

**MINUTES OF THE REGULAR MEETING OF  
THE CHARLOTTE COUNTY  
CONSTRUCTION INDUSTRY LICENSING BOARD  
18500 Murdock Circle, Room 119  
Port Charlotte, Florida 33948**

**July 7, 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  
John Damon  
Richard Eger  
John Herston  
Erik Howard  
Pat Laurendine  
Stan Munson  
Carleton Strong  
Mike Wilson, Board Attorney

**Members Excused Absence:**

Michael Douglass

**Staff Present:**

Erin Mullen-Travis, Licensing and Code Enforcement Manager  
Joanna Colburn, Certified Code Compliance Officer  
Paul Martineau, Certified Code Compliance Officer  
Jim Evetts, Building Official  
Kira Honse, Assistant County Attorney  
Mary Ann Grey, Clerk

**III. AGENDA CHANGES  
Discipline Cases**

- A. Michael P. Coleman – Continued to March 7, 2012  
d/b/a Bay Area DK1  
State Certified General Contractor  
License No. CGC038548  
Case No. CIL-10-00417A**

**B. Wesley S. Johnson – Continued to March 1, 2012  
d/b/a Climate Solutions, Inc.  
State Certified Air Conditioning Contractor  
License No. CAC057968  
Case No. CIL-10-00412**

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

**Charges will be adjusted. Charge 3 will be 5 counts, Charge 4 is 5 counts, and Charge 6 is 4 counts as the result of one of the permits being voided as it was never issued.**

**E. Horace T. Pickett  
d/b/a Berlin Sign Company, Inc.  
Registered Sign Electrical Contractor  
License No. ET0000718  
Case No. CIL-10-00451**

**This case was continued indefinitely. He has two counts and the problems are with zoning not the building portion of the sign.**

**A case may be added to the agenda. The case was originally scheduled for the agenda but it was continued. The gentleman associated with the case, Mr. Clifford Hall, has flown in from Colorado. Case # - CIL-11-00302, one count of Florida Statutes 489.129(1)(j), 489.129(1)(m), 3-2-47(b)(4), and 3-2-47(b)(20). Due process was served. Mary Ann Grey made copies of the case for the board.**

**Erin Mullen-Travis explained that Dennis Loughren was present at the meeting to address the board as the Board had ordered him to reappear before them in 30 days. The case will be heard under Section 10, Old Business. Since staff was not anticipating Mr. Loughren appearing at the board meeting which is why he is not on the agenda. The Board was asked to let Mr. Loughren speak.**

**IV. NEXT MEETING DATE: August 4, 2011, at 6:00 p.m.**

**V. SWEARING IN OF ALL THOSE GIVING TESTIMONY**

**VI. QUASI-JUDICIAL HEARING**

**VII. APPROVAL OF MINUTES: June 2, 2011**

**Richard Eger motioned to approve the minutes. Carleton Strong seconded and the minutes were approved unanimously.**

**VIII. CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES: None**

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.

**IX. CONTESTING CITATION: None**

**X. OLD BUSINESS:**

**Dennis Loughren  
d/b/a ASAP Rescreens  
License # AAA0010476  
CIL-11-00414**

Joanna Colburn, Certified Contractor Licensing Investigator, informed the Board regarding the Board's orders from last month that the Board had ordered Mr. Loughren to appear before the Board in thirty days to advise the Board on his progress. Dennis Loughren was present and addressed the Board.

**Mr. Loughren explained that when he was before the Board last month and said he could finish all of the permits in thirty days, he may have been a bit ambitious. While he has paid the \$1600 fine, the engineering for some of the permits needs to be updated and the engineering firm has been slow to respond. He has made arrangements with Charlotte County inspector, Bob Hunek, to go over the permits to determine what needs to be fixed to complete the permits. Mr. Loughren said he was sure he could finish all the permits by next meeting of Aug. 4<sup>th</sup>.**

**Motion: William Ambrose made the motion to close the public hearing and Carleton Strong seconded the motion and it was approved unanimously.**

**Motion: William Ambrose made the motion that Mr. Loughren will be allowed the time frame to the next CILB meeting of August 4<sup>th</sup>, to complete all inspections and close all of the open permits and pay the \$1,600 fine. He is ordered to reappear at the meeting on August 4, 2012 to request a reinstatement of his license. Carleton Strong seconded the motion and it was approved unanimously.**

**XI. LICENSE REVIEW:**

**A. Norbert Rogers  
d/b/a Char Lee Enterprises  
License #: AAA004423**

**Joanna Colburn**

Mr. Rogers is requesting the temporary reinstatement of his Local Asphalt Contractor's license

Joanna Colburn, Certified Contractor License Investigator, provided testimony as stated in the investigative report. Mr. Rogers was present to give testimony.

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

**Motion: Patrick Laurendine made a motion that:**

- 1. Mr. Roger's license will be temporarily reinstated for 30 days to renew and finals out all 15 expired permits**
- 2. Mr. Roger's pay all fees and the fine of \$5,000**
- 3. Mr. Roger's be put on CharLee's payroll and be covered by Workman's Compensation.**

**Carleton Strong seconded and the motion was approved unanimously.**

#### **DISCIPLINE CASES:**

A request was made by Charlotte county Staff to take Clifford Hall first before addressing the agenda items as Mr. Hall was present to give testimony. Paul Martineau, Charlotte County License Investigator, provided testimony as stated in the investigative report. Board members were given copies of the case by the Clerk of the Board.

