

MINUTES ARE NOT VERBATIM

**OKALOOSA COUNTY CONSTRUCTION COMPETENCY BOARD
MINUTES
March 30, 2016**

The regular meeting of the Okaloosa County Construction Competency Board was held Wednesday, March 30, 2016, 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 Mike Chesser, Linda Flowers, Ray Buck, Jason Buck, Fay Seketa, Skip Miller, Randy Wise, Mike Dean, Skip Royster and Damian Curtis. Buddy Gordon and Jimmy Henderson were not present.

Growth Management staff in attendance were Elliot Kampert, Growth Management Director; Renée Lucas, License Specialist; and Teresa Mullins, Administrative Assistant II.

I. Call to Order

Chairman Mike Chesser called the meeting to order.

a. Roll Call:

Ms. Teresa Mullins conducted roll call.

II. Acknowledge Guests

Ms. Lucas informed the Board that Ms. Fay Seketa, Building Contractor, has been appointed by the Board of County Commissioners to fill the void left by Mr. Fisher's resignation.

Chairman Chesser welcomed Ms. Seketa to the Board and welcomed staff, applicants and guests to the meeting.

III. Approval of Minutes: January 27, 2016:

Motion to approve the minutes made by Skip Royster; seconded by Jimmy Henderson; approved unanimously.

IV. Announcements:

None

V. Old Business:

None

VI. New Business

a. Swearing in applicants/speakers:

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

b. Candidates for Testing Approval:

Ms. Lucas informed the Board that one of the applicants, James Mendez, could only be present at this meeting briefly as he had to return to work and asked the Chairman to allow Mr. Mendez's request to be heard first.

Chairman Chesser agreed to staff's request.

1. James A. Mendez – Demolition Contractor

Mr. Mendez was present to answer questions from the Board.

Chairman Chesser asked Mr. Mendez to explain to the Board what he has been doing as his business.

Mr. Mendez stated that he had worked in demolition in the past for about 2 ½ years; however, for the past couple of years he has been working in retail.

Chairman Chesser asked Mr. Mendez to explain his demolition experience.

Mr. Mendez stated that he worked in demolition for another contractor on Duke Field.

Chairman Chesser asked Mr. Mendez if he owns trucks and other equipment necessary for a Demolition Contractor.

Mr. Mendez stated that he works closely with someone who has all the necessary equipment.

Damian Curtis asked Mr. Mendez what sort of experience he had in demolition.

Mr. Mendez stated that he has done mostly interior demolition work; although, he stated that he has done some exterior demolition such as roofs. Mr. Mendez further stated that he had also been involved in some exterior demolition but only had about a week of training on the excavator. Mr. Mendez stated that he intended to work primarily on interior demolition.

A brief discussion ensued.

Motion to approve for testing made by Skip Miller; second by Damian Curtis; approved unanimously.

2. Atanas Petkov Delchev – Stucco Contractor

Mr. Delchev was present to answer questions from the Board.

Chairman Chesser asked Mr. Delchev to explain his background and why he is seeking this license.

Mr. Delchev stated that he has his own company that does concrete resurfacing, anything to do with existing concrete slabs. Mr. Delchev further stated that his interest in going into the stucco business came about as he searched for a stucco contractor to re-stucco three walls of his father-in-law's commercial building. Mr. Delchev stated that he found it very difficult to find a stucco contractor willing to do the work as they were all very busy and were looking out 8-10 months in terms accepting of new jobs. Mr. Delchev further stated that it was almost impossible to get someone to come out to look at the job, let

alone give them an estimate. Mr. Delchev stated that they were only able to get 2 contractors to come out to view the job and only one of them provided an estimate. Mr. Delchev further stated that, from this experience, he realized that there was great potential for this type of business. Mr. Delchev stated that he met a retired stucco contractor who has offered to train him and work with him in this new venture until he has enough knowledge and experience to work on his own.

Mr. Curtis asked Mr. Delchev if he was aware that he would need to have General Liability and Workman's Compensation insurance.

Mr. Delchev stated that he already has General Liability insurance and has begun the application process to get his Workman's Compensation exemption.

Mr. Curtis asked Mr. Delchev if he was a United States citizen.

Mr. Delchev stated that he is a legal resident.

Chairman Chesser asked Mr. Delchev where he was from and how long he has been in the U.S. Chairman Chesser further asked Mr. Delchev if he returned to Bulgaria to visit.

Mr. Delchev stated that he is originally from Bulgaria and has lived in the U.S. for 9 years as a legal resident with a green card. Mr. Delchev further stated that he visits Bulgaria every few years. Mr. Delchev stated that he is married and his wife is a U.S. resident in Fort Walton Beach.

