

MINUTES

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

December 7, 2023, at 4:00 pm

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- A. **CALL TO ORDER**
Michael Melton, Chairman calls meeting to order at 4:00PM
- B. **PLEDGE OF ALLEGIANCE**
Michael Melton, Chairman
- C. **ROLL CALL**
Mechelle Simes, Clerk to the Board

ROLL CALL

Michael Melton
Christopher Knight
Robert Elie
Charles Hackbarth
Dianne Quilty
Joyce Thompson
Brian Midolo
Kevin Correll

NOT PRESENT:

Matthew Jones

STAFF PRESENT:

Regina A. Kardash, Stand-In Board Attorney
Jean Stasio, Assistant County Attorney
Shawn Horton, Code Enforcement & Licensing Manager
Gail Gursky, Supervisor, Code Compliance
Ben Bailey, Community Development Director
Paul Cignarale, Licensing Officer
Tom Atkinson, Certified Code Compliance Officer
Mechelle Simes, Senior Administrative Assistant and Clerk to the Board

- D. **OPENING STATEMENT**
Michael Melton, Chairman

E. NEXT MEETING DATE

February 1, 2024 at 4:00 pm

F. APPROVAL OF MINUTES

MOTION to approve October 5, 2023, minutes: Charles Hackbarth made motioned to approve the minutes from October 5, 2023. Dianne Quilty seconds. Motion was passed unanimously.

G. AGENDA CHANGES

Regina A. Kardash; Stand-In Board Attorney: Elect new chairperson and vice chairperson at the last meeting of the year, which is today. If there could be a motion from a board member to add it under new business. Charles Hackbarth moves to revise the agenda to add the voting of the new chairperson and vice-chairperson to new business. Brian Midolo seconds motion and it passes. Voting for new chairperson and vice chairperson for the 2024 year has been moved to new business on the agenda. All in favor, motion carries.

Jean Stasio, Assistant County Attorney: The second discipline case for Brent Parish has been continued.

H. SWEARING IN OF ALL THOSE GIVING TESTIMONY

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 of recording a lien.**

Citations					
	Name	CIT No.	Case #	Amount	Officer Name
1	Charles Coffey	6344	CIT-23-00078	\$1,000	Paul Cignarale

MOTION: Charles Hackbarth motioned to accept the fines as stated in the Affidavit of Non-Compliance. Chris Knight seconds. Motion was passed unanimously.

J. DISCIPLINE CASES

Regina K. Kardash stand-in attorney for the board, announces a board member, Joyce Thompson has disclosures. Joyce Thompson states regarding discipline case # 1 Wilbert Malphus is known to her. Mr. Malphus did not do work on her home. Mr. Malphus did work on her neighbors' homes to which she did have discussions with the neighbors. The discussions are not impertinent to this case, and Joyce testifies that she can make a fair and impartial decision regarding the case before the board today.

- 1 Wilbert Malphus – See Page (6)**
dba Malphus & Son General Contractors, Inc
Certified General Contractor
License No. CGC013571
Case No. CIL-23-00359

Paul Cignarale

2 Brent P. Parrish (continued)- See Page (7)
dba Tier 1 Roofing
Certified Roofing Contractor
License No. CCC1329059
Case No. CIL-23-00339

Paul Cignarale

K. **OLD BUSINESS** None

L. **NEW BUSINESS**

- Voting for new Chairperson and Vice-Chairperson for 2024.
- Chairman Michael Melton opens floor for nominations for new Chairperson, Christopher Knight recommends Charles Hackbarth for Chairperson. All in favor, motion carries for Charles Hackbarth as 2024 Chairman.
- Chairman Michael Melton opens floor for nominations for new Vice-Chairperson, Charles Hackbarth recommends Michael Melton for Vice-Chairperson. All in favor, motion carries for Michael Melton for as 2024 Chairman.

M. **REPORT FROM THE LICENSING MANAGER**

Shawn Horton, Code Enforcement & Licensing Manager.

- 100 desk Complaints since last meeting, between the three officers
- 8 Citations Issued.
- 600 Phone Calls .
- 90 site visits, and investigations.
- Tom Atkinson is working to assist case investigations with DBPR and Worker Compensation. Including a DBPR sweep of mobile home parks.
- Snipe Sign question present by Charles Hackbarth.
 - Shawn Horton's reply: they are considered trash when located in the ROW (right of way) and can be removed by anyone. The removal of snipe signs falls into the Code Compliance Department which I manage as well, and there is a process in place to remove such signs. All types of signs are removed not just contractor signs on daily basis.
 - We are reviewing the current process for improvement.

