

The following Board members were present:

Cliff Barber
Bud Crisafulli
Roger Drabyk
Roger (RJ) Durham
Brian Fleis
Kerry Gardner
Albert Underwood

The following members of staff were present:

Justin Caron, Assistant County Attorney
Dawn Verostic, Development Services Manager
Katy Schindler, Development Services Supervisor
Misty Shirah, Development Services Supervisor
Marc Smith, Contractor and Code Compliance Manager
Denny Long, Contractor and Code Compliance Supervisor
Maggie Castellano, Contractor and Code Compliance Officer

Call to Order:

Chair *Bud Crisafulli* called to order the August 16, 2023, Brevard County Contractors' Licensing Board meeting.

New Business:

Personal Appearance

Stephen Fullen requests the Board approve his exam application for Fence Contractor.

Misty Shirah presented the agenda item to the Board to request their review and approval of Mr. Fullen's Florida Department of Law Enforcement (FDLE) report. Misty acknowledged Mr. Fullen's experience met the requirements.

Mr. Fullen was present and acknowledged his criminal background to the Board. He expressed it had been several years since the date of last charge and added he has not been in any trouble since.

The Board concurred with no further criminal record and the amount of time passed, they agreed to proceed with application approval. Roger Drabyk motioned to approve, second Albert Underwood. The motion carried unanimously.

James Gill requests the Board approve his reciprocity application for Electrical Contractor.

Misty Shirah presented the agenda item to the Board to request their review and approval of Mr. Gills FDLE report. Misty acknowledged Mr. Gills application otherwise met all other requirements for approval.

Mr. Gill was present and acknowledged his criminal background to the Board. He expressed his childhood experiences to the Board and acknowledged his charges resulted from his upbringing. Mr. Gill informed the Board he currently owns and operates his own electrical company, maintains an average credit score of 700, both professionally and personally, and has a family of his own. In addition, Mr. Gill added his goal is to eventually upgrade his State Registration to become a Florida State Certified Electrical Contractor as he is currently licensed in Volusia, Osceola, Orange, and Broward Counties.

The Board agreed with no further criminal record and the amount of time passed to proceed with application approval. *Ralph Durham* motioned to approve, second *Albert Underwood*. The motion carried unanimously.

Show Cause Hearing:

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

Misty Shirah presented the agenda item to the Board and reminded them the Hearing was requested at the July 19, 2023, meeting.

Bud Crisafulli requested counsel to review the terms of the Hearing to confirm the Board's responsibilities. Justin Caron reminded the Board historically a full evidentiary hearing was held before a Special Magistrate. A draft order would get presented to the Board to review and consider any evidence. Each party would have their representing attorney and the County would be prosecuting the hearing. Justin instructed the Board they would

instead hold the hearing and he would be prosecuting the case and not advising. He informed the Board the evidence was provided for their review and was presented to Howard Benziger as well. RJ Durham confirmed they would review and discuss the violations of the Stipulated Agreement.

Justin addressed the Board and presented the case; he reviewed the three items entered evidence: Exhibit A, Mr. Benziger's Certificate of Competency for General Contractor; Exhibit B, the two Orders and Stipulated Agreements dated May 2022 and February 2023; and Exhibit C, the two citations issued to Mr. Benziger in June of 2023 for violations of the County Code of Ordinance 22-534 (a)(20), signed by Mr. Benziger. The Board had no objections to the evidence submitted. Justin confirmed the Stipulated Agreement placed Mr. Benziger's general contractor license number GC2932 on a probationary status, to include there is not to further violate any section of the County Code.

Justin stated the two citations signed by Mr. Benziger confirmed he violated the Code and the agreement. It also informed the Board the County is seeking permanent revocation of his general contractor's license and \$550 in hearing costs. Justin asked Mr. Benziger to confirm he accepted the evidence entered and had no objections prior to proceeding, to which Howard confirmed no objection.

The Board expressed their frustrations with the work constructed without permit and the Benzigers' lack of accountability to all their financial obligations.

Bud invited anyone to the lectern who wished to speak.

Mr. Joseph DeLeo, representing attorney of the existing customers Mr. & Mrs. Gandhi requested to speak. Mr. DeLeo informed the Board the citations addressed were issued at his client's residence and added they are the financial backer of the Benzigers and Ben Kee Construction, Inc. He encouraged the Board to consider a lessor sanction other than revocation. Mr. DeLeo discussed the potential of financial harm could result onto his clients. In addition, he believed Mr. Benziger had a special skill set hard to find for the unique construction needs of his client's property, a two-story concrete structure.

Ron Rountree, former customer of stem wall project, requested to speak, Mr. Rountree stated he had not yet received acceptance of a settlement agreement presented to Mr. Benziger over 30 days ago and discussed at the previous Board meeting.

Shawna LaStarza, former customer of an addition project, requested to speak. Ms. LaStarza informed the Board her middle-income family had to pay over \$85,000 on their initial \$35,000 contract with Ben Kee Construction. She added the estimated 6-month project was delayed and took over three years for completion.

Pamela Bender, former reroof customer, informed the Board of her metal roof contract from 2021. She confirmed the metal roof was contracted for and paid in full for \$17,000. However, the supplier was never paid by Ben Kee Construction and therefore placed a lien on her home. Ms. Bender worked with the Benzigers to obtain installments payments and hand delivered the checks to the supplier, Metal Roof Factory. Pamela confirmed over \$12,000 remains unpaid.

Nadita Gandhi, current new construction customer and owner of 7185 Tropical Trail. Ms. Gandhi encouraged the Board to consider a lessor sanction other than the revocation of Mr. Benziger's license. She informed the Board her new construction project involved the specialty skill required for a two-story concrete residence. The Board confirmed many contractors can provide that type of service.

Justin informed the Board of an addition item accepted into evidence. He advised a civil complaint was filed on June 1, 2023, by Advantage Concrete for \$49,918.36 for work not paid. Justin added per the terms of the Stipulated Agreement, Mr. Benziger shall inform Claudine Mickle within 5 days of receipt of notice of any new claims. Justin confirmed this complaint as another violation of the Agreement.

Based on the numerous violations of both Stipulated Agreements, Code, evidence, and testimony provided, *Albert Underwood* motioned to revoke the license of Howard Benziger of Ben-Kee Construction, Inc. License number GC2932, and further requested he paid the hearing administrative fee of \$550.00. In addition, Mr. Benziger cannot reapply for a certificate of competency for a period of five years. Second by *RJ Durham*. The motion carried unanimously.

Applicants That Passed the GITS and Prov Exams

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

Incoming Reciprocity Approval

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

Public Speaking Session:

No public speakers.

Reports:

Dawn Verostic, Development Services Manager

Dawn reminded the Board of the previous month's meeting appearance, Mr. William Kaelin. Dawn informed the Board Mr. Kaelin appeared for review of his criminal history under his application for HVAC contractor. She added a further review of public records found additional information was not disclosed at the previous meeting; therefore, Mr. Kaelin was requested to appear before the Board for a second appearance.

Misty Shirah, Development Services Supervisor

Misty informed the Board the minutes of the Contractors Licensing Board meetings will move from a summary minutes format to action minutes in the following packets submitted.

Justin Caron, Assistant County Attorney

No report

Bud Crisafulli, Board Chair

No report

Members of the Board

No report

Adjourn:

Meeting adjourned at 8:00 PM