

MINUTES ARE NOT VERBATIM

**OKALOOSA COUNTY CONSTRUCTION COMPETENCY BOARD
MINUTES
March 28, 2018**

The regular meeting of the Okaloosa County Construction Competency Board was held Wednesday, March 28, 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, Linda Flowers, Mike Chesser, Jeremy Stewart, Skip Miller, and Skip Royster. Buddy Gordon, Randy Wise, Jimmy Henderson, and Jason Buck were not present

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

Board of County Commissioners Office staff in attendance was Ms. Patty Cook, Office Supervisor.

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: January 31, 2018:

Motion to approve the minutes as written made by Jeremy Stewart; second by Linda Flowers; approved unanimously.

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

V. Announcements:

Ms. Renée Lucas informed the Board that, as they are aware, Okaloosa County is now working under the 2017 Florida Building Code; however, staff has been notified by PROV, the testing company, that they have not been able to update the booklists and exams to the 2017 code for all of their exams as yet. Ms. Lucas stated that the book lists and exams still under the 2014 Florida Building Code that are the purview of this Board include Aluminum Structures Contractor, Specialty Structures Contractor, Building Contractor, Masonry Contractor and Roofing Contractor. Ms. Lucas noted that the book lists and exams for the Demolition Contractor, Residential Contractor, General Contractor, Marine Contractor, Sheet Metal Contractor, Hurricane Shutter Contractor, Plastering &

Lathing Contractor, Siding, Window & Door Contractor and non-electrical Sign Contractor have been updated to the 2017 Florida Building Code. Ms. Lucas stated that PROV is working to get the others updated and have promised to notify staff as soon as they are updated.

A brief discussion ensued.

VI. Old Business:

a. Election of Vice-Chairman

Ms. Lucas reminded the Board that they tabled the election of a Vice-Chairman as Ms. Linda Flowers was nominated but was not present to accept or decline the nomination.

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.

Ms. Lucas asked Ms. Flowers if she was willing to accept the nomination as Vice-Chairman.

Ms. Linda Flowers stated that she would accept the nomination.

Motion to elect Ms. Linda Flowers as Vice-Chairman made by Fay Seketa; second by Jeremy Stewart; approved unanimously.

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. Hunter J. Jones – Residential Contractor

Mr. Hunter J. Jones was present to answer questions from the Board.

Chairman Curtis asked Mr. Jones to tell the Board a little bit about himself.

Mr. Jones stated that he has lived in the area all of his life and has been doing electrical and construction work since 2001. Mr. Jones further stated that he has gone back to school for a degree in civil engineering and should sit for his professional exam this year. Mr. Jones stated that he wants to set up a company to do some residential construction.

Ms. Flowers asked Mr. Jones to explain the bankruptcy issue he had within the past year.

Mr. Jones stated that he was working in Tallahassee at a job he began in 2015 and lost his job in 2017 wherein he moved to Okaloosa County, tried to help set up a remodeling company which didn't work; however, he still had a house in Tallahassee and wasn't able to meet his financial obligation there. Mr. Jones noted that the company he worked for was called Alpha Foundations on the commercial side doing inspections and drafting

repair plans. Mr. Jones stated that he was the Commercial Accounts Manager, but they were unable to keep him when business dried up.

Mr. Mike Chesser noted the Board's concern that those they approve are able to pay their suppliers, subcontractors and employees in a timely fashion and are able to run a successful business.

Chairman Curtis asked Mr. Jones to describe the position he held at the foundation company.

Mr. Jones stated that he was the Commercial Accounts Manager, and handled accounts from Escambia County to Jacksonville and from Gainesville to Albany Georgia where there were foundation problems. Mr. Jones further stated that he did inspections, documented issues, proposed and drafted repairs for commercial foundation problems. Mr. Jones stated that, unfortunately, sales declined and therefore they let him go.

Mr. Chesser asked Mr. Jones to describe his experience as a contractor.

Mr. Jones stated that from 2001 to 2005 he worked in the electrical field on residential properties, from 2005 to 2011 he worked as a superintendent for several contractors on the Gulf Coast, including the D.R. Horton company. Mr. Jones further stated that he went back to school from 2011 August of 2015 to get his civil engineering degree. Mr. Jones stated that he was licensed as a Residential Contractor in Alabama from 2008 until just last year.

