

MINUTES

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

February 1, 2024, at 4:00 pm

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

ROLL CALL

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

NOT PRESENT:

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

- D. **OPENING STATEMENT**
Charles Hackbarth, Chairman

E. **NEXT MEETING DATE**
April 4, 2024, at 4:00 pm

F. **APPROVAL OF MINUTES**
MOTION to approve December 7, 2023, minutes: Brian Midolo made motioned to approve minutes from December 7, 2023. Michael Melton seconds. Motion was passed unanimously.

G. **AGENDA CHANGES**
Jean Stasio; Assistant County Attorney: No changes

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	Dustin Roger Anderson	6364	CIL-23-00347	\$1,000	Paul Cignarale

- Robert Elie proposes a question regarding clarification of the ANC fines, Chairman Charles Hackbarth explains the fines process for citations. Board attorney Robert Bertsson, concurs and elaborates on the ANC fines process.

MOTION: Michael Melton motioned to accept fines as stated in the Affidavit of Non-Compliance. Brian Midolo seconds. Motion was passed unanimously.

J. **DISCIPLINE CASES** Motion Upheld: Please See Appendix P.1 on P.5.

1. Frank F Houston (see page 5)
d/b/a CKF Construction Services LLC
Certified General Contractor
License No. CGC1505442
CASE No. CIL-23-00335

Kenneth Garcia

MOTION: Michael Melton made a motion to open and close public portion of the case. Christopher Knight, seconds motion. No discussions. All in favor, motion carries.

K. **OLD BUSINESS** None

L. NEW BUSINESS

Robert Elie- Brief discussion to revisit USLNH - Long Shore Mans Insurance.

- Robert Elie moves that all local registered contractors are to obtain USNLH-Long Shore Mans Insurance in order to obtain a permit on navigable waterways within Charlotte County.
- Discussion: Board Attorney Robert Berntsson and Board Members, this matter has been discussed prior and deemed not appropriate for this board.

M. REPORT FROM THE LICENSING MANAGER

Shawn Horton, Community Development, Code Enforcement & Licensing Manager
During the past couple of months, the department has produced the following.

- 6 citations issued.
- 495 phone calls returned.
- 93 desk meets.
- 8 notices of violations in process for April hearing
- 84 site visits
- Tom Atkinson assisted with (3) workers compensation investigations.

N. REPORT FROM THE BUILDING DEPARTMENT

Shawn McNulty, Community Development, Building Official

- Permitting is strong.
- 315 single family residential permits issued last month.
- Reminder Florida Building Code 8th Edition went into effect December 31, 2023
- The department is diligently watching legislation for any updates that could influence local business licenses for Charlotte County.
- Discussion, question proposed by Charles Hackbarth, Initialing the Job Card (on site permit) Shawn McNulty responded is no longer required.
- Discussion, question proposed by Michael Melton issue Accela with digital signatures and seals for engineering, Shawn McNulty will investigate.
- Charles Hackbarth, Chairman, commended the building department for keeping up with the volume of work since hurricane Ian, and offered a big thank you.
- Robert Elie commended the building department for hiring two building inspectors.
- Diane Quility recommended the "Kudos" application located on the Charlotte County website for future thank you and commendations.

O. REPORT FROM THE ASSISTANT COUNTY ATTORNEY

Jean Stasio, Assistant County Attorney: None

P. BOARD ATTORNEY COMMENTS

Robert Berntsson, Board Attorney: None

- Questions posed to Robert Berntsson, by Brian Midolo regarding the USNLH-Long Shore Mans Insurance, previous summary discussions and who has the authority to change the previous determination that this board is not deemed appropriate to change an ordinance. Attorney to the Board advised it would be the County Commissions that would change and ordinance.
- Discussion by the Board members of the previous meetings and discussion on the topic of USNLH-Long Shore Mans Insurance.

Q. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

None

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 hearing. Diane Quilty seconds. Motion was passed unanimously. Charles Hackbarth, Chairman adjourned at 4:38 PM.

CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
MINUTES OF February 1, 2024
READ AND APPROVED on April 4, 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 P.1 DISCIPLINE CASES

1. Frank F Houston

Kenneth Garcia

d/b/a CKF Construction Services LLC

Certified General Contractor

License No. CGC1505442

CASE No. CIL-23-00335

FRANK F HOUSTON: Not Present

- Mr. Houston was not present to provide 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

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 F Houston's 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 **FRANK F 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 F HOUSTON** fails to comply, the FCILB order the State Certified Building Contractor's License of **FRANK F 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.

MOTION FOR CILB RECOMMENDATIONS DISCUSSION: Joyce Thompson made a motion to approve staff recommendations. Brian Midolo Seconds motion. Motion was passed unanimously.