

**MINUTES of the**  
**CONTRACTORS EXAMING BOARD**  
**REGULAR MEETING**  
**TUESDAY November 08, 2016, 9:30 a.m.**  
**MARATHON GOVERNMENT CENTER**

1. Call to Order / Roll Call:

Chairman Rudy Krause called the meeting to order at 9:30 a.m.

Present: VC Mr. Steve Henson, Mr. Gary Centonze, 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:

CE1609053 removed from Agenda Stipulated Agreement signed 11/4/16  
vii. Brian Daniel Fernandez – removed his request for Trade Application approval for Fence Erector Contractor.

3. Approval of Agenda:

Motion made by Mr. Steve Henson to approve agenda as revised and seconded by Mr. Charles Miller; No nays.

4. Approval of Minutes:

a. Regular Meeting:

July 12<sup>th</sup>, 2016 approved Mr. Steve Henson and Mr. Charles Miller  
September 13<sup>th</sup>, 2016 Mr. Steve Henson and Mr. Rudy Krause

5. Next Meeting Date: January 10<sup>th</sup>, 2017.

6. Swearing – In of Witnesses to Testify:

Attorney Thomas Wright swore-in all those present to testify at today's meeting at 9: 38 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 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. Lyle Wesley Cameron  
DC Solid Surface Tops Inc SP1325  
Cabinet & Millwork Contractor

Mr. Cameron was present to request reinstatement. Board reviewed his request. Mr. Charles Miller approved the renewal of the certificate of competency, with renewal fee of \$150.00 seconded by Mr. Gary Centonze.

- ii. Nicholas Mercer-Daly  
All florida Keys Boatlifts Inc ENG II 283C  
Seawall & dock (Marine Construction) Contractor

Mr. Mercer-Daly was present to request reinstatement. Board reviewed his request. Mr. Steve Henson approved the renewal of the certificate of competency, with renewal fee of \$150.00 seconded by Mr. Charles Miller.

- iii. Barry S Flanigan (Qualifying Agent)  
Intercoastal Architectural Metals and Guttering Inc.  
Aluminum Specialty Contractor

Mr. Flanigan was present to request reinstatement. Board reviewed his request. Mr. Charles Miller approved the renewal of the certificate of competency, with renewal fee of \$150.00 seconded by

C. Code Compliance Cases:

- 1. CE16020110 Notice to Appear

Mr. Don Vertregt

MCC: 6-202(11)a Disregard of County Ordinance  
Service: First Class Mail 8/24/16 Delivered  
Fine: Notice to Appear  
Inspector: Christopher Grant  
Previous Violation(s): CE15100102 Closed

Respondent Mr. Don Vertregt was not present. Code Compliance Inspector Christopher Grant was present to address the County. Testimony, Evidence and exhibits 1-13 were taken and entered into evidence. Violation was installation of fence with no permit. Since sighting the contractor an After the Fact Permit has been applied for on this property. Mr. Steve Henson inquired about existing chain link fence. Inspector Grant was questioned by the Board if there was an existing chain link fence that had been replaced with the new wood fence? Answer was, yes. Mr. Vertregt was on the job site when Inspector Grant arrived. Respondent felt that a previous permit had been applied for the chain link fence installed many years ago.

Attorney Wright and Attorney Williams researched to clarify the MCC used: 6-202(11)a Disregard of County Ordinance needed amending. Attorney Williams requested amending to 110-140(1) .

Motion made by Mr. Steve Henson recommending finding respondent in violation to disregard 110-140(1) work without a permit, second by Mr. Charles Miller. Roll call; Motion carried unanimously.

Penalty Phase: Attorney Wright clarified the parameters of fines that can be imposed. Clarification made that the responded had adequate notice.

*Continued:*

Mailing was returned unclaimed. Second attempt was First class mail and was not returned. Also, the after the fact permit has not been picked up as of today's date. Mr. Steve Henson requested to clarify the previous citations placed on respondent. Fines were paid cases closed. Mr. Gary Centonze made a motion fine \$2,500.00 plus Administrative costs of \$150.95 paid within 30 days or lien open for discussion. Seconded by Mr. Steve Henson for discussion. Mr. Centonze feels strongly that a contractors should not feel they can just leave these violation to the homeowner to apply for permits. Original fines stand and the contractor may appeal. Mr. Henson seconded in agreement cost of fine to remain.

