

MINUTES ARE NOT VERBATIM

**OKALOOSA COUNTY CONSTRUCTION COMPETENCY BOARD
MINUTES
May 31, 2017**

The regular meeting of the Okaloosa County Construction Competency Board was held Wednesday, May 31, 2017, 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, Linda Flowers, Buddy Gordon, Jason Buck, Skip Miller, Mike Chesser, Skip Royster and Jimmy Henderson. Randy Wise, and Damian Curtis were not present.

Growth Management staff in attendance were Renée Lucas, License Specialist; and Teresa Mullins, Administrative Assistant II. Assistant County Attorney Kerry Parsons was also present.

I. Call to Order

Vice-Chairman Linda Flowers called the meeting to order.

a. Roll Call:

Ms. Teresa Mullins conducted roll call.

II. Acknowledge Guests

Vice-Chairman Flowers welcomed staff and applicants to the meeting.

III. Approval of Minutes: April 5, 2017 SPECIAL CALL MEETING:

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

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

V. Announcements:

Assistant County Attorney Kerry Parsons addressed the Board, reminding them that if they are subject to Financial Disclosure, the Financial Disclosure forms are due back to the Supervisor of Elections by July 1.

A brief discussion ensued.

Ms. Renée Lucas informed the Board that the first candidate on the agenda, Mr. Glenn M. Cormier, is unable to attend the meeting due to a miscommunication; therefore, he will appear on the July agenda.

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. Michael J. Loyed – Building Contractor

Ms. Lucas informed the Board that Mr. Loyed is also a licensed electrician.

Mr. Loyed introduced himself to the Board and asked if there were any questions.

Vice-Chairman Flowers asked Mr. Loyed to tell the Board about himself.

Mr. Loyed stated that he has worked in the construction industry for about 10 years or so and has had his electrical license for a little over a year.

Vice-Chairman Flowers asked Mr. Loyed if he was doing work in Okaloosa County.

Mr. Loyed stated that he works in Okaloosa County, Walton County as well as in the local cities such as the City of Fort Walton Beach and the City of Crestview.

Mr. Jimmy Henderson asked how long Mr. Loyed has worked in contracting, for either a Building or General Contractor.

Mr. Loyed stated that his father-in-law is an investor with a Building Contractor, and he has worked as a manager on jobsites for single family homes participating in all facets, from clearing the lot to getting the Certificate of Occupancy.

Mr. Henderson asked Mr. Loyed about his experience in commercial work as he is applying for a Building Contractor's license.

Mr. Loyed stated that when he first got out of High School he worked for a company that exclusively did commercial and industrial construction and he worked there for 2 years.

A brief discussion ensued.

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

2. James A. Nash – Building Contractor

Ms. Lucas reminded the Board that Mr. Nash appeared before them at their March meeting seeking a Residential Contractor's license. Ms. Lucas informed the Board that Mr. Nash meets all of the Code requirements for the licensing he is now seeking.

Mr. Nash addressed the Board and explained that he had not realized that the Residential Contractor's license would limit him to 2 stories, and the houses he wants to build are the coastal living 3 story type homes.

The Board had no questions for Mr. Nash.

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

A brief discussion ensued.

3. Carl L. Scott – Residential Contractor

Mr. Carl Scott stated that he is the current Building Official for the City of Valparaiso and the City of Niceville. Mr. Scott further stated that he is encouraged to see that this Board is taking the issue of unlicensed contracting seriously. Mr. Scott noted that, in the City of Valparaiso, before a homeowner can pull, for example, a dock permit they must present a copy of their Longshoreman's Insurance, and if they don't have the insurance, then they can't get the permit.

A brief discussion regarding unlicensed activity ensued.

Vice-Chairman Flowers asked Mr. Scott to explain why he is seeking this licensure.

Mr. Scott stated that his wife has told him that he can't do anymore projects at home so he decided to see about getting this license so that he can do small projects, or perhaps a house, outside of the jurisdictions for which he is responsible. Mr. Scott further stated that he had toyed with the idea of partnering with another building but decided that there might well be a huge conflict of interest issue with doing so. Mr. Scott stated that he is really interesting in taking the exams required by the County as he encourages those handymen he catches to get licensed and he'd like to know what they're facing in terms of the tests.

Vice-Chairman Flowers asked Mr. Scott if he had to notify his employers about seeking this licensure due to City requirements or the potential for a conflict of interest.

Mr. Scott stated that he does not believe that he has to do so; however, he does not have any issue with informing his City Administrators. Mr. Scott further stated that he first became a Building Official in 2005 and is a Master Code Official, one of only 800 nationally.

