

The following Board members were present:

Clifford Barber
Bud Crisafulli
Roger Drabek
Ralph Durham
Brian Fleis
David Foley
Luke Miorelli
Patrick Ripton
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
Misty Shirah, Licensing Regulation and Enforcement staff

Others present:

Thomas Nestor
James Gabbard

Call to Order:

Chair Bud Crisafulli called to order the October 20, 2021, Brevard County Contractor Licensing Board meeting.

Approval of Minutes:

Ralph Durham motioned to approve the minutes of the August 18, 2021 Contractors' Licensing Board meetings, second *Luke Miorelli*. Motion carried unanimously.

Old Business:

Probationary Appearance

Allen Putnam Probationary Status appearance to report and respond to any outstanding issues or any future complaints, if any.

Mr. Putnam was not present.

The Board acknowledged this meeting would've been Mr. Putnam's second six-month probationary appearance. Since he failed to appear, the Board expressed their concerns that Mr. Putnam disregarded the terms of his probation.

Further, the Board believed that Mr. Putnam may have been untruthful to them in the past during the licensing process regarding his capabilities and may not be fit to practice anymore.

Through the course of discussion, the Board expressed significant concern that the failure to bring a show cause hearing as soon as possible could result in significant harm to the finances and safety of Brevard County citizens. In light of the short amount of time Mr. Putnam has held his residential contractor's license (issued February 15, 2017), the number of complaints received (five) and two disciplinary hearings, it was the Board's consensus to take a proactive stance addressing continued disciplinary issues with Mr. Putnam.

Luke Miorelli asked council the timeframe to verify how quickly a show cause hearing can happen. Attorney Caron, confirmed the next special magistrate hearing would be on November 17th. The special magistrate then has 30 days to issue the recommended order, of which could be presented at the January meeting.

Motion to request Show Cause Hearing, by Ralph Durham. Second by Albert Underwood. Motion carried unanimously.

Personal Appearance

Charles Morris requests the Board allow him additional time to personally appear before them regarding his exam application for Swimming Pool/ Spa Contractor.

Mr. Morris was not present.

He was originally scheduled to appear at the previous August 18, 2021 meeting as his application contained insufficient documented experience for administratively approval. He failed to appear in August and was contacted to confirm his attendance at the October meeting, He stated, he was busy with personal things and requested the Board determine a time frame acceptable for reappearing. The Board briefly discussed the holidays approaching and motioned to schedule the agenda item to the first Board meeting in 2022. Motion by Albert Underwood. Second by Luke Miorelli. Motion carried unanimously.

New Business:

Personal Appearance

Thomas Nestor requests the Board approve his exam application for Swimming Pool Unlimited Contactor.

Mr. Nestor was present and provided testimony regarding his background in the pool and spa industry. Stating he is ready to transition into building pools for himself.

Secretary, Denise Campagna, stated, while reviewing Mr. Nestor's application, staff was unable to determine his background and experience in pool construction. To support his experience in the trade, he provided IRS wage and tax statements and a resume but no documentation from a licensed contractor certifying that he's been building swimming pools for a period of four years. His application stated he briefly worked for two local swimming pool companies, Best Pools and Legacy Pools. Since the bulk of Mr. Nestor's experience was working for Carefree Pools, staff contacted Carefree Pools to confirm his position, experience and length of employment; an email was returned stating he had no pool building experience.

Board member, Albert Underwood, introduced himself and questioned Mr. Nestor on why his previous employers, Best Pools and Legacy Pools would not provide documented experience. Mr. Nestor stated, he did not leave on the best of terms with Legacy Pools and was surprised Carefree Pools would not verify his construction experience.

During the meeting, Mr. Nestor provided the Board with a written statement with more details of his experience and various photos of his projects depicting swimming pool piping and pool equipment. During his testimony he stated, he has several certifications, worked with engineers and manufacturing representatives.

Mr. Underwood stated, he spoke to Best Pools and verified that while Mr. Nestor was a well valued employee; the verification was that of service work only. Mr. Underwood questioned why he did not apply for the swimming pool service contractor trade. Mr. Nestor responded that his skill set is far beyond service work only.

