

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Scott Kobrin and Cosmopolitan Homes Appeal of the Findings & Order of the Building Contractor Examiners Board, Case No. 03-008-001B

DEPARTMENT: Planning & Development **DIVISION:** Building & Fire Prevention

AUTHORIZED BY: Don Fisher **CONTACT:** Tom Helle **EXT.** 7338

Agenda Date 02-10-04 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

Options:

1. Uphold the Order of the Building Contractor Examiners Board suspending Scott Kobrin's, and Cosmopolitan Home's permitting privileges; or
2. Reverse the Order of the Board and reinstate Scott Kobrin's, and Cosmopolitan Home's permitting privileges; or
3. Continue this request to a time and date certain.

BACKGROUND:

Mr. Scott Kobrin and Cosmopolitan Homes, hereinafter referred to as Mr. Kobrin, are appealing the decision of the Building Contractor Examiners Board, case number 03-008-001B, dated December 3, 2003. Complainants, Mr. and Mrs. Rob Boss, contracted with Mr. Kobrin to construct a new single family residence. The home was constructed, and the certificate of occupancy was issued on November 22, 2002.

Shortly after the issuance of the Certificate of Occupancy, the complainants contacted the Building Division with a request for an inspection of certain exterior electrical work they felt was faulty. An inspector was dispatched to investigate. Upon arrival, the inspector found a masonry subcontractor who identified himself as working for Mr. Kobrin, relocating a window in the garage area of the home. The inspector checked the computer system and found that the required permit had not been issued. The inspector instructed the subcontractor to secure the proper permit before continuing.

Shortly thereafter, the complainants contacted the Building Division again, stating that the contractor was continuing work on the window without the permit. Another inspector was dispatched to the site. He

Reviewed by: 1-20-04
Co Atty: D. Detrich
DFS: _____
Other: _____
DCM: Sy
CM: Helle
File No. rpdb01

issued a Notice Of Code Violation and stopped the contractors from working. Staff contacted Mr. Kobrin about the situation. Mr. Kobrin told staff that the complainants had hired this subcontractor to move the window, not him.

Staff contacted the complainants who furnished a copy of a list of warranty items needing to be corrected by Mr. Kobrin, including relocation of the window. At this point staff began an investigation. During the investigation, the Chief Building Inspector discovered two (2) additional code violations. The contractor was contacted. No attempt was made by Mr. Kobrin to correct the violations. Staff then brought the matter before the Building Contractor Examiners Board for remedy.

At the August 27, 2003 hearing the Board found that Mr. Kobrin failed to secure the required permit for the window relocation, failed to provide the required moisture barrier, and failed to install the siding in accordance with the manufacturer's installation instructions and the Florida Building Code, Sections 104.1.1 and 2303.3. The Board ordered the contractor to complete the corrections within 45 days or be brought back to the Board.

Shortly before the 45th day, the complainants contacted staff to inform them that other than securing a permit for the relocation of the window and visiting the site with an engineer, the corrections had not been made. Although the permit was secured, no inspection had been requested. At the conclusion of the 45th day, Staff scheduled the second hearing per the Board's Order.

At the December 3, 2003, hearing, the Board found Mr. Kobrin in violation of the Order dated August 27, 2003. By Order dated December 9, 2003, the Board suspended Mr. Kobrin's permitting privileges for one (1) year and ordered Mr. Kobrin to correct violations within 30 days. Further, the Board ordered that if the items were not completed within 30 days, (January 2, 2004), the suspension of permitting privileges would increase to five (5) years. The corrections had not been completed on January 7, 2004, when staff inspected the property.

On January 2, 2004, staff received letters from two different attorneys representing Mr. Kobrin requesting an appeal of the Board's Order of December 9, 2003. Counsel for Mr. Kobrin refers to an interim inspection that Mr. Kobrin was not aware of until the December 3, 2003 meeting. The interim inspection referred to is the lintel inspection required to inspect the poured fill cell adjacent to the window, as well as the precast lintel above the window, as was the case when the house was inspected before the window was relocated. As shown on the original structural plans of the home, a concrete filled cell is required directly adjacent to the relocated window. If the calculations requested by Staff were submitted and indicated that the wall would function as constructed without the filled cell, then the lintel inspection would not have been required. However, the calculations were not submitted to Staff for review. Counsel states, "In light of the foregoing, Mr. Kobrin was under the impression that he simply had to complete the work and schedule a final inspection with Seminole County". This statement would be correct only if the filled cell was not required.

Additionally, Counsel contends that the suspension is unreasonable based on the information relative to the additional 30 days. The suspension is not related to the 30 days. The suspension was immediate and a direct result of Mr. Kobrin's noncompliance with the Board's Order dated August 27, 2003. The 30 days was an additional time period

given to Mr. Kobrin by County Staff to complete the work so that suspension of permitting privileges would not be increased to five (5) years, as stipulated in the Order of December 9, 2003. However, the work was not completed by January 2, 2004, and the suspension has increased to the ordered five (5) years.

In the second letter from counsel for Mr. Kobrin, counsel attempts to explain why the contractor has failed in correcting the items as ordered. Counsel refers to the "homeowner's willful refusal to allow Mr. Kobrin's timely completion of the assigned work." During the 45 days allotted by the Board for corrections after the August 27, 2003, hearing, the complainants gave 23 specific dates for Mr. Kobrin to access the property to complete the required corrections. These dates were given in the form of one (1) verbal list and two (2) written lists.

For the benefit of the Board of County Commissioners, the following timeline is offered to demonstrate the sequence of events in this case.

Event	Date
Notice of Code Violation Issued.	01/08/03
Investigation of complaint ensues to evaluate the situation.	ongoing
August 27, 2003, Hearing. Mr. Kobrin is given 45 days to complete work.	08/27/03
Mr. Kobrin Secures permit for window.	09/03/03
45 day time limit expires.	10/11/03
December 3, 2003, Hearing. Board enacts one (1) year suspension to automatically increase to five (5) years if corrections are not completed within 30 days.	12/03/03
Mr. Kobrin schedules an inspection.	12/29/03
Thirty days expires. Corrections are incomplete.	01/02/04

STAFF RECOMMENDATION:

Staff Recommends that the Board of County Commissioners uphold the decision of the Building Contractors Examiners Board's

Attachments

1. Copy of evidence packages that were presented to the Board at both hearings.
2. Excerpt of Hearing Minutes Case 03-008-001B (Unofficial).
3. Order dated August 27, 2003.
4. Order dated December 9, 2003.



Board of
Building Contractor Examiners

Case No.:	03-008-001B
Name:	Scott Kobrin and Cosmopolitan Homes

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Seminole County Building Contractor Examiners Board

Case No.:03-008-001B

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VIOLATION FACT SHEET

Contractor Name: Scott Kobrin And Cosmopolitan Homes
License No.: CRC053745

Contractor Address: 80 Spring Vista Drive
Suite 100
Debary, FL 32713

Date of Violation: 01-08-03

Location of Violation: 320 Kimberly Court
Sanford, FL 32771

Complaint received from: Homeowners

Name: Mr. And Mrs Rob Boss (Homeowners)
Address: Same as Violation

Date received: On or about 1-06-03

Statement of Violation:

Facts: Towards the end of December, 2002, we received a call from Mr. and Mrs. Boss concerning a possible electrical problem with their new home. We sent Electrical Inspector, Ed Hoffer, to investigate. Upon arrival he discovered workers in the process of relocating a window in the garage without a permit. He approached the apparent foreman who identified himself as working for the contractor who built the house. Mr. Hoffer advised them that they needed a permit and told them to secure such.

On or about January 6, 2003, we received a second call from the Mr. and Mrs. Boss relative to their contractor relocating the window without the required permits. A second inspector was sent with instructions to issue a Notice of Code Violation, which he did. The Certificate of Occupancy for the house was issued and no permit was issued for the relocation of said window.

During subsequent inspections by Paul Watson, Chief Building Inspector, exposed, unsealed wood sheathing was discovered as well as some improperly installed Hardie-Plank Siding (specifically, it lacks the required 1/8" gap at the trim as required by the manufacturer's installation instructions). As of this date a permit has not been issued and the unsealed wood and siding installation have not been corrected.

(b) Applicable Rules, Regulations, Ordinances and Statutes:

Florida Building Code section 104.1.1. 2303.3

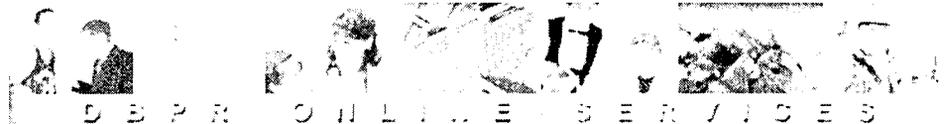
Staff Recommendation: Suspension of permitting privileges for 1 year.

CODES VIOLATED

§104.1 Permit application

§104.1.1 When required. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy or occupant content of a building or structure, or any outside area being used as part of the building's designated occupancy (single or mixed) or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work.

§2303.3 Moisture protection. Surfaces exposed to the weather shall have an approved barrier to protect the structural frame and the interior wall covering. The barrier shall be at least Type 15 felt or kraft waterproof building paper. Building paper and felt shall be free from holes and breaks other than those created by fasteners and construction systems used in attaching of the barrier, and shall be applied over studs or sheathing of all exterior walls. Such felt or paper shall be applied horizontally with the upper layer lapped over the lower layer not less than 2 inches (51 mm). Where vertical joints occur, felt or paper shall be lapped not less than 6 inches (152 mm).



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06:58:56 AM 6/25/2

Licensee Details:

Licensee Information

Name: **KOBRI, SCOTT ANDREW** (Primary Name)
COSMOPOLITAN HOMES CORPORATION (Alternate Name)

Main Address: **80 SPRING VISTA DRIVE
SUITE 100
DEBARY, Florida 32713**

Lic. Location: **206 RIVERBEND CT
LONGWOOD, FL 32779
Seminole**

License Information

License Type: **Certified Residential Contractor**

Rank: **Cert Residential**

License Number: **CRC053745**

Status: **Current, Active**

Licensure Date: **07/25/1991**

Expires: **08/31/2004**

[View Related License Information](#)

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[Term Glossary](#)

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06/25/2004 06:58:56 AM

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 320 KIMBERLY CT.
SANFORD FLA.

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF
CHAPTER ONE CHAPTER/ARTICLE _____ SECTION 104.6.2

DESCRIPTION OF VIOLATION: WORK DONE WITHOUT
PROPER PERMITS
STOP WORK ORDER ALSO PLACED

CORRECTIVE ACTION: OBTAIN PROPER PERMITS FOR
ALL WORK DONE WITHIN 14 DAYS

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 1/22/03. FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS THE POWER TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS.

IF YOU DESIRE FURTHER INFORMATION CONTACT:

PLANNING AND DEVELOPMENT DEPARTMENT
SEMINOLE COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA 32771

PHONE: ~~334~~ 1130 EXTENSION 7338 Tom Helle

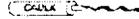
DATE 1/8/03
FILE NO. 03-1023

Randy J. Hatch
INSPECTOR

Patching
Dents, chips and cracks can be filled with a cementitious patching compound



A high quality, paintable caulk is recommended. For best results use caulks that comply with either ASTM C 834 or ASTM C 920. Caulking should be applied in accordance with caulking manufacturers written instructions. (Leave 1/8" gap at trim for caulk. Caulking at butt joints is optional.)



James Hardie products must be painted. For best results install Hardiplank siding with our exclusive Prime Plus™ factory priming system and a 100% acrylic topcoat(s)* if our Prime Plus™ factory priming is not being used. **Hardie recommends the application of an alkali-resistant primer along with 100% acrylic topcoat(s).** (For paint manufacturer's paint specifications, refer to JH Technical Bulletin No. S-103)
*Note: Please refer to paint manufacturer's specifications for application rates.



APPROVALS: HARDIPLANK lap siding is recognized as an exterior wall cladding in National Evaluation Report No. NER465, City of Los Angeles, Research Report No. 24862, Dade County, Florida, Acceptance No. 99-0223-07, US Dept. of HUD Materials Release 1245a, California DSA PS-019 and City of New York MEA 223-93-M. These documents should also be consulted for additional information concerning the suitability of this product for specific applications.

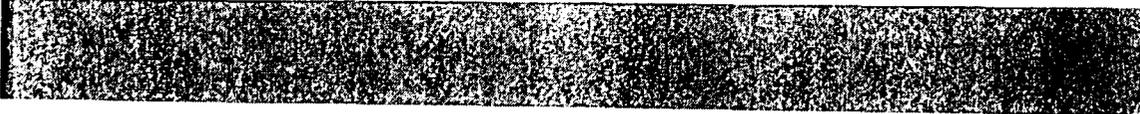
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Hardie, Hardy, Hardiplank, Hardiboard, siding, backerboard, fiber cement, building products, siding, fiber cement, building products, siding, siding, tile underlayment, ceramic tile, Hardie, Hardy, Hardiplank, Hardiboard, siding, backerboard, fiber cement, building products, siding, fiber cement, building products, siding, siding, tile underlayment, ceramic tile, backerboard, backerboard, backerboard



Florida Profit

COSMOPOLITAN HOMES CORPORATION

PRINCIPAL ADDRESS
80 SPRING VISTA DRIVE
STE 100
DEBARY FL 32713
Changed 02/11/2002

MAILING ADDRESS
80 SPRING VISTA DRIVE
STE 100
DEBARY FL 32713
Changed 02/11/2002

Document Number
V22635

FEI Number
593117252

Date Filed
03/19/1992

State
FL

Status
ACTIVE

Effective Date
NONE

Last Event
REINSTATEMENT

Event Date Filed
03/03/1997

Event Effective Date
NONE

Registered Agent

Name & Address

HILLMAN, RANDY
203 E HILLCREST ST
ORLANDO FL 32801

Officer/Director Detail

Name & Address

KOBRIN, SCOTT
80 SPRING VISTA DRIVE STE 100

DEBARY FL 32713

KOBRIN, JENNIFER
80 SPRING VISTA DRIVE STE 100

DEBARY FL 32713

KOBRIN, HARVEY
1216 PARK AVE. NORTH

WINTER PARK FL

Title

DP

VP

ST

COMPUTER PRINT OUT

Functions Options Help



SEARCH 1/19/04 1:11

Property address: 12711 MEERLY CT
 Parcel ID: 0119-01502-0000-0000

Application Number	Type	Status	Date	Tenant Number/Name
02-021222	2902	PS	12-03-03	
02-020568	2902	PS	7-16-03	
01-011842	2710	PS	7-16-03	12711 MEERLY CT # 1003

OK Exit Cancel Display location images

This printout shows the lack of a permit for the work specified in the complaint.
 Permit No. 01-11842 is for the house with the Certificate of Occupancy issued 7-16-03.
 Permit No.s 02-5608 and 02-12232 are both miscellaneous electrical permits.



