

MINUTES of the
CONTRACTORS EXAMINING BOARD
REGULAR MEETING
TUESDAY, JANUARY 12, 2016, 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. Present were Charlie Miller, Peggy Bankester, Gary Centonze, Vice-Chairman Steve Henson, and Chairman Rudy Krause.

Present with no roll call were Assistant County Attorney Steve Williams and Attorney Thomas Wright.
2. Agenda Changes: Yes.
 - a. New Business
 - i. Item # 2 – CE15120079 Notice to Appear Jose Oliva – Respondent’s counsel requested continuance until the March 8th hearing. Respondent is in the process of getting a license and he wanted to appear before the board once he had his license; continued to March 8th.
 - ii. Item # 8 – Matthew J. Rolfsen SP 3861 – Withdrew application 01/10/16. He stated he now has a state certified contractor’s license.
3. Approval of Agenda: Approved as amended by Mr. Henson and seconded by Mr. Centonze; no nays.
4. Approval of Minutes:
 - a. Regular Meeting: December 8, 2015 – Not available until March 8th.
5. Swearing-in of Witnesses to Testify: Attorney Wright sworn-in all testifying at today’s meeting.
6. Chairman asked if “is there anyone from the public present who would like to speak on an agenda item?”
No.
7. 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.
8. New Business:
 - a. Application for Renewal/Reinstatement of an Expired Certificate of Competency for Renewal Period October 31, 2015-17; all fees paid; no open/active code case:
 - i. Robert M. Crider SP 3732
Just Keys Trees, Inc.
Landscaping Contractor

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

Building Official arrived at 9:44 A.M.

b. Code Compliance Code Cases

- i. CE15120045 Notice to Appear
 Fernando Arias CGC1513180
 Draam Construction Inc
 MCC: 6-202.(8) Aiding and abetting unlicensed contractor
 (brick pavers)
 Issued: 12/15/15
 Fine: Notice

Sister Case: CE15120079 Notice to Appear Jose Oliva – Continued to 3/8/16

Mr. Arias failed to appear before the Board and did not have legal representation present. Good service received at address of record with County on 12/19/15. 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, Mr. Centonze made a motion recommending finding Respondent IN VIOLATION as cited and seconded by Mr. Miller. Motion carried unanimously, 5-0.

Penalty Phase – Motion made by Mr. Henson ordering administrative costs of \$368.93 to be paid within 30 days or lien and No Further Action to Construction Industry Licensing Board and seconded by Mrs. Bankester. Roll Call: Mr. Miller, Mrs. Bankester, Mr. Centonze, and Mr. Henson voting “Yes” and Mr. Krause voting “No”; motion carried, 4-1.

- ii. CE15120084 Notice to Appear
 2 Oceans, LLC.
 Kenneth Kull MGRM
 MCC: 6-32 Working through a stop work order (SWO)
 Issued: 12/30/15
 Fine: Notice

Mr. Kull present without legal representation to address the board and contested the violation. Good service received at address of record with County on 12/30/15. Code Compliance Inspector Bruno was present representing the County. After testimony, evidence, and exhibits were taken from all parties and entered into evidence with no objections, Mr. Henson made a motion recommending finding Respondent NOT IN VIOLATION as cited and seconded by Mr. Miller seconded. Motion carried unanimously, 5-0.

c. Recommendation to Vacate Final Order from 12/08/15

- i. CE15100107 NTA John Patrick Jackson CBC1253572

Inspector Bruno stated that an engineered report was found in the building permit and contractor should have never been cited. In light of this information, it is her recommendation that the Board vacates the final order.

After discussion, Mr. Henson recommended vacating Final Order and seconded by Mr. Centonze; no nays.

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

Motion made by Mr. Henson recommending the approval of the imposition of fines and liens including administrative costs and filing fees if not paid within 30 days of CE15050011, CE15050012, and CE15100103 and seconded by Mrs. Bankester; no nays.

e. Walk-ins

i. Bradly Gendron GC 460A Gendron General Contracting LLC

Mr. Gendron addressed the Board regarding his expired General Contractor certificate of competency. The license expired 10/31/2015. After discussion, motion was made by Mr. Henson recommending the renewal of the certificate of competency contingent that Mr. Gendron files the appropriate renewal application, pays the application fee, does not have any open citations, and pays renewal fee of \$150.00 and seconded by Mrs. Bankester; no nays.

