

MINUTES

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

December 1, 2022 at 6:00 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.

- ❖ Due to an unusual situation: Robert H Berntsson, Board Attorney opened the hearing requesting nominations for an interim Vice Chair appointment. The previous chairperson resigned board membership.

Robert Elie makes motion to nominate himself for Interim Vice Chair appointment. No other nominations presented. Christopher Knight seconds the nomination.
MOTION: all in favor.

- ❖ Robert Elie is appointed as Vice Chairman

A. CALL TO ORDER

Michael Melton, Chairman calls meeting to order at 6:03PM

B. PLEDGE OF ALLEGIANCE

Michael Melton, Chairman

C. ROLL CALL

Michael Melton
Christopher Knight
Matthew Jones
Charles Rand
Robert Elie
Dianne Quilty

NOT PRESENT:

Michael Ferrara
Rick Castro

STAFF PRESENT:

Robert H Berntsson, Board Attorney
Jean Stasio, Assistant County Attorney
Ben Bailey, Community Development Director
Jack McStravic, Deputy Building Official

STAFF PRESENT Continued:

Shawn Horton, Code Enforcement & Licensing Manager
Tom Atkinson, Certified Licensing Officer
Ken Garcia, Certified Licensing Officer
Wessels, Michael, Licensing Officer
Maria Di Pompo, Senior Administrative Assistant and Clerk to the Board

STAFF NOT PRESENT:

Gail Gursky, Supervisor, Code Compliance

D. OPENING STATEMENT

Michael Melton, Chairman

E. NEXT MEETING DATE

February 2, 2023, at 6:00 pm

F. APPROVAL OF MINUTES

August 4, 2022

MOTION to approve August 4, 2022, minutes: Matthew Jones made motioned to approve the minutes from August 4, 2022. Christopher Knight seconds. Motion was passed unanimously.

G. AGENDA CHANGES

Assistant County Attorney: No Agenda Changes.

H. SWEARING IN OF ALL THOSE GIVING TESTIMONY

Maria Di Pompo: Administers oath to those giving 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 of recording a lien.**

Molina, Jorge L. 6061 CIL-22 00342 \$1,000 Ken Garcia Recorded Lien

Molina, Jorge L. 6062 CIL-22-00343 \$1,000 Ken Garcia Recorded Lien

MOTION: Michael Melton asks for motioned to accept the fines as stated in the Affidavit of Non-Compliance. Matthew Jones makes the motion. Dianne Quilty seconds. Motion was passed unanimously.

J. OLD BUSINESS

RONALD E SCRIBNER JR
Scribner Contracting of South Florida Inc
Certified Residential Contractor
License No. CRC1328423
CIL-20-00448

Tom Atkinson

- Kyle Rea, Special Counsel represented Mr. Scribner. Elaborated on Mr. Scribner's case and shared that homeowner and Mr. Scribner reached a settlement agreement. The request to reinstate Mr. Scribner permitting privileges was put forward.
- MOTION TO CLOSE PUBLIC PORTION: Christopher Knight made a motion to close public portion. Dianne Quilty Seconds All in favor, motion carries.
- MOTION FOR CILB RECOMMENDATIONS DISCUSSION: Christopher Knight made a motion to reinstate Mr. Scribner's permitting privileges. Dianne Quilty Seconds motion. All in favor, motion carries

K. DISCIPLINE CASES – Motion Upheld: Please See Appendix K.1-K.3

1. **JOHN R WOOD, JR** **Tom Atkinson**
 John Richard Wood Jr. Inc.
 Certified Building Contractor
 License No. CBC1258542
 CIL-20-00540
2. **LOYD J BUTDORF JR** **Tom Atkinson**
 Buckeye Construction Consulting, LLC
 Certified Building Contractor
 License No. CBC1260408
 CIL-20-00534
3. **WILLIAM H PICKELL** **Tom Atkinson**
 Pro-One Construction
 Certified Residential Contractor,
 License No. CRC1329124
 CIL-20-00419

L. NEW BUSINESS

- Interim Vice-Chair: Robert Elie
- Board discussion regarding future meeting times / dates: Discussion on future meetings and options. Ben Bailey, Community Development Director, added some input but no decision was made.
- Investigate time slot availability to propose to the BOARD.

M. REPORT FROM LICENSING MANAGER

Shawn Horton: Code Enforcement & Licensing Manager

- Question posed for any updates from a non-licensed contractor violation standpoint.
- Things progressed very smoothly after the storm. Brief update on damage assessment progress. DBPR (Department of Business & Professional Regulation), Workers Compensation presence with our Investigative License Officers. About 50 contractors acquired local licensing within Charlotte County FL.

