

Sumter County

Construction Industry Licensing Board (CILB)

The Villages Sumter County Service Center
7375 Powell Road, Room 102, Wildwood, FL 34785

December 8, 2020 at 10:00 AM

Any person requiring reasonable accommodation at this meeting because of, disability, physical impairment, or interpretation needs should contact the County Administrator's Office, 7375 Powell Road, Wildwood, FL 34785 (352) 689-4400 at least two days before the meeting.

1. Meeting Called to Order

2. Flag Salute

3. Public Forum

4. Approve Minutes of Meeting held July 14, 2020

Documents:

[July 14, 2020 Minutes.pdf](#)

5. New Business

a) **Name:** Robert W. Noeker

Company Name: Service Star Air Conditioning & Heating, Inc.

Requested Action: Administrative complaint filed by Sumter County Building Services.

Documents:

[Certified Mail - Notice of Hearing.pdf](#)

4. Approval of minutes

6. Adjourn

**Sumter County Construction Industry Licensing Board Minutes
July 14, 2020**

The Construction Industry Licensing Board (CILB) of Sumter County, Florida convened on July 14, 2020, at The Villages Sumter County Service Center, 7375 Powell Road, Room 102, Wildwood, FL 34785.

Members present: Charlie Flores – Chairman, Deborah Snyder – Vice Chairman, and Thomas Cattell.

Members absent: Christopher Bowers

Staff members present: Steve Wilcox - Building Official, Sarah Gill - Board Secretary, and Jennifer Rey - County Attorney

Call to Order: Ms. Rey called the meeting to order at 10:01 a.m.

Flag Salute: Ms. Rey led the flag salute.

Election of Chairman and Vice Chairman: Ms. Rey asked for nomination of Chairman. Mr. Cattell made a motion to nominate Mr. Flores as Chairman. Mrs. Snyder seconded the motion, and the motion carried. Mr. Flores accepted the position of Chairman.

Ms. Rey asked for nomination of Vice Chairman. Mr. Flores made a motion to nominate Mrs. Snyder as Vice Chairman. Mr. Cattell seconded the motion, and the motion carried. Mrs. Snyder accepted the position of Vice Chairman.

Public Forum: No public input.

Minutes: Mrs. Snyder made a motion to approve the minutes from the December 18, 2017, CILB Meeting. Mr. Cattell seconded the motion, and the motion carried unanimously 3-0.

New Business:

Harold H. Hodges – Hodges Roofing – Administrative complaint filed by Sumter County Building Services for the following violations:

- a. Florida Statutes, Section 489.127 (f), engage in the business or act in the capacity of a contractor or advertise himself or herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified.
- b. Sumter County, FL Code of Ordinances, Section 6-19 (a) (6), engage in the business or act in the capacity of a contractor or advertise himself or a business organization as available to engage in the business or act in the capacity of a contractor without being the holder of a current competency card and certificate of competency in the required field.

- c. Sumter County, FL Code of Ordinances, Section 6-19 (a) (9), willfully or deliberately disregard or violated any municipal or county ordinance relating to contractor licensing. For purposes of this subsection, a person or business organization operating on an inactive or suspended competency card is considered unlicensed.

Mr. Wilcox presented the case.

Mr. Mark Woodlock, Esq. was present to represent Mr. Hodges.

Mr. Woodlock made an opening presentation.

Harold H. Hodges, license holder, was present and sworn in.

The Board discussed the complaint with Mr. Hodges.

Ms. Rey asked Mr. Hodges if he had obtained a Competency Card with Sumter County.
Mr. Hodges replied he had not.

Mrs. Snyder made a motion to forward the complaint to the Department of Business and Professional Regulation (DBPR). Mr. Cattell seconded the motion. The motion passed unanimously 3-0.

Ms. Rey stated DBPR received the complaint and sent it to the Sumter County Construction Industry Licensing Board to determine if there was a violation of the local code for failing to obtain a competency card.

Mrs. Snyder retracted her original motion because it did not address the local licensing component.

Mrs. Snyder made a motion to find the contractor in violation of the County code for not having a Competency Card in Sumter County and to forward the complaint to the DBPR. Mr. Cattell seconded the motion. The motion passed unanimously 3-0.

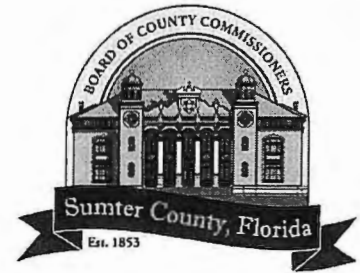
The Board had additional discussion.

