

The following Board members were present:

Clifford Barber
Bud Crisafulli
Roger Drabyk
Ralph (RJ) Durham
Brian Fleis
David Foley
Albert Underwood

The following members of staff were present:

Justin Caron, Assistant County Attorney
Terry Talbert, Building Official
Dawn Verostic Development Services Manager
Claudine Mickle, Development Services Assistant Manager
Katy Schindler, Development Services Supervisor
Cherronda Juitt, Development Services Supervisor
Misty Shirah, Development Services Certification Specialist
Maggie Castellano, Licensing Investigator
Denny Long, Contractor and Code Compliance Supervisor

Others present:

David Larkin, Representing Attorney of Charles Black, Legacy Pools, LLC
Andrew Mai, Contractor Licensing Board Attorney
Members of the public
(Contractors' Licensing Board Public Sign in Sheet available upon request)

Call to Order:

Chair *Bud Crisafulli* called to order the August 24, 2022, Brevard County Contractors' Licensing Board meeting.

Old Business:

Personal Appearance

Howard Benziger, Ben Kee Construction, Inc GC2932, Stipulated Agreement Review.

Howard Benziger requested to appear before the Board to report on his initial three-month probationary status report per the terms of his Stipulated Agreement and Order.

Mr. Benziger was not present. However, the Board acknowledged the August 24th meeting was scheduled as a special meeting, and not scheduled as the standard third Wednesday of the month meeting.

The Board reviewed the terms of probation and requested a status update from staff. Claudine Mickle confirmed the administrative fees have been paid, the license remains in probationary status, and informed the Board that one complaint has been received however is under review and investigation. In consideration of the special meeting called, *Albert Underwood* motioned to move the appearance to the next regularly scheduled meeting, second *RJ Durham*. Motion carried unanimously.

Ralph Cook requested the Board approve his reciprocity application for Electrical Contractor.

Mr. Cook's application was initially presented at the July 20, 2022 meeting without his personal appearance. His application for reciprocity could not be administratively approved by staff without the required Letter of Reciprocity from his sponsoring Osceola County. Due to the recent Preemption of Local Licensing, HB 785; it was confirmed that Osceola no longer appoints a Contractors' Licensing Board, and therefore will no longer license applicants nor reciprocate license holders who have tested in their jurisdiction. The Board motioned to table the application review for approval to the next regularly scheduled meeting to further request the applicant, Mr. Cook, to appear before the Board.

Mr. Cook was in attendance of the meeting, and provided testimony to his background and experience as a Florida State Registered Electrical Contractor, Certified out of Osceola County.

He provided explanation as to the reason for a one-time event between himself and the mother of his son that led to criminal charges. Mr. Cook stated it will never happen again, as it was an isolated event.

As to whether or not Mr. Cook met the Reciprocity requirements without a Letter of Reciprocity, staff confirmed Osceola County requires 8 years' experience prior to taking the exam and confirmed he passed the exams with a 75% or higher score. Areas still deficient are: the date he certified with Osceola County, the status of his license and whether any disciplinary action was taken.

Based on his testimony, *RJ Durham* motioned to approve the application for reciprocity, second *Albert Underwood*. Motioned carried unanimously.

Following the motion, staff member Claudine Mickle requested the Board to further discuss the requirements of an application for reciprocity and the request a procedure for review and approval of future applicants who do not have the support of their sponsoring county. She expressed the Code requirement of an incoming letter of reciprocity to properly verify the individual was certified by examination, the trade applied, and passing score, the experience requirements for their license issuance, the date licensed and lastly if any disciplinary action was taken.

Albert Underwood suggested staff comprise a procedure to present to the Board at an upcoming meeting for review for approval consideration.

