

AGENDA
MONROE COUNTY CONTRACTORS' EXAMINING BOARD REGULAR MEETING
Tuesday, May 14, 2013, 9:30 A.M.
Marathon Government Center

PURSUANT TO FLORIDA STATUTE SECTION 286.0105, be advised that, if a person decides to appeal the decision made by the Contractors' Examining Board (CEB) with respect to any matter considered at today's hearing, that person will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".

NOTICE: It shall be the responsibility of *each* Respondent or other person addressing the Board to bring an interpreter if the party is **NOT** able to understand or speak the English language.

1. Call to Order

2. Roll Call

3. Agenda Changes

4. Approval of Agenda

5. Approval of Minutes

a. Special Meeting: April 9, 2013

b. Regular Meeting: March 12, 2013

6. Next Meeting Date: July 9, 2013

7. Swearing-in of Witnesses to Testify

8. Code Compliance Cases:

- a. CE12090008 Notice to Appear*
Manuel Menendez, Alejandro Menendez, and Eduardo La Casa
6-202.(8) Aiding and abetting
Inspector Windsor

Case continued on March 11, 2013 and January 8, 2013 from the November 13, 2012 hearing.

Previous Violation(s): 1) CE11080012
6-202.(8) aiding and abetting
\$500.00 fine paid 10/5/2011

*Appeal letter received via fax 09/18/12 followed by original letter received 09/19/12

9. Staff Reports

- a. Jerry Smith, Building Official/Board Secretary
b. Thomas Wright, Contractors' Examining Board Attorney
c. Lisa Granger, Code Compliance Attorney
d. Ronda Norman, Code Compliance Director

10. New Business

a. Election of a New Chair and Vice-Chair required pursuant to MCC 6-266(b)

The board shall elect a chair and such other officers as may be necessary from among their members. Terms of all officers shall be one year beginning with their election, with elections to be held the first meeting in July of each year.

b. MCC 6-237 - application; examination; issuance of contractor's certificate

1. Mark Page was approved for a general contractor license on May 18, 2006 but never took the exam. He is interested in taking the exam using his Board approval from 2006.

MCC 6-237.(a)(1) states: Completed applications will be reviewed by a quorum of the board at a meeting prior to a scheduled examination.

Does Mr. Page need Board approval again?

c. Time Limitation of an Approved Construction Trades Application

CURRENTLY:
None

PROPOSED:

Applicant has one-year from the date application is approved to take and pass all required examination(s) for their desired discipline. Application will expire one-year from date of Board approval. If in the years' time the applicant has not passed the required examination(s), it is the applicant' responsibility to submit a new updated application packet for the Board to review and re-approved.

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

1. CASE NO.: CE13030047
NAME: Dauce Jesus Pozo
COMPANY: N/A
VIOLATION(S): 6-77 No certificate of competency license
ISSUED: 03/06/13
SERVICE: Yes.

2. CASE NO.: CE13040003
NAME: Michael Srbek
COMPANY: N/A
VIOLATION(S): 6-77 No certificate of competency license
ISSUED: 03/30/13
SERVICE: Yes.

3. CASE NO.: CE13040004
NAME: Brian Eugene Petit-Jean
COMPANY: N/A
VIOLATION(S): 6-77 No certificate of competency license
ISSUED: 03/30/13
SERVICE: Yes.

4. CASE NO.: CE13020104
NAME: Nelson Atwood Sawyer
COMPANY: N/A
VIOLATION(S): 6-77 No certificate of competency license

New Business / Motion for Imposition of Fines/Liens - #4 – CE13020104 – Nelson A. Sawyer - continued

ISSUED: 02/21/13
SERVICE: Yes.

5. CASE NO.: CE13030048
NAME: Antinogenos Pozo
COMPANY: N/A
VIOLATION(S): 6-77 No certificate of competency license
ISSUED: 03/06/13
SERVICE: Yes.

