

MINUTES ARE NOT VERBATIM

**OKALOOSA COUNTY CONSTRUCTION COMPETENCY BOARD
MINUTES
May 30, 2018**

The regular meeting of the Okaloosa County Construction Competency Board was held Wednesday, May 30, 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 Damian Curtis, Mike Chesser, Buddy Gordon, Randy Wise, Jimmy Henderson, Skip Miller, and Skip Royster.

Board members Jeremy Stewart, Linda Flowers, Fay Seketa, and Jason Buck were not present

Growth Management staff in attendance were Lisa Payton, Code Enforcement Supervisor; Lynne Oler, Code Enforcement Administrative Asst.; Renée Lucas, License Specialist; and Teresa Mullins, Administrative Assistant II. County Attorney, Greg Stewart 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: March 28, 2018:

Motion to approve the minutes as written made by Skip Royster; second by Mike Chesser; approved unanimously.

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

V. Announcements:

None.

VI. Old Business:

Ms. Lucas informed that, due to the high volume of customers, staff was unable to find time to complete the letter to Mr. Whitworth's family on behalf of the Board. Ms. Lucas apologized and stated that staff would complete the letter as soon as possible and get it to this Board's Chairman for signature.

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 L. Davis – Residential Contractor

Mr. Steven L. Davis introduced himself to the Board, stating that he is originally from Birmingham, Alabama and is applying for a Residential Contractor's license.

Chairman Curtis asked Mr. Davis if he was going to be living locally or just working locally.

Mr. Davis stated that he will be living in the area.

Chairman Curtis asked Mr. Davis to tell the Board a bit about his background and experience.

Mr. Davis stated that he is the third generation in a construction family from Birmingham and has built houses starting in 1976 until 1998, and after that began working in the land development business. Mr. Davis further stated that a friend of his who has a subdivision in Walton County has asked him to be the sole builder within this subdivision.

Mr. Skip Miller noted that Mr. Davis' resume shows work experience from the late 1970's through 2010; however, the experience seems to end in 2010. Mr. Miller asked Mr. Davis to explain what he has done since 2010.

Mr. Davis stated that business declined after the economic crash in 2008, and by 2010 he and his wife were rehabilitating older homes, for sale and rental.

Chairman Curtis noted that he heard that the subdivision Mr. Davis wants to build in is located in Walton County, asked if that was correct and wondered why Mr. Davis hadn't applied for licensure in Walton County.

Mr. Davis stated that the subdivision is located in Walton County, and he went to Walton County to see about getting his license, but was told that he had to go to Okaloosa County for licensure.

Ms. Lucas confirmed Mr. Davis comment, stating that Walton County does not have a Licensing Board nor do they offer testing; therefore, any applicants wanting to be licensed to build in Walton County must test through another County that offers it; generally speaking, Walton County sends there applicants to test either through Okaloosa County or Bay County.

Mr. Davis noted that he might well also be working in Okaloosa County.

Mr. Skip Royster noted that the person who signed off on Mr. Davis' experience says he holds an Alabama license and asked Mr. Davis if Alabama tests and licensed contractors now.

Mr. Davis stated that Alabama does require testing for a residential and a building contractor's license now; however, in his case, he grandfathered in.

A brief discussion ensued.

Motion to approve made by Jimmy Henderson; second by Mike Chesser; approved unanimously.

2. Laura P. Earle – Exterior Applications Contractor

Ms. Laura P. Earle introduced herself to the Board, stating that she is from Destin and is applying for approval to test for an Exterior Applications contractor's license.

Chairman Curtis noted that Ms. Earle is also a teacher within the local School District.

Ms. Earle stated that she intends to work with the exterior applications outside of the time she spends teaching kindergarten.

Chairman Curtis asked Ms. Earle to describe the sort of work that she intends to do.

Ms. Earle stated that she has been working with Mr. Holmes in the summertime working with him in the office as well as out in the field, checking on the work being done and intends to be much more involved in the installations as well after she gets her license.

Mr. Jimmy Henderson asked Ms. Earle if she was going to get involved with exterior siding or if there were other facets of the license that she was going to work with.

Ms. Earle stated that she intends to work with window, door, garage door and hurricane shutter installations.

A brief discussion ensued.

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

3. John E. Holmes – Exterior Applications Contractor

Mr. John Holmes introduced himself to the Board as Jay Holmes stated that he is seeking approval to test for an Exterior Applications contractor's license. Mr. Holmes stated that he is a born and raised local and is the owner of Fort Walton Glass where he worked for the Wards for 13 years and then bought the business from them in 2013. Mr. Holmes further stated that he did a favor for a friend a few months ago, changing out some windows; however, he discovered he was not compliant as his license holder had let his license expire. Mr. Holmes stated that he is present seeking approval to test so that he will be in compliance.

