

STEVE R. HENSON, CHAIRMAN

MINUTES
OF THE MONROE COUNTY
CONTRACTORS' EXAMINING BOARD
MARATHON, FLORIDA

April 12, 2011

9:54 A.M. Present for Roll Call

Steve R. Henson, Chairman
Peggy Bankester
Gary Centonze
Rudy Krause
Joseph Vetrick
Joseph Paskalik, Building Official, Secretary to the Board
Lisa Granger, Attorney to Code Enforcement
Thomas Wright, Attorney to Board
Odalys Mayan, Contractor's License Coordinator

Excused Absent

Bill Kelly, Vice-chair
Frank Toppino, Alternate
Charlie Miller, Second Alternate

Mr. Wright advised the Board that Agenda Item #1(Roberto Pozo, CE09050130) was dismissed by the County and Item #2 (David Wright, CE10080199) was continued to June hearing.

9:55 A.M. Mr. Wright administered oath.

David Shuler, Daniel Shuler, and David Pouliot appeared before the Board as requested by the Board regarding their electrical contractor's application that was denied at the February 8, 2011 regular scheduled hearing. After discussion, the Board approved all three applications.

10:00 A.M. CE08110047 NOTICE OF APPEAL

Felix Munoz
Green Dreams Landscaping, Inc.

Mr. Munoz appeared before the Board without legal counsel. Mr. Munoz did contest the citation. Code Enforcement Inspector Hayes was present for the County.

M.C.C. 6-25 (New Code Section 6-77)

After testimony and evidence was taken from all parties, motion was made by Gary Centonze and seconded by Rudy Krause to find Respondent in violation and deny appeal. Motion carried unanimously.

PENALTY PHASE:

Motion made by Gary Centonze and seconded by Rudy Krause recommending fine remain at \$500.00 plus administrative fee of \$100.00, for a total of \$600.00. Motion carried unanimously.

M.C.C. 6-57(a) (New Code Section 6-234.(a))

After testimony and evidence was taken from all parties, motion was made by Gary Centonze and seconded by Rudy Krause to find Respondent in violation and deny appeal. Motion carried unanimously.

PENALTY PHASE:

Motion made by Gary Centonze and seconded by Joseph Vetrick recommending fine remain at \$500.00 plus administrative fee of \$100.00, for a total of \$600.00. Roll call was taken with Peggy Bankester voting no and Gary Centonze, Rudy Krause, Joseph Vetrick, and Steve Henson voting yes; 4-1 vote; motion passes.

Motion made by Rudy Krause and seconded by Peggy Bankester adding that fines and fees shall be paid within 30 days or impose lien. No nay votes.

(At 3:12 P.M., Mr. Munoz addressed the Board regarding fees assessed to him earlier by the Board. After discussion, in a 4-1 vote, the Board ruled to extend payment from 30 days to 60 days due to Respondent's economic hardship.)

10:20 A.M. CE11010038

NOTICE TO APPEAR

David Montagano
Bayshore Landscape Nursery, Inc.
6-77 No certificate of competency

Mr. Montagano appeared before the Board without legal counsel. Mr. Montagano did contest the citation. Michael Russell present as witness for the County (but did not testify in this case). Code Enforcement Inspector Hayes was present for the County. After testimony and evidence was taken from all parties, motion was made by Steve Henson and seconded by Rudy Krause to find Respondent in violation as cited based on evidence. After discussion, roll call was taken with Joseph Vetrick voting no and Peggy Bankester, Gary Centonze, Rudy Krause, and Steve Henson voting yes; 4-1 vote; motion passes.

PENALTY PHASE:

Motion made by Rudy Krause and seconded by Peggy Bankester recommending reducing fine from \$500.00 to \$250.00 plus administrative fee of \$100.00, for a total of \$350.00, which shall be paid within 30 days or impose lien. Roll call was taken with Joseph Vetrick voting no and Peggy Bankester, Gary Centonze, Rudy Krause, and Steve Henson voting yes; 4-1 vote; motion passes.

11:15 A.M. CE11010043 NOTICE TO APPEAR
David Montagano
Bayshore Landscape Nursery, Inc.
6-32 Working through a stop work order

Mr. Montagano appeared before the Board without legal counsel. Mr. Montagano did not contest the citation. Michael Russell (home address on record) present as witness for the County. Code Enforcement Inspector Hayes was present for the County. After testimony and evidence (same as presented in previous case, CE11010038) was taken from all parties, motion was made by Steve Henson and seconded by Peggy Bankester to find Respondent not in violation based on testimony. After discussion, roll call was taken with Gary Centonze voting no and Peggy Bankester, Rudy Krause, Joseph Vetrick, and Steve Henson voting yes; 4-1 vote; motion passes.