CERTIFICATE OF INSPECTION

80 SPRING VISTA DRIVE • SUITE 100 • DEBARY, FLORIDA 32713 • (386) 668-9665

ADDRESS: 320 Kimberly Court LEGAL: LOT 23 Shadow Lake DATE: 11/22/02 ^{WOODS}

Today I/we completed a thorough inspection of the above property and the house erected thereon with a representative of Cosmopolitan Homes. I/We have found the construction of the house and the completion of all inside and outside improvements and accessories to my/our satisfaction, except as noted below.

Date Item Completed

SEE ATTACHED LIST Complexes By
December 6, 2002

\$ 12,000.00 to be held in escrow @ Southern Title
ANY TO BE PAID OUT TO Cosmopolitan Homes
ON A PERCENTAGE COMPLETED BASIS ON 12/6/2002.
PERCENTAGE OF ATTACHED PURCHASE LIST TO USIA
AS ITS BASIS. (PERCENTAGE WORK)

The checked items have been shown to me/us during my/our inspection:

- Water Meter, House Water Valve, Electrical Panel, GFI Breakers, Garage Door Keys, Disposal Reset, Dishwasher Warranty, Disposal Warranty, Range Warranty, Furnace and Air Conditioner Warranty, Water Heater Warranty, Ice-Maker Shut-Off Valve, Water Heater Blow-Off Valve, A/C Condensation Line.

The below items have been examined by me/us and are not defective, broken, scratched, or torn except as noted above:

- Counter Tops, Cabinets, Mirrors, Windows, Window Screens, Light Fixtures, Vinyl Flooring, Carpeting, Sinks, Plumbing Fixtures.

The Builders Warranty on the residence is for the correction of structural errors or material failures and should not be considered as a maintenance program.

I/We understand that this list represents my/our entire inspection report and fully understand that once these items are completed no other inspection or work will be performed other than items covered by the Builder's Warranty.

I/We, the undersigned, have checked my/our new home and have been provided all that was agreed upon either in the contract or

Front Porch

columns

~~left window notch in bottom frame~~ (P) (B)

~~front corner trim not to ceiling~~ (P) (B)

Back Porch

Stucco frames around doors and window smaller ?

Dining & Entry

~~columns & baseboards not finish~~ (P) (B)

Great Room

crack in mortar fireplace hearth

Master Bath

~~remove mirrors & hang purchased ones~~ (P) (B)

trim for plant shelves

shelves in cubbies (wood)

Master BR

trim for plant shelves

Kitchen

~~solid shelving in pantry~~ (P) (B)

strips on window

~~board under bar~~ (P) (B)

**lighting above cooktop needs to be installed (Karen gave fixtures to little Jay)

Utility

tile in doorway between utility & kitchen uneven

Guest Bath

pedestal sink wrong style & toilet/sink should be white

~~baseboard not flush~~ (P) (B)

~~board board~~

shower wall tile uneven

~~shower floor~~ (P) (B)

Guest BR/Homeschool room

trim for plant shelves

**place for computer wires in shelving (CPU, printer & scanner)

Upstairs BR's

~~stripe on back windows~~ (P) (B)

Upstairs Baths

toilets should match tubs

scratches on tub

~~beveled mirrors~~ (P) (B)

Upstairs Hall

sconce screw missing on left one

Bonus Room

bracket panel moved 

Garage

move window per plan

paint & sills for windows

holes in wall fixed **BLACK**

garage door bolts & plates replaced that are rusted

~~ceiling light straightened and stucco repaired~~ 

Paint

paint stucco

paint doors including garage white

**FRONT DOOR should be one selected w/ Susie painted black ~~VF~~ ~~door~~ ~~over~~ ~~me~~

paint bottom of all doors 

**all hinges should match door hardware 

Phone

CAT 5 line

Exterior

~~AC unit moved~~ 

paint stucco both sides of house

siding uneven under eaves & not complete at corners garage

siding seams not caulked

shingles discolored

~~trim discolored~~ 

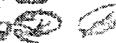
AC unit in back & well tank not level

front & back steps not level (left to right)

**second floor and porch lines unfinished (grey meta pieces) and siding under windows are pieced together should be continuous pieces

**flood light on rear garage side of house wire are exposed needs to be concealed

~~wood trim on chimney needs to be covered~~ 

~~trim missing around windows where there is siding~~ 

**shutters

~~shingles hanging over edge need to be trimmed~~ 

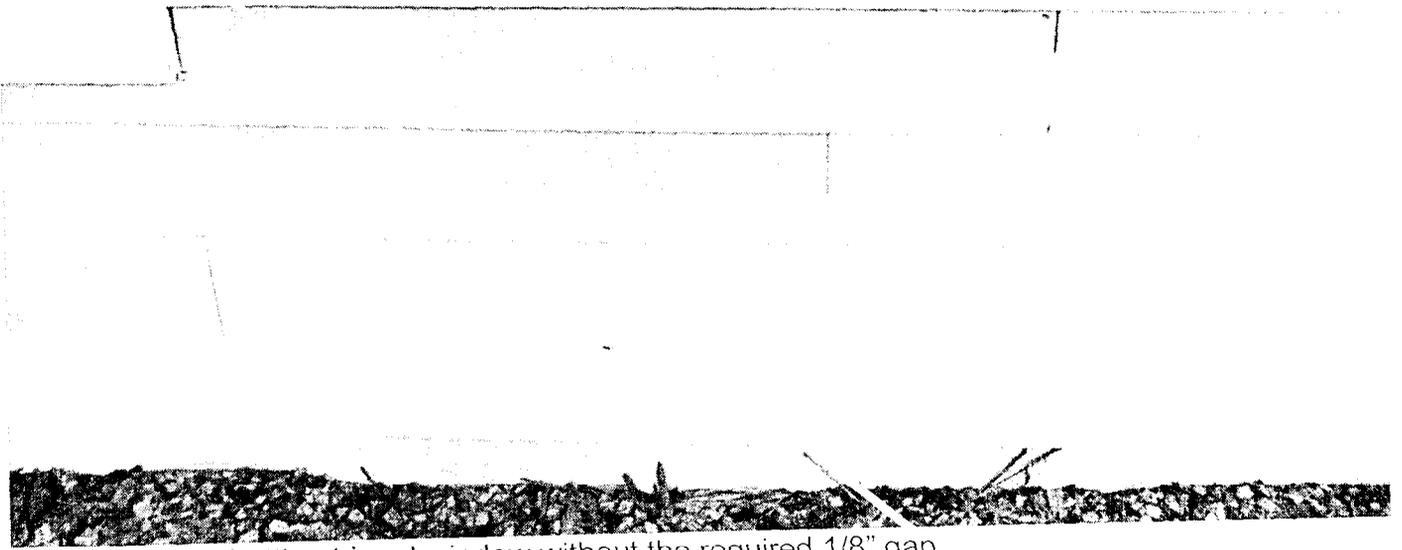
**face nail siding w/ galvanized nails where siding is bowed

**remove/replace short trim boards on 2nd story above porch

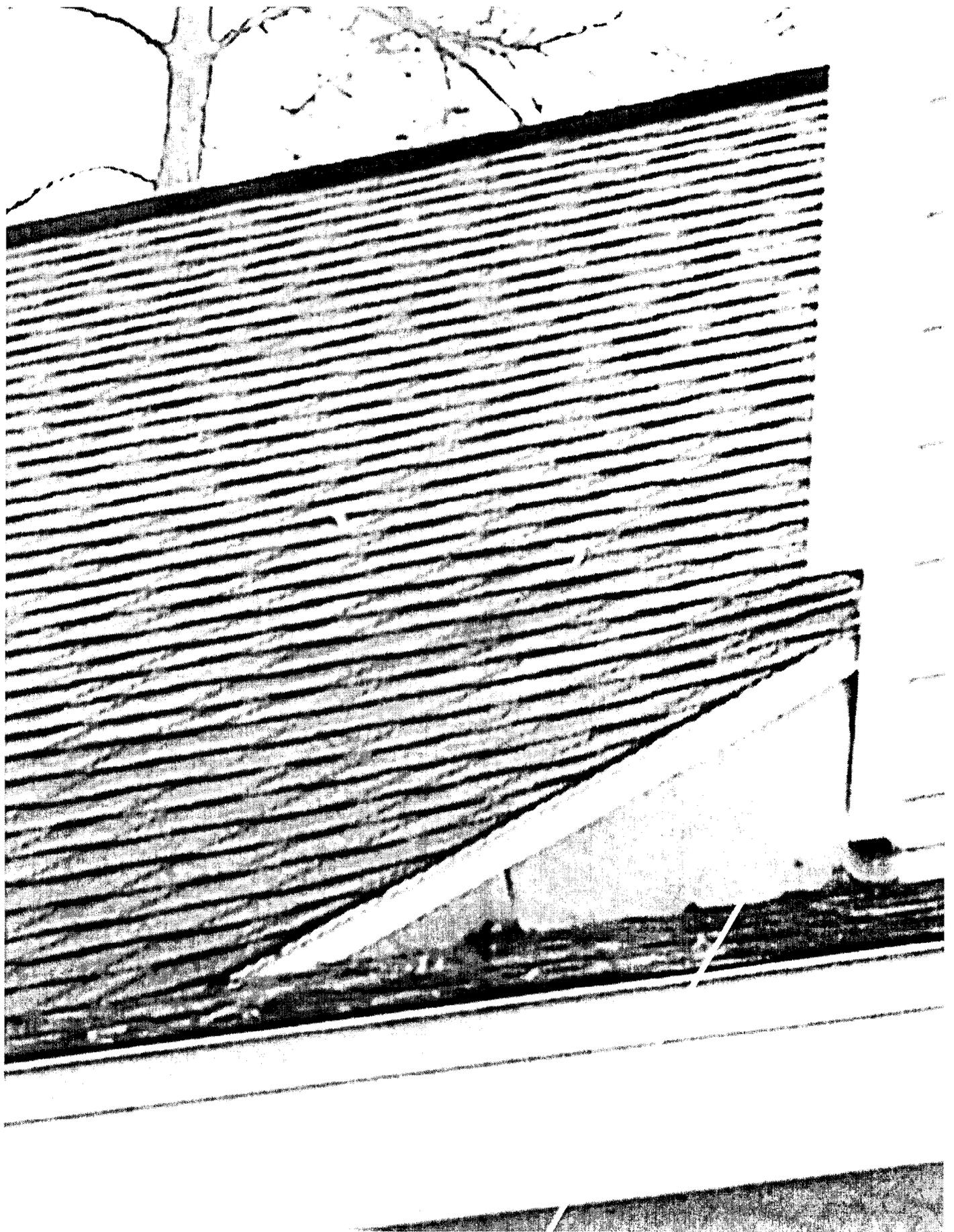
Additional changes during final walkthrough 



View of new location of window in question.



View of siding abutting trim at window without the required 1/8" gap.



View of unprotected exposed wood along partial gable er.d.

SEMINOLE COUNTY

SEMINOLE COUNTY
BUILDING CONTRACTORS EXAMINERS BOARD

DATE: 12/03/03
CASE # 03-008-001B

vs.

SCOTT KOBRIN
and COSMOPOLITAN HOMES, INC.

LICENSE # CRC053745

SUMMARY

CHAIRMAN: Bobby VonHerbulis (BV) Abstained

VICE CHAIRMAN: Bill Miller (BM) Acting Chairman

MEMBERS: James Gamble (JG)
Marti Chan, (MC)
Charles Mitchell (CM)

DEFENDANT: Scott Kobrin (SC)

OTHER SPEAKERS: Larry Goldman, Building Official (LG)
Tom Helle, Deputy Building Official (TH)
Rob Boss, Homeowner (RB)
Paul Watson, Chief Building Inspector (PW)
Board Clerk (BC)

The Chairman, Bobby VonHerbulis, abstained from voting due to a conflict of interest. The gavel is passed to the Vice Chairman, Bill Miller, to hear the case.

Mr. Helle addresses the Board members to introduce the case and recap circumstances of the Board hearing of August 27, 2003, and the events leading to the case being returned before this Board. Mr. Helle states that during that hearing, Mr. Kobrin was given 45 days, to October 11, 2003, to complete corrections and has not complied. He states Mr. Kobrin pulled a permit to relocate the window on September 3, 2003. Mr. Helle presents photos included in the case documentation which demonstrate the sheathing and siding are in the same condition they were in at the date of the August hearing. Mr. Helle states that Mr. Kobrin had visited the site with an Engineer. He states no inspections have been requested. Staff recommends one year suspension of permitting privileges.

Mr. Helle points out in the photos the area where the required down cell should be and what material should be installed. He states the down cell had not been installed. The 1/8th inch gap required on the siding was not corrected. Mr. Helle also states that additional damage had been done to the siding by a saw during reinstallation of siding.

When the Acting Chairman inquires if Mr. Helle had had any direct communication with the respondent since the last hearing, Mr. Helle responded that he had not.

Further questioning from the Board members reveals that Mr. Helle was not aware of any communications to others in the division by Mr. Kobrin.

Mr. Gamble inquires if the exposed sheathing had been addressed and Mr. Helle states that it has not. Mr. Gamble also asks if a rejection slip had been issued. Mr. Helle clarifies that the homeowners contacted the Building Division because they had not seen a permit. When the inspector visited he issued a Notice of Code Violation and asked the contractor to stop work and obtain a permit. He reiterates that only a permit has been pulled and some exterior siding added since the last hearing.

Scott Kobrin approaches the podium at this time. He begins by stating he would like to clarify that the window was moved as a result of a walk through inspection with the Bosses and a sub-contractor had done the work. He states that the Electrical Inspector who visited on the request of the homeowners had noticed the window being moved. Mr Kobrin state that initially, the window was not the reason for the visit.

Mr. Kobrin goes on to state that there are other issues involved between he and the Bosses but does not elaborate further. He states that he was given 45 days on August 27 2003 to complete the work. He had to arrange dates to do the work beforehand through the Boss's attorney. He said the attorney gave him two or three days in which to complete the work. He states that he explained to the Bosses, the Engineer would have to do his inspection, then Mr. Kobrin would have to pull a permit and schedule subcontractors to do the work. He felt that they understood.

Mr. Kobrin states at that point he had the original Engineer for the project gave a synopsis of the work done and inspected the house. The Bosses were home and gave access. Mr. Kobrin indicates that the Engineer inspected that neither of the cells had been poured. The engineer drafted a report and a permit was pulled on October 3, 2003. He pointes out that his inspector did an inspection on September 15, 2003. He states that he did not speak with any officials in the Building Division. He spoke only with Ted who was working the desk at the time of his visit and the permit was issued at that time. He states the window moved was correct and the siding could be finished and the job completed.

