

MINUTES ARE NOT VERBATIM

**OKALOOSA COUNTY CONSTRUCTION COMPETENCY BOARD
MINUTES
January 31, 2018**

The regular meeting of the Okaloosa County Construction Competency Board was held Wednesday, January 31, 2018, at 3:00 p.m. at the Okaloosa County Administration Complex, 1250 Eglin Parkway N., first floor Commissioner's Chambers, Shalimar, Florida. Board members in attendance were Fay Seketa, Damian Curtis, Buddy Gordon, Randy Wise, Jeremy Stewart, Skip Miller, and Jason Buck. Skip Royster, Jimmy Henderson, and Linda Flowers were not present. Mike Chesser arrived during the meeting in progress.

Growth Management staff in attendance were Elliot Kampert, Growth Management Director; Tina Ward, Permitting & Licensing Manager; Lisa Payton, Code Enforcement Supervisor; Renée Lucas, License Specialist; and Teresa Mullins, Administrative Assistant II. Assistant County Attorney, Kerry Parsons was also present as council for the Board.

I. Call to Order

Chairman Damian Curtis called the meeting to order.

a. Roll Call:

Ms. Teresa Mullins conducted roll call.

II. Acknowledge Guests

Chairman Curtis welcomed staff and applicants to the meeting.

III. Approval of Minutes: November 15, 2017:

Motion to approve the minutes as written made by Fay Seketa; second by Jason Buck; approved unanimously.

IV. OPEN TO PUBLIC (For any item not Quasi-Judicial on this Agenda)

V. Announcements:

Ms. Lucas informed the Board that Mr. Roberds, who is appearing today as an applicant to test, went to the Crestview office by mistake and is on his way, but will be late. Ms. Lucas asked the Chairman to allow Mr. Roberds' request to be heard once he arrives.

Chairman Curtis agreed that if Mr. Roberds did not arrive in time his request would still be heard later in the meeting.

VI. Old Business:

None

VII. New Business

a. Swearing in applicants/speakers:

Ms. Mullins swore in all those wishing to address the Board.

b. Candidates for Testing Approval:

1. Steven R. Lathi – Landscape Structures Contractor

Ms. Renée Lucas informed the Board that Mr. Lathi had a Landscape Contractor's license until 2014, and he took and passed the business & law exam in 2010. Ms. Lucas further informed the Board that Mr. Lathi chose to return to the Board as a new applicant instead of seeking to have his Competency Card reinstated.

The Board had no questions for staff at that time.

Mr. Steven R. Lathi was present to answer questions from the Board.

Chairman Curtis asked Mr. Lathi to tell the Board a little about what he was doing in the past and what has brought him in front of the Board now.

Mr. Lathi stated that he has lived in the area for 25 years and worked as a boat captain for over 20 years. Mr. Lathi stated that in 2009 he decided he needed to diversify his income and started a deck and fencing company. Mr. Lathi stated that he took care of getting his license and all the necessary documentation and worked until the BP oil spill, and the of two (2) employees took away his will to continue. Mr. Lathi further stated that he has had lots of encouragement to get back into the business, and his doctor has told him that this sort of work has a beneficial effect on his type II diabetes in terms of lowering his blood sugar; therefore, he decided to pursue regaining his license and going back into the deck and fencing business.

The Board had no questions for Mr. Lathi.

A brief discussion ensued.

Motion to approve made by Jason Buck; second by Skip Miller; approved unanimously.

2. Cammack Roberds – General Contractor

As Mr. Roberds was not present at this time, the Board moved on to the Probable Cause hearing.

c. Probable Cause Hearing:

1. Julian Puga – JJP Roofing Inc

Chairman Curtis read the following statement into the record:

There are a couple of procedural requirements that I have been asked to read into the record. We are here today for a probable cause hearing pursuant to Chapter 6, Section 6-298 of the Okaloosa County Code of Ordinances. This is a quasi-judicial proceeding. In this proceeding the formal rules of evidence do not apply, but anyone who wishes to speak on

this matter will be given an opportunity to do so after being placed under oath. The order of the Probable Cause hearing is as follows:

- *County staff will first present, then;*
- *The Certification Holder, Julian Puga - JJP Roofing Inc., will present his case before the Board;*
- *The public will have an opportunity to provide comment. When you come up to speak please address all comments to me, the Chairman, and clearly state your name and address for the record.*

Chairman Curtis then turned the meeting over to Assistant County Attorney Kerry Parsons for ex parte disclosures.

