

MINUTES of the
CONTRACTORS EXAMINING BOARD
REGULAR MEETING
TUESDAY, AUGUST 4, 2015, 9:30 A.M.
MARATHON GOVERNMENT CENTER

1. Call to Order / Roll Call:
Chairman Rudy Krause called the meeting to order at 9:44 A.M. Present were Mr. Charles Miller, Mr. Steve Henson, Mrs. Peggy Bankester, Vice-Chairman Gary Centonze, and Chairman Rudy Krause.

Present with no roll call were Assistant County Attorney Steve Williams and Interim Building official Wesley (Wes) C. Maltby. Attorney Wright on vacation and absent from meeting.
2. Agenda Changes:
 - a. Code Cases:
 - i. CE15050020 Continuance requested, approved by Inspector, and re-scheduled to 09/08/15.
 - ii. CE15060036 Dismissed by County
 - b. Consumer Complaint:
 - i. Ambrosio v. Banks / Mr. Banks request for continuance approved and case rescheduled to 09/08/15.
 - c. Add-on
 - i. Mr. Krause requested clarification of MCC Sec. 6-100 Building Permits Required from building official to be discussed at the end of Old Business.
3. Approval of Agenda:
Motion made by Mr. Henson to approve agenda as amended and seconded by Mrs. Bankester; no nays.
4. Approval of Minutes:
 - a. Regular Meeting: March 10, 2015

Motion made by Mr. Centonze to approve minutes as written and seconded by Mr. Henson; no nays.
5. Next Meeting Date:
 - a. Regular Meeting:
 - i. September 8, 2015
 - ii. November 10, 2015
6. Swearing-in of Witnesses to Testify:
Code Compliance Liaison Nicole Petrick sworn-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?"
No.
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. New Business:
 - a. Application Review of the 2013-15 Renewal of Expired Certificates of Competencies
 - i. Edward W. Willis, Jr. SP 2374
Willis Edward W., LLC.
Landscaping Contractor

*New company to be qualified: Second Nature of the Keys, Inc.

Mr. Willis 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, name change, and renewal fee of \$150.00. Motion seconded by Mr. Miller; no nays.
 - ii. Patrocino Martinez SP 1172
Concept Tile Corp
Tile, Terrazzo, and Marble Contractor

New Business / Renewals / Martinez continued:

Mr. Martinez failed to appear before the CEB to address the Board regarding his expired certificate of competency. Staff O. Mayan advised that Mr. Martinez was advised via telephone conversation and followed up with a letter mailed to his last known address on July 13 that the July 14 meeting was cancelled and re-scheduled to August 4th. After discussion, the Board unanimously agreed to move item to the September 8, 2015 meeting.

(NOTE: On March 11, 2014, the Board adopted the procedure to allow an applicant two chances to appear before the board before they are denied for failure to appear and application fee is forfeited.)

b. Update on March 12, 2015 CEB Final Order for James Trumble

It appears that Mr. Trumble was advised that the July 14 meeting was cancelled but not when he was re-scheduled to since the meeting dates were changed numerous times in such a short period of time. Inspector Bruno advised that Mr. Trumble had applied for the permit and it is ready for pick up. However, he was having difficulties coming up with the money.

c. Code Compliance Cases:

- i. CE15050029 Notice to Appear
Frank E. Mata
MCC: 6-32 Working through a stop work order
Issued: 05/07/15
Inspector: Bruno

Mr. Mata failed to appear before the Board and did not have legal representation present. Good service received at address of record with County as Affidavit of Mail Item for July 14 meeting mailed by inspector on 06/22/15 was not returned as undeliverable. However, meeting was cancelled and re-scheduled for August 4th due to lack of quorum. Mr. Mata came to the Building Department the day of the July 14 hearing where he was advised by staff (OM) that the meeting had to be cancelled and rescheduled for August 4th due to lack of quorum. Mr. Mata wanted it to be known that he came to the meeting and provided his phone number for our records. Mr. Mata was advised of new hearing date of August 4th at 9:30 A.M. and his phone number was handwritten on the citation itself.

Code Compliance Inspector Bruno was present to address the County. Attorney Williams requested to have case moved to September 8th in light of the changes of hearing dates and to ensure that good service is received.

d. Executed Stipulation Agreements – Nothing reported

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

Inspector Bruno advised that CE15060046, CE15060047, and CE15060048 should be removed from agenda. O. Mayan advised Board that she was removing said citations from agenda.

