



1015 Cultural Park Blvd.  
Cape Coral, FL

## **AGENDA**

### **CAPE CORAL CONSTRUCTION REGULATION BOARD**

<b>January 25, 2017</b>	<b>6:00 PM</b>	<b>Council Chambers</b>
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**1. Meeting Called to Order**

A. Chair Colley

**2. Roll Call**

A. Burgos, Classon, Colley, Herzing, Moomjian, Phillips, Raso, Rist, Sinclair, and Slosar

**3. Review of License Applications as presented for approval or rejection**

**4. Approval of Minutes**

- A. July 27, 2016 meeting minutes
- B. September 28, 2016 meeting minutes
- C. November 15, 2016 meeting minutes

**5. Comments from the Public**

**6. New Business**

- A. Election of Chair and Vice Chair
- B. 2017 Meeting Dates
- C. Disciplinary Action - Cristian Ramirez, HVAC Quality Solutions CAC1817482 and AJ Cooling and Heating CAC1817973
- D. Disciplinary Action - Gary Capristo, Capristo Construction CGC058875
- E. Disciplinary Action - Charles Coyne, Airmark Air Conditioning, CAC043847

- F. Disciplinary Action - Richard Levinson, Service America Enterprise  
CAC014619

**7. Old Business**

- A. Nelica Krekic of Nella K LLC - required appearance per probationary license

**8. Comments from Assistant City Attorney**

**9. Comments from Attorney for the Board**

**10. Date and Time of Next Meeting**

- A. Wednesday, March 22, 2017, 6:00 p.m. in Council Chambers

**11. Adjournment**

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

**Item Number: 4.A.**  
**Meeting Date: 1/25/2017**  
**Item Type: Approval of Minutes**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

July 27, 2016 meeting minutes

**SUMMARY:**

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ July 27, 2016 meeting minutes	Backup Material







**Item Number: 4.B.**  
**Meeting Date: 1/25/2017**  
**Item Type: Approval of Minutes**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

September 28, 2016 meeting minutes

**SUMMARY:**

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

Description	Type
□ September 28, 2016 meeting minutes	Backup Material

**MINUTES OF THE CAPE CORAL  
CONSTRUCTION REGULATION BOARD MEETING**

**WEDNESDAY, SEPTEMBER 28, 2016**

**Council Chambers**

**6:00 p.m.**

Meeting called to order by Vice Chair Sinclair at 6:00 p.m.

Roll Call: Classon, Moomjian, Rist, Sinclair, and Slosar were present. Colley and Raso were excused. Prell was absent.

Also Present: Bill Buztrey, Assistant City Attorney  
Hal Eskin, Attorney for the Board  
Paul Gates, Code Compliance Officer  
Jim Litterello, Code Compliance Officer  
Mari Pena, Licensing Customer Service Representative III

**REVIEW OF LICENSE APPLICATIONS SUBMITTED/APPROVAL OR REJECTION**

***Board Member Classon moved, seconded by Board Member Moomjian, to approve the following license application as presented:***

Freeman Lauren Distinctive Tile & Marble of SWFL Inc. Tile and marble

***Board polled as follows: Classon, Moomjian, Rist, Sinclair, and Slosar voted "aye." Five "ayes." Motion carried.***

Board Members stated they had questions for the following applicants:

Wade Helm	On Track Doors Inc.	Garage Doors
Crandall R.	Null	
	Creative Masonry Services Inc.	Masonry
Daniel Hill	Pool Screens Inc. DBA Platinum Exterior Services	Aluminum Non Structural
Joseph L.	Schoonover	Repair Specialists of All Hurricane Shutters Inc.
		Hurricane Protection
Ariel Amendola	Sanchez & Sanchez Services LLC	Painting
Elizeth Lopes	Tile Tech and Paver LLC	Tile & Marble
Rick Endsley	Cape Cabinets LLC	Cabinet and Millwork



**Wade Helm**

Mr. Helm was present and sworn in.

Board Member Slosar questioned Mr. Helm's workers comp for his employees. Mr. Helm stated he was workers comp exempt, but all of his eight employees were covered under workers comp. Board Member Slosar stated she requested that he show proof of this when he picks up his license. She asked CSR III Pena to verify this. CSR III Pena responded in the affirmative.

***Board Member Slosar moved, seconded by Board Member Classon, to approve the license for Wade Helm as long as he provides the proper documentation for workers comp.***

***Board polled as follows: Classon, Moomjian, Rist, Sinclair, and Slosar voted "aye." Five "ayes." Motion carried.***

**Crandall R. Null**

Mr. Null was present and sworn in.

Board Member Rist asked if he gave up a license. Mr. Null stated he had another business, Creative Masonry. Currently he was in the process of changing to Creative Masonry Services Inc. He explained he was the sole proprietor for 15 years. He had a license in the City of Cape Coral and Lee County.

Board Member Slosar questioned Mr. Null's workers comp for his employees. Mr. Null stated he just received an exemption and had no employees. He stated he did very small jobs, sometimes only working two days a week. Board Member Slosar stated she requested that he show proof of this when he picks up his license.

***Board Member Moomjian moved, seconded by Board Member Rist, to approve the license for Crandall R. Null as long as he provides the proper documentation for workers comp.***

***Board polled as follows: Classon, Moomjian, Rist, Sinclair, and Slosar voted "aye." Five "ayes." Motion carried.***

**Daniel Hill**

Mr. Hill was present and sworn in.

Board Member Slosar questioned Mr. Hill's workers comp and if he had any employees. Mr. Hill stated he had one employee. Board Member Slosar stated coverage for workers comp did not show up. Mr. Hill stated he did not have workers comp yet since this was a new company, and he currently had workers comp exemption.

Board Member Rist stated he needed workers comp even with only one employee. Mr. Hill stated he was waiting to get his license so that he could move forward. He stated he

was approved by Southeast Leasing Company, and he will get workers comp once he gets his license. Board Member Rist questioned if he would be using a leasing company for his payroll. Mr. Hill responded in the affirmative.