Mr. Kobrin makes reference to a pending civil suit with the Bosses.

Mr. Kobrin states he has contacted Buddy Lewis of Hardy siding and requested him to inspect the job and make sure it is done properly. He states that it took a long time for Mr. Lewis to respond and when he did, the date to meet him would exceed the 45 days. Mr. Kobrin states he then contacted the Bosses attorney and received another letter with dates to go to the house to complete the work.

Mr. Kobrin states that Mr. Lewis contacted him with three days that he would be in Orlando and arrangements were made to meet. Mr. Kobrin contacted his framing contractor at that time. He mentions that it is not the contractor who did the original work and he had to pay a new contractor.

When Mr. Kobrin received the call from Mr. Lewis, they met at the house. He states that he was not sure of the date and estimates the meeting was two or three week priors to the date of this hearing.

He states that Mr. Lewis inspected the entire house and made a few recommendations for which he would write a letter to Mr. Kobrin. Mr. Lewis gave Mr. Kobrin the recommended material to repair a middle of the field saw cut.

Mr. Kobrin closes by saying he is still waiting on a letter from Mr. Lewis that will cover him on the code violation and the entire house, including the insulation.

Mr. Miller addresses Mr. Kobrin with a question on how long he has been a Licensed Contractor and Mr. Kobrin responds since 1991. Twelve years.

Mr. Miller requested that Mr. Kobrin to explain why he has not contacted the Building Division with his circumstances since the date of the last hearing. Mr. Kobrin indicates that he had been advised by his attorney to schedule dates with the Boss's attorney. He states he did not feel it was necessary to give them an update and that the final inspection would need to be called in when the job is complete. He goes on to discuss the flashing on the back of the house, mentioned earlier by Mr. Gamble and states that it has been completed.

Mr. Miller states that Mr. Kobrin is back, having not complied with the Board's direction. Mr. Kobrin answers, "Yes Sir."

Mr. Miller asks Mr. Kobrin how he answers that fact and Mr. Kobrin states that he has no answer. He states that he was trying to cover all issues on the house and with his client. He mentions delays with the Engineer, that he pulled the permit, and that the siding installation was delayed by rain. When the 45 days ran out, he contacted the Boss's attorney and obtained a new list of days.

Mr. Miller interjects that Mr. Kobrin was under an order from the Board. He refers to the Board's responsibilities and the affect of the lack of communication with the Building Division.

When Mr. Miller asks the Board members if there are any further questions or comments, Ms. Chan states that she believed that Mr. Kobrin could have initiated a letter from his attorney stating the circumstances and his efforts to accomplish the things he was mandated. Also, she states the 45 days are applicable to accomplish some of these tasks.

Mr. Gamble asks Mr. Kobrin if he understood from the last meeting, what he must do. Mr. Kobrin responds, "Yes Sir."

Mr. Gamble asks Mr. Kobrin if he understood that he had 45 days to accomplish what he had to do. Mr. Kobrin answers, "Yes Sir."

Mr. Kobrin confirms for Mr. Gamble that neither he nor his attorney contacted the Building Division to request an extension. He states that he was acting on his attorney's direction and expresses his regret that things have gotten to that point.

Mr. Gamble states his belief that, had Mr. Kobrin or his attorney, contacted the Building Division explaining that the deadline could not be met, that an extension would have been granted.

Mr. Mitchell states his impression that the civil suit was more important than the order of this Board. He observes that communication among attorneys and documentation from them, was the big issue and the last hearing was irrelevant.

Mr. Kobrin addresses Mr. Mitchell and states that the Board was not irrelevant to him and that he is trying to get the work done but he indicates he is restricted by the specified dates. He states that as of this date, they were finished.

Mr. Mitchell responds that he understands that a point may be reached where you must defer to you attorney, but he stresses the ability of keeping the Building Division informed, possibly via fax. He points out to Mr. Kobrin that according to the information submitted for the hearing, nothing had been done and he suggests correspondence to the Building Division may have warranted an extension..

Mr. Miller replies to Mr. Mitchell's commentary indicating he would have gone in person to the Building Official and personally to show his efforts, not simply via fax or letter.

Mr. Gamble addresses Mr. Kobrin as to whether he is willing to comply with the original order and how long he might need to do so. Mr. Kobrin responds that he believes everything to be "100% complete". He states he is waiting for Mr. Lewis' report suggesting corrections of the two boards (siding). He reply's that the flashing is done, the siding is done and he will ask Mr. Boss if the Painters have finished. Mr. Gamble points out that the only items the Board is concerned with are the items addressed in the original hearing. Mr. Kobrin agrees and replies that he would need one week to complete any outstanding items.

Mr. Miller addresses the homeowner, Mr. Boss, to see if he would like to speak. Ms. Chan indicates she has a question and asks Mr. Kobrin if the letter dated September 22nd was the first correspondence he had with Mr. Boss' attorney concerning dates to work at the house. Mr. Kobrin states that after the August 27th hearing, he was given dates and visited the property with the engineer. Then he obtained the Engineer's letter and pulled the permit. Mr. Kobrin states that there were two or three additional letters later, with dates to work on the house.

Mr. Boss comes to the podium to give testimony. He states that there is no civil suit. He explains the reason he hired an attorney was due to past experience of the need to keep records of events. Mr. Boss states that he had given Mr. Kobrin sufficient opportunity to make the corrections within the 45 days and asks that the Board hold him accountable for the Board's first Order.

Mr. Helle addresses the Board in regard to the electrical inspector who first noticed the window being moved and that inspector requested that the masonry contractor obtain a permit for the work being done. He states that it was after the permit was not obtained that the Bosses had contacted him. A building inspector was sent and he then issued the Notice of Violation.

Mr. Gamble moves that Mr. Kobrin be instructed to correct the items on the original complaint within 45 calendar days of that date, that the work be cleared by the Building Division, and that he pay all applicable fees or face a 5 year automatic suspension of permitting privileges. The motion fails due to lack of a second. Discussion continues.

Ms. Chan makes a motion to suspend Mr. Kobrin's permitting privileges for on year. The motion also fails for lack of a second.

Mr. Mitchell states that he would like to find a compromise between the two motions given. He notes Mr. Kobrin's lack of concern for the board and states that the repairs should be completed for

the sake of the homeowners. Mr. Mitchell addresses Mr. Kobrin's seeming lack of action in regard to protecting his license. He states that he would not like to give Mr. Kobrin another 45 days since he did not complete the work in the first 45 days.

Mr. Miller inquires with Staff concerning the potential for Mr. Kobrin to complete the job and what Mr. Kobrin's obligations are. Mr. Helle responds that the time is available to complete the job to everyone's satisfaction.

Mr. Gamble explains his reasoning on requesting the additional 45 days. His concern is that the holidays will interfere with the process. Mr. Mitchell asks Mr. Gamble for his opinion on punitive damages, based on activity since the August hearing. Mr. Gamble explains that he feels Mr. Kobrin has not been taking the Board seriously and that possibly time without business would cause him to value his license and to get things done.

Mr. Mitchell asks Mr. Gamble what he would recommend if Mr. Kobrin completes the work within 45 days and Mr. Gamble replies that he would drop all charges. He feels the first duty is to the homeowner.

Mr. Von Herbulis address Mr. Miller. He indicates that he has spoken with the County Attorney and that he can speak but will not vote on the issue. Mr. Von Herbulis points out that the homeowner's house has been in this condition for over a year. He points out the actual amount of days gone by since the August hearing, is between 95 and 100 days. He does not agree with giving any additional time to Mr. Kobrin and/or to drop the charges. He states that the homeowner is the party suffering and that Mr. Kobrin has not done as the Board directed and there should be repercussions.

Mr. Von Herbulis points out that Mr. Kobrin is bound by State and county law for the permit he has pulled to complete the work as well as any other permits he may have prior to this hearing. Mr. Von Herbulis strongly states the need to act on the original Order.

Mr. Mitchell asks Mr. Helle if the seven day time frame would be sufficient to inspect if work is completed and if there would be fees. Mr. Helle responds that it would be sufficient time and that there may be applicable fees.

Mr. Miller, addressing Mr. Helle, states that he there has been a violation of the Board's Order and that they can respond to that fact and also allow additional time to complete the corrections with an additional penalty for failure to do so. Mr. Helle states that if the Board were to make such a motion, the penalty would be enforced as stated. Mr. Miller also inquires about the case being referred to the State for further action. Mr. Helle states that all Findings of the Board are forwarded to the State.

Mr. Kobrin returns to the podium. He states that the work is complete and he is ready to call in his final inspection. When Mr. Miller inquires if Mr. Kobrin was waiting for something from the siding company, Mr. Kobrin responds that he was waiting on a letter pertaining to the civil matter and to verify that the work had been done correctly.

Mr. Watson addresses Mr. Kobrin and asks if the down cell has been poured. Mr. Kobrin replies that according to his engineers, the down cell was not necessary. Mr. Watson states that a down cell

was included on the plan that he has. Discussion between Mr. Kobrin and Mr. Watson continues. Mr. Miller interrupts, stating that the matter of discussion is outside of the realm of this hearing.

Mr. Miller asks the Board for a motion and Ms. Chan moves to follow Staff's recommendation for one year suspension of permitting privileges. The motion fails for lack of a second.

Mr. Mitchell states his concern for the homeowner and whether the job is ready for inspection. He states that he is concerned since the staff recommendation was based on the lack of communication of activity. He also points out the issue of the window lintel and that the down cell is not complete.

Mr. Helle informs the board members that the down cell is still an issue and that Mr. Kobrin has still not provided necessary engineering calculations in reference to it. He explains for the Board that the procedure requires updated information to eliminate the need for a structural item when a plan is modified.

Mr. Gamble makes a motion that Mr. Kobrin's right to pull permits in Seminole County be suspended immediately for a period of one year, that he complete all outstanding Code Violations to the satisfaction of the Building Division within 30 days and pay all applicable fees. If that is not done within 30 days, Mr. Kobrin's right to pull permits will be suspended for five years.

Ms. Chan seconds the motion.

Mr. Mitchell states that he would like to see the time cut down to 15 days and Mr. Gamble explains that the time allotted is due to the difference of what needs to be done between Mr. Kobrin and the Building Division.

The motion is put to a vote and passes 4 - 0.

SEMINOLE COUNTY

SEMINOLE COUNTY
BUILDING CONTRACTOR EXAMINERS BOARD

CERTIFIED : 7002 0510 0000 8540 3078

vs.

LICENSE # CRC053745

SCOTT KOBRIN
AND COSMOPOLITAN HOMES

CASE # 03-08-001B

**OCTOBER 9, 2003 REVISION
FINDINGS AND ORDER**

DUE TO a clerical error, this Order supercedes the order of August 27, 2003.

THIS CAUSE having come before the Building Contractor Examiners Board (the "Board") on **August 27, 2003**, pursuant to Seminole County Code of Ordinances Section 40.18 and the Board having heard sworn testimony from Mr. **Paul Watson, Chief building Inspector** and Mr. **Scott Kobrin, CRC053745**.

THE BOARD FINDS as follows:

That Scott Kobrin did:

- a) **Relocate a window without a permit;**
- b) **Install Hardie Plank siding without the required 1/8" gap;**
- c) **Not provide the proper protection of the exposed sheathing.**

Therefore, Scott Kobrin is guilty of violations of:

- a) **Florida Building Code, Sections 104.1.1, 105.4 and 2303.3;**

THEREFORE IT IS ORDERED AND ADJUDGED that:

1. **The Contractor is required to make all three corrections as discussed (Installation of the window, 1/8 inch gap of the Hardie Board, and the exposed sheathing.) per the Seminole County Code. He has 45 days to complete those corrections;**
2. **If the Contractor has not completed said corrections within the 45 day period, this case will come back before this Board;**
3. **A letter of reprimand will be entered immediately into the Contractor's File.**

The petitioner is hereby notified that an appeal from the decision of the Board may be made by filing a Notice of Approval in writing with both the Building Contractors Board and the Board of County Commissioners within thirty (30) days after the entry of said decision.

In accordance with Florida Statutes, Chapter 489.131(7)(c) and (d), the disciplined contractor, the complainant, or the Department of Business and Professional Regulation may challenge the local jurisdiction enforcement body's recommended penalty for Board action to the State Construction Industry Licensing Board. A challenge shall be filed within sixty (60) days of the issuance of the recommended penalty to the State Construction Industry Licensing Board in Jacksonville, Florida. If challenged, there is a presumptive finding of probable cause and the case may proceed before the State Board without the need for a probable cause hearing.

Failure of the disciplined contractor, the complainant, or the Department of Business and Professional Regulation to challenge the local jurisdiction's recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the State Construction Industry Licensing Board.

A waiver of the right to a hearing before the State Board shall be deemed an admission of the violation, and the penalty recommended shall become a Final Order according to procedures developed by State Board rule without further State Board action.

Pursuant to Section 120.59, Florida Statutes, the Parties are hereby notified that they may appeal the Final Order of the State Board by filing one copy of a Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, and by filing the filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the effective date of said Order.

DONE AND ORDERED this 27nd day of August, 2003.

