



1015 Cultural Park Blvd.
Cape Coral, FL

AGENDA

CAPE CORAL CONSTRUCTION REGULATION BOARD

March 27, 2019	6:00 PM	Council Chambers
-----------------------	----------------	-------------------------

1. Meeting Called to Order

A. Chair Colley

2. Roll Call

A. Burgos, Classon, Colley, Joseph, Moomjian, Phillips, Prince, Rist, Shedd, and Sinclair

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

4. Approval of Minutes

- A. July 25, 2018 Meeting Minutes
- B. September 26, 2018 Meeting Minutes
- C. October 24, 2018 Meeting Minutes
- D. November 14, 2018 Meeting Minutes
- E. November 28, 2018 Meeting Minutes
- F. January 23, 2019 Meeting Minutes

5. Comments from the Public

6. New Business

- A. Election of Chair and Vice Chair
- B. 2019 Meeting Schedule
- C. Probable Cause Action for William Guilday, McGill Fence of Southwest Florida, Inc., Lic #: 12580 Fence Erection- Violations: 6-9(a)(12); 6-9(a)(17); FBC 105.4.1.1; FBC 105.1; FCB 110.3, FBC 110.5

- D. Proposed Ordinance to Amend Section 6-10.1, City Code of Ordinances, Disciplinary Proceedings

7. Old Business

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 Wednesday, May 22, 2019, at 6:00 p.m. in Conf PW Green/Room A200.

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: 3/27/2019
Item Type: Approval of Minutes

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

July 25, 2018 Meeting Minutes

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▣ July 25, 2018 Meeting Minutes	Backup Material

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

WEDNESDAY, JULY 25, 2018

Council Chambers

6:00 p.m.

Meeting called to order by Chair Colley at 6:03 p.m.

Roll Call: Burgos, Classon, Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair were present. Miller arrived at 6:10 p.m.

Also Present: Hal Eskin, Attorney for the Board
John Naclerio, Assistant City Attorney
Carol Rall, DCD Code Compliance Customer Service Supervisor
Paul Gates, DCD/Code Compliance Officer
Priscilla Rodriguez, Licensing Customer Service Representative

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

Vice Chair Moomjian moved, seconded by Board Member Joseph, to approve the following license applications as presented:

Peter	Houlihan	Peter Houlihan, LLC	Carpentry
Marty	Thompkins	Thompkins Contracting, Inc.	Paving
Brett	Heier	3G Seamless Gutters Siding & Trim, Inc. DBA 3G Home Exteriors	Aluminum Structural
Brett	Heier	3G Seamless Gutters Siding & Trim, Inc. DBA 3G Home Exteriors	Painting

Board polled as follows: Burgos, Classon, Colley, Joseph, Moomjian, Phillips, Prince, Rist and Sinclair voted "aye." Nine "ayes." Motion carried 9-0.

Board Members stated they had questions for the following applicants:

Silver	Cochran	Cochran Concrete Masonry, LLC	Concrete Placing & Finishing
Leanabel	Torres	A & Rick's Garage Door Services, LLC	Garage Door

Silver Cochran was present and sworn in.

Discussion held regarding the following:

- Working in Cape Coral
- Primary residence
- How long he had been in business

Board Member Miller arrived at 6:10 p.m.

Board Member Moomjian moved, seconded by Board Member Classon, to approve the license for Silver Cochran for Concrete Placing and Finishing.

Board polled as follows: Burgos, Classon, Colley, Joseph, Miller, Moomjian, Phillips, Prince, Rist and Sinclair voted "aye." Ten "ayes." Motion carried 10-0.

Leanabel Torres was present and sworn in.

Discussion held regarding the following:

- How she planned on handling the financial needs of the business.
- The need to be financially responsible for the business.
- How she will be responsible in the future.
- She has partners and she stated she is not the only one.
- What is the plan to be financially responsible?
- Questioned how the company is structured.
- The business is family owned.
- The City Ordinance changed and required a specialty license.
- Why do you have two companies?

Adriana Deleon was sworn in.

Ms. Deleon stated she and her husband have been in business for 10 years. She explained Adequate Garage Door had a license, and they are both family run businesses.

Board Member Joseph moved, seconded by Vice Chair Moomjian, to Deny the license for Leanabel Torres for Garage Door.

Board polled as follows: Burgos, Classon, Colley, Joseph, Miller, Moomjian, Phillips, Prince, Rist and Sinclair voted "aye." Ten "ayes." Motion carried for Denial 10-0.

Discussion held regarding the applicant to obtain a corporate agreement with financial officers and include three business references next time.

Approval of Minutes

The minutes of the meeting of the Cape Coral Construction Regulation Board for May 23, 2018, were presented for approval.

Board Member Rist moved, seconded by Vice Chair Moomjian to approve the minutes as presented.

Board polled as follows: Burgos, Classon, Colley, Joseph, Miller, Moomjian, Phillips, Prince, Rist and Sinclair voted "aye." Ten "ayes." Motion carried 10-0.

COMMENTS FROM THE PUBLIC

None

Code Compliance Officer Gates requested that Old Business to be heard before New Business. **Consensus agreed.**

OLD BUSINESS

Sergei Kornienko, AVS Construction, CBC #63214

Code Compliance Officer Gates was present and sworn in.

Officer Gates requested the disciplinary action against Mr. Kornienko be removed. He stated Mr. Kornienko is in compliance with all applicable Building Codes in the City.

Assistant City Attorney Naclerio noted there are no current violations.

Attorney for the Board Eskin stated Mr. Kornienko has come into compliance. If there are future violations, they will be brought forward.

Assistant City Attorney Naclerio stated on March 28, 2018 there was a probable cause meeting. The Board found probable cause, and there was good service. The next meeting was on May 23, 2018, there was full formal disciplinary hearing, no evidence that the respondent was served.

Board Member Joseph asked what happened to the scheduled special meeting in June that was canceled?

Assistant City Attorney Naclerio stated we could not get a quorum to hold the special meeting.

Discussion held regarding:

- There was an error because there was no proper notice of hearing.
- The certified letter was sent out, but it was never received and signed for.

- There should be a record to indicate the certified letter was sent.
- A verbal is not sufficient notice.

Assistant City Attorney Naclerio stated the intent of tonight 's hearing would have been to review the order and sign it. He explained if the City Attorney's office did not find good service, we would not allow the order to go forward.

Officer Gates announced that the initial letter went out on 2-28-2018 for the probable cause hearing which was signed on 2-24-2018 another one was mailed on 4-5-2018, and there was no green card. (Certified mail return receipt)

Assistant City Attorney Naclerio announced that the Clerk verified from her note in the file that the respondent complied and that a quorum could not be reached.

Board Member Rist moved, seconded by Board Member Prince, to vacate the suspension.

Board polled as follows: Burgos, Joseph, Miller, Prince, and Rist voted "aye." and Classon, Colley, Moomjian, Phillips, and Sinclair voted "nay." 5 "ayes." 5 "nays." Motion failed 5-5.

Discussion held regarding what happens if the suspension is not vacated; if there are violations of the Code of Ordinances, staff could bring forward a case before the Board.

Discussion held if a motion can be made that basically the Board is in agreement that we are going to dismiss it.

Code Compliance Customer Service Supervisor Carol Rall was sworn in.

Ms. Rall stated we cannot charge him with something when the violations have been taken care of.

Board Member Rist moved, seconded by Board Member Classon, that we postpone ruling on this until our next meeting so that staff can research whether service was done.

Discussion held if we find service was perfected but, yet the respondent has come into compliance in the meantime what would be the point of the meeting?

Chair Colley recognized the attorney of the respondent.

Kevin L Jursinski, Attorney, representing Mr. Kornienko, explained how he had requested the special meeting in June. He distributed the letter to the Board that was sent to the chair. He received the issues that came before the respondent. If there is no violation in front of you, there is no need to continue.

Board member Rist withdrew his motion seconded by Classon agreed.

Board Member Rist moved, seconded by Board Member Joseph, to vacate the oral order from May 23, 2018 and take no further action.

Board polled as follows: Colley, Burgos, Joseph, Miller, Prince, Rist voted "aye." and Classon, Moomjian, Phillips, Sinclair voted "nay." Six "ayes." Four "nays." Motion carried 6-4.

NEW BUSINESS

Disciplinary Action Nella K LLC, Lic #63600

Code Compliance Officer Gates was present and sworn in.

Officer Gates distributed information regarding this item. He read into the record the reasons that a probable cause does exist.

