

MINUTES
MONROE COUNTY CONTRACTORS' EXAMINING BOARD REGULAR MEETING
Tuesday, May 13, 2014, 9:30 a.m.
Marathon Government Center

1. Call to Order/Roll Call:
Chairman Rudy Krause called the meeting to order at 9:37 a.m. Present were Steve Henson, Gary Centonze, Peggy Bankester, Chris Sante, vice-chairman Bill Kelly, and chairman Rudy Krause.

Excused absences were Charles Miller, Second Alternate.

Present with no roll call were Assistant County Attorney Steve Williams and Board Attorney Thomas Wright.
2. Agenda Changes:
 - a. Code Case:
 - i. CE14030126, Narjol J. Proenza, Jr., ENG II 239D, withdrawn.
3. Approval of Agenda:
Motion made by Mr. Sante to approve agenda as presented and seconded by Mr. Henson; no nays.
4. Approval of Minutes:
 - a. Regular Meeting: March 11, 2014

Motion made by Mr. Henson approving the minutes as presented and seconded by Mrs. Bankester; no nays.
5. Next Meeting Date:
 - a. Regular Meeting: July 8, 2014
6. Chairman advised that New Business items would be discussed after 1:30 P.M.
7. Swearing-in of Witnesses to Testify:
Attorney Wright swore-in all of those testifying at today's meeting.
8. Chairman asked if "is there anyone from the public present who would like to speak on an agenda item?"
 - a. Lesley Ryne, Attorney, addressed the Board and stated that she was present to speak on Agenda Item # 11.C.2.
9. Chairman asked if "any board member been contacted outside the presence of this meeting regarding an agenda item? If so, to please disclose the nature of the contact?"
 - a. Chairman advised that David Frederick had contacted him regarding his application for a painting & decorating license. This is Agenda Item # 11.B.11.
10. New Business
 - a. Review of Applications of Expired Certificate of Competency
 - i. Caridad Gomez SP 1694
Gomez & Son Fence
Fence Erector Contractor certificate of competency expired 10/31/2013.

This item was carried over from March 11. Mrs. Gomez addressed the Board regarding her expired certificate of competency. After discussion, motion was made by Mr. Henson and seconded by Mrs. Bankester recommending the renewal of the certificate of competency and renewal fee of \$150; no nays.
 - ii. Michael A. Cinque SP 1514
Island Concrete & Masonry Construction, Inc.

Masonry Contractor certificate of competency expired 10/31/2013.

This item was carried over from March 11. Mr. Cinque addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Centonze and seconded by Mr. Sante recommending the renewal of the certificate of competency and renewal fee of \$150; no nays.

- iii. Scott David Stanley PC 405
Paradise Plumbing of Key West, Inc.
Plumbing Contractor certificate of competency expired 10/31/2013.

Mr. Stanley addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Centonze and seconded by Mrs. Bankester recommending the renewal of the certificate of competency and renewal fee of \$150; no nays.

- iv. Phillip Donald Pierce SP 3777
P Square Interior Millwork
Cabinet & Millwork certificate of competency expired 10/31/2013.

Mr. Pierce addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Centonze and seconded by Mr. Henson recommending the renewal of the certificate of competency and renewal fee of \$150; no nays.

- v. Ronald E. Oakes SP 3364
Ron Oakes Custom Woodworking, Inc.
Cabinet & Millwork certificate of competency expired 10/31/2013.

Mr. Oakes addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Centonze and seconded by Mr. Sante recommending the renewal of the certificate of competency and renewal fee of \$150; no nays.

- vi. David Albright LVSS 1276
Norstar Telecom, Inc.
Low Voltage Unlimited certificate of competency expired 10/31/2013.

Mr. Albright addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Sante and seconded by Mr. Kelly recommending the renewal of the certificate of competency and renewal fee of \$150; no nays.

- vii. Paul Lee Springer SP 2239
Summerland Glass, Inc.
Glazing certificate of competency expired 10/31/2013.

