

MINUTES

CHARLOTTE COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD 18500 Murdock Circle, Room 119, Port Charlotte, Florida 33948

April 4, 2024, at 4:00 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 & OPENING STATEMENT

Charles Hackbarth, Chairman calls meeting to order at 4:00PM

- This meeting of the Charlotte County Construction Industry Licensing Board is now called to order. This board is responsible for certain contractor licensing requirements and for conducting discipline hearings to determine the validity of alleged violations brought forth by the County.

B. ROLL CALL

B: Mechelle Simes, Clerk to the Board

Kevin Correll
John Donlan
Michael Melton
Brian Midolo
Charles Hackbarth
Christopher Knight
Dianne Quilty
Joyce Thompson
Michael LaPorta

NOT PRESENT:

Dianne Quilty
Joyce Thompson

STAFF PRESENT:

Robert Berntsson, Board Attorney
Jean Stasio, Assistant County Attorney
Shawn Horton, Code Enforcement & Licensing Manager
Gail Gursky, Supervisor, Code Compliance
Shawn McNulty, Community Development Building Official
Jack McStravic, Community Development Deputy Building Official
Paul Cignarale, Certified Code Compliance Officer
Tom Atkinson, Certified Code Compliance Officer
Kenneth Garcia, Certified Code Compliance Officer
Mechelle Simes, Senior Administrative Assistant and Clerk to the Board

C. **NEXT MEETING DATE**

June 6, 2024, at 4:00 pm

D. **APPROVAL OF MINUTES**

MOTION to approve February 1, 2024, minutes: Michael Melton made motion to approve minutes from February 1, 2024, Brian Midolo seconds. Motion carries 7:0.

E. **AGENDA CHANGES**

Jean Stasio; Assistant County Attorney: No changes

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

By: Mechelle Simes, Clerk to the Board: administered oath to those who gave testimony.

I. **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. **Upon Board approval of the Affidavits of Noncompliance, each case will be assessed with an additional \$20.00 for the cost.**

	Citations				
	Name	CIT No.	Case #	Amount	Officer Name
1	Vasili Tarasevich (Served)	5556	CIT-23-00035	\$1,000	Kenneth Garcia
2	Roman Igor Tsitkin (Served)	5558	CIT-23-00034	\$1,000	Kenneth Garcia
3	Frank M Cavazos	5353	CIT-22-00081	\$1,000	Kenneth Garcia
4	Noslen Guerrero Rodriguez	5051	CIT-23-00037	\$1,000	Tom Atkinson
5	Oscar Eulises Vallecillo Herrera	5457	CIT-23-00022	\$1,000	Tom Atkinson
6	Danil Lisitsyn	5991	CIT-22-00039	\$1,000	Tom Atkinson
7	Itzel Yaffet Vasquez Hernandez	6030	CIT-23-00104	\$1,000	Tom Atkinson

MOTION: Michael Melton motioned to accept the fines as stated on Affidavit of Non-Compliance. Brian Midolo seconds. Motion carries 7:0.

H. **DISCIPLINE CASES** Motion’s Upheld: Please See Appendix P.1 on P.4 & P.5.

MOTION: Michael Melton made a motion to open public portion of discipline cases. Brian Midolo, seconds motion. No discussions. Motion carries 7:0.

**1 Kenneth I Kendall
Kendall Construction Services Inc
Certified Building Contractor
License No. CBC1253636
Case No. CIL-20-00544**

Tom Atkinson

MOTION: Michael Melton made a motion to close public portion of discipline cases. Christopher Knight, seconds motion. No discussions. Motion carries 7:0.

I. **OLD BUSINESS** None

J. NEW BUSINESS

None

K. REPORT FROM THE LICENSING MANAGER

Shawn Horton, Community Development, Code Enforcement & Licensing Manager
Business as usual since the last hearing.

- 13 Open Investigations
- 22 Citations Issues
- 350 Phone Calls
- 160 Front Desk, Face to Face Appointments
- 110 Field Contacts for Investigations and Reporting
- Tom Atkinson Assisted with 15 Workers Compensation.
- (1) New CILB/Code Officer in Training

L. REPORT FROM THE BUILDING DEPARTMENT

Shawn McNulty, Community Development, Building Official
253 Single Family Permits issues
(2) Building Inspector Positions Open
(1) Plans Reviewer Position Open
Under (3) weeks for the turnaround time for online permits
Researching the aspect of adding a profile to Accela

M. REPORT FROM THE ASSISTANT COUNTY ATTORNEY

Jean Stasio, Assistant County Attorney: None

N. BOARD ATTORNEY COMMENTS

Robert Berntsson, Board Attorney: Welcome New Board Members, friendly reminder regarding the Sunshine Law, Do Not reply all in email correspondence.

O. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

None

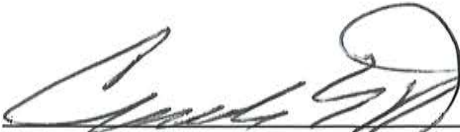
P. ADJOURNMENT

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: Michael Melton motioned to adjourn hearing. Kevin Correll seconds.

MOTION: Motion carries 7:0. Charles Hackbarth, Chairman adjourned at 4:24 PM.

CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
MINUTES OF April 4, 2024
READ AND APPROVED on June 6, 2024



Charles Hackbarth, Chairman

ATTEST:



Mechelle Simes
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 are made, which record includes the testimony and evidence upon which the appeal is to be based.

Appendix 1. DISCIPLINE CASES

1 Kenneth I Kendall
Kendall Construction Services Inc
Certified Building Contractor
License No. CBC1253636
Case No. CIL-20-00544

Tom Atkinson

Kenneth Kendall: Not Present

- Kenneth I Kendall was not present to provide testimony to the Construction Industry Licensing Board, hereinafter, (Board)
- Licensing investigator Tom Atkinson provided testimony to the Board.

The Respondent was charged with the following:

FLORIDA BUILDING CODE

Section 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.

CHARLOTTE COUNTY CODE

Section 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.

3-2-47(b)(20) - Failing to obtain inspections including but not limited to final inspections.

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 KENNETH I KENDALL 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 KENNETH I KENDALL to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also recommended if KENNETH I KENDALL fails to comply, the FCILB order the State Certified Building Contractor's License of KENNETH I KENDALL 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 FOR CILB RECOMMENDATIONS DISCUSSION: Michael Melton made a motion to approve staff recommendations. Kevin Correll Seconds motion. Motion was passed unanimously.7:0