January 11, 2006

The regular meeting of the Santa Rosa County Building Code Board of Adjustments and Appeals was held January 11, 2006, at 3:00 p.m. in the conference room of the Santa Rosa County Building Inspection Department located at 6051 Old Bagdad Highway, Milton, FL 32583. Board members present were Mr. Frank Harold, Chairman; Mr. Danny Holt, Vice Chairman; Mr. Charles "Pete" Southerland, Mr. William J. Blackman and Mr. James "Larry" Hall.

Building Inspection Department staff in attendance was Mr. Tim Tolbert, Building Official; Mr. Skip Tompkins, Compliance Division Superintendent; Mr. Randy Jones, Compliance Investigator; Mrs. Lydia McConnell, Administrative Assistant I and Mrs. Robyn Leverton, Administrative Assistant I.

Mr. Tom Dannheisser, County Attorney, was present for the meeting.

Mr. Frank Harold, Chairman, called the meeting to order at 3:00 p.m.

There was technical difficulty with the sound system; therefore the cassette tape copy of this meeting is difficult to hear or understand.

Approval of Agenda:

There was an amendment to the agenda. The Shoemakers attended the meeting and asked if they could have a word with the Board. The Board members said they would listen to the Shoemakers. Mr. Blackman made a motion to accept the amended agenda. Mr. Southerland seconded the motion. The motion carried with a unanimous vote.

Approval of Minutes:

Mr. Blackman made a motion to approve the minutes from the December 14, 2005 meeting. Mr. Southerland seconded the motion. The motion carried with a unanimous vote.

Next Meeting:

The next regularly scheduled meeting is Wednesday, February 8, 2005, at 3:00 p.m. in the Building Inspection Department Conference Room.

Old Business (Probable Cause)

Herbert "Mike" Campbell vs. Steven Brett Currence d/b/a Dolphin Custom Homes

Lydia McConnell introduced the case. Randy Jones provided the Board with the case update. Mr. Currence had committed to having the structure substantially complete by this meeting; he didn't make it. The brick had been completely removed from the house at one time, about two thirds of the brick is back on the house. There are no floor coverings; he could not recall if all the cabinets were installed. On Monday, January 9, 2006, Mr. Campbell came to the Building Department, pulled several permits on his own and inactivated the permits pulled by Mr. Currence so he can complete the house. Randy said it was his understanding that the brick was removed from the job; allegedly Mr. Campbell had to pay for the brick again to get it re-delivered. The draw for the brick was paid directly to the contractor. There are currently no code violations on the job; he hasn't completed an official inspection but is judging by the record and history.

The Board asked Randy several questions. Randy said the first time the brick was installed, the method of installing the flashing was not known. They were getting a lot of water intrusion around some windows, particularly around the bay window in back. They backed up to try to correct some of that and ended up having to remove all the brick. There is currently temporary flashing in place. The last time he was at the house, the brick layers were up to that point where they needed to consider what they were going to do to permanently flash the house.

Mr. Campbell came before the Board. He stated that he now has "No Trespassing" signs on property because a friend caught people trying to break in to get the appliances as payment for what was owned them by Mr. Currence. He has changed the locks and was instructed by the police to put up the signs. Mr. Campbell spoke about the items that he believed would warrant code violations (shingled/bricked w/o flashing) and the probability of fraud; last draw of $31,998 on 7/01/05 was supposed to be used for A/C, driveway, brick and carpet, none of which are complete.

Mr. Campbell said that the masons claim they are slightly more than halfway thru the project. There were 12 pallets of brick on his land last week that he paid for with the draw previously mentioned. Jenkins Brick came to his land and picked the brick up on the orders of Mr. Currence in order to credit his general account. Mr. Campbell had to go to Jenkins Brick to re-buy all the brick that he had already paid for. The brick will be delivered on Thurs., January 12, 2006.

Randy spoke to the Board once again…letting them know that the flashing on this job cannot be done until the brick is complete. He also acknowledged that the state is looking at all three of the open cases that we currently have against Dolphin Custom Homes.

