

**MINUTES of the
CONTRACTORS EXAMINING BOARD
REGULAR MEETING
TUESDAY, MARCH 08, 2016, 9:30 A.M.
MARATHON GOVERNMENT CENTER**

1. Call to Order / Roll Call:
Chairman Rudy Krause called the meeting to order at 9:35 A.M. Present were Peggy Bankester, Gary Centonze, Charlie Miller, Vice-Chairman Steve Henson, and Chairman Rudy Krause.

Present with no roll call were Assistant County Attorney Steve Williams and Attorney Thomas Wright. Not present for roll call Building Official Rick Griffin.
2. Agenda Changes: Yes.
 - b. Code Compliance Case
 - i. Item # 3 – CE16020079 Notice to Appear James Niram Massaro Jr. CGC1523201 3rd Generation Plumbing – Respondent signed a Stipulated Agreement on 03/07/2016.
3. Approval of Agenda: Approved as amended by Mr. Henson and seconded by Mr. Centonze; no nays.
4. Approval of Minutes:
 - a. Regular Meeting: January 12,2016 – Approved by Mr. Henson and seconded by Mrs. Bankester; no nays
5. Next meeting Date:
 - a. Regular Meeting:
 - i. May 10, 2016
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 have 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 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. Steven Andrew Burns JE 1212
Journeyman Electrical

Mr. Burns 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 \$70.00 and seconded by Mr. Miller; no nays

Note: Mr. Toppino arrived to meeting at 9:39 A.M. with no voting rights at this time

- ii. Christopher C. Bryant SP 1317
Tileworks, Inc.
Tile, Terrazzo, and Marble Contractor

Mr. Bryant failed to appear before the board. Board recommended moving application to May 10, 2016 meeting. (*Arrived late and was heard under Item vii*)

- iii. Michael L. Metcalf SP 3845
Keys Landscape Services, LLC.
Landscaping Contractor

Mr. Metcalf addressed the Board regarding his expired certificate of competency. After discussion, motion made by Mr. Henson to renew certificate of competency and pay renewal fee of \$150.00 and motion seconded by Mr. Miller; no nays.

- iv. Denis Savoie GC 404C
Denis Savoie Construction, Inc.
Residential Contractor

Mr. Savoie addressed the Board regarding his expired certificate of competency. After discussion, motion made by Mr. Centonze to renew certificate of competency and pay renewal fee of \$150.00 and motion seconded by Mr. Henson; no nays.

Note: Building Official Rick Griffin arrived to meeting at 9:42 A.M.

- v. Bruce Alan Malkin SP 3701
The Malkin Group Inc.
Masonry Contractor

Mr. Malkin addressed the Board regarding his expired certificate of competency. After discussion, motion made by Mr. Miller* to renew certificate of competency and pay renewal fee of \$150.00 and motion seconded by Mr. Centonze; no nays.

*Mr. Toppino first made the motion was but overridden by Mr. Miller as he is an alternate and can only vote when a quorum is needed

- vi. Nelson Daniel Luna SP 4204
High Tide Painting, LLC.
Painting & Decorating Contractor

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

Note: Contractor Christopher C. Bryant arrived to meeting at 9:56 A.M. and was heard by board.

- vii. Christopher C. Bryant SP 1317
Tileworks, Inc.
Tile, Terrazzo, and Marble Contractor

New Business / Expired COC/ Bryant continued:

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

DISCUSSION

Attorney Williams inquired as to the number of times mailings are sent out to Contractors. Question came about due to the excessive amount of expired certificates of competency.

- b. Walk-in
 - i. Mr. Means was present for renewal of expired certificate of competency and was placed at the end of the agenda to be heard.
- c. Code Compliance Code Cases

Rudy Krause recused himself from CE15090073 leaving Frank Toppino, Peggy Bankester, Gary Centonze, Steve Henson, and Charlie Miller present.

- i. CE15090073 Notice to Appear
 Peter Anthony Cafaro CGC1508417
 Lowe's Home Centers, LLC.
 MCC: 6-202.(8) Aiding and abet
 Service: 02/19/16
 Fine: Notice
 Inspector: Grant

Mr. Cafaro present without legal representation to address the board and did not contest the violation. Code Compliance Director McPherson was present on behalf of Inspector Grant 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. Centonze recommended finding Respondent IN VIOLATION as cited and seconded by Mr. Miller; motion carried unanimously.

Penalty Phase – Motion made by Mr. Centonze ordering administrative costs of \$217.79 to be paid within 30 days or lien, and NO FURTHER ACTION recommended to Construction Industry Licensing Board. Motion carried unanimously.

