

Rockland County
Home Improvement Licensing Board
Thursday October 5, 2023

A Meeting of the Rockland County Home Improvement Licensing Board was held on Thursday, October 5, 2023, in the Legislative Committee Room, 11 New Hempstead Road, New City, NY 10956.

Members Present:

Michele C. Durso, Seth Glasser, Irene Insignares, John G. Ferguson, Andrew Yarmus, Michael DiBella, Joseph Caruso

Members Absent:

Stephen Coyle

Others Present:

Kimberly Von Ronn, Esq., William Hartnagel, Esq., Kristin Heffernan, Erica Chang, Daisy Morocho, Jose Lema, Robert Mellman, Esq., Ellen Leone, Antonio Matias, Patricia Habas, Esq., John Cocuzza, Michael DiMartino, Adam J Kaliner.

Meeting called to order at 3:17 PM by Chair Designee Michele C. Durso.

MOTION:

By Member A. Yarmus, second by Member J. Ferguson to approve amended Minutes from the Regular Meeting held September 7, 2023. All in favor.

OLD BUSINESS:

Public Hearing H-11698 Power Home Remodeling, LLC.

Electronic recording made.

Public Hearing held for consideration of suspension and/or revocation of license.

Charges:286-9(B), 286-9(C), 286-10(A)(2), 286-10(F)

Michael DiMartino is present for Power Home Remodeling, LLC. Mr. DiMartino addressed the Board that he had re-applied for Home Improvement License as a General Contractor on 7/20/2023. His most recent incomplete letter was sent on 9/18/23. Letters of reference can be sent via email, if it is sent directly from the client to Consumer Protection. E-signature is acceptable directly from the client. Updated insurance forms must be sent from the insurance agent. Regarding the complaint, Mr. DiMartino is working to resolve it. Due to supply issues, Mr.

DiMartino is unable to get the new bay window for the Consumer. Mr. DiMartino will keep in contact with Inspector Chang regarding when the complaint will be resolved.

MOTION:

By Member J. Caruso, second by Member I. Insignares to continue the Public Hearing at the November Meeting. All in favor.

H-10222 Master Roofing & Siding, Inc.

Electronic recording made.

Public Hearing was held for consideration of suspension or revocation of license. License holder Aron Hirsch is not present for Master Roofing & Siding, Inc. Mr. Hirsch informed Consumer Protection he was away for the October Meeting and requested an adjournment.

MOTION:

By Member J. Caruso, second by Member I. Insignares to grant an adjournment for the Public Hearing for consideration of suspension and/or revocation of license during the next regular Meeting November 2023. All in favor.

H-10864 Zurla Excavating, Inc.

Discussion: Open Complaints Nos. 238-23 and 421-23, Open Violations Nos. 23-488LC and 23-490LC. No one is present from Zurla Excavating, Inc. Chair M. Durso stated to the Board that counsel was retained for Zurla Excavating, Inc. Inspector E. Chang addressed the Board regarding Complaints Nos. 238-23 and 421-23 that Vendor and Consumer are in process of negotiation through their counsel and working on a settlement agreement.

MOTION:

By Member M. DiBella , second by Member J. Caruso to adjourn to matter to November Meeting. All in favor.

Rejected Application H-23072 Poolux Builders Inc.

Applicant of Record Yisroiel Rosenberg is not present. Member I. Insignares requested completion of CBP certification. Mr. Rosenberg submitted the CBP certification to Consumer Protection.

MOTION

By Member M. DiBella, seconded by J. Caruso, approval of license. All in favor.

Rejected Application H-23017 Bright View Management Inc d/b/a Brightview Developers

Applicant of Record Martin Walter was not present. Board requested that Applicant submit three additional reference letters. No additional letters of reference were submitted by the date of this Meeting.

MOTION

By Member S. Glasser, second by Member I. Insignares to reject application. All in favor.

H-17093 Aguliar Landscaping Corp.

Inspector E. Chang addressed the Board regarding Complaint No. 257-23. Mr. Aguilar is currently working on repairs and on a resolution with the Consumer. The Board, by consensus, tabled the matter until the November regular Meeting.

H-20169 Torres T Landscaping Inc.

No one is present from Torres T Landscaping Inc. Contractor was invited to appear in front of the Board for the use of 2023 decal No. 23-6999 on unlicensed applicant's vehicle (Applicant H-22417 Martinez Arias Landscaping Inc.). This is the second failed appearance by the Applicant of Record before the Board.

MOTION

By J. Ferguson, second by Member I. Insignares to grant hold a Public Hearing for the consideration of the suspension and or revocation of the license at the next regular Meeting in November 2023. All in favor.

H-18220 ALJ Home Improvement Inc.

Applicant of Record Jose A. Lema is present along with Robert Mellman, Esq. Mr. Mellman submitted proof of safety training classes by OSHA. Mr. Mellman represented that his client must report any scheduled work to OSHA and give OSHA a week notice prior to the start of the job. Mr. Lema did express how that it can be difficult to meet that condition. OSHA can also make random visits to any jobsite of ALJ Home Improvement Inc at any time. The Board requests that an OSHA representative submit a letter to the Board that Mr. Lema is working toward payment of outstanding penalties. Member S. Glasser would like to see documents and a safety checklist from the company by next meeting. Member J. Ferguson stated that Mr. Lema should consider working for another contractor instead. and suggested to come back next month with documents showing how this is being monitored by OSHA. Mr. Lema stated he has

many clients and his own business for 5 years. He has been paying the penalties and wants to continue working for himself. Member M. DiBella and Member I. Insignares addressed their concerns about allowing Mr. Lema to keep his license after having two employee deaths at jobsites within the past 5 years.