Board Member Slosar asked under what name he would be advertising his business. Mr. Hill stated his business was incorporated under Pool Screens Inc. His fictitious name is Platinum Exterior Services. Board Member Slosar stated he could only do business under one name. Mr. Hill stated the license would be under Platinum Exterior Services, and Pool Screens Inc. would be his incorporated name. Board Member Slosar stated it should be amended when he picks up his license.

Board Member Rist inquired as to his problems with the IRS and asked what he was doing to prevent future problems. Mr. Hill stated he arranged a payment plan with the IRS in 2010. He stated he supplied documentation and proof of payment that he has been doing so for the past seven years. He stated the Statute of Limitations is kicking in within the next 12 months, and all debt will be expunged.

***Board Member Slosar moved, seconded by Board Member Moomjian, to approve the license for Daniel Hill provided he show proof of workers comp and the workers comp exemption.***

***Board polled as follows: Classon, Moomjian, Rist, Sinclair, and Slosar voted "aye." Five "ayes." Motion carried.***

**Joseph L. Schoonover**

Mr. Schoonover was present and sworn in.

Board Member Slosar questioned Mr. Schoonover's workers comp and if he had any employees. Mr. Schoonover stated he was workers comp exempt and had no employees.

Board Member Rist announced that he has known Mr. Schoonover close to 20 years.

***Board Member Slosar moved, seconded by Board Member Classon, to approve the license for Joseph L. Schoonover.***

Discussion held regarding whether Board Member Rist needed to abstain; he did not have to abstain since he did not have a financial interest.

***Board polled as follows: Classon, Moomjian, Rist, Sinclair, and Slosar voted "aye." Five "ayes." Motion carried.***

**Ariel Amendola**

Mr. Amendola was present and sworn in.

Board Member Slosar questioned if he was an employee of Sanchez & Sanchez. Mr. Amendola stated not yet.

Discussion held regarding a stop work order under the name of Falcon Painting and Pressure Cleaning Inc. in Collier County.

Board Member Rist asked him if he was a principal in this company. Mr. Amendola replied no. Board Member Rist asked him to explain his relationship with the company. Mr. Amendola stated Sanchez & Sanchez just opened an office to start their business, and he was qualifying them. He stated he got a license for Falcon four months ago. Board Member Rist asked him if he was qualifying Falcon in some places. Mr. Amendola stated in Lee County and Cape Coral.

Discussion held regarding reciprocity between Lee and Collier Counties.

Board Member Slosar asked what his involvement was in running the business. Mr. Amendola stated it would be basic input and supervision.

Board Member Moomjian asked him if he understood he would be financially responsible for the whole business. Mr. Amendola stated he understood.

Board Member Sinclair stated there could be an agreement of financial responsibility which should be kept on file.

Board Member Rist asked how long he was involved with him. Mr. Amendola stated 4-5 months. Board Member Rist asked him to confirm that he would be totally responsible. Mr. Amendola responded in the affirmative.

Board Member Classon stated there is also a clause that could be written in your contract that all contracts will be reviewed and approved by you. She stated if he had someone else approve it or take a deposit and not do the job, it would be unfortunate for the customer but it would be protection for him. Mr. Amendola acknowledged that. Board Member Classon stated as the license holder he had the ability to exclude himself financially or include himself on all contracts. Mr. Amendola acknowledged that.

Board Member Moomjian asked who the contractor was that he worked for. Mr. Amendola stated it was D.R. Horton. Board Member Moomjian asked if he had workers comp in place currently. Mr. Amendola replied in the affirmative.

Discussion held regarding a stop work order pertaining to workers comp.

Board Member Rist asked why he didn't qualify for Falcon Painting. Mr. Amendola stated he did; he got that license in Cape Coral. Board Member Rist asked what the difference was between Falcon Painting and Sanchez & Sanchez. Mr. Amendola stated they were two different companies. Board Member Rist asked if they did the same business. Mr. Amendola stated yes - painting. Board Member Rist asked why he was working with D.R. Horton in Collier County under Falcon Painting and he was working for D.R. Horton in Cape Coral under Sanchez & Sanchez. Mr. Amendola stated it was under Falcon

Painting. Sanchez & Sanchez just opened their offices and was starting their company. Board Member Rist asked for confirmation that he was qualifying for two different companies. Mr. Amendola responded in the affirmative.

Discussion held regarding why Mr. Amendola did not know about the stop work order.

Assistant City Attorney Buztrey stated he could only qualify two companies; he assumed he has met his limit.

Board Member Moomjian stated he had difficulty approving this.

Board Member Rist stated he would be willing to revisit this if Mr. Amendola did a little bit of homework on what he needs to do.

Board Member Slosar questioned if Sanchez & Sanchez was paying him for qualifying the company. Mr. Amendola stated he was just an employee; he has a base salary. He stated he needed to be on the payroll in order to qualify them.

Board Member Rist asked if he worked for them. Mr. Amendola stated he did not do physical work for them.

Board Member Slosar asked if he was on the job site. Mr. Amendola stated he was and did supervision.

Board Member Rist asked if he was getting paid by two companies. Mr. Amendola responded in the affirmative.

Board Member Sinclair asked if it was two different owners. Mr. Amendola stated everything was different.

Discussion held that he was not employed by D.R. Horton.

Discussion held regarding a list of addresses where he checks on jobs.

Board Member Slosar explained where we were going with this that he was not selling his license. Mr. Amendola confirmed that he would be there day to day supervising and making sure everything was done right.

Board Member Rist asked for him to get more data and come back at the next meeting.

Board Member Moomjian stated mainly the Board would like to speak to the principals of the company.

***Board Member Moomjian moved, seconded by Board Member Slosar to table the license for Ariel Amendola until the next meeting in November with conditions: principals of company for Sanchez & Sanchez to be present; provide***

***insurance for workers comp and provide the paperwork for Falcon from Collier County.***

***Board polled as follows: Classon, Moomjian, Rist, Sinclair, and Slosar voted "aye." Five "ayes." Motion carried.***

**Elizeth Lopes**

Ms. Lopes was present and sworn in.

