

RUDOLPH (RUDY) KRAUSE, CHAIRMAN, CBC048885  
STEVE ROY HENSON, VICE-CHAIRMAN, ENG I 222A  
GARY CENTONZE, BOARD MEMBER, CFC1425735  
FRANK HERRADA, BOARD MEMBER, CAC1817003  
DONALD W. HORTON, CRC057947  
MARNIE WALTERSON, LAYPERSON  
VENETIA FLOWERS, LAYPERSON  
BRENT ROBINSON, LAYPERSON  
CHARLES E. MILLER, FIRST ALTERNATE, CGC023830

**MINUTES**  
**MONROE COUNTY**  
**CONTRACTORS EXAMINING BOARD**  
**REGULAR MEETING**  
**TUESDAY NOVEMBER 8TH, 2022 9:30 A.M. – 4:30 P.M.**  
**MARATHON GOVERNMENT CENTER**

**Contractor Examiner Board Meeting - November 8, 2022**

You are invited to a Zoom webinar.

When: Nov 8, 2022 09:30 AM Eastern Time (US and Canada)

Topic: Contractor Examiner Board Meeting - November 8, 2022

Please click the link below to join the webinar:

<https://mcbocc.zoom.us/j/86451620093>

Or iPhone one-tap :

US: +16465189805,,86451620093# or +16699006833,,86451620093#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 518 9805 or +1 669 900 6833

Webinar ID: 864 5162 0093

International numbers available: <https://mcbocc.zoom.us/j/86451620093>

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1. Call to Order / Roll Call

**\*\*9:34 a.m.\*\***

**Present at roll call: Chairman Rudy Krause, Frank Herrada, Steve Henson, Marnie Walterson and Donald Horton**

**Also present: BO Rick Griffin, ABO Rey Ortiz, County Attorney Peter Morris, Board Attorney Thomas Wright**

2. Excused Absence Approval

**\*\*Brent Robinson- personal day/ Gary Centonze- previous appointment/ Venetia Flower -personal day.\*\***

**\*\*Motion for approval by Steve Henson seconded by Donald Horton\*\***

3. Agenda Changes
  - \*\*Pg. 3 Lien Richard Sanchez case closed payment received\*\***
  - \*\*Pg. 4 Industry Input Lori Lehr presentation: time approximate 11:00 a.m.**
  - \*\*Item 6. Next scheduled meeting changed to: January 24<sup>th</sup>, 2023**
  - Addition by Chairman Krause – Industry Input - discussion on demolition of a house**
  - Addition by Frank Herrada – Industry Input - discussion on permit fees**
4. Approval of Agenda
  - \*\*Motion by Frank Herrada seconded by Donald Horton\*\***
5. Approval of Minutes for September 13, 2022 (must have participated in meeting to move or second)
  - \*\*Motion by Frank Herrada seconded by Donald Horton\*\***
6. Next scheduled meeting: January 10, 2023
  - \*\* Approved to reschedule for January 24, 2023\*\***
7. Swearing - in of Witnesses to Testify
  - \*\*9:43 a.m. by attorney Thomas Wright audience and zoom\*\***
8. "Is there anyone from the public who would like to speak on an Agenda item?"
  - \*\*No\*\***
9. 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\*\***
10. New Business:
  - a. Lien request for non-payment of citation/ imposition of fines & costs
    - Case No: 22300546
    - Name: Danny L Perez- Diaz
    - Company: Danny's Welding Services Inc.
    - MCC: 6-77 Certificate of Competency required: unlicensed contractor
    - Issued: 05/25/2023 (2022)
    - Intent to Lien notice: 10/07/2022
    - Fine: \$ 500.00 Administrative Costs: \$ 326.70
    - \*\*Motion by Donald Horton seconded by Frank Herrada**
    - Fine \$ 500.00 Admin costs: \$ 326.70 - 30 days to pay or lien.\*\***

Case No: 22300547  
Name: Yanoski Mola  
Company: Y. M. Welding Services Inc.  
MCC: 6-77 Certificate of Competency required: unlicensed contractor  
Issued: 05/25/2022  
Intent to Lien notice: 10/07/2022  
Fine: \$ 500.00 Administrative Costs: \$ 338.70  
**\*\*Motion by Steve Henson seconded by Marnie Walterson  
Fine \$ 500.00 Admin costs: \$ 338.70 – 30 days to pay or lien.\*\***

