

**MINUTES  
OF THE MONROE COUNTY CONTRACTORS'  
EXAMINING BOARD MEETING**

MARATHON GOVERNMENT CENTER  
2798 Overseas Highway, 2<sup>nd</sup> Floor, E.O.C. Rm  
Marathon, Florida 33050

**BOARD MEMBERS**

William F. Kelly III, Chairman	Present	
Joseph Vetrick, Co-Chairman	Present-	arrived at 10:00am; left at 2:20 and returned 3:00pm
Peggy J. Bankester	Present	
Jonathan Barth	Present	
Gary Centonze	Present	
<del>Steve R. Henson</del>	<del>Present</del>	
Edward Werling	Present	
Frank Toppino, Alternate	Present –	Left at 2:20pm
Charlie Miller, Second Alternate		Not required to attend
Joseph Paskalik, Building Official	Present	
Pedro Mercado, Assistant County Attorney	Present	
Mary Tucker, Building-Coordinator		Not Required To Attend
Odalys Mayan, Licensing Coordinator	Present	

---

Present at 9:50am for roll call were Chairman William (Bill) Kelly, Peggy J Bankester, Jonathan Barth, Gary Centonze, Edward Werling, Alternate member Frank Toppino, Building Official Joseph Paskalik, Assistant County Attorney Pedro Mercado, and Odalys Mayan. At 10:00am, Vice-Chairman Joseph Vetrick arrived at hearing.

Counsel swore in all parties involved.

**HEAR ANY PERSON WISHING TO COME BEFORE THE BOARD**

**9:55am**

**B.** Fizer, Charles S III        CSC056679  
Doudney Sheet Metal Works, Inc  
NOTICE TO APPEAR  
Code Enforcement Citation No.: CE06080058  
6-66(10)(a) Prohibited Actions – Licensed but no permits & not registered  
Lor Hattery, Code Enforcement Inspector

Michael Cornish represented Mr. Fizer at hearing per notarized letter by Mr. Fizer appointing him his representative. Mr. Cornish is not an attorney.

Bill Allen, Publix representative.

Inspector Hattery distributed pictures as evidence.

Motion by Bill Kelly and second by Peggy Bankester to find Mr. Fizer **in violation** of MCC 6-66(10)(a) for no permits and not registering with Monroe County. Motion carried unanimously.

**PENALTY:**

Motion by Bill Kelly and second by Gary Centonze recommending **NO FURTHER ACTION** to the State of Florida (CILB). Motion carried unanimously.

**10:25am**

**CONTINUED CASE FROM 10-31-06 HEARING**

**F.** Ramsingh, Rajindhar M    CBC059464  
Construction Ahead Builders, Inc  
NOTICE OF APPEAL  
Code Enforcement Citation No.: CE06080386  
6-66(8)(a) Aiding & Abetting

6-66(10)(a) Prohibited Actions – No permit (outside scope of work)  
6-66(5) No Workers Compensation Insurance  
Kathleen Windsor, Code Enforcement Inspector

Mr. Vetrick recused himself for personal reasons.

Inspector Windsor read into the record letter provided by Charlotte Suela (she is part partner) stating that G & C, LLC hired South Florida Plastering of Dade, Inc. (unlicensed contractor) to do the stucco work at Avenue A & 1<sup>st</sup> Street, Old Classic Carpet, Big Pine Key, Florida. The property owner who has been cited for aiding and abetting and who has paid the citation is pretty much refusing to give us the information on that unlicensed contractor.

Mr. Ramsingh: Like I said, Dr. DeCastro had come in and taking responsibility for that contractor, like I had stated before. We did pull a permit but we have never been on the site yet. We have a permit pending to do the carpentry work because we had to get drawings done. All this happened prior to us even being on the property. I just happen to pull the permit and we were waiting for drawings and stuff to clarify what we were actually going to do. At that time he had hired someone to start doing the stucco work on the building.

Bill Kelly: So you have a notarized letter from the owner stating that he did that.

Ramsingh: Yes, that is what that letter is.

Bill Kelly: So that's an admission of guilt from the owner.

Gary Centonze: Mr. Chairman, I actually initiated that Raj could provide that letter. He either gives us all the information for the plastering company or get the owners to write a letter saying it. He has met that obligation. But unfortunately, Raj, I understand it. The owners wont or don't have the information afforded to code enforcement who the contractors where?

Mr. Ramsingh: I did locate the address of that company and qualifier of that company. I did a Google search and I do have that information.

Kathleen Windsor: Odalys and I have researched this and I have already sent the citation to two different addresses. (looking at Mr. Ramsing's paperwork) I have already sent a citation to this address. We really need the owners to tell us where these people came from.

Bill Kelly: at this time and place is the contactor that this board is here to deal with. Mr. Centonze, any more questions.

Gary Centonze: No sir.

Frank Toppino: This work was done before you were ever hired to do the interior work, is that correct?

Mr. Ramsingh: We have not even started yet. I don't even have a key. When I received the permit I gave it to Dr. DeCastro, which I should not have done, and I left on vacation. When I came back, he told me that we had all this problem. The stucco people were there and some people were arrested. In the meantime, we could not even get started on the deck work because the Building department wanted some engineering plans on actually what was going to be done. Now those plans have been revised and we still have yet to start the project because I wanted to settle this problem before I even show up there. We had some other issues to with Tony's Roofing and there are a lot of problems with the building.