Permit must still be picked up and completed. Roll call; Motion failed. Mrs. Peggy Bankester made a motion for \$1,500.00 plus Administrative costs of \$150.95 paid within 30 days or lien. Seconded by Mr. Charles Miller. Roll call; Motion 4-1 passed.

2. CE16050027 Notice to Appear

Mr. Dennis Porcelain II

Dennis Porcelain Enterprises Inc.

MCC: 6-202.(5) Workmen's Compensation (2) on site

MCC: 6-202.(9) Uncertified Field Person

MCC: 6-202.(10) Fraudulent act: substantial injury to owner

MCC: 6-202.(11) Work Without a Permit

MCC: 6-203(a)(4) Aid & Abet Persons not having a certificate

~~MCC: 6-202.(11) Work without a Permit~~

Service: September 1, 2016

Fine: Notice to Appear

Inspector: Christopher Grant

Previous Violation(s): CE16050066 Closed

Respondent Mr. Dennis Porcelain II was present. Code Compliance Inspector Christopher Grant was present to address the County. Testimony, evidence and exhibits were taken and entered into evidence. Attorney Steve Williams requested moving Petitioners Exhibits 1-14 into evidence. Mr. Steve Henson questioned Inspector Grant wanting to know

*Continued:*

if Respondent Mr. Porcelain was at the job site. Answer was, No. Respondent Mr. Porcelain explained he has a project manager local in the Keys to assist him as an agent (referred to as Michael). Respondent was not aware of any problems. The agent Michael is still working for Respondent Mr. Porcelain and has applied for an After the Fact Permit. Discussion by the Board on permit fees being charged to the owner and questions on the change of the contracts original fees. More discussion and questions arose as to agent "Michael" representing Dennis Porcelain Enterprises Inc. signage on vehicle and Respondents State license number being used. Respondent mentioned that he has requested the signage to

be removed from the vehicle as not to give false representation to future customers. Fact remains the license holder is the responsible party. Mrs. Bankester asked Respondent if he had any evidence he would like to present. Attorney Williams requested a short recess of 2 minutes so he could have a brief discussion with the Respondent.

\* After 5 minute break meeting was called back to order\* time 10:46 a.m.

Mrs. Bankester questioned if the Respondent was admitting or contesting these charges? Attorney Wright read charges: #1. Does Respondent admit or deny having workers on site without workers compensation? Respondent answer, deny. # 2. Violation of 6-202.(9) Uncertified Field person, admit or deny? Respondent answer, deny. #3. Violation of 6-202.(10) Fraudulent act; substantial injury to owner, admit or deny? Respondent answer, deny. #4. Violation of 6-202.(11) Work without a permit admit or deny? Respondent answer, deny. #5. Violation of 2-203(a)(4) Aid & abet persons not having a certificate, admit or deny? Respondent answer, deny. Chairman Krause questioned Respondent if work or partial work has been completed? Respondent answered no work on site is complete. Attorney Williams mentioned to the Board that Mr. Michael Dzikuch (agent previously mentioned) was present and he could call him up for questioning by the Board. Mr. Dzikuch was previously sworn in and ready for questioning. After questioning by Board it was clarified that Mr. Dzikuch hires sub-contractors to do pre-demolition work on spalling.

*Continued:*

Company hired was HCT Construction. Mr. Dzikuch did not verify license number on the truck of HCT Construction (contact person Jason.) Mr. Dzikuch does not hold any type of licenses in Monroe County. Mr. Dzikuch did testify that the Respondent was not aware of the contract that had been given to the homeowner until the Stop work order had been placed on site. Payment was made by homeowner to Mr. Dzikuch or to Coastal Property Management. Mr. Centonze requested that Mr. Dzikuch supply the County with any information available on the Company HCT Construction which he hired, Mr. Dzikuch agreed. No payment has been forwarded to Respondent. Chairman Krause read into record letter sent by owner. Discussion continued in reference to payments and plans required.

