



1015 Cultural Park Blvd.
Cape Coral, FL

AGENDA

CAPE CORAL CONSTRUCTION REGULATION BOARD

September 21, 2021	6:00 PM	Council Chambers
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- 1. Meeting Called to Order**
 - A. Chair Joseph
- 2. Roll Call**
 - A. Blot, Colley, Costa, Dungan, Gates, Greco, Joseph, Litterello, Prince, Rinko, and Sinclair
- 3. Review of License Applications as presented for approval or rejection**
- 4. Approval of Minutes**
 - A. Meeting Minutes - July 29, 2021
- 5. Comments from the Public**
- 6. New Business**
- 7. Old Business**
 - A. Finding of Fact and Final Order - Stanley R. Spicer, Platinum Service, LLC, License #CAC1815634
- 8. Comments from Assistant City Attorney**
- 9. Comments from Attorney for the Board**
- 10. Date and Time of Next Meeting**
 - A. The next meeting of the Construction Regulation Board will be held on Thursday, November 18, 2021, at 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: 9/21/2021
Item Type: Approval of Minutes

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Meeting Minutes - July 29, 2021

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▢ Meeting Minutes - July 29, 2021	Backup Material

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

THURSDAY, July 29, 2021

Council Chambers

6:00 p.m.

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

ROLL CALL

Roll Call: Colley, Costa, Gates, Greco, Joseph, Litterello, Prince, Rinko, and Sinclair were physically present. Board Members Blot and Dungan were excused.

Also Present: Hal Eskin, Attorney for the Board
John Naclerio, Assistant City Attorney
James Mulligan, Code Compliance Supervisor
Sean Dowd, Code Compliance Officer
Roberto Hernandez, Code Compliance Officer
Maricel Hernandez, DCD Senior Customer Service Representative

Board Attendance Review

Chair Joseph asked for a motion to excuse Board Members Blot and Dungan from the July 29, 2021 meeting.

Vice Chair Litterello moved, seconded by Board Member Gates, to approve the excused absence for Board Members Blot and Dungan (from the July 29, 2021 meeting).

Board polled as follows: Colley, Costa, Gates, Greco, Joseph, Litterello, Prince, Rinko, and Sinclair voted "aye." All "ayes." Motion carried 9-0.

**REVIEW OF LICENSE APPLICATIONS AS PRESENTED
FOR APPROVAL OR REJECTION**

Chair Joseph performed the roll call of all the applicants and stated that the Board will identify which applicants would be further questioned.

Attorney for the Board Eskin informed the Board that although applicant Jesus Abreu was not present, the Board could approve or disapprove the application.

Board Member Costa moved, seconded Vice Chair Litterello, to approve the following license applications for:

APPLICANT	COMPANY NAME	CATEGORY
Ricky Turrubartez	City Green Environmental LLC	Irrigation Sprinkler
Kristopher J. Rudy	Teagan Concrete Construction LLC	Concrete Placing & Finishing
Christopher Koppa	Koppa Painting LLC	Painting
Glenn Whitney	City Blue Irrigation & Maintenance LLC	Irrigation Sprinkler
Derek Cordeiro	Smooth Operator Construction LLC	Excavation
Jesus Abreu	Skyline 305 LLC	Painting
Jose Berrios	Vision Carpentry Installations LLC	Finish Carpentry
Regla Lastra	Zaga Fence Contractor Inc	Fence Erection
Alexander McDaniel	McDaniel's Expert Installations LLC	Glass & Glazing
Franklin Caceres	Caceres Painting LLC	Painting
Hernando Velasquez	Epcon Garage Door Services Inc	Garage Door
Gloria Dominguez	Royal Blue GL Corp	Tile & Marble
Diego Quintana	Capital Painting LLC	Painting

Board polled as follows: Colley, Costa, Gates, Greco, Joseph, Litterello, Prince, Rinko, and Sinclair voted "aye." All "ayes." Motion carried 9-0.

Chair Joseph informed the above-mentioned applicants that their license was approved and instructed them to obtain their license on the following day.

Board Member Colley stated he had questions for the following applicant, and he was interviewed as follows:

APPLICANT	COMPANY NAME	CATEGORY
William Lopez	M & A Irrigation LLC	Irrigation

Applicant William Lopez was present and sworn in by Attorney for the Board Eskin.

Discussion held regarding:

- Letters of Verification provided by Customers
- Licensed in County where work has been preformed

Board Member Costa moved, seconded by Board Member Sinclair, to approve the license for William Lopez (M&A Irrigation, LLC).

Board polled as follows: Colley, Costa, Gates, Greco, Joseph, Litterello, Prince, Rinko, and Sinclair voted "aye." All "ayes." Motion carried 9-0.

APPROVAL OF MINUTES

Meeting Minutes – May 26, 2021

Board Member Greco moved, seconded by Board Member Gates, to approve the Regular meeting minutes from May 26, 2021, as presented.

Board polled as follows: Colley, Costa, Gates, Greco, Joseph, Litterello, Prince, Rinko, and Sinclair voted “aye.” All “ayes.” Motion carried 9-0.

COMMENTS FROM THE PUBLIC

None.

