

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

March 1, 2012, 6 p.m.

I. CALL TO ORDER by Vice-Chairman, William Ambrose at 6:00 PM.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Members Present:

**William Ambrose
John Damon
Richard Eger
Randy Fassett
Erik Howard
Stan Munson
Robert Koch, Board Attorney**

Members Excused:

**Carleton Strong
Mike Douglas
John Herston**

Staff Present:

**Erin Mullen-Travis, Licensing and Code Enforcement Manager
Lorraine Lundblad, Contractor Licensing Investigator
Wendy Pacheco, Contractor Licensing Investigator
Aaron Schulze, Contractor Licensing Investigator
Ira Bender, Contractor Licensing Investigator
Jim Evetts, Building Official
Kira Honse, Assistant County Attorney
David White, Clerk**

IV. AGENDA CHANGES

**David F. Cesa-- Dismissed
d/b/a Dave Cesa Aluminum Enclosures, Inc.
Local Aluminum Concrete Contractor
License No. AAA007721
Case No. CIL-11-00501**

**Kevin C. Topp--Continue until on or about 5 Apr 2012
d/b/a Topps Fence Factory Inc.
Local Fence Contractor
License No. AAA0010261
Case No. CIL-11-00441**

V. **NEXT MEETING DATE:** April 5, 2012, at 6:00 p.m.

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

VII. **QUASI-JUDICIAL HEARING**

VIII. **APPROVAL OF MINUTES:** February 2, 2012

MOTION: *Stan Munson* motioned to approve the minutes. *Richard Eger* 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.**

William Ambrose stated that Mr. Carmello was present and asked what could be done. Erin Mullen-Travis advised the board that he could be removed from the Consent-Affidavits of Non-Compliance agenda and be allowed to speak to the board. Kira Honse recommended that Mr. Carmello be allowed to address the board. The board removed Mr. Carmello from the agenda.

A. **John T. Ganske – Citation #2753; \$500.00**

Wendy Pacheco

B. **Scott C. Noland – Citation #2710; \$500.00**

Wendy Pacheco

MOTION: *Erik Howard* motioned to approve the Consent-Affidavits of Non-Compliance Fines for John T. Ganske and Scott C. Noland. *Stan Munson* seconded and the motion was approved unanimously.

Mr. Carmello addressed the board stating he was pending criminal charges and did not feel he should pay the civil fine until he was found guilty of the criminal charges. Kira Honse stated that he had the right to appeal or contest the fine but he did not do so and that and the fine stands.

C. **Keith J. Carmello – Citation #2661; \$500.00**

Aaron Schulze

MOTION: *Erik Howard* motioned to approve the Consent-Affidavits of Non-Compliance Fines for Keith J. Carmello. *Randy Fassett* seconded and the motion was not passed as there was three dissenting votes from John Damon, Richard Eger and Stan Munson.

Discussion continued as to what the boards responsibility is concerning the approving the fine

MOTION: *Erik Howard* motioned to approve the Consent-Affidavits of Non-Compliance Fine for Keith J. Carmello. *John Damon* seconded and the motion was passed with dissenting votes from Richard Eger and Stan Munson.

X. **CONTESTING CITATION: None**

XI. **OLD BUSINESS:**

A. **Gustav J. Braat**
f/k/a Custom Installers, Inc.
d/b/a BP Roofing, Inc.
License No. CCC41307

Wendy Pacheco

Mr. Braat has requested a hearing to have temporary reinstatement of his contracting privileges.

Kira Honse stated that Mr. Braat requested to appear in front of the board and since he was not present, the County would like to continue till April 5, 2012 to see if there were any irregularity in the notice that was provided to him.