Chairman Chesser asked Mr. Delchev if he had a bank account in his name or in his business name or both and further asked Mr. Delchev how long he has had his company name.

Mr. Delchev stated that he has accounts in both his name and his company name. Mr. Delchev further stated that he currently has 2 different companies, an LLC established in 2010 which is an import/export business under a dba, another LLC and he started a LLC under the same dba for stucco in January.

Chairman Chesser informed Mr. Delchev that the purpose for all these questions is to hopefully protect the public from a contractor who does not have the experience, either business or practical, to adequately do the work for which they are hired. Chairman Chesser noted that the Board members may not know the applicants personally, so questions like these are the only way for the Board to gain that information. Chairman Chesser informed Mr. Delchev that he appears to be very enthusiastic and no one wants to get in the way of his business; however, it is the Board's job to make sure he will be able to pay his workers and suppliers as well as do good work as a contractor. Chairman Chesser asked Mr. Delchev if he did his own business accounting or if he hired an accounting firm. Chairman Chesser further asked Mr. Delchev if he has had any judgments, liens or bankruptcies regarding his businesses.

Mr. Delchev stated that he and his wife handled the accounting for his businesses and they had no bankruptcies or other such issues.

Skip Royster noted that Mr. Delchev's file included a copy of his degree from the University of Bulgaria and asked staff if that truly meets the Ordinance requirement of a degree in the same manner that a degree from a U.S. University or College would.

Ms. Lucas stated that, per Ordinance 07-32, a Bachelor's Degree from a College or University in an unrelated field will be sufficient to fulfill 2 years of experience. Ms. Lucas noted that the University in Bulgaria is an accredited college and meets the Ordinance requirements.

Mr. Royster stated that then the Ordinance should be changed to state a Bachelor's Degree from a United States College, because there is no way to be sure that a degree from a foreign college is as good as one from a U. S. college. Mr. Royster stated, as an example, that a driver's test given in a foreign country is not the same as one given in the United States in the same way that a degree from a U.S. college differs from a foreign College because they don't have the same standards.

Elliot Kampert stated that the Board will have to decide based on the Ordinance as it is currently written. Mr. Kampert further stated that he would forward this issue to County legal staff for a legal interpretation as this issue may well come up again.

A brief discussion ensued.

Skip Miller noted that as Mr. Delchev doesn't have a great deal of experience he would like to see a probationary period included in any motion

A brief discussion ensued.

Motion that to approve with 1 year of probation after which he will appear again before the Board with a work history affidavit once he passes his exam made by Randy Wise; second by Jason Buck; approved unanimously.

3. Andrew S. Kilpatrick – Exterior Applications Contractor

Mr. Andrew Kilpatrick was present to answer questions from the Board. Mr. Kilpatrick stated that he is the owner of Parts on Wheels, and has been in business for himself since 2005. Mr. Kilpatrick further stated that he is looking to expand his business from selling and servicing to also include installations of Anderson Windows. Mr. Kilpatrick stated that they currently work for Weathershield & Anderson as certified Anderson Window service providers and getting this license is just a step further for his business as they will be able to both sell and install.

Mr. Curtis asked Mr. Kilpatrick which local distributor he worked through for the Anderson Windows.

Mr. Kilpatrick stated that that if they have to for unforeseen reasons they go through Exterior Services but typically since they're certified Anderson service providers, Anderson will directly supply replacements or replacement parts if needed. Mr. Kilpatrick further described some of the types of service repairs that his company currently does.

A brief discussion ensued.

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

4. Jake E. Wade – Residential Contractor

Mr. Jake Wade was present to answer questions from the Board. Mr. Wade stated that he is President of Wade Mechanical out of Little Rock, Arkansas and stated that he has done mechanical work with HVAC systems in restaurants & hospitals in Arkansas as well as doing plumbing work. Mr. Wade stated that he wants to be part of a job from drawing the plans through completion here in Florida just as he was in Arkansas. Mr. Wade further stated that he worked as a General Contractor or project manager for larger commercial projects and his goal now is to be able to do renovations here similar to what he's done in Arkansas. Mr. Wade informed the Board that he has applied for and received permission to test for his Florida Master Mechanical and Master Plumbing exams from those respective trade Competency Boards. Mr. Wade stated that his apprenticeship was spent building hospitals, running oxygen, vacuum & medical gas lines, and if not there he was sent over to work on the paper mill project. Mr. Wade further stated that he started his own company in 1996 and enjoyed the work but not the politics. Mr. Wade informed the Board that he has a bankruptcy on his record that is personal as his business was not separate caused because he was not paid for several projects due to the downturn in the economy. Mr. Wade stated that he has learned to work with owners directly and not spec build and noted that he only installs 18 SEER HVAC systems because it's a waste of money to use anything lower in this area.