A brief discussion ensued.

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

2. David Rademacher – Specialty Structures Contractor

Ms. Lucas informed the Board that Mr. David Rademacher was previously licensed with Okaloosa County from 2000 to 2009 after he grandfathered in as a Specialty Structures Contractor, Stated Registered License number RX11066706. Ms. Lucas noted that Mr. Rademacher's State license is current and active until August 31, 2019, and he has active Competency Cards in both Escambia and Santa Rosa Counties where he is still actively working. Ms. Lucas stated that Mr. Rademacher is appearing before this Board to seek approval to take the Specialty Structures and Business & Law examination in order to receive an Okaloosa County Competency Card. Ms. Lucas noted that Mr. Rademacher is seeking to test instead of asking the Board to reinstate his Competency Card.

Mr. David Rademacher, 1257 9 Mile Road, Pensacola introduced himself to the Board.

Chairman Curtis asked Mr. Rademacher to tell the Board a little bit about what happened.

Mr. Rademacher stated that in 2008 he lost both of his financial lenders, GE Money Bank and U Bank, by a form letter and had to react quickly in order to save his company. Mr. Rademacher further stated that he really had no choice other than to downsize his company to just Escambia and Santa Rosa Counties. Mr. Rademacher stated that since financial lenders are now back he is wanting to expand his territory back into Okaloosa County.

Chairman Curtis asked Mr. Rademacher to explain what he meant by downsizing.

Mr. Rademacher stated that he reduced his employees and builders down to a manageable overhead and had to diversify as well. Mr. Rademacher further stated that prior to downsizing his company focused almost completely on one of the premier brands of sunroom. Mr. Rademacher stated that, as financing has become available again, he is now able to go back to a wider territory and include Okaloosa County again.

Motion to approve made by Skip Royster; second by Jeremy Stewart; approved unanimously.

c. Death of a Contractor:

1. Leo Whitworth Jr – Hallmark Distributors Inc

Ms. Lucas informed the Board that Mr. Leo Whitworth Jr., a longtime local contractor, passed away on March 5, 2018. Ms. Lucas stated that, at the time of his death, Mr. Whitworth held an active Exterior Applications Contractor local specialty Competency Card and also a State Certified Building Contractor's license. Ms. Lucas reminded the Board that, per Okaloosa County Code of Ordinances, Chapter 6; Article VIII; Division 3; Section 6-320: **Emergency Registration upon the Death of a Contractor:**

If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified or registered. The person shall notify the department within 30 days after the death of the contractor, of his or her name and address, knowledge of the contract, and ability to complete it. If the board approves, he or she may proceed with the contract. The board shall then issue an emergency registration which shall expire upon the completion of the contract. For purposes of this section, and upon written approval of the board, an incomplete contract may be one which has been awarded to, or entered into, by the contractor before his or her death, or one on which he or she was the low bidder and the contract is subsequently awarded to him or her, regardless of whether any actual work has commenced under the contract before the contractor's death.

Ms. Lucas informed the Board that, upon Mr. Whitworth's death, staff was informed that there was an outstanding permitted job as well as several jobs that needed to be pulled due to contracts signed before Mr. Whitworth's passing. Ms. Lucas stated that, per notification dated March 19, 2018 from Mr. Britt Garrett, he has the knowledge and ability to complete the job currently permitted as well as any other jobs pending due to contracts. Ms. Lucas further stated that, again per the notification received, Mr. Garrett and Mr. Matt Davis, who are both officers in the company, will sign and authorize all checks and they also be authorized to purchase outstanding permits as well as schedule all inspections on existing and future permits. Ms. Lucas noted that Mr. Garrett is working with the Department of Business and Professional Regulation (DBPR) in order to act as qualifier for Hallmark Distributors, Inc., and is working with County staff to get a local Competency Card so that they can fulfill their contracts until such time as Mr. Garrett is able to qualify the company. Ms. Lucas stated that staff is making this presentation to the Board as Mr. Garrett was unable to attend this meeting. Ms. Lucas further stated that

staff has written verification from the Division of Corporation that both Mr. Garrett and Mr. Davis are listed in the articles of incorporation as officers for Hallmark Distributors, Inc. Ms. Lucas noted that Mr. Garrett is currently the qualifier for Whitworth Builders Inc.-50, and Mr. Davis is currently the qualifier for Whitworth Builders Inc., II. Ms. Lucas stated that Mr. Garrett intends to qualify both Hallmark Distributors Inc. and Whitworth Builders Inc-50.

