

MINUTES

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

August 8, 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
Michael Melton
Charles Hackbarth
Dianne Quilty
Michael LaPorta

NOT PRESENT:

John Donlan
Brian Midolo
Christopher Knight

STAFF PRESENT:

Daniel P. Lewis, Stand-In 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
Jack McStravic, Community Development Deputy Building Official
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

October 3, 2024, at 4:00 pm

D. APPROVAL OF MINUTES

MOTION to approve June 6, 2024, minutes: Mike LaPorta made motioned to approve minutes from June 6, 2024, Diane Quilty seconds. Motion carries 5:0.

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.

H. DISCIPLINE CASES

1 Mohammed G Khan dba Home Construction & Services Florida Certified Residencial Contractor License No. CRC1332566 Case No. CIL-23-00378	Served	Kenneth Garcia
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MOTION: Mike Melton made a motion to close public portion of discipline cases. Michael LaPorta seconds motion. Motion carries 5:0.

- a. **Motion** by Mike Melton to continue case until October 3, 2024. Diane Quilty seconds. **Motion passed unanimously 5:0**
- b. **Motion's Upheld: Please See Appendix. 1 on P.5**

2 Piotr Murman AMENDED Mod-Zen Construction LLC Certified General Contractor License No. CGC152244 Case No. CIL-24-00337	Served	Paul Cignarale
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MOTION: Michael LaPorta made a motion to close public portion of discipline cases. Mike Melton seconds motion. Motion carries 5:0.

- a. **Motion's Upheld: Please See Appendix. 2 on P.5**

3 George Pappas
Harper's 1980 LLC
Certified Building Contractor
License No. CBC1266311
Case No. CIL-24-00343

Served

Paul Cignarale

MOTION: Mike Melton made a motion to close public portion of discipline cases. Diane Quilty seconds motion. Motion carries 7:0.

a. Motion's Upheld: Please See Appendix. 3 on P.6

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.

- 90 lobby contacts with contractors and citizens.
- 400 phone calls
- 8 citations
- 20 assists with workers' comp

L. REPORT FROM THE BUILDING DEPARTMENT

Shawn McNulty, Community Development, Building Official and Flood Plan Administrator
292 SFR (single family residents) permits going strong, down 40% to 50% from last year due to hurricane repairs. Getting back to normal pre-storm levels.

- Q: Mike Melton: Does the county offer any type of resources regarding accessory structures guidelines and parameters.
- A: Shawn McNulty: There are multiple facets to answering questions regarding accessory structures and may involve various divisions within the Community Development Department such as planning, zoning, right of way, building codes, and flood zone code rules. Each situation is unique, and I encourage that the citizens reach out to Community Development for assistance with questions and concerns. We can direct them to the appropriate division for guidelines and parameters.
- Presentation on the life cycle of a permit is in the development stages for defining the permitting process, to be presented in an upcoming hearing.

M. REPORT FROM THE ASSISTANT COUNTY ATTORNEY

Jean Stasio, Assistant County Attorney: None

N. BOARD ATTORNEY COMMENTS

Daniel P. Lewis Stand-In Board Attorney: Introduction and brief description of the CILB's responsibilities. Topic: public comments during a quasi-judicial formatted hearing, dos, and don'ts. Answered board members comments and questions regarding topics.

O. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS


None

P. ADJOURNMENT

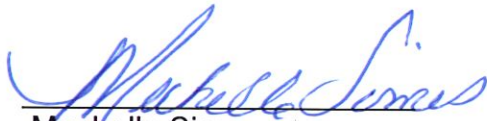
Any person who decides to appeal a decision of this Board will need a record of the proceedings pertaining thereto, and therefore may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

MOTION: Michael LaPorta motioned to adjourn hearing. Mike Melton seconds. Motion carries 5:0. Charles Hackbarth, Chairman adjourned meeting at 4:42pm.

CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
MINUTES OF August 3, 2024
READ AND APPROVED on October 3, 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 Case

Mohammed G Khan: was present and provided testimony to the Construction Industry Licensing Board, hereinafter, (Board)

- Licensing investigator Kenneth Garcia provided testimony to the Board.
- **Motion:** by Mike LaPorta to continue case until October 3, 2024. Diane Quilty seconds. Motion passed unanimously 5:0

Appendix 2. Discipline Case

MOTION FOR CILB RECOMMENDATIONS DISCUSSION: Mike Melton made a motion to approve staff recommendations. Diane Quilty Seconds motion. Motion was passed unanimously. 5:0

Appendix 2. Discipline Case

Piotr Murman: Not Present

- Piotr Murman 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

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)(5) - Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project shall be considered abandoned after ninety (90) days if the contractor terminates the project without just cause, or without proper notification to the owner, including the reason for termination, or fails to substantially perform work under the contract. Construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

3-2-47-(b)(26)(2) - Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when: The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned;

3-2-47 (36) - Being disciplined by any municipality or county for a violation directly related to the practice of the licensee's profession.

IN THAT YOU willfully violated **Florida Building Codes 110.3 and 110.5**, adopted by **Charlotte County Code 3-2-23**, and **Charlotte County Code 3-2-47(b)(4) and 3-2-47(b)(5), 3-2-47(b)(26)(2), 3-2-47(36)**, *Mod-Zen Construction LLC which Piotr Murman is the qualifier, entered into a contract with the homeowner of 9066 Pinehaven way, Englewood, Charlotte County. The contract was dated February 2, 2022, to build carport, driveway, and shed. The total price of the contract was \$29,750.00 and a deposit was obtained of \$10,000.00. The deposit is over 10%. Per F.S.S. 489.126 a permit was to be applied for within 30 days. This did not occur, and permit was applied for on June 2, 2022. As of June 26, 2024, no permit has been issued or work done causing hardship to homeowner who had to move into the address without any permits or inspections. In addition, on March 21, 2024, your license and permitting privileges have been revoked by Sarasota County CILB.*

On May 13, 2024, I spoke with Mike Chaffee who is a member of the company. I explained to him the lack of any issued permit(s) and lack of work would indicate the job may be abandoned. He stated he understood and would be in Charlotte County in the next couple days and pull the permits.

I have tried to reach qualifier Piotr Murman via telephone and reached his voicemail which indicated his mailbox was full.

Upon consideration, it is ORDERED:

That PIOTR MURMAN 's permitting privileges and right to work as a contractor in Charlotte County be **SUSPENDED until case is compliant**.

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 PIOTR MURMAN to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also recommended if PIOTR MURMAN fails to comply, the FCILB order the State Certified Building Contractor's License of PIOTR MURMAN be **SUSPENDED until case is compliant** 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 3. Discipline Case

George Pappas: Not Present

- George Pappas 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.

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)(5) – Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project shall be considered abandoned after ninety (90) days if the contractor terminates the project without just cause, or without proper notification to the owner, including the reason for termination, or fails to substantially perform work under the contract. Construction is considered to be commenced when the contract is executed, and the contractor has accepted funds from the customer or lender.

3-2-47(b)(17) - Failing to cause to appear on any bid, business proposal, contract, newspaper advertisement, airwave transmission advertisement, paid telephone directory listing or other advertising medium used by the contractor, the certificate of competency number (license number) whether state or local.

3-2-47(b)(26)(2) - Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:

The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned.

IN THAT YOU violated Charlotte County Building Code 3-2-47(b)(4), and 3-2-47(b)(5), 3-2-47(b)(17), and 3-2-47(b)(26)(2).

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

That **George Pappas's** permitting privileges and right to work as a contractor in Charlotte County be **SUSPENDED** until case is in compliance.

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 **GEORGE PAPPAS** to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also recommended if **GEORGE PAPPAS** fails to comply, the FCILB order the State Certified Building Contractor's License of **GEORGE PAPPAS** be **Suspended** 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.