Board Member Slosar questioned Ms. Lopes' workers comp and if she had any employees. Ms. Lopes stated she had a workers comp policy with Retail Summit Inc. She stated she did not bring the policy when she applied. She stated she had three employees.

Discussion held regarding her just doing tile and not pavers.

Board Member Classon asked her if she had a current paver license in Lee County. Ms. Lopes responded in the affirmative.

Discussion held regarding not dictating the name of her company; not applying for paver license.

***Board Member Slosar moved, seconded by Board Member Classon to approve the license for Elizeth Lopes with proof of workers comp for her employees.***

***Board polled as follows: Classon, Moomjian, Rist, Sinclair, and Slosar voted "aye." Five "ayes." Motion carried.***

**Rick Endsley**

Mr. Endsley was present and sworn in.

Board Member Slosar questioned what type of work Mr. Endsley would be doing. Mr. Endsley stated he would be doing kitchen cabinets. Board Member Slosar asked if he would be working for another company. Mr. Endsley stated he was trying to do this by himself. Board Member Slosar asked if he had workers comp and any employees. Mr. Endsley stated he did not have it yet until he gets his license. Board Member Slosar stated he needed workers comp in order to get the license.

Discussion held regarding him showing proof of workers comp when he goes to get his license.

Code Compliance Officer Gates was present and sworn in.

Code Compliance Officer Gates stated Mr. Endsley has been caught twice in the past for unlicensed contracting, and both times he was adjudicated in court. As of today Mr.

Endsley still owes \$687.50 on one citation, and \$162.50 on the other. He suggested that he get a probationary license until his court fines are paid. City Ordinance states you cannot have any civil infractions or they must be paid in a timely manner. These fines are from 2009 and 2011.

Board Member Moomjian questioned why not approve the license with the condition that he brings in insurance and paid receipts for these violations. Officer Gates stated it would be up to the Board.

Discussion held regarding Mr. Endsley bringing in paper work showing he paid the citations and has insurance in place.

***Board Member Sinclair moved, seconded by Board Member Rist to approve the license for Rick Endsley provided that all fines are paid and all insurance is in place.***

***Board polled as follows: Classon, Moomjian, Rist, Sinclair, and Slosar voted "aye." Five "ayes." Motion carried.***

#### COMMENTS FROM THE PUBLIC

None.

#### NEW BUSINESS

Disciplinary Action – John Teague – Anointed Air – CAC 1815111

Officer Gates stated there was a disciplinary action for John Teague. He stated two witnesses were present who wished to speak about the issue.

Discussion held regarding how the Board could hear the issues but could not take any action.

Attorney for the Board Eskin questioned how useful testimony tonight would be.

Board Member Classon agreed to hearing the testimony since most likely there would be a quorum at the next meeting.

Officer Gates noted that the State records currently show Mr. Teague's license is active but delinquent. He is not current with his CEU's; he was fined by the CILB for \$3600 and \$253. He stated he was not current with the State. The City has him restricted from permitting privileges. He explained what staff wanted to request tonight but can't be done because of not having a quorum. It was to put a total suspension on his license until he takes care of his issues with the State, pays his fines, and then request a revisit in the future. Currently, Mr. Teague cannot pull a permit. There are nine expired permits that he cannot take care of because his State license is not current. He stated he filed a complaint with the DBPR two weeks ago; evidence and reporting was over 40 pages long.

He stated Officer Litterello recently got a phone call from the Okeechobee subject that got taken for \$15,000.

Code Compliance Officer Litterello was present and sworn in.

Code Compliance Officer Litterello provided additional information on who the victim was who had \$15,000 taken to do something Mr. Teague was not permitted to do. He was dealing with one of the parties present who wanted to testify. He stated he did not think testimony would have a lot of bearing but wanted it placed on the record because his license is technically on hold with the State and until he resolves those issues, he will not get his license. He has not paid any of the citations and has not done any of the mandatory court appearance dates. The first warning took 14 months, and when he was threatened with a \$1,000 citation, that is when he finally came in and we made it a warning to get that permit. He stated this has been an ongoing issue with Mr. Teague, and he would like for the witnesses present to explain their issues with Mr. Teague.

***Consensus from the Board wanted the presentation from Officer Gates.***

Officer Gates presented the case against Mr. John Teague, Anointed Air, CAC 1815111. The City has had numerous complaints over the last two years, and complaints have escalated to include working outside the scope of his license, not getting permits, causing consumer harm, and taking money for work not done. He proceeded to explain the details. He stated he was going to request that his license be suspended until he has complied with all fines paid and upon compliance, we will revisit and determine if a permit revocation of permitting privileges is warranted.

Attorney for the Board Eskin stated there can be no motions on this since there is no quorum. The Board was only taking in the information at this point.

Holly and Brian McPhall were present and sworn in.

Holly McPhall discussed what the issue was with her air conditioner starting with July 4<sup>th</sup>. It was not blowing cold; the outside condenser unit was not running. They had a service agreement with John Teague and called him. He came out that evening and ran some tests on the condenser unit. He stated it was not an electrical issue, but rather hardware. The compressor needed to be replaced. He realized he could get the compressor changed out under the warranty, and there would be no cost for the compressor. The warranty did not cover the labor and coolant charges. He charged them about \$1600. She stated he would be back the next day and would get everything changed out. She received multiple phone calls from him throughout the day to update her. He had gotten the new part and was on his way to her house. She stated this whole communication was what he was allegedly doing. In the afternoon she was told that everything was finished; she paid him because she believed that he did what he was supposed to do; and the a/c was running. Later that evening, her husband looked at the unit and saw that absolutely nothing was done. The compressor was not replaced at all. A few days later she called the distribution center to confirm the serial number; they had not seen John Teague at all,

and nothing was done under the warranty at all. Essentially, he took all their money and did not do anything. She filed a police report. Sgt. Gleason investigated, and he told her he would not move forward criminally. She thought it was clear that this was criminal fraud and theft. She stated Sgt. Gleason directed them to the civil courts to file a lawsuit. She stated John Teague doesn't have any money to satisfy any judgment against him. Brian McPhall stated Sgt. Gleason emailed him and at that point he got more involved with the issue.

