

RUDOLPH (RUDY) G. KRAUSE, CBC048885, **CHAIRMAN**
GARY CENTONZE, CFC1425735, **VICE-CHAIRMAN**
Peggy Bankester
Steve Henson, ENG I 222A
Vacant – Reg. Electrical Contractor
Vacant - Layperson
Vacant – Master Mechanical
Vacant – Layperson
Frank Toppino ENG I 132A – Alternate
Charles E. Miller CGC023830 – Second Alternate

AGENDA
CONTRACTORS EXAMINING BOARD
REGULAR MEETING
TUESDAY, **AUGUST 04, 2015***, 9:30 A.M.
MARATHON GOVERNMENT CENTER

1. Call to Order / Roll Call
2. Agenda Changes
3. Approval of Agenda
4. Approval of Minutes:
 - a. Regular Meeting: May 12, 2015
5. Future Meeting Dates:
 - a. September 8 and November 10, 2015
6. Swearing-in of Witnesses to Testify
7. "Is there anyone from the public present who would like to speak on an agenda item?"
8. "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?"
9. New Business:
 - a. Application Review for 2013-15 Renewal of Expired COC for Reinstatement without Re-Testing
 - i. Patrocinio Martinez SP 1172
Concept Tile Corp
Tile, Terrazzo, & Marble Contractor
 - ii. Edward W. Willis, Jr. SP 2374
Willis Edward W, LLC.*
Landscaping Contractor

* New company to be qualified: Second Nature of the Keys, Inc.

b. Update on March 12, 2015 CEB Final Order

- i. CE14120084 James Trumble SP 2152
Quality Screening & Enclosures, Inc.

c . Code Compliance Cases:

- i. CE15050020 Notice to Appear
Octavio C. Correa CGC1521553
CTO General Contractor, Inc.
MCC: 6-202.(8) Aiding and abetting
Issued: 05/05/2015
Inspector: Bruno

Previous
Violation(s): N/A

Companion
Case(s): CE15050008 – Closed (Property Case)
CE15050009 – Paid/Closed
CE15050010 – Executed stipulated agreement pending
CE15050011 – Executed stipulated agreement pending
CE15050012 – Executed stipulated agreement pending

- ii. CE15050029 Notice to Appear
Frank E. Mata
MCC: 6-32 Working through a stop work order
Issued: 05/07/2015
Inspector: Bruno

Previous
Violation(s): N/A

Companion
Case(s): CE15030123 – Open (Property Case)

- iii. CE15060036 Notice to Appear
Stephen & Caryn Quinn
MCC: 6-32 Working through a stop work order
Issued: 06/10/2015
Inspector: Bruno

Previous
Violation(s): N/A

Companion
Case(s): CE14100138 – Open (Property Case)

d. Time-Management Cases:

1. **10:45 A.M.**

- i. John Ambrosio
Homeowner
Petitioner,
- v.

Dana E. Banks CAC056642
Dana's A/C & Appliance Service, Inc.

MCC Sec. 6-202 states it shall be unlawful for any contractor, as defined by this article, operating anywhere within the county, licensed individually or as a firm contractor, officers, directors, or qualified representative of a firm contractor, to commit any one or more of the following acts or omissions:

- (3) Divert funds or property received for the execution or completion of a specific construction project or operation, or for a specified purpose to any other use whatsoever.

2. **1:30 P.M.**

- ii. Tyler Goodere
Homeowner
Petitioner,
- v.

Douglas David Stitgen CGC1514062
Safe Harbor Design/Build, LLC.
Defendant.

MCC Sec. 6-202 states it shall be unlawful for any contractor, as defined by this article, operating anywhere within the county, licensed individually or as a firm contractor, officers, directors, or qualified representative of a firm contractor, to commit any one or more of the following acts or omissions:

- (2) Abandon a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days.
- (3) Divert funds or property received for the execution or completion of a specific construction project or operation, or for a specified purpose to any other use whatsoever.
- (4) Depart from or disregard in any material respect the plans or specifications of a construction job without the consent of the owner or his duly authorized representative. Material diversion from specifications or plans means such construction that is not in conformity to the plans and

specifications of a construction job and that would, if the customer were the purchaser of a completed house, commercial building, or other structure, affect the customer's willingness to New Business / Time-Management Case / Goodere v. Stitgen continued: purchase the structure and that would be a basis for reasonable parties to decrease the purchase price.

- (7) Commit mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:
- a. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within 75 days after the date of such liens;
 - b. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned; and
 - c. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in costs was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.