Jason Buck asked Mr. Wade if he held all the same licenses in Arkansas.

Mr. Wade stated that he does hold the same licenses in Arkansas and noted that he bonds every job and has separated his bank accounts so that he is better protected. Mr. Wade further stated that he has several different companies, one related to each license held.

Mr. Curtis asked Mr. Wade what brought him to Florida.

Mr. Wade stated that he moved to Florida because it's warmer here than Arkansas and his wife wanted to move here. Mr. Wade further stated that he has jobs to finish out in Arkansas, but eventually he will be here full time.

A brief discussion ensued.

Motion to approve made by Skip Royster; Second by Linda Flowers; approved unanimously.

5. Stephen E. Westerman – Residential Contractor

Mr. Stephen Westerman was present to answer question from the Board. Mr. Westerman stated the he and his brother own Bathcrest of Northwest Florida, a company which refinishes, resurfaces bathtubs, showers and fixtures. Mr. Westerman further stated that he started in construction at 16 and would like to expand his business into remodeling as well.

Mr. Curtis asked Mr. Westerman how long Bathcrest has been in business.

Mr. Westerman stated that Bathcrest has been in business since 1988; however he and his brother bought the existing business in August of 2014.

Chairman Chesser asked Mr. Westerman to explain his background.

Mr. Westerman stated that as far as construction goes, he began working with his father starting with roofing, and eventually with framing, etc. Mr. Westerman stated that he worked that way through the summers even through college. Mr. Westerman stated that he went to high school and college in Maryland, but came to get his Master's Degree at Pensacola Christian College and fell in love with the area.

Chairman Chesser asked Mr. Westerman if he lived in Okaloosa County.

Mr. Westerman stated that he lives in Santa Rosa County; however, the Bathcrest business is in Okaloosa County and he intends to work locally in Okaloosa County in conjunction with the business he already owns.

Chairman Chesser asked Mr. Westerman what his degrees are in.

Mr. Westerman stated that he holds dual Bachelor's Degrees in Business Management and Marketing. Mr. Westerman further stated that he holds a Master's Degree in Business Administration and noted that he has a great love of learning.

A brief discussion ensued.

Motion to approve made by Skip Miller; Second by Damian Curtis; approved unanimously.

VII. Other Business:

Ms. Lucas provided the Board with an update regarding the PROV testing agency, stating that every applicant who has tested through PROV has spoken highly of the experience and there have been no complaints. Ms. Lucas further stated that staff is also very pleased with PROV, noting that PROV includes a photo of the applicant at testing in their results letter so that staff can be certain that it is indeed the applicant who is sitting for the test.

Mr. Curtis asked how the 2 testing agencies differed.

Ms. Lucas stated that Prometric has a set schedule for testing, and staff and applicants often weren't notified of testing results for 7-10 business days or longer which could cause an applicant to miss the next scheduled testing application deadline. Ms. Lucas informed the Board that the Prometric testing agency still has not provided updated book lists for the current Building Code and is still testing for the 2010 Building Code. Ms. Lucas stated that she met with Mr. Kampert and the Building Official and it was determined at that meeting that there is no requirement in Ordinance or Statute that applicants must test on the current Building Code. Ms. Lucas further stated that PROV is testing under the 2014 Building Code, applicants have no sign-up deadline; they receive their results an hour after they take the tests and they can sign up again to retest quickly as there are no deadlines to miss.

Chairman Chesser asked if staff could provide the Board with the pass/fail rate of the applicants who have tested.

Ms. Lucas stated that, of the 8 who have tested with PROV, all but 2 passed the exams. Ms. Lucas further stated that of the 6 that passed, 1 individual passed both exams the first time out.

Chairman Chesser asked where the classes were held.

Ms. Lucas stated that the County doesn't deal with classes; although, there are several companies who offer classes for the tests. Ms. Lucas described several of those companies for the Board.

Chairman Chesser asked if there was a class available that might help Mr. Delchev.

Ms. Lucas stated that she believes those sorts of classes are intended just to help applicants pass the exams and go over what books are needed, and what information in those books is likely to be on those tests.

Mr. Royster stated that those testing should have some actual experience and Mr. Delchev is going about it backwards in that he's going for the license first and then gain experience.

Mr. Curtis asked staff how many of those applicants who test and fail return to test again.