Case No: 22300751  
Name: Felix Rafael Alba  
Company: Alba Interior & Exterior Iron Works Inc.  
MCC: MC 6-202 11a&b State Statute Construction Standards 489  
Issued: 05/25/2022  
Intent to Lien notice: 10/07/2022  
Fine: \$ 500.00 Administrative Costs: \$ 362.70  
**\*\*Motion by Frank Herrada seconded by Donald Horton  
Fine \$ 500.00 Admin costs: \$ 362.70 – 30 days to pay or lien.\*\***

Case No: 22300752  
Name: Richard Sanchez  
Company: n/a.  
MCC: 6-77 Certificate of Competency required: unlicensed contractor  
Issued: 05/25/2023 ~~(2022)~~  
Intent to Lien notice: 10/07/2022  
Fine: \$ 500.00 Administrative Costs: \$ 302.00  
**\*Payment received on 10/28/2022 paid in full/ closed by Investigator Thomspen\*\***

- b. Construction Trades Application Review for verification of construction experience and testing approval:
1. Andrew Arnold/ New Application/ General Contractor/ currently holds SP18-Masonry  
**\*\*Approved for test by Donald Horton\*\***
  2. Christopher Johnson/ New Application/ Landscaping Specialty  
**\*\*Approved for testing by Steve Henson\*\***

## INDUSTRY INPUT

Industry Input: We will now open the floor for any comments or questions from the construction industry or public. Please either use the raised hand feature on Zoom or make sure that you have filled out a green speaker card if you are here in person.

Jethon is there anyone with their hand raised on Zoom?**\*\* No\*\***

Do we have any in person speakers signed up to speak?**\*\*No\*\***

**\*Present in the audience: Gay Marie Smith, Russell Moore and Robert Allen\*\***

**\*\*Robert Allen- Barefoot Painting of Lower Keys Inc. – requesting information on updates to HB735. Chairman Krause mentioned it was on the schedule to be discussed as a following item with a presenter.\*\***

**\*\*Russell Moore – requesting assistance from the CEB Board to an expired Rogo permit during Covid. – county attorney Peter Morris informed the CEB Board this item is outside of the jurisdiction of the CEB Board. Per board attorney Thomas Wright the CEB Board can listen to the construction industry and make recommendations to the BOCC, under this Industry Input section of the meeting.**

**Unfortunately, in this case, the board, though compassionate, was unable to provide assistance. Attorney Wright did provide some direction, that may be helpful to Mr. Moore.**

**Emily Schemper Sr. Director of Planning explained the covid extensions that were provided.**

**County attorney Peter Morris agreed with attorney Wright, Mr. Moore should seek legal counsel for assistance.**

**Mr. Moore did make the board aware that Rogo permits should have a 30-day notification of expiration similar to the Building Dept. IVR permit system.**

**\*\*Chairman Krause had a question for Emily Schemper in reference to demo requirements. She explained the code for accessory use and accessory structures. The complete conversation is available online: MCTV/CEB 11/8/22/35:07/3:57.06\*\***

**Update to HB735 by Commissioner Michelle Lincoln and Lisa Tennyson MC Legislative Affairs Director: Rep. Jim Mooney & staff along with Lisa Tennyson and County lobbyist Ryan Matthews along with Commissioner Lincoln met with Department of Business and Professional Regulation (DBPR) secretary, Melanie Griffin and her staff. They are very aware with all of the problems that HB735 has caused and is causing. Not only is Monroe County weighing in but also other counties, they are receiving daily phone calls and emails. Comm. Lincoln did inquire if they were receiving letter from Monroe County contractors, but Ms. Griffin was not aware of any. Comm. Lincoln did suggest to please mention to contractors to please send these letters to DBPR.**

Continued:

DBPR does not have any jurisdiction as HB735 did not give them any authority or discretion. So currently they (DBPR) cannot weigh in themselves. However, the opportunity was taken to make them very aware of the hardship this has created for our specialty contractors and the residents and leave them vulnerable.

Comm. Lincoln expressed they are very confident the legislators will be taking this up, this coming year. Rep. Mooney and his staff have assured they will be taking this up with other legislators, our lobbying team and our county commissioners will also be lobbying when they are up in Tallahassee this year. They will continue to communicate with other legislators what we would like to see as an amendment and or repeal of this bill.