Attorney Kerry Parsons of Nabors, Giblin & Nickerson, County Attorney, asked the Board to disclose any ex parte communications that they might have had, defining ex parte communications as discussions with County staff or anyone involved with this case other than the County.

Having received no response to the contrary, Attorney Parsons noted for the record that there were no ex parte communications.

Chairman Curtis continued:

I want to reiterate that we are here today for a Probable Cause hearing; this is not a disciplinary hearing, and there is a difference. If this Board determines that there is Probable Cause based on competent, substantial evidence that the certificate of competency holder violated the provision of the County Code and should be disciplined, then a disciplinary hearing will be notice for the next available agenda. Again, our determination today is whether after hearing all testimony and being presented all evidence there is or is not probable cause under the Code requirements to discipline this certificate holder. Lastly, if any person decides to appeal any decision made by this Board on the matters before us, he or she will need a record of the proceedings and will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Ms. Lisa Payton, Okaloosa County Code Enforcement Supervisor greeted the Board, stating that this is a Probable Cause hearing regarding Julian Puga d/b/a JJP Roofing, Inc. Ms. Payton stated that Mr. Puga is a State Registered roofing contractor, license number RC29027256 which expires on August 31, 2019 and a County Competency Card number 16021-RF which expires on August 31, 2018. Ms. Payton further stated that this is Probable Cause hearing case number 421250-PCH-2017. Ms. Payton informed the Board that this case involves violation of Okaloosa County Code, Chapter 6, Article VIII, Section 6-297 Complaints which states:

Upon receipt of a complaint from an interested party, or as a result of an investigation by a code enforcement officer, each Okaloosa County competency board may conduct hearings on the question of whether a certificate of competency holder shall be disciplined.

Ms. Payton further informed the Board that this case also involves the violation of Okaloosa County Code; Chapter 6, Article VI, Section 110.1 which states:

Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved.

Ms. Payton informed the Board that the locations and types of the violations are:

- 421 Caviar Drive, Okaloosa Island, Fort Walton Beach, Florida: owner/contractor dispute and failure to schedule inspections.
- 1471 Hwy 98 West, Mary Esther, Florida: owner/contractor dispute and failure to schedule inspections.
- Various Addresses, 57 in total, where permits were cancelled due to failure to schedule inspections.

Ms. Payton stated that Code Enforcement staff received a complaint on May 22, 2017 from Mr. Robert Sterner, homeowner at 421 Caviar Drive concerning a roof installation at that site which had lots of damage and was still leaking, causing additional damage. Ms. Payton further stated that Mr. Sterner informed staff that he had paid Mr. Puga a down payment of \$6,500.00 with a balance of \$9,528.77 due upon completion. Ms. Payton stated that the complainant alleged that the roofer claimed he had done nothing wrong. Ms. Payton further stated that staff checked on the status of the permit and found that there had been no inspection; therefore, staff were unable to tell if the roof had been completed so that met it the requirements of the Building Code. Ms. Payton informed the Board that she had provided them with pictures from both sites showing the alleged damage or work that was not done correctly. Ms. Payton further informed the Board that the complainant is present to address the Board regarding his complaints.

Board member, Mr. Mike Chesser, joined the meeting in progress.