After hearing testimony, the Board determined Mr. Nestor does not meet the experience requirements for a swimming pool unlimited contractor; however, he does have sufficient experience for the swimming pool service contractor. Mr. Nestor was provided the scope of the pool service license and could upgrade to the unlimited pool contractor after three years. He was further advised, he could not perform new construction of pools as a service contractor.

Motion to withdraw the application for Unlimited Swimming Pool Contractor and approval to downgrade the application to a Swimming Pool Service Contractor by *Albert Underwood*. Second by *Ralph Durham*. Motion carried unanimously.

ATTACHMENT II-A-1 – HANDOUT

James Gabbard requests the Board approve his exam application for Swimming Pool Unlimited Contractor.

Mr. Gabbard was present and provided testimony regarding his background performing new pool construction. Since 2013 he's run a concrete business and has been working for Legacy Pools as a subcontractor. He described he does their layout, form, plumbing and equipment placement on newly constructed residential swimming pools; however, he did not want to ask Legacy Pools for experience verification for fear of termination.

Albert Underwood advised the Board that he and Mr. Gabbard exchanged email correspondence. Mr. Underwood expressed concerns with his application. While he recognized his abilities as a concrete contractor in

relationship to swimming pools, he lacks other important facets in the construction of a pool.

Luke Miorelli asked Mr. Gabbard if he can obtain letters of experience from homeowners confirming they witnessed him performing plumbing and equipment setting. Mr. Gabbard confirmed he can obtain notarized letters from customers.

Mr. Gabbard was encouraged to take some online courses for water balancing as it relates to swimming pools and take the "CPO" Certified Pool Operator course. Mr. Underwood further stated, we need to address judgements. In response, Mr. Gabbard explained, the judgements were caused by his ex-wife not paying on their accounts. He has since paid them to the best of his ability.

Ralph Durham asked if he could show satisfaction of judgements and liens to staff prior to the next meeting.

Motion to table request for Unlimited Swimming Pool Contractor approval, until Mr. Gabbard can give more documentation for judgements and experience by *Luke Miorelli*. Second by *Albert Underwood*. Motion carried unanimously.

Applicants That Passed the Prometric, GITS and Prov Exams

Ralph Durham motioned to approve, second *Luke Miorelli*. Motion carried unanimously.

Incoming Reciprocity Approval

Luke Miorelli motioned to approve, second *Roger Drabyk*. Motion carried unanimously.

Administrative Transfers

Ralph Durham motioned to approve, second *Luke Miorelli*. Motion carried unanimously.

Public Speaking Session:

No public speakers.

Reports:

Denise Campagna, Secretary, Licensing Regulation and Enforcement

Code Change Workshop

Denise requested the Board to allow staff to bring forth changes to the code that are needed because of state statute changes, for their review and approval.

Luke Miorelli asked if that would include changes to the ordinance? Denise confirmed yes, due to the deregulation of the specialty trades and changes needed to define trades to meet state guidelines. Denise further expressed additional changes with insurance and clarifications that will be included as well.

Denise asked the board if they prefer for her to just do it, then bring the whole packet back to the Board. However, she believes the input of the Board would be beneficial.

Luke Miorelli asked for the proposed changes to show both the old language with the new revisions ahead of the next meeting. Albert Underwood asked to confirm that we will need to remove the trades that are no longer regulated. Denise added that there will be more trades coming in July of 2023. Luke Miorelli advised all the revisions should be made at once.

Criminal History Background Questions

Applicants were getting confused on the following two questions listed on the application regarding their criminal background.

16. Have you been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction within the past ten years?

17. Notwithstanding the above, have you ever at any point in time had a felony conviction that has resulted in the revocation of your civil rights?

Staff presented the Board with three versions of questions regarding criminal background history.

After discussing the options, the Board felt it was important that the applicant understood what's being asked. The Board decided to accept staff's

recommendation, keeping Mr. Abend's wording for question sixteen and amend question 17 to remove "notwithstanding the above".

Motion by *Luke Miorelli*. Second by *Ralph Durham*. Motion carried unanimously.

Justin Caron, Assistant County Attorney

No report.

Bud Crisafulli, Board Chair

No report.

Members of the Board

No report.

Adjourn:

Meeting adjourned at 7:25 PM