REPORT FROM LICENSING MANAGER CONTINUED

- Rumor of rules relaxed. Tom Atkinson clarified that out of state licenses are not allowed and no reciprocities with out of state licenses.
- Concern that lots being cleared without permits- Code Enforcement is addressing as the concerns arise. Public works is monitoring debris on a case-by-case basis.

N. REPORT FROM THE BUILDING DEPARTMENT

Jack McStravic, Deputy Building Official shared statistics:

- Over 600 major and destroyed homes due to Hurricane Ian
- This week issuing 275-300 roofing permits daily
- 1,300 inspections a day. Using 3 engineering firms along with local agreement with Sarasota County. New process view specs inspections conduct digital review and is being rolled out to assist with on site inspections.
- Expediting storm permits with brief elaboration.
- Staffing update: 8 inspectors, 4 plan reviewer position and 2 plans examiner positions open. 75-80% of staffing currently.

O. REPORT FROM THE ASSISTANT COUNTY ATTORNEY

Jean Stasio, Assistant County Attorney: Nothing to report at this time but welcome to new members.

P. BOARD ATTORNEY COMMENTS

- Robert H Berntsson, Board Attorney-Nothing to report at this time and welcome to new members.
- Elections to be held for Chairman and Vice Chairman at February board meeting

Q. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS


Michael Melton, Chairman: Welcome to two new members: New Member: Robert Elie, Electrical Contractor and Dianne Quilty, Consumer Advocate.

R. 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.

Michael Melton adjourned at 7:02 pm after wishing everyone Happy Holidays.

CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
MINUTES OF December 1, 2022
READ AND APPROVED ON February 2, 2023



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 K.1-K.3 DISCIPLINE CASES

Appendix K.1

1. JOHN R WOOD, JR

Tom Atkinson

John Richard Wood Jr. Inc.
Certified Building Contractor
License No. CBC1258542
CIL-20-00540

JOHN R WOOD, JR: Not Present

- Mr. JOHN R WOOD, JR 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 John Richard Wood Jr's permitting privileges and right to work as a contractor in Charlotte County be revoked.

It is further recommended 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 (FCILB) with the recommendation the FCILB order Mr. Wood 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. Wood fails to comply, the FCILB order the State Certified Building Contractor's License of Mr. Wood 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.

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: Dianne Quilty made a motion to close public portion. Matthew Jones Seconds. All in favor, motion carries.
- MOTION FOR CILB RECOMMENDATIONS DISCUSSION: Christopher Knight made a motion to accept staff recommendations. Dianne Quilty Seconds motion. All in favor, motion carries

Appendix K.2

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

Tom Atkinson

LOYD J BUTDORF JR: Not Present

- Mr. LOYD J BUTDORF JR 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 Loyd J Butdorf Jr's permitting privileges and right to work as a contractor in Charlotte County be revoked.

It is further recommended 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 (FCILB) with the recommendation the FCILB order Mr. Butdorf 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. Butdorf fails to comply, the FCILB order the State Certified Building Contractor's License of Mr. Butdorf 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.

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: Robert Elie made a motion to close public portion. Christopher Knight Seconds. All in favor, motion carries.
- MOTION FOR CILB RECOMMENDATIONS DISCUSSION: Robert Elie made a motion to accept staff recommendations. Dianne Quilty Seconds motion. All in favor, motion carries.

Appendix K.3

3. WILLIAM H PICKELL
Pro-One Construction
Certified Residential Contractor,
License No. CRC1329124
CIL-20-00419

Tom Atkinson

WILLIAM H PICKELL: Not Present

- Mr. WILLIAM H PICKELL 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 (4 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 (4 count).

CHARGE 3: Charlotte County Code 3 2 47 (b)(20) Failing to obtain inspections including but not limited to final inspections (4 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 William H Pickell 's permitting privileges and right to work as a contractor in Charlotte County be revoked.

It is further recommended 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 (FCILB) with the recommendation the FCILB order Mr. Pickell 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. Pickell fails to comply, the FCILB order the State Certified Building Contractor's License of Mr. Pickell 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.

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. Charles Rand Seconds. All in favor, motion carries.
- MOTION FOR CILB RECOMMENDATIONS DISCUSSION: Matthew Jones made a motion to accept staff recommendations. Charles Rand Seconds motion. All in favor, motion carries.

PLEASE SIGN NAME AND ADDRESS BELOW

**CONSTRUCTION INDUSTRY LICENSING BOARD
December 1, 2022**

PLEASE PRINT

Name <u>Lynn Clawson</u> Address <u>1110 Sea Crest Dr. N.W.</u> <u>Port Charlotte, FL</u> <u>33948</u>	Name <u>Kyle Rea</u> Address <u>100 N Tampa St</u> <u>Suite 9000, Tampa, FL</u>
Name _____ Address _____ _____	Name _____ Address _____ _____
Name _____ Address _____ _____	Name _____ Address _____ _____
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