OUTSTANDING CITATION

Lisa Granger addressed the Board. Mrs. Granger asked the Board for a lien under M.C.C. 6-270.(g) for outstanding citation number CE11020008 6-77 unlicensed contractor for \$500.00 issued 02/01/2011 by Inspector Lynn Hayes since the Respondent did not contest or file an appeal on this citation within the required ten (10) days of the issuance of the citation.

After discussion, motion made by Rudy Krause and seconded by Joseph Vetrick to approve Mrs. Granger's request for a lien under MCC 6-270.(g). No nay votes.

12:08 P.M. CE09120025 NOTICE TO APPEAR
Steve Daniels
Sunshine Quality Systems
6-234.(a) No certificate of competency and advertising

Mr. Daniels appeared before the Board without legal counsel. Mr. Daniels did not contest the citation. Code Enforcement Inspector Hayes was present for the County. After testimony and evidence was taken from all parties, motion was made by Rudy Krause and seconded by Joseph Vetrick to find Respondent in violation. Motion carried unanimously.

PENALTY PHASE:

Motion made by Rudy Krause and seconded by Joseph Vetrick recommending fine remain at \$500.00 plus administrative fee of \$100.00, for a total of \$600.00, which shall be paid within 30 days or impose lien. Motion carried unanimously.

12:18 P.M. Lunch break..

1:47 P.M. Reconvene. Roll call was taken with all present.

Mr. Wright administered oath.

- 1:48 P.M.** Michael D. Haack, Mike Haack Excavating, Inc., and Anne Haack addressed the Board regarding his expired excavating & grading engineering II certificate of competency license number ENG II 289E (10/31/2009) as required by M.C.C. 6-240.(b). After discussion, Board unanimously approved to reinstate certificate of competency license with back fees of \$190.00.
- 1:54 P.M.** Thomas Baker, Tom Baker the Cabinet Maker, Inc., addressed the Board regarding his expired cabinet & millwork certificate of competency license number SP 844 (10/31/2009) as required by M.C.C. 6-240.(b). After discussion, Board unanimously approved to reinstate certificate of competency license with back fees of \$190.00.
- 1:58 P.M.** Grafton H. Heather, Jr., Tropical Renovations, Inc., addressed the Board regarding his expired painting and decorating certificate of competency license number SP 3555 (10/31/2009) as required by M.C.C. 6-240.(b). After discussion, Board unanimously approved to reinstate certificate of competency license with back fees of \$190.00.
- 2:05 P.M.** David W. McDonald, Individual, addressed the Board regarding his expired painting & decorating certificate of competency license number SP 2122 (10/31/2009) as required by M.C.C. 6-240.(b). After discussion, Board unanimously approved to reinstate certificate of competency license with back fees of \$190.00.
- 2:13 P.M.** Richard Erdman, Rick's Mobile Home Improvement, Inc., addressed the Board regarding his expired steel reinforcement & iron specialty (SP 1985) and masonry (SP 1876) certificate of competency licenses (10/31/2009) as required by M.C.C. 6-240.(b). After discussion, Board unanimously approved to reinstate both certificate of competency licenses with back fees of \$190.00 *per license*, for a total of \$380.00.
- 2:16 P.M.** Stephen M. Daniels, Sunshine Quality Systems, LLC., addressed the Board regarding his expired waterproofing & roofing painting certificate of competency license number SP 3965 (10/31/2009) as required by M.C.C. 6-240.(b). After discussion, Board unanimously approved to reinstate certificate of competency license with back fees of \$190.00 contingent that citation number CE09120025 for \$600.00 is paid, for a total of \$790.00.
- 2:18 P.M.** Mr. Paskalik addressed the Board and introduced Mrs. Alesha Lee Scheuerman as a possible candidate for the vacant Middle Keys lay person seat. Mrs. Scheuerman introduced herself and answered questions. After discussion, motion was made by Rudy Krause and seconded by Gary Centonze accepting Mr. Paskalik's nomination of Mrs. Scheuerman to the CEB; approved unanimously.
- 2:25 P.M.** **CE09120042** **NOTICE TO APPEAR**
Jeffrey Coldren
Roof Doctors USA
6-234.(a) No certificate of competency and advertising

Mr. Coldren appeared before the Board without legal counsel. Mr. Coldren admitted to violation. Code Enforcement Inspector Hayes was present for the County. After testimony and evidence (except exhibit 2, pages 1, 2, and 3 of petitioner since truck in picture was located/parked in the City of Marathon) was taken from all parties, motion was made by Steve Henson and seconded by Rudy Krause to find Respondent in violation based on own admittance and evidence. Motion carried unanimously.