Note: Mr. Toppino stepped down and left meeting at 10:13 A.M. and Mr. Krause returned leaving Mrs. Bankester, Mr. Centonze, Mr. Henson, and Mr. Miller.

- ii. CE16010120 Notice to Appear
 Michel Valdes
 Yazmin Tiles & Marble
 MCC: 6-77 No certificate of competency (cabinet & tile installation)
 MCC: 6-202.(10) Fraudulent Act
 MCC: 6-234.(a) Advertising without a license
 Service: 02/18/16
 Fine: Notice

New Business / Code / CE16010120 Valdes continued:

Mr. Valdes present without legal representation to address the board and did not contest the violations. Homeowner James Miele present as witnesses for County. Code Inspector Bruno was present on behalf of Inspector Grant to address the County. After testimony, evidence, and exhibits were taken from all parties and entered into evidence with no objections,

MCC 6-77 No Certificate of Competency

Motion made by Gary Centonze recommending finding Respondent IN VIOLATION as cited and seconded by Charlie Miller. Motion carried unanimously.

MCC 6-202.(10) Fraudulent Act

Motion made by Gary Centonze recommending finding Respondent IN VIOLATION as cited and seconded by Peggy Bankester. Motion carried unanimously.

MCC 6-234.(a) Advertising without a license

Motion made by Charlie Miller recommending finding Respondent IN VIOLATION as cited and seconded by Peggy Bankester. Motion carried unanimously.

Penalty Phase – In response to Gary Centonze question, Attorney Wright answered that the board could lump all three (3) charges together.

Motion made by Gary Centonze recommending a fine of \$5,000.00 plus administrative costs of \$210.66, for total of \$5,210.66. \$5,000.00 fine is abated to \$2,500.00 if restitution is made, paid, and accepted by homeowner within 30 days. Otherwise, the \$5,000.00 fine is due in full. Costs are due within 30 days regardless of the fine amount.

After discussion, Gary Centonze amended his motion to stating fine and costs to be paid within 30 days or lien. Motion seconded by Steve Henson. Motion carried unanimously.

- iii. CE15120079 Notice to Appear –*Continued from 01/12/16*
 Jose Oliva
 Oliva Brick, Inc.
 MCC: 6-77 No certificate of competency to install brick pavers
 Service: 12/17/15
 Fine: Notice/Repeat
 Inspector: Bruno

Mr. Oliva present without legal representation to address the board and contested the violation. Yasimy Oliva, wife, acted as translator. Code Compliance Inspector Lake 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 Mrs. Bankester; motion carried unanimously.

Penalty Phase – Motion made by Mr. Miller recommending imposing a fine of \$500.00 plus administrative costs of \$374.63, for total of \$874.63, to be paid within 30 days or lien, and seconded by Mr. Henson. Motion carried unanimously.

- iv. CE14070180 Notice of Appeal
 Ronald Stroud
 MCC: 6-77 No certificate of competency
 MCC: 6-234.(a) Advertising without a license
 Service: 02/11/16
 Fine: \$1,000.00 (\$500 each)

Comments: On 01/12/16, CEB approved postponing Lien Order signed 05/12/15 and re-notice Respondent for March 8th meeting. If no show, file lien.

Meeting recessed for a five (5) minute break at 11:18 A.M.

Meeting reconvened at 11:18 A.M. Building Official no longer present; all others present; no roll call

Building Official returned at 11:31 A.M.

Mr. Stroud present without legal representation to address the board and contested the violations. 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, and Gary Centonze recommended voting on each violation separately,

MCC 6-77 No Certificate of Competency

Motion made by Gary Centonze recommending finding Respondent NOT IN VIOLATION as cited and seconded by Charlie Miller. Motion carried unanimously.

MCC 6-234.(a) Advertising without a license

Motion made by Gary Centonze recommending finding Respondent NOT IN VIOLATION as cited and seconded by Charlie Miller. Motion carried unanimously.

d. Construction Trades Application

- i. Michael Korb addressed the board regarding his application for licensure as a cabinet & millwork contractor. Mr. Korb submitted a W2 and a 1099 with his application. The W2 is from employer Denis Savoie Construction for 2015 and the 1099-DIV form is from his business (Lower Keys Custom Design Inc) when he was sub-contracting. Employer Denis Savoie being present on an unrelated issue, was present as a witness for Mr. Korb.

