

MINUTES ARE NOT VERBATIM

**PLUMBING COMPETENCY BOARD
MINUTES
May 27, 2015**

The regular meeting of the Plumbing Competency Board was held May 27, 2015, 9:00 a.m. at the Okaloosa County Administrative Building, 1804 Lewis Turner Blvd., third floor large conference room, Fort Walton Beach, Florida. Board members in attendance were Julian Johnson, David Cummins, John Warner and Jerry Paul Cadenhead. Consumer Representative in attendance was Bill Byerley. Mark Parrett, Chuck Larouche and Joseph Rector, Jr. were not present.

Okaloosa County Department of Growth Management Staff members in attendance were Renée Lucas, Licensing Specialist; Lisa Payton, Code Enforcement Supervisor and Teresa Mullins, Administrative Asst. II.

I. CALL TO ORDER:

Chairman Julian Johnson called the meeting to order.

A. Roll Call.

Ms. Teresa Mullins conducted roll call.

II. ACKNOWLEDGE GUESTS:

Chairman Johnson welcomed the guests.

III. APPROVAL OF MINUTES OF

a. March 25, 2015:

Motion to approve the minutes as written made by Jerry Paul Cadenhead; seconded by John Warner, approved unanimously.

IV. ANNOUNCEMENTS:

None

V. OLD BUSINESS

None

VI. NEW BUSINESS

a. Swearing In Applicants/Speakers

Ms. Mullins swore in those wishing to address the Board.

b. Purged Contractor:

1. Johnny Sparks

Ms. Lucas informed the Board that Mr. Johnny Sparks took and passed the Master Plumbing with Gas examination on July 7, 2001 and the Business & Law exam on August 18, 2001 under the provisions of past Ordinance 00-12. Ms. Lucas further informed the Board that, under the terms of past Ordinance 00-12, an applicant would first take and pass all required examinations, then submit all required registration documentation to staff as well as complete a State Registered license package and provide a credit report and only then would that applicant appear before the appropriate Competency Board to request approval for a Competency Card as well as proceed to register with the State. Ms. Lucas stated that Mr. Sparks appeared before the Plumbing Competency Board for Competency Card approval on October 31, 2001 and that approval was granted per the following motion:

Motion for license approval was given by Mark Parrett; seconded by Gary Neal; 5 yeas

Ms. Lucas informed the Board that Mr. Sparks' State Registered license, #RF0067269, was issued by the Department of Business and Professional Regulation (DBPR) on December 6, 2001; however, after the issuance of his State license, Mr. Sparks did not provide staff with the additional documentation required, which included a copy of his State license and proof of Workman's Compensation Insurance, in order to have his active Competency Card issued. Ms. Lucas stated that Mr. Sparks' file was active until September of 2002, at which time his file was purged per previous Ordinance 00-12, Section 3-5(c) and current Ordinance 07-32, Section 3-8(b). Ms. Lucas informed the Board that Mr. Sparks remained licensed with DBPR until August 31, 2011. Ms. Lucas further informed the Board that, after 2 years of non-renewal and lack of submission of the required continuing education hours, Mr. Sparks' State license was placed in a Null and Void status. Ms. Lucas informed the Board that, per a written statement provided to staff, Mr. Sparks has been dealing with his father who is suffering from Parkinson's disease as well as dementia; as well as with other incidences involving his family, and due to all the turmoil, he failed to renew both his County Competency Card and his State license. Ms. Lucas stated that Mr. Sparks is present today to ask for the Board's approval for the reinstatement of this Okaloosa County Competency Card so that he can proceed to petition DBPR for the reinstatement of his State Registered Master Plumbing with Gas license. Ms. Lucas reminded the Board of Okaloosa County Ordinance 07-32, Section 3-8 (g) and Amended Ordinance 09-20, Section 6 (g): Expiration, Renewal and Retired Certificates:

The Board may give special consideration in purged license cases concerning family illness, military deployment, and other circumstances as the Board deems appropriate.

Ms. Lucas stated that staff asks, should the Board approve his request, that all back fees and penalties, totaling \$2,291.64, be paid and that a payment deadline be made part of the Board's motion.

David Cummins asked staff if Mr. Sparks passed his tests.

