

April 11, 2007

The regular meeting of the Santa Rosa County Building Code Board of Adjustments and Appeals was held April 11, 2007, 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. Charles "Pete" Southerland, Chairman; Mr. James "Larry" Hall, Vice Chairman; Mr. William J. Blackman, and Mr. Danny Holt.

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. Pete Southerland, Chairman, called the meeting to order at 3:00 p.m.

A court reporter from Anchor Court Reporting (432.2511) Pensacola, was present for the "Formal Hearing" portion of these minutes. The sound system wasn't working properly therefore the tapes of the meeting are not completely audible. The podium microphone was the only one operable.

Approval of Agenda:

There were no amendments to the agenda. Mr. Blackman made a motion to accept the agenda. Mr. Holt seconded the motion. The motion carried with a unanimous vote.

Approval of Minutes:

Mr. Blackman made a motion to approve the minutes from the January 10, 2007 meeting. Mr. Hall seconded the motion. The motion carried with a unanimous vote.

Next Meeting:

The next regularly scheduled meeting is Wednesday, May 9, 2007, at 3:00 p.m. in the Building Inspection Department Conference Room.

Old Business (Formal Hearing)

David & Melanie Thompson vs. Daniel E. Danforth d/b/a Dan Danforth Construction

Rhonda Royals introduced the case as a disciplinary formal hearing regarding Daniel E Danforth license #CRC1328300. The charges are:

Alleged Violation of Ordinance 2002-06:

1. Section 16, para 1 (d)-Willful or deliberate disregard and violation of the applicable building codes or laws of the state or any municipalities or counties thereof.

Alleged Violation of the Florida Building Code:

1. Section 1507.2 Roof covering application. Roof coverings shall be applied in accordance with the applicable provisions of Section 1507 and the manufacturer's installation instructions.
a. Fasteners installed above the nail line.
b. Fasteners overdriven into shingles.

Randy Jones was sworn in and gave the Board a brief update of the case. He said that the roof permit was issued in March 2005. Three inspections were requested and failed: June 2005 (fail code=please call inspector), October 2005 (fail code=no address or permit # posted) and January 2006 (fail code=multiple discrepancies referring to the problems on the west side). In September 2006, he met Mr. Danforth and Mr. Thompson on site to look at the roof. He said he looked at all sides and found problems on the west side (the longest side of the house, the left side if you are facing the house); no major problems were found on the rest of the house.

Randy then explained the roof inspection procedures of Santa Rosa County. He stated that anytime you lift a shingle there is a potential of damaging the roof or causing damage to the roof, therefore the roofs are spot-checked. If he lifts one shingle and doesn't find a problem, he generally does not look anywhere else.

Randy said he looked a lot more at this job due to the history of failed inspections, the last of which failed due to improperly fastened shingles. On the west side, he looked at approximately 10 shingles, none of which were nailed correctly. That is the reason that he originally stated if that one side was repaired, he would pass the roof. He said he would stand by that today. He also stated this is not a guarantee of a perfect roof, but from an inspection standpoint and department policies of how the inspections are conducted, he would pass the roof without looking at every shingle. He said evidence will probably be submitted that indicates more of the roof is bad and it may be, but from what he looked at he only saw the problem on one side.

The Board asked if anything had transpired since the last meeting. Randy said there has been no resolution or action.

Mr. Danforth's attorney was present and questioned Randy. He did not approach the microphone therefore Refer to the Court Reporters Minutes.

Mr. & Mrs. Thompson addressed the Board. They recapped the case based on their viewpoint. Mr. Thompson said Mr. Danforth offered to replace the face on the single side of the house and they found that to be insufficient because there are shingles mis-nailed on all faces of the house. He said that the side Randy is referring to is on the south/southeast side. The outcome of the Probable Cause Hearing on January 10, 2007 was that Mr. Danforth would remove the existing roof in its entirety and replace it or we would proceed to a Formal Hearing. The other proposed solutions...the overlayment, not acceptable due to the unknown condition of the decking and the future cost of

removing two roofs and there-nailing, also not acceptable because information received from Elk indicates that measure would void the wind warranty. The Thompson's pointed out that many believe because the roof went through a hurricane the wind warranty is already void, but based on the information received from the shingle manufacturer, there is no wind warranty if the roof is damaged during the hurricane, that damage would be covered under your homeowner's insurance not the roof warranty. If the roof survived the hurricane the wind warranty is still valid.

A discussion ensued between Mr. Danforth's attorney, Mr. Dannheisser, Mr & Mrs. Thompson and the Board. Then Mr. Danforth's attorney questioned Mr. & Mrs. Thompson. He did not approach the microphone therefore Refer to the Court Reporters Minutes.

Mr. Todd Scales, sales representative for Jones Roofing, Milton, addressed the Board. He said that, due to a request from Mr. Danforth, he looked at the roof and believes the entire roof is out of code and is not nailed correctly.

A discussion ensued amongst the Board members and Mr. Danforth's attorney.

Mr. Holt made a motion that Mr. Danforth replace the side which Randy has determined is not in compliance. The motion died due to lack of a second motion.

Mr. Dannheisser recommended to the Board that they continue the case at a later date in order to allow additional time to make a determination as to the extent of the code violation. He asked the homeowners if they would agree to further investigation. They agreed.

Mr. Hall made a motion to continue the case at a later date in order to allow Randy time to reinspect the roof to determine the extent of the violation. Mr. Blackman seconded the motion. The motion passed with a three to one vote with Mr. Holt objecting.

New Business (Probable Cause)

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

Rhonda Royals introduced the case. Randy briefed the Board regarding the case. He said at the previous formal hearing for Mr. Milowitz (regarding a different case), he asked for some assurances from Mr. Milowitz that all outstanding issues had been cleared up. Mr. Milowitz stated that all permits have been finalized and all his customers were satisfied. Mr. Milowitz also stated that as far as he knew, he hadn't been performing work for which permits were required. Randy said that this is basically another case of doing work without permits and outside the scope of his license, there may also be unlicensed contracting involved.

Randy continued stating this case came to him from a person that used to sell jobs for Mr. Milowitz. If this goes to a formal hearing, she has some good evidence showing that failure to obtain permits is standard practice; he doesn't get a permit unless he has to or if he gets caught. This case involves a kitchen remodel. Mr. Milowitz completed some electrical, gas and plumbing work that was done beyond the scope of his license.

Before and after photos, of the job, were shown.

Randy said that Mr. Milowitz came into his office several days ago and asked how he could make this go away. Randy told him, "It's too much, too far and too late." He said that he felt Mr. Milowitz thought he could come in here (Building Department), get his permits, pay his triple fees and keep going. Randy said it's time to get his attention.

A discussion ensued between the Board and Randy Jones.

Randy said that the statutes allow us to consider discipline in another jurisdiction when looking at a case. Okaloosa County has many of the same situation cases against Mr. Milowitz.

Jeff Milowitz addressed the Board. He said the kitchen remodel wasn't a major project and he wasn't aware of the scope of work, he also didn't believe it was a job requiring a permit.

Mr. Blackman made a motion to move to a formal hearing. Mr. Hall seconded the motion. The motion passed with a unanimous vote. The Board requested an update on the case at the May meeting.

There was a recess from 4:15 p.m. – 4:20 p.m.

Open Forum

The Board members discussed inactive status of contractors.

Mr. Hall made a motion to, as a Board, formulate an amendment to allow unlimited inactive status of contractors as long as CEU's are kept current. Mr. Holt seconded the motion. The motion passed with a unanimous vote.

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

The meeting was adjourned at 4:55p.m.