

MINUTES

MONROE COUNTY CONTRACTORS' EXAMINING BOARD REGULAR MEETING

Tuesday, September, 11, 2012, 9:30 a.m.

Marathon Government Center

1. Call to Order:

Present for roll call were Steve Henson, Gary Centonze, Bill Miller, Alesha Scheuerman, Rudy Krause, Lisa Granger, Tom Wright, and Jerry Smith.

Excused Absent

Peggy Bankester

Bill Kelly – recuperating from motorcycle accident

Frank Toppino, Alternate

Charlie Miller, Second Alternate

2. Old Business

d. Motion to Vacate Order from May 8, 2012

i. CE12040093

Romy Luis Robau

6-77 No certificate of competency

Inspector Bruno

After discussion, motion made by Steve Henson and seconded by Gary Centonze to vacate motion and re-open case as appeal. The appeal letter and copy of the citation was received in time a timely manner, but staff failed to apply it to the citation since the appeal letter did not have a citation number because when the citation was issued, it was issued as “TBD” and no case number; no nay votes.

ii. CE12040104

Juan Emilio Sanchez

6-77 No certificate of competency

6-202.(5) Violation of workers compensation laws

After discussion, motion made by Steve Henson and seconded by Gary Centonze to vacate motion as citation was changed from a monetary citation to a “warning” citation and closed by Inspector Bruno; lien was not filed; no nay votes.

3. Additions/Deletions/Corrections:

a. Addition

i. Rudy Krause – Would like to discuss: State reviewing something done by the county

4. Approval of Agenda

Approved by Steve Henson and seconded by Alesha Scheuerman; no nay votes.

5. Approval of Minutes

a. May 8, 2012

Approved by Alesha Scheuerman and seconded by Steve Henson; no nay votes

6. Swearing in of Witnesses to Testify:

Tom Wright

7. Code Compliance Cases:

- a. CE12040103 Notice of Appeal
 Jamie Thomas Williams
 6-77 No certificate of competency license
 6-202.(5) No workers compensation insurance

Mr. Williams appeared before the Board without legal representation and contested the violations. Donald Wade Zimmerman, companion Code Case # CE12040102, present. Code Compliance Inspector Bruno presents for the County; after testimony and evidence was taken from all parties, motion made by Steve Henson and seconded by Gary Centonze to find Respondent in violation as cited of 6-77 and 6-202.(5) based on evidence and deny appeal.

Penalty – Motion made by Steve Henson and seconded by Gary Centonze recommend imposing a penalty fee of \$250.00 per charge ($\$250 \times 2 = \500.00), plus administrative costs of \$91.50, for total of \$591.50.

After discussion, motion made by Gary Centonze and seconded by Bill Miller recommending that fines and costs be paid within 180 days or lien. Roll Call Vote: Yes-Alesha Scheuerman, Gary Centonze, Bill Miller, and Rudy Krause; No-Steve Henson. 4-1 vote. Motion passes.

- b. CE12040102 Notice of Appeal
 Donald Wade Zimmerman
 6-77 No certificate of competency license
 6-202.(5) No workers compensation insurance

Mr. Zimmerman appeared before the Board without legal representation and contested the violations. Jamie Thomas Williams, companion Code Case # CE12040103, present. Code Compliance Inspector Bruno presents for the County; after testimony and evidence was taken from all parties, motion made by Steve Henson and seconded by Gary Centonze to find Respondent in violation as cited of 6-77 and 6-202.(5) based on evidence and deny appeal.

Penalty – Motion made by Steve Henson and seconded by Gary Centonze recommend imposing a penalty fee of \$250.00 per charge ($\$250 \times 2 = \500.00), plus administrative costs of \$91.50, for total of \$591.50.

After discussion, motion made by Gary Centonze and seconded by Bill Miller recommending that fines and costs be paid within 180 days or lien. Roll Call Vote: Yes-Alesha Scheuerman, Gary Centonze, Bill Miller, and Rudy Krause; No-Steve Henson. 4-1 vote. Motion passes.

