cost incurred in processing each case in the amount of \$996, said amount to be paid within 14 days from the date of this hearing, to order that if each contractor fails to close all open permits or fails to pay the cost within 14 days from the day of this hearing, the permitting privileges shall be suspended until all open building permits are closed and all outstanding costs are paid, and to direct staff to prepare written orders consistent with this motion for execution by the Chairman.


Motion

 After hearing the case presentations and having the opportunity to review the cases presented, Member Jensen moved to recommend the CTB adopt the recommended motion


staff has made. The motion was seconded by Member Tolson and carried 5-0, with Members Cheetham and Hennel absent.


Ms. Ward reported Thomas Borchert, Certified General Contractor, entered the meeting and his case was included in the recommended motion.

Motion – Amended


 A motion was made by Member Hicks, seconded by Member Tolson and carried 5-0, with Members Cheetham and Hennel absent, to delete Thomas Borchert, Case 201701126 (Item 9) from the recommended motion.

9. **Thomas Borchert dba Five Star Renovations – License CGC1508629, Case 201701126**

 Deanna Ward, Permitting Supervisor, reviewed the open and expired permit.


 Thomas Bouchert, Certified General Contractor, reported he has scheduled an inspection for the open permit.

Ms. Ward acknowledged speaking to Mr. Bouchert earlier in the day, and at that time he requested an inspection. Mail to Mr. Bouchert was returned undeliverable based on the address on file and with the Department of Business and Professional Regulation (DBPR).

 Pursuant to the provisions of Manatee County Ordinance 14-08 and 14-33, and based on the evidence and testimony presented at the hearing, Member Tolson moved: (a) that the CTB adopt, as findings of fact, the statements contained in the case summary; (b) to find Thomas Borchert in violation of the following provisions by clear and convincing evidence: Section 2-6-75(a), Manatee County Code of Ordinances; 2-6-75(b), Manatee County Code of Ordinances; Section 2-6-37(a)(4), Manatee County Code of Ordinances; Section 2-6-37(b)(2), Manatee County Code of Ordinances; Section 489.129(1)(j), Florida Statutes; Section 489.129(1)(o), Florida Statutes; Section 110.6 of the 2014 Florida Building Code 5th Edition; and Section 110.1 of the 2014 Florida Building Code 5th Edition; (c) to forward a recommendation to the State Construction Industry Licensing Board for further action; (d) to order that Thomas Borchert close all open permits within fourteen (14) days from the date of this hearing; (e) to order that Thomas Borchert pay to Manatee County the costs incurred in processing this case in the amount of nine hundred ninety six dollars and no cents (\$996), said amount to be paid in full within fourteen (14) days from the date of this hearing; (f) to order that, if Thomas Borchert fails to close all open permits, or fails to pay the costs within fourteen (14) days from the date of this hearing, the permitting privileges of Thomas Borchert shall be suspended until all open permits are closed and all outstanding costs are paid; and (g) to direct staff to prepare a written order consistent with this motion for execution by the Chairman. The motion was seconded by Member Benincasa and carried 5-0, with Members Cheetham and Hennel absent.

CT20170426DOC017

13. **Gary Merrill dba Professional Heating & Cooling – License CAC057946, Case 201701037**


 Deanna Ward, Permitting Supervisor, reviewed the open and expired permits.


 Gary Merrill, Contractor, reported on the status of the permit.

Pursuant to the provisions of Manatee County Ordinance 14-08 and 14-33, and based on the evidence and testimony presented at the hearing, Member Benincasa moved: (a) that the CTB adopt, as findings of fact, the statements contained in the case summary; (b) to find Gary


Merrill in violation of the following provisions by clear and convincing evidence: Section 2-6-75(a), Manatee County Code of Ordinances; 2-6-75(b), Manatee County Code of Ordinances; Section 2-6-37(a)(4), Manatee County Code of Ordinances; Section 2-6-37(b)(2), Manatee County Code of Ordinances; Section 489.129(1)(j), Florida Statutes; Section 489.129(1)(o), Florida Statutes; Section 110.6 of the 2014 Florida Building Code 5th Edition; and Section 110.1 of the 2014 Florida Building Code 5th Edition; (c) to forward a recommendation to the State Construction Industry Licensing Board for further action; (d) to order that Gary Merrill close all open permits within fourteen (14) days from the date of this hearing; (e) to order that Gary Merrill pay to Manatee County the costs incurred in processing this case in the amount of nine hundred ninety six dollars and no cents (\$996), said amount to be paid in full within fourteen (14) days from the date of this hearing; (f) to order that, if Gary Merrill fails to close all open permits, or fails to pay the costs within fourteen (14) days from the date of this hearing, the permitting privileges of Gary Merrill shall be suspended until all open permits are closed and all outstanding costs are paid; and (g) to direct staff to prepare a written order consistent with this motion for execution by the Chairman. The motion was seconded by Member Hicks and carried 5-0, with Members Cheetham and Hennel absent. CT20170426DOC018


19. **Jack Paris dba Jack Paris, Individual – License CCC057898, Case 20160544**


 Deanna Ward, Permitting Supervisor, reviewed the open and expired permits. The attorney for Mr. Paris appeared at the hearing on March 8, 2017, which was a continuance from December 14, 2016. On March 8th, the Board gave Mr. Paris 30 days until the next hearing to appear before the Board. Mr. Paris and his attorney were sent a new notice of hearing for today's hearing by certified mail. Staff received updated addresses for mailings from the attorney and as of today (4/26/17), the expired permits remain open.

