

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

August 4, 2011, 6 p.m.

I. CALL TO ORDER by Vice Chair, Carleton Strong at 6:00 PM

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Members Present:

**William Ambrose
John Damon
Mike Douglass
John Herston
Erik Howard
Stan Munson
Carleton Strong
Robert Koch, Board Attorney**

Members Excused Absence:

**Pat Laurendine
Richard Eger**

Staff Present:

**Erin Mullen-Travis, Licensing and Code Enforcement Manager
Joanna Colburn, Certified Code Compliance Officer
Wendy Pacheco, Certified Code Compliance Officer
Jim Evetts, Building Official
Kira Honse, Assistant County Attorney
Pamela Alexander, Clerk**

IV. AGENDA CHANGES

Old Business

**Norbert Rogers
d/b/a Char Lee Enterprises
License #AAA004423
Continued to September**

Discipline Cases

**Mitchell Crawford
d/b/a M & M Marine Construction
Case is dismissed.**

V. **NEXT MEETING DATE:** September 1, 2011, at 6:00 p.m.

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

VII. **QUASI-JUDICIAL HEARING**

VIII. **APPROVAL OF MINUTES:** July 7, 2011

Stan Munson motioned to approve the minutes. John Herston seconded and the minutes were approved unanimously.

IX. **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. **Jimmy Douglas Sanders – Citation # 2657, \$500, not present**

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

X. **CONTESTING CITATION:**

XI. **OLD BUSINESS:**

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

Joanna Colburn

Joanna Colburn presented the case. Mr. Loughren was present.

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

Motion: John Herston made a motion to reinstate with 2 year probation and subsequently withdrew the motion. William Ambrose withdrew his motion to reinstate Mr. Loughren’s license. John Herston made a motioned to approve his license with a 2 year probation but withdrew the motion after further discussion with board members. Erik Howard made a motion to reinstate Mr. Loughren license and permitting privileges along with one (1) year probation. William Ambrose seconded and the motion was approved unanimously.

XII. LICENSE REVIEW:

**A. Samuel Jerez
d/b/a Jerez Home Builders
License # CRC1327249
Case No. CIL-10-00315**

Joanna Colburn

Joanna Colburn, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Mr. Jerez was present to give testimony and presented a letter from the State advising that they are closing their investigation. Kira Honse presented additional information. Bob Koch advised that the Board ask as many questions as necessary before the Public Hearing is closed. Much discussion ensued.

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

Erik Howard made a motion to continue the case to the September 1st meeting. Mike Douglass seconded and the motion was approved unanimously.

XIII. DISCIPLINE CASES:

**B. Stephen B. Smith
d/b/a Sign Center, Inc.
License No. AAA007788
Case No. CIL-11-00408A**

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. **(12 Counts)**
- CHARGE 2:** Florida Statutes Chapter 489.129 (1)(m) – Disciplinary Proceedings – Committing incompetency or misconduct in the practice of contracting. **(12 Counts)**
- Misconduct as defined in part by the American Heritage Dictionary is:
1. Behavior not conforming to the prevailing standards or laws, Impropry.
 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. **(12 Counts)**
- CHARGE 4:** Charlotte County Code 3-2-47 (b) (20) – Disciplinary action – Failing to obtain inspection including but not limited to final inspection **(12 Counts)**

Wendy Pacheco presented the case. Mr. Smith was not present.

The Charlotte County Licensing Division staff made the recommendation that Stephen B. Smith, License No. AAA007788, be found in violation of all the referenced charges. It was further recommended that Mr. Smith's permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County be REVOKED and a fine of \$5,000 be assessed.

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

Motion: William Ambrose made the motion that Mr. Smith be found in violation of all the referenced charges and that the Board accept the staff's recommendation. Stan Munson seconded and it was approved unanimously.

XIV. CITIZEN INPUT - None

XV. REPORT FROM THE LICENSING DIVISION MANAGER - None

XVI. REPORT FROM THE BUILDING OFFICIAL - None

XVII. REPORT FROM THE ASSISTANT COUNTY ATTORNEY - None

XVIII. BOARD ATTORNEY COMMENTS - None

XIX. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

Carleton Strong asked about discussion the mandatory ID stickers for pool contractors. Kira Honse responded that it was not put on the August agenda and that the clerk should be notified to put it on for September. She mentioned to the members that is there was an issue that any board member might like to discuss, that they should notify the clerk to have it put on the agenda for the following month so that it can be discussed.

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.

Stan Munson made the motion to adjourn. Erik Howard seconded the motion and it was approved unanimously. The meeting was adjourned 7:58 pm.

Charlotte County
Construction Industry Licensing Board

Minutes of August 4, 2011

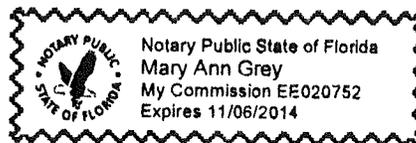
Read and approved by: Carleton Strong
Carleton Strong, Chairman

Date: 9-1-11

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 1st day of September, 2011 who is personally known to me and who did not take an oath.

Mary Ann Grey
Signature of Notary



My Commission expires:

I hereby attest and affirm that the minutes of the August 4, 2011 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
Mary Ann Grey, Administrative Assistant II
Construction Industry Licensing Board
Building Construction Services Department/
Contractor Licensing Division