

**Minutes from the April 16, 2025
Brevard County Contractors' Licensing Board
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The following Board members were present:

Clifford Barber
Elaine Cook
Bud Crisafulli
Roger Drabek
Ralph (RJ) Durham
David Foley
Kerry Gardner
Ronald Nost
Patrick Ripton
Albert Underwood

The following members of staff were present:

Justin Caron, Assistant County Attorney
Billy Prasad, Planning and Development Director
Terry Talbert, Chief Building Official
Misty Shirah Development Services Manager
Claudine Mickle, Development Services Assistant Manager
Cherronda Washington, Development Services Supervisor
Tara Mueller, Development Services Supervisor
Tommy Latherow, Records Compliance Specialist
Denny Long, Manager Contractor and Code Compliance Division
Maggie Castellano, Contractor and Code Compliance Officer
Ashton Styron, Contractor and Code Compliance Officer

Call to Order:

Chair *Bud Crisafulli* called to order the April 16, 2025, Brevard County Contractors' Licensing Board meeting.

Approval of Minutes:

RJ Durham motioned to approve the minutes of the March 19, 2025, Contractors' Licensing Board meeting, second *Kerry Gardner*. Motion carried unanimously.

Construction Board of Adjustment and Appeals:

Petition for Appeal:

Misty Shirah introduced the item to the Board stating staff received a petition for appeal regarding the lawful issuance of Permit 25BC01367 for an air conditioner and generator system. The permit was issued on March 12th, 2025, at 1645 N. Highway A1A unit 403, Indialantic FL 32903. The petitioner, Barbara Males, the Vice-President of the 1625 Ocean Condominium Association Inc, was present to provide testimony on the matter.

Misty Shirah advised anyone speaking on the matter would be allotted 15 minutes with discretion by the Board if further testimony was desired.

Barbara Males introduced herself as Vice-President of 1625 Ocean Condominium Association speaking on their behalf and as a unit owner herself at the complex for five years. She stated the Association is an entity responsible for the common elements of the condominium and that a unit owner does not have the authority to act for the association by reason of being a unit owner as outlined in Florida Statute 718.111.

Barbara Males presented the Declaration of 1625 Ocean Condominium defining association property, common elements, and highlighting section 9.1 stating “No Unit Owner shall make any addition, alteration, or improvement in or to the Common Elements and the Association Property without the prior written consent of the Board of Directors”. Mrs. Males further conveyed, the appeal brought before the Board is that the permit issued to owner 1625 Ocean Development LLC and contractor Coastmark Construction for the project misconstrued the ownership and is involving common areas owned by the Association. She added modifications and portions of the HVAC system had already been installed to the common element garage without the approval of the Association. The Association therefore claimed there is no legal basis to support the issuance of permit 25BC01367. It was also stated there is ongoing litigation involving the Association and 1625 Ocean Development LLC with a case set for May 12th, 2025. The Association requested the permit be rescinded, or at least a stop work order be issued until resolution of the pending litigation.

RJ Durham inquired if the property was still under construction by the developer. Barbara Males said she had been told the only thing left were minor tweaks. Mr. Durham stated if the property is still under development he saw this permit as a legal action by the Building Official.

Chief Building Official Terry Talbert was called to the podium. Vice Chair Albert Underwood questioned Mr. Talbert about the filing of a Notice of Commencement to verify the recorded owner of the property. A copy of the Notice of Commencement was presented to Mr. Talbert who confirmed it was recorded January 24th, 2025. He further verified the owner was listed as 1625 Ocean Development LLC.

Albert Underwood stated when reviewing the submissions this seemed to be a civil issue more than a permit issue. He added with a recorded Notice of Commencement it would be tough to argue ownership contention for the purposes of the permit.

Chair Bud Crisafulli asked Assistant County Attorney Justin Caron why this item was brought to the board before the pending May 12th civil case. Mr. Caron said the county is not a party to the suit and not something the Building Official would hold or not issue permits based on.

RJ Durham stated the Notice of Commencement clearly indicates the permit process followed Florida Building Code, and the Building Official did nothing wrong by issuing the permit.

Albert Underwood repeated while the common area and ownership is somewhat confusing, the issue before the Board was if the permit was properly issued. Since a Notice of Commencement recorded with the Clerk of Court exists for this permit, the Building Department has no reason to speculate ownership and would go by what it says.

RJ Durham said he would like to hear comment from the developer. Yane Zana introduced himself as both owner of development company 1625 Ocean Development LLC and owner of Coastmark Construction.

Mr. Zana said this project began under another permit about two years ago and included the installation of air conditioning units. He informed the Board the Association removed the installed units without permission and the owner subsequently filed criminal charges against the association. Permit number 25BC01367, in question, is a new application to complete the previously expired permit application which was unable to be completed. He added the Declaration of 1625 Ocean Condominium speaks to developer rights to make amendments to common elements as long as the developer has units for sale, and added the units in question have not been closed on.

