

MINUTES

Contractors' Examining Board

Tuesday, March 25, 2008

9:30AM

Marathon Government Center

2798 Overseas Hwy., 2ND Floor, E.O.C. Rm., Marathon, Florida

Steve R Henson, Chairman

Present for roll call at 9:45 a.m. were, William F Kelly-(Vice Chairman), Peggy Bankester, Joseph Vetrick, Gary Centonze, Frank Topino, Joseph Paskalik, Building Official, Nat Cassel, Assistant County Attorney, Lisette Cutie-(Coordinator), Odalys Mayan-(Coordinator)

Charles E Miller Arrived at 9:54am

Gary Centonze Departed at 2:00pm

Frank Toppino Departed at 2:00pm

Counsel swore in all parties involved.

HEAR ANY PERSON WISHING TO SPEAK BEFORE THE BOARD

9:48am

A. Barton, Ronald L SPS718

Conch Pool, Inc

NOTICE OF APPELLATE

Code Enforcement Citation No: CE07120076

6-39(g)(1)(2) Failure to obtain required inspections for Permit Number 04105484

Kathleene Windsor. Code Enforcement Inspector.

MOTION by Joseph Vetrick and 2nd by Peggy Bankester to: **DENY APPEAL.**

Roll call was taken with the following results:

Kelly-**Y**, Bankester-**Y**, Centonze-**Y**, Vetrick-**Y**, Toppino-**Y**- **Motion carried unanimously.**

PENALTY

MOTION by Gary Centonze and 2nd by Peggy Bankester to: **REDUCE FINE TO \$250.00.**

Roll call was taken with the following results:

Kelly-**Y**, Bankester-**Y**, Centonze-**Y**, Vetrick-**Y**, Toppino-**Y**- **Motion carried unanimously.**

10:11am

Peter Jones addressed the Board in reference to: Would like to qualify a 2nd Engineering I Company. The Board explained that the application will be reviewed and a decision will be made. Board also advised that he would have to be an officer of the Company and own at least 10% of the Company.

10:14am.

Dave Bertkau addressed the board in reference to: Reciprocity letter from Palm Beach County which disclosed that he had received 2 NON-(NOTICE OF NON COMPLIANCE). Mr. Bertkau explained the reason for the NON's. The Board explained that application will be reviewed and he will be contacted with decision.

10:21am

B. Belitz, Jeffrey

NOTICE OF APPELLATE

Code Enforcement Citation No: CE07080002

6-25- Unlicensed Contracting

Diane Link, Code Enforcement Inspector.

MOTION by William Kelly and 2nd by Peggy Bankester to: **GRANT APPEAL**.

Roll call was taken with the following results:

Kelly-Y, Bankester-Y, Centonze-N, Vetrick-N, Toppino-N- Miller-N (4-N 2-Y).

APPEAL DENIED BY MAJORITY VOTE OF NO PENALTY

MOTION by Gary Centonze and 2nd by Peggy Bankester to: **REDUCE FINE TO \$250.00**.

Roll call was taken with the following results:

Kelly-Y, Bankester-Y, Centonze-Y, Vetrick-N, Toppino-Y, Miller-Y (5-Y 1-N)

10:41am

C. David Hilton CBC060043

David Hilton General Construction, Inc

MANDATORY NOTICE TO APPEAR

Code Enforcement Citation No: CE07080008

6-66(8)(a) Aiding and abetting unlicensed contractor

Diane Link, Code Enforcement Inspector.

MOTION by Gary Centonze and 2nd by William Kelly for discussion to: Find **IN VIOLATION**.

Roll call was taken with the following results:

Kelly-N, Bankester-Y, Centonze-N, Vetrick-N, Toppino-N- Miller-N (5-N 1-Y).

FOUND NOT IN VIOLATION BY MAJORITY VOTE OF NO

10:53am

Pedro Mendez addressed the Board in reference to: Aluminum Specialty license and the ability to install windows and doors. Joe Paskalik confirmed that since the code has not yet been changed, Aluminum Specialty License holders could continue to install Windows and Doors. Since this item was discussed in the September 25, 2007 CEB hearing and there was a Motion entered by Steve Henson and 2nd by Joseph Vetrick approving the new revised Aluminum Specialty Contractor definition where it now prohibits aluminum contractors' to install windows and/or doors. A new motion was entered until the code has been changed.

11:31am

MOTION by Gary Centonze and 2nd by Joseph Vetrick to: **Table the item with all the information that was given until there is a full quorum and anyone who currently has an aluminum specialty license can continue working.**

Roll call was taken with the following results:

Kelly-Y, Bankester-Y, Centonze-Y, Vetrick-Y, Toppino-Y- Miller-Y, *Motion carried unanimously.*

11:37am

John Weitz and Nick Mercer Daly from Florida Keys Boatlifts addressed the board:

WEITZ: I believe that what I am learning is that the issue is the amount of experience that the two people that are here about this have. The letter we received from Lifetime Dock and Lumber indicated only 19hrs of experience, however Nick has worked there for 7 years and he was their main installer for the entire time of that. I guess after two years he was heading up the crew. Nock has been building docks and he's been installing boatlifts and Suring up docks for the Boatlifts for 7 years for Lifetime Dock and Lumber. The only issue we have with our license getting Marine Contractor is that experience. Murray is here in the room with us, I just don't know why we got a letter only indicating we had 19hrs of experience.

BANKESTER: I'm just lost, has this been brought up before? Because I don't know why you are here.

WEITZ: We don't really either, but we have the experience necessary we went through all the motions, we worked for 7yrs, we started up a company, did everything the right way, you know, he took the test...

CASSEL: I don't mean to interrupt you Mr. Weitz, we need a little background, Odalys if you would please.

BANKESTER: Apparently, Your license was denied?

WEITZ: They had a special, and I think Odalys can probably help me with this, that they kind of created a special license for the boatlifts indicating Boatlifts Only, we weren't really happy with that anyways because he has so much experience with docks, we feel we should be able to have the entire Marine Construction license because he does have the experience doing that. But it only came down to this because the letter we received from Lifetime Docks and Lumber indicated only 19hrs of experience which I mean I worked there 2yrs myself and I sold for a year and in that time he built many docks. I'm not sure why we don't have that license.

KELLY: Go ahead Odalys

MAYAN: Ok when Mr. Mercer Daly and the other applicant in question applied to the Monroe County Building Department for Marine Construction-Boat Lift only, I did tell them that they were the first ones who have ever applied for Boat Lifts Only, That we don't have that category, that we would allow them to take the exams, and the application would go before the board. On January 29th, 2008 the application came before the board, the applications were approved by Steve Henson, I have them right here, they were both approved by Steve Henson, Steve Henson felt that they both had the experience for this license. They did take the Marine Construction and in front of it, I wrote Boat Lifts only. When the applications were approved and they passed the exams, my supervisor or I did not feel comfortable issuing them a Marine Construction License, so I went to her and I explained to her the situation so we created a Boat Lift Only category until we can bring it back before the board because even though they were approved, we did not feel that they had the experience for the Marine Construction License.

KELLY: What made you feel that they did not have that experience?

MAYAN: Because they only were applying for Boatlifts only.

TUCKER: They didn't apply for the Marine Construction; they were applying for Boat Lifts only.

WEITZ: No no we wanted the full...

MAYAN: In their letters, in their reference letters only explained about boatlifts, supervision of boat lifts, installation of boatlifts and davits, it doesn't say the they had, you know they did not go into anymore detail of Marine Construction, just boatlifts, and I do have copies of the applications and of the reference letters and I also have a letter from Steve Henson that was faxed into me this morning since he could not be here today explaining his thoughts regarding why he approved both applications.