- c. CE12040131 Notice to Appear
 Ernie M. Oskey LPG 13544 / MQ 06420
 All Keys Gas Distribution, LLC.
 6-77 No certificate of competency license
 6-202.(11)a Work without benefit of a permit

CE12040131 - Ernie M. Oskey – continued

Mr. Centonze disclosed that he knows Mr. Oskey – no objections from county.

Mr. Oskey appeared before the Board without legal representation and did not contest the violation. Richard Jeselskis witness for Respondent present. Code Compliance Inspector Bruno presents for the County; after testimony and evidence was taken from all parties, motion made by Alesha Scheuerman and seconded by Bill Miller to find Respondent in violation as cited of 6-77 and 6-202.(11)a based on evidence.

Recess requested.

Reconvene.

Continuance requested by County and granted by the Board to allow time for the County to investigate with the Bureau of Liquefied Petroleum Gas Office to determine jurisdiction.

Case continued.

d. CE12040001	Notice of Appeal	
	Thomas J. Pieper	
	6-202.(5)	No workers compensation insurance
	6-202.(11)a	Working without a permit
	6-77	No certificate of competency license
	6-202.(8)	Aiding and abetting

Mr. Pieper appeared before the Board without legal representation and did not contest the violation. Code Compliance Inspector Bruno presents for the County; after testimony and evidence was taken from all parties,

6-202.(11)a Working without a permit – Withdrawn by County.

6-202.(8) Aiding and abetting – Withdrawn by County.

County recommended the Board find Respondent in violation of 6-202.(5) and 6-77.

6-77 No certificate of competency – Motion made by Steve Henson and seconded by Gary Centonze to find Respondent IN violation as cited based on testimony and evidence and deny appeal. After discussion, motion carried unanimously.

Penalty – Motion made by Steve Henson and seconded by Gary Centonze recommend imposing a penalty fee of \$250.00, plus administrative costs of \$127.75, for total of \$377.75 to be paid within 90 days or lien. Roll Call Vote: Yes – Steve Henson, Alesha Scheuerman, Bill Miller, and Gary Centonze. No – Rudy Krause. 4-1 Vote. Motion passes.

6-202.(5) No workers compensation insurance – Motion made by Steve Henson and seconded by Alesha Scheuerman to find Respondent NOT in violation and appeal is GRANTED.

d. CE12040001 – Thomas J. Pieper – continued

Roll Call Vote: Yes – Steve Henson, Alesha Scheuerman, and Bill Miller; No – Gary Centonze and Rudy Krause. 3-2 Vote. Motion passes.

c. CE12040131 - Ernie M. Oskey – Penalty continued from page 3

Mr. Wright advised the Board that Monroe County does have jurisdiction of the case as long as we are not addressing the LPG License.

Motion made by Bill Miller and seconded by Alesha Scheuerman recommending imposing the maximum fine of \$1,000.00 per offense ($\$1,000.00 \times 2 = \$2,000.00$), plus administrative costs of \$117.90, for total of \$2,117.90. Roll Call Vote: Yes – Steve Henson, Alesha Scheuerman, Bill Miller, and Gary Centonze. No – Rudy Krause. 4-1 Vote. Motion passes.

Motion made by Rudy Krause recommending fines and costs to be paid within 30 days or lien. After discussion, motion dies for lack of second.

Chairman recessed meeting for lunch break.

Chairman reconvene meeting. Roll call not called. All present.

e. CE12040093 Notice of Appeal
Romy Luis Robau
6-77 No certificate of competency license

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

Penalty – Motion made by Gary Centonze and seconded by Alesha Scheuerman recommending imposing a penalty fine of \$1,000.00, plus administrative costs of \$84.30, for total of \$1,084.30, and accepting friendly amendment to be paid within 30 days or lien. Motion carried unanimously.

