

MINUTES ARE NOT VERBATIM

**OKALOOSA COUNTY CONSTRUCTION COMPETENCY BOARD
MINUTES
July 25, 2018**

The regular meeting of the Okaloosa County Construction Competency Board was held Wednesday, July 25, 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, Jeremy Stewart, Linda Flowers, Fay Seketa, Jason Buck and Skip Royster.

Board member Buddy Gordon was not present

Growth Management staff in attendance were Lisa Payton, Code Enforcement Supervisor; John Wilson, Code Enforcement Officer; Renée Lucas, License Specialist; and Teresa Mullins, Administrative Assistant II. Assistant County Attorney, Lynn Hoshihara was also present as counsel 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: May 30, 2018:

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

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

V. Announcements:

None.

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. Timothy Scott Brogdon – Residential Contractor

Mr. Timothy Brogdon introduced himself to the Board, stating that he is applying to test for a Residential Contractor's license.

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

Mr. Brogdon stated that he had a marine construction business for 8 years and recently has been running a handyman business. Mr. Brogdon stated that he doesn't really intend to build houses but wants to make sure he's legal should any structural work come up.

Chairman Curtis asked Mr. Brogdon if he had built any houses or had any experience building houses.

Mr. Brogdon stated that he built houses with his father.

Mr. Jason Buck stated that he was knowledgeable regarding Mr. Brogdon's work and was willing to vouch for him.

A brief discussion ensued.

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

2. Youry Lazo – Stucco Contractor

Mr. Youry Lazo introduced himself to the Board, stating that he is applying for approval to test for a Stucco contractor's license.

Chairman Curtis asked Mr. Lazo to tell the Board a bit about his background, experience and why he is seeking a license in Florida.

Mr. Lazo stated that he has been doing stucco work for 20 years in Louisiana and now wants to do stucco work here as he has moved locally. Mr. Lazo noted that they moved to this area due to the school system, lifestyle and because they like the area. Mr. Lazo stated that he began working in the stucco trade in 1998

Mr. Mike Chesser noted that Mr. Lazo was asking for a stucco license and asked for an explanation of what sort of license that is.

Ms. Lucas informed the Board that the actual type of license available in Okaloosa County is the Exterior Applications license; however Mr. Lazo is applying for and will be limited to stucco only, should the Board approve his request.

A brief discussion ensued.

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

3. Ryan Poole – Residential Contractor

Mr. Ryan Poole introduced himself to the Board, stating that he is applying to test for a Residential Contractor's license.

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

Mr. Poole stated that he grew up building for his father and construction is all he has ever done.

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

4. Jonathan Sankey II – Marine Contractor

Mr. Jonathan Sankey II introduced himself to the Board, stating that he is applying to test for a Marine Contractor's license.

Chairman Curtis asked Mr. Sankey if he had any experience in marine construction.

Mr. Sankey stated that when he first moved locally in 2010, he found work with a marine contractor and has been working in marine construction ever since. Mr. Sankey noted that he has worked for Fitz Marine and Decks 'n Such locally, among others.

Mr. Chesser asked Mr. Sankey how he was going to work differently as a licensed contractor, noting that he will likely have employees, sub-contractors and suppliers to pay.

Mr. Sankey stated that there are a lot of people doing marine construction incorrectly and he will do that work correctly and understands that he will be responsible for making certain that his people and suppliers are paid.

A brief discussion ensued.

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

5. Richard Brian Williamson – Stucco Contractor

Mr. Brian Williamson introduced himself to the Board, stating that he is applying to test for a Stucco Contractor's license.

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

Mr. Williamson stated that he is originally from Hattiesburg Mississippi and has worked in construction for 30 years of which he built houses for 20 years and then got into the stucco business. Mr. Williamson stated that his business was sold and he decided to set up locally as a stucco contractor. Mr. Williamson noted that he is living locally and loves the area.

A brief discussion ensued.

Motion to approve made by Jason Buck; second by Fay Seketa; approved unanimously.

