

MINUTES

MONROE COUNTY CONTRACTORS' EXAMINING BOARD REGULAR MEETING

Tuesday, May 8, 2012, 9:30 a.m.

Marathon Government Center

1. Call to Order:
Present for roll call were Peggy Bankester, Gary Centonze, Rudy Krause, Bill Miller, Alesha Scheuerman, Bill Kelly, Steve Henson, Jerry Smith, Lisa Granger, Tom Wright, and Mary Tucker.

Excused
Frank Toppino, Alternate
Charlie Miller, Second Alternate
2. Additions/Deletions/Corrections:
N/A
3. Approval of Agenda
Approved by Gary Centonze and seconded by Rudy Krause; no nay votes.
4. Approval of Minutes
 - a. March 13, 2012
Approved by Bill Kelly and seconded by Gary Centonze; no nay votes
5. Swearing in of Witnesses to Testify:
Tom Wright
6. Code Compliance Cases:
 - a. CE12020019 Notice of Appeal
 Blanca Barragan
 Green Nature Services, Inc.
 6-202.(5) Violation of Workers' Compensation
 6-234.(c) Advertising without a license
 6-77 No certificate of competency

Respondent not present. County asked Board to dismiss appeal since Respondent was not present. Board decided to hear case as the case was appeal and Respondent not need to be present.

Ms. Barragan appeared before the Board (note: meeting had already commenced) without legal counsel and contested the violations. Myra Tezanos, County Staff, interpreted for Respondent due to language barrier. Code Compliance Inspector Bruno was present for the County.

After testimony and evidence was taken from all parties, Gary Centonze made a motion, seconded by Bill Kelly, to find Respondent in violation as cited on all three counts based on testimony and evidence presented and appeal denied. Motion carried unanimously.

Blanca Barragan Case # CE12020019 – continued

Penalty - Gary Centonze made a motion, seconded by Alesha Scheuerman, recommending imposing a fine of \$500.00 per count (\$500 x 3 = \$1,500.00), plus administrative costs of \$162.05, for total of \$1,662.05. Motion carried unanimously.

Follow-up Motion - Gary Centonze made a motion, seconded by Peggy Bankester, recommending that fines/costs be paid within 60 days. Roll Call Vote: Yes-Rudy Krause, Gary Centonze, Peggy Bankester, Steve Henson; No-Alesha Scheuerman, Bill Miller, and Bill Kelly. 4-3 vote. Motion passes.

Ms. Barragan was advised that all fines/costs must be paid in full prior to a certificate of competency license can be issued.

b. CE12030134 Notice to Appear
James A. Sample CCC058030
Keys Roofing, Inc.
6-202.(11)a Work without benefit of a permit

Rudy Krause disclosed that Mr. Sample has done work for him in the past – no objections from County.

Mr. Sample appeared before the Board without legal counsel and contested the violation. Code Compliance Inspector Bruno present for the County. After testimony and evidence was taken from all parties, Bill Kelly made a motion, seconded by Peggy Bankester, to find Respondent in violation as cited based on evidence. Roll Call Vote: Yes-Gary Centonze and Bill Kelly; No-Alesha Scheuerman, Bill Miller, Rudy Krause, Peggy Bankester, and Steve Henson. 5-2. Motion fails. Not in violation.

c. CE12030099 Notice to Appear
Thomas J. Haskins CFC057947
Haskins Plumbing, Inc.
6-202.(11) Work without benefit of a permit

Steve Henson recused himself from case due close personal and family relationship with Respondent. Mr. Henson passed gavel to Mr. Kelly. Gary Centonze disclosed that Mr. Haskins would be a competitor of his, but that he does not have a problem hearing the case – no objections from County.

Respondent failed to appear before the Board and did not have legal representation. Good service received at address of record with the County. Code Compliance Inspector Bruno present for the County. After testimony and evidence was taken from all parties, Rudy Krause made a motion, seconded by Peggy Bankester, to find Respondent in violation as cited. Motion carried unanimously.