Building Contractors Board
Seminole County, Florida


Bill Miller,
Acting Chairman


Diane Vasquez,
Recording Secretary

cc: Contractor file
State of Florida, Department of Business & Professional Regulation

7002 0530 0000 5940 3353



DeBary, FL

To: Mr. Scott Kobrin
80 Spring Vista Drive, Suite 100
DeBary, FL 32713

Mr. Scott Kobrin, CRC053745
and Cosmopolitan Homes Co.
80 Spring Vista Drive, Suite 100
DeBary, FL 32713

SENDER: COMPLETE THIS SECTION

- 1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 2. Print your name and address on the front so that we can return the card to you.
- 3. Attach this card to the back of the envelope or on the front if return details are desired.
- 4. Return Address

Scott Kobrin, CRC053745
and Cosmopolitan Homes Co
80 Spring Vista Drive, Suite 100
DeBary, FL 32713

COMPLETE THIS SECTION ON DELIVERY

1. Signature
 x *Christine Lumberry*
 2. Name of addressee
Christine Lumberry
 3. Date of delivery
4/8/00

4. Restricted Delivery
 Signature Required
 Signature and Restricted Delivery
 Signature and Return Receipt
 Signature and Restricted Delivery and Return Receipt

7002 0530 0000 5940 3353

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Scott Kobrin
 and Cosmopolitan Homes
 80 Spring Vista Drive
 Suite 100
 DeBary, FL 32713

2. Article Number:

(Transfer from reverse if filled in)

7002 0510 0000 8540 3085

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]* *[Signature]* *[Signature]*
 B. Restricted Delivery *[Signature]* *[Signature]*
 C. By address address different from item 1 *[Signature]*
 D. Restricted Delivery applies to this *[Signature]*

C. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.
- Restricted Delivery *Extra Fee* *[Signature]*

7002 0510 0000 8540 3085

Scott Kobrin
 and Cosmopolitan Homes
 80 Spring Vista Drive
 Suite 100
 DeBary, FL 32713



SEMINOLE COUNTY

Building Division

Department of Planning and Development

1101 East First Street
Sanford, FL 32771
Phone: (407) 665-7423
FAX: (407) 665-7407

Memorandum

Date: November 14, 2003

To: Board of Building Contractor Examiners

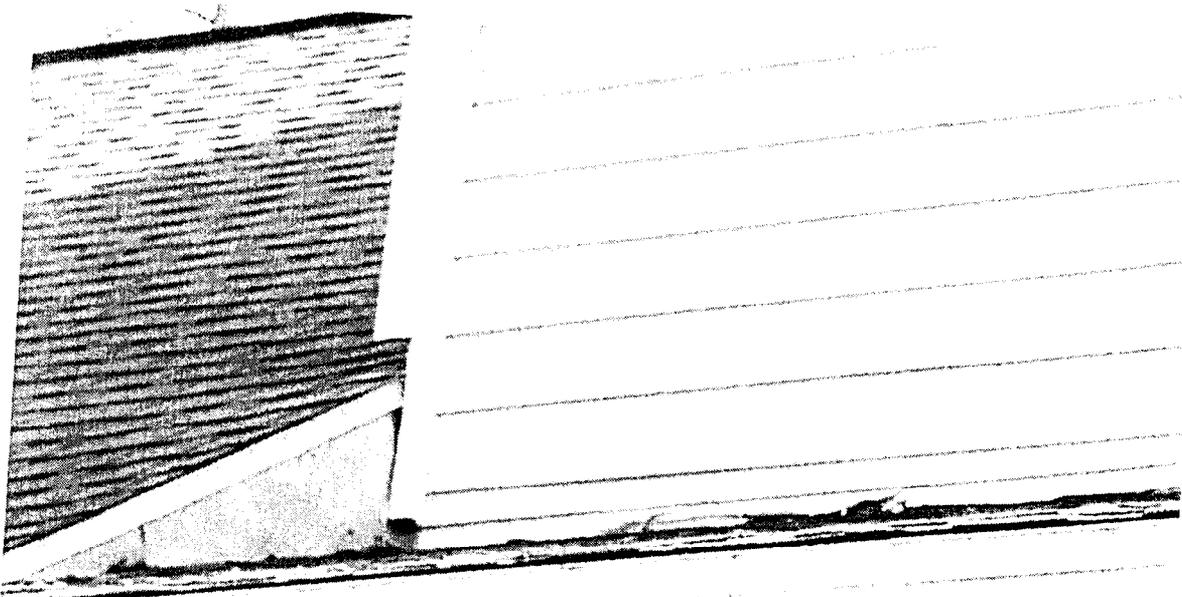
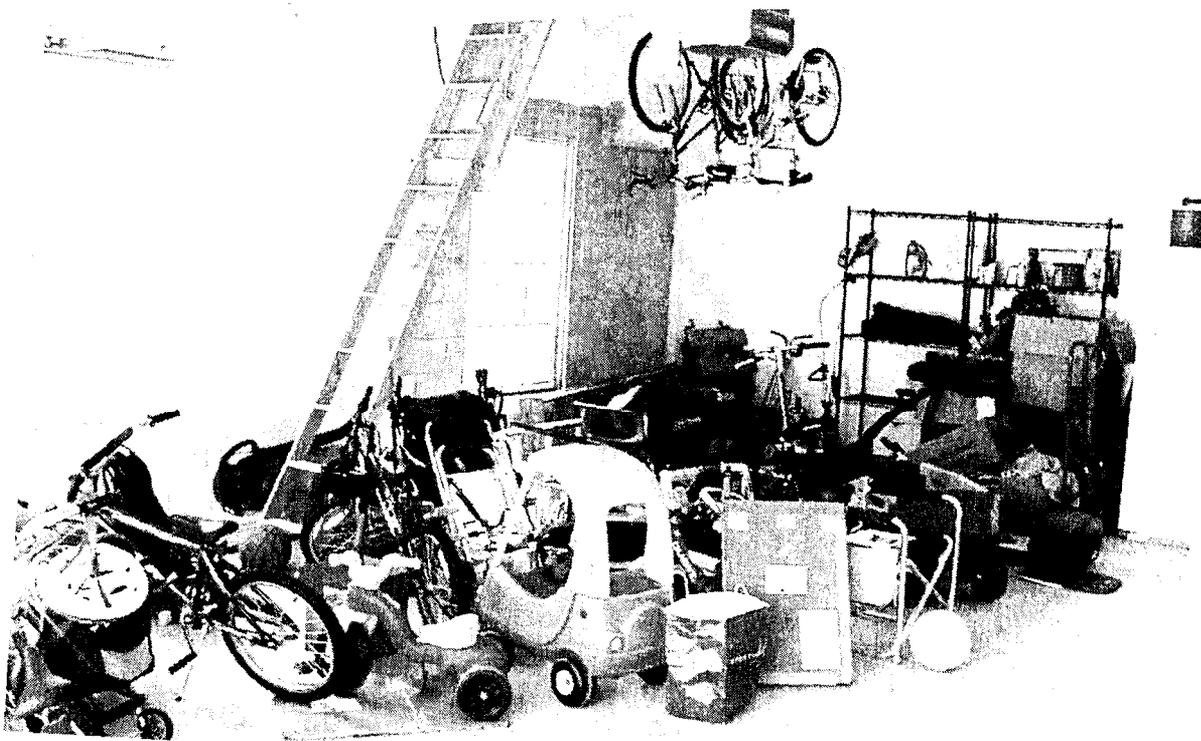
From: Tom Helle, Deputy Building Official

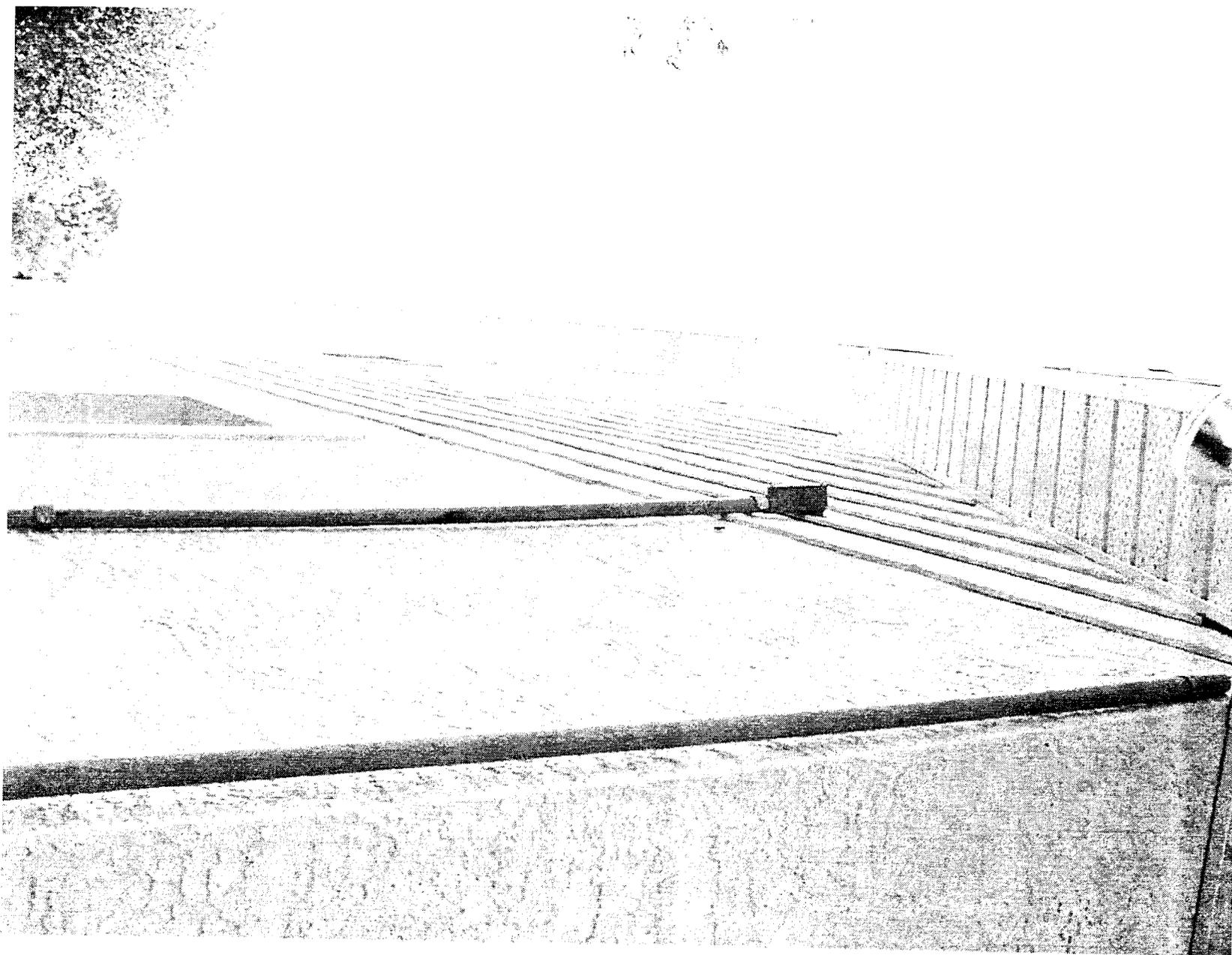
Re: **CASE NO. 03-008-001B,
SCOTT KOBRIN AND COSMOPOLITAN HOMES**

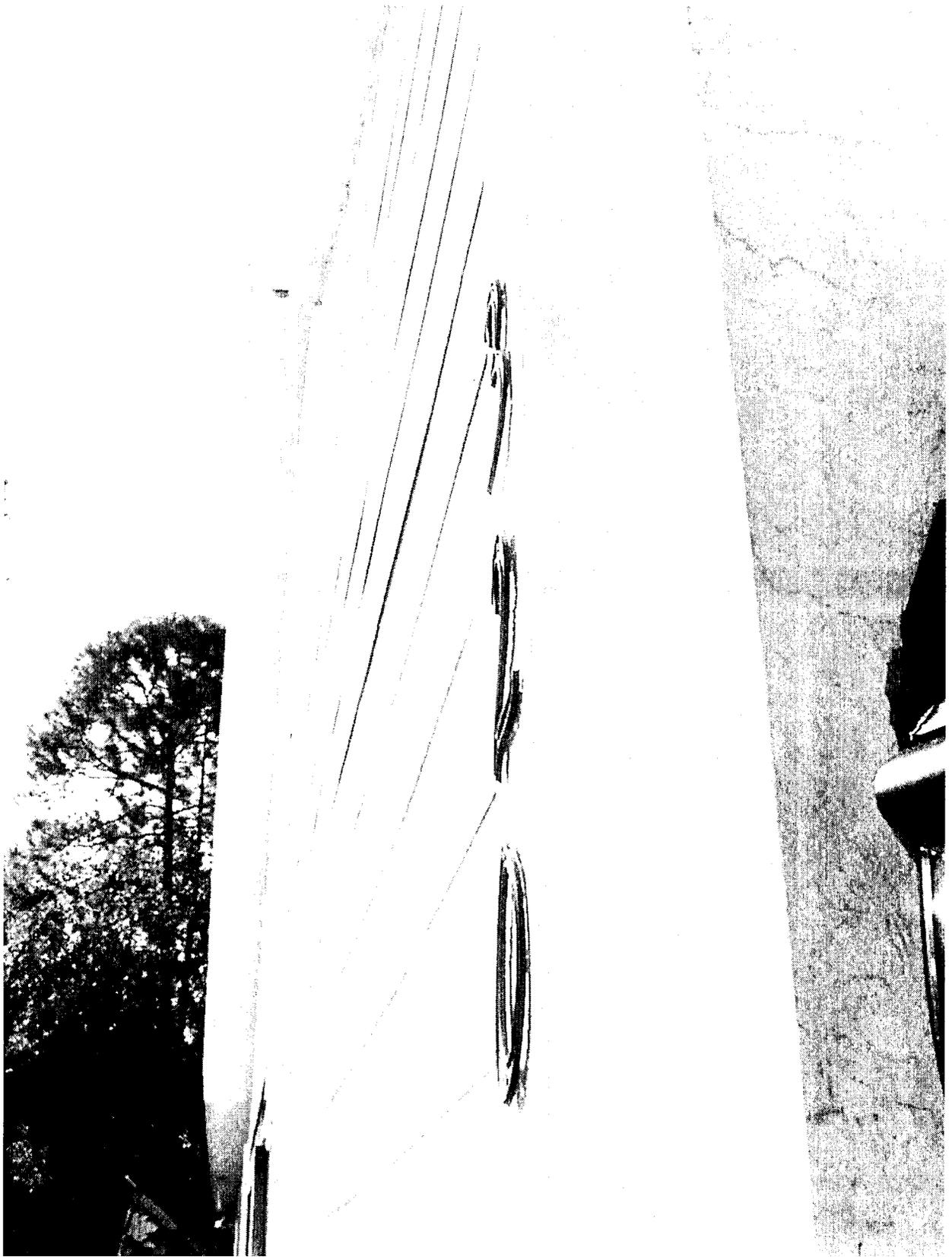
This is to notify you that the respondent, as listed above, has not complied with your order. At the August 27, 2003 hearing the Board gave the respondent, Scott Kobrin, 45 days from that date to correct the deficiencies noted in the evidence. The date of compliance was to be October 11, 2003.