Frank Toppino: Where is the building?

Mr. Ramsingh: It is the old Classic Carpet building in Big Pine Key.

Bill Kelly: Have you received any payment for this?

Mr. Ramsingh: No, Dr. DeCastro is actually family friend so I was kind of doing it as a favor. I don't really do work in Big Pine Key.

Bill Kelly: Any other questions from the Board? Hearing none, any motions?

Motion by Gary Centonze and second by Frank Toppino to find Mr. Ramsingh **not in violation** of 6-66(8), 6-66(10)(a), and 6-66(5), with regards to this case. Motion carried unanimously.

Ramsingh thanked the Board.

Gary Centonze: Mr. Chairman, before we continue what about South Dade Plastering? The County has exhausted all their resources.

Bill Kelly: I thought we were going to discuss it later. She (Inspector Windsor) indicated that. Since we have a notarized letter totally admitting wrongdoing, what can the County do?

Gary Centonze: You mean the letter from the owner.

Bill Kelly: Yes.

**10:25am**

**H.** Palladini, John H

NOTICE OF APPEAL

Code Enforcement Citation No.: CE06120034  
6-25 Unlicensed Contractor

Code Enforcement Citation No.: CE06120046  
6-66(10)(a) Prohibited Actions – Installing pool & spa without permit  
Kathleen Windsor, Code Enforcement Inspector

Inspector Windsor presented case and distributed pictures as evidence.

John H Palladini presented photos and building application as evidence

Motion by Peggy Bankester and second by Bill Kelly to find Mr. Palladini **in violation** of MCC 6-25 based on testimony from Inspector and Mr. Palladini. Motion carried unanimously.

Additionally, motion by Peggy Bankester and seconded by Jonathan Barth to find Mr. Palladini **in violation** of MCC 6-66(10)(a) based on testimony from Inspector and Mr. Palladini.

Bill Kelly: So we can get cleared up, what are the penalty phases on this Pedro? Is it a maximum of \$500.00?

Pedro Mercado: Maximum of \$1000.00 and minimum of whatever the citation was. It can be no less than what the citation was.

Bill Kelly: And what was the citation was?

Odalys Mayan: \$500.00 each

**PENALTY:**

Motion by Jonathan Barth to fine Mr. Palladini \$1000.00 for MCC 6-25. Motion dies for lack of second.

Motion by Bill Kelly and second by Peggy Bankester to fine Mr. Palladini \$500.00 for MCC 6-25 with no additional fines. Motion carried unanimously.

**DISCUSSION:**

Gary Centonze: What troubles me here with this particular charge, is that he is not a licensed contractor. He would be applying for permits under the pool contractor, is that correct Joe? I don't have that paperwork but was the application was put in under the pool contractor?

Bankester: Toby Pools.

Gary Centonze: this is clearly aiding and abetting by the pool contractor allowing an individual to install a pool without being in business. The gentleman never could've applied for a permit anyway.

Joseph Paskalik: This one was sent to Marathon.

Gary Centonze: Regardless of where he sent it. He is clearly not a contractor, he clearly does not know the rules and regulations, and clearly making the right move getting out of here. But my problem is that there is a pool contractor out there and is aiding and abetting these guys. You are letting these guys go out there and that aren't licensed. How can you hold this gentleman in violation of getting a permit when he could never have been able to apply for it anyway, it is not his responsibility. Your problem lies with your pool contractor. This charge here is for a pool contractor. Even if he is an agent, it falls on the qualifier.

Bill Kelly: Well, this board has already found him in violation and we are now in the penalty phase.

Gary Centonze: That is fine. It was just under discussion, the board has the right to do so, and the charges were made. In addition, he did not get a permit. It's a double edge sword for him. My problem is that there has been more talk about this gentlemen and him leaving and he's done and he's sorry. What really concerns me, he made a statement before that he's worked for every pool contractor North and South from here. How much is this going on? I'm not on top of this gentlemen, my biggest problem is the way that it's being conducted. The pools are the hardest thing to put in and hide. They got cranes that they are putting these fiberglass pools.

Joseph Paskalik: At this point, there is no evidence that I have seen that he is working with Toby Pools prior to him installing this pool. The evidence that I saw was the contract was done by All Keys. There was no evidence that I saw that involved Toby Pools. So I cannot assume that they are sanctioning his work. They are willing to pull the after-the-pull permit, which a lot of contractors do. And also, when they do pull permits for after-the-fact work that they have no involvement in the after-the-fact work.

Gary Centonze: This is under discussion and it means nothing about our decision on finding him in violation of no permits. I just wanted to make a statement.

### **PENALTY PHASE CONTINUED FROM ABOVE**

Additionally, motion by Bill Kelly and second by Peggy Bankester to fine Mr. Palladini \$500.00 for violation of MCC 6-66(10)(a) installing a pool/spa with no permit.

Pedro Mercado: For clarification purposes, the fine you are seeking is the amount of the citation \$500.00; you are not seeking the additional \$500.00.