Mr. Cattell made a motion to recommend to the DBPR probation as a penalty while taking into account the mitigating factors. Mr. Flores seconded the motion. The motion passed with 2 votes in favor and 1 vote against.

Mrs. Snyder made a motion to adjourn at 10:18 am. Mr. Cattell seconded the motion, and the motion carried unanimously 3-0.

Board of County Commissioners Sumter County, Florida

7375 Powell Road, Suite 200 • Wildwood, FL 34785 • Phone (352) 689-4400 • FAX: (352) 689-4401
Website: <http://sumtercountyfl.gov>



October 29, 2020

Robert W. Noeker
DBA Service Star Air Conditioning & Heating, Inc.
P.O. Box 966
Christmas, FL 32709-0966

SUMTER COUNTY BUILDING DEPARTMENT ADMINISTRATIVE COMPLAINT AND NOTICE OF ADMINISTRATIVE HEARING

This is an Administrative Complaint initiated against you by Sumter County Building Services, pursuant to Part 1, Chapter 489, Florida Statutes and Chapter 6, Article II, Division I, Section 6-19 Sumter County Code of Ordinances. If, after public hearing, the Sumter County Construction Industry Licensing Board ("Board") finds that you are guilty of the licensing violations detailed herein, the Board may deny, suspend, or revoke your permitting privileges in Sumter County and the cities of Center Hill, Coleman, Wildwood, and Webster with whom there are interlocal agreements to enforce the Florida Building Code. Notification of and information concerning such disciplinary action shall be submitted to the Florida Department of Business and Professional Regulation (DBPR) within fifteen (15) days after any decision to deny, suspend, or revoke your permitting privileges within Sumter County and the cities of Center Hill, Coleman, Wildwood, and Webster with whom there are interlocal agreements to enforce the Florida Building Code. Any such notification to DBPR may also include recommended penalties.

Name and Address of Contractor Being Charged

Robert W. Noeker
DBA Service Star Air Conditioning & Heating, Inc.
P.O. Box 966
Christmas, FL 32709-0966

Contractor License Number

CAC055550

Statement of the Violations Charged

- a. Chapter 6, Article II, Division I, Section 6-19 (a) (8) Sumter County Code Ordinances, commence or perform work for which a building permit is required pursuant to F.S. ch. 553, pt. VII, without such building permit in effect.
- b. F.S. 489.114 Evidence of workers' compensation coverage.—Except as provided in s. 489.115(5)(d), any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the contractor, provide to the Construction Industry Licensing Board, as provided by board rule, evidence of workers' compensation coverage pursuant to chapter 440. In the event that the Division of Workers' Compensation of the Department of Financial Services receives notice of the

cancellation of a policy of workers' compensation insurance insuring a person or entity governed by this section, the Division of Workers' Compensation shall certify and identify all persons or entities by certification or registration license number to the department after verification is made by the Division of Workers' Compensation that persons or entities governed by this section are no longer covered by workers' compensation insurance. Such certification and verification by the Division of Workers' Compensation may result from records furnished to the Division of Workers' Compensation by the persons or entities governed by this section or an investigation completed by the Division of Workers' Compensation. The department shall notify the persons or entities governed by this section who have been determined to be in noncompliance with chapter 440, and the persons or entities notified shall provide certification of compliance with chapter 440 to the department and pay an administrative fine in the amount of \$500. The failure to maintain workers' compensation coverage as required by law shall be grounds for the board to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.129.

- c. F.S 489.515 (3) (a) As a prerequisite to the initial issuance or the renewal of a certificate or registration, the applicant shall submit an affidavit on a form provided by the board attesting to the fact that the applicant has obtained both workers' compensation insurance or an acceptable exemption certificate issued by the department and public liability and property damage insurance for the health, safety, and welfare of the public in amounts determined by rule of the board. The board shall by rule establish a procedure to verify the accuracy of such affidavits based upon a random audit method.
- d. F.S 489.533 (1) (m) Committing incompetency or misconduct in the practice of contracting.
- e. F.S 489.533 (1) (o) Proceeding on any job without obtaining applicable local building department permits and inspections.
- f. F.S 489.533 (1) (r) Proceeding on any job without obtaining applicable local building department permits and inspections.

Statement of the Factual Basis for the Charges

Robert W. Noeker is the licensee for Service Star Air Conditioning and Heating, Inc., according to the Florida Department of Business and Professional Regulation's (DBPR) records. Mr. Noeker holds a State Certified Air Conditioning Contractor Class B license.

