

Construction Licensing Enforcement and Appeals Board

October 2, 2018

The meeting was called to order at 7:00 pm. In the Highlands County Board of County Commission Chambers at 600 S. Commerce Ave., Sebring Florida, with the following members present: Troy Maloyed, John Palmer, Gary Bagwell, Terry Webster, Tommy James and Chairman Scott LeConey.

1. John Palmer made motion to approve the minutes from the September 11, 2018 meeting, seconded by Troy Maloyed and passed by unanimous vote.

2. Business:

- A. Applicant David Reas applying for handyman registration.

Mr. Reas spoke to his history and experience referencing the items in the application packet. Scott LeConey addressed negative accounts on the credit report. Mr. Reas stated that negative items were due to a divorce and payment plans had been worked out with some of the creditors. Board noted that packet contained credible local references. Terry Webster asked about experience in specific areas of construction. Mr. Reas stated that experience was obtained largely from working with out of state contractors mentioning carpentry, painting, trim work, some electrical and plumbing. Board discussed possible rider attachment and not having a credit score with credit report to establish a base line. Tommy James made motion to approve without rider noting local references. Troy Maloyed seconded motion with rider. Further discussion about rider attachment led Tommy to withdraw his motion and make motion to approve with rider and submittal of current credit score to establish base line for future consideration., seconded by Troy Maloyed and passed by unanimous vote.

- B. Applicant Amgiern Caceres applying for handyman registration.

Mr. Caceres stated that he had recently been approved by this board to take the painting exam and was having difficulty finding study materials for exam. Wishing to be able to do small jobs until he could pass exam he wanted to have a handyman license to be upright and legal. Troy Maloyed made motion to approve, seconded by John Palmer and passed by unanimous vote.

- C. Complaint filed by Mr. Jay Gottschalk against Zephyr Homes LLC. —Donald King.

Chairman LeConey announced that this was a Quasi-judicial hearing and witnesses were sworn in.

Mr. Gottschalk testified to the history of the case noting that roof was completed in December and had a tarp installed at this time due to leaks. Ceiling drywall damage has occurred. He presented a contract to the board on Zephyr Homes letterhead and his claim is that Zephyr Homes is not honoring their warranty. Chairman LeConey stated that warranty issues are a civil matter that this board may not be able to address. Further testimony that Mr. Gottschalk had another roofer inspect roof and that this roofer stated that roof was not installed to code and needed to be removed and replaced. Board noted that contract submitted was dated

March 19, 2018 and roof was completed in December and that this contract was signed by Warren from Dry Homes. Mr. Gottschalk stated that Dry Homes roofing had installed the roof. Board asked if Dry Homes was a sub-contractor for Zephyr Homes and Mr. Gottschalk did not know. Board also noted that canceled checks were written to Dry Homes, one on Nov. 7, 2017 and another dated Dec. 3, 2017. Troy Maloyed asked Mr. Gottschalk if he had gotten other bids for the roof and if he had any concerns at the time that he was hiring an out of state contractor. Mr. Gottschalk stated that he had received other bids that were for a shingle roof and Dry Homes was cheaper for a metal roof and that they had been recommended by friends. Troy then stated that an out of state contractor installing a metal roof for less than competitions bid for shingles would have raised red flags for him. Mr. Gottschalk stated that he thought a permit was obtained and that after the fact he needed a copy of the final inspection for the insurance company. That is when Warren from Dry Homes "traded" him the original contract for the Zephyr Homes contract saying that this was needed for a final inspection report. Scott LeConey stated that issues are with Dry Homes and not with Zephyr Homes unless Dry Homes was acting as a sub-contractor under Zephyr Homes which he speculated Mr. King would claim as not true. Scott asked if Mr. Gottschalk had been in touch with the sheriff's department and Mr. Gottschalk stated he had been in contact with Detective Ritenour several times and they were investigating.

Mr. King from Zephyr Homes was called to testify. Mr. King testified that checks were written to Dry Homes and that he had not received any compensation for this job and had nothing to do with it. Board asked if Warren from Dry Homes was authorized to sign contracts for Zephyr Homes and Mr. King said no. Board then asked how Warren obtained his letterhead and Mr. King said he did not know. Mr. Gottschalk then added from the audience that Frank, Mr. Kings partner had told him that the letterhead had been stolen. Mr. Gottschalk also added that Frank had offered to repair the roof but Mr. Gottschalk felt the roof needed to be totally replaced. Troy Maloyed made motion to dismiss the case due to boards inability to take action against Dry Homes as they are not licensed in this jurisdiction nor Zephyr Homes due to their not being contractor of record. Board sympathy was expressed to Mr. Gottschalk from all board members and recommendations of options moving forward. John Palmer stated that a motion had been made to dismiss which Troy Maloyed stated again, seconded by John Palmer and passed by unanimous vote.

The next meeting was set for November 5, 2018.

With no further business the meeting was adjourned at 8:03 pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "C. R. Jones", written over a light blue horizontal line.

Building Official