



# SHEAR BULL



Palm Beach County Roofing & Sheet Metal Contractors Association

Affiliate of FRSA and NRCA

October 2011 Volume 24 - 10

## October Program

**Wednesday  
October 26, 2011**

**nruSlate™  
System**

**"Using Modern Technology  
to Install a Slate Roof"**

*Mike Anusbigian, GAF-Elk Steep Slope*

6:00PM-7:00PM - Networking  
6:30PM - Check-In  
7:00PM - Dinner Meeting  
.....

**Location:**

Crowne Plaza  
1601 Belvedere Road  
@ Australian  
West Palm Beach, FL 33406  
Just west of the I95 Exit 69  
.....

For more info:  
**Ron Frano 655-5393**  
**rfrano@pbcroofers.com**

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## Eliminating **THE BAD GUYS** in a Bad Economy

*Anna Cam Fentress, FRSA Legislative Counsel  
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### Who thrives in a bad economy?

Among others, unlicensed contractors find willing customers. Why? It is because they are cheap, and that means more in bad times than in good times.

Tackling this problem is always high on our list, and we are not the only segment of the construction industry that would like to fix the problem. The dilemma is *how* do we fix it.

Under the current penalty structure, unlicensed contractors seem to consider the fines as just another cost of doing business. Getting caught may be a nuisance, but it's cheaper than all the costs and effort of complying with the law. Add to that the fact that many unlicensed contractors could not qualify for a license even if they wanted to do it, so we should not expect to see too many choose the honest path.

We cannot ignore the fact that an unlicensed contractor gets business only because someone out there is willing to hire him or her. Some consumers do this out of sheer ignorance, but I would guess that most people do it because they cannot resist the lower price (even when their gut tells them something is not right with the picture).

Two commonly discussed solutions that may work but will not find any traction among elected and employed government officials are: a) to increase the penalties, and b) to punish the consumer for hiring these people. Why isn't government interested?

The "less government" sentiment is very strong right now, and included in that is lack of interest in increasing criminal penalties that might send more people to our overcrowded (and expensive) jails. For a politician (or a savvy bureaucrat), the ramifications of handcuffing an elderly lady, for example, for hiring an unlicensed contractor is nothing short of political suicide.

### So, what can we do?

Here are some thoughts:

1. We should come up with a list of all the different direct and indirect tools available to stop these people. A great tool is the ability to impose a fine for any "contractor" who says he or she is "licensed and insured" when the license is not competency-based and the insurance is not general liability or workers' compensation (see section 489.119(5)(f), Florida Statutes).

Other examples include driver license and car registration checks (many unlicensed contractors do not follow these laws any more than construction licensure laws). Another good example is a child support enforcement check – you will be surprised how beneficial this can be in stopping a "cash trade." A search of the workers' compensation database is usually worth the effort (what if the individual is collecting benefits – unlicensed activity would be great evidence of ability to work). And, there is always the IRS big stick...

(continued on page 3)

## 2011 Officers & Board of Directors



PALM BEACH COUNTY  
ROOFING AND SHEET METAL CONTRACTORS ASSOCIATION  
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Vice President  
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Bob Marell of Glickman/Witters/Marell  
561-478-1111

Program, Publication & Web  
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Construction Industry Licensing Board  
Mark Landis (561) 833-9704

Construction Board of Adjustment & Appeals  
Peter Dzenutis (561) 844-0892

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Joe Byrne (561) 471-8363

Construction Industry Management Council  
Joe Byrne (Chairman) (561) 471-8363

## Message From the President

### *Mini-Trade Show was a SUCCESS...*

Our first mini-trade show was a success. With twenty four tables reserved by suppliers, manufacturers and distributors, we estimate between 80-100 total attendees. From my perspective there seemed to be much activity at each of the booths.

Comments from participants were very positive. We do ask our members to send in any suggestions and/or comments that may make our next show a more successful endeavor.



### November 5th BBQ Picnic

A new twist to an annual event, a BBQ picnic in November. Slated for November 5, 2011 (12Noon-6PM), the menu will be more varied and cost effective than prior years. Imagine, feeding your whole family for a few bucks.

We will have Hot Dogs for \$1.00; Hamburgers for \$1.00; Chicken thighs for \$1.00 Chicken breast for \$2.00. We will also have ribs, whole slab \$12.00 and 1/2 Slab for \$6.00.

This year we will be serving draft beer for a very modest donation. Live entertainment will be provided by Chad & Heather, Country/Rock Duo. Of course we will have treats for the kids and games for the adults. No tickets in advance to buy. You pay at the counter in cash when you get your food. If you want to pay for other members of your family or crew, we can sell you a string of \$1.00 tickets at the counter so each individual can buy their food when they wish. We expect the weather to be cool but the fun to be great.

Come on down and enjoy a BBQ picnic with family and friends!

As an added note, we are now in the process of our **Board election procedures**. Members have been asked if they wish to run for the board. **Deadline for receiving nominees is October 5th** and ballots will go out October 10th. Remember to vote. It only takes a few seconds.

Continue to support your local association.