8. Certificate of Competency License

- a. Qualify Additional Business
i. Bobby Leon Ragland EC 1351
D'Asign Source, LLC.

Mr. Ragland and Steven Demerse appeared before the Board. Mr. Demerse would like Mr. Ragland to qualify his company Innovative Technology of the Keys, Inc. After discussion, the Board approved the application to qualify an additional business as a Qualifying Agent.

- b. Expired License

i. Eric Houser SP 2058
Coastland Painting C

Mr. Houser's license expired on 10/31/2005. Per MCC 6-242.(a)(3), re-examine applicant if five years have passed after a lapsed certificate of competency.

After discussion, motion made by Steve Henson and seconded by Gary Centonze recommending Mr. Houser re-test with no re-payments of back-fees. Roll Call Vote: Yes-Gary Centonze, Rudy Krause, Steve Henson, and Alesha Scheuerman; No-Bill Miller. 4-1 Vote. Motion passes.

MCC 6-242. Reexamination where required for renewal or reinstatement.

(a) Where a certificate of competency has been revoked or has expired or lapsed for any reason, the contractors examining board:

(1) May require complete reexamination before a certificate of competency is renewed or reinstated;

(2) Require a fee of \$500.00 or a fee equal to five years of renewal fees in the certificate holder's particular category, whichever is less; or

(3) Reexamine the applicant if five years have passed after a lapsed certificate of competency.

(b) Where a certificate of competency is no longer issued for a trade other than contractors who have continuously maintained their certificate of competency in good standing, a contractor shall not be permitted to reinstate an expired, revoked, or lapsed certificate.

9. Consumer Complaint

a. 2:30 PM

Steve Gavin

vs.

Edgar G. Braswell CGC046370

E.G. Braswell Construction, Inc.

Steve Henson disclosed past ties with contractor; no objections from County.

Mr. Gavin and Mr. Braswell both appeared before the Board without legal representation. After testimony and evidence was taken from all parties,

6-202.(2) Abandon a construction project – Motion made by Steve Henson and seconded by Bill Miller to find Respondent NOT in violation based on testimony/evidence. Motion carried unanimously.

6-202.(3) Divert funds or property received – Motion made by Gary Centonze and seconded by Alesha Scheuerman to find Respondent NOT in violation based on testimony/evidence. Motion carried unanimously.

9.a. Gavin vs. Braswell Consumer Complaint – continued

6-202.(4) Depart from or disregard in any material – Motion made by Gary Centonze and seconded by Steve Henson to find Respondent NOT in violation based on testimony/evidence. Motion carried unanimously.

6-202.(5) Disregard or violate workers compensation insurance – Motion made by Steve Henson and seconded by Alesha Scheuerman to find Respondent NOT in violation based on testimony/evidence. Motion carried unanimously.

6-202.(7) Commit mismanagement or misconduct:

a. Valid liens have been recorded against property – Motion made by Steve Henson and seconded by Gary Centonze to find Respondent NOT in violation. After discussion, motion carried unanimously.

b. Contractor has abandoned a customer's job – Dismissed by County. Decided under MCC 6-202.(2)

6-202.(11) Disregard or violate:

a. Any county ordinance – Dismissed by County.

10. Staff Reports

a. Building Official Jerry Smith reporting:

i. Contractor in Upper Keys upset that people from Miami are coming into the Keys and using other contractor's licenses to pull permits. Mr. Smith asked the Board for written direction how to stop issuing permits unless the person shows proper authority/relationship.