Mr. Gates handed out information regarding this case. He read the information into the record. He stated there was a formal disciplinary hearing to be scheduled before the board. He was assured he would receive a check for one Thousand dollars. He shared the timeline that he had been waiting for the license owner to comply.

Board Member Phillips asked what type of license they held?

Officer Gates stated it is a paver license.

Discussion held that Ms. Krekic received a license more than a year ago; was on probation for a year.

Nella Krekic was present and sworn in.

Mrs. Krekic stated she was not aware of the situation and she realizes she is responsible. She recognizes that it was wrong. This was an insurance claim and the job needed to be done right away.

Board Member Joseph moved, seconded by Board Member Rist, to find probable cause to set up for a disciplinary hearing scheduled for September.

Board polled as follows: Burgos, Classon, Colley, Joseph, Miller, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." Ten "ayes." Motion carried 10-0.

Comments from the Attorney for the Board

None.

Comments From Assistant City Attorney

Assistant City Attorney Naclerio stated he strongly anticipated that will not happen again.

DATE AND TIME OF NEXT MEETING

The next meeting of the Construction Regulation Board will be held on Wednesday, September 26, 2018, at 6:00 p.m. at 815 Nicholas Parkway, Conference Room A200.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 p.m.

Submitted by,

Patricia Sorrels
Recording Secretary

Item Number: 4.B.
Meeting Date: 3/27/2019
Item Type: Approval of Minutes

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

September 26, 2018 Meeting Minutes

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▢ September 26, 2018 Meeting Minutes	Backup Material

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

WEDNESDAY, SEPTEMBER 26, 2018

Council Chambers

6:00 p.m.

Meeting called to order by Board Member Sinclair at 6:05 p.m.

Roll Call: Burgos, Classon, Miller, Rist, and Sinclair were present. Joseph was excused. Colley, Moomjian, Phillips, and Prince were absent.

Also Present: Hal Eskin, Attorney for the Board
John Naclerio, Assistant City Attorney
Paul Gates, DCD/Code Compliance Officer
Carol Rall, DCD Code Compliance Customer Service Supervisor
Maricel Hernandez, DCD Code Compliance Senior Customer Service Representative

Board Member Rist moved, seconded by Board Member Classon, to have Matt Sinclair act as the Chair for this meeting tonight.

Board polled as follows: Burgos, Classon, Miller, Rist, and Sinclair voted "aye." Five "ayes." Motion carried 5-0.

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

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

Richard Dean	Florida's Best Aluminum Inc. DBA Cape Coral Screen and Vinyl	Aluminum structural
Lauren Horwitz	McGregor Glass & Mirror Inc.	Glass & glazing
Leanabel Torres	A & Rick's Garage Door Services, LLC	Garage Door- Resubmittal

Board polled as follows: Burgos, Classon, Miller, Rist, and Sinclair voted "aye." Five "ayes." Motion carried 5-0.

Board Members stated they had questions for the following applicants:

William Bixby	Linear Fence LLC	Fence Erection
Shawn Haag	SA Haag Inc. DBA Most Valuable Pavers	Paver Block

Kimberly Taylor

Jackson Pools Inc

Fence Erection

William Bixby was present and sworn in.

Discussion held regarding the following:

- His credit
- Four years of experience in fencing
- How long he has had his license in Lee County
- Strategy or financial plan

Board Member Classon moved, seconded by Board Member Burgos, to approve the license for William Bixby for fence erection.

Board polled as follows: Burgos, Classon, Rist, and Sinclair voted "aye." Miller voted "nay." Four "ayes." One "nay." Motion carried 4-1.

Shawn Haag was present and sworn in.

Discussion held regarding the following:

- License he had in the past
- Only one letter of reference
- Policy of having three letters
- Collections, medical bills

Board Member Classon moved, seconded by Board Member Miller, to approve the license for Shawn Haag for paver block.

Board polled as follows: Burgos, Classon, Miller, Rist, and Sinclair voted "aye." Five "ayes." Motion carried 5-0.

Kimberly Taylor was present and sworn in.

Discussion held regarding the following:

- Past experience
- Lee County license
- Possible restriction on this license
- As applied for, recommend denial due to lack of experience in this trade
- Her testimony to grant license to pull permit for this prefabricated fence for her pools only for outstanding pool permits

Board Member Classon asked Ms. Taylor to note the verbiage from the County as testimony.

Ms. Taylor stated the Lee County license is restricted to pre-fab fence and new construction.

Board Member Rist moved, seconded by Board Member Classon to approve the license for Kimberly Taylor with the conditions that Ms. Taylor spoke of.

Board polled as follows: Burgos, Classon, Miller, Rist, and Sinclair voted "aye." Five "ayes." Motion carried 5-0.

Assistant City Attorney Naclerio stated there was no quorum to do any further business.

Discussion held regarding not being able to conduct any more business due to a lack of quorum other than five members able to approve licenses at this meeting.

Approval of Minutes

The minutes of the meeting of the Cape Coral Construction Regulation Board for July 25, 2018, could not be presented for approval due to not having seven members present. This will be put on the November regular meeting.

NEW BUSINESS

None.

OLD BUSINESS

Formal Disciplinary Hearing Nella K LLC, Lic #63600

Assistant City Attorney Naclerio stated the Board would not be able to hear the disciplinary hearing.

Attorney for the Board Eskin stated it would need to be continued.

Assistant City Attorney Naclerio stated seven Board members would need to be present for a formal hearing. Only five members were present. He stated this would need to be re-noticed to Ms. Krekic, and this would be brought back for the November 14th meeting.

Discussion held regarding that Ms. Krekic could still continue to do business since no action has been taken on her license and cannot be done tonight.

Board Member Classon asked if it was clear that Ms. Krekic has been notified.

Assistant City Attorney Naclerio stated there cannot be any testimony due to lack of quorum.

Board Member Classon asked if we can all recognize that Ms. Krekic is in front of the Board and that she was informed of the meeting in November.

Attorney for the Board Eskin stated this cannot act as formal notice. Written notice needs to be done. The City cannot present its case because there are not enough members present tonight. He stated everything would stay the same for Ms. Krekic until November. He apologized to Ms. Krekic for the missing members.

COMMENTS FROM THE PUBLIC

Adrian Costa stated he has been a Cape Coral resident for many years. He asked what can be done about fixing the problem of contractors not pulling permits. How do we fix the problem of unlicensed contractors?

Board Member Rist explained how the mission of the Board was to try and prevent having contractors being unlicensed.

Code Compliance Officer Gates discussed Florida Statute 162; title search; unpermitted work sometimes never gets found out; unlicensed contractors; using Craigslist and Angie's List for stings; Sarasota.

Mr. Costa encouraged the Board to do something.

Discussion held regarding the Clerk to contact the Chair and arrange a special meeting before November 14th. Licensing would need a minimum of ten days to serve notice. This will be for the disciplinary hearing for Nella K LLC License Number 63600.

Comments from the Attorney for the Board

None.

Comments From Assistant City Attorney

None.

DATE AND TIME OF NEXT MEETING

The next meeting of the Construction Regulation Board will be held on Wednesday, November 14, 2018 in Council Chambers.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:11 p.m.

Submitted by,

Barbara Kerr
Recording Secretary

Item Number: 4.C.
Meeting Date: 3/27/2019
Item Type: Approval of Minutes

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

October 24, 2018 Meeting Minutes

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
□ October 24, 2018 Meeting Minutes	Backup Material

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

WEDNESDAY, OCTOBER 24, 2018

Council Chambers

6:00 p.m.

Meeting called to order by Vice Chair Moomjian at 6:24 p.m.

Roll Call: Classon, Joseph, Miller, Moomjian, Prince, Rist, and Sinclair were present. Burgos, Colley, and Phillips were excused.

Also Present: Hal Eskin, Attorney for the Board
John Naclerio, Assistant City Attorney
Paul Gates, DCD/Code Compliance Officer
Carol Rall, DCD Code Compliance Customer Service Supervisor
Maricel Hernandez, DCD Code Compliance Senior Customer Service Representative
Susan Ray, Attorney for the Respondent
Nelica Krekic, Respondent, License Holder for Nella K LLC
Zlatan Krekic

COMMENTS FROM THE PUBLIC

None.

BUSINESS

**Formal Disciplinary Hearing
Nella K LLC, Lic #63600**

DCD Code Compliance Officer Gates stated he distributed a packet to each Board Member to refresh everyone's memory from when the original case was heard. He noted that this was hand delivered to Nella so good service was made.

Officer Gates was sworn in.

