



Why are contractors leaving customers hung out to dry?

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It's by far the biggest complaint that comes to the NBC2 Investigators: Contractors accused of taking money, but not finishing the job.

That's why the NBC2 Investigators decided to bring together a group of viewers who say they are victims, and take their complaints to those we trust to hold contractors accountable.

Eight different people sold eight different dreams.

"I just wanted a pool for my young daughter and son," said Michael Steinke, of Cape Coral.

"He basically started a little bit of the work but after the hurricane, he never came back," said Tina Halm, of Cape Coral.

"How much money have you lost throughout this ordeal?" asked NBC2 Investigator, Rachel Polansky.

"\$15,000 dollars," said Lisa Johnson, of St. James City.

"We were down \$23,000 dollars," said Halm.

"We had liens that exceeded \$100,000 dollars," said Joyce Madaio, of Marco Island.

"I lost around \$40,000 dollars," said Rolandas Girdvainis, of Cape Coral.

These people claim that three different licensed Southwest Florida contractors took their money but didn't finish their projects.

Each of them filed complaints through the state, the attorney general's office, or local law enforcement.

But none of the three business owners in question: Christopher Cheney of Southern Premier, Walter Rowley of Sand Dollar Pool and Spa, or Steven Henell, a Marco Island builder -- have been arrested, charged or jailed.

A check on their records reveals that Cheney's license is now listed as "involuntary inactive," Rowley who was licensed through another man named Anthony Marth is now listed as "voluntary relinquishment," and Henell still has an "active" license. Although, when we asked the Collier County Sheriff's Office if they were investigating Henell, a spokesperson said, "Records and documents have been subpoenaed and we are actively investigating multiple allegations against a licensed contractor."

There's no convictions for them, there's no repercussions for their actions and there really has to be," said Madaio.

Two of these three businesses -- Southern Premiere and Sand Dollar -- ran their businesses out of Cape Coral so the NBC2 Investigators took our questions to Cape Coral Police Department's Corporal Phil Mullen.

"Do you think law enforcement is doing everything they can to hold these bad contractors accountable?" NBC2 Investigator Rachel Polansky asked Cpl. Phil Mullen.

"I do. Unfortunately, it is a complicated statute. We can't deal in civil law. We only deal in criminal law," said Cpl. Phil Mullen.

Cpl. Mullen is right that many contractor disputes are civil.

However, the NBC2 Investigators found Florida Statute 713, also known as the "Construction Lien Law." And, one provision of that law, 713.345, says if a contractor misuses a construction payment, there are criminal penalties.

Real estate attorney, Kevin Jursinski confirms it's a felony.

"There is teeth in the law for the people. The question is, whether it's enforced is something that has to be answered by the state attorney or the sheriff's office and how they deal with that," said Kevin Jursinski, real estate and construction lawyer.

So, we went back to our Southwest Florida law enforcement agencies -- asking for all incident reports involving statute 713 for the last two years -- as well as any other incident report in which a person was arrested regarding contracting work.

Fort Myers, Naples, and Cape Coral Police Department's had zero reports.

The Collier and Charlotte County Sheriffs Office's also had zero.

The Lee County Sheriff's Office had two arrests related to contracting fraud. One of those two cases has since been dropped.

"Victims want to know why aren't police arresting these guys?" NBC2 Investigator Rachel Polansky asked Cpl. Phil Mullen.

"From a law enforcement perspective, it starts at the road of course. Your patrol officers are going to come out and take that complaint. They have to determine whether there is probable cause for an arrest," said Cpl. Phil Mullen.

"It just seems though with all these people saying the same thing and having the same stories, it looks like it fits the statute. Why does it take so long? Why doesn't it fit the statute?" NBC2 Investigator Rachel Polansky asked Cpl. Phil Mullen.

"It's a matter of like I said, we send the warrant request to the state, and we package together the best case we can if we determine that yes, we believe this rises to the level of a crime, but we have to send it to the state for a filing decision. At that point, we just have to wait and see what comes back from the state," said Cpl. Phil Mullen.

So we called and emailed our State Attorney's Office, requesting the total number of complaints or warrant requests involving Florida Statute 713 for the last two years.

Spokesperson Samantha Syoen told me, "There were no public records under that statute. That statute was utilized one time and it is not a public record."

Syoen went on to tell me that the State Attorney's Office Economics Crimes Unit has had 72 convictions over the last year, with more than \$4 million dollars in restitution ordered.

None were related to contractor fraud.

Through a public records request, the NBC2 Investigators also got a list from the Department of Business and Professional Regulation, the state agency that deals with licensing. That list confirmed that 28 Lee, Collier and Charlotte County contractors lost their licenses over the last two years. When we ran their names through court records, we confirmed that zero faced criminal charges related to contracting fraud. On Friday at 6pm, the NBC2 Investigators are taking a closer look at the Department of Business and Professional Regulation's actions when it comes to contractors accused of taking payment for unfinished jobs.

[Click here to watch Part 1 of our series.](#)