

Minutes

**CHARLOTTE COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD
Administration Center, County Commission Meeting Room #119
18500 Murdock Circle, Port Charlotte, Florida 33948-1094**

March 4, 2021 at 6 pm

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A. CALL TO ORDER

Chairman Michael Melton calls meeting to order at 6:00PM

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

MEMBERS PRESENT:

Michael Melton
Christopher Knight
Louis Green
Michael Ferrara
Rick Castro

NOT PRESENT:

Charles Hackbarth
Robert Overcash

Staff Present:

Erin Mullen-Travis, Licensing Manager
Tom Atkinson, Certified Contractor Licensing Officer
Ben Bailey, Community Development Director and Building Official
Daryl Dillow, Deputy Building Official
Ryan Maher, Assistant County Attorney
Kristin Binns, Senior Administrative Assistant
Robert H Berntsson, Board Attorney

D. OPENING STATEMENT

Read by Chairman Michael Melton.

E. **NEXT MEETING DATE**
April 1, 2021 at 6:00 pm

F. **APPROVAL OF MINUTES**

Christopher Knight made motion to approve the minutes from February 4, 2021 meeting, Louis Green seconded the motion, all in favor.

G. **SWEARING IN OF ALL THOSE GIVING TESTIMONY**

Kristin Binns administered oath to those who gave testimony

H. **PUBLIC INPUT-AGENDA ITEMS ONLY**

Gerrard Jobe was present as a citizen wanted to inform the Board that he was in the process of a civil suit with Mr Anthony Minio II and has been unsuccessful at being able to obtain service by process server

I. **AGENDA CHANGES**
Announced by Ryan Maher

J. **EXAMINATION**
NONE

K. **LICENSE REVIEW**
NONE

L. **CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES**
NONE

M. **CONTESTING CITATIONS**
NONE

N. **REINSTATEMENT**

1. **ANTHONY J MINIO II
AJM CONSTRUCTION SOLUTIONS LLC
2711 TAMIAMI TRAIL
PORT CHARLOTTE, FL 33952**

Tom Atkinson

Mr Minio present to request to have his license reinstated by the Board.

Testimony was presented to the Board by Tom Atkinson and Ryan Maher

MOTION: Christopher Knight makes a motion to accept the staff's recommendation to Deny Mr Minios' request to have his Permitting privileges reinstated. Motion was seconded by Michel Ferrara. All in favor Motion is granted.

O. OLD BUSINESS
NONE

P. DISCIPLINE CASES

**FELIX D SAPANERO,
Infinity Construction & Design Inc
Certified General Contractor,
License No. CGC1514713,
CIL-19-00447**

Tom Atkinson

Mr. Sapanero was present along with Whitney McLean to provide testimony to the Board, licensing investigator Wendy Pacheco provided testimony the Board.

The Respondent was charged with the following:

CHARGE 1: Florida Building Codes 110.3 and 110.5, adopted by Charlotte County Code 3-2-23: The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. Additionally, it shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code **(3 counts)**.

CHARGE 2: Charlotte County Code 3 2 47 (b)(4) - Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3 2, chapter 3 9, any provisions of any code adopted pursuant to this chapter, or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455 **(3 counts)**.

CHARGE 3: Charlotte County Code 3 2 47 (b)(20) Failing to obtain inspections including but not limited to final inspections **(3 counts)**.

Upon consideration, it is **ORDERED**:

1. The allegations of fact set forth in the Notice of Violation are approved and adopted and incorporated herein by reference as findings of fact.
2. The conclusions of law alleged and set forth in the Notice of Violation are approved and adopted and incorporated herein.

UPON THESE FINDINGS, it is **FURTHER ORDERED**:

That Felix Sapanero be found in violation of the charges as listed in the Notice of Administrative Proceedings and that his new permitting privileges be suspended, and the permits listed in the notice be renewed within 30 days. Per the Florida Building Code, Mr. Sapanero must obtain final inspections of all outstanding permits within 6 months or in accordance with the Florida Building Code. If Mr. Sapanero allows any of the permits in the Notice to expire again without the required inspections, the Permitting privileges and right to work as a contractor in Charlotte County shall be revoked without the need for a further administrative hearing and a follow up notice shall be sent to the Florida Construction Industry Licensing Board notifying them of the failure to comply with the Boards Order.

It is further ordered a copy of this case along with a copy the Board's order be forwarded to the Department of Business and Professional Regulation and Florida Construction Industry Licensing Board with the recommendation the State Certified General Contractor's License of Mr. Sapanero be disciplined up to and including suspension of Mr. Sapanero's Contractors license by the Florida Construction Industry Licensing Board.

MOTION: was made by Christopher Knight to accept the staff's recommendation that Mr Sapaneros new permitting privileges be **suspended**, and the permits listed in the notice be renewed within **30 days**. Per the Florida Building Code, Mr. Sapanero must obtain final inspections of all outstanding permits within 6 months or in accordance with the Florida Building Code. If Mr. Sapanero allows any of the permits in the Notice to expire again without the required inspections, the Permitting privileges and right to work as a contractor in Charlotte County shall be revoked without the need for a further administrative hearing and a follow up notice shall be sent to the Florida Construction Industry Licensing Board notifying them of the failure to comply with the Boards Order. Motion was seconded by Louis Green. All in favor motion carries.

R. REPORT FROM THE LICENSING MANAGER
NONE

S. REPORT FROM THE BUILDING OFFICIAL

Ben Bailey reports that there are proposed upcoming code changes, and that we have been approved to hire 11 new staff members in community development department. 248 SFR permits were issued in January.

T. REPORT FROM THE ASSISTANT COUNTY ATTORNEY
Ryan Maher welcomes new Board member Mr Castro

U. BOARD ATTORNEY COMMENTS
NONE

V. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS
W. ADJOURNMENT

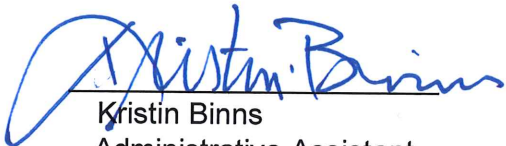
Christopher Knight made the motion to adjourn and Michael Ferrara seconds the motion and it was approved unanimously at 6:51pm.

CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
MINUTES OF MARCH 4, 2021
READ AND APPROVED ON APRIL 1, 2021



Michael Melton, Chairman

ATTEST:



Kristin Binns
Administrative Assistant
Community Development Department
Contractor Licensing Division

Complete files of all cases, as well as taped recordings of all proceedings of this meeting, are kept in the Community Development Department and are available to the public.

Any person who decides to appeal a decision of this Board will need a record of the proceedings pertaining thereto, and therefore may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.