

Meeting Date
<b>May 3, 2016</b>



AGENDA	
Section	Unfinished Business
Item No.	V.A.

**AGENDA REPORT**  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	LEGISLATIVE INTENT & PERMISSION TO ADVERTISE: REVISIONS TO CHAPTER 22 AMENDING DEFINITIONS OF FLOOR COVERING W/TILE, DRYWALL AND PAINTING TO "SPECIALTY TRADES" AND BOARD DIRECTION RE: CREATING A WARNING PROVISION FOR FIRST TIME VIOLATIONS
DEPT/OFFICE:	PLANNING & DEVELOPMENT

Requested Action:

It is requested that the Board consider legislative intent and permission to advertise revisions to Chapter 22 that would remove licensing requirements for floor covering with tile, drywall and painting work and reclassify them as "Specialty Trades" as well as creating a warning provision in lieu of citation for certain first time violations.

Summary Explanation & Background:



On February 16, 2016, the Board directed staff to present an analysis concerning the creation of a first time warning in lieu of citation issuance for violations of Brevard County's contractor licensing regulations. On March 1<sup>st</sup>, 2016, the Board directed staff to prepare legislative intent to eliminate licensure requirements for flooring, painting, and dry wall contractors.

The attached report addresses both aspects of the Board's directions.

Clerk to the Board instruction:

Exhibits Attached: Staff Report

Contract /Agreement (If attached): Reviewed by County Attorney    Yes     No     PR

County Manager   Stockton Whitten	Assistant County Manager	Department Director / Extension   Robin M. DiFabio, AICP 5-2069
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Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

May 4, 2016

**M E M O R A N D U M**

**TO:** Robin DiFabio, Planning and Development Director

**RE:** Item V.A., Legislative Intent and Permission to Advertise Revisions to Chapter 22 Amending Definitions of Floor Covering With Tile, Drywall, and Painting to 'Specialty Trades' and Board Direction Regarding Creating a Warning Provision for First Time Violations

The Board of County Commissioners, in regular session on May 3, 2016, denied legislative intent and permission to advertise revisions to Chapter 22 amending definitions of floor covering with tile, drywall, and painting to specialty trades, per the recommendation of the Contractor Licensing Board; approved a warning process for first time offenders by accepting the Contractor Licensing Board's recommendation to issue a citation with a fine of \$250 for a first time offender, and should the offender obtain a Brevard County Certificate of Competency within 120 days of the citation's issuance, the cost of the fine will be applied to the application fee and first year license fee with any remaining fees due to the County at that time; and any employees of the stated first time offender who obtains his or her license pursuant to this opportunity, will have his or her fines refunded in full should he or she be able to prove that he or she was an employee that was on payroll of the first time offender's company at the time his or her citation was issued.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

cc: Commissioner Smith

**PLANNING & DEVELOPMENT DEPARTMENT**  
**STAFF REPORT RE:**  
**CONTRACTOR LICENSING & ENFORCEMENT REGULATIONS**

Background:

On February 16, 2016, the Board directed staff to present an analysis concerning the creation of a first time warning in lieu of citation issuance for violations of Brevard County's contractor licensing regulations. On March 1<sup>st</sup>, 2016, the Board directed staff to prepare legislative intent to eliminate licensure requirements for flooring, painting, and drywall installers.

As discussed at the February 16<sup>th</sup> meeting, staff presented the Board's proposals to the Contractor Licensing Board (CLB) on March 16, 2016. The CLB's membership, as set forth in Section 22-501, is composed of 13 regular members and 2 alternates and must include: a building contractor, electrical contractor, HARV or mechanical contractor, plumbing contractor, roofing contractor, swimming pool contractor, fire safety expert, and three members who are not in the construction industry. Pursuant to Section 22-502 Powers and Duties, the CLB serves as the local construction regulation board as defined by Section 489.105(12), F.S. with jurisdiction over all matters pertaining to the examination, qualification, regulation and control of any person or firm desiring to engage in business in the unincorporated areas of the County. Briefly, the CLB has authority to: determine qualifications for various classes of certificates of competency; hear and decide appeals of administrative decisions/interpretations concerning building code, fire code, or regulations relating to the construction industry; and make rules and regulations to carry out the provisions of Article VI Contractors.