A brief discussion ensued.

c. Purged Contractor:

1. David G. Rademacher – Horizon Home Remodeling Inc.

Ms. Lucas reminded the Board that Mr. David Rademacher appeared before this Board at their regular meeting on March 28, 2018 seeking approval to test as a new applicant in order to obtain his Okaloosa County Specialty Structures Competency Card. Ms. Lucas restated the motion made at that meeting:

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

Ms. Lucas informed the Board that, since that meeting, Mr. Rademacher has chosen not to take the licensing examinations, and instead, has chosen to appear before the Board at this meeting to seek the reinstatement of his Okaloosa County Specialty Structures Competency Card. Ms. Lucas further informed the Board that, according to staff records, Mr. David Rademacher was previously licensed with Okaloosa County from 1997 to 2009 after he grandfathered in as a County Specialty Aluminum Structures Contractor. Ms. Lucas stated that Mr. Rademacher obtained his State Registered Specialty Structures License, # RX11066706 in June of 2002. Ms. Lucas further stated that Mr. Rademacher's Competency Card was purged in January of 2011 after 2 years of non-payment. Ms. Lucas stated that in Mr. Rademacher's statement to the Board during the March meeting he explained that he lost both of his financial lenders, and in order to save his company he quickly downsized to a more manageable size which forced him to limit his work to just Escambia and Santa Rosa Counties. Ms. Lucas further stated that, again per Mr. Rademacher's statement, now that his financing has stabilized, he is able to go back to serving a wider area and wishes to include Okaloosa County. 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 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 stated that staff asks, should the Board approve his request, that all back fees penalties, totaling \$1,600.00, be paid and that a payment deadline be made part of the Board's motion. Ms. Lucas noted that payment of the back fees and penalties will bring Mr. Rademacher's Competency Card current through December 31, 2018. Ms. Lucas stated that staff provided Mr. Rademacher with the total amount of back fees and penalties prior to this meeting in the event that the Board approves his request. Ms. Lucas informed the Board that Mr. Rademacher currently holds a State Registered Specialty Structures Contractor's license, which hasn't been available since 2007, through the Department of Professional Regulation, and must take continuing education and renew his licensure every 2 years.

Chairman Curtis, to clarify, stated that Mr. Rademacher asked for approval to test at the last meeting, and now has decided, instead, to seek reinstatement of his Okaloosa County Competency Card.

Ms. Lucas stated that the Chairman is correct.

Mr. Chesser noted that at the last meeting he believes that the Board all agreed that taking the exam would be the best path for Mr. Rademacher given that he grandfathered in so long ago.

Ms. Lucas stated that Mr. Rademacher, prior to or at the last meeting, did not ask to have his license reinstated. Ms. Lucas further stated that in her presentation to the Board she informed the Board that Mr. Rademacher already held and currently holds a State Registered license and was only asking to test to get his Okaloosa County Competency Card. Ms. Lucas noted that Mr. Rademacher was grandfathered in to his State Registered license.

Mr. Chesser asked if Mr. Rademacher had to take continuing education classes to maintain his State license.

Ms. Lucas noted that Mr. Chesser's question should be asked of Mr. Rademacher. Ms. Lucas stated that staff sent an email to Mr. Rademacher in response to his initial contact, outlining the documentation needed for him to appear before this Board. Ms. Lucas further stated that staff did not provide Mr. Rademacher with the specific County Code of Ordinances language. Ms. Lucas noted that, per State of Florida Public Records Law, staff was not obligated to keep his file after 5 years of non-payment, therefore, there is no copy of Mr. Rademacher's original file.

Mr. Randy Wise asked if staff looked to see if there were any complaints regarding Mr. Rademacher's work in Escambia or Santa Rosa Counties.

Ms. Lucas stated that licensing staff only reached out to the licensing specialists in Escambia and Santa Rosa regarding their licensing information and asking if they had any exam scores for Mr. Rademacher.

The Board had no further questions for staff at this time.

Mr. David Rademacher addressed the Board stating that when he last appeared before the Board he thought he was appearing before them to re-activate his license, not to seek approval to test. Mr. Rademacher stated that he has been actively licensed since 1995 in Pensacola and he was actively licensed when he expanded his work into Santa Rosa and Okaloosa Counties. Mr. Rademacher further stated that his State license is, and always has been, current and active and he has always kept up with his required continuing education. Mr. Rademacher stated that the confusion started when they needed test scores, as he took and passed his test in 1995 in Escambia County. Mr. Rademacher stated that the testing company was then sold and the new company only kept their testing records for 10 years. Mr. Rademacher further stated that after the last meeting he met with the Growth Management Director, who told him that he would fall under "special circumstances" because he's remained an active contractor throughout this whole period of time. Mr. Rademacher stated that he had to downsize in 2009 due to the economy as he