Board Member Rist asked if they eventually had to get a new compressor. Mrs. McPhall stated no.

Mr. McPhall stated John Teague stated he was going to put in a hot start. He stated what probably happened when he opened it up, there was probably some animal in there that shorted out the wires; he just replaced that, popped it on, it was working, and he was out.

Board Member Sinclair stated to him it sounded like it was low on freon. He asked if it was stilling running good right now. The McPhalls responded in the affirmative.

Mrs. McPhall stated they had an ongoing relationship and a service contract with Mr. Teague; it seemed that it would probably be better if they did not have one. She pointed out that there was the intent that needed to be proven that it was criminal, not easy to do.

Board Member Rist stated they had a relationship with him and they were okay with him. Mrs. McPhall stated it was okay for about a year. Mr. McPhall stated they could not confirm prices since they never got second opinions. Mrs. McPhall stated he was probably overcharging us the whole time. Mr. McPhall stated every job Mr. Teague did was inside the home where he could be physically watched; this was the first time he was outside the home. She added that he installed a whole house surge protector which was outside the scope of his work.

Officer Litterello stated Mr. Teague was here earlier and left. He added the two couples tonight were not the only victims.

Mrs. McPhall stated Mr. Teague has mentioned countless times that he would pay them back, but essentially he defrauded them. She received a call last week from him about his business partner stealing \$45,000 from him, and he could have paid everyone off by now. She doubted that he had a partner. He asked her to tell DBPR if they called her that he was in contact with her and would pay her back, just working out the details. He would still like to continue a business relationship with them once this is all over.

Officer Litterello stated he had no business partner; the person that was working with him is incarcerated.

Board Member Rist stated the board will try to get a quorum together for the next meeting and take whatever action can be done.



Mrs. McPhall stated it was important to get her story out. Maybe there will be some background information for the board in the next two months. She would be happy to come to a future meeting and tell her story again.

Board Member Sinclair asked Officer Gates if this could have been done sooner.

Officer Gates stated it was within the last two years and it escalated exponentially in the last year. He stated Mr. Teague had some medical issues but it could not be proven. He stated Mr. Teague's license was active delinquent. He stated technically he could still work and it would be up to the local jurisdictions to decide on whether or not they want his license to be current.

Board Member Slosar stated he is not supposed to be working.

Officer Litterello stated in his last discussion with Mr. Teague, Mr. Teague stated that the City of Cape Coral was the only place he has a problem.

Officer Gates commented about the communication they have had with Mr. Teague and how he had every intention of just skipping town and going to live with his mother in Georgia.

Mark Shamrock Sr. and Mary Lou Shamrock were present and sworn in.

Mr. Shamrock stated he has been in the City since 1996 and started using Mr. Teague around 1998-2000. He could not prove his bad business that probably went on for 16 years but noticed there was no permit fee listed on one of the receipts. He stated they had a problem with their well system, and Mr. Teague stated he needed a tank. He discussed an issue they had with him where he provided used equipment which was verified by another plumber he had to call. He stated how he got money from Mr. Teague and how the \$500 check he wrote on Sunday bounced on Wednesday and how it happened over and over again. He stated Mr. Teague should be in jail, he stole enough money, and should not be allowed to operate in the State of Florida. The toughest thing he witnessed was watching Mr. Teague upset his wife and made her cry. He stated if Mr. Teague moves to North Carolina he will write the State about him.

Board Member Rist asked him if he could do something about the check. Mr. Shamrock stated his understanding was that the check has to be written on a company check; otherwise, it's civil. Mr. Teague gave him a check which was probably printed by himself. Mrs. Shamrock stated it looked like a starter check from a new account.

Mr. Shamrock stated he has spoken to the Police Department and the State Attorney's Office.

Mrs. Shamrock stated she wanted to stop this from happening to other people. She stated Mr. Teague needed punishment for all the torment he has caused. She stated Mr. Teague lied so much.

Discussion held regarding the minimum age for elderly abuse being that the Shamrocks were in their late 60's.

Mr. Shamrock stated he wanted justice done and take this man off the streets as a contractor in Cape Coral, Lee County, and the State of Florida.

Officer Gates stated the City can only restrict his permitting privileges, noting that Mr. Teague does not get permits and doesn't care if he is licensed.

Board Member Classon stated bad word passes fast. The Board is all full of state contractors and everybody knows each other. She stated the board members will call if they see something wrong in the field.

Officer Gates stated there was a database being implemented that eventually will be available State-wide where Mr. Teague's name will be added.

Officer Gates stated there was another item to discuss regarding vacating the seat of Irina Prell. She has not shown up for four meetings. He stated the Board could consider rescinding her seat so that at least we can try to fill it with another contractor who wants to do the work. He was not sure of the procedure but believed that if a member misses three unexcused absences, the seat could be vacated. He stated he had a citizen's complaint about how some people could sit on a board and not show up.

Assistant City Attorney Buztrey stated Code Section 2.58 has a provision stating that "all members of boards, commissions, task forces and other bodies appointed by the City Council shall forfeit their office if that member fails to attend two of three consecutive meetings without cause". He believed those conditions have been met. The Chairperson of the respective body shall notify the City Council in writing of the failure to attend; the forfeiture shall be effective when the City Council is so notified unless the member requests a hearing. He stated the Clerk could notify the Chairperson, Mr. Colley, to write a letter to City Council that Ms. Prell has missed more than two of the last three meetings.

Attorney for the Board Eskin asked if the Clerk's Office had a form letter. He stated it should include the dates that Ms. Prell missed meetings. It would create a vacancy which should be filled through the normal process.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

Acting Chair Sinclair asked what the status was for Goldie. Officer Gates stated Goldie has a court date November 2<sup>nd</sup> with Jim, he just got the subpoenas today. He stated as of now Goldie is unlicensed.

Officer Litterello asked if they could change the next meeting date from November 16<sup>th</sup> to November 15<sup>th</sup>.

Discussion held amongst the Board members. ***Consensus agreed to change the meeting date from November 16<sup>th</sup> to November 15<sup>th</sup>.***

Discussion held regarding four vacancies on the Board for plumbing, roofing, air conditioning, and consumer rep.