A brief discussion ensued.

Motion to allow Mr. Garrett to have the temporary license made by Mike Chesser; second by Skip Miller; approved unanimously.

d. Purged Contractor:

1. Peter Mark Panageas – Building Contractor

Ms. Lucas informed the Board that Mr. Peter Mark Panageas took and passed the Building Contractor examination in October of 1997. Ms. Lucas reminded the Board that Okaloosa County did not require the addition of the Business & Law examination until 1999. Ms. Lucas stated that Mr. Panageas' State Registered Building Contractor's license, #RB0066903, was issued by the Department of Business & Professional Regulation (DBPR) in June of 1998, with his County Competency Card issued shortly thereafter. Ms. Lucas further stated that Mr. Panageas only remained licensed with Okaloosa County until 1999, and after 2 years of non-renewal, his Competency Card was purged. Ms. Lucas stated that, per the Department of Business & Professional Regulation (DBPR) website, Mr. Panageas' State Registered Building Contractor's license remained active until 2005 and, after non-renewal during the next renewal cycle, his State license was placed in a null/void status. Ms. Lucas informed the Board that in a written statement provided to staff, Mr. Panageas explained that he began framing in 1983 continuing until 2003, noting that during that time he obtained his Builder's license and began building in the local area. Ms. Lucas stated that the statement continues with Mr. Panageas further explaining that he took on a partner in his business who handled the bookkeeping and other office functions; however, when the partnership dissolved, he found that his former partner had stolen most of the business' money. Ms. Lucas further stated that the statement continues with Mr. Panageas explaining that he was sued for dissolution of the partnership which resulted in him closing the business and relinquishing his State license. Ms. Lucas stated that the statement concludes with Mr. Panageas explaining that he began working for other contractors in order to keep himself current in the trade. Ms. Lucas further stated that Mr. Panageas is present seeking reinstatement of his license in order to build a new business to help himself and others. Ms. Lucas informed the Board that staff contacted the Department of Business & Professional Regulation (DBPR) and were told that, due to the length of time that his license has been in a null/void status, Mr. Panageas should just reapply to the State as a new licensee and obtain a new Building Contractor's license number. Ms. Lucas reminded the Board that, per Okaloosa County Code of Ordinances, Chapter 6; Article VIII; Division 3; Section 6-318 (g) **Expiration, renewal and retired certificates:**

The board may give special consideration in purged license cases concerning family illness and military deployment, and other circumstances as the board deems appropriate.

Ms. Lucas informed the Board that Mr. Panageas paid the \$200.00 Board appearance fee and understands that the fee is non-refundable and cannot be applied to the repayment of fees and penalties. Ms. Lucas stated that staff asks, should the Board approve his request, that all back fees penalties, totaling \$3,479.00, be paid and that a payment deadline be made part of the Board's motion. Ms. Lucas asked if Board had any questions for staff.

Mr. Skip Royster asked if Mr. Panageas has done any continuing education over the years.

Ms. Lucas stated that he would not have been required to do so by the State once his license went into null/void status, so that question is one Mr. Panageas would have to answer in terms of whether he has done any continuing education on his own.

Mr. Chesser noted that he didn't see any reference to family illness or military service.

Ms. Lucas again read into the record per Okaloosa County Code of Ordinances, Chapter 6; Article VIII; Division 3; Section 6-318 (g) **Expiration, renewal and retired certificates:**

The board may give special consideration in purged license cases concerning family illness and military deployment, and other circumstances as the board deems appropriate.

Mr. Chesser asked stated that, given that there is no reason of military service or family illness he doesn't understand why this issue is in front of the Board.