lost all of his financial backing. Mr. Rademacher further stated that, along with downsizing, he had to diversify the type of sunrooms he installed to reduce the need for financing. Mr. Rademacher stated that, at no time did he do any work in Okaloosa County during his absence from Okaloosa County as a contractor. Mr. Rademacher further stated that the fact that staff told him that he would owe back fees and penalties also confused him as he just downsized his company for a while. Mr. Rademacher informed the Board that during the time his company was not active in Okaloosa County, his company went through a corporate name change, from Horizon Sunrooms and Spas to Horizon Home Remodeling, Incorporated so he thought he'd be able to come back to Okaloosa County with a reciprocal license. Mr. Rademacher stated that he was present to request that the Board activate his license to work here in Okaloosa County.

Chairman Curtis asked Mr. Rademacher to confirm that he has not worked in Okaloosa County since 2008.

Mr. Rademacher stated that he has not worked in Okaloosa County since 2008, however, now that the financing is back he would like to get back to work in Okaloosa County as well. Mr. Rademacher stated that for jobs in Okaloosa County he purchases the materials and supplies in Okaloosa County.

Chairman Curtis stated that he at his first appearance before this Board, Mr. Rademacher requested that he be allowed to take the test.

Mr. Rademacher stated that he didn't realize it was to retake a test, and once he understood what had happened he requested a meeting with the Growth Management Director who found that this issue fell under "special circumstances".

Mr. Skip Royster noted that his issue with this request is that Mr. Rademacher's Competency Card was purged so to him, Mr. Rademacher is starting over which requires testing.

Mr. Rademacher stated that he is and has been an active contractor actively working in the field without any lapse in his State licensure, and, given that he has a State Registered license, that is proof that he did test at one time.

Mr. Royster informed Mr. Rademacher that he is not licensed to work in Okaloosa County and has not been so licensed since his Competency Card was purged in January of 2011. Mr. Royster stated that, if Mr. Rademacher is unable to get his 1995 to prove he meets the requirements in the Okaloosa County Code of Ordinances, then he should be required to take the test again. Mr. Royster noted that he also holds a grandfathered State registered license, and he isn't allowed to work under that license anywhere other than Okaloosa County as reciprocity isn't allowed for those who grandfathered into State Registered licenses.

Mr. Rademacher stated that Okaloosa County granted him reciprocal licensure when he did work in this area so they must have had access to his test scores or they wouldn't have issued him an Okaloosa County Competency Card.

Mr. Royster informed Mr. Rademacher that, as staff had already told him, his contractor's file was destroyed after 5 years of non-payment, non-renewal, therefore, any proof of his

test scores was also destroyed along with that file. Mr. Royster stated that, since no proof of testing can be found, it is his opinion that Mr. Rademacher must test as a new applicant.

Mr. Chesser asked if the relevant portion of the County Code of Ordinances referencing purged contractors could be read into the record.

Ms. Lucas read into the record 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.

A brief discussion ensued.

Mr. Randy Wise noted that Mr. Rademacher stated today that he came before the Board originally in order to ask for his license back, although that is not what happened at the meeting.

Ms. Lucas stated that, when first contacted, staff's understanding was that Mr. Rademacher was seeking to take the exam in order to get his license (County Competency Card) reinstated; therefore, that was how staff presented the issue to the Board. Ms. Lucas further stated that staff informed Mr. Rademacher's secretary that he could either petition the Board for reinstatement or testing, but he could not reciprocate as his original test scores were not and are not available. Ms. Lucas stated that staff searched diligently for any testing information for Mr. Rademacher as did Mr. Rademacher's secretary, but no such information was found.

Mr. Rademacher stated that the error was in his misunderstanding what he was asking for and in no way due to the information provided by County staff.

Chairman Curtis asked Mr. Rademacher what his problem was in terms of having to take the exams.

Mr. Rademacher stated that he has been an actively license and working contractor for over 20 years and it seems unnecessary given that he's been in business as a working contractor, continuously, for over 20 years.

Ms. Fay Seketa informed Mr. Rademacher that it was his choice to reduce his business to only Escambia and Santa Rosa Counties. Ms. Seketa further stated that, in trying to come back to Okaloosa County, it is the duty of this Board to look at only the potential for Okaloosa County.

Mr. Rademacher stated that he was originally licensed in Escambia County and reciprocated to both Santa Rosa and Okaloosa Counties; therefore, he must have passed a test or he wouldn't have been able to reciprocate at that time.