Motion made by Gary Centonze recommending for Mr. Wright to draft an ordinance. Mr. Wright recommended for all members to send him an item for review.

ii. Original signatures on application: faxed copies of owner's signatures acceptable as long as it is followed by an original signature.

b. Bill Miller:

i. Journeyman licenses - After discussion, Mr. Smith recommended staff to research whether we can require someone on the job to have a journeyman's license.

c. Rudy Krause:

i. Longshoreman insurance - This item to be discussed at next scheduled meeting.

ii. People on jobsites with no identification

d. Gary Centonze:

i. Inspectors – Inspectors need to start charging more for failed inspections

e. Nominations

i. Motion made by Gary Centonze and seconded by Steve Henson to recommend Peter Pike, registered architect, to the CBAA; no nay votes.

ii. Motion made by Steve Henson and seconded by Gary Centonze to recommend Chris Sante, Upper Keys layperson, to the CEB/CBAA; no nay votes.

The meeting adjourned at 5:13pm.

The following Staff Report Items were continued to the next scheduled meeting

b. Thomas Wright, Contractors' Examining Board Attorney

c. Lisa Granger, Code Compliance Attorney

1. Warnings -

i. MCC 6-270.(a)(5) and F.S. 553.781.(2)(b)

d. Ronda Norman, Code Compliance Director

1. Memos and Clarifications -

i. Complaint Process

2. Inspector Bruno's Open Code Compliance Cases

i. Updated Code Compliance Citation spreadsheet

ii. Citation Procedures

iii. Non-Action Referrals

9. New Business

a. Rudy Krause:

i. One warning for non-life threatening work

ii. No more after-the-facts (ATF) permit fees

iii. Work commence with a permit fee and it will be two-time the permit fee

b. May 8, 2012 CEB Cases Update:

i. CE12020019

Blanca Barragan

Green Nature Services, Inc.

Fines/costs in the amount of \$1,662.05 to be paid by 07/08/12 not paid - *sent for recording*

ii. CE12030051

Sidney Butterman CAC052408

Antarctica Mechanical Services, Inc.

Costs in the amount of \$190.085 paid in full on 06/12/12

iii. CE12030099

Thomas J. Haskins CFC057947

Haskins Plumbing, Inc.

Costs in the amount of \$111.65 paid in full on 06/15/12

- c. Stipulation Agreements for *State Certified* Contractors: Nothing to report
- d. Stipulation Agreements for *Monroe County* Licensed Contractors: Nothing to report
- e. Stipulation Agreements for *Unlicensed Individuals*:
 - i. CE12060096 – Pedro C. Chico-Ortez
 - 6-202.(5) Disregard of workers compensation \$500.00
 - 6-77 No certificate of competency \$500.00
 - Four minimum monthly installments of \$250.00 beginning August 15 with final payment due on or before November 15, 2012.
 - 1st installment of \$250.00 under receipt # 02000009210.
- f. Motion for Imposition of Fines/Liens for Outstanding Citations: Nothing to report
- g. Revised CEB/CBAA member roster

10. Old Business:

a. CEB:

- i. Vacant Seat: Upper Keys Lay Person – This is to replace and fulfill Joseph Vetrick (deceased, 2011) term expiring 05/01/2014.

Nominee: Chris Sante

Nominator: Commissioner Sylvia J. Murphy, District Five

b. CBAA:

- i. Daryle L. Osborn, PE27428
Reappointed by BOCC on 8/15/2012. Appointment term of office will expire May 8, 2015
- ii. Vacant Seat: Architect

c. Motion to amend previously issued Order: Nothing to report

d. Motion to Vacate Order from May 8, 2012:

- i. CE12040093
 - Romy Luis Robau
 - 6-77 No certificate of competency
 - Inspector Bruno
- ii. CE12040104
 - Juan Emilio Sanchez
 - 6-77 No certificate of competency
 - 6-202.(5) Violation of workers compensation laws

12. Department of Business and Professional Regulation
13. Construction Trades Application Requiring Review
14. Adjourned

Odalys Mayan, License Coordinator

To request a copy of this hearing, please visit Monroe County website at www.monroecounty-fl.gov
> Residents > Channel 76 <http://fl-monroecounty.civicplus.com/index.aspx?nid=121>

The Board approved the Minutes on 11/13/2012,
[X] “as submitted” or [___] “as amended.”