With regard to the proposal to implement a First Time Warning in lieu of Citation, the CLB proposed the following:

"First time offenders shall be issued a citation with a \$250 fine. Should the stated first time offender obtain a Brevard County Certificate of Competency within 120 days of the citation's issuance, the cost of the fine will be applied to the application fee and first year license fee with any remaining fees due to the County at that time. Moreover, any employees of the stated first time offender who obtains his or her license pursuant to this opportunity, will have his or her fines refunded in full should he or she be able to prove that he or she was an employee that was on the official payroll of the first time offender's company at the time his or her citation was issued."

With regard to the proposal to deregulate flooring, painting and drywall installers, the CLB recommended that no changes be made to the licensing requirements. Resolutions by the CLB concerning the Board's proposals are attached (see Attachments 1 and 2).

Board Considerations for First Time Warnings In Lieu of Citations:

Currently, Section 22-558 of the Brevard County Code sets forth actions that constitute violations of contractor licensing regulations (see Attachment 3). Fines for a first violation range from \$75 to \$250. Fines for repeat violations range from \$150 to \$500. It should be noted that Chapter 489.127(1), F.S.

similarly prohibits actions cited in Section 22-558(c)1-9, and views such actions as first degree misdemeanors for a first offense. Should an unlicensed person commit a subsequent offense, after being found guilty of a first offense, it will be prosecuted as a felony of the third degree.

Persons receiving citations have the ability to contest the citation. Contested violations are heard by a Special Magistrate, who conducts a public hearing and makes findings of fact based on the evidence presented. If the Special Magistrate finds that a violation exists, he may order a civil penalty. The Special Magistrate takes into consideration the gravity of the violation, any actions taken by the violator to correct the violation and any previous violations committed by the violator.

Attachment 4 provides a break down of licensed vs. unlicensed contractor citations in FY 13, FY 14, FY 15 and the first two quarters of FY 16. On average, more than 75% of the citations have been issued to unlicensed contractors. It should be noted that consumer fraud associated with unlicensed contracting has risen to a level that has warranted involvement from the Sheriff's Office which conducts "stings" by their Economic Crimes Division.

Board Options for First Time Warning in Lieu of Citation:

Based upon the circumstances discussed by the Board at its February 16<sup>th</sup>, 2016 meeting, staff seeks direction regarding the scope of a First Time Warning program. Options include:

- Option A—Implementation of the recommendation of the CLB.
- Option B—Implementation of a First Time Warning for Out of County (Florida) Contractors. A warning would be issued if documentation is produced on the job site demonstrating that it is an established business from another county that does not require a license. Documentation includes a Business Tax Receipt (BTR) from that county, corporate documents, and proof of workers compensation and liability insurance.
- Option C—Implementation of a First Time Warning for All (including Out of State) Contracting businesses, provided that suitable documentation is produced, as discussed above. Another point for the Board to consider is that Florida is often a destination for "gypsy" unlicensed contractors who target neighborhoods which have convenient access to an Interstate highway and retirement communities with elderly residents.
- Option D—Limit First Time Warnings for violations that appear to be the result of not being familiar with Brevard County regulations (such as the licensing requirements for specific contractor categories), and excluding violations that appear to demonstrate willful intent to defraud (such as providing false or forged information).
- Option E—Other options proposed by the Board.

Board Considerations for Eliminating Licensure for Flooring, Painting and Dry Wall:

Drywall, floor covering with tile, and painting contractors are currently included in Chapter 22 as being contractors that must pass an examination and obtain a Certificate of Competency (license) in order to perform work. Eligibility to sit for the exam typically requires demonstration of prescribed years of experience in the field. An applicant must have a passing grade on the exam, produce a credit report and financial statement showing that the applicant is financially responsible and able to engage in the

requested contracting field , and carry workers compensation insurance, liability insurance and property damage insurance. Reciprocity is available for contractors who are certified by another county and registered with the State.

A certificate of competency demonstrates experience in the field; knowledge of all applicable local, state and federal laws, including but not limited to all applicable building codes, safety, health and lien laws of the county, state and federal governments; and knowledge of rudimentary administrative principles of the requisite contracting business.

Certificates of Competency are valid for a period of one calendar year, commencing on September 1<sup>st</sup> and terminating on August 31<sup>st</sup> of the following year. The licensing/renewal fee for a Certificate of Competency is \$155.

