

MINUTES ARE NOT VERBATIM

**OKALOOSA COUNTY CONSTRUCTION COMPETENCY BOARD
MINUTES
March 27, 2019**

The regular meeting of the Okaloosa County Construction Competency Board was held Wednesday, March 27, 2019, 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, Jimmy Henderson, Skip Royster, Fay Seketa, Skip Miller, Jeremy Stewart, Linda Flowers, and Randy Wise.

Board members Mike Chesser, Buddy Gordon, and Jason Buck were not present.

Growth Management staff in attendance were Elliot Kampert, Growth Management Director; Renée Lucas, License Specialist; Deborah Clabaugh, Financial Coordinator; and Lynne Oler, Administrative Assistant II.

I. Call to Order

Chairman Damian Curtis called the meeting to order.

a. Roll Call:

Ms. Lynne Oler conducted roll call.

II. Acknowledge Guests

Chairman Curtis welcomed staff and applicants to the meeting.

III. Approval of Minutes: January 30, 2019:

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

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

V. Announcements:

None.

VI. Old Business:

a. Update on William D. Hart

Ms. Lucas stated that Mr. Hart has provided staff with payment for all of his back fees and penalties as required by this Board's motion and is working to provide staff with all the other documentation necessary for staff to issue his Competency Card.

A brief discussion ensued.

Ms. Lucas asked the Chairman if the hearing regarding Hallmark Distributors could be held prior to hearing from the applicants due to time constraints and to allow all Board members to be familiar with the applicants' files.

Chairman Curtis agreed to move the item forward.

b. Swearing in applicants/speakers:

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

c. Competency Card Extension:

1. Hallmark Distributors Inc. (Leo Whitworth) – Britt Garrett

Ms. Renée Lucas reminded the Board that at their meeting on March 28, 2018, after the passing of Mr. Leo Whitworth, who was the qualifier of Hallmark Distributors, Inc., this Board approved a temporary Competency Card for Mr. Britt Garrett so that Hallmark Distributors could continue their contracted jobs. Ms. Lucas stated that the temporary Competency Card approved by this Board expires on March 28, 2019 and Mr. Garret is seeking an extension. Ms. Lucas informed the Board that Mr. Garrett, the remaining owner of Hallmark Distributors, Inc., has submitted his application to the Florida Department of Business & Professional Regulation (DBPR) in order to qualify this company as a Certified Building Contractor. Ms. Lucas stated that staff has verified that application has been made and is in progress. Ms. Lucas noted that Mr. Garrett is the current qualifier for Whitworth Builders Inc. – 50 as both a State Registered General Contractor and a State Certified Building Contractor; therefore, as this is an additional company to qualify, along with changes to the corporation due to Mr. Whitworth's death, the process is taking longer than expected to complete. Ms. Lucas stated that staff spoke with our Building Official who is in agreement that, given the unusual circumstances, staff should petition the Board to grant an extension of at least 1 year to allow Mr. Garrett to meet the needs of his company's customers as well to meet the requirements of DBPR to qualify this company. Ms. Lucas informed the Board that once the State issues are resolved and Mr. Garrett's Certified Building Contractor's license qualifies Hallmark Distributors, this temporary Competency Card will become null and void. Ms. Lucas further informed the Board that, should the Board approve this extension, she has the temporary Competency Card available for the Chairman's signature.

Chairman Curtis asked staff if there was any information given that would provide an idea of how much more time would be needed.

Ms. Lucas stated that the issue is complex, but they are hoping it won't take more than 6 to 9 months longer.

A brief discussion ensued.

Motion to grant a 12 month extension made by Randy Wise; Second by Skip Miller; approved unanimously.

VII. New Business

a. Candidates for Testing Approval:

1. James Botelho – Exterior Applications Contractor

Mr. James Botelho introduced himself to the Board.

Chairman Curtis asked Mr. Botelho to tell the Board a bit about his background.

Mr. Botelho stated that he is seeking an Exterior Applications Contractor's license so that he can do siding. Mr. Botelho stated that he has lived here since 1983 and has done a great deal of work for contractors such as Mr. Wise and Mr. Henderson among others and has never had a complaint so far.

Ms. Linda Flowers asked Mr. Botelho about his financial issues.

Mr. Botelho stated that he was ill for a while, and is working on coming back from that.

A brief discussion ensued.

Motion to approve made by Linda Flowers; second by Randy Wise; approved unanimously.

2. Kerry Scott Carter – Building Contractor

Chairman Curtis asked Mr. Carter to tell the Board a bit about his background.

Mr. Carter stated that he is from Alabama but has lived locally for about 8 years. Mr. Carter further stated that he has held a homebuilder's license since it was created there. Mr. Carter stated that he moved here eight years ago because of the business opportunities available in the area.

Chairman Curtis asked Mr. Carter if he had any commercial experience.

Mr. Carter stated that he does have some commercial experience, primarily in Alabama, consisting of multi-story construction.