Ms. Lucas noted that Mr. Panageas is present asking for his Competency Card to be reinstated as is his right.

Mr. Peter Mark Panageas introduced himself to the Board.

Mr. Royster noted that is concern is the many changes in the Building Code since Mr. Panageas was last licensed and asked Mr. Panageas what happened.

Mr. Panageas stated that he wanted a break due to burnout as he had been working in framing etc. for over 14 years and due to other problems, he closed his business. Mr. Panageas further stated that he found that construction was all he knew, so he went back into the field. Mr. Panageas stated that now he wants to get back into the business. Mr. Panageas further stated that he has a person who owns a business in Niceville and wants to go into business with him. Mr. Panageas stated that his weakness was that he enjoyed the work and working with his employees on the jobsite but didn't take care of the business end like he should have.

Mr. Royster asked Mr. Panageas if he has done any continuing education since he let his license lapse.

Mr. Panageas stated that he did not do any continuing education on his own; however, he worked on jobsites since that time.

Ms. Fay Seketa noted that, given the size of the back fees and penalties, it would be cheaper for Mr. Panageas to just apply as a new applicant.

Mr. Chesser stated that his inclination, given that the Building Codes have changed several times over the past 13-14 years and no continuing education has been done, is to deny the request. Mr. Chesser further stated that it is the Board's responsibility to make sure that those seeking reinstatement of a license are up to date with the current Building Code. Mr. Chesser stated that as he was not deployed in the military or not working due to his own or a family member's illness, then he feels a reason with more justification than getting tired of running a business.

Mr. Jordan Wetheridge asked if he could address the Board as he is Mr. Panageas' potential business partner.

Chairman Curtis invited Mr. Wetheridge to address the Board.

Mr. Wetheridge stated that he is a retired corporate business executive and owns a seasonal business setting up Christmas lights for businesses. Mr. Wetheridge further stated that he has many seasonal employees, most of whom are veterans who have exited the service without viable civilian job skills. Mr. Wetheridge stated that he is the person who encouraged Mr. Panageas to appeal to this Board after Mr. Panageas worked for him last season and is helping build an addition to the company warehouse. Mr. Wetheridge stated that he is witness to the quality of work done by Mr. Panageas. Mr. Wetheridge further stated that he and Mr. Panageas have developed a business concept wherein they form a company called Veterans Ventures within which they put veterans to work to help them gain training through their time in the company so that they can be successful. Mr. Wetheridge stated that he is both willing and able to pay all of the fees and penalties owed by Mr. Panageas.

A brief discussion ensued.

Mr. Royster noted that money cannot buy a license. Mr. Royster further stated that Mr. Panageas has not been licensed for 12 or more years and in his opinion, Mr. Panageas needs to update his trade education.

Motion to deny this request made by Skip Royster; second by Mike Chesser; approved unanimously.

A brief discussion ensued.

e. Disciplinary Hearing:

1. Julian Puga – JJP Roofing Inc

Ms. Lisa Payton, Code Enforcement Supervisor, reminded the Board that this is a Disciplinary Proceeding regarding Mr. Julian Puga dba JJP Roofing, Inc. Ms. Payton stated that, at their meeting on January 31, 2018 she presented a Probable Cause case against Mr. Julian Puga based on 2 complaints made against him by one complainant for job abandonment and failure to obtain inspections as well as many other permits that were cancelled due to lack of inspection. Ms. Payton reminded the Board that the following motion was made and approved as follows:

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 noted that the Board also stated that because Mr. Sterner refused to allow Mr. Puga back onto his properties, the Board could not help him with those issues of job abandonment and failure to obtain inspections on Mr. Sterner's two properties. Ms. Payton stated that the Board will therefore only be dealing with the issue of the other permits cancelled due to lack of inspection. Ms. Payton further stated that staff encouraged Mr. Puga to talk to the Building Official because the lack of inspections was due to the lack of notice of commencements on those properties. Ms. Payton stated that the Building Official has the authority to work with contractors on these issues; however, despite several previous attempts, Mr. Puga was unable to reach the Building Official until very recently. Ms. Payton further stated that the Building Official contacted her this morning to ask that the Board table this issue until their next meeting as he and Mr. Puga are working on getting Mr. Puga's issues. Ms. Payton stated that staff is therefore requesting that this disciplinary hearing be tabled, time certain, to the May 30, 2018 meeting.