KELLY: I'd like you to pass those out and I'd like the Board to take 5 minutes to read over this material and then if you gentlemen want to sit down while we read this.

MILLER: Somebody should read that letter into the record.

KELLY: Well, we will have Odalys do that.

11:42 Break

11:46 Resume

MAYAN: (*READ STEVE HENSON LETTER TO INTO RECORD*).

MAYAN: If I may add one more thing when I spoke to him this morning. He says both applicants have reference letters from state contractors expressing their knowledge regarding their experience in boatlifts and davits installation.

KELLY: Right, that's what I read in these applications too, and as Mr. Henson stated, he wasn't giving them the Marine License, he was just licensing them to put in Boatlifts and they showed over 2 years experience that's what the requirements and my understanding Joe Paskalik is that true, if they could show over 2 years experience in boatlifts only, that they would be accepted?

PASKALIK: Well that would be up to the board.

KELLY: I think that's what Steve bases it on.

BANKESTER: Yes, my recollection of when I voted was that we were concerned about people applying for this that had absolutely no knowledge of how to measure structure or the soundness of a seawall or anything and I know what has been done in my neighborhood without permits on Saturdays, they stack sand bags, pour concrete over a seawall and make it look like a seawall. So we talked about safety and collapse and all this other stuff and I wasn't willing or comfortable in risking a homeowner or whoever the liability of having one of these systems cause a seawall to fail because if this seams or even leaning against a seawall and that tie beams hasn't been poured, I could just see the whole sidewalk moving, so that was how I voted. I felt they needed to have some sort of engineering background, something that would protect the homeowner and they would have knowledge of the structure of that seawall before we issued a license for installing davits, boatlifts, and whatever, that's my recollection of my vote.

CENTONZE: Mr. Chairman, under discussion, correct me if I am wrong Nat but Florida Statute 489 states that we are allowed to be more restrictive in our discipline but not less restrictive, so when an applicant comes in and actually writes in their own handwriting "Boatlifts Only" and we allow them is that something the county can enforce, in other words when they come in to pull a permit even though they have that license, at the time that was the intent of it, I mean I don't even see why we are here because they are clearly written with both their handwriting, both of them say boat davits and lifts, so is it my understanding and I usually don't

get lost with these things but is it my understanding Mr. Chairman, these gentlemen now want the effect of a whole Marine license?

DALY: That was the direction I was going only purely because they were saying that without a marine contractors license you cant put a boatlift in and I've done that for 7 years.

CENTONZE: Have you seen your own application? When you filled it out, when you wrote down here license category, and this is you filling out the application you put down license category that you want, you put down engineering contractor class II and then you put in parenthesis Boatlifts and Davits, Kimberly's, on hers I see the same thing, she has license as category Marine Construction- Boatlifts Only..

DALY: That's all that I wanted to do, that's all was my intention was to continue installing boatlifts which I am very good at doing and have done so for many years, however there was this talk of, unless you have a full marine contractors license you are not going to be entitled to put in these boatlifts because you don't have an understanding apparently anyone could do it, you don't have an understanding of a wood dock or a concrete dock as to its soundness and how you are going to make modifications prior to putting a lift ...

CENTONZE: You know Nicholas, its funny cause I didn't go through this application but I do see under Kimberly's and part of hers is, I looked under the description of what she does on responsibility where making sure that dock structure is strong enough to install the lift" obviously that's beyond her capabilities without a marine license, now that I'm looking, I'm reviewing somebody else's, I understand the intent of what she is doing, she stating well I'm out there looking at something that I am not licensed to do so I am using my common sense.

DALY: A lot of this is common sense, a boatlift is a pre structured, its made in a factory, its designed to do its job, but what its supported against of course is part of that. The boatlift, the majority of the weight is at the bottom of the canal, the structure itself doesn't really have to be..

CENTONZE: You see hold on, now you are speaking like an engineer. I am not an engineer, I am a licensed state contractor and that is the problem we are facing, is maybe an error of this board trying to accommodate you and understand something, we sit as a board only to protect the public make sure everybody is license, understands the law and by the same token we also represent the licensed contractor, if they feel that somebody is in there category, the have every right to petition this board and I think that's what's happened here.

WEITZ: I believe the only reason we don't have the Marine Contractors license is only because the letter that we received from Lifetime Dock and limber was incorrectly written. It read that we only have 19hrs of experience but yet he has 7yrs of experience building docks and shearing docks for the boatlifts in addition to putting in the boatlifts himself, I mean I believe that is all we are missing right now to get the Marine Contractors license which I believe that we deserve because he does have experience building docks. I don't know why the letter was written that way. We may want to go in the direction of getting the Marine Construction License because he does have the experience building docks, and putting boatlifts, miscellaneous, any kind of dock, Concrete.. you understand what I am saying?

BANKESTER: My concern is you know when we do something for one groups men who may be very well qualified who may be very well educated, the next person, Joe blow comes along that's totally new, cause we set a precedence so I always prefer to air on the side of being a little more conservative.

WEITZ: What we need to do is just confront the person who wrote the letter and get the letter indicating that we do have the experience. That the only discrepancy in having the Marine Contractor license right now, is that letter, all the other criteria we have met.

PASKALIK: If you have experience to get the Marine Contractors License, give us the proof of experience and we will give you the Marine Contractors License.

WEITZ: Ok, we will work on that if we can have a little stay of execution.

KELLY: Give them the license; there is no test for this?

TUCKER: They took the test.

KELLY: They took the Marine Construction?

BANKESTER: See, I didn't know that. That makes a difference to me.

WEITZ: We've taken all the test and everything, we just need the correct letter that has the honest amount of time that he actually worked there building docks and putting in lifts.

CASSEL: Just so you will know, on page 30 & 31 are notes on this from your last meeting and at that time it appears to me, and I've just done some quick reading but it appears to me that you decided not to have this broken down, that you wanted it to remain.

CENTONZE: We didn't want to just establish another category.

WEITZ: Not all boatlifts go leaning against a dock or a davit pad. There are no profile boatlifts that sit on six pilings, there are other boatlifts that hang from four pilings, there is a little more complication than just bolting down the base of a davit and throwing in a little arm or leaning a high tide boatlift against a dock or something like that so I think the marine construction license will certainly be in order.

CENTONZE: Mr. Chairman, can we hear from, Id say the opposing, and maybe from Murray?

KELLY: Well, let me just check with these gentlemen and if there is any more information, they would like to provide to us.

DALY: Basically I would just like to state that I have put in all these other types of boatlifts including some that are unique, I know we do a 72,000lb hydraulic system, these are massive lifts, and you do have to be very technically inclined, you have to understand them properly, not anybody can put these in and they also require specialty tools, you just cant go out there with a hammer and think you can put a boatlift in, it doesn't work that way. So I agree that the consumer needs to be protected from people who do not have the experience or the knowledge on how to put them in but certainly I do and I appreciate that so..

PASKALIK: Mr. Chairman, I just wanted to point out that all boatlifts permits are issued with engineered plans and that includes the connections to existing seawalls and docks.

KELLY: Engineered plans drawn by...

PASKALIK: A licensed engineer.

KELLY: Licensed engineer and that is for residential and commercial.

PASKALIK: Correct.

CENTONZE: Chairman if I may, what is the connection between Kimberly and Nicholas, I mean Nicholas you applied for and also passed the engineering contractors class II and Kimberly you did Marine Construction?

CASSEL: Kim, could you come up so we can get you on the record. Could you tell us your name please?

SOWDER: (got sworn in)

CENTONZE: What test did you apply for?

