MANATEE COUNTY CONSTRUCTION TRADES BOARD
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
November 13, 2019

Present were:
   George “Bill” Tolson, Chairman
   Albert Benincasa, First Vice-Chairman
   Dale Cheetham
   William J. Hennel
   William Humphreys
   Benjamin Jones

One seat was vacant.

Also present were:
   Deanna Ward, Interim Permitting Manager
   Alexandria Nicodemi, Assistant County Attorney
   Quantana Acevedo, Deputy Clerk, Clerk of the Circuit Court

Chairman Tolson called the meeting to order at 3:00 p.m.

All witnesses and staff giving testimony were duly sworn.

AGENDA
PLEDGE OF ALLEGIANCE
   Chairman Tolson led the Pledge of Allegiance.

ROLL CALL AND DECLARATION OF A QUORUM
   A quorum was declared.

1. MINUTES
   A motion was made by Member Hennel, seconded by Member Humphreys and carried 6-0, to approve the minutes of September 25, 2019.

DISCIPLINARY CASES
2. APPENDIX A, VIOLATION SUMMARY LIST AND DEFINITIONS
   A summary of the violations was provided with the agenda.

3. APPENDIX B, ADVERTISEMENT
   A copy of the Bradenton Herald advertisement was provided with the agenda.

   Deanna Ward, Permitting Supervisor, announced the County has a new Licensing Department as of September 30, 2019, and Cindi Blake would be the Licensing Manager with Colleen Costa as the Senior Technician. Ms. Ward has been designated as the Interim Permitting Manager, which means Ms. Blake and Ms. Costa would be responsible for presenting cases and handling any related duties.

   She reviewed the following changes to the disciplinary cases:
5. **Kevin Riordan dba Riordan Contracting LLC – License CGC1517689, Case CAC1908-0185**

   Deanna Ward, Interim Permitting Manager, stated this case is for abandoning an open, expired permit. The agenda materials for this case include the case summary recommendation, copies of the complaint, list of open permits, notice of non-compliance, notice of hearing, certified mail receipts, notice of public hearing, summary of violations, print out of licensee and license information from the Department of Business and Professional Regulation (DBPR) website, and any materials submitted by the contractor. Staff requested that these documents be entered as evidence for this case.

   The case was reviewed and as of this date (11/13/19), the listed violations remain for the open permits listed for the case. She read the recommended motion for disciplinary action: Pursuant to the provisions of Manatee County Ordinances 14-08 and 14-33, the violations listed in the recommendation, and based on the evidence presented, I move that the CTB adopt as findings of fact in the case summary and to find Kevin Riordan in violation by clear and convincing evidence, to forward a recommendation to the State Construction Industry Licensing Board for further action, to order that Kevin Riordan close all open building permits listed in the case summary within 14 days from the date of this hearing, to order that Kevin Riordan pay to Manatee County the cost incurred in processing this case in the amount of $996, said amount to be paid within 14 days from the date of this hearing, to order that if Kevin Riordan 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 a written order consistent with this motion for execution by the Chairman.

   Kevin Riordan, Contractor, agreed with the violations and was unaware that his project manager had pulled the permits. He is waiting to hear from the Fire Marshall to finalize the inspection date(s).

   The motion, as recommended by staff, was moved by Member Benincasa, seconded by Member Jones, and carried 6-0.

   Mr. Riordan sought a reduction of the $996 fine.

   Chairman Tolson explained that the fine is not a penalty, but the costs incurred by the Building and Development Services Department for preparing the case for hearing.

6. **Jack D. May, Jr., dba Magee Sign Service, Inc. – License ES12001333, Case 1908-0188**

   Deanna Ward, Interim Permitting Manager, stated this case is for abandoning the permit and an open, expired permit. The agenda materials for this case include the case summary recommendation, copies of the complaint, list of open permits, notice of non-compliance,
notice of hearing, certified mail receipts, notice of public hearing, summary of violations, print out of licensee and license information from the Department of Business and Professional Regulation (DBPR) website, and any materials submitted by the contractor. Staff requested that these documents be entered into evidence for this case.

The case was reviewed and as of this date (11/13/19), the listed violations remain for the open permit listed for the case. She read the recommended motion for disciplinary action: Pursuant to the provisions of Manatee County Ordinances 14-08 and 14-33, the violations listed in the recommendation, and based on the evidence presented, I move that the CTB adopt as findings of fact in the case summary and to find Jack D. May, Jr., in violation by clear and convincing evidence, to forward a recommendation to the State Construction Industry Licensing Board for further action, to order that Jack D. May, Jr., close all open building permits listed in the case summary within 14 days from the date of this hearing, to order that Jack D. May, Jr., pay to Manatee County the cost incurred in processing this case in the amount of $996, said amount to be paid within 14 days from the date of this hearing, to order that if Jack D. May, Jr., 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 a written order consistent with this motion for execution by the Chairman.

