

**The following Board members were present:**

Cliff Barber  
Bud Crisafulli  
Ralph (RJ) Durham  
Brian Fleis  
Kerry Gardner  
Patrick Ripton  
Albert Underwood

**The following members of staff were present:**

Justin Caron, Assistant County Attorney  
Claudine Mickle, Development Services Assistant Manager  
Katy Schindler, Development Services Supervisor  
Cherronda Juitt, Development Services Supervisor  
Misty Shirah, Development Services Certification Specialist  
Denny Long  
Jeff King

**Call to Order:**

Chair *Bud Crisafulli* called to order the January 18, 2023, Brevard County Contractors' Licensing Board meeting.

**Approval of Minutes:**

*RJ Durham* motioned to approve the minutes of the November 16, 2022 Contractors' Licensing Board meeting, second *Kerry Gardner*. Motion carried unanimously.

**Official Administrative Business:**

**Nomination and Election of Chair to the 2023 Contractors' Licensing Board**

*RJ Durham* motioned to elect Bud Crisafulli for Chair. No other nominations were made. Motion seconded by *Kerry Gardner*. Motioned carried unanimously.

### **Nomination and Election of Chair to the 2023 Contractors' Licensing Board**

*RJ Durham* motioned to elect Albert Underwood for Vice-Chair. No other nominations were made. Motioned seconded by *Patrick Ripton*. Motioned carried unanimously.

### **Annual approval of the Contractors' Licensing Regulation and Enforcement Code Inspectors Continuous Training**

*Patrick Ripton* motioned approving continuous training. Motion seconded by *RJ Durham*. Motion carried unanimously.

### **Old Business:**

#### **Personal Appearance**

#### **Howard Benziger, Ben Kee Construction, Inc, General Contractor, Certificate of Competency License Number GC2932**

Mr. Benziger was not present. Claudine Mickle informed the Board that staff received confirmation of Howard's attendance from Tristan Benziger, Vice President of Ben Kee Construction, Inc.

As Mr Benziger's Certificate of Competency License is on a probationary status, per Stipulated Agreement and Order, Claudine advised his appearance was requested to provide status on potential violations of the Order and County Code of Ordinance to the Board, to further determine if a Hearing is required to address the violations.

Ms. Mickle made the Board aware of three potential violations which included a new consumer complaint filed, a notification of insufficient funds to the County, and lastly no report as to the current state of Howard's financial obligations.

Assistant County Attorney, Justin Caron, informed the Board of Howard's recent arrest for a violation of Florida State Statute 489.126. He added that the terms of the County's stipulated agreement with Mr. Benziger will allow the Board to address any violations of the Order, County Code, Statute, or regulations.

The Board spoke about the severity of the violations and expressed their concern for the potential for future consumer harm. The Board additionally outweighed the consequences of revoking Mr. Benziger's license versus suspending the license to the existing consumers. It was determined that the Board is seeking a resolution to the existing customer's projects, and the ability to limit Howard's permitting privileges to work the existing projects only.

The Board determined that prima facie evidence exists in violation of the Order. Motion to approve a Show Cause Hearing by *Ralph Durham*. Second by *Albert Underwood*. The motion carried unanimously.

### **New Business:**

#### **Personal Appearance**

#### **Christopher Bartenfelder requests the Board approve his exam application for Demolition Contractor**

Mr. Bartenfelder was present, with his Lisa Mine which he introduced both as owners of American Land Development. Lisa introduced herself to the Board.

Licensing staff, Claudine Mickle informed the Board of the requirements needed to administratively approve an application. It was reminded that experience documentation is required to be provided by licensed contractors who hold a license in the same trade applied, or higher. Claudine added that Mr. Bartenfelder applied for the demolition trade, and the experience would be required to be provided by a licensed Demolition, Residential, Building, or General Contractor. Claudine added that the experience was instead, documented by a licensed Marine Contractor. In addition, the dates of the employment detailed conflict with the licensed dates of experience.

