

STEVE R. HENSON, CHAIRMAN

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

September 13, 2011

9:35 A.M.

- I. Present for roll call were Rudy Krause, William Miller, Alesha Scheuerman, Bill Kelly, Steve Henson, Joseph Paskalik, Lisa Granger, Tom Wright, and Odalys Mayan.

**Excused Absent**

Peggy Bankester  
Gary Centonze  
Frank Toppino, Alternate  
Charlie Miller, Second Alternate

**II. Additions/Deletions/Corrections**

N/A

**III. Announcements**

Mr. Wright proposed a resolution to honor the late Mr. Vetrick at the November 8, 2011 CEB hearing and invite his widow.

**IV. Approval of Agenda**

Agenda approved by Rudy Krause and Bill Kelly; no nay votes.

**V. July 12, 2011 Minutes:**

Motion made by Rudy Krause and seconded by Bill Kelly approving the minutes as presented; no nay votes.

**VI. Swearing in of Witnesses to Testify**

Mr. Wright sworn-in all present.

**Code Enforcement Cases:**

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<b>10:00 A.M.</b>	<b>CE11070020</b>	<b>NOTICE OF APPEAL</b> Kevin H. Freestone Lower Keys Bobcat Services, Inc. 6-234.(a) no certificate of competency and advertising
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Mr. Freestone appeared before the Board without legal counsel and contested the violation. Code Enforcement Director Ronda Norman present for the County. After testimony and evidence was taken from all parties, motion was made by Bill Kelly and

seconded by Rudy Krause to CONTINUE CASE to the January 2012 CEB hearing per County staff request; no nay votes. Additionally, if Respondent is in compliant prior to the January hearing, he not need to appear before the CEB in January 2012, per Ronda Norman.

**10:09 A.M. CE11070107 NOTICE OF APPEAL**  
Robert G. Lingenfelter  
Marine Mammal Conservancy  
6-202.(8) aiding and abetting

Mr. Lingenfelter appeared before the Board with legal counsel (Henry Knoblock) and did contest the violation. Mr. Gerhard O. Besserer (CE11070106) present as witness for Respondent. Code Enforcement Inspector Link present for the County. After testimony and evidence was taken from all parties, motion was made by Steve Henson and seconded by Bill Kelly to find Respondent IN VIOLATION as cited and DENY APPEAL. Motion carried unanimously.

PENALTY PHASE

Motion made by William Miller recommending waiving fine. Motion dies for lack of second.

New motion made by Bill Kelly and seconded by Alesha Scheuerman recommending fine to remain at \$500.00, with no administrative fee, and must be paid within 30 days or impose lien. After discussion, roll call was taken with Rudy Krause, William Miller, and Steve Henson voting no and Alesha Scheuerman and Bill Kelly voting yes; 3-2 vote; motion fails.

New motion made by Rudy Krause recommending reducing fine to \$250.00 plus \$100.00 administrative fee, for total of \$350.00, to be paid within 30 days or impose lien. Motion dies for lack of second.

New motion made by Steve Henson and seconded by Bill Kelly recommending waiving fine due to extenuating circumstances and imposing only a \$100.00 administrative fee to be paid within 30 days or impose lien. After discussion, roll call was taken with Rudy Krause and Bill Kelly voting no and Alesha Scheuerman, William Miller, Steve Henson voting yes; 3-2 vote; motion passes.

**11:32 A.M.** Break

**11:41 A.M.** Board reconvened. No roll call taken – everyone present.

**11:42 A.M. CE11070106 NOTICE OF APPEAL**  
Gerhard O. Besserer  
6-77 unlicensed contractor

Mr. Besserer appeared before the Board represented by legal counsel (Henry Knoblock) and did contest the violation. Mr. Robert Lingenfelter (CE11070107) present as witness for Respondent. Code Enforcement Inspector Link present for the County. After testimony and evidence (same evidence introduced in case # CE11070107) was taken from all parties, motion was made by Bill Kelly and seconded by Alesha Scheuerman to find Respondent NOT in violation and GRANT APPEAL. After discussion, motion carried unanimously.

**12:28 P.M.** Richard Haight, Atlantic Davits & Boat Lifts, Inc., addressed the Board regarding his expired Structural Steel Erection certificate of competency license number SP 1644 (10/31/2007) as required by M.C.C. 6-240.(b). After discussion, Board unanimously approved to reinstate expired certificate of competency license with back fees of \$380.00 (2007-2009 = \$190.00 and 2009-2011 = \$190.00).

**12:36 P.M.** Lunch break.

**2:11 P.M.** Board reconvened. All present except Lisa Granger.  
(1:56P.M.)

Ronald Oakes, Ron Oakes Woodworking, Inc., addressed the Board regarding his expired Cabinet & Millwork certificate of competency license number SP 3364 (10/31/2009) as required by M.C.C. 6-240.(b). After discussion, Board unanimously approved to reinstate expired certificate of competency license with back fees of \$190.00 (2009-2011 = \$190.00).