Mr. Dannheisser addressed the Board and audience reiterating that the state is the agency that has the jurisdiction over the state certified license holders. This Board has very limited ability to act against the license holders; they can only keep them from pulling permits in Santa Rosa County. State action is probably where these cases should have been; not before this Board at the local level. This Board can proceed but without the activity of the state, it's not a real substantial effort. This Board needs to determine if they wish to send this one to formal hearing.

Wes Reeder, attorney representing Brett Currence, spoke to the Board. He informed the Board that the financial position of Dolphin Custom Homes did not allow Mr. Currence to complete the home and replace the brick as he had said he would do at the last meeting. He said that he spoke to Mr. Campbell and suggested he take the actions necessary to complete his home. In Mr. Campbell's case, there is an active complaint with DBPR already and he (Reeder) has been talking to Eddie James. The answer to that complaint is due from him in response to Mr. James by early next week. The complaint contains many of the same allegations with regard to the use of draws and things like that. So, for the Board's information, there is an active complaint with DBPR in Mr. Campbell's case. He doesn't believe there are active (DBPR) cases with regards to the Tucker and Shoemaker's complaints; however they both have active civil cases.

The Board asked if Mr. Currence d/b/a Dolphin Custom Homes has filed for bankruptcy. Mr. Reeder said that he has not, but he is speaking to some other attorneys about the bankruptcy issue and he (Reeder) is not at liberty to talk about it. Mr. Reeder says that he expects that Dolphin Custom Homes is no longer going to be functioning as a contractor regardless of what the

Board does. The company is going to be shut down and won't be pulling any more permits in Santa Rosa County. Mr. Reeder spoke to everyone, "To any one of the individuals that have contracts with Dolphin Custom Homes, either their counsel, if represented, or the individuals can call me; my office number is 433-6581. I will be happy to try to take any inquiries you have regarding your personal situation and to get you any answers that I can."

Mr. Reeder said that Mr. Currence has met with some folks that might be willing to take over and complete some of these jobs (other licensed contractors). He is also willing to work with any owners that want to meet with contractors to give them an update as to the status of those jobs.

Mr. Campbell spoke again. He said that Mr. Peacock with Southeastern Sash and Door called to tell him that a lien had been placed against his house. Mr. Campbell said that he forgot to mention that earlier.

Mr. Holt made a motion to carry the case to a formal hearing; Mr. Blackman seconded the motion. The motion passed unanimously.

Open Forum

John & Theresa Shoemaker vs. Steven Brett Currence d/b/a Dolphin Custom Homes

Mr. Shoemaker asked if he could address the Board prior to his deploying to Iraq. The Board agreed to listen to Mr. Shoemaker. He gave an update of project status from the last Board meeting. Mr. Currence had told the Board the house would be complete around Christmas; it was not. During this last two years they have acquired probably $12,000 in interest and their construction loan has gone up from 5¼ to 8½%. He will continue to make those payments until he returns from the desert when he will try and close, possibly on a home that may be complete. The closing will be at a higher interest rate which has also caused financial hardship. The home is now 91% complete.

The Board asked if the Shoemakers would be willing to have the contractor continue with the progression of the project. Mr. Shoemaker stated they would, he said they had $21,000 left; there have been no liens filed against the property, the appliances need to be installed, the back patio and several small items need completion.

Mr. Dannheisser reminded that this case has already been voted to go to formal hearing, no action needs to be taken at this time.

New Business

Election of BOAA Officers

Mr. Harold stated that the Board has been rotating the position of Chair and Vice Chair based on districts. If you wish to continue with this procedure, Mr. Holt would move into the Chair position and Mr. Blackman would become Vice Chair. Mr. Blackman wishes to pass on the Vice Chair position which would place Mr. Southerland in that seat.

Mr. Southerland made a motion to continue with this process. Mr. Blackman seconded the motion. The motion carried with a unanimous vote making Mr. Holt Chairman and Mr. Southerland Vice Chairman.

Mr. Hall made a motion to adjourn the meeting. Mr. Southerland seconded the motion. The motion carried with a unanimous vote.

The meeting was adjourned at 3:45 p.m.

Approved this _____ day of _____, 2006.

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Danny Holt, Chairman

Prepared by Robyn Leverton, Administrative Assistant I

Santa Rosa County Building Inspection Department