SOWDER: I applied for the Marine Construction exam, boatlift exam..I asked her, I told her what we wanted to do and then that is what I was advised of what I was doing.

CENTONZE: My next question is Nicholas same thing when you advised of what you wanted to do were you instructed or you picked out engineering contractors class II?

DALY: I was asked what I needed to do in order to install boatlifts and she told me that I needed to sit in for the marine contractors license but specifically because of the letter that I received from Lifetime that it would only be for boatlifts.

MAYAN: If I may, when I received their application and they were calling and coming in regarding this license, I told them that we do not have a boatlift license, that we do have a marine construction license and that's what they would have to take, that we would allow them to take the exam just like other candidates because of the way the exams fall and the board hearings fall, so and I also told them that this would go before the board. When their applications were approved by Steve Henson and they passed the exam, the marine construction exam and the business and law. We did not feel comfortable issuing a marine construction license which allows them to do all sorts of things, so that's why we restricted that license and we gave them that Boatlift license until we could come before today, and I had spoken to Steve on the phone and he said well put it on the agenda and we will speak about it next hearing and we are here today.

CENTONZE: The candidates here today, were they issued a "Boatlift" licenses, and they could pull a permit right now and do one?

MAYAN: If they have everything, yes.

VETRICK: Mr. Chairman, I see in this package from Kimberly Sowder, something about another Nick, Nicholas Rasche, how does he fit into this?

MAYAN: That is the state certified contractor that gave her the reference letter for her experience.

VETRICK: Thank you ok..

KELLY: All right, anything more from these folks? Ok, if you would take a seat, I would like to ask Murray to step up, Murray if you are out there would you come forward?

MURRAY: Murray Shatt, Lifetime Dock and Lumber and Florida Marine Contractors S. FL. Regional Director. One correction that I would like to make, they said that I only said Nick had only 19hrs of experience, I believe if you would read the letter it says 19 days experience and how we arrived at that experience is, we have in our business we have 3 divisions, we have the barge division which installs pilings, we have the barge crew, we have boatlift installation crew which installs boatlifts and we have the dock building crew which installs docks and builds docks. What I do is I go out and I look at the jobs, I bid the jobs and I send whatever crew out to do what needs to be done. We go back through our efficiency tracking forms, which are necessary for the various types of insurance. We have to carry regular workman's comp, we carry USN on H, which is a long shore man's insurance, and we carry Jones Act which is what you have to have for your barge operations. In order to properly classify all the employees we have what you call efficiency tracking in our office. When we send a crew out on a job, they "inaudible" and I left at 8:30 in the morning or whatever, I went to job A and that gets logged into whatever insurance category that is necessary for that job. So in Nicks case, Nick worked for us for a period of about 7 years. We did have an absentee problem with Mr. Daley and I don't want to go into that, but he worked a total of maybe 5 years during that time. We had to go back through all these records in order to find out how many days he actually worked on the dock building crew and that turned out to be 19days according to our records. He is a good boatlift installer, I will grant him that, he is very good, he put in many lifts for us, I don't have a problem with that, that's why when I wrote my letter and it is my license that is on this line, if I say that this gentleman is capable of doing all the stuff that a marine contractor has to do, I cannot sign that, that is why I wrote the letter how I did. He has this many days doing this kind

of work, he has that many days doing that kind of work. If the board wants to make another license, I don't have a problem with that although I don't agree with it, but if that is your desire, he has the experience and he could have that license as far as I am concerned. I've got a whole bunch of stuff I could go into about why we should not have, you know what it takes to do a boatlift. Someone has to go out and decide whether this dock can take this boatlift no matter what they say about driving the beam to the ground, you still have to have a general knowledge of something's can and something's cant, And those pictures will depict what happens when someone who does that doesn't have the knowledge. Also a lot of times docks have to be repaired before boatlifts can go on them, so we have to go get another permit to repair the dock, re deck the dock, install stringers, do whatever we do, sometimes the docks needs new pilings before we can put these boatlifts on there. I mean anybody can just do anything but the whole purpose of the overall knowledge of the Marine Contracting is so you know everything and you have a better idea of what you can do or cant do. A boatlift to me is simply an accessory item that goes either on a dock or the dock gets used as an access way to the boatlift. So the knowledge in the construction of docks and seawalls, to me it's a very important thing to have to know. I guess I can compare it to, let's just say a hot water heater, somebody wants to have a license to just do water heaters. They could read the instructions, they could put the hot water heaters on the shelf and bolt it down and hook up the electric and hook up the water but they don't have any idea of whether can the electrical panel handle this additional water heater, is the shelf strong enough to hold the water heater so the customer comes along, he fills up the hot water heater with water, the shelf collapses, the pipes break and the guy gets electrocuted, I mean you have to have the overall purpose in mind to do this and all the other marine contractors who are here probably will testify to the same thing. The reason you have the experience is because it takes the overall knowledge of doing all those phases to know enough whether to bolt something on or not and that's my reasoning with that. I do want to talk to you about some other issues besides this when the rest ::"inaudible"

CENTONZE: You know Murray, Id like to, I was just telling Mr. Miller, Id like to, not so much the water heater, but if someone came to a licensing board and said listen, I don't want to do all the aspects of plumbing, all I want to do is fixtures, I'm really good at that I am a trim guy, Id be up in arms, I'd be outside picking on this building if someone gave them a license. I could understand that end of it but I am trying to understand the wisdom of the board Cause I remember a couple of time people came in front here, I don't know if you were advised, but I even took one of their brochures. A gentleman came in with the old aqua lifts, and they made a very nice presentation and they said listen this doesn't lean against the dock, it's an apparatus, it just plugs into your hose, it doesn't take electric. I had one in my house that I had bought years ago and that was the only time, I wasn't at the meeting where this was done but I had no problem with this, the gentleman came in and I think we even let him, we said no we have no with those, the ones that sit on the bottom, like the ones at none of your business out there the blue lagoon sits on, its none structural, you know they use either a ram or inflate. I have no problem with those personally.

SHATT: Well I've seen, you know there is many types of lifts like that, that don't require things but however they do require an army core of engineers permit even if they don't do anything but sit on the bottom, and the reason is because they still restrict the access of the navigable waterways and I send Joe an email about this asking if he was going to require the permits if Army Core required them. Joe did you ever answer that, I don't know if you ever did or not?

PASKALIK: I don't recall

CENTONZE: We never got that far, the only presentation of people weren't found in violation, they hadn't pulled permits they, its like people who want to provide these screens in doorways, you know that you pull the screens down, they come and ask for our guidance and say well do you think I need a license for this and if I do what category, and I remember the one boat lift that sits that doesn't attach itself, we didn't get into set backs, and clearances and army core or things like that.

KELLY: I'm reading the minutes here Gary and I definitely was not, I feel the same way I wasn't forced putting this "inaudible" for leaving it the way it was and the vote, which was not a vote, it was an agreement, looking through the minutes, I agree, I agree, because I did make up the same thing, I'm an electrical contractor, I didn't want to see somebody just get an electrical license just to go install light fixtures. That's all they want to do is install light fixtures that doesn't qualify them, I felt to be an electrical contractor because light fixtures specify what wattage bulb can go in them. Believe me I have seen light fixtures that say they should have 3 60watt bulb and I found them with 3 150watt bulb and the ceiling caked, charred from the heat. So a qualified electrician would know, know of this with his experience. I had people working for me for years putting in light fixtures, best light fixture installer ever, clean and put them in, but I would have them put a new service in a home. I am still of the opinion as far as that license, I didn't want to change it. I wish Steve was here, I think Steve was specifying Boatlifts Only.

