

**BUILDING BOARD
MEETING
JANUARY 23, 2018**

MEMBERS PRESENT: Sean Howard, Chairman
Charles Brox, Suzy Hackett, Robert Haynes,
Jeffery Masters, Timothy Meyer, Thomas "TJ" Thornberry

OTHERS PRESENT: Randy Cole, Chief Building Official
David Jackson, Board Attorney
Suzy Russell, License & Permit Supervisor
Sandra Blackburn, Robert Mumford, Morgan Randolph,
Roberto Loiacono

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
- Mr. Howard confirmed February 28, 2018 as the next meeting of the Board.

CITIZENS COMMENTS ON AGENDA ITEMS ONLY

- There were none.

APPROVAL OF MINUTES

- A. 11-23-17 Minutes
- Ms. Hackett MOVED, Mr. Thornberry SECONDED approval of the November 23, 2017 minutes. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Recording Secretary Kelly swore in all participants.
- A. Complaint & Violation - Paradise Pavers of SWFL, Robert W. Mumford, Qualifier
- Mr. Randy Cole, Chief Building Official, announced receipt of a complaint from Ms. Sandra Blackburn regarding work completed at her home. He recounted Mr. Robert Mumford, who held the contract with Ms. Blackburn, did not have a Certificate of Competency (COC) to do concrete work and thus had subcontracted Mr. Morgan Randolph to create a box culvert, noting Mr. Mumford had not applied for a permit for this job. He explained Messrs. Mumford and Randolph were asked to make the customer whole, adding he subsequently advised Ms. Blackburn to submit a written complaint.
- Ms. Blackburn attested she contracted Mr. Mumford to pave her driveway, noting same was completed on November 1, 2017. She stated Mr. Randolph had difficulty settling his account with Mr. Mumford; however, all issues had been resolved and she was withdrawing her complaint.

- Mr. Cole asked if Ms. Blackburn had a written contract with Mr. Randolph when the work was done.
- Ms. Blackburn replied in the negative.
- Mr. Cole explained the job was started without a permit for concrete work, pointing out Paradise Pavers were not licensed to do concrete work, and their license did not allow them to subcontract same.
- Mr. Howard confirmed this job was a concrete demolition and reinstall project, opining the issue of concrete work should have arisen when the permit was issued.
- Mr. Cole explained the Building Division relied on contractors to declare concrete work since Staff generally did not view contracts, noting paver work usually did not involve right-of-way (ROW) work.
- Mr. Masters clarified Mr. Randolph was responsible for obtaining a ROW permit.
- Mr. Cole further explained a permit was subsequently pulled for the box culvert, stating the permit defined the work as box overlay/paver overlay in the existing configuration.
- Ms. Blackburn interjected Mr. Randolph was issued a permit on October 23, 2017.
- Mr. Cole clarified the proposal was from March.
- Mr. Howard clarified no permit was pulled to install a box culvert, asking if the permit was pulled after the job was completed.
- Mr. Cole questioned the start date of the job.
- Ms. Blackburn replied October 24, 2017.
- Mr. Masters confirmed Ms. Blackburn did not recall seeing a permit posted at that time. He then reviewed the timeline of the work performed, questioning the circumstances which brought Ms. Blackburn to the City.
- Ms. Blackburn explained Mr. Mumford had not paid Mr. Randolph for his work on the concrete box and paver installation, which led Mr. Randolph to invoice her.
- Mr. Cole spoke at length regarding the many errors made on the parts of Messrs. Mumford and Randolph.
- Mr. Brox asked if the job was started without a permit.
- Mr. Cole expressed uncertainty regarding same.
- Mr. Mumford stated he was contracted by Ms. Blackburn on the date of the original contract; however, the job was not started until she returned from a lengthy trip. He explained he involved Mr. Randolph due to the box culvert, adding he contacted the City as he was aware he could not sub-contract box culvert work. He clarified he hired a licensed contractor in an effort to abide by City Code, specifying he allowed Mr.

Randolph to install the pavers as he was behind schedule due to Hurricane Irma. He apologized for the turn of events, offering to answer questions.