Mr. Jason Buck stated that the Code of Ordinances gives 3 instances in which the Board can vote to reinstate a purges license; family illness, military service and other circumstances that the Board deems appropriate. Mr. Buck further stated that he personally does not see a special circumstance in this case. Mr. Buck stated that it was

Mr. Rademacher's choice not to renew his Okaloosa County Competency Card that caused this situation.

Mr. Rademacher stated that the Department Director told him that his issue was a special circumstance and the Board's approval shouldn't be an issue that is why he decided to appear today before the Board to petition for reinstatement of his Competency Card. Mr. Rademacher stated that he is even willing to reinstate the old Competency card and pay all of the "ridiculous" fees if he has to. Mr. Rademacher stated that he badly wants to expand his business back into Okaloosa County.

Mr. Royster asked staff to explain the cost involved in the annual renewal of an Okaloosa County Competency Card.

Ms. Lucas stated that the cost to renew an active Okaloosa County Competency Card is \$100.00 per year.

Mr. John Wilson, Okaloosa County Code Enforcement Officer introduced himself to the Board as the investigating officer in a Code Enforcement case against Mr. Rademacher. Mr. Wilson stated that staff received a complaint on June 7, 2018 from a homeowner who stated that she was having a sunroom built but discovered that there were no permits issued for the job when she contacted permitting staff. Mr. Wilson stated that Code Enforcement staff met with the complainant, took pictures at the site and were given a copy of the contract dated February 12, 2018 and signed by Mr. David Rademacher. Mr. Wilson further stated that, at the time he visited the site, the sunroom was almost complete. Mr. Wilson stated that, upon return to the office, he contacted Ms. Lucas and determined that Mr. Rademacher was indeed an unlicensed contractor doing unpermitted work; therefore, Mr. Wilson stated that he immediately placed a "stop work" on the job in order to pursue the unlicensed/unpermitted case. Mr. Wilson stated that, in a meeting with the Building Official and the Department Director, it was suggested that this unlicensed issue be put on hold pending the outcome of this Board's hearing regarding his license.

Mr. Wise asked Mr. Wilson to provide the Board with the specific complaint received by Code Enforcement regarding the unpermitted work.

Mr. Wilson stated that he received a message from staff regarding a call they received from a lady named Cheryl regarding a sunroom being built onto her home, at 1160 Lost Trail, by a company out of Escambia County. Mr. Wilson further stated that Ms. Cheryl discovered that no permits had been pulled for this job and wanted to make certain that everything was done legally. Mr. Wilson stated that the Code Enforcement office takes these unlicensed contracting issues very seriously.

Ms. Lucas stated that Licensing's first contact with Mr. Rademacher was on February 13th.

Ms. Lisa Payton, Code Enforcement Supervisor, informed the Board that she was present for the phone conference between the Building Official & Department Director regarding Mr. Rademacher and confirmed the agreement to place a hold on the Code Enforcement case until such time as this Board met and made a decision regarding Mr. Rademacher's request. Ms. Payton stated that it would be prudent to make part of this record the fact that Mr. Rademacher contracted and commenced construction without a license to work in

Okaloosa County and without permits before ever applying to address this Board regarding the status of his license.

Chairman Curtis recalled Mr. Rademacher to the podium and stated that he had asked Mr. Rademacher if he had been doing any work in Okaloosa County since he let his license lapse in 2008 and Mr. Rademacher told him emphatically that he had not. Chairman Curtis asked Mr. Rademacher to explain this issue to this Board.

Mr. Rademacher stated that he knew this type of construction only requires 1 inspection but he always intended to pull a permit because he does everything “by the book”. Mr. Rademacher further stated that it was when he went in to pull the permit that his licensing issue came to light.

Ms. Linda Flowers asked Mr. Rademacher why he didn’t disclose this information to the Board at his first appearance, let alone at this one.

Mr. Rademacher stated that one regarded his license and the other an issue with a customer and he was embarrassed. Mr. Rademacher stated that it was his fault but he assumed because he is so customer focused that the two issues were separate.

Mr. Chesser wondered if there were other projects such as this involving Mr. Rademacher that the Board and staff don’t know about.

Mr. Rademacher stated that he has no other projects in Okaloosa County. Mr. Rademacher further stated that he only handles the TEMO sunrooms.

Mr. Miller noted that the contractor testing has changed to add a component of Business and Law and this is a perfect example of why this change was made. Mr. Miller further stated that, in his opinion, Mr. Rademacher needs to go back and take the test.