Mr. Springer addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Centonze and seconded by Mr. Kelly recommending the renewal of the certificate of competency and renewal fee of \$150; no nays.

- viii. Steven Scott Coogle SP 4109
Cynthia's Blue Palms, LLC.
Landscaping certificate of competency expired 10/31/2013.

Mr. Coogle addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Henson and seconded by Mr. Kelly recommending the renewal of the certificate of competency and renewal fee of \$150; no nays.

- ix. Matthew D. Piscopink EC 381
Lighthouse Electric of Key West, Inc.
Electrical Contractor certificate of competency expired 10/31/2013.

Mr. Piscopink addressed the Board regarding his expired certificate of competency. After

discussion, motion was made by Mr. Centonze and seconded by Mr. Henson recommending the renewal of the certificate of competency and renewal fee of \$150; no nays.

- x. Adam Blake Fundora SP 4062 / SP 3771
Griffiths Metal Products, Inc.
Fence Erector and Aluminum Specialty Contractor certificates of competencies expired 10/31/2013.

Mr. Fundora addressed the Board regarding both of his expired certificates of competencies. After discussion, motion was made by vice-chairman Kelly and seconded by Mr. Henson recommending the renewal of both certificates of competencies and renewal fee of \$150 per certificate of competency; no nays.

- xi. John E. Gannaway SP 1781
Gannaway Brothers Plastering, Inc.
Plastering Specialty Contractor certificate of competency expired 10/31/2013.

Mr. Gannaway addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Sante and seconded by vice-chairman Kelly recommending the renewal of the certificate of competency and renewal fee of \$150; no nays.

- xii. Lawrence L. Lembach, Jr. GC 405B
Lawrence L. Lembach, Inc.
Building Contractor certificate of competency expired 10/31/2013.

Mr. Lembach addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Centonze and seconded by Mrs. Bankester recommending the renewal of the certificate of competency and renewal fee of \$150; no nays.

- xiii. James Albert Green SP 3120
James Albert Green Plastering, Inc.
Plastering Contractor certificate of competency expired 10/31/2013.

Mr. Green addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Henson and seconded by Mr. Sante recommending the renewal of the certificate of competency and renewal fee of \$150; no nays.

- xiv. William B. Estes SP 3925 / SP 3924
Go Fence, Inc.
Landscaping & Fence Erector Contractor certificates of competencies expired 10/31/2013.

Mr. Sante advised that he knows Mr. Estes; no objections.

Mr. Estes addressed the Board regarding both of his expired certificates of competencies. After discussion, motion was made by Mr. Centonze and seconded by vice-chairman Kelly recommending the renewal of both certificates of competencies and renewal fee of \$150 per certificate of competency; no nays.

- xv. James Robert Lewis SP 1374
Jim Lewis, LLC.
Masonry Contractor certificate of competency expired 10/31/2013.

Mr. Lewis addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Henson and seconded by vice-chairman Kelly recommending the renewal of the certificate of competency and renewal fee of \$150; no nays.

11. DISCUSSION/PUBLIC INPUT:

- a. Lesley Ryne addressed the Board regarding Agenda Item # 11.C.2, Mark A. Smith, Ajax Smith South, Inc. This item was added to the agenda by the request of the building official in response to an inquiry from Department of Business and Professional Regulation Office seeking clarification from the Board regarding what work would be permitted under a steel reinforcing & iron specialty, plastering, and masonry certificates of competencies.

After discussion, the consensus of the Board was basically exactly what the code reads. They read the masonry and the steel reinforcing iron specialty license definitions, and concluded that if the work is question is structural, then a masonry contractor cannot do it. A general, residential, or building contractor would have to do the work. The masonry contractor can then be put on payroll and become that contractor's employee for purposes of completing the work, but they cannot subcontract the work back to the masonry contractor, as his/her license would not allow them to perform such work.

Definitions:

(22) Masonry specialty contractor is qualified to place and finish concrete, and to fabricate or install block, pavers and bricks in a building. He cannot build or place forms or place steel in anything other than nonstructural concrete components, except that he can place forms for the purpose of repairing spalling concrete only.