Currently, the breakdown for the affected licensed contractors are:

- Flooring Covering Contractors (including tile, marble, and terrazzo) 241
- Painting Contractors 267
- Drywall Contractors 29

Considerations by the Board when deliberating over the elimination of licensure requirements include:

- At their March 16, 2016 meeting, the CLB did not support the Board’s proposal to deregulate these contractors.
- Drywall contractors must be knowledgeable in such technical areas as fire codes and mold prevention/restoration. Improper techniques and materials pose a threat to occupants of a building. Twenty seven (27) counties in the State regulate drywall installation including Broward, Charlotte, Collier, Flagler, Hillsborough, Indian River, Leon, Marion, Martin, Miami-Dade, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Sarasota, St. Johns, and St. Lucie.
- Drywall installation is regulated under the Florida Building Code. Therefore, Brevard County requires a building permit for drywall work. In order to receive a building permit, work must be performed by a licensed contractor. Deregulation of drywall contractors would render them ineligible to obtain permits for drywall work. Therefore, only general, building, or residential contractors could obtain such permits. Currently, licensed drywall contractors can directly contract with property owners to perform work. Once deregulated, a general, building or residential contractor would have to be hired; a drywall installer could be the subcontractor, but must work under the supervision of a general, building or residential contractor.
- Painting contractors must be knowledgeable regarding EPA regulations pertaining to lead based paint removal associated with the renovation of pre-1978 structures. Licensure ensures awareness of EPA rules. Twenty two (22) counties in the State regulate painting including Broward, Charlotte, Collier, Hillsborough, Indian River, Lee, Martin, Miami-Dade, Monroe, Okeechobee, Palm Beach, Pasco, St. Johns, and St. Lucie.
- Flooring requirements regarding fire rating, airborne and impact noise transmission, and non-slip surface criteria are regulated through the Florida Building Code. Opportunity for proper

material selection and installation are enhanced through licensure requirements. Twenty four (24) counties in the State regulate flooring, including Broward, Charlotte, Collier, Hillsborough, Indian River, Lee, Marion, Martin, Miami-Dade, Monroe, Okeechobee, Palm Beach, Pasco, Pinellas, St. Johns, and St. Lucie.

Legislative Intent for Eliminating Licensure for Flooring, Painting and Drywall:

The Board directed code changes will include modifications to Section 22-477 *Definitions* to delete definitions for “drywall contractor”, “floor covering contractor”, “floor covering with tile, marble and terrazzo contractor”, and “painting contractor” and, instead, listing them under the definition of “specialty contractor”. Additionally, Section 22-529 *Classes of certificates of competency*, subsection (a) would be modified to strike through reference to drywall contractor, floor covering contractor, floor covering with tile, marble and terrazzo contractor, and painting contractor.

Other Considerations:

No General Fund revenues currently support the Licensing, Regulation & Enforcement Program. The program is largely funded by licensing related fees and fines & forfeitures.

Fines & Forfeitures constitute approximately 22.5% of the Licensing, Regulation, & Enforcement Program budget. In FY 13, \$93,820 in fines were collected. In FY 2014, the total collected rose to \$99,279. FY 15 fines collected were \$123,025. During the first two quarters of FY16, \$49,325 in fines have been collected which projects out to \$98,650 for the year. Approximately 85% of citations are issued for a first violation. Therefore, the estimated fiscal impact of the Board’s proposal for a first time warning in lieu of citation would reduce fine revenues to less than \$15,000 annually.

Licensing fees for the flooring, painting and drywall contractors constitute approximately 19% of the Licensing, Regulation and Enforcement Program revenues. Minimum annual fiscal impacts associated with deregulation, based upon current active licenses are:

- All Flooring Contractors      \$37,355
- Painting Contractors          \$41,385
- Drywall Contractors          \$ 4,495
- TOTAL                              \$83,235

Accordingly, General Fund support to offset revenue reductions should be considered by the Board.

