

**Minutes from the March 19, 2025
Brevard County Contractors' Licensing Board
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The following Board members were present:

Clifford Barber
Elaine Cook
Bud Crisafulli
Roger Drabek
Ralph (RJ) Durham
Brian Fleis
David Foley
Kerry Gardner
Ronald Nost
Patrick Ripton
Albert Underwood

The following members of staff were present:

Justin Caron, Assistant County Attorney
Misty Shirah Development Services Manager
Claudine Mickle, Development Services Assistant Manager
Cherronda Washington, Development Services Supervisor
Tara Mueller, Development Services Supervisor
Denny Long, Interim Manager Contractor and Code Compliance Division
Ashton Styron, Contractor and Code Compliance Officer

Call to Order:

Chair *Bud Crisafulli* called to order the March 19, 2025, Brevard County Contractors' Licensing Board meeting.

The Board recognized new member Elaine Cook.

Approval of Minutes:

RJ Durham motioned to approve the minutes of the February 19, 2025, Contractors' Licensing Board meeting, second *Kerry Gardner*. Motion carried unanimously.

New Business:

Stipulated Agreement Violations:

Kenneth R Jacobs, Secure Fence and Rail LLC, 14-FE-CT-00044

Kenneth Jacobs was present.

Claudine Mickle spoke to the signed Stipulated Agreement stating it was reviewed by the Board at the November 20th, 2024, meeting.

Mr. Jacobs stated he has been a Fence contractor in the county since 2014 and that his business has grown very quickly in the last few years and has experienced economic troubles. He continued stating both his parents had passed away two years ago which led to Mr. Jacobs stepping away from running the company hands on as well as losing his vice president a year ago. Mr. Jacobs said the company has been making some headway but not as much as he would like, and considered shutting the company down and starting over.

Mr. Jacobs acknowledged the situation is ultimately his fault and wants to figure out how to move forward.

Albert Underwood told Mr. Jacobs it was clear what needed to be done in the Stipulated Agreement and those things are not being done.

Mr. Jacobs explained he dropped the workers compensation insurance and got an exemption as he and his wife are the sole operators and have no employees. Mr. Jacobs stated he moved his business back to his property and was not doing work at that time so did not have payroll., The insurance was cancelled as a result. However, because he had the exemption and had done work with an exemption only previously, he didn't realize it was a problem.

RJ Durham asked if Mr. Jacobs had informed County staff, and Mr. Jacobs said no. Mr. Durham read a clause in the Stipulated Agreement stating, "Should the respondent fail to meet any requirements in the Executed Stipulated the Certificate of Competency shall be immediately suspended".

Albert Underwood stated per the agreement Mr. Jacobs should be suspended from pulling any more permits.

Claudine Mickle read the three violations:

1. Mr. Jacobs is required to maintain insurance, both general liability and workers compensation.

2. Within 90 days of executed agreement, which is February 25, 2025, shall obtain all required permits and inspections for each job in which citations were issued.

3. Pay within 14 days of the executed agreement, which is December 4th, 2024, the owner at 300 Oaks Place Merritt Island.

Mr. Jacobs stated the owner at 300 Oak Place was paid, but county staff was never provided evidence of this.

Assistant County Attorney Justin Caron stated once Mr. Jacobs was in violation of the agreement his license was suspended.

Chair Bud Crisafulli inquired if an extension to the Stipulated Agreement could be made. Mr. Caron replied that since Mr. Jacobs was already in violation and suspended, he would need to comply with all the terms of this agreement unless the Board directed otherwise.

Vice Chair Albert Underwood and RJ Durham spoke to the terms of the Agreement being clear and reiterated Mr. Jacobs had signed it. The Board acknowledged being understanding but concurred the way forward is to address the violations and get back into compliance with the Agreement.

David Foley asked Mr. Jacobs to explain his plan and timeline for addressing the Agreement violations.

Mr. Jacobs explained moving the business back to his property is saving about \$15,000 a month and along with work elsewhere generating revenue his goal is to pay the outstanding amount by May.

Brian Fleis recused himself from the vote due to ongoing business with Mr. Jacobs. He commented that through his work with Mr. Jacobs he has seen him follow through on promises firsthand and believes he will do his best to address the circumstances. Form 8B Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers, completed by Mr. Fleis, attached.