- Mr. Masters asked if a written contract was in place between Messrs. Mumford and Randolph.
- Mr. Mumford replied in the negative.
- Mr. Howard inquired as to Mr. Mumford's licensing.
- Mr. Mumford responded he held a license with Lee County for brick pavers.
- Mr. Howard asserted Mr. Mumford had acted as a contractor operating without a license on this project.
- Mr. Mumford countered he was not attempting to run an illegitimate business, adding all proper insurance policies and licensure was in place.
- Mr. Brox asked Mr. Mumford whether he filed for a permit prior to beginning work.
- Mr. Mumford replied his name was on the permit pulled by Mr. Randolph, explaining he was told he did not need to pull a permit if he was listed under the concrete permit.
- Mr. Cole confirmed if a contractor pulled a permit, other trades could be listed as a sub-contractor. He pointed out State law required a contract to be in place for concrete work.
- Mr. Mumford acknowledged his error in hiring Mr. Randolph.
- Discussion ensued regarding the State's requirements relative to concrete work.

B. Complaint & Violation - Morgan Randolph

- Mr. Randolph explained he experienced difficulty obtaining payment for the work on Ms. Blackburn's property; therefore, he filed a Notice to Owner. He stated he had since been paid.
- Mr. Howard inquired why Mr. Randolph had not disbursed funds to Paradise Pavers since he held the job's permit, maintaining all aspects of the job had been done incorrectly.
- Mr. Randolph opined this type of situation was common throughout the City of Punta Gorda, clarifying a verbal contract was no longer valid.
- Mr. David Jackson, Board Attorney, advised Florida Statutes required a contract in order to obtain a permit; therefore, Mr. Randolph did not have permitting privileges.
- Mr. Howard confirmed Messrs. Mumford and Randolph did not need a probation sentence in order to require a copy of the relevant contract with each permit application.
- Mr. Masters opined neither Mr. Mumford nor Mr. Randolph acted willfully and had done their due diligence.

- Mr. Howard countered this was not the first instance Mr. Randolph had appeared before the Board.
- Mr. Randolph explained his previous case in detail.
- Mr. Brox spoke in favor of probation.
- Mr. Thornberry opined probation was harsh, affirming both qualifiers needed to maintain paperwork better in the future.
- Ms. Hackett agreed no actions were taken with ill intent, opining it was a learning experience for both gentlemen.
- Mr. Cole advised against probation.
- Mr. Howard suggested the City should require submission of a contract for any concrete/paver work.
- Mr. Randolph spoke in favor of same.
- Mr. Thornberry MOVED, Ms. Hackett SECONDED to require Mr. Robert Mumford and Mr. Morgan Randolph to submit a contract with all permit applications. MOTION CARRIED UNANIMOUSLY.
- Mr. Cole stated he would inform the Board if the City implemented such a requirement for all contractors.

C. ERS Construction Request for Reinstatement

- Ms. Suzy Russell, License and Permit Supervisor, announced Mr. Roberto Loiacono requested reinstatement of his Certificate of Competency as he had paid restitution to Mr. Raymond Blashill. She provided a detailed explanation of the events which led to the order for restitution, concluding the homeowner was now satisfied.
- Mr. Masters opined Mr. Loiacono knowingly applied for a permit while his permitting privileges were under suspension.
- Mr. Loiacono stated he incorporated the pool contractor's permit into one contract to allow him to oversee the job. He provided a detailed review of the events which led him to serious financial difficulty, stating he was only recently "in the black."
- Ms. Russell confirmed no complaints had been received for any of the three jobs Mr. Loiacono completed while under suspension.
- Mr. Thornberry asked if Mr. Loiacono was a State registered contractor.
- Mr. Loiacono replied he was registered in Charlotte and Sarasota County with no existing judgments or liens, adding he was Charlotte County's main contractor.
- Mr. Brox pointed out Mr. Loiacono could have filed bankruptcy but did not.
- Mr. Masters MOVED, Mr. Brox SECONDED to determine Mr. Loiacono was eligible for reinstatement of his permitting privileges and to place him on probation for a period of

one year within the City but to refrain from notifying Charlotte County and the Department of Business and Professional Regulation. MOTION CARRIED UNANIMOUSLY.

STAFF COMMENTS

- Mr. Cole announced he was seeking authorization to hire a fourth inspector in the Building Division based on an anticipated increase in building activity throughout the City. He then stated contractors could no longer indicate morning or afternoon preferences for framing and final inspections of new residential construction.

ADJOURNMENT

- Meeting Adjourned: 10:20 a.m.

Sean Howard, Chairman

Mary Kelly, Recording Secretary