Mr. Noeker is charged with performing mechanical work without obtaining the required permits. Service Star Air Conditioning and Heating, Inc. applied for 15 mechanical change out permits, which have not been issued, for failure to provide the required information. Service Star Air Conditioning and Heating, Inc. proceeded with the installation of the 15 mechanical units without issued permits. A copy of the Work Commenced without Permits spreadsheet is attached hereto as Exhibit A. William Wilburth, Certified Building Inspector, performed inspections at each address listed in Exhibit A to verify the mechanical units were installed.

Mr. Noeker is responsible for maintaining current workers' compensation and general liability insurance certificates for Service Star Air conditioning and Heating, Inc. in accordance with F.S.

489.114 and F.S. 489.515 (3) (a). Service Star Air Conditioning and Heating, Inc.'s workers' compensation policy expired on March 11, 2020, and their general liability insurance expired on June 14, 2020. On or about April 7, 2020, Service Star Air Conditioning and Heating, Inc. was notified of the insurance requirement via email at ashley@servicestarhvac.com. A copy of the email correspondence is attached hereto as Exhibit B.

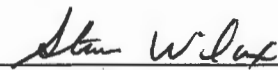
Staff Recommendation

If the Board determines the contractor, Robert W. Noeker, has committed the above-referenced violations, staff recommends Robert W. Noeker's licensing privileges be revoked in Sumter County and the cities of Center Hill, Coleman, Wildwood, and Webster with whom there are interlocal agreements to enforce the Florida Building Code, and notification of such revocation be sent to the DBPR for further proceedings, together with any discipline recommended by the Board. Staff recommends that the revocation be imposed until further order of this Board. Staff further recommends that the Contractor be given the ability to request licensing privileges be re-instated after the DBPR has addressed this matter and made a final decision.

You are hereby requested to appear before the Board on **December 8, 2020 at 10:00 am at The Villages Sumter County Service Center, 7375 Powell Road, Wildwood, FL 34785, Room 102**, at which time a public hearing before the Board will be conducted to address these alleged violations, as well as any defenses you may have to the same. You may be represented by an attorney at the hearing, and you may bring witnesses to testify on your behalf. At this hearing, the Board will hear the case and decide whether or not to deny, suspend, or revoke your authority to obtain a building permit or limit such authority to obtaining a permit(s) with specific conditions. If the Board determines a violation has occurred, it will report said violation to the DBPR for further review, as detailed above.

Any state-certified contractor aggrieved by an order notifying the construction industry licensing board of disciplinary action may appeal pursuant to section F.S. § 489.131. Any person aggrieved by an order notifying the electrical contractors' licensing board may appeal pursuant to F.S. Ch. 489, Pt. II. Additionally, any person aggrieved by an order may appeal the local action by filing a petition for writ of certiorari in the Circuit Court of Sumter County, Florida, within thirty (30) days after entry of such order.

Please govern yourself accordingly.



Steve Wilcox
Sumter County Building Official

October 29, 2020

CERTIFIED MAIL. RETURN RECEIPT REQUESTED

91 7199 9991 7039 6360 7896

Robert W. Noeker
DBA Service Star Air Conditioning & Heating, Inc.
P.O. Box 966
Christmas, FL 32709-0966

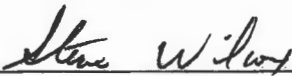
NOTICE OF HEARING

You are hereby notified that Sumter County has filed an administrative complaint against you for performing work in Sumter County, FL without the required permits. A copy of the complaint is attached to this notice for your information.

On December 8, 2020 at 10:00 am at The Villages Sumter County Service Center, 7375 Powell Road, Wildwood, FL 34785, Room 102, the Sumter County Construction Industry Licensing Board will hear testimony concerning the allegations in the administrative complaint. You are urged to attend this meeting and to present testimony before the Board to explain or refute the charges in the complaint. You may be represented by an attorney at the meeting and you may bring witnesses to testify on your behalf. If you are unable to attend, you must request a postponement of the hearing in writing at least five (5) days prior to the scheduled hearing date.

The Sumter County Construction Industry Licensing Board has the power to suspend or revoke your permitting privileges in Sumter County and the cities of Center Hill, Coleman, Wildwood, and Webster with whom there are interlocal agreements to enforce the Florida Building Code. Your failure to attend the hearing may result in the suspension or revocation of your permitting privileges.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Sumter County Administration Office at (352 689-4400), at least 48 hours in advance of the scheduled meeting.