Motion to acknowledge violation of the Stipulated Agreement with license and permitting privileges suspended until the terms are met by *RJ Durham*, second *Ronald Nost*. Motion carried unanimously.

Personal Appearance:

Ian Cooper requests the Board approve his exam application for Building Contractor

Ian Cooper was present.

Claudine Mickle introduced the item stating Ian Cooper is a bath and kitchen remodeler out of Pennsylvania. She informed the Board Mr. Cooper's application could not be administratively approved because his license in Pennsylvania does not align with the requirements of Building Contractor in the State of Florida.

Vice Chair Albert Underwood said the information Mr. Cooper provided shows a lot of experience but does not come close to meeting the letter of the law for Building Contractor in Florida. Mr. Underwood asked Mr. Cooper why he chose to apply for Building Contractor.

Mr. Cooper confirmed he wanted to do commercial work.

Chair Bud Crisafulli asked staff if there was a category that is more comparable. Claudine Mickle replied no, the County and State only has the three Builder categories of Residential, Building, and General.

David Foley asked Mr. Cooper about any experience with foundations, and Mr. Cooper spoke to work he had done. Mr. Foley advised providing documented proof of that experience.

Mr. Cooper additionally provided documentation of meeting the application requirements of the Financial Table to the Board.

Claudine Mickle spoke to Florida Administrative Code subsection 2A requiring for Building or General contractor to have active and proven experience in four or more of the areas outlined in the section. She reiterated Mr. Cooper's remodeling license did not fit the requirements.

Patrick Ripton asked about the work Mr. Cooper performed and the nature of what he did versus what was just supervised.

The Board discussed Mr. Cooper applying for Residential instead, but Misty Shirah stated he still did meet the requirements for the application to be administratively approved for it either and would need to come back before the Board for approval.

The Board reviewed the requirements of a Residential License and advised Mr. Cooper on the types of documented experience he could provide in the future.

Motion to deny the exam application by *Albert Underwood*, second *Ronald Nost*. Motion carried unanimously.

Zekari Stone requests the Board approve his exam application for Electrician Journeyman

Zekari Stone was present.

Claudine Mickle introduced the item and stated Mr. Stone's application could not be administratively approved due to lack of documented experience.

Mr. Stone spoke to his experience as a commercial electrician at Melbourne Airport, his current electrical certifications, and advised he is currently enrolled in a bachelor's program in construction management with an electrical track.

Albert Underwood said he was impressed with what Mr. Stone presented.

Claudine Mickle stated Mr. Stone's provided an Employer Experience Verification listing a Master Electrician and not a Contractor. For other work done for Contractors there were not Verification forms provided.

The Board reviewed and discussed some of the electrical work Mr. Stone had done and advised making sure to document work under Licensed Contractors.

Motion to approve the exam application by *Ronald Nost*, second *RJ Durham*. Motion carried unanimously.

Robert Bogacz requests the Board approve his exam application for Fence Contractor

Robert Bogacz was present.

Claudine Mickle introduced the item and stated Mr. Bogacz's application could not be administratively approved due to Chapter 13 Bankruptcy and answering yes to questions 16 and 17 on the application regarding misdemeanor and felony convictions.

Mr. Bogacz stated he is in the second year of Chapter 13 and is current with all payments. Albert Underwood asked about the nature of the bankruptcy, and Mr. Bogacz said it was personal and did not involve business or business materials.

Mr. Bogacz said he has performed chain link and wood fences installations for two years without issue. Misty Shirah clarified that those are unregulated, and Mr. Bogacz is pursuing the Fence Contractor license which allows aluminum and vinyl.

Albert Underwood said since the bankruptcy is not related to business it doesn't bother him.

The Board reviewed the second matter presented; Mr. Bogacz written statement of explanation regarding previous felony charges filed out of state. The charges resulted from a Worker's Compensation claim of fraud from the US Postal Service while operating a food truck. Mr. Bogacz spoke to the incident and described the circumstances of how it happened.

RJ Durham stated that Mr. Bogacz is keeping up with his bankruptcy payments, his present work shows he has moved forward from the past and sees no reason to not let him take the exam.

Motion to approve the exam application by *RJ Durham*, second *Patrick Ripton*. Motion carried unanimously.

Tyler Rago requests the Board approve his exam application for Marine Contractor

Tyler Rago was present.