Mr. Miller questioned Mr. Carter regarding his bankruptcy noting that it is very important to make sure all his subs, suppliers and other business bills are paid.

Mr. Cartmill agreed.

A brief discussion ensued.

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

3. Estephan Daher – General Contractor

Mr. Estephan Daher introduced himself to the Board stating that he is seeking his General Contractor's license.

Chairman Curtis noted that the contractors on the Board are familiar with his site preparation work but asked if he had any actual construction experience.

Mr. Daher stated that he worked in construction for many years while he was growing up.

A brief discussion ensued.

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

4. George H. Mayerhofner – Building Contractor

Mr. George Mayerhofner introduced himself to the Board, stating that he is originally from Southern California and lives here now. Mr. Mayerhofner stated that he works at the “Pro” desk at Home Depot, doing estimates for sub, etc. Mr. Mayerhofner further stated that he has an extensive background working with architects in Southern California, beginning when he was in his early 20s. Mr. Mayerhofner stated that he has worked for several sub-contractors as well as having hands-on work with all sorts of construction equipment on projects such as commercial storefronts, residential and condominium etc. Mr. Mayerhofner stated that he moved to this area because his daughter lives locally and wants to make sure that he can work legally, pulling permits when necessary.

Chairman Curtis asked Mr. Mayerhofner if he has done any construction work locally.

Mr. Mayerhofner stated that he has not; however, he has been working every day loading trucks and networking. Mr. Mayerhofner further stated that he believes it’s now time to get licensed and due to the state of the construction laborers market, he believes that he will be doing most of the work himself.

Chairman Curtis asked Mr. Mayerhofner if he was aware that the license he is seeking encompasses 3 story construction which will be difficult to do alone.

Mr. Mayerhofner stated that he doesn’t expect to work on 3 story structures to begin with; however, he is aware that he would have to hire help in that situation. Mr. Mayerhofner further stated that he intends to start out with smaller jobs, with the idea that jobs will get larger as time goes on. Mr. Mayerhofner stated that he got most of his experience in Southern California, via a loophole in the law, acting as project manager/agent for homeowners, and he was thus able to pull permits and schedule inspections. Mr. Mayerhofner noted that he wants to make sure that he works legally here as regards permitting & inspections, adding that he has lived in Fort Walton for the last 5 years.

Chairman Curtis noted that Mr. Mayerhofner has worked for draftsmen and architects and has also done some building himself and asked Mr. Mayerhofner if he has worked in construction since he moved to this area 5 years ago.

Mr. Mayerhofner stated that his last job involved drafting plans for redevelopment in the Route 66 corridor which was presented to and approved by the Planning Commission in that area, the whole project taking about 7 years to complete; however, he has not worked in construction since he moved to this area 5 years ago.

Chairman Curtis asked for questions from the Board

Mr. Skip Royster stated that he is concerned with the fact that Mr. Mayerhofner has been out of the construction industry for 5 years, noting that it might be prudent to seek a Residential Contractor’s license before moving up to a Building Contractor’s license.

Ms. Fay Seketa noted that there is a big difference between being able to draw up plans and building according to those plans.

A discussion ensued.

Chairman Curtis asked staff if Mr. Mayerhofner would have to re-appear before the Board if the Board approves him for a lesser license.

Ms. Lucas stated that, while staff would have to make certain that Mr. Mayerhofner gets the correct book list, he would not have to re-appear again before this Board for permission to test.

A brief discussion ensued.

Motion to approve Mr. Mayerhofner to test for a Residential Contractor's license made by Fay Seketa; second by Jeremy Stewart; approved unanimously.

5. Steven Aaron Mayer – Building Contractor

Mr. Mayer greeted the Board stating that he has lived in the area since 1994 working in the construction trade moving from ANS Steel Framing to ICF and has worked building Churches ranging from 12,000 square feet to 60,000 square feet. Mr. Mayer stated that he primarily works with ICF structures now, having taken over the local ICF distributorship.

A brief discussion ensued.

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

6. Jimmie S. Murphy – General Contractor

Ms. Lucas informed the Board that Mr. Jimmie Murphy was formerly licensed with the State as a Registered General Contractor. Ms. Lucas stated that Mr. Murphy is not seeking reinstatement of his Competency Card; but is, instead, asking to be allowed to test as a new applicant. Ms. Lucas further stated that staff wanted to make sure the Board is aware that Mr. Murphy has, in the past, held a General Contractor's license.

Mr. Jimmie S. Murphy greeted the Board stating that he has worked in contracting, all over the State as well as throughout the United States, since 1991. Mr. Murphy stated that he has built Walmart stores & Condos from South Florida to North West Florida and elsewhere in the United States.

A brief discussion ensued.

Motion to approve made by Randy Wise; second by Jimmy Henderson; approved unanimously.

7. Richard Dustin Taylor – Landscape Structures Contractor

Mr. Richard Dustin Taylor introduced himself to the Board stating that he is applying to be a Landscape Structures Contractor; primarily to do fencing.