A brief discussion ensued.

Motion to approve made by Skip Miller; Second by Fay Seketa; approved unanimously.

A brief discussion ensued.

c. Board Update:

1. Chad Vowels

Ms. Lucas reminded the Board that Mr. Chad Vowels appeared before the Board on September 28, 2016 seeking a Building Contractor's license, at which time the Board approved the following motion:

Motion to approve him for testing; however he must return to the Board with an update on the judgment before approving him to seek licensure made by Damian Curtis; second by Linda Flowers; approved unanimously.

Ms. Lucas informed the Board that, since that meeting, Mr. Vowels has passed both the Business & Law and the Building Contractor's examinations. Ms. Lucas stated that Mr.

Vowels retained Kiefer Law Group LLC concerning the judgment appearing on his credit report, and they found the company, Unlimited Flooring Inc., located in Washington, no longer holds an active registration in that State. Ms. Lucas further stated that efforts were made to contact that company to no avail. Ms. Lucas stated that a search of Florida State public records indicates that the judgment has not been transferred to the State of Florida, which means that the judgment is not enforceable in the State of Florida. Ms. Lucas further stated that Mr. Vowels' attorney has provided him with a letter providing this information. Ms. Lucas stated that staff have contacted the Florida Department of Business and Professional Regulation (DBPR) regarding the judgement on Mr. Vowels' credit report and were advised that, upon Mr. Vowels' submission of his application and all attendant information, including his attorney's letter, he would be automatically required to appear before the State Board for approval of his licensure. Ms. Lucas further stated that staff was also informed by the DBPR representative that the likelihood that Mr. Vowels would be granted his licensure would be favorable given this documentation; however, there was also a likelihood that he will be placed on financial probation. Ms. Lucas stated that Mr. Vowels may be able to have the judgment removed from his credit report given that even his attorney is unable to find a way for Mr. Vowels to pay it. Ms. Lucas informed the Board that, per the Board's motion, Mr. Vowels is present to address the Board.

Vice-Chairman Flowers stated Mr. Vowels has done everything required by the Board's order, therefore, all that left is to let him go on and apply to the State.

Mr. Mike Chesser asked staff to remind him of the amount of the judgment.

Ms. Lucas stated that as of August of 2011 the amount shown on his credit report was \$26,000.00.

Mr. Skip Miller asked Attorney Parsons if the attorney's letter provided by Mr. Vowels was satisfactory.

Attorney Parsons stated that the letter is factually accurate as it pertains to the Law.

Mr. Chesser asked Mr. Vowels if the business was in Washington State.

Mr. Vowels stated that he was in business with his brother in Washington and it's his brother that filed the lawsuit. Mr. Vowels stated that he moved to Florida and was unaware of the lawsuit.

Mr. Chesser asked Mr. Vowels how long he has been in Florida.

Mr. Vowels stated that he has been here for 7 years and worked with a contractor out of Kansas who holds a license in Florida as well as most other states. Mr. Vowels further stated that he worked for that license holder as a superintendent and has also has his own handyman business.

Ms. Fay Seketa asked Mr. Vowels how long he has had his handyman business.

Mr. Vowels stated that he has been in partnership with a gentleman out of Mobile, but as he recalls he has had his handyman business for 5 -6 years.

A brief discussion ensued.

Motion to approve Mr. Vowels to move forward made by Fay Seketa; second by Jason Buck; approved unanimously.

VIII. Other Business:

Ms. Lucas informed the Board that the mandatory blower door testing for residential homes will go into effect on July 1, 2017. Ms. Lucas stated that nothing submitted prior to or permitted prior to July 1 will not have to meet this requirement. Ms. Lucas further informed the Board about the 3 (three) ways that the testing certification can be done, stating that the testing can be certified by:

1. An energy auditor or energy rater, such as Gulf Power or Chelco.
2. A locally licensed or State certified Mechanical or Air Conditioning (Class A or B) contractor.
3. An approved 3rd party, as approved by the Building Official, who holds a valid certification through the Building Performance Institute (BPI) or the Residential Energy Services Network (RESNET) that demonstrates competency to perform blower door and duct leakage tests.

