

**MINUTES of the  
CONTRACTORS EXAMINING BOARD  
REGULAR MEETING  
TUESDAY, SEPTEMBER 8, 2015, 9:30 A.M.  
MARATHON GOVERNMENT CENTER**

1. Call to Order / Roll Call:  
Chairman Rudy Krause called the meeting to order at 9:45 A.M. Present were Vice-Chairman Steve Henson, Mr. Charlie Miller, Mrs. Peggy Bankester, Mr. Frank Toppino, and Chairman Rudy Krause, and absent was Gary Centonze.  
  
Present with no roll call were Assistant County Attorney Steve Williams and Attorney Thomas Wright, and Interim Building Official Wesley (Wes) C. Maltby not present.
2. Agenda Changes: No.
3. Approval of Agenda: Approved by Mr. Henson and seconded by Mrs. Bankester; no nays.
4. Approval of Minutes:
  - a. Regular Meeting: August 4, 2015  
  
Mr. Henson requested that on page 5, Item 12, under MCC 6-202.(2), the word "not" between "recommending" and "finding" be removed. Correction noted and minutes will be corrected accordingly.  
  
Mr. Henson also requested clarification of page 7, Item 14, paragraphs a and b. He is seeking clarification of paragraph a as he is not sure it reflect the correct final discussion. Chair moved this item to page 5, Old Business.  
  
Paragraph b – This item is pending. Wes was supposed to come back to the board with a response. Chair moved this item to page 5, Old Business.  
  
After discussion, Mr. Henson approved the minutes with noted corrections and seconded by Mrs. Bankester; no nays.
5. Next Meeting Date:
  - a. Regular Meeting:
    - i. November 10, 2015
6. Swearing-in of Witnesses to Testify:  
Attorney Wright sworn-in all 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. Richard Edward Williams SP 2310  
FL Keys Waterproofing, Inc.  
Waterproofing & Roof Painting Contractor

Mr. Williams failed to appear before the Board. Staff read into the record an e-mail that Mr. Williams sent on August 19, 2015 at 7:58 A.M. stating that he will no longer seek renewal of his expired certificate of competency per his accountant's advice. Board removed item from agenda.

- ii. Ariel Herrera SP 3397  
Paradise Construction Services, Inc.  
Tile, Terrazzo, and Marble Contractor

Mr. Herrera 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 \$150.00. Motion seconded by Mr. Miller; no nays.

- iii. Kirk Edwin Bauers SP 4091  
Marble Crafters, Inc.  
Tile, Terrazzo, and Marble

Mr. Bauers addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Miller recommending the renewal of the certificate of competency and renewal fee of \$150.00. Motion seconded by Mr. Henson; no nays.

- iv. Patrocino Martinez SP 1172  
Concept Tile Corp  
Tile, Terrazzo, and Marble Contractor

This item was re-scheduled from the August 4<sup>th</sup> meeting where Mr. Martinez failed to appear before the CEB due to miscommunication of the cancelled and new meeting date.

Mr. Martinez addressed the Board regarding his expired certificate of competency. Dean Martinez, son, acted as translator. After discussion, motion was made by Mr. Henson recommending the renewal of the certificate of competency and renewal fee of \$150.00. Motion seconded by Mr. Toppino; no nays.

- v. Humberto F. Perez ENG II 270  
Individual  
Paving Engineering Contractor

Mr. Perez addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Miller recommending the renewal of the certificate of competency and renewal fee of \$150.00. Motion seconded by Mrs. Bankester; no nays.

- vi. Phillip Donald Pierce SP 4009  
P. Square Interior Millwork  
Painting and Decorating Contractor

Mr. Pierce was a walk-in and 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 \$150.00. Motion seconded by Mrs. Bankester; no nays.

- b. Update on March 12, 2015 CEB Final Order for James Trumble
  - i. CE14120084 James Trumble SP 2152  
Quality Screening & Enclosures, Inc.

*Permit Number 15101914 issued 09/03/2015. Final inspections and closure of permit still needed, and fines and costs still due.*

c. Code Compliance Cases:

- i. CE15060083 Notice of Appeal
  - Jeff J. Jennings SP 3828
  - Jeff Jennings Aluminum, LLC.
  - MCC: 6-202.(11)a Work without a permit
  - Issued: 06/22/2015
  - Service: 06/26/15
  - Fine: \$500.00
  - Inspector: Bruno

Mr. Jennings failed to appear before the Board and did not have legal representation present. Good service received at address of record with County on 07/09/15. Code Compliance Inspector Bruno was present to address the County. Staff (Mayan) advised Board that Mr. Jennings called the office September 7, 2015 at 4:55 P.M. requesting a continuance due to medical issue. He was advised that the next meeting would not be until November 10<sup>th</sup> and that will be after the 10/31/2015 certificate of competency renewal deadline. He would be able to renew but with penalties if renewed by November 31<sup>st</sup>.