Steve Wilcox
Sumter County Building Official

Exhibit A
 Work Commenced without Permits
 Service Star Air Conditioning and Heating, Inc.
 State License No. CAC055550

| Permit Number | PERMITSUBTYPE | DESCRIPTION | APPLIED | APPROVED | ISSUED | STATUS | JOBVALUE | Address |
|---------------|---------------|---|------------|------------|--------|-----------------|----------|------------------------|
| ME2018-00346 | ME CHANGE OUT | SIZE FOR SIZE | 02/20/2018 | | | HOLD - PLAN REV | 6500 | 906 ORWELL STREET |
| ME2018-00523 | ME CHANGE OUT | HVAC CHANGE OUT SIZE FOR SIZE | 03/08/2018 | | | HOLD - PLAN REV | 5185 | 1093 NASH LOOP |
| ME2018-00524 | ME CHANGE OUT | HVAC Change out SIZE FOR SIZE | 03/08/2018 | | | HOLD - PLAN REV | 5100 | 737 VILLITA LANE |
| ME2018-00693 | ME CHANGE OUT | HVAC Change out size for size | 03/30/2018 | | | HOLD - PLAN REV | 5250 | 1505 ESCANDON PL |
| ME2018-01818 | ME CHANGE OUT | SIZE FOR SIZE - 2.5 ton 14 seer Heatpump | 07/27/2018 | | | HOLD - PLAN REV | 5800 | 2020 Allende Avenue |
| ME2019-03146 | ME CHANGE OUT | Change out size for size - 2.5 ton 14 seer Rheem furnace | 11/21/2019 | 11/22/2019 | | PENDING | 6250 | 3008 RIVERDALE RD |
| ME2020-00029 | ME CHANGE OUT | Change out size for size 2.5 ton 14 seer Rheem heatpump | 01/06/2020 | 01/07/2020 | | PENDING | 6100 | 1961 ASHWOOD RUN |
| ME2020-00031 | ME CHANGE OUT | Change out size for size 3 ton 14 seer Rheem heatpump | 01/06/2020 | 01/07/2020 | | PENDING | 6500 | 2506 FLINTSHIRE AVENUE |
| ME2020-00882 | ME CHANGE OUT | Change out size for size - 3 ton 14 seer Rheem heatpump | 04/03/2020 | | | HOLD - PLAN REV | 6500 | 1704 SANDERLING STREET |
| ME2020-00896 | ME CHANGE OUT | Change out size for size - 3 ton 14 seer Rheem heatpump | 04/06/2020 | 04/07/2020 | | PENDING | 6200 | 2292 HAVANA TRAIL |
| ME2020-00922 | ME CHANGE OUT | Change out size for size 2.5 ton Gas furnace | 04/07/2020 | 04/08/2020 | | PENDING | 5980 | 2713 CRAVEN WAY |
| ME2020-00923 | ME CHANGE OUT | Change out size for size 4 ton Gas Furnace | 04/07/2020 | | | HOLD - PLAN REV | 6780 | 985 OAK FOREST DR |
| ME2020-00924 | ME CHANGE OUT | Change out size for size - 3.5 ton 14 seer Rheem heatpump | 04/07/2020 | | | HOLD - PLAN REV | 5000 | 601 LITTLE RIVER PATH |
| ME2020-00929 | ME CHANGE OUT | Change out size for size - 2.5 ton 14 seer Rheem heatpump | 04/07/2020 | 04/08/2020 | | PENDING | 6500 | 2607 Botello Avenue |
| ME2020-00930 | ME CHANGE OUT | Change out size for size - 3 ton 14 seer Rheem heatpump | 04/07/2020 | 04/08/2020 | | PENDING | 6200 | 589 BEAULIEU LOOP |

Legend:

PENDING = In compliance with building code requirements, not in compliance with insurance requirements

HOLD - PLAN REV = Not in compliance with building code or insurance requirements

Exhibit B

From: Sarah Gill <sarah.gill@sumtercountyfl.gov>
To: Sarah Gill <sarah.gill@sumtercountyfl.gov>; ashley@servicestarhvac.com
Date: 2020-04-07 08:21
Subject: S-CAC055550 18735 E Colonial Drive #100

Your insurance certificates are expired with Sumter County. Please have your insurance company email (planning2@sumtercountyfl.gov) or fax (352-689-4401) current Workers' Comp and Liability insurance certificates to the following as the certificate holder.

Sumter County Building Services
7375 Powell Rd., Suite 115
Wildwood, FL 34785

Sarah Gill Development Technician

Development Services
Board of Sumter County Commissioners
Tel: 352-689-4400
Fax: 352-689-4401

www.sumtercountyfl.gov

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