

MINUTES
PALM BEACH COUNTY
CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS (CBAA) sitting as the
LOCAL CONSTRUCTION REGULATION BOARD (LCRB)
January 14, 2016

1. CALL TO ORDER – Convening as the Construction Board of Adjustments and Appeals.

Chairman Marc Wiener called the meeting to order at 2:08 p.m. The meeting was conducted in Room 1W-47, Palm Beach County Department of Planning, Zoning & Building, 2300 North Jog Road, West Palm Beach, Florida.

A. ROLL CALL.

MEMBERS PRESENT:

Marc Wiener, Chairman
Bart Rasper
Peter Dzenutis
Duane Drawdy
Margie Walden
Michael Walker

MEMBERS ABSENT:

Ron Dixon
Gary Sullivan

OTHERS PRESENT:

David Ottey, Chief Assistant County Attorney
Shannon Fox, Assistant County Attorney
Anne Helfant, Assistant County Attorney
Rebecca D. Caldwell, Executive Director
Doug Wise, Building Official
John Blake, Assistant Deputy of Inspections
Amanda Myer, Administrative Assistant
Jacquelyn Anderson, Board Secretary

2. APPROVAL OF MINUTES.

- A motion was made and seconded to approve the minutes of September 10, 2015. The motion passed 6-0.
- A motion was made and seconded to approve the minutes of November 12, 2015. The motion passed 6-0.

3. ADJOURN AS CBAA AND CONVENE AS LCRB.

Chairman Marc Wiener adjourned the meeting as the CBAA and convened the meeting as the LCRB.

Assistant County Attorney Fox stated that voting on all the items for the LCRB would only be allowed by Board members who were present at the May 11 and May 29 meetings.

A motion was made and seconded to approve the minutes of May 11, 2015. The motion passed 5-0.

A motion was made and seconded to approve the minutes of May 29, 2015. The motion passed 5-0.

4. OLD BUSINESS.

Board Secretary Jacquelyn Anderson swore in all persons giving testimony.

A. Case 15-01 – Florida Screen Builders.

Mr. David Ottey, Chief Assistant County Attorney representing Palm Beach County, gave an opening statement summarizing the events that had taken place:

- In March 2015, the County filed an Administrative Complaint alleging at least 285 violations that were willfully, fraudulently submitted by the Respondent.
- There was a hearing on May 11th that was continued on May 29, 2015, and at that time the Board found Mr. Rene Cantin was guilty of all violations; and the violations were determined to be willful and fraudulent.
- Subsequent to the May 29th hearing there was a Consent Judgment entered into by the County and Mr. Cantin, in which Mr. Cantin was going to make all good faith efforts to remedy the violations and committed to doing so within a six-month period that expired on December 19, 2015.
- The County was asserting that between June 19th and December 19th, and up until this hearing date, none of the 285 violations were remedied by Mr. Cantin.
- One of the violations was withdrawn because it was discovered to be found in compliance prior to the determination hearing.
- Two others were brought into compliance when the homeowners sought independent assistance from other contractors.

Mr. Rene Cantin representing himself waived making an opening statement.

Mr. Doug Wise, Palm Beach County Building Official and Building Division Director, testified on behalf of the County and stated:

- As a result of the May 11 and May 29 hearings, the Board found Mr. Cantin guilty of willful code violation and fraud.
- Mr. Cantin entered into a Consent Judgment with the County on June 19, 2015, in which Mr. Cantin admitted he committed willful code violations and agreed to make corrections to the permits within a six-month period of time.
- Mr. Cantin submitted a list of 43 permits to the County that he intended to remedy.
- Mr. Cantin submitted revisions for 14 of the 43 permits.
- The County reviewed the 14 revisions and notified Mr. Cantin that the revisions were found not sufficient for approval.
- Mr. Cantin did not submit any additional modifications to the 14 permit revisions that were deficient.
- The 14 revisions were inconsistent with the requirements of the Consent Judgment.

Mr. Cantin testified on his own behalf and stated:

- He submitted revised drawings as part of the Consent Judgment, and the drawings were similar in nature to ones submitted and approved in 2014, and the revised drawings were rejected.
- He filed bankruptcy for the company (Florida Screen Builders, Inc.), and the company's assets were in the custody of the trustee until the bankruptcy was discharged.
- He worked on and completed several outstanding projects for which he had received deposits and had contracts, and a few that are still pending.
- The trustee was discharged in December, freeing up assets so that he would be able to sell the assets and have money to obtain signed and sealed engineered drawings required.
- He is ready to submit five to ten permits per week to remedy the 283 permits.
- He requested the Board give him an eight-month extension to revise the permits.

Board members examined Mr. Cantin and Mr. Wise.

Chief Assistant County Attorney Ottey, in closing, stated:

- Mr. Cantin did not remedy any of the permits subject to the Administrative Complaint.
- Mr. Cantin continued to do new business during the six-month time frame allotted to him to bring the permits into compliance.
- The County's recommendation is to permanently revoke Mr. Cantin's privilege to pull permits in Palm Beach County.

Discussion ensued.

A motion was made and seconded to follow Palm Beach County's recommendation to revoke Mr. Cantin's license. The motion passed 5-0.

Mr. Wise stated for the record that there was a scrivener's error in the staff report on page three, line two, and the tenth word says "acceptable" should say "unacceptable."

A motion was made and seconded to amend the first motion to state "permanently revoked." The motion passed 5-0.

Discussion ensued.

Mr. Wise stated for clarification that any current permits in progress by Mr. Cantin can continue, but his permit-pulling privileges, which are new permits, has been removed by the Board. The permit-pulling privileges are only revoked in Palm Beach County.

5. BOARD MEMBER COMMENTS.

Board Member Peter Dzenutis stated that it was an unfortunate thing, but that he believed the Board made the right decision because Mr. Cantin went to protection and started a new company which is side-stepping, and the Board did what it needed to do.

Board Member Margie Walden commended the Board for being patient and giving Mr. Cantin every opportunity to make corrections, but it did not happen; and she also believed the Board did the right thing.

6. STAFF MEMBER COMMENTS.

Rebecca D. Caldwell, Executive Director of Palm Beach County Planning, Zoning, and Building Department, thanked the Board for their wise actions and assured the Board that the Department will do everything it can to work with the residents to resolve their permits and assist with state actions.

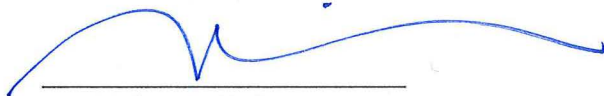
Mr. Wise thanked the Board for their service through the difficult process of prosecuting a fellow contractor.

7. ADJOURNMENT.

A motion was made and seconded to adjourn the meeting. The motion passed 6-0.

Chairman Wiener adjourned the meeting at approximately 3:10 p.m.

Signed for the Board by,



Marc Wiener, Chairman

Respectfully submitted,

Jacquelyn Anderson
Recording Secretary