After discussion, Steve Henson DENIED application stating that Mr. Korb needs proof of 2nd year of experience (legal work). (Monroe County requires a minimum of two (2) years of field experience with a licensed contractor in the same field).

e. Re-election of Contractors Examining Board (CEB) Members

- i. Steve Henson ENG I 222A Key Iron Works Inc Term Expiring 05/15/16
 ii. Gary Centonze CFC1425735 Gary's Plumbing & Fire Inc Term Expiring 05/15/16

Rudy Krause recommended the approval of Steve Henson and Gary Centonze to one (1) additional three (3) year term; no nays.

New Business continued:

- f. Qualifying Second Business Entity
 - i. Frank Veltri PC 451
Action Maintenance LLC

Proposed Second Entity: Plumbing Name: Overseas Plumbing Inc

Mr. Veltri filed a completed Construction Trades Application to qualify an additional business plumbing entity. Mr. Veltri was present to address the board. In response to Gary Centonze's question, Mr. Veltri stated that yes, he will be doing daily supervision.

After discussion, Steve Henson APPROVED application to qualify (Overseas Plumbing Inc) a second business entity as long as he (Veltri) is a financial responsible officer & holds 10% or more ownership in the business; seconded by Peggy Bankester.

- g. 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 CE15120040, CE16020055, and CE16020056 and seconded by Peggy Bankester; no nays.

- h. Executed Stipulated Agreements – Informational Purposes:

- i. CE16010022 Christopher Satterfield
Pro Landscaping
MCC: 6-234.(a) Advertising without a license \$501.00 fine

Meeting recessed at 12:05 P.M. to review Construction Trades Applications

Meeting reconvened at 12:33 P.M.; all others present; no roll call

- i. Construction Trades Application Review of Verification of Construction Experience

1. Alfredo M. LeFont / New Application / Tile & Marble Contractor / Denied by Rudy Krause / Years of experience as an unlicensed sub-contractor does not count.
2. Gary Lavon Carter Jr / New Application / Plastering/Stucco Contractor / Approved by Rudy Krause
3. Juan Carlos Gallos / New Application / Painting & Decorating Contractor / Approved by Rudy Krause
4. Jose Antonio Franco* /Application Denied 1/12/16/ 2nd Review / Paving Contractor/ Reciprocating from Broward County /Wavier of examination / Approved by Peggy Bankester
5. Tina Louise Garcia / Application Denied 1/12/16 / 2nd Review / Swimming Pool Contractor / Approved by Peggy Bankester
6. William Shawn Ninesling /New Application/Insulation Contractor/Reciprocating from Port St. Lucie/ Waiver of Examination / Approved by Peggy Bankester

New Business / Construction Trades Application Review continued

7. Glen Jesse Keller/New Application/Tile, Terrazzo, & Marble Contractor / Reciprocating from Palm Beach County / Approved by Gary Centonze (application not signed by Gary Centonze but read into the record as approved)
8. Lorenzo Cardenas/New Application/Aluminum, Vinyl, & Plastic Contractor / Denied by Gary Centonze / Failed to submit W2s or 1099s from Ultimate Aluminum Inc. W2s submitted are from A & B Professional Shutter Co with no affidavit
9. Kevin L. Poos/ New Application/Fence Erection Contractor / Denied by Gary Centonze / Failed to submit two (2) years of 1099 or W2s, original Affidavit, and no letter from leasing co substantiating employment with Florida Fence Corp
10. Philip Hahn Courtney / New Application/Fence Erection Contractor / Denied by Gary Centonze / Failed to submit 2 years of W2s or 1099 verifying employment with Landtek Group
11. Jonas David Julian Skolnick / New Application / Tile & Marble Contractor / Approved by Steve Henson
12. Michel Korb / New Application / Cabinet & Millwork Contractor / Denied by Steve Henson / Needs proof of 2nd year of experience (legal work); was acting as an illegal contractor.
13. Daniel Francis Ruiz/New Application/Tile & Marble Contractor / Approved by Steve Henson
14. Daniel Francis Ruiz/New Application/Flooring Contractor / Approved by Steve Henson
15. Mark Stack / New Application/Painting & Decorating Contractor/ SP 3775 null & void / Denied by Charlie Miller / Needs 2012 and 2013 W2s from Brooks Painting of the Keys showing proof of employment
16. Jesse Kenneth Davis /New Application/Painting & Decorating Contractor / Approved by Charlie Miller
17. Bruce Daniel Stricker/New Application/Tile, Terrazzo, & Marble Contractor / Approved by Charlie Miller pending receiving photo ID.
18. Glen Jesse Keller / New Application / Flooring Contractor / This application was not read into the record as approved or denied by Gary Centonze. He only read the tile and marble into the record as approved and not the flooring.

Staff asked for clarification about the Flooring Application and he stated that Palm Beach County administrative exam is acceptable per our County Code. The application for Flooring was Approved but not read into the record.

