

**MINUTES OF THE REGULAR MEETING OF
THE CHARLOTTE COUNTY CONSTRUCTION
INDUSTRY LICENSING BOARD
18500 Murdock Circle, Room 119
Port Charlotte, Florida 33948
February 3, 2011, 6 p.m.**

CALL TO ORDER - Chairman **Pat Laurendine** called the meeting to order at **6 pm** and read the opening statement.

I. ROLL CALL

Members Present:

William Ambrose
John Damon
Mike Douglass
Richard Eger – arrive a few minutes after meeting started.
John Herston
Erik Howard
Pat Laurendine
Stan Munson
Carleton Strong
Robert Koch, Board Attorney

Members Excused Absence:

Staff Present:

Shonna Jenkins, Certified Code Compliance Officer
Joanna Colburn, Certified Code Compliance Officer
Paul Martineau, Certified Code Compliance Officer
Tom Burns, Inspections Manager
Kira Honse, Assistant County Attorney
Mary Ann Grey, Clerk

II. AGENDA CHANGES-

Under Discipline Cases:

- A. Jim W. Antrim – Continued until 8/2011**
- B. Robert O. Bernhard – Continued until March, 2011**
- C. Mitchell Crawford – Continued until 8/2011**
- E. Wesley S. Johnson – Continued until March, 2011**
- G. Gregory Leonov – Counts were changed from 1 to 5**
- J. James C. Murton – Dismissed**
- K. William P. Pavela – Continued to March, 2011**
- L. Horace T. Pickett – Continued to March, 2011**
- M. Dale R. Smith - Dismissed**

III. NEXT MEETING DATE: March 3, 2011, at 6:00 p.m.

IV. SWEARING IN OF ALL THOSE GIVING TESTIMONY

V. QUASI-JUDICIAL HEARING

VI. APPROVAL OF MINUTES: January 6, 2011

Erik Howard amended minutes to read that under Old Business, James Campbell, the word “finish” in the last sentence should be deleted and replaced with the words “finalized by the next CILB meeting.” Stan Munson motioned to approve the minutes. Carlton Strong seconded and the minutes were approved unanimously.

VII. CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES: None

VIII. CONTESTING CITATION: None

IX. OLD BUSINESS:

**A. Joshua Campbell – update from last month’s meeting
d/b/a Campbell Roofing & Sheet Metal of Florida, Inc.
State Certified Roofing Contractor
License No. CCC057963
Case No. 2008-036**

Shonna Jenkins

Shonna Jenkins, Certified Code Compliance Officer, provided testimony to update the board on the progress of this case. Joshua Campbell was present to address the board.

Motion: Carleton Strong made the motion to close the public hearing and Stan Munson seconded the motion and it was approved unanimously.

John Herston made the motion to approve the reinstatement of Mr. Campbell’s permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County State Certified Roofing Contractor license, CCC057963. Richard Eger seconded and it was approved unanimously.

X. LICENSE REVIEW:

**A. William McGregor – Name Change and Business Credit Issues
Currently d/b/a McGregor Trucking Inc.
Proposed d/b/a B & M Land Services Inc.
Local Grade, Fill, and Clear Contractor
License No. AAA0010356**

Joanna Colburn

Joanna Colburn, Certified Code Compliance Officer, provided testimony. Mr. McGregor was present to address the board.

Motion: Erik Howard made the motion to close the public hearing and Stan Munson seconded the motion and it was approved unanimously.

William Ambrose made the motion to approve the name change from McGregor Trucking Inc. to B & M Land Services. Stan Munson seconded and it was approved unanimously.

XI. DISCIPLINE CASES:

A. Jim W. Antrim

d/b/a Jim Antrim Construction, Inc.
State Certified General Contractor
License No. CGC1516132
Case No. CIL-10-00475A

Paul Martineau

This case was continued to August 4, 2011.

B. Robert O. Bernhard

d/b/a Quality Door & Window Co., Inc.
Local Door, Window, and Garage Door Certificate of Competency
License No. AAA0010937
Case No. CIL-10-00500A

Paul Martineau

This case was continued to March 3, 2011.

C. Mitchell V. Crawford

d/b/a M&M Marine Construction Inc.
License No. AA006628
Case No. CIL-10-00432A

Paul Martineau

Case was continued to August 4, 2011

D. Dennis A. Heinrich

d/b/a Service America Enterprise, Inc.
State Certified Air Conditioning Contractor
License No. CAC057977
Code Case No. CIL-10-00462A

Paul Martineau

CHARGE 1: **Florida Statute 489.129 (1) (j)** – Disciplinary Proceedings -Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days. **(5 Counts)**

CHARGE 2: **Florida Statutes Chapter 489.129 (1)(m)** – Disciplinary Proceedings – Committing incompetency or misconduct in the practice of contracting. **(5 Counts)**

Misconduct as defined in part by the American Heritage Dictionary is:

1. Behavior not conforming to the prevailing standards or laws, Impropriety.
2. Dishonest or bad management, especially by persons entrusted or engaged to act on another's behalf.

