

The following Board members were present:

Robert Abend
Roger Drabyk
Brian Fleis
David Foley
Luke Miorelli
Albert Underwood

The following members of staff were present:

Justin Caron, Assistant County Attorney
Denise Campagna, Board Secretary/Manager
Claudine Mickle, Licensing Regulation and Enforcement staff
Kinga Ataman, Licensing Regulation and Enforcement staff
Maggie Castellano, Licensing Regulation and Enforcement staff

Others present:

Robert Chacon
Kurt Stresau

Vice Chair Luke Miorelli called to order the June 16, 2021, Brevard County Contractor Licensing Board meeting.

Vice Chair Miorelli swore in all witnesses.

Old Business:

Personal Appearance

Jacob Smith requests the Board approve his exam application for Demolition Contractor.

Mr. Smith was not present. The Board acknowledged this was the third time Mr. Smith failed to appear before them nor had he provided any form of communication to the licensing office regarding his inability to appear.

Based on Mr. Smith's third no-show, motion to deny his request made by *Dave Foley*. Second *Robert Abend*. Motion carried unanimously.

New Business:

Personal Appearance

Patricia Adamo requests the Board approve her exam application for Building Contractor.

Ms. Adamo was not present nor did she notify licensing staff that she would be unable to attend.

Motion to table the agenda item to the next scheduled Board meeting made by *Albert Underwood*. Second by *Robert Abend*. Motion carried unanimously.

Kurt Stresau requests the Board approve his exam application for General Contractor and waive the trade examination.

Board Secretary, Denise Campagna, introduced the agenda items; stating, the first item was to determine if Mr. Stresau's application meets the qualifications for a general contractor. Second, should his application meet the qualifications; would the board accept recent changes to Florida Statute 489; whereby allowing individuals, who've received a degree in building construction from an accredited 4-year college, or a related degree, and a grade point average of 3.0 or higher, only be required to take and pass the business and finance portion of the exam.

Mr. Stresau was present, introduced himself and reiterated the changes to 489.113 regarding the exemption of trade testing and the allowance of the Board to evaluate other qualifying degree credentials as being equivalent. The board asked Mr. Stresau which elements of his education he wanted them to consider as qualifications for general contractor. He stated, he has substantial background in engineering, predominately mechanical engineering, a lot of emphasis in project management, building design and building construction. He further added, the state exam exemption piece is relatively vague; however, after speaking to DBPR staff, they do not have specific guidance regarding what other degrees would qualify. The statute empowered the Board to make those determinations but left it in the Board's hands as to how they would evaluate substantially qualifying credentials. When asked if he included transcripts with his exam application, he stated he was unaware they were needed but they were available.

The Board recognized this was Mr. Stresau's second appearance before them, as the agenda item included a summary regarding his 2015 appearance where he was approved to take the residential contractor exams. When asked why he didn't pursue the license after appearing before them; he stated, job and family responsibilities didn't allow for it. He was advised, had he pursued the license, he would be eligible to take the next step for building contractor. Mr. Stresau agreed; however, stated, when he appeared in 2015, his interest was predominately in residential construction. Since that time, it was his hope and interest to increase the scope somewhat and rather than actually apply for building or general contractor, his intention was to entertain a conversation with the Board as to whether or not it would be in the Board's desire to revisit the conversation from 2015 and increase the scope slightly. Adding, he doesn't claim to be a professional engineer but does have an EIT and a certain amount of structural analysis, admitting, most of the structural analysis work done was engineering side computational mechanics and geomaterials. He provided additional testimony clarifying the EIT reference; stating in 2010 and 2011, he worked in an aerospace capacity not performing mechanical engineering work and in order to sit for the PE exam, one would generally expect to see somebody working under either a mechanical or structural PE and that point in time he was not working with someone in that capacity. He sat for the state exam and the next step would've been to perform the work under the supervision or in coordination with a PE. In the last five years, instead of sitting for the PE, he's taken a different route to complete his PhD.

After hearing testimony and discussing Mr. Stresau's background, resume and degree credentials, Mr. Stresau was advised, had he applied for mechanical, HVAC or a plumbing contractor's license, possible approval may have been garnered; however, from a structural engineer and civil engineer aspect, his background does not support that for a general contractor's license; noting part of the experience requirement for a general contractor is constructing buildings four stories or taller. Mr. Stresau claimed to have experience in multi stories but not taller.

When asked, why he had not applied for the state contractor's license, Mr. Stresau stated, his business aspirations are not at the point to do statewide business. He's a Brevard County resident and doesn't have a particular interest expanding outside of Brevard County. He further stated, he was the contractor of record on his home as owner builder which involved concrete work, setting and designing beams, ICF construction, framing, plumbing and

electrical work. In addition, he performed labor level work for Habitat for Humanity in three states and worked for a civil engineer and land surveying firm doing construction layouts.

Mr. Stresau thanked the Board for their time and patience and understood their reservations. He asked if the Board would be more comfortable approaching the matter from a building contractor perspective rather than a general contractor perspective and if the board would be willing to consider this, he would be comfortable withdrawing his application under those circumstances.

Board member Foley stated, as a general contractor himself, Mr. Stresau's experience does not support elevation of heights or major construction.

Motion to deny the request for general contractor made by Albert Underwood. Second by Roger Drabyk. Motion carried unanimously.

Second motion by Dave Foley, approving Mr. Stresau's application for general contractor be downgraded administratively to residential contractor. The motion included he not be required to submit a new application and he sit for both exams (technical and business and finance). Motion second by Albert Underwood. Motion carried unanimously.