Jack May, Jr., Contractor, was unaware of the open permits, but has since closed several of them.

Ms. Ward confirmed Mr. May has closed six permits and only one permit remains open (CMP-18011827).

Mr. May explained that a sign has to be removed for the remaining open permit, which is scheduled to be completed on November 18, 2019.

The motion, as recommended by staff, was moved by Member Benincasa, seconded by Member Humphreys, and carried 6-0.

Discussion ensued on the compliance of permits.

10. **Robert J. Kenney dba Bacarr A/C and HTG Inc. – License CAC056745, Case CAC1908-0332**

Deanna Ward, Interim Permitting Manager, stated this case is for abandoning the permit and an open, expired permit. The agenda materials for this case include the case summary recommendation, copies of the complaint, list of open permits, notice of non-compliance, notice of hearing, certified mail receipts, notice of public hearing, summary of violations, print out of licensee and license information from DBPR website, and any materials submitted by the contractor. Staff requested that these documents be entered into evidence for this case.

The case was reviewed and as of this date (11/13/19), the listed violations remain for the open permits listed for the case. She read the recommended motion for disciplinary action: Pursuant to the provisions of Manatee County Ordinances 14-08 and 14-33, the violations listed in the recommendation, and based on the evidence presented, I move that the CTB adopt as findings of fact in the case summary and to find Robert Kenney in violation by clear and convincing evidence, to forward a recommendation to the State Construction Industry Licensing Board for further action, to order that Robert Kenney close all open building permits listed in the case summary within 14 days from the date of this hearing, to order that Robert Kenney pay to Manatee County the cost incurred in processing this case in the amount of
$996, said amount to be paid within 14 days from the date of this hearing, to order that if Robert Kenney 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 a written order consistent with this motion for execution by the Chairman.

Robert Kenney, Contractor, stated five permits remain unresolved (permit CMP-17011929 was closed) and videos to schedule inspections were submitted via email.

Discussion took place on how Mr. Kenney is responsible for ensuring permits are closed, because he is the contractor.

Ms. Ward requested the Board continue with the agenda, while staff confirms whether the videos were received.

(Note: Case continued to later in meeting)

Ms. Ward stated the following cases are being presented for disciplinary action for abandoning a construction project and expired permit(s). The agenda materials for the cases include the case summary of violations, case summary recommendation, copies of the complaint, list of open permits, notice of non-compliance, notice of hearing, certified mail receipts, notice of public hearing, print out of licensee and license information from DBPR’s website, and any materials submitted by the contractor. Staff requests that these documents be entered into evidence for each case:

4. William C. Rusaw dba Coastal Construction Group dba AC CSTL LLC – License CFC1429375, Case CAC1908-0184
8. Scott Schwalm dba United States Awning Company – License 131151772, Case CAC1908-0190
11. Michael D. Faulconer dba True Plumbing Service, Inc. – License CFC1427279, Case CAC1908-0333

Each case was reviewed and as of this date (11/13/19), the violations remain for the permits listed in each case. She read the recommended motion for disciplinary action:

Pursuant to provisions of Manatee County Ordinances 14-08 and 14-33, violations listed in each recommendation, and based on the evidence presented, I move that the CTB adopt as findings of fact in the case summaries 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.

The motion, as recommended by staff, was moved by Member Jones, seconded by Member Hennel, and carried 6-0.

10. Robert J. Kenney dba Bacarr A/C and HTG Inc. – License CAC056745, Case CAC1908-0332 (Continued)
Patrick Wenzel, Construction Review/Inspections Manager, explained inspections have not been scheduled for the open permits.

Discussion ensued.

CJ Dupré, Building Official, stated the videos from Mr. Kenney have been received, but staff has not had the opportunity to review and confirm them. He recommended moving to dismiss the case if the videos are correct; however, if the videos are not correct, then the administrative fee would stand.

Upon question, Ms. Ward, summarized the recommended action: If the videos do not pass, then the costs incurred for the case and the permits would need to be closed within 14 days of this meeting.

Alex Nicodemi, Assistant County Attorney, stated this meeting is Mr. Kenney’s opportunity to be heard if the videos do not pass inspection.

Mr. Kenney stated he is in agreement with the recommendation as stated by staff.

The motion, as recommended by staff, was moved by Member Hennel, seconded by Member Humphreys, and carried 6-0.

NEXT MEETING
The date of the next meeting is to be determined (12/11/19 as listed on the agenda is no longer valid).

VACANT SEAT
The open General Contractor seat has been advertised, and the applications are awaiting approval.

ADJOURN
There being no further business, Chairman Tolson adjourned the meeting at 3:46 p.m.

Minutes Approved: ________________