

**BUILDING BOARD
MEETING
FEBRUARY 22, 2011**

MEMBERS PRESENT: Mary Fleenor, Chairman
John Burrage, Thomas Cavanaugh, Peter Coccaro,
Sean Howard, Keith Towles

MEMBERS ABSENT: David Reeves

OTHERS PRESENT: Randy Cole, Building Official
Suzy Russell, Permit Supervisor
Gregory Jones, Joe McNall

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
1. Election of Chairman & Vice Chairman
- Recording Secretary Kelly opened the floor for nominations for Chairman.
 - Mr. Burrage NOMINATED Ms. Fleenor for Chairman.
 - As there were no other nominations, Ms. Fleenor was reappointed as Chairman by acclamation.
 - Ms. Fleenor then opened the floor for nominations for Vice Chairman.
 - Mr. Burrage NOMINATED Mr. Cavanaugh for Vice Chairman.
 - As there were no other nominations, Mr. Cavanaugh was reappointed as Vice Chairman by acclamation.
- B. Next Scheduled Meeting
- March 22, 2011

APPROVAL OF MINUTES

- A. Meeting of July 27, 2010
- Mr. Burrage MOVED, Mr. Cavanaugh SECONDED approval of the July 27, 2010 minutes.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- A. Certificate of Competency Application for Gregory Jones
- Recording Secretary Kelly swore in all participants.
 - Ms. Suzy Russell, Permit Supervisor, announced she had received a Certificate of Competency (COC) application for A-1 Cooling-Heating-Refrigeration with Mr. Gregory Jones as qualifier. She expressed concern with regard to the package containing a workers' compensation exemption rather than coverage, adding the person who turned in the application was not the qualifier. She drew members' attention to the application, as delineated in the agenda material, pointing out the similarity between

the signatures of the qualifier and Notary Public. She mentioned a New York driver's license had been provided as identification.

- Ms. Fleenor noted the agenda material indicated numerous business locations, asking where the business would be located and the residence of the qualifier.
- Ms. Russell explained the copies depicting those locations were obtained through Charlotte County.
- Ms. Fleenor asserted the signatures were different between the County's and the City's applications.
- Mr. Jones announced he was a United States government contractor, adding he resided in Moscow, Russia. He stated he understood there was an issue with the fact he was not in-country as a contractor; therefore, he offered to appear before the Board. He stated his company was licensed in other Florida municipalities, explaining the business was initially established as S & J Enterprises of Bradenton with a d/b/a as A-1 Cooling-Heating-Refrigeration. He noted the State had changed the license to be easier for the consumer by listing only the d/b/a. He stated he had provided a telephone number with the U.S. Embassy which was forwarded to his telephone.
- Mr. Cole expressed concern with how Mr. Jones could supervise work.
- Ms. Fleenor agreed same would be impossible from thousands of miles away.
- Mr. Jones replied he ensured same through the hiring of competent people. He pointed out the City could not require all general contractors to live locally. He maintained he was committed to being involved in the business when it became necessary, such as in the manner in which he traveled to attend this meeting.
- Ms. Fleenor noted same also demonstrated the ability to travel out of reach from the City's jurisdiction.
- Mr. Jones noted he also held a Top Secret Security Clearance, adding his name, reputation, license, character and security clearance were all extremely valuable to him.
- Mr. Burrage commented this Board looked after the public's health, safety and welfare, stating there was some concern with contractors disappearing.
- Mr. Jones acknowledged the Board's concerns; however, he pointed out he had held his contractor's State license since 2005. He expressed a desire to maintain his company locally and return to same one day.
- Mr. Cole asked for an explanation as to the discrepancy in the applications.
- Mr. Jones replied he could not, confirming nothing of that sort would ever occur again. He stated same had occurred without his knowledge, adding he had no explanation as he had the ability to receive and send next day mail.
- Ms. Fleenor asked if Mr. Jones was aware of who had signed the application.

- Mr. Jones responded in the negative.
- Ms. Fleenor pointed out normally when someone signed for another, it was indicated on the paperwork, adding she was unsure if same would have been acceptable.
- Ms. Russell replied the City did not accept authorization or power of attorney on the COC application. She asked Mr. Jones if he had informed her he had signed the paperwork.
- Mr. Jones acknowledged he had indicated same over the telephone not realizing what paperwork was being discussed.
- Mr. Cole reiterated the testimony this date indicated a lack of supervision.
- Mr. Jones agreed, expressing his apologies regarding same. He advised procedures were now in place to prevent such occurrences in the future.
- Mr. Cole confirmed Mr. Jones had not been investigated or disciplined in another municipality.
- Mr. Jones responded he had several outstanding permits in Charlotte County which he would be finalizing this week.
- Mr. Cole concluded he did not wish to change his recommendation for denial.
- Mr. Stirling asked what the Administrative Code required with regard to supervision of work.
- Mr. Towles replied as long as there was a qualifier and a competent supervisor on the job site the requirement was met. He stated he personally always wanted to be able to contact the owner of the company and have them come to the site if necessary. He cited the falsified signature as a concern.
- Mr. Jones voiced his understanding, reiterating his good record and letter of recommendation from the United States Department of State.
- Mr. Coccaro asked what the statute required.
- Mr. Cole replied the qualifier of a business was required to be financially responsible and able to supervise the work. He reiterated the fraudulent application and open matters in another municipality.
- Ms. Fleenor asked for an explanation with regard to the open items.
- Mr. Jones explained certain inspections had been missed due to scheduling conflicts. He stated they had made efforts to resolve same with the property owners and inspectors.
- Mr. Cavanaugh asked how many local people were employed by the company.
- Mr. Jones replied approximately four, stating same constantly changed.
- Mr. Cavanaugh opined the work should be supervised much more closely. He added the Board had a responsibility to the public to make sure any issues that might arise

could be resolved, noting same would not be handled in a timely manner with the business owner being located overseas.

