

**BUILDING BOARD
MEETING
OCTOBER 27, 2020**

MEMBERS PRESENT: Jeffery Masters, Chairman
Ara Aprahamian, Charles Brox,
Lawrence Gotfredson, Lisa Kellythorne,
Wendy Mueller, Thomas "TJ" Thornberry

OTHERS PRESENT: Randy Cole, Chief Building Official
Suz Russell, License & Permit Supervisor
David McCarty, Code Compliance Supervisor
David Jackson, Board Attorney
Coimin McAsey

CALL TO ORDER/ANNOUNCEMENTS

- Mr. Masters called the meeting to order at 9:00 a.m.
- A. Roll Call
- B. Next Scheduled Meeting
- 1. Select Next Scheduled Meeting
- Ms. Suz Russell, License and Permit Supervisor, confirmed the regular meeting date of November 24, 2020, was acceptable.

CITIZEN COMMENTS ON AGENDA ITEMS ONLY

- None.

APPROVAL OF MINUTES

- A. September 22, 2020
- Mr. Brox MOVED, Mr. Thornberry SECONDED approval of the September 22, 2020, minutes. MOTION CARRIED UNANIMOUSLY.

REPORTS

- No items.

NEW BUSINESS

- Recording Secretary Pues swore in all participants.
- A. Certificate of Competency – Coastal Home Construction LLC, Coimín McAsey, Qualifier
- Board Attorney David Jackson confirmed no members had a conflict of interest or had engaged in ex parte communication regarding the case.
- Ms. Russell announced Mr. Coimín McAsey, qualifier, applied for a Certificate of Competency (COC) as a licensed general contractor; however, staff had concerns related to a job which he started without a permit and which also involved an unlicensed subcontractor. She noted Mr. McAsey's business card provided a company

name which was not the company under which he was licensed, adding he was a residential contractor, not a general contractor as his business card denoted.

- Mr. Masters confirmed the qualifier was licensed by the State.
- Mr. David McCarty, Code Compliance Supervisor, reported the unpermitted work was for a sand set paver patio and walkway on the property's rear yard, stating a Code Compliance Officer had requested the contractor stop work and contact the Building Division.
- Mr. Thornberry confirmed a no-charge zoning permit was required.
- Mr. McAsey explained he had not been aware the property was within City limits or that a permit was required, indicating the Charlotte County Building Department had advised him a permit was not required for the paver patio. He then stated he had hired a subcontractor, Mr. Paul Sysak of Pacific Pavers, to construct the patio and lay sod in the rear yard, explaining the sod was not acceptable and was replaced by Maloney's Sod; therefore, he did not pay Mr. Sysak for that portion of the work. He opined same was the reason Mr. Sysak approached the Building Division regarding their work in the City. He concluded there was a separate civil lawsuit.
- Ms. Mueller verified Mr. McAsey had worked in Florida for three years.
- Mr. Thornberry acknowledged the City limits were not clear in certain areas; however, Punta Gorda Isles was well within City limits. He opined there was no ill intent, adding Mr. McAsey had rectified the sod issue.
- Ms. Russell confirmed the hearing this date related to the application for a COC, adding if the Board desired to assign any charges same would be considered at a future meeting. She stated there were no complaints against Mr. McAsey's license with the Florida Department of Business and Professional Regulation (DBPR).
- Mr. Masters inquired if a quadruple fee would be imposed for this job if the COC were approved.
- Ms. Russell replied State-certified contractors did not pay for their COCs; however, the Board could issue a \$300 violation for the COC. She reiterated there was no charge for the zoning permit required for this job. She noted the homeowner had not contacted the Building Division.
- Mr. Brox questioned why Mr. McAsey had not called the City to confirm the property was not within City limits.
- Mr. McAsey pointed out he had assumed he was working in Charlotte County.
- Mr. Thornberry opined the qualifier had not intended to defraud the homeowner or perform substandard work, reiterating the DBPR had no complaints against the qualifier.

- Mr. Masters confirmed if the qualifier's application for a Certificate of Competency were approved, same could be placed on probation.
- Ms. Kellythorne MOVED, Mr. Thornberry SECONDED to approve the COC.
- VOTING AYE: Aprahamian, Gotfredson, Kellythorne, Masters, Mueller, Thornberry.
- VOTING NAY: Brox.
- MOTION CARRIED.
- Mr. Thornberry inquired if staff had a recommendation regarding the assignment of any charges.
- Ms. Russell replied staff recommended the COC be placed on probation, noting she remained concerned the company name on the business card was not the name under which Mr. McAsey was licensed.
- Mr. Thornberry inquired if Mr. McAsey had a registered fictitious name.
- Ms. Russell replied she had not checked the Florida Division of Corporations' records.
- Ms. Mueller inquired as to the effect of probation.
- Ms. Russell explained any complaints received by the Building Division regarding Mr. McAsey would be presented to the Board, at which point the Board could suspend or revoke permitting privileges.
- Mr. Brox inquired as to issuing a fine.
- Board Attorney Jackson explained a contractor who engaged in work prior to obtaining a COC paid an increased application fee of \$300 rather than a fine, stating Mr. McAsey could be charged same when he obtained his COC.
- Discussion ensued regarding whether to consider probation at a future meeting.
- Mr. Thornberry MOVED, Ms. Mueller SECONDED to direct staff to initiate the probation process upon issuance of the COC. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

- No items.

STAFF COMMENTS

- Ms. Russell confirmed members planned to attend the November 24, 2020, meeting.

COMMITTEE/BOARD COMMENTS

- Mr. Brox questioned why the Board could not have placed Mr. McAsey on probation this date.
- Ms. Russell explained the Board could not take action against Mr. McAsey until he was issued a COC.

CITIZENS' COMMENTS

- None.

ADJOURNMENT

- Meeting Adjourned: 9:58 a.m.

Jeffery Masters, Chairman

Leah Pues, Recording Secretary