N. **REPORT FROM THE BUILDING DEPARTMENT**

Ben Bailey, Community Development Director

- Building Official and Deputy Building Official were not available for the meeting.
- Single family residential permits 356 last month, we are averaging 300 a month for the last year.
- Permit times are improving.
- Lobby hours will be altered back to the original times after the new year. Times and effective date are to be announced at a later date.
- The 8th edition of Florida Building Codes is effective December 31, 2023. Deadline to obtain a permit under the 7th edition of the Florida Building Code is December 29, 2023, in person or online is available on December 30, 2023.
- Charles Hackbarth submits a question to Ben Bailey regarding the Early Start Form, is this document still available. As per Ben Bailey this form is no longer available.
- State of Emergency is still in effect, as well as DBPR declaration to allow general contractors and/or residential contractor to perform re-roofs.
- Robert Elie submits a question on how or where to locate the amendments of the

Florida Building Code for Charlotte County. Ben Bailey's response, there was an email sent to local registered contractors that included a link for the Florida Building Code Website. [Community Development | Charlotte County, FL \(charlottecountyfl.gov\)](https://www.charlottecountyfl.gov/CommunityDevelopment)

- Included in the new 8th edition of the Florida Building Codes relates to updated flood plain codes for unattached accessory structures in the residential compacity. The structure must be less than 600s.f. or they must adhere to the new flood plain building codes. This is due to the research and development by FEMA working in tandem with the International Building Code Counsel.
- Included in the new 8th edition of the Florida Building Codes update to the scrub jay mitigation fees.
- Be mindful of county owned conservation easements and lots. If you are building, you are encouraged to use the Charlotte County GIS mapping system to insure there is no conservation easement. There are several options to select and filter for scrub jay habitat, gopher tortoise habitat as well as conservation easements and lots. [Geographic Information Systems \(GIS\) | Charlotte County, FL \(charlottecountyfl.gov\)](https://www.charlottecountyfl.gov/GeographicInformationSystems)

O. REPORT FROM THE ASSISTANT COUNTY ATTORNEY

Jean Stasio, Assistant County Attorney: None

P. BOARD ATTORNEY COMMENTS

Regina A. Kardash, Stand-In Board Attorney: Thank you for having me today, it was a pleasure to be here.

Q. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

Michael Melton, Chairman

- PSA, general comment- Mobile Home Parks be on alert for unlicensed contractors, and/or contractors that are attempting to construct attached accessory structures, such as carports, lanais, and/or sheds to your mobile home. **Do not let them attach any type of structure to your mobile home without the proper permits and inspections.**

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: Charles Hackbarth motioned to adjourn the hearing. Diane Quilty seconds. Motion was passed unanimously. Michael Melton, Chairman adjourned at 4:28 PM.

CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
MINUTES OF December 7, 2023
READ AND APPROVED on February 1, 2024

Michael Melton, 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.

1 Wilbert Malphus
dba Malphus & Son General Contractors, Inc
Certified General Contractor
License No. CGC013571
Case No. CIL-23-00359

Paul Cignarale

WILBERT MALPHUS: Not Present

- Mr. Malphus was not present to provide testimony 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)(31) - Proceeding on any job without obtaining applicable local building department permits and 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 Wilbert Malphus's permitting privileges and right to work as a contractor in Charlotte County be **suspended**.

It is further ordered 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 and the CILB orders Mr. Malphus to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also ordered that if Mr. Malphus fails to comply, the CILB orders the State Certified General Contractor's License of Mr. Malphus 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.

MOTION TO CLOSE PUBLIC PORTION: Charles Hackbarth made a motion to close public portion of the case. Christopher Knight, seconds motion. No discussions. All in favor, motion carries.

MOTION FOR CILB RECOMMENDATIONS DISCUSSION: Christopher Knight made a motion to find Mr. Malphus in violation of the cited codes and suspend his permitting privileges until Mr. Malphus appears before the board or pulls the proper permit and closes it out with the required inspections. Brian Midolo Seconds motion.

Discussion: Assistant County Attorney Jean Stasio: Request the board notify the DBPR of the discipline. Regina A. Kardash Stand-In, Attorney for the Board recommends that the board amend the motion to include the request from the County Attorney to notify DBPR of the discipline action for violation.

Amended Motion FOR CILB RECOMMENDATIONS DISCUSSION: Christopher Knight amends the motion to suspend Mr. Malphus's permitting privileges and report the discipline action to DBPR. Brian Midolo seconds amendment. All in favor, motion carries.

Appendix P.2: DISCIPLINE CASES

**2 Brent P. Parrish
 dba Tier 1 Roofing
 Certified Roofing Contractor
 License No. CCC1329059
 Case No. CIL-23-00339**

Paul Cignarale

XII. Brent Parrish: Not Present

Mr. Parrish was not present to provide testimony to the Construction Industry Licensing Board. The case has been continued for non-service. Continue notice will be prepared for February 1, 2024, CILB hearing.