Chairman Curtis asked Ms. Lisa Payton, Code Enforcement Supervisor, to inform the Board about Mr. Holmes case and the severity of his issues given that this was unlicensed activity.

Ms. Lisa Payton informed the Board that on August 20, 2017 staff received a complaint from Ms. J. Gates stating that they had windows installed and were waiting for inspection. Ms. Payton further informed the Board that, in her Affidavit of Compliant, Ms. Gates stated that she had contacted permitting staff and discovered that there was no permit

issued for the replacement of their windows. Ms. Payton stated that Code Enforcement staff researched the issue and discovered that there was no permit for the replacement of the windows. Ms. Payton further stated that Ms. Gates provided staff with a copy of the contract, which showed Mr. Ward's license on it; however Mr. Holmes had signed the contract. Ms. Payton stated that staff spoke with Mr. Holmes and discovered his company did not have a licensed qualifier. Ms. Payton informed the Board that Mr. Ward failed to renew his license in 2013 and he was purged from the system at the end of May, 2015. Ms. Payton further stated that, while Mr. Ward was qualifying the company, he had Mr. Holmes on his Letter of Authorization and had given him authority to pull permits and call for inspections; however, once Mr. Ward's license lapsed so did the letter of Authorization so Mr. Holmes no longer had the ability to handle the permits and inspections. Ms. Payton stated that after researching this case, staff issued a citation for unlicensed/unpermitted work to Mr. Holmes, which he promptly came in and paid. Ms. Payton stated that, at the time the citation is paid, Mr. Holmes stated that he had a new qualifier, Mr. Chris Clemons; however, staff found that Mr. Clemons was not current with the County either so permits still could not be pulled or inspections scheduled. Ms. Payton informed the Board that she believes that the Gates family filed a complaint with the State of Florida seeking restitution for the monies.

Mr. Miller asked Ms. Payton if the Building Official has seen the work to know it was properly done.

Ms. Payton stated that the Gates were going to pull their own permit and schedule the inspection; however, given the involvement of the State's Attorney's Office and the charges filed, staff believes that the Gates are waiting for resolution there before moving forward with the permit. Ms. Payton further stated that as a permit was not pulled, no inspection has been done and staff has no way to know if the work was done according to Code.

Chairman Curtis noted that the Sheriff's office was involved.

Ms. Payton stated that the Sheriff's office was called and the State Attorney's office is involved; however, the case has not yet been heard by a Judge. Ms. Payton further stated that there is no way to know for certain when this case will appear in Court. Ms. Payton stated that staff has not received any other complaints from any other customers. Ms. Payton further stated that Ms. Gates is unusual in that she knew that a permit and inspections were required and also knew enough to call in to staff to check.

Mr. Holmes noted that the Gates paid a deposit of half the owed amount before work began and his company has not billed them for the remainder owed, noting that Ms. Gates told him she would be happy to pay the remainder once he was licensed and compliant and has pulled the permit and had his work inspected.

Chairman Curtis asked for the amount still due for the window installation.

Mr. Holmes stated that Ms. Gates put down about \$7,000.00 for windows that cost \$8,000.00 and she still owes about \$6,000.00; however, he is making no attempt to collect that money at this time.

Ms. Payton stated that \$7,454.53 was paid up front out of a total contract price of \$14,454.53 so about \$7,000.00 is still owed.

Mr. Mike Chesser asked Ms. Payton if she was aware of any reason why the Board should or should not approve this applicant to take the licensing exams.

Ms. Payton stated that when staff met with Mr. Holmes, he was issued a Correction Notice as well as a Citation. Ms. Payton stated that in order for Mr. Holmes to be compliant with the Correction Notice, he must obtain the appropriate contractor's licensure, which is why he is appearing before this Board. Ms. Payton further stated that the only complaint received by staff is the one from Ms. Gates and she is very happy with the windows and work done; however, she wants the job to be permitted and inspected as is required.

Mr. Henderson noted that the Board had some cases in the past where they put the applicant on probation for a year and then return so that the Board could be sure they were working responsibly. Mr. Henderson stated that it might be wise to put this applicant on probation for a year so that the Board can know for sure that a permit is purchased and inspections scheduled for Ms. Gates.

Ms. Lucas stated that the Board has, in the past, placed applicants on probation; however, it can take an applicant a year just to get through the testing and receive their license from the State. Ms. Lucas stated that the Board has, in cases such as this, worded their motion such that the applicant is placed on probation for 1 year after they have received their State license, with a return to the Board to show that they are conducting business in a professional manner, and in Mr. Holmes case, that he has purchased the permit for the Gates' windows and has passed inspection.

