

The following Board members were present:

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

The following members of staff were present:

Justin Caron, Assistant County Attorney
Billy Prasad, Strategic Operations Manager
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
Marc Smith, Manager Contractor and Code Compliance Division
Denny Long, Supervisor Contractor and Code Compliance Division
Jeff King, Inspector Contractor and Code Compliance Division
Maggie Castellano, Inspector Contractor and Code Compliance Division

Call to Order:

Chair *Bud Crisafulli* called to order the February 15, 2023, Brevard County Contractors' Licensing Board meeting.

Approval of Minutes:

RJ Durham motioned to approve the minutes of the January 18, 2023 Contractors' Licensing Board meeting, second *Kerry Gardner*. Motion carried unanimously.

Old Business:

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

Claudine Mickle informed the Board that Mr. Benziger entered into a Stipulated Agreement, as an addition to the original agreement signed last year.

Assistant County Attorney, Justin Caron, reminded the Board of their request for Show Cause Hearing at the January 18, 2023 meeting. Based on the Board's direction, Justin surmised they were not seeking revocation due to the open permit applications and the potential risk of further harm to the consumers and complainants. Justin conveyed that the purpose of the agreement would allow Mr. Benziger to complete projects under existing permit applications only. Justin introduced the new stipulated agreement and provided the Board the option to accept as is, modify, or reject it with the hearing as requested. He then summarized the pertinent details of the agreement which included the limitation of Mr. Benziger to no longer permit or work on any new projects in the County or municipalities, that he cannot conduct business through owner/builder applications, and that he can only work on the permits identified in the agreement. The agreement called for the completion of projects to be on or before August 7, 2023. The year was then determined during the meeting to be a scrivener's error. Justin confirmed the date should have been entered as 2024 to allow the appropriate eighteen months for the completion of projects. Justin further discussed the additional terms that Mr. Benziger will meet before the Board every month, and report any new lawsuits or judgments to the licensing staff. Justin added, that any failure of Mr. Benziger to appear, could result in the ability of the Board to revoke the license. Mr. Benziger would be prohibited from contracting or working in the capacity of a contractor for five years.

The Board spoke to the accountability of Mr. Benziger, working to resolve all matters with the respondents proved the stipulated agreement was an acceptable option. The Board questioned if anything were to change or arise during the next 18 months, and counsel confirmed, the agreement could be modified at that time if needed. Licensing investigator, Maggie Castellano provided a brief status update on existing complaints. The Board requested the agreement, item 3(e) be modified to August 7, 2024.

Motion to approve the Stipulated Agreement by *Ralph Durham*, Second by *David Foley*. The motion carried unanimously.

New Business:

Acknowledgement of Receipt

Billy Prasad, introduced changes to the Chapter 22 Ordinance, in response to House Bill 735 (HB735) Billy reminded the Board that he had previously introduced this item, and provided a brief background as to the history of the bill.

HB735 was passed by the legislature on April 27, 2021 and ratified by the Governor on June 29 of that year. The Brevard County Board of County Commission acted to deregulate the following trades as a result of the bill, Floor Covering, Floor Covering with Tile, Masonry, Framing and Painting. Billy emphasized the important of that occurring in 2021, as they would have been deregulated in July of 2023 due to the bill. Billy further conveyed the Contractors' Licensing Board recommended the BOCC amend the ordinance as narrowly as possible, and requested confirmation that electrical trades would not be impacted. Which Billy confirmed was acknowledged by the Department of Business and Professional Regulation, Electrical Board.

Billy advised the Board the Stucco Contractor trade would be expressly preempted, and the County would no longer regulate the trade. In addition, the Fence Contractor trade would be amended to regulate the materials of aluminum and vinyl only to substantially correlate to the state-regulated, Specialty Structure Contractor. All other fence materials would be permitted under a business tax receipt.

Billy requested the Board acknowledge the receipt of the changes to the Chapter 22 Ordinance, to confirm it met the original direction of amending as narrowly as possible. He further clarified the amendments intended to limit the impact on local contractors and the public. He added that he will present the amendments to the BOCC at the March 7, 2023 meeting.

The Board discussed the impacts and changes occurring in surrounding counties. *RJ Durham* motioned to acknowledge receipt, second by *AI Underwood*. The motion carried unanimously.

Applicants That Passed the GITS and Prov Exams

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

Incoming Reciprocity Approval

Al Underwood motioned to approve, second *David Foley*. The motion carried unanimously.

Administrative Transfers

Al Underwood motioned to approve, second *Roger Drabyk*. Motion carried unanimously.

Public Speaking Session:

No public speakers.

Reports:

Claudine Mickle, Development Services Assistant Manager

No report

Justin Caron, Assistant County Attorney

Justin thanked the efforts of Billy Prasad, and the staff for their hard work on Chapter 22, ordinance changes as it achieved minimal impacts on the contractors and consumers.

Justin provided a status update regarding the request for Show Cause Hearing against Window and Door Contractor, Casem Elgamil. Justin confirmed that Casem had retained an attorney, and requested a continuance. Justin added that he was also negotiating a stipulated agreement. If an agreement was not reached, they would proceed with a hearing on March 15, 2023.

Bud Crisafulli, Board Chair

Bud requested a status update on the resolution for former Contractor Licensing Manager, Denise Campagna. Claudine Mickle confirmed it was in process, with an update that the resolution would come before the Contractor Licensing Board, as opposed to the BOCC in the interest of

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Denise. Claudine added staff is working to schedule with Denise's availability due to recent travel.

Members of the Board

No report

Adjourn:

Meeting adjourned at 7:04 PM