Discussion having a quorum for the next meeting to take action concerning John Teague.

Officer Gates spoke about the last meeting of the Unlicensed Contracting Task Force 7-8 months ago where Dane Eagle was guest speaker. One topic discussed was how unpaid citations go to collections. He suggested that maybe the CCCIA could do something. Board Member Rist stated he would bring this up at the next CCCIA meeting.

**Comments from Assistant City Attorney**

None.

**Comments from the Attorney for the Board**

None.

**Approval of Minutes – July 27, 2016 meeting – moved to next meeting**

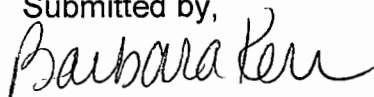
**DATE AND TIME OF NEXT MEETING**

The next meeting of the Construction Regulation Board will be held on Tuesday, November 15, 2016 at 6:00 p.m.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:07 p.m.

Submitted by,



Barbara Kerr

Senior Recording Secretary

**Item Number: 4.C.**  
**Meeting Date: 1/25/2017**  
**Item Type: Approval of Minutes**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

November 15, 2016 meeting minutes

**SUMMARY:**

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

Description	Type
□ November 15, 2016 meeting minutes	Backup Material

**MINUTES OF THE CAPE CORAL  
CONSTRUCTION REGULATION BOARD MEETING**

**TUESDAY, NOVEMBER 15, 2016**

**Council Chambers**

**6:00 p.m.**

Meeting called to order by Chair Colley at 6:00 p.m.

Roll Call: Classon, Colley, Moomjian, Raso, Rist, and Slosar were present. Sinclair was excused.

Also Present: Bill Buztrey, Assistant City Attorney  
Hal Eskin, Attorney for the Board  
Paul Gates, Code Compliance Officer  
Jim Litterello, Code Compliance Officer  
Milagros Nunez, Licensing Customer Service Representative

**REVIEW OF LICENSE APPLICATIONS SUBMITTED/APPROVAL OR REJECTION**

***Board Member Moomjian moved, seconded by Board Member Classon, to approve the following license applications as presented:***

Ryan	Kratt	Paradise Painting of SWFL LLC	Painting
Todd	McLennan	N/A	Carpentry
Michael	Doddato	M.A. Doddato & Sons LLC	Painting
Paul	Aci	American Unique Remodeling LLC	Tile, Terrazzo & Marble
Jorge	Arriaga	Arriaga Irrigation Inc.	Irrigation Sprinkler
David	Hubble	Mastercraft Aluminum & Screening LLC	Aluminum Structural

***Board polled as follows: Classon, Colley, Moomjian, Raso, Rist, and Slosar voted "aye." Six "ayes." Motion carried.***

Board Members stated they had questions for the following applicants:

Corey	Schwartz	Sep Services Inc.	Painting – 2 <sup>nd</sup> Business
Anthony	Casesa	Alpha Systems Old World Tile LLC	Tile, Terrazzo & Marble

Ariel	Amendola	Sanchez & Sanchez	Painting – Resubmittal
Johnny	Davis	Advanced Plastering & Stucco Inc.	Plastering
Nelica	Krekic	Nella K LLC	Paver Block

Mr. Schwartz was present and sworn in.

Board Member Slosar questioned the relationship of the two businesses.

Mr. Schwartz stated he would keep the business that focused on electrostatic painting; the new business is for a new construction – painting (commercial and residential).

Board Member Rist asked how many people worked for him in the painting business.

Mr. Schwartz stated it was just him and a partner, but his father was involved in the first business that he already is licensed in.

***Board Member Classon moved, seconded by Board Member Rist, to approve the license for Corey Schwartz.***

***Board polled as follows: Classon, Colley, Moomjian, Raso, Rist, and Slosar voted “aye.” Six “ayes.” Motion carried.***

Mr. Casesa was present and sworn in.

Board Member Slosar asked Mr. Casesa how many employees he had.

Mr. Casesa stated it was just himself.

Board Member Slosar questioned if he was going to do his own exemption for workers' comp. She asked if he understood that he was the only one who could be on the job site.

Mr. Casesa responded in the affirmative.

Board Member Rist asked him why he did not apply for workers' comp.

Mr. Casesa responded that he was told not to until he found out the result from this meeting.

***Board Member Slosar moved, seconded by Board Member Rist, to approve the license for Anthony Casesa.***

***Board polled as follows: Classon, Colley, Moomjian, Raso, Rist, and Slosar voted "aye." Six "ayes." Motion carried.***

Mr. Amendola was present and sworn in.

Board Member Slosar questioned the owners on how they planned to run the business and Mr. Amendola's involvement.

Alicia Sanchez Montoya was present and sworn in.

Hector Sanchez Montoya was present and sworn in.

Board Member Rist questioned how this business relationship works.

Ms. Sanchez Montoya responded that they tried to get a license; she didn't make it. She noted that Mr. Amendola was a family member.

Board Member Rist asked who actually does the work.

Ms. Sanchez Montoya stated they were hiring people at the present time. She stated they had three people in the office: herself, her husband, and another person; there was no one in the field yet.

Board Member Slosar asked how they were going to handle the payroll. Ms. Sanchez Montoya stated through a payroll company.

Board Member Slosar asked what Mr. Amendola's involvement would be. Ms. Sanchez Montoya stated he would basically be supervising the houses and projects. Board Member Slosar asked if it would be for Falcon and Sanchez & Sanchez. Ms. Sanchez Montoya responded in the affirmative. Board Member Slosar asked Mr. Amendola if he was still working for Falcon. Mr. Amendola responded in the affirmative.

Board Member Rist questioned why there were two companies.

Mr. Amendola explained how he was able to qualify and help them jumpstart their business.

Board Member Rist asked what type of work he was looking for.

Mr. Sanchez Montoya stated they were looking for painting jobs.

Board Member Rist asked them to confirm that they were going to do their own payroll. Ms. Sanchez Montoya stated they would eventually go through an accountant to do payroll.

Discussion held regarding workers' comp for the employees.

