

MINUTES
MONROE COUNTY CONTRACTORS' EXAMINING BOARD REGULAR MEETING
Tuesday, February 11, 2014, 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 were Steve Henson, Bill Miller, Chris Sante, Alesha Scheuerman, Vice Chairman Bill Kelly, and Chairman Rudy Krause.

Absent were Peggy Bankester and Gary Centonze.

Present with no roll call were Attorney Steve Williams, Attorney Thomas Wright, and Building Official/Secretary Jerry Smith.

2. Agenda Changes:

a. Odalys Mayan, Staff

1. January 14, 2014 Minutes

Approval of minutes moved to March 11, 2014 meeting; no nay votes.

2. Staff Reports

i. Item # 13.b.1. Stop Work Order moved to March 11, 2014 meeting; no nay votes.

b. Chairman Krause

1. Discuss the status of Mr. Miller's state license

3. Approval of Agenda:

Motion made by Mrs. Scheuerman to approve agenda as presented and amendments and seconded by Mr. Sante; no nay votes.

4. Next Meeting Dates:

a. Regular Meeting: March 11, 2014

5. Swearing-in of Witnesses to Testify:

Attorney Wright swore-in all of those testifying at today's meeting.

6. Chairman asked if "is there anyone from the public present who would like to speak on an agenda item?" No comment.

7. Chairman asked if "any board member been contacted outside the presence of this meeting regarding an agenda item? If so, to please disclose the nature of the contact?"

8. New Business

a. Applications of Expired Certificate of Competency

1. Anthony Van Alchin SP 4118

Stonecrafters South, Inc.

Tile, Terrazzo, and Marble certificate of competency expired 10/31/13.

Motion made by Mr. Sante and seconded by Mrs. Scheuerman recommending the renewal of the certificate of competency and renewal fee of \$150.00; no nays.

2. Royce Samuel Kauffman SP 4000

R E Kuuffman & Sons, LLC.

Cabinet & Millwork certificate of competency expired 10/31/2013.

Motion made by Mr. Henson and seconded by VC Kelly recommending the renewal of the certificate of competency and renewal fee of \$150.00; no nays.

3. Royce Samuel Kauffman SP 4001

R E KAUFFMAN & Sons, LLC.

Painting & Decorating certificate of competency expired 10/31/2013.

Application of Expired Certificate of Competency / Royce S. Kauffman SP 4001 continued

Motion made by Mr. Henson and seconded by VC Kelly recommending the renewal of the certificate of competency and renewal fee of \$150.00; no nays.

4. Carlos Fernandez SP 3516
Overseas Trucking & Bobcat, Inc.
Landscape Specialty certificate of competency expired 10/31/2013.

Motion made by Mrs. Scheuerman and seconded by Mr. Miller recommending the renewal of the certificate of competency and renewal fee of \$150.00; no nays.

5. Robert E. Michael SP 2325
Dixie Aluminum Products, Inc.
Aluminum Specialty certificate of competency expired 10/31/2013.

Motion made by Mr. Sante and seconded by Mr. Miller recommending the renewal of the certificate of competency and renewal fee of \$150.00; no nays.

6. John E. Gannaway SP 1781
Gannaway Brothers Plastering, Inc.
Plastering Specialty certificate of competency expired 10/31/2013.

Mr. Gannaway failed to appear before the Board. Motion made by Mr. Henson and seconded by Mr. Sante to continue to next available meeting, March 11, 2014; no nays.

7. Albert E. Rousseau SP 3650
Aluminum Specialists Ent., Inc.
Aluminum Specialty certificate of competency expired 10/31/2013.

Motion made by Mr. Miller and seconded by Mrs. Scheuerman recommending the renewal of the certificate of competency and renewal fee of \$150.00; no nays.

Chairman recessed meeting at 10:12AM.

Chairman reconvened meeting at 10:27AM.

Note: Mr. Smith did not return to meeting after break.

