

**The following Board members were present:**

Roger Drabyk  
Roger (RJ) Durham  
Brian Fleis  
David Foley  
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 Supervisor  
Denny Long, Contractor and Code Compliance Supervisor  
Maggie Castellano, Contractor and Code Compliance Supervisor

**Call to Order:**

Chair *Bud Crisafulli* called to order the July 19, 2023, Brevard County Contractors' Licensing Board meeting.

**Old Business:**

**Resolution of Recognition**

**Denise Campagna was recognized in honor of her service, contributions, and accomplishments as the Board secretary from 1991 to 2022.**

Claudine Mickle presented the Contractors' Licensing Board Resolution to Denise and the Board. Denise thanked the Board for the honor and recognition.

**Personal Appearance**

**Andrew Butler requests the Board approve his exam application for Plumbing Contractor.**

Andrew was present and acknowledged that he was requested to appear as his application was not approved due to a lack of documented experience. Andrew requested to verify if his background in the septic field would count towards the experience required for a plumbing contractor.

Claudine informed the Board the definition for both the plumbing and septic contractors were included in the packet along with Andrew's exam application.

RJ began the discussion stating that while plumbing contractors work involves natural and medical gas it is not the same as septic work. He further inquired how long a contractor exam application could remain open. Claudine confirmed the trade requires five years documented experience; therefore, the Code would not allow the application to remain open beyond that time frame. RJ asked to confirm if the application fee could be refunded, and Claudine confirmed the fees are non-refundable.

David agreed septic experience is a portion of plumbing that involves exterior work only. He added Andrew's experience includes the exterior portion. He suggested to Andrew to work with his existing plumbing vendors to offer to work with them to gain the additional experience required for interior experience.

Albert added the septic experience is applicable to the application as it more than likely includes exterior laying of plumbing lines and setting pipes. Albert inquired if the required five years of experience could be reduced to two years. Claudine responded with formal education, a degree related to the construction trade would be considered two years of experience. Albert mentioned he felt a large portion of experience would be missed in the testing portion of the application. He added that Andrew was in the right direction; however, he needs to gain interior plumbing experience to qualify for application approval.

Andrew stated all his experience was based in septic, sewage, and sewer applications only. RJ informed Andrew that the plumbing contractor license allows to work on plumbing systems in hospitals and large supermarket projects and that requires the additional experience in plumbing.

David suggested Andrew should also seek seminars and certifications in the field. He reiterated the idea of scheduling with plumbing contractors to offer his assistance.

*Ralph Durham* motioned to deny the application, second *David Foley*. The motion carried unanimously.

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

Claudine introduced the agenda item. Mr. Howard Benziger and Mr. Tristan Benziger were in attendance of the meeting to provide Howard's probationary update. Claudine informed the Board Contractor & Code Compliance Officer, Maggie Castellano would present an update to the Board prior to the Benziger's probationary update.

Maggie discussed the documentation provided to the Board in the packet which included photographs from a previously filed complaint at 4150 S Tropical Trail, which was a substantial work commenced without permit. Maggie informed the Board both the homeowner, Mr. Gandhi and Howard were working with her to seek resolution to all areas needing attention including the citations issued. Maggie further reviewed a handout she created for the Board (Addendum A) which included a letter from the homeowner's attorney and a copy of the check payment to Suncoast and Gulf Eagle roofing suppliers.

Howard and Tristan introduced themselves to the Board. Albert questioned the Benziger's to confirm the project was being done without a permit.

Albert expressed his frustration with lack of accountability and severity of working without a permit on the Gandhi project. Howard acknowledged he only recently became aware of it. He added he was diagnosed with Leukemia and relied on his son, Tristan, to handle it. Tristan admitted he overlooked the issuance of the permit. Maggie added the permit application was submitted but has remained in the review process and confirmed the permit was never issued.

The Board discussed their concerns with the work completed without permit and the lack of required inspections. Bud sought clarification to confirm it was a violation of the stipulated agreement.

Justin advised the Board under Section III. B. of the Stipulated Agreement, Mr. Benziger agreed that he would not violate any law or the provisions of the Brevard County Code of Ordinances. He added if the Board determined prima facie evidence existed with violation, they could motion for a hearing to request Howard report to the following contractor licensing meeting. Justin confirmed that meeting is where the Board could hear any testimony and evidence presented at that time and determine the penalty including revocation of his license. Justin further added that by Howard signing the citations he himself acknowledged a violation of the Code, which would serve Mr. Benziger with due process.

Representing attorney, Mr. Joseph DeLeo requested to speak on behalf of his clients, the Gandhis. Mr. DeLeo provided testimony to the Board and expressed the desire of the Gandhis is to allow Howard Benziger to maintain his license to complete their project. In addition, he acknowledged that the Gandhi are also the financial backer of the Benzigers recent supplier payouts. He expressed the time and money was invested by the Gandhis to the Benzigers to ensure they finish their job.

