

## **CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS**

There was a meeting of the Indian River County (IRC) Construction Board of Adjustment and Appeals (CBAA) on Thursday, February 17, 2022 at 1:00 PM in the Commission Chambers, County Administration Building A, 1801 27<sup>th</sup> Street, Vero Beach.

### **Members present**

**Bryant Jenks**, Chairman, Engineer Appointee  
**Robert DiPietro, Sr.**, Electrical Contractor Appointee  
**Diana Hoffman**, Architect  
**Franklin Jandreau**, Vice Chairman, Plumbing Contractor Appointee  
**Michael Lue**, Code Administrator Appointee  
**Peter Robinson**, Division 1 Contractor Appointee  
**William B. Schuh**, Member at Large

### **Members absent**

**Cindi Dixon**, Member at Large  
(Vacant), Mechanical Contractor

### **IRC staff present**

**David Checchi**, Contractor Licensing Investigator  
**William DeBaal**, Deputy County Attorney  
**José Guanch**, Deputy Building Official  
**Scott McAdam**, Building Official  
**Ed Offutt**, Recording Secretary

### **Others present**

**Christopher and Evelin Knorr**, Homeowners  
**Dillon Z. Slater**, Respondent, Slater Construction LLC  
**Bruce and Brenda Sowers**, Homeowners  
**Edgar C. Stewart, III**, Respondent, STS, Inc., of Brevard, doing business as Cool Pools

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### **Call to Order**

(1:01 PM) Mr. Lue called the meeting to order and noted that a quorum was present.

### **Election of Officers for 2022**

(1:02 PM) ON MOTION BY Mr. Robinson, SECONDED BY Mr. Schuh, the members voted unanimously (7-0) to elect Mr. Jenks as Chairman for 2022.

(1:03 PM) ON MOTION BY Mr. DiPietro, SECONDED BY Mr. Schuh, the members voted unanimously (7-0) to elect Mr. Jandreau as Vice Chairman for 2022.

### **Approval of Minutes from September 28, 2021**

(1:04 PM) ON MOTION BY Mr. Robinson, SECONDED BY Mr. Lue, the members voted unanimously (7-0) to approve the minutes of September 28, 2021, as presented.

## **Administrative Complaint Involving Slater Construction, LLC (1786 17<sup>th</sup> Avenue SW)**

### **Staff Presentation**

(1:04 PM) The Recording Secretary conducted the swearing-in for all who might be testifying.

(1:05 PM) Mr. Checchi reviewed the communications between the Building Department and Mr. Slater, and then reviewed other projects Mr. Slater had been working on outside of the Knorr contract. The CBAA members asked for updates on engineering estimates required to complete the Knorr contract, and then turned their attention to actual work completed on the home, to which Mr. Checchi replied that nothing had been accomplished, structurally. The Board also reviewed other violations involving Slater Construction, particularly instances where homeowners had occupied their homes without a Certificates of Occupancy having been issued by the County.

### **Testimony by Respondent**

(1:17 PM) Mr. Slater detailed the obstacles he'd faced in completing the project, specifically mentioning a "hold" placed on the project by the Health Department to assess septic system capacity, and delays in acquiring the necessary engineering calculations. The members asked Mr. Slater to recount what work had been done at the Knorr house thus far, what remained on the contract, and how much longer it would take to complete the tasks. Mr. Checchi asked for an explanation from Mr. Slater as to why no work had been done in what he assessed as 11 weeks of available time since the previous CBAA meeting on 9/28/21. Mr. McAdam expressed his opinion that, with manageable cost risk, Mr. Slater could have accomplished significant work on the property, and that the Health Department hold, in particular, was not a brake on the contract. Mr. Slater cited that once he'd been unable to complete the Knorr's project by January 1, 2022, as dictated by the CBAA, he shifted his focus to other contracts, and Mr. Slater stated he would like to be removed from the contract. The Board members opined that Mr. Slater could have improved and increased his communications with the IRC Building Department to discuss his perceived issues and receive guidance.

### **Testimony by Complainants (Homeowners)**

(1:43 PM) Mr. Knorr reported that the wood rot on his home's back porch had progressed significantly while waiting for Mr. Slater to initiate repairs. Mr. Lue asked whether Mr. Slater had asked for more money on the contract, and Mr. Knorr remarked that he had not. The CBAA members then began a lengthy discussion of appropriate measures to penalize Slater Construction and make restitution to the Knorr family after the delays they'd experienced in making their home more suitable to their needs.

**(2:02 PM) ON MOTION BY Mr. Robinson, SECONDED by Mr. Jandreau, the Board voted unanimously (7-0) to suspend Mr. Slater's new permit privileges in IRC for a period of two years (until 2/17/24); to direct Mr. Slater to pay \$4,000 in restitution to Christopher and Evelin Knorr of 1786 17<sup>th</sup> Avenue SW for failure to complete their project as ordered, with the contract to be terminated upon completion of the payment; and to refer the case to the Florida Department of Business and Professional Regulation. Mr. Slater's other, existing permits and contractual obligations were left in place.**

## **Administrative Complaint Involving Slater Construction, LLC (2580 89<sup>th</sup> Drive)**

### **Staff Presentation**

(2:02 PM) This presentation, involving Rose Holdings, LLC, was a reference case only, showing patterns of mismanagement involving Slater Construction. Specifically, Mr. Slater was cited for allowing a homeowner to live in a new residential structure for several months without a Certificate of Occupancy. A Notice of Violation was issued and a \$500 fine paid by Mr. Slater, with the issue deemed corrected as of October 22, 2021.

