



1015 Cultural Park Blvd.  
Cape Coral, FL

## **AGENDA**

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

<b>September 25, 2019</b>	<b>6:00 PM</b>	<b>Council Chambers</b>
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- 1. Meeting Called to Order**
  - A. Chair Sinclair
- 2. Roll Call**
  - A. Burgos, Classon, Colley, Joseph, Litterello, Moomjian, Phillips, Prince, Rist, and Sinclair
  - B. Board Attendance Review
- 3. Review of License Applications as presented for approval or rejection**
- 4. Approval of Minutes**
  - A. Meeting Minutes - July 24, 2019
- 5. Comments from the Public**
- 6. New Business**
  - A. 2020 Meetings Schedule
- 7. Old Business**
  - A. Review and Approve Proposed Final Board Order Re: Joshua Campbell - Campbell Roofing & Sheet Metal of Florida, Inc. - License #: CCC057963 - Case No.:CE189-009985
- 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, November 20, 2019, 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: 9/25/2019**  
**Item Type: Approval of Minutes**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Meeting Minutes - July 24, 2019

**SUMMARY:**

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

Description	Type
▢ Meeting Minutes - July 24, 2019	Backup Material

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

**WEDNESDAY, JULY 24, 2019**

**Council Chambers**

**6:00 p.m.**

Meeting called to order by Chair Sinclair at 6:07 p.m.

Roll Call: Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair were present. Board Members Burgos, Classon, and Shedd were not present.

Also Present:

John Naclerio, Assistant City Attorney  
Paul Gates, DCD Code Compliance Officer  
Sean Dowd, DCD Code Compliance Officer  
James Mulligan, DCD Code Compliance Officer  
Priscilla Rodriguez, DCD Code Compliance Customer Service Representative

Assistant City Attorney Naclerio suggested that the Board discuss Members Classon and Shedd's request for excusal under Agenda item 6(C) Board Members Attendance and Removal.

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

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

***Board Member Moomjian moved, seconded by Vice Chair Rist, to approve the following license applications for:***

<b>APPLICANT</b>	<b>COMPANY NAME</b>	<b>CATEGORY</b>
1. Michael Weaver	Solid Pave LLC	Paving – Name change
2. Carl Laquidara	Paints & Coatings Inc	Painting
3. Manuela Guzman	Gulfcoast Pavers of SWFL Inc	Paver Block
5. Alfredo Morris	A Morris Industries Inc dba AM Water Treatment	Irrigation
6. Leslie Buete Jr	Advanced Aluminum Design, LLC	Aluminum Non-Structural
10. Joseph Cotroneo III	AJ's Sprinkler & Pump Service, Inc	Irrigation
11. Pedro Fuentes	Fence 1 Corp	Fence Erection

***Board polled as follows: Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.***

Chair Sinclair informed the above-mentioned applicants that their licenses were approved and instructed them to obtain their licenses on the following day.

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

APPLICANT	COMPANY NAME	CATEGORY
4. Armando Hernandez	Home Goods Cabinet Corp	Cabinet & Millwork
7. Gjovani Doci	Giovanis Company, LLC	Painting
8. Fabian Afanador	Fabian Afanador Pressure Washing, LLC	Paver Block
9. Daniel Concepcion	Painting the Town, Inc	Painting
12. David Ramirez	Ferguson Enterprises, LLC dba Kitchen Art	Finish Carpentry

**Armando Hernandez** was present and sworn in by Assistant City Attorney Naclerio.

Vice Chair Rist inquired about the reason why the applicant did not submit the three required Letters of Recommendation.

Assistant City Attorney Naclerio sworn in Daniel Concepcion as he volunteered to act as the translator for Mr. Hernandez.

Translator Concepcion responded that the applicant had only worked with two companies, therefore, he supplied two Letters of Recommendation.

Discussion held regarding:

- Language on the application requiring the three Letters of Recommendation
- Applicants working history – two references and three years of experience
- Possibility of acquiring third letter from Cornerstone
- Number of years working with Cornerstone – about 8 months
- Applicant received his Lee County license last month

***Board Member Prince moved, seconded by Vice Chair Rist, to making the determination at the next Board meeting with the third letter, and the Board will talk once again.***

Discussion held regarding:

- Experience with customers in taking deposits, completing work, and contracts
- Capacity of work with Cornerstone – General Installer only

Assistant City Attorney Naclerio read into record the language listed on the application as follows: “It is the Board’s policy that the applicant provides three (3) notarized letters of experience verification signed by construction industry partners, supplier, and/or clientele/customers.”