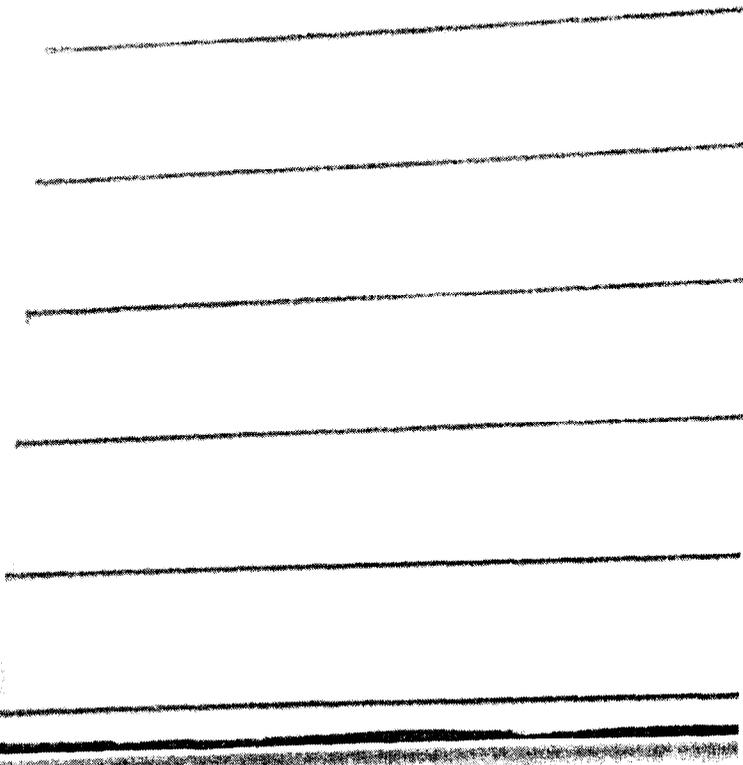
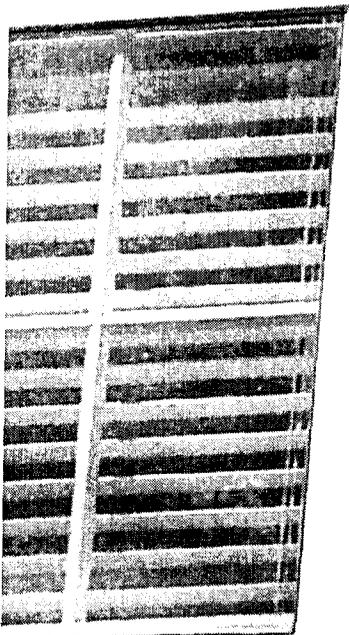
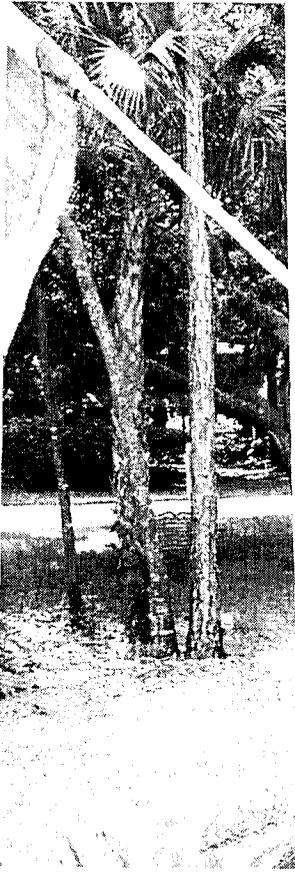
Permit number 03-9826 to move the window at 320 Kimberly Ct. was issued to Mr. Kobrin on September 3, 2003. The enclosed pictures show that the sheathing and siding are in the same condition they were as of the date of the August hearing. He has been said to have visited the sight with an Engineer. No inspections have been requested.

Staff Recommends: 1 year suspension of permitting privileges.











SEMINOLE COUNTY

Functions Help

10/25/2003 4:55:13 PM

Application number 03 0009826
 Application status, date PERMIT ISSUED 9/03/03
 Property 320 JIMBERLY CT
 Parcel ID 30 19 30 502 0000 0030
 Subdivision Name SHADOW LAKE WOODS
 Subdivision SHADOW LAKE WOODS
 Zoning R1A4A SINGLE FAMILY DWELLING
 Application type A999 MISCELLANEOUS BUILDING
 Application date 9/03/03
 Tenant number, name
 Master plan number, reviewed by EL
 Estimated valuation 50
 Total square footage 0
 Public building NO
 Work description, quantity
 Pin number 0546

OK Exit Cancel Fees Receipts

SEMINOLE COUNTY

Functions Options Help

10/25/2003 4:56:01 PM

Application number 03 0009826
 Application type MISCELLANEOUS BUILDING
 Property address 320 JIMBERLY CT
 Tenant number, name
 Contractor name COSMOPOLITAN HOMES

Str / Seq / Permit	Permit Description	Contractor / sub	Stat
001 000 0001 000	MISCELLANEOUS BUILDING PERMITS OTHERS STRUCTURES	COSMOPOLITAN HOMES	FF

OK Exit Cancel Activity inq View 2 Insp results

Functions: @phone Help



10/24/2005 4:58:03 PM

Application number 03 00009626 000 000
 Application type MISCELLANEOUS BUILDING
 Tenant number, name
 Permit type/seq/VRU BPS1 00 000705716 BLDG PNT OTHERS STRUCTURES
 Property address 3001 IMBERLY CT

Status Date	Inspection Description	Inspector ID	Request Date Line	Result Stat Date

OK

Exit

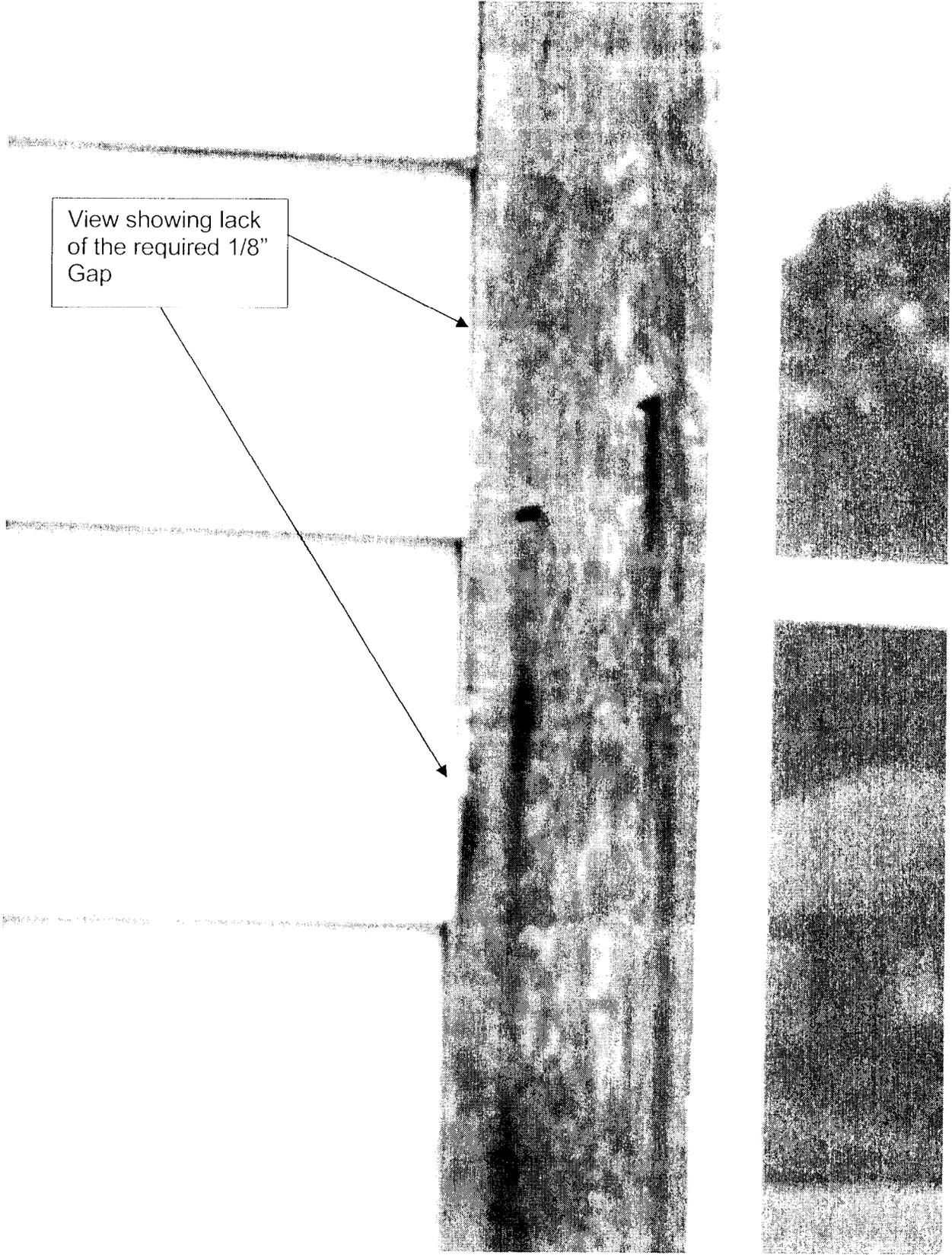
Cancel

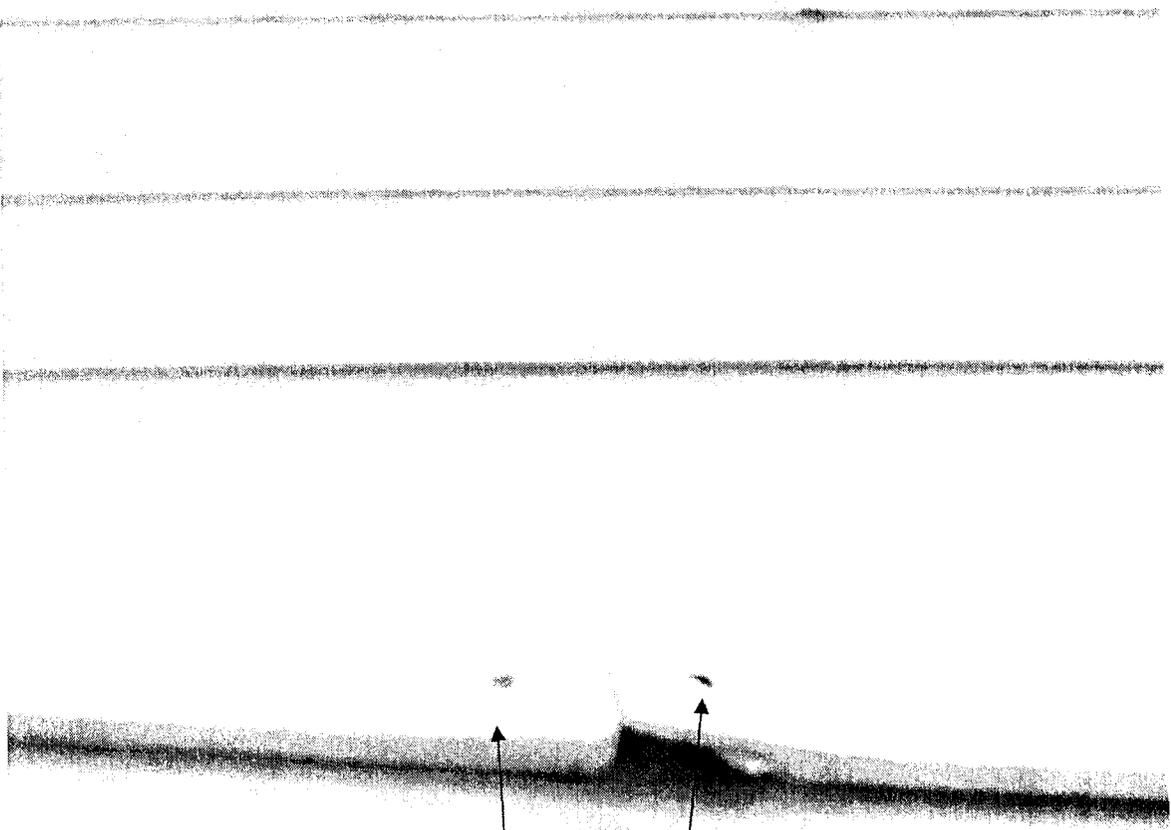
Add inspection

ADDITIONAL PHOTOS



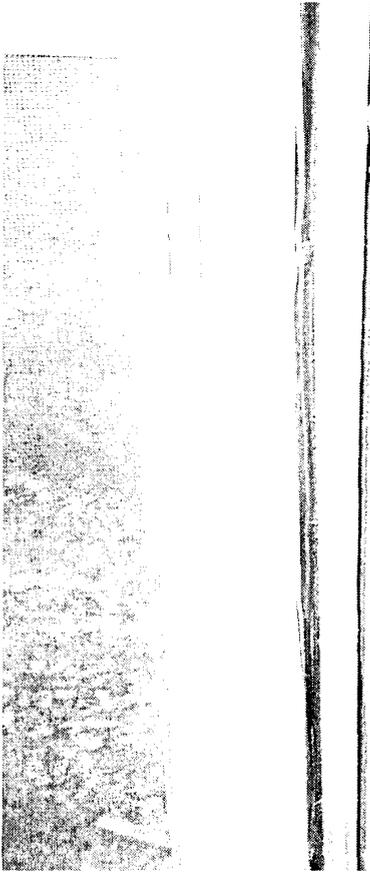
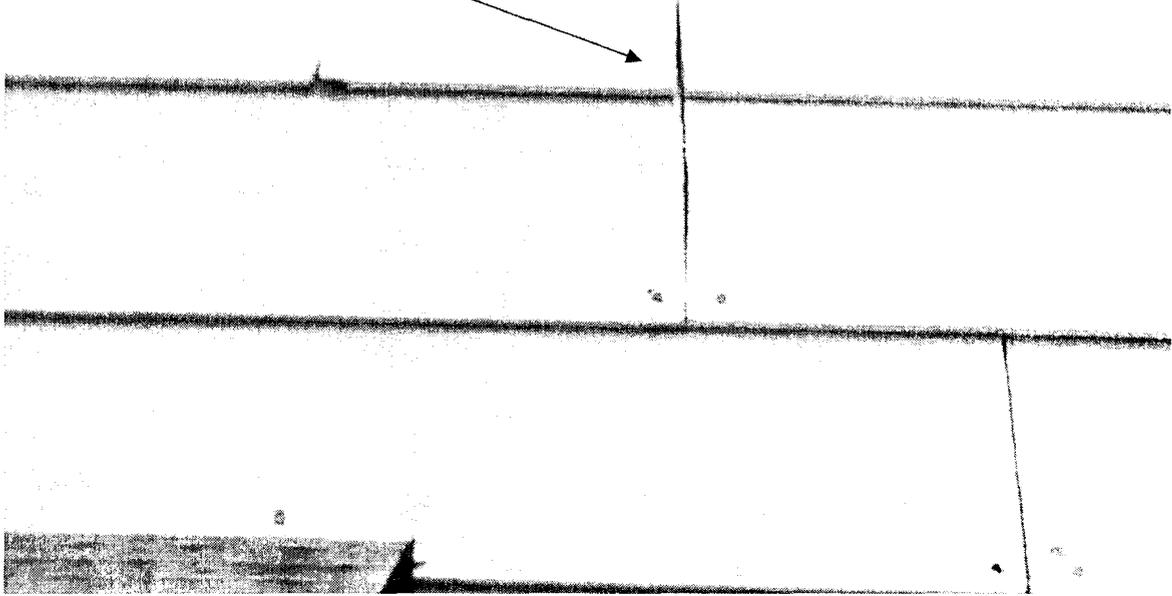
View showing lack
of the required 1/8"
Gap



