

MINUTES
CONTRACTORS' EXAMINING BOARD REGULAR MEETING
Tuesday, July 8, 2014, 9:30 a.m.
Marathon Government Center

1. Call to Order/Roll Call:
Chairman Rudy Krause called the meeting to order at 9:40 a.m.

Excused were Peggy Bankester and Gary Centonze.

Present with no roll call were Assistant County Attorney Steve Williams and Board Attorney Thomas Wright.
2. Agenda Changes:
 - a. Addition of Jason Michael Pearson to agenda to review application for renewal of expired certificate of competency; board approved – no nays. Chairman advised that Mr. Pearson would be heard at the end of the agenda.
 - b. Inspector Bruno
 - i. CE14040117 Bruce Tucker /request to continue case to August 12 meeting due to being out of state. Attorney Wright advised that technically it's the Board that can decide to grant or deny a continuance at this point. Motion made by Mr. Henson recommending approval of request per staff's recommendation and seconded by Mrs. Bankester; no nays.
 - ii. CE14020123 Gerald A. Fusillo CPC1457350 /request to vacate order from May 13, 2014 CE14020123. Motion made by Mr. Henson recommending approval of request of vacating motion per staff's recommendation and seconded by Mrs. Bankester; no nays.
 - iii. CE14030031 John M Takovich /request to continue case to August 12 meeting due to being out of state. Inspector spoke with Respondent and gave a verbal meeting date of August 12. Motion made by Mr. Henson recommending approval of request per staff's recommendation and seconded by Mr. Sante; no nays.
3. Approval of Agenda:
Motion made by Mr. Sante to approve agenda with amendments and seconded by Mr. Henson; no nays.
4. Approval of Minutes:
 - a. Regular Meeting: May 13, 2014
Motion made by Mr. Sante recommending approval of minutes as presented and seconded by Mr. Henson; no nays.
5. Next Meeting Date:
 - a. Regular Meeting: August 12, September 9, October 14, and December 9, 2014.
6. Announcement:
C. HURLEY – Mrs. Hurley addressed the Board and introduced the new interim Building Official John Travers. He is a contract employee of M.T. Causley. Mrs. Hurley explained that the county has an “on-call” contract with M.T. Causley to provide employee's on an as-needed basis. Mr. Travers introduced himself and looks forward to working with the county as well as the board.
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?” N/A
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 disclosed that Mr. Pearson contacted him regarding his expired certificate of competency.
- b. Mr. Henson disclosed that Mr. Sweeney contacted him regarding his expired certificate of competency.

10. Code Compliance Case(s):

- a. CE14030120 Reinstatement of Permit-Pulling Privileges
Gary Lee Eskilsen SCC131151147
Florida Glass & Aluminum, Inc.
6-202.(11)a Work without benefit of a permit

As ordered on May 13, 2014, Respondent appearing before the Board for reinstatement of his permit-pulling privileges. Administrative costs of \$150.48 were paid in full on 6/18/14. After discussion, motion made by Mr. Sante recommending reinstatement of Respondent's permit-pulling privileges in Monroe County after failing to appear in May to address the board and seconded by Mrs. Bankester; no nays.

- b. CE14030118 Notice to Appear
Dana Edward Banks CAC056642
Dana's A/C & Appliance Service, Inc.
6-202.(11)a Work without benefit of a permit

Mr. Banks appeared before the Board without legal representation to address the Board Code Compliance Inspector Bruno present for the County. After testimony and evidence was taken from all parties, motion was made by Mrs. Bankester recommending finding Respondent IN violation of working without a permit as cited and seconded by Mr. Henson. Motion carried unanimously.

Penalty Phase – Motion made by Mr. Sante ordering Respondent to pay administrative costs of \$140.88 within 30 days or lien, close all open permits, and recommending no further action to the Construction Industry Licensing Board. Motion carried unanimously.

- c. CE14040107 Notice to Appear
David Arthur Cox
David Cox Plastering, LLC.
6-202.(3) Divert Funds (\$1,286.00)

Mr. Cox 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 05/22/2014. Code Compliance Inspector Bruno present for the County. After testimony and evidence was taken from all parties, motion was made by Mr. Henson recommending finding Respondent IN violation of diverting funds as cited and seconded by Mr. Miller. Motion carried unanimously.

Penalty Phase – Motion made by Mr. Henson recommending imposing a fine of \$1,000.00 plus administrative costs of \$137.28, for a total of \$1,137.28, to be paid within 30 days or lien, and refer case to the state attorney's office for further review and prosecution, and seconded by Mr. Kelly. Roll Call Vote: Abstain: Mr. Sante; Yes – All others. Mr. Sante disclosed that he abstained from participating due to previous business relationships with Mr. Cox.

Note: Charlie Miller left the meeting.

- d. CE14030065 Notice of Appeal
Jorge Luis Gacita
6-77 No certificate of competency

Mr. Gacita appeared before the Board without legal representation to address the Board and contested violation. Mrs. Myra Tezano, staff, was called in to interpret due to language barrier. Code Compliance Inspector Reina present for the County. After testimony and evidence was taken from all parties, motion was made by Mr. Sante recommended finding Respondent NOT in violation of working without a certificate of competency and GRANT Appeal. Motion seconded by Mr. Kelly. Motion carried unanimously.