Ms. Payton stated that on May 25, 2017 she contacted Mr. Puga; however, there was a bad connection on the phone wherein neither of them could hear or understand the other. Ms. Payton further stated that she contacted Mr. Puga a week later and discussed the complaint at 421 Caviar as well as all of the cancelled permits with him. Ms. Payton stated that most of the cancelled permits needed a Notice of Commencement (NOC), and some were also missing the affidavit and pictures. Ms. Payton further stated that those cancelled permits can't be scheduled for inspection until Mr. Puga pays the reinstatement fee and those documents have been submitted as required. Ms. Payton noted that out of the 57 cancelled permits, she believes that only 3 of them actually have a notice of commencement that was turned in. Ms. Payton stated that during her conversation with Mr. Puga, he informed her that he was out of town at that time and would return on June 13, 2017. Ms. Payton further stated that staff made multiple phone calls to Mr. Puga that went unanswered or to voice mail, but never received any response from their messages to Mr. Puga. Ms. Payton informed the Board that staff contacted the complainant, Mr. Sterner to provide and update as well as let him know that staff was having difficulty in contacting Mr. Puga regarding his issues. Ms. Payton stated that, during that conversation, Mr.

Sterner informed staff of an additional complaint at a rental home located at 1471 Hwy 98 W, Mary Esther, where in some areas the fascia was not installed and the soffit was coming off. Ms. Payton stated that there were no inspections for this job either. Ms. Payton stated that she informed Mr. Sterner in September that, as staff had received no response from Mr. Puga, the next step would be to bring him before this Board. Ms. Payton further stated that she told Mr. Sterner that staff would see that he was aware of the meeting date and location of the meeting. Ms. Payton noted that, due to health issues, not much was done in October or November of 2017; however, in December Mr. Sterner visited her in her office, provided her with the pictures and attendant information presented to the Board today, and informed her that Mr. Puga was suing him for non-payment. Ms. Payton stated that, given that Mr. Puga was back in the area but was still unresponsive to staff's attempts to contact him in order to resolve these issues, she scheduled him for this meeting.

Chairman Curtis asked Ms. Payton to confirm that Mr. Puga had 57 cancelled permits.

Ms. Payton confirmed the number of Mr. Puga's cancelled permits, noting that, when running an inspection report list, staff goes back two (2) years. Ms. Payton stated that staff went back to January 1, 2015 and ran the report through June 1, 2017 and that's where the 57 cancelled without inspections. Ms. Payton noted that there were also permits that were pulled, inspected and closed.

Chairman Curtis asked if he was correct in remembering that there were only three (3) Notices of Commencement that had been turned in out of the 57 permits that were cancelled.

Ms. Payton stated that the Chairman was correct.

Mr. Mike Chesser asked staff for the percentage of permits that were inspected and closed in comparison to those that were cancelled.

Ms. Payton stated that of the total number that staff looked at, there were fifty-seven (57) permits cancelled and fifty (50) that were inspected and closed as of June 1, 2017, noting that there has been another cancelled permits since June 1 of 2017.

Mr. Chesser asked Ms. Payton to explain what a cancelled permit meant.

Ms. Payton stated that a permit is cancelled when it goes six (6) months without an inspection.

There being no further questions for staff at that time, Chairman Curtis asked Mr. Puga to provide his statement to the Board.

Mr. Julian Puga d/b/a JJP Roofing, Inc. was present to answer questions from the Board.

Chairman Curtis asked Mr. Puga if he had an explanation for the 57 expired permits.

Mr. Puga stated that the only thing he can say is that he gives the Notice of Commencement forms to the homeowners, and sometimes they sign and return them and sometimes they don't. Mr. Puga further stated that when he got the notice letter for this

meeting, he went back to some of those homeowners to see if they would give him the notices of commencement.

Chairman Curtis stated that he was asking about the cancelled permits, not the Notices of Commencement and again asked Mr. Puga why he had so many permits cancelled due to lack of inspection.

Mr. Puga stated that a recorded Notice of Commencement must be turned in to Permitting staff before an inspection can be scheduled. Mr. Puga further stated that he always gives the form to his customers but half the time they won't fill it out and return it to him. Mr. Puga stated that he was willing to go back and ask them all again.

Chairman Curtis stated that it is the license holder's responsibility to pull the permit, to make sure the Notice of Commencement is signed & recorded and to call for the necessary inspections. Chairman Curtis noted that the homeowner has no responsibility for any of those, including the Notice of Commencement.