Albert Underwood discussed the history of the demolition trade and recalled that the trade was not a licensed, regulated trade prior to 2017. This could be assumed, as the reason licensed contractors are not able to verify the experience from dates before that year. Mr. Underwood requested the applicant, Chris, to speak about his hands-on experience in demolition.

Chris provided the Board with detailed descriptions of hands-on experience in the demolition trade and added their own ownership of their equipment

including an excavator, loader, dump truck, and several trailers. Mr. Bartenfelder added that they are aware of the permitting requirements for demolition projects, and currently require the homeowner to pull their permit applications. They desire to be able to pull the permits for their customers as licensed demolition contractors.

After hearing testimony, the Board approved the application. Motion to approve by *Albert Underwood*, Second by *RJ Durham*. The motion carried unanimously.

**David Van Nest requests the Board approve his exam application for Swimming Pool Unlimited Contractor**

Mr. Van Nest was present and informed the Board of his background and experience working for the licensed general contractor, Dan Crawford of CCI Construction of Brevard. Claudine Mickle acknowledged that the experience documentation does meet the standard swimming pool contractor requirements. Claudine added that a general contractor is limited to the structural components of pool construction which includes the dig, form, and steel installation only.

Albert Underwood questioned David's experience, suggesting it was not performed under a swimming pool contractor, but under the general contractor license only. Mr. Van Nest confirmed that he was subcontracted as a project manager that coordinated the electrical and plumbing contractors. David again confirmed his role as project manager.

The Board requested David obtain additional documentation that details his hands-on experience in swimming pool construction. Claudine added that experience is required to be documented on the Employer Experience Affidavit, to be completed by a licensed swimming pool contractor for a minimum of three years. In addition, Claudine informed the Board that education can count as documented experience, however, the Board would be required to deem the appropriate degree required.

After hearing testimony, the Board motioned to table the application pending receipt of additional experience documentation for sixty days. Motion to table by *Albert Underwood*, Second by *RJ Durham*. The motion carried unanimously.

**Applicants That Passed the GITS and Prov Exams**

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

**Incoming Reciprocity Approval**

*RJ Durham* motioned to approve, second *Patrick Ripton*. The motion carried unanimously.

**Administrative Transfers**

*Kerry Gardner* motioned to approve, second *Brian Fleis*. Motion carried unanimously.

**Public Speaking Session:**

No public speakers.

**Reports:**

**Claudine Mickle, Development Services Assistant Manager**

No report

Development Services Staff *Misty Shirah* reported to the Board the increased volume of phone call inquiries received in Development Services as it pertains to permit applications.

*Misty* informed the Board that the inquiries are regarding "to complete" permit applications for swimming pools that have been abandoned by the original swimming pool contractor. The inquiries are coming from consumers, who have changed their permit applications to owner/builder status as well from licensed Swimming Pool Service Contractors. *Misty* added that it is outside the scope of the service license to perform work on incomplete swimming pools.

*Albert Underwood* added there is an estimate of over 250 unfinished projects in the area, and expressed his concern it is stemming from consumers seeking assistance on their pools out of desperation. *Albert* suggested there is an increased risk of additional consumer harm if the customers are hiring unlicensed contractors under the premise of an owner/builder permit application.

Misty requested advice from the Board to put together verbiage in response to the inquiries that are received, to provide consistent messaging throughout the department. She additionally suggested the issuance of a "Notice of Violation" as a means to notify contractors. RJ suggested a method of informing the contractor who is working outside the scope of their license that they are filling out a fraudulent permit application, which is a violation of the Florida State Statute and subject to potential prosecution.

Albert added the importance of using licensed contractors, who hold the proper license, and compared this type of violation to an unfinished house, where a consumer would not hire a lawn maintenance company to finish the project for comparison.

**Justin Caron, Assistant County Attorney**

Justin informed the Board that outside counsel will be present to represent the Board at the Show Cause Hearing for Mr. Benziger of Ben Kee Construction, Inc.

**Bud Crisafulli, Board Chair**

No report

**Members of the Board**

No report

**Adjourn:**

Meeting adjourned at 7:49 PM