Revised agenda approved by Mr. Henson and seconded by Mr. Miller; no nays.

f. Election of Chair and Vice Chair for July 2015 – 2016 Terms

The floor was open for nominations for the 2015-16 terms. Mr. Centonze nominated current sitting chairman Mr. Krause to remain as chair and Mr. Henson as vice-chair. There being no further nominations, floor was closed, and Mrs. Bankester made a motion accepting the nomination of Mr. Krause to remain as chair and Mr. Henson as vice-chairman. Motion seconded by Mr. Miller; no nay votes.

10. Old Business:

a. Informational Purposes/No Discussion:

- i. Notice of Appeal

1. 05/12/15 CEB final order appealed in 16th Judicial Court by Respondent Juan Luis Hernandez, CE15030124.
- ii. CEB Vacant Seats:
 1. 12/09/2014:
 - i. Vacant, 11/12/2014, Registered Electrical Contractor, Expires 10/17/2015
 - ii. Vacant, 11/20/2014, Layperson, Expires 05/01/2017
 2. 03/11/2014:
 - i. Vacant, 03/11/2014, Master Mechanical Card, Expired 06/15/2014
 - ii. Vacant, 04/21/2014, Layperson, Expired 06/15/2014
- b. Proposed MCC Sec. Chapter 6 Amendments:
 - i. 02/11/2014:
 1. 6-240.(b) Fees
 2. 6-242.(a) Request for renewal or reinstatements
 - ii. 08/12/2014
 1. 6-263 – Created (CEB)
 - iii. 06/14/2011
 1. 6-32 – Stop Work Order
 - iv. 05/14/2013
 1. 6-237.(1)(a) Application; examination; issuance of contractors certificate – *Text amendment.*
 - v. 6-201.(E)(2) Penalties (*F.S. 489.127.(5)(f) Penalty*) – *New Addition*
 - vi. 6-198 - Definitions:
 1. ~~Asphalt seal and coating seal coating specialty contractor~~ *specialty contractor - text amendment and addition of verbiage (02/24/15)*
 2. Journeyman – text amendment (*02/24/15*)
 3. Sand Set / Brick Pavers – New Classification (*02/14/12*)
 4. Welding – Re-introducing back into Code (*CEB 11/19/13*)
 5. Master – text amendment (*Proposed 02/24/15*)

At the March 10 meeting, the board was instructed to take the proposed amendments home, review them, and bring back May 12th for discussion/approval.

At the May 12th meeting, all proposed changes were approved with the exception of 6-198.(4) Welding and 6-237.(1)(a) Application categories. 6-237.(1)(a) Application text amendment still not corrected in proposed ordinance.

At this hearing, the following discussion/review took place:

Board was advised that all proposed amendments were approved with the exception 6-198 and 6-237.(1)(a), and they were corrected as requested at the May 12th meeting.

- i. 6-240.(b) Fees / *no discussion*
- ii. 6-32 Stop Work Order / *no action*
- iii. 6-201.(E)(2) (F.S. 489.127.(5)(f) Penalties) / *New Addition*

In response to Mr. Krause's question regarding this proposed code, Attorney Williams advised that this is a new addition to our code and that it is direct verbatim from FS 489.127.(5)(f).
- iv. 6-237.(1)(a) Application; examination; issuance of contractors certificate – Text amendment (*no discussion*)

v. 6-198 - Definitions:

1. *Asphalt sealcoating specialty contractor / Interruption /*

DISCUSSION: Attorney Williams brought the Board's attention back to Section 7, MCC Sec. 6-201.(7) Penalties, and advised that they (CEB) "may order the violator to pay a civil penalty of not less the amount set forth on the citation but not more than \$2,500.00 *per day* for each violation."

FS 489.127.(5)(f) removes that authority from them (CEB). Therefore, the minimum set forth on the citation cannot be less than what the citation is written for and the maximum cannot be more than \$2,500.00 up from \$1,000.00.

Proposed MCC Sec. Chapter 6 Amendments continued (skipped over, not discussed)

2. Journeyman
3. Sand Set / Brick Pavers Contractor – *New Classification*
4. Welding Contractor – *Re-introducing back into Code*
5. Master

iv. 6-263 – Created / CEB –

After discussion, motion was made by Mr. Henson and seconded by Mr. Centonze recommending for the following changes:

A contractors examining board is hereby created that shall consist of:

- (1) One person holding an engineering contractor's license;
- (2) One person holding a general / residential / building contractor's license;
- (3) One person holding a plumber's contractor's license;
- (4) One person holding an electrical contractor's license;
- (5) One person holding a mechanical/air conditioning contractor's license;
- (6) Or, if a contractor from above disciplines is not found to be available or does not apply then a contractor holding a swimming pool, roofing, marine or fire alarm license;
- (7) Also, if a contractor from paragraphs 1 through 5 above is otherwise qualified and that position is already filled, a second board member may be selected holding that contractor's license. A maximum of two board members with the same licenses shall be permitted.
- 6 (8) Two persons, holding any of the foregoing qualifications and having previously served as regular members of the contractors examining board shall be designated alternates to serve at any regularly scheduled meeting of the contractors examining board only upon the inability of a quorum to be met in the absence of the alternates; and
- 7 (9) Three persons who are not and have never been, engaged in any of the occupations for which licensing is required under this chapter and who are not engaged in any related profession.
- 8 (10) Allow certified contractors to serve on the contractors examining board so long as the certified contractor has a principle place of business in Monroe County.

