

CITY OF LYNN HAVEN
CONSTRUCTION LICENSING BOARD
MARCH 17, 2010

A regular meeting of the Lynn Haven Construction Licensing Board was held on Wednesday, March 17, 2010, at 3:00 p.m. in the City Commission meeting room.

Present: Perry Stevens, Chairperson
Joe Ridge
Charlie Brown
Dan Russell
Ben Weaver
Al Wilson, City Building Official
Rob Jackson, City Attorney
Ken Siders
Carol Austin

Absent:

Mr. Perry Stevens, Chairperson, called the meeting to order at 3:00 p.m.

Board member, Dan Russell, made a motion to approve the February 17, 2010, Minutes.

Second to motion: Joe Ridge

On vote:	Brown:	aye	
	Ridge:	aye	
	Russell:	aye	
	Weaver:	aye	
	Stevens:	aye	Motion passed 5-0

#3. Probable cause hearing for Ken Siders-1019 Pennsylvania Avenue. Mr. Robert Jackson, City attorney, addressed the Board and stated that he would be presenting evidence on behalf of the City. He then swore in those individuals present who wished to testify. Ms. Carole Austin, the owner of the property at 1019 Pennsylvania Avenue, testified before the Board that she had contracted with Mr. Ken Siders to raise her home. The contract value was \$17,203.00. In the leveling process, substantial cosmetic damage was done to the home and she made Mr. Siders stop his work. It was represented that the money Ms. Austin received to pay for the work was subsidized by the government and that the government had inadvertently forwarded the money to Capstone Construction in Sarasota, Florida. This has now been corrected. It will take another approximately \$6,500.00 to repair the damage to Ms. Austin's home. The City is asking for a 30-day suspension of Mr. Siders' license and a \$250.00 fine. Ms. Austin may also file a claim against Mr. Siders through his insurance company.

Mr. Ken Siders addressed the Board and stated that he did not think that he had to purchase a permit in order to raise the house. Mr. Siders also stated that his efforts to raise the house probably caused the cosmetic damage, however, he said that he had explained the risks to Ms. Austin before the work was done. There was nothing given in writing to that affect. He stated that he has a \$17,000.00 contract that was breached by Ms. Austin, but he feels that he and Ms. Austin will be able to resolve this matter. He stated that the Sarasota contractor is willing to give him paperwork showing they received the money in error. He stated that he did what he was hired to do and he has an A+ rating.

Ms. Carol Austin of 1019 Pennsylvania Avenue addressed the Board and stated that on October 17, 2005,

she entered into a contract with Mr. Siders to level her house, add vapor barrier, install vented skirting, add fill dirt, install gutters, replace sliding glass door, replace deteriorated siding and add vinyl siding on eaves, replace windows and do an R-30 Cellulose attic blow in ceiling for a total of \$17,203.00. The contract included all of the work to be done and the money was to be paid at one time. She stated that the fact that her home may be damaged was never mentioned to her by Mr. Siders. She stated that the windows and materials were originally dumped in the middle of her yard, but were picked up by Mr. Siders later. She hired Mr. Ducky Johnson to repair the damage to her home and has paid interest on her loan over the years.

Mr. Ken Siders again addressed the Board and stated that the home was sinking and damage was a pre-existing condition. The pylons were sitting in water. He stated that he wants to try to resolve this matter between themselves. Board member, Russell, asked how long before work was begun on the home. Mr. Siders stated that he wasn't sure how long from the date the contract was signed. Maybe two weeks. Board member, Brown, asked Ms. Austin how she had found Mr. Siders and she stated that she had met him before. She also had checked to make sure he had a contractor's license. Mr. Brown asked what kind of workmanship was done and Ms. Austin stated that it was very poor. Mr. Brown asked if she saw the men setting up the instrument to level the grade and Ms. Austin stated she had not because she had been asked to leave the house. Mr. Siders stated that she was asked to leave for safety reasons. His men used the proper instrument. They have leveled houses before.

Board member, Ridge, asked how much money Ms. Austin had to get the work done and Ms. Austin stated that she did not have enough money to complete the work once the house was damaged. She had to pay Ducky Johnson to repair the damage. She stated that Mr. Siders told her she would not be getting the type of windows she wanted. Board member, Brown, asked how long it took to do the leveling job. Ms. Austin stated that it rained at both the beginning and at the end of the job. Doug, the project manager, came by the house on December 5th to look at the damage. Mr. Siders stated that it took approximately one and a half weeks because of weather and holidays. Board member, Brown, asked how long it took Ducky Johnson to correct the damage and Ms. Austin stated she didn't know.

Mr. Harold Lee Jones, Ms. Austin's brother-in-law, addressed the Board and stated that Ducky Johnson leveled the house and got the type of windows Ms. Austin wanted. Mr. Siders addressed the Board and stated that he was not given 60 days, as required by Florida law, to correct the damage that was caused and that he was never paid for the special ordered materials. He stated that the home was built by Haney students and it had prior damage before the leveling was done. He further stated that Ducky Johnson worked on the home last and he could have caused some of the damage. Board member, Russell, asked how long Ms. Austin had owned the home and Ms. Austin replied since 2002. Board member, Russell, asked Mr. Siders if he had ever had any problems with any licensing Board and Mr. Siders stated that he had never had any problems at all.

Mr. Al Wilson, Building Official, addressed the Board and stated that a permit is required for leveling a home. Board member, Ridge, asked if a job can be started before buying a permit and Mr. Wilson replied that the Code requires a permit to be purchased first.

Mr. Rob Jackson, City attorney, gave closing argument and asked that Mr. Siders' license be suspended for 30 days and that he be fined \$250.00.

Board member, Joe Ridge, made a motion to find that Mr. Siders was not negligent, did not perform the work in an incompetent or unworkmanlike manner, and that a permit was not necessary.

Second to motion:

On vote: Brown:
 Ridge:

Russell:
Weaver:
Stevens: Motion failed for lack of a second

Board member, Dan Russell, made a motion to find that Mr. Siders was not negligent and did not perform the work in an incompetent or unworkmanlike manner, but is guilty of not pulling a permit.

Second to motion: Ben Weaver

On vote: Brown: nay
Ridge: nay
Russell: aye
Weaver: aye
Stevens: nay Motion failed 3-2

Board member, Perry Stevens, passed the gavel and made a motion to find that Mr. Siders was not negligent, did not perform the work in an incompetent or unworkmanlike manner, and that a permit was not necessary.

Second to motion: Joe Ridge

On vote: Brown: aye
Ridge: aye
Russell: nay
Weaver: nay
Stevens: aye Motion passed 3-2

With there being no further business or discussion, the meeting was adjourned at 4:32 p.m.

Perry Stevens, Chairperson