Officer Gates asked if there were any questions from the Board. He stated everything was read into the record as evidence at the July meeting.

Board Member Rist asked for clarification if the money has been returned.

Officer Gates responded in the affirmative.

Attorney for the Board Eskin stated Officer Gates could do his presentation at this time.

Officer Gates read into the record the action being taken because of violations of Cape Coral Code and Ordinances regarding contracting within the City of Cape Coral. He went through the timeline of events that occurred.

He continued to read into the record that he requested that probable cause does exist for the following violations:

- 6-9(a)(3) committing incompetency or misconduct in the practice of contracting by accepting a payment for work for which Nella K is not licensed to do and for writing a post-dated check with insufficient funds to cover
- 6-9(a)(8) making misleading, deceptive, untrue or fraudulent representation in the practice of his or her contracting profession representing Nella K as a pool cage contractor
- 6-9(a)(21) to contract or do any work outside the scope of operations as set out in the definition of the particular type of contractor for which he or she is licensed.
- 6-14(f) engaging in the business or acting in the capacity of a contractor or advertising oneself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly licensed, registered or certified

Officer Gates stated the first formal disciplinary hearing was held previously; good service was made, but a quorum was not met. He recalled that Board Member Rist requested that we have this special meeting. He noted a letter dated October 3, 2018 was hand delivered and signed by Nelica on October 4th.

Assistant City Attorney Naclerio asked if Officer Gates provided a copy of the documents and exhibits to the respondent.

Officer Gates responded in the affirmative.

Assistant City Attorney Naclerio asked if Officer Gates wanted to enter this packet into the record.

Officer Gates responded in the affirmative.

Board Member Rist asked if there was a limitation on the amount of a fine that can be assessed or limitation on length of suspension if the Board so desired.

Officer Gates read from Section 2-120.10, concerning the Powers of the Board, noting the following:

- Revoking, suspending or denying the issuance or renewal of his or her license
- Imposing an administrative fine not to exceed \$5,000
- Revoking or suspending his or her permit pulling privileges
- Reprimanding
- Requiring re-examination
- Requiring restitution

- Or providing any combination of the above

Board Member Joseph questioned the involvement of the Police Department concerning 6-9(a)(3).

Officer Gates explained the problem that CCPD Detective Jaffarian had was that the homeowner knew that it was going to be a post-dated check and that is not an acceptable practice.

Board Member Joseph asked if the Detective addressed insufficient funds on a separate issue.

Officer Gates stated he included it.

Board Member Joseph asked why a report was not filed with Economic Crimes on knowingly writing a check for insufficient funds.

Officer Gates did not know. He stated Detective Jaffarian attended the May 16th meeting, and he addressed Goldie and Nelica at the same time about the check. He stated he did not know if insufficient funds was knowingly done. He noted the check came back unable to be cashed, that information he obtained from the owner.

Board Member Joseph asked why the Detective did not follow through and file a separate report for writing a check with insufficient funds.

Officer Gates stated he honestly did not know.

Board Member Rist asked if there were any other outstanding complaints in the City of Cape Coral.

Officer Gates stated there were none to his knowledge although there was one by the name of Diego Manzano, Plans Reviewer for the City; there was a dispute about delivery of pavers that were paid for. He did not hear any more about it.

Board Member Rist inquired if he searched out other surrounding municipalities that may have had outstanding complaints about Nella K.

Officer Gates stated he did not. Some of the municipalities do not take it as seriously as our City does because of staffing issues.

Board Member Prince asked if this was their first offense in the City of doing unlicensing contracting.

Officer Gates stated it was not. This was actually the last resort.

Susan Ray, Attorney representing Nella K, asked Officer Gates a series of questions: dealing with Nella K, being cooperative, and returning phone calls and emails.

Officer Gates responded in the affirmative.

Ms. Ray asked if Nella K was a new corporation.

Officer Gates responded in the affirmative.

Ms. Ray stated technically this was a first offense for Nella K.

Officer Gates responded in the affirmative.

Ms. Ray asked if this violation was completely remedied.

Officer Gates stated the money was reimbursed.

Board Member Joseph questioned why the Attorney was not involving the Board.

Attorney for the Board Eskin stated as a representative for the respondent, she had the right to ask questions to prepare her arguments to the Board.

Ms. Ray asked if the Board heard that the situation had been remedied as far as the bad check.

Someone responded yes.

Board Member Rist stated even though the money has been reimbursed, the people have still been harmed.

Vice Chair Moomjian stated they were still working out of their scope. She just got her license and recently got off of probation. Mr. Krekic does not have a license. This did not just happen by accident. Mr. Krekic took a deposit; gave the money back, but the crime was still done.

Ms. Ray stated it was the intent of Mr. Krekic to address that before the Board. She continued questioning Officer Gates asking him if Nella K or Goldie Krekic ever began the job.

Officer Gates stated they did not. It was supposed to have been done because the house was for sale, and the homeowner ended up having to sell the house without the pool cage. They made a financial arrangement with the buyers.

Ms. Ray stated she did not have any more questions for Officer Gates.

Board Member Joseph asked if the City of Cape Coral in this instance usually acts in the capacity that Officer Gates acted as a mediator.

Officer Gates explained that in 2013 we re-wrote the Contractor's Ordinance and added mediations, as well as other stipulations. He found it was an easier path to make the victims whole versus trying to go through the court system. He noted the biggest mediation was done over a year ago in the amount of \$105,000.

Board Member Rist stated most of the Board was present when the license was granted to Nella K. He asked Officer Gates about some of the problems he may have had with Mr. Krekic prior to Nella getting her license.

Officer Gates reviewed the history he has had with Goldie for about ten years. He noted Mr. Krekic has gone through at least four qualifiers.

Board Member Rist explained how the license was granted to her with some concern and how they had hoped to prevent this from happening. He stated how Nella had to come before the Board for about a year.

Officer Gates stated we have no way of preventing someone getting a license even though you may suspect what might happen. We cannot stop her from renewing it because she is legitimate.

Vice Chair Moomjian asked Officer Gates for his recommendation

Officer Gates stated his recommendation was that she be given an administrative penalty and probation for another year. He noted that Goldie could work for another general contractor who has an unlimited license. He mentioned that Nelica has been cooperative and returns his phone calls.

Board Member Sinclair asked if there was any way that we can put some language that Goldie cannot be attached to any other licensed contractor.

Officer Gates stated there is nothing in our Ordinance that allows us to do that.

Board Member Joseph clarified that Nelica was the licensed holder and Goldie was working under her.

Officer Gates stated Goldie was working as an employee.

Board Member Joseph questioned the administrative penalty even though Goldie did work that he is not qualified to do and Nelica knowingly took a check and did not give it back until she was called upon by the City.

Officer Gates stated that was correct. He noted that he was doing it selfishly.

Board Member Classon questioned his recommendation to selfishly license her so that you can monitor him. A year ago, this Board did not want to license her due to lack of experience and Nelica was coached to come before the Board with Mr. Gates' recommendation to give her a license, also with the Attorney's recommendation.

Officer Gates stated it was not his recommendation to give her a license. It was his recommendation to refuse her a license because of the actions of her husband.

Board Member Classon questioned his explanation to give her a license which would allow him to monitor Goldie.

Officer Gates stated the Board was free to do as they desired.

Board Member Sinclair stated that Mr. Krekic was acting in the capacity of a contractor under her license.

Officer Gates stated it goes under the license holder.

Board Member Sinclair stated that Goldie has been a repeat offender. He stated that Ms. Krekic knew what she was getting into before any of this was even started.

Officer Gates responded that was true.

Board Member Sinclair opined that she should get the maximum penalty with a two-year probation.

Attorney for the Board Eskin stated the Board should hold off on a recommendation until the Board hears from the respondent and his attorney.

Zlatan Krekic was present and sworn in

Ms. Ray asked Mr. Krekic if he goes by the name of Goldie.

Mr. Krekic responded in the affirmative.

Ms. Ray asked him if he holds a contractor's license in Cape Coral.

Mr. Krekic stated he and his wife work for the same company. He noted they hold a paver license.

Ms. Ray asked Mr. Krekic if this was his first violation under Nella K.

Mr. Krekic responded in the affirmative.

Ms. Ray asked Mr. Krekic if he has been cooperative.

Mr. Krekic responded in the affirmative.

Ms. Ray asked Mr. Krekic if Ms. Krekic has been cooperative as well.

Mr. Krekic stated always.

Mr. Ray asked Mr. Krekic if he holds a State Contractor License.