Chairman Curtis stated that he believes the Board should honor the request of the Building Official.

Mr. Chesser noted that at the Probable Causing hearing, the Board's concern was based on Mr. Puga not getting Notice of Commencements and filing them as required so that he could get his inspections and asked staff if Mr. Puga was still actively working in his business.

Ms. Payton stated that Mr. Puga is still actively licensed and able to pull permits. Ms. Payton further stated that 2 of the permits in question at the last meeting have been inspected and closed and Mr. Puga has gotten the necessary documents and inspections for those permits that were still open, active and ready for inspection since the last meeting.

Mr. Chesser stated that he was wondering, since Mr. Puga is still in business and doing jobs, if there is still an issue with those Notice of Commencements coming back to the Permitting Office as required, as this same issue may come before the Board again in 6 months.

Ms. Payton stated that if Mr. Puga returns to the Board with the same problem, he would be appearing as a repeat offender and the Board can discipline his license in that case with no issue.

Mr. Chesser asked if Mr. Puga's current Notice of Commencements have been turned in on his current jobs.

Ms. Payton stated that staff has not pulled that information for this meeting.

Chairman Curtis stated that he believes this information is necessary; however, since the Board is going to table this Disciplinary Hearing, it would be information best heard at the

May 30, 2018 meeting. Chairman Curtis further stated that Mr. Puga is present and hearing all of this and should be given an opportunity to respond.

A brief discussion ensued.

Ms. Mullins swore in Mr. Puga.

Chairman Curtis asked Mr. Puga roughly how many permits he has pulled since the last meeting.

Mr. Julian Puga stated that he has pulled 6 or 7 permits, some of which have been closed. Mr. Puga further stated that he has been doing his best to get his customers to sign the Notices, some of whom have given him problems. Mr. Puga stated that he is working hard to make sure the problem is taken care of.

Motion to table this issue to our next meeting which is May 30, 2018 made by Fay Seketa; second by Linda Flowers; approved unanimously.

A brief discussion ensued.

VIII. Other Business:

a. Presentation on New Board Member Procedures – Patty Cook

Ms. Patty Cook, Office Supervisor, Okaloosa County Board of County Commissioners, presented the Board members with a packet of information regarding the new procedures for new and renewing Board member approval. Ms. Cook informed the Board that on February 20, 2018 the Board of County Commissioners a new policy regarding the 14 Citizen Boards/ Councils that operate under their aegis. Ms. Cook further stated that the policy requires submission of an application or résumé as well as a background check, the cost of which will be absorbed by the County. Ms. Cook stated that the Board is working toward transparency and this policy isn't aimed at any one particular Board or Board member. Ms. Cook further stated that, at this time, current Board members will only have to go through this process when their term renews. Ms. Cook stated that the application can be filled out at any time and it will be kept on file for 2 years. Ms. Cook noted that an application will not be deemed submitted until it is in her hands.

A brief discussion ensued.

Mr. Chesser noted that this is the Board's first meeting since the passing of Mr. Whitworth, who was one of the most active contractors around, has never had to appear before this Board and has been working in this County for many years. Mr. Chesser asked if it would be appropriate for this Board to acknowledge the passing of a member of the Building profession.

Ms. Lucas stated that she attended Mr. Whitworth's visitation, but if the Board would like staff to put a letter together from the Board she will be very willing to do so. Ms. Lucas noted that Mr. Whitworth has been working in the area since the 1960s.

Ms. Kerry Parsons noted that this Board can recommend to the Board of County Commissioners that a proclamation be made on behalf of Mr. Whitworth.

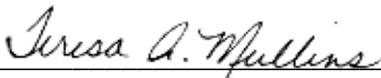
Chairman Curtis thanked Ms. Parsons for the information.

Ms. Lucas stated that she would see the document prepared

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
4.5.2018