

July 12, 2006

The regular meeting of the Santa Rosa County Building Code Board of Adjustments and Appeals was held July 12, 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. Danny Holt, Chairman; Mr. Charles "Pete" Southerland, Vice Chairman, Mr. William J. Blackman and Mr. Frank Harold.

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

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

Mr. Danny Holt, Chairman, called the meeting to order at 3:03 p.m.

A court reporter was not present for the "Formal Hearing" portion of these minutes.

#### **Approval of Agenda**

Mrs. Royals added a discussion regarding electrical allowances in a "V" zone to the agenda. Mr. Southerland made a motion to accept the amended agenda. Mr. Harold seconded the motion. The motion carried with a unanimous vote.

#### **Approval of Minutes**

Mr. Harold made a motion to approve the minutes from the June 14, 2006 meeting. Mr. Blackman seconded the motion. The motion carried with a unanimous vote.

#### **Next Meeting**

The next regularly scheduled meeting is Wednesday, August 9, 2006, at 3:00 p.m. in the Building Inspection Department Conference Room.

#### **Old Business (Formal Hearing)**

##### **AMVETS Post 1292 vs. Robert Chandler Knowles d/b/a Chandler Knowles, Inc.**

Rhonda said this is a formal hearing case that was heard last month and was voted to continue as a formal hearing at the next meeting in order to get the reps from AMVETS here that wrote and handed over the \$30,000 check. This complaint was filed by AMVETS Post 1292 located at 6333 Old Bagdad Hwy against Robert Chandler Knowles. Mr. Knowles license # is RB0035580.

The charges are as follows:

Alleged Violations of Ordinance 2002-06:

- 1) Section 16, Paragraph 1(e) – Aiding and abetting any uncertified person to evade any provision of this act.
- 2) Section 16, Paragraph 1(f) – Knowingly combining or conspiring with any uncertified person by allowing one's certificate to be used by any uncertified person with the intent to evade the provision of this act. When a certificate holder allows his certificate to be used by one or more companies without have any active participation in the operations, management, or control of such companies, such act constitutes prima facie evidence of an intent to evade the provision of this act.
- 3) Section 16, paragraph 1(h) – Financial mismanagement or misconduct in the practice of contracting that caused financial harm to a customer.

Randy was sworn in and gave a brief description of the case. He stated, "Mr. Knowles received a \$30,000 check; nobody knows where the money is. The AMVETS didn't get any work done on their building and the money presumably ended up in the hands of Gulf Coast Builders Plus which is an unlicensed contractor in Santa Rosa County and the State of Florida. In your packets you will notice two contracts, one on Gulf Coast Builders Plus letterhead, and the other on Chandler Knowles, Inc. letterhead. They both have the same contract amount and date on them. The check was written approximately one week later."

Randy continued by saying, "Mr. Estes (of Gulf Coast Builders) actually received the check, delivered it to Mr. Knowles and Mr. Knowles basically endorsed it over to Gulf Coast Builders Plus. There is what appears to be his signature on the back of the check." Randy tried to contact Mark Estes with a phone number (inoperable) and an address at which he left several of his cards, but never received a call back from him.

Randy continued, "There was a demolition permit issued in September '05 signed by Mr. Knowles and issued to him. None of that demolition was done. It has been done now by another unlicensed contractor and without a permit; he will talk to AMVETS about that."

Mr. Dannheisser suggested that since Mr. Knowles involuntarily could not attend, information could be relayed but no action should be taken. He said there was someone with the AMVETS that was going to be attending this meeting that could help clarify exactly what happened with the check.

Joe E. Anderson was sworn in and spoke next. He stated, "Thurman Hutchinson and I both signed the check and gave it to Mark Estes. The check was made out to Chandler Knowles. Mark was supposed to give the check to Chandler Knowles, but we gave the check to Mark Estes in good faith for the beginning of construction." A discussion ensued.

Chairman Holt: "Was Chandler Knowles present on the premises when the check was given to Mark Estes?"

Anderson: "No, but Mark Estes was working for Chandler Knowles and Chandler had told us previously to give the check to Mark Estes."

Harold: "Mr. Knowles told you to give it to Mr. Estes?"

Anderson: "Yes, sir."

Harold: "Do you happen to remember the date that this occurred?"

Anderson: "It's been so long ago, I can't remember."

Thurman Hutchinson was sworn in and spoke before the Board. He said, "The date the check was written was May 10, 2005 and we both signed it."

A discussion ensued.

Harold: "Did Mr. Knowles tell you personally to give that check to Mr. Estes?"

Hutchinson: "Yes, sir. His reason for being...was he couldn't be there; Mark was there as his representative and that's why Mark received the check from us."

