

MINUTES of the
CONTRACTORS EXAMING BOARD
REGULAR MEETING
TUESDAY JULY 12th, 2016, 9:30 a.m.
MARATHON GOVERNMENT CENTER

1. Call to Order / Roll Call:

Chairman Rudy Krause called the meeting to order at 9:36 a.m.

Present: Mrs. Peggy Bankester, VC Mr. Steve Henson, Mr. Charles Miller and Mr. Frank Herrada.

Present with no roll call were County Attorney Steve Williams and Board Attorney Thomas Wright.

2. Agenda Changes: None to report.

3. Approval of Agenda:

Motion made by Mr. Steve Henson to approve agenda as written and seconded by Mr. Frank Herrada; No nays.

4. Approval of Minutes: Regular Meeting May 10, 2016

Motion made by Mr. Steve Henson to approve minutes as written seconded by Mr. Frank Herrada; No nays.

5. Next Meeting Date: September 13, 2016

6. Swearing – In of Witnesses to Testify:

Attorney Thomas Wright swore-in all those present to testify at today's meeting at 9:39 a.m.

7. Chairman asked, "Is there anyone from the public present who would like to speak on an agenda item today?"

No response from anyone present.

8. Chairman asked, "Have any Board members been contacted outside the presence of this meeting regarding an agenda item?" If so, would you

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please disclose the nature of the contact? No response from Board members.

9. New Business: (Part One)

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 cases:

- i. Andrew Arnold SP3716
Andy Arnold Masonry
Masonry Specialty Contractor

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

- ii. Fernando Polania JE1027
Journeyman Electrician

Mr. Polania approached the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Charles Miller recommending the renewal of the certificate of competency, with renewal fee of \$70.00. Motion seconded by Mr. Frank Herrada; no nays.

- iii. Mario David Rodriguez SP4208
Above All Garage Doors of South Florida Inc.
Garage Door Opener/Installation

Mr. Rodriguez approached the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Frank Herrada recommending the renewal of the certificate of competency, with renewal fee of \$150.00. Motion seconded by Mr. Steve Henson; no nays.

Continued:

- iv. Eftimiy Kirkyakov GC459B
F.K.K.LLC
Building Contractor

Mr. Kirkyakov approached the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Frank Herrada recommending the renewal of the certificate of competency, with renewal fee of \$150.00. Motion seconded by Mr. Charles Miller; no nays.

- v. Miguel Angel Dana SP3905
Keystone Precast and Columns, Corp.
Masonry Contractor

Mr. Dana approached the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Charles Miller recommending the renewal of the certificate of competency, with renewal fee of \$150.00. Motion seconded by Mrs. Peggy Bankester; no nays.

b. Code Compliance Cases:

- 1. CE16030062 Notice to Appear
Cama Sdira LLC/Carl Fischer, Registered Agent
Legal Representation by John R. Allison III
MCC: 6-32. Working thru a Stop Work Order
Service: 4/27/2016
Fine: Notice to Appear
Inspector: Ariel Coll
Previous Violations(s): N/A

Attorney John R. Allison III was present as legal representative. Code Compliance Inspector Ariel Coll was present to address the County. Testimony, Evidence and exhibits were taken and entered into evidence. Attorney Steve Williams requested that Inspector Coll read the verbiage of the stop work order. Inspector Coll read; demolition and remodeling

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Requires building permits. Mr. Rudy Krause questioned Officer Coll if the work was new or existing; reference to exhibit 3. First Stop work order was issued and when the inspector returned two days later the work had not been stopped, new walls were in place. Second stop work order placed. Mrs. Peggy Bankester questioned if Mr. Coll had made contact with anyone present. Mr. Coll said yes, but they refused to provide information.

Attorney Allison was offered to cross examine Mr. Coll. Attorney Allison commented it would not be required, as his questions had been answered. No contact information was available from anyone present at the job site. Attorney Allison presented his case; Owners do not live in this State year round they reside in Pennsylvania. They contacted a contractor to have some demolition/remodeling done. They assumed permits and requirements had been fulfilled by the contractor. They received a letter with the Stop work order, it was then they contacted Attorney Allison to assist them in correcting this violation. Since then Attorney Allison made sure they applied for after the fact permits. They are currently moving forward in completing work and closing said permits.

Mr. Steve Henson questioned Attorney Allison for information on the contractor that failed to pull permits. Attorney Allison contacted a Mr. Parsons who had been hired by the owners, but when the after the fact permits were pulled he had to contact Mr. Bob Reece a licensed Contractor for assistance. The permit consisted of required demolition for FEMA Compliance. Attorney Allison stated contractor Bob Reece was contacted for assistance with the after the fact permits and completion of job since Mr. Parsons was not licensed.

Attorney Steve Williams requested moving Petitioners Exhibits 1- 10 into evidence. No objection from Attorney Allison. Motion made by Mr. Steve Henson not in violation of working through stop work order, based on evidence or lack thereof. Mr. Charles Miller seconded for discussion. After discussion, Mr. Charles Miller withdrew his second. New Motion by Mr. Charles Miller seconded by Mr. Frank Herrada to find homeowner in violation. Board Members Roll Call; Motion 4 to 1; Passed.

Penalty Phase – Motion made by Mr. Charles Miller recommending imposing a fine of \$1,000 to be reduced to \$500.00 if homeowner

Continued:

decides to cooperate with information of the contractor or individuals hired. To be paid within 30 days or lien. Second by Mr. Frank Herrada. Board Members Roll Call; Motion carried unanimously.