Mr. Puga stated that he provides his customers with the Notice of Commencement for them to sign and the homeowners refuse to sign & return it. Mr. Puga emphasized that he cannot force the homeowners to sign the form and have it notarized. Mr. Puga stated that he explains the State requirement for a Notice of Commencement for any home improvements over \$2,500.00 and tells them that he has to have it to schedule inspections and sometimes they give it back as they should and sometimes they don't.

Mr. Skip Miller asked Mr. Puga if he couldn't sign the Notice of Commencement as agent for the owner as he is able to do for new construction.

Mr. Puga stated that the homeowner is supposed to sign the Notice, have their signature notarized and return it to him and they often don't do so. Mr. Puga further stated that when he does not have the Notice of Commencement he cannot call for inspection thus the permits end up expiring and cancelled and that is the only reason why he has cancelled permits.

Ms. Fay Seketa suggested to Mr. Puga that he should not start work on the job until he has received the Notice of Commencement back from his customers.

Mr. Puga stated that he always assumes that people are nice and so has accepted it when told that they will take care of it later. Mr. Puga further stated that from now on he will not start work without having the Notice of Commencement to turn in.

Chairman Curtis asked Mr. Puga to explain the issues with Mr. Sterner.

Mr. Puga stated that there really wasn't much to explain. Mr. Puga further stated that Mr. Sterner was a very particular man and was difficult to get along with. Mr. Puga stated that he hired an attorney because Mr. Sterner threatened him, and wouldn't speak with him. Mr. Puga further stated that Mr. Sterner would only contact him through texts. Mr. Puga stated that he had his attorney send Mr. Sterner the Notice of Commencement for signature along with a letter of explanation and still Mr. Sterner did not sign and return the Notice. Mr. Puga further stated that Mr. Sterner collected approximately \$25,000.00 from his liability insurance and here he is still unhappy. Mr. Puga stated that he was originally asked to repair his roof, which was 25 years old, and he informed Mr. Sterner that he

needed a new roof. Mr. Puga further stated that when his men were working on the roof at the Caviar property there was a bad storm that caused damage to his house.

Ms. Payton asked the Chairman to clarify which property he was asking about as Mr. Sterner is the complainant for both addresses.

Chairman Curtis stated that he was asking about the property at 1471 Hwy 98 West, Mary Esther.

Mr. Puga stated that as a roofer he didn't do much with soffit and fascia. Mr. Puga further stated that he thought everything went smoothly, although Mr. Sterner never returned the signed Notice of Commencement. Mr. Puga stated that after the work at 1471 Hwy 98 was finished, Mr. Sterner asked him for a quote for the property on Caviar, which he provided. Mr. Puga stated that the problems began when leaks appeared after the storm. Mr. Puga further stated that Mr. Sterner wanted him to remove and replace the water proof peel and seal underlayment, which he did. Mr. Puga stated that he is a roofing contractor and handles roofs, not soffit and fascia.

Chairman Curtis asked Mr. Puga if he fulfilled the contract that he made with Mr. Sterner at 1471 Hwy 98 W.

Mr. Puga stated that he did and said that he met the Building Code requirements.

Chairman Curtis asked staff if there was any way to verify that the roof was done to code requirements.

Ms. Payton stated that staff had no way to know as no inspection has been done on that roof.

Chairman Curtis asked Mr. Puga if he was paid in full for the work at 1471 Hwy 98 W.

Mr. Puga stated that he was paid in full for that job, and right after he finished that job he was offered the job at 421 Caviar.

Chairman Curtis asked Mr. Puga if he looked at the work being done.

Mr. Puga emphatically stated that he was at the jobsite every day.

Chairman Curtis asked Mr. Puga if he was paid for the job at 421 Caviar.

Mr. Puga stated that he only received the down payment for the roof at 421 Caviar. Mr. Puga stated that Mr. Sterner filed against his liability insurance and received around \$24,000.00 or \$25,000.00 but didn't pay the remainder of the bill owed to him. Mr. Puga stated that the skylights were put in at the request of Mr. Sterner's wife outside of the contract for the roof and were not made for or specially sized for the job and after the fact Mr. Sterner complained. Mr. Puga stated that Mr. Sterner was most difficult to work with.

