

Minutes from the April 21, 2021
Brevard County Contractors' Licensing Board
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The following Board members were present:

Robert Abend
Cliff Barber
Bud Crisafulli
Roger Drabyk
Ralph (RJ) Durham
Brian Fleis
David Foley
Luke Miorelli
Patrick Ripton
Albert Underwood

The following members of staff were present:

Justin Caron, Assistant County Attorney
Denise Campagna, Board Secretary/Manager
Claudine Mickle, Licensing Regulation and Enforcement staff
Misty Shirah, Licensing Regulation and Enforcement staff
Maggie Castellano, Licensing Regulation and Enforcement staff

Others present:

Mary Ann Pierson
Lyria Torres
Victor Torres
Xzevies Baez
Marshall Williams
Lenard Bell
Matt Brancheau
Allen Putnam
Geoff Golub
Joe A (last name not legible from sign in sheet)

Chair Bud Crisafulli called to order the April 21, 2021, Brevard County Contractor Licensing Board meeting.

Chair Crisafulli swore in all witnesses.

Old Business:

Personal Appearance

Allen Putnam for Probation Status Review

Mr. Putnam was present with counsel, Geoff Golub. They reported the status of each condition, as outlined below.

Mr. Putnam or any entity for which he is the qualifying agent shall not violate the provisions of the Brevard County Code set forth in Chapter 22. No violations found.

During the probationary status, Allen Putnam is required to appear before the Board once every six months to report and respond to any outstanding issues or any future complaints filed against him or any entity for which he is a qualifying agent.

This meeting is Mr. Putnam's first six-month report back to the board during his two-year probationary status.

Shall pay restitution to the Pierson's for the \$1500 fireplace loan and \$600 in failed inspection fees within 90 days of the date of the order.

The Pierson's have not been paid.

Shall pay fines pursuant to 22-536:

Mismanagement or misconduct causing financial harm to the customer. First violation \$500.

Failure to maintain the insurance as required by this article in a current state. First violation \$200.

Fines were paid.

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After hearing testimony from Mr. Putnam and his attorney, the Board determined, Mr. Putnam violated the conditions of the Order by not making restitution to the Pierson's. A motion was made by *RJ Durham* ordering Allen Putnam to pay the Pierson's within seven days from the date of this meeting. Motion seconded by *Luke Miorelli*. Motion carried unanimously.

The board asked whether Mr. Putnam violated any other provisions of the Order. Staff reported, a Show Cause hearing occurred regarding a construction complaint with a homeowner; however, the Special Magistrate had not made a ruling on the matter. The recommended order will be presented to the Board at the next scheduled meeting.

No further action taken by the board.

Lenard Bell requests the Board approve his exam application for Stucco Contractor.

Mr. Bell was present. He testified to being in the construction industry for 34 years, performing mostly concrete, stucco and painting work; mentioning jobs performed in the Villages, Winn Dixie stores dating back to 2012. The Board asked Mr. Bell, if he can produce supporting experience documentation from contractors or consumers he's performed stucco work to, tax records indicating he's performed the trade and/or stucco material supplier letters. Mr. Bell stated, yes, he would try and obtain supporting documentation. He was advised, information supporting his experience in the trade was needed in order for his application be approved by the Board.

Motion to table the request, until such time Mr. Bell can produce supporting documentation, made by *Albert Underwood*. Motion seconded by *Robert Abend*. Motion carried unanimously.

New Business:

Personal Appearance

Matt Brancheau requests the Board approve his exam application for Painting Contractor.

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Mr. Brancheau was present. He testified to working as a handyman in Ohio, performing general repairs, drywall and painting and hoped to continue offering the painting service here in Brevard County. There were no licensing requirements in Ohio nor did he keep records for his business.

Mr. Brancheau was advised, proper evidence of experience is required in order for the Board approve his application and since his application did not include supporting documentation; it was suggested that he contact Sherwin Williams as they may offer an educational program for this field of work or that he look into working for a licensed painting contractor to gain the proper experience documentation.

Motion to table the request made by *RJ Durham*, until such time Mr. Brancheau can produce the documentation discussed. Motion seconded by *Albert Underwood*. Motion carried unanimously.

Marshall Williams requests the Board approve his exam application for the following trades: Roofing Contractor, Swimming Pool Unlimited.

Mr. Williams was present. He testified to holding a residential contractor's license with the county since 2014, has over 10 years' experience in residential construction and a bachelor's degree in construction management. He and his wife, a realtor in the area, own Atlantic Building & Development. They build custom homes, perform renovations and flip homes. He is interested in pursuing a roofing contractors license, as his current license does not allow him to perform reroofs; therefore, he is forced to turn away 25-30 jobs from previous customers who seek him out or delays with some of their real estate transactions because of roofing contractor delays. Mr. Williams added, 20% of the exam taken for his residential contractor's license, included roofing.

