

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

1. Call to Order / Roll Call:
Chairman Rudy Krause called the meeting to order at 9:34 A.M. Present were Mr. Frank Toppino, Mr. Charlie Miller, Mr. Steve Henson, Mrs. Peggy Bankester, Vice-Chairman Gary Centonze, and Chairman Rudy Krause.

Present with no roll call were Assistant County Attorney Lisa Granger and Board Attorney Thomas Wright.
2. Agenda Changes:
 - a. Addition:
 - i. Application Review for Expired Certificate of Competency
 1. Robert A. Johnson SP 4033
Robert A. Johnson, LLC.
Tile, Terrazzo, and Marble Contractor
 - b. Deletion:
 - i. Code Compliance Case(s)
 1. CE14070083 Notice of Appeal for Brian Callihan – County withdrew case stating Mr. Callihan had entered into a stipulated agreement
3. Approval of Agenda:
Motion made by Mr. Centonze to approve agenda as amended and seconded by Mr. Henson; no nays.
4. Approval of Minutes:
 - a. Regular Meetings:
 - i. October 14, 2014
Motion made by Mrs. Bankester to approve minutes as presented and seconded by Mr. Henson; no nays. (*Mr. Toppino made the first motion but then Mrs. Bankester overrode him because Mr. Toppino was not present at this meeting*).
 - ii. September 9, 2014
Motion made by Mr. Henson to approve minutes as presented and seconded by Mr. Centonze; no nays.
5. Next Meeting Date:
 - a. Regular Meeting: January 13, 2015
6. Swearing-in of Witnesses to Testify:
Attorney Wright swore-in all of those testifying at today's meeting.
7. Chairman asked if "is there anyone from the public present who would like to speak on an agenda item?" YES.
 - a. Attorney Harding present for CE14030031.
8. 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? NO.

9. Code Compliance Case(s):

Mr. Krause advised he must recuse himself from case # CE14030031 as he has personal knowledge of the case and Mr. Henson must recuse self from case # CE14020041.

Mr. Centonze acting as Pro-Tem for case # CE14030031 (Takovich) and disclosed that the contractor once sold him a paddleboard; no objections from parties.

- a. CE14030031 Notice to Appear
 John M. Takovich CRC047886
 Keys Paradise Builders, Inc.
 MCC Sec 6-202.(11)a Work without benefit of a permit
 MCC Sec 6-202.(3) Divert funds
 Issued 07/07/14
 Inspector Bruno

Mr. Takovich appeared before the Board without counsel to address the Board and contested the violations. This case was re-scheduled from 09/09/14 where Final Order from 08/12/14 was vacated.

Homeowners' Donald and Jill Clark present with counsel (Dorothy Harding) as witnesses for County. Code Compliance Inspector Bruno present for County; after testimony and evidence was taken from all parties,

Regarding MCC Sec 6-202.(11)a Work without benefit of a permit, motion was made by Mr. Miller recommending finding Respondent IN violation as cited. Motion seconded by Mrs. Bankester. Motion carried unanimously.

Regarding MCC Sec 6-202.(3) Divert funds, motion was made by Mr. Henson recommending finding Respondent NOT in violation as cited. Motion seconded by Mrs. Bankester. Motion carried unanimously.

Penalty Phase – After discussion, motion was made by Mr. Henson recommending administrative costs of \$416.16, letter of reprimand to be placed in file, and no further action to Construction Industry Licensing Board. Motion carried unanimously.

In response to Attorney Wright, Mr. Henson made a motion recommending fine to be paid within 30 days or lien. Motion seconded by Mrs. Bankester; no nays.

Board took a brief recessed and reconvened with no roll call but everyone present.

Mr. Henson left the room at 11:50 A.M.

- b. CE14020041 Notice to Appear
 Christopher H. Wardlow CGC1511775
 Wardlow Building Group, Inc.
 MCC Sec 6-202.(11)a Work without benefit of a permit
 MCC Sec 6-143 Concealing work prior to inspections
 MCC Sec 6-202.(5) Violation of workers' compensation laws
 MCC Sec 6-32 Working through a stop work order

CE14020041 Wardlow continued:

Issued 03/26/14

Inspector Dowling

Mr. Wardlow appeared before the Board without counsel to address the Board and plead guilty to MCC Sec 6-202.(11)a, 6-143, and 6-202.5, but contested MCC Sec 6-32. Property owners' & husband and wife Richard Schaning and Grace Chee present as witnesses for County. Code Compliance Inspector Dowling present for County; after testimony and evidence was taken from all parties,

Regarding MCC Sec 6-32 Working through a stop work order, motion was made by Mr. Miller recommending finding Respondent IN violation as cited. Motion seconded by Mr. Toppino. After discussion, Roll Call Vote: NO- Mrs. Bankester. YES- Mr. Toppino, Mr. Miller, Mr. Centonze, and Mr. Krause. 4-1, motion passes.