Bill Kelly: No.

No additional fine. Motion carried unanimously.

**11:12am** Break

**11:30am** Everyone present for roll call (Peggy Bankester, Jonathan Barth, Gary Centonze, Ed Werling, Frank Toppino, Joseph Vetrick, and Bill Kelly).

**11:30am**

Murray Shatt addressed the Board. Murray Shatt stated that he is the Vice President of the Florida Keys Contractors Association and also the Regional Director for the South East State of Florida for the Florida Marine Contractors Association. Now he and Rudy Krause are in charge of the Contractors Association, and that Elaina Rosado is no longer employed with them. For

now, they are dividing the workload between them. Mr. Shatt expressed his concerns regarding unlicensed contracting that we are experiencing. Moreover, he also brought his concerns regarding the Longshoreman's Insurance and how critical it is for a marine contractor to carry this insurance. Mr. Shatt referred to a previous contractor (Bob Casey) where he did not carry the insurance and later had to pay \$165,000.00 in a settlement claim. One other thing, we are trying to get a state certified marine contractor's license like the building contractors license. There used to be one years ago but it was just a registry it was not a certificate of competency. So we can get the people that do marine construction to be certified in that field; trying to promote the industry and to get it more professional. Any questions?

Joseph Paskalik: As the Building Official, I would like to state that I understand that I understand that this Longshoreman's insurance in many situations according to the laws of the federal government, is required. The controversy comes in as far as the Building Department requiring it before a permit is issued. It is not clear in the states statutes whether or not, I, as the Building Official, have to see evidence of the Longshoreman's insurance prior to the issuance of a permit. There is clear statutory requirement of workers' compensation prior to issuance of a permit. But it doesn't define workers' compensation to include Longshoreman insurance. I have asked counsel to research that, and as of yet, neither he nor I have come up with a clear precise definition of 1) what kind of work requires Longshoreman's insurance and 2) is the Building Department is required to see proof of that prior to issuance of a permit. We do not see any of that yet, but we have not stopped researching that equation. The requirement is there; clearly, the requirement on jobs is there, the requirement to see proof of insurance prior to issuance of a permit is not there.

Pedro Mercado: There are two separate issues. 1) Are we required to, as Joe says, to enforce this requirement by having proof prior to issuance of permit and 2) when is actually needed. The law is not very clear, whether not we are required to enforce it or if we are tasked with enforcing it. The federal case law that I read on this made it clear that the jurisdiction for the requirement is concurrent with this had made it clear that the jurisdiction for the requirement is concurrent. In other words, the federal statues did not preempt the field, which means the state cannot do anything to interfere and cannot legislate in that area. State workers comp can still be required in certain areas that may also require Longshoreman's coverage. As I read the case law, moving on to the second step of the process, the case law is real clear. There is clear frustration in federal judiciary with regards to when it applies and when it does not apply because it is not very clear. Mr. Mercado proceeded to read into the record his memorandum dated January 23, 2007 regarding Longshore and Harbor Workers Compensation (LHWC), his conclusion based on the definitions section of title 33, chapter 18 and case law which as established a "situs" and "status" test.

At this point, what I have instructed the Building Department is that unless it is an activity directly related loading and unloading or building or repairing of vessels of sixty-five (65) feet in length or greater, it is not necessary. And as far as we can require it before the issuance of permits I have instructed to proceed with what they have been doing until I can get further clarification either by case law or by speaking with somebody within the federal judiciary that can give me more guidance on this. And the way I started looking at it is whether or not your electrician or plumber going out to somebody's dock would need to have it. They way I read the case law, no. If they are just going out to somebody's dock to put in some lights or run some plumbing to their fish-cutting table, I don't see the case law requiring Longshoreman insurance for that. It has nothing to do with loading or unloading of vessels. Your typical homeowner's dock is not a traditional situs for loading or unloading of vessels. Other than perhaps jobs that are related to the many marinas that we have down here where they work on the piers and docks, or like in Key West, we have the Navy wharfs and piers where you obviously need it. I'm not sure that your routine maintenance or work on the docks will require it. Let me rephrase that, on your typical recreational dock, I don't believe it is needed. If you're just putting some electrical stuff or plumbing out there, I don't believe the case law portion need for it.

Bill Kelly: Murray I have a question, in regards to that accident with Bob Casey I think I remember that it was on a friend of mine dock that it happened on. But Casey had standard workman comp insurance.

Murray Shatt: That's correct and I was just going to bring that up. Workers comp will not cover you if you are over the water. If your guy gets hurt out on that dock he is not covered under workers comp. Now, Florida just passed a Code called 6006F, which is a Code that will cover

