

**The following Board members were present:**

Cliff Barber  
Roger Drabyk  
Brian Fleis  
David Foley  
Kerry Gardner  
Patrick Ripton  
Albert Underwood

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

Justin Caron, Assistant County Attorney  
Dawn Verostic, Development Services Manager  
Claudine Mickle, Development Services Assistant Manager  
Katy Schindler, Development Services Supervisor  
Cherronda Washington, Development Services Supervisor  
Misty Shirah, Development Services Certification Specialist  
Denny Long, Contractor and Code Compliance Supervisor  
Maggie Castellano, Contractor and Code Compliance Officer

**Call to Order:**

Vice-Chair *Albert* Underwood called to order the May 17, 2023, Brevard County Contractors' Licensing Board meeting.

**Approval of Minutes:**

*Kerry Gardner* motioned to approve the minutes of the April 19, 2023 Contractors' Licensing Board meeting, second *Roger Drabyk*. Motion carried unanimously.

**Old Business:**

**Personal Appearance**

**Howard Benziger, Ben Kee Construction, Inc, General Contractor, GC2932**

Howard and Tristan Benziger were in attendance of the meeting to provide status as to Howard's Stipulated Agreement and Order.

Tristan presented the Board with an email provided to staff days prior which included a brief overview of recent updates with descriptions of attachments included in the email. The email additionally included a snippet of a statement from their attorney that negotiations were underway with Gulf Eagle and Suncoast suppliers. (Attachment A) The attachments included a letter from the Benziger's attorney stating that money is held in escrow for the Turner account (Attachment B), a spreadsheet detailing outstanding debts and liens (Attachment C), and lastly a transaction report from 01/01/2021 to 05/15/2023 for all roofing material expenses (Attachment D).

David Foley acknowledged receipt of Attachment B as confirmation that \$9,300 was secured in escrow. However, expressed confusion with reviewing the other attachments and spreadsheets. Mr. Foley questioned confirmation of over \$100,000 in outstanding debt to the suppliers with only \$3,000 confirmed in payments. Howard replied that was incorrect that they have actually paid \$12,700 to complainant Mr. Iden, \$9,300 Mr. Turners project as in escrow, and almost \$5,000 paid to the Berks project.

Albert Underwood questioned the Benziger's to clarify if they have yet made a settlement agreement with the Gulf Eagle supplier. To which, Howard replied that they provided a copy of the email from the supplier's attorney confirming as such. Tristan added that the attorney was on vacation, and it was not yet finalized. Tristan and Howard further conveyed that the Gulf Eagle settlement was approved, and the Suncoast settlement is pending finalization. Tristan added that the attorney is the same representing both Gulf Eagle and Suncoast and that the outcome should be favorable for them.

Claudine Mickle questioned the Benziger's to clarify if they have received a confirmation from Gulf Eagle if they would accept a settlement, such as a settlement agreement. Tristan confirmed they have not, only the copy of the email conversation from the attorney provided as attachment A.

Justin Caron read to the Board the Terms of the Stipulated Agreement dated from May 18, 2022, section F to serve as a reminder that Benziger was to pay all outstanding debts and liens to creditors, suppliers, subs, and to all property owners within 12 months.

Claudine informed the Board that a new complaint was received by the County from Mr. and Mrs. Ron Rountree and advised that they were both present to provide testimony to the complaint if needed. Justin Caron informed the Board that counsel was not present for Mr. Benziger to address the complaint and encouraged the Benziger's to be cautious as it was not an official hearing.

Investigator, Maggie Castellano introduced the complaint to the Board discussing the terms of the contract between Ben Kee Construction Inc and the Rountree's and informed them they are seeking \$72,000 for services unrendered. Mr. Rountree provided a summary to the Board of their project suggesting that the project was delayed by Tristan over time, and he would often track the Benzigers' projects throughout Brevard County to hold them accountable to the terms of their contract. Mr. Rountree verified that although some land was cleared, and a stem wall was installed they are seeking money back for the portions of contract that were never satisfied.

The Board asked Howard if he was aware of the project, and he confirmed he was not and deferred questioning to Tristan. Tristan recognized there were delays with the project but conveyed to the Board that he had never received a written request for a return of payment.

Al further questioned Mr. Rountree to verify if they have sent a written request for return payment and it was confirmed they have not yet as they were pending civil counsel and potential suit. The Board asked if they could work with the Benziger's to negotiate terms to seek reimbursement for the portion of the contract that was unresolved, and all parties agreed to work towards an agreement. It was conveyed to both the Benziger's and the Rountree's that the terms of the complaint could be both a civil matter, but additionally include Board action and potentially criminal action.

The Board discussed the terms of the Stipulated Agreement and evaluated the discussion from the evenings meeting. The Board expressed their concerns that the Benziger's have had a year to show progress, which they have not demonstrated other than the recent negotiations reducing the supplier debts to 25% of the total amount owed. Based on this progress, it was the desire of the Board to ensure that the Benziger's can continue to complete the existing projects and permit applications.

*Kerry Gardner* motioned under the Stipulations entered on May 18, 2022, section F to allow for the provision to be extended an additional 90 days from May 17, 2023, to complete all the requirements under section F with all the terms and conditions of the two agreements that are remaining. Second by *Patrick Ripton*. The motion carried six to one.

The Board confirmed that the regularly scheduled monthly appearances are required to remain as scheduled.

### **New Business:**

#### **Personal Appearance**

#### **Michael Pugliese requests the Board approve his exam application for Swimming Pool Unlimited Contractor.**

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. Pugliese applied for the swimming pool construction trade, and the experience would be required to be provided by a licensed Swimming Pool Contractor. Claudine added that the experience was instead, documented by a Swimming Pool associates out of the state of New Jersey where contractor licensing is not required. In addition, the scope of experience was primarily in fiberglass pool installations only.

Mr. Pugliese was in attendance and conveyed to the Board that he has been working in the swimming pool industry for over 25 years. He has moved to Florida from New Jersey to offer his expertise to Florida.

Albert Underwood informed Michael that he too was in the Swimming Pool industry and further expressed to the Board that his review of the application confirmed more of a sales and fiberglass installation experience only. Al added that he was familiar with the companies Mr. Pugliese was affiliated with such as Latham Pools. Al described Latham Pools to be packaged pools that require standard excavation for installation and that the hydraulics, pumping, equipment, and chemistry standards are all still required as part of the installation.

Michael stated to the Board that his primary interest was to specialize in the fiberglass pools only, however the Board responded that the Brevard County license would allow all types of pools to be constructed. Brian Fleis added the knowledge and experience required for pools installed on the ocean with pilings and Michael confirmed that he had limited experience with that coming from New Jersey.

After hearing testimony, *Roger Drabyk* motioned to table the application to the next meeting to allow the applicant to provide additional supporting documentation for the full scope of pool construction to staff, second *Kerry Gardner*. The motion carried unanimously.

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

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

**Public Speaking Session:**

No public speakers.

**Reports:**

**Dawn Verostic, Development Services Manager**

No report

**Claudine Mickle, Development Services Assistant Manager**

No report

**Justin Caron, Assistant County Attorney**

Justin reported on recent legislative changes that could impact the construction industry and permitting. A summary of the updates will be provided to the Board as the Bills progress.

**Bud Crisafulli, Board Chair**

No report

**Members of the Board**

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The Board asked for an update to the Resolution for former Licensing Manager, Denise Campagna, which staff informed was in process and hopeful to present at an upcoming summer meeting.

**Adjourn:**

Meeting adjourned at 7:59 PM