Justin Russell Harris, addressed the Board regarding his expired Journeyman Electrician certificate of competency license number JE 1315 (10/31/2007) as required by M.C.C. 6-240.(b). After discussion, Board unanimously approved to reinstate expired certificate of competency license with back fees of \$220.00 (2007-2009 = \$110.00 and 2009-2011=\$110.00).

Thomas Edward Dobbs, Bay Lynx Enterprises, Inc., addressed the Board regarding his expired Landscaping Specialty certificate of competency license number SP 1161 (10/31/2009) as required by M.C.C. 6-240.(b). After discussion, Board unanimously approved to reinstate expired certificate of competency license with back fees of \$190.00 (2009-2011 =\$190.00).

**2:19 P.M.** The Board adjourned as the Board for Monroe County and reconvened as the Board for the City of Marathon. Roll call was not required. Cynthia J. McPherson, City of Marathon Code Compliance, addressed the Board with an update for the Board regarding Douglas McDuff of McDuff Construction, LLC, GC 426C, C2010-0406, as instructed by the Board on 05/10/2011. Ms. McPherson advised that Mr. McDuff continues to report to her on or before the 15<sup>th</sup> of each month. In addition, Mr. McDuff has made partial payments to all four (4) sub-contractors: 1) \$3,000.00 to Best Landscaping, 2) \$3,000.00 to Ivan Tile, 3) \$1,000.00 to Bardon Electric, and 4) \$1,000.00 to Rhodes Plumbing. And

he continues to be active in search of work. Ms. McPherson will return to the Board in November.

**2:24 P.M.** The Board adjourned as the City of Marathon and reconvened as Monroe County. Roll required not required.

Lisa Granger addressed the Board regarding the proposed changes to the Code. Mrs. Granger informed the Board the proposed changes to the current Code is going to go before the BOCC on September 21, 2011 for approval to advertise a public hearing to consider adoption of an Ordinance amending Sections 6-56, 6-201, 6-240, 6-267, and 6-270 of the Monroe County Code to clarify the jurisdiction of the Construction Board of Adjustment and Appeals and amend its composition, restricting renewal of licenses when fines/costs are unpaid, setting meeting frequency, and clarifying fines and costs. If approved, public hearing is scheduled in Key West on October 19.

**3:30 P.M.** Florida Keys Contractor's Association members present as requested at the July 12 CEB hearing to discuss the proposed increased building permit exemption from \$1,000.00 to \$2,500.00. After discussion, it was agreed upon the Contractor's Association needs to take a proposed resolution to the BOCC and speak on the matter.

**3:51 P.M.** Jesus Fernandez, Green Acres Landscape & Maintenance, Inc., addressed the Board regarding his expired Landscaping certificate of competency license number SP 1784 (10/31/2007) as required by M.C.C. 6-240.(b). After discussion, Board unanimously approved to reinstate expired certificate of competency license with back fees of \$380.00 (2007-2009 = \$190.00 and 2009-2011 = \$190.00).

**3:58 P.M.** STAFF REPORTS

**A. JOSEPH PASKALIK**

1. New Florida Building Code will take effect March 1, 2012
  - a. New books will be ordered for inspectors and Building Dept.
2. Retiring January 27, 2012 after 24 years of service
3. Assistant Building Official position becomes effective October 1. This position is temporary and to be eliminated once the building official position is filled.

**B. RONDA NORMAN**

1. New employee to start soon.

**C. LISA GRANGER**

**D. TOM WRIGHT**

1. Mr. Wright advised the Board of his progress of the Rules of Procedures and stop work order that he is currently working on.

**E. STEVE HENSON**

1. Proposed to re-appoint Rudy Krause to a second three (3) year term; no nay votes
2. Vacant seats available:
  - a. CEB:
    - i. Position: Lay Person - Upper Keys area  
Replacing: Joseph Vetrick (deceased)  
Term expiring: May 1, 2014
    - ii. Advise Commissioner Sylvia Murphy of open position – Joe volunteered
  - b. CBAA:
    - i. Position: Registered Architect  
Replacing: N/a
3. Oath of Office forms need to be returned
4. Florida Sunshine Law pamphlet
  - a. Lisa suggested to have Michelle Lee order a few
5. Next CEB: 11/08/11

**F. NEW BUSINESS:**

- a. 2012 CEB dates

**G. OLD BUSINESS:**

- a. Motion to amend Order:
- b. Motion to vacate Order:

Joe Paskalik will not be present at the November 8 meeting

**4:18 P.M.** Adjourned.

CD of hearing on file at the Marathon Government Center in the Building Department.

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