your workers over the water. But to get that Code on your policy you have to have the USL&H endorsement. So Florida compensation has realized that the regular workers comp will not cover you if you are over the water. But you can get this special code that they made for specifically for people who work over the water. And I will the attorney the information on that. In fact, I think in that little newsletter that I gave you mentions that as well. And by June 30 of this year that law will be in effect and anybody who works over the water according to the State of Florida is supposed to have that kind of insurance. That will be coming from the State. I realize that the County isn't required to enforce the federal laws, however, right now we have to provide the Army Corps of Engineers federal permit to the County before they give us their County permit. So if they are going to be enforcing that, I think that, and I'm glad that they are going to review this a little more, and I will give the attorney all this information about this Act to him when the insurance committee comes up with it. But that Bob Casey's incident was on a residential dock and they did find that the accident happened and that the person was entitled to benefits under the USL&H law and he got \$165,000.00, and Bob Casey had to pay it because his regular workers comp, that he did have, would not cover it. It's like buyer beware – contractor beware. The only reason that I only care if everybody else has it is 1) their workers – I hope that they can get some relief if they do get injured and 2) I have a bigger expense than the guy who comes in and doesn't have to have it. Now the incidental stuff where the electricians and plumbers going out there, I do not know about that. I think there may be something to that where if that's not your main business, you do not have to have it. My insurance agent told me that they don't want me, I'm an agent for several electricians, and I used to go down there and sign on to the permit and I'm going to use Kelly Electric or Arlington, whoever it is, and I would pick that permit up with my boat lift permit. Well, they told me not to do that anymore because if that person gets hurt out on that dock and I'm acting as the general contractor by picking up that permit and that guy gets hurt and the person doesn't have USL&H and that's going to come back on me. I'm covered so that guy in fact would be covered, but I don't to have that liability rising up my cost ratio. So I have asked the Building Department and they have complied to let me separate my boatlifts permit from the electrical, and I write on all my contracts that I'm not responsible for electric. This must be installed by a licensed electrical contractor and they issue the permit straight to the electrician for the boatlifts. And most of these points have been argued before, I mean, all of our members when this first happened, we didn't have USL&H anymore than anybody else does. We didn't want to have to pay because it was mostly the pile driver guys building bridges and stuff like that like that were in that category and we didn't want to pay that high rates. But we have worked and have gotten the rates down to about half of what they used to be. So it's not like the end of the world if you have to have it now. It is still expensive, I have to grant you that, but when you're in business you have to make that decision yourself.

Pedro Mercado: Also, if I may, the issue whether we require it has nothing to do whether somebody gets it. I guess the issue is, what are we going to minimally require and the problem with USL&H is that it is real unclear. That's not to say that any particular contractor if he wants to be prudent to go ahead and get it. The issue is what we as the County going to require and the fact that it's unclear I'm hard pressed to say that they should have this. Especially in areas that are not traditional longshoreman type situations. Mr. Mercado read into the record a small excerpt of one of the cases Sea-Land Service Inc. V. John J Rock, 953 F.2d 56(3d Cir. 1992), where the amendments were not meant to cover employees who were not engaged in loading, unloading, building, and repairing of a vessel, just because they were injured in an area adjoining navigable waters used for such activities. I think that case law makes it pretty clear, just because you are over water doesn't mean that you are covered by USL&H. And that's a problem, whether or not a person is going to be covered is going to hinge on, as in Mr. Casey's case, a determination by a board. The only thing that I can go by is what the case law out there has established, and I don't see anything in the case law that indicates a need to me a need for USL&H in residential type settings.

Murray Shatt: That was the exact same argument that we used with our lawyers trying to get separated from that. Because none of us marine contractors wanted to have to pay that, we felt like that should be for something for the exact same thing that his saying (Mercado). But the truth of the matter is that it came down to the courts interpreting many cases of the workers are entitled to that coverage.

Joseph Paskalik: Mr. Chairman, I'm not saying at any point that any contractor does not have to have to have any type of insurance. I'm not making that statement at all. What I'm making a statement is I am not, by law, required to see proof of that insurance before we issue a permit, period. If the contractor feels that he falls under that category to have that insurance, I'm not

going to tell him that he does not need that insurance, I'm going to tell him that he does not proof of that insurance to get the permit.

Pedro Mercado: Mr. Shatt can I ask you a question. Did Mr. Casey appeal the decision?

Murray Shatt: This was the ruling from the second district court of appeals. And I will email it to you if you give me your email address.

Pedro Mercado: Yes, I would like to read that case.

Joseph Paskalik: Mr. Chairman, I would also like to add, that when we do have permits pertaining to near shore waters, docks, piers, davits we have an affidavit that is signed by both the contractor and homeowner, acknowledging the fact that the homeowner is aware that this insurance is out there and that possibly it is needed for this permit. So that they are aware that potentially, the federal government may require this insurance, but we are not going to hold up the permit.

Murray Shatt: Right and I will say that Monroe County was the first to do that. I don't know how many years it was right in this very same room we had a meeting with USL&H first came around and I think it was around the time Bob Casey's accident back in 92. When Monroe County put on the seminar, for lack of a better word, where we all learned that maybe we should have it. That is when I started investigating into whether I should get it or not. I do want to commend Monroe County for doing at least, letting people know that they should have it. Like I said it before, buyer beware. If you're not smart enough to have it and you get some guy hurt, you may loose your business.

#### **12:00pm**

Julie Brannon addressed the board. She is an applicant for a certificate of competency license (painting) and mostly my reason for being here was to learn more about the County. I have relocated here on a permanent basis and wanted to know if you had any questions regarding my application and/or my reference letters from out-of-state. I do have clients lined up waiting for me to get my paperwork in place.