(35) Steel reinforcing and iron specialty contractor is qualified to place and tie reinforcing steel in forms built by others and forms built by said contractor to repair spalling concrete only.

12. Code Compliance Cases:

- a. CE14020123 Notice to Appear
 Gerald A. Fusillo CPC1457350
 Fun Coast Pools, Inc.
 6-202.(8) Aiding and abetting
 Inspector Bruno

Mr. Fusillo failed to appear before the Board and did not have legal representation present. Good a service received at the address of record with County on 03/04/2014. Code Compliance Inspector Bruno present for the County. After testimony and evidence was taken from all parties, motion was made by Mr. Sante and seconded by vice-chairman Kelly to find Respondent IN violation as cited. After discussion, motion carried unanimously.

Penalty Phase – Motion made by Mr. Centonze recommending suspending Respondent's permit-pulling privileges until he appears before the board to explain himself, and Mr. Centonze accepted chairman Krause's recommendation of keeping the case open, not ordering administrative costs at this time, and notifying the Construction Industry Licensing Board as one of the options. Vice-chair Kelly seconded the motion.

After discussion, Mr. Centonze made a new motion and seconded by vice-chairman Kelly to CONTINUE case to next meeting and suspend Respondent's permit-pulling privileges. Motion carried unanimously. Motion carried unanimously.

- b. CE14020085 Notice to Appear
 Carlos Davalos, Jr. CGC1517556
 CDB Construction, Inc.
 6-202.(11)a Work without benefit of a permit

Mr. Davalos was present without legal representation to address the Board and did contest the violation. Code Compliance Inspector Bruno was present to address the County. After testimony and evidence was taken from all parties, motion was made by Mr. Henson and seconded

by Mr. Sante recommending finding Respondent NOT in violation based on evidence. Motion carried unanimously.

- c. CE14020086 Notice to Appear
Carlos Davalos, Jr. CGC1517556
CDB Construction, Inc.
6-202.(11)a Work without benefit of a permit

Mr. Davalos was present without legal representation to address the Board and did contest the violation. Code Compliance Inspector Bruno was present to address the County. After testimony and evidence was taken from all parties, motion was made by Mr. Henson and seconded by vice-chairman Kelly recommending finding Respondent IN violation as cited based on evidence. Motion carried unanimously.

Penalty Phase – Motion made by Mr. Sante imposing penalty of \$170.88 and seconded by Mr. Henson with a friendly amendment clarifying the penalty is actually administrative costs of \$170.88, and Mr. Sante accepting the amendment must be paid within 30 days or lien and no further action to Construction Industry Licensing Board. Roll Call Vote: Chairman voting no; all others yes; 5-1 Motion passed.

- d. CE14030112 Christopher H. Wardlow CGC1511775
Wardlow Building Group, Inc.
6-202.(11)a Working without benefit of a permit
6-143 Concealing work prior to inspections
6-144.(7)a Failure to obtain inspections

Mr. Centonze disclosed that he worked with Respondent on the Monroe County Fire House project and that he currently has no financial ties with him; no objections.

Inspector Bruno present and she dropped 6-144.(7)a as it does not pertain to case after re-reading code.

Mr. Wardlow was present without legal representation to address the Board and did contest the violations. Code Compliance Inspector Bruno was present to address the County. After testimony and evidence was taken from all parties, chairman directed Inspector Bruno to look into the job a little further to find out who was out there working, and a motion was made by Mr. Sante and seconded by vice-chairman Kelly recommending finding Respondent IN violation of 6-202.(11)a and 6-143. Chairman Krause stated that he would like to separate the two violations.

Regarding 6-202.(11)a Working without benefit of a permit

Mr. Sante amended his motion and seconded by vice-chairman Kelly recommending finding Respondent IN violation of 6-202.(11)a as cited.

