

## Online Complaint Summary

7/15/24, 2:52 PM

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Board:	<b>Construction Industry Licensing</b>
License Type:	<b>Certified General Contractor</b>
Complaint Number:	<b>2024040176</b>
Incident Date:	<b>02/01/2024</b>

## Description:

This complaint is in regards to several issues we have had with the our roofing and general contractor, Austro Construction, that the Omega Villas Condominium Association Board hired for our 40 year recertification project in the amount of \$4.85 million. First, these contractors tried to state from day one that the City of Plantation was requiring us to replace our windows on our buildings. Yes, our windows are old, but they are not failing. Most of us here want to wait until we see this construction project will be completed before we replace our windows. I spoke with the Chief Building Inspector in person and via email to confirm that window systems dont have to be replaced as a part of the 40 year recertification process. (Refer to the attached Email dated January 9, 2024 from Rudy Esteva, Chief Structural Inspector for the City of Plantation). Then, even a Board Member, our Treasurer, Blaire Lapidés, reached out to Rudy to try to portray that the City was trying to make us replace our window systems. (Refer to the attached Emails dated June 28, 2024 with the first being from Blaire Lapidés stating that Rudy from the City of Plantation further clarified the upper 2nd floor windows saying it supersedes my former email to him. Then, refer to the email from Rudy Esteva on April 12, 2024 stating that unit owners MAY change their window systems. Then, refer to the response Email that I sent to Blaire on June 28, 2024 stating that Rudy said MAY NOT MUST replace their windows.) We have the contractors and the Board on the video trying to explain to us that we MUST replace all our windows and now they are saying we must replace windows on the 2nd Floor giving us reasons from Levy with Austro Construction says he cant warranty the work to saying he cant repair our leaky roofs until we replace the second floor window systems. It appears to us that they are trying to pressure us into buying windows from them, maybe they preordered all these windows. However, as per our condo documents, it is a unit owner responsibility to replace our window systems and if a contractor cant make repairs without imposing a legal responsibility on the unit owner then we need another contractor! Further, the Board had our HOA attorney, Rhonda Hollander, send out a letter implying we had to replace our windows either with Austro or by hiring our own contractor. Then, I had my attorney from Glantz Law respond with a demand letter

stating that I was not going to replace my windows at this time when we have all these liens and fines due to the City of Plantation after this construction is completed. (Refer to the attached letter and supporting documentation from Glantz Law dated June 26, 2024.) We are keeping this complaint focused on Austro Construction Company as they appear to be the source of all these issues. So, it appears that the Board and Austro Construction have been lying to us about what the City of Plantation was requiring for this 40-year recertification. It also appears to be an attempt to squeeze our community which is already suffering for the high maintenance fee and new 20 year special assessment for additional money to replace window systems which are solely a unit owner responsibility! (Refer to the attached documents Austro Phase 1 Window Prices, Austro Phase 1 Window Prices, Austro Phase 1 Window Prices, and Austro Phase 1 Window Prices for the window prices and examples of what they are trying to push on this community!)

**Capacity**

I am complaining in my capacity as a: **Homeowner**

**Attestation**

Electronic Signature: **Yes**

**Work**

Category: **Commercial Roof Work**

**Complaint Type**

Please select the category that best describes your basic complaint: **Financial dishonesty or misconduct by contractor**

**Financial**

Was your contract in writing? **Yes**

What was your contract price? **\$4,850,000**

What was your contract execution date? **06/10/2023 (mm/dd/yyyy)**

Work begin date: **02/01/2024 (mm/dd/yyyy)**

Last Day On Job: **(mm/dd/yyyy)**

What was the total amount paid to the contractor? **\$800,000**

Have you had to pay subcontractors or suppliers directly? **No**

**General**

Are there now unpaid bills owed to subcontractors or suppliers which the contractor should have paid?	<b>N/A</b>
Have you filed a suit against a contractor?	<b>No</b>
Have you obtained a judgment?	<b>No</b>
Have any liens been filed?	<b>No</b>
Did the contractor sign any statements to the effect that all bills have been paid?	<b>No</b>
Have you fired the contractor?	<b>No</b>
Has the job now been completed by you or a new contractor?	<b>No</b>
What is the actual or estimated cost to finish the job if you hire another contractor?	<b>\$3,000,000</b>

### **Building Code Compliance**

Was a permit required for the work that was to be completed by the contractor?	<b>Yes</b>
If required, was a building permit obtained from the building department?	<b>Yes</b>
Building Department:	<b>City of Plantation</b>
Date Issued:	<b>(mm/dd/yyyy)</b>
Who pulled the permit?	<b>Austro Construction</b>
Was the permit obtained on time?	<b>Yes</b>
Were any inspections missed or performed late?	<b>No</b>
Did the site pass final inspection by the building department?	<b>No</b>
Was a Certificate of Occupancy Issued?	<b>No</b>

### **Workmanship**

Has the contractor offered to make repairs?	<b>No</b>
Has the contractor made attempts to make repairs?	<b>No</b>
Have you had any other licensed contractor, architect or engineer inspect the work?	<b>No</b>

### **Work Site Address**

Address:	<b>Omega Villas Condo Association @ 1713 NW 72ND AVE.</b>
City:	<b>Plantation</b>
State:	<b>Florida</b>
Zip:	<b>33313</b>

### **Attorney**

**Respondent**

License Number: **CGC1527023**

First Name: **ERWIN**

Last Name: **HORVATH**

Address: **1326 HOLLYWOOD BLVD.**  
**Broward**  
**HOLLYWOOD, FL**  
**33019**  
**US**

**Complainant**

First Name: **Shawn**

Last Name: **Martin**

Address: **1760 NW 73rd. Ave.**  
**Broward**  
**Plantation, FL**  
**33313**  
**US**

Phone Number: **954-716-0915**

Extension:

E-mail Address: **smartin@isccompany.net**

**Attachments**

1c531467a7f241d7b0ce1ee9383446fa.pdf

1701Phase2PlantationEPermitOnlinePortal4.pdf

1740Phase2PlantationEPermitOnlinePortal5.pdf

AustroPhase1WindowPrices.pdf

AustroPhase2WindowPrices.pdf

AustroPhase3WindowPrices.pdf

AustroPhase4WindowPrices.pdf

CaseDetailPublicBrowardCountyClerkofCourtsCase1.pdf

CityofPlantationPermitspulledonlineon2.4.24.pdf

ConstructionSignedContract.pdf

Estevawindowemail.pdf

Exhibit1.docx

Exhibit1B.docx

Exhibit1Fv2.pdf

GlantzLawLtr6.26.24.pdf

IMG\_5870.png

IMG\_5871.png

IMG\_5872.png

OmegaVillas40yearRecert.Information11.7.2023.pdf

OmegaVillasFinalSignedContractPart1.pdf

OmegaVillasFinalSignedContractPart2.pdf

PHASE2UNITWATERDAMAGES.pdf

RE\_EXTERNALSENDEROmegaVillas40YearRecertificationDiscussion.pdf

Re\_Larry\_DorinConfirmedBlairResponse to Window Systems 6.28.24.pdf

Re\_Larry\_DorinConfirmed for this Thursday construction SM response to Blair 6.28.24.pdf

REPLACED T111 WITH NO DAMAGE TO WINDOWS.docx

ErwinHorvathComplaint.docx