Bill Kelly: And we have your application here in the pile. Yes, I think your (application) fine.

#### **12:02pm**

- C. Harris, Victor D CCC057995  
Victor's Roofing Co Inc of the Florida Keys  
NOTICE TO APPEAR  
Code Enforcement Citation No.: CE06040134  
6-25 Unlicensed Contractor  
6-66(10)(a) Prohibited Actions – Work without permit  
6-66(2) Abandon job contract  
6-66(5) work without workers compensation insurance  
Kathleen Windsor, Code Enforcement Inspector

Inspector Windsor presented case and passed out evidence to the Board. Also, property owner faxed a notarized letter to the Building Department giving his side of the story, since he could not be present.

Victor Harris submitted invoices dated March 17, 2006 from leasing company as proof of being on the leasing company's payroll.

Staff passed out minutes and Orders from the July 18, 2006 hearing where Mr. Harris came before the board on two separate charges.

#### **DISCUSSION:**

Peggy Bankester: We have determined that his license was never expired, correct?

Bill Kelly: Correct.

Peggy Bankester: Working without a permit, he admits yes.

Bill Kelly: Yes.

Peggy Bankester: Abandonment of a job? We have a 90 days is the cut-off period. It looks like did not occur. He made good in that time frame.

Peggy Bankester: The only one that we have left that I have questions about is the workers' comp. He is showing me proof that it appears that he paid and whether or not the insurance company got that, is still in my mind.

DISCUSSION CLOSED.

#### **6-25 UNLICENSED CONTRACTOR**

Motion by Bill Kelly and second by Peggy Bankester to fine Mr. Harris **not in violation** of MCC 6-25 based on testimony. Motion carried unanimously.

#### **6-66(10)(A) PROHIBITED ACTIONS – WORK WITHOUT PERMIT**

Motion by Bill Kelly and second by Jonathan Barth to find Mr. Harris **in violation** based on own admittance that he did do it without a permit. Motion carried unanimously.

#### **6-66(2) ABANDON JOB CONTRACT**

Motion by Bill Kelly and second by Peggy Bankester to find Mr. Harris **not in violation** based on certain evidence present, even though it was close, it was not abandonment. Motion carried unanimously.

Peggy Bankester: Are we going to get more clarification on the workers' comp. issue?

Kathleen Windsor: I would recommend that we continue it and try and get written confirmation. Either there is a correction in their records and he did have workers' comp or we can get something factual in writing from him (AMS) that that is an invoice date and it does not apply to a days work.

Bill Kelly: What is the time frame here? The one before (7/18/06) is it before or after it?

Jonathan Barth: It was the July 18, 2006 meeting.

Bill Kelly: Kathleen, can you tell us when the dates for these violations were written for?

Kathleen Windsor: March 17, 2006.

Bill Kelly: This was something that happened before the July meeting.

Jonathan Barth: This was closer related to Wilma (hurricane) from October 2005.

Gary Centonze: Mr. Chairman, with respect to the workers' comp. issue, in the past, we have always allowed Victor to get a hold of his company and if he can pass it along to Joe's office and Odalys and if she can verify in fact that, I would like to make a motion to let this gentleman to defend himself. It's kind of hard, he brought what he thought we ad, it's too convoluted for us. We are hearing conflicting reports. We have conflicting paperwork. If he can in fact prove and satisfy the Building Department Odalys first takes it to Joe for the final say so, I say it's over. If in fact, he cannot do it then he should come back in front of this board and deal with us.

Bill Kelly: I'm going to approve with you Gary. n addition, since Kathleen made the suggestion too. So Victor, you have been in business and in this town for a long time, and I think you should be given this opportunity too. You have run into a bunch of bad luck. We do not normally do this for most contractors, but in your case, I am going to make a motion to give Victor's Roofing a chance to verify his workers comp.

Joe Vetrick: Mr. Chairman, I have a different view. We are constantly saying to individuals and in correspondence if you are coming before the Board bring your evidence. That door should swing both ways. We ought not to continue this so our people can go and find evidence. Here we are today Mr. Harris has brought his evidence, if we do not have sufficient evidence to satisfy the board members than there should be a finding of not guilty. There is no reason for a continuance.

Gary Centonze: That would work in a court of law but would it work here.

Joe Vetrick: We are going to imply a test and a burden on individuals that are brought before us then the door should swing both ways. We ought to have our evidence and if we do not have our evidence, he is not guilty.

Gary Centonze: We are not asking the County to do anything. We are asking Victor to contact his representative and you put the pressure on them. And you let them know that you are being charged. You need to present that information. County is going to do nothing but sit back. And between now and a certain date if he has not defended himself he is going to come back before the Board. But in the meantime, between now and whenever the close the time certain for registering for the next case, if he presented something and its fine that's it and if he hasn't defended himself his coming before us. If his defended it and its done in a timely manner its over. The Building Department makes their decision and the charges are dropped.

Bill Kelly: I see where Mr. Vetrick's point where we are setting a president. I understand you Gary. How would the board feel if we amend the motion to where he would have thirty (30) days to provide this because that would give us time if he did not to put it on the docket for the next meeting? And of course, we would vote on it and if found in violation the State would be notified.

