

The following Board members were present:

Clifford Barber
Bud Crisafulli
Roger Drabek
Ralph Durham
Brian Fleis
Kerry Gardner
Patrick Ripton
Albert Underwood

The following members of staff were present:

Justin Caron, Assistant County Attorney
Denise Campagna, Development Services Manager
Dawn Verostic, Development Services Assistant Manager
Claudine Mickle, Development Services Supervisor
Katy Schindler, Development Services Supervisor
Cherronda Juitt, Development Services Supervisor
Misty Shirah, Development Services Certification Specialist

Call to Order:

Chair Bud Crisafulli called to order the April 20, 2022, Brevard County Contractor Licensing Board meeting.

Approval of Minutes:

Ralph Durham motioned to approve the minutes of the March 16, 2022 Contractors' Licensing Board meetings, second *Kerry Gardner*. Motion carried unanimously.

New Business:

Personal Appearance

Daniel Brown requests the Board approve his exam application for Class A Air Conditioning Contractor.

Mr. Brown was present. He introduced himself and provided the following testimony: he indicated he is EPA Certified, attended two years of HVAC education in high school, as well as one year with Brevard Community College; and discussed his five years of documented experience in air conditioning with multiple air conditioning companies.

Licensing Manager, Denise acknowledged that Mr. Brown has not provided high school or college transcripts to document the educational experience. Denise confirmed she was not able to administratively approve his Class A application because Daniel had extensive experience in the limited field of Class B Air Conditioning only.

Mr. Brown was advised that Class A was unlimited, and nothing in his background supports the level of experience needed for that license. The Board further discussed the requirements for the Class B license where the scope is limited to 25 tons of cooling and 500,000 BTU of heating in any one system.

Based on the discussion by the Board and the testimony and documents provided by Mr. Brown, the Board motioned to deny the request for Class A, Unlimited Air Conditioning Contractor; however, approved his exam application be downgraded to the Class B, Limited Air Conditioning Contractor.

Motion for approval made by *Ralph Durham*. Second, *Patrick Ripton*. Motion carried unanimously.

Request for Show Cause Hearing

Scott M Kiah, Poseidon Land and Sea Construction Inc, Brevard County Marine Contractor, Certificate of Competency License Number 14-M1-CT-00005.

Contractor Licensing & Code Compliance Officer, Maggie Castellano provided the Board with a summary of a complaint received filed against Scott Kiah of Poseidon Land & Sea Construction Inc. The complaint involved a project where no permit was obtained. When the property owner requested permit status, an altered permit inspection was provided. Ms. Castellano met with Mr. Kiah regarding the allegations in the complaint. He acknowledged the complaint and expressed his immediate intention in resolving the complaint.

In light of Mr. Kiah's interest in resolving the complaint, Licensing staff along with the Assistant County Attorney met to discuss whether the Board would approve a stipulated agreement, to include probation in lieu of holding a Show Cause Hearing for disciplinary action. Ms. Castellano contacted Mr. Kiah to discuss the option of a stipulated agreement versus the process for Show Cause Hearing, of which, Mr. Kiah agreed to the stipulated agreement option. Ms. Castellano also discussed the options with the. She agreed, and stated, she was pleased with the work and the permit was eventually obtained.

The Board acknowledged the severity of the complaint; however, due to his upstanding record and the testimony provided, the Board agreed to allow Mr. Kiah accept the Stipulated Agreement in lieu of a Show Cause Hearing. The terms the of the stipulated agreement are as follows:

Pay the County \$550.00 in administrative fees, and his Certificate of Competency License 14-M1-CT-00005 shall be placed on probationary status for three (3) years beginning May 01, 2022, with the condition that Kiah shall not violate State law and the provisions of the Brevard County Code of Ordinances set forth in Chapter 22 or any Order of the Contractors' Licensing Board.

