

**MINUTES OF THE REGULAR MEETING OF
THE CHARLOTTE COUNTY CONSTRUCTION
INDUSTRY LICENSING BOARD
18500 Murdock Circle, Room 119
Port Charlotte, Florida 33948
May 5, 2011, 6 p.m.**

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

II. ROLL CALL

Members Present:

William Ambrose
Mike Douglass
Richard Eger
John Herston
Erik Howard
Pat Laurendine
Stan Munson
Carleton Strong
Robert Koch, Board Attorney

Members Excused Absence:

John Damon

Staff Present:

Erin Mullen-Travise, Licensing and Code Enforcement Manager
Joanna Colburn, Certified Code Compliance Officer
Paul Martineau, Certified Code Compliance Officer
Wendy Pacheco, Certified Code Compliance Officer
Tom Burns, Inspections Manager
Kira Honse, Assistant County Attorney
Mary Ann Grey, Clerk

III. AGENDA CHANGES

Contesting Citations:

**Morris M. Sandefur III – Citations 2734 & 2735.
Citations have been paid in full and this case has been dismissed.**

Discipline Cases

**B. Robert O. Bernhard - Continued until further noticed.
d/b/a Quality Door & Window Co., Inc.
License No. AAA0010937
Case No. CIL-10-00500**

- C. Cameron Cooper – Continued to June
State Certified Roofing Contractor
License No. CCC042804
Case No. CIL-11-00332A

- D. Camilo Diaz – Continued to November
d/b/a Stormwise South Florida Inc.
State Certified General Contractor’s License
License No. CGC1511342
Case No. CIL-11-00383

- E. David S. Doolittle – Continued indefinitely
d/b/a Doolittle Air LLC
State Certified Air Conditioning Contractor
License No CAC1815069
Case No. CIL-11-00321A

- G. Anthony P. Favara – Continued to July
d/b/a Peace River Customer Homes, Inc.
State Certified Building Contractor
License No. CBC1253896
Case No. CIL-11-00395

- I. Gregory Leonov – Continued to July 7
d/b/a L & L Enterprises SW FL, Inc.
State Certified Electrical Contractor
License No. CES0000345
State Certified General Contractor
License No. CGC058294
CIL-11-00371

- J. Jorge Merlo – Continued to July 7
d/b/a Merlo Brothers Construction Inc.
State Certified General Contractor
License No. CGC1510874
Case No. CIL-11-00378

- K. Horace T. Pickett – Continued to July
d/b/a Berlin Sign Company, Inc.
Registered Sign Electrical Contractor
License No. ET0000718
Case No. CIL-10-00451

- L. Morgan Randolph
d/b/a Morgan Randolph, Inc.
State Certified Building Contractor
License No. CBCA09038
Case No. CIL-10-00518

IV. NEXT MEETING DATE: June 2, 2011, at 6:00 p.m.

V. SWEARING IN OF ALL THOSE GIVING TESTIMONY

VI. QUASI-JUDICIAL HEARING

VII. APPROVAL OF MINUTES: April 7, 2011

Stan Munson motioned to approve the minutes. William Ambrose seconded and the minutes were approved unanimously.

VIII. CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES:

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by a member of the Board, that item(s) will be removed from the Consent Agenda and considered separately. **Each case has been assessed with an additional \$18.50 for the cost of recording the lien.**

- A. Mark J. Bayliss – Wendy Pacheco
Citations: #2725 & 2756; \$500.00 each Joanna Colburn**
- B. Thomas Russell Mair, Jr. – Wendy Pacheco
Citations: #2727 & 2559; \$500.00 each Joanna Colburn**

Erik Howard motioned to approve the Consent-Affidavits of Non-Compliance Fines. Stan Munson seconded and the motion was approved unanimously.

IX. CONTESTING CITATION:

X. OLD BUSINESS: None

XI. LICENSE REVIEW:

- A. Ronald Rinaldi Erin Mullen-Travis
d/b/a Saw and Hammer Wood Working, Inc.**

Mr. Rinaldi has applied for a Certificate of Competency as a Cabinet and Trim Contractor and has requested a waiver of the requirements to become licensed in Charlotte County. He is requesting that the examination for Finish Carpentry be accepted from a testing company other than the one accepted by the Licensing Division.

Erin Mullen-Travis, Certified Code Compliance Officer, provided testimony as stated in the investigative report. Mr. Rinaldi was present to give testimony.

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

Motion: Erik Howard motioned to approve the license. Carlton Strong seconded and the motion was approved unanimously.

DISCIPLINE CASES:

- A. Lawrence R. Archer Paul Martineau
State Certified General Contractor
License No. CGC062425
Case No. CIL-11-00306A**

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 inspections including but not limited to final inspections. **(1 Count)**

Paul Martineau, Certified Code Compliance Officer, ask the Board for a break in the meeting to speak to Erin Mullen-Travis. Mr. Archer came to this meeting and spoke with staff regarding this case. He stated that someone else pulled this permit in using his license. Staff will continue the case to do a further investigation into the matter.