- Mr. Jones then stated the company had six change-outs with retrofits, ranging from April 2006 to May 2010.
- Mr. Burrage opined Mr. Jones needed more reliable employees locally.
- Mr. Jones agreed, reiterating the actions surrounding his signatures were inexcusable.
- Mr. Stirling asked if there were any other outstanding issues in other jurisdictions.
- Mr. Jones responded he did not believe so.
- Mr. Stirling inquired who Geneva McNall was.
- Mr. Jones responded she was the President of the Corporation.
- Mr. Stirling pointed out she was also the Notary who attested to Mr. Jones' signature.
- Mr. Cavanaugh MOVED, Mr. Burrage SECONDED denial of the application. MOTION CARRIED UNANIMOUSLY.
- Mr. Coccaro asked if a reapplication could be made.
- Mr. Cole responded it was at the Board's discretion.
- Mr. Jones asked for a decision and list of requirements.
- Ms. Fleenor responded the decision was a denial based upon the fraudulent application.
- Mr. Burrage opined if Mr. Jones' circumstances changed where he was no longer living abroad, it might be considered.
- Mr. Cole pointed out someone from within Mr. Jones' company had entered into a contract within the City limits prior to the certificate even being applied for.
- Mr. Joe McNall, A1 Service Manager, listed his certifications for the Board, stating he managed the company. He stated the expired permits were prior to his employment with the company. He stated they had not registered within the City as they had no projects in the City, adding the State license allowed them to perform service, including repairs within the City without registering.
- Mr. Coccaro countered he believed contractors were required to at least register with a municipality in which they were working.
- Mr. Cole added Mr. McNall was incorrect, citing the local ordinance. He cautioned the applicant against performing any type of service work in the City.
- Discussion ensued with regard to State and Local requirements.
- Mr. Jones inquired what would be required for him to qualify to perform work within the City.
- Mr. Cole stated same would to the Board's discretion as he had no interest in this contractor working within Punta Gorda.

- Mr. Stirling questioned whether the State Construction Industry Licensing Board have guidelines with regard to discipline.
- Ms. Russell replied the State would be informed of the Board's action this date.
- Mr. Stirling stated in his experience, penalties could be imposed.
- Ms. Russell explained the City was limited to addressing the COC or issuance of permits as opposed to his State license or the potential for fines.
- Mr. Cole commented Punta Gorda was a target due to the elderly population, adding he felt the fraudulent application was blatant.
- Mr. Jones countered the signature issue was the result of an over zealous employee, asserting there had been no intention of defrauding the community.
- Mr. Cole pointed out same spoke to Mr. Jones' inability to supervise his employees. He asked how long the employees had worked for Mr. Jones.
- Mr. Jones replied since October 2009.
- Mr. Cole pointed out the application was turned in with a workers' compensation exemption which was also unlawful as the company did have employees.
- Mr. Jones explained he, as the qualifier, was exempt, adding he had documentation from the payroll company demonstrating the employees were covered by workman's compensation.
- Mr. Cole inquired when same was issued.
- Ms. Russell displayed a document dated February 2, 2011, as submitted by Mr. Jones.
- Ms. Fleenor pointed out Mr. Jones had indicated the employees had been employed since 2009.
- Ms. Russell noted it was dated two days after the submission of the COC application.
- Mr. Jones countered it was dated the day it was printed.
- Ms. Fleenor pointed out the coverage period was from February 2, 2011 to February 2, 2012, asking if there was any documentation demonstrating coverage prior to that period.
- Mr. Jones responded he could provide same; however, he did not have it in hand this date.
- Mr. Cole recommended the Board deny licensing for one year.
- Mr. Coccaro MOVED, Mr. Burrage SECONDED to deny any application from Mr. Jones for a period of one year, to require all outstanding permit issues as discussed this date to be resolved and to demonstrate proof of good standing with the State of Florida.
MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

- Mr. Cole commended Ms. Russell on catching the mistakes in Mr. Jones' application paperwork.
- Mr. Cavanaugh asked if the criteria for a qualifier was mandated by the State.
- Mr. Cole responded affirmatively, acknowledging the language was somewhat ambiguous with regard to supervision; however, he opined supervision could not be done from Russia.
- Discussion ensued with regard to the qualifier's responsibilities.
- Mr. Cole advised he was composing a letter to the Department of Professional Regulation (DBPR) requesting that they address out of state residency.
- Ms. Russell confirmed she intended to contact the State with regard to the actions of the Notary Public.
- Mr. Cavanaugh noted the Board's mission statement required the Board to review City Code Section 7 (Building Regulations), asking if same had ever been done.
- Mr. Cole responded same had been done prior to the adoption of the Florida Building Code; however, municipalities were not afforded input into same as the intent was to have uniform codes across the State.

STAFF COMMENTS

- Ms. Russell requested members send a read receipt to demonstrate they had received the agenda packet.

COMMITTEE/BOARD COMMENTS

- Mr. Coccaro advised he would not be available for the March 22, 2011 meeting.

ADJOURNMENT

- Meeting Adjourned: 10:01 a.m.

Mary Fleenor, Chairman

Mary Kelly, Recording Secretary