**CONTRACTOR LICENSING BOARD  
BREVARD COUNTY, FLORIDA**

**IN RE: THE MATTER OF ITEM NUMBER VIII.F CONTRACTOR LICENSING  
INFORMATION STRUCTURE OF FIRST TIME OFFENSE WARNING AND  
CITATION STRUCTURE OF FINES**

**RESOLUTION IN SUPPORT OF THE RESTRUCTURING OF FIRST TIME  
VIOLATIONS FOR UNLICENSED CONTRACTING**

**WHEREAS**, this cause came before Brevard County Board of County Commissioners (Board) in regular session on February 16, 2016 directing the Manager of Contractor Licensing Regulation and Enforcement to report back to the Board with information to restructure a first time offense from a fine to a warning; and

**WHEREAS**, in 1993 the Board determined that it was in the best interest of the residents of Brevard County citizens to stop uncertified, unregistered, and unlicensed contractors from operating illegally within Brevard County Florida; and

**WHEREAS**, the Board established definitions for violations and set forth a schedule of civil penalties whereby the fine for the situation in question, unlicensed contracting, is \$250 for an initial violation and \$500 for a repeat violation; and

**WHEREAS**, Section 489, Florida Statutes, provides authority to local governments to enact local ordinances which provide for the issuance of citations by licensing code inspectors and the hearing of cases by designated hearing officers; and

**WHEREAS**, on March 16, 2016 at 6:30 p.m., the Brevard County Contractor Licensing Board (CLB) discussed the direction from the Board to restructure first time offenses from a citation fine to a warning in order to be more “business friendly” to contractors with businesses located outside of Brevard County; and

**THEREFORE BE IT RESOLVED** that based on the discussion had during the March 16, 2016 CLB meeting, the CLB unanimously recommends a modified citation procedure for Section 22-558 of the Code of Ordinances of Brevard County, Florida, as follows:

First time offenders shall be issued a citation with a \$250 fine. Should the stated first time offender obtain a Brevard County Certificate of Competency within 120 days of the citation's issuance, the cost of the fine will be applied to the application fee and first year license fee with any remaining fees due to the County at that time.

Moreover, any employees of the stated first time offender who obtains his or her license pursuant to this opportunity, will have his or her fines refunded in full should he or she be able to prove that he or she was an employee that was on the official payroll of the first time offender's company at the time his or her citation was issued.

Done and adopted this 12<sup>th</sup> day of APRIL, 2016.

CONTRACTOR LICENSING BOARD  
BREVARD COUNTY, FLORIDA

By: Nick Witek  
Nick Witek, Chairman

Copies: Brevard County Contractor Licensing Board  
Stockton Whitten, County Manager  
Denise Campagna, Contractors' Licensing Department Manager  
Cristina T. Berrios, Esq., Assistant County Attorney

**CONTRACTOR LICENSING BOARD  
BREVARD COUNTY, FLORIDA**

**IN RE: THE MATTER OF ITEM VIII.F LEGISLATIVE INTENT TO REMOVE  
FLOORING, PAINTING AND DRYWALL FROM CONTRACTOR LICENSES**

**RESOLUTION IN OPPOSITION TO THE DEREGULATION OF TRADES**

**WHEREAS**, the Brevard County Board of County Commissioners (Board) in regular session on March 1, 2016, directed the Manager of Contractor Licensing Regulation and Enforcement to bring forward legislative intent to remove flooring, painting, and drywall from the required contractor licenses; and

**WHEREAS**, the Contractor Licensing Regulation and Enforcement Manager presented the Board request for deregulation to the Brevard County Contractor Licensing Board (CLB) at a regular meeting on March 16, 2016, 6:30 p.m; and

**WHEREAS**, the Board appoints members to the CLB that consists of contractors and citizens; and

**WHEREAS**, Section 22-502 of the Brevard County Code of Ordinances of Brevard County, Florida, states that the CLB serves as the local construction regulation board as defined in Section 489.105(12), Florida Statutes, and has jurisdiction over all matters pertaining to the examination, qualification, regulation and control of any person or firm desiring to engage in business; and

**WHEREAS**, the CLB has had a long history of dealing with consumer complaints and the risk associated with bad contracting and believes that the general public is unaware of the liabilities and consequences of hiring a bad contractor which is why many trades have become regulated. By removing these license trades, the Licensing Regulation and Enforcement agency would be unable to assist consumers. Their only recourse would be to hire an attorney which – in many cases – would be more costly than the contract value; and