Penalty Phase – Motion made by vice-chairman Kelly and seconded by Mr. Henson ordering Respondent to pay administrative costs of \$114.48, and recommending further action by Construction Industry Licensing Board. After discussion, Roll Call Vote: No - Mr. Henson, Mrs. Bankester, and Mr. Centonze; Yes - Mr. Sante, vice-chairman Kelly, and chairman Krause. 3-3 vote. Motion failed.

New motion made by Mr. Henson and seconded by Mrs. Bankester ordering Respondent to pay administrative costs of \$114.48, and recommending no further action to the Construction Industry Licensing Board. After discussion, Roll Call Vote: Yes – Mr. Henson, Mr. Sante, Mrs. Bankester, and Mr. Centonze; No – vice-chairman Kelly and chairman Krause. 4-2; motion passed.

Regarding 6-143 Concealing work prior to inspections

Motion made by Mr. Sante and seconded by vice-chairman Kelly recommending finding Respondent IN violation of 6-143 as cited. Motion carried unanimously.

Penalty Phase – Motion made by Mr. Sante and seconded by Mr. Henson ordering Respondent to pay administrative costs of \$114.48. Roll Call Vote: Yes – Mrs. Bankester, vice-chairman Kelly, and chairman Krause; No – Mr. Henson, Mr. Centonze, and Mr. Sante. 3-3 vote. Motion failed.

New motion made by Mr. Kelly and seconded by Mrs. Bankester ordering Respondent to pay administrative costs of \$114.48 and recommending further action by Construction Industry Licensing Board. After discussion, Roll Call Vote: Yes – Mrs. Bankester, Mr. Centonze, vice-chairman Kelly, and chairman Krause; No – Mr. Henson and Mr. Sante; 4-2 vote. Motion passes. Respondent has 30 days to pay \$228.96 total within 30 days or lien.

Chairman recessed meeting at 12:04 P.M. and reconvened at 12:10 P.M.

- e. CE14030120 Notice to Appear
Gary Lee Eskilsen SCC131151147
Florida Glass & Aluminum, Inc.
6-202.(11)a Work without benefit of a permit

CE14030120 Eskilsen continued

Mr. Eskilsen failed to appear before the Board and did not have legal representation present. Good a service received at the address of record with County on 03/28/2014. Code Compliance Inspector Bruno present for the County. After testimony and evidence was taken from all parties, motion was made by Mr. Sante and seconded by vice-chairman Kelly to find Respondent IN violation as cited. After discussion, motion carried unanimously.

Penalty Phase – Motion made by Mr. Centonze ordering Respondent to pay administrative costs of \$150.48 and suspend his permit-pulling privileges until he comes before the board. Or continue penalty phase until July 8, 2014 meeting.

New motion made by Mr. Centonze and seconded by vice-chairman Kelly ordering Respondent to pay administrative costs of \$150.48 within 30 days or lien and suspend permit-pulling privileges until he appears before the board. After discussion, motion carried unanimously.

Chairman recessed for lunch at 1:30 P.M. and reconvened at 1:43 P.M. with all present except vice-chairman Kelly.

DISCUSSION/PUBLIC:

- a. John Rose addressed the Board to discuss his options regarding a welding certificate of competency. Mr. Rose is a welder by trade and he currently holds a certification by one of the welding associations but Monroe County no longer offers a welding certificate of competency.

After discussion, the board concluded that welder's would be allowed to work as long as they have an AWS or its equivalent certification until Monroe County certificate of competency is in place.

- f. CE13100102 Notice of Appeal
Marcos Lopez
Orange Plumbing
6-234.(a) Advertising without a certificate of competency

Mr. Lopez failed to appear before the Board and did not have legal representation present. Good a service received at the address of record with County on 03/28/2014. Code Compliance Inspector Bruno present for the County. After testimony and evidence was taken from all parties, motion was made Mr. Centonze and seconded by Mr. Henson recommending denying appeal and finding Respondent In violation as cited. Motion carried unanimously.