Regarding MCC Sec 6-202.(11)a, 6-143, and 6-202.5, motion was made by Mr. Centonze accepting Respondent's guilty plea and finding Respondent IN violation as cited. Motion seconded by Mrs. Bankester. Motion carried unanimously.

Penalty Phase:

Regarding MCC Sec 6-202.(11)a Work without benefit of a permit, motion was made by Mr. Centonze recommending a letter of reprimand be placed in file. Motion seconded by Mr. Toppino. Motion carried unanimously.

Regarding MCC Sec 6-143 Concealing work prior to inspections, motion was made by Mr. Toppino recommending a letter of reprimand be placed in file. Motion seconded by Mrs. Bankester. After discussion, Roll Call Vote: NO- Mr. Miller and Mr. Krause. YES- Mr. Toppino, Mrs. Bankester, and Mr. Centonze. 3-2, motion passes.

Regarding MCC Sec 6-202.(5) Violation of workers' compensation laws, motion was made Mr. Krause recommending further action be taken by Construction Industry Licensing Board and administrative costs of \$203.60 to be paid within 30 days or lien. Motion seconded by Mr. Miller. Motion carried unanimously.

Regarding MCC Sec 6-32 Work through a stop work order, motion was made by Mr. Centonze recommending a minimum \$500.00 fine. In addition, there shall be automatic revocation of all permits and development orders related to the work being done, and a mandatory minimum six (6) month suspension of the permit-pulling privileges of any contractor performing work. Motion seconded by Mr. Toppino. Motion carried unanimously.

Mr. Toppino left the meeting at 12:52 P.M.

- c. CE14080176 Notice to Appear
Charles W. Rumpf
Property owner
MCC Sec 6-32 Work through stop work order
Issued 08/28/14
Inspector Bruno

Mr. Rumpf appeared before the Board without counsel to address the Board and did not contest the violation. Mr. Rumpf's daughter was present. Code Compliance Inspector Bruno present for County after testimony and evidence was taken from all parties, motion was made by Mr. Henson recommending finding Respondent IN violation as cited. Attorney Wright sworn-in Mr. Rumpf at 1:05 P.M. Mr. Rumpf confirmed testimony under oath. Mr. Henson made the motion to find Respondent IN violation as cited. Motion seconded by Mr. Centonze. Motion carried unanimously.

Penalty Phase – Motion made by Mr. Henson recommending \$500.00 fine and \$262.38 administrative costs, for total of \$762.38, to be paid within 30 days or lien, and advised other parties associated with this case not to be charged. Motion carried unanimously.

Total Due: \$762.38

Chairman recessed meeting for lunch at 1:08 P.M.

Meeting reconvened at 2:15 P.M. All present except Mr. Toppino.

d. CE14050125 Notice to Appear
Wolfgang H. Noack
Reliance Property Management, Inc.
MCC Sec 6-77 No certificate of competency
Issued 06/27/14
Inspector Bruno

Attorney Wright sworn-in Mr. Noack; Mr. Centonze disclosed he knows Respondent and he sponsored him when he first came to the country; no objections. Mr. Noack appeared before the Board without counsel to address the Board and admitted to violation with testimony. Code Compliance Inspector Bruno present for County; after testimony and evidence was taken from all parties, motion was made by Mr. Miller recommending accepting Respondent's plea and find IN violation as cited. Motion seconded by Mr. Henson. Motion carried unanimously.

Penalty Phase – Motion made by Mrs. Bankester recommending \$750.00 fine plus \$247.68 administrative costs, for total of \$997.68, to be paid within 30 days or lien. Motion seconded by Mr. Krause. Motion carried unanimously.

Total Due: \$997.68

e. CE14100036 Notice to Appear
Wolfgang H. Noack
Reliance Property Management, Inc.
MCC Sec 6-77 No certificate of competency
Issued 10/06/14
Inspector Bruno

Mr. Noack appeared before the Board without counsel to address the Board and contested the violation. Code Compliance Inspector Bruno present for County; after testimony and evidence was taken from all parties, motion was made by Mr. Miller recommending finding Respondent NOT in violation as cited. Motion seconded by Mrs. Bankester. After discussion, Roll Call Vote: NO- Mr. Krause. YES-Mr. Miller, Mrs. Bankester, and Mr. Centonze. 4-1, motion passes.