Board Member Slosar explained how they needed to understand that Mr. Amendola needs to be involved in the business since it is his license. Ms. Sanchez Montoya agreed.

Board Member Rist asked Mr. Amendola to confirm that he is the responsible party. Mr. Amendola responded in the affirmative.

***Board Member Slosar moved, seconded by Board Member Moomjian, to approve the license for Ariel Amendola.***

***Board polled as follows: Classon, Colley, Moomjian, Raso, Rist, and Slosar voted "aye." Six "ayes." Motion carried.***

Mr. Davis was present and sworn in.

Board Member Slosar asked Mr. Davis if he took the test in Collier County but did not apply for the license in Collier County.

Mr. Davis stated he planned on applying in Collier County, but he was applying here first.

Board Member Slosar asked if planned on working by himself.

Mr. Davis stated once he establishes some contacts, he plans on using a payroll company which would provide workers' comp.

Board Member Rist asked Mr. Davis what type of work he would be looking for.

Mr. Davis stated residential.

***Board Member Slosar moved, seconded by Board Member Raso, to approve the license for Johnny Davis.***

***Board polled as follows: Classon, Colley, Moomjian, Raso, Rist, and Slosar voted "aye." Six "ayes." Motion carried.***

Mrs. Krekic was present and sworn in.

Board Member Slosar stated the corporation has been in effect since 2013; there were no employees listed or workers' comp. She asked Mrs. Krekic what she has been doing since then. Mrs. Krekic stated she also had a real estate license, but now she would like to try and get a license for interlocking pavers.

Board Member Slosar asked if she had employees lined up to help her in this business. Mrs. Krekic stated she planned on employing her husband and to use sub-contractors out in the field.



Board Member Slosar stated to make sure when using sub-contractors that they are licensed to do what they are doing and the people they bring on to the property are licensed and have workers' comp.

Board Member Slosar made a motion to approve but more members had questions.

Board Member Classon requested clarification on the Code for the City whether or not it required two years' experience.

Assistant City Attorney Buztrey stated it wasn't in the Code, but it was on the application.

Board Member Classon stated she sits on the Lee County Board and have for testimony sworn in that Mrs. Krekic did not have two years' experience.

Mrs. Krekic stated she did not mention at that time that she was also involved from 2004 to 2009 working for Croat Pavers.

Discussion held regarding Mrs. Krekic's pavers' experience.

Ms. Krekic stated she was willing to accept a license under probation for 6 to 12 months and to attend a licensing board meeting every 2 months if given the opportunity. She stated she would also report to the officer and inform him about all her completed jobs and those in progress. She will be the only one to submit and pick up permits for the company.

Board Member Moomjian asked Mrs. Krekic who she was working for since she did not have a license as a sub-contractor.

Code Compliance Officer Litterello was present and sworn in.

Code Compliance Officer Litterello stated Mrs. Krekic was here to qualify the business in order for her husband, known as Goldy, which was Croat Pavers, to continue to do work. Mr. Krekic was qualified with another license holder for the kind of business he had. That is how he did work for the other contractors that have been listed. It has been about six months that he has not been qualified to do any work here.

Board Member Classon mentioned the testimony stated that her husband did not do the work, but she did the work.

Board Member Moomjian questioned how they worked since Mr. Krekic has not been qualified for six months.

Board Member Rist questioned if there was any reason to believe he has not been working for six months.

Board Member Classon stated she would like to see the two years' experience; get experience under a licensed contractor and come back to apply for the license.

Board Member Rist stated he would like to see the people who were hurt remedied.

Code Compliance Officer Litterello stated one of those parties has been satisfied and that will be taking place next week. He has been in touch with the attorney of the others, and they are being resolved.

Board Member Moomjian asked how much Mr. Krekic owed the City in fines. Code Compliance Officer Litterello stated some of those citations were actually for the business that he currently has which is in a foreclosure which amounted to approximately \$8,000. Two expired permits and the Certificates of Use are going to be dismissed since the building is in a foreclosure.

Board Member Moomjian questioned shouldn't Mr. Krekic make the City whole before issuing another license.

Assistant City Attorney Buztrey stated the Board should keep in mind that Goldy is not asking for a license here.

Discussion held that the license holder has to manage the company.

Assistant City Attorney Buztrey stated the responsibility still lies with Nella Krekic who has to manage it; her husband could be listed as an officer of the company, but she would be ultimately responsible, not Goldy.

Code Compliance Officer Litterello stated all permits would go through Mrs. Krekic. He stated he would have an email every other week to list all of the contracts that are out and all that are actually in the works. He stated giving her a probationary license and showing up for six meetings for the year would give her the chance to resolve some of the issues.

Board Member Classon questioned why give her a license if she does not have two years' experience.

Mrs. Krekic stated she has experience that she did not mention.

Board Member Moomjian questioned why we would issue the license if he owes money to the City. Code Compliance Officer Litterello stated Goldy has made some payment.

Board Member Rist questioned why the situation is different today than yesterday. He asked Mrs. Krekic how long she has been married to Mr. Krekic. Mrs. Krekic replied 35 years. Board Member Rist stated she was married to him the whole time this was going on. Mrs. Krekic confirmed that. Board Member Rist asked what has changed. Mrs. Krekic stated her husband was doing pavers for 15 years. She stated problems started

about a year or two ago. She stated she wanted to be more involved in the business and carry out all the rules and regulations.

Board Member Rist asked if there was a pool involved in this somewhere. Board Member Moomjian stated that was the lady who never got her windows. Mrs. Krekic stated her husband's problems started when he was doing pools. He started to have cash flow problems because he wasn't ready for a pool business. She stated her license would be for interlocking paver blocks, not pools.

Chair Colley stated there were two questions here. Can you deny her a license for her ties to her husband? And does she qualify with experience for a license?

Board Member Classon stated you can't use her husband against her for getting a license, but it would be denied based on lack of experience.

Mrs. Krekic asked to please help her family. She stated she just wanted to do everything correctly. Board Member Moomjian stated he believed her.

Mrs. Krekic stated if she got a probationary license, the license can be denied if she does not carry out what she promises to do.