Attorney Williams referenced Petitioners Exhibit 6 1of 4, for payments made by owner. Project at this point has expanded to additional work requested by owner. Mr. Centonze questioned Respondent on how many additional projects he has pending with Monroe County, he responded one more residence. Respondent was questioned how he planned to complete this project.

Motion made by Mr. Centonze recommending finding respondent in violation of MCC: 6-202.(5) Workmen's Compensation (2) on site, second by Mr. Henson. Roll call; Motion carried unanimously.

Motion made by Mr. Centonze recommending finding respondent in violation of MCC: 6-202.(9) Uncertified Field Person, second by Mr. Miller. Mr. Henson requested a discussion, council read the definition of code violation Mr. Henson felt comfortable with definition. Roll call; Motion carried unanimously.

Motion made by Mr. Centonze recommending finding respondent in violation of MCC: 6-202.(10) Fraudulent act: substantial injury to owner, second by Mr. Miller. Roll call; Motion carried unanimously.

Motion made by Mr. Centonze recommending finding respondent in violation of MCC: 6-202.(11) Work Without a Permit, second by Mr. Henson. Roll call; Motion carried unanimously.

Motion made by Mr. Centonze recommending finding respondent in violation of MCC: 6-203(a)(4) Aid & Abet Persons not having a certificate second by Mr. Miller. Roll call; Motion carried unanimously.

*Continued:*

Penalty Phase: Respondent Mr. Porcelian II is State Licensed and cannot be fined by the CEB Board. Mr. Centonze made a motion to have Respondent Dennis Porcelian II permit privileges be suspended for 1 year in Monroe County plus Administrative costs \$ 221.71 to be paid within 30 days or lien. No further action for additional letter of reprimand to the State, Seconded by Mr. Henson. Mrs. Bankester questioned why no further action on the reprimand and through discussion all Final Orders are forwarded to the State/DBPR for when State Certified Contractors come before the Board. The two existing permits applied for by Respondent shall be the only exception to the suspension of privileges with Monroe County.

Chairman Krause made second recommendation. Original motion and second was withdrawn.

Second: Penalty Phase; Chairman Krause made a new motion to have Respondent Dennis Porcelian II permit privileges be suspended indefinitely in Monroe County, Administrative costs of \$221.71 to be paid within 30 days or lien. The two current permits/projects may be completed. Respondent may request reinstatement of privileges only when both projects are completed, permits closed and a notarized letter from each homeowner expressing complete satisfaction of work by the Respondent. Owners may also present themselves to the Board if they so choose with the Respondent for reinstatement of permit privileges. Seconded by Mr. Steve Henson. Roll call; Motion carried unanimously.

3. CE16080149 Notice to Appear

Mr. Mariusz Dziduch

MCC: 6-77 No Competency License

MCC: 6-202.(5) Workers Compensation

Service: Refused Certified Mail

Fine: Notice to Appear

Inspector: Christopher Grant

Previous Violation(s): CE07100194 Closed &  
CE08090089 Closed

Attorney Williams made the recommendation to the Board to consider requesting the Respondent if they approve to all previous evidence and testimony be used in this case. Chairman Krause questioned the Respondent to the above and Respondent agreed. Series of events same at same site location. Attorney Wright explained to Respondent he was being charged with two violations and questioned him; do you admit or deny? Respondent answered, deny.

Code Compliance Inspector Christopher Grant was present to address the County. Inspector Grant provided testimony his visit and gave a brief description of his encounter when he visited the job site. Once he arrived two individuals were present and informed Inspector Grant Respondent had left for a moment and that they were not the contractors of this site. They called the Respondent for Inspector Grant. After questioning the

Respondent on the phone for information on workers compensation for individuals at site, he explained they did not work for him they were sub-contracted. Inspector Grant placed a Stop Work Order at that time. The Respondents vehicle was on site both individuals left the job site. Inspector Grant researched Respondent for active licensing in Monroe County and could not find any information. Mr. Henson requested information on two previous citations both were passed statute limit of 4 years. Attorney Williams requested to move Petitioners Exhibits 1-16 into evidence. Mr. Centonze questioned Respondent did he hold a competency card, and workers compensation answer was, no. Respondent also stated he did not receive proper notification of this meeting, was sent to incorrect address. Attorney Williams requested correct address which Respondent replied 1100 Overseas Highway Suite 206 Marathon, Fl. 33050. Chairman asked Respondent if he any other information he would like to offer at this time, Respondent replied, no. Mr. Centonze questioned Respondent on all active jobs in the County.