New Business:

Stipulated Agreement

Charles David Black, Legacy Pools, LLC, CPC1459154. Residential Pool/Spa Contractor

Justin Caron, Assistant County Attorney, reminded the Board of their previous request to hold a public Hearing to consider suspending or revoking the permitting privileges of Mr. Black's state certified contractor's license for willful building code violations; authority of the County Building Official. Mr. Caron informed the Board that in lieu of holding a Hearing, Mr. Black and his attorney, David Larking, along with the Brevard County attorney's office agreed to a stipulated Agreement. Mr. Caron summarized the goal of the agreement, to get the pools that have already been started, to completion. To further complete the pools that have been permitted first, and to limit the application of new permits or build of new pools in the immediate future. Mr. Caron conveyed this would be implemented to then expand to permit

applications with a pending status to be completed afterward. The stipulated agreement conveys a six-month timeframe to complete these applications and requests the license holder to appear before the board to provide status updates as to their progress. The agreement allows for the Board to determine if an extension is to be granted at the end of the six-month timeframe.

Justin read into record the terms of the agreement verbatim (included in the Board Agenda packet).

The respondent's attorney, Mr. David Larkin introduced himself to the Board as representing Legacy Pools, LLC.

The Board opened the meeting up to public comment for the agenda item. Members of the public conveyed their frustration over delays, their incomplete pool projects, dangerous and hazardous yard conditions, overpayments made to the contractor as well as liens filed on their properties for nonpayment of subcontractors and materials/suppliers.

After listening to public testimony, the Board questioned waiting six-months to review the progress of the outstanding projects and requested Board Counsel, Mr. Andrew Mai to confirm if they can request a revision to a monthly report of the license holder as opposed to the six-month.

The Board was informed they could approve the agreement, subject to that condition, which is "Report back to the Board once a month, as to progress" and approve it subject to the condition that if Mr. Black doesn't sign it, then there would be no agreement.

Mr. Mai confirmed the agreement provides the suspension of his right to apply for all new building permits for a six-month period; suspension period until March 1, 2023. He further conveyed during that six-month suspension period Legacy Pools is required to:

Diligently complete all the open permits that are referenced in exhibit A and exhibit B, attachment A and attachment B.

If they run into issues, they are required to come back to the Board and report that during that period.

At the end of the period, if they haven't completed all the pools, then you can either grant them an extension or allow the agreement to expire and then pursue any action you may want.

Mr. Mai expressed that the agreement as written does not have a reporting period, and thereby instructed for that to be included in the agreement, they would need the signatory of the agreement, who is Mr. Black to also agree to that.

Attorney David Larkin stated, he will present the condition on the matter with his client and to allow twenty-four hours for response. And further stipulated on record, until it is agreed to or not agreed to, no more permit applications would be applied for and the County can deny any permit applications until an agreement is reached.

Albert Underwood made a motion to approve the agreement with Legacy Pools LLC attorney's request to allow twenty-four hours to add the clause of monthly reporting to the agreement.

Representing Attorney, David Larkin stated the agreement provides that if there are permits for which the client has terminated the contract, then Legacy Pools, LLC is supposed to notify the County on those permits to confirm they are no longer the assigned contractor, to confirm Mr. Black would not be required to track those permit applications.

Albert Underwood suggested it would be required to provide a formal written letter to confirm the status of such permit applications.

Motion to approve the agreement with an additional condition that requires a monthly report, by Mr. Black personally, made by *Albert Underwood*. Second, *Ralph Durham*. Motion carried unanimously.

Applicants That Passed the GITS and Prov Exams

Ralph Durham motioned to approve, second *Albert Underwood*. Motion carried unanimously.

Incoming Reciprocity Approval

Albert Underwood motioned to approve, second *David Foley*. Motion carried unanimously.

Public Speaking Session:

No public speakers

Reports:

Claudine Mickle, Development Services Supervisor

No report

Justin Caron, Assistant County Attorney

No report

Albert Underwood, Board Vice Chair

No report

Members of the Board

No report

Adjourn:

Meeting adjourned at 8:57 PM