Penalty – Bill Miller made a motion, seconded by Peggy Bankester, recommending imposition of administrative costs of \$111.65 to be paid within 30 days or lien. Motion carried unanimously.

- d. CE12030051 Notice to Appear
Sidney Butterman CAC052408
Antarctica Mechanical Services, Inc.
6-202.(5) Violation of workers compensation laws

Respondent failed to appear before the Board and did not have legal representation. Certified mail returned as "undeliverable." Citation mailed regular mail to address of record with County, and it was not returned, so County considers it as adequate service. Code Compliance Inspector Bruno present for the County. After testimony and evidence was taken from all parties, Bill Kelly made a motion, seconded by Peggy Bankester, to find Respondent in violation as cited based on evidence. Motion carried unanimously.

Penalty –Rudy Krause made a motion, seconded by Alesha Scheuerman, recommending imposition of administrative costs of \$190.85, and both accepting friendly amendment (from Lisa Granger) that costs are to be paid within 30 days or lien. Motion carried unanimously.

Note: Lisa Granger left the meeting at the end of this case.

- e. CE12010095 NOTICE OF APPEAL
Chris Seaver
Island Lawn Service & Landscaping

Continuance Request granted 05/07/2012. Case continued to next available hearing.

Mr. Henson recessed the meeting for 10 minutes at 11:50 a.m.

Mr. Henson reconvened the meeting at 12:00 p.m.

7. Staff Reports

- a. Building Official Jerry Smith reporting:

- MCC 6-100 Building Permits Required – revisiting previously asked question

There are exceptions to the Code that qualify for both commercial and residential properties, and then there are exemptions specific to residential properties under MCC 6-100. ex. installation of carpeting and floor covering in single and two-family dwellings if less than \$5,000.00.

*Anything that is licensable is permissible while keeping the \$1,000.00 threshold in mind

Chairman Henson recommended Board to review Florida Statue 489 concerning what is required to have permits, definition of life safety, MCC 6-100, and Chapter 1 of the Florida Building Code (FBC) and report back for discussion.

- Permitting

- *Moving forward and making progress
- *Interactive voice and/or plan review
- *Limit the amount of Codes to reduce confusion

Staff Reports – Building Official – Permitting - continued

*Changing of forms that tells you what type of inspections are going to be required depending on what type of job it is applied for

- Owner/Builder

*An exception under licensing

*Limited to principal, homestead residence – *exemption is for own property/own use.*

*Owners may be asked to take a competency exam if they are not knowledgeable

*Must be present for all inspections

*Show workers compensation insurance and all the proper documentation (1099) if having a “buddy” working on property.

*Affidavit have been revised to include language that any person working on the jobsite must be under the direct supervision of the homeowner and must be employed by homeowner

*If they choose to get licensed contractors and still act as general contractor, then they do not need to be present for every inspection

-Commercial

*Specifically for owner's own use

* Not to exceed \$75,000.00

*School district has their own building official and issues their own permits – *no authority*

-Licensed Real Estate Agents

*If they represent (listing) the property, they can pull a permit up to \$5,000.00

*They have to use licensed contractors

-Agents (Permit Runners) for Owner-Builders

*No agents for homeowners allowed

-Signing Subcontractors on to Permits

*Rudy Krause addressed the Board recommending that all subs (example, tile/stucco) sign on to the permit. By signing them on as a sub, the (tile/stucco) sub-contractor will be responsible and not the general contractor on the jobsite if something was to happen.

*Allow subs to sign-on to permit via fax or e-mail then stop at an office and sign

-Fee Schedule

*County will no longer charge \$75.00 to add a contractor to a permit. The \$75.00 fee will only be charged when a change of contractor occurs.

- Administrative Costs

*Bill Miller addressed the Board with concerns regarding administrative costs being relatively low figure in comparison to prosecuting a case. Mr. Smith advised that the County can only charge what is allowed under the Florida Statutes, and Mr. Henson stated that cost falls under Code Compliance Department.