SHATT: Well I think, you know I was in that entire meeting as well and I didn't even know that these applications were there, we were having the discussion about that and I just find it strange that it went through but that did go through and whatever but I think it was a Boatlift only category and I think that's the whole crucks of this whole thing right now is are we going to have or are we not going to have. One more thing about Boatlifts, there are boatlifts, when you specify boatlift only, then you are going to have to make a sub, sub category because now you are going to have to say, what kind of boatlifts is it going to be. Is it going to be one that floats, is it one that sits on the bottom, is it going to be one that leans on the wall, is it going to be a four post lift that required for you to drive pilings and the whole structure is in the water. Now we got a whole other can of worms, so we are going to make a license to make a certain kind of boatlifts and what about davits, are we going to let them build a concrete structure for the davits or are we going just let them bolt on the davits.

PASKALIK: Mr. Chairman, if I may. Its seems to me I understand that the 2 applications in question originally would like to or not originally but their main intent was to get their Marine Contractors license. They took the Marine Contractors test on the approval of Mr. Henson and the application that was in file. Now in looking back in my experience, I took the test, I was given a letter that I had experience on 4 story buildings and I was found qualified to take the test for State Certified General Contractors License. Looking back I did not have experience in a lot of different areas of General Contracting, but today if my license were active I could do any number of things that ive never had experience in but I know how to read plans, I know how to read specs and I know how to comply with the rules and regulations of the State of Florida, of Monroe County and that is what I am found competent to do. Now its up to the board in my opinion to determine what experience is required for each individual in order to qualify for the testing of that license and to find the person competent to be able to qualify to be contractor in that category and like it was mentioned we have an individual who only has experience in replacing light bulbs, most likely he will not be able to pass the test if he's only been capable of replacing light bulbs. If he's been in the business for many years and has observed and had

personal experience in any number of experiences in that category, now I observed many subcontractor operations in my experience prior to getting my general contractors test and some of those experiences allowed me to answer questions on the competency test because I observed it on the job. I didn't do the work myself but through observing it, I had knowledge that I wouldn't have any other way. So I think its up to the board at this point to not mandate that you have experience in every category that the license pertains to but over all judgment to be able to read plans, to show that you are competent in reading the specs, the plans and have an understanding of what needs to be done in order to get the job done and I think that's kind of where we are at, at this point. We need to look at what experience has been presented and I know there is a discrepancy in the number of days, or years or hours whatever it is, but I think that is kind of what I am hearing at this point.

KELLY: I can agree too because with my electrical license there is areas that I could work, that I have never work but the electrical field is so wide open and I also had a question for Nat there, my understanding too, if they cant get a letter from their previous employer to show they have experience, because we do have, not that Murray has had any problems with these guys but we've has some employees leave contractors in a bad way, but they have worked for them for 4 years but now this guy isn't going to give them a letter because he hates them and he doesn't want anything to do with them anymore, so we were allowing them to at least show W2s, wasn't that still the fact or..

CASSEL: I don't know have we done that in the past?

MAYAN: We have in the past yes, or the person comes before the board with their W2s.

TUCKER: You had them bring W2s to prove, at least when I was, you had them bring W2s where you questioned maybe their letter and you had them bring W2s to back it up. W2s cant prove their experience because as Murray said maybe the swept the floor in the shop. Just because they have a W2 from Murray Lifetime Dock it doesn't mean they have any experience, the secretary gets a W2 but she can't install a dock.

KELLY: I understand that, but in this situation, I was wondering if there was something though that we did have for those people that did work for a contractor who now refuses to give them a letter stating experience the employee can now write his own letter and say yes I wired Phillip Blanco and I wired Seawatch and you know and here is my W2s to show you that I worked there.

TUCKER: I think you have accepted letters from other General Contractors that know that, that person, let just take Murray as an example, worked for Lifetime Docks and I was there when he installed docks, I was there when he installed the Davits.

KELLY: Yes, I recall we accepted other licensed contractors in the trade to state that they saw and experienced so much time with them, but we weren't accepting homeowners letters is that correct?

PASKALIK: Yes, I believe it is correct, and I think its logical, like if for instance if a contractor were to pass away while you are under his employment, you would have to have some way to get other people to verify that you indeed did do the work for that individual and he couldn't sign obviously, its logical to think that other people see you on the job, know that you are using a jack hammer or whatever they see you doing and know that you have experience in that trade and have the competency to do the job and understand what is going on through the plans and specifications.

KELLY: You know, here we are, we do have some checks and balances here so that non-qualified people go out there, these gentlemen my understanding is you know if they came in and

said they are experienced In boatlifts, they have so many hours and days in doing boatlifts, yes they hadn't built docks and they hadn't repaired docks as such but they had the experience in talking to other employees or so but they were there. Basically it gave us the ability to say. Alright were are going to except that experience now to allow you to take the test. Ok now the test is there to weed out you know if you can take the test or not you know if you can pass it in order to go out there because we talked about protecting the public I mean there is just so far that we can go to protect the public. Now I know there are people out there who are book smart and could read the book and go in there take the test and not even know which way to put in a light bulb right or left when putting it in but this is a flawed system yes, but it's the best system we got going right now.

MILLER: Mr. Chairman, speaking about checks and balances you know these guys did pass the test, they have letters of experience, I personally think they should probably get their licenses, but in the checks and balances these folks don't go out there and just throw up dock without any direction, they as Joe stated before they have to have signed and sealed engineered plans for the dock, for the davit, for the boatlift so they have that direction on how to do the work. We have the County and the City inspectors that come out, I mean I don't see these kind of pictures coming out from work that these gentlemen would be doing or that any licensed contractor would be doing. My guess is that many of these pictures were taken as a result of jobs done by unlicensed people, homeowners doing the job, that's my guess, I just don't see it happening in the real world of a licensed contractor.

BANKESTER: I don't mean to beat a dead horse, I mean I think we are beating a dead horse but if there are other people in the room that need to speak on this matter, I think we need for their sake they sat here, we need to hear them and move on, but two applicants had a decision made on them and I think we can deal with that as a board, but if we need to hear these other people speak I would rather get them up here and done and then the board can deal with this, you all don't need to hear all of that.

KRAUSE: Excuse me Mr. Chairman, I would like to speak because I have another directors meeting that I have to get to and we are a little bit late, if you don't mind I will make it short and sweet.

KELLY: Ok Murray are you finished?

SHATT: Yes, I just wanted to say, like I said on my letter, I don't have a problem with them putting in Boatlifts, the whole thing is that its my license whatever, they asked me for the experience according to the form if you read the form it states, state what kind of experience, that's what I put down to the T. So as far as that goes, if you want to give them a license anyways its on your back not mine. I said what I said and that's all.

KELLY: We greatly appreciate that Murray.

KRAUSE: Good afternoon everybody, my name is Rudy Krause president of Florida Keys Contractors Association and I just want to start off with is I know both of these people and I think they do deserve a license but what the Contractors association disagrees with is dissecting a license that we already have. We find that to be a problem. The reason why that is a problem is there so many different kinds of boatlifts, if you just had davits and a davit base was engineered they were sitting a davit on it, that's a different story. But you have all different kinds of boatlifts going on there. Some boatlifts require pile driving as Murray, I believe Charlie was saying, and you know you need the experience for that. Once you dissect, I can tell you the problem what's going to happen, right now we don't have enough code enforcement, that's a big issue right now that's going around the County, around the City, the enforcement isn't there.