Mr. Krekic stated there was no State Contractor License for paver installation.

Ms. Ray asked Mr. Krekic how many active permits he had in the City of Cape Coral.

Mr. Krekic stated there were three.

Ms. Ray asked Mr. Krekic if he ever did any work for Mr. Klausing.

Mr. Krekic stated no.

Ms. Ray inquired of Mr. Krekic who asked him to prepare a proposal for the pool screen.

Mr. Krekic stated Chip; his name is John Rigglesmith.

Ms. Ray asked Mr. Krekic who he was.

Mr. Krekic stated he was a friend of the homeowner, Clayton. He noted they asked him to prepare a proposal so that they can get money from insurance, and they told him to add \$2,000 for the homeowners on the top of the proposal.

Ms. Ray asked Mr. Krekic asked if this was a rush job for insurance purposes.

Mr. Krekic responded in the affirmative.

Ms. Ray stated Mr. Klausing had his house for sale.

Mr. Krekic confirmed that statement.

Ms. Ray asked if Mr. Krekic told Mr. Klausing that he was not licensed to do pool screens.

Mr. Krekic responded in the affirmative.

Ms. Ray asked Mr. Krekic why he did the proposal.

Mr. Krekic stated he did the proposal so that he can get the money from insurance and then he was asked if he could find somebody who can help them with that. The only purpose of the proposal was getting money from the insurance company.

Ms. Ray asked Mr. Krekic if he had any intent to do the work.

Mr. Krekic stated no.

Ms. Ray asked Mr. Krekic who was going to do the work.

Mr. Krekic stated Southwest Aluminum.

Ms. Ray asked where they were located.

Mr. Krekic stated Naples.

Ms. Ray asked Mr. Krekic if he willfully violated the Code.

Mr. Krekic stated no.

Ms. Ray asked Mr. Krekic if he felt he was doing them a favor.

Mr. Krekic stated it was his sense that he was doing them a favor for a friend of a friend. He did not know them before he met them through Chip.

Ms. Ray asked Mr. Krekic why he took the three checks totaling \$6,000.

Mr. Krekic stated he gave his money to the aluminum company who did not have money until they received the money from the insurance company. He stated he received three, two checks combined, but did not remember any more.

Ms. Ray asked Mr. Krekic if he decided to refund the money.

Mr. Krekic responded in the affirmative.

Ms. Ray asked why he decided to do that.

Mr. Krekic stated they asked him because they could not wait any longer. The homeowner sold the house, and there were new owners. He stated they asked him to give them a check. He noted two reasons why the check bounced at the bank. One reason was that he asked him because of the proposal he gave, could you just give me before you deposit the check, a piece of paper stating relief that he did not owe him any money and that he did not need to do any work at the property. He never provided that. Number two – he did not give a check. There is a statement and a copy of the check.

Ms. Ray asked Mr. Krekic if he could identify the check.

Mr. Krekic stated it was a check given to him that bounced one day prior to them putting the check in the bank. He stated there was a statement from Wells Fargo. He explained that he returned phone calls from the City of Cape Coral and came every time requested. He discussed the mediation held.

Ms. Ray asked Mr. Krekic what he was referring to.

Mr. Krekic stated the violations that they were talking about was about me doing something before.

Exhibits were passed around to the Board for their inspection.

Ms. Ray stated to get back to the current violation, the \$6,000 check that bounced. She stated had this \$4,400 check that was given to Mr. Krekic not bounced, the \$6,000 check would not have bounced.

Mr. Krekic responded in the affirmative.

Ms. Ray asked Mr. Krekic if he ultimately paid that money back.

Mr. Krekic stated we brought a certified check today to the City of Cape Coral.

Ms. Ray asked Mr. Krekic when he went to mediation with Mr. Klausing, was everything settled?

Mr. Krekic responded in the affirmative.

Ms. Ray stated Mr. Klausing sold his house.

Mr. Krekic stated that was correct. He added that Mr. Klausing told him that he did not owe him anything anymore.

Ms. Ray stated that was the end of her questioning Mr. Krekic.

Board Member Sinclair asked Mr. Krekic who contacted him to refund the money, the homeowner or the City?

Mr. Krekic stated it was the City. The first time it was the homeowner. When he met with the homeowner asking him for a release, he gave him the check to pay him back.

Board Member Sinclair asked him what the reason for the mediation.

Mr. Krekic stated it was because the check bounced.

Board Member Sinclair asked Mr. Krekic if he knew that he was acting as an unlicensed contractor.

Mr. Krekic responded that he never said that he did not know. He knew that he was not licensed for the work, but he never had any intention to do the work.

Discussion held regarding another case that was unrelated to the current issue.

Board Member Sinclair stated basically Mr. Krekic was acting in the wrong capacity and took money.

Ms. Ray stated any other claims that the Klausings could have filed in civil court were also settled with this mediation agreement.

Discussion held regarding another unrelated issue.

Board Member Rist stated if you take a deposit greater than 10%, there is a specific amount of time where you had to file for a permit. According to what he read, Mr. Krekic never applied for a permit.

Mr. Krekic stated he was not licensed to do that work.

Board Member Rist questioned why he took the money.

Mr. Krekic stated because he helped them to get the money from insurance. He stated he had no doubt that he made a mistake.

Board Member Joseph asked if the Board could address other cases that have been mentioned.

Attorney for the Board Eskin stated we needed to stick to the facts in this case and what type of discipline the Board wanted to invoke. It becomes a little bit of a due process issue if you start bringing up other potential incidences.

Board Member Rist questioned why we were even addressing him when this whole thing is about Nella.

Other members agreed.

Attorney for the Board Eskin stated both can testify.

Board Member Joseph stated the Attorney for the respondent noted that the Klausings did not seek any further action, whether it was in circuit court or civil court. Were the Klausings afforded the opportunity to come in front of the Board to tell their story?

Officer Gates responded in the affirmative. He explained that he did not call them for this meeting because they were satisfied with what had happened and got their money back. Mrs. Klausings was fighting a medical condition, and the Klausings both felt satisfied.

Ms. Ray asked Mr. Krekic when he was discussing the pool cage with Mr. Klausing, was there a lot of pressure to get this done in a hurry so that he can get his insurance check?

Mr. Krekic responded in the affirmative.

Ms. Ray asked Mr. Krekic if he was honest that he would not be doing the work.

Mr. Krekic responded in the affirmative.

Ms. Ray asked Mr. Krekic if it was ever his intent to violate the Code or otherwise break the law in any way.

Mr. Krekic stated no. He just wanted to help a friend of a friend.

Ms. Ray asked Mr. Krekic if he was successful.

Mr. Krekic stated yes.

Ms. Ray asked if he was able to get the proposal done.

Mr. Krekic responded that they got their money from the insurance based on his proposal.

Ms. Ray asked why Southwest Aluminum was not able to do the work.

Mr. Krekic stated they were in contact with them all the time, and then in the meantime, they sold their house, and he did not know who was going to finish the work.

Ms. Ray stated Southwest Aluminum had so much work that they were not able to get to the job as quickly as possible.

Mr. Krekic stated there was a hurricane.

Vice Chair Moomjian asked if Southwest Aluminum was going to do it, who signs their contracts?

Mr. Krekic stated he never signed any contract.

Vice Chair Moomjian stated he gave them a proposal and he got money; somewhere along if Southwest ever intended on doing the job, they would have had to have a contract signed. Where is the contract?

Mr. Krekic stated there was no contract.

Ms. Ray stated once Mr. Krekic discovered that Southwest Aluminum was not able to do the job, she asked Mr. Krekic if he immediately returned the money.

Mr. Krekic stated he was in contact almost every day with the homeowners. He told them that Southwest could not do the job and was told to return the money.

Ms. Ray asked Mr. Krekic if it was not his intent to write a bad check.

Mr. Krekic stated he did not intend to write a bad check.

Board Member Rist stated if you were trying to help them in this conspiracy to defraud the insurance company, why was it necessary for Mr. Krekic to take money?

Ms. Ray objected. She stated Mr. Krekic testified that he did not take the extra \$2,000.

Mr. Krekic stated they asked him to find somebody to help them. It was like a friend's deal. That's why there was no contract.

Vice Chair Moomjian discussed his not having a contract and not being able to pull a permit. He noted it was over \$2,500 and there needed to be a consigned NOC.

Discussion held regarding not being able to pull a permit without a NOC.

Assistant City Attorney Naclerio stated an NOC is required before the first inspection.