Chairman Holt: "You all haven't received any work from Mr. Knowles?"

Hutchinson: "No sir. It's my impression he got a demolition permit and that's it."

Blackman: "How about the asbestos that we read about in here? Did you have to pay for the asbestos?"

Anderson: "Chandler Knowles said he paid for the asbestos."

Blackman: "You had seen Mr. Knowles prior to May 10 th , you had talked to him several times prior to that and as far as you knew he was your contractor in charge and he was the one you were going to write the \$30,000 to? Mark Estes was just a person that worked for him."

Hutchinson: "That's exactly right."

Southerland: "Did you sign a contract with Chandler Knowles?"

Hutchinson: "We signed it on his form."

Southerland: "Do you have a copy of that? We do not have a copy of one signed by you." [Everyone was looking through paperwork]

Hutchinson: "This letter, I laid a copy there for you, this is a change order of our contract."

Southerland: "But it's not signed."

Hutchinson: "We have a signed contract; Chandler may have it in his possession."

Southerland: "You should have one in your possession."

Blackman: "According to our attorney, a contract can be legal even if only verbal."

Harold: "Was anyone else present that heard Knowles tell you to give the check to Estes?"

Hutchinson: "Yes, there were five other people at that meeting."

Harold: "When we have the next hearing, do you think you could bring five people with you...that heard that?"

Hutchinson: "Yes, we should be able to do that."

Harold: "That makes your word five times better."

Hutchinson: "Like my Daddy said, when I give my word that's my bond."

Southerland: "On this Gulf Coast Builders Plus, there was a contract made out by Mr. Estes, was that ever signed?"

Hutchinson: "Yes, sir."

Southerland: "Do you have a copy of that one?"

Anderson: "That day, Thurman had to take off work and I had cataract surgery that I rescheduled."

Blackman: "When you talked to Mr. Knowles, after you had written the \$30,000 check, what did he say as far as, I received the check, I didn't receive the check, the checks in

the mail, we're going to start on the building because I have the check now? Did he ever mention that \$30,000 again?"

Hutchinson: "He said he had the money, but he also hem hawed and beat around the bush about everything and never started nothing. He told us he was going to get the blueprints."

Blackman: "But he said he had the money?"

Hutchinson: "Yes, sir."

Mr. Southerland made a motion to table hearing until the next meeting and asked for signed copies of the contract between AMVETS and Mark Estes as Gulf Coast. Mr.

Harold seconded the motion. The motion carried with a unanimous vote.

#### **New Business (Probable Cause)**

##### **Santa Rosa County vs. Crista V Hollenbeck d/b/a Crystal Pools**

Rhonda Royals said that no one was there to represent Crystal Pools. Robyn Leverton read a letter that Crista Hollenbeck sent on July 11th stating, "Crystal Pools will not renew your county occupational license, ever". Randy briefed the Board on the case stating that they (Crystal Pools) hadn't built a lot of pools (less than 20 since 1997), but they have failed to correct identified code violations and call in for inspections.

Mr. Blackman made a motion to proceed to formal hearing. Mr. Southerland seconded the motion. The motion carried with a unanimous vote.

#### **New Business (Probable Cause)**

##### **Santa Rosa County vs. Jeff Milowitz d/b/a Emerald Coast Construction**

Rhonda Royals introduced the case. Randy Jones briefed the Board regarding the violations stating Emerald Coast is not calling in for their inspections or following up on failed inspections. It started with two specific complaints, one of which has been resolved; the other continues to be an issue. Mr. Milowitz applied for the permit for the 2464 Cameron Way on June 2 nd ; he received comments from plan review on the 6 th of June and we have not yet received revisions that would approve the application for a permit. This permit, Mr. Milowitz is trying to obtain, is for a screen room that is already built. The other issues before the Board are all the permits that remain open. The research information that the Board received indicates 48 permits pulled, 6 inactive and 13 passed. Randy said that he has more than 13 passed now, but still has a long way to go.

A discussion ensued.

Mr. Milowitz was available to discuss the violations. He said his biggest failure is to follow-thru. He believes it will take 30-60 days to finish all his open projects and get them inspected.

Randy said that some of the projects listed in the information that the Board received are expired permits and they need to be reinstated before inspections can be called in.

Mr. Blackman made a motion to table the case until the next meeting; he wants to receive progress updates at that meeting. Mr. Harold seconded the motion. The motion carried with a unanimous vote.

**Open Forum**

The Board then had a discussion regarding electrical allowances below the lowest horizontal member in a "V" zone. Tim Tolbert will be making a recommendation to the Board of County Commissioners and welcomed the BOAA's input.

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

The meeting was adjourned at 4:25p.m.