Legend: ~~strikethrough~~

Note: Mr. Miller stepped out of the meeting at 12:52 P.M. and returned at 12:58 P.M.

Note: B.O. Maltby stepped out at 10:55 A.M.

11. Walk-in

- i. Mr. Bernard Amengual CGC003704 of Amengual Electric, Inc. addressed the Board as ordered by CEB on 05/12/15 for CE15020100. Mr. Amengual was not on the agenda. Mr. Amengual failed to appear before the CEB and was found in violation, ordered to pay costs, and his permit-pulling privileges (PPP) were suspended until such time he appeared before Board.

After discussion between all parties, Mr. Henson recommended to reinstate Mr. Amengual's PPP in Monroe County and pay any fees, if applicable. Board was advised that costs of \$209.58 were paid in full on 06/15/15. Motion seconded by Mrs. Bankester; no nays.

Board recessed at 11:32 A.M. and reconvened at 11:47 A.M. everyone present.

12. New Business Continued:

- a. Construction Trades Application Review of Verification of Construction Experience
 - i. Giovanni Chaves / Drywall Contractor – Approved by Mr. Henson
 - ii. Jonathan Lugo / Re-approval of Lawn Sprinkler Contractor / Originally approved 09/11/12 – Approved by Mr. Henson.
 - iii. Gennier Medina / Tile, Terrazzo, and Marble Contractor – Approved by Mr. Henson
 - iv. Mark Peter Jones / Re-approval of Steel Reinforcing & Iron Contractor / Originally approved 05/27/09 – Approved by Mr. Miller.
 - v. Gerald Lee Gerard / Painting and Decorating Contractor – Approved by Mr. Krause
 - vi. Rogelio Perez / Painting & Decorating Contractor – Approved by Mr. Krause
 - vii. John David Dressler / Upgrading from Journeyman Electrical to Master Electrical – Approved by Mr. Centonze.
 - viii. Prosper Bouzaglo / Residential Contractor – Denied by Mr. Centonze for lack of proof of experience in the residential field. Monroe County requires a minimum of four (4) years of experience in the residential field or higher with a contractor of the same or higher license type.
 - ix. Carl Boyd / Solar Products Contractor – Approved by Mrs. Bankester

Staff requested a discussion regarding Mr. Boyd's application. After discussion, board announced that application was correctly approved.

Lunch break at 12:05 P.M.

Board reconvened at 1:35 P.M. All present except B.O. Maltby.

Public sworn-in by Cynthia McPherson, Code Director

Mr. Centonze advised that he knows the homeowner Mr. Goodere but that would not affect his performance.

Note: B.O. Maltby arrived at meeting at 1:45 P.M.

12. TIME-CERTAIN at 1:30 P.M.

- i. Tyler Goodere
Homeowner
Petitioner,
- v.

Douglas David Stitgen CGC1514062
Safe Harbor Design/Build, LLC.
Defendant.

Having fully considered the evidence presented at hearing pursuant to a consumer complaint, including testimony of the Parties under oath, the following Findings of Fact and Conclusions of Law are ORDERED:

MCC 6-202.(2) Abandon a construction project

Motion made by Mr. Miller recommending finding Defendant NOT IN VIOLATION as cited and seconded by Mr. Henson. Motion carried unanimously.

MCC 6-202.(3) Divert funds or property

Motion made by Mr. Miller recommending to find Defendant NOT IN VIOLATION as cited and seconded by Mr. Henson. Motion carried unanimously.

MCC6-202.(4) Depart from or disregard in any material respect the plans or specifications

Motion made by Mr. Henson recommending finding Defendant NOT IN VIOLATION as cited and

seconded by Mr. Miller for discussion. After discussion, Roll Call Vote: YES: Mr. Henson; NO: Mr. Miller, Mrs. Bankester, Mr. Centonze, and Mr. Krause. Motion **FAILED**.

New motion made by Mr. Centonze recommending finding Defendant IN VIOLATION as cited and seconded by Mrs. Bankester. Mr. Miller, Mrs. Bankester, Mr. Centonze, and Mr. Krause voted YES and Mr. Henson voted NO. 4-1 motion. Motion passes.