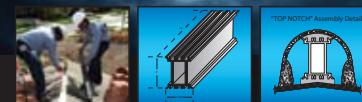
Respectfully Submitted,

**Walt Millet**

President

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## Eliminating **THE BAD GUYS** in a Bad Economy

**2.** With a list of enforcement tools, we can develop a nice checklist that can be used for anyone suspected of working without a license or without a permit. The checklist should include websites and phone numbers at your fingertips to report the activity to a variety of agencies and offices. You may be thinking this is a lot of work, but it is work that is likely to yield great results. These people usually violate a long list of laws – not just the law requiring construction licensure.

Some violate a lot of laws because they are ignorant or lazy, but I am pretty sure there are a fair number who violate other laws because they are trying to stay below the radar. Whatever the reason, if an unlicensed contractor is caught violating four or five laws (each with different penalties), well that may just be enough to take it beyond the “cost of doing business” for a fatal blow to that operation. Think of it as death by a thousand cuts.

**3.** Through your local chapter, you should plan several meetings with your local building (and, if you have it, licensing) department. They don't like unlicensed contractors any more than you do, and they should be willing to look at ways to tackle the problem. You can share your newly created checklist with inspectors and others – they may be very happy to have and use it. You may even be able to put together a team of people (private and public sector) who check the various databases looking for violations of other laws.

I think we can all agree that, even if we could increase penalties for the direct consequence of cheating, it would not be long before the bad guys would find a way around it. So the shotgun approach may actually be the most effective short and long-term strategy to drive these people out of the market.

*Anna Cam Fentress, FRSA Legislative Counsel  
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### November Program

#### 23rd Annual FUN N' SUN Barbecue

Saturday - November 5, 2011

12pm until 6pm



**Where?** Location: Ocean Cay Park  
Just North of Loggerhead Park

Directions: Take I-95 North to Donald Ross Road; East To US1; Left, (North) past Loggerhead Park at the Corner of Marcinski Rd & US #1

#### Great Food

Food Served from 1 PM to 5 PM

Pay at the counter

Prepaid tickets available for pickup at food counter

Beer and Soda available for a nominal donation

For more info: Ron Frano 655-5393 or email  
[rfrano@pbcroofers.com](mailto:rfrano@pbcroofers.com)



Apply with confidence.

### November BBQ MENU

#### Ribs

1/2 Slab: \$6.00 Full Slab: \$12.00  
Individual Sampler One Rib: \$1.00

#### Chicken

Chicken Thigh: \$1.00  
Chicken Breast: \$2.00

Hot Dogs: \$1.00  
Hamburgers: \$1.00

Pay at the counter,  
Prepaid tickets available for pickup at food counter  
Contact Ron Frano

# Industry Websites

- ASTM - [www.guidance-inc.com/~roofroof/](http://www.guidance-inc.com/~roofroof/)
- American Consulting Engineers Council - [acec.org](http://acec.org)
- American Institute of Architects - [aia.org](http://aia.org)
- American Society of Civil Engineers - [asce.org](http://asce.org)
- Building Officials Association of Palm Beach County -  
[www.boapbc.org](http://www.boapbc.org) & [www.boapbc.org/links](http://www.boapbc.org/links)
- Cedar Shake & Shingle Bureau - [www.CEDARBUREAU.org](http://www.CEDARBUREAU.org)
- Construction Industry Management Council (CIMC) - [www.cimcpbc.com](http://www.cimcpbc.com)
- Construction Specifications Institute - <http://www.csinet.org>
- Copper Development Association - <http://www.copper.org>
- Division of Workers' Compensation - <http://www.wc.les.state.fl.us/DWC/>
- Florida Roofing, Sheet Metal & Air Conditioning Contractors Association  
- [www.floridaroof.com](http://www.floridaroof.com)
- Galvalume Sheet Producers - [www.steelroofing.com](http://www.steelroofing.com)
- National Roofing Contractors Association (NRCA) - <http://www.nrca.net>
- National Society of Professional Engineers - [nspe.org](http://www.nspe.org)
- Roofing Contractors Association of South Florida (RCASF) - [www.rcASF.org](http://www.rcASF.org)
- Roofing Industry Education Institute  
- <http://members.aol.com/RIEIROOF/classes.htm>
- Roof Tile Institute - [www.rooftile.org](http://www.rooftile.org)
- Sheet Membrane and Component Suppliers to the Commercial  
Roofing Industry (SPRI) - [www.SPRI.org](http://www.SPRI.org)
- Sheet Metal and Air Conditioning Contractors' National Association  
(SMACNA) - <http://www.smacna.org>
- The Council of American Building Officials (CABO) - <http://www.cabo.org>



Palm Beach County Roofing And Sheet Metal Contractors' Association

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# November 2011

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
			CIMC 7:45 AM			<b>FUN N' SUN BBQ</b>
6	7	8	9	10	11	12
13	14	15	16	17	18	19
			BCAB 2:00PM			
20	21	22	23	24	25	26
27	28	29	30			

## PBCR & SMCA Office and Phones

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West Palm Beach, FL 33411

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Visit PBCR & SMCA Online  
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