

MINUTES

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

April 7, 2022 at 6 pm

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs, and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to David.Lyles@charlottecountyfl.gov.

A. CALL TO ORDER

Robert H Berntsson, Board Attorney calls meeting to order at 6:00PM due to Special Circumstances Announcement:

- o Unique situation. Both Chair and Vice-Chair are absent.
- o Floor opened to nomination for an Acting Chair for purposes of this meeting
Christopher Knight made motion to nominate Louis Green. Rick Castro seconds.
Patricia Aho moved to close the nominations. Michael Ferrara seconded motion to close.
- o Louis Green is voted Chair for this CILB Hearing

B. PLEDGE OF ALLEGIANCE

Acting Chair, Louis Green

C. ROLL CALL

MEMBERS PRESENT:

Christopher Knight

Patricia Aho

Michael Ferrara

Rick Castro

Mathew Jones

Louis Green - Term Expired - Was advised after swearing in of witnesses, left meeting.

NOT PRESENT:

Michael Melton

Robert Overcash

STAFF PRESENT:

Ben Bailey, Community Development Director and Building Official

Jack McStravic, Deputy Building Official

Glinda Pruit, Assistant County Attorney

Robert H Berntsson, Board Attorney

Shawn Horton, Code Enforcement & Zoning Manager

Gail Gursky, Supervisor, Code Compliance

Wendy Welsh, Code Compliance Officer

Ken Garcia, Certified Licensing Officer

Maria Di Pompo, Senior Administrative Assistant and Clerk to the Board

D. **OPENING STATEMENT AND PRESENTATION BY COUNTY ATTORNEY**

Janette S. Knowlton, County Attorney – Sunshine Law Presentation

E. **NEXT MEETING DATE**

June 2, 2022, at 6:00 pm

F. **APPROVAL OF MINUTES**

Christopher Knight made motion to approve the minutes from February 3, 2022, meeting. Michael Ferrara seconds. Motion was passed unanimously.

G. **AGENDA CHANGES**

Jean Stacio, Assistant County Attorney announced the changes.

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

Maria Di Pompo administered oath to those who gave testimony

*Robert H Berntsson, Board Attorney

- Brought to his attention that Louis Green's term was expired, he left meeting
- Conducted Vote for replacement temporary Chair
- Opened floor for nomination of chairperson for balance of this meeting
- Christopher Knight was nominated and declined
- Mathew Jones nominated Patricia Aho for Chair. No other nominations.
- Chris Knight made motion to close nominations, Rick Castro 2nd nomination.
- Patricia Aho – Chair for this meeting

I. **PUBLIC INPUT**

Robert Elie – USL&H insurance concern

J. **EXAMINATION**

NONE

K. **LICENSE REVIEW**

NONE

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

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by a member of the Board, that item(s) will be removed from the Consent Agenda and considered separately. **Each case has been assessed with an additional \$20.00 for the cost of recording the lien.**

M. **CONTESTING CITATIONS**

NONE

N. **REINSTATEMENT**

NONE

O. **OLD BUSINESS**

NONE

P. DISCIPLINE CASES – Motion Upheld: Please See Appendix P.2 and P.7

1. ~~LOYD J BUTDORF JR~~
~~Buckeye Construction Consulting, LLC~~
~~Certified Building Contractor~~
~~License No. CBC1260408~~
~~CIL-20-00534~~
Tom Atkinson

Continued 10/6/2022
2. **FRANCOIS BUTYN - See Page 6**
Macksey Construction Company Inc
Certified General Contractor
License No. CGC034932
CIL-21-00365

Wendy Welsh
3. ~~WILLIAM H PICKELL~~
~~Pro-One Construction~~
~~Certified Residential Contractor,~~
~~License No. CRC1329124~~
~~CIL-20-00419~~
Tom Atkinson

Continued 10/6/2022
4. ~~JOHN R WOOD, JR,~~
~~John Richard Wood Jr. Inc.,~~
~~Certified Building Contractor,~~
~~License No. CBC1258542,~~
~~CIL-20-00540~~
Tom Atkinson

Continued 10/6/2022
5. ~~DWAYNE J NAJAR~~
~~Ashley Builders, Inc~~
~~Certified Residential Contractor~~
~~License No. CRC043783~~
~~CIL-20-00416~~
Wendy Welsh

Continued 10/6/2022
6. ~~KENNETH I KENDALL~~
~~Kendall Construction Services Inc~~
~~Certified Building Contractor~~
~~License No. CBC1253636~~
~~CIL-20-00544~~
Tom Atkinson

Continued 10/6/2022
7. **KEVIN W KELLEY - See Page 7**
HiTek Electric LLC
Certified Electrical Contractor
License No. EC13006859
CIL-20-00716

Wendy Welsh

Q. REPORT FROM THE LICENSING MANAGER

Shawn Horton: Licensing Manager. Everything going well.

- Down to two licensing investigators at present
- One position open for code enforcement officer
- 40-50 contacts. About 15 were citations
- Workmans's comp four times encounters, and we were productive with them

R. REPORT FROM THE BUILDING DEPARTMENT

Ben Bailey, Community Development Director

- Introduced new Deputy Building Official: Jack McStravic
- Permits: 399 Single Family permits in February and circa 350 in March
- Inspections: 700 and up to 900 inspections a day
- Positions open:
 - Structural and Residential Inspector
 - Three Building Plans Examiners
- Local Licensing: No legislative cycle that addressed local licenses and Local licenses due to expire July 1st, 2023
- Individuals can apply and we will issue a disclaimer

S. REPORT FROM THE ASSISTANT COUNTY ATTORNEY

Jean Stasio, Assistant County Attorney did not have anything to add.

