

The following Board members were present:

Robert Abend
Clifford Barber
Bud Crisafulli
Roger Drabyk
Ralph Durham
Brian Fleis
David Foley
Kerry Gardner
Patrick Ription

The following members of staff were present:

Justin Caron, Assistant County Attorney
Denise Campagna, Development Services Manager
Dawn Verostic Development Services Assistant Manager
Claudine Mickle, Development Services Supervisor
Katy Schindler, Development Services Supervisor
Cherronda Juitt, Development Services Supervisor
Misty Shirah, Development Services Staff

Others present:

James Maine
Houston Park
Allen Putnam
John Connelly

Call to Order:

Chair *Bud Crisafulli* called to order the February 16, 2022, Brevard County Contractors' Licensing Board meeting.

New Business:

Personal Appearance

James Maine requests the Board approve his transfer application, changing the business name from Maine Renovations Inc to CJM Renovations Inc. A review of his business credit report for Maine Renovations Inc revealed several lawsuits.

Mr. Maine was present and introduced his representing attorney, Mr. Houston Park. Mr. Park informed the Board of Mr. Maine's involvement in being named as a part of a substantial lawsuit with 84 Lumber and DR Horton. The lawsuit alleges the installations by Mr. Maine's window and door company were faulty. However, the products and materials were provided by 84 Lumber.

Mr. Park acknowledged they were actively working to get the claims dismissed. As a result of the lawsuits, Mr. Park explained the interest in changing the entity Mr. Maine is doing under as a direction to better secure general liability insurance. Mr. Maine added that all of his installations have been thoroughly inspected, confirming all have been completed to the product approval and plans.

Robert Abend asked if the documentation had been provided, and Mr. Maine confirmed that supporting documentation was previously provided. County Attorney, Justin Caron, confirmed receipt of the documentation. Mr. Caron informed the Board they are welcome to review the files; and added, it involves litigation the County is not party to.

David Foley inquired to verify the probable cause of the lawsuits. To which Mr. Park advised, there are over 85 to 100 individuals participating in the mediations. He confirmed the allegations include, but are not limited to defective roof installations, down to improper grading of the site and subsurface installation.

Ralph Durham added in support of Mr. Maine following product approval, when window installers are done with a project they rely then on the stucco and painting contractors to completely seal the job. In addition, Mr. Durham added the homeowners and associations have a role in the responsibility of routine property maintenance to protect the properties from water intrusion. The properties subject to the lawsuit were constructed in 2006 to 2008, there have been hurricanes since then and sun and inclement weather add to the expansion and contraction to these structures.

Ralph Durham motioned to approve, second *David Foley*. Motion carried unanimously.

Sunshine Law Discussion

County Attorney, Justin Caron, presented the Board with a review of the Florida Sunshine Law as it pertains to their participation with the Contractors' Licensing Board. Mr. Caron expressed three requirements of the Florida Sunshine Law as stated in Statute Section, 286.011. He confirmed meetings of public boards or commissions must be open to the public, must provide reasonable notice of meetings and stated minutes of the meeting must be taken. He further stated that appointed board members are elected officials and cannot talk to each other outside of a meeting regarding items that are going to be brought before the Board. An example was provided, such as items that would be voted on in the future or related to a position on the Board to avoid the conversation to evade the appearance of impropriety. Mr. Canon further clarified that communication included talking, emailing, and text messaging.

The Board discussed appropriate and inappropriate topics of communication with licensing staff to which Mr. Caron advised communicating with staff, or other boards was acceptable. He further clarified that a board member cannot use staff as a conduit to gauge the thoughts or ideas of other board members on board items.

Stipulation and Recommended Order of the Special Magistrate

Allen Putnam, Putnam Construction Inc, 16-RC-CT-00009

County Attorney, Caron advised the Board that the Show Cause Hearing against Mr. Putnam was held on February 2, 2022. A stipulated agreement was accepted by both the County and the respondent; however, the agreement still requires all party signatures, therefore is not available to present as an agenda item at this meeting.

Mr. Putnam was present to discuss the terms of the stipulated agreement in reference to the voluntary relinquishment of his residential contractor's license effective March 1, 2022. He questioned the effective date of the relinquishment should the Board not approve the agreement until the next scheduled board meeting March 16. Mr. Putnam was advised since the

agreement had not yet been accepted by the Board, they could not speak on the matter. He proceeded to inform the Board of an existing project and potential delays caused by his subcontractor.

New Business:

Applicants That Passed the GITS and Prov Exams

Luke Miorelli motioned to approve, second *Albert Underwood*. Motion carried unanimously.

Administrative Transfers

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

Incoming Reciprocity Approval

Ralph Durham motioned to approve, second *Robert Abend*. Motion carried unanimously.

Public Speaking Session:

John Connelly, Brevard County resident, and County Building Inspector, employee.

Mr. Connelly addressed the Board with problems, he believes, is occurring within the current county and state disciplinary hearing process. He added, that consumers can be impacted if any attempts are made to review a contractor record online, not knowing to review both the State and the Counties websites for complaint history. Mr. Connelly stated that contractor complaint history is not accurately represented by the State, Department of Business and Professional Regulation (DBPR) as it doesn't display complaints unless disciplinary action has been taken. In comparison to the County, where a consumer can view all complaints filed.

Discussion was held on the current County process, with Mr. Connelly presenting a "one, two, three strike out" rule as a suggestion to the Board for future disciplinary action. John additionally suggested DBPR should link to County investigated complaint history from their website.

The Board acknowledged Mr. Connelly's concerns and acknowledged DBPR will only provide State filed complaint history for cases that have been found

in violation of the Code. Mr. Connelly was reminded the County has due process to be fair to both the complainants and the respondents.

Secretary, Denise Campagna added that the state will update the license records to reflect if a County has taken disciplinary action. It will be notated if the license has been suspended or revoked.

Reports:

Denise Campagna, Manager, Development Services

Claudine Mickle, Supervisor, informed the Board, Vice-Chair Luke Miorelli was not re-appointed by his District 3 Commission. Therefore, the next scheduled meeting in February will include an agenda item to re-elect the Vice Chair position.

Justin Caron, Assistant County Attorney

No report.

Bud Crisafulli, Board Chair

No report.

Members of the Board

Roger Drabek informed the Board of an article read in the newspaper, regarding the County Commission voting on essential and non-essential boards. Mr. Drabek asked to verify when they were going to decide which boards were deemed essential and if the Commissioners were going to decide on who is essential. County Attorney Justin Caron responded that the recent draft agenda related to mainly Library and Parks and Recreation Boards. Justin further acknowledged that the Contractors' Licensing Board was not getting voted on.

Adjourn:

Meeting adjourned at 7:30 PM