

**BUILDING BOARD
MEETING
SEPTEMBER 25, 2018**

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

MEMBERS ABSENT: Lisa Kellythorne, Timothy Meyer

OTHERS PRESENT: Randy Cole, Chief Building Official
Suzy Russell, License & Permit Supervisor
Regina Kardash, Board Attorney
Chuck Peterson, Valmira Betje, Ryan Murphy,
Luis Garza, Jeraldo Garza, Kevin Rhoad,
Fred Bohland

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
 - 1. October 23, 2018

CITIZENS COMMENTS ON AGENDA ITEMS ONLY

- There were none.

APPROVAL OF MINUTES

- A. August 28, 2018
 - Mr. Howard MOVED, Mr. Baxter SECONDED approval of the August 28, 2018, minutes.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- A. Certificate of Competency - Michele Lee Tauscher
 - Ms. Suzy Russell, License & Permit Supervisor, announced receipt of an application for a Certificate of Competency (COC) for Ms. Michele Tauscher, qualifier, explaining same was being presented to the Board for consideration as Ms. Tauscher was on probation with the Department of Business and Professional Regulation.
 - Mr. Masters questioned when the probation commenced.
 - Ms. Russell replied June 29, 2018.
 - Mr. Chuck Peterson, Executive Director of Sun Coast Roofing, reviewed the events leading to Ms. Tauscher's State probation.
 - Mr. Randy Cole, Chief Building Official, confirmed Mr. Peterson was not the qualifier, stating Ms. Tauscher's presence had been requested.

- Discussion ensued regarding the necessity of the qualifier to speak on her own behalf and the details of action against her license, especially as it pertained to her probation.
- Mr. Masters inquired how the Building Division wished to proceed.
- Mr. Cole advised the Board could approve a temporary COC for this particular job.
- Mr. Thornberry commented favorably on approving a temporary COC for one job, questioning if the qualifier could be placed on probation with the City concurrent with the State's probation period.
- Board Attorney Kardash replied same was likely possible; however, she did not recommend placing the qualifier on probation before she provided testimony.
- Ms. Russell requested Ms. Tauscher's presence be required at the October 23, 2018, meeting if a temporary COC was approved.
- Mr. Howard MOVED, Mr. Thornberry SECONDED to approve a temporary COC for Sun Coast Roofing for the 3505 Dipper Court job, to table discussion on the application to the October 23, 2018 meeting, and to require the presence of the license holder at same. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

- A. Complaint Filed Against A.U.E. Const. Grp. LLC - George Thomas Groves II, Qualifier
 - Mr. Cole announced this item had been continued from the Board's July 24, 2018, and August 28, 2018, meetings.
 - Ms. Valmira Betje, complainant, reviewed the issues surrounding the work Mr. Steven Segrue completed in constructing and attempting to repair her lanai, drawing attention to continued leakage. She noted Mr. Segrue had entered the lanai with neither her permission nor her presence.
 - Mr. Howard noted Mr. Cole was present during the home inspector's examination, questioning his findings.
 - Mr. Cole replied no leakage was evident as it had not been raining.
 - Mr. Masters reviewed his observations of the job site, including the presence of extensive mold at the drip edge, a screw missing at the top plate, leakage from the lanai's roof and a puddle from same. He expressed concern water might be receding into the house structure.
 - Discussion ensued with regard to the source and continued presence of leakage, actions taken to remedy same, inspection of the lanai and the Board's authority to take action regarding this complaint.
 - Mr. Ryan Murphy, A.U.E. Construction Group (AUE) representative, questioned the Board's authority to interject into the warranty contract provision.