Board Member Joseph asked Officer Gates if the insurance company was contacted regarding how Mr. Krekic added \$2,000 to the proposal.

Officer Gates stated he never spoke to their insurance company.

Ms. Ray asked Mr. Krekic to clarify if he was offered an extra \$2,000 by the Klausings.

Mr. Krekic stated he was not offered it. They took \$2,000 extra. He never gave a proposal to the Klausings. He offered to show emails to whom the proposal went; he mentioned it went to Chip (John Rigglesmith), who was a close friend of theirs. He stated he was asked to do this as a favor to their friend, to add \$2,000 on that, and to give it to them, so that they can get the money from insurance.

Ms. Ray stated once the house was sold, and the Klausings were gone, and everything was cleared up, did Southwest Aluminum have some difficulty working with the new owners?

Mr. Krekic stated no. They just couldn't do the work because they were too busy. He returned the money before he got his money back.

Ms. Ray stated they were too busy to come and even bring a contract.

Mr. Krekic stated they were too busy.

Vice Chair Moomjian asked before he got his money back, where did that money go?

Mr. Krekic stated he gave it to Southwest.

Vice Chair Moomjian stated you did not have a contract.

Mr. Krekic stated how they gave him \$6,000 without a contract.

Vice Chair Moomjian asked if he had a copy of the check they gave him.

Mr. Krekic stated probably yes. He did not have a contract, but the bank has a copy of that check.

Board Member Rist stated if Southwest gave him money, why was the other woman who gave him a bad check an issue?

Mr. Krekic stated he gave the money because they pressured him. He asked them if they could wait until he got his money. They said no.

Board Member Rist asked who he gave money to.

Mr. Krekic stated to the homeowners before he was reimbursed.

Board Member Rist stated according to the copy of the checks, he received the money on October 26th.

Mr. Krekic stated it was three checks.

Board Member Rist asked when he gave the money back.

Mr. Krekic stated it was April. He noted that was when they asked him for the money.

Board Member Rist asked if that was the first time they asked him for the money.

Mr. Krekic stated yes.

Board Member Rist stated all these other things that they said were simply untrue.

Mr. Kekic asked what things?

Board Member Rist stated that they were after him to get the money back.

Mr. Krekic stated no; he did not read it that way. They were after him and calling him; he called back when the work is going to be done, but never about the money. The first time they requested the money, he met with him in front of the bank and told him this is the check and to please give him a release that he did not owe him anything and parted their ways. He said he will; he never did.

Vice Chair Moomjian went over the timeline of the checks. The first two payments were scheduled to be done in March. There was no contact and no payment.

Board Member Joseph asked if someone had an original copy so that the name can be legible on the top of that contract.

Officer Gates noted that those were sent to him by an email from a cell phone.

Discussion held regarding the unclear copies of the exhibits.

Discussion held regarding a document with information pertaining to Custom Home Builders, a company in Naples.

Discussion held regarding Exhibit C, bottom right corner, initials.

Discussion held regarding the proposal that was given to Chip, the realtor.

Nelica Krekic was present and sworn in.

Ms. Ray asked Ms. Krekic what her relationship was to Nella K.

Ms. Krekic stated she was a member of the company and the license holder.

Ms. Ray asked Ms. Krekic how long Nella K been in existence.

Ms. Krekic stated Nella K was in existence about ten years. She noted she was the license holder. It was her business for real estate. She combined the license holder and then Goldie became a member for the last two years.

Ms. Ray asked Ms. Krekic in what capacity did she work for Nella K.

Ms. Krekic stated most of the time she did paper work, help with ordering, paying bills, measurements in the field, selecting colors, permitting, and inspection. She stated she asked Mr. Gates to pull out our permitting history for the last two years since she has been a holder. There was not one single problem. There were no problems with anything

pending. This happened because she was careless and made a mistake. She noted they had no intention to take someone's money. She noted she promised this Board that even though it was not related with her new company, she completed everything. She stated it was her intention to do the right thing with her company in the best of her ability. She stated she was sorry that this happened.

Ms. Ray asked Ms. Krekic if she had any communication with the Klausings.

Ms. Krekic stated she did not know about that at all.

Ms. Ray asked Ms. Krekic if she ever had any contact with any of the people that hire your company to do work.

Ms. Krekic responded in the affirmative, but not with the Klausings.

Ms. Ray asked Ms. Krekic if she knew the realtor, Mr. John Rigglesmith.

Ms. Krekic stated she knew him from long time ago in 2000 when she bought her first house. She stated he called her husband so many times for help. She stated, unfortunately, her husband did that favor that was being discussed.

Ms. Ray asked Ms. Krekic what was the reason the check bounced that was returned to the Klausings?

Ms. Krekic explained that check bounced because a day before it bounced, there was a check from our customer in Bonita Springs whose check for \$4,400 bounced and that is why our account did not have enough.

Ms. Ray stated if this check hadn't bounced, we would not even be here today.

Ms. Krekic the check was already returned, and we did not know about this. The lady from Bonita also said that her insurance check was on her account and that happened. They posted the check two times in 2-3 days. They did not know that the check bounced. Immediately after that, on May 2nd, the City was informed.

Ms. Ray asked Ms. Krekic if the check ever cleared.

Ms. Krekic stated it cleared later and she was given a different check since the other one was posted twice already. She stated the person called her and apologized; she stated the woman told her the insurance check did not come yet, and we would have been waiting ten more days for this money.

Ms. Ray stated now that you're involved in Nella K, she inquired if things would go a little bit smoother.

Ms. Krekic believed so. She stated she was not aware of any problem. She communicates all the time and always wants to do the right thing.

Ms. Ray stated that was the end of her questions to Ms. Krekic.

Ms. Krekic added more to her testimony. She stated when she met with Mr. Gates, she discussed why the check was returned. She mentioned her bad experience during the meeting when the Detective was present.

Vice Chair Moomjian stated he understood the check bounced. He stated what he read was that a payment was scheduled to be made on March 10th. That came and went. It took 40 days to get the next check.

Mr. Krekic explained.

Vice Chair Moomjian asked Mr. Gates since he was the mediator, did he have anything to do with the first check that was supposed to be given on March 10th?

Officer Gates stated he did not. He stated he knew of it from whatever evidence they gave me through email and the copy of their complaint. The copy of the complaint was also sent to Nella too before the probable cause hearing so one was aware of what their complaint was. His solution was to do the mediation and get their money back because it is against our Ordinance and Statute that an unlicensed contractor contract with an unlicensed individual as unenforceable.

Vice Chair Moomjian questioned how Ms. Krekic was telling customers that the City was backed up. He asked Mr. Krekic if this was told to the customers that they were waiting on the City.

Mr. Krekic responded never.

Board Member Sinclair asked the Krekics to confirm that they have a paver license.

Mr. Krekic stated that was correct.

Board Member Sinclair asked Mr. Krekic if he took money to do a screen enclosure job.

Mr. Krekic stated that was not true. He stated he took a deposit to help a friend. He did not give the proposal to them. They gave me money to help them to hire somebody to do it because they were desperate. He stated he tried to help. He stated he made a mistake. He did nothing knowingly to harm them. He put an extra \$2,000 in their pockets. He gave them money back because they couldn't wait. They sold the house which he was never told that they were going to sell.

Board Member Sinclair stated you're not supposed to take money for something that is out of your job scope.

Mr. Krekic stated he did not know that, then said yes.

Board Member Rist asked Mr. Gates if he saw any evidence supporting the homeowners trying to get their money back earlier.

Officer Gates stated they sent texts back and forth. He stated he may have put it as part of the case.

Mr. Krekic stated never.

Board Member Rist stated they were willing to wait six months for this money.

Officer Gates responded that unless they saw that table at Lowes, they probably did not figure out that the City can help them until he was there. When they asked, we told them we can help them.

Board Member Joseph asked Mr. Gates if this would have been taken care of if the Klausings had not seen him at Lowes that day.

Officer Gates stated he did not know.

Board Member Joseph asked Ms. Ray if she spoke to the homeowners, the Klausings.

Ms. Ray stated never. She added that the mediation agreement settled everything.

Board Member Joseph questioned the last paragraph of the Klausings' document in the packet where they complained that Mr. Krekic knowingly defrauded them of \$6,000 and never intended to put up a pool cage. He stated his question was that Ms. Ray stated there was no further action, but he noted he did not have an opportunity to talk to the Klausings to find out if this was just okay to get the money back. He questioned why this was okay with the Klausings when they went through all of this.

Ms. Ray stated that was correct, but they were not here to ask.