**WHEREAS**, the CLB considers the health, safety, and welfare of the public when considering regulating trades;

**WHEREAS**, the drywall trade became regulated in 1977;

**WHEREAS**, drywall work requires a building permit and inspections to ensure compliance with Florida Building Code, Fire and Life Safety;

**WHEREAS**, the painting trade became regulated in 2001;

**WHEREAS**, painting contractors are required to be EPA Lead Certified;

**WHEREAS**, the flooring trade became regulated in 2003 and there are industry standards and specifications for proper flooring installation as well as safety requirements;

**WHEREAS**, the CLB allows input from the trades people when determining if a trade should be regulated;

**WHEREAS**, the CLB unanimously determined there are no compelling reasons for deregulation;

**NOW THEREFORE BE IT RESOLVED** that based on the discussion had during the March 16, 2016 CLB meeting, the CLB unanimously recommends that the Board does not deregulate drywall, painting, and flooring trades for the following reasons:

1. Background checks are currently conducted for the individuals seeking to be licensed, for the protection of Brevard County citizens.
2. Licensure ensures a level of competency of the individuals being hired by the citizens of Brevard County, through application and examination.
3. Licensure ensures the contractors are properly insured, to protect citizens of Brevard County.
4. Licensure requires a review of financial capability of individuals seeking to be licensed.
5. Licensure provides an avenue for the citizens of Brevard County of redress in the event of a conflict with the contractor, in lieu of hiring an attorney for court litigation.

Done and adopted this 12<sup>th</sup> day of APRIL, 2016 by the CLB. Moreover, the CLB unanimously recommends that no changes be made to section 22-477, of the Brevard County

Code of Ordinances of Brevard County, Florida regarding the deregulation of any trades presently regulated.

CONTRACTOR LICENSING BOARD  
BREVARD COUNTY, FLORIDA

By:   
Nick Witek, Chairman

Copies: Brevard County Contractor Licensing Board  
Stockton Whitten, County Manager  
Denise Campagna, Contractors' Licensing Department Manager  
Cristina T. Berrios, Esq., Assistant County Attorney

**Sec. 22-558. Violations.**

- (a) Each violation and each separate day a violation of this article continues shall be considered a separate and distinct offense. However, a citation must be issued for the alleged violator for each day an alleged violation continues to exist in order for a separate fine to be imposed.
- (b) Any person found to be in violation of the provisions of this article shall be guilty of a civil infraction.
- (c) It shall be a violation of this article for any person, individual, partnership, corporation, firm, association or other entity to:
  - (1) Falsely hold himself or a business organization out as licensed, a certificate holder, or registered contractor.
  - (2) Falsely impersonate a certificate holder or registered contractor.
  - (3) Falsely present himself as a certified or registered contractor under another person's certificate or registration.
  - (4) Give false or forged evidence to the contractors' licensing board or a member thereof for the purpose of obtaining a certificate of competency.
  - (5) Use or attempt to use a certificate, license or registration which has been suspended or revoked.
  - (6) Engage in the business or act in the capacity of a contractor without being duly registered or certified.
  - (7) Advertise himself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified.
  - (8) Operate a business organization engaged in contracting after 60 days from the date its only qualifying agent ceased to be affiliated with the business organization without designating another primary qualifying agent.
  - (9) Proceeding on any job without first obtaining applicable local building permits and inspections; or performance of any work for which a building permit is required without such building permit being current.
  - (10) Knowingly and willfully hire a person who is not a duly certified, licensed or registered contractor.
  - (11) Engage in the business or act in the capacity of a contractor or advertise himself or a business organization as available to engage in the business or act in the capacity of a contractor without a business tax receipt.
- (d) No person associated with a contracting firm qualified by a qualifying agent shall:
  - (1) Conceal or cause to be concealed, or assist in concealing from the primary qualifying agent, any material activities or information about the contracting firm.
  - (2) Exclude or facilitate the exclusion of any aspect of the contracting firm's financial or other business activities from the primary qualifying agent.
  - (3) Knowingly cause any part of the contracting firm's activities, financial or otherwise, to be conducted without the primary qualifying agent's supervision.
  - (4) Assist or participate with any qualifying agent in the violation of any provision of this article.
- (e) Any person who willfully refuses to sign and accept a citation issued by a code inspector pursuant to this division of this Code shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 and/or 775.083.