The Board further stipulated that if they determine that prima facia evidence exists of a violation of the Stipulated Agreement, that Kiah shall report to show cause why his Certificate of Competency should not be suspended or revoked. If the Board determines that Kiah has violated the Stipulated Agreement, that Kiah's Certificate of Competency shall be immediately revoked.

Albert Underwood motioned to approve the Stipulated Agreement. Motion seconded by *David Foley*. Motion carried unanimously.

**Howard L Benziger, Ben Kee Construction, Inc, Brevard County
General Contractor Certificate of Competency License number
GC2932.**

Contractor Licensing & Code Compliance Officer, Maggie Castellano provided the Board with a summary of three complaints received over the last few months filed against Howard Benziger of Ben Kee Construction, Inc.

Similarly, to the previous request for Show Cause Hearing, staff inquired as to whether the Board would also consider a Stipulated Agreement in lieu of a hearing. The Board discussed at length the egregiousness of the complaints filed and the financial harm caused to the consumers. It was suggested that if a Show Cause Hearing resulted in the revocation of his license, that Mr. Benziger may not have the ability to pay restitution.

The Board further discussed the severity of seeking revocation, however ultimately determined in order for the debts to be repaid he would have to have the capability to continue working.

Based on the information provided; in lieu of a Show Cause Hearing the Board formed the following terms to Mr. Benziger for the Stipulated Agreement:

- a) Benziger shall pay to Brevard County administrative fees in the amount of \$550.00 within fourteen (14) days of the Contractor Licensing Board's Order and ratification of the Stipulated Agreement.
- b) Benziger's Certificate of Competency License GC2932 placed on probationary status for three (3) years beginning May 1, 2022 with the condition that Benziger shall not violate State law and the provisions of the Brevard County Code of Ordinances set forth in Chapter 22 or any order of the Contractors' Licensing Board.
- c) Should the Contractors' Licensing Board determine that prima facia evidence exists of a violation of this Stipulated Agreement, the Contractors' Licensing Board's Order, State law, or the Brevard County Code of Ordinances at a regularly scheduled public meeting, shall report to the following Contractors' Licensing Board Meeting to show cause why his Certificate of Competency should not be revoked.
- d) Should the Contractor's Licensing Board determine that Benziger has violated this Stipulated Agreement, Benziger's Certificate of Competency be immediately revoked. This penalty in no way prohibits the County or other third party from taking any legal action as may be provided by law.

- e) Benziger shall provide a list to the County, detailing all outstanding debts and liens owed, known and unknown, with the dollar amounts indicated in date order of when the debts incurred.
- f) Benziger shall pay all outstanding debt owed to creditors, suppliers, and subcontractors and all debts and liens to property owners within 12 months, since Howard Benziger of Ben-Kee Construction Inc. has not been paying their financial obligations.
- g) During the probationary period Benziger shall appear before the Contractors' Licensing Board once every three (3) months to report his progress, provide the Board proof of paid obligations, and address any outstanding issues or complaints.

The board discussed Mr. Benziger's lack of accountability for his financial debt, and if he is not in agreeance to the stipulations, the Board would like to refer the matter to the State Attorney's office.

Albert Underwood motioned to approve the Stipulated Agreement. Motion seconded by *Ralph Durham*. Motion carried unanimously.

Applicants That Passed the Prometric, GITS and Prov Exams

Ralph Durham motioned to approve, second *Kerry Gardner*. Motion carried unanimously.

Administrative Transfers

David Foley motioned to approve, second *Patrick Ripton*. Motion carried unanimously.

Incoming Reciprocity Approval

Ralph Durham motioned to approve, second *Kerry Gardner*. Motion carried unanimously.

Public Speaking Session:

No public speakers.

Reports:

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Denise Campagna, Manager, Development Services

No report.

Justin Caron, Assistant County Attorney

No report.

Bud Crisafulli, Board Chair

No report.

Members of the Board

No report.

Adjourn:

Meeting adjourned at 7:55 PM