Ms. Lucas stated that Mr. Sparks took and passed the tests for his license and held his State license until 2011. Ms. Lucas further stated that Mr. Sparks was issued a Competency Card showing that he met County requirements to provide to the State so that he could get his State License, but never provided the documents necessary to activate that Competency Card once he received his license from the State. Ms. Lucas further stated that Mr. Sparks did the required continuing education and kept his State license active and up to date until 2011.

Chairman Johnson asked staff if the request was for the Board to grant Mr. Sparks the Competency Card that he never got.

Ms. Lucas clarified that the Board would be granting a Competency Card that Mr. Sparks never activated. Ms. Lucas stated that Mr. Sparks paid the fees and appeared before the Board as required, he just didn't complete the process. Ms. Lucas further stated that Mr. Sparks has not pulled any permits in Okaloosa County. Ms. Lucas informed the Board that even if they approve Mr. Sparks' request today and he pays the back fees and penalties, he will still have to go through the process of activating a null and void license through the State. Ms. Lucas further informed the Board that Mr. Sparks will have to fill out an application and pay a \$100.00 fee to the State for them to consider his request based on hardship, and even if the State agrees to reinstate Mr. Sparks' license, it will only be reinstated to an inactive/current status. Ms. Lucas stated that Mr. Sparks would then have to pay all required fees and take all the required continuing education credits required to change that status from inactive to active.

Jerry Paul Cadenhead asked if it was correct process for Mr. Sparks to appear before this Board before applying to the State.

Ms. Lucas stated that it was the correct process because the State requires that applicants have a current Competency Card in order to make application to the State. Ms. Lucas further stated that Mr. Sparks is aware that this whole process could take several months before it's completed.

Chairman Johnson asked Mr. Sparks if he was pulling permits and working in other Counties.

Mr. Johnny Sparks stated that from 2001 until 2011 he was pulling permits and working in Walton and Bay Counties. Mr. Sparks further stated that at that time he didn't understand that he had to keep a Competency Card in Okaloosa County; however, he stated that he takes responsibility for that.

John Warner asked Mr. Sparks if he had Competency Cards in Walton & Bay Counties.

Mr. Sparks stated that he had Competency Cards in both those Counties but they are not current. Mr. Sparks stated that he went to take care of his 76 year old father who lived in Northern Alabama and suffers from Parkinson's Disease & Alzheimer's Disease and didn't receive his renewal notices while there. Mr. Sparks further stated that his father now lives with him.

Mr. Cadenhead asked Mr. Sparks if he has taken any of the required continuing education credits.

Mr. Sparks stated that he has not done so yet as he wanted to make sure he could move forward to apply to the State first.

Mr. Warner asked Mr. Sparks if he was working and if he had pulled any permits in the last 2 years.

Mr. Sparks stated that he has worked for Amoré among others, but he cannot pull permits without having his license.

Motion that we go along with staff's recommendation to approve with paying back fees within a 6 month period beginning today and let him continue on made by Bill Byerley; second by Jerry Paul Cadenhead; approved unanimously.

c. Probable Cause Hearing:

1. Stephan E. Helmer - Individual

Ms. Lisa Payton informed the Board that this is a Probable Cause Hearing regarding Stephan E. Helmer dba Stephen E. Helmer, a State Registered Pool Contractor, License #RP25255087 and County Competency Card #23210-SW1. Ms. Payton stated that Mr. Helmer is accused of violating Okaloosa County Ordinance 07-32, Section 1-3(j) Job abandonment of a construction project (b) willfully and deliberately disregarding and violating applicable building codes or laws of the State, or any municipalities, cities or counties thereof. Ms. Payton further stated that Mr. Helmer is also accused of violating the Florida Administrative Code, Section 109 Inspections: 109.1 Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved; 109.3 Required Inspections (6) Swimming Pool Inspections, the first inspection being a steel inspection, followed by electrical grounding, then underground plumbing which includes a pressure test, and a final inspection which requires that all closure and safety features have been installed.