In light of this information, Mr. Miller made a motion and seconded by Mrs. Bankester recommending for a brief recess to allow staff to contact Mr. Jennings to see if he was going to be able to make it to the meeting, would like to re-schedule, or just withdraw his appeal and pay the \$500.00 fine. After a brief discussion with Mr. Jennings, staff advised board that Mr. Jennings wished to withdraw his appeal and just pay the \$500.00 fine. Appeal request withdrawn.

- ii. CE15050020 Notice to Appear
  - Octavio C. Correa\* CGC1521553
  - CTO General Contractor, Inc.
  - MCC: 6-202.(8) Aiding and abetting
  - Issued: 05/05/2015
  - Service: 05/08/15
  - Fine: NTA
  - Inspector: Bruno

Mr. Correa present without legal representation to address the board and contested the violation. Code Compliance Inspector Bruno was present to address the County. After testimony, evidence, and exhibits were taken from all parties and entered into evidence with no objections, motion was made by Mr. Henson recommended finding Respondent IN violation as cited and seconded by Mr. Miller. Motion carried unanimously.

*Penalty Phase* – Motion made by Mr. Henson ordering Respondent to pay administrative costs of \$237.18 within 30 days or lien, and recommending no further action to Construction Industry Licensing Board and seconded by Mrs. Bankester. Motion carried unanimously

- iii. CE15070064 Notice to Appear  
Stephen Richard Cusimano CBC1258403  
Cusimano Construction, LLC.  
MCC: 6-143 Work concealed prior to inspection  
Issued: 07/24/2015  
Service: 08/27/15  
Fine: NTA  
Inspector: Bruno

Mr. Cusimano present without legal representation to address the board and contested the violation. Code Compliance Inspector Bruno was present to address the County. Mr. Toppino advised that he had a conflict of interest and that he will not be able to hear this case. With his abstention, the CEB was without a quorum to hear the matter. Case was moved to the November 10<sup>th</sup> hearing. Mr. Cusimano raised a concern that a board member not present at this meeting may know him in a professional capacity and may have a conflict as well. If this is the case, Mr. Cusimano would be advised prior to the next meeting.

- iv. CE15050029 Notice to Appear  
Frank E. Mata\*  
MCC: 6-32 Working through a stop work order  
Issued: 05/07/2015  
Service: 06/22/15 - First-Class Mail  
Fine: NTA  
Inspector: Bruno

Mr. Mata failed to appear before the Board and did not have legal representation present. This case was forwarded from 08/04/15 meeting. Good service received at address of record with County on 06/22/15 through First Class Mailing. Code Compliance Inspector Bruno was present to address the County. After testimony, evidence, and exhibits were taken from all parties and entered into evidence with no objections, motion was made by Mr. Henson recommending finding Respondent IN violation as cited and seconded by Mr. Miller. Motion carried unanimously.

*Penalty Phase* – Motion made by Mr. Henson recommending fine of \$1,000.00 plus administrative costs of \$285.54, for a total of \$1,285.54, to be paid within 30 days or lien, and seconded by Mr. Miller. Motion carried unanimously

v. CE15080064 Notice to Appear  
 Wolfgang H. Noack  
 Reliance Property Management, Inc.  
 MCC: 6-77 No certificate of competency  
 Issued: 08/20/2015  
 Service: 08/24/2015  
 Fine: NTA  
 Inspector: Bruno

Mr. Noack failed to appear before the Board and did not have legal representation present. Good service received at address of record with County on 08/24/15. Code Compliance Inspector Bruno was present to address the County. After testimony, evidence, and exhibits were taken from all parties and entered into evidence with no objections, motion was made by Mr. Henson recommending finding Respondent IN violation as cited and seconded by Mr. Toppino. Motion carried unanimously.

*Penalty Phase* – Motion made by Mr. Henson recommending fine of \$1,000.00 plus administrative costs of \$314.22, for a total of \$1,314.22, to be paid within 30 days or lien, and seconded by Mr. Miller. After discussion, motion carried unanimously

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

1. Case No.: CE14110058  
 Name: Raymond Goodrich Blydenburgh III  
 Company: N/A  
 License No.: N/A  
 MCC: 6-77 No certificate of competency  
 Issued: 11/14/14  
 Service: 11/14/14  
 Fine: \$300.00  
 Costs: \$100.00  
 Inspector: Bruno  
 Comments: Only paid 2 payments of a 5 payment stip plan

Mr. Henson approved request for lien if fine & costs are not paid within 30 days and seconded by Mr. Toppino; no nays.

e. Add-on / Rudy Krause:

i. Contractor falsifying job costs on affidavit filed with county

Mr. Krause requested this item be added to the agenda to discuss something that was brought to his attention - a contractor falsifying costs on job costs. It was brought to his attention that a contractor may be misrepresenting the cost of job on the building permit application. For example, contractor puts on the application \$135,000.00 cost for a \$415,000.00 job and \$312,000.00 for a \$633,000 job.

One recommendation would be perhaps drafting an affidavit where both the homeowner and the contractor sign would reduce the misrepresentation fraud on their building permit application.

