

Innovative donation

Excitement was high on May 20 at the Naples Children & Education Foundation Early Childhood Development Center on the Naples campus of Florida SouthWestern State College — when the PNC Foundation announced a \$100,000 grant to Florida Gulf Coast University for creating an innovative outdoor classroom at the NCEF Early Childhood Development Center. *Photos courtesy Sharon Mammano Photography*



Chad Loar, PNC Regional President for West and Central Florida



Maria Jimenez-Lara, NCEF CEO



Lisa Morse



Dr. Lindsay Schofield, Chantelle Yamrick and Silvia Osain



Emily Sumpmann, Sarah Zaiser-Kelly and Diana Alas



Rochelle Jackson



Diana Bellini, Silvia Osain and Russell Beckner

From page 3A

GATTOS

Minacci. If they’re not cleared, they face a probable-cause hearing before the board in July. Local law enforcement agencies provided evidence to Minacci, and the FBI is investigating. Wainscott has sued ASSA CEO Octavio Sarmiento, alleging he jeopardized projects, and caused nearly \$106,000 in losses and damage to Wainscott’s reputation. Wainscott had contracted with ASSA for architectural services. ASSA denies any wrongdoing.

Escalating costs, structural problems

State law says an architect must be involved in a project from start to finish and can’t just stamp finished plans. A licensed architect isn’t required for single-family homes, just for structural components, such as trusses and roofs, and to certify wind-code compliance.

Without an architect monitoring work to ensure it adhered to approved plans, the Gattos’ home has glaring structural problems. Each month, they’re issued a temporary CO as they wait for Nova Homes to fix six conditions that engineers’ reports — and more recent ground-penetrating radar concrete X-rays — show don’t match approved plans. They spent their life savings, \$415,000 for the land and \$852,817 for the custom-home contract, mostly covered by the sale of their prior home. Costs escalated due to change orders and litigation. Nova Homes’ contracts require buyers to go through binding arbitration, a process that often favors builders — and ensures prospective buyers can’t vet builders or know about lawsuits.



Monika Gatto can put her hand under two columns at the front of her house, where there should be footings beneath them to support the home, distribute weight and prevent settling. An X-ray scan shows there was no solid concrete footing or concrete-masonry unit block continuing below the columns. *Photo by Aisling Swift*

“They’re trying to bankrupt us, and it’s working,” Paul Gatto said. “To repair it costs a lot of money.”

In May 2024, the arbitrator ordered the couple to pay Nova Homes \$82,014.24, including \$42,140.85 — the last payment they’d withheld due to structural problems — and Nova Homes’ legal fees. That’s on top of their attorney fees.

The next month, the CO was revoked, prompting the Gattos to appeal the ruling.

This January, Collier Circuit Judge Ramiro Mañalich overturned it, citing the revoked CO. Nova Homes then appealed to the state District Court of Appeal, contending the Gattos had a “mere disagreement” with the arbitrator’s decision and were “trying to obtain a different result.” The appeal is pending.

The anxiety, uncertainty and worry has caused health problems for Monika Gatto, who is seeking help on

GoFundMe (bit.ly/gattogofundme).

“This situation has severely impacted my health, as I have heart issues and have started fainting from stress,” she wrote. “I work two jobs, but with three children, it is extremely difficult to be in this situation. My husband and I had to stop our children’s activities, and we had to change our youngest daughter’s school because we could not afford the tuition due to the legal fees.

“We are living under extreme pressure without any resolution in sight. The funds raised will be used to cover extensive engineering and legal fees, revise plans with licensed and certified engineers and fix the home,” she wrote, adding they hope to assist other victims of the permit fraud.

Battling experts

Nova Homes later hired Pompano Beach-based X-Ray Concrete Inc. to conduct ground-penetrating radar

X-rays in October to prove the home was structurally sound. Not trusting that report, the Gattos hired Horizon Construction Technologies of Bonita Springs, whose X-ray scans contradicted some of Nova Homes’ findings and revealed more problems.

Because two fraudulent seals were used to stamp the Gattos’ plans, there are questions about structural integrity.

“The seal indicates that to the best of the architect’s knowledge, those plans meet the current and applicable building code,” Maitland architect John Ehrig, who served on the state board from 2008 to last October, told *The Naples Press*. “... It’s [the county building department’s] responsibility to review the plans in accordance with the Florida Building Code to see that they are code compliant.”

At the worst, he said, fraudulently using another architect’s seal “could be a danger.

“That’s one of the reasons the Legislature has licensed architects and engineers. We protect the health, safety and welfare,” he added.

Although the Gattos’ home appears luxurious and beautiful, closer inspection reveals obvious structural issues. And there are cosmetic problems, such as cracks on walls and ceilings, scratched windows, chipped tiles — many missing grouts that aren’t glued down — and some doors aren’t the higher-quality ones they ordered.

The Gattos repeatedly asked Nova Homes for extra boxes of the wood-look tiles, but they never got them and weren’t charged. They were discontinued tiles and aren’t available. Nova Homes replaced one, but the color doesn’t match.

Nova Homes addressed the

smaller windows by submitting a plan revision, never alerting the Gattos. Collier County approved it.

“It is not ethical to do the changes without notifying the owner,” said renowned Naples architect Matthew Kragh, founder of MHK Architecture.

Monika Gatto said she would have caught some problems, including the longer kitchen wall that went against their open-concept design and caused a shorter support beam. But their contract didn’t allow them to visit the construction site or bring their own expert during a final walk-through.

“They would not allow any inspection with a licensed professional until the CO was issued and all money was paid,” she said, calling that ridiculous.

Kragh called both circumstances “very unusual.

“Our clients visit the site during construction under the supervision of the contractor all the time,” he said.

“Typically, the architect does construction administration services to make sure the project is being built per the plans and will send field reports to the owner to let them know of any issues,” Kragh said, adding, however, that it depends on the contract.

When he was president of the American Institute of Architects of Florida Southwest decades ago, Kragh said he knew some of the 25 people involved in this case and they were “bad players.”

“It drove the legitimate architects who were members of the AIA absolutely insane,” he said. “This type of activity dilutes the practice and also creates serious health, safety and welfare concerns to the public.” 