Former customer of the Benzigers and complainant, Ron Rountree, introduced himself to the Board to provide an update to his project contracted with Howard as discussed at a previous meeting. He provided detail on the incomplete stem wall project contracted with the Benzigers. He further expressed that they were not able to come to a settlement agreement with the amount of money owed on the incomplete stem wall project.

Ralph stated that prima facie evidence exists based on everything presented at the meeting and a violation of the Stipulated Agreement and Order had occurred. David Foley asked Howard to confirm if he planned for restitution with Mr. Rountree as he offered at the previous Board meeting. Howard confirmed it was a civil matter as they could not reach an agreement with settlement. The Board continued their discussion confirming that a permit was not issued for the Gandhi project and therefore was a violation of the Stipulated Agreement.

*Ralph Durham* motioned to request a Show Cause Hearing, second *Albert Underwood*. The motion carried unanimously.

**New Business:**

**Personal Appearance**

**William Kaelin requests the Board approve his exam application for Air Conditioning, Class A Contractor**

Mr. Kaelin was present and introduced himself to the Board as a new resident to the State of Florida from Louisville, Kentucky. He provided his background and experience as an air conditioning contractor. He further informed the Board he understood he was scheduled to appear due to not marking application question number 17 that he had previous issues in the past. He stated he got into trouble several years ago but has since moved on with his life and confirmed restitution was paid.

RJ informed Mr. Kaelin the Board can review criminal charges dating back five years and further clarified if the charges were egregious crime, the Board has a right to further review beyond the five years. RJ stated because he was an out of state applicant, the Florida Department of Law Enforcement (FDLE) report returned no results. RJ requested Mr. Kaelin to describe what had occurred in the State of Kentucky in 2008.

Mr. Kaelin stated he got into some trouble and was convicted for some crimes. He acknowledged he served two years in a minimum-security prison camp under federal charges. He again stated he did his time and paid restitution and was able to get all his civil liberties restored. RJ questioned Mr. Kaelin to confirm if the charges were due to fraud. Mr. Kaelin confirmed it was personal fraud and occurred before he was doing anything like the work he is doing now.

RJ expressed to the Board that the information satisfied the requirements for consideration as it has been over 10 years and the FDLE report confirmed no further activity. RJ recommended Mr. Kaelin's application be considered for Board approval.

Justin informed the Board FDLE runs the background search for Florida related cases only. He added staff did not receive any formal documentation as to what the crime was, what the charges or convictions were. He informed the Board it is difficult to consider his word without documentation from the Kentucky State courts as to the charges and outcome. He further

added they could not deny an application based solely on a felony, but it would be difficult without the documentation to weigh the testimony provided.

Mr. Kaelin asked the Board what the concerns were with the Board in considering his background and reminded the Board that he had already served his time. Albert confirmed the testimony provided satisfied their requirements as did the honesty with marking the application to acknowledge his previous history.

After hearing testimony, *Albert Underwood* motioned to approve the application, second *RJ Durham*.

Justin asked the Board to consider they put on record as Mr. Kaelin did not state what the actual charges he was convicted of or what the crime was. He reminded the Board they are weighing the charges for consideration. RJ responded Mr. Kaelin confirmed it was personal fraud. Justin asked Mr. Kaelin to clarify if it was under federal charges to which he confirmed they were. RJ asked to confirm if they were felonies or misdemeanors and to confirm if his rights had been restored. Mr. Kaelin advised felony charges and yes, all rights have been restored and added he had documentation the liens were released and provided a copy to staff.

The motion carried unanimously.

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

*Ralph Durham* motioned to approve, second *David Foley*. Motion carried unanimously.

### **Incoming Reciprocity Approval**

*David Foley* motioned to approve, second *Ralph Durham*. The motion carried unanimously.

### **Administrative Transfer**

*Ralph Durham* motioned to approve, second *Roger Drabyk*. The motion carried unanimously.

### **Public Speaking Session:**

No public speakers.

**Reports:**

**Dawn Verostic, Development Services Manager**

No report

**Claudine Mickle, Development Services Assistant Manager**

Claudine informed the Board about a recent licensing inquiry from Mr. Michael Bingham seeking to confirm what type of contractor's license is required for the installation of Termapond Pools. She added the manual provided by Mr. Bingham was included in the packet for the Board's determination. Claudine stated staff considered a swimming pool contractor's license would be required.

Albert Underwood informed the Board the concept is a swimming pool that does not require traditional chemicals to treat. He confirmed to the Board that the swimming pool contractor's license would be required per the Florida Building Code is required to build anything over 24 inches deep. He further added there are plumbing and drain requirements to be met as well as zoning and set back requirements. Therefore, the license is required to apply for the permit application.

**Justin Caron, Assistant County Attorney**

No report

**Bud Crisafulli, Board Chair**

No report

**Members of the Board**

No report

**Adjourn:**

Meeting adjourned at 7:37 PM