**Motion: Stan Munson made a motion to continue this case for ninety days for further investigation. Erik Howard seconded and the motion was approved unanimously.**

- A. Michael P. Coleman  
d/b/a Bay Area DKI  
State Certified General Contractor  
License No. CGC038548  
Case No. CIL-10-00417A**

**Paul Martineau**

**Continued to March 1, 2012**

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

**Paul Martineau**

**Continued to March 1, 2012**

- C. Anthony P. Favara  
d/b/a Peace River Custom Homes, Inc.  
State Certified Building Contractor  
License No. CBC1253896**

- 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. **(7 Counts)**
- CHARGE 2:** Florida Statutes Chapter 489.129 (1)(m) – Disciplinary Proceedings – Committing incompetency or misconduct in the practice of contracting. **(7 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. **(7 Counts)**
- CHARGE 4:** Charlotte County Code 3-2-47 (b)(20) – Disciplinary Action – Failing to obtain inspections including but not limited to final inspections. **(7 Counts)**

Erin Mullen-Travis that the charges are going to be reduced on counts 1, 2, 3 and 4 from 7 to 3. Paul Martineau, Certified Contractor License Investigator, provided testimony as stated in the investigative report.

The Charlotte County Licensing Division staff requested the Board to accept the rest of the report entered into the record as so presented. Pat Laurendine accepted the request with approval from the Board.

**The Charlotte County Licensing Division staff made the recommendation that Anthony P. Favara, License No. CBC1253896, be found in violation of all the referenced charges. It was further recommended that Mr. Favara’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. Favara’s State Certified Building Contractor license also be suspended or revoked.**

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

**Motion: Erik Howard made a motion that Anthony Favara, License No. CBC1253896, be found in violation of all the referenced charges and that the Board accept staff's recommendation. John Damon seconded and it was approved unanimously.**

**D. Gregory Leonov  
d/b/a L & L Enterprises SW FL Inc.  
State Certified General and Specialty Contractor  
License No. CES0000345 & 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. **(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. **(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)**

**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 Contractor License Investigator, provided testimony as stated in the investigative report. Mr. Martineau reported that the counts for charges 3, 4, 5, and 6 have been reduced to 4.

The Charlotte County Licensing Division staff requested the Board to accept the rest of the report entered into the record as so presented. Pat Laurendine accepted the request with approval from the Board.

**Motion: Carleton Strong made the motion to close the public hearing. John Herston seconded the motion and it was approved unanimously.**

**Motion: Richard Eger made a motion that Gregory Leonov, License No. CES0000345 & CGC058294, be found in violation of all the referenced charges and that the Board accept staff's recommendation. Stan Munson seconded and it was approved unanimously.**

**E. Horace T. Pickett  
d/b/a Berlin Sign Company, Inc.  
Registered Sign Electrical Contractor  
License No. ET0000718  
Case No. CIL-10-00451**

**Paul Martineau**

**Continued indefinitely - Letter from Zoning indicates that permits will be competed as soon as the ordinance for signs is passed.**

**XII. CITIZEN INPUT - None**

**XIII. REPORT FROM THE LICENSING DIVISION MANAGER –**

1. Pool Stickers are going over very well. There are upwards of 325 stickers that have been issued so far.
2. Staff would like to add a sentence in the Notice of Administrative Proceedings, in the Notice of Violation that it is the correspondent's responsibility to notify the Code Department within 5 days after signing for the notice that they have rectified the violation. The Board is aware that many contractors will wait until the day of the hearing and they will try and renew their permits at 5 o'clock. Staff would like to put verbiage in the Notice of Violation that specifies a time limit on contacting staff to renew their permit or for a continuance in the given time frame or their case will be heard before the Board. The Board asked if they need to move on it, but County Counsel indicated that this was just for the Board's information and that the Department and Counsel will write something up.
3. Shonna Jenkins has resigned.

**XIV. REPORT FROM THE BUILDING OFFICIAL - None**

**XV. REPORT FROM THE ASSISTANT COUNTY ATTORNEY - None**

**XVI. BOARD ATTORNEY COMMENTS - None**

**XVII. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS**

- 1. Eric Howard made a motion to add the Pledge of Allegiance to the agenda for future meetings. Carleton Strong seconded and the motion was carried unanimously.**
- 2. Carleton Strong asked staff how to make an ordinance for the Pool Stickers to be mandatory for all contractors. The County Attorney replied that it would need to be put on the agenda for the next meeting if the Board wants to consider it. Erin Mullen-Travis explained that she is looking into this with Claire Jubb, the Customer Service Manager, to see if the stickers can be used for both state and local contractors.**

**XVIII. ADJOURNMENT –**

**Stan Munson made the motion to adjourn. Carleton Strong seconded the motion and it was approved unanimously. The meeting was adjourned 8 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.