CHARGE 3: **Charlotte County Code 3-2-47 (b) (4)** – Disciplinary action – Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3-2, chapter 3-9, any provisions of any code adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. **(5 Counts)**

CHARGE 4: **Charlotte County Code 3-2-47 (b) (20)** – Disciplinary action –

Failing to obtain inspection including but not limited to final inspection
(5 Counts)

Paul Martineau, Certified Code Compliance Officer, provided testimony as stated in the investigative report. Mr. Heinrich was not present to give testimony.

The Charlotte County Licensing Division staff requested the Board to accept the report as so presented. They made the recommendation that Dennis A. Heinrich, d/b/a Service America Enterprise, Inc., License No. CAC057977, be found in violation of all the referenced charges. It was further recommended that Mr. Heinrich's permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County be REVOKED. It was further recommended this case and a copy of this Board's order be prepared and sent to the Florida Construction Industry Licensing Board with a recommendation that Mr. Heinrich's State Certified Air Conditioning Contractor license also be suspended or revoked.

The Chairman of the Board accepted the report as so presented by the Charlotte County Licensing Division staff.

Motion: Stan Munson made the motion to close the public hearing and William Ambrose seconded the motion and it was approved unanimously.

Motion: Carlton Strong made the motion that the Board find Dennis A. Heinrich in violation of the cited codes and accept the recommendation as the Board's order. John Herston seconded and it was approved unanimously.

**E. Wesley S. Johnson
d/b/a Climate Solutions, Inc.
State Certified Air Conditioning Contractor
License No. CAC057968
Case No. CIL-10-00412A**

Paul Martineau

Case continued to March 3, 2011

**F. Alexander Kirichenko
d/b/a Polar Bear Cooling & Heating LLC
State Certified HARV Class B Contractor
License No. CAC058773
Case No. CIL-10-00511A**

Paul Martineau

CHARGE 1: Florida Statute 489.129 (1) (j) – Disciplinary Proceedings -Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days. (6 Counts)

CHARGE 2: Florida Statutes Chapter 489.129 (1)(m) – Disciplinary Proceedings – Committing incompetency or misconduct in the practice of contracting. (6 Counts)

Misconduct as defined in part by the American Heritage Dictionary is:

1. Behavior not conforming to the prevailing standards or laws, impropriety.
2. Dishonest or bad management, especially by persons entrusted or engaged to act on another's behalf.

CHARGE 3: Charlotte County Code 3-2-47 (b) (4) – Disciplinary action – Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3-2, chapter 3-9, any provisions of any code adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. (6 Counts)

CHARGE 4: Charlotte County Code 3-2-47 (b) (20) – Disciplinary action – Failing to obtain inspection including but not limited to final inspection (6 Counts)

Paul Martineau, Certified Code Compliance Officer, provided testimony as stated in the investigative report. Mr. Kirichenko was not present to give testimony.

The Charlotte County Licensing Division staff requested the Board to accept the report as so presented. They made the recommendation that Alexander Kirichenko, d/b/a Polar Bear Cooling & Heating, LLC, License No. CAC058773, be found in violation of all the referenced charges. It was further recommended that Mr. Kirichenko's permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County be REVOKED. It was further recommended this case and a copy of this Board's order be prepared and sent to the Florida Construction Industry Licensing Board with a recommendation that Mr. Kirichenko's State Certified HARV Class B Contractor license also be suspended or revoked.

The Chairman of the Board accepted the report as so presented by the Charlotte County Licensing Division staff.

Motion: Carleton Strong made the motion to close the public hearing and Erik Howard seconded the motion and it was approved unanimously.

Motion: Carlton Strong made the motion that the Board find Alexander Kirichenko in violation of the cited codes and accept the recommendation as the Board's order. Mike Douglass seconded and it was approved unanimously.

**G. Gregory Leonov
d/b/a L & L Enterprises SW FL, Inc.
State Certified Electrical Contractor
License No. CES0000345
State Certified General Contractor
License No. CGC058294
Case No. CIL-10-00371**

Paul Martineau

CHARGE 1: Florida Statute 489.129 (1) (j) – Disciplinary Proceedings - Abandoning a

construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days. **(5 Counts)**

CHARGE 2: Florida Statutes Chapter 489.129 (1)(m) – Disciplinary Proceedings – Committing incompetency or misconduct in the practice of contracting. (5 Counts)

Misconduct as defined in part by the American Heritage Dictionary is:

1. Behavior not conforming to the prevailing standards or laws, Impropriety.
2. Dishonest or bad management, especially by persons entrusted or engaged to act on another's behalf.