Ms. Seketa asked Mr. Rademacher if his business is limited to sunrooms.

Mr. Rademacher stated that he had to expand his business, which is why he changed his business name.

Ms. Seketa stated that Remodeling implies more than just specialty structure work.

Mr. Rademacher stated that he does siding, windows, doors, and bathroom conversions as he has a plumber as well as sun and screen rooms.

Chairman Curtis asked Ms. Lucas to read the definition of a Specialty Structures contractor from the Code of Ordinances into the record.

Ms. Lucas read into the record the definition of a Specialty Structures contractor as found in the Okaloosa County Code of Ordinances, Chapter 6; Article VIII; Division 3; Section 6-274 Definitions:

Specialty structure contractor is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, handling, erection, installation, replacement, dismantling, adjustment, alteration, repair, servicing and design

work when not prohibited by law, in accordance with accepted engineering data and/or according to manufacturer's specification in the aluminum, metal, canvas, vinyl and fiberglass screening, doors and windows, hurricane protection devices and allied construction materials. The scope of such work shall include and be limited to fabric coverings on metal substructures, screened porches, screened enclosures, pool enclosures, performed panel-post and beam roofs, manufactured housing roof-overs, vinyl or acrylic panel window enclosures, guardrails, handrails, aluminum and vinyl fences, the installation or replacement of windstorm protective devices, single story self-contained aluminum utility storage structures not to exceed 720 square feet), residential glass window and door enclosures, sunrooms, siding, soffit, fascia and gutters. The installation or replacement of window and door assemblies certified in accordance with AAMA 101/I.S.2 or Miami Dade TAS 201.202.203 as specified by the Florida Building Code in Group R occupancy buildings, as defined by the Florida Building Code, up to three stories or 30 feet in height. The installation or replacement of windstorm protective devices, except for impact resistant glazing, shall be unlimited. Division I contractors shall be permitted to subcontract with specialty structure contractors for the installation or replacement of window and door assemblies certified in accordance with AAMA 101/I.S.2 or Miami Dade TAS 201.202.203 as specified by the Florida Building Code in buildings of Group R occupancy, as defined by the Florida Building Code, of any height. The scope of such work shall include wood work incidental to the aluminum and allied materials construction work. It shall be limited to the construction of wood framing for the walls of uninhabitable utility storage structures, raised wood decks for enclosures, and the repair and/or replacement of wood incidental to the installation of glass windows and doors, installation of siding, soffit, fascia, gutters and performed panel-post and beam roofs. The scope of such work shall comply with all plans, specifications, codes, laws and regulations applicable. The scope of such work shall include masonry concrete work and be limited to foundations, slabs and block kneewalls incidental to the aluminum and allied construction materials construction work. The specialty structure contractor, whose services are limited, shall not perform any work that alters the structural integrity of the building including but not limited to roof trusses, lintels, load bearing walls and foundations. The specialty structure contractor shall subcontract, with a licensed qualified contractor in the field concerned, all other work incidental to that which is defined herein but which is the work of a trade other than that of a specialty structure contractor. Nothing in this definition shall be construed to limit or infringe upon the scope of work of any specialty contractor certified pursuant to sections 489.105(3) and 489.113(6), Florida Statutes.

A brief discussion ensued

Motion to deny the applicant's request to reinstate made by Mike Chesser; second by Skip Miller; approved unanimously.

Ms. Lucas stated that the original motion of the Board allowing Mr. Rademacher to take the exams still stands, Mr. Rademacher has paid his exam fees and he has been provided with the book list. Ms. Lucas further stated that all staff needs to issue his Competency Card is proof of passing the exams with a score of 75% or better.

Mr. Royster asked Code Enforcement staff to explain what will happen with the unlicensed complaint now that the Board has made its decision.

Ms. Payton stated that Code Enforcement staff will now issue the citation to Mr. Rademacher for unlicensed, unpermitted work.

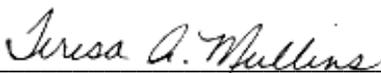
A brief discussion ensued.

VIII. Other Business:

Ms. Lucas stated that staff was finally able to send the letter of sympathy sent to Mr. Leo Whitworth's family. Ms. Lucas further stated that Mr. Whitworth's family has expressed great appreciation for sympathy expressed.

IX. Adjournment

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

Prepared by: 
Teresa Mullins, Recording Secretary
8.15.2018