

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

There was a meeting of the Indian River County (IRC) Construction Board of Adjustment and Appeals (CBAA) on Tuesday, March 25, 2008 at 12:00 p.m. in the Commission Chambers of the County Administration Building, 1801 27th Street, Building "A", Vero Beach, Florida.

Present were members: **Chairman Pete Clements** and **Peter Robinson**, Division 1 Contractor Appointees; **Dave Meek**, Plumbing Contractor Appointee; **Dean Luethje**, Engineer Appointee; **Mark Dean**, Mechanical Contractor Appointee; and **Reverend Hugh King** and **Gayle Lafferty**, Member General Public Appointees.

Absent was **Leon Walton**, Electrical Contractor Appointee (excused).

Let the record show there is a vacancy for an architect member.

Also present was IRC staff: William DeBaal, Assistant County Attorney; James Akins, Building Division Director; Betty Beatty-Hunter, Contractor Licensing Investigator, and Reta Smith, Recording Secretary.

Call to Order (11:25:35)

Chairman Clements called the meeting to order and the secretary administered the testimonial oath to those who would be testifying at today's meeting.

Item #2 - Approval of Minutes of January 29, 2008 (11:26:10)

ON MOTION BY Mr. Luethje, SECONDED BY Mr. Meek, the members voted unanimously (7-0) to approve the minutes of the January 29, 2008 as presented.

Item #3 – Custom Cutz Seamless Gutters, LLC (11:27:38)

Ms. Betty Beatty-Hunter, IRC Contractor Licensing Investigator, reported Respondent Mr. Marcus Shimmin had not brought in the \$1,300 check for Mr. Don Fink as he had promised to do at the meeting of January 29, 2008.

Mrs. Racheal Akers, 6075 7th Street, Vero Beach, testified her husband owned the business with the Respondent and had problems with him on various issues, such as pocketing money for cash and writing checks to himself. She referred to an e-mail she had received from the Respondent and a letter to the Board dated March 17, 2008, copies of which are on file in the Commission Office.

Chairman Clements noted the Respondent was the qualifier and he did not want to do anything to jeopardize the money owed to Mr. Fink for not finishing work on his home.

Discussion followed.

Mr. James Akins, IRC Building Division Director, recommended full revocation of the Respondent's license.

11:34:40

ON MOTION BY Mr. Luethje, SECONDED BY Mr. Robinson, the members voted unanimously (7-0) to approve revocation of Marcus Shimmin's license.

Item #4 – Condemnation Appeal: Fountain Residence, 13020 North A1A (11:34:52)

Mr. Akins stated the Department of Environmental Protection was requiring Mr. Fountain's contractor to redo the site plan in order to move the house back one foot, and Mr. Fountain had requested this case be postponed until the next meeting.

11:35:54

ON MOTION BY Mr. Robinson, SECONDED BY Reverend King, the members voted unanimously (7-0) to postpone this matter until the next meeting.

Item #5 – Discussion (11:36:19)

Mr. Akins gave an update on Tropical Homes of Indian River, Inc. (Tropical Homes). He said several of the complainants had filed civil suits against Respondent Mr. Pierre Paquette, but there was nothing the IRC Building Division could do because there were no complaints from any customer who had a contract with Mr. Paquette as Tropical Homes. Mr.

Akins clarified all contracts were with Pine Ridge Club of Vero Beach, which was the developer of the subdivision and the same individual but not the same company.

Attorney Bill DeBaal, IRC Assistant County Attorney, explained the Board could not take action against an entity it did not regulate; however he could still get sued in civil court.

Discussion ensued.

Mr. Akins promised to keep the members apprised of any further developments in this case.

Chairman Clements noted there was still an opening on the CBAA for an architect member. Mr. Akins confirmed Hurley Builders had officially relinquished its license.

Mr. Meek mentioned he was linked with the Fountain case because he worked for Palm Coast Developers, who were in a contractual agreement with Mr. Fountain to build his house. Attorney DeBaal advised when this issue came up Mr. Meek should fill out a conflict form and abstain from voting, but could still take part in the discussion.

Item #6 – Confirmation of Tuesday, April 29, 2008, CBAA 12:00 p.m. Hearing (11:49:29)

Ms. Beatty-Hunter announced if an April 29, 2008 meeting was held it would not be in the Commission Chambers, adding she would let the members know where it would take place.

Item #7 – Adjournment (11:50:21)

There being no further business, the meeting was adjourned at 12:27 p.m.