

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

BOARD APPOINTMENT SUMMARY

Meeting Date: June 2, 2015

Department: Planning, Zoning & Building Department

Submitted By: Building Division

Advisory Board Name: Construction Board of Adjustments and Appeals

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Appointment of one member to the Construction Board of Adjustments and Appeals.

<u>Member</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Gary T. Sullivan	3	Electrical Contractor	Construction Industry Management Council	6/2/2015-6/1/2018

**Summary:** Palm Beach County Ordinance 89-31, as amended in 2002, established the Construction Board of Adjustment and Appeals (the "Board"). The Construction Industry Management Council has nominated Gary T. Sullivan for a term of three years. Per Palm Beach County Ordinance 2012-006, as amended, Palm Beach County Amendments to the Florida Building Code, 2010 Edition, the Board is comprised of seven regular members: one architect; one engineer; one general contractor; one electrical contractor; one HVAC contractor; one plumbing contractor; and any other contractor licensed category. In addition to these members, there should be two alternate members: one member with the qualifications referenced above; and one member at large from the public. Countywide (SF)

As required by Section 2-443(d) of the Code of Ethics, this Agenda Item Summary will serve as disclosure for Gary T. Sullivan. Mr. Sullivan's company contracts with Palm Beach County to provide electrical services for the County. The CBAA provides no regulation, oversight, management or policy-setting recommendations regarding this contract. Countywide (SF)

**Background and Justification:** The Construction Board of Adjustments and Appeals shall have the power, as further defined in 113.3 of the Palm Beach County Amendments to the Florida Building Code, to hear appeals of decisions and interpretations of the Building Official, and consider variances of the technical codes. The Board shall establish rules and regulations for its own procedures consistent with the provisions of this code. The Board shall meet on call of the Chairman. The Board shall meet within 30 calendar days after Notice of Appeal has been received.

This advisory committee membership has 9 seats, 8 currently filled, and a diversity count of White: 8 (100%). The gender ratio (male:female) is 7:1.

**Attachments:**

- 1. Boards/Committees Application for Gary T. Sullivan
- 2. Resume for Gary T. Sullivan
- 3. Letter of Recommendation for Gary T. Sullivan
- 4. CBAA Meeting Attendance Record
- 5. Section 113 of the PBC Amendments to the Florida Building Code, 2010 Edition

Recommended By: Deanna V. Colducci 5/13/15  
Department Director Date

Legal Sufficiency: [Signature] 5/14/15  
Assistant County Attorney Date

**II. REVIEW COMMENTS**

**A. Other Department Review:**

<b>Department Director</b>	<b>Date</b>
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REVISED 06/92  
ADM FORM 03  
(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
BOARDS/COMMITTEES APPLICATION**

*The information provided on this form will be used in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate. **Please attach a biography or résumé to this form.***

**Section I (Department):** (Please Print)

Board Name: Construction Board of Adjustments and Appeals Advisory ☐ Not Advisory ☒

☒ At Large Appointment or ☐ District Appointment /District #: \_\_\_\_\_

Term of Appointment: 3 Years. From: 6/2/2015 To: 6/1/2018

Seat Requirement: ELECTRICAL CONTRACTOR Seat #: 3

☒ \*Reappointment or ☒ New Appointment

or ☐ to complete the term of \_\_\_\_\_ Due to: ☐ resignation ☐ other

Completion of term to expire on: \_\_\_\_\_

**\*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: \_\_\_\_\_**

**Section II (Applicant):** (Please Print)

**APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT**

Name: Sullivan Gary Thomas  
Last First Middle

Occupation/Affiliation: electrician  
Owner ☒ Employee ☐ Officer ☐

Business Name: Sullivan Electric & Pump, Inc.

Business Address: 2115 7th Ave North

City & State: Lake Worth, FL Zip Code: 33461

Residence Address: 4040 Gem Lake Drive

City & State: West Palm Beach Zip Code: 33406

Home Phone: ( ) Business Phone: (561) 588 Ext. 5886

Cell Phone: (561) 719-1399 Fax: (561) 582-9344

Email Address: gary@sullivanelectric-pump.com

Mailing Address Preference: ☒ Business ☐ Residence

Have you ever been convicted of a felony: Yes \_\_\_\_\_ No ☒

If Yes, state the court, nature of offense, disposition of case and date: \_\_\_\_\_

Minority Identification Code: ☒ Male ☐ Female  
☐ Native-American ☐ Hispanic-American ☐ Asian-American ☐ African-American ☒ Caucasian

Section II Continued:

**CONTRACTUAL RELATIONSHIPS:** Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
<u>Example: (R#XX-XX/PO XX)</u>	<u>Parks &amp; Recreation</u>	<u>General Maintenance</u>	<u>10/01/00-09/30/2100</u>
	<u>See Attachment (1) page.</u>		
	<u>(Attach Additional Sheet(s), if necessary)</u>		
	<u>OR</u>		
<u>NONE</u>	<input type="checkbox"/>	<u>NOT APPLICABLE/</u>	<input type="checkbox"/>
		<u>(Governmental Entity)</u>	

**ETHICS TRAINING:** All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment. **Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>.** Ethics training is on-going, and pursuant to PPM CW-P-80 is required before appointment, and upon reappointment.