CHARGE 3: Charlotte County Code 3-2-47 (b) (4) – Disciplinary action – Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3-2, chapter 3-9, any provisions of any code adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. (5 Counts)

CHARGE 4: Charlotte County Code 3-2-47 (b) (20) – Disciplinary action – Failing to obtain inspection including but not limited to final inspection (5 Counts)

CHARGE 5: Florida Statute 489.533 (1)(i) - Disciplinary Proceedings - Violating the applicable building codes or laws of the state or any municipality or county thereof. (5 Counts)

CHARGE 6: Florida Statute 489.533 (1)(p) – Disciplinary Proceedings - Abandoning a project which the contractor is engaged in or is under contractual obligation to perform. A project is to be considered abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the prospective owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days. (5 Counts)

Paul Martineau, Certified Code Compliance Officer, provided testimony as stated in the investigative report. Mr. Leonov was not present to give testimony.

The Charlotte County Licensing Division staff requested the Board to accept the report as so presented. They made the recommendation that Gregory Leonov, d/b/a L & L Enterprises SW FL, Inc., License No. CGC0000345, be found in violation of all the referenced charges. It was further recommended that Mr. Leonov's permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County be REVOKED. It was further recommended this case and a copy of this Board's order be prepared and sent to the Florida Construction Industry Licensing Board with a recommendation that Mr. Leonov's State Certified General Contractor license also be suspended or revoked.

The Chairman of the Board accepted the report as so presented by the Charlotte County Licensing Division staff.

Motion: Carleton Strong made the motion to close the public hearing and Stan Munson seconded the motion and it was approved unanimously.

Motion: Erik Howard made the motion that the Board find Gregory Leonov in violation of the cited codes and accept the recommendation as the Board's order. Carlton Strong seconded and it was approved unanimously.

H. Daniel E. Likness

d/b/a Likness Construction of SW Florida

State Certified Residential Contractor

License No. CRC057738

Case No. CIL-10-00440A

Paul Martineau

CHARGE 1: **Florida Statute 489.129 (1) (j)** – Disciplinary Proceedings -Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days. **(1 Count)**

CHARGE 2: **Charlotte County Code 3-2-47 (b) (4)** – Disciplinary action – Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3-2, chapter 3-9, any provisions of any code adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. **(1 Count)**

CHARGE 3: **Charlotte County Code 3-2-47 (b) (20)** – Disciplinary action – Failing to obtain inspection including but not limited to final inspection **(1 Count)**

Paul Martineau, Certified Code Compliance Officer, provided testimony as stated in the investigative report. Mr. Likness was not present to give testimony.

The Charlotte County Licensing Division staff requested the Board to accept the report as so presented. They made the recommendation that Daniel E. Likness, d/b/a Likness Construction of SW Florida, License No. CRC057738, be found in violation of all the referenced charges. It was further recommended that Mr. Likness's permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County be REVOKED. It was further recommended this case and a copy of this Board's order be prepared and sent to the Florida Construction Industry Licensing Board with a recommendation that Mr. Likness's State Certified Residential Contractor license also be suspended or revoked.

The Chairman of the Board accepted the report as so presented by the Charlotte County Licensing Division staff.

Motion: Stan Munson made the motion to close the public hearing and Richard Eger seconded the motion and it was approved unanimously.

Motion: Stan Munson made the motion that the Board find Daniel E. Likness in violation of the cited codes and accept the recommendation as the Board's order. Carlton Strong seconded and it was approved unanimously.

**I. Larry G. McMachen
d/b/a McMachen Construction Inc.
State Certified General Contractors
License No. CGC032948
Case No. CIL-10-00499A**

Paul Martineau

CHARGE 1: Florida Statute 489.129 (1) (j) – Disciplinary Proceedings -Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days. (1 Count)

CHARGE 2: Florida Statutes Chapter 489.129 (1)(m) – Disciplinary Proceedings – Committing incompetency or misconduct in the practice of contracting. (1 Count)

Misconduct as defined in part by the American Heritage Dictionary is:

1. Behavior not conforming to the prevailing standards or laws, Impropriety.
2. Dishonest or bad management, especially by persons entrusted or engaged to act on another's behalf.