Assistant City Attorney Naclerio clarified that no action was being taken on the license today and the Applicant would need to appear at the next meeting after submitting the third Letter of Recommendation. He would need to return in two months.

***Board polled as follows: Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair voted “aye.” All “ayes.” Motion carried 7-0.***

Mr. Hernandez requested that the Board reconsider approving his license as he was not aware of the three Letters of Recommendation requirement.

Discussion held regarding:

- Application form did not reflect the new language added – older version completed
- Acceptance of the third letter and business qualifications
- Applicant has work lined-up in the future
- Applicant lives in Cape Coral and wants to work locally
- Probationary license options

***Board Member Prince moved, seconded by Vice Chair Rist, to rescind his previous motion.***

***Board polled as follows: Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair voted “aye.” All “ayes.” Motion carried 7-0.***

***Board Member Moomjian moved, seconded by Board Member Prince, to issue Applicant (Armando Hernandez) a probationary license, until he brings an acceptable letter (third Letter of Recommendation) to the next Board meeting.***

Assistant City Attorney Naclerio clarified that the Board was issuing a probationary license until the next Board meeting and condition for Applicant to submit the third letter.

Discussion held regarding the 60-day license and probationary conditions.

***Board polled as follows: Colley, Moomjian, Phillips, and Prince voted “aye.” Joseph, Rist, and Sinclair voted “nay.” Motion carried 4-3.***

Assistant City Attorney Naclerio requested that the translator explain to Mr. Hernandez that the Board issued a probationary license until he submits for the Board's review the third Letter of Recommendation by the next Board meeting in two months. If the letter is not produced, then the license would be revoked by the Board.

Discussion held regarding the probationary license conditioned upon the third letter.

**Gjovani Doci** was present and sworn in by Assistant City Attorney Naclerio.

Vice Chair Rist inquired if the Applicant was already conducting business in Cape Coral.

Mr. Doci responded that he had a license in Lee County and that he was not doing any work in Cape Coral. His references were based on his clientele from Michigan.

***Vice Chair Rist moved, seconded by Board Member Moomjian, to approve Gjovani Doci (Painting) license.***

***Board polled as follows: Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair voted “aye.” All “ayes.” Motion carried 7-0.***

**Fabian Afanador** was present and sworn in by Assistant City Attorney Naclerio.

Vice Chair Rist inquired about the Applicant's references and whether he was contracting without a license.

Mr. Afanador responded that he already had his license in Lee County. He stated that his work involved pressure washing and sealing pavers.

Discussion held regarding:

- Working history in Lehigh Acres and Lee County under various companies
- Experience and business in cleaning, installing, and sealing pavers
- Paving licenses acquired in Punta Gorda, Bonita Springs, and Naples pending
- Duration and work completed in the other Counties and areas
- Inquiry if Applicant was conducting work in Cape Coral
- Cleaning and sealing of pavers; and pressure washing in Cape Coral
- Question if pressure washing required a Cape Coral contractor license?
- City acceptance of Lee County Property Maintenance Business Tax Receipt (BTR)
- Question about Applicant conducting sealant paving work in Cape Coral?
- Applicant worked as a subcontractor and applying for his license under his LLC
- W-9s received for subcontractor jobs
- Consideration of honesty, working experience, and business operations
- Board's focus on protecting the Consumer's interest

***Vice Chair Rist moved, seconded by Board Member Moomjian, to approve Fabian Afanador (Paver Block) license.***

***Board polled as follows: Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.***

**Daniel Concepcion** was present and sworn in by Assistant City Attorney Naclerio.

Vice Chair Rist inquired about the Applicant's testing that was completed in 2013.

Mr. Concepcion responded that he acquired his licensing in Lee, Charlotte, and Collier Counties. He was adamant that he was not conducting any work in Cape Coral as 90% of his work was in Bonita and Estero. The purpose of acquiring the Cape Coral license was so that he could handle the work of a contractor doing business in the area.

***Vice Chair Rist moved, seconded by Board Member Phillips, to approve Daniel Concepcion (Painting) license.***

***Board polled as follows: Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.***

**David Ramirez** was present and sworn in by Assistant City Attorney Naclerio.

Member Philips inquired about the business name listed on the application under Ferguson Enterprises, LLC doing business as Kitchen Art, and owned by another company out-of-state in Virginia.