Robert Chacon requests the Board approve his reciprocity application for General Contractor.

Mr. Chacon was present along with an individual who identified himself as Michael McMurray, superintendent of RRC Development Company for 20 years, Satellite Beach.

Mr. Chacon introduced himself and briefly provided testimony regarding a final order of revocation discovered by the licensing office; stating, his state of Florida General Contractor's license was revoked; however, he is using his Miami Dade general contractors license, issued in 1974, to reciprocate to Brevard. The revocation was a result of 38 forged permit applications for swimming pools. Adding, in his 46 years of business, he's never left a job unfinished, sub-contractor's unpaid, materials/suppliers unpaid nor unpaid laborers.

Board Secretary, Denise Campagna, provided the Board with a summary of deficiencies related to Mr. Chacon's application for reciprocity. The documents deficient were: personal and business credit reports, derogatory information on his criminal history report, and upon discovering the revocation of his state certified general contractors license, concerns whether Mr. Chacon met the conditions of license issuance as depicted in the county code for good moral character. She was unsure why Miami Dade allowed Mr. Chacon maintain an Active county certified contractor's license with no state registration, a licensure requirement for county certified general contractors; adding, the Construction Industry Licensing Board will unlikely issue a state registration due to the revocation order.

Mr. Chacon stated, he is preparing to apply to the state for his state registration, acknowledging the state requirements are strict and difficult when trying to put your business back together. He has studied and obtained additional training hours, secured a bond and hopes to submit the application by Monday. Further adding, he's been successful in obtaining licenses in both Broward and Hillsborough Counties by reciprocity.

The Board expressed their concerns with Mr. Chacon; stating, it appears he is using Brevard County as a sub refuge to avoid the state and is using his Dade County license for reciprocity in multiple jurisdictions rather than answering to the state board which is superior to the county Board. Further adding, the Board, as representatives of the citizens of Brevard County, should not be party to that. In addition, inconsistencies were noted on his reciprocity application related to questions answered no that should've been answered yes, and the fact that revocation occurred in 2017, less than the five-year window the Board considers when determining good moral character.

Mr. Chacon stated, the state ordered restitution and a large fine that he can't pay until he gets some business. He keeps a running minimum balance of \$10k to \$12k in his bank account and has no problem paying restitution but has to get the money together first.

Mr. Chacon was reminded; general contractors require a certain amount of liquidity and that dollar amount is more than sufficient to pay the fines in his order. So, either the liquidity is not there or the Board is being told two things. He was advised, reciprocity is not designed, when someone gets their license revoked by the state, that they take a local municipality license and

get reciprocity in another county. If the Board allowed that, then the licensing system is null and void.

Motion to deny the request made by Albert Underwood; based on the testimony provided by Mr. Chacon, documentation provided and findings related to good moral character as defined, Code of Ordinance, Brevard County articles referenced during discussion: 22-522, 22-523 and 22-525:

22-522 Application requirements; fee.

The applicant possesses a reputation for honesty and is of good character, and has not been convicted of any misdemeanor or felony in the past five years involving dishonesty, fraud or moral turpitude. Lack of honesty, integrity or good character may be established by competent evidence that:

- a) Applicant has committed an act within the past five years which, if committed or done by a licensed contractor, would be grounds for suspension or revocation of a certificate of competency.

22-523 Examinations.

The board may refuse to certify an applicant for failure to satisfy the requirement of good moral character only if:

- a) There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a contractor holding a certificate of competency; and
- b) The findings by the board of lack of good moral character are supported by clear and convincing evidence.
- c) When an applicant is found to be unqualified for a certificate because of good moral character, the board shall furnish the applicant a statement containing the findings of the board, a complete record of the evidence.

22-525 Reciprocity.

- b) Contractors and masters. Any person who is required by this article to obtain a certificate of competency shall be excused from taking any required examination, but not from the other requirements of this article...., if the person is licensed by any other county or municipality in the state upon satisfactory completion of a standard examination with a minimum passing score of 75 percent to determine the competency of such contractor or master, which has been approved by the board, provided that such county or municipality has adopted the plumbing, electrical, building, swimming pool,

mechanical or other codes comparable to those adopted by the county board of county commissioners. A waiver to the comparable code requirement rule may be sought from the contractor's licensing board when the applicant can provide evidence that the county is his principle residence.
Motion seconded by Robert Abend. Motion carried unanimously.

See attachment titled - II-A-3 Final Order, Case Number's 2016-058325 and 2017-004770 (18 pages)

Applicants That Passed the Prometric, GITS and Prov Exams

Roger Drabyk motioned to approve, second *Dave Foley*. Motion carried unanimously.

Administrative Transfers

Dave Foley motioned to approve, second *Robert Abend*. Motion carried unanimously.

Public Speaking Session:

No speakers present.

Reports:

Denise Campagna, Secretary, Licensing Regulation and Enforcement

No report.

Justin Caron, Assistant County Attorney

No report.

Bud Crisafulli, Board Chair

Board Chair, Luke Miorelli, briefly discussed a tragic incident involving an individual who contracted legionnaires disease after purchasing a new home on the west coast. The subdivision, built in the early 2,000's, had been shut down due to the economic downturn. Water lines that had become stagnant, were flushed periodically; however, the chlorine level was never up high enough and in use enough to dechlorinate the lines. Sadly, the individual died.

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Members of the Board

The Board briefly discussed the recent deregulation of four specialty contractor trades: framing, masonry, flooring and painting, by the Board of County Commissioners.

Adjourn:

Meeting adjourned at 7:20 PM