

**BUILDING BOARD
MEETING
JUNE 25, 2019**

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

OTHERS PRESENT: Board Attorney David Jackson
Randy Cole, Chief Building Official
Suz Russell, License & Permit Supervisor
Renee Smith, Chris Bonti, Rene Diaz,
Dakota Frady

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
- July 23, 2019

CITIZENS COMMENTS ON AGENDA ITEMS ONLY

- There were none.

APPROVAL OF MINUTES

- A. May 28, 2019
- Mr. Howard MOVED, Ms. Kellythorne SECONDED approval of the May 28, 2019, minutes.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- A. Violation & Complaint - Roof X, Inc. - Rene Joseph Diaz, Jr. - Qualifier
- Recording Secretary Pues swore in all participants.
- Mr. Randy Cole, Chief Building Official, announced Mr. Christopher Smith and Ms. Renee Smith of 451 West Marion Avenue filed a complaint against Roof X on May 22, 2019. He explained staff discovered a permit had not been pulled for roofing work at the named address, noting to date no permit had been issued. He stated the Board was requested to act as an investigative body and to hear from the complainant and the respondent regarding the complaint, adding if there was a finding of fact, charges would be scheduled to be heard at the next regularly scheduled Building Board meeting.
- Ms. Suz Russell, License & Permit Supervisor, announced Mr. Rene Diaz had applied for a permit late in the day on April 17, 2019, confirming any work done prior to April 18, 2019 was done without a permit and without the contractor being registered. She stated the permit had not yet been issued because the contractor had not yet satisfied zoning requirements.

- Mr. David McCarty, Code Enforcement Supervisor, stated the property was a contributing structure to the National Register Historic District; therefore, the work required a Certificate of Appropriateness (CA). He stated he emailed a CA application to Mr. Rene Diaz on May 23, 2019; however, same had not yet been returned. He explained the building permit application package was not sufficient for staff to determine whether the materials used met the requirements for a CA.
- Mr. Cole reiterated the complaint submitted by staff was that the work was undertaken without a permit being issued prior to the commencement of work.
- Ms. Smith provided a brief history of her experience with Roof X, noting their representative had reassured the family they had the skills to do the work. She stated a deposit was paid at the end of February 2019, adding on April 16, 2019 workers showed up unexpectedly and began tearing off the roof. She explained it was difficult to communicate with the workers, recounting at length the poor performance of the company, including a lack of notice prior to work commencement as well as failure to arrange for a dumpster, obtain a permit, acquire all necessary materials and complete the job. She concluded the contractor was verbally abusive toward her.
- Mr. Howard confirmed Ms. Smith had terminated the contract with Roof X on April 22, 2019.
- Mr. David Jackson, Board Attorney, explained the Board was being asked to decide on Mr. Diaz's guilt in commencing work without a permit in addition to determining if additional charges should be filed related to Ms. Smith's complaint.
- Mr. Chris Bonti, qualifier's attorney, requested the Board take into consideration roofing was Mr. Diaz's livelihood, asserting much of Mr. Cole's testimony was not true. He stated Mr. Cole accepted and signed the permit application on April 18, 2019.
- Mr. Cole clarified his signature had approved the Building Division's portion of the permitting process; however, the permit was then sent for the Zoning Division's review.
- Mr. Diaz testified as to his roofing experience. He confirmed he was aware the house was in the historic district, but he was unaware permitting would be impacted. He stated he discussed the permitting process with Mr. Cole. He agreed he had not purchased enough material to complete the job; however, he could have ordered additional shingles. He stated work sometimes commenced without picking up a permit in order to finish the work quickly. He provided an overview of how work had proceeded on the job, concluding he had tried to work with Ms. Smith.
- Mr. Howard verified payment for the original shingle order was not required until the end of this week, noting the additional shingles were being held. He then questioned why Mr. Diaz had not finished the permitting process.

- Mr. Diaz responded he had not been contacted regarding the need for a CA; therefore, he thought the permit had been approved.
- Mr. Howard questioned why Mr. Diaz did not submit the CA.
- Mr. Diaz replied the property owner's signature was needed. He expressed a desire to finish the job.
- Mr. Howard questioned if Mr. Diaz had received the engineer's report included in the agenda material.
- Mr. Diaz replied affirmatively, contending the work depicted was unfinished and should not be judged as a final product. He requested a permit be issued to complete the job.
- Mr. Brox opined Mr. Diaz should have visited Ms. Smith when she informed he was fired.
- Mr. Diaz replied Ms. Smith had filed a police report and stated he was not allowed to enter the property.
- Mr. Thornberry MOVED, Ms. Kellythorne SECONDED to make a finding of fact the contractor had commenced work without a permit.
- Mr. Cole pointed out he was unaware the contractor was having issues with obtaining the homeowner's signature.
- Mr. Diaz questioned why a month had elapsed before he was contacted regarding the need for a CA, pointing out no other municipality required plan review for a reroof.
- Mr. Thornberry stated the contractor was responsible for ensuring the municipality's requirements were met.
- MOTION CARRIED UNANIMOUSLY.
- Mr. Diaz inquired why he had not been fined for failure to obtain a permit instead of presenting this violation to the Board.
- Mr. Cole replied a fine would have been imposed when the permit was issued.
- Board Attorney Jackson stated Punta Gorda Code provided for such violations to be presented to the Board as well.
- Mr. Masters verified Ms. Smith had completed CA applications for other work completed at her property. He then inquired as to the location of the shingles which had not yet been installed.
- Mr. Diaz replied the supplier had the shingles.
- Mr. Howard questioned if Ms. Smith was willing to work with the contractor.
- Ms. Smith replied in the negative, opining the roof could not be saved.
- Discussion ensued regarding Ms. Smith's options to obtain a permit for the reroof.
- Mr. Cole requested the company be put on probation for a period of one year, explaining the Board's action would be forwarded to Charlotte County and the State Department of Business and Professional Regulation.