Mr. Ramirez responded that he was the General Manager for Kitchen Art in Fort Myers. He provided background information about the acquisition between Ferguson Enterprises and Kitchen Art.

Discussion held regarding:

- Company Ownership: Wolseley owns Ferguson; Ferguson acquired Kitchen Art
- Applying for qualifying officer license for Kitchen Art in Cape Coral
- Qualifying Officer licenses in Broward and Palm Beach
- Branches of Kitchen Art – Coral Springs, Fort Myers, and Orlando
- Process of obtaining licensing in Southwest Florida
- Licenses listed as reference in the Cape Coral application are being renewed
- Fort Myers employment structure
- References and final documents executed by corporate office in Virginia
- Employment history, references, and prior experience
- Premier Cape working relationship and reference letter
- Qualifying Agent for Coral Springs being handled by another qualifier
- Reactivation of licenses in Broward County and qualifying agent in Palm Beach
- Company in East Coast and expired licenses

***Board Member Joseph moved, seconded by Vice Chair Rist, to approve David Ramirez (Finish Carpentry) license.***

***Board polled as follows: Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.***

Board Member Joseph left at 6:57 p.m. and returned at 7:00 p.m.

#### **Approval of Minutes – May 22, 2019 Meeting Minutes**

***Board Member Phillips moved, seconded by Vice Chair Rist, to approve the May 22, 2019 Meeting Minutes.***

***Board polled as follows: Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.***

#### **COMMENTS FROM THE PUBLIC**

Jeff Taubes appeared and stated that he attempted to apply for a license for a new product called "Roof Maxx," a penetrant for asphalt shingles. He informed the Board that the type of licensing required was not clear for the product/service.



Chair Sinclair inquired if he was water roofing.

Mr. Taubes explained that it was a soy-based product and how it would be utilized.

Discussion held regarding the type of product and the application process with a low-pressure applicator that should increase the flexibility and life expectancy of the roof.

Code Compliance Officer Dowd stated that Mr. Taubes was informed that a painting license would need to be obtained for this type of product, as it would involve utilizing a spray in the application process.

Chair Sinclair mentioned that this would be considered a painting application.

Board Member Phillips recommended that Mr. Taubes review the product and understand the usage of the product.

Discussion held regarding:

- Permitting requirements
- Suggested City license for painting
- Reviewing the appropriate code pertaining to the product
- Would permits be required and whether it be regulated by the Building Code?
- Is product URL listed?
- Product would fall under painting and/or specialty license
- Product relatively new on the market and has not been tested or approved
- Suggestion that Mr. Taubes contact the manufacture for more information
- Board decision that the type of service/product would fall under painting

William Mynatt with Sunshine State Technology, LLC doing business as Seal Maxx was present to request that the Board consider reinstating his painter license which lapsed. He provided his background and working experience as a licensed painter in Lee County and the City of Cape Coral.

Board Member Joseph inquired about the reason for Mr. Mynatt's appearance today.

Mr. Mynatt responded that he was present for his license renewal.

Assistant City Attorney Naclerio requested that the Staff explain why he was not on the Contractor's License Application List.

Code Compliance Customer Service Representative Rodriguez and William Mynatt were sworn in by Assistant City Attorney Naclerio.

Customer Service Representative Rodriguez informed the Board that Mr. Mynatt received his license in 2010 and it lapsed for lack of payment on September 30, 2018, and his specialty license also lapsed due to non-payment in December 2018.

Discussion held regarding:

- Tax receipts tracked and licensee informed that he needed to go before the Board
- Completed individual, corporation credit reports; pending fictitious credit report
- Failure to renew licenses in September of each year in Lee County and Cape Coral
- Cape Coral license lapsed for almost a year
- Supporting and payment documentation for credit issues

***Board Member Joseph moved, seconded by Board Member Moomjian, to approve his license, let him (William Mynatt) get his (Painting) license back—get back to work.***

***Board polled as follows: Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair voted “aye.” All “ayes.” Motion carried 7-0.***

### **NEW BUSINESS**

#### **Disciplinary Action – Joshua Wayne Campbell – Campbell Roofing & Sheet Metal of Florida, Inc. – License #: CCC057963**

Code Compliance Officer Gates was present and sworn in.

Joshua Wayne Campbell of Campbell Roofing and Sheet Metal of Florida, Inc. was not present.

Officer Gates distributed information regarding this item at the start of the meeting. He read into the record the detailed outline for the disciplinary action against Joshua Campbell under CE189-009985.