(10) Do any fraudulent act as a contractor by which another is substantially injured.

e. Executed Stipulation Agreements – No discussion needed. Informational purposes only -Nothing to report

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

- i. Case No.: CE15060105
Name: Julien Merlien
Company: Clarks Multiple Service
License No.: Unlicensed
MCC: 6-234.(a) (e) Advertising without a license
Issued: 6/27/2015
Good Service: In the field
Fine: \$500.00
Inspector: Bruno
- ii. Case No.: CE15060046
Name: Juan Jose Hidalgo
Company: Sebas Pool Corporation

License No.: Unlicensed
 MCC: 6-77 No certificate of competency (tile and pool coping)
 Issued: 6/13/2015

Motion for Imposition of fines & costs continued:

Good Service: In the field
 Fine: \$500.00
 Inspector: Bruno

iii. Case No.: CE15060047
 Name: Cesar A. Zavala
 Company: N/A
 License No.: Unlicensed
 MCC: 6-77 No certificate of competency (tile pool coping)
 Issued: 6/13/2015
 Good Service: In the field
 Fine: \$500.00
 Inspector: Bruno

iv. Case No.: CE15060048
 Name: Francisco Javier Cartagena
 Company:
 License No.: Unlicensed
 MCC: 6-77 No certificate of competency (tile, pool coping)
 Issued: 6/13/2015
 Good Service: In the field
 Fine: \$500.00
 Inspector: Bruno

g. Construction Trades Application Review of Verification of Construction Experience

- i. Gennier Medina / Tile, Terrazzo, and Marble Contractor
- ii. Jonathan Lugo / Re-approval of Lawn Sprinkler Contractor / Originally approved 09/11/12
- iii. Giovanni Chaves / Drywall Contractor
- iv. Rogelio Perez / Painting & Decorating Contractor
- v. Prosper Bouzaglo / Residential Contractor
- vi. Gerald Lee Gerard / Painting and Decorating Contractor
- vii. Mark Peter Jones / Re-approval of Steel Reinforcing & Iron Contractor / Originally approved 05/27/09
- viii. John David Dressler / Upgrading from Journeyman Electrical to Master Electrical
- ix. Carl Boyd / Solar Products Contractor

h. Election of Chair and Vice Chair for 2015 - 2016 Term

10. Old Business – *No discussion needed. Informational purposes only:*

a. Appeal of 05/12/15 CEB Final Order filed with 16th Judicial Court

i. Juan Luis Hernandez

Case No.: APM152

v.

Code Case No.: CE15030124

Monroe County Contractors Examining Board

Old Business continued:

- b. CEB Vacant Seats:
 - i. Vacant, 11/12/2014, Registered Electrical Contractor, Expires 10/17/2015
 - ii. Vacant, 11/20/2014, Layperson, Expires 05/01/2017
 - iii. Vacant, 03/11/2014, Master Mechanical Card, Expired 06/15/2014
 - iv. Vacant, 04/21/2014, Layperson, Expired 06/15/2014

- c. MCC Chapter 6 Proposed Amendments
 - i. 6-240.(b) Fees
 - ii. 6-263 – Created / CEB
 - iii. 6-32 – Stop Work Order
 - iv. 6-237.(1)(a) Application; examination; issuance of contractors certificate – Text amendment
 - v. 6-201.(E)(2) (F.S. 489.127.(5)(f) Penalties) – *New Addition*
 - vi. 6-198 - Definitions:
 - 1. *Asphalt sealcoating specialty contractor*
 - 2. Journeyman
 - 3. Sand Set / Brick Pavers – New Classification
 - 4. Welding – Re-introducing back into Code
 - 5. Master

Coming back to CEB for review and approval after request for correction on 05/12/15 are:

- I. 6-237.(1)(a) Application; examination; issuance of contractors certificate – Text amendment (from original vote 05/14/13)
- II. 6-198 - Definitions
 - a. Welding (addition)

11. Staff Reports

- a. Wes Maltby, Interim Building Official / Board Secretary
- b. Thomas Wright, Contractors Examining Board Attorney
- c. Steve Williams, Assistant County Attorney
- d. Cynthia McPherson, Code Compliance Director

12. Each person need to review their applications, approve/disapprove them, sign, date the application, and read them into the record and state your name. (12/10/13)

13. Meeting adjourned.

Odalys Mayan

Contractor License Coordinator / CEB Liaison

PURSUANT TO FLORIDA STATUTE SECTION **286.0105 f.s.**, 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

Agenda

*Amended Original CEB Date: 7/14/15

Rev. 07/17/15 @ 11:35AM
Posted: 08/02/15

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.