

**BUILDING BOARD
MEETING
JULY 23, 2019**

MEMBERS PRESENT: Jeffery Masters, Chairman
Charles Brox, Suzy Hackett, Robert Haynes,
Lance Gotfredson, Lisa Kellythorne,
Thomas "TJ" Thornberry

MEMBERS ABSENT: Sean Howard

OTHERS PRESENT: Randy Cole, Chief Building Official
Suz Russell, License & Permit Supervisor
David Jackson, Board Attorney
Catherine Stevens, Joseph Peters,
Rene Diaz, Chris Bonti

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
- August 27, 2019

CITIZENS COMMENTS ON AGENDA ITEMS ONLY

- There were none.

APPROVAL OF MINUTES

- A. June 25, 2019
- Mr. Thornberry MOVED, Ms. Hackett SECONDED approval of the June 25, 2019 minutes.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- City Clerk Karen Smith swore in all participants
- A. Violation - Emery Air Conditioning - Randy Joseph Gibbs, Qualifier
- Ms. Suz Russell, License & Permit Supervisor, announced staff had been unable to serve Mr. Randy Gibbs, requesting a continuance to the August 27, 2019 meeting.
- Ms. Hackett MOVED, Mr. Thornberry SECONDED to continue the violation to the August 27, 2019 meeting. MOTION CARRIED UNANIMOUSLY.
- B. Violation - Bruno Air Conditioning - Anthony C. Gravatte, Qualifier
- Ms. Russell noted the qualifier was not in attendance, then announcing Bruno Air Conditioning had completed work without applying for a permit. She stated Bruno Air Conditioning's staff had indicated they were preparing their paperwork approximately three weeks prior; however, a permit application had not yet been received. She concluded staff recommended suspension of Bruno Air Conditioning's permitting privileges until they appeared before the Board.

- Mr. Thornberry MOVED, Mr. Brox SECONDED to suspend Bruno Air Conditioning's permitting privileges until they appeared before the Board. MOTION CARRIED UNANIMOUSLY.
- C. Complaint - European Painters of Port Charlotte, Inc.
 - Ms. Catherine Stevens, complainant, stated she had entered a contract with European Painters of Port Charlotte, Inc., on June 18, 2018, for her home to be painted. She recounted the difficulties she experienced, as denoted in the agenda materials, beginning with theft of a \$1,000 deposit by Mr. David Saczawa, a former company employee. She stated Mr. Joseph Peters, qualifier, agreed to complete the contracted work for the remaining balance of \$1,875. She then continued by describing her experience with Mr. Peters, detailing extensive delays, poor communication from January 31, 2019, to April 29, 2019, and poor workmanship with regard to the installation and painting of her front door.
 - Mr. Masters confirmed with Ms. Stevens the contract did not set a timeframe for the work to be completed. He inquired as to the nature of Ms. Stevens' complaint.
 - Ms. Stevens responded she was dissatisfied with the aesthetics and functionality of the door.
 - Mr. Masters verified the door was installed using the existing doorjamb. He questioned the timeframe for completion of the work.
 - Ms. Stevens replied approximately ten to eleven months. She then noted Suncoast Credit Union reimbursed her for the stolen \$1,000 deposit, which was then remitted to Mr. Joseph Peters, qualifier, on September 24, 2018.
 - Mr. Thornberry confirmed the painting of her home's exterior was otherwise satisfactory.
 - Mr. Masters questioned how Ms. Stevens wished to proceed.
 - Ms. Stevens replied she requested bids from other contractors for trimming (\$220) and repainting (\$275) the door.
 - Mr. Thornberry inquired as to the Board's authority over this case and whether the Board could address workmanship.
 - Board Attorney David Jackson replied the Board was hearing a complaint, explaining members were tasked with determining whether a violation of Chapter 7 had occurred. He explained the Board was not responsible for facilitating a dispute.
 - Mr. Randy Cole, Chief Building Official, added the Board could address workmanship pursuant to the contract as part of the practice of doing business within the City.
 - Mr. Peters explained work was delayed for several months as the replacement door was special ordered, asserting he installed the door according to standard practice. He stated he appreciated Ms. Stevens' payment of the \$1,000 deposit. He acknowledged the door

had some blemishes; however, all paint jobs had some imperfections. He opined a cost of \$220 to trim the door was excessive.