Officer Gates requested a Finding of Fact for the following violations:

- 6-9(a)(12) Willfully or deliberately disregarding and violating the applicable building codes or laws of the state or of any municipalities or counties thereof:
- FBC 105.1 Permit Required; FBC 105.4.1.1 Expired permit requires reinstatement
- FBC 110.3 Inspections required; and FSS 489.126(2)(a)(b)
- Failing in any material respect to comply with the provisions of the code.
- Status of expired permits unresolved

Officer Gates requested that Joshua Wayne Campbell of Campbell Roofing and Sheet Metal of Florida, Inc., license #CCC057963:

- Have his permitting privileges be suspended.
- Require his appearance before this Board prior to reinstatement of permitting privileges
- Forward a record of this disciplinary hearing to the Construction Industry Licensing Board of the Department of Business and Professional Regulation

Assistant City Attorney Naclerio inquired if Officer Gates wanted to introduce the documentation presented to the Board into evidence.

Officer Gates responded in the affirmative.

Assistant City Attorney Naclerio informed the Board that proper service for the amended disciplinary notice was not obtained. This was in reference to the last two items listed in the disciplinary memorandum highlighted in yellow. The violations presented today were solely limited to the items read into the record by the Compliance Officer.

Discussion held regarding:

- No response in-person, by email or mail, and no personal contact
- Joshua Wayne Campbell's office accepted all certified mail
- License on hold due to no insurance
- 36 expired permits – hardship to clients
- Crew in Panama City
- Collected payments and has not started work or pulled permits on contracted jobs
- Have authorities been contacted to pursue possible felony charges?
- Homeowner's responsibility and 30-day notice process
- Bullet Point #7: typographical error on dates typed "2019" should state "2018"
- Proper notice served for the Notice of Disciplinary Hearing on violations 6-9(a)(12) and failing in any material respect to comply with the provisions of the code

Joshua Spaich was present and sworn in. He was one of the customers affected where permits were pulled, but the work was not finalized at 604 SW 35<sup>th</sup> Terrace. He provided the background history of his dealings with Joshua Wayne Campbell of Campbell Roofing and Sheet Metal of Florida, Inc. As of today, he reported that there was no roof on his home and the mortgage company increased the monthly payment by \$300 to cover self-insurance.

Discussion held regarding:

- Multiple victims and \$540,000 recovery fund
- Staff instructing victims to file a complaint with the State
- Suggest victims to hire an attorney and file a civil action
- Board's authority to suspend and revoke Cape Coral permit pulling privileges
- Board's authority to make recommendation to the State for further action
- Oral decision and then execution of the final order, effective the next day
- Recovery fund process and claims received on first come first serve basis
- Suggested that victims obtain legal representation to assist with the filing of claim
- License suspension and revocation of permit pulling privileges
- Violations, administrative suspension, revoking license, and disciplinary actions

***Vice Chair Rist moved, seconded by Board Member Phillips, to find him (Joshua Wayne Campbell) guilty of violating FBC 105.1, FBC 105.4.1.1, FBC 110.3, FSS 489.126 subject (2), and all of this fall under Cape Coral Code 6-9(a)(12).***

***Board polled as follows: Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.***

Discussion held regarding motion language to revoke license and pulling permits privileges.

***Board Member Joseph moved, seconded by Vice Chair Rist, to revoke his (Joshua Wayne Campbell) license and recommend sending that information to the State Agency.***

***Board polled as follows: Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair voted “aye.” All “ayes.” Motion carried 7-0.***

Discussion held regarding Staff directing victims to the State resources and the new statute effective date of October 1, 2019.

### **Family Members' Verification Letters**

Officer Gates informed the Board that the discussion was regarding the family members' verification letters.

Assistant City Attorney Naclerio clarified that the current City Code stated that verification letters could not be accepted from family members.

Board Member Joseph stated that he favored the acceptance of the family member's verification letters.

Officer Gates responded that he did not agree with accepting family members' verification letters.

Discussion held regarding:

- Pros and Cons of accepting verification letters from family members
- Limiting the letters to only one submittal by family members
- Challenges and capability of obtaining three verification letters
- Licensing does not accept family members' letters as verification letters
- Leaving City Code “as-is” and the Board to review letters on a case-by-case basis

### **Board Members Attendance and Removal**

Assistant City Attorney Naclerio explained the Code to the Board regarding members' attendance and the process of excusing an absentee.

