

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

October 6, 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
Erik Howard
Carleton Strong
Robert Koch, Board Attorney**

Members Excused Absence:

**John Herston
Stan Munson**

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
Mary Ann Grey, Clerk**

IV. AGENDA CHANGES

**B. James A. Kessler
Application No: AAA-11-00063
Case No. CIL-11-00475**

Wendy Pacheco

Removed from Agenda

- V. NEXT MEETING DATE:** November 3, 2011, at 6:00 p.m.
- VI. SWEARING IN OF ALL THOSE GIVING TESTIMONY**
- VII. QUASI-JUDICIAL HEARING**
- VIII. APPROVAL OF MINUTES:** September 1, 2011

Richard Eger motioned to approve the minutes. Michael Douglass seconded and the minutes were approved unanimously.

IX. 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.**

X. CONTESTING CITATION: None

XI. OLD BUSINESS: None

XII. LICENSE REVIEW:

**A. Don Jericka
d/b/a Don J's Electric
License # CER13013524
Case No. CIL-11-00473**

Wendy Pacheco

Mr. Jericka has requested to come before the Board to register a second entity.

Wendy Pacheco, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Jericka was present to give testimony.

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

Motion: Erik Howard made the motion to approve the second entity for Mr. Don Jericka. John Damon seconded the motion and it was approved unanimously.

**B. Norris C. Wallace
Application No. AAA-11-00054
Case No. CIL-11-00474**

Wendy Pacheco

Mr. Wallace has requested a hearing for sponsorship to take the Carpentry and Business and Law Exams through Charlotte County.

Wendy Pacheco, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Wallace was not present to give testimony.

Case was pulled from agenda as Mr. Wallace was not present.

XIII. DISCIPLINE CASES:

**A. Gustav J. Braat
f/k/a Custom Installers, Inc.
d/b/a BP Roofing, Inc.
License # CCC41307
Case No. CIL-11-00391A**

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. **(3 Counts)**

CHARGE 2: Florida Statutes Chapter 489.129 (1)(m) – Disciplinary Proceedings – Committing incompetency or misconduct in the practice of contracting. **(3 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. **(3 Counts)**

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

Wendy Pacheco, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Braat was not present to give testimony.

The Charlotte County Licensing Division staff made the recommendation that Gustav J. Braat, License No. CCC41307, be found in violation of all the referenced charges. It was recommended that Mr. Braat'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. Braat's State Certified Roofing Contractor's license also be suspended or revoked.

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 a motion that Gustav J. Braat, License No. CCC41307, be found in violation of all the referenced charges and accept the staff's recommendations as the Board's order. Erik Howard seconded and it was approved unanimously.

XIV. CITIZEN INPUT - None

XV. REPORT FROM THE LICENSING DIVISION MANAGER –

Erin Mullen-Travis gave a report on the total number of swimming pool contractors. She mentioned that the Department is doing licensing renewals at the moment and a number of licenses have not been renewed yet. The number of licenses that the Department has right now are:

18 - Local Swimming Pool and Spa Water Treatment Contractors

62 – Certified Swimming Pool – A

62 - Certified Swimming Pool – B

22 - Certified Swimming Pool – C

5 – Registered Swimming Pool – A

8 - Registered Swimming Pool – B

24 - Registered Swimming Pool – C

With renewals, many County licenses were grandfathered in years ago. In the code and on the licenses, it states that any grandfathered license not renewed by September 30 is basically null and void and they will be required to retest. There are many who are coming in that are very upset and Erin is letting the Board know that many of them may be petitioning the Board.

Because State licensees have already tested, they can renew their licenses if they are late.

XVI. REPORT FROM THE BUILDING OFFICIAL –

Building Official, Jim Evetts, stated that in the 2011 FBC's the wind loads are going to be changed which may pose a problem for designing trusses. Jim felt that the change was going to cause a great deal of confusion with the design engineers, contractors, and the general public. He also commented that he felt that the code weakens the requirement and will cause a problem.

XVII. REPORT FROM THE ASSISTANT COUNTY ATTORNEY -

Kira passed out the language that will be used for the ordinance on the mandatory decals for the mandatory decals for the swimming pools, spas water treatment and cleaning providers. The Chairman asked what would be the penalty if the decals were not used and Erin Mullen-Travis explained that she would be able to charge them with a violation under 3-2-47B4 which is a willful violation of any of the codes. They would come before the CILB and they would be able to be fined under 3-2-47 as there are specific fines listed there.

Kira suggested that the Board approve the language at this time and then the ordinance will continue to be worked on for a few months before it goes to the Board of County Commissioners. She also suggested that at that time it would be good if the industry appear at the meeting to show their support for the ordinance. Erin commented that there are several organizations that are in support of the ordinance.

A vote was taken and the ordinance passed with Erik Howard opposed.

XVIII. BOARD ATTORNEY COMMENTS - None

XIX. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

Mr. Ambrose asked about the Notice with Intent to Lien. It was discussed that the Notice to Owner may be what this name of the form is and the Board's attorney, Mr. Koch, explained the process. He stated that under Stature 713 there is a form and that the statute explains how the process works. The statute is there to protect everyone involved in the construction of the home. This differs from the Notice of Commencement which has to be posted on the jobsite and lets everyone know who is involved in the project.

XX. ELECTION OF VICE CHAIRMAN - With the resignation of Pat Laurendine, Carleton Strong ascends to the Chair position. Because the Board of County Commissioners accepts the resignation, no motion was needed by the CILB to accept the resignation. A Vice Chairman needed to be nominated to finish out the current 2011 year. A motion was made by Michael Douglass to nominate William Ambrose as Vice Chairman and was seconded by Erik Howard and approved unanimously.

XXI. 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.

Erik Howard made the motion to adjourn. William Ambrose seconded the motion and it was approved unanimously. The meeting was adjourned at 7 p.m.

Charlotte County
Construction Industry Licensing Board

Minutes of October 6, 2011

Read and approved by:


Carleton Strong, Chairman

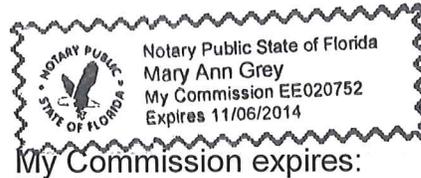
Date:

11-3-11

STATE OF FLORIDA
COUNTY OF CHARLOTTE

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


Signature of Notary



I hereby attest and affirm that the minutes of the October 6, 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, Administrative Assistant II
Construction Industry Licensing Board
Building Construction Services Department/
Contractor Licensing Division