Commissioner Lincoln expressed her gratitude to Lisa Tennyson and the Lobby Team for all the support they have been giving Representative Jim Mooney and our Senator Ana Maria Rodriguez. Lisa Tennyson was available on zoom: Commissioner Lincoln framed this perfectly. We will make this a priority moving forward. It is going to take a legislative fix, to amend or repeal or make the necessary changes to HB735 but it is valuable and important that the agency under the Governors office that is responsible for the licensing (DBPR) is supportive of that effort and has assured us they will be working with the interested legislators on such legislation, once its introduced.

The session does not start until March 2023 we have plenty of time, unfortunately we will need to be patient as we move along with the legislators schedule. Interim committee weeks occur between December and February, that's when legislation is typically introduced.

Of course we will follow the Bill as it moves through session in the months of March and April. So, there is lots to do, there is a long-time frame, and we will do our best to keep you updated on that bill, as it moves forward.

Chairman Krause thanked both Commissioner Lincoln and Lisa Tennyson and staff.

The question to Building Official Griffin from Chairman Krause was: Once the licenses expire come June 30, 2023 what is going to happen? Chairman Krause does not believe this will be resolved by the time licenses expire. People can do remodel without a license as long as it is not structural, but will a permit still be required? BO Griffin answered: Yes.

Chairman Krause asked will an unlicensed person be able to pull a permit?

BO Griffin replied: No.

So Chairman Krause asked so it will have to be a licensed contractor or owner builder will need to apply for the required permit. CO Griffin replied: Correct, owner builder probably.

Chairman Krause wanted these questions answered as he feels the time frame is tight.

So until everything is straightened out, can a permit be required if no license is required.

BO Griffin replied: Permit is required. He has checked with around 50 counties and municipalities, most of them are not doing anything, until this legislative decision that Lisa was talking about goes through. They are waiting to see what is going to happen before June 30, 2023.

Chairman Krause is pleased things are moving along. Glad they need to pull a permit be licensed and insured, and someone is responsible.

Steve Henson requested clarification on specialty licenses. All specialty licenses effected by

HB735 scheduled to be revoked on 6/30/2023 were provided a non fee extension by the BOCC from 10/31/2021 to 6/30/2023, the effective date of HB735. Contractors that have maintained

Continued:

an active certificate of competency (coc) can be issued a copy of the COC upon request.

New Business for Industry Input:

1. Board member Frank Herrada requests the consideration by the Bio/Planning Dept.

When an active permit has a requirement for a minor change, can the permit be adjusted with a HOLD

Condition: Minor Condition approval required prior to CO issuance.

This will allow the project to move forward as they work towards the correction as requested.

**\*\*Present was Emily Schemper Senior Director of Planning & Environmental Resources**

Frank Herrada requested the possibility of changes to minor change requirements on submitted plans. Example: 1 street tree on plans but Bio/Planning requires 2 street trees. Allowing the permit to continue plans review, be issued with Conditions - No CO until minor requirement has been met. Other example was the new requirement of vegetative swales.

Emily S. explained this practice was attempted in the past and caused many problems with contractors not reading the special conditions section of a permit. She also mentions that the new Oracle system will not print the list of conditions when the contractor prints the issued permit. There have even been legal issues that have occurred when plans are stamped and approved, and the conditions of the permit were never met. Due to the many issues in the past, the decision was made, approved plans must show what was approved by the land development code. Which is also consistent as the code is written.

BO Griffin did mention that stamped plans do not allow structural and construction changes by anyone other than the architect or engineer. He does not believe the code refers to planting and landscaping detail sections of a stamped plan.

Frank Herrada also questioned Emily if the Planning and Bio Dept currently have enough staff as his last plan review had taken 21 days, then failed for the lack of 1 street tree. Emily S. did respond and provided the process of logging plans as soon as they are in the Dept. not necessarily the first day the review process starts. She also commended no, they currently do not have enough staff. Actually they just had a new staff member brought on board.

Emily S. did let Frank H. know she will discuss the request of the street tree and vegetative swale on residential property with staff and get back to the board. Always being aware the inspections will be failed if the requirements have not been met. As mentioned, it will be interesting how this plays out with the new Online Permitting system and the information provided on the issued permit.

Frank H. did mention he was not aware the paper permit is no longer acceptable for those individuals who may not want or have a computer. They are forced to hire someone for assistance with the permitting process. Mr. Krause mentioned this discussion was coming up next, during Ed Koconis presentation on Oracle online permitting update.

ABO Ortiz did clarify the digital signature that is present on submitted plans and the limits

they present for any corrections by others, other than the sealed licensed individual.