Discussion:

1. Martin Ochoa, SP 3715, Martin & Martin Painting Restoration, LLC.

Mr. Ochoa addressed the Board regarding his certificate of competency that expired on October 31, 2009. Mr. Ochoa explained that due to medical condition, he let his comp card lapse, and now that he is much better he would like to get off disability and get back to work. He would like to know if his comp card could be reinstated without having to re-apply/re-test.

After discussion, the Board commended Mr. Ochoa for his recovery and his willingness to return to work. Unfortunately, the code does not give the board any room for discretion or waiver and he will have to re-apply and re-test.

Motion made by Mr. Henson and seconded by Mrs. Scheuerman recommending the approval of Mr. Ochoa's application (when he submits it) to take the administrative examination and approval of reference letters on file; no any votes.

b. Construction Trades Application Review

1. Michael Woods – Application for Paving Contractor certificate of competency. (Second Review)
Chairman Krause read Mr. Woods Letter of Explanation where he advises the Board why he cannot produce three-years of w-2's, tax returns, or 1099 for his employment at Affordable Asphalt.

New Business / Construction Trades / Michael Woods continued

After discussion, Chairman Krause DENIED application for paving certificate of competency based on lack of experience. W-2, 1099, tax return required in order to substantiate onsite employment with Affordable Asphalt.

2. Sonia Barajas – Application for a Tile, Terrazzo, & Marble certificate of competency. **Denied by Mr. Henson pending w-2, 1099, or tax return for second year of employment with company. She only provided one year.**

c. Motion for Imposition of Fines & Costs/ Lien Request for Non-Payment of Citation

1. Case No.: CE14010072*
Name: Chad Ellis
Company: All Keys Landscape
License No.: N/A
Violation(s): 6-234.(a) Advertising without a valid certificate of competency
Issued: 1/13/2014
Good Service: 1/14/2014
Fine: \$500.00
Inspector: Bruno

**stipulated agreement pending; postponed at this time.*

9. Agenda Changes / Add On / Discussion:

a. Chairman Krause:

1. William F. Miller (Bill) CMC057213

Chairman Krause asked to add this item to the agenda at the beginning of the meeting to discuss Mr. Miller's license status and seek guidance and clarification. Mr. Miller is considering placing his state certified mechanical license in an inactive status, and he would like to know if he would still be able to serve on the board if his license is inactive.

After some discussion, Mr. Miller advised that he would seek clarification from the state and the county would have to conduct their own research to see if Mr. Miller would be able to sit on the board with an inactive license, and where clarification is needed to define a master mechanical card as stated in the MCC 6-263 and someone holding a state license.

12. Old Business / Discussion

a. Longshoreman's Insurance

b. Clarification of MCC 6-237.(1)(a) ~~6-240 and 6-242~~

Attorney Williams explained to the board that he is looking to doing a text amendment to the MCC 6-240 & 6-242 after Chairman Krause contacted him seeking clarification on the second paragraph of this section of the code where it is contradictory and recommending clarification in order to make the code easier to read.

At the May 14, 2013 CEB meeting, the Board unanimously approved an amendment to the code clarifying the method in which a contractor's certificate of competency may be obtained and providing for deadlines for applications and tests.

What was approved: An applicant has two-years from the date application is approved to take and pass all required examination(s) for his/her desired discipline. An application will expire two-years from date of Board approval. If in the two years' time the applicant has not passed the required examination(s), it is the applicant's responsibility to submit a new updated application packet for the Board to review and re-approve. Alternatively, an applicant may appeal before the Board due to mitigating circumstances.

Old Business / Clarification of MCC 6-237 continued

Amendment passed under Ordinance No. 027-2013 and reads:

6-237 Application; examination; issuance of contractor's certificate.

(a) A contractor's certificate of competency shall be obtained in the following manner:

- (1) Any person required or desiring to be qualified shall make application on a form approved by the contractors examining board and forwarded to the secretary for review of completeness and accuracy. The secretary will ascertain that all indicated experience in the various trades is fully documented. Completed applications will be reviewed by a quorum of the board at a meeting prior to a scheduled examination. The building official shall notify the applicant of the date and time of the examination.

