

**The following Board members were present:**

Bud Crisafulli  
Roger Drabyk  
Ralph (RJ) Durham  
Brian Fleis  
David Foley  
Kerry Gardner  
Patrick Ripton

**The following members of staff were present:**

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

**Call to Order:**

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

**Approval of Minutes:**

*RJ Durham* motioned to approve the minutes of the September 21, 2022 Contractors' Licensing Board meeting, second *David Foley*. Motion carried unanimously.

*RJ Durham* motioned to approve the minutes of the October 19, 2022 Contractors' Licensing Board meeting, second *David Foley*. Motioned carried unanimously.

**Old Business:**

**Probationary Appearance**

**Howard Benziger, Ben Kee Construction, Inc, General Contractor,  
Certificate of Competency License Number GC2932**

Mr. Benziger was present, to report on his second, three-month probationary status report per the terms of his Stipulated Agreement and Order signed by the Board in May 2022.

During the previous Board meeting, Mr Benziger described a repayment plan using the proceeds from the sale of his home which he projected to paydown in \$15,000 increments.

Mr. Benziger provided an overview of his most recent contract obligations on a few large projects. He informed the Board that he is anticipating payments coming in on these contracts and will pay down his obligations once the funds have been received. Mr. Benziger further expressed his accountability on the projects and confirmed he provides some of the labor himself to help save costs.

He further conveyed he would have the obligation satisfied by the end of November. (Howard provided the attached handwritten summary of five projects, and suggested those will be the next accounts to be satisfied by months end, which was not previously vetted by staff).

David Foley questioned Mr. Benziger's knowledge of recent media coverage conducted by Channel 9 News, Investigative Reporter, Todd Ulrich. Mr. Foley expressed his concern with the two cases involving the complainants "Bender and Watters". Mr. Foley went on to explain that the report included two who argued they paid Ben Kee Construction in full, however received letters with a 'Notice of Lien' from suppliers stating they have not been paid for their supplies.

Mr. Benziger stated he was not aware of that report, but briefly discussed another case involving Channel 6 news. However, due to a recent illness diagnosis, he turned the business over to his son Tristan, a corporate officer of the company. He felt that Tristan may know more about the Channel 9 investigation. The Board expressed their concern of his lack of knowledge on the complaints and requested that Tristan attend future Board appearances with him.

During Mr. Benziger's testimony, a search of the Clerk of Courts website found a new judgement, as filed by BFS Group LLC (Builders First Source) for \$13,656. Mr. Benziger stated he was not certain what the judgement was in relation to, however he acknowledged the debt and expressed that he would provide confirmation it has been satisfied.

Upon completion of his testimony, Mr. Benziger was advised to provide greater detail at his next report, to include what has been paid, what is owed, and how he is going to resolve them. Mr. Benziger was reminded, his report of outstanding debts should be presented in a professional and easy to follow manner instead of a handwritten note turned at a meeting. Mr. Benziger confirmed he would turn in the documentation to staff.

The Board requested at the next scheduled appearance, Mr. Benziger provide proof the \$15,000 obligation. Mr. Benziger reminded the Board of his upstanding history and record. And conveyed that he has not had any complaints up until now. The Board acknowledged Mr. Benziger's statement and suggested he obtain favorable testimony from recent customers.

Staff stated that no further complaints have been received by the County, and Mr. Benziger's next regularly scheduled appearance would be at the February 15, 2023 meeting.

### **New Business:**

#### **Request for Show Cause Hearing**

#### **Casem Elgamil, EG Doors and Windows LLC dba Superior Doors & Services, Window & Door Contractor, Certificate of Competency License Number 12-WD-CT-00028**

Contractor Licensing & Code Compliance Officer, Maggie Castellano requested a Show Cause Hearing against Casem Elgamil as it is believed there is probable cause to take disciplinary action against Mr. Elgamil based on numerous complaints received since August 2022.

Investigator Castellano relayed her complaint investigation findings as depicted in the agenda packet. Maggie reviewed a single window installation complaint with payment dispute, and a second complaint which involved

replacement of all windows and doors for an elderly woman, and a third complaint regarding the installation of over 30 windows. In addition to the complaints received, Maggie informed the Board that Mr. Elgamil was doing business under a new unlicensed entity, Superior Doors and Glass. Lastly, Maggie advised the Board that the license holder is not approachable in seeking resolution to the complaints with the customers, nor his employees and therefore requests a Show Cause Hearing.

After hearing testimony from Ms. Castellano, the Board approved the request for Show Cause Hearing. Motion to approve by *Ralph Durham*, Second by *Kerry Gardner*.

### **Board Discussion**

#### **Proposal to Create Reciprocal Standards and Procedures for Applicants Without a Sponsoring County "Letter of Reciprocity"**

Licensing staff member, Claudine Mickle, provided the Board with a brief presentation of potential licensing procedures, application and affidavit that could be utilized in the absence of an incoming applicant of reciprocity. Claudine expressed the importance of ensuring applicants still meet all local Brevard County Code of Ordinance sections, and that what was being presented was still work in progress. No motion required.

#### **Applicants That Passed the GITS and Prov Exams**

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

#### **Incoming Reciprocity Approval**

*Ralph Durham* motioned to approve, second *Kerry Gardner*. Motion carried unanimously.

#### **Administrative Transfers**

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

#### **Public Speaking Session:**

No public speakers.

**Reports:**

**Claudine Mickle, Development Services Assistant Manager**

Claudine asked the Board to determine if they would prefer to maintain the December Board meeting as scheduled, or if they preferred to cancel the meeting with no business scheduled? Motion to approve cancelation of the December meeting by *Roger Drabyk*, Second by *Patrick Ripton*.

Claudine updated the Board that a request for the resolution of former Licensing Manager, Denise Campagna was still in progress. She added that a resolution was in progress for Zoning Department, Planner George Ritchie, and conveyed that his resolution was to be presented at the next Planning & Zoning meeting. Claudine asked the Board to confirm if they preferred Denise resolution to be presented at a Brevard County Board of Commissioners meeting, or instead a Contractors' Licensing Board Meeting. The board consensus was to schedule for a BOCC meeting, and to inform them once scheduled.

**Justin Caron, Assistant County Attorney**

No report.

**Bud Crisafulli, Board Chair**

No report.

**Members of the Board**

Ralph Durham requested status of the potential preemption of County Certified Electrical Contractors. To which Justin Caron advised the Board that they have been in communication with the Florida Department of Business and Professional Regulation, and the State indicated that they will continue to allow the registration of electrical contractors. Justin added that they are additionally lobbying to reopen grandfathering of state registered electrical contractors to state certified.

**Adjourn:**

Meeting adjourned at 7:30 PM