NEW BUSINESS

None.

OLD BUSINESS

Finding of Fact and Final Order – Vilim Marijan, Liberty Paver & Stone Inc.

Specialty Contractor License #: 62051

**Probable Cause: Violating 6-9(a)(12); 6-9(a)(17); 6-9(a)(13);
6-9(a)(3); 6-9(a)(4); and 6-9(a)(20)**

Attorney for the Board Eskin swore in Code Compliance Officer Dowd.

Compliance Officer Dowd distributed information regarding this item at the start of the meeting. He read into the record the detailed outline for the disciplinary action against Mr. Vilim Marijan, Liberty Paver & Stone, Inc., Specialty Contractor License #62051.

Code Compliance Officer Dowd stated the following:

- First two (2) pages certified mailing with copy of the Notice of Final Order, proposed Disciplinary Hearing Final Order with the Findings of Fact
- Findings of Fact (FOF) as follows:
 - Respondent: Vilim Marijan, Liberty Paver & Stone, Inc.
 - 5/26/2021 Disciplinary hearing held regarding violations of Sections 6-9(a)(12); 6-9(a)(17); 6-9(a)(13); 6-9(a)(3); 6-9(a)(4); and 6-9(a)(20)
 - Numerous outstanding expired permits in the building department system
 - 3/22/2021 meeting held with Mr. Marijan in reference to City of Cape Coral Code Case CE21-003047
 - Mr. Marijan was issued a Lee County Citation #231235 charging him with 6-9(a)(13)
 - 4/14/2021 reported and confirmed that Mr. Marijan again aided and abetted another unlicensed contractor, continuing to knowingly violate State Statutes and Municipality laws

- Conclusion of Law: Violation of 6-9(a)(12); 6-9(a)(17); 6-9(a)(13); 6-9(a)(3); 6-9(a)(4); and 6-9(a)(20)
- Disciplinary Action: Cape Coral Construction Regulation Board decision is that Mr. Vilim Marijan's Specialty License #62051 is to be suspended for a period of 12 months and upon completion of said suspension period be placed on probation for a period of 12 months. Mr. Marijan shall also pay \$5,000.00 fine to the City of Cape Coral, attend all Cape Coral Construction Regulation Board meetings during the 12-month suspension term and contact the licensing officer to schedule all inspections to complete outstanding projects CURRENTLY permitted. The subject license for Mr. Marijan will remain suspended until all conditions above are met and completed as per the Cape Coral Construction Regulation Board findings.

Discussion held regarding:

- Certified mail proof and receipt
- FOF not required by law to be sent via certified mail
- Sent via certified mail as Code protocol procedure
- Staff complied with all requirements in the Code
- No contact or attempt by Mr. Marijan and not in attendance at today's hearing
- Unofficial claim of possible sale or transfer of business/company
- Open and expired permits
- Contacting property owners to notify them of the findings and process
- Disciplinary action and legal obligations
- State will be contacted and provided FOF to be recorded at the State level
- Does the disciplinary action/FOF show up if company sold?
- Substantiated and fair findings
- If company sold, new owner would need to come before CRB for approval if company sold with same company name, it should be listed on the application
- When homeowners sell their properties, the outstanding permits should appear under the title search at closing as it is typically listed on an Estoppel Letter
- Code notifies the property owners by certified mail of the expired permits and provides process for satisfying the outstanding permits
- Measures available for protecting the homeowners and future buyers

Board Member Rinko moved, seconded by Board Member Gates, to approve Disciplinary Hearing Final Board Order: (1) suspend specialty license #62051 for 12 months; (2) upon completion of said suspension period be placed on probation for a period of 12 months; (3) pay \$5,000.00 fine to the City of Cape Coral; (4) attend all Cape Coral Construction Regulation Board meetings during the 12-month suspension term; and (5) contact the licensing officer to schedule all inspections to complete outstanding projects CURRENTLY permitted. The subject license for Mr. Marijan will remain suspended until all conditions above are met and completed as per the City of Cape Coral Construction Regulation Board findings.

Board polled as follows: Colley, Costa, Gates, Greco, Joseph, Litterello, Prince, Rinko, and Sinclair voted “aye.” All “ayes.” Motion carried 9-0.

Discussion held regarding FOF would be circulated to other municipalities and due diligence procedures.

**Finding of Fact and Final Order – Stanley R. Spicer, Platinum Service LLC,
License #CAC1815634
Probable Cause: Violating 6-9(a)(12)**

Attorney for the Board Eskin swore in Code Compliance Officer Hernandez-Rosales.

Compliance Officer Hernandez-Rosales stated that this hearing was being withdrawn today by Staff as the Respondent was not provided a copy of the order and this item would be presented at the next CRB meeting.

COMMENTS FROM ASSISTANT CITY ATTORNEY

None.

COMMENTS FROM ATTORNEY FOR THE BOARD

None.

DATE AND TIME OF NEXT MEETING

The next meeting of the Construction Regulation Board was scheduled for Thursday, September 23, 2021, at 6:00 p.m. in Council Chambers.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:38 p.m.

Submitted by,

Rose DePaula
Recording Secretary

Transcribed by Betty Castillo 8/11/2021