F. Robert Dunigan
d/b/a Citywide Air Conditioning & Heating, Inc.
State Certified Air Conditioning
License No. CAC057747
Case No. CIL-11-00387A

Wendy Pacheco

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. **(2 Counts)**

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

CHARGE 4: Charlotte County Code 3-2-47 (b)(20) – Disciplinary Action – Failing to obtain inspections including but not limited to final inspections. **(2 Counts)**

Wendy Pacheco, Certified Code Compliance Officer, provided testimony as stated in the investigative report. Mr. Dunigan 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 Robert Dunigan, d/b/a Citywide Air Conditioning & Heating, Inc., License No. CAC057747, be found in violation of all the referenced charges. It was further recommended that Mr. Dunigan’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. Dunigan’s State Certified Air Conditioning Contractor license also be suspended or revoked.

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

Motion: Pat Laurendine made the motion to accept Wendy Pacheco, License Investigator’s report as so stated. Erik Howard seconded the motion and it was approved unanimously.

Motion: William Ambrose made the motion that the Board find Robert J. Dunigan in violation of the cited codes and accept the staff’s recommendation as the Board’s order. Richard Eger seconded and it was approved unanimously.

**H. Frederick W. Hall
d/b/a Hall Interest LLC
State Certified Building Contractor
License No. CBC1252314
Case No. CIL-11-00335A**

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. **(2 Counts)**

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

CHARGE 4: Charlotte County Code 3-2-47 (b)(20) – Disciplinary Action – Failing to obtain inspections including but not limited to final inspections. **(2 Counts)**

Paul Martineau, Certified Code Compliance Officer, provided testimony as stated in the investigative report. Mr. Hall 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 Frederick W. Hall, d/b/a Hall Interest LLC, License No. CBC1252314, be found in violation of all the referenced charges. It was further recommended that Mr. Hall’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. Hall’s State Certified Building Contractor license also be suspended or revoked.

Motion: Stan Munson made the motion to accept the investigative report as evidence as written. Carlton Strong seconded the motion and it was approved unanimously.

Motion: Stan Munson made the motion that the Board find Frederick W. Hall in violation of the cited codes and accept the staff’s recommendation as the Board’s order. John Herston seconded and it was approved unanimously.

**M. Norbert Rogers
d/b/a Char Lee Enterprises Inc.
Local Ashpalt License
License No. AAA004423
Case No. CIL-10-00469**

Joanna Colburn

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. **(15 Counts)**

CHARGE 2: Florida Statutes Chapter 489.129 (1)(m) – Disciplinary Proceedings – Committing incompetency or misconduct in the practice of contracting. **(15 Counts)**

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

1. Behavior not conforming to the prevailing standards or laws, Impropropriety.
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. **(15 Counts)**

CHARGE 4: Charlotte County Code 3-2-47 (b)(20) – Disciplinary Action – Failing to obtain inspections including but not limited to final inspections. **(15 Counts)**

Joanna Colburn, Certified Code Compliance Officer, provided testimony as stated in the investigative report. Mr. Rogers 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 Norbert Rogers, d/b/a Char Lee Enterprises, Inc., License No. AAA004423, be found in violation of all the referenced charges. It was further recommended that Mr. Rogers’ permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County be REVOKED with fines being assessed at \$5,000 total per the Florida Statute.

Erik Howard asked if the Chair can just accept what the investigator had stated. Counsel stated that the proper approach would be for the investigator to move the investigative report into the record and then for the Board to determine if that want to accept that. He stated that he thought it was a better practice to have that done by motion so that everyone, if they have an objection to the investigative report other than just leaving it up to the chairman to make that determination for the entire board, that presumes that the rest of the board has reviewed that record and have had an opportunity to look at it, so that it doesn’t get accepted by the Chairman prior to perhaps having a question on it or something that you may want to ask the investigator.

Motion: Erik Howard made the motion to accept the investigative report as evidence as written. Carlton Strong seconded the motion.

Discussion followed: Stan Munson asked how he was able to get additional permits after the board gave him a continuance in November. Joanna Colburn responded that Mr. Rogers renewed all of his permits in November and after six months they expired again. They just expired again on May 3. He pulled permit on April 29th. It was clarified that Mr. Rogers was able to pull permits as he was never in front of the licensing board as he had renewed the permits he was cited for before the meeting in November.

The motion was approved unanimously.

Motion: Stan Munson made the motion that the Board find Frederick W. Hall in violation of the cited codes and accept the staff’s recommendation as the Board’s order with a fine of \$5,000. Carlton Strong seconded and it was approved unanimously.

XII. CITIZEN INPUT - none

XIII. REPORT FROM THE LICENSING DIVISION MANAGER –

Erin Mullen-Travis wished Mr. Burns well wishes on his retirement. Erin polled the Board to see who will be in attendance for the July 7 meeting. There will be a quorum present for the meeting in July.

XIV. REPORT FROM THE INSPECTIONS MANAGER –

Mr. Burns thanked everyone for their support through the years.

XV. REPORT FROM THE ASSISTANT COUNTY ATTORNEY –

Kira reported that it looked like a bill has passed the house adding another contractor category, the Glass and Glazing Contractor. She will know by next meeting whether that bill has been passed.

XVI. BOARD ATTORNEY COMMENTS – none

XVII. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

XVIII. ADJOURNMENT

Stan Munson made the motion to adjourn. John Herston seconded the motion and it was approved unanimously. The meeting was adjourned at 7:00 pm.

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.