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In his current residential contractor business, he buys all materials needed for any job, eliminating unpaid supplier matters, and pays for labor only; and would continue that practice should he obtain a roofing contractor's license.

As for the swimming pool contractor's license, he testified, most of his custom home build customers request a swimming pool as well. Currently, some pool contractors have a 18-24-month lead time for constructing pools when the home itself takes 7-9 months to build. Their overall goal is to streamline their business and package both the new home construction and new pool construction into the construction loan. Mr. Williams added, the experience he's gained as a builder in areas such as excavating, grading and stucco, a field very similar to plastering should hold some merit in pool construction. In addition, it's his understanding, most swimming pool contractors subcontract a majority of the pool work. Further stating, he's aware of home builder, Lifestyle Homes, who obtained a swimming pool license, qualifying Pineapple Pools, to offer package deals as they too were finding delays in contractors who could build pools.

Mr. Williams was asked to provide the formula to determine not only the PH balance of a pool after it was filled with water but also the formula in creating chemical balance so as to not harm the new pool or its inhabitants, to the board. Mr. Williams stated, he did not know.

After hearing testimony and discussing Mr. Williams' experience and background, the Board acknowledged Mr. Williams' business aspirations; however, determined none of his testimony nor experience documentation qualified him for the licenses he is seeking. They acknowledged his statement that the residential contractor's exam may have had 20% of the questions related to roofing, but zero related to swimming pools.

Mr. Williams was reminded, there are a lot of hazards with swimming pools and an increase in reroof complaints have been seen. Concerns of unskilled laborers performing roof work and an increase in construction defects could result, in light of his business plan of purchasing materials and laboring out the rest.

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Mr. Williams stated, he's worked for several general contractors over the years and is currently approved to sit for the general contractor's exam with the Department of Business and Professional Regulation.

After further discussion, *Albert Underwood* motioned to deny Mr. Williams request for both roofing and swimming pool contractor. Motion seconded by *Patrick Ripton*. Motion carried unanimously.

Lyria Torres requests the Board approve her exam application for Painting Contractor.

Ms. Torres was present. During her testimony, she briefly discussed a substance abuse problem which resulted in her being incarcerated for three years; released in 2017.

Ms. Torres was asked why question 17 of the exam application related to felony convictions, was not answered accurately, in light of the infractions listed on her criminal background check, to which she stated, she misunderstood the question. Ms. Torres further stated, she hopes to become a successful business woman and take care of her family. Adding, she is graduating with an associate's degree in drafting and design, soon.

Xzevies Baez, Ms. Torres' nephew, a police officer with the City of Titusville, appeared before the Board on behalf of Ms. Torres in hopes they would accept his testimony and character recommendation. He stated, Ms. Torres managed to accomplish a lot since her incarceration. In his career, he comes across individuals who commit violent crimes and in Ms. Torres case, no violent crimes were ever committed. Adding there are times as a law enforcement officer, he finds it sometimes difficult interpreting wording related to laws and hoped the Board would recognize the question Ms. Torres' answered incorrectly, was simply a misunderstanding and that she was being truthful when completing the application.

Ms. Torres was advised of the Board's duties in determining whether an applicant creates concern for the public's health and safety and their authority to look back more than five years with regard to criminal pasts. When asked, when her last offense occurred, she stated, in 2014.

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After hearing testimony from Ms. Torres and Mr. Baez, and reviewing Ms. Torres criminal background report, it was noted the crimes ranged from 2013 to 2014 with no further crimes committed since. A strong indicator that Ms. Torres may have learned from her mistakes.

Board member Dave Foley acknowledged an 18-month working relationship with Ms. Torres and congratulated her on her degree accomplishment. Mr. Foley motioned to approve Ms. Torres' request. Seconded by Luke Miorelli. Motion carried unanimously.

Applicants That Passed the Prometric, GITS and Prov Exams

RJ Durham motioned to approve, second *Robert Abend*. Motion carried unanimously.

Administrative Transfers

Roger Drabyk motioned to approve, second *Patrick Ription*. Motion carried unanimously.

Incoming Reciprocity Approval:

Luke Miorelli motioned to approve, second *RJ Durham*. Motion carried unanimously.

Public Speaking Session:

No speakers present.

Reports:

Denise Campagna, Secretary, Licensing Regulation and Enforcement

No report.

Justin Caron, Assistant County Attorney

No report.

Bud Crisafulli, Board Chair

No report

Members of the Board

No report

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Adjourn:

Meeting adjourned at 7:35 PM