ii. Dennis Hayden SP 3868, SP 3300, SP 3867, and SP 3882 J D Hayden & Sons LLC

Mr. Hayden addressed the Board regarding his expired Flooring, Painting & Decorating, Tile & Marble, and Cabinet & Millwork Contractor certificates of competencies. The licenses expired 10/31/2015. After discussion, motion was made by Mr. Henson recommending the renewal of the certificates of competencies contingent that Mr. Hayden files the appropriate renewal applications, pays the application fees, does not have any open citations, and pays renewal fees of \$150.00 per license and seconded by Mr. Miller; no nays.

iii. Arthur Koltunak SP 1721 Ultimate Aluminum Inc

Mr. Koltunak addressed the Board regarding his expired Aluminum Specialty Contractor certificate of competency. The license expired 10/31/2015. After discussion, motion was made by Mr. Henson recommending the renewal of the certificate of competency contingent that Mr. Koltunak files the appropriate renewal application, pays the application fee, does not have any open citations, and pays renewal fee of \$150.00 and seconded by Mr. Miller; no nays.

iv. Christopher Sidorski SP 3694 Marathon Gutters and Shutter Up Inc

Mr. Sidorski addressed the Board regarding his expired Aluminum Specialty Contractor certificate of competency. The license expired 10/31/2015. After discussion, motion was made by Mr. Henson recommending the renewal of the certificate of competency contingent that Mr. Sidorski files the appropriate renewal application, pays the application fee, does not have any open citations, and pays renewal fee of \$150.00 and seconded by Mr. Centonze; no nays.

f. Discussion

- i. Clifford Thomas Parker, Jr. / New Application / Landscaping Contractor / Mr. Parker was present in case the board had any questions regarding his application for licensure as a landscaping contractor. After brief discussion, Mr. Miller approved application.

g. Walk-in

- i. John Patrick Jackson CBC1253572 ECI Construction Inc – Mr. Jackson addressed the Board as ordered by CEB on 12/08/15 for failure to appear on CE15080062. Mr. Jackson was not on the agenda. Mr. Jackson appeared before the CEB as per 12/08/2015 Order to address Board to show good cause for reduction of the mandatory six (6) month permit-pulling privileges suspension on new permits.

After discussion, Mr. Henson made the motion recommending RE-INSTATING Respondent's permit pulling privileges effective immediately, but administrative costs of \$280.56 stay, seconded by Mr. Miller.

Walk-in / Jackson / CE15080062 continued:

Roll Call: Mr. Miller, Mrs. Bankester, Mr. Centonze, and Mr. Henson voting "Yes" and Mr. Krause voting "No"; motion carried, 4-1.

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

Motion made by Mr. Miller recommending the approval of the imposition of fines and liens including administrative costs and filing fees if not paid within 30 days of CE15090046, CE15090047, CE15090045, CE15100004, CE15100006, CE15100005, and CE15100050 and seconded by Mr. Henson; no nays.

9. Staff Reports

- a. Rick Griffin, Building Official/ CEB Secretary / Nothing to report
- b. Thomas Wright, Contractors Examining Board Attorney / Nothing to report
- c. Steve Williams, Assistant County Attorney
 - i. For clarification, per FL Attorney General Opinion and FS, a corporation cannot act as an owner-builder; an LLC is a corp.
 - ii. MCC Chapter 6 Amendments approved by BOCC on 10/21/15.
 - i. 6-240.(b) Fees
 - ii. 6-242.(a) Request for renewal or reinstatement
 - iii. 6-263 – Created – CEB
 - iv. 6-32 Stop Work Order
 - v. 6-237.(a)(1) Application; examination; issuance of contractors certificate – Text amendment
 - vi. 6-201.(E)(2) (FS 489.127.(5)(f) – Penalties) – *New addition to bring us into compliance with state statutes.*
 - vii. 6-198 – Definitions:
 - (a) Asphalt sealcoating specialty contractor
 - (b) Journeyman
 - (c) Sand Set / Brick Pavers (*New Classification*)
 - (d) Welding (*Re-introduced back into Code (11/19/13)*)
 - (e) Master

Discussion:

- i. Mr. Henson asked for clarification of the new increased civil penalty from \$500 to \$2,500 per day against unlicensed contractors. In response to Mr. Henson's question, Attorney Williams stated that normally the fee would begin *after* the finding of fact. That is how Special Magistrate is set-up. Ex: You come in, you're found in violation, after the finding of violation, you are given x numbered of days and on x day plus one (1), your fine starts running from that day. However, he is not sure if it is mandatory for the CEB to do it that way. They (CEB) may be able pick their start date.

d. Cynthia McPherson, Code Compliance Director

- i. Introduced new Code Enforcement Inspector Ariel Cole for Big Pine Key area

10. Old Business:

i. CEB Member Application

a. Frank Herrada CAC1817003 FMH HVAC, Inc.