- Board Attorney Kardash advised Section 7-13, Punta Gorda Code, delineated the Board's authority, briefly reviewing actions which could be taken against state certified contractors.
- Mr. Murphy opined Ms. Betje should pursue civil litigation if she was dissatisfied with the lanai's workmanship. He asserted AUE had performed within industry standards, reiterating Mr. Segrue had attempted to address the leakage on multiple occasions. He contended the lanai's roof no longer leaked.
- Mr. Masters countered he observed continued leakage the previous evening.
- Mr. Murphy opined the current leakage resulted from a pre-existing leak from the home's roof.
- Mr. Brox asserted a competent contractor would have noted if the roof was not adequate.
- Mr. Murphy stated Mr. Segrue's contract did not require investigation of the roof structure prior to the lanai's construction. He noted the home inspector identified certain screws as a source of leakage, explaining same had been caulked.
- Mr. Thornbery MOVED, Mr. Haynes SECONDED to find cause based on the Board's criteria. MOTION CARRIED UNANIMOUSLY.
- Mr. Howard spoke in favor of probation or suspension, noting same typically lasted twelve months; however, the Board had discretion regarding the timeframe.
- Mr. Brox inquired as to the implications of probation.
- Board Attorney Kardash replied Mr. George Groves, qualifier, would be allowed to use his license within the City; however, further complaints would likely to result in suspension. She advised conditions imposed by the Board would have to relate to the harm the Board was attempting to prevent.
- Mr. Thornberry questioned if suspension would only apply to new permits.
- Board Attorney Kardash replied the Board could determine same.
- Mr. Murphy asserted AUE would face significant financial ramifications if their permitting privileges were revoked. He asserted there were no further measures his client could take regarding the lanai, further contending the lanai no longer leaked.
- Mr. Murphy inquired as to the evidence on which the Board based their determination.
- Board Attorney Kardash advised all evidence from each meeting concerning this matter could be used in making a determination. She then stated corrective measures were taken into consideration when imposing a penalty, explaining the Board could take action regarding incompetency, misconduct or negligence which occurred at any time while performing under their permit.

- Mr. Murphy requested the Board consider the extensive measures Mr. Segrue had taken.
- Mr. Howard expressed hesitance to suspend Mr. Grove's permitting privileges; however, an evaluation of the job by an engineer could be required if suspension were imposed and appealed.
- Board Attorney Kardash advised requirement of a report from an engineer could be made a condition for relief of suspension, not appeal. She noted appeals were made to the Circuit Court.
- Mr. Howard MOVED, Mr. Brox SECONDED to place Mr. George Groves' COC on probation for 12 months. MOTION CARRIED UNANIMOUSLY.

B. Violations - Casas del Sol

- Mr. Cole announced Casas del Sol was reappearing in relation to previous charges, as delineated in the July 24, 2018, and August 28, 2018 minutes of the Board, displaying photographs of the site as of this date.
- Mr. Howard questioned the period of time granted to complete exterior work.
- Mr. Masters replied approximately 15 days.
- Mr. Luis Garza, Casas del Sol, reviewed action taken since the August 28, 2018, meeting as follows: paver repairs and other adjustments, final grade, irrigation system installation. He advised installation of curbing, landscaping and sod would be completed prior to the deadline.
- Mr. Cole inquired as to progress on the job at Macedonia Drive.
- Mr. Jeraldo Garza, Casas del Sol, reviewed same.
- Discussion ensued with regard to the number and status of jobs held by Casas del Sol under Charlotte County's jurisdiction.

Note: Mr. Brox left the meeting at 10:36 a.m.

- Mr. Masters requested clarification as to why Mr. Cole had asked about Casas del Sol's jobs in Charlotte County.
- Mr. Cole stated he wished to assess whether Casas del Sol had the resources to complete the job.
- Mr. L. Garza asserted they did.
- Mr. Howard inquired as to the lack of activity for weeks following the August 28, 2018, meeting.
- Mr. L. Garza replied amendment of the contract and lead times accounted for same.
- Mr. Kevin Rhoad, homeowner, stated he was anxious for the home's completion, explaining the contract's amendment specified a timeline for the remaining tasks.
- Mr. Howard questioned if Casas del Sol had failed to keep deadlines previously

- Mr. Rhoad replied the home was supposed to be completed in February 2017.
- Mr. Masters questioned if any inspections had been completed since the August 28, 2018, meeting.
- Mr. Cole replied none were yet necessary.
- Mr. Howard questioned if Mr. Rhoad believed he had delayed the job at any point.
- Mr. Rhoad replied not in the last year, noting most of the changes were requested right after the contract was initially signed in March 2016.
- Mr. Howard confirmed the homeowner was amenable to extending the permit to November 15, 2018.
- Mr. Howard MOVED, Ms. Baxter SECONDED to amend the extension of the permit to November 15, 2018. MOTION CARRIED UNANIMOUSLY.

CITIZENS' COMMENTS

- Mr. Fred Bohland commented Casas del Sol did not complete work in a timely manner.
- Mr. Howard advised complaints for construction work under Charlotte County's jurisdiction could be filed with the County.

ADJOURNMENT

- Meeting Adjourned: 10:53 a.m.

Jeffrey Masters, Chairman

Sara Welch, Recording Secretary