You are going to have homeowners pulling owner builder permits to put these in, people are coming in and even though just so you issue a license “not meaning you guys” just so you issue a license just to install boatlifts only, now the homeowner has it, you get somebody in there that doesn't have a license and there it goes all over again. We don't see any good coming from dissecting a license, the reason why those regulations are there to get the license, to have the experience, to take the test. They took the test, if they have the experience they should get it. Again how far do you go in dissecting licenses like Murray said, are you going to sit there and say you can only install these certain kind of boatlifts, I mean how far does go? And like I said the enforcement isn't there to watch everything that goes on, its just going to create another problem which we feel the County doesn't need.

BANKESTER: I just want to reassure everyone, if you don't have the minutes of that meeting where this was discussed, the discussion was voted on that we did not want it separated out, so this is kind of a victim of a very small two incident situation so, I just wanted to restate, if you had the minutes you would see that we said no, that we wanted to keep it as one, did not want to dissect it out.

KRAUSE: Correct, you did agree on that but I believe the cart was before the horse in this situation, I believe this came before and this is something that you had discussed afterwards, and I think that's where the problem lies here.

KELLY: I feel that Mr. Henson approved their application to obtain their license on taking the boatlift experience to be able to take the test for the Marine, now as we saw in the minutes, I didn't agree with saying Marine Contractors-Boatlift Only. I didn't want to open that pandoras box, but what Henson was saying was, ok well these guys do have the experience with boatlifts, they have worked with docks, give them the opportunity to take the test. They fail the test they cant be contractors, they pass the test fine. I mean its like plumber or electrician, you know, electrician the guy works in the trade and all he did was track homes for 7 years and for 7 years he has proven to work in the trade and he is qualified now he could go take a Master Electricians license. Once he obtains that license he could wire condos, he could wire a hospital, he might not know it, I mean for me to wire a hospital I have to get the book out, but I can go and wire any other kind of structure. You know, I don't think the intent of these gentlemen that came in here was to deceive anybody and we encourage people to get their license. Who said about these pictures, I think it was Charlie I think you said, they could have been by an unlicensed contractor, it could have been by a homeowner, could have been by a licensed contractor too because we are all I mean sometimes it gets by. SO I am for one still I didn't want to break this license up, I just wanted to keep it Marine contractor and the whole just of the thing was if Steve Henson took their boatlift experience enough to qualify them to take the exam.

CENTONZE: One thing this board has always allowed you to do, you have always said listen, we are going to clear your application, they can do it at the licensing department, we will allow you to take your test whether you pass it or not, it has to come before this board and at that time the board will look at your qualifications the will go through but they always tell you, you can take the test but just because you pass the test doesn't mean you are going to get a license. I don't know which way I would have voted on it, I mean I don't know if I would have split this up or not. It doesn't make any sense, you've shown that you can pass the test I've seen that, but part of the application package is I mean we heard all about it, if an owner dies, the W2s and there is a concern I mean Murray wears 3 hats in here. He a competitor, he's on a marine board and he's on a contractor's board. I understand that but we have an obligation to police our own industry. I know one thing with the davits in my house even in my lifts or davits, they scare me

to death, to me its like a loaded shot gun. I have a little 17ft whaler on two 5500 davits, I make my daughter stand 50ft away behind my pool and I mean I've seen it, I've seen davits what they can do to people, ive seen a guy loose his hand, I mean it sends a spine up my back when the board would consent to dissecting this license, you know for one I got a problem but you know this board is always trying to accommodate. If there is a problem right now it appears to me that, now am I correct the license have been issued, the test has been taken and the test has been passed the license has not been issued, correct?

MAYAN: The licenses were issued.

TUCKER: What you have to do is revoke the license and either give them a Marine construction license or tell them that they have to bring in more experience.

CENTONZE: Yes we are put in an odd position and it appears that the construction board and the county and the contractor association are, its like Bill Smith, they never missed a meeting, they know what's going on, they brought up the problem. This board is not affoulable, we do this once every sixty days. So its kind of hard for us to make a decision and carry through on the day to day and you guys are looking at your business. I have a real problem dissecting this out just as if I got wind of it and you guys took it like somebody just wants to install fixtures, that's all they want to do. And when I heard about it I would probably, I would convince the guys, now wait a minute, I work long and hard, my insurance is over \$100,000 a year, and once you issue a license, I think you got a real problem, once you issue that license and you put a "inaudible" on it, I think you have a little bit of a problem. But however it appears that the only problem we have before today is that the application is incomplete. It clearly states x amount of experience and the letters at this point do not indicate it.

KELLY: But what more experience I mean like I said, carpenters ok, Charlie Miller is a builder, a building contractor ok, he's got a guy working for him that's a carpenter, he helps set the roof trusses, he frames up the walls, he installs the doors and everything, that's all he's done, all he's done is work on residential homes ok, and he comes in and says I want to take the test.

BANKESTER: I don't mean to interrupt again but I really think we need to move on so that the people that are waiting can speak their peace and then we can have a final discussion and decide. If I'm wrong tell me to shut up.

12:32pm

David Debrule addressed the board in re to: Boatlift License issue.

DEBRULE: My name is David Debrule with Upper Keys Marine Construction. We've heard the story I don't know these gentlemen, I don't know All Keys either, I've done proposals for them for putting in pilings for them. My issue is, everybody keeps pulling this Marine Construction license, why do we have a residential license, why do you have a building license and why do you have a GC license in the County. Why aren't they all under GC license? You guys keep stating you don't want to dissect it, why have you dissected the contractors? I am a state certified contractor but this kind of stuff really gets my gut because these little boatlifts are a specialty. I'm going to bring a buddy of mine in that put in windows, you guys tell me he can't build a house. Why not? Because he knows how to put the windows in, he should know how to build a house. I got more experience then half these people in here ever dreamed of having, it came through my father who build the Florida Keys for 40 years. Mr. Frank has seen me since I was that big learning this business. You don't get it with 19 days experience, you don't get it with just being a supervisor, you gotta get your hands dirty. That man right there gets his hands dirtier than anybody in these keys. You've seen the work I have done Jim, Mr. Kelly, right

there at Mr. Dingles. I don't play around, but I'm not going to allow you guys, I'm sorry I don't mean it that way, I don't want to see anybody just walk off the street because they put a boatlift in and mess with our business.

BANKESTER: Ok, I hear a lot of anger, just, if you could just tell me what your opinion is.

DEBRULE: The marine construction license, I talked to Odalys about it, you are giving people this Marine Construction License, you consider them qualified. We just had one the other day who's got your Marine Construction License, takes a tractor, walks through the mangroves to put the pilings in. DEP is all over him now. Why? Because he has no experience.

BANKESTER: Just tell me what is your recommendation that you are giving to the board.

DEBRULE: My recommendation is you need to make a specialty off of that license.

BANKESTER: Off of which License?

DEBRULE: If you want to keep the Marine Construction License, you don't offer people who don't have the experience to just be able to do everything. You are going to allow them to build every marina down here, commercial or not? Because by giving them the Marine Construction, You just allowed them to do anything they want to do. Pilings, house pilings, dock pilings, sea walls, sheet panel, tie backs, which 90% of them don't know what any of it has to do with anything. Show me the experience, show me that you've done it, but if you want to give a specialty, why do you give the man that was in here one of the specialty license to put windows in, why do you give him a specialty license for aluminum? What's the purpose if you don't want to do it in our industry? Why are you going to allow inexperienced people to compete in our industry? Could I go hook up electric? NO, Could I do plumbing? NO. I have to go get that license to do it. If you are allowing these guys who have no experience in anything else, I should be able to do every single thing you guys do and there should be no questions asked.