Replacing William F. Miller. Mr. Miller vacated seat on 03/11/14 and term expired 06/15/14.

Mr. Krause introduced Mr. Herrada. Mr. Herrada filed an application to be considered for Mr. Miller's vacant seat. Mr. Henson endorsed Mr. Herrada stating that he would be a good fit for the board. After discussion, Mr. Henson made the motion recommending Mr. Herrada to the Board and seconded by Mr. Miller; no nays.

b. CE14070180 Ronald Stroud - Inspector Bruno

Inspector Bruno stated that she issued a citation to Mr. Stroud in 2014. It was explained that he could pay it or appeal it and nothing was ever done. Inspector Bruno requested to postpone lien and re-notice Mr. Stroud for the March 8th meeting after he raised the question of not receiving proper notice. A final order for lien was signed on 05/12/15; if he does not appear for the March 8th meeting, lien is to be filed.

Board unanimously approved the request to add item on the March 8th meeting agenda for hearing.

c. 09/08/15

1. Affidavit of Costs and Values on Home Remodeling Project / No discussion

d. Daryle L. Osborn, 27428, Professional Engineer, term ending 05/08/2015; CEB re-elected 03/10/15; re-appointed to one (1) additional three (3) year term to CBAA by BOCC 09/16/15; term ending 09/16/18.

1. Discussion

Attorney Williams advised that an appeal may be forthcoming if they appeal the decision of the Building Official. He explained that it is a cell tower in an as-of right location. So as-of right, planning has no ability to say no to it. So, the only permits that would be available on a cell tower in a location as-of right, would be the building official's permit to erect the structure. So they are getting inquiries from the community as to how to appeal, or stop the cell tower if it is being built in an as-of right location; the CBAA would be the proper venue to hear this appeal should it be filed.

11. Next CEB meeting is scheduled for March 8th.

12. 2016 CEB Dates –Correction – Meeting is December 13th and not the 6th.

13. Construction Trades Application Review of Verification of Construction Experience

i. Christopher Ernsting / New Application / Aluminum Contractor / Reciprocating from Palm Beach County/ **Denied by Mr. Miller. License is not reciprocal; must test.**

ii. Clifford Thomas Parker, Jr. / New Application / Landscaping Contractor / **Approved for testing by Mr. Miller.**

- iii. Helen Josephine Quinones / New Application / Tile & Marble Contractor / Reciprocating from Broward County / **Denied by Mrs. Bankester as in-complete.**
- iv. Jose Antonio Franco / New Application / Asphalt Contractor / Reciprocating from Broward County **Denied by Mrs. Bankester as in-complete. Applicant did not specify what license category for engineering he was applying for.**
- v. Tina Louise Garcia / New Application / Swimming Pool Contractor / **Denied by Mr. Centonze / Applicant incomplete. Must obtain letter from qualifier that corresponds with the time requirement; no W2s or 1099s.**
- vi. Humberto M. Rosado / New Application / Cabinet & Millwork Contractor / **Denied by Mr. Centonze / Application in incomplete – must have W2s or 1099s.**

DISCUSSION: In response to Mr. Centonze questions, staff advised if someone was interested in serving on the board, they could go to our website to obtain the application.

Mr. Miller and Mrs. Bankester left the meeting at 11:41 A.M.

- vii. Rory M. O'Neill / New Application / Aluminum Contractor / Reciprocating from Collier County / **Approved by Mr. Henson contingent that your Aluminum Contractor's license, Class Code 4010, reciprocating from Collier County is related to Collier's Aluminum Contractor (Sect. 1.6.3.3) and NOT Aluminum Contractor Including Concrete (Sect. 1.6.3.2) license pursuant to Ordinance No. 2006-46.**
- viii. Everardo Perez / New Application / Painting & Decorating Contractor / **Approved for testing by Mr. Henson.**

14. Meeting adjourned at 11:54 A.M.

Odalys Mayan, Coordinator/ CEB Liaison

APPROVED by the Contractors Examining Board of Monroe County, Florida, at a regular meeting held on 8 day of March 2016, [] "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>