MOTION

Moved by Chair M. Durso second by Member M. DiBella to hold a Public Hearing for the consideration of the suspension and/or revocation of the license at the next regular Meeting in November 2023. All in favor

H-20162 Epic Pool & Spa LLC d/b/a Pool Maid

Discussion: Open Complaint No. 383-23, Open Judgements 2023-00001355 and 2023-00013732. Applicant of Record Ellen Leone is present. Inspector J. Glazer addressed the Board of Ms. Leone's record within the past two years which includes, but is not limited to, two temporary licenses, two complaints (resolved), four closed violations and three open violations. Violations includes working out of class by subcontracting work. Inspector J. Glazer also addressed the Board that Ms. Leone runs the store for the business and questions if she supervises any work at the jobsite as required of the Applicant of Record. Epic Pool & Spa LLC d/b/a Pool Maid has classifications 25 & 26, and cannot subcontract. Only a General Contractor with classification A6 or B6 can subcontract.

Michael Leone, her son, and a former licensee has the following history with Consumer Protection: Built Well Contracting and Masonry Corporation, that expired 1/31/2020 with one complaint and violation. Prestige Pool & Patio Corp suspended 5/31/2018 with a total of six complaints, four closed, two open. Six violations, one impounds and one prosecution.

Ms. Leone questioned why the former license and violations are being brought against her current license. The Board stated that her son, Michael Leone, is her employee and does the current pool inspections and repairs for her company. Ms. Leone stated she did not subcontract any work; she hired an individual for temporary work from another company and would pay the individual through a 1099. The Board explained that she is hiring a subcontractor. The Board asked Ms. Leone the number of employees on her payroll and if they are properly trained. Ms. Leone stated she has five employees. The Board then asked about the open judgements. Ms. Leone stated that someone is working on it. Chair M. Durso stated that the license expired 7/31/2023 and the 90-day grace period ends on 10/31/2023. If neither an individual payment agreement nor satisfaction of judgment is submitted by 10/31/2023, Ms. Leone must re-apply for her home improvement license. Ms. Leone must also pay any open violation before the 10/31/2023 deadline. Ms. Leone stated she requested a hearing before the 30-day deadline to request a hearing via email. The Board addressed that you must call the office to schedule a hearing, therefore she had missed the deadline and must pay the fines. The Board, by consensus, tabled this matter for the next regular scheduled Meeting in November.

NEW BUSINESS

H-19233 Dreamscapes of Rockland

Discussion Open Judgements

Applicant of Record Anthony Matias is present with Patricia Habas, Esq. for the discussion of all outstanding judgments both business and personal. Ms. Habas explained that the personal judgments will take more time to satisfy. The business judgments can be taken care of right away. Ms. Habas attested that Mr. Matias is taking active steps for to resolve this matter. The Board stated that Mr. Matias must show proof of an individual payment agreement or satisfaction of judgment on or before the 10/31/2023 deadline. Mr. Matias's license expired 7/31/2023 and he has only a 90 day grace period to renew the license. Chair M. Durso stated that she will send a copy of all outstanding judgments to Ms. Habas the following day. The Board, by consensus, tabled this matter for the next regular scheduled Meeting in November.

H-6298 Robert Young & Son Inc

Applicant of Record requested to discuss the License Renewal Process

No show from Robert Young & Son Inc.

H-10774 Lawn Escapes

Discussion Violations No. 22-353LC – Failed to Request Hearing within 30-day time frame.

Applicant John Cocuzza appeared in front of the Board requesting an appeal for the violation. The violation, under Section 286-10A(9), was issued on 8/11/2022 due to failure of not having Workers Compensation from 6/13/2021 to 4/7/2022. Mr. Cocuzza had a nine-month lapse, making the penalty of \$2,250.00. Mr. Cocuzza stated he did not receive the violation as he was out of the country during that period. Chair M. Durso stated the certified mail return receipt requested was signed and returned to the Office of Consumer Protection as 'received'. Mr. Cocuzza stated he did not sign it and blamed it on the post office, as it was sent to a PO box. Mr. Hartnagel, Esq. stated to Mr. Cocuzza that by allowing his business mail to be sent to the PO Box, he is allowing the post office to handle his mail. Member M. DiBella questioned as to why the Office of Consumer Protection is sending out violations to a PO Box. Chair M. Durso stated that the Applicant of Record chooses their mailing address. Mr. Cocuzza agreed that the PO Box was where he wanted all mail correspondence to be sent due to privacy. Member S. Glasser expressed to Mr. Cocuzza that he has poor administration tactics. Mr. Cocuzza attested that the reason for a lapse was due to a NYSIF Workers Compensation audited he was behind on payroll

matters. Mr. Cocuzza showed proof that NYSIF made a mistake, however, the date of the letter from NYSIF predated his renewal by three months.

MOTION

Moved by M. DiBella, seconded by S. Glasser to reduce the penalty of \$2,250 by 50% to the new penalty amount of \$1,125.00. The amount is to be paid within 10 business days, in person. If paying by credit card, Chair M. Durso notified Mr. Cocuzza that there is a 3% surcharge. After the penalty is paid in full, then Mr. Cocuzza's license may be renewed. All in favor.

With the agenda completed in its entirety, the Meeting adjourned at 5:08 PM.

The next regularly scheduled Meeting will be on Thursday, November 2, 2023, in the Legislative Committee Room at 11 New Hempstead Road, New City, NY 10956.

Respectfully submitted,

Michele C. Durso
Chairperson Designee