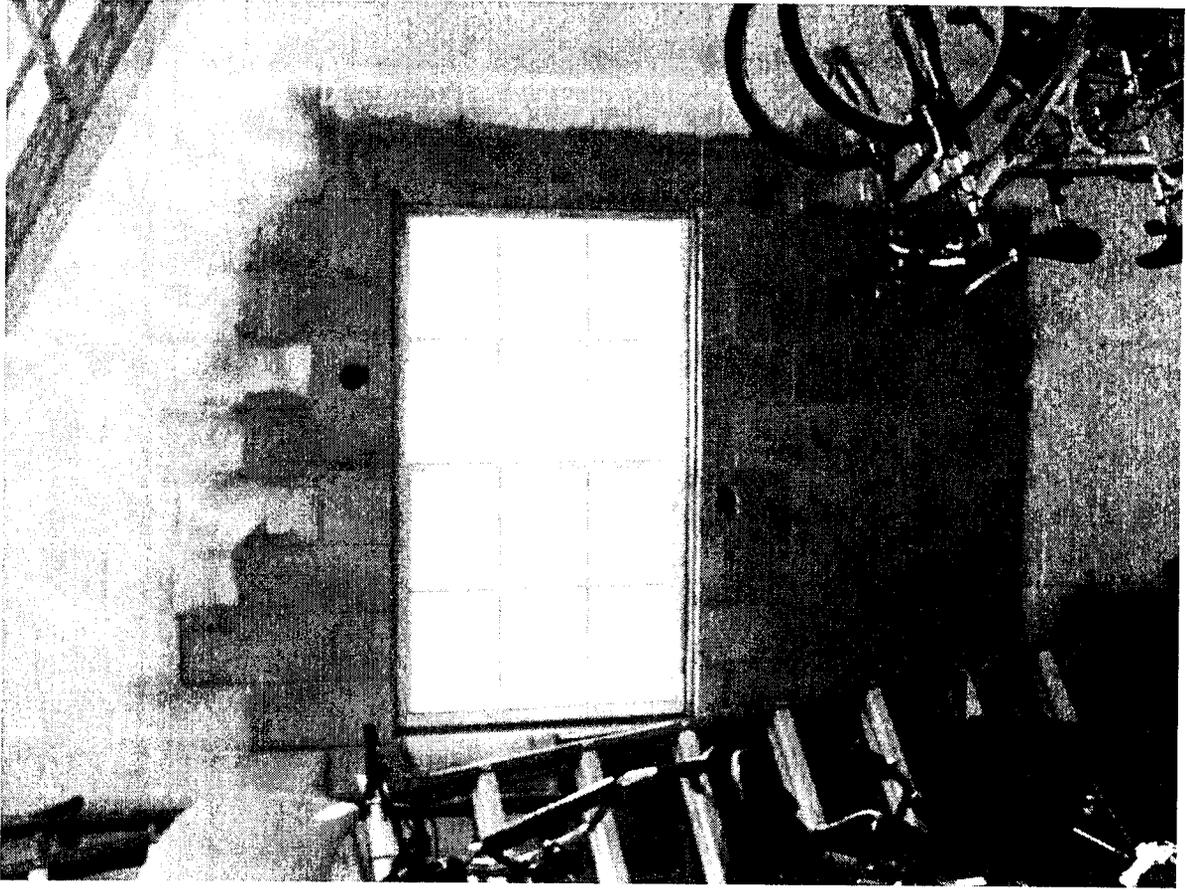


View showing nails
pulled through siding

View showing saw cut in the existing siding which occurred during the installation of the new siding



View showing lack of poured fill cell





SEMINOLE COUNTY
Division

Building

Department of Planning and Development

*1101 East First Street
Sanford, FL 32771
Phone: (407) 665-7423
FAX: (407) 665-7407*

Memorandum

Date: December 2, 2003
To: Building Contractor Examiners Board Members
From: Tom Helle, Deputy Building Official
Re: **ADDITIONAL INFORMATION – KOBRIN - CASE NO. 03-008-001B**

Attached is additional information provided by the homeowners on December 1, 2003, pertaining to the case noted above.

7 pages to follow

F

STENSTROM, McINTOSH, COLBERT, WHIGHAM, REISCHMANN & PARTLOW, P.A.
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ORLANDO (407) 834-8119
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DOUGLAS STENSTROM
KENNETH W. McINTOSH
RETIRED
THOMAS E. WHIGHAM
(1982-1988)

September 22, 2003

Todd F. Kobrin, Esquire
SHUTTS & BOWEN, LLP
300 South Orange Avenue, Suite 1000
Orlando, FL 32801

VIA FAX TO (407)849-7266
AND CERTIFIED MAIL

Re: Cosmopolitan Homes Corporation-Boss Property

Dear Mr. Kobrin:

Per our discussion, the following is a list of dates when Mr. Kobrin and his worker's may enter the Boss property to complete the work necessary to satisfy Seminole County requirements:

September 29 and 30, 2003
October 3, 6, 7, 8, 9, 10, 23, 14, 15, 16, 17

These dates are in addition to the previous dates provided to you over the phone which included September 12, 16, 17, and 18.

The Boss family requests 48 hours notice prior to the commencement of work so that they may prepare their home and family for the work that will be done on their home and adjust their schedules to accommodate Mr. Kobrin. The fax number for the Boss family is 407-324-4719.

If the aforementioned dates are not sufficient, please contact me and I will request additional dates from my clients. I appreciate your time and attention to these matters. We look forward to the resolution of this issue so that we may address the remaining items from the final punch list.

Sincerely,

STENSTROM, McINTOSH, COLBERT,
WHIGHAM, REISCHMANN & PARTLOW, P.A.



Susan W. Stacy

SWS/sr
copy to: Rob Boss
Transmission via CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

 P. 01
 TRANSACTION REPORT
 SEP-20-2003 SAT 08:49 AM
 DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP
 SEP-20 08:49 AM 4078497266 34" 1 SEND OK 654
 TOTAL : 34S PAGES: 1

STENSTROM, MCINTOSH, COLBERT, WHIGHAM, REISCHMANN & PARTLOW, P.A.
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JAMES J. PARTLOW
VIRGINIA CASADY
LUDAN W. STACY

SUNTRUST BANK - SUITE 200
200 WEST FIRST STREET
POST OFFICE BOX 4848
SANFORD, FLORIDA 32772-4848
SANFORD (407) 322-2171
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DELAND (386) 468-1470
FAX (407) 330-2379
WWW.STENSTROM.COM

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LONNIE N. GROOT
SANDRA K. ANDROSE
OF COUNSEL
DOUGLAS STENSTROM
KENNETH W. MCINTOSH
RETIRED
THOMAS E. WHIGHAM
(1902-1988)

September 22, 2003

Todd F. Kobrin, Esquire
SHUTTS & BOWEN, LLP
300 South Orange Avenue, Suite 1000
Orlando, FL 32801

VIA FAX TO (407)849-7266
AND CERTIFIED MAIL.

Re: Cosmopolitan Homes Corporation-Boss Property

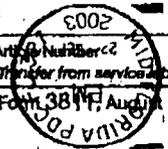
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- September 29 and 30, 2003
- October 3, 6, 7, 8, 9, 10, 23, 14, 15, 16, 17

Bo ss

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION (FOR DELIVERY)	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i></p>	
<p>1. Article Addressed to: Todd F. Kobrin, Esquire SHUTTS & BOWEN, LLP 100 South Orange Avenue, Suite 1000 Orlando, FL 32801</p>		<p>B. Received by (Printed Name) <i>T. Kobrin</i></p> <p>C. Date of Delivery <i>9-25-03</i></p>	
		<p>■ Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p style="text-align: center; font-size: 1.2em;">SEP 25 2003</p>	
		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number <i>cc2</i></p> <p>(Transfer from service label)</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>PS Form 3811, August 2001</p>		<p>91 7108 2133 3930 6660 7577</p> <p>Domestic Return Receipt</p>	



Jole

RECEIVED
OCT 02 2003

FAX TRANSMISSION

STENSTROM, MCINTOSH, COLBERT, WHIGHAM, REISCHMANN & PARTLOW, P.A.

Post Office Box 4848
Sanford, Florida 32772-4848
(407) 322-2171 (800) 247-5225
Fax: (407) 330-2379

To: Christine **Date:** October 23, 2003
Fax #: 386-668-3656 **Pages:** 1
From: Sharon Red, Assistant to *S.R.*
Susan W. Stacy, Esquire
Subject: Dates available per Mr. and Mrs. Boss for Work to be Done
320 Kimberly Court

COMMENTS: Mrs. Stacy asked that I forward to you the dates it will be convenient for Cosmopolitan Homes to do work on the home of Mr. and Mrs. Boss: They are as follows:

October 29, 2003	October 30, 2003	October 31, 2003
November 5, 2003	November 6, 2003	November 7, 2003

Please ensure that the painters come the same day or the following day to paint the siding in areas that are repaired.

Information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the United States Postal Service. Thank you.

TRANSACTION REPORT							P. 01
DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M# DP
OCT-23	01:52 PM	3866883656	27"	1	SEND	OK	282
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FAX TRANSMISSION

STENSTROM, MCINTOSH, COLBERT, WHIGHAM, REISCHMANN & PARTLOW, P.A.

Post Office Box 4848
 Sanford, Florida 32772-4848
 (407) 322-2171 (800) 247-5225
 Fax: (407) 330-2379

To: Christine *Lumbergy* **Date:** October 23, 2003
Fax #: 386-668-3656 **Pages:** 1
From: Sharon Red, Assistant to *d.R.*
 Susan W. Stacy, Esquire
Subject: Dates available per Mr. and Mrs. Boss for Work to be Done
 320 Kimberly Court

COMMENTS: Mrs. Stacy asked that I forward to you the dates it will be convenient for Cosmopolitan Homes to do work on the home of Mr. and Mrs. Boss; They are as follows:

STENSTROM, MCINTOSH, COLBERT, WHIGHAM, REISCHMANN & PARTLOW, P.A.
ATTORNEYS AND COUNSELLORS AT LAW

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FRANK C. WHIGHAM
ROBERT K. MCINTOSH
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S. KIRBY MONCRIEF
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SANDRA K. AMBROSE
OF COUNSEL

DOUGLAS STENSTROM
KENNETH W. MCINTOSH
RETIRED

THOMAS E. WHIGHAM
(1962-1988)

November 25, 2003

Todd F. Kobrin, Esquire
SHUTTS & BOWEN, LLP
300 South Orange Avenue, Suite 1000
Orlando, FL 32801

Re.: Robb Boss, et al. v. Cosmopolitan Homes Corporation

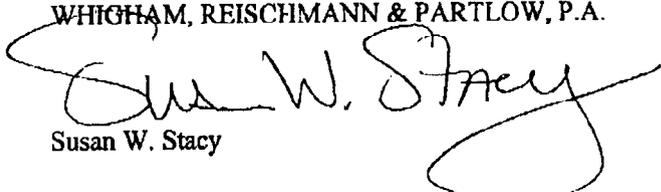
Dear Mr. Kobrin:

In response to your request of today, Cosmopolitan Homes is permitted to complete the exterior painting on the Boss home on Wednesday, November 26, 2003.

I disagree with your representation that Cosmopolitan Homes has been precluded from arranging repair work directly with the owners. On November 18, 2003, contrary to your assertion, Scott Kobrin of Cosmopolitan Homes arrived unannounced at the Boss's property and proceeded to evaluate the Hardi plank siding. Robb Boss welcomed Scott Kobrin and merely asked that in the future he provide a phone call ahead of time to announce his arrival.

Sincerely,

STENSTROM, MCINTOSH, COLBERT,
WHIGHAM, REISCHMANN & PARTLOW, P.A.


Susan W. Stacy

SWS/sr

copy to: Mr. and Mrs. Robb Boss

E:\sws\CLIENTS\VA-EBoss\Ltr opp counsel4.wpd

SEMINOLE COUNTY

SEMINOLE COUNTY
BUILDING CONTRACTORS EXAMINERS BOARD

DATE: 08/27/03
CASE # 03-008-001B

vs.

SCOTT KOBRIN
and COSMOPOLITAN HOMES, INC.

LICENSE # CRC053745

SUMMARY

CHAIRMAN: Bobby VonHerbulis (BV) Abstained

VICE CHAIRMAN: Bill Miller (BM) Acting Chairman

MEMBERS: James Gamble (JG)
Marti Chan, (MC)
Charles Mitchell (CM)

DEFENDANT: Scott Kobrin (SC)

OTHER SPEAKERS: Larry Goldman, Building Official (LG)
Tom Helle, Deputy Building Official (TH)
Karen Consalo, SC Assistant Attorney (KC)
Todd Kobrin, Legal Counsel for the Respondent (TK)
Rob Boss, Homeowner (RB)
Paul Watson, Chief Building Inspector (PW)
Ed Hoffer, Electrical Inspector (EH)
Diane Vasquez, Board Clerk (BC)

The Chairman, Bobby VonHerbulis, abstained from voting due to a conflict of interest. The gavel is passed to the Vice Chairman, Bill Miller, to hear the case.

Case 03-008-001B is announced and Tom Helle begins by stating he had received a phone call from the complainant's attorney that morning, requesting a continuance. They are give the opportunity to be heard later in this hearing. The Board goes on to hear the second case on the agenda. Once the second case is heard, Mr. VonHerbulis steps down once again and Mr. Miller chairs the case.

Tom Helle begins by recounting that he had received a phone call from the homeowner in December of 2002 with concerns on an electrical problem. Electrical inspector, Ed Hoffer, was dispatched to the home and found workers relocating a window in the garage. Mr. Hoffer

inquired if they had a permit for the work and they did not. Mr. Helle States that Mr. Hoffer advised them to obtain a permit. He did not issue a Notice of Code Violation at that time.

Mr. Helle states that he received a phone call from the Bosses on or about January 6, 2003, with concerns that a permit for the relocation of the window had not been secured. During subsequent inspections the issues of the unsealed wood sheathing and the mis-installation of the Hardy plank siding, requiring a 1/8th inch gap where the siding butts into any vertical trim, were discovered by Paul Watson, Chief Building Inspector.

The Board is offered the opportunity to question Mr. Helle. Mr. Mitchell inquires about the incorrect position of the window prior to being relocated. Mr. Helle responds that generally, those details are left to the responsibility of the contractor. The inspector does not measure each of those details.

Mr. Mitchell inquires about the Code content allowing for a building violation when manufactures specifications are not followed. Mr. Helle clarifies for Mr. Mitchell the provision in the administration section of Chapter One. It relates to work not covered by Code which leaves it up to the discretion of the Building Official to allow a product that has been listed through a third party testing institution. The material must be installed according to that manufactures recommendations, which is the case with the Hardy plank.