12:31pm

John Annesser addressed the Board in re to: Boatlifts Only License:

ANNESSEER: Good afternoon, Im John from Atlantic Davits and Boatlifts of the Keys. I am a State Certified General Contractor. Actually the pictures that Murray handed out earlier were taken mostly by me, some we had taken by my wife and a couple of other people. Somebody brought up a couple of different things with those pictures, that they a probably weren't done by an licensed contractor, well that's probably true and most of those I can tell you, we have an idea whos done them without a license. I don't have any proof so we wont state that here, but what I will tell you is, if we make it easier to get that license, to allow unqualified people to install these boatlifts, you are going to have more of that but this time it will be by people who have your license. It was mentioned before by somebody that each license comes with engineered plans and drawings, that is correct, we get an engineered plan, comes directly out of the factory that manufactures our boatlifts. They have never seen our dock, they have never taken a look at the seawall that we are putting it on. Its not case specific , it is the same plan whether it's a 7000lb lift or a 15000. With each of those, we submit it and we get our permit. Im here today because, by creating a specialty license for Boatlifts Only, essentially you are allowing less qualified people to do the work that Marine Contractors and General Contractors have done in the past. Weve got, there was a question of verification of employment. As far as I understand and please correct me if I am wrong, it requires that you are a supervisor or a foreman on Marine Construction to get a Marine Construction License, not just the guy carrying tools out there, Ive got a couple of guys that have been with me for a year now who primarily carry the tools out to the dock and when I drop one in the water they go in for it, but that does not mean that they are

qualified for a full license or should be allowed to do boatlifts. Not a single one of my guys under me right now except for with the exception of one actually who is considered a foreman, has any experience on looking at docks. My foreman don't look at the docks before we do an installation, I do. Before every single installation, I go out there, I determine what has to be done, if a lift can be put on it and you can see in the pictures that I have provided that quite a few people cant tell when you can put a lift there or not. I can ask anyone of the Board Members today how could you tell me if a davit pad that is already sitting there is good enough to put a davit on and I would be quite impressed if one of you had the specialized knowledge. If you did its from experience. In terms of the test that you require. Test are rather simple to take, study for, it does not qualify you without experience. With a state certified general contractors license they have various different qualifications for it, one is 10 years experience, another is a Bachelor Degree or greater in building construction, and then there is some kind of combination between the two. Certain amount of experience as well as a Bachelor Degree and what I see here is that we are looking for a way to make it easier. A way to make so that anyone can grab a Marine Contractors license or a Boatlift Only license and do work down here. We have both as contractors and the Board a social if not legal responsibility to determine who is qualified to put in a lift. And as you can see in the pictures again there are a number of people out there who are doing it who are not qualified, who can cause major damage or injury to people. We've had a couple of people who had boatlifts drop while they were on them. And again, just to point out, the responsibility of this board is mainly to the people out there who are going on your recommendation, your statement that these people are qualified. That's what we ask people to ask in the industry, every single person I do an estimate for I say if you get other estimates ask if they are licensed and have insurance. And if we give them that license and they are not actually qualified we are doing them an injustice.

BANKESTER: Ok, let me ask you again, what is your recommendation to the board, if we draft something more specific, what is your recommendation as far as this issue, if you could be specific.

ANNESSE: My recommendation would be not to have a specialty license for Boatlifts only, and actually not allow anyone to do that type of work unless they are a Marine Contractor, licensed and not to make it any easier I think to become a Marine Contractor you do need the knowledge in Dock building, Seawalls, and everything else. You can see a couple of pictures in here of elevator lifts which some people have been claiming the full weight rest on the bottom, well, it pulled out a seawall in a couple of the pictures here, I've seen it number of times. They are not free standing. There are lifts out there that are and my understanding is they haven't really determined if permits are required for them if they don't touch the seawall. As Murray stated before, they do require an Army core permit but those would be an exception to the rule.

12:41pm

Board-Discussion

MILLER: The licenses have been issued. What type of license was issued? Was it the Marine Construction Boat Lifts Only?

MAYAN: We did create that category because we did not feel that they had the experience for the Marine Construction at the time but seeing that they had been approved and that they had passed the Marine Construction and the Business and Law that we wanted to issue a license but we did not want to issue a Marine Construction license completely, so that's what we did , we categorized it to Boatlifts Only.

MILLER: Doesn't a category like that on their license has to be approved by this Board or some kind of board?

MAYAN: That's why we are here because the application was approved by the Chairman so that's why we are here.

TUCKER: It was approved for Davits only or Boatlifts only.

BANKESTER: See, it's really difficult because the person mad this decision is not here.

TUCKER: We have his initials on the paper.

MAYAN: And we have his letter explaining what it was why it was that he approved it.

BANKESTER: It's still very difficult.

MILLER: I've got the whole picture, but its certainly, nothing is ever a 100% clear cut all these nebulous things going on here but I've got all my answers and all my questions answered.

PASKALIK: Mr. Chairman, Id just like to clarify that we are not really trying to make it any easier to get a Marine Contractors license. I believe that the experience on the application is possibly, why Mr. Henson only approved it for davits and boatlifts to be then discussed at the board whether we want to make a sub category for that specific type of installation.

TUCKER: I think it was an oversight, I think what happened is like somebody mentioned that maybe these applications sometimes you approve them before the hearing, sometimes you approve during break, you go through the applications. I think that what happened is these applications came across Mr. Henson's pile and he saw that there was experience for Boatlifts and Davits, that's what they applied for and he approved it. Later on the conversation went on that you did not want to split the category but maybe he didn't realize that he had already approved two people for this and he needed to rescind what he had approved. When it came to the building department his initials were approved on it, the license was issued, yes we had to split it because the license was issued for davits only and there is no way for us to determine at the front counter whether the man could build a dock or put a davit in unless the license tells us davits only , or boatlifts only then we say, you cant put the dock in your license was only for boatlifts. We had to split the category based on the application being approved as being split. Now I think Mr. Henson maybe didn't maybe realize that he had done this previously and later it was said not to be split.

KELLY: Well I know that I remember the discussion and I for one did not want to mess with the license. I didn't want to get in to another category of it, I just wanted to keep it like it was and you could see in the minutes when we were discussing it with different things that were brought up. As you could see a lot of the board agreed with what I had said, that they wanted to keep the marine license as it was. Now I wish Steven were here but because of a serious family issue but trust me if it wasn't for that Steve would be here.

BANKESTER: I propose, if there is not anymore discussion, that we make a motion to either rescind the split off licenses that were issued and re review this or let them stand but I think we need to make a motion of what to do with these 2 cases. I personally would like to make a recommendation that we rescind them and that we review them and we look at determining the criteria for experience if they have met it or not and they either be granted the entire license or not.

12:46pm

Motion by Peggy Bankester to rescind the approval of this boatlift, dock only subcategory of the Marine Construction License that was issued to Kimberly Sowder and Nicholas Daley.

No Second to the motion.

TOPPINO: Mr. Chairman when a situation comes up like this and it is unable to be clear maybe we should have 2 letters of recommendation that way it will make it a little bit more difficult for somebody to get a license a lot easier unless they have 2 valid letters of recommendation for matters that come up like this. This is only a proposal.

BANKESTER: I guess my concern is that a decision was made, and I don't know when this decision was made whether it was at the same day or before or after the discussion that we had but basically a decision was made that went against a decision of the Board. Is everyone in agreement with that? We said we weren't going to split off the docks and lifts and that is exactly what happened here.