Ms. Payton informed the Board that staff received a complaint package from the Department of Business and Professional Regulation on January 15, 2015 requesting investigation of a case that was filed against Mr. Helmer which alleged job abandonment, poor quality plaster, breach of contract and safety issues. Ms. Payton stated that staff informed the complainant that some of their issues were civil, such as the condition of the pool as staff's responsibility is limited to code violations, such as safety as well as scheduling and passing inspections and final inspections. Ms. Payton noted that one of the light assemblies could not be removed from the water, was not installed per the standard and constitutes a safety issue. Ms. Payton stated that staff attempted to contact both the contractor and the complainant on January 16, 2015. Ms. Payton further stated that the complainant, Mr. Burdine, informed staff that Mr. Helmer left the country and left one of his employees in charge of the project. Ms. Payton stated that Mr. Burdine further informed staff that Mr. Helmer's employee was not communicating with Mr. Burdine and did not appear with any regularity to work on the pool. Ms. Payton further

stated that Mr. Burdine informed staff that he sent several emails to Mr. Helmer and wanted staff to pursue job abandonment; however, at that time the permit was active until March 3, 2015, and staff informed Mr. Burdine that job abandonment could not be pursued while the permit was active. Ms. Payton informed the Board that Mr. Helmer finally contacted staff on January 27, 2015 and, stating that he did not know there were any issues, asked for a copy of the complaint. Ms. Payton noted that staff had multiple copies of emails between Mr. Burdine & Mr. Helmer, and, further, that DBPR sends a copy of the complaint directly to the contractor involved. Ms. Payton stated that staff provided Mr. Helmer with a copy of the complaint and Mr. Helmer stated that he would contact Mr. Burdine, address the issues and get a final inspection. Ms. Payton stated that staff did not hear from Mr. Helmer again despite numerous attempts to contact him. Ms. Payton stated that staff drafted a Notice of Violation as well as a Notice of Hearing on March 23, 2015 and sent them via certified mail, return receipt. Ms. Payton stated that the notice was returned "unclaimed, return to sender". Ms. Payton further stated that staff attempted to hand deliver the notice to Mr. Helmer's address of record with no success. Ms. Payton stated that staff searched online and found an additional address, but delivery at that address failed as well. Ms. Payton informed the Board that Mr. Helmer's State Registered license will expire on August 31, 2015 and his County Competency Card is delinquent. Ms. Payton further informed the Board that staff are reviewing all open/expired permits in order to get them all inspected and closed out, and during this review it was found that Mr. Helmer has 4, and now, including Mr. Burdine's, 5 permits in open/expired status. Ms. Payton stated that a notice regarding the, at that time 4, open/expired permits was sent to Mr. Helmer in October of 2014 with no response to that or to a follow-up email sent on February 27, 2015 which included the information that further Code Enforcement action would proceed based on those open/expired permits. Ms. Payton further stated that those open/expired still remain in open/expired status to date. Ms. Payton stated staff believes that there is sufficient probable cause exists for the Board to take action on Mr. Helmer's license.

Mr. Cummins asked Ms. Payton if any other complaints have been received by staff regarding Mr. Helmer from those property owners whose pools have open/expired permits.

Ms. Payton stated that no other complaints regarding those pools have been received by staff and further noted that at least 2 of those properties have sold and are now under new ownership.

Chairman Johnson asked staff to restate what staff is seeking from the Board.

Ms. Payton stated that this is a hearing to determine if there is probable cause to hold a disciplinary hearing. Ms. Payton further stated that, should the Board find that there is probable cause at this hearing, then the Disciplinary Hearing would be held; time certain, at the next regular Plumbing Board meeting.

Chairman Johnson asked if staff had any idea how long Mr. Helmer has been licensed.

Ms. Lucas stated that Mr. Helmer reciprocated from Bay County in 2008.

A brief discussion ensued.

Motion to give staff the power to press on and proceed to a disciplinary hearing made by David Cummins; second by Bill Byerley; approved unanimously.

Ms. Lucas noted that the next regular meeting of the Board would be held on July 29, 2015.

Chairman Johnson asked staff to provide the Board with information as to the Board's powers regarding disciplinary action.

Ms. Lucas stated that she would provide the Disciplinary Hearing portion of Ordinance 07-32 to the Board Members via email.

Bill Byerley asked staff if Mr. Helmer has to be present in order to hold a Disciplinary Hearing.

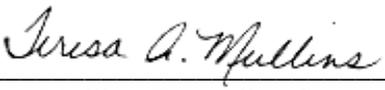
Ms. Lucas stated that staff has made every attempt to contact Mr. Helmer and can proceed to a Disciplinary Hearing even if he does not appear.

VII. OTHER BUSINESS:

None

VIII. ADJOURNMENT

Motion to adjourn made by David Cummins; second by John Warner; approved unanimously.

Prepared by: 
Teresa Mullins, Recording Secretary
5.29.2015