Ms. Lucas informed the Board that staff have been working with Mr. Alan Baggett, Executive Vice-President of the Okaloosa County Building Industry Association (BIA) and he has provided a list of those he knows of who already have certification:

Casey Electric
Cool Breeze of NW Florida
Mills Heating & Air
Four Seasons Air Conditioning & Heating

Ms. Lucas asked the contractors on the Board to provide information to staff if they intend to either get certified or have a certified person on their payroll. Ms. Lucas stated that she is trying to be proactive so that a database of those who have certification can be created for the Building Contractor to use. Ms. Lucas further stated that those who are certified must provide staff with a copy of their certification as well as a current business tax receipt. Ms. Lucas stated that a mass email will be sent out to staff to all Residential, Building and General Contractors. Ms. Lucas further stated that she has received several calls from persons interested in pursuing certification.

A brief discussion ensued.

Ms. Lucas provided the Board with copies of a list, compiled by staff, of the permits pulled by homeowners within a year as requested by Chairman Damian Curtis at the last meeting. Ms. Lucas noted that permits issued to other County Departments often show as homeowner permits and staff made sure that those permits were redacted from the list. Ms. Lucas stated that the first page provided give the permits issued in the past year, and the second page list only those homeowner permits issued since January 1 of 2017.

Mr. Henderson questioned the Commercial Electrical permits included on the list asking how a homeowner would be able to pull a permit for work on a commercial structure.

Ms. Lucas stated that if a person owns a building and the business that is operated out of that structure, then they can buy permits to do work on that structure up to a value of \$75,000.00. Ms. Lucas further stated that staff checks the Articles of Incorporation to make sure that the person pulling the permit is listed. Ms. Lucas used religious structures as an example. Ms. Lucas stated that staff requires that a homeowner applicant sign an affidavit that acknowledges that they are aware of their responsibility in acting as their own contractor. Ms. Lucas noted that staff can only go so far with homeowners who are wanting to pull their own permits. Ms. Lucas stated that the Board, if they so choose, can move this discussion to the next meeting when Chairman Curtis may be back, as he is the one who requested the information.

A brief discussion ensued.

Ms. Lucas informed the Board that those who are pulling permits to build new houses, additions, and accessory structures, as of May 15, 2017, will have to provide staff with an Erosion Control Statement which will have to be signed and notarized. Ms. Lucas stated that the intent of this form is to gather information about silt fencing, etc. in order to reduce erosion. Ms. Lucas stated that the form can be signed by an authorized agent and reminded the Board to make sure their list of authorized personnel is updated.

Mr. Henderson asked Ms. Lucas to make sure that the BIA is aware of this requirement.

A brief discussion ensued.

Ms. Lucas informed the Board that both staff and applicants are very satisfied with the new testing agency, PROV. Ms. Lucas stated that staff have not received any complaints, even about having to travel to Pensacola to test. Ms. Lucas noted that staff believes the State will be adopting the 2017 Building Code in January, and PROV, being a Florida company is aware of the proposed changes and will be ready when they occur. Ms. Lucas noted that any applicant approved to test prior to the adoption of the 2017 Building Code will still test under the old Building Code, although they will be made aware that they will also be responsible for the new Code once licensed. Ms. Lucas noted that applicants are able to get license faster with PROV because they are instantly aware of their results, noting that one applicant was approved by the Plumbing Board in March and already has his license from the State.

Mr. Skip Miller stated that he would like to request that we have some meetings to increase the fines for unlicensed and unpermitted. Mr. Miller stated that he would like to workshop the issue.

Attorney Parsons stated that she would search Statutes to see what limits, if any, exist.

Ms. Lucas asked Mr. Miller if he would like this issue to appear as an agenda item on the next Board agenda.

Mr. Miller stated that he would and he believes that Mr. Kampert, Ms. Lisa Payton and also Mr. Adams, if he is able, should attend, Mr. Adams especially as it is his inspection staff who are out and about and able to catch these unlicensed people in the act. Mr. Miller referred to a Walton County editorial that asked why a written complaint is necessary when there are County Building and Code Enforcement staff who are out in

County owned vehicles who should be able to catch and fine those who are unlicensed or doing unpermitted work.

Ms. Lucas noted that inspection staff do call in unpermitted work and staff routinely double-charges the contractors for those permits when they are caught.

Mr. Miller stated that he would like to see those contractors charged more than double the regular permit cost, suggesting \$1,000.00 might be more appropriate.

Mr. Buddy Gordon noted that the City of Crestview charges 4 times the original cost of the permit for those caught doing unpermitted work.

Mr. Miller stated that the increased fines and fees might even pay for an additional Code Enforcement Officer. Mr. Miller suggested that increasing the unlicensed fine to \$10,000.00 might help discourage those doing such work as well.

A brief discussion ensued.

IX. Adjournment

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

Prepared by: Teresa A. Mullins
Teresa Mullins, Recording Secretary
6.9.2017