Gary Centonze: Victor do you understand what if you are found in violation? What is it that you understand?

Victor Harris: I believe you can stop me from working.

Gary Centonze: There are only a couple things this board can do; either find you not in violation, letter of reprimand, if it's a repeated offense, and it's a grievous enough we can suspend your permit privileges, we can't monetarily fine you but we can suspend your privileges and that can be anywhere from thirty days to a year.

Bill Kelly: If I might add, in July the State was notified to look into further actions. You get another one into the State I can guarantee you that they will suspend your license. I would like to make the amendment of thirty days that he has.

Motion by Bill Kelly and second by Peggy Bankester to continue case for thirty days to show proof of insurance to Joe and Odalys. If not, it will be put on the docket to come before us again. Roll call was taken with the following results:

Joseph Vetrick	No	Peggy Bankester	Yes
Jonathan Barth	Yes	Gary Centonze	Yes
Ed Werling	Yes	Frank Toppino	Yes
Bill Kelly	Yes		

Motion carried.

**PENALTY:**

Motion by Jonathan Barth and second by Bill Kelly for further action by the State. As far as pulling permit privileges, I do not think that is the appropriate thing to do. Roll call was taken with the following results:

Peggy Bankester	Yes
Jonathan Barth	Yes
Joseph Vetrick	Yes
Bill Kelly	Yes

Gary Centonze        No  
Ed Werling            No  
Frank Toppino        No

Motion carried.

**1:00pm** Lunch break

**2:20pm** Board reconvene from lunch

Present for roll call at 2:20pm were Peggy Bankester, Jonathan Barth, Gary Centonze, Ed Werling, and Bill Kelly. Frank Toppino and Joseph Vetrick excused themselves at 1:00pm.  
**REVIEW AGENDA ITEMS NOT DISCUSSED**

Odalys Mayan: Item D Stephen Menke and Item G both were rescheduled for March 27, 2007. Item A Ben Cassis and Item E Kevin P Siemon were both a notice of appeal and they failed to come before the board.

Motion by Jonathan Barth and second by Bill Kelly to deny appeal for Item A Ben Cassis and Item E for Kevin P Siemon since they were both no shows.

#### **TIME CERTAIN CASES**

**2:25pm**

Marie Farrand  
Petitioner, Homeowner

Vs

Ray Willard Taylor Jr CCC057791  
Taylor Roofing & Sheet Metal, LLC

#### **Prohibited Actions:**

6-66(1)        To contract or do any work outside the scope of operation  
6-66(2)        Abandon a construction project  
6-66(7)(b)    Commit mismanagement or misconduct: abandoned job  
6-66(10)(a)   To disregard or violate any Monroe County ordinance

All parties involved were sworn in by counsel.

Mrs. Farrand stated her case.

Mr. Taylor stated his case.

Mike Bowden, Monroe County Inspector testified regarding this matter.

Mr. Vetrick returned to the board at 3:00pm.

#### **6-66(1) TO CONTRACT OR DO ANY WORK OUTSIDE THE SCOPE OF OPERATION**

Code read into the record by Bill Kelly.

Motion by Gary Centonze and second by Ed Werling to find Mr. Taylor **not in violation** of MCC 6-66(1) based on testimony and by his license. He performed work within the scope of his license. Motion carried unanimously. Joseph Vetrick refrained from voting.

#### **6-66(2) ABANDON A CONSTRUCTION PROJECT**

Code read into the record by Bill Kelly.

Motion by Jonathan Barth and second by Bill Kelly to find Mr. Taylor **in violation** of MCC 6-66(2) based on testimony of him being out of the country. Motion carried unanimously. Joseph Vetrick refrained from voting.

**6-66(7)(B) COMMIT MISMANAGEMENT OR MISCONDUCT: ABANDONED JOB**

Code read into the record by Bill Kelly.

Motion by Jonathan Barth and second by Gary Centonze to find Mr. Taylor **in violation** of MCC 6-66(7)(b) based on the fact that 1) we determined abandonment and 2) shoddy work. Motion carried unanimously. Joseph Vetrick refrained from voting.

**6-66(10)(A) TO DISREGARD OR VIOLATE ANY MONROE COUNTY ORDINANCE**

Code read into the record by Bill Kelly.

Motion by Ed Werling and second by Jonathan Barth to find Mr. Taylor **in violation** of MCC 6-66(10)(a) based on testimony & lack of inspections. Motion carried unanimously. Joseph Vetrick refrained from voting.

**PENALTY:**

Motion by Jonathan Barth and Bill Kelly recommending that for 6-66(2), 6-66(7)(b), and 6-66(10)(a) that the Construction Industry Licensing Board (CILB) to take further action.

Mrs. Farrand: What about my roof?

Bill Kelly: Well as we heard testimony here, Mr. Taylor is more than willing to repair the roof. The Building Official talked about the screws going through, which I would assume that you would be acceptable and unless somebody here on the board disagrees, it can be worked out. If not, bring him back.

Gary Centonze: Mr. Chairman, just as a point, we heard all of his cases and addressed all of his charges his not under not obligation. He is not under threat of thirty days or two weeks now. He can conduct himself and do whatever he wants to do with this case.

Joseph Paskalik: The state has that option.