Ms. Seketa noted that the fascia was not included in the scope of work for the 1471 Hwy 98 W job but was included as an option for an additional cost for the job at 421 Caviar.

Mr. Puga stated that he replaced a lot of fascia at no charge to Mr. Sterner.

Mr. Chesser noted that Mr. Roberds had arrived and asked Chairman Curtis if the Probable Cause hearing could be paused in order to take care of Mr. Roberds who is just wanting approval to test for his license.

Chairman Curtis agreed to pause the Probable Cause hearing to allow the Board to hear the testing candidate, Mr. Roberds.

Ms. Mullins swore in Mr. Roberds.

b. Candidates for Testing Approval:

1. Cammack Roberds – General Contractor

Mr. Cammack Roberds was present to seek approval to test for his licensure and answer questions from the Board.

Chairman Curtis, noting that Mr. Roberds was from Mississippi, asked him to tell the Board a little about himself and his experience.

Mr. Roberds stated that he worked for a general contractor for 7 years after college, then started his own company working mostly on commercial projects. Mr. Roberds stated that he has been offered work opportunities in this area and would like to be able to take advantage of them.

Chairman Curtis asked Mr. Roberds if the Contractor who signed off on his experience was a Florida licensed contractor.

Mr. Roberds stated that the contractor who signed off on his experience is licensed throughout the entire Southeast.

A brief discussion ensued.

Motion to approve made by Skip Miller; second by Randy Wise; approved unanimously.

Chairman Curtis stated that the Board would now return to the probable cause hearing in progress.

Mr. Chesser stated that he had a list of those actions that constitute probable cause in a case such as this, one of which he read into the record:

Proceeding on any job without obtaining the applicable permits and inspections.

Mr. Chesser noted that given that there are more than 50 permits that were cancelled due to no inspections it seems that probable cause is already established.

Ms. Payton stated that, while Mr. Puga could begin work once the permit was issued, no inspections could be scheduled do to the lack of affidavits, pictures and Notices of Commencement, all of which Mr. Puga should have provided to permitting staff.

Mr. Chesser asked how those 50 plus permits could inspected and closed.

Ms. Payton stated that the cost to reinstate the permits would be \$70.00 per permit, and then, once the necessary Notice of Commencement and any other missing documentation is turned in to staff, the inspections could be scheduled.

A brief discussion ensued.

Attorney Parsons reminded the Board that they are in the middle of a quasi-judicial proceeding and might want to leave the general discussion until after this hearing is done.

Chairman Curtis called the Board back to order.

Mr. Miller stated that 57 cancelled permits are grounds for finding probable cause; therefore, is there any need to drag this out any further. Mr. Miller noted that he is not trying to keep Mr. Sterner from addressing the Board; however, Mr. Sterner could save his comments for the disciplinary hearing which would shorten the hearing today.

Attorney Parsons cautioned that Mr. Sterner has a right to address the Board at this meeting and the Board is required to allow him time to address them.

Chairman Curtis invited Mr. Sterner to address the Board.

Mr. Robert Sterner, 421 Caviar Drive, Fort Walton Beach, stated that he would begin with 1471 Hwy 98 W, noting that when Mr. Puga began the job he backed a dumpster into the electrical box but refused to turn it in to his insurance. Mr. Sterner stated that on the back of that house, there is a ten (10) foot section of fascia that is missing and the soffit is falling down. Mr. Sterner further stated that Mr. Puga went out to that site about three (3) weeks ago and was shown evidence of the leak by the tenant. Mr. Sterner stated that Mr. Puga told the tenant that he didn't care about the leak. Regarding 421 Caviar, Mr. Sterner further stated that he can show the Board messages on his phone that he sent to Mr. Puga but never received an answer. Mr. Sterner stated that he contacted Mr. Puga on September 28, 2017 asking when he was coming to fix the leaks, but never received an answer from Mr. Puga. Mr. Sterner further stated that he sent pictures of the soffit & fascia at 1471 Hwy 98 W, telling Mr. Puga that he never finished the job, but never received a reply. Mr. Sterner provided several other instances where he sent messages, some with images, to Mr. Puga who never responded. Mr. Sterner stated that Mr. Puga removed two (2) skylights and replaced them with new skylights that were the wrong size and were only installed with only two (2) screws instead of the four (4) that were required. Mr. Sterner further stated that when he settled with Mr. Puga's insurance company, the insurance company required him to sign a statement saying the roof was now okay. Mr. Sterner stated that the roof still leaks to this day.