Ms. Lucas informed the Board that the Contractor who signed off on Mr. Taylor's experience is a Fencing Contractor who was licensed through another County in Florida and a copy of the signatory's Competency Card is included in Mr. Taylor's file.

Mr. Taylor stated that his company is doing fencing from Escambia County to Washington County, lacking only Santa Rosa & Okaloosa Counties, which is why he is seeking licensure.

A brief discussion ensued.

Motion to approve made by Skip Miller; second by Jimmy Henderson; approved unanimously.

8. Competency Card Extension:

This item was heard under the “Old Business” portion of the agenda.

9. *Hallmark Distributors Inc. (Leo Whitworth) – Britt Garrett*

A brief discussion ensued.

VIII. Other Business:

a. Out of State experience discussion

Chairman Curtis thanked Mr. Kampert for making certain that water would be available for the Board members.

A brief discussion ensued.

Ms. Lucas reminded the Board that they requested that staff contact the Florida Department of Business and Professional Regulation (DBPR) regarding how the State verifies out-of-State experience at their January 30, 2019 meeting. Ms. Lucas informed the Board that she contacted 2 State analysts on March 7, 2019, who informed her that, due to past legal actions, it is unlawful for the State to require more information, concerning an applicant’s information than that which is requested within the State Certified application packet on pages 4 through 6.

Ms. Lucas provided the Board with copies of the relevant pages of the State Certified application, as well as copies of the relevant portions of the Florida Administrative Code and Florida State Statutes as referenced at this meeting.

Ms. Lucas noted that the Florida Administrative Code 614G-15.001- Qualifications for Certification, as amended (amendment completed in July of 2017), has eliminated affidavit requirements and clarified licensure requirements. Ms. Lucas provided examples as follows:

Per Rule 61-G415.001 of the Florida Administrative Code: Qualification for Certification:

1(a): The Board will accept lawfully acquired experience gained under the supervision of a contractor, who, at the time was properly licensed in the category or a category which encompasses the scope of practice in which the applicant is seeking licensure.

1(b): Such experience from outside jurisdictions will be accepted toward the category for which the applicant has applied so long as the experience complies with Section 489.105, F.S. (Definitions). However, experience

acquired by providing services that would fall under an exemption pursuant to Chapter 489, Part 1, F. S., will not be accepted.

Ms. Lucas noted that those exemptions include homeowner pulled permits, authorized U.S. employee, such as school boards or State University Boards of Trustees, an officer appointed by the Court, public utility companies, installation of pre-fabricated products and owners of property who are acting as their own contractors.

2(a): Concerning general and building contractors: “active experience” and “proven experience” as used in Section 489.111(2)(c) 1,2, or 3 F.S. shall be defined to mean commercial construction experience involving construction, erection, alteration, or modification of buildings and structures with any use and occupancy classification except storage, utility, and miscellaneous structures of an accessory character including but not limited to agricultural buildings, aircraft hangers, barns, carports, garages, sheds, silos, tanks, towers, and any work exempted pursuant to s. 489.103 F.S. Commercial experience must be in four or more of the areas listed 1 through 7 of section (2)(a).

(3): Concerning residential contractors: “active experience” and “proven experience” as used in Section 489.111(2)(c) 1,2 or 3 F.S. shall be defined to mean construction experience involving construction, alteration, enlargement, or repair of detached one and two family dwelling and townhomes, not more than 3 stories above grade plane in height with a separate means of egress. Experience must be in four or more of the areas listed (a) through (f) of section (3).

*(4): Concerning Bachelor’s Degrees: In the case of applicants for certification under the standard set forth in Section 489.111(2)(c)1., F.S., the baccalaureate degrees in building construction, architecture, or engineering which are considered to be appropriate to the particular classification for which certification is sought shall be as follows:
(a) General, Building and Residential Classifications: Civil Engineering; Building Construction; or Architecture.*

Ms. Lucas informed the Board that, after speaking with DBPR, it is her understanding that the State will no longer require a copy of an applicant’s transcripts. Ms. Lucas stated that, due to some of the changes in the Rule, we may have to amend our Ordinance.

Mr. Elliot Kampert stated that the Board’s Council wants to put together a presentation to lay everything out for the Board in an understandable fashion.

Ms. Lucas noted that staff was unaware that these changes had been made until this Board asked for this research to be done.

Chairman Curtis asked when the next regular meeting of the Board was scheduled.

Ms. Lucas stated that the next regular meeting is scheduled to be held on May 29, 2019.

A discussion ensued.

Ms. Lucas asked the Board to please review the information provided before the next meeting and forward any questions to staff or to Mr. Kampert.

IX. Adjournment

There being no further business for the Board, Chairman Curtis declared the meeting adjourned.

Prepared by: *Teresa A. Mullins*
Teresa Mullins, Recording Secretary
4.25.2019