- f. CE14110022 Notice to Appear
Perry B. McClain CAC1815829
J & S Residential A/C Company
MCC Sec 6-202.(11)a Work without benefit of a permit
Issued 11/07/14
Inspector Bruno

Mr. McClain appeared before the Board without counsel to address the Board and contested the violation. Code Compliance Inspector Bruno present for County; after testimony and evidence was taken from all parties, motion was made by Mr. Miller recommending finding Respondent NOT in violation as cited. Motion seconded by Mrs. Bankester. After discussion, Roll Call Vote: NO-Mr. Krause. YES-Mr. Miller, Mr. Henson, Mrs. Bankester, and Mr. Centonze. 4-1, motion passes.

- g. CE14080189 Notice to Appear
Majesty Martead Marcelin CCC1328089
Ox Construction and Company, LLC.
MCC Sec 6-202.(11)a Work without benefit of a permit
~~MCC Sec 6-202.(5) Violation of workers' compensation laws~~
Issued 08/29/14
Inspector Bruno

Mr. Marcelin failed to appear before the Board and did not have counsel present. Good service received at the address of record with County on 09/18/14. Code Compliance Inspector Bruno present for County. Inspector Bruno moved to WITHDRAW MCC Sec 6-202.5 as Respondent became compliant on 09/10/14; after testimony and evidence was taken from all parties, motion was made by Mr. Henson recommending finding Respondent IN violation as cited. Motion seconded by Mr. Centonze. Motion carried unanimously.

Penalty Phase – Motion made by Mr. Henson recommending administrative costs of \$238.38 to be paid within 30 days or lien and no further action to Construction Industry Licensing Board. Motion seconded by Mrs. Bankester. After discussion, motion carried unanimously.

10. New Business:

a. Application Review for Renewal of Expired Certificate of Competency

- i. Javier R. Flores JE 1019
Journeyman Electrical

Mr. Flores addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Henson recommending the renewal of the certificate of competency and renewal fee of \$70.00. Motion seconded by Mrs. Bankester; no nays.

- ii. Robert A. Johnson SP 4033
Robert A. Johnson, LLC.
Tile, Terrazzo, and Marble

New Business /Expired COC / Robert Johnson SP 4033 continued:

Mr. Johnson addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mrs. Bankester recommending the renewal of the certificate of competency and renewal fee of \$150.00. Motion seconded by Mr. Miller; no nays. (File not read into the record by accident)

- iii. Wolfgang H. Noack
Reliance Property Management, Inc.
 - 1. SP 3556
Lawn Sprinkler Contractor
 - 2. SP 3377
Masonry Contractor
 - 3. SP 3378
Fence Erector Contractor
 - 4. SP 3376
Landscaping Contractor

Mr. Noack addressed the Board regarding his expired certificates of competencies. After discussion, motion was made by Mr. Miller recommending the approval of all four certificates of competencies contingent he closes Permit # 121004186 and Code Case # CE12090077 on his personal property. Motion seconded by Mrs. Bankester. After discussion, Roll Call Vote: NO-Mr. Miller, Mr. Henson, Mr. Centonze, and Mr. Krause. YES- Mrs. Bankester. 4-1, motion fails.

New motion made by Mr. Henson recommending continuing to the January 13, 2015 CEB meeting at 9:30 A.M. Motion seconded by Mr. Krause; no nays.

b. Discussion:**i. CEB Mechanical Vacant Seat**

- 1. Frank Herrada CAC1817003 (Class B)
FMH HVAC, Inc.

Mr. Herrada submitted an application for consideration of the open Master Mechanical Card position on CEB. Mr. Herrada attended the meeting and advised he would be interested in serving if his qualifications meet MCC Sec 6-263. Attorney Granger stated that she would need to research Florida Statutes a little more. After discussion, Mr. Herrada will be advised if he is in compliance of MCC Sec 6-263 and would be eligible to serve on the CEB.

c. Re-election of Contractors Examining Board Member

- i. Rudolph G. Krause CBC048885 Rudy Krause Construction – Term Expire: January 19, 2015
After discussion, motion was made by Mr. Henson recommending the approval to re-appoint Mr. Krause, CBC048885, to one additional three-year term to the CEB. Motion seconded by Mr. Miller; no nays.

d. 2015 CEB Meeting Dates Schedule

- i. each member was provided with a copy of the schedule both by e-mail and hardcopy.

e. Petition for Clarification of MCC Sec 6-198.(2) Aluminum, Vinyl, and Plastic Contractors

- i. We have received a petition from Mrs. Linda Davis, SP 3765, Har-Lin, Inc. The petitioner seeks the Board's interpretation of MCC Sec 6-198.(2), Aluminum, Vinyl, and Plastic Contractors. Petitioner specifically asks whether the application of hardiplank, cemplank, Hardipanel, cempanel, hardisoffit, and cemsoffitt siding can be installed by a contractor holding a Monroe County Aluminum Specialty Certificate of Competency under MCC Sec 6-198.(2).