Attorney Williams suggested the affidavit have the language of "I hereby authorize the following contractor to act on my behalf - with a warning stating if the dollar amounts contained on any application with the county are incorrect, I as the homeowner hereby agree to be bound by.....and we can fill in the blank." However, the challenge is going to be putting a price on remodeling is going to be more challenging than on new construction because new construction is set a module whereas remodeling does not.

Attorney Williams stated if we are provided as a county with the info you are discussing, he can meet with both code and Contractor License Inspector Lynn to see where it is best fit in terms of a potential violation of our fee ordinance, or is it more chapter 6 and fraud. He can then come back in November and see if you (board) agree with what we are going to do with these in the future.

After discussion, the Board made the recommendation and asked Attorney Williams to draft the affidavit, meet with Code, and then bring back in November for discussion/review/approval.

- f. Construction Trades Application Review of Verification of Construction Experience
  - i. Stephen M. Moring / New Application / Landscaping Contractor / Denied by Mr. Henson for insufficiency.
  - ii. Maivy Martinez / New Application / Painting & Decorating Contractor / Denied by Mr. Miller for insufficiency.
  - iii. Maivy Martinez / New Application / Drywall Contractor / Denied by Mr. Miller for insufficiency.
  - iv. Paul Joseph Wunderlich / New Application / Excavating & Grading Contractor / (ENG II 296E expired 10/31/2011 –null & void) / Approved by Mr. Miller.
  - v. Paul Joseph Wunderlich / New Application / Paving Contractor / (ENG II 295D expired 10/31/2011 – null & void) / Approved by Mr. Miller.
  - vi. Roderick Cornelius Butler / New Application / Plastering Contractor by waiver of examination from Broward County / Approved by Mr. Krause.
  - vii. Roger J. Belgrave / New Application / Cabinet & Millwork Contractor / Approved by Mr. Krause.
  - viii. Albert Robleto, Jr. / New Application / Tile, Terrazzo, and Marble Contractor / Approved by Mr. Krause
  - ix. Travis Noel / New Application – 2<sup>nd</sup> Review / Painting & Decorating Contractor / Approved contingent applicant submits a new application by Mrs. Bankester.
  - x. Camilo A. Silva / New Application / Painting & Decorating Contractor (SP 3742 expired 10/31/11- - null & void) / Approved by Mrs. Bankester.
- g. Staff Reports
  - a. Wes Maltby, Interim Building Official / Board Secretary / not present
  - b. Thomas Wright, Contractors Examining Board Attorney / nothing to report
  - c. Steve Williams, Assistant County Attorney / Refer to Item #10, Old Business, c, i-vii.1-5.
  - d. Cynthia McPherson, Code Compliance Director / nothing to report

10. Old Business:

a. Clarification of 08/04/15 Minutes:

i. Mr. Henson requested clarification under Discussion on page 7, Item 14, paragraphs a (Permit Extensions) & b (Work Requiring a Permit). After discussion, the word “the” to be removed from the fifth sentence in paragraph a. Correction noted and minutes will be corrected accordingly.

ii. 6-100 Building Permits Required -

**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.*

*No corrections made to paragraph b (Aug. 4<sup>th</sup> minutes) at this time; item still pending waiting on Interim Building Official Maltby to response from August 4<sup>th</sup> meeting.*

Attorney Williams advised the Board that Item c, i-vii.1-5, (listed on Agenda as Item b, i-vii.1-5) going to BOCC 09/16/15 for approval of advertisement. Actual meeting where items will be considered will be October 21<sup>st</sup> 2015 in Marathon.

c. Proposed MCC Chapter 6 Amendments

- i. 6-240.(b) Fees (02/11/14)
- ii. 6-242.(a) Request for renewal or reinstatement (02/11/14)
- iii. 6-263 – Created (CEB) (08/12/14)
- iv. 6-32 – Stop Work Order (06/14/11)

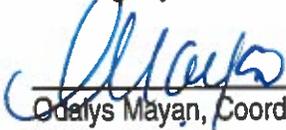
- v. 6-237.(1)(a) Application; examination; issuance of contractors certificate - Text amendment (05/14/13)
- vi. 6-201.(E)(2) (F.S. 489.127.(5)(f) Penalties) – *New Addition*
- vii. 6-198 - Definitions:
  - 1. *Asphalt sealcoating specialty contractor*
  - 2. Journeyman
  - 3. Sand Set / Brick Pavers – *New Classification*
  - 4. Welding – *Re-introducing back into Code (11/19/13)*
  - 5. Master

(No discussion on Item d. CEB Vacant Seats)

d. CEB Vacant Seats:

- i. Vacant, 11/12/2014, Registered Electrical Contractor, Expires 10/17/2015
- ii. Vacant, 11/20/2014, Layperson, Expires 05/01/2017
- iii. Vacant, 03/11/2014, Master Mechanical Card, Expired 06/15/2014
- iv. Vacant, 04/21/2014, Layperson, Expired 06/15/2014

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

  
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Odalys Mayan, Coordinator/Liaison

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

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