Ms. Lucas stated that all of those who fail return to test again.

Mr. Curtis stated that he sees a problem when all who take the tests are allowed to retest until all of them pass. Mr. Curtis further stated that in that case the bar to becoming a contractor is too low.

Ms. Lucas noted that the State of Florida allows the same thing with the exception that for the State, the test is a 2 day test and then after the test is passed then they must prove their experience to the State Board.

Ms. Lucas stated that she is aware that staff presented an applicant who was lacking experience but met the educational exception.

Mr. Royster stated that the Bachelor's degree was questionable as it is foreign, noting that no-one would want to go to a brain surgeon who graduated from a foreign medical school if he wasn't able to pass the American medical test. Mr. Royster stated that common sense says that if a college isn't an American accredited college then the education exception for experience shouldn't be approved.

A brief discussion ensued.

Mr. Kampert stated that what he thinks the Board is getting at is that actual experience in the trade is necessary and just a college education doesn't equate to that actual hands on experience.

Mr. Royster stated that he is wondering what the limits of Mr. Delchev's green card are. Mr. Royster further stated that legal residents do not have the same rights as citizens and

stated that there are restrictions. Mr. Royster stated that it might be wise to further amend the Ordinance to limit approval to test to U. S. Citizens only.

Mr. Kampert cautioned that the Board would have to abide by State and Federal law in that regard; however he would turn the issue over to the County's legal staff for their counsel. Mr. Kampert stated that he completely understands the Board's concern about allowing education in place of actual experience.

Fay Seketa commented that she likely had the newest license of those on the Board; noting that when she tested, she had a degree in accounting and 8 years of experience in framing housing. Ms. Seketa further stated that when she went to take the test, that test had nothing to do with the construction process. Ms. Seketa stated that the issues the Board is discussing relative to Mr. Delchev are not exclusive to only his situation. Ms. Seketa further stated that as far as anyone on the Board knows, Mr. Delchev's Bulgarian degree might be much better than her accounting degree from the University of NW Florida.

Randy Wise stated that Mr. Delchev's situation regarding education is no different from the young man who was approved for a license that will allow him to build multi-million dollar homes with very little experience as he had the education exception as well.

Mr. Royster stated that Mr. Westerman had some experience given that he worked in construction in high school and helped pay for his college working in construction, doing roofing, etc.

Chairman Chesser asked Mr. Kampert how the Board could get done what they feel to be necessary.

Mr. Kampert stated that what needs to be done first is pass these issues on to our County Attorneys for a legal opinion regarding the limits of a green card, regarding the acceptance of a degree in lieu of some amount of hands on experience as well as usage of degrees from foreign Universities or Colleges.

A brief discussion ensued.

Mr. Royster stated that he was concerned that some applicants aren't being tested under the current Building Code. Mr. Royster further stated that he believes that it's wrong that the Ordinance doesn't require that applicants be tested using whatever the current Building Code is.

Mr. Kampert stated that he met staff and the Building Official when this issue first arose and they researched County Ordinance, State Statute and the Department of Building and Professional Regulation and found no requirement anywhere for testing to be limited only to the current Building Code. Mr. Kampert further stated that any applicant who tests with Prometric will be held accountable for building under the 2014 Building Code even though they test under the 2010 Building Code.

Mr. Royster stated that he believes that applicants should be required to test under current Building Code as soon as that Building Code is adopted by the County, and further that a Testing Company who cannot supply tests that are up to date shouldn't be used.

A brief discussion ensued.

Mr. Curtis asked staff if Mr. Westerman's experience was based on his Master's Degree or on the actual experience he claimed he worked through high school and college.

Ms. Lucas stated that some of his experience was due to his degrees as they are degrees in a construction related field. Ms. Lucas provided the Board with a rundown of the experience exceptions for College degrees allowed by the Ordinance and by the State. Ms. Lucas stated that applicants must submit either official transcripts or a copy of their degree/diploma. Ms. Lucas further stated that staff always counsel applicants to include as many years as possible in actual work experience. Ms. Lucas stated that applicants are instructed to be very specific in the type of work they've done, i.e. framing, concrete, roofing, etc.

Chairman Chesser asked staff what was needed from this Board to bring the testing issue in front of the Board of County Commissioners.

Mr. Kampert stated that the Board would have to make a motion requesting that staff bring the testing issue before the BCC.

Mr. Royster stated that he would like any such motion to include the issue of only allowing the education exemption apply to American College & University degrees as well as the other issues discussed.

A brief discussion ensued.