PENALTY PHASE:

Motion made by Rudy Krause and seconded by Peggy Bankester recommending reducing fine from \$500.00 to \$250.00 plus administrative fee of \$100.00, for a total of \$350.00. After discussion, a friendly amendment made by Steve Henson requesting that fine/fee be paid within 30 days or impose lien. Both Rudy Krause and Peggy Bankester accepted amendment. Motion carried unanimously.

2:45 P.M. CE11010083 NOTICE TO APPEAR
Jeffrey Coldren
Roof Doctors USA
6-77 No certificate of competency
6-202.(11)a Work without benefit of a permit

Mr. Coldren appeared before the Board without legal counsel. Mr. Coldren did contest the violations. Code Enforcement Inspector Hayes was present for the County.

MC.C. 6-202.(11)a

After testimony and evidence was taken from all parties, County moved to DISMISS charge against Mr. Coldren due to work being less than \$1,000.00 per Lisa Granger.

M.C.C. 6-77

After testimony and evidence was taken from all parties, County moved to dismiss charge if Mr. Coldren agreed to reinstate his expired Aluminum Specialty (SP 2126) expired (10/31/2007) certificate of competency license in the amount of \$380.00. Mr. Coldren agreed. County reinstated expired certificate of competency license with back fees of \$380.00.

3:12 P.M. Mr. Munoz case was heard earlier in the day. Mr. Munoz addressed the Board asking for lower fines/costs due to current economic hardship. After discussion, motion made by Rudy Krause and seconded by Peggy Bankester extending payment from 30 days to 60 days. Roll call was taken with Joseph Vetrick voting no and Peggy Bankester, Gary Centonze, Rudy Krause, and Steve Henson voting yes; 4-1 vote; motion passes.

3:21 P.M. At this time, the CEB adjourned as the Monroe County Contractors' Examining Board and reconvened as the Contractors' Examining Board for the City of Marathon. As a result, recording for the County was completed and closed out. Due to time constraint, applications were not read into the record as customary.

5:00 P.M. The CEB adjourned as the CEB for the City of Marathon and reconvened as the CEB for Monroe County. Cynthia McPherson thanked the Board and staff for their time.

FEBRUARY 8, 2011 MINUTES:

Motion made by Gary Centonze and seconded by Peggy Bankester approving minutes as presented. No nay votes.

NEXT CEB HAERING:

May 10, 2011

Mr. Paskalik had nothing to report at this time.

Rudy Krause addressed the Board regarding the last Contractor's Summit meeting he attended and mentioned several upcoming changes to Monroe County Code that were discussed at the meeting. Mr. Krause recapped a few important issues discussed: (1) County will no longer require a set of approved plans prior to submitting for ROGO. Only a site plan will be required at the time of submittal (unofficially referred to as Reverse ROGO); (2) engineer drawings will not be required; and (3) engineered septic system plans will no longer be required only a site plan.

Tom Wright addressed the Board regarding his amended contract awaiting BOCC approval. Mr. Wright's fee per meeting will remain at \$1,500.00. The addendum to the contract will be for additional work outside CEB meetings at \$150.00 per hour.

Mr. Wright advised the Board that Peggy Bankester cannot serve as an alternate member as discussed at the February 8, 2011 hearing. Ordinance No.: 004-2005 only allows two alternates to serve on the board. (On April 20, 2005 the BOCC adopted Ordinance No.: 004-2005, to add an additional alternate voting member to the CEB, bringing the alternate members to 2 from 1.)

Peggy Bankester agreed to remain on the Board as a regular serving member.

Steve Henson addressed the Board regarding, William Miller of Miller Mechanical, Inc. CMC057213, as a possible candidate for the vacant Upper Keys air conditioning seat. After discussion, Board agreed unanimously to approve Mr. Henson's nomination.

Rudy Krause addressed the Board regarding state certified contractors. Lisa Granger advised that they (County) are presenting state certified contractors with the option to either come before the Board or sign a stipulation agreement wherein they pay fines/costs and are in probation for a determined amount of time.

Rudy Krause addressed the Board and inquired about the status of the County raising the minimum building permit exemption fee amount from the current \$1,000.00 limit to \$2,500.00. At the September 14, 2010 CEB hearing, the Board instructed Mr. Wright to draft a letter to the BOCC.

After discussion, Board instructed staff (county attorney) to follow up on the matter and advice via e-mail.

5:13 P.M. Adjourn.

CD of hearing on file at the Marathon Government Center.

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