

The following Board members were present:

Cliff Barber
Bud Crisafulli
Roger Drabyk
Roger (RJ) Durham
Brian Fleis
David Foley

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 Washington, Development Services Supervisor
Denny Long, Contractor and Code Compliance Supervisor
Maggie Castellano, Contractor and Code Compliance Supervisor

Call to Order:

Chair *Bud Crisafulli* called to order the June 21, 2023, Brevard County Contractors' Licensing Board meeting.

Old Business:

Personal Appearance

Howard Benziger, Ben Kee Construction, Inc, General Contractor, GC2932

Claudine Mickle introduced the agenda item. Mr. Howard Benziger and Mr. Tristan Benziger were in attendance of the meeting to provide Howard's probationary update. Claudine informed the Board that handouts were provided from the Benziger's to the Board.

Howard and Tristan addressed the Board and discussed a record of conversation between their counsel, Mr. Joseph DeLeo, and the Assistant County Attorney, Justin Caron. A copy of a letter was presented to the Board which confirmed Mr. DeLeo was handling the negotiations with suppliers

regarding outstanding liens (Addendum A). Tristan expressed to the Board that they were not able to come to an agreement with Mr. Rountree and that it will remain a civil matter.

Tristan informed the Board that a homeowner under a Gulf Eagle Supplier lien will have to be settled separately as he refused to be included in the settlement agreement.

Chairman Bud Crisafulli inquired to Howard directly to gauge his feelings on the outstanding debts. Howard expressed relief with knowledge that the supplier Suncoast is willing to settle as is Gulf Eagle. Howard further expressed the two liens totaled over \$90,000 that they were anticipating in settlement. David Foley expressed concern the settlement was a negotiation and not a repayment equating to selling many roofs and paying the suppliers 25% in return. Howard acknowledged that was the negotiation.

Tristan stated the funds they generate as profit is in the work they do themselves physically. RJ Durham responded he had run similar construction businesses but never got into such a situation. RJ further questioned staff to confirm if there have been any new complaints filed since last meeting.

Claudine acknowledged there were no new complaints, and that Mr. Rountree was the most recent complaint filed. David Foley questioned Howard and Tristan to confirm how they would run their business in the future. Tristan conveyed they plan to finish what projects they have and then step away from the business.

RJ requested a status update on the house with the window delays mentioned in previous meetings. Tristan confirmed the stucco was completed and the home should be painted in the next week and added there may be delays due to rain. RJ asked if they were still dealing with IKON and questioned if the windows were installed to satisfaction. Tristan confirmed he and Howard completed the project themselves. He added the frames were in, and everything was functional. He noted there was a bifold door not operable, and one slider frame was not attached; however, those were issues between the homeowner and their attorney to complete. The homeowner was satisfied with the work of Howard and Tristan. Tristan confirmed the remaining openings included the front door and three garage doors that are all valued between \$20,000 and \$55,000 each needed to be installed. Tristan stated the doors must be installed first followed by the roof

completion and drywall installation. Claudine requested confirmation of the project address to which Tristan confirmed was 60 Hilltop Lane in Rockledge.

RJ questioned Howard and Tristan about the funds they received and how much can be utilized for debt and how much is required for personal expenses. Tristan confirmed they use 6% for personal living expenses.

Bud asked the Benziger's what the Board can expect in the next month for draws or release of any other items. Howard expressed their focus was to complete the roofs as those projects affect the most people.

David Foley questioned Tristan to verify how many years he has worked under Howard's license. Tristan started working in the family business between 16 and 17 years old and worked as the Vice President for the last six to seven years. David asked if any equipment had been sold yet as suggested in previous meetings. Tristan stated the owner of Waterfront Solutions was looking into buying all of it.

