

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

November 3, 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
Richard Eger
John Herston
Erik Howard
Stan Munson
Carleton Strong
Robert Koch, Board Attorney**

Staff Present:

**Erin Mullen-Travis, Licensing and Code Enforcement Manager
Paul Martineau, 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

Old Business

Norbert Rogers case will be presented by Erin Mullen-Travis

Discipline Cases

**Charles Frank Bean III
Continued to Dec. 2012**

**Michael S. Decroteau
Continued June, 2012**

**Patrick J. Love
Continued to June, 2012**

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

- VI. **SWEARING IN OF ALL THOSE GIVING TESTIMONY**
- VII. **QUASI-JUDICIAL HEARING**
- VIII. **APPROVAL OF MINUTES:** October 6, 2011

Correction to Minutes – Stan Munson was listed as here but Mr. Munson was not present at the October meeting. With corrections, John Herston 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:**

**A. Norbert Rogers
 d/b/a Char Lee Enterprises
 License #AAA004423
 Case No. CIL-10-00469**

Erin Mullen-Travis

Erin Mullen-Travis, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Jim Evetts, Building Official also provided testimony regarding the permits. Mr. Rogers was present to give testimony.

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

- Motion: Richard Eger made the motion that Mr. Rogers:**
- a. **Have his license temporarily reinstated for three (3) months**
 - b. **Provide the proper Insurance**
 - c. **Renew the expired permits at the reduced and finish them**
 - d. **Mr. Rogers is not allowed to do any new work**

John Herston seconded the motion and it was approved unanimously.

**B. Richard M. McNeal
 d/b/a New Code Windows & Doors, Inc.
 License No. CGC059099
 Case No. CIL-11-00346**

Wendy Pacheco

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

The Charlotte County Licensing Division staff made the recommendation that Richard M. McNeal, License No. CGC059099, be found in violation of all the charges listed in

the September charges. It was further recommended that Mr. McNeal'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. McNeal's State Certified General Contractor's license also be suspended or revoked.

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

Motion: Stan Munson made the motion to accept Staff's recommendations. John Herston seconded the motion and it was approved unanimously.

XII. LICENSE REVIEW:

A. 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 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: Erik Howard made the motion to approve Mr. Wallace's sponsorship to take the Carpentry and Business and Law Exams through Charlotte County. William Ambrose seconded the motion and it was approved unanimously.

XIII. DISCIPLINE CASES:

A. Timothy R. Baldwin
d/b/a T Baldwin Environmental Service
License No. CGC049747
Case No. CIL-11-00425

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 inspections including but not limited to final inspections. **(5 Counts)**

Paul Martineau, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Baldwin was present to give testimony.

The Charlotte County Licensing Division staff made the recommendation that Timothy R. Baldwin, License No. CGC049747, be found in violation of all the charges listed. It was further recommended that Mr. Baldwin's new permitting privileges be suspended, that Mr. Baldwin renew the expired permits within 30 day and per the Florida Building Code get the final inspections for those permits within six months or in accordance with the Florida Building Code. If Mr. Baldwin does receive the final permits within the allocated time frame, it is recommended the Mr. Baldwin's new permitting privileges be restored without the necessity of reappearing before this Board. If Mr. Baldwin fails to comply with the Board's order within the allocated time frame and allows any of the renewed permits to expire again, it is recommended that Mr. Baldwin's permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County be REVOKED without requiring Timothy R. Baldwin to reappear before this Board.

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

Motion: Stan Munson made the motion to continued Mr. Baldwin's case until the next CILB meeting of December 1st to allow him to determine the status of the jobs on the expired permits and report back to the Board what his course of action will be to clear up the outstanding issues with the expired permits. Michael Douglass seconded the motion and it was approved unanimously.

**B. Charles Frank Bean III
d/b/a Premier Remodeling
License No. RB29003279
Case No. CIL-11-00417**

Wendy Pacheco

Continued to December 1, 2011

**C. Michael S. Decroteau
d/b/a Decroteau Brothers Florida Inc.
State Certified Building Contractor
License No. CBC1253820
Case No. CIL-10-00352**

Paul Martineau

Continue to June,12, 2012

**D. Camilo Diaz
d/b/a Stormwise South Florida Inc.
State Certified General Contractor's License
License No. CGC1511342
Case No. CIL-10-00383**

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, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Diaz was not present to give testimony. Mr. Martineau requested that the rest of the investigative report be entered into the record.

The Charlotte County Licensing Division staff made the recommendation that Camilo Diaz, License No. CGC1511342, be found in violation of all the referenced charges. It was further recommended that Mr. Camilo Diza'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. Diaz's State Certified General Contractor's license also be suspended or revoked.

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

Motion: Richard Eger made a motion that Camilo Diaz, License No. CGC1511342, be found in violation of all the referenced charges and that the Board accept staff's recommendation as the Board's order. William Ambrose seconded and it was approved unanimously.

E. Patrick J. Love
d/b/a Loves Air Conditioning & Heating, Inc.
State Certified Roofing Contractor's License
License No. CAC1814942
Case No. CIL-11-00361A

Paul Martineau

Continued to June, 7, 2012

XIV. CITIZEN INPUT - None

XV. REPORT FROM THE LICENSING DIVISION MANAGER

Erin Mullen-Travis informed the Board that the Grandfather clause for contractor renewal. If someone obtained their license before Charlotte Co. began testing, as long as that person kept their license active, and renewed on or before September 30th. Contractors were allowed to renew their licenses without having to retest. But if they were late in renewing, these contractors would have to retest. With the economy being the way it is, some contractors have not been able to renew their licenses before the deadline. Erin told the Board that there have been many contractors who did not renew their license and the licensing division has had to tell these contractors that they will have to take an exam to renew their license. Erin asked the Board if they wanted to consider giving these contractors blanket amnesty as long as they renew their license before the December date and giving the licensing division the ability to do this. If not the contractors will need to come before the Board to request waiver of the test. She asked the Board to decide what they would like the licensing division to do. Counsel for the Board clarified the issue for the Board as what the County Code says and the pros and cons of doing this. The Assistant County Attorney clarified the matter more by indicating that the Contractors would be coming before the Board for a hearing for a waiver of examination for these contractors. The Board decided they would rather have the contractors come before the Board.

XVI. REPORT FROM THE BUILDING OFFICIAL

Jim Evetts mentioned that he reported that Miami-Dade is seeing an increase in their building statistics and is hoping that the rest of the state will be seeing those increases.

XVII. REPORT FROM THE ASSISTANT COUNTY ATTORNEY - None

XVIII. BOARD ATTORNEY COMMENTS - None

XIX. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS - None

XX. 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. Michael Douglass seconded the motion and it was approved unanimously. The meeting was adjourned at 8:05 p.m.