

**Minutes from the December 20, 2023
Brevard County Contractors' Licensing Board
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The following Board members were present:

Roger Drabyk
Brian Fleis
David Foley
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
Cherronda Washington, Development Services Supervisor
Misty Shirah, Development Services Supervisor
Marc Smith, Manager Contractor and Code Compliance Division
Denny Long, Supervisor Contractor and Code Compliance Division
Melisa Barret, Administrative Assistant to Assistant County Manager

Call to Order:

Vice Chair *Albert Underwood* called to order the December 20, 2023, Brevard County Contractors' Licensing Board meeting.

Approval of Minutes:

Kerry Gardner motioned to approve the minutes of the August 16, 2023, Contractors' Licensing Board meeting, second *David Foley*. Motion carried unanimously.

Old Business:

Personal Appearance:

Ryan Swartz requests the Board approve his exam application for Window & Door Contractor.

Albert Underwood reminded the Board of Mr. Swartz's previous appearance at the June 21, 2023, meeting. Mr. Underwood stated the application was tabled requesting additional experience documentation. Misty Shirah

informed the Board, Mr. Swartz was requested to present his documented experience when staff was not able to administratively approve his application and tabled his application to provide additional documented experience in excavation construction. Since that meeting, Mr. Swartz has obtained seven various certifications and advised the Board he was present to speak on the experience gained.

Mr. Swartz spoke to the insight he has achieved with obtaining the additional certifications as it pertains to Window & Door installations, water intrusions, and more. He additionally thanked the Board for their advice to obtain the educational certifications. The Board encouraged Mr. Swartz to continue gaining practical experience with endeavors he will continue to encounter.

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

New Business:

Personal Appearance:

Lance Primeaux requests the Board approve his exam application for Residential Contractor

Misty Shirah introduced the agenda item to the Board informing them of two items to address, including Florida Department of Law Enforcement background report as well as the requirement of four years documented experience in the trade applied. Mrs. Shirah confirmed Mr. Primeaux was present.

Mr. Primeaux discussed previous charges from 2009 and confirmed he completed the ordered restitution, built a business, and not run afoul of the law since. The Board discussed the extent of the charges and expressed it had been 15 years without another infraction.

The Board proceeded to review Mr. Primeaux' s experience in the trade applied as a Residential Contractor.

Mr. Primeaux explained his discussed his remodeling kitchen and bathroom remodel experience and skill set obtained over the years.

He further expressed his interest in achieving the residential contractor license was to better serve his business and clients. Mr. Primeaux advised the Board he works with general contractors to pull permit applications for work his business performs as the subcontractor. He further explained in his commercial experience he was involved in construction from the onset and that he learned more in those five years than the cumulative of his career. The Board questioned his experience in setting truss, framing in building construction. Mr. Primeaux confirmed his construction knowledge and framing experience.

Mr. Primeaux informed the Board he had passed the State General Contractor exam. However, because of his undocumented experience, he had been advised that he would have a better chance applying for the local County license, before the Board at the County level.

Misty Shirah added the State application process is opposite of the County, in that anyone can apply and take the exam first before the application, whereas at the County level you must apply and be approved to take a license exam first. She added that it is relatively common for someone in the State application process to go to instead apply at the County level when encountering this type of denial with their state application. The Board further discussed the importance of the required background and experience in the foundation and construction for the residential contractor.

Motion to approve exam application by Brian Fleis, second by *Kerry Gardner*. Motion carried unanimously.

Request for Show Cause Hearing

Timothy Sanders, Individual, Roofing Contractor, RF0326

Misty Shirah introduced the agenda item to the Board as a complaint assigned to the Contractor & Code Compliance Department. Mrs. Shirah confirmed the department received a complaint from homeowner Lisa Hogleve who had contracted Timothy Sanders for the reroof of her property. After completion of the project in 2018, the roof leaked, and Mrs. Hogleve hired another contractor to perform the repairs. After attempts to seek resolution or restitution from the original roofing contractor, a Final Judgment was awarded against Mr. Sanders in the amount of \$6,650 on May 24, 2023.

The Law office of David A Baker, P.A, representing Mr. Sanders, issued a settlement agreement on November 22, 2023. As Mrs. Hogreve has not accepted the terms of the agreement, this matter is being brought to the Board per code section 22-534(a) Prohibited Activities.

Mrs. Hogreve was present. She provided more context to the history of the situation and informed the Board before hiring another contractor she did try to work with Mr. Sanders to perform the repairs. When Mrs. Hogreve brought up using another contractor and involving legal counsel, she stated Mr. Sanders told her to go ahead. Mrs. Hogreve stated she was not notified Mr. Sanders representative sent the settlement agreement to the Board, and she had already sent a counteroffer to Mr. Sanders which was not agreed on.

Assistant County Attorney Justin Caron clarified the consideration for the Show Cause hearing is due to not satisfying the terms of the judgment within a reasonable time. The Board asked what was considered reasonable time and Mr. Caron advised that was up to the Board.

The Board considered tabling the request for Show Cause Hearing to provide time for Mr. Sanders to respond. However, Mrs. Hogreve stated she was concerned with the history of delays on this case and that it would continue to be delayed by Mr. Sanders. Mrs. Hogreve added she would like to ensure she was present for the hearing and more delays could mean she would be out of state for season.

The Board asked if there was any other history of similar cases with Mr. Sander's. Supervisor Contractor and Code Compliance, Denny Long stated he would have to do research, however, based on Mrs. Hogreve's testimony it sounded like there were other instances.

The Board discussed what constituted reasonable time to respond, as Mr. Sanders settlement offer was made only 4 weeks ago. Mrs. Hogreve reiterated that this issue had been ongoing for years at this point. After more discussion the Board, Mrs. Hogreve was asked if there was any communication between May and November when the settlement was offered. She said no, and that her belief was the settlement was only made because of the complaint she filed in October.

Vice Chair Albert Underwood suggested the matter appears to be more of a civil matter, and that the Board does not need to act as the collection

agency. Further Board discussion brought up that as the judgment bears an interest rate, it is not expected that it must be paid at once. Mr. Caron advised the Board they would be considering whether the judgment is being satisfied within a reasonable amount of time, and not the judgment or amount itself.

Motion to table Request for Show Cause Hearing until the January 2024 Board meeting to allow Mrs. Hogleve and Mr. Sanders time for attempting negotiation of the settlement by *Roger Drabyk*, second *Brian Fleis*. Motion carried unanimously.

Citation Report:

The Board reviewed the report.

Applicants That Passed the GITS and Prov Exams:

David Foley motioned to approve, second *Kerry Gardner*. Motion carried unanimously.

Reciprocity:

David Foley motioned to approve, second *Kerry Gardner*. Motion carried unanimously.

Public Speaking Session:

No public speakers.

Reports:

Claudine Mickle, Development Services Assistant Manager

No report

Justin Caron, Assistant County Attorney

No report

Bud Crisafulli, Board Chair

No report

Members of the Board

No report

Adjourn:

Meeting adjourned at 7:38 PM