Motion made by Mr. Steve Henson recommending finding respondent in violation of 6-77 No Competency License and 6-202.(5) no workers compensation. Seconded by Mrs. Bankester. Roll call; Motion carried unanimously.

Penalty Phase: Motion made by Mr. Miller to fine Respondent \$1,000.00 for 6-77 No Competency License to include Administrative costs of \$221.71 to be paid within 30 days or Lien. Seconded by Mrs. Bankester.

*Continued:*

Roll call; Motion carried unanimously.

Motion made by Mr. Henson to fine the Respondent \$1,000.00 for 6-202.(5) workers compensation to be paid 30 days or Lien. Seconded by Mr. Miller. Roll Call; Motion carried unanimously.

Note: 15 minute break 11:53 a.m.

## 10. Staff Reports

Assistant Building Official Mr.Rey Ortiz introduced Ms. Susan Grant as the new Building Department Unlicensed Contractor Investigator.

Susan was warmly welcomed by the CEB Board Members and they look forward to working with her.

Senior Director of Code Compliance Cynthia Mcpherson reiterated that Ms. Grants' new position will now fall under Building Dept.

## 11. New Business: (Part Two)

### D. Construction Trades Application Review for Verification of Experience

- i. Tito Soccaras / New Application / Master Sign w/electric/ Reciprocity for Sign/not Electric Broward  
**\*Chairman Rudy Krause Approved Reciprocity for Sign Erection Contr. Non-Electric. Also, Approved to test for Master Sign w/Electric.**
- ii. Howard Leon Mullins / Re-Registration Expired 10/31/2001 / Residential  
**\*Mr. Gary Centonze Approved for COC License\***
- iii. Ignacio Olt / New Application / Journeyman Electrician  
**\*Mr. Steve Henson Approved to Test\***
- iv. Randall Palmer Jr. / New Application / Journeyman Electrician  
**\*Mr. Steve Henson Approved to Test\***
- v. Darryl Schladant / New Application / Aluminum Vinyl & Plastic  
**\*Chairman Rudy Krause Approved to Test\***
- vi. Stephen Chaplin New Application / Glazing Contractor/Aluminum,Vinyl & Plastic  
**\*Mrs. Peggy Bankester Approved for Both Specialties & Test\***

*Continued:*

- vii. Josue Alvarado / New Application / Landscaping  
**\*Mrs. Peggy Bankester Approved to Test\***
- viii. Paul Varney / New Application / Landscaping  
**\*Chairman Rudy Krause Approved to Test\***
- ix. Curt Thomas Nezuh / New Application / Painting & Decorating  
**\*Mr. Charles Miller Approved to Test\***
- x. Heriberto Del Valle / New Application / Painting & Decorating  
**\*Mr. Charles Miller Approved to Test\***
- xi. Robert Benson Holloway / New Application / Painting & Decorating  
**\*Mr. Charles Miller Approved to Test\***

- xii. Stacey Hake-Creighton / New Application / Painting & Decorating  
**\*Mr. Gary Centonze Approved to Test\***
- xiii. Michael Micciche / New Application / Residential Contractor  
**\*Mr. Steve Henson Approved to Test\***

Trade Application not on the Agenda:

- i. Miroslav Kucera / New Application / Journeyman Electrician  
**\*Mr. Steve Henson Approved to Test\***
12. Request that each member review their applications, approve/disapprove them, sign, date the application and read them into the record and state your name.
13. Meeting adjourned at 1:09 p.m.

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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."