11. New Business:

a. Application Review for Renewal of Expired Certificate of Competency

- i. William J. Sweeney ENG II 264E
William J. Sweeney, Inc.
Excavating & Grading Contractor certificate of competency

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

- ii. Michael Syring SP 3799
Preferred Painting of the Florida Keys, Inc.
Painting & Decorating certificate of competency

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

- iii. New Agenda Item Addition:
1. Jason Michael Pearson SP 4082
Pearson Tree Service, LLC.
Landscaping Contractor

Mr. Pearson addressed the Board regarding his expired certificate of competency after Mr. Kelly and Mr. Henson agreed to hear him even though he was not on the agenda; no nays. After discussion, motion was made by Mr. Kelly recommending the renewal of the certificate of competency and renewal fee of \$150 and seconded by Mr. Henson, and both accepting Chairman's friendly amendment approval pending that there are no pending citations; no nays.

- b. Construction Trades Application Review of Verification of Construction Experience – Chairman advised that this item would be moved to the end of the agenda for review and reading into record.

- c. Executed stipulation agreement(s) for State Certified Contractor(s): Nothing to report

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

Motion made by Mr. Sante recommending the approval of the Motion for Imposition of Fines/Lines including administrative costs and filing fees as a bulk item for CE14040099 and CE12070164. Motion seconded by Mrs. Bankester; no nays.

- e. Election of Chair and Vice-Chair for 2014-15 Terms

The floor was open for nominations for the 2014-15 terms. Mr. Kelly nominated current sitting chairman Krause to remain on the board as the chair and Mr. Centonze for vice-chair.

Election of Chair and Vice-Chair for 2014-15 Terms

There being no further nominations, Attorney Wright closed the floor and advised they were elected by acclamation; no nays. (Motion seconded by Mr. Sante but Attorney Wright advised that a second is not necessary in nominations).

f. New Agenda Item Addition:

i. CEB and CBAA Members –Amendment of MCC 6-263

Attorney Williams' briefly advised that the way the ordinance is written, we may have to re-organize the panel in order to be in compliant with MCC 6-263. However, this item would be continued to next meeting when Ms. Mayan is present to speak on the subject.

12. Old Business:

a. 03/11/2014

i. Re-election of Members

1. Contractors' Examining Board

- a. Vacant, 3/11/14
Master Mechanical Card
Expired: 6/15/14

Mr. Kelly advised that he found an air conditioning contractor that may be interested in sitting on the board, filling the vacant position left by Mr. William Miller. The name is Larry Joseph Smorgala.

- b. Vacant, 4/21/14
Layperson
Expired: 6/15/14

No nominations received

CEB approved to advertise both positions at the 5/13/14 meeting.

- c. Peggy Bankester
Layperson
Expires: 6/11/17

Re-appointed by BOCC on 6/11/14 to one (1) additional three (3) year term to the CEB beginning June 11, 2014.

- d. Frank Toppino ENG I 132A
Alternate
Expires: 6/11/17

Re-appointed by BOCC on 6/11/14 to one (1) additional three (3) year term to the CEB beginning June 11, 2014.

Items b, c, f, and now e will be presented as one big packet to the BOCC. No discussion required.

b. Proposed Amendments to Chapter 6 / Staff Reports

Attorney Williams' presented:

- ~~b.~~ 1. 02/11/2014

- i. Clarification and amendment of MCC 6-240 Fees – **CEB approved proposed amendment; no nays.**
 - ii. Text amendment of MCC 6-237.(1)(a) Application; examination; issuance of contractor's certificate; **CEB approved proposed amendment; no nays.**
- ~~e~~. 2. 11/19/2013 CEB Meeting
- i. Amendment to MCC 6-198 Definitions to add welding category; **CEB approved proposed amendment; no nays.**
- ~~e~~. 3. 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; **CEB approved proposed amendment; no nays.**
4. Journeyman and Master Certificate of Competency – To be revisited
5. Journeyman and Master being omitted from 6-198 Definitions – To do
6. Working through a stop work order
- ~~f~~. 7. 6/14/2011
- i. Working through a stop work order; **CEB approved proposed amendment; no nays.**
- ~~d~~. 8. 09/11/2012
- J. Smtih
- i. At the meeting, in response to B.O. Smith, the Board agreed to submit a request via e-mail to Attorney Wright asking him to draft an ordinance to stop issuing permits unless the permit shows proper authority/relationship. **Resolved; removed from agenda.**
13. Construction Trades Application Review of Verification of Construction Experience
Each member must review their applications, approve/disapprove them, sign and date the folder and application, and read results into the record and state your name. (12/10/13)
- i. Paul C. White – Cabinet & Millwork Contractor; **approved by Mrs. Bankester.**
 - ii. Jose L. Nunez Sunshine Windows Manufacturing, Inc. –Glazing Contractor by waiver of examination from Broward County; **approved by Mr. Sante contingent he took and passed Business and Law examination.**
 - iii. Tracie S. Catalano – Expert Fence and Railing, Inc. –Fence Erector Contractor license by waiver of examination reciprocating from Broward County; **approved by**
 - iv. Robert L. Greene, Martin Fence Company, Inc. – Fence Erector Contractor by waiver of examination by reciprocating from Palm Beach County; **approved by Chairman.**
 - v. Ricky Lee Smith – Rick's Garage Door - Garage Door Opener & Installation by waiver of examination reciprocating from Brevard County; **approved by Mr. Henson.**
14. Meeting adjourned at 12:15PM.

Odalys Mayan, License Coordinator, for
Mary Tucker

APPROVED by the Contractors Examining Board of Monroe County, Florida, at a regular meeting held on 9th day of September, 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.