Discussion held regarding excused and unexcused absences up to the Board's discretion.

Assistant City Attorney Naclerio mentioned that the Board did not have any policies in place addressing this topic. He read into the record the Code of Ordinance 2-120.5 Terms of office, forfeiture of appointment and filing of vacancies as follows: “... members may be excused from attending meetings with prior approval of the Chairperson or by a majority vote of the Board.” He explained that the Chair could respond to the Clerk's email, that would be sent prior to the meeting, whether the Member's request to be excused would be approved or denied.

Discussion held regarding:

- Number of unexcused absences
- No vote by the Board in prior meetings on how to address Members' non-attendance
- Challenges of not having a quorum for disciplinary actions or licensing approval
- Policy of a Member missing more than three consecutive meetings
- Two members requested to be excused from today's meeting
- Process of excusing or not excusing the Members
- Members requested to be excused: Classon and Shedd
- Written or oral confirmation received by the Clerk's office by both Members
- Chair or Board majority to determine if request for excusal would be accepted or not

***Board Member Joseph moved, seconded by Vice Chair Rist, to find her (Dolores Classon) absence unexcused.***

***Board polled as follows: Colley, Joseph, Moomjian Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.***

Assistant City Attorney Naclerio suggested that the Clerk inform Member Classon if she was to request another excusal for the next meeting, that the Board found her absentee at this meeting unexcused by unanimous vote.

Discussion held regarding the Member removal process and member Burgos non-attendance to today's meeting.

Recording Secretary Castillo informed the Board that Member Burgos stated that he would be present; however, he did not attend the meeting and there was no further communication before the meeting. She explained that in this situation, the Clerk would usually mark the Member absent.

***Board Member Joseph moved, seconded by Board Member Prince, to find that Member Burgos has an unexcused absence.***

Discussion held that Members need to inform if they would not be attending a meeting.

***Board polled as follows: Colley, Joseph, Moomjian Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.***

Recording Secretary Castillo informed the Board that Member Shedd requested prior to the meeting to be excused as he was going to be out of town.

Discussion held regarding Member Shedd's attendance history.

***Vice Chair Rist moved, seconded by Board Member Moomjian, to find him (Member Shedd's request to be excused) acceptable at this time.***

***Board polled as follows: Colley, Joseph, Moomjian Phillips, Prince, Rist, and Sinclair voted “aye.” All “ayes.” Motion carried 7-0.***

Vice Chair Rist requested to discuss the policy for requirements to be excused at a meeting.

Discussion held regarding:

- Excused and unexcused absences
- If member states that they would attend a meeting and does not – marked unexcused
- Review and making determination at each meeting
- Members’ attendance history and pattern of missing multiple meetings
- Chair approval to accept excusal request ahead of meeting or majority vote by Board
- Board members forfeiture of appointment pursuant to Code Statute 2-58
- Email notifications and follow-up calls to Board prior to meeting handled by the Clerk

### **OLD BUSINESS**

#### **Comments from Assistant City Attorney**

None.

#### **Comments from the Attorney for the Board**

Not present.

### **DATE AND TIME OF NEXT MEETING**

The next meeting of the Construction Regulation Board was scheduled for Wednesday, September 25, 2019, at 6:00 p.m. in Council Chambers.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:14 p.m.

Submitted by,

Betty Castillo  
Recording Secretary

***Note: The Clerk’s office received a voice message from Member Burgos’ office after the meeting. The message was left in a temporary secretary’s voicemail after hours and retrieved the next business day. After the meeting on July 25, 2019, the Clerk’s Office became aware of Member Burgos’ unavailability and notified the Chair via email on the same day.***

<b>Item Number:</b> 6.A.
<b>Meeting Date:</b> 9/25/2019
<b>Item Type:</b> New Business

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

2020 Meetings Schedule

**SUMMARY:**

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>
▢ 2020 CRB Meeting Schedule

<b>Type</b>
Backup Material

# **CONSTRUCTION REGULATION BOARD**

## **PROPOSED - 2020 Meeting Schedule**

Meetings are held on the 4<sup>th</sup> Wednesday of every other month at 6:00 p.m. in Council Chambers.

January	22
March	25
May	27
July	22
September	23
November	18*

\* Unless otherwise noted – November 18, 2020 meeting will be held on the 3<sup>rd</sup> Wednesday of the month as Thanksgiving will be on the 4<sup>th</sup> Wednesday of the month.

Proposed 9/25/2019