

**VOLUSIA COUNTY CONTRACTOR LICENSING & CONSTRUCTION APPEALS BOARD
MINUTES**

DATE: June 06, 2018
TIME: 4:00 p.m.
PLACE: County Council Chambers, Thomas Kelly Administration Building, 123 W. Indiana Ave., DeLand, FL

I. Call to Order at 4:00 p.m.

II. Roll Call

John Meinelt - Chairman

Alan Cajacob

James Jones

Michael McDonald

III. The Minutes of the 05/02/2018 meeting were approved as written.

IV. Swearing in of Witnesses

V. There were no Ex Parte Communications

VI. Unfinished Business

VII. Public Hearings and Presentation of Applications or Cases

A. Items Continued - None

B. New Business

1. CLCA-18-06-001 Mr. John Dugger, Dugger Concrete Construction Inc. license number CON11040808 did willfully and unlawfully commit the following violation(s) of Florida Statutes 489 and the Code of Ordinances of the County of Volusia:
489.129(1)(o) Proceeding on any job without obtaining applicable local building department permits and inspections. Job address: 710 E. Grove Pl., DeLand FL.

Mr. Kerry Leuzinger, Chief Building Official presented the case. Mr. John Dugger was not present. The owner and compliant Mr. Farinas was present. Mr. Steve Roland, Chief Building Official of City of Deltona was present. The Attorney representing Mr. Dugger, Mr. Michael Tuma, was also present.

Mr. Dugger sub-contracted the concrete work for a new garage at 710 E. Grove Pl., DeLand. Inspector Thomas Legler inspected the concrete work on January 18, 2018 and failed it. The inspection failed again on January 29, 2018 and the concrete was poured with no inspection. A Stop Work order was posted by the order of the Chief Building Official since the Florida Building Code requires all the work to remain exposed for the inspection. The Stop Work order was removed on February 20, 2018 after the slab was completely removed. Mr. Dugger called for re-inspections three (3) more times and it failed again twice. The Chief Building Official stated that Mr. Dugger has been before this Board multiple times over the last 2/3 years and resulting in disciplinary actions. Mr. Leuzinger has also been in contact

with several Building Officials of other municipalities having similar situations with Mr. Dugger. Some of the most recent complaints against Mr. Dugger are since 2014, for concrete work (driveway) with no permits and no inspection, he was fined \$2,000 which he paid. In 2016, we had a complaint by the City of South Daytona Building Official, which was withdrawn because Mr. Dugger was in compliance. Mr. Dugger also installed several driveways in unincorporated Volusia County properties without permits and no inspections. He was issued a \$ 2,500 fine at that time which he paid.

Mr. Tuma stated that the contractor of this permit was Mr. James Player who contracted with Mr. Farinas to install the garage. Mr. Tuma also stated that Mr. Dugger had a disagreement with Mr. Farinas, subsequently other contractors came and finished the job, and Mr. Dugger was not provided an opportunity to repair. Mr. Tuma also explained that Mr. Dugger did not re-call for inspection because the main contractor would be responsible for that so he requested that there was no violation of the contractor's licensing code.

Mr. Nelson, Building and Zoning Director, stated that Mr. Dugger is a licensed contractor and he must be responsible of the fact that there must be a permit on any project that he works on, so even if he is not the primary contractor he is still responsible to make sure that there is a permit for that project. He is also responsible to obey all codes and all methods of conduct, regardless of who is responsible to call for inspections. Mr. Dugger is responsible to check and make sure the inspection is passed prior to him pouring concrete.

Staff requested Mr. Dugger pay a fine of \$5,000 (repeated violation - Florida Administrative code: 61G4) within 30 days from the day of this hearing and revocation of the Volusia County Concrete Specialty License for a period of one (1) year from the date of this hearing at which time re-application may be submitted.

Mr. Jones made the motion to adopt the request by the Building Official. Mr. McDonald seconded it. The motion carried.