- Discussion ensued regarding painting and installation of the door, with members confirming Mr. Peters was willing to make corrections.
- Mr. Thornberry stated poor communication with Ms. Stevens did not constitute incompetency.
- Ms. Stevens expressed opposition to allowing Mr. Peters to return to her property to make corrections.
- Members discussed resolution of the complaint, with Mr. Thornberry reiterating the Board's focus was on determining whether a violation of Chapter 7, Punta Gorda Code, occurred and whether action should be taken against the qualifier's permitting privileges.
- Ms. Stevens stated she desired monetary compensation from Mr. Peters, explaining she wished to hire another contractor.
- Mr. Masters explained civil court was the appropriate venue to seek reimbursement from Mr. Peters.
- Mr. Brox confirmed Ms. Stevens desired the Board to address the quality of the door installation and cosmetics.
- Mr. Thornberry questioned if members believed Mr. Peters was in violation of Section 7-13, Punta Gorda Code.
- Mr. Thornberry MOVED, Ms. Hackett SECONDED to dismiss the complaint. MOTION CARRIED UNANIMOUSLY.
- Discussion ensued regarding the list of contractors licensed to do work within the City.

UNFINISHED BUSINESS

- A. Roof X, Inc. - Rene Joseph Diaz, Jr. Qualifier
- Mr. Cole announced the complaint against Roof X, Inc. was continued from the June 25, 2019 meeting, noting staff had no further input on this case.
 - Board Attorney Jackson stated members were determining whether any violations had occurred in addition to the Board's previous finding of violation related to the contractor's failure to obtain a permit prior to commencing work.
 - Mr. Rene Diaz, qualifier, stated Roof X, Inc. had sent a certified letter informing Ms. Renee Smith she was in violation of their contract and requesting an opportunity to complete her roof. He noted she had not replied although the letter had been received. He opined he could have resolved Ms. Smith's concerns if she had reached out to him initially.

- Mr. Chris Bonti, qualifier's attorney, provided an overview of communication between his client and Ms. Smith.
- Mr. Diaz drew attention to correspondence between Ms. Smith and an Investigation Specialist for the Office of the Attorney General, opining Ms. Smith had not accurately depicted the previous Board meeting.
- Mr. Masters opined Mr. Diaz could have avoided this situation had he behaved respectfully and performed his due diligence from the beginning.
- Mr. Diaz explained he had expected staff to notify him of permitting requirements, stating he could not know of the additional paperwork without staff informing him of same.
- Mr. Thornberry agreed statements made in Ms. Smith's correspondence with the Investigation Specialist were inaccurate.
- Mr. Masters opined Mr. Diaz had attempted to rectify the situation.
- Mr. Thornberry expressed hesitance to take further action against Mr. Diaz as he was not provided an opportunity to complete the job.
- Mr. Brox opined the case must be dismissed; however, he believed both Ms. Smith and Mr. Diaz had contributed to their difficulties.
- Mr. Brox MOVED, Ms. Hackett SECONDED to dismiss the complaint against Mr. Rene Diaz. MOTION CARRIED UNANIMOUSLY.

STAFF COMMENTS

- Discussion ensued regarding the responsibilities of homeowners and contractors.
- Board Attorney Jackson suggested members review Chapter 7, Section 7-13(a) of the Punta Gorda Code.
- Ms. Russell agreed to provide same to members.
- Discussion ensued regarding service of notice of violation to qualifiers and the permitting review process.

CITIZENS' COMMENTS

- There were none.

ADJOURNMENT

- Meeting Adjourned: 10:32 a.m.

Jeffery Masters, Chairman

Karen Smith, City Clerk