

MINUTES
PALM BEACH COUNTY
CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS (CBAA) sitting as the
LOCAL CONSTRUCTION REGULATION BOARD (LCRB)
April 13, 2017

1. ADJOURN AS CBAA / CONVENE AS LCRB

Chairman Marc Wiener adjourned the CBAA meeting and reconvened as the LCRB at approximately 2:31 PM. The meeting was conducted in Room 1W-47, Palm Beach County Planning, Zoning and Building Department, 2300 North Jog Road, West Palm Beach, Florida.

MEMBERS PRESENT:

Marc Wiener, Architect, Chair	Bart Rasper, Plumbing Contractor
Gary Sullivan, Electrical Contractor	Manny Oyola, Roofing Contractor
Rex Kirby, Division I Contractor	Margie Walden, Public At-Large
Justin McIntosh, Alternate Public At-Large	

MEMBERS ABSENT:

Duane Drawdy, Division I Contractor	Ron Dixon, Engineer, Vice Chair
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OTHERS PRESENT:

Doug Wise, Building Official of Palm Beach County
Dean Wells, Construction Services Coordinator
Shannon Fox, Assistant County Attorney
Anne Helfant, Assistant County Attorney
Jamie Illicete, Contractor Certification Field Investigator
Shawn Brown, Building Construction Inspector II
Robert Nicholls, Codes Products & Training Coordinator
Jacquelyn Anderson, Recording Secretary
Jason Griffith, Facilities Systems Project Manager
Anand Poonai, Dcota Contracting, Inc.
Urania and Hamilton Lopez, Property Owners
Sharon Sooknanan, Property Owner

2. APPROVAL OF MINUTES

Mr. Oyola made a motion to approve the minutes of January 14, 2016. Ms. Walden seconded the motion. The motion carried unanimously.

3. NEW BUSINESS

An oath was previously administered to all witnesses who planned to testify during the CBAA meeting.

A. 17-02 – Anand Poonai, CGC-1508344 & CCC-1326958 (DBA Dcota Contracting, Inc.)

Anand Poonai was present and introduced himself as the President of Dcota Contracting. Mr. Poonai represented himself.

Mr. Wise presented a summary of the Administrative Complaint against Mr. Poonai on behalf of Palm Beach County Building Division.

- The case involves the property located at 16393 East Prestwich Drive and a roof leak which occurred on or about August 2015.
- The owner secured funding to repair the structure.
- There was a contract entered into between the owner and the contractor. The scope of work was outlined in the contract.
- In the contract, the respondent represented in the contract that he was fully licensed, and the respondent represented he has obtained all permits and authorizations to perform the work.

Mr. Wise requested the Administrative Complaint and exhibits be entered into evidence.

Mr. Wise stated County staff received a complaint on or about March 15th. Several staff members visited the property on multiple occasions during the course of the investigation. Mr. Griffith and Mr. Brown were asked to testify.

Mr. Griffith testified the photos presented to the Board represented the condition of the property during his visits in the course of investigation.

Mr. Brown testified the photos presented to the Board represented the condition of the property when he visited the property.

- The old straps were folded back off of the existing trusses to scab on the new beams for the new flat roof installed.
- There is only one nail holding down the entire existing truss.
- There are only two or three nails wrapped over the old strap tied into the new 2x8.
- There are only four nails holding the entire structure down in the back.
- There was electrical cable coiled around the beam on the outside, which was actually live at one time.
- There other electrical problems that were substandard.

Mr. Wise summarized the counts against the Respondent as outlined in the Administrative Complaint:

- Count 1 is fraud in that Respondent represented himself as a licensed electrical contractor

doing work. The Respondent is not an electrical contractor. There were no electrical permits obtained for the work performed. The electric work performed was substandard.

- Count 2 is a willful building code violation for performing roofing work without first obtaining the required permits.
- Count 3 is a willful building code violation for doing renovation work without first obtaining the required permits.
- Count 4 is the Respondent performed work with several technical violations which do not comply with the requirements of the Florida Building Code.

Board members questioned Staff and discussion ensued.

Mr. Poonai requested the packet he submitted to the Board be admitted into evidence.