The Board considered the Petition at its meeting regarding whether or not an aluminum specialty contractor may install hardiplank, cemplank, Hardipanel, cempanel, hardisoffit, and cemsoffitt siding. After careful considering and review of all materials presented by the Petitioner, motion was made by Mr. Henson stating the items are not included in the scope of work of an aluminum specialty contractor as defined in MCC Sec 6-198.(2). Motion seconded by Mr. Miller. After discussion, it was stated that this scope of work would remain under the scope of work of a general, residential, and/or building contractor; no nays.

f. Construction Trades Application Review of Verification of Construction Experience

- i. Doris E. Gomez / Glenn R. Thomas Painting, Inc. / New Application / Painting and Decorating Contractor by waiver of examination using State License Number CBC059473. **Approved by Peggy Bankester.**
- ii. Mauricio J. Herrera / M.H. of Miami Corp / New Application / Masonry Contractor. **Approved by Peggy Bankester.**
- iii. Nelson Luna / High Tides Paintings / New Application / Painting and Decorating Contractor. **Approved by Peggy Bankester.**
- iv. Mark Mulcahy / On a Wing and a Prayer, LLC. / New Application / Underground Utilities and Excavation Contractor. **Approved by Steve Henson.**
- v. Jesse Evan Staten / A1 Seaclear, LLC. / New Application / Flooring Contractor. **Approved by Steve Henson.**
- vi. Sharon Urscheler / Flora-Tech Landscapes, Inc. / New Application / Landscape Contractor. **Approved by Steve Henson.**
- vii. Christopher Lee Vazquez / Re-approval Application / Journeyman Electrical. **Approved by Charlie Miller.**
- viii. Timothy Lee Davis / New Application / Aluminum Specialty Contractor. **Incomplete – Denied by Gary Centonze.**
- iv. Mark Edward Davis / New Application / Fence Erection Contractor by waiver of examination reciprocating from Broward County. **Approved by Gary Centonze.**

MCC Sec 6-263 and 6-264 Discussion Continued:

Attorney Granger returned to the meeting with the state law and read into the record "Local Construction Regulation Board means a board composed of not fewer than three residents of a county or municipality which the governing body of that county or municipality may create and appoint to maintain the proper standard of construction of that county or municipality." (FS 489.105.(12)). So they (CEB) may have anyone that want as long as they have more than three residents on the board and as long as the BOCC approves it.

Mr. Krause advised Attorney Granger that the Board would like to have the language as broad as possible. Attorney Granger was advised that at the August 12, 2014 the Board had made a motion on new language and that she will be provided with a copy of that language.

g. Motion for Imposition of Fines & Costs / Lien Request for Non-Payment of Citations:

Mr. Krause read into the record the Motion for Imposition of Fines & Costs. Motion made by Mr. Henson recommending the approval of the Motion for Imposition of Fines/Lines including administrative costs and filing fees as a bulk item for CE14110006 and CE14110005. Motion seconded by Mr. Centonze; no nays.

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

Due to time constraint, the Board did not get a chance to discuss Old Business. Old Business moved to the January 13, 2015 meeting.

12. Old Business:

a. 03/11/2014

i. CEB Member Update

1. Contractors' Examining Board

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

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

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

These items have not been further discussed. They are staying on until approved by BOCC for reference. (Items b, c, f, and now e will be presented as one big packet to the BOCC.)

b. 02/11/2014

i. Clarification and amendment of MCC 6-240 Fees

ii. Text amendment of MCC 6-237.(1)(a) Application; examination; issuance of contractor's certificate

c. 11/19/2013 CEB Meeting

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

d. 09/11/2012

i. Staff Report

1. 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.

e. 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.

f. 06/14/2011

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

13. Staff Reports

- a. Wes Maltby, Interim Building Official/Board Secretary
- b. Thomas Wright, Contractors' Examining Board Attorney
- c. Lisa Granger, Assistant County Attorney
- d. Ronda Norman, Code Compliance Director

14. Meeting adjourned at 5:15 P.M.

Odalys Mayan
Contractor Licensing Coordinator
Contractors' Examining Board Liaison

APPROVED by the Contractors Examining Board of Monroe County, Florida, at a regular meeting held on

13th day of January, 2015 [] "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> webpage and chose Duplicate Request Form, or click on <http://fl-monroecounty.civicplus.com/forms.aspx?FID=79>