

## MINUTES OF THE CONTRACTOR REGISTRATION BOARD OF EXAMINERS

*April 23, 2019 @ 6:00pm*

**In Attendance:** Tom Pesek, Pete Pappas, Tom Orphan, S. Holovacs, Council Representative. Not Present: Joe Burkart & John Strittmather

**Call to Order:** Pete Pappas, Chairman; RESOLVED THAT this Contractor Registration Board of Examiners comprised of the board of the majority does now come to order.

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Chairman P. Pappas called the April 23, 2019 meeting to order.

### **Approval of Minutes:**

**T. Orphan MOVED:** T. Pesek seconded to approve the meeting minutes of March 26, 2019. Vote 3 YEAS. **MOTION CARRIED.**

### **Audience/Correspondence:**

P. Pappas referred to at letter dated April 3, 2019 from Building Inspector, Bill DiFucci relative to a licensed contractor, Martin Fuhrman of Deck Builders Plus constructing two decks on two separate properties. He did not follow the requirements of the Residential Code of Ohio, or the City of Vermilion Code. The application and drawings were reviewed and approved, and a permit for each project was granted. Issues involving both cases pertained to decks that were constructed over the property line, and in one case, completely onto the adjacent property. At no time during construction or at completion was a request for inspection ever received by the Building Department for either deck. The contractor violated state and local codes by not contacting the Building Department for required inspections (RCO 108.2 and COV 1440.02 Note 30, and by deviating from the approved drawings, which is grounds for possible suspension or revocation of his certificate of registration (COV 1444.11(a)(4), he included a copy of RCO 108.2 as well as COV 1444.11 for the boards review. He also noted per the letter that at the recommendation of the City's Law Director and The Ohio Board of Building Standards, should this contractor make application to renew his registration, based on his past disregard for the code, it should be denied.

P. Pappas questioned if a hearing before the board is necessary on this matter. G. Fisher said per Section 1444.11 of the COV entitled "Suspension or Revocation of Registration – it states: No certificate or registration and qualification granted by the Municipality shall be suspended or revoked without a full hearing before the Board of Examiners. B. DiFucci pointed out that M. Fuhrman doesn't have an active registration as he hasn't renewed for 2019, so they are pre-empted of the hearing by saying a problem exists, so they need to know how to address it moving forward. He noted there are two others and they need to know how to handle these situations moving forward. P. Pappas said he would feel comfortable if this is addressed by ordinance giving the Board of Examiners the power in preventing somebody from applying. G. Fisher said technically they would be suspending or revoking and since they don't have an active registration, they can technically apply which would go before the Board. S. Holovacs said as Council Rep to the Board he can bring a draft ordinance before City Council at a Legislative Committee meeting based on conversation this Board has. He asked if they want to prevent somebody from getting a license based on the recommendation of the Building Department, so it would be denying an application.

**P. Pappas MOVED;** T. Orphan seconded to recommend to the Vermilion City Council to review and amend Chapter 1444 (Contractor Registration Board of Examiners) to review denying applications for registration of individuals who aren't following state and local codes. Roll Call Vote 3 YEAS. **MOTION CARRIED.**

S. Holovacs said he would meet with the Council Clerk, Building Inspector, and Building Official to review Chapter 1444 and make recommendations based upon a full review of this Chapter. The ordinance draft will be submitted to the Board of Examiners for prior review and approval before going to the Legislative Committee. T. Orphan said the Board of Examiners denies applications if they don't meet the criteria. G. Fisher said that is correct, but if they meet all the criteria the board would approve their application, but this needs to be based upon the contractor not following state and local codes on previous jobs in the city, so this needs to be addressed per code allowing the Board to deny based on these situations.

B. DiFucci also advised the Board that Tom Cutura with Assurance has registered to do work in Vermilion and took money on two different jobs; one being a commercial job and one being a residential job. He did not follow through with his obligations on the jobs, so both instances had to make claims on his bond. He said according to a recent article in the newspaper this man has done this in numerous places. He said the City received a bond claim on another contractor, Helping Hands who did work in Crystal Cove Condominiums. He failed inspections and made promises to come back to the job and make it right, but the property owner had to hire somebody else to make the job right. Therefore, he would like the board's thoughts on cleaning up the quality of contractors who do work in Vermilion. He didn't think it was as easy as having another registration from another city. If there are claims against their bond, then this should carry some weight moving forward because obviously there have been issues on jobs in the City that require them to make that claim.

B. DiFucci provided the board with penalties from surrounding communities and thought increasing penalties will hold weight and the Building Department can send out reminders in the contractor's package when it's time to renew, or they can email the contractors to say: If you're caught working without a registration in the City, you're first penalty is \$500! He said some of these contractors roll the dice because the \$150 registration fee is nothing if they're selling a \$10,000 job, but if they increase the penalty it may sting a little bit and they will renew their registration. He said they need to review all the sections of the Contractor Registration code, and they should review neighboring cities on how their codes are written. He said these people give contracting a bad name in sketchy situations – it doesn't have to be a scary process.

S. Holovacs said a lot of people work on weekends to avoid being registered because Building Inspectors don't work weekends and catch them. G. Fisher asked what happens if the Building Inspector does catch somebody doing work on a weekend from just passing by the property. B. DiFucci said they have the same authority to shut them down as they would normally, and he would probably do so. He said not everyone likes to put their building permit in the window and this causes extra time for him to stop and look it up. He said it even says on the permit that there is a \$25 fine if they don't display their permit. They try not to call people out on it to be friendly, but they're trying to make this a bigger point moving forward in advising the homeowner to display the permit. He said he had a homeowner display a permit for a deck when they were putting on an addition and the deck permit was for the previous year. S. Holovacs thought it might be a good idea to color code the permits differently per year, so they know if it's for that year or not. B. DiFucci agreed this would be a great idea.