Tristan provided the Board with an update to complainant Ron Rountree and confirmed they constructed the wall at his property. He added they paid for the concrete, steel, and form. Tristan advised the Board that they did not agree with the settlement provided by Mr. Rountree as it did not include the items they paid for and constructed. He further added the figure for the steel was not accurate, and they would prefer to resolve the settlement as a civil matter. Brian Fleis questioned the size of the wall constructed. Tristan confirmed it was 165 feet by 6 feet tall with tiebacks, to which Brian acknowledged the settlement did not include credit for labor, pumps, or otherwise. David Foley expressed the items questioned should have been clearly stated in the proposal as it did not mention how long the wall is, nor the labor involved. In addition, they did not include a disclaimer for markup charges.

Tristan further added the Rountree's elected to raise the house elevation. David questioned if they completed a change order for the additional fill and labor. Tristan confirmed Mr. Rountree paid for the fill, and the Benziger's completed the work. David addressed his concerns regarding the lack of consistency with the Benziger's business practices.

Investigator Maggie Castellano provided testimony to the Board regarding her investigation working the Rountree complaint. Maggie stated she had

received an email from Tristan indicating he would respond to the Roundtree's suggested settlement for the following week. It was confirmed he had not yet responded. Maggie discussed with the Board a brief review of other open cases and permit applications.

- She reviewed a cabana project with a wall under property owner Mrs. Rice whose permit expired. Maggie confirmed the permit requires an engineering letter to proceed with the wall. Tristan acknowledged that he turned in the letter to the Building Department. Staff member, Katy Schindler verified after a review of the permit application, confirmed the letter has not been submitted.
- She indicated the Rountree project was completed without a permit application for the stem wall described, no engineer drawings and no plans were provided for the house.
- She noted the reroof project located at 2200 Rockledge will expire in two months. To date, she advised that there have been no inspections and no work done on the project. Tristan responded they cannot proceed to the Rockledge reroof project until they complete their other pending projects.
- Maggie informed the Swingman project located on Albatross had an expired permit.
- She stated the Chadwell project will be expired this month and informed there have been no inspections.
- Maggie further requested Howard and Tristan to provide updates on the various projects.

David Foley stated Howard is in default of the Stipulated Agreement as vendors have not been paid, he continues to do work without a permit, and he has issues with compliance. RJ inquired if the Board was required to make a motion. Justin Caron informed the Board this is a probationary appearance of which was extended for 90 days at the last meeting. Justin added that tonight is the first month of that extension. No action is required.

The Board again expressed their expectations for and frustrations with the situation. RJ added if they do not see improvement after the 60 days, he could no longer support the terms of the Stipulated Agreement.

New Business:

Personal Appearance

Andrew Butler requests the Board approve his exam application for Plumbing Contractor

Mr. Butler was not in attendance of the meeting, therefore the Board requested to table review of his exam application for Plumbing Contractor

Ralph Durham motioned to table the application, second *Roger Drabyk*. The motion carried unanimously.

Ryan Swartz requests the Board approve his exam application for Window and Door Contractor

Mr. Swartz was in attendance of the meeting and introduced himself to the Board stating that he has been in the industry his whole life in the family business. He advised the Board the family business was created by his father and uncle before he was born. He began employment shortly after graduating high school. He further stated he was employed as a subcontractor to the firm and acknowledged his uncle stated otherwise on the employer experience affidavit.

Claudine Mickle further clarified that applications are administratively approved if the form is completed by a licensed contractor who can validate the experience in the trade applied. Claudine added the Board can question the applicant on his qualifications the staff was unable to verify.

Ryan added in the State of Ohio a contractor's license was not previously required; however in the town of Youngstown, Ohio it is required. He further added he had his own windows replaced on his property last year and the lack of project knowledge lead him to want to apply for his own license.

RJ stated that the Window and Door contractor trade requires four years of active experience as a skilled workman and encouraged Ryan to obtain testimony from people he may have worked with in the trade. RJ further questioned Ryan to describe the methodology of masonry and frame structures for installing or replacing a window or door. Ryan responded the process is to start at a base and measure an opening on an existing structure. He acknowledged the state of Florida requirements might be different from Ohio but traditionally he followed the "Rule of Four Corners"

and added most projects he worked on were wooden structure and frame with wood screws and some brick frame. Ryan acknowledged the use of the top cons in Florida. Bud questioned the number of fasteners required for installation; Ryan commented he was not familiar with the Florida code on fasteners.