Officer Gates responded that when we set up a mediation, the terms are presented ahead of time. They were advised that once they accepted mediation, that would stop all further claim.

Board Member Rist asked Mr. Krekic if he had any proof from something going on so that they could get insurance money, Southwest's involvement, any supporting documents?

Mr. Krekic stated he had everything that he said as support.

Discussion held regarding who was Southwest, who was the contact person?

Mr. Krekic stated he can produce the reimbursement check from them. He stated the other party is not available to answer the questions about insurance.

Board Member Rist asked Mr. Krekic if given some time can he provide the Southwest contact person and produce the check?

Mr. Krekic responded absolutely.

Officer Gates stated what he would believe is even any communication now with Southwest might miraculously show proof of everything.

Board Member Rist asked Mr. Krekic about his three open permits in Cape Coral. He asked what other permits he has open throughout the State of Florida.

Mr. Krekic responded that one closed two days ago in Collier County for footer and paver patio.

Board Member Rist asked other than the three permits open in Cape Coral, there were no others?

Mr. Krekic stated that they applied for one more permit, and we were told today that street is privately owned inside a gated community and did not require a right of way permit. He stated the homeowner called him to ask for the money to be paid back that was paid for the permit. This was also in Collier County.

Vice Chair Moomjian asked Mr. Krekic about doing structural footers and pavers.

Mr. Krekic stated it was the footer for the paver.

Vice Chair Moomjian asked if the Board Members had any recommendations.

Attorney for the Board Eskin stated before the Board deliberates, he asked if there were any more comments from the Respondent's Attorney.

Ms. Ray presented her final statements. She stated Mr. Krekic has 20 years' experience doing pavers in Cape Coral and has done good work. He has about three permits pending now. This is the first offense for Nella K. She took over so that she can help run the business behind the scenes. As she testified, she works on renewing licenses, insurance, and talks to some of the customers. Some prior charges against Goldie were discussed today that did not have anything to do with Nelica Krekic, and they are not before the Board today. Goldie provided a proposal for a cage for \$12,400 to the Klausings on September 27, 2017. The Klausings were selling the house, and they needed a proposal

very quickly so that they could file their insurance. A real estate agent named John Rigglesmith, also known as Chip, who was a friend of Goldie, asked Goldie to prepare this proposal for the purposes of their insurance claim. They were in a hurry, and Goldie did this as a favor with no bad intent. It was not a willful violation; he was just trying to help the homeowner. He told Mr. Klausing that he was not licensed to do the cage and that the job would be done by Southwest Aluminum. It was his intent for them to do the job. He had no intent to do the job himself. The only reason he did the proposal was so the homeowner could obtain insurance proceeds and then sell the house. They sold the house. In the closing documents, the seller was required to repair the pool screen. After the sale of the house, we lost communication. Neither she nor her client did not know if the pool screen was ever done at this point.

Ms. Ray continued that on April 20, 2018, Goldie met with the seller, Mr. Klausing, and refunded the \$6,000 because Southwest Aluminum said they could not do the job. They had waited about six months. Goldie postdated the check and asked Mr. Klausing to hold until Friday and to provide a release. On April 12, 2018, Nella K was given a check for \$4,400 which bounced, which in turn, led to the Klausing check bouncing. The \$6,000 has been paid back to the City. They paid an administrative fine as well. There was a mediation agreement which settled everything with the Klausings and all matters with Nella K. He has been punished. There is no longer any violation. He is not currently in any violation. This is not a continuing situation. This situation has been remedied 100%. She asked the Board to waive any penalties or on the other hand, a minimum penalty.

Board Member Prince stated prior to his Board appointment, the license was approved to Nella K on a probationary basis. He questioned how long after her license was issued that this offense occurred.

Officer Gates stated she was on probation for a year. He seemed to recall the year was over in February. He stated maybe about 18 months from the time of this violation.

Board Member Classon clarified what Member Prince was looking for was a definition when Nella was no longer on probation and she did not need to come to the meetings any more, the time from that meeting to this violation.

Officer Gates estimated ten months.

Board Member Prince stated obviously there was a problem before he came on as a Board Member and there must be some history of which he is unaware.

Officer Gates stated September 2017 is when Goldie signed the contract with them; it was during the hurricane.

Discussion held regarding the date of Nella K's last required appearance when she was on probation.

Board Member Rist questioned if this offense took place when she was on probation.

Board Member Classon stated while she was on probation, there were no complaints and no issues, and that is why the Board released her. She noted we gave her a license for one year. When we asked the City to inform us if there were any issues while she was on probation, the Board was told there had been no issues and no complaints.

Attorney for the Board Eskin stated a note from the Clerk shows that on November 15, 2017 was their last required attendance at a meeting. That is when probation ended. A year before that is when the license was obtained.

Board Member Prince stated this was occurring when she was on probation.

Board Member Classon stated one check was dated October 26, 2017.

Attorney for the Board Eskin stated this did not come to the City until later.

Discussion held regarding that the event occurred while she was on probation.

Board Member Classon passed the check exhibit back through the Board Members. She stated when you receive a deposit, it has no relevance that a check did not get honored. When you take money from a customer, you do not buy anything with it. It sits in escrow. That does not have any basis of why that check was not honored because of another fund. Those funds should have been ready to release within a day.

Board Member Rist stated the money was returned but the act of contracting without a license happened.

Board Member Classon stated everything in front of us here that we heard is based on committing the practice of contracting outside her scope. She questioned if the Board is looking at the actual license holder.

Discussion held regarding Southwest Aluminum being in Naples.

Attorney for the Board Eskin stated the first thing the Board may want to consider is whether or not the Board believes that the license holder and the witness (virtual license holder) is guilty of violation. Once you determine guilt, if you determine guilt, then you can discuss the disciplinary action.

Board Member Joseph moved, seconded by Board Member Rist, to find that the respondent license holder, Nelica Krekic, is guilty of four violations as follows: 6-9(a)(3), 6-9(a)(21), 6-14(f), and 6-14(l)

Officer Gates stated the charges were listed in the packet as follows: 6-9(a)(3), 6-9(a)(8), 6-9(a)(21), and 6-14(f).

Board Member Joseph amended his motion, second agreed by Board Member Rist, to find that the license holder, the respondent Nelica Krekic, is guilty of all four violations included in the packet.

Board polled as follows: Classon, Joseph, Miller, Moomjian, Prince, Rist, and Sinclair voted “aye.” Seven “ayes.” Motion carried 7-0.

Discussion held regarding what action the Board wants to take: restitution, suspension of license, revocation of license, or placing on probationary status.

Board Member Joseph moved, seconded by Board Member Rist, to revoke the license holder’s license in the City of Cape Coral.

Board Member Classon discussed the fact that the license holder has already been on probation, noting that she did not have the required experience when she became licensed. The license was based on another person working for her company.

Board Member Rist pointed out that while she was on probation, she committed fraud.

Board Member Classon reminded the Board and the license holder how we did not want to grant her the license, but the Board gave her an opportunity. The license holder put herself in this situation. She confirmed that the license holder was heard. She noted the compassion she had for the license holder and her workers.

Board Member Joseph asked the Board to consider the revocation because the license holder was ultimately responsible and allowed this to happen. She had an opportunity not to accept any of the three checks and return them prior to the mediation.

Board Member Rist stated that we agreed to grant her the license, we were clear about her responsibility and had concern about her ability to watch the financial part. He asked the Attorneys if we revoked her license, can we still fine her?

Assistant City Attorney Naclerio stated the Code allows the Board a few options, noting that the fine could be up to \$5,000. Before the vote, he clarified that the motion would be to revoke future privileges and not to include the three open permits.

Discussion held regarding the motion would not include the three open permits, just for future privileges.

Board Member Joseph asked how long the license can be revoked.

Attorney for the Board Eskin stated once it is revoked, she would have to re-apply in the future. There is no restriction as to when she can re-apply; it could be next month. If and when she re-applies, she would be like a new applicant.

Discussion held regarding the license holder re-applying in the future.

Board Member Classon noted how the Board reminded the license holder previously of being financially responsible. She discussed Exhibit D, a check in the amount of \$6,000, and how someone else other than the license holder signed for the account. She noted that check not being able to fund was due to the administration, and that those funds went into an operating account or they were spent elsewhere when it was not theirs (the applicant's) to spend.

Board Member Joseph amended his motion to add a \$2,500 fine to the inclusion of the revocation of the license holder's fine. Board Member Rist, the second, agreed.