Motion that this Board requests the Board of County Commissioners that the Ordinance be made to require that the qualifying exam actually tests the then current Code made by Skip Royster; Second by Jason Buck; approved unanimously.

A discussion regarding actual work experience and how to amend requirements ensued with consensus that it would take more time and research before a motion could be formed.

Ms. Lucas stated that staff would need direction from the Board regarding what type of experience, how many man hours of what specific areas should be required.

Mr. Kampert stated that staff would work with the Building Official and legal staff to go through the experience application and an edited version back to the Board.

Chairman Chesser stated that he is hearing from the Board is that notwithstanding State qualifications or requirements, this Board will not consider an applicant who does not have at least 1 year of experience in the field for which he will be taking the exam. Chairman Chesser further stated that, unless the County Attorneys find something wrong with that statement, this will be the policy of the Board from the next regular meeting onward.

Motion that notwithstanding State qualifications or requirements, this Board will not consider an applicant who does not have at least 1 year of experience in the field for which he will be taking the exam made by Skip Royster;

There was no second; however, Chairman Chesser asked that staff email this motion to the Board members so that they will have time to think about it before it comes up for discussion at the next meeting.

Mr. Curtis asked the Chairman to define what he meant by experience.

Chairman Chesser stated that the applicants would have to have experience in the type of work that they're trying to get a contractor's license for.

Mr. Wise noted that, in terms of a Residential Contractor's license, Mr. Westerman told the Board that he wanted to remodel bathrooms, and although he doesn't have 5 years of experience remodeling bathrooms we, the Board, have given him permission to test for a license which will allow him to build million dollar homes.

Ms. Lucas noted that there is no license lower than a Residential Contractor's license for doing structural work.

Mr. Royster informed staff that he would like the applicant files to be available for a greater length of time for Board members to go through rather than just prior to the meeting.

Ms. Lucas stated that once the meeting agenda is emailed out, the files are complete and available in her office during regular business hours for Board members to look through noting; however, that her office is in Crestview.

Mr. Royster stated that he has been a volunteer on this Board for a very long time, and further stated that he shouldn't have to and isn't going to drive to Crestview to view the files.

Ms. Lucas continued stated that she will, in future, do her best to see that she is present, with the files, and in the Board's meeting room at least a half an hour prior to each meeting.

Chairman Chesser asked if there was a way to get the files sent to the South office a couple of days prior to each meeting.

Mr. Kampert suggested that the files could be scanned and emailed to the Board members. Mr. Kampert asked Ms. Lucas when the files would be available irrespective of the agenda.

Ms. Lucas stated that the agenda deadline is 2 weeks prior to the meetings and the agenda is sent out at that point. Ms. Lucas noted that she has applicants who submit on the agenda deadline and still has to check all their paperwork to make sure it's complete. Ms. Lucas stated that the notification that all applicant files are complete is the completing of the meeting agenda. Ms. Lucas noted that the only thing in the files that should not be scanned and emailed would be the credit reports.

Chairman Chesser asked if there was a way that the files could be brought to the South office a couple of days prior to the meeting.

Mr. Miller asked if there was a way that the information in the files could appear on the computer monitors that are sitting in front of the Board members.

A brief discussion ensued.

Mr. Royster informed the Board and staff that when his General Liability insurance was up for renewal recently, his insurance agent notified him that there would be a \$500.00 fee to add an Additional Insured, like the County, to the policy. Mr. Royster asked staff to find out how many times has the County gone to Court or been sued wherein that Additional Insured status has been necessary, especially given that all Contractors have to sign a Hold Harmless for the County as well.

Ms. Lucas read the requirement for Additional Insured from Ordinance 07-32.

A brief discussion ensued.

Chairman Chesser requested that Mr. Kampert be present at the next regular meeting and Mr. Kampert stated that he would be present.

Ms. Lucas informed the Board that Mr. Ray Buck wished to address the Board.

Ray Buck stated that he has been a Board member for many years and has really enjoyed the experience; however, he believes that, given his age and health, it is now time to retire from the Board. Mr. Buck thanked the other Board members and wished them well.

Ms. Lucas told Mr. Buck that she was at a loss for words to express how much she and staff appreciated him. Ms. Lucas noted that Mr. Buck has been one of the most faithful members of the Board and staff have appreciated his time, attention and even difficult questions.

Chairman Chesser stated that Mr. Buck's tenure on the Board should be recognized by the Board of County Commissioners and asked staff to see that this is done.

VIII. Adjournment

There being no further business before the Board, Chairman Chesser declared the meeting adjourned.

Prepared by: *Teresa A. Mullins*
Teresa Mullins, Recording Secretary
4.5.2016