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

(c)The contractor’s job has been completed and customer has had to pay more for the contracted job

Motion made by Mr. Henson recommending finding Defendant IN VIOLATION as cited and Mr. Centonze seconded for discussion. After discussion, motion carried unanimously.

MCC 6-202.(10) Do any fraudulent act as a contractor by which another is substantially injured

Motion made by Mr. Henson recommending finding Defendant NOT IN VIOLATION as cited and seconded by Mrs. Bankester. Motion carried unanimously.

PENALTY PHASE:

Motion made by Mr. Henson ordering Defendant to pay \$348.44 in administrative costs* with no further action recommended to Department of Business and Professional Regulation (DBPR) Construction Industry Licensing Board (CILB) and seconded by Mr. Miller. After discussion, motion carried unanimously.

Mr. Henson accepted a friendly amendment recommending costs to be paid within 30 days or lien and seconded by Mr. Miller.

*Administrative Costs breakdown: \$241.64 payable to CEB and \$106.80 payable to Code Compliance.

13. ADD-ON Item:

a. 6-100 Building Permits Required

Mr. Krause addressed the Board seeking clarification about whether or not work described under the title **“Work Requiring a Permit | Any new construction and remodeling work of principal and accessory structures, and listed under Residential Exceptions | Interior remodeling where the fair market value of such work is less than \$2,500.00 and there is no change in the original size or configuration,”** applies to structural work as the code does not directly addresses it.

B.O. Wes agreed with Mr. Krause regarding the structural element requiring a permit and not an exception to the rule (as described below:)

6-100 Building Permits Required -

Work Requiring a Permit	Residential Exceptions*
Site preparation including: land clearing, placements of fill, excavation, and blasting; however, no permit for site preparation may be issued except in conjunction with the establishment of a use or structure allowed in the land use district	None. However, no fee (including education; contractor investigation; or tech fees) shall be charged for invasive exotic vegetation removal if permit is not classified as clearing and grubbing.
Any new construction and remodeling work of principal and accessory structures	Interior remodeling where the fair market value of such work is less than \$2,500.00 and there is no change in the original size or configuration.
All work in the electrical, mechanical, and plumbing trades	Normal maintenance or ordinary minor repairs where the fair market value of such work is less than \$2,500.00.

**Note: Notwithstanding the exceptions set forth herein, building permits will always be required for new work involving electrical, mechanical, plumbing or any improvements subject to floodplain regulations; and if the construction, repair, remodeling or improvement work is a part of a larger or major operation, whether undertaken by the same or different contractor. NO EXCEPTIONS apply to work conducted below base flood elevation and/or subject to the floodplain management requirements of the Monroe County Code to structures located within a Coastal Barrier Resource System (CBRS) or structures located within Flood Zone AE or Flood Zone VE. All residential work that is exempt from Monroe County permitting shall still comply with the Florida Building Code, this chapter, and part II of this Code and shall be subject to code compliance.*

14. DISCUSSION:

- a. Mr. Henson addressed the Board and asked B.O. Maltby about an e-mail he received from Assistant County Administrator (“ACA”) Christine Hurley regarding the Two-Years Extension. After discussion, in response to Mr. Henson, Mr. Krause stated that there were two issues at hand and that perhaps they were being confused. The first one is the Two-Years Extension and the other is the Cudjoe Regional Wastewater. The Two-Years Extension from the state allows you have two-years from when your extension started to have at least one inspection. On the other hand, the Cudjoe Regional Extension allows for three (3) years of extension no matter when you commence, stop, or resume work.
- b. Mr. Krause asked the B.O. regarding “*All work in the electrical, mechanical, and plumbing trades*” where “*Normal maintenance or ordinary minor repairs where the fair market value of such work is less than \$2,500.00*” where a permit will not be required for motors that are like for like work as long as the contractor is properly licensed. (Refer to table above). Building Official in response stated that he would need to check and respond later.
- c. In response to Mr. Krause’s question, Code Compliance Director Cynthia McPherson addressed the Board and advised that Contractor Inspector Lynn Bruno is currently training all inspectors to write citations to an unlicensed individual in response to and anticipation of the sewer connections.

During course of conversation, Inspector Bruno stated that former B.O. Jerry Smith used to provide her with a list of all owner-builder permits for her to investigate for compliance with FS.

14. Meeting adjourned at 4:57 P.M.

Odalys Mayan, Coordinator/Liaison

APPROVED by the Contractors Examining Board of Monroe County, Florida, at a regular meeting held on 8th day of September, 2015, [] “as submitted” or [] “as amended.”

To request a copy of this or any hearing, follow link: <http://fl-monroecounty.civicplus.com/forms.aspx?FID=79>