Attorney for the Board Eskin asked if the Board would allow Ms. Krekic to respond. The Board agreed.

Ms. Krekic responded that it was not her actions, but those of her husband's. She was present when another violator was before the Board, not that she wanted to use that as a comparison, but that violator has many violations and yet the Board allowed him to continue his business. She knew that she was responsible. She admitted she made a mistake and apologized. She questioned if the revocation was really necessary.

Board Member Rist stated when the Board approved her license, this was all going on, and Ms. Krekic was not forthcoming about it.

Ms. Krekic stated she did not know.

Board Member Rist questioned how could she not know that there was a contract to do work outside the scope of her license.

Ms. Krekic explained how her husband did this with an email to Chip and how it was done without her knowledge. She understood she was responsible, but mistakes sometimes happen and not intentionally. She noted how she came to every meeting when it was required. She appreciated the Board's opportunity to have a probationary license. She has been cooperative and noted how many satisfied customers they had.

Board Member Rist questioned why she did not produce any letters from satisfied customers.

Ms. Krekic stated she could produce those letters, noting how sometimes they have two or three jobs on the same street.

Board polled as follows: Classon, Joseph, Miller, Moomjian, Prince, Rist, and Sinclair voted "aye." Seven "ayes." Motion carried 7-0.

Comments from the Assistant City Attorney

Assistant City Attorney Naclerio stated that staff will send a proposed order to the Board Attorney. The other side has a chance to send a proposed order to the Board Attorney. The Board Attorney will finalize the order and will be brought back to the next meeting for signature. The Board can review the final order at that time. As far as the revocation, since it was done orally at this meeting, that goes into effect tomorrow. However, it does not affect the three open permits.

Mr. Krekic asked if he can finish the jobs on the three open permits.

Assistant City Attorney Naclerio responded in the affirmative. He noted that they cannot pull any more permits in the City; the license is no longer valid.

Comments from Attorney for the Board

None.

DATE AND TIME OF NEXT MEETING

The next meeting of the Construction Regulation Board will be held on Wednesday, November 14, 2018 in Council Chambers.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:09 p.m.

Submitted by,

Barbara Kerr
Recording Secretary

Please note that this is not a verbatim.

Item Number: 4.D.
Meeting Date: 3/27/2019
Item Type: Approval of Minutes

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

November 14, 2018 Meeting Minutes

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▢ November 14, 2018 Meeting Minutes	Backup Material

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

WEDNESDAY, NOVEMBER 14, 2018

Council Chambers

6:00 p.m.

Meeting called to order by Chair Colley at 6:04 p.m.

Roll Call: Classon, Colley, Joseph, Moomjian, Prince, and Rist were present.
Burgos, Miller, Phillips, and Sinclair were excused.

Also Present: Hal Eskin, Attorney for the Board
John Naclerio, Assistant City Attorney
Paul Gates, DCD/Code Compliance Officer
Carol Rall, DCD Code Compliance Customer Service Supervisor
Milagros Nunez, DCD Code Compliance Customer Service Representative

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

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

Renan	Lima	RS Pro Flooring LLC	Finish Carpentry
Bernd	Styner	Sunstate Coating 21 LLC	Painting
Kevin.	Bard	Kevin Bard Carpentry LLC	Carpentry
David	Plummer	Homewood Holdings LLC DBA Acme Sealcoating and Paving	Paving
Luis	Velazquez	Elite Irrigation FL LLC	Irrigation Sprinkler
Alexis	Acosta	TMP Construction Service Corp.	Tile, Terrazzo & Marble
Christine	Masse	Masse Services LLC	Painting
Kevin	Pugh	Pugh Concrete LLC	Concrete Placing & Finishing

Board polled as follows: Classon, Colley, Joseph, Moomjian, Prince, and Rist voted "aye." All "ayes." Motion carried 6-0.

Board Members stated they had questions for the following applicant:

Samuel Hendrick Hendrick Irrigation LLC Irrigation

Samuel Hendrick was present and sworn in.

Discussion held regarding the following:

- Identity Theft occurrence
- Century Link account
- Experience – Mr. Hendrick explained working with Danny Yates; Coastal; Conserva; and Charlie Warden.
- References

Board Member Classon moved, seconded by Board Member Rist, to approve the license for Samuel Hendrick for Irrigation.

Board polled as follows: Classon, Colley, Joseph, Moomjian, Prince, and Rist voted “aye.” All “ayes.” Motion carried 6-0.

Approval of Minutes

The minutes of the meeting of the Cape Coral Construction Regulation Board for July 25, 2018 were presented for approval.

A quorum was not present, no vote taken.

The minutes of the meeting of the Cape Coral Construction Regulation Board for September 26, 2018 were presented for approval.

A quorum was not present, no vote taken.

The minutes of the meeting of the Cape Coral Construction Regulation Board for October 24, 2018 were presented for approval.

A quorum was not present, no vote taken.

COMMENTS FROM THE PUBLIC

None.

NEW BUSINESS

Assistant City Attorney Naclerio explained a quorum was not present this evening. No other further business could be accomplished.

DCD Code Compliance Officer Gates explained the need for a special meeting to finalize the Nella K. order.

Discussion held regarding the order needing to be adopted in accordance to the Code which requires adoption within 60 days. Proper notice must be given.

Discussion held in reference to the Clerk's Office arranging for a special meeting to finalize the Nella K. order as soon as possible.

2019 Meeting Dates

A quorum was not present, no vote taken.

OLD BUSINESS

Formal Disciplinary Hearing: Nella K LLC, Lic #63600

A quorum was not present, no vote taken.

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 23, 2019 in Council Chambers.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:13 p.m.

Submitted by,

Kimberly Bruns
Interim City Clerk

Item Number: 4.E.
Meeting Date: 3/27/2019
Item Type: Approval of Minutes

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

November 28, 2018 Meeting Minutes

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▣ November 28, 2018 Meeting Minutes	Backup Material

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

WEDNESDAY, NOVEMBER 28, 2018

Council Chambers

6:00 p.m.

Meeting called to order by Chair Colley at 6:02 p.m.

Roll Call: Burgos, Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair were present. Classon and Miller were excused.

Also Present: Hal Eskin, Attorney for the Board
John Naclerio, Assistant City Attorney
Carol Rall, DCD Code Compliance Customer Service Supervisor

COMMENTS FROM THE PUBLIC

None.

BUSINESS

**Formal Disciplinary Hearing
Nella K LLC, Lic #63600**

DCD Code Compliance Customer Service Supervisor Rall stated she was present on behalf of Code Compliance Officer Gates. Pursuant to our Ordinance, a final order, Case No. 18-013635, was prepared by staff and sent to the Board Attorney for review. Good service was made to Nella Krekic on 11-20-2018. The Board Attorney made changes, and the final order was presented to the Board Members.

Board Member Rist moved, seconded by Vice Chair Moomjian, to proceed as we ruled to adopt this order.

Board polled as follows: Burgos, Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." Eight "ayes." Motion carried 8-0.

Comments from the 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 will be held on Wednesday, January 23, 2019 in Council Chambers.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:04 p.m.

Submitted by,

Barbara Kerr
Recording Secretary

Item Number: 4.F.
Meeting Date: 3/27/2019
Item Type: Approval of Minutes

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

January 23, 2019 Meeting Minutes

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▢ January 23, 2019 Meeting Minutes	Backup Material

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

WEDNESDAY, JANUARY 23, 2019

Council Chambers

6:00 p.m.

Meeting called to order by Chair Colley at 6:01 p.m.

Roll Call: Colley, Joseph, Prince, and Rist, and Sinclair were present. Burgos, Classon, Moomjian, Phillips, and Shedd were excused. Miller resigned as of January 22, 2019.

Also Present:

John Naclerio, Assistant City Attorney

Paul Gates, DCD/Code Compliance Officer/Licensing Investigator

Maricel Hernandez, DCD Code Compliance Customer Service Representative

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

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

Board Member Rist moved, seconded by Board Member Sinclair, to approve the following license applications as presented:

Andrew Ryan Terry	Paving	
Ricardo Teixeira	Cabinet & Millwork	Name Change
John Martin	Fence	
Steve Thurn	Excavation	
John M. Stephens	Irrigation	

Board polled as follows: Colley, Joseph, Prince, Rist and Sinclair, voted "aye." All "ayes." Motion carried 5-0.

The applicants approved were informed of license approval and instructed to obtain their license the next day.