(Ord. No. 93-04, § 1.02, 3-2-93; Ord. No. 2007-003, § 8, 2-20-07)

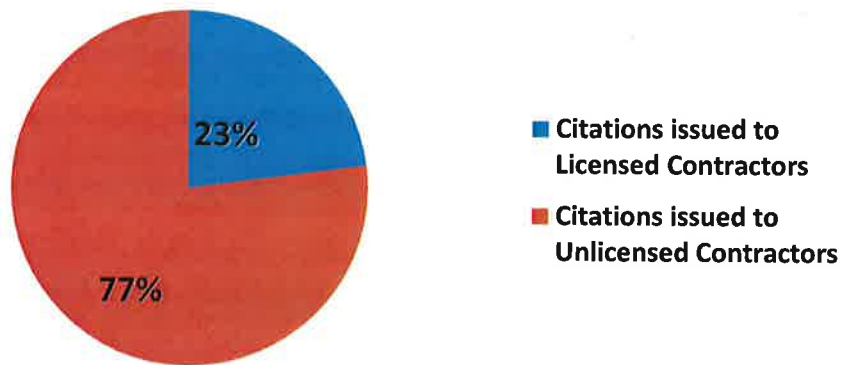
# LICENSING REGULATION AND ENFORCEMENT

FY 2012/2013 - 2015/2016

## CITATIONS ISSUED TO LICENSED AND UNLICENSED CONTRACTORS

Fiscal Year	Licensed Citations	Percentage Licensed Citations	Unlicensed Citation	Percentage Unlicensed Citations	Total Citations
2012-2013	107	25.78%	308	74.22%	415
2013-2014	79	17.83%	364	82.17%	443
2014-2015	147	24.96%	442	75.04%	589
2015-2016 Oct-Mar (6 months)	54	22.04%	191	77.96%	245
<b>Total Citations October 2012 through March 2016</b>	<b>387</b>	<b>22.87%</b>	<b>1305</b>	<b>77.13%</b>	<b>1692</b>

### Citations Issued by LRE



V.A.  
("2")

**Brevard County Code Enforcement  
Case Application (CAP) Report**

**CAP#:** 16CT-00082

**Date Complaint Received:**

04-FEB-2016

**Related CAP's:**

**Case Status:** Active

**Officer/Inspector:**

**Subject Property Information:**

*Parcel ID #:* Twn. 24 Rg. 35 Sec. 36 Sub. 00 Blk: 274 Lot

*Address:* 3600 W KING ST COCOA FL 32926

**Complaint:**

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**Cited Violation(s):**

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**Comments:**

**ViewID Comment(s):**

2/5/2016 Reporting Investigator (RI) Maggie Castellano responded to a complaint received from Code Enforcement of possible unlicensed contracting without permits at Aging Matters at 3600 W King St, Cocoa. RI arrived on site at 2:05pm observing several work vehicles & a trailer with advertising for Phillips Development & Design along with flooring supplies/materials. RI addressed three individuals identified as Daniel Huerta, Philip Lombardi & Tim Phillips. Mr. Phillips indicated he was the husband to Alicia Phillips the license holder providing license number CGC1516173 for Phillips Development & Design. It was determined Mr. Huerta & Mr. Lombardi were not performing any regulated trades, however, the flooring contractor from Orlando was on site along with 3 employees. Inside the facility, RI witnessed all four individuals in various stages of flooring and identified them as business owner Jose Arqueta of A & P Tile Masters Inc 407-744-6076, Fernando Martinez, Christopher McComas & Victor Vargas. RI had detailed conversation with Mr. Arqueta & Mr. Phillips (with no language barriers) explaining the licensing requirements in Brevard County. Mr. Phillips asked was there any way Mr. Arqueta could continue the job so RI explained if they were to be employed as W2 employees on direct payroll or leased employees of Phillips Development & Design they would be able to continue flooring. As an employee of a general contractor one can perform any trade within the scope of that license without violation. RI also had a brief discussion with Mrs. Phillips who indicated she would be putting the men on payroll as she wanted to continue to use them and would send the LRE office copies of their employment paperwork or leasing documentation. Mr. Arqueta asked if his son, who is on his corporation, could be the license holder and RI stated he could asking him to contact the LRE office for assistance. Citations were issued to all four individuals in violation of Brevard County Code of Ordinance section 22-558 C-6 Engage in the business or act in the capacity of a contractor without being duly registered or certified. Each citation is a first offense for \$250.