Applicant has two years from the date the application is approved by contractors' examining board to take and pass all required examination(s) for their desired discipline. Application will expire one year from date of approval by the contractors' examining board, if the applicant has not passed the required examination(s) within the one year time frame. It is the applicant's responsibility to submit a new updated application packet for the contractors' examining board to review and re-approve. The applicant will then have one year after successful completion of test(s) to obtain the license, or re-test.

(CORRECTION: Code was read and discussed as MCC 6-240, but the correct code for applications, examinations, and issuance of certificates is MCC 6-237.(1)(a))

c. Clarification of MCC 6-240

Chairman Krause brought it to the board's attention that in 2011 when the code was changed under Ordinance No. 020-2011, they failed to include the sentence "the contractor shall appear before the Contractors' Examining Board for assessment of the appropriate renewal fee and need for reexamination pursuant to section 6-65" under Ordinance No. 022-2004.

Chairman raised the issue out of concern after the January 2014 meeting an agent appeared before the Board seeking reinstatement on behalf of the certificate holder. The Board approved the agent's request and accepted the certificate holder's notarized letter asking for her agent to be there in her place. Moreover, asked what the board's opinion on the matter was.

After discussion, Mr. Henson made the motion and seconded by VC Kelly recommending the amendment of the code to read that the license holder appear before the CEB; no nay votes.

Attorney Wright is to meet with Attorney Williams to work on this matter.

13. Staff Reports

a. Jerry Smith, Building Official/Board Secretary – Nothing to report / not present

b. Attorney Wright

Attorney Wright advised that he will Attorney Wright and Odalys Mayan on the proposed code amendments and report back to the board.

c. Attorney Williams - Nothing further to discuss or address at this time

14. Department of Business and Professional Regulation Case Status - Nothing to report

Staff Reports / Discussion continued:

Mr. Henson addressed the Board to clarify that it was never his intentions at the January 14, 2014 meeting to go behind the county when he asked counsels if it would be ok for him to contact one of the respondent's on the Motion of Imposition of Fines & Costs list to make them aware of the order and in hopes to get them to pay prior to it becoming a lien. Both sitting counsels reiterated that he did nothing wrong by asking and that he had their approval.

15. Construction Trades Application Review

a. Applications read into the record

1. Sonia Barajas – Application for a Tile, Terrazzo, & Marble certificate of competency. **Mr. Henson denied application pending w-2, 1099, or tax return for second year of employment with company. She only provided one year.**
2. Royce S. Kauffman SP 4000 - **Mr. Henson approved application.**
3. Royce S. Kauffman SP 4001 - **Mr. Henson approved application.**
3. Carlos Fernandez SP 3516 – **VC Kelly approved application.**
4. Michael Woods – Application for Paving Contractor certificate of competency. (Second Review) **Chairman Krause DENIED application for paving certificate of competency based on lack of experience. W-2, 1099, tax return required in order to substantiate onsite employment with Affordable Asphalt.**
5. Albert Rousseau SP 3650 – **Mr. Miller approved application.**
6. John E. Gannaway SP 1781 – No Show. **Mrs. Scheuerman postponed to next meeting.**
7. Robert E. Michael SP 2325 – **Mr. Sante approved application.**

16. Discussion:

Ms. Cynthia McPherson addressed the Board and advised that the Inter-Local Agreement (ILA) between the City of Marathon and the County was on the City's agenda for review that evening.

17. Meeting adjourned at 11:16AM.

Odalys Mayan, License Coordinator

APPROVED by the Contractors Examining Board of Monroe County, Florida, at a regular meeting held on the 11th day of March, 2014.

To request a copy of this meeting, please visit Monroe County website at www.monroecounty-fl.gov > Residents > Channel 76. <http://fl-monroecounty.civicplus.com/index.aspx?nid=121>