2. Code Compliance Cases:

CE16060040 Notice to Appear
Gene Crum
Gene Crum Plumbing LLC
MCC: 6-202.(5)Workers Compensation laws
MCC: 6-202.(8)Aiding & Abet
Service: 6/15/2016
Fine: Notice to Appear
Inspector: Mallory Jones
Previous Violations(s): N/A

Code Compliance Inspector Mallory Jones was present to address the County. Good service received at address of record with County on 06-15-2016. After testimony, evidence, and exhibits were taken and entered into evidence with no objections. Mr. Rudy Krause requested clarification on workers compensation codes by Attorney Thomas Wright or Steve Williams. Subsection(5) 6-202 prohibited actions. Mr. Steve Henson questioned the Aiding & Abet decision, Inspector Jones felt they were unlicensed and were working without a permit. Two individuals on site are brothers (Mitchell Brothers). Mrs. Peggy Bankester questioned if Mr. Crum was present at the job site, answer was no by Inspector Jones. Mrs. Peggy Bankester also asked if the two brothers were present and if she spoke to both brothers, Inspector Jones responded, yes. Mr. Gene Crum stated that he has never paid or carried workers compensation for either of the two gentlemen on site. Mr. Crum stated he was working with Mr. Mitchell (father of the gentleman on site) and they have had this agreement for many years. Mr. Crum stated Mr. Mitchell (father) carries the workers

compensation for his 2 sons/employees. Mr. Crum only pulls permits Mitchells do much of the work. Mr. Charles Miller personally knows the

Continued:

Mitchells and felt there may have been some confusion by the brothers as to who holds the workers compensation exemption and or insurance.

Attorney Wright accepted the workers compensation document into evidence.

Discussion continued by Board members and Mr. Crum trying to understand how Mr. Crum applies for permits and the requirements to complete the job and close the permits. Also discussed was who is authorized to work on job sites. After discussion Attorney Steve Williams requested moving Petitioners Exhibits 1 - 14 into evidence. No objection from Mr. Crum. Administrative costs \$103.22. Motion was made by Frank Herrada; working without workers compensation. Mrs. Peggy Bankester seconded for discussion. Question again came up who had the workers compensation for the Mitchell brothers. Board reopened the case and recessed for 10 minutes. Mrs. Partington was asked to research the Mitchells workers compensation exemptions from the workers compensation web site.

Attorney Steve Williams spoke with Mr. Crum during recess at which time Mr. Crum expressed an interest in a Stipulated Agreement.

Meeting resumes and Mr. Charles Miller asked Mr. Crum if he was interested in accepting the Stipulated Agreement and Mr. Crum replied, Yes. Attorney Wright and Attorney Williams let Mr. Crum know the paperwork would be forthcoming. Case Closed.

10. Staff Reports

Nothing to report by Mr. Ortiz or Attorney Wright. Attorney Steve Williams provided information on moving forward after loss of Code Officer Lynn Bruno. Mr. Rudy Krause and Board members were very complimentary on the transition with Mrs. Maria Partington as liason.

Mrs. Cynthia McPherson Code Enforcement presented a spreadsheet and discussed moving forward with job opening for Code Enforcement Officers.

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11. Old Business
Read into record.

Attorney Steve Williams and Thomas Wright excused themselves from the meeting.

12. New Business: (Part Two)
 - a. Construction Trades Application Review for Verification of Experience:
 - i. Robert Carpenter / New App. / Journeyman Electrician / Denied/ One more year experience & updated affidavit.
****Mr.Frank Herrada- Denied 1 additional yr experience.**
 - ii. Patrick Wayne Harpin /New App./ Master Electrician
****Mr.Frank Herrada – Denied more education required/doc’s from licensed contractor.**
 - iii. Rostilav Novotny /New App. Painting & Decorating & Fence Erection.
****Mrs. Peggy Bankester- Approved both applications**
 - iv. Gary Peter Noel New Application / Master Electrician
****Mr. Charles Miller- Approved to Test****
 - v. Tamatha Betchel St. Denis / Re-Registration Exp. 2011 / Landscaping
****Mr. Charles Miller- Approved to Test****
 - vi. Kevin John Artigue/Re-Registration Exp 2013 /Masonry
****Mr. Steve Henson- Approved to Test****

Continued:

- vii. Kevin John Artigue/Re-Registration Exp 2013 /Tile,Marble & Brick Pavers
****Mr. Steve Henson- Approved to Test****
- viii. Jessie Foster/ New Application/ Painting & Decorating/ Reciprocity from Broward County
****Chairman Rudy Krause – Reciprocity Approved****
- ix. Christopher Balian / New Application / Master Electrician
****Mr. Steve Henson – Approved for Testing****
- x. Bernard Dorelien/ New Application/ Master Electrician
****Mr. Frank Herrada – Approved for Testing / No Reciprocity with Broward for Electric Trades****
- xi. Bryan Caldwell / New Application / Engineering Class II(b)Pile & Foundation (c) Seawall & Small Dock
****Chairman Rudy Krause – Approved for Testing Both App's**
- xii. Richard Steepy / New Application / Journeyman Electrical
****Chairman Rudy Krause – Approved for testing ****
- xiii. Oliver Franz Torres / New Application / Aluminum, Vinyl & Plastic
****Mr. Charles Miller – Approved for Testing****
- xiv. Maivy Martinez / 2nd Review / Painting & Decorating/ Drywall
****Mrs. Peggy Bankester – Denied ****

Add-On of Additional Applicants for review not on Agenda:

- i. Rex Redding Harrell / Structural Steel Erection Contractor
No Reciprocity with Lee County
****Mr. Steve Henson – Approved for Testing****

Continued:

- ii. Jessie Stoneberger / 2nd Review Mechanical Contractor
****Chairman Rudy Krause – Approved for Testing****

14. Meeting adjourned at 11:55 a.m.

Maria Partington
Contractor Licensing Coordinator/ CEB Liason

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