Penalty Phase – Motion made by Mr. Henson recommending fine to remain at \$500.00 plus administrative costs of \$164.51, for a total of \$664.51, and seconded by Mr. Centonze with a friendly amendment recommending fine at \$1,000.00 plus administrative costs of \$164.51, for a total of \$1,164.51. After discussion, Mr. Henson denied amendment and withdrew his motion.

New motion made by Mr. Henson and seconded by Mr. Sante recommending imposing a fine of \$750.00 plus administrative costs of \$164.51, for a total of \$914.51, to be paid within 30 days or lien. Motion carried unanimously.

13. New Business

a. Review of New Construction Trades Application

i. David Warren Frederick – Application for a Painting & Decorating Certificate of Competency.

Mr. Frederick addressed the Board regarding his application for a certificate of competency since his application was incomplete. He failed to provide the required w-2's and notarized reference letters from current/past employers. After discussion, the Board approved Mr. Frederick's application for a Painting & Decorating certificate of competency.

Note: Vice-chairman Kelly arrived at meeting at 2:32 P.M.

CODE COMPLIANCE CASES CONTINUED

- g. CE14020090 Notice to Appear
Bob Lomrance
6-77 No certificate of competency
6-234.(a) Advertising without a license

Chairman Krause recused himself from the case citing that he knew too much of the case. Vice-chairman Kelly presided.

Mr. Lopez failed to appear before the Board and did not have legal representation present. Affidavit of Mail Item mailed to Respondent's last known address on 03/17/2014 serves as good service as it was not returned. Code Compliance Inspector Bruno present for the County. After testimony and evidence was taken from all parties,

Regarding 6-77 No certificate of competency

Motion made by Mr. Sante and seconded by Mrs. Bankester to find Respondent IN violation. Motion carried unanimously.

Regarding 6-234.(a) Advertising without a license

Motion made by Mr. Sante and seconded by Mrs. Bankester to find Respondent IN violation. Motion carried unanimously.

Penalty Phase –

6-77 – Motion made by Mr. Sante and seconded by Mr. Henson recommending imposing a fine of \$500.00 plus administrative costs of \$92.64, for a total of \$592.64, to be paid within 30 days or lien. Motion carried unanimously.

6-234.(a) – Motion made by Mr. Sante and seconded by Mr. Henson recommending imposing a fine of \$500.00 plus administrative costs of \$92.64, for a total of \$592.64, to be paid within 30 days or lien. Motion carried unanimously.

Note: Chairman returned at 2:52 P.M.

14. New Business continued

a. Discussion:

- i. Easy Grass Block – What type of certificate of competency would be required for the installation of Easy Grass Block? After discussion, the Board instructed staff to advise

applicant to complete an application and submit with all proper materials for further review and determination.

b. Announcements:

- i. Layperson position vacated by Mrs. Alesha Scheuerman 4/21/14 due to relocation. She was nominated for re-appointment by CEB on 03/11/14; term expiring 06/15/14; approval to advertise position.
- ii. Master Mechanical Card seat vacated (3/11/14) by Mr. Bill Miller CMC057213. He was nominated for reappointment by CEB on 03/11/14; term expiring 06/15/14; approval to advertise position.
- iii. Attorney Williams advised that vice-chairman Kelly is running for City of Marathon City Council seat. If he is successful and wins election, there will be a dual office holding violation if he stays (on the CEB). Chairman asked that we wait on advertisement of position until it gets a little closer to election.
- iv. Peggy Bankester, Layperson, nominated by CEB on 03/11/14; term expiring 6/15/14. Approval by BOCC to re-appointment to one additional three-year term beginning 6/11/14 and ending 6/11/17.
- v. Frank Toppino ENG I 132A, Alternate, nominated by CEB on 03/11/14; term expired 5/1/14. Approval by BOCC to re-appointment to one additional three-year term beginning 6/11/14 and ending 6/11/17.

c. Executed stipulation agreement(s) for State Certified Contractor(s):

- i. CE14030115 – No nay votes in recommending the approval of the executed stipulation agreement.

d. Motion for Imposition of Fines & Costs / Lien Request for Non-Payment of Citation

- i. Case No.: CE14040098
Name: Alan T. Leigh
Company: N/a
License No.: N/a
Violation(s): 6-77 No certificate of competency
Issued: 04/22/2014
Good Service: In field
Fine: \$500.00
Inspector: Bruno

No nay votes in recommending the approval of the Motion of Imposition of Fines/Liens including all administrative costs and filing fees.