## **Administrative Complaint Involving Slater Construction, LLC (1105 6<sup>th</sup> Court SW)**

### **Staff Presentation**

(2:04 PM) This presentation, related to Bruce McCullers of Rescue Dogs, was a second reference case. Mr. Checchi explained that both parties were expected to testify to the CBAA under oath, but Mr. McCullers did not show at the meeting on this date. Mr. Checchi reported that Mr. McCullers had already completed a change of contractor, and no further disciplinary action was imposed. Mr. Checchi alleged that Slater Construction had been negligent in making timely payments to subcontractors and suppliers, resulting in the customer being required to directly pay the subcontractors to avoid liens.

### **Testimony by Respondent**

(2:08 PM) Mr. Slater recounted that his contract with Mr. McCullers was for "cost-plus," where he would be paid for all of the project's expenses, plus an additional fee. After the contract was signed, the price of wood greatly increased, and Mr. Slater avowed that he verbally amended the contract with Mr. McCullers so that the homeowner would pay some subcontractors without any involvement from Mr. Slater. The Board members admonished Mr. Slater, reminding him to always pay his contractual bills and to seek qualified legal assistance when writing and amending his contracts to avoid similar complaints in the future.

## **Administrative Complaint Involving STS, Inc., of Brevard, doing business as Cool Pools (5029 Monroe Circle)**

### **Staff Presentation**

(2:17 PM) Mr. Checchi introduced the members to the case, advising that there was one open permit involving the Sowers' pool; additionally, a screened enclosure permit had not been applied for but was required. He mentioned that the original contract had been signed more than 340 days ago, that STS had been largely unresponsive to calls and emails, and that incomplete work remained on the expired permits, although payment on the project has been made in-full by the Sowers. Mr. Checchi advised that Mr. Stewart had been issued a Notice of Violation and a \$1,000 citation on September 22, 2021, for failure to obtain in-process inspections and non-permitted work.

### **Testimony by Respondent**

(2:22 PM) Mr. Stewart stated that he'd been in the pool construction business for 35 years, based out of Melbourne, and that he'd been facing illness among close family members and an overall staff reduction from 12 employees to two. He apologized to the Sowers for the delays in their pool, and disclosed that he did not realize IRC required more inspections than was

customary in Brevard County. Mr. Stewart announced that he was seeking immediate resolution of these outstanding issues by contacting the screening contractor (to submit required permits) and an electrical contractor (to verify appropriate grounding). Chairman Jenks expressed concern that the COVID-19 pandemic was responsible for so many problems, since the pool had been basically complete since April of 2021 but had failed five separate County inspections starting in January of 2021. Mr. McAdam asserted that a company owner must know all local requirements before seeking contracts in a new area, and lamented that the homeowner currently had a pool with potentially unknown electrical and screened enclosure issues. Mr. Stewart took full responsibility for STS's lack of communication with the IRC Building Department and commented that he hoped to have all issues resolved by the following week; Mr. McAdam cautioned that permitting could delay those plans to some degree.

#### Testimony by Complainants (Homeowners)

(2:40 PM) Mrs. Sowers recounted some of the existing problems with the pool, specifically that the screened enclosure was not grounded and water "flowed" (leaked) from the heat pump. She added that it had been difficult to contact STS with her concerns. Mr. Lue asked if she was generally happy with the work that had been done, and she replied in the affirmative. Mr. Jandreau wondered if the screened enclosure was under the same contract as the pool itself, and Mr. Stewart said it was a separate contract. Mr. Lue inquired if the Sowers would be pleased just to have the pool project completed, and they stated that they would. After hearing the County's recommendation, the CBAA members then held a brief exchange to determine an appropriate penalty for STS in this case.

**(2:58 PM) ON MOTION BY Mr. Robinson, SECONDED by Ms. Hoffman, the Board voted unanimously (7-0) to suspend Mr. Stewart's privilege to pull new permits for a period of one year (until 2/17/23), followed by a one-year probationary period (until 2/17/24); to direct Cool Pools to provide a \$500 restitution payment to Bruce and Brenda Sowers of 5029 Monroe Circle for causing financial hardship; and to set March 30th, 2022, as the latest inspection date on the Sauer's pool permit and screened enclosure, after which a \$1,000 fine, payable to IRC, would be assessed.**

#### License Status Review of Amore Pools, Inc.

(2:59 PM) Mr. Checchi reported that the business license for Amore Pools had been revoked, and that criminal prosecution was being directed against Chrystal Washburn, the company president, and her husband. Chairman Jenks asked about the status of the remaining open permits attached to Amore Pools, and Mr. Checchi replied that most had been assigned to other contractors.

#### Adjournment

(3:01 PM) With no further business, Chairman Jenks closed the Construction Board of Adjustment and Appeals meeting.