

**MINUTES
OF THE KEY WEST
CONTRACTORS' EXAMINING BOARD
KEY WEST, FLORIDA
August 26, 2010**

Call to Order

3:12p.m. Chairman opened meeting

Present for Roll Call

Emigdio Gil
Peter Pike
Norman Wood
Merrell Sands
Nick Reeb
Frank Balbuena
Paul Marotte
Ron Ramsingh, Assistant City Attorney
John Woodson, Chief Building Official
Jim Young; Code Compliance Manager
Kathleen Williams; Recording Secretary

Absent

Late

➤ **Old Business**

3:13p.m. Approval of minutes from July 29, 2010.

➤ **New Business**

3:14p.m. **Item 1; Re-elect Chairperson**

Nick Reeb nominated Emigdio Gil to be reappointed as Chairman. Norman Wood second. *Board Agreed.*

Nick Reeb nominated Peter Pike as Vice Chairman. Norman Wood second.
Board Agreed.

3:16p.m. **Item 2; Action Flow Chart and "Imposition of fines and Administration Fees"**

Peter Pike made a presentation on the "Key West Contractors Board Flow Chart" that he created. The flow chart was created as a guideline for action taken when a case is brought to the CEB. Ron Ramsingh reminded the Board that in addition to a "Suspension, Revocation, and/or Reprimand", the Board can impose a court cost (\$100.00 or 7% of the fine, whichever is greater). Ron Ramsingh cautioned the Board when the CEB receives the report from the Code Officer, "defenses come after the Prima Facie case". The CEB needs to make sure the elements are there to go forward, and then the Board will hear the other side. Ron Ramsingh added to his caution that once the Board gets the affidavit to

make a determination, it would be a violation against the Sunshine Law if any Board Member were to have further discussions with other Board Members and/or the Violator outside the CEB meeting. Peter Pike stated as a Board Member, he would like to see all Red Tags and/or any case that should include a Contractor be brought in front of the CEB. Jim Young suggested the CEB handle ALL Contractor related cases. Not just the “problem child”. The unlicensed contractor related case should be heard by the Special Magistrate. *Board Agreed.*

Ron Ramsingh stated per State Statute Chapter 162 the CEB cannot charge more than \$250.00 / \$500.00 for the first offence. The Administrative Cost is fixed in our Code, but not by Statute, the Fine is fixed by Statute and Code. Any changes that the CEB wants to do to Chapter 2; a Board Member needs to find a Commissioner to sponsor the change. It was suggested to elect a person to be the liaison with the City Commission. If the request is approved, the Legal Department will generate a summary. Motion made by Peter Pike for the CEB to adopt the change of the Administrative Cost Fee to be \$200.00 or 10% (which ever is greater) per case. Norman Wood Second. *Motion Carried.*

3:45p.m. Merrell Sands left the CEB meeting to attend a funeral.

3:46p.m. Board discussed when is a case is considered a “Repeat” violation, and how many years is the information is accessible. Jim Young explained per Florida Statutes, public records for “Code” states that you must maintain records for five (5) years if a case goes to Hearing and brought before the Special Magistrate. If a case does not go before the Special Magistrate, you must maintain your records for three (3) years. Board discussed going back five (5) years to review records when Contractor comes before the CEB. Kathy Williams to provide any information on agenda if Contractor has prior violations. *Board Agreed.*

3:50p.m. **Item 3; Future meeting dates**

Future dates were agreed upon. Peter Pike added discussion item to increase the number of CEB meetings per year. Peter Pike made a motion to increase the number of meetings to six (6) meetings per calendar year beginning January 2011. *Board Agreed.*

3:57p.m. Board discussed when the first case would be brought in front of the CEB. Peter Pike made a motion that any case after January 1, 2011 will be required to come before the CEB based on Ordinance acceptance. Any case prior to January 1, 2011 may go in front of the Special Magistrate. Nick Reeb second. *Motion Carried.*

Kathy will e-mail Board Members the reappointment information.

4:05p.m. **Item 4; Interlocal Agreement**

Although it was determined a “Interlocal Agreement” is not necessary, Ron Ramsingh will contact Monroe County Attorney, Lisa Grainger and request one. *Chairman Gil asked that this topic be added to next months CEB agenda to discuss outcome.*

4:07p.m. **Item #5; Outstanding Inspections / Permits**

Jim Young commented on the large amount of open permits with the City of Key West, and the *permit holder* should be responsible to close their permit with appropriate inspection(s). Although not in our Ordinance, John Woodson brought to Jim Young’s attention that Section 109 of the Florida Building Code indicates that our Ordinance adopted the requirements for Final Inspections. It has become an issue with the Title Companies and Banks when the Contractors do not close permits because Title Companies are now requesting information from Code Compliance and the Building Department before the sale of a property.

Contractor cases involving open permits will be brought in front of the CEB January 2011, and should date back to June 1, 2010. Peter Pike suggested a posting and/or advertisement in the Building Department stating Final Inspections are required when pulling a permit or they are subject to go before the CEB. Paul Marotte suggested allowing the Contractors the opportunity to close out their permits by December 2010. Jim Young informed the CEB that Code Compliance will do a Public Safety Announcement (PSA) and post it on our website. *Board Agreed.*

City of Key West is working on new software that will allow reports of all open permits. Kathy Williams is working on a list of contractors with open permits.

- 4:30p.m. **Item #6; CEB or Special Magistrate**
Already reviewed. No discussion took place.
- 4:35p.m. **Item 7; Attendance of the Special Magistrate**
Already reviewed. No discussion took place.
- 4:36p.m. **Adjournment**