T. BOARD ATTORNEY COMMENTS

- Robert Berntsson, CILB Attorney
- New Board Member Welcome: Mathew Jones, Consumer Advocate
- Clarifications on abstentions: Only abstention to vote is if you announce a conflict of interest before the hearing.
- Elections to be held for Vice Chairman of the Board for balance of the year
 - Floor opened to nomination for Vice-Chair
Christopher Knight made motion to nominate Patricia Aho. No other nominations
Mathew Jones moved to close the nominations. Michael Ferrara seconds.
- Patricia Aho is new Vice Chairman if CILB
- Briefly elaborated on transitions and evolving into the best situation.

U. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

Patricia Aho, Vice Chairman:

- Christopher Knight asked for clarifications on terms
- Abandonment of construction project or construction site
 - Ben Bailey clarified question regulated under Florida Building Codes

V. ADJOURNMENT

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 verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Christopher Knight made the motion to adjourn, Mathew Jones seconds the motion.
Motion was passed unanimously at 6:54 pm.

CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
MINUTES OF April 7, 2022
READ AND APPROVED ON August 4, 2022



Michael Melton, Chairman

ATTEST:



Maria Di Pompo
Sr. Administrative Assistant
Community Development Department
Code Enforcement and 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.

Appendix P.2 and P.7: DISCIPLINE CASES

Appendix P.2: DISCIPLINE CASES

2. FRANCOIS BUTYN
Macksey Construction Company Inc
Certified General Contractor
License No. CGC034932
CIL-21-00365

Wendy Welsh

FRANCOIS BUTYN: Not Present

- Mr. BUTYN was not present to provide testimony to the Construction Industry Licensing Board.
- Licensing investigator Wendy Welsh provided testimony to CILB.

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 Rene F. Butyn's permitting privileges and right to work as a contractor in Charlotte County be **revoked**.

It is further ordered that 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 and the CILB orders Mr. Butyn to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also ordered that if Mr. Butyn fails to comply, the CILB orders the State Certified General Contractor's License of Mr. Butyn be revoked by the Florida Construction Industry Licensing Board.

In accordance with Florida Statutes, Chapter 489.131(7)(c)(d), & (e), the disciplined contractor, the complainant, or the Department of Business and Professional Regulation may challenge the local jurisdiction enforcement body's recommended penalty for Board action to the State Construction Industry Licensing Board. A challenge shall be filed within sixty (60) days of the issuance of the recommended penalty to the State Construction Industry Licensing Board in Tallahassee, Florida.

MOTION TO ACCEPT MATERIALS SUBMITTED: Christopher Knight made a motion to accept evidence materials submitted. Michael Ferrara Seconds MOTION. All in favor, motion carries.

MOTION TO CLOSE PUBLIC PORTION: Christopher Knight made a motion to close public portion of the case. Mathew Jones Seconds MOTION. No discussions. All in favor, motion carries.

MOTION FOR CILB RECOMMENDATIONS DISCUSSION: Michael Ferrara made a motion to find Mr. Butyn in violation of the cited codes and accepts staff recommendations. Christopher Knight Seconds motion.

DISCUSSION Christopher Knight wishes to amend and revoke Mr. Butyn's license. Matt Jones Seconds amendment. Asked how many times has Mr. Butyn been notified. Wendy Welsh elaborated. Unanimous motion to revoke. Motion carries.

Appendix P.7: DISCIPLINE CASES

7. KEVIN W KELLEY
HiTek Electric LLC
Certified Electrical Contractor
License No. EC13006859
CIL-20-00716

Wendy Welsh

KEVIN W KELLEY: Not Present

- Mr. KELLEY was not present to provide testimony to the Construction Industry Licensing Board.
- Licensing investigator Wendy Welsh provided testimony to CILB.

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 (1 count).

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 (1 count).

CHARGE 3: Charlotte County Code 3 2 47 (b)(20) Failing to obtain inspections including but not limited to final inspections (1 count).

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 Kevin Kelley's permitting privileges and right to work as a contractor in Charlotte County be **revoked**.

It is further ordered that 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 Electrical Contractors Licensing Board with the recommendation that the ECLB order Kevin Kelley to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also ordered that if Kevin Kelley fails to comply, the ECLB order that the State Certified Specialty Contractor's License of Kevin Kelley be revoked by the Florida Electrical Contractors Licensing Board.

In accordance with Florida Statutes, Chapter 489.131(7)(c)(d), & (e), the disciplined contractor, the complainant, or the Department of Business and Professional Regulation may challenge the local jurisdiction enforcement body's recommended penalty for Board action to the State Construction Industry Licensing Board. A challenge shall be filed within sixty (60) days of the issuance of the recommended penalty to the State Construction Industry Licensing Board in Tallahassee, Florida.

MOTION TO ACCEPT MATERIALS SUBMITTED: Mathew Jones made a motion to accept materials in evidence submitted Christopher Knight Seconds MOTION. All in favor, motion carries.

MOTION TO CLOSE PUBLIC PORTION: Christopher Knight made a motion to close public portion of the case. Rick Castro Seconds MOTION. No discussions. All in favor, motion carries.

MOTION FOR CILB RECOMMENDATIONS DISCUSSION: Mathew Jones made a motion to accept staff recommendations on Mr. Kelley. Christopher Knight Seconds motion. Unanimous motion to revoke. Motion carries.

