

MINUTES
CONTRACTORS' EXAMINING BOARD REGULAR MEETING
Tuesday, August 12, 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, Chris Sante, Charlie Miller (A), Frank Toppino (A), Bill Kelly, and chairman Rudy Krause.

Excused were Peggy Bankester and Gary Centonze.

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

2. Agenda Changes:
N/A
3. Approval of Agenda:
Motion made by Mr. Sante to approve agenda as presented and seconded by Mr. Henson; no nays.
4. Approval of Minutes:
N/A
5. Next Meeting Date:
 - a. Regular Meeting: October 14 and December 9, 2014
6. Swearing-in of Witnesses to Testify:
Attorney Wright swore-in all of those testifying at today's meeting.
7. Chairman asked if "is there anyone from the public present who would like to speak on an agenda item?"
 - a. Don Clark, Ron, and Jill present to speak on Agenda Item # 10.b.
 - b. Frank O'Connor present to speak on Agenda Item # 10.a.
8. 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?"
 - a. Chairman advised that he would have to recuse himself from Agenda Item # 10.b due to the extensive knowledge that he has about the case, and Mr. Henson would take over as the Pro-Tem; no objections.
9. Code Compliance Cases:

- a. CE14030031 Notice to Appear
 John M. Takovich CRC047886
 Keys Paradise Builders, Inc.
 6-202.(11)a Work without a permit
 6-202.(3) Divert funds
 Inspector Bruno

continued from 7/8

Mr. Takovich failed to appear before the Board and did not have legal representation present. Good a service received at the address of record with County on 06/13/2014. This case was continued from the July 8, 2014 meeting at the request of the current homeowners Don present and neighbor Ron present as witness. Code Compliance Inspector Bruno present for the County. After testimony and evidence was taken from all parties,

Regarding 6-202.(11)a Work without benefit of a permit

Motion made by Charlie Miller and seconded by Bill Kelly to find Respondent IN violation of working without a permit as cited. After discussion, motion carried unanimously;

Penalty Phase – Motion made by Steve Henson ordering Respondent to pay administrative costs of \$358.56 and require an after-the-fact permit to be pulled for the work performed at 28572 Maracaibo Road, Little Torch Key, FL 33042, suspend all permit-pulling privileges with the exception of the permit(s) for work at said property is taken care of, and further action recommend to the Construction Industry Licensing Board; seconded by Frank Toppino. During discussion, Charlie Miller made a friendly amendment recommending Respondent's permit-pulling privileges suspended until he appears before the board. A friendly amendment by Chris Sante recommending costs be paid within 30 days to begin the project, six (6) months to finish the job, he is responsible to pay all the after-the-fact fees, engineering costs, and all associated costs/fees related to this job. Both Mr. Henson and Mr. Toppino accepted both friendly amendments. Motion carried unanimously.

Mr. Henson recommended to the homeowner to file with DBPR for the Florida Homeowners' Construction Recovery Fund even though there are insufficient funds to pay all claims per DBPR website, but it is an option he has as an owner in Florida. (www.myfloridalicense.com)

Regarding 6-202.(3) Divert funds

Motion made by Charlie Miller and seconded by Frank Toppino to find Respondent IN violation of diverting funds as cited based on testimony of inspector. Attorney Wright advised that it was not necessary to state the reason why he was found in violation. After discussion, motion carried unanimously.

Penalty Phase – Motion made by Bill Kelly recommending further action to the Construction Industry Licensing Board with a friendly amendment from Charlie Miller requesting a letter of reprimand to be placed in contractor's file. Motion seconded by Charlie Miller. Motion carried unanimously.

Note: Chairman Krause returned to the Board. All six members present.

- b. CE14040117 Notice to Appear
Bruce Tucker
Tucker Design Build, Inc.
6-32 Working through a stop work order
6-77 No certificate of competency
6-234.(a) Advertising without a certificate of competency
Inspector Bruno

Mr. Tucker appeared before the Board without legal representation to address the Board and contested the violations, also objected to the evidence being presented as it's in conflict with Christine Hurley's e-mail he stated. Chairman advised that he would take under advisement and discuss it at the end of the meeting. John O'Connor, Consultant for Little Palm Cottages, present as a witness for Respondent. Attorney Wright advised that he would recuse himself from case, as the owner is a client of his firm in a project located in the City of Marathon. Code Compliance Inspector Bruno present for the County. After testimony and evidence was taken from all parties,

Regarding 6-32 Working through a stop work order

Motion was made by Steve Henson to find Respondent IN violation of working through a stop work order as cited. Motion seconded by Frank Toppino. After discussion, Roll Call Vote: NO –Chris Sante. YES –Steve Henson, Charlie Miller, Frank Toppino, Bill Kelly, and Chairman Krause. Motion passes 5-1.

Penalty Phase –Motion made by Chris Sante ordering Respondent to pay administrative costs of \$143.76 and seconded by **Charlie Miller** for discussion. After discussion, Chris Sante amended his motion to be in complaint with MCC 6-32 and recommended a fine of \$500.00 to be paid within 30

days or lien, and rescinded request for administrative costs. Motion seconded by Bill Kelly. Motion carried unanimously.

Regarding 6-77 No certificate of competency

Motion made by Steve Henson to find Respondent IN violation of working in Monroe County without a valid certificate of competency as cited and seconded by Chairman. Roll Call Vote:

NO –Chris Sante and Frank Toppino;

YES –Steve Henson, Charlie Miller, Bill Kelly, and Chairman. Motion passes 4-2.