Bill Kelly: And, if not, bring him back and there will be a much harsher letter sent to the state.

**3:17pm**

Jon W Coffman  
Petitioner, Homeowner

Vs

Ray Willard Taylor Jr CCC057791  
Taylor Roofing & Sheet Metal, LLC

**Prohibited Actions:**

6-66(10)(a) To disregard or violate any Monroe County ordinance  
(PERMIT # 05105915)

Mr. Coffman presented his case. He contracted verbally with Mr. Taylor to install six squares of Spanish S tiles on a new roof failing to spray Polypro adhesive.

Mr. Taylor presented his case. We had a verbal agreement to put on the S-tile and not the poly foam.

Mike Bowden, Monroe County Building Inspector as a witness for County.

Harry Kostic, Monroe County Plans Examiner was conference in via telephoned.

3:35pm Joseph Paskalik asked for a quick recess to have time to review permit.

3:40pm hearing resumed. All present.

3:45pm Board recessed so Joe Paskalik can get Mike Bowden

3:55pm Board resumed.

4:18pm Harry Kostic was conference in via telephone

**6-66(10)(A) TO DISREGARD OR VIOLATE ANY MONROE COUNTY ORDINANCE**

Motion by Joseph Vetrick and second by Peggy Bankester to find Mr. Taylor **not in violation** of MCC 6-66(10)(a) based on not enough evidence produced that Monroe County Code was violated.

**4:25pm**

William H Verhagen  
Petitioner, Homeowner

Vs

Steven Ray Staley Jr SP 1819  
Southern Exteriors of the South Florida, Inc

**Prohibited Actions**

- 6-66(4) To depart from or disregard in any material
- 6-66(5) To disregard or violate workmen’s compensation laws
- 6-66(10)(a) To disregard or violate any Monroe County ordinance

Mr. Verhagen presented his case. He submitted a copy of canceled check as evidence. NOTE: Copy of check already in members’ agenda. Also submitted as evidence were pictures of the job and a report from Thomas McMahan of Thomas McMahan, Inc. (SP 2120) aluminum contractor. Mr. Verhagen stated that Chris Cousin and Matt Dillon were employees of Steve Staley of Southern Exteriors (SP 1819).

Pedro Mercado: What was the cost of the job?

Steve Staley: \$4000.00 for job and \$500.00 for Matt, worker. For a total of \$4500.00.

Bill Kelly: Before the board here, Odalys gave me the paperwork for the last meeting (10-31-06) which I had missed and I don’t know if the board new it but Mr. Ray was coming before them but it was settled so you guys never got to here it. And there were two of it.

Peggy Bankester: I think that it would be helpful if we can go through each on of them and just say what it is that qualify for that action.

Bill Kelly will now read into the record each MCC.

**DISCUSSION:**

Gary Centonze: There was no contract, no plans, no permit application. It’s kind of hard to depart from specifications when there clearly aren’t any. Just a point.

**6-66(4) TO DEPART FROM OR DISREGARD IN ANY MATERIAL**

Monroe County Code read into the record by Bill Kelly.  
Motion by Joseph Vetrick and second by Gary Centonze to find Mr. Staley **not in violation** based on that there is no contract, no plans to depart from, and no permit application. Roll call was taken with the following results:

Peggy Bankester	Yes
Gary Centonze	Yes

Ed Werling	Yes
Joseph Vetrick	Yes
Jonathan Barth	No
Bill Kelly	No

Motion carried.

**6-66(5) TO DISREGARD OR VIOLATE WORKMEN'S COMPENSATION LAWS**

Monroe County Code read into the record by Bill Kelly.

Motion by Joseph Vetrick and second by Bill Kelly to find Mr. Staley **in violation** of MCC 6-66(5) based on testimony presented here today. What was violated here was the minimum of safety violation. Motion carried unanimously.

**DISCUSSION:**

Gary Centonze: The moment this gentleman was contacted that the shutters were wrong, if he would have immediately described his position in this particular case, like listen, I was given a drawing, here it is. I have nothing to do with this one. Your problem with him would have been fine. But when he put on his tool belt over there

**6-66(10)(A) TO DISREGARD OR VIOLATE ANY MONROE COUNTY ORDINANCE**

Monroe County Code read into the record by Bill Kelly.

Motion by Jonathan Barth and second by Joseph Vetrick to find Mr. Staley **in violation** of MCC 6-66(10)(a) for not having a permit.

**PENALTY:**

Motion by Bill Kelly and second by Joseph Vetrick to impose Mr. Staley a \$500.00 fine for violation of MCC 6-66(5), and if fine is not paid within thirty (30) days, the license is to be suspended.

Bill Kelly: Can we do that Pedro? Motion carried unanimously.

Pedro Mercado: Yes, you can either suspend or revoke license.

Bill Kelly: If the fine is not paid within thirty (30) days?

Motion carried unanimously.

**PENALTY PHASE CONTINUED FROM ABOVE**

Motion by Bill Kelly and second by Joseph Vetrick to impose Mr. Staley a \$500.00 fine for violation of MCC 6-66(10)(a), and if fine is not paid within thirty (30) days, the license is to be suspended. Motion carried unanimously.