Mr. Zana stated this permit was reviewed by the County Attorney, the Association's attorney, and his own attorney before it was issued and that he had the right to do this work. To which, Chair Bud Crisafulli invited Barbara Males to respond to the comments made. Mrs. Males commented on the ongoing litigation and reaffirmed the Association's stance on their ownership of common elements.

Boris Havkin stepped forward to speak. He stated he is under contract to purchase the units related to this permit by the developer and has been unable to acquire ownership due to the ongoing issues. Mr. Havkin spoke to his experience in dealing with the Association and the ongoing legal issues with them. He also detailed the same review of this permit as mentioned by Mr. Zana between the County Attorney, Association, and the developer's counsel.

Albert Underwood asked about the County Attorney's involvement with the permit. Terry Talbert confirmed the County Attorney reviewed court documents from the Association and determined that the permit be issued.

Barbara Males stated she took issue with the history presented and said it was only one sided. Albert Underwood responded to convey the Board was being asked to determine if the permit was rightfully issued. RJ Durham added the statements do not sway the Board's view.

Patrick Ripton stated he was familiar with Homeowner Associations and suggested the Association did not do their due diligence to record the change of legal ownership, and according to the information available, the Building Official did nothing wrong.

Motion to affirm permit number 25BC01367 was lawfully issued under the authority of the Chief Building Official by *Albert Underwood*, second *RJ Durham*. Motion carried unanimously.

New Business:

Personal Appearance:

Christopher Nelson, Brevard County Window and Door Contractor, WD56, requests the Board approve his transfer application

Christopher Nelson was present.

Claudine Mickle introduced the item stating Mr. Nelson has since rescinded his transfer application as the sale of his business did not go through. Due to the three Tricon Condominium lawsuits found, it will require Board action for the business name on his license to be changed back to Alerion Door and Glass Inc.

Christopher Nelson explained he planned to help qualify the new business Alerion Door and Glass LLC, but an employee who had a State Certified Contractor's license did in instead and no longer required Mr. Nelson's license. At the advisement of his attorney, Mr. Nelson stated his intent is to keep his license and qualify Alerion Door and Glass Inc and finish existing 2025 projects.

Christopher Nelson added the lawsuits are part of blanket suits and the work he did is not directly in question in any of them. Albert Underwood questions if there would be two business named Alerion Door and Glass. To which, Mr. Nelson stated the new company would be doing business as a limited liability company and he would maintain the incorporated entity with his license.

Bud Crisafulli questioned staff to confirm if the name would be an issue. To which Claudine Mickle clarified it was not and reminded the applicant was brought to the Board due to the lawsuits found and for the Board to determine financial responsibility.

RJ Durham asked if the Board took no action would Mr. Nelson be able to renew his license during the renewal period. Misty Shirah stated the license was in a pending status due to the original transfer application request. Mr. Nelson could simply withdraw his application, but staff wanted the Board to review the lawsuits.

Motion to acknowledge the withdrawal of the transfer application by *RJ Durham*, second *Ronald Nost*. Motioned carried unanimously.

Lawrence Tanner requests the Board approve his exam application for Plumbing Contractor

Lawrence Tanner was not present.

Claudine Mickle introduced the item and stated Mr. Tanner called staff to inform he would not be able to attend this meeting and requested rescheduling his appearance for next meeting.

Motion to table the item until the next meeting by *RJ Durham*, second *Patrick Ripton*. Motion carried unanimously.

Applicants Who Have Passed Examination:

Motion to approve by *RJ Durham*, second *Kerry Gardner*. Motion carried unanimously.

Administrative Transfer:

Motion to approve by *Ronald Nost*, second *Kerry Gardner*. Motion carried unanimously.

Incoming Reciprocity:

Motion to approve by *David Foley*, second *Ronald Nost*. Motion carried unanimously.

Citation Report:

The Board reviewed the report. Contractor and Code Compliance Officer Maggie Castellano reported eight letters requesting Board appearance for unpaid citations and all but two of those cases have been paid. Mrs. Castellano added this has facilitated two permit applications to be obtained.

Claudine Mickle asked if it had been for more licensed or unlicensed contractors. Maggie Castellano responded that it was for licensed contractors, and added she wanted to update the appearance letter to request unlicensed contractors to potentially appear before the Board as well for delinquent citation payments.

Public Speaking Session:

No public speakers.

Reports:

Misty Shirah, Development Services Manager

No report.

Justin Caron, Assistant County Attorney

No report.

Bud Crisafulli, Board Chair

No report.

Members of the Board

Adjourn:

Meeting adjourned at 7:32 PM