2/5/2016 4:45pm ... RI had conversation with Alicia Phillips regarding the unlicensed contractors. RI explained again the licensing requirements for Brevard County in place since 2003. She felt the citations were unfair as he was an honest business man and just didn't know the rules in Brevard. RI explained we can't selectively choose who gets a citation and who doesn't. It is clear he does not have a license therefore was issued citations. Mrs. Phillips stated she was an honest business woman doing things the right way and felt she should be able to hire any contractor she wished. RI agreed adding so long as the subcontractor abided by the licensing regulations in place with Brevard County. I agreed Mr. Arqueta was a nice individual & his work was good. We discussed the w-2 employee / leasing options which she claimed documents were being sent. Mrs. Phillips stated she would like to contact the Commissioners regarding her concerns. RI will watch for documentation on Mr. Arqueta & his employees. mkc

2/10/2016 Research of A & P Tile Masters Inc. revealed an active corporation with Jose Arqueta & Michael Arqueta as owners, no current workers comp or exemptions were found individually or under the business and a Facebook listing advertises they can work throughout central Florida. Documents uploaded for verification. mkc

**ViewID Comment(s):**

2/5/2016 ADDITIONAL COMMENT to 2/5/16 Per Mr. Phillips, Phillips Development & Design contracted to enclose one of the existing offices into 2 smaller ones, however, that work has not been permitted nor has any work begun. Paperwork for the permit is currently with the architect. mkc

2/15/2015 Workers Compensation exemptions for Jose & Michael Argueta in place from 8/6/2015 - 8/5/2017. Per conversation with Jose Argueta, worker Fernando Martinez is an undocumented immigrant who left the job site after citation written when asked for identification for fear of being arrested. RI asked if Mr. Argueta could request he return to site but was told Mr. Martinez left driving his wife's vehicle returning home. mkc

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**Property Owner Information:**

Name	Address	City	State	ZIP	Phone
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**Complainant Information:**

Name	Address	City	State	ZIP	Phone
anonymous			FL		-

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**Other Contact Information:**

Name	BusinessName	Address	City	State	ZIP	Phone
Alicia Phillips	Phillips Development & Design			FL		(321)557-0475
Jose A Argueta	A & P Tile Masters inc	3870 Kaiser Av	St CCloud	FL	34772	(407)744-6076

## Tammy Rowe

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**From:** DiFabio, Robin M <Robin.DiFabio@brevardcounty.us>  
**Sent:** Wednesday, May 04, 2016 1:26 PM  
**To:** Tammy Rowe  
**Cc:** Donna Scott  
**Subject:** RE: Item V.A. - 5/3/16 BCC Meeting

Hi Tammy,  
See my suggested additions...

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**From:** Tammy Rowe [<mailto:Tammy.Rowe@brevardclerk.us>]  
**Sent:** Wednesday, May 04, 2016 10:50 AM  
**To:** DiFabio, Robin M  
**Cc:** Donna Scott  
**Subject:** Item V.A. - 5/3/16 BCC Meeting

Hi Robin:

Would you please take a look at the language below and let me know if it reflects the Board's intent?

You are appreciated.

**The Board of County Commissioners, in regular session on May 3, 2016, denied legislative intent and permission to advertise revisions to Chapter 22 amending definitions of floor covering with tile, drywall, and painting to specialty trades, per the recommendation of the Contractor Licensing Board; and approved a warning process for first time offenders by accepting the Contractor Licensing Board's recommendation to issue a citation with a fine of \$250 for a first time offender, and should the offender obtain a Brevard County Certificate of Competency within 120 days of the citation's issuance, the cost of the fine will be applied to the application fee and first year license fee with any remaining fees due to the County at that time; and any employees of the stated first time offender who obtains his or her license pursuant to this opportunity, will have his or her fines refunded in full should he or she be able to prove that he or she was an employee that was on payroll of the first time offender's company at the time his or her citation was issued.**

Tammy Rowe, Supervisor  
Clerk to the Board  
Brevard County Clerk of Courts  
[tammy.rowe@brevardclerk.us](mailto:tammy.rowe@brevardclerk.us)  
321-637-2001 Ext. 49056

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