*Discussion / Jose Antonio Franco

Staff asked Peggy Bankester to verify that his Broward County 3B Minor Roads (Asphalt and Concrete Paving for Subdivision Facilities and Work Incidental Thereto) is equivalent to Monroe County Paving Engineering II certificate of competency. Applicant Jose A Franco present to address any questions the board may have regarding his application.

After discussion, Peggy Bankester withdrew her approval and DENIED APPLICATION as license is not equivalent to Monroe County Paving Engineering II. Applicant must re-apply for Asphalt Seal without reciprocity; would need to take Business and Law (administrative) exam.

10. Walk-ins reviews at 1:08 p.m.

i. Jason Means EC 1359 Means Electric of Key West Inc

Mr. Means addressed the Board regarding his expired Electrical 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. Means 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.

ii. Jonathan Klopp SP 4028 J&B Services Landscape Cont Inc

Mr. Klopp addressed the Board regarding his expired Landscaping Contractor certificate of competency. The license expired 10/31/2015. After discussion, motion was made by Mr. Centonze recommending the renewal of the certificate of competency contingent that Mr. Klopp 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. Henson; no nays.

10. 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

1. Proposed that perhaps board could receive some of Lynn's (Code) packets prior to a meeting to help expedite the review process at hearings

i. In response, Board and staff advised that this was the process for many years but then was advised by Sr. Management and legal to stop this process. They wanted to minimize the board's exposure to cases prior to a hearing as much as possible.

ii. In response to Rudy Krause, Attorney Williams stated that as the chair, setting of the agenda is under the chair's purview, and if they want to move Construction Trades applications after Old Business, they can.

2. Rudy Krause

Mr. Krause asked that Construction Trades Applications Review be moved to the very end of the agenda after Old Business.

Building Official left meeting at 1:12 P.M.

d. Cynthia McPherson, Code Compliance Director – Nothing to report

11. Discussion:

i. Rudy Krause – Expired Permits

a. Advised that county has approximately 60 thousand expired permits and they are in the process of putting a system in place to close them. In response to Mr. Krause, Attorney Williams' stated that there is a lot going on and they have been involved with the county; an item is going before the next BOCC agenda to hire new FTEs (Full Time Equivalents) just to address this issue; they have

New Business/Discussion/ Krause / Expired Permits continued:

reached out to other communities to get input from them on how they have handled this kind of situation.

In response to Mr. Centonze's statement regarding open permits in Key West and clouded titles, Attorney Williams continued that late 2012 early 2013, the State of FL amended the FARBAR contract, and it was a brand new paragraph in the FARBAR contract that states, "That there are no open or needed permits." And that is in every closing in the whole State of Florida now, and that's what brought about all this change for everybody including the city (Key West). The FARBAR got amended and once title companies wouldn't write the insurance on it because there was an open or needed permit then all heck broke loose; so we've looked into do we deem them expired, closed, null & void, what are the ramifications for each. We know for certain that title companies won't close the ones that say open. So, we are going to change that. What will they do if we go too expired?

Attorney Wright in response stated that he is on the committee that does the FARBAR contracts. What the contract says is there is a representation by the seller that they are not aware of any open or expired or needed (open or needed expired isn't in there interrupted by Attorney Williams), Attorney Wright continued, "open or needed permits." As far as title companies go, title insurance doesn't cover these things. It's not considered a matter of title..... However, there is a provision in the "AS-IS" contract that requires the seller to cooperate with the buyer in efforts they might undertake to close open or expired permits. There is a local rider that he's drafted to the contract that shifts that burden of the party's elected seller to close open or expired permits.

He has been tapped to write a revision to the statewide FARBAR to come up with suggestive modifications to the contract and that's going to be heard this Saturday (March 12, 2016) in Orlando, FL. Attorney Williams asked Attorney Wright (as the drafter of the FARBAR), if he could put a provision into the new language that he is proposing on Saturday if they can address older or ancient ones (permit).

After further discussion, Mr. Centonze asked Attorney Wright to come back in May with an update.

ii. Cynthia McPherson

a. Advised that she spoke at a Lower Keys Chambers of Commerce meeting on March 7, 2016 regarding open

iii. Mr. Krause introduced Frank Herrada as the newest CEB member; he was present all day as an observer. He was approved by BOCC on 03/23/16.

iv. Mr. Krause introduced Maria Partington as the new Contractor Licensing Coordinator and CEB Liaison replacing Odalys Mayan (who is resigning).

12. Each person need to review their applications, approve/disapprove them, sign, date the application, and read them into the record and state your name. (12/10/13)