CHARGE 3: Charlotte County Code 3-2-47 (b) (4) – Disciplinary action – Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3-2, chapter 3-9, any provisions of any code adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. (1 Count)

CHARGE 4: Charlotte County Code 3-2-47 (b) (20) – Disciplinary action – Failing to obtain inspection including but not limited to final inspection (1 Count)

Paul Martineau, Certified Code Compliance Officer, provided testimony as stated in the investigative report. Mr. McMachen was not present to give testimony.

The Charlotte County Licensing Division staff requested the Board to accept the report as so presented. They made the recommendation that Larry G. McMachen, d/b/a McMachen Construction, Inc., License No. CGC032948, be found in violation of all the referenced charges. It was further recommended that Mr. McMachen's permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County be REVOKED. It was further recommended this case and a copy of this Board's order be prepared and sent to the Florida Construction Industry Licensing

Board with a recommendation that Mr. McMachen's State Certified General Contractor license also be suspended or revoked.

The Chairman of the Board accepted the report as so presented by the Charlotte County Licensing Division staff.

Motion: Stan Munson made the motion to close the public hearing and Carlton Strong seconded the motion and it was approved unanimously.

Motion: Richard Eger made the motion that the Board find Larry G. McMachen in violation of the cited codes and accept the recommendation as the Board's order. Carlton Strong seconded and it was approved unanimously.

- J. James C. Murton
d/b/a Murton Roofing Corp.
State Certified Roofing Contractor
License No. CCC26463
Code Case No. CIL-10-00502A** **Paul Martineau**

This case was dismissed

- K. William P. Pavela
d/b/a Bills Electric Service, Inc.
State Certified Electrical Contractor
License No. EC13002207
Code Case No. CIL-10-00512A** **Paul Martineau**

This case continued to March 3, 2011

- L. Horace T. Pickett
d/b/a Berlin Sign Company Inc.
Registered Sign Electrical Contractors
License No. ET0000718
Code Case No. CIL-10-00451A** **Paul Martineau**

This case was continued to March 3, 2011

- M. Dale R. Smith
d/b/a Best A/C Inc.
State Certified Air Conditioning Contractor
License No. CAC057028
Case No. CIL-10-00336A** **Paul Martineau**

This case was dismissed

XII. CITIZEN INPUT

XIII. REPORT FROM THE LICENSING DIVISION MANAGER - none

XIV. REPORT FROM THE INSPECTIONS MANAGER - none

XV. REPORT FROM THE ASSISTANT COUNTY ATTORNEY –

There were two appeals. One was settled and one will be heard at the March 3rd meeting. The case against Nickolas Jakimer was settled. Mr. Joe Hunter is appealing the probation period and he will be at the March 3rd meeting with his attorney to contest the 3 year probation.

XVI. BOARD ATTORNEY COMMENTS –

Mr. Koch commented on how nice it was to have the meeting shortened by not having to read everything into the minutes. The Building Department asked that the record be accepted and explained that the Board just has to acknowledge that it is being accepted so that there is a record that you are taking in the written report instead of having the licensing officer read the entire case.

XVII. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

Erik Howard would like a written copy of the agenda at the meetings.

John Herston commented that maybe a motion should be made that the Board needed to make a motion to ask the Board's Attorney to work with the County Attorney to streamline the process. The rest of the Board already felt that was being done and felt a motion was not needed.

Erik Howard talked about using a consent agenda but the Board's attorney explained that was not possible with this kind of agenda. He went on to explain the process of being able to streamline the agenda while still meeting the quasi-judicial requirements.

XVIII. ADJOURNMENT

Any person who decides to appeal a decision of this Board will need a record of the proceedings pertaining thereto, and therefore may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Carlton Strong made the motion to adjourn. Stan Munson seconded the motion and the meeting was adjourned at 7:32 pm.

Charlotte County
Construction Industry Licensing Board

Minutes of Feb. 3, 2011

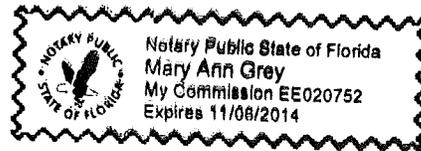
Read and approved by:


Pat Laurendine, Chairman

Date: 3-3-2011

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 3rd day of Feb, 2011 who is personally known to me and who did not take an oath.




Signature of Notary

My Commission expires: 11-6-14

I hereby attest and affirm that the minutes of the February Construction Industry Licensing Board meeting are true and accurate to the best of my ability. Complete files of all cases as well as taped recordings of all proceedings of this hearing are kept in the Building Construction Services and Contractor Licensing Division and are available to the public. Copies of the tapes are available upon request for a minimal fee.


Mary Ann Grey, Administrative Assistant II
Construction Industry Licensing Board
Building Construction Services Department/
Contractor Licensing Division