2. CLCA-18-06-002 Mr. John Dugger, Dugger Concrete Construction Inc. license number CON11040808 did willfully and unlawfully commit the following violation(s) of Florida Statutes 489 and the Code of Ordinances of the County of Volusia: 489.129(o) Proceeding on any job without obtaining applicable local building department permits and inspections. Job address: 270 Rodeo Rd., Ormond Beach.

This case has been withdrawn (resolved)

3. CLCA-18-06-003 Appeal by Mr. Cody Spaur, owner, of 1360 Snapping Turtle Rd., Mims is appealing the Building Official's request to remove roof shingles because he did not order an inspection prior to the roof installment. He is presenting a signed roof deck nailing affidavit from a licensed roofing contractor that installed the roof.

Mr. Cody Spaur, Owner, was present. The Chief Building Official, Mr. Leuzinger, presented the case. Mr. Spaur applied for a permit for a new single family residence as home owner builder at 1360 Snapping Turtle Rd., Mims on December 19, 2017. On January 21, 2018 he requested a wall sheathing inspection and the inspector found out that the roof was already completed without the required inspection. Also the wall sheathing was covered. A Stop Work Order was posted on the property. The owner then hired a roofing contractor. The Florida Building Code requires the work be exposed for the inspection until approved. The required inspections for roofing are: nailing, sheathing, dry-in, flashing among others. This roof was completed with no inspections. Mr. Leuzinger advised Mr. Spaur that the roof would be completely removed and the sheathing exposed for proper inspection and he is not willing to accept an affidavit on a new roof by a homeowner.

Mr. Jones upheld the decision of the Building Official. McDonald seconded it. The motion carried.

4. CLCA-18-06-004 21 Briggs Dr., Ormond Beach 32176, owner: Evelyn M. Venturoni.

Mr. Kerry Leuzinger, Chief Building Official, presented the case. This case went before the Code Enforcement Board on October 8, 2017 and found the property in non-compliance as an unmaintained structure. The listed property owner, Ms. Evelyn M. Venturoni, has been deceased for several years. The case was referred to CLCA for consideration of Resolution of Condemnation. Staff met with Gary and Lynn Root (Ms. Root is the deceased's daughter). A week ago they gained ownership of the property and they intend to demolish the property. The electricity has been disconnected. Staff is also requesting a Resolution of Condemnation with a compliance date of July 6, 2018.

Mr. McDonald made the motion to approve the Resolution of Condemnation. Mr. Cajacob seconded it. The motion carried.

5. CLCA-18-06-005 2 Tropic Winds Dr., County 32128, owner John D'Hondt.

Mr. Kerry Leuzinger, Chief Building Official, presented the case. Mr. Jeremy D'Hondt was present.

This property is about 10 acres in size and it was a rental mobile home at one time. The property suffered from storm damage in 2004. The property has been unoccupied since then and it continues to deteriorate.

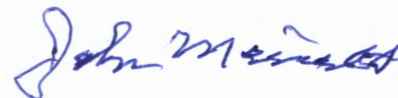
This case went before the Code Enforcement Board and found the property in non-compliance as an unmaintained structure and referred to CLCA for a Resolution of Condemnation. A demolition permit was issued two weeks ago by Mr. Jeremy D'Hondt, son of Mr. John D'Hondt, with progress being made to the property. Mr. Jeremy D'Hondt took 100% ownership of the property recently and it is in his intention to clean up the property and remove all the mobile homes (about 50) and bring all the property in compliance. Mr. Leuzinger is proposing a continuance of this case for 90 days to give Mr. Jeremy D'Hondt some time to make continued progress.

Mr. McDonald adopt the resolution to continue this case for 90 days. Mr. Meinelt seconded it. The motion carried.

VIII. Board Comments - none

IX. Citizen Comments - none

X. Adjourn at 5:20 p.m.



If any person decides to appeal a decision made by the CLCA with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.