

MINUTES

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

June 6, 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

By: Mechelle Simes, Clerk to the Board

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

NOT PRESENT:

Michael Melton

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 & Flood Plan Administrator
Paul Cignarale, Certified Code Compliance Officer
Kenneth Garcia, Certified Code Compliance Officer
Mechelle Simes, Senior Administrative Assistant and Clerk to the Board

C. NEXT MEETING DATE

August 8, 2024, at 4:00 pm

D. APPROVAL OF MINUTES

MOTION to approve April 4, 2024, minutes: John Donlan made motioned to approve

minutes from April 4, 2024, Brian Midolo seconds. Motion carries 7:0.

E. AGENDA CHANGES

Jean Stasio: Assistant County Attorney: The discipline case CIL-23-00319 for Kevin W. Smith has been continued.

F. SWEARING IN OF ALL THOSE GIVING TESTIMONY

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

G. CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES

All matters listed under this item are considered to be routine and the 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	Alberto Gregorio	5557	CIT-23-00038	\$1,000	Kenneth Garcia
2				\$1,000	
3				\$1,000	
4				\$1,000	
5				\$1,000	
5				\$1,000	
6				\$1,000	

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

H. REINSTATEMENT CASE

1 **Frank F Houston** **Kenneth Garcia**
d/b/a CKF Construction Services LLC
Certified General Contractor
License No. CGC1505442
Case No. CIL-22-00335

MOTION: Brian Midolo made a motion to close public portion of reinstatement case. John Donlon seconds. Motion carries 7:0

a. **Motion's Upheld: Please See Appendix P.1 on P.5**

I. DISCIPLINE CASES

1 **Kevin W. Smith** **Case Continued** **Paul Cignarale**

~~8:18 Renovation & Restoration LLL
Certified Building Contractor
License No. CBC1266385
Case No. CIL-23-00319~~

2 Michael Slayton
MH Slayton Corporation
Certified Building Contractor
License No. CBC1254831

Served Paul Cignarale

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

a. **Motion's Upheld: Please See Appendix P.2 on P.6**

J. OLD BUSINESS

None

K. NEW BUSINESS

None

L. REPORT FROM THE LICENSING MANAGER

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

- 115 proactive site contacts
- 103 lobby contact with contractors and citizens
- 475 phone calls
- 7 citations
- 19 new cases
- 10 assists with workers comp
- We have started receiving contractor complaints from the Charlotte/Desoto Building Industry Association "CDBIA" and will start tracking and reporting the numbers in upcoming hearings.

M. REPORT FROM THE BUILDING DEPARTMENT

Shawn McNulty, Community Development, Building Official and Flood Plan Administrator

- Single family residents "SFR" for June total 296 permits (outside of Babcock Ranch) and 98 permits within Babcock Ranch
- Total permitting numbers to date are 3966 from last month's total of 3700
- Plans to create a presentation defining the permitting process and the life cycle of a permit, to be presented in an upcoming hearing.

N. REPORT FROM THE ASSISTANT COUNTY ATTORNEY

Jean Stasio, Assistant County Attorney: None

O. BOARD ATTORNEY COMMENTS

Robert Berntsson, Board Attorney: None

P. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

Charles Hackbarth: When making a motion they should be succinct and abbreviated. If there are any discussions or thoughts to be expressed, it should be done so after the motion has been made. Examples of making a proper motion are as follows: state your name for the record and then state: "I move that we: _____" or "I move that we find (disciplinary respondents name) in violation of the cited codes and accept the staff recommendations as the Board order". This will ensure the meeting is processing in a professional and timely manner.

Brian Midolo: Recommend the staffs reporting section of the agenda be moved to the beginning. Jean Stasio: Responded that it is imperative for pertinent staff members to be present for the meeting's entirety.

Chris Knight: Recommends the Pledge of Allegiance should added to the CILB meeting agenda, moving forward. All board members agree. It is unanimous and will be added to upcoming agendas after the call to order section.

Dianne Quilty: Request the presentation "Roberts Rules" be added to the next hearing agenda in August.

Q. 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.

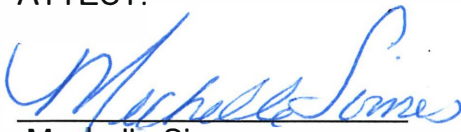
MOTION: Diane Quilty motioned to adjourn hearing. Brian Midolo seconds. Motion carries 7:0. Charles Hackbarth, Chairman adjourned at 5:14pm.

CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
MINUTES OF June 6, 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. Reinstatement Case

Frank F Houston
d/b/a CKF Construction Services LLC
Certified General Contractor
License No. CGC1505442
Case No. CIL-22-00335

Kenneth Garcia

Frank Houston: Present with legal counsel Kyle Rea Attorney at Law with Adams and Reese LLP 100 N. Tampa Street Tampa, FL. 33602.

- Frank Houston was present with legal counsel Kyle Rea and provided testimony to the Construction Industry Licensing Board, hereinafter, (Board)
- Licensing investigator Kenneth Garcia 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.

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 FRANK HOUSTON's permitting privileges and right to work as a contractor in Charlotte County be reinstated upon the closure of the existing open permits as of this date, currently 31 in total.

It is further ordered a copy of this case along with a copy of 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 FRANK HOUSTON to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also recommended if FRANK HOUSTON fails to comply, the FCILB order the State Certified Building Contractor's License of FRANK HOUSTON 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.

Appendix 2. Discipline Case

MOTION FOR CILB RECOMMENDATIONS DISCUSSION: Brian Midolo made a motion to approve staff recommendations. John Donlan Seconds motion. Motion was passed unanimously.7:0

Michael Slayton: Not Present

- Michael Slayton was not present; therefore no testimony was given to the Construction Industry Licensing Board, hereinafter, (Board)
- Licensing investigator Paul Cignarale provided testimony to the Board.

The Respondent was charged with the following:

FLORIDA BUILDING CODE

Section 105.1 - adopted by Charlotte County Code 3-2-23: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit

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 inspection.

IN THAT YOU violated Florida Building Code Chapter 1, Section 105.1, adopted by Charlotte County Code 3-2-23, and Charlotte County Building Code 3-2-47(b)(4), and 3-2-47(b)(20), by failing to obtain the required Charlotte County Building permit prior to rebuilding a pool cage, as well as obtain timely inspections including final inspections at 9276 Nastrand Circle, Port Charlotte, Charlotte County, FL., 33981

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 MICHAEL SLAYTON's permitting privileges and right to work as a contractor in Charlotte County be suspended.

It is further ordered a copy of this case along with a copy of 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 MICHAEL SLAYTON to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also recommended if MICHAEL SLAYTON fails to comply, the FCILB order the State Certified Building Contractor's License of MICHAEL SLAYTON 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.