Claudine Mickle introduced the item and stated Mr. Rago worked for a Licensed Marine Contractor, however Mr. Rago completed the Employer Experience Verification form himself. When staff contacted the employer, they were unable to verify Mr. Rago's time and experience. In addition, Mr. Rago answered yes to questions 16 and 17 on the application regarding misdemeanor and felony convictions.

Mr. Rago spoke to his seven years of experience in marine construction and said he was surprised to not have support from his employer on his work history. He added regarding application questions 16 and 17 in the six years since he has paid all fines and has had no other legal issues since.

The Board said they had seen other employers not verify experience many times over when a worker tried to strike out on their own.

RJ Durham suggested Mr. Rago obtain testimony from previous clients, as well as from any other foreman he worked with to support and substantiate the work done. David Foley added pictures and other supporting evidence leading up to a job has also been previously used to help substantiate.

Motion to table the item for the applicant to gather more supporting documentation by *RJ Durham*, second *Ronald Nost*. Motion carried unanimously.

Michael O'Brien, Electrical Contractor, Dad's Electrical Service LLC 20-EL-CT-00126, requests the Board approve his Transfer Application

Michael O'Brien was present.

Claudine Mickle introduced the item and stated Mr. O'Brien has held an Electrical Contractor's License in the County and has requested to transfer the business name qualified by his license. However, staff was not able to administratively approve his transfer application due to an open bankruptcy found on Mr. O'Brien's credit report. The report confirmed Chapter 7 was filed for bankruptcy and has not been discharged. It further detailed three civil judgments under the previously qualified name of Dad's Electrical Services LLC in the process of being discharged.

Mr. O'Brien said he had done electrical work for 18 years and grew up around a father who was a General Contractor in New York doing work since the age of 9. Mr. O'Brien moved to Brevard County in 2015 and worked for Peay's Electric for about 5 years while obtaining his education and working towards an electrical engineering degree.

Mr. O'Brien further described working with a general contractor which made up a large percent of his work. The general contractor became late on payments and did not pay almost \$40,000 owed.

RJ Durham asked what progress had been made towards the debts, and Mr. O'Brien confirmed the debt to Consolidated Electrical Distributors had been satisfied and he was working towards satisfying the other suppliers.

Mr. O'Brien said his intent is to remain as the sole operator of his business and remain as a small business. He added he further aims to apply to the State for certification in October.

Albert Underwood said the concern is if vendors were harmed and if the Board allowed Mr. O'Brien a new entity what would stop the same thing from happening again?

RJ Durham asked if Mr. O'Brien could operate and pull permits at present. Claudine Mickle responded no, Mr. O'Brien's status is pending due to this matter and that the Board would have to approve the application to change the status to active

RJ Durham asked if Mr. O'Brien was suspended, and Claudine Mickle replied no, it is part of process to change the status to pending when a transfer application comes through. She added the application could be withdrawn so Mr. O'Brien could operate under the old name, however, he had already changed the business name with the Florida Division of Corporations.

The Board discussed Mr. O'Brien has paid nearly half of the debts and questioned if there could be a stipulated agreement put in place for the rest. Assistant County Attorney Justin Caron advised since Mr. O'Brien is still in active bankruptcy it is under the jurisdiction of the federal court.

The Board further considered wanting some kind of accountability beyond just the testimony of Mr. O'Brien, but recognized proceeding with the transfer of the business name change would be the only way for him generate income to be able to pay the debts and they would therefore need to approve the application.

Motion to approve the Transfer Application and appear again before the Board in six months for a Progress Report appearance to discuss the status of the debts by *Albert Underwood*, second *RJ Durham*. Motion carried unanimously.

Administrative Transfer:

Motion to approve by *David Foley*, second *Kerry Gardner*. Motion carried unanimously.

Incoming Reciprocity:

Motion to approve by *RJ Durham*, second *Ronald Nost*. Motion carried unanimously.

Citation Report:

The Board reviewed the report.

Public Speaking Session:

No public speakers.

Reports:

Misty Shirah, Development Services Manager

No report.

Justin Caron, Assistant County Attorney

No report.

Bud Crisafulli, Board Chair

No report.

Members of the Board

The Board discussed using electronic copies of the Board packets at future meetings. Confidential handouts would still be required as they cannot be sent electronically. RJ Durham offered to review his Board packet electronically at the next scheduled meeting.

Adjourn:

Meeting adjourned at 7:51 PM