P. Pappas asked if the Law Director can see if the City can impose a penalty making it criminal if they're caught a second or third time. B. DiFucci said these contractors are intentionally skirting the system and shame on them if they don't have a permit. T. Orphan asked how they police this situation. B. DiFucci said if they're out on a scheduled inspection or making property maintenance inspections and they see somebody working without a posted building permit on

their window then he calls the Building Clerk to see if they have a permit for that address or if the company is registered (if there is a lettered work truck in the driveway). If not, he takes down the information and gets their license plate number and then they are advised they have until the end of the day to get the registration process started. If they start the process, he will not inconvenience the homeowner and shut them down. If he doesn't receive their registration by the following day, then he will shut them down. He said they will soon have tablets in the field and he will be able to pull this information up immediately.

T. Orphan asked what percentage of surrounding cities do not require bonds. B. DiFucci wasn't certain, but he knows Rocky River doesn't require a bond. However, the bond is an extra layer of protection. T. Orphan said they could ask to see if there are any claims against their bond. B. DiFucci said when contractors submit their packet to the City they provide bond information, and maybe a call to the Bond Company could be made to see if there has ever been a claim on their bond. T. Orphan said this would have to be done prior to the Board of Examiners receiving their application packets.

S. Holovacs asked if the homeowner who used Helping Hands can file a complaint, so it's on file in the Building Department because it could give more teeth for future problems. B. DiFucci said absolutely and mentioned that because the City is the bond holder, they must make the claim on this person's bond per the Bond Company. Therefore, they have two letters from homeowners asking the City to make claim against these bonds, so he turns the form into the Building Official who makes the claims on the bond, so these letters are kept in their files.

P. Pappas said they had also talked about when a contractor is registered that they have a mechanism to make sure they maintain all the qualifications throughout the year. For instance, they normally see a six-month workers compensation certificate. G. Fisher believed this is a certificate that is automatically updated and sent in to the Building Department. P. Pappas questioned if they should review penalties for not maintaining these forms. B. DiFucci said with regards to contractors who don't renew their registration every year – it would not make sense for him to renew in a city that he doesn't have work in; why would he pay a \$250 bond and \$150 registration fee? He would be keeping his insurance and workers compensation up to date regardless, but this is an additional \$400 hoping he would get a job in every city. If he has 10 cities, then this would be \$4,000 out of his pocket, so he doesn't necessarily expect registrations every single year to renew automatically until he gives an estimate in that city and has landed a job. He doesn't think it's fair to expect these contractors to renew every single year unless they get a job in the City. He said the verbiage speaks of them maintaining their bond and insurance. P. Pappas said once they are registered for that period then they should maintain all the qualifications. B. DiFucci agreed. He said if somebody's bond is not in place and screws up a job, then the homeowner cannot make a claim on his bond because the bond was not in place. P. Pappas said they should look at some sort of penalty for this as well. B. DiFucci said this is where it gets sticky because they're trying to protect the residents, but he thinks they should inform the residents by advising them that before they sign a contract they should call the Building Department to make sure their contractor is registered because it protects them. He said this would be a good reminder to put in the newspaper or on social media. S. Holovacs said they could also put this in a quarterly water bill.

#### New Business:

#### *Horizontal Road Boring (Walter Dreibelbris), West Salem, Ohio (Excavating)*

T. Pesek MOVED; T. Orphan seconded to approve this application as submitted with all acceptable documentation. Vote 3 YEAS. MOTION CARRIED.

*Props Consulting LLC (John Goch), Medina, Ohio (General)*

P. Pappas MOVED; T. Pesek seconded to approve this application as submitted with all acceptable documentation. Vote 3 YEAS. MOTION CARRIED.

*DL Smith Concrete LLC (Derek Smith), Norwalk, Ohio (Concrete)*

T. Orphan MOVED; P. Pappas seconded to approve this application as submitted with all acceptable documentation. Vote 3 YEAS. MOTION CARRIED.

*Buckeye Asphalt LLC (David Porter), Chesterville, Ohio (Paving Asphalt)*

P. Pappas MOVED; T. Orphan seconded to approve this application **contingent upon receiving a current registration in the State of Ohio.** Vote 3 YEAS. MOTION CARRIED.

*Greg Allen Builders Inc. (Greg Allen), Avon, Ohio (General)*

P. Pappas MOVED; T. Orphan seconded to approve this application as submitted with all acceptable documentation. Vote 3 YEAS. MOTION CARRIED.

*Vinyl Concepts DBA Deck & Shade Solutions (John Sachs), Bellevue, Ohio (General)*

P. Pappas MOVED; T. Orphan seconded to approve this application **contingent upon receiving a current workers compensation certificate.** Vote 3 YEAS. MOTION CARRIED.

*Mel Yoder Exterior Home Improvement (Joseph Yoder), Wakeman, Ohio (Roofing)*

P. Pappas MOVED; T. Pesek seconded to approve this application **contingent on receiving proof of registration from another city.** Vote 3 YEAS. MOTION CARRIED.

*Michigan Property Clearing, Highland, Michigan (Tree Trimming)*

T. Pesek MOVED; T. Orphan seconded to approve this application as submitted with all acceptable documentation. Vote 3 YEAS. MOTION CARRIED.

**Adjournment:**

T. Pesek MOVED; T. Orphan seconded to adjourn the meeting upon no further business. Vote 3 YEAS. MOTION CARRIED.

2019 Meetings: 4<sup>th</sup> Tuesday monthly (except December) @ 6:00 pm  
*Next: May 28, 2019*

Location: Municipal Complex Conference Room, 687 Decatur Street, Vermilion, Ohio  
Gwen Fisher, Certified Municipal Clerk – 440-204-2465