Steve H. requested some clarification on plans that are in the review process and has decided

Continued:

to amend a section of the plans, can he submit just the one page with the correction/update or will the county require an entire new set of the plans. ABO Ortiz answered yes, due to the FBC requirements that must be met even during a minor correction of submitted plans. You must build what has been issued on the permit plans. A revision to the plans would be required, for corrections. With the new online system, it will be much easier.

Chairman Krause asked if letter from engineers will still be an option. ABO Ortiz mention we really need to pull away from that, should not really be an option.

## 2. Monroe County Online Permitting System Update by Ed Koconis

**\*\*Ed Koconis was present on zoom. Oracle permitting system went live on October 3<sup>rd</sup> they have received around 600 applications, issued around 75. Minor technical issues and receiving a lot of positive feedback. Permitting help is also available to assist. Training and reference material is available on the Monroe County Website. The question currently being asked is when will the system be able to accept online payment. Currently the payment is accepted via a call-in number and the credit card is processed out of the Key Largo Office. This should be available soon. Chairman Krause questioned on the sub-contractor authorization and notification to the sub-contractor listed on the permit. The applicant has control to also list the sub as a contact, but the system does not notify at application when listed as contractor. Chairman Krause used some examples of how this could be a big problem for a contractor, when he has no knowledge, he has been added to any applied for permit. Ed K. clarified the request that a contractor or sub-contractor when added to a permit should receive notification from the system. He will attempt to get the answer and shall provide, if possible, prior to next meeting.**

Don Horton had positive comments on the new system and how seamlessly the transition took place. He did inquire if there will be a possibility of electronic checks when the credit card acceptance is active. Ed responded with a possibility towards mid 2023 for that service.

Public speaker Gay Marie Smith addressed the board and added the question on the subject of sub-contractors on a permit: Why are the sub forms no longer required, they can easily be attached as a pdf to the permit application. Chairman Krause said Ed Koconis is already looking into it and will getting back to the board with an update.

Gay Marie Smith also brought up a concern on the information that is displayed on the new online permit, once issued and printed. The qualifier name and the office phone numbers are visible. The applicant/users name and number will also display on the permit.

Gay Marie questioned some of the contractors in the area, some of their comments:

1. Contractors do not want their cell phone number listed
2. Would like to see the company/business name listed

Ed Koconis did mention they are aware of the business name not on the permit and it was being corrected, he will verify the status. He was not aware of the cell phone numbers and will address with the Oracle Team.

Gay Marie Smith also brought up the concern of the conditions not being listed on the new

online printed permit. Ed K. did explain the information of where the conditions can be found are explained on the first line of the printed permit. Concerns for Planning and Bio conditions that are not on the plans were also discussed. Ed K. will contact Emily Shemper and her staff for assistance.

Continued questions by Gay Marie Smith:

The new Oracle system does not provide the reviewer's name, which limits the ability to contact the reviewer.

The review process seems to be going quickly, but the payment email is really taking longer. Ed K. explained the fees are being batched and done at the end of the day. So, emails are delayed. Ed also, mentioned plan reviewers are no longer limited to a specific area or limited to a specific permit. Multiple plans reviewer can work on a permit/ correction and revisions.

Old Business for Industry Input:

1. Presentation by Lori Lehr CRS Coordinator Floodplain Program

**\*\* Lori Lehr was present on zoom and presented a complete presentation and a Q A session.**

**Please view on Online on MCTV/CEB 11-8-2022/ 1:24:52/3:57:06**

**During the Q&A there was a discussion on the 299 sq ft enclosure limit.**

**Chairman Krause did ask Lori Lehr if Monroe County was working towards attaining a CRS Class 2. The response was No, she is not currently actively working on a Class 2.**

2. Update from Building Sciences on the aluminum louver material clarification

**Karl Bursa: No new updates since the last meeting. Material is considered rigid construction in an A zone and constitutes a wall.**

**Don Horton provided some information and definition of rigid wall construction he had received from Building Sciences provided by Karl B. Clarification that aluminum is an acceptable material for windows and doors. In regard to usage of the material for walls rigid construction comes into play. After further discussion;**

**Attorney Thomas Wright – suggested that the Chairman make a motion recommending that the County revise their regulations especially to the 299 sq ft limitations. Which is a County regulation right now. They can request the County to take a look and amend those requirements. The louvers are an interpretation by the County, which could be appealed. The 299 sq ft is a County regulation, 2 separate issues.**

**A recommendation from the CEB Board to the County, requesting to look into the possibility of a review and possibly amend the current regulations on the 299 sq ft enclosure limitations below base flood, without effecting the current status in the CRS program.**

**A motion was made by Donald Horton and seconded by Frank Herrada; no nays.**

3. Update to answer Chairman Krause: Possibility of accepting double lattice with 50% open space between columns, to provide privacy as a visual barrier.