Chairman Curtis asked Mr. Sterner if he received a payment from Mr. Puga's liability insurance for approximately \$24,000.00 dollars.

Mr. Sterner stated that he received that money from the insurance to repair the damages inside the house. Mr. Sterner further stated that the liability insurance people told him they weren't liable for the roof itself.

Chairman Curtis asked Mr. Sterner what he wanted from the Board.

Mr. Sterner stated that he offered to just call things even now, but Mr. Puga is insisting that he be paid for the remainder of the job. Mr. Sterner further stated that the job isn't

finished as it hasn't been inspected, and when he called to get the inspection he was told that only the contractor could call in inspections. Mr. Sterner asserted that if Mr. Puga called in and had the roof inspected, it wouldn't pass inspection. Mr. Sterner stated that Mr. Puga has taken him to court to sue him, and Mr. Puga's lawyer, outside the courtroom asked if he was willing to settle the issue. Mr. Sterner stated that Mr. Puga's lawyer asked him if he would allow Mr. Puga to finish the repairs and, he told the lawyer that he couldn't trust Mr. Puga to finish the job.

Chairman Curtis asked Mr. Sterner if he was willing to allow Mr. Puga back to finish the job.

Mr. Sterner told the Chairman that he couldn't trust Mr. Puga to do the work. Mr. Sterner stated that if Mr. Puga is willing to call it even right now, then that would be enough.

Mr. Buddy Gordon noted that Florida law says that Mr. Puga must be given the opportunity to make the situation right, and if he isn't allowed back on the site, then it falls back on the homeowner.

Ms. Payton stated that she explained that issue to Mr. Sterner, telling him that if he won't allow Mr. Puga back on the site to fix the issues, then it becomes a civil issue and no longer involves the Building Official, the County or this Board.

Mr. Miller noted that probable cause exists just due to the 57 permits that were cancelled due to lack of inspection.

Motion that we find that there is probable cause to hold a disciplinary hearing in the near future due to cancelled permits lacking inspections and the issues with Mr. Sterner's properties against JJP Roofing Inc. made by Skip Miller; second by Mike Chesser; approved unanimously.

Ms. Payton informed the Board that the Disciplinary Hearing will be held at the next regular Construction Board meeting on March 28, 2018 at this same location.

Mr. Chesser stated he would appreciate it if Mr. Sterner would make a definitive statement that he will not allow Mr. Puga back on his property to fix the issue because then legally the company would not have any further obligation nor would this Board.

Mr. Sterner stated that this issue began in 2016 and is still not resolved. Mr. Sterner stated that he will not let Mr. Puga come back to work, he'll just deal with the court.

A brief discussion ensued.

VIII. Other Business:

a. Chairman/Vice Chairman Election:

Chairman Curtis opened nominations for Chairman.

Nomination of Damian Curtis to continue as Chairman made by Jason Buck; nomination seconded by Skip Miller. Mr. Curtis accepted the nomination, and there being no further nominations, and nominations being duly closed, was elected unanimously.

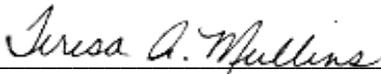
Chairman Curtis opened nominations for Vice-Chairman.

Nomination of Linda Flowers pending her acceptance to serve as Vice-Chairman made by Mike Chesser; nomination seconded by Skip Miller. Chairman Curtis noted that this motion will be voted on at the regular meeting of the Board in March.

A brief discussion ensued.

IX. Adjournment

Motion to adjourn made by Mike Chesser; second by Jason Buck; approved unanimously.

Prepared by: 
Teresa Mullins, Recording Secretary
2.8.2018