Board Member Slosar asked if she had some experience that was not listed.

Mrs. Krekic stated when she was applying for the board in Lee County, she did not list all of her experience.

Board Member Slosar questioned if she needed to reapply and detail all her work.

Board Member Classon stated for the board and the responsibility for the City to be consistent with the many others that show their experience we tell them the same thing, we want two years of hands on experience.

Board Member Raso stated she would rather see her be on probation.

Assistant City Attorney Buztrey stated he did not know if there were any written guidelines as to how much hands on experience was needed. He stated that was important but there are many other aspects to the process and procedures that are equally as important. He stated Mr. Krekic is not up for a license; until he pays his fines and is completely compliant, he will never receive a license from the City. He stated an LLC company by Florida law has to legally have a manager, but Mrs. Krekic will always be personally responsible for the work. He suggested providing her with either a probationary or provisional license; in addition, every two months she would have to submit all her contracts to Mr. Litterello or Mr. Gates who would look them over. He understood that the City inspects all paver driveway projects. In addition, if they ever did anything outside of the paver driveway, Code Officers would have the right to inspect that work to make sure it's done in a workman-like manner. They would ensure they are doing the work for

which they are paid. If they don't do the work, their license as a provisional license could automatically be yanked.

Board Member Rist asked if there was any arrangement that she is going to pay the back fines that he has.

Code Compliance Officer Litterello stated he has been working with Mr. Krekic to get him in compliance.

Code Compliance Officer Gates was sworn in.

Code Compliance Officer Gates explained the attempted mediation with Geraldine and Goldy quite some time ago. She still owes him \$10,000; he owes her \$22,000 for the windows. He questioned how can you punish her for the acts of her husband.

Board Member Slosar stated if she does not have the two years' work experience already then she shouldn't get a license.

Board Member Classon mentioned the experience she had in Lee County was that she supervised and that she did not touch a brick.

Board Member Slosar asked Mrs. Krekic what she did regarding supervising the job and if she was in the field or the office. Mrs. Krekic stated she was in the field, but she did not cut pavers.

Board Member Rist asked the Assistant City Attorney if it was on the job site physically doing it or is the experience in that business.

Assistant City Attorney Buztrey stated as far as he knew, the experience requirement is not codified in the actual Code, but it was on the application. He stated then you have to go to the custom in practice. His sense was it was different for each trade. Hands-on experience is a vital component; supervision is another component. He stated as far as he could determine, there are no written guidelines for hands on experience. It's a factor but the question is: Is it the determining factor where you consider all the other factors together?

Attorney for the Board Eskin stated the question for this applicant is if she has sufficient knowledge and experience in that business to be able to keep her husband and the other crew members in line complying with the Code and the standards of the industry. Does she have the motivation? She has expressed enough of it. Does she have enough knowledge, not intimate knowledge of every aspect of the business, but enough knowledge in understanding what her husband and other people are doing to keep them in line along with the other things, to do what is necessary to protect the public? Can you give her a provisional or probationary? Can you keep her in line and see if she can do really what she says she is going to do? Code Enforcement will follow up on this. They may come back and say Goldy is not complying; the license could be yanked.

Board Member Rist was not concerned about quality of her workmanship but protecting the public's interest and the legality of the situation.

Board Member Slosar asked if the applicant had pay stubs or tax returns to show two years' experience required to get that license.

Attorney for the Board Eskin stated many spouses have been involved with their spouses' business even though they do not have an official role. It is the Board's discretion today to decide whether or not they are satisfied with her level of experience.

Board Member Slosar asked how long it has been since Mr. Krekic worked under a license.

Code Compliance Officer Litterello stated approximately six months.

Board Member Slosar asked how they have been making a living for the past six months.

Mrs. Krekic stated it has been very hard paying the bills; she has not paid the mortgage for three months.

Board Member Slosar asked what money is coming in. Mrs. Krekic stated her husband has a bobcat that he rents out. Board Member Slosar asked if Mrs. Krekic was working anywhere. She stated to be able to work again we will be able to pay down our bills and pay the fines. She stated her husband has not had an opportunity to work. She understood his mistake and he is aware of that. She stated she would be fully compliant with rules if given the chance.

Attorney for the Board Eskin asked Mrs. Krekic what job she has been doing the past 3-6 months. Mrs. Krekic confirmed she was in real estate.

Attorney for the Board Eskin asked Mrs. Krekic if she had an opportunity to be involved in any aspect of his business when he was actively working.

Mrs. Krekic stated she was mostly active from 2004 to 2009 with Croat Pavers. Attorney for the Board Eskin asked her what her duties were. Mrs. Krekic explained she helped with ordering supplies, paying bills, helping the people in the field, supervising, assisting truck drivers to bring the materials to the field, estimating jobs, and selling jobs.

Chair Colley asked if having a completion bond could help in any way. Board Member Moomjian stated he did not think so.

Board Member Rist asked what would stop her from signing an affidavit saying her husband could pull a permit. Mrs. Krekic stated she would be the only one to submit a permit.

Board Member Rist stated he understood she was not necessarily obligated to pay these back fees that belong to this other company, but was she willing to make the City whole. Mrs. Krekic stated she and her husband were both willing.

Board Member Rist questioned if the applicant was willing to pledge paying all the back fees during the course of the year if the Board approved a probationary license. He asked how much they owed.

Code Compliance Officer Litterello stated it was approximately \$8,000. Mrs. Krekic stated they could pay that back in one year.

Board Member Moomjian stated if she was willing to pledge to do that she would have his vote. Mrs. Krekic stated they could do that.

Code Compliance Officer Litterello stated it might be a little less; he thought there was a \$2,500 lien against the building on NE 10<sup>th</sup>. When it goes into foreclosure, that lien doesn't mean anything anymore.

Assistant City Attorney Buztrey stated the only concern he had was whether the board has the authority to actually make it a legal requirement that she was responsible for the debts of another. If as part of a probation when they come in, they voluntarily disclose that they paid down \$2,000 that would be fine. There is no problem if she does it voluntarily.

Attorney for the Board Eskin added if there is a provisional license the board can make conditions to keep the license going.