Mr. Poonai testified:

- The scope of work was prepared by an attorney for litigation for a roof leak that started prior to 2014.
- Respondent became involved after the litigation of the case and engaged with the homeowner on 9/28/2015.
- The scope of work was supposed to be a roof leak, but there appeared to be other repairs needed.
- A contract was signed with the homeowner.
- Ocwen was holding the money in escrow until a licensed contractor was hired.
- The process was started Ocwen Loan Services was to release the funds based on the work performed.
- On 12/4/2015, homeowner responded that a check was received from the lender payable to homeowner and Respondent.
- On 12/15, Respondent met the homeowner at the property to get the first check, and started work at the property on 12/16, moving debris on the roof because there had been a series of multiple patches on the roof.
- While on the roof, the beams broke due to waterlog and rotting from when the house was built, which left the valley open for rain to come inside.
- Respondent contacted the homeowner, attorney, and insurance company. The insurance company state the case was a lawsuit, and it was the homeowner's responsibility to take care of any unforeseen issues.
- Respondent stopped working because he wanted the insurance company to inspect the roof and make a determination because the scope of work was supposed to be a repair, not a replacement.
- Respondent tried to secure the roof, but it was difficult to secure a flat roof to a pitched roof with the amount of rain at the time, so Respondent tried to put everything back the way it was and left it open for someone to inspect.
- A letter dated 12/18 was sent to the homeowner explaining what was going on with the property.
- On 12/21, the decision was made to put the roof back exactly the way it was to keep

water from getting inside the building.

- Respondent notified the homeowner to obtain an architect or engineer's drawings to comply with current building codes.
- Additional work was done, and the property was inspected by Chad Hill from the insurance company, and the second draw was approved.
- Work continued at the property because the homeowner was having surgery, and she wanted everything on the inside of the home.
- The homeowner was notified by letter that there was a lot of electrical splicing and a license electrical contractor was needed.
- On 2/10, Chad Hill came to inspect to release the final payment.
- On 3/4, homeowner had not received the check.
- The last work done at the premises was 2/8/2016.
- On 3/8, homeowner contacted Respondent to come to the property for the check. He was asked to sign the check and give it back. Respondent refused.
- On 3/10, Respondent received an email from Mathew Lewis stating Respondent was not allowed to return to the property.
- Respondent denied doing any electrical work at the property. Electrical contractor CJ Electrical Services performed the electrical work.
- Respondent admitted to doing roofing work without a permit in an effort to secure the building from additional damage.

Board Members questioned Respondent and Staff members.

Assistant County Attorney Helfant called homeowner Sharon Sooknanan to testify.

Ms. Anderson administered an oath to Ms. Sooknanan.

Ms. Helfant questioned Ms. Sooknanan, and she testified:

- She does not know who did the electrical work at the home.
- Respondent's brother was doing electrical work in the house, and homeowner did not see an electrical company.
- She did not do anything to the house.
- Respondent discussed everything, and he said he could take care of the job and homeowner believed him.
- She asked Respondent to patch a leak in the roof.
- A man who didn't speak English pointed to the roof, indicating he did the roof, and he wanted \$500 for the work.
- A tarp was placed over the roof until it can be fixed.

Board Members questioned Ms. Sooknanan and discussion ensued.

Ms. Helfant questioned Ms. Sooknanan and Staff and discussion ensued.

Board Members questioned Respondent and Staff and discussion ensued.

Mr. Rasper made a motion to find Respondent guilty of fraud and willful building code violations with regard to the trusses, the beams, the way it was tied back in, the strappings, and the lack of building permits.

Mr. Oyola seconded the motion.

Discussion ensued.

Mr. Rasper amended the original motion to the Board's confirmation of Staff's evaluation in the Administrative Complaint, Counts 1 through 4.

Mr. Oyola seconded the amendment to the motion.

The motion carried unanimously.

Mr. Wise stated the County's recommendation was a three-year suspension of permit-pulling privileges in Palm Beach County. The Board also has the option to suspend, revoke, deny or adjust the length of time. The Board also has the option to postpone the sentencing phase to allow the Respondent an opportunity to work it out with the homeowner to remedy the problems with the property.

Discussion ensued.

Mr. Rasper made a motion to defer sentencing for 30 days and return before the Board with a plan demonstrating progress.

Ms. Walden seconded the motion.

The motion carried unanimously.

4. BOARD MEMBER COMMENTS – NONE

5. STAFF MEMBER COMMENTS

Mr. Wise stated Building Official Association of Palm Beach County is having its annual picnic at Coral Reef Park on Singer Island on April 29th with food and fun on the beach.

Golf Tournament is in July and information will be sent.

Mr. Rasper inquired about continuing education.

Mr. Wise stated the next internal training class will be in September. More information will be

made available at the next meeting.

6. ADJOURNMENT

Chairman Marc Wiener adjourned the LCRB meeting at approximately 3:40 p.m.

Signed for the Board by,



Marc Wiener
Chairman

Respectfully submitted,
Jacquelyn Anderson
Recording Secretary