 Benjamin Lute, Attorney representing Mr. Paris, reported Mr. Paris intended to be present at the hearing, but his flight was delayed. Mr. Paris contends he did not open the permits or sign the agent authorization forms. A handwriting expert, Laurie Hoeltzel, has reviewed the forms and concluded the signatures on the forms do not belong to Mr. Paris (Declaration from the handwriting expert was submitted). He submitted a signed affidavit from Mr. Paris attesting that he did not authorize or sign forms. Upon question, Mr. Lute confirmed four of the forms were not signed by Mr. Paris. The issues with the fraudulent company (Jack Arthur Paris Roofing Company) are not isolated to Manatee County, and there is ongoing pending civil litigation and ongoing criminal investigations with DBPR.

Discussion took place pertaining to the conclusions from handwriting expert, qualifications for the handwriting expert, documentation showing that there is a criminal investigation and civil litigation, is Mr. Paris conducting business or pulling permits under another business name, Mr. Paris is not currently conducting business in Manatee County, Mr. Paris cannot close permits on jobs he did not do, and legal opinion from the County Attorney's office.

 Geoffrey Nichols, Assistant County Attorney, noted this a quasi-judicial board, and the Board should make a determination on the facts and evidence presented.

 Discussion took place about reviewing the documentation submitted by Mr. Lute, what was Mr. Paris' relationship with Jeffrey W. Rayl, Mr. Paris did not become aware of the open permits until he started receiving notices, and Mr. Paris is a roofer in Idaho.

 Mr. Lute requested a continuation and commented on the slowness of the process for civil litigation cases and criminal investigations.

Discussion continued about the open permits, need to formulate a motion to suspend his permitting privileges until such documentation can be brought to the County to show there was illegal activity without Mr. Paris' knowledge, and do not believe Mr. Paris signed the agent authorization forms.



Cindi Blake, Permitting Manager, questioned if the documentation from the handwriting expert was provided to the Department of State, Florida Division of Corporations, Notary Commissions and Apostille Certification. Upon question, Ms. Blake suggested the Board make a referral to the State Construction Industry Licensing Board and for the \$996 to be paid for staff's time and efforts.

Discussion ensued about Mr. Paris has been a victim of identity theft, Mr. Paris filed for an injunction against Mr. Rayl, Mr. Paris is willing to work with the County, and do not feel comfortable assigning fees if Mr. Paris is innocent.



C.J. Dupre, Building Official, stated inspections are needed in order to close the open and expired roofing permits. In the future, permitting staff will require identification for pulling permits. The legality of the signatures is a civil matter.

Deliberations ensued between the Board, staff and Mr. Lute.



Pursuant to the provisions of Manatee County Ordinance 14-08 and 14-33, and based on the evidence and testimony presented at the hearing, Member Hicks moved: (a) that the CTB adopt, as findings of fact, the statements contained in the case summary; (b) to find Jack Paris in violation of the following provisions by clear and convincing evidence: Section 2-6-75(a), Manatee County Code of Ordinances; 2-6-75(b), Manatee County Code of Ordinances; Section 2-6-37(a)(4), Manatee County Code of Ordinances; Section 2-6-37(b)(2), Manatee County Code of Ordinances; Section 489.129(1)(j), Florida Statutes; Section 489.129(1)(o), Florida Statutes; Section 110.6 of the 2010 Florida Building Code; and Section 110.1 of the 2010 Florida Building Code; (c) to forward a recommendation to the State Construction Industry Licensing Board for further action; (d) to order that Jack Paris close all open permits within fourteen (14) days from the date of this hearing; (e) to order that Jack Paris pay to Manatee County the costs incurred in processing this case in the amount of nine hundred ninety six dollars and no cents (\$996), said amount to be paid in full within fourteen (14) days from the date of this hearing; (f) to order that, if Jack Paris fails to close all open permits, or fails to pay the costs within fourteen (14) days from the date of this hearing, the permitting privileges of Jack Paris shall be suspended until all open permits are closed and all outstanding costs are paid; and (g) to direct staff to prepare a written order consistent with this motion for execution by the Chairman. The motion was seconded by Member Jensen and carried 5-0, with Members Cheetham and Hennel absent.

CT20170426DOC019

NEXT MEETING

The next meeting is scheduled for May 24, 2017.

ADJOURN



There being no further business, Chairman Edwards adjourned the meeting at 4:40 p.m.

Minutes Approved: July 26, 2017