**Karl Bursa was not clear on the original question and clarified the location of the double lattice. He requested additional time to attain the answer.**

4. Review and approval of the Draft FEMA cost breakdown Forms provided at last meeting by BO Griffin. Additional information to be provided at this meeting. **New form has total of 3 pages BO Griffin requested approval so he can forward to FEMA and BOCC Board. Clarification by Karl Bursa, form will be sent to the State Floodplain Office and then BOCC for final approval. Chairman Krause inquired on the possibility of substituting a copy of the contract by the contractor and the homeowner. Completely optional in place of the form. BO Griffin would like to check with legal prior to a decision. Attorney Peter Morris was present and requested some time to look into the request with Attorney Kelly Dugan.**

**Donald Horton made the motion to approve a recommendation for the adoption of the new cost breakdown form for future use. Seconded by Frank Herrada no nays; motion passed.**

**Karl Bursa did mention the form has already been forwarded to Rebecca Quinn FDEM Office, for her review. He will notify her of the board's recommendation for approval. Karl will also ask Rebecca on the contract substitution as mentioned above.**

5. Outcome of the FEMA visit (Moved to old business next meeting)  
**Karl Bursa is awaiting the written report. Some additional information had been requested during the visit, which he provided. Karl is aware some issues were found, which will need to be addressed.**

**Additional conversation and questions took place during Karl Bursa Industry Input section all are available on: MCTV on demand CEB 11-8-2022/3:12:12/3:57:06**

**Existing enclosure repairs, fill on property and non-structural slabs were discussed during this section. Pools on grade and Keys Energy and FCAA exemption on equipment location, the County code requirements being more stringent than FEMA requirements, were just a few of the discussions.**

**Chairman Krause requested continued conversation for the next meeting: Ordinances in the County Codes being more stringent than the FEMA requirements. Chairman Krause will provide the list of questions they have compiled prior to the next meeting. The list will be forwarded to board members Dept. heads and attorneys once provided to the liaison.**

Continued:

New Question from discussion of HB735 at last meeting on September 12, 22

To BO Griffin – If permit is required and the state has removed the requirement of licensure can the county issue the permit to the unlicensed person/business so verification of liability, workers compensation and a business tax be verified.

**Answered during HB735 update from Commissioner Lincoln**

Chairman Krause re-cap - **Completed**

1. FEMA
2. CRS
3. Obstruction Requirements
4. Chapter 122 Floodplain Management

[Chairman to read into record]

If there is nothing further from the public, then this closes out the industry input section of this meeting and we will continue with the rest of the CEB Agenda.

**\*\*Industry Input closed at: 1:29 p.m.\*\***

## 12. Staff Reports

1. Rick Griffin, Building Official/CEB Secretary/ Rey Ortiz, Assistant Building Official  
**\*\*No comments this meeting\*\***
2. Thomas Wright, Contractors Examining Board Attorney  
**\*\*Happy Holiday to all\*\***
3. Kelly Dugan/ Assistant County Attorney  
**\*\*Peter Morris present on behalf of K. Dugan - Nothing to report\*\***
4. LaChelle Thompson, Unlicensed Contractor Code Investigator  
**\*\*Provided report to board\*\***

Meeting adjourned: 1:30 p.m.

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**Maria L. Partington CEB liaison / Senior Licensing Coordinator  
Assistant liaison Jamie Gross / Licensing Coordinator  
Monroe County Contractors Examining Board**

Meeting Location - Open to the public:  
Marathon Government Center  
BOCC Room Second Floor  
2798 Overseas Highway  
Marathon, Fl. 33050

PURSUANT TO FLORIDA STATUTE SECTION [286.0105 FS](#), be advised that, if a person decides to appeal the decision made by the Contractors' Examining Board (CEB) with respect to any matter considered at today's hearing, that person will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".

NOTICE: It shall be the responsibility of *each* Respondent or other person addressing the Board to bring an interpreter if the party is **NOT** able to understand or speak the English language.