Board Member Rist asked if there was some kind of agreement, such as in six months with a one year probation, that the Board expects her to make some kind of effort to paying this down, but by 12 months the conditional license would go away.

Attorney for the Board Eskin stated a probationary license can be denied or not renewed. He stated the Board ran the risk of being a collection agency which they are not supposed to be doing. He stated you don't want to create such an economic pressure for them that they begin to take shortcuts in order to get that money to satisfy that one requirement. From a legal point of view, you have to base your decision on whether or not she has adequate experience, if she can keep the business running in line, and all that she does in good faith to promote that. That's what can be considered for a provisional or probationary basis if the Board feels comfortable doing that.

Board Member Rist asked if Officer Gates had anything to add.

Code Compliance Officer Gates stated it's hard to hold her responsible for the actions of another individual.

Board Member Rist asked if staff had the time to police the situation.

Code Compliance Officer Gates stated if they give us copies of the contract and say they got jobs lined up somewhere, absolutely. He stated Goldy in the past has had issues with workers' comp paperwork. One violation, she would be cited and lose her license.

Board Member Rist voiced his concern for someone being injured. If we give them a conditional license, something goes south, somebody gets injured.

Code Compliance Officer Gates stated it would be her. Board Member Rist added it could be a customer.

Code Compliance Officer Gates stated Mrs. Krekic has an active realtor license; if she commits a crime or a fraud, it would affect her license. Mrs. Krekic stated she has had a real estate license for ten years, and she has enough knowledge to keep that license. She asked for an opportunity.

Discussion held why a bond was not an option as part of a conditional agreement.

Board Member Moomjian asked Mrs. Krekic if she knew what inspectors were looking for doing a driveway. Mrs. Krekic responded.

Assistant City Attorney Buztrey read information regarding Cape Coral ordinances concerning instructions and whether the applications verify the appropriate trade experience and education. There is a provision about education or classroom time used to verify experience cannot exceed 50 percent of the actual trade experience required.

Mrs. Krekic stated if given the opportunity she would like to attend the ICPI member's exam, and she would like to incorporate those standards in her company. She wanted her husband to attend as well.

Board Member Moomjian asked if staff recommended giving her a license.

Code Compliance Officer Litterello responded in the affirmative with the recommendation from the Board with any limits they would like to place on her.

Board Member Moomjian stated he would like to see a probationary license for at least one year.

Code Compliance Officer Gates stated we can put the caveat on it that they attend one meeting and find out instructions on contracts and contract writing. He had no issue giving her a probationary license.

Board Member Moomjian asked if we could request for the fines to be paid.

Code Compliance Officer Litterello stated you can.

Board Member Rist stated we're saying probationary, one year, have to attend a meeting, they can't have any violations, and they have to agree on a repayment program.

Board Member Moomjian added that Goldy can't sign for permits.

Board Member Rist stated only Mrs. Krekic can be authorized for permits.

Code Compliance Officer Gates stated you can request that Goldy be required to come to the contractors' board too if he is going to be a managing member of the corporation.

Board Member Classon asked why he wasn't in attendance tonight. Mrs. Krekic stated he would be willing to attend those meetings. She stated he was home with the kids, 9 year old twins.

***Board Member Rist moved, seconded by Board Member Moomjian, to approve a conditional or probationary license for twelve months for Nelica Krekic, like to see them both here at least once, Mrs. Krekic is the only one who can sign, any trouble it's revoked, and they pledge to repay the outstanding monies that are owed to the City of Cape Coral.***

Discussion held regarding adding trying to work out a deal with the injured party.

Attorney for the Board Eskin stated he was not sure the City can enforce problems in a civil setting; however, you could still say with the understanding that the Board will consider your restitution issues and fine issues when it comes time for reviewing the probation, not as a condition, but just giving them notice.

Board Member Rist stated when it comes time that probation has ended, he would not support renewing the license if the injured parties have not been addressed. Board Member Moomjian agreed.

Code Compliance Officer Gates stated there was the condition of them attending one class regarding contracting requirements.

Board Member Rist asked Mrs. Krekic if she was willing to agree to that. Mrs. Krekic responded in the affirmative.

Assistant City Attorney Buztrey asked if the Code Officers felt it was beneficial to also provide them copies of the contracts for all the jobs they are working on so that Code could have the right to inspect.

Code Compliance Officer Litterello stated he would make contact with those owners.

Discussion held regarding Goldy not being able to do anything on his own if Mrs. Krekic qualifies that business.



Mrs. Krekic stated she was responsible and fighting for her family. She stated they couldn't wait any longer.

Discussion held regarding this license being valid only in Cape Coral.

Discussion held regarding whether or not a reason had to be given for not renewing a probationary license.

***Board polled as follows: Colley, Moomjian, Raso, and Rist voted "aye." Classon and Slosar voted "nay." Four "ayes." Two "nays." Motion carried.***

**Approval of Minutes**

None.

**COMMENTS FROM THE PUBLIC**

None.

**NEW BUSINESS**

**2017 Meeting Dates**

**OLD BUSINESS**

None.

**Comments from Assistant City Attorney**

None.

**Comments from the Attorney for the Board**

None.

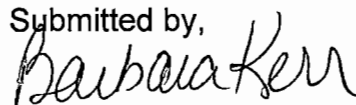
**DATE AND TIME OF NEXT MEETING**

The next meeting of the Construction Regulation Board will be held on Wednesday, January 25, 2017 at 6:00 p.m.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:26 p.m.

Submitted by,



Barbara Kerr  
Senior Recording Secretary

<b>Item Number:</b>	<b>6.B.</b>
<b>Meeting Date:</b>	<b>1/25/2017</b>
<b>Item Type:</b>	<b>New Business</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

2017 Meeting Dates

**SUMMARY:**

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ 2017 Meeting Dates	Backup Material

Cape Coral  
Construction Regulation Board  
2017 Meeting Dates

Jan.	25
March	22
May	24
July	26
September	27
November	15 (instead of 22)

All meetings are held on Wednesdays at 6:00 p.m. in Council  
Chambers unless otherwise noted.