

Minutes

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

August 4, 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**
Michael Melton, Chairman calls meeting to order at 6:00PM
- B. **PLEDGE OF ALLEGIANCE**
Michael Melton, Chairman
- C. **ROLL CALL**
Maria Di Pompo, Clerk to the Board

MEMBERS PRESENT:

Michael Melton
Matthew Jones
Michael Ferrara
Christopher Knight
Charles Rand

NOT PRESENT:

Patricia Aho
Rick Castro

STAFF PRESENT:

Robert H Berntsson, Board Attorney
Glinda Pruitt, Assistant County Attorney
Jack McStravic, Deputy Building Official
Shawn Horton, Code Enforcement & Zoning Manager
Tom Atkinson, Certified Licensing Officer
Ken Garcia, Certified Licensing Officer
Maria Di Pompo, Senior Administrative Assistant and Clerk to the Board

STAFF NOT PRESENT:

Ben Bailey, Community Development Director
Jean Stasio, Assistant County Attorney
Gail Gursky, Supervisor, Code Compliance

D. OPENING STATEMENT

Michael Melton, Chairman

E. NEXT MEETING DATE

October 6, 2022, at 6:00 pm

F. APPROVAL OF MINUTES

April 7, 2022 and June 2, 2022

MOTION to approve April 7, 2022 minutes: Christopher Knight made motioned to approve the minutes from April 7, 2022. Michael Ferrara seconds. Motion was passed unanimously.

MOTION to approve June 2, 2022 minutes: Christopher Knight made motioned to approve the minutes from June 2, 2022. Michael Ferrara seconds. Motion was passed unanimously.

G. AGENDA CHANGES

Glinda Pruitt, Assistant County Attorney filled in for Jean Stasio, Assistant County Attorney announced changes to items M.1 and M.2, and items P.2 and P.3

H. SWEARING IN OF ALL THOSE GIVING TESTIMONY

Maria Di Pompo: Administers oath to those giving testimony

I. PUBLIC INPUT

NONE

J. EXAMINATION

NONE

K. LICENSE REVIEW

NONE

L. CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES

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.**

	Name	CIT No.	Case #	Amount	Officer Name	
1	Hachey, Bruce W.	5871 & 5872	CIL-22-00306	\$2,000	Wendy Welsh	Recorded Lien
2	Pennella, Thomas A.	6003	CIL-22-00315	\$1,000	Ken Garcia	Recorded Lien
3	Pennella, Thomas A.	6004	CIL-22-00316	\$1,000	Ken Garcia	Recorded Lien
4	Borroto, Miguel Adrian A.	6006	CIL-22-00309	\$1,000	Ken Garcia	Recorded Lien
5	Chacon, Salvador R.	6008	CIL-22-00310	\$1,000	Ken Garcia	Recorded Lien
6	Juarez, Henry	6009	CIL-22-00311	\$1,000	Ken Garcia	Recorded Lien

MOTION: Christopher Knight motioned to approve the consent agenda items under L. Consent – Affidavits Of Noncompliance Fines. Matthew Jones seconds. Motion was passed unanimously.

I. CONTESTING CITATIONS

	Name	CIT No.	Case #	Amount	Officer Name	
1	Letorneau, Mark J	6098	CIT-22-00030	\$1,000	Ken Garcia	Paid 8/3/2022
2	Letorneau, Mark J	6099	CIT-22-00034	\$1,000	Ken Garcia	Paid 8/3/2022

**N. REINSTATEMENT
NONE**

**O. OLD BUSINESS
NONE**

P. DISCIPLINE CASES – Motion Upheld: Please See Appendix P.1

1. ~~KENNETH R LUFF - Page 5~~ Tom Atkinson
Native Home Improvements
Certified Building Contractor
License No. CBC1252703
CASE NO. CIL-20-00562
2. ~~JESSE G CAMPOS~~ Tom Atkinson
Properties of West of Florida Inc
d/b/a Perfect Weather A/C & Refrigeration of Florida Inc
Certified Air Conditioning Contractor
License No. CAC1815999
CASE NO. CIL-20-00645
Closed
3. ~~WILLIAM B. UNDERWOOD~~ Tom Atkinson
Window World of Southwest Florida And
Skyhawk Enterprises Inc d/b/a Window World
Certified Specialty Contractor
License No. SCC131151205
CASE NO. CIL-20-00461
Continued until date: TBD

Q. REPORT FROM THE LICENSING MANAGER

Shawn Horton: Code Enforcement & Licensing Manager

- Everything going smoothly
- New Licensing Investigator hired and will be going to get his certification
- Briefly miscellaneous other items: Workers comp, citations, question on changes to the anonymity legislative change effective 7/8/2021. Bigger impact on Code Enforcement vs Licensing.

R. REPORT FROM THE BUILDING DEPARTMENT

Jack McStravic, Deputy Building Official

- Shared statistics: Averaging 1,000 inspections daily, 5 inspector and 2 plans examiner positions open, 346 Residential permits, CO'd 132 houses, 3,646 total permits to date, YTD over 35,000 permits. Highest month was about 450 permits.
- Topic for discussion for to the board: Move this meeting to a new time: maybe morning or afternoon? Open to discussion for CILB members.

S. REPORT FROM THE ASSISTANT COUNTY ATTORNEY

Glinda Pruitt, Assistant County Attorney-Nothing to report at this time

T. BOARD ATTORNEY COMMENTS

Robert H Berntsson, Board Attorney-Nothing to report at this time.

Place topic for discussion for the board: Move this meeting to a new time under old business for next hearing.

U. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

Michael Melton, Chairman: Welcome to two new members

- **New Member:** Charles Rand, Consumer Advocate and Matthew Jones, Consumer Advocate
- **Mentioned two CILB vacant positions:** Electrical Contractor and General Contractor

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.

MOTION: Christopher Knight made the motion to adjourn. Matthew Jones seconds the motion. Motion was passed unanimously at 6:19 pm.

CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
MINUTES OF August 4, 2022
READ AND APPROVED ON December 1, 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.1 DISCIPLINE CASES

1. KENNETH R LUFF

Tom Atkinson

**Native Home Improvements
Certified Building Contractor
License No. CBC1252703
CIL-20-00562**

KENNETH R LUFF: Not Present

- Mr. LUFF was not present to provide testimony to the Construction Industry Licensing Board.
- Licensing investigator Tom Atkinson 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 Mr. Luff's permitting privileges and right to work as a contractor in Charlotte County be **revoked**.

It is further ordered a copy of this case along with 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 (FCILB) with the recommendation the FCILB order Mr. Luff to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also recommended if Mr. Luff fails to comply, the FCILB order the State Certified Building Contractor's License of Mr. Luff 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 CLOSE PUBLIC PORTION:** Christopher Knight made a motion to close public portion. Matthew Jones Seconds MOTION. All in favor, motion carries.
- **MOTION FOR CILB RECOMMENDATIONS DISCUSSION:** Christopher Knight made a motion to accept staff recommendations. Mike Ferrara Seconds motion. All in favor, motion carries

PLEASE SIGN NAME AND ADDRESS BELOW

CONSTRUCTION INDUSTRY LICENSING BOARD
June 2, 2022

PLEASE PRINT

Name _____ Address _____ _____	Name _____ Address _____ _____
Name _____ Address _____ _____	Name _____ Address _____ _____
Name _____ Address _____ _____	Name _____ Address _____ _____
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