CENTONZE: Mr. Chairman, I am just putting some though and we a liable to open a Pandora's box, under discussion I will second Peggy's motion. Under discussion I mean this board has to deal with a lot of things every 60 days and the biggest problem here seams to be experience and based on the description by Peggy, and I consider this a life safety, almost like with an elevator, I would want to look at this a little bit further. I think splitting this category was wrong. I understand the intent, we try to accommodate everybody but once in a while it does get by us. And I have been very guilty of that, left with 15 approvals to do and you are right I look at it, I sign 1 or 2 and I have to call back to let them know it was wrong, the reciprocity was wrong, and we all run our own licenses I mean we run our own businesses and we do make that mistake but something as serious as this and you have already proven one thing you can pass the test, so I think its up to this board to put a little more time in it since the concerns were raised by people in the profession and 2 other organizations, so based on that I will second to your motion.

VETRICK: Mr. Chairman, we keep going round and round. I think, I would agree with not splitting the license, but I think that since these 2 individuals have been given licenses , we need to allow them to go on and work and not go back and pull the rug out from under them.

BANKESTER: But what will there license be? Marine Construction Boatlift Dock Only?

KELLY: Well I can understand, what the other contractors that had spoke between here, are saying just because you have experience in putting Boatlifts they feel that it does not qualify you to take the Marine Contractors exam because there is so much more under this license. Building docks and seawalls and things like that and that is just a small part of it.

PASKALIK: Mr. Chairman, can I ask the question to the gentlemen with the license in question? Do you have other individuals that could supply experience?
"INAUDIBLE"

PASKALIK: Why don't we postpone a decision of making the license, splitting the license and ask these individuals to bring back more information on their experience and base our decision on the full facts of the matter of other experience and we will go from there.

BANKESTER: My only concern is that they now have a license.

PASKALIK: We could temporarily revoke that license until we find out whether or not they have the proper experience for the whole license.

CENTONZE: Mr. Chairman, Peggy if you'll accept, one of them is a temporary suspend. I have a problem with splitting the license and its too bad they just didn't go with the full license, I wouldn't have any problems if they went for the full license because they would have to get the same letters, it was dumb to do it to begin with.

PASKALIK: Me recollection is vague with this entire matter, but it seems to me that maybe Steve wanted us to possibly issue a temporary license until all of this could be resolved.

KELLY: Ok are we going to amend our motion?

BANKESTER: I am fine with that, I can amend my motion to reflect that we will temporarily suspend the license until.....

KELLY: They bring more qualifications forward?

TUCKER: What would be the point to do it temporarily, I mean they going to be out of, they cant pull any permits, temporarily suspend, means suspend the license and if that's what you want, that's what you should do. What's temporary suspension they go to go get the additional information whether the are temporarily suspended or fully suspended because you do not want to split the license.

PASKALIK: Right, so right now the license has a caveat of Davit and Boatlift Only, we could suspend that and once we unsuspended it and take that caveat out of there and give them the whole license.

BANKESTER: Right, because we don't have, the discussion has been that we are uncomfortable with the amount of experience, that's what I have heard today.

TUCKER: And you don't want to split the license.

BANKESTER: Well the license splitting isn't the issue, I would either rather have the whole thing but no one is comfortable with amount if experience that's in their folder.

TUCKER: Yes, so you suspend their license until they bring back the proof and then they get the regular license and that way there won't be any temporary stuff involved.

BANKESTER: Yes, that's what I thing would be the best way to handle it. Based on our previous discussion and decision that we didn't want to split off the license.

CENTONZE: Mr. Chairman, that's not going to stop there because I have a problem in splitting the license, cause right now all they have to do is go back and prove the boat davits and anything that might surround that.

PASKALIK: That's not what we are saying. What I am saying is suspend the license now, let them show experience, all around experience so that they could get the full license without having to split it. Because right now there is no split license, legally.

CENTONZE: Who is going to review the additional information?

PASKALIK: You will.

CENTONZE: When?

PASKALIK: At the next meeting, or prior to the next meeting.

BANKESTER: I mean, we have been called at home, we have been faxed information, I believe there is a way to do it without...

CASSEL: Yeah you could have a special meeting, I think it has to be a public meeting, I think you should call a special meeting 5, 10 minutes, I hate to

MILLER: How much notice do public meetings have to be given, is there a notice agreement on public meetings. I kind of am understanding what Joe is saying we have issued licenses, we have allowed these people to think that they could go into business to installing these boatlifts, there is a lot of rational to allow them to do that and I'm not sure if this might have turned out entirely differently if they hadn't heard at the front end in the office put boat davits only because that's what you wanted to do. I mean that's like a guy going in for his plumbing license saying I really only want to do... You know if he only wants to do one small part of plumbing he still has to get the plumbing license. I'm a general contractor and if all I want to do is docks, I mean I could do it with a general contractors license, if I only want to build residential housing I could do it with..

If you only want to do one aspect, that why we have three different contractors license, I think they just got hit in the wrong direction, that what I think.

CENTONZE: Mr. Chairman, yes I think this board took the wrong road to begin with, I have another question Odalys without these gentlemen coming back up here to testifying. How many permits do they have active right now and how many are in the works?

MAYAN: I don't know, I would have to check. I also would like to state that these two parties were aware that this is the first time that anybody has ever applied for Marine Construction-Boatlifts license Only. I also explained to them that there was a possibility that this would be approved or it would be denied. We did allow them to take the Marine Construction exam, again because of the way the exams, the dates the way they fall and the meetings meets, but I want everyone to understand that I did explain fully everything to each and everyone of them, as many times and they called and as many times as they came in every time I explained it to them, I just want to make it clear out there. And it is not our intention either to just license people out there, and as of right now I just want to make it clear marine construction contractors do not need to register with the State of Florida, I know that's come up before, I personally called the State of Florida, they have been working on something, but as of right now they do not need to register so all the marine construction contractors out there are legally legal to work.

CENTONZE: In 15 years that I've been associated with this board, 16 years now I have never seen so many people in the construction community come out and express their concerns over something this board has done and this board owes it to these other people, there is no permits in place right now in the works with no permits issued at this point and as long as we explain it to them that it might be a problem, this is a problem, and we don't hit this very often but we hit a wall here.

KELLY: The only thing in the motion that was made was that these gentlemen bring back more evidence to show their experience to obtain strictly the Marine Construction Contractors License, ok. Now the problem that I understood was, this more experience, we have approved applications before where I was called in or Steve Henson was called in once was shown, I don't understand why we would have to have another public meeting. I think that if one of the board members and if need 2 to review this, I think would be more that adequate, but I am asking our attorney if that would be acceptable.

CASSELL: Well here is what I want to bring to your, you have a room full of people here, who are speaking and they are very concerned, these public people have come to speak to this. If you then approve something without a public hearing, I think that is just not good policy. It is a little different because you did have this hearing, they have come and they have spoken.

BANKESTER: But we haven't changed anything, the minutes show that the board supported not splitting off, as long as we follow suit with that do not revert back to this split off.

CASSELL: Yes, the minutes clearly show that this board discussed and agreed that you did not want to split off, that you wanted to keep it as it was, the problem of course is that this has been issued.

BANKESTER: I mean we are talking about review of applications which we never do out in public anyhow so that's what I think we need to focus on is these 2 applicants getting this problem solved, we still have the ruling that we said we weren't going to split off to support us and we just have to help these guys as much as we can or tell them sorry you cant get your marine construction license based on what you have provided to us, to me is that black and white.

KELLY: Now we have hashed this out long enough, I would like to call a vote.

TUCKER: Can you re read that motion because I don't believe that when he said I believe her motion was..

BANKESTER: We can either rescind or suspend, I amended my motion to suspend it until they had the opportunity to provide us more information for their packets and I had a second for that I believe.

CENTONZE: I had a second under discussion just to keep the door open, so we would have once you suspend it, I mean once you revoke it until we figure one way or the other.