Mr. Skip Royster asked about the County requirement for a minimum credit score on a credit report.

Ms. Lucas stated that County Code does not require a specific minimum credit score; however the State of Florida does require a minimum credit score when an applicant applies to the State for licensure. Ms. Lucas noted that County Code does require that a credit report be submitted with the application, but this Board is only concerned if there is a judgement or lien. Ms. Lucas further stated that Mr. Holmes is seeking a local specialty license he will not be applying to the State for a State license.

A brief discussion ensued.

Ms. Payton requested that, should the Board include a probationary period in their motion, that Mr. Holmes be allowed to return before the Board as soon as his issue with the Gates family is resolved. Ms. Payton further stated that the Gates have already purchased their own permit and will schedule their own inspection; therefore, the only issue that might come before this Board would be one of restitution, if that issue isn't cleared up in Court. Ms. Payton stated that as far as Mr. Holmes issue with the County, it will be solved by him getting his license, always pulling permits and scheduling the required inspections.

A brief discussion ensued.

Motion to permit this applicant to take the test made by Mike Chesser; second by Randy Wise; approved unanimously.

A brief discussion ensued.

c. 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 on January 31, 2018 the Board found probable cause to hold a Disciplinary Hearing due to 57 permits, pulled by Mr. Puga, that were cancelled due to lack of inspections. Ms. Payton further reminded the Board that on March 28, 2018, staff asked the Board to table the hearing in order to allow Mr. Puga time to talk to the Building Official in order to create a plan of action to take care of all of the expired permits. Ms. Payton stated that Mr. Puga met with the County Building Official and a plan of action was created. Ms. Payton further stated that Mr. Puga was put on a monthly schedule as well as a payment plan. Ms. Payton noted that Mr. Puga has already paid on this plan through July 2018 and has only pulled 2 new permits since the March 28th meeting. Ms. Payton stated that staff is requesting that this Disciplinary Hearing be tabled time certain to the November 14, 2018 meeting at which time all fees shall be paid, all inspections completed with no further outstanding cancelled permits. Ms. Payton stated that staff would like to collect \$137.00 in administrative fees from Mr. Puga at that time.

Chairman Curtis asked if Mr. Puga was aware of this meeting.

Ms. Payton stated that Mr. Puga was aware of this meeting; however, since he has met with the Building Official and they have agreed on a plan of action, his presence at this meeting was not really required. Ms. Payton provided a copy of the plan created by Mr. Puga and the Building Official.

Mr. Royster noted that, in the past, if a license holder in this situation didn't show up to defend his actions and show that he cared about his license, the Board would place that license holder's permitting privileges on hold.

Chairman Curtis noted that Mr. Puga has already paid up 2-3 months in advance.

Ms. Lucas stated that Mr. Puga paid for all of May, June and July per the agreement. Ms. Lucas further stated that the 30 permits paid for have been reopened and scheduled for inspection. Ms. Lucas stated that the Building Official will be doing those inspections himself along with all of his other duties. Ms. Lucas further stated that she will be collecting all of the inspection sheets so that staff can keep track regarding Mr. Puga's progress.

Chairman Curtis noted that Mr. Puga is trying to clear up his issues and asked staff for the amount he owes in total.

Ms. Lucas stated that Mr. Puga owes \$2,590.00 to reopen the expired permits in addition to the \$137.00 that Ms. Payton stated is owed for Administrative costs. Ms. Lucas further stated that Mr. Puga is aware that he will have to pay any re-inspection fees should correction and re-inspection be necessary on any of those permits.

Ms. Payton stated that the reason staff is asking to table this issue until the November 14, 2018 meeting is because Mr. Puga should have all of the expired permits inspected and closed out by then. Ms. Payton further stated that staff didn't want to have to bring this issue back before the Board each time they meet prior to November.

Ms. Lucas noted that there is a statement in the agreement that that if Mr. Puga fails to pay in a timely fashion or otherwise do as required by the agreement then it will result in an automatic appearance before this Board.

A brief discussion ensued

Motion to table this issue, time certain, to the November 14, 2018 meeting and, in addition, Mr. Puga must pay any and all administrative costs made by Skip Royster; second by Jimmy Henderson; approved unanimously.

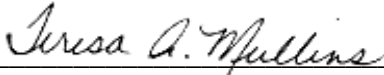
A brief discussion ensued.

VIII. Other Business:

A brief discussion of Notice of Commencements ensued.

IX. Adjournment

Motion to adjourn made by Skip Royster; second by Jimmy Henderson; approved unanimously.

Prepared by: 
Teresa Mullins, Recording Secretary
6.8.2018