- Mr. Dakota Frady stated he worked for Roof X, reading a message from Ms. Smith which stated the roof was beautiful.
- Mr. Howard confirmed Mr. Frady had not reviewed the engineering report.
- Mr. Diaz opined an engineer was only necessary when an inspection was missed, asserting the engineer who completed the report for Ms. Smith did not have roofing experience.

Note: Mr. Haynes left at 10:38 a.m.

- Mr. Howard questioned whether the work depicted in the engineer's report was indicative of Roof X's work.
- Mr. Diaz replied in the negative, opining he would address issues cited in the report if he was provided such an opportunity.
- Mr. Howard MOVED, Ms. Hackett SECONDED to find Roof X had commenced work without a permit; to find Mr. Diaz guilty on Charge 1 and to place the contractor on probation for six months.
- Mr. Thornberry expressed unease regarding the contractor's inability to obtain a permit.
- MOTION CARRIED UNANIMOUSLY.
- A lengthy discussion ensued regarding whether sufficient information had been presented to bring additional charges related to Ms. Smith's complaint.
- Mr. Thornberry suggested Mr. Diaz needed to address the engineer's report in addition to his sworn testimony.
- Mr. Howard opined 7.13(d)2 was the only Code Section which could be further investigated with regard to bringing charges, noting same was related to negligence, incompetency or misconduct in carrying on the business of contracting. He pointed out the contractor had not abandoned the job; therefore, if the Board were to proceed it would be necessary to see further documentation for those charges. He recommended the best path forward would be for Roof X to correct the issues denoted in the engineer's report, concluding the most important thing was for Ms. Smith to be satisfied with the roof.
- Mr. Cole questioned if Ms. Smith would allow Mr. Diaz to complete the job under the Board's supervision.
- Ms. Smith replied in the negative.
- Ms. Hackett requested Ms. Smith allow Mr. Diaz to complete the roof under the City's supervision, stating he would be held accountable by the Board.
- Ms. Smith expressed opposition to allowing Roof X to complete the job, asserting the roof was not fixable; however, she requested more time to consider the matter.
- Mr. Cole agreed, noting the Board could continue the matter.

- Ms. Kellythorne and Messrs. Masters, Thornberry and Howard expressed hesitance to move forward with additional charges prior allowing the contractor an opportunity to complete the roof.
- Mr. Bonti concurred with the Board, stating Mr. Diaz wished to avoid legal proceedings.
- Mr. Howard recommended Ms. Smith be allowed time to consider her options, speaking in favor of continuing this item to the July 23, 2019 meeting.
- Mr. Cole agreed to communicate with the Board regarding the homeowner's decision. He confirmed the Board did not wish to continue issuance of the order in relation to working without a permit.
- Mr. Howard reiterated the Board's main concern was Ms. Smith's satisfaction with the roof.
- Ms. Smith questioned if Mr. Diaz would face any repercussions if she did not allow him to finish the job.
- Mr. Howard clarified civil court might be the appropriate venue for the repercussions Ms. Smith desired.
- Ms. Smith stated she would consider her options.
- Board Attorney Jackson suggested the Board continue investigation of the complaint to the July 23, 2019 meeting.
- Mr. Diaz opined no determination could be made as the roof was unfinished.
- Mr. Thornberry MOVED, Ms. Hackett SECONDED to continue investigation of Ms. Smith's complaint to the July 23, 2019 meeting.
- Mr. Diaz questioned what action he could take at this time.
- Mr. Howard replied Mr. Diaz could provide a written explanation regarding how he planned to resolve all of the concerns noted in the engineer's report, requesting any further documentation be provided for the next meeting, including emails.
- Mr. Thornberry suggested someone other than Mr. Diaz communicate with Ms. Smith.
- Mr. Diaz replied he would ask his father to work with Ms. Smith.
- MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

- Meeting Adjourned: 11:23 a.m.

Jeffery Masters, Chairman

Leah Pues, Recording Secretary