Motion by Peggy Bankester to suspend license until more experience information could be brought forward. Second by Gary Centonze.

Roll call was taken with the following results:

Kelly-N, Centonze-Y, Vetrick-N, Bankester-Y, Toppino-N, Miller-N

MOTION FAILED

1:07pm 5 minute break

1:16pm Resume

Roll Call

CASSEL: Mr. Kelly, can I ask you a question, just so that I am clear just so I can help you in case you need it, your procedure as I understand it is that once your chairman approves you would still vote as a board on whether to approve a license or not, is that correct?

KELLY: So you could vote now to either reject or to accept this license. Now let's assume that it was not the quandary that we have today, but it was just the normal everyday issue that you come to, and you rejected the license, let's say you rejected that license on the base of experience. That would not keep a person from going out there and amending their application would it, or getting more experience, that would not keep them from doing that would it, you are not rejecting it forever are you?

KELLY: Now, it's just like when we have an application here and they will have 90% of it done and when I look at their letter that they have had, it's not notarized, I will reject the application until the letter is notarized.

CASSEL: Well I would just suggest to you that you may want to consider that you have an application before you that was approved for a sub specialty that you don't have, so just give you that information and let you think about what you want to do next.

KELLY: Well we have discussed before and of course with Mr. Henson not being present but we all have been on this board with him for quite some time and I think we do have a little bit of sense to where he was leaning towards with this when he approved this application. Whether he approved it before we had our discussion, which was in the minutes or after, but the thing was is that footnote that Marine Contractors Construction License/Boatlift/Davits. As we said in the minutes we didn't want it, didn't want it tinkered with. Now as I said before, I believe that Steve approved these Gentlemen to take the test based on the experience that they brought forth, that was notarized and I guess this lady too, the experience that they brought which he felt that was just enough to qualify them to take the exam to get obtain this license, whether they are qualified to do the docks, to do the seawall and everything, probably not. I'm not qualified to wire a Hospital, I'd have to hire some people to do the job. But as we said before we have checks and balances here for such thing. The checks being what we were doing was just approving them to take this test. I don't know what the Marine Contractors test is like, but I imagine it's quite a

difficult test; you'll need to sit down and study the books. I imagine there are things in that contractors test that these guys would never do. But it comes down, if you are going to deny someone from taking the test which Steve, I felt he said well this is enough for me to approve them to take the test and experience to take the test.

CASSEL: I really think that probably the idea of taking the test probably came from the County, and it is my understanding is that it may not have come from Steve, I suspect that because the test are only given on certain times that my understanding is that the County will say to you if you want to go ahead and take this test, please do so but by the way it doesn't give you any guarantees, am I ..

MAYAN: That is correct and also Steve told me that he approved the application, he told me that if the board votes for sub-category he is for it, he told me that if the board votes for not a sub-category he is also for it, so when he approved those 2 application based on if there would be a sub-category. He approved those applications not because they were going to take the exam; he approved those applications for the license.

CASSEL: I want to be sure that I understood you Odalys. He was ok if the board approved a subcategory and he was ok if the board approved not having a sub-category. He didn't say nor did he say that he would approve these people either way?

MAYAN: Well they are approved; he approved them on January 29th.

CENTONZE: He actually signed them. Mr. Chairman, my whole thing is there is such a nice safeguard with the fact that we let people to come in put in because of the date of the testing, whether you want to go to Gainesville or where ever you want to take the test like West Palm Beach, it also allows us to look back and retrospect and see if we've made a mistake, and I for one feel the board doesn't make many mistakes but this one time we over looked something, especially when so vigorously attended by the people in the construction industry. I don't think that is something that we should split up. At this point here I really don't, I feel sorry for these individuals I know they've got time and effort livelihood and everything put in there but I think that, now I don't know whether Steve put all the pieces together but we are a board and Steve is only one person and I don't like talking for Steve when he's not here, I can only speak for myself. But I have a problem splitting up going back to day one. I know that is not the issue at hand, the issue at hand is one letter, all we are talking about here is one letter of experience and I realize we have a problem, but I feel more comfortable stopping it now then I do with approving something and then trying to go get that back later. Then we have a problem.

KELLY: I am ready to take action and make a proposal here. My proposal here is to not have this special category, to keep it Marine Construction Contracting only and in regards to the individuals who took this test under the assumption that it was for boat davits and this license, I think Steve had approved this application to see what the board, and never intended to issue the license. Let's just vote on whether we are going to keep the license or maintain the Marine Construction License.

1:21pm

Motion by William Kelly to *Keep the Marine Contractors License as it stands and no sub-category's* Second by Joseph Vetrick.

Roll call taken with the following results:

Kelly-**Y**, Bankester-**Y**, Centonze-**Y**, Vetrick-**Y**, Toppino-**Y**, Miller-**Y**

Motion carried unanimously

1:26pm

Motion by Joseph Vetrick to allow two applicants the have a Marine Construction License.
Motion failed due to no second motion.

At this time, there is no Marine Construction/Davit-Boatlift Licenses. Applicants that were issued the license in error have the opportunity to bring back more letters showing that you have the experience to obtain the Marine Contractors License. In this case, the resubmitted applications are to be reviewed by the board members individually completely without referring to each other. If all the board members approve the applications, the applicants will be notified and a temporary Marine Construction License is to be issued until the next board meeting on May 20th, 2008.

1:36pm

Mr. Rose from C & C Marble addressed the Board in re to: Reinstatement of his license.
Motion by Charlie Miller and second by Joseph Vetrick to **REINSTATE LICENSE.**

Roll call was taken with the following results:

Kelly-Y, Bankester-Y, Miller-Y, Vetrick-Y, Toppino-Y, Centonze-Y

Motion carried unanimously

1:41pm

Robert Saunders addressed the Board in re to: Obtaining a Specific License for Coconut Palm Tree Trimming due to the height. The Board recommended for Mr. Saunders to obtain a Landscaping license, which allows tree trimming on trees taller than 7 feet.

12:51pm

Darren Springer addressed the Board in re to: Being exempt of the 10% Ownership of the Company he qualifies. Board advised that the rule still stands that he must own 10% of the Company he qualifies and there will be no exception.

2:00pm Break for Lunch

3:29pm Resume

Reports from Joseph Paskalik:.....

1. Reports from Assistant County Attorney:

- 1) *Congratulations to Frank Toppino, Joseph Vetrick & Peggy Bankester as the BOCC has approved them for another term.*
- 2) *Changes made by the Board, have never been put into code. Working to try and figure what they are.*

- 3) *Qualifier issues- Waiting to see what the State decides to bring back before the Board.*
- 4) *2 year experience and Business & Law requirements have been drafted. Will be presented at the same time the Qualifier issues are presented once State makes their decisions.*

2. Reports from Staff:

- 1) *Glenn Hewlett- Voluntarily relinquished his State CUC License. His Engineering license to be renewed and a third license to be issued.*
- 2) *Minutes-are very helpful, judgment to be used for verbatim, not to be done for every single conversation.*
- 3) *January 29, 2008 Minutes- Reschedule for next meeting for approval.*

3:50pm

Mr. Daley addressed the Board in reference to: Recommendation Letter that his prior employer gave him with incorrect experience history. Additional information to be submitted as previously instructed and it will be reviewed by the Board.

4:02pm

Murray Shatt addressed the Board in re to: Workman's Comp

4:14pm

Meeting Adjourned.

Lisette Cutie for
Odalys Mayan, Coordinator
Contractors License

LC/OM

CC: Board members
Code Enforcement
Assistant County Attorney
Wendy Murphy, City of Marathon
DBPR