6. CASE NO.: CE13020062
NAME: Randolph Martinez
COMPANY: Marina Keys General Contractor
VIOLATION(S): 6-234.(c) Advertising without a certificate of competency license
ISSUED: 02/13/13
SERVICE: Yes.

11. Old Business:

a. Swimming Pool Lift

1. Clarification required who can install it.

b. Workers' Compensation

1. Requesting update if whether Code Compliance has resumed issuing citations to unlicensed individuals for no workers' compensation insurance. In November 2012, it was advised that Code Compliance would no longer issue citations to unlicensed individuals for workers' compensation.

c. Current Sitting Members Term Expiring

- 1. Steve Henson, May 19, 2013
- 2. Gary Centonze, May 19, 2013

Agenda Item Summary for each member going before BOCC for approval of appointments.

d. Proposed amendments to Monroe County Code Sections as follow:

1. Sec. 6-242. - Reexamination where required for renewal or reinstatement.

(a) Where a certificate of competency has been revoked or has expired passed a renewal cycle 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. Continuously maintained shall mean they did not let an entire 2 year certificate of competency lapse.

Old Business / Item d - Proposed amendments to Monroe County Code Sections

2. 6-198 – Providing clarification of definition of employee;
3. 6-200.(7) - Clarifying the parameters and restrictions of owners acting as their own contractor;
4. 6-270.(b) – Clarifying the difference between an owner as their own contractor and an unlicensed contractor;
5. 6-100.(a) To increase the building permit exception amounts from \$1000 to \$2500 and to remove tool sheds from the listed exceptions; and
6. 6-23 Amending definition of normal maintenance or repair work for consistency

e. CBAA:

1. Vacant Seat: Registered Architect

f. Proposed amendment to MCC 6-202 Prohibited Actions

At the November 13, 2012 meeting, the Board recommended that the legal team (Steve Williams') work on changing MCC Section 6-202 – Prohibited Actions to include homeowners, owner/builders, and unlicensed persons to the article to read:

It shall be unlawful for any homeowner, owner-builder, ~~or~~ contractor, or unlicensed person as defined by this article, operating anywhere within the county, licensed individually or as a firm contractor, officers, directors, or qualified representative of a firm contractor, to commit any one or more of the following acts or omissions.

(CODING: Words ~~stricken~~ are deletions; words underlined are additions)

g. Longshoreman's Insurance update (TW)

At the November 13, 2012 CEB hearing, Rudy Krause inquired about whether the Building Department could require/enforce a contractor to show proof of USL&H insurance and/or Jones' Act for any work adjacent to or over the water prior to permits being released as regular workers' compensation does not cover work along the water, and longshoreman insurance does not cover building a house, only work adjacent to water. Moreover, Jones' Act covers work over the water. At the meeting, the Board reviewed the Dock Affidavit currently in use by the County.

The Board asked Attorney Williams (sitting in for Attorney Granger) to research the matter and to return with his findings.

UPDATE

At the January 8, 2013 CEB meeting, staff advised the Board of Attorney Williams' findings: Attorney Williams' recommends following the recommendation of Attorney Pedro Mercado's January 30, 2007 findings until new or contradictory information is provided or discovered. Attorney Granger agreed with Attorney Williams' recommendation.

At the January 8, 2013, Steve Henson asked Attorney Wright to research Attorney Mercado's January 30, 2007 decision on longshoreman's insurance. Attorney Wright stated that he would look at Attorney Mercado's memo and then give his interpretation at the next meeting.

h. Department of Business and Professional Regulation Case Status

1. DBPR Complaint Number: 2013006172
CE12110117 Sean L. Lilly / CEB 01/08/13: Case withdrawn
DBPR Status: Case closed
2. DBPR Complaint Number: 2013006160
CE12120017 Eric F. Salazar / CEB 01/08/13: Not in violation
DBPR Status: Case closed due to insufficient evidence

12. Construction Trades Application Requiring Review
13. Adjournment

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Odalys Mayan, Coordinator