☒ By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

☒ By watching the training program on the Web, DVD or VHS on 2/5 20 14  
☐ By attending a live presentation given on \_\_\_\_\_, 20\_\_\_\_

**AND**

☒ By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

\*Applicant's Signature: \_\_\_\_\_ Printed Name: Gary T. Sullivan Date: 4/6/15

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com) or contact us via email at [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com) or (561) 233-0724.

Return this FORM to:  
Vickie Day, Palm Beach County PZB, Building Division  
2300 North Jog Road, West Palm Beach, Florida 33411

**Section III (Commissioner, if applicable):**

Appointment to be made at BCC Meeting on: June 2, 2015

Commissioner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Gary Thomas Sullivan

Contract/Transaction No: 150734

Department/Division: Yaskawa

General Maintenance: Control Repair

Term: 6/1/14 - 5/31/15

Contract/Transaction No: 14837.00

Department/Division: Annual Electrical Contract

General Maintenance: Electrical Contract

Term: September 14, 2014 (36 Term)

Contract/Transaction No: 13071RA

Department/Division: Irrigation Pump Stations

General Maintenance: Maintenance & Repair

Term: 10/02/14 - 10/01/15

Contract/Transaction No: 150735

Department/Division: Pool Pump & Motor

General Maintenance: Service/Repair/Replacement

Term: 05/16/15 - 05/15/16

**Gary Sullivan**  
**4040 Gem Lake Drive**  
**Glen Ridge, Florida 33406**  
**Gary@sullivanelectric-pump.com**

## **EXECUTIVE BIOGRAPHY:**

Gary Sullivan was born in Lake Worth, Florida in 1950, to parents Matthew and Betty Sullivan. In 1969, he graduated from Lake Worth Community High School, home of the Trojans. After graduating High School, he attended South East Florida Joint Electrical Apprenticeship Program and graduated in 1973 as a Journeyman Electrician. He attended Palm Beach Community College, majoring in History and Political Science. In 1980, he became a Certified Contractor/Master Electrician. Continuing his education in 1991, he became a Certified Project Manager. Gary has always had a passion for learning and building his business to better serve his community.

Gary married his high school sweetheart and had two children. His first born, was Christopher, a few years later Kerri was born. During this time, Gary built his business from the ground up, focusing on a sound business plan and a marketing strategy in a competitive market. Gary has two beautiful grandchildren from his daughter Kerri. His first granddaughter is the angelic, Alexis, followed by adorable, Ryan.

Gary remarried, he and his current wife, Amy are active members of Bethesda –by-the Sea in Palm Beach, Florida. Their son Matthew participates in the youth choir. Gary and Amy both participate with their son Matthew, in the Boy Scouts of America. They help build character development, sportsmanship, fitness and spiritual growth. Matthew maintains a busy schedule with his extra-curricular activities which; both parents partake in.

Gary's hobbies include running, hiking, boating, history, family and politics. Gary with his daughter Kerri participated in Disney's Marathons. He enjoys interacting with his family, contributes to charities within the church and volunteers as an usher.

From 1973-1980, he worked for Del Santo Electrical Company as a Journeyman, Electrician. In 1982, he was promoted to Superintendent/ Qualifying Contractor at Del Santo. During his time at Del Santo Electric Company, Gary was preparing to build his own company, Sullivan Electric & Pump, Inc. 1982, his dream came to fruition and Sullivan Electric & Pump, Inc. was established with hard work and determination. He became a State Certified Electrical Contractor in 1990. He participated in Palm Beach County Construction Licensing Board from 1991-1997 and became Vice Chairman in 1996. In 1997, he was chosen as Chairman. In 1993, he served as Vice President of Gold Coast Chapter of Independent Electrical Contractors Association. 1984-2015, he became associated with International Electrical Inspector Association. He is affiliated with Electrical Council of Florida from 1992 to present day. He is a member of Electrical Apparatus Association from 1991 -2015. Presently, he serves as President and CEO of Sullivan Electric & Pump, Inc.

# Construction Industry Management Council

*The Management Level of Associations Representing Trade  
Skills & Design Professionals in the Construction Industry*

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*Natasha V. Cannon, Executive Director*

\*\*\* FURNISHED VIA E-MAIL \*\*\*  
\*\*\* Hard Copy To Follow in U.S. Mail \*\*\*

October 17, 2014

Doug Wise, Building Director  
Department of Planning, Zoning & Building  
2300 North Jog Road  
West Palm Beach, Florida 33411

Re: Electrical contractor nominee to CBAA

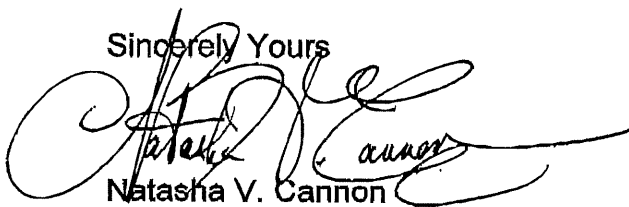
Dear Mr. Wise:

On behalf of the board and members of the Construction Industry Management Council, we are nominating Gary Sullivan, Electrical contractor and active member in good standing of the Electrical Council of Florida, Palm Beach Chapter. Mr. Sullivan will serve on Seat 3, of the Construction Board of Adjustments & Appeals, once held by Albert Godfrey.