Mr. Todd Kobrin comes to the podium at this time to give testimony on behalf of his client, the respondent, Scott Kobrin. He speaks on Scott Kobrin's history as a contractor in the area and states that Scott Kobrin has not had another incident in any of the 12 municipalities where he provides services.

Mr. Todd Kobrin states that the issue is a construction dispute between homeowner and builder on the expectations of what should have been under the terms of their contract. He states that the contractor believes that he has fully complied under the terms of that contract but the homeowner does not agree. He states the issue to be determined today is whether Mr. Kobrin's license should be suspended in Seminole County per the Staff's recommendation of a 12 month suspension.

Mr. Todd Kobrin goes on to outline for the Board Members, the civil situation that he describes as the motivation for the complaint. He explains to the Board, the relationship between Mr. Scott Kobrin and homeowners, Mr. and Mrs. Boss, previous to this contract. Rob Boss' brother is Scott Kobrin's Childhood best friend. He explains that due to that relationship, the house was built by Scott Kobrin at cost.

Mr. Todd Kobrin continues by describing that a break in communication occurred between Scott Kobrin and Rob Boss early on. At the time of the completion of the contact, the Certificate of Occupancy was issued. At the closing, a punch list was submitted to Scott Kobrin by the homeowners, describing many items for the contractor to correct, including the movement of the window. He states that some of the items were negotiated and removed from the list.

Todd Kobrin states that at that time, a request was made by Rob Boss for the amount of \$25,000.00 to remain in escrow until the repairs were completed. Scott Kobrin had objected at

the time, stating that the home was built without profit and that money was his. Ultimately, the dispute was settled by splitting the amount between Scott Kobrin and the Bosses. After agreeing to complete the remainder of punch list items, Scott Kobrin contacted the subcontractors to complete any applicable items on the punch list.

Todd Kobrin states that at that point, Rob Boss began to “micro-manage the construction process”, and that Scott Kobrin felt that situation would be acceptable, as long as the homeowners were happy. Rob Boss arranged a work party for December 19, 2002, for all subcontractors with work to be done. Todd Kobrin states that Scott Kobrin did not pull a permit for the post occupancy work. He states the reason as, “we didn’t know it needed to be pulled”. He explains that, in all of the contractor’s experience, he has not had an experience that post occupancy work was not covered by the original permit. He states the he was wrong but it was not a willful violation.

Todd Kobrin goes on to describe a situation during the work party where a conflict arose between an electrician and the homeowners. The electrician was not able to complete work on the electrical box due to his refusal of a request by the homeowners that he remove his boots inside the house. Mr. Kobrin explains that it was during this work party that the Seminole County inspector came and saw the block masons moving the window. He states that after that work party, Scott Kobrin received another letter dated January 3, 2003, threatening litigation and a series of additional punch list items.

Todd Kobrin tells the Board that on January 6, 2003, the subs went back to fix the window. He states that it was not at their request since he had directed Cosmopolitan Homes to take no further action on the house until some of the issues between them and the homeowners were resolved. Initially, he states, the intended to pull the permit but due to the potential litigation involved, they were not sure they would be doing the work. He admits that not pulling the permit was a mistake, but not willful or intentional.

Mr. Kobrin continues, addressing Staff’s recommendation of a one year suspension. He tells the Board that they have several homes under construction, one under contract and multiple homes anticipated in the coming year. He asks that that Scott Kobrin be given a fine of \$250.00 and advised that, in the future, any post Certificate of Occupancy work involving any significant alteration will require a permit.

Todd Kobrin addresses a concern of potential moisture penetration. He describes the hardy plank siding that is installed and its characteristics. He goes on to describe the required 1/8th inch expansion gap that is lacking. He gives a possible explanation that the siding may have expanded because of moisture or the gap was covered by caulk. He suggests a remedy of running a saw against the trim to create the gap. He states the correction of the gap, as well as missing sheathing, has not been made due to threats of litigation.

Mr. Kobrin attests to Scott Kobrin’s history as a builder and states that a one year suspension would put his livelihood at risk. He suggests to the Board that he be allowed to lead Scott Kobrin through some testimony to affirm the testimony he has given. The Board members inform Todd Kobrin of the procedures of their hearings. The Board states that would prefer to question Scott

Kobrin directly. They do agree to allow him to speak at the end of Scott Kobrin's testimony if time allows.

Scott Kobrin comes to the podium at this time to give testimony. Jim Gamble begins by asking Mr. Kobrin questions in regard to date of the final inspection and the window that was relocated. Mr. Kobrin clarifies that he had given the subcontractors copies of the punch list and states his recollection of the window being moved after a tree had been planted in front of the house. He states that he recalls the 19th (December) was the date most contractors went out to correct punch list items.

Charles Miller addresses Mr. Helle about the electrical inspectors visit. Mr. Helle defers to Ed Hoffer to reply. Mr. Hoffer states he found a line to the well had been cut during the installation of a sprinkler system.

Mr. Mitchell addresses Mr. Helle again in regard to the 1/8th inch gap not being found previously. Mr. Helle's reply sights the possibility that it was missed due to caulking and paint. He reports siding had begun buckling, which prompted Paul Watson and Larry Goldman's visit to inspect the home. Mr. Mitchell recaps by saying it was either missed or acceptable at CO.

Marti Chan asks if the problem with the 1/8th inch gap was isolated to the area of the garage where the window was relocated. Paul Watson and Tom Helle respond that the problem was in many areas. Ms. Chan then inquires about who's responsibility it is to pull the permit. Mr. Helle explains that if the contractor is involved, it is his responsibility. Mr. Helle describes some conflicting information he obtained and his hope that the testimony at this hearing would determine who was responsible.

Mr. Mitchell states that Mr. Kobrin stated that he was coordinating the punch list items. Mr. Kobrin agrees and states the subcontractors have a year warranty to honor. Mr. Mitchell asks Mr. Helle for clarification where a Certificate of Occupancy has been issued and the occupants move in with a major punch list item to be completed. Was a permit required?. Mr. Helle answers that the state building code requires a permit for moving a window. To clarify further the issue of the necessity of a permit after the Certificate of Occupancy, Mr. Helle explains that once the Certificate of Occupancy is issued, the permit is closed. Any work outside of that requires a separate permit.

Bill Miller inquires about the actual distance the window was moved. Mr. Helle replies that they were not able to determine how far the window was moved.

Some conversation continues in regard to the construction of the building and Mr. Miller asks if the movement of the window infringed upon the structural integrity of the building. After some discussion, they conclude that, not knowing how far the window was moved, it was not possible to determine to what extent, if any, the structural integrity of this structure was affected. Mr. Helle does say that if the downpours had been replaced per the original plan, it would be safe to say that the move had no or extremely minor affects on the structural integrity of the building.

Paul Watson addresses the Board to describe the position of the precast lintel in relationship to the location of the window. He uses the overhead to point out where a block was placed to the right of the precast lintel, above the window. He states that it is probably not bearing properly on that side. Mr. Watson also states that the window appears to have been moved more than four inches.

Bill Miller addresses Scott Kobrin and inquires as to how long he has been in business and Mr. Kobrin replies he has been in business since 1991. Mr. Miller then inquires which associations and professional organizations Mr. Kobrin might belong to. Mr. Kobrin states he is currently a member of the Volusia County Home Builders Association and previously belonged to the Mid Florida Home Builder's Association. When asked if he had participated in any activities of recognition or presentation, Mr. Kobrin responds that he had but did not currently have the information. Without being specific, Mr. Kobrin lists some of the types of recognition he has received in the community as a home builder.

Mr. Miller inquires with Scott Kobrin if, without the civil matter, would he be willing to satisfy the complaints of the Building Department. Mr. Kobrin responds that he would, "100%". Mr. Miller goes on to ask why he has not done them. Mr. Kobrin explains that the money that was put in escrow was his money that he had given to get things completed. He states that the homeowner wanted to keep the money that is in escrow, as well as have Mr. Kobrin complete the job. He explains that at that point his counsel, Todd Kobrin, had advised him to stop work or he may be liable to pay the money in escrow as well.

Mr. Miller asks if the homeowners would like to speak at this time. Mr. & Mrs. Kobrin are sworn in. Rob Boss speaks to the Board. He states that the window was moved four feet, not a couple of inches. He offers a copy of his plans for the Boards review. Mr. Miller explains the procedure of the Board for accepting evidence. Todd Kobrin objects to the submission. Karen Consalo comes to the podium to assist the Board in their decision. The Board decides photos Mr. Boss would like to submit are relevant to the violations. Mr. Miller calls a three minute recess to view them.

When the Board reconvenes, Rob Boss displays the photos on the overhead. Mr. Miller discontinues the presentation stating the information was not relevant to the case. Mr. Boss is instructed to submit the photos and any additional complaints he may have, to the Building Department.

Mr. Miller asks Mr. Boss about the letter of litigation. Mr. Miller clarifies for Mr. Boss; the reason for the question is in relation to Mr. Kobrin being instructed to stop work on the house. He goes on to say that the Board is interested in the completion of the work and whether the Mr. Kobrin will be allowed on site. Mr. Boss states that he would like someone to inspect the work as it is being done and to keep Scott Kobrin accountable. Mr. Miller explains that is not in the jurisdiction of this Board. Mr. Boss asks if the Board would direct Mr. Kobrin to replace siding on the entire house due to the fact that several areas are affected by the issue before the Board. Mr. Miller states that is not within the Boards purvey and he couldn't say if the Building Department would be able to either.

Rob Boss then inquires on how these issues would be addressed and Jim Gamble answers that the issue would have to be code related for the Building Department to address it. That ends Mr. Boss's testimony.

Jim Gamble requests to make a motion and Mr. Miller agrees. Mr. Gamble states that there are two issues to be addressed today, the window and the siding. He moves that the contractor go back out to the property and make sure the window is structurally sound, and the siding meets the code and the manufactures recommendations. Also that he pull any permits and pay all fees. He requests that a letter of reprimand be entered into his file. The motion is seconded by Charles Mitchell.

Mr. Helle addresses the Board to bring to their attention that there are three items in contention. The third item not addresses is the exposed wood sheathing. Jim Gamble amends his motion to include the third item and Mr. Mitchell seconds the amendment.

Discussion ensues and Mr. Mitchell inquires about adding a time frame. Mr. Gamble amends the motion to include 45 days in which to complete the work and get inspections. Mr. Mitchell seconds the amendment.

Karen Consalo approaches the Board with concerns about the sanctions to be imposed and the Boards power to impose them. The situation is finally resolved when Mr. Gamble withdraws the motion and Mr. Mitchell withdraws the second.

A new motion is made by Mr. Mitchell. He moves to require the contractor to rectify all three issues, the installation of the window, and the 1/8th inch gap of the hardy plank siding, and the exposed sheathing, in a manner that can be approved by the Building Department, with 45 days. If that correction is not made and approved within 45 days, he recommends a 1 year suspension of permitting privileges, and a letter of reprimand be issued immediately into his file. Jim Gamble seconds the motion.

An issue of the 1 year suspension comes up. The concern is that some circumstances may inhibit the completion of the work. The issue is resolved by Mr. Mitchell modifying his motion. He moves that the contractor be required to make all three corrections per code, as discussed. He has 45 days in which to complete the corrections or come back before the Board. And a letter of reprimand is to be entered into his file.

They vote and the motion carries, 4-0.

SEMINOLE COUNTY

SEMINOLE COUNTY
BUILDING CONTRACTOR EXAMINERS BOARD

CERTIFIED : 7003 1010 0003 7841 2504

vs.

LICENSE # CRC053745

SCOTT KOBRIN
AND COSMOPOLITAN HOMES, INC.

CASE # 03-008-001B

FINDINGS AND ORDER

THIS CAUSE having come before the Building Contractor Examiners Board (the "Board") on **December 3, 2003**, pursuant to Seminole County Code of Ordinances Section 40.18 and the Board having heard sworn testimony from **Mr. Tom Helle, Deputy Building Official**, and **Mr. Scott Kobrin, CRC053745**.

THE BOARD FINDS as follows:

That Scott Kobrin and Cosmopolitan Homes, Inc. did:

a) Fail to comply with the Findings and Order of this Board on August 27, 2003 which stated Mr. Kobrin and Cosmopolitan Homes, Inc. were in violation of the following;

- 1) Relocating a window without the required permit.**
- 2) Installing Hardie Plank siding without the required 1/8" gap.**
- 3) Did not provide the proper protection of the exposed sheathing.**

Therefore, Scott Kobrin and Cosmopolitan Homes, Inc. are guilty of violations of:

a) Florida Building Code, Sections 104.1.1, 105.4 and 2303.3;

THEREFORE IT IS ORDERED AND ADJUDGED that:

- 1. Mr. Kobrin's and Cosmopolitan Homes, Inc.'s right to secure permits in Seminole County is suspended immediately for a period of one year.**
- 2. That Mr. Kobrin and Cosmopolitan Homes, Inc. completes the outstanding code violations to the satisfaction of the Building Division within 30 days.**
- 3. If the outstanding violations are not corrected within 30 days, Mr. Kobrin's and Cosmopolitan Homes, Inc.'s right to secure permits in Seminole County will be suspended for 5 years.**

The petitioner is hereby notified that an appeal from the decision of the Board may be made by filing a Notice of Approval in writing with both the Building Contractors Board and the Board of County Commissioners within thirty (30) days after the entry of said decision.

In accordance with Florida Statutes, Chapter 489.131(7)(c) and (d), the disciplined contractor, the complainant, or the Department of Business and Professional Regulation may challenge the local jurisdiction enforcement body's recommended penalty for Board action to the State Construction Industry Licensing Board. A challenge shall be filed within sixty (60) days of the issuance of the recommended penalty to the State Construction Industry Licensing Board in Jacksonville, Florida. If challenged, there is a presumptive finding of probable cause and the case may proceed before the State Board without the need for a probable cause hearing.

Failure of the disciplined contractor, the complainant, or the Department of Business and Professional Regulation to challenge the local jurisdiction's recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the State Construction Industry Licensing Board.

A waiver of the right to a hearing before the State Board shall be deemed an admission of the violation, and the penalty recommended shall become a Final Order according to procedures developed by State Board rule without further State Board action.

Pursuant to Section 120.59, Florida Statutes, the Parties are hereby notified that they may appeal the Final Order of the State Board by filing one copy of a Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, and by filing the filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the effective date of said Order.

DONE AND ORDERED this 3rd day of December, 2003.