Penalty Phase – Motion made by Steve Henson recommending Respondent to pay a fine of \$500.00 and ordering to pay administrative costs of \$143.76, for a total of \$643.76, within 30 days or lien. Chris Sante seconded for discussion. Mr. Sante rescinded his motion.

New motion made by Bill Kelly recommending Respondent to pay a fine of \$150.00 and ordering to pay administrative costs of \$143.76, for a total of \$293.76, and seconded by Chris Sante. After discussion, Roll Call Vote: YES –Chris Sante, Charlie Miller, Frank Toppino, and Bill Kelly. NO – Steve Henson and Chairman Krause. Motion passes 4-2.

Regarding 6-234.(a) Advertising without a certificate of competency

Motion made by Chris Sante to find Respondent NOT in violation and seconded by Frank Toppino. After discussion, Roll Call Vote: NO –Steve Henson, Charlie Miller, Bill Kelly, and Chairman Krause.

YES –Chris Sante and Frank Toppino. Motion failed 4-2.

New motion made by Steve Henson to find Respondent IN violation and seconded by Charlie Miller. Roll Call Vote: NO – Chris Sante. YES – Steve Henson, Charlie Miller, Frank Toppino, Bill Kelly, and Chairman Krause. Motion passes 5-1.

Penalty Phase – Motion made by Bill Kelly recommending imposing a fine of \$150.00 and seconded by Chris Sante. Roll Call Vote: NO – Steve Henson, Charlie Miller, Frank Toppino, and Chairman Krause. YES – Bill Kelly and Chris Sante. Motion failed 4-2.

New motion made by Steve Henson recommending imposing a fine of \$500.00 to be paid within 30 days or lien and seconded by Chairman Krause. Roll Call Vote: NO –Mr. Sante and Mr. Miller. YES – Mr. Henson, Mr. Toppino, Mr. Kelly, and Chairman Krause. Motion passes 4-2.

Total assessed \$1293.76

Chairman recessed meeting at 11:27 A.M. and reconvened at 11:44 A.M.

10. New Business:

a. Application Review for Renewal of Expired Certificate of Competency

- i. Everest R. Baptiste SP 1344
Island Painting & Pressure Cleaning, LLC.
Painting & Decorating Contractor

Mr. Baptiste addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Henson recommending the renewal of the certificate of competency and renewal fee of \$150 and seconded by Mr. Sante; no nays.

- ii. Luis O. Perdomo SP 1935
Ameri-Tile Contractors, Inc.
Tile, Terrazzo, and Marble Contractor

Mr. Perdomo addressed the Board regarding his expired certificate of competency. After discussion, motion was made by Mr. Sante recommending the renewal of the certificate of competency and renewal fee of \$150 and seconded by Mr. Miller; no nays.

- iii. Carrie D. Johnston SP 4103
Signs Unlimited
Sign Erection Contractor

Ms. Johnston addressed the Board regarding her expired certificate of competency. After discussion, motion was made by Mr. Sante recommending the renewal of the certificate of competency and renewal fee of \$150 and seconded by Mr. Miller; no nays.

b. Construction Trades Application Review of Verification of Construction Experience

- i. Thomas Michael Beck /Tile, Terrazzo, & Marble Contractor /SP 3658 expired 10/31/2011.
Approved by Chairman Krause.

- ii. Ricky Lee Smith – Rick's Garage Door - Garage Door Opener & Installation by waiver of examination reciprocating from Brevard County. **Approved by Mr. Henson.**

c. Executed stipulation agreement(s) for State Certified Contractor(s): Nothing to report

d. CEB and CBAA Members –Amendment of MCC 6-263

- i. After discussion, a motion was made by Steve Henson recommending approval to advertise a public hearing to consider amendment of MCC 6-263 to allow a mix of state certified contractors and county licensed contractors to serve on the CEB/CBAA opening the availability pool with restriction that contractor must have principal place of business in MC. Right now only county licensed contractors are allowed to serve. Motion seconded by Charlie Miller; no nay votes.

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

Motion made by Mr. Henson recommending the approval of the Motion for Imposition of Fines/Lines including administrative costs and filing fees as a bulk item for CE14060083, CE14050087, CE14050090, CE14060082, CE14060081, CE14060084, and CE13100170. Motion seconded by Mr. Sante; no nays.

11. Old Business:

a. 03/11/2014

i. Re-election of Members

1. Contractors' Examining Board

- a. Vacant, 3/11/14
Master Mechanical Card – Upper Keys
Expired: 6/15/14

At the August 12 meeting, the Board approved of Mr. Kelly's recommendation of Mr. Larry Joseph Smorgala, CAC1817542, to the contractors' examining board vacant Master Mechanical Card seat. Mr. Smorgala will be invited to the September 9, 2014 meeting for an interview.

Re-election of Members continued:

- b. Vacant, 4/21/14
Layperson – Middle Keys
Expired: 6/15/14

CEB approved to advertise both positions at the 5/13/14 meeting.

12. Staff Reports

- a. John Travers, Interim Building Official/Board Secretary
- b. Thomas Wright, Contractors' Examining Board Attorney
- c. Steve Williams, Assistant County Attorney
- d. Ronda Norman, Code Compliance Director

13. Each member must review their applications, approve/disapprove them, sign and date the folder and application, and read results into the record and state your name. (12/10/13)

14. Meeting adjourned at 12:38PM.

Odalys Mayan, License Coordinator

APPROVED by the Contractors Examining Board of Monroe County, Florida, at a regular meeting held on 9th day of September, 2014 [] "as submitted" or [] "as amended."

To request a copy of this or any hearing, please visit <http://fl-monroecounty.civicplus.com/index.aspx?nid=121> and chose Duplicate Request Form.