Nicholas Gammon requests the Board approve his exam application for Roofing Contractor

Nicholas was present and informed the Board that his background record was not good; however, stated his last offense was over seven years ago.

Ralph informed Nicholas that the Board can review records that have occurred over five years to review the severity of the charges. Nicholas responded the charges of burglary were disclosed by a prosecutor. He said he used a key to enter the home of his ex-girlfriend at his former residence. Although the charges included burglary of an unoccupied building with grand theft, once they learned of the situation and that it was still his home, they closed the case. Nicholas went on to say he has not had any charges since that occurrence and has since obtained his AA degree.

Ralph Durham motioned to approve, second *Brian Fleis*. The motion carried unanimously.

Claudine informed Nicholas that once the exams have been passed, he will be required to complete certification and will need to apply to the state for a registration of the County roofing license. She added they may require him to appear before their state board for review for approval as well.

Calen Holcomb requests the Board approve his exam application for Solar Contractor

Mr. Holcomb was present and introduced his attorney, Eric Enrique to speak on his behalf. The Board acknowledged the request and allowed Mr. Enrique to speak to Calen's background history. Eric discussed the 2020 charges included DUI and bribery stating that Calen was not in a good state of mind at the time. He went on to describe the event that led to the charge explaining Calen owned a gym and was a mixed martial arts (MMA) fighter. When charged with the DUI, Calen invited the officer to the gym free of charge and further offered free MMA training. Because of that offer, Calen

was charged with bribery with the DUI. The prosecutor downgraded the charges from felony to misdemeanor and further to reckless driving from the original DUI.

Claudine reminded the Board that the applicant's background experience in the trade applied was approved and added he was appearing for the Board to review his FDLE background report findings only.

After hearing testimony, *Ralph Durham* motioned to approve the application, second *David Foley*. The motion carried unanimously.

Applicants That Passed the GITS and Prov Exams

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

Incoming Reciprocity Approval

David Foley motioned to approve, second *Brain Fleis*. The motion carried unanimously.

Administrative Transfer

Ralph Durham motioned to approve, second *Roger Drabyk*. The motion carried unanimously.

Public Speaking Session:

No public speakers.

Reports:

Dawn Verostic, Development Services Manager

No report

Claudine Mickle, Development Services Assistant Manager

Claudine reported on the recent ordinance change to Chapter 22. As a response to the deregulation of the stucco contractor license, Claudine informed the Board that a recent report confirmed there are approximately 30 stucco contractors that will be impacted by the changes. Claudine added staff is working with the Building Official to develop a procedure for the tradesmen to continue to permit.

Claudine informed the Board that the County is seeking updated W9 forms from all members. A blank form was provided and requested to be returned at their earliest convenience to be compensated.

Justin Caron, Assistant County Attorney

No report

Bud Crisafulli, Board Chair

No report

Members of the Board

Brian Fleis questioned staff and counsel to confirm if the terms of Howard Benziger's extended probation were not satisfied in the 60 days provided to seek what the plan will be to deal with the homeowners and existing permits not yet completed.

Claudine responded that once the suppliers are paid and the liens are satisfied, then lien releases should be filed. Investigator Castellano added that the support of their financial backer, Mr. Gandi, should help to get closure on some projects. Justin Caron added if the terms are not satisfied then Mr. Benziger's license would be terminated, and no permits can be worked on. RJ noted that the homeowners would have to find new contractors to complete their projects.

Bud inquired to staff to verify the status of the Board requested resolution and recognition of former Board secretary, Denise Campagna.

Claudine confirmed the resolution was ready, and that staff was working with Denise to schedule her to appear at the July or August meeting.

Adjourn:

Meeting adjourned at 7:59 PM