Pedro Mercado: Can I ask a question to the board before Mr. Staley leaves. Obviously, permits have not been pulled on this job and after-the-fact permits be pulled for the work that has already been completed on this job. Is the board making that part of its order that after-the-permit be pulled. Mr. Verhagen may not want to actually contact with Mr. Staley to complete the work but at the very least, the work that is up there must be inspected.

Joseph Vetrick: Well, I'm not sure I understand your point. It's true that after-the-fact permits have to be pulled, but that's always the case. Are you imposing some kind of requirement on Mr. Staley?

Pedro Mercado: I guess my concern at this point that Mr. Staley doesn't think that all he as to do is pay the \$500.00 bucks and he can walk away from this.

Steve Staley: I said that I would pull an after-the-fact permit earlier.

Joseph Vetrick: Wait a minute you would have to craft a contract which he doesn't have. He never agreed to.

Pedro Mercado: No, I'm not asking for a contract to be crafted because I understand that Mr. Verhagen may not want Mr. Staley back on his property. But work has been done and it needs to be inspected and certified.

Bill Kelly: I think with the homeowner here, he needs to understand that now that we know that this work is being done there, and of course, you probably are going to kick this previous contractor out. The new contractor coming on and file for an after-the-fact permit. A note will be put in there that you did not do this work and what type of work you are going to be responsible for. Now Ronda (Code Enforcement Director) is here and she knows that work is going on at this address and I'm sure that she is going to be sending one of her code enforcement by to see that a permit is posted.

Thomas McMahon: Do I need an after-the-fact permit or should I just get a new permit.

Joseph Paskalik: Mr. Chairman, I can answer that. What we need you to do is 1) apply for and be issued a demolition permit for the shutters that have been put up. Once the demolition permit is issued and finalized, then we can apply for a regular permit for the rest of the shutters.

Bill Kelly: Pedro, I get what you are saying here. Are you going to come back (Staley) or are you going to have your new contractor to remove them (Verhagen).

William Verhagen: By knowing Mr. Staley, if anybody or I touch those shutters his going to say that they are damaged, they are scratched, and they are dented. I rather have Mr. Cousins come back, his a very nice man, Mr. Cousins I trust him, have his crew remove the shutters.

Bill Kelly: If you are going to have Mr. Staley come back, he needs to have a permit and you are going to have to sign for demolition. And once he has taken them out you will need to have the County come out and inspect it to prove that it has been demolished, and your relation is over. And you can start a new one.

William Verhagen: Ok, thank you very much.

**5:25pm**

Jonathan Barth leaves the hearing.

Bill Kelly: We have to approve the minutes but we do not have a quorum since Barth is leaving and I was not here last hearing (10-31-06), so we will have to leave them for next hearing.

## **STAFF REPORT**

- 1) Does Aqualogix USA LLC need a license to remove muck from canals, ponds, waterfront shorelines, etc. See attachment.

Ed Werling: It sounds like something that they would need to talk with DEP about.

- 2) Can Johnny Leatherwood do butterfly stairs with a masonry license. His sister-in-law holds the steel reinforcing & iron license.

Ed Werling: There is steel in the beam. There is steel in the beam and he cannot do steel in the beam.

Gary Centonze: What kind of license does he have?

Odalys Mayan: He has a plastering and masonry license. His sister-in-law has the steel reinforcing & iron license.

Gary Centonze: It is structural.

Odalys Mayan: You would need to be a cgc, cbc, or crc contractor.

- 3) If someone has a four-year business degree and one year in the field supervising, installing, and manufacturing shutters, can he substitute the four-year degree as his second year in the field?

Gary Centonze: No, he needs two-years in the field.

**5:15pm**

#### **REPORTS FROM JOSEPH PASKALIK, BUILDING OFFICIAL**

I would just like to make a report to the Board that I have gotten new open positions over the last two months. I'm up to four open positions in the Building Department. Two Assistant Building Officials, one of which was the electrical inspector. The electrical inspector in the Upper Keys gave notice. He resigned from the full-time position and is filling in part-time until we find somebody. And the plans examiner that was supposed to be filled, the person two days before he was suppose to start, called Carolyn LiCausi and left a message that he had received an offer on his home and that he would let us know in two days if he was going to be working. We currently have four positions. Salaries were also discussed.

#### **REPORTS FROM ASSISTANT COUNTY ATTORNEY**

Longshore and Harbor Workers Compensation (LHWC) memorandum.

#### **BUSINESS FROM 1-30-07**

- 1) Customer would like to know if a license for stump grinding is required. Secondly, installation of boatlifts can be done with a marine construction license.
- 2) Minutes need approval. No quorum.

#### **BOARD REVIEW and APPROVAL OF PRE-APPROVED APPLICANTS**

#### **BOARD REVIEW and APPROVAL OF RECIPROCITY APPLICATIONS**

There being no further business, the meeting of the Contractors' Examining Board was adjourned at 6:15 PM.

---

Odalys Mayan, Coordinator

CC: CEB Members

Pedro Mercado, Assistant County Attorney

Murray Shatt, VP, Florida Keys Contractors Association

Jennifer Galusha, Permitting Technician & Licensing, City of Marathon

DBPR