15. Old Business:

a. CEB Meetings:

i. 03/11/2014:

1. The board briefly discussed that they would like to know how many times an applicant could fail to appear before the CEB after submitting an application for renewal of expired certificate of competency and paying the appropriate fee per 6-240 Fees before denying their application.

Motion made by Chris Sante and seconded by Steve Henson recommending an applicant have two chances to appear before the board. If the applicant fails to appear

before the board a second time, the application is denied for failure to appear, and application fee is forfeited. Motion seconded by Steve Henson.

ii. 02/11/2014

1. William F. Miller CMC057213 – License inactive as of 4/17/14 – Agenda Item discussed under Announcements
2. Clarification and amendment of MCC 6-240 Fees
3. Clarification and text amendment of MCC 6-237.(1)(a) Application; examination; issuance of contractor's certificate
4. ~~Clarification (and possible amendment) of MCC 6-263 Created/CEB~~

iii. 11/19/2013

1. Amendment to MCC 6-198 Definitions to add Welding category

iv. 02/14/2012

1. Interlocking Pavers

The Board unanimously voted to have the county look into whether they (county) can create a new license category or not. Right now, pavers work is allowed under the Tile, Terrazzo, & Marble license. The CEB would like to separate the pavers from the tile license.

v. 06/14/2011

1. MCC 6-32 Working through a stop work order

~~c. 11/19/2013 CEB Meeting~~

~~i. Amendment to MCC 6-198 to add welding~~

vi. 09/11/2012

1. Staff Report

- a. At the meeting, in response to B.O. Smith report on how people from Miami are coming into the Keys' and using other contractor's licenses to pull permits, the Board unanimously voted to submit a request via e-mail to Attorney Wright asking him to draft an ordinance to stop issuing permits unless the person shows proper authority/relationship.

This item is to be added to the July 8th agenda for discussion.

b. Journeyman License

Staff was directed to find out if an employee is required to hold a valid journeyman license on the job site.

Vice-chairman Kelly advised that a journeyman license is no longer required on jobsites.

c. Longshoreman Insurance

Update: 03/11/2014: Attorney Williams would be scheduling a meeting with County Attorney Pedro Mercado, Attorney Wright, and chairman to discuss the matter.

This item removed from the agenda per Attorney Williams direction.

~~e. 02/14/2012~~

~~i. Interlocking Pavers~~

~~The Board unanimously voted to have the county look into whether they (county) can create a new license category or not. Right now, pavers work is allowed under the Tile, Terrazzo, & Marble license. The CEB would like to separate the pavers from the tile license.~~

~~f. 06/14/2011~~

~~i. MCC 6-32 Working through a stop work order~~

16. Staff Reports

- a. Jerry Smith, Building Official/Board Secretary – Not present
- b. Thomas Wright, Contractors' Examining Board Attorney – Addressed under Old Business
- c. Steve Williams, Assistant County Attorney – Addressed under Old Business
- d. Ronda Norman, Code Compliance Director - No

Gary Centonze left the meeting at 3:40PM.

Attorney's excused at 3:41PM.

17. Meeting adjourned at 3:59PM.

Odalys Mayan, License Coordinator

APPROVED by the Contractors Examining Board of Monroe County, Florida, at a regular meeting held on 8th day of July, 2014 [] "as submitted" or [] "as amended."

To request a copy of this or any hearing, please visit <http://fl-monroecounty.civicplus.com/index.aspx?nid=121> and chose Duplicate Request Form.