Board Members stated they had questions for the following applicants and they were interviewed as follow:

Sean Miller	Fence	
Nickey Golobo	Paving	
Richard Vanistendal	Tile & Marble	Reactivation

Sean Miller was present and sworn in by Assistant State Attorney Naclerio.

Discussion held regarding the following:

- Letters of Recommendation; only one submitted and Board requires three letters
- Work history and prior business up North; 8 years in Florida
- Applicant's confusion with Cape Coral's policy
- Applicant's prior employers no longer in business and unable to produce letters
- Already licensed in Fort Myers, Bonita Springs, and Estero
- Available references in Home Advisors, Thumbtag, Yelp, and Angie's List

Board Member Joseph questioned Mr. Miller if it was explained to him by Code Compliance/Licensing, that one of the application process and requirement was to submit three separate Letters of Recommendation.

Mr. Miller explained that he only submitted the one and the other documentation required. He stated that he did not clearly understand that there were three letters required. He questioned if the letters could also be from clientele.

Discussion held regarding the following:

- Applicant not aware that he could provide letters from Customers
- Requirement and policy to produce three Letters of Recommendation
- Prior licensing from up North; Reciprocity of license
- Letters from Contractors and/or Customers
- Consideration of other licenses in county and neighboring cities

Board Member Rist moved, seconded by Board Member Prince, to approve the license for Sean Miller for Fence.

Board polled as follows: Colley, Joseph, Prince, Rist and Sinclair, voted "aye." All "ayes." Motion carried 5-0.

Board Member Prince informed Miller that he can obtain his license tomorrow.

Nickey Golobo was present and sworn in by Assistant State Attorney Naclerio.

Discussion held regarding:

- Letters of Recommendation Requirement
- 3 weeks in Florida; Past work history in Maryland
- Work history based on family business
- Letters of Recommendation from family members are not acceptable per policy
- Other licenses acquired in Lee County, Charlotte County, and Fort Myers
- Prospective licensing in Collier County and Hendry County
- Difference between letters requirement in this City compared to other local cities

Board Member Rist inquired if Mr. Golobo would be able to produce the two other Letters of Recommendation.

Mr. Golobo responded in the affirmative and inquired if the letters can be customer based. He informed the board that he also advertised in Home Advisor and other social medias.

Discussion held regarding:

- Who the letters should be from? Customers vs. Licensed Contractors/Employers
- Need clarification on policy
- Inclination to approve license due to active licensing in other counties and cities
- Incorporated and Unincorporated Cities in Lee County and different policies

Chair Colley stated that letters are supposed to come from contractors and not customers.

Board Member Rist questioned Assistant State Attorney Naclerio about the policy procedures in approving the license on a conditional basis until the submission of the additional Letters of Recommendation, and then making final approval of the license at the next meeting.

Assistant State Attorney Naclerio clarified the Board's authority on approving license and conditional procedures. He also mentioned that the three letters requirement are not written into the City's code, but that they are included in the Board's policies. His recommended was that the policy must be consistent across the board.

Code Compliance Officer Gates read aloud, per verbum, the language written on the actual application package and discussion was held regarding:

- No language referenced in application requiring three Letters of Recommendation
- Notarized documents verifying experience: "must be completed by past or present employers licensed and actively engaged in construction services field."
- Application specifically states: "past employers" and nothing about customers
- Board's clear direction on adjusting verification process
- Attesting to qualifications based on references
- Issue discussed in the past a few times; change needs to be consistent
- Quorum required to vote on policy changes

Assistant State Attorney Naclerio stated that there was no quorum this evening to vote on changing policy and this issue would need to be addressed under new business at the next evening.

Further discussion between Board and Officer Gates concerning the language on the application as to the Letters of Recommendation:

- Code Compliance Officer Gates agreed to writeup excerpt
- Approval of policy change
- Consideration to approve Mr. Golobo's license
- If policy states three letters are required, then applicants must abide by that policy

- Application does not state anywhere that three letters are required
- Years of experiences in the field should be part of policy

Board Member Rist moved, seconded by Board Member Prince, to approve the license for Nickey Golobo for Paving.

Board polled as follows: Colley, Joseph, Prince, Rist and Sinclair, voted “aye.” All “ayes.” Motion carried 5-0.

Richard Vanistendal was present and sworn in by Assistant State Attorney Naclerio.

Board Member Rist questioned Mr. Vanistendal about the expiration of his license and his lack of submitting three Letters of Recommendation.

Further discussion was held regarding:

- Reasons for letting license lapse
- Due to prior licensing shows competency in the field
- Informed that only one letter was required by Code Compliance
- City's number of letters required vs. Charlotte County only requires one letter
- State application requires three Letters of Recommendation
- Three letters referenced in the cover page/checklist
- Policy has been three letters, however it is not written on the application

Assistant State Attorney Naclerio announced that the policy had always been three Letters of Recommendation, but he does not believe it was written.

Code Compliance Customer Service Representative Hernandez clarified that the language is only listed in the cover page and not part of the actual application.

Board reviewed application forms and determined that the “Specialty Contractor Requirements” is a checklist and internal form, which is not part of the application.

Code Compliance Officer Gates agreed to draft the language for the board's review at the next meeting.

Discussion held regarding:

- Letter from family members
- Policy of three Letters of Recommendation
- Board's past direction on this issue; No firm/hard rule
- Applicants need to have explanation if unable to produce letters
- Further discussion as the next meeting

Board Member Rist moved, seconded by Board Member Prince, to reactivate the license for Richard Vanistendal for Tile and Marble.

Board polled as follows: Colley, Joseph, Prince, Rist and Sinclair, voted “aye.” All “ayes.” Motion carried 5-0.

Applicant John Martin arrived at 6:25 p.m. and was informed that his license was approved and instructed to go to licensing with necessary documentation to pick-up tomorrow.

Assistant City Attorney Naclerio announced that a quorum was not present this evening. No other further business could be accomplished, and any other items listed on Agenda would be addressed at the next meeting on March 27, 2019.

Further discussion held regarding application requirements:

- Officer Gates affirmed that he will draft some language to address issues with the Letters of Recommendation for Board's review and approval at the next meeting
- Allowing or removing option from family related Letters of Recommendation

Approval of Minutes

The minutes of the meetings of the Cape Coral Construction Regulation Board for the following dates were presented for approval:

- July 25, 2018 – regular meeting
- September 26, 2018 – regular meeting
- October 24, 2018 – special meeting
- November 14, 2018 – regular meeting
- November 28, 2018 – special meeting

A quorum was not present, no vote taken.

COMMENTS FROM THE PUBLIC

None.

NEW BUSINESS

Assistant City Attorney Naclerio announced that a quorum was not present this evening. No other further business could be accomplished.

Election of Chair and Vice Chair

A quorum was not present, no vote taken.

2019 Meeting Schedule

A quorum was not present, no vote taken.

**Probable Cause Action for William Guilday,
McGill Fence of Southwest Florida, Inc. Lic #12580**

Board Member Rist inquired about the individuals in the public.

An unidentified person stated that they were there for the probable cause hearing as they were a party that had a fence installed by McGill Fence.

Assistant City Attorney Naclerio informed them that the probable cause hearing would not be heard this evening as there was no quorum.

Code Compliance Officer Gates informed the parties that he would keep them informed of the next meeting and he will be in contact with them before that date.

A quorum was not present, no vote taken.

**Proposed Ordinance to Amend Section 6-10.1,
City Code of Ordinances, Disciplinary Proceedings**

Assistant City Attorney Naclerio informed Code Compliance Officer Gates that a workshop could be held this evening, but no voting could take place and no recommendations would be determined to present to the City Council.

A quorum was not present, no vote taken.

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, March 27, 2019 at 6:00 p.m. in Council Chambers.

ADJOURNMENT

The meeting adjourned at 6:29 p.m.

Submitted by,

Betty Castillo
Recording Secretary

Item Number: 6.B.
Meeting Date: 3/27/2019
Item Type: New Business

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

2019 Meeting Schedule

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> 2019 Meeting Schedule-Approved	Backup Material

Cape Coral
Construction Regulation Board
2019 Meeting Dates

January	23
March	27
May	22*
July	24
September	25
November	20**

All meetings are held on the 4th
Wednesday of the month at 6:00 p.m.
in Council Chambers

*May 22, 2019 Meeting to be held at Nicholas Annex
815 Nicholas Parkway, Conf PW Green/Room A200
Cape Coral, FL 33990

**Unless otherwise noted – November 20, 2019 Meeting
will be held on the 3rd Wednesday of the month due to the
Thanksgiving holiday on the 4th Wednesday of the month