



# City of San Antonio

## Agenda Memorandum

**File Number:**14-620

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**Agenda Item Number:** 28.

**Agenda Date:** 4/10/2014

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Roderick J. Sanchez

**COUNCIL DISTRICTS IMPACTED:** ALL

### **SUBJECT:**

Appeal to the City Council of Decision by Building-Related and Fire Codes Appeals and Advisory Board in connection with the Home Improvement Contractor Registration Application of Mr. Louis H. Perez III, residing at 431 Vine Street in San Antonio, TX.

### **SUMMARY:**

On November 22, 2013, the City's Building-Related and Fire Codes Appeals and Advisory Board (BRFCAAB) heard an appeal of the decision of the Director of Development Services (DSD) to deny the Home Improvement Contractor Registration application for Mr. Louis H. Perez III, residing at 431 Vine Street in San Antonio, TX. DSD's denial of Mr. Perez's application was based upon a review of the required criminal background check submitted with his application which included several offenses that led DSD to not be satisfied with Mr. Perez's honesty, integrity and trustworthiness. Mr. Perez III claimed at the November 22, 2013 BRFCAAB meeting that he should be granted the registration as he is honest and trustworthy and that most of his criminal record was from over ten (10) years ago. The BRFCAAB voted unanimously to uphold DSD's decision to deny Mr. Perez's Home Improvement Contractor Registration application. On January 8, 2014, the City Clerk's Office received an appeal of the decision of the BRFCAAB related to Mr. Perez's Home Improvement Contractor Registration application.

### **BACKGROUND INFORMATION:**

City Code Section 10-116(b) requires a Home Improvement Contractor, prior to entering into a contract with the owner for any home improvement work requiring the issuance of building permits whether or not said

person is required to register with the state must have a valid Home Improvement Contractor Certificate of Registration issued by the building official of the city. All such work is required to be performed by a registered Home Improvement Contractor or by licensed building trade subcontractor(s), not otherwise required to be registered under this section, of the Home Improvement Contractor holding a valid building permit and under the direction of that registered Home Improvement Contractor.

Section 10-116(b) establishes requirements for a Home Improvement Contractor Registration application include submitting 1) a criminal background check, 2) disclosure of prior convictions of any felony or any misdemeanor involving moral turpitude, and 3) full disclosure of lost or suspended home improvement privileges in any jurisdiction in the state.

Section 10-116(b)(5) further states that a person may not be issued a certificate of registration unless the person:

- a. Is at least eighteen (18) years of age; and
- b. Is a United States citizen or a lawfully admitted alien; and
- c. *The building official is satisfied with the person's honesty, integrity, and trustworthiness based on information supplied and discovered in connection with the application.*

The City's Home Improvement Contractor Registration requirement and application procedures were developed as a consumer protection program for citizens within San Antonio. As noted above, these registrations as approved when the building official is satisfied with the person's honesty, integrity, and trustworthiness based on information supplied and discovered in connection with the application. This is critical as Home Improvement Contractors are issued permits from the City to legally work and meet with citizens in their homes.

## **ISSUE:**

Mr. Perez III submitted a Home Improvement Contractor Registration application to DSD in September of 2013. DSD reviewed his application and criminal background history provided which included a felony conviction in 1999 (drug possession related) as well as several other convictions including arrest warrants, unlawful carrying of weapons and assault. Upon review of this criminal history, the building official was not satisfied with Mr. Perez's honesty, integrity, and trustworthiness based on information supplied and discovered in connection with the application. Therefore, per Section 10-116(b)(5), DSD denied his application per City code and the intent of this consumer protection program.

On November 22, 2013, the City's BRFCAAB heard Mr. Perez's appeal of the decision of the DSD Director to deny his Home Improvement Contractor Registration application. The BRFCAAB voted unanimously to uphold DSD's decision to deny Mr. Perez's Home Improvement Contractor Registration application for reasons similar to those provided by DSD staff at the hearing.

## **ALTERNATIVES:**

The City Council could vote to approve Mr. Perez's Home Improvement Contractor Registration application if they are satisfied with Mr. Perez's honesty, integrity, and trustworthiness based upon the information and testimony provided.

## **FISCAL IMPACT:**

There is no fiscal impact.

**RECOMMENDATION:**

DSD and the BRFCAB recommend that Mr. Perez's Home Improvement Contractor Registration application be denied upon review of his criminal history and the intent of this City consumer protection program.