Building Contractors Board
Seminole County, Florida

Bill Miller

Bill Miller,
Acting Chairman

Diane Vasquez

Diane Vasquez,
Board Clerk

12.9.03



Diane Vasquez
MY COMMISSION # DD027012 EXPIRES
May 17, 2005
BONDED THRU TROY FAIR INSURANCE, INC.

cc: Contractor file
State of Florida, Department of Business & Professional Regulation

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the envelope or to the front if some permits.
- Use an Address Label.

Scott Kobrin
 and Cosmopolitan Homes, Inc.
 80 Spring Vista Drive
 Suite 100
 Debary, FL 32713

COMPLETE THIS SECTION ON DELIVERY

1. Signature
 X Signature of addressee
 Signature of carrier
 Signature of other person

- Delivery attempted
- Delivery refused
- Delivery not attempted
- Delivery not possible

PS Form 3811, August 2001

7009 1010 0008 0043 5024

U.S. POSTAL SERVICE
CERTIFIED MAIL RECEIPT
 RECEIVED BY: *Scott Kobrin*
 DATE: *10/10/01*
 TIME: *10:30 AM*
 OFFICE: *Debary, FL*
 ADDRESS:
 Scott Kobrin
 and Cosmopolitan Homes, Inc.
 80 Spring Vista Drive
 Suite 100
 Debary, FL 32713

January 1, 2004

Scott Kobrin
Cosmopolitan Homes
80 Spring Vista Dr.
Ste 100
Debary, FL 32713
VIA FACSIMILE 386-668-3656

Dear Mr. Kobrin:

On December 31, 2003 you had your framers come out to our home to start the work that was ordered by Seminole County Building Contractor Examiners Board requiring a 1/8" gap in the siding. The framers used a circular saw to cut a 1/8" gap around the windows and the trim.

Randy Hatch, Seminole County Inspector, came out to inspect the work. He said that work was not completed due to lack of a 1/8" gap at the angled portion of the window trim and at the top portion of the trim under soffit. Your framer said he had concerns with using a sawzall because of the potential damage it could cause. Randy Hatch and your framer discussed other tools that could be used to reduce the risk of damage to our home. Your framer did not have those tools with him but could get them and have the rest of the work completed by Friday, January 2, 2004.

This other option was suggested to you to reduce the additional amount of damage to our home. You chose to have them use the sawzall anyway. I did let Randy Hatch and your framer know that if there was damage to our house I would have them stop using the sawzall and wait to use the alternative method of completing the work.

As your framer had feared the sawzall started eating up the trim and the siding, leaving gashes and saw cuts along the trim of the window. I asked them to stop and let you know that this was unnecessary and unacceptable damage.

I informed Tom Helle, Deputy Building Official, what the situation was. Later we had a phone conversation and I communicated that there was needless and unacceptable damage to our home. You assured me that any damage would be corrected. I let you know that it would be foolish of us to allow even more damage to our home when we have a list of repairs that you have not corrected in over a year.

I want to make it very clear that we never refused you or your workers access or the ability to do work on our home to comply with the County's order. We do not however, want any further unnecessary damage to our home. If you would like to complete the work on our home in a professional and acceptable manner please feel free to contact us to schedule a time to do so.

Sincerely,



Robb Boss

SHUTTS
&
BOWEN
LLP

ATTORNEYS AND COUNSELLORS AT LAW

January 2, 2004

VIA HAND DELIVERY

The Honorable Daryl McLain
Chairman
Board of County Commissioners of Seminole County
C/O Clerk to Board of County Commissioners
Seminole County Services Building
1101 East First Street
Sanford, Florida 32771

RE: Appeal by Scott Kobrin of Cosmopolitan Homes Corporation of the Board of Building Contractor Examiners, made on December 3, 2003 (Case No.: 03-008-001B)

Dear Chairman McLain:

Scott Kobrin of Cosmopolitan Homes Corporation hereby respectfully appeals to the Seminole County Board of County Commissioners ("Board") the December 3, 2003, decision of the Seminole County Board of Building Contractor Examiners ("BCE") pertaining to the suspension of Mr. Kobrin's ability to secure construction permits in Seminole County for a period of one (1) year.

At the December 3, 2003, BCE meeting, Mr. Kobrin testified that he had completed the work stipulated under the order previously issued by the BCE on August 27, 2003. Unfortunately, Mr. Kobrin was not aware that "hard" proof of completion would be required at the December 3rd meeting and therefore did not bring any photographs confirming that the work had been completed. At the December 3rd meeting, Mr. Kobrin was informed by the BCE that even if the work had been "physically" completed, it would not be deemed complete by the BCE until he scheduled the required interim inspection. Mr. Kobrin was unaware that an interim inspection was required as the permit he secured to finish the remaining items made no mention of an interim inspection. In light of the foregoing, Mr. Kobrin was under the impression that he simply had to complete the work and schedule a final inspection with Seminole County. If Mr. Kobrin had been informed that an interim inspection was necessary in order for the BCE to deem the outstanding items complete, he would have been more than happy to comply with this additional requirement prior to December 3, 2003.

January 2, 2004

Page 2

Upon being informed that an interim inspection was necessary, Mr. Kobrin diligently and in good faith coordinated with the County to schedule the required inspection. At the interim inspection on December 29th, Mr. Kobrin was informed that additional work beyond that originally communicated would be required in order for the BCE to consider the work complete. Mr. Kobrin has worked throughout the holidays in an effort to meet the County's additional requirements and complete the work in the "technical" sense within the thirty (30) day period specified under the BCE's December 3rd order. In light of the above factual situation, we believe the imposition of one (1) year suspension of Mr. Kobrin's ability to secure construction permits is unreasonable. Mr. Kobrin is prepared to provide proof that the work was physically completed as of December 3, 2003, and that had the BCE informed him of the required interim inspection and given him a reasonable timeframe to schedule the same he would have done so from the beginning.

Mr. Kobrin has several pending and existing contracts in Seminole County that he cannot complete as a result of the BCE's decision and therefore the Board's prompt attention to this matter is greatly appreciated. County staff has advised that a filing fee is not required to process the appeal and therefore we have not included a check with our submittal.

Thank you very much for your prompt attention to this matter.

Respectfully,

SHUTTS & BOWEN LLP

Meredith Pickens, HMK

Meredith Pickens

MHP/hmk

cc: Mr. Kevin Grace, Board of Building Contractor Examiners (via hand delivery)
Mr. Tom Helle, Board of Building Contractor Examiners (via hand delivery)
Mr. Larry Goldman, Board of Building Contractor Examiners (via hand delivery)
Susan Dietrich, Esq., County Attorney (via hand delivery)
Mr. Scott Kobrin, Cosmopolitan Homes (via facsimile 386-668-3656)
Todd F. Kobrin, Esq.
Earnest Deloach, Jr., Esq.
John H. Dannecker, Esq.

SHUTTS
&
BOWEN
LLP

ATTORNEYS AND COUNSELLORS AT LAW

January 2, 2004

VIA HAND DELIVERY

Tom Helle, Deputy Building Official
c/o Seminole County Board of Building Contractor Examiners
1101 East First Street
Sanford, FL 32771

**Re: Seminole County Board of Building Contractor Examiners v. Scott Kobrin
And Cosmopolitan Homes
Case: No. 03-0078-001B**

Dear Mr. Helle:

This correspondence is to advise you of the recent status in the above-referenced case.

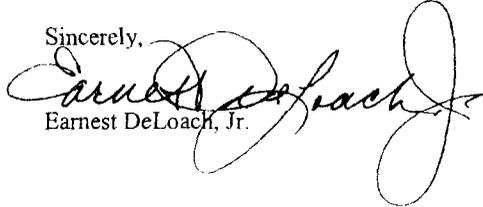
As you are aware, on December 3, 2003, the Seminole County Board of Building Contractor Examiners (the "Board") issued an Order suspending Scott Kobrin's ability to secure building permits in Seminole County for one year based on alleged violations of the Seminole County Building Code. The Board's decision to suspend Mr. Kobrin's license is currently being appealed. The Board also ordered that Mr. Kobrin complete rehabilitative work to the home of Mr. and Mrs. Rob Boss, (the "homeowners" within 30 days or else face suspension of his ability to secure permits in Seminole County for 5 years. Pursuant to the Board's Order, Mr. Kobrin's deadline for completion of the work to the subject home ends Friday, January 2, 2004.

As you recall, on Tuesday, December 30, 2003, while at the home of Mr. and Mrs. Boss, you directed Mr. Kobrin to complete a 1/8 inch gap between the siding and trim of all doors and windows on the exterior of the home. You made it very clear to Mr. Kobrin that without the completion of this final item, you would be unable to "sign off" on Mr. Kobrin's work. Thereafter, as Mr. Kobrin's framer attempted to complete the work you advised was essential to his compliance with the Board's Order, the complaining homeowners refused to allow the completion of the work.

On Wednesday, December 31, 2003, you advised me in a telephone conversation that while it was your job to enforce the Order of the Board to ensure that Mr. Kobrin fully complied by the January 2, 2004 deadline, you could do nothing to force the complaining homeowners to accept the means and method by which Mr. Kobrin sought to complete the work. Further, you advised me that if Mr. Kobrin was unsuccessful in completing the assigned work as directed by the Board, even if such failure was solely based on the homeowners' refusal to allow the completion of the work, that Mr. Kobrin would face a 5 year suspension of his license in Seminole County.

To date, the homeowners have continued to refuse to allow Mr. Kobrin to complete the assigned finish work. Despite Mr. Kobrin's best efforts, the homeowners have proven the only obstacle in Mr. Kobrin's intent and ability to comply with the wishes of the Board. Due to the potential sanctions threatened by the consequences of the homeowners' intentional recalcitrance, Mr. Kobrin hereby explicitly reserves his right to appeal any future Board action regarding this matter. Specifically, Mr. Kobrin opposes any additional actions taken against his license or ability to do business in Seminole County as a direct result of the homeowners' willful refusal to allow Mr. Kobrin's timely completion of the assigned work.

Sincerely,



Earnest DeLoach, Jr.

ED/bf

cc: Seminole County Board of County Commissioners
Mr. Scott Kobrin

**MOLYET
ENGINEERING LLC**

110 WEST RICH AVENUE 1060 East Industrial Drive
DeLAND, FL 32763 Orange City, FL 32763

PE041509

OFFICE COPY

September 15, 2003

Seminole County Building Department
1101 East First street
Sanford, FL 32771

Re: Lintel Inspection
320 Kimberly Court
Sanford, FL
Seminole County Building Permit #03-9826

03-98262
(2)
REVISION

REVIEWED

SEP 19 2003

SEMINOLE COUNTY
PLANS EXAMINER

Dear Building Official:

On Friday, September 12 I visited the referenced site and inspected the newly installed lintel. After the inspection, and considering the loading in this area, my professional opinion is that the lintel is structurally adequate.

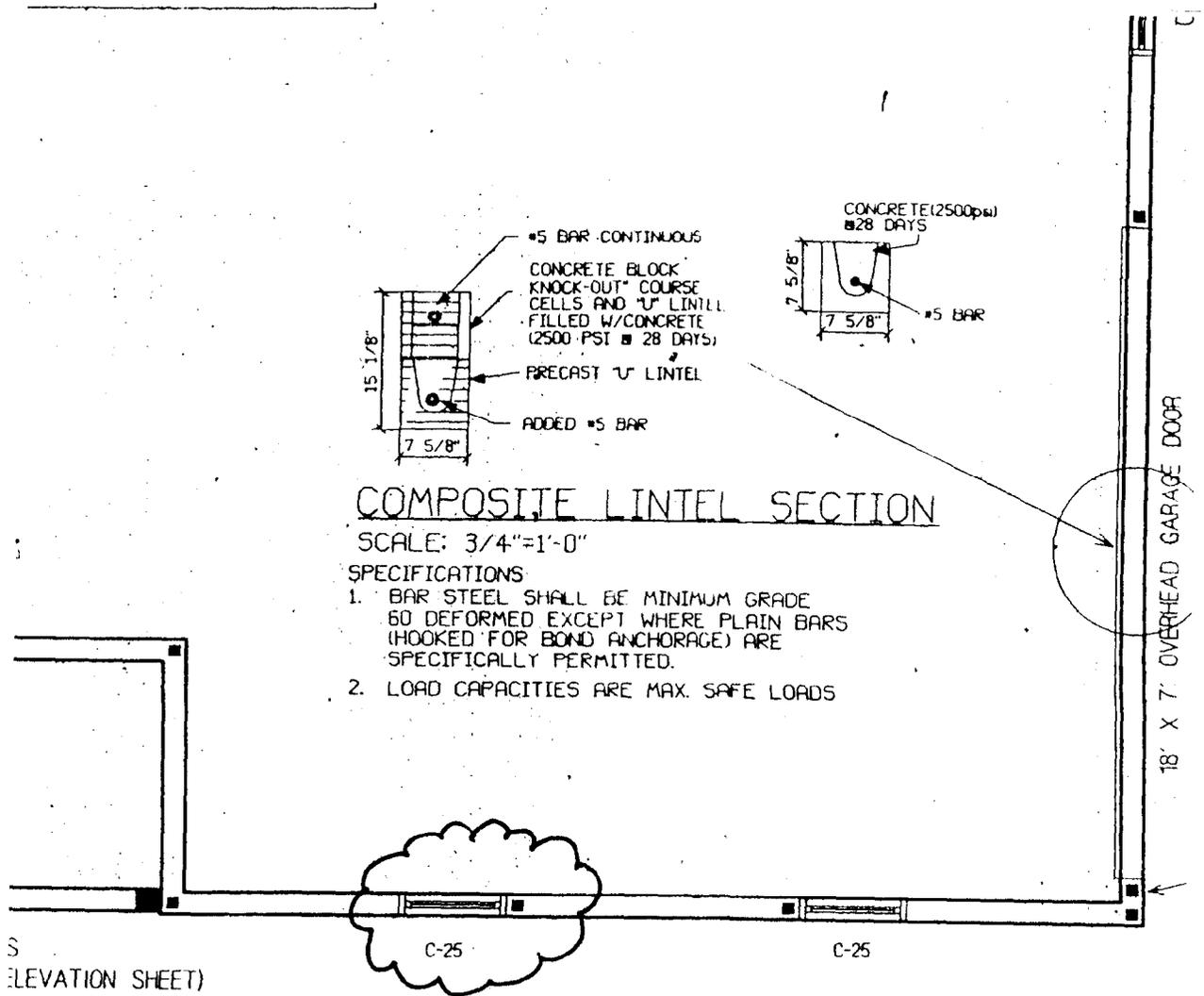
Should further question on this matter arise, please do not hesitate to contact me.

Very truly yours,



Bryan A. Molyet P.E.

OFFICE COPY



This is the window in question that was relocated. The black square next to it indicates the location of the downcell as designed by Bryan Molyet P.E. Said fill cell was not installed when the window was relocated.

(Molyet)