Mr. Henson adjourned as the County and reconvened as the City of Marathon at 12:35 p.m. Roll call not taken.

8. Cynthia J. McPherson, City of Marathon Code Compliance, addressed the Board with an update for the Board regarding Douglas McDuff of McDuff Construction, LLC, GC 426C, Code Case # C2010-0406, per signed Order dated 05/10/2011. Ms. McPherson advised that Mr. McDuff has paid his fines/costs to the City of Marathon totaling \$1,100.00, and that Mr. McDuff has completely paid off his sub-contractors: Ivan Tile (\$8,223.53), Rhodes Plumbing (\$3,045.04), and Bardon Electric (\$3,704.88 –Board previously advised on 03/13/12).

However, she has not been able to confirm with the fourth sub-contractor (Best Lawn Services) to verify final payment. Ms. McPherson stated that she has called them (Best Lawn) numerous times but has not been successful in confirming full payment. Total bill for Best Lawn Services was \$10,500.00.

After discussion, Mr. Henson recommended extending the time of compliance for Mr. McDuff to July 10, 2012, so Mr. McDuff can present evidence that he has made full restitution to Best Lawn Services. Cancelled checks and/or notarized release of lien would be sufficient. No nay votes.

9. Lisa Granger, County Attorney – No report. Departed early
10. Ronda Norman, Director, Code Compliance – No report
11. Inspector Bruno, Code Compliance – Report of Code Compliance cases
12. Items of Discussion/Approval – New Business
 - a. Election of a new chairman and vice-chair for July 2012 – 2013 (6-266.(b))
 - i. **Chairman:** Motion made by Gary Centonze and seconded by Bill Kelly to nominate Rudy Krause for the 2012-2013 calendar year. Mr. Krause accepted nomination. No nay votes. *Effective 07/2012.*
 - ii. **Vice-Chairman:** Motion made by Alesha Scheuerman and seconded by Steve Henson to re-nominate Bill Kelly. No nay votes. *Effective 07/2012.*
 - b. Contractor's Examining Board:
 - i. *Vacant Seat - Upper Keys Lay Person* - This position is to replace Mr. Vetrick's (deceased) position with term ending May 1, 2014. Mr. Centonze recommended that Commissioner Murphy be made aware of the position for any recommendations she may have. Mr. Henson asked Mr. Smith to speak with Commissioner Murphy for nominations and report to the Board. Mr. Smith agreed to contact Commissioner Murphy regarding the matter.
 - c. Contractors' Board of Adjustment and Appeals
 - i. *Vacant Seat – Architect*

Items of Discussion/Approval – New Business – CBAA- continued

- ii. Daryle L. Osborn, PE 27428, Engineer, has agreed to remain on the Board if re-elected. Term expired 06/2012.

Board unanimously approved to re-appoint Mr. Osborn.

- iii. Carl H. Schror, PE56564, Engineer, term expired 06/2012. CEB must find a registered architect to replace Mr. Schror in order to be in compliance with MCC 6-56.(b)(2).

Mr. Henson has asked everyone on the Board to speak with architects around the area and to report back to the Board.

d. Motion for Imposition of Fines/Liens for Outstanding Citations

Approved without a motion. No nay votes.

13. Old Business

Tom Wright addressed the Board recommending approval and adoption of Mr. Vetrick's Resolution. Motion made by Steve Henson and seconded by Bill Kelly approving resolution. No nay votes.

Chairman Henson stated he would like to be the presenter of the Resolution to Mrs. Vetrick the day of the presentation. He is going to contact Mrs. Vetrick to see when it would be convenient for her to attend and coordinate with staff.

The meeting adjourned at 12:58 p.m.

14. Construction Trades applications read into record by Steve Henson.

Odalys Mayan, License Coordinator

Note: An audio CD of this meeting is on file in the County Building Department as a public record.

The Board approved the Minutes on 09/11/2012,
[] "as submitted" or [] "as amended."