I have provided some contact information below:

Gary Sullivan, Owner  
Sullivan Electric & Pump  
2115 7<sup>th</sup> Ave. No., Bay 8  
Lake Worth, Florida 33461  
Phone: (561) 588-5886  
E-mail: [gary@sullivanvanelectric-pump.com](mailto:gary@sullivanvanelectric-pump.com)

Sincerely Yours



Natasha V. Cannon  
Executive Director

NVC/hm

cc: ECF/PB  
Gary Sullivan

10295 Utopia Circle West, Boynton Beach, Florida 33437-5536  
561-577-2099/c \* 561-688-9447/f \* E-mail: [pbccimc@gmail.com](mailto:pbccimc@gmail.com)

CBAA MEETING ATTENDANCE

Seat	MEMBER	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15
1	Rasper, Bart	/	/	/	P	/	/	/	/	P	/
2	Drawdy, Duane	/	/	/	P	/	/	/	/	P	/
3	vacant										
4	Wiener, Marc	/	/	/	P	/	/	/	/	P	/
5	Dixon, Ron	/	/	/	P	/	/	/	/	P	/
6	Walker, Michael	/	/	/	P	/	/	/	/	P	/
7	Dzenutis, Peter	/	/	/	P	/	/	/	/	P	/
8	Walden, Margie	/	/	/	P	/	/	/	/	P	/
9	Donegan, Thomas	/	/	/	P	/	/	/	/	A	/

P - Present

A - Absent

/ - no meeting





**SECTION 113**  
**CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS**

**113.1 Appointment.** There is hereby established a board to be called the Construction Board of Adjustment and Appeals, which shall consist of seven members and two alternates. The applicable governing body shall appoint the Board.

**113.2 Membership and Terms**

**113.2.1 Membership.** The Construction Board of Adjustment and Appeals shall consist of seven members. Such board members shall be composed of individuals with knowledge and experience in the technical codes to include, to the greatest extent possible, an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category. In addition to the regular members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. A board member shall not act in a case in which he has a personal or financial interest.

**113.2.2 Terms.** The terms of office of the board members shall be staggered so no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates, if appointed, shall serve one-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Three absences of any member from required meetings of the board shall in a 12 month period, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

**113.2.3 Quorum and voting.** A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

**113.2.4 Secretary of board.** The building official or his/her authorized representative shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

**113.3 Powers.** The Construction Board of Adjustments and Appeals shall have the power, as further defined in 113.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

**113.4 Appeals**

**113.4.1 Decision of the building official.** The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case, which the building official has rejected or refused.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

**113.4.2 Variances.** The Construction Board of Adjustments and Appeals, when upon written request, has been so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

**113.4.2.1 Conditions of the variance.** In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

**113.4.3 Notice of appeal.** Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the building official.

**113.4.4 Unsafe or dangerous buildings or service systems.** In the case of a building, structure or service system, which in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

## **113.5 Procedures of the board.**

**113.5.1 Rules and regulations.** The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

**113.5.1.1 Rules of Evidence.** Formal rules of evidence shall not apply, but fundamental due process should be observed and govern the proceedings. Upon determination by the Chairperson, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonable, prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form. The Board may request certain evidence be provided by an architect or engineer registered in the State of Florida, in which case said evidence shall be signed, sealed, and dated.

**113.5.1.2 Testimony.** Any member of the Board or the attorney representing the Board may inquire of, or question, any witness before the Board. Any member of the Board, the petitioner or his/her attorney, and/or the building official shall be permitted to inquire of any witness before the Board. The Board may consider testimony presented by the building official, the petitioner, or any other witness.

**113.5.2 Decisions.** The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

**113.6 Local Construction Regulation Board.** The local government may also utilize this Board to convene as the Local Construction Regulation Board (LCRB), as provided in Florida Statute 489.113. The LCRB may deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if the LCRB has found such contractor, through public hearing, to be guilty of fraud or a willful building code violation within the county or municipality that the LCRB represents. The LCRB may also, deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if it has proof through the public hearing process, that a contractor has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and after providing notice of an opportunity to be heard to the contractor, finds that such fraud or violation would have been fraud or a violation if committed in the county or municipality that the LCRB represents. Notification of and information concerning such permit denial shall be submitted to the division within 15 days after the LCRB decides to deny the permit.