

SEPTEMBER 14, 1998

The Unlicensed Construction Activities Panel, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Monday, September 14, 1998, at 2:00 p.m.

Present were:

Richard Reynolds, Chairman  
Linda Burton, First Vice-Chairman  
Martin Tonne, Second Vice-Chairman  
Larry Campbell  
Richard Fulwider

Also present were:

Mark Barnebey, Chief Assistant County Attorney  
Penny Mikulis, Board Records, representing  
R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

MINUTES

Upon motion by Mr. Fulwider and second by Mr. Tonne, the minutes of July 13, 1998, were approved unanimously.

CITATIONS

467 - FRANK DELTON HENSON d/b/a HENSON ROOFING

Violation: Acting in the capacity of a licensed contractor.

463 - SCOTT GAYLORD JOHNSON, II

Violation: Acting in the capacity of a licensed contractor.

468 - TIMOTHY ALLEN SMITH

Violation: Acting in the capacity of a licensed contractor.

Donna "Suzie" Dobbs, Unlicensed Construction Investigator, outlined the three citations and stated that they were issued as a result of a "mini-sweep" that was done in conjunction with the State of Florida, Department of Business and Professional Regulation and the Division of Worker's Compensation.

She advised that Manatee County issued the citations to the individuals who were doing the work (without being properly licensed). The licensed contractors received citations from the State of Florida for aiding and abetting unlicensed people, and "Stop Work" orders for not having the proper insurance in effect.

Ms. Dobbs advised that she hand served all three citations and requested that the citations be upheld.

Discussion: Whether or not Timothy Allen Smith was acting in the capacity of licensed contractor or as an employee of the contractor, etc.

As authorized by Manatee County Ordinance 94-34, Mr. Campbell moved that the charges brought against Frank Delton Henson, in Citation 467; Scott Gaylord Johnson, II, in Citation 463; and Timothy Allen Smith in Citation 468 be upheld as issued and that each shall pay a fine of \$250, in full, within 30 days of this hearing, and adoption of the recommended final orders as presented. Motion was seconded by Ms. Burton and carried unanimously.

454 - ENCLOSURE SYSTEMS OF MANATEE, INC.

Violation: Falsely advertising as a licensee; falsely impersonating a licensee; presenting as one's own the license of another; acting in the capacity of a licensed contractor; contracting after 60 days of qualifier termination; performing work without a permit; and furnishing false information.

Mr. Campbell requested reconsideration of the action of July 13, 1998, regarding Richard Stohlman and Enclosure Systems of Manatee, Inc. He stated that he realized the Board had inadvertently reduced the fines (to \$1,750), after doubling the fines (to \$3,500) on April 13, 1998.

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(Continued)

Mark Barnebey, Chief Assistant County Attorney, advised that a Panel member from the prevailing side must make a motion to reconsider the case. Then a motion to change the amount can be considered. Since the appeal process is over, Mr. Stohlman is not allowed to enter anything further into the record, therefore, it is not necessary for him to be present when the Board reconsiders its actions.

**Motion - Reconsideration**

Mr. Campbell moved to reconsider the fine assessed Mr. Stollman at the last meeting. Motion was seconded by Mr. Reynolds.

Discussion: The respondent/appellant did not provide new evidence at the last hearing; the Board erred in reducing the fines by fifty percent; fine has not been paid; increased fine will not be paid, etc.

Motion carried unanimously to reconsider the action of the Board at the July 13, 1998 meeting.

**Motion - Increase Fines**

As authorized by Manatee County Ordinance 94-34, motion was made by Mr. Campbell and seconded by Ms. Burton that the charges brought against Mr. Stohlman in citation 454, be upheld as issued and the fine shall be increased to \$3,500. The fine shall be paid within 30 days.

Discussion: Newspaper items should not influence decisions; Board needs to rectify their error; whether respondent/appellant should be notified that Board is going to reconsider; not appropriate to bring the entire Board back for this item again, etc.

Motion carried unanimously.

**REAPPOINTMENT**

Ms. Dobbs announced that Mr. Campbell has been reappointed for another term on the Board.

**RECONCILIATION CHART**

Ms. Dobbs submitted the Unlicensed Contractor Reconciliation Chart listing the collection of fines.

**JULY AND AUGUST, 1998 COMPLAINTS**

Ms. Dobbs submitted a summary of complaints received in July and August, 1998.

**MEETINGS**


The next meeting will be held October 12, 1998 at 2:00 p.m.


**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
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Clerk  
Adj: 2:20 p.m.  
/pat  
BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

  
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Chairman 11/9/98