MOTION: Randy Fassett motioned to continue this case till April 5, 2012. **Erik Howard** seconded and the motion was approved unanimously

XII. **DISCIPLINE CASES:**

A. **David J. D'Hondt**
d/b/a Costal Air of Fort Myers Inc..
State Certified Air Conditioning Contractor
License No. CAC020211
Case No. CIL-11-00447

Lorraine Lundblad

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) – **Committing incompetency or misconduct** in the practice of contracting. **(1 Counts)**

Misconduct as defined in part by the American Heritage Dictionary is: 1. **Behavior not conforming to the prevailing standards or laws**, Impropropriety.

CHARGE 3: Violation of Charlotte County Code 3-2-47 (b)(4) – **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) – Failing to obtain inspections including but not limited to final inspections. **(1 Count)**

Lorraine Lundblad, Contractor Licensing Inspector, provided testimony as stated in the investigative report. Mr. D'Hondt was not present to give testimony to the board.

MOTION: *Stan Munson* made the motion that David J. D'Hondt's permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County is REVOKED without requiring him to reappear before this board. It is further ordered 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 David J. D'Hondt's State Certified Air Conditioning Contractor's license also be suspended or revoked. *John Damon* seconded and it was approved unanimously.

B. **Richard M. Homa**
d/b/a RMH Exterior Industries Inc.
State Registered Specialty Contractor's License
License No. RX0053639
Case No. CIL-11-00502

Lorraine Lundblad

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) – **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.

CHARGE 3: Violation of Charlotte County Code 3-2-47 (b)(4) – **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. **(16 Counts)**

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

Lorraine Lundblad, Contractor Licensing Inspector, provided testimony as stated in the investigative report. Mr. Homa was not present to give testimony to the board.

MOTION: *Richard Eager* made the motion that Richard M. Homa'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 him to reappear before this board. It is further ordered 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 his State Registered Specialty Contractor's license also be suspended or revoked. *Randy Fassett* seconded and it was approved unanimously.

C. **Mark A. Kobie**
f/k/a Kobie Kooling Inc.
State Certified Air Conditioning Contractor
License No. CAC057313
Case No. CIL-11-00310

Ira Bender

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) – 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.

CHARGE 3: Violation of Charlotte County Code 3-2-47 (b)(4) – 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) – Failing to obtain inspections including but not limited to final inspections. (1 Count)

Ira Bender, Contractor Licensing Inspector, provided testimony as stated in the investigative report. Mr. Kobie was not present to give testimony to the board.

MOTION: Erik Howard made the motion that Mark A. Kobie’s permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County is REVOKED without requiring him to reappear before this board. It is further ordered 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 Mark A. Kobie State Certified Air Conditioning Contractor’s license also be suspended or revoked. **John Damon** seconded and it was approved unanimously.

E. **Jeffery M. Mastroianni**
d/b/a Gulf Coast Construction LLC
State Certified General Contractor
License No. CGC062189
Case No. CIL-11-00509

Aaron Schulze

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. (14 Counts)

CHARGE 2: Florida Statutes Chapter 489.129 (1)(m) – Committing incompetency or misconduct in the practice of contracting. (14 Counts)

Misconduct as defined in part by the American Heritage Dictionary is: 1. **Behavior not conforming to the prevailing standards or laws**, Impropriety.

CHARGE 3: Violation of Charlotte County Code 3-2-47 (b)(4) – 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. (14 Counts)

CHARGE 4: Charlotte County Code 3-2-47 (b)(20) – Failing to obtain inspections including but not limited to final inspections. (14 Counts)

Aaron Schulze, Contractor Licensing Inspector, provided testimony as stated in the investigative report. Mr. Mastroianni was not present to give testimony to the board.

MOTION: John Damon made the motion that Jeffery M. Mastroianni's permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County is REVOKED without requiring him to reappear before this board. It is further ordered 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 Jeffery M. Mastroianni's State General Contractor's license also be suspended or revoked. **Erik Howard** seconded and it was approved unanimously.

F. **David L. Reeves**
d/b/a Pro Air and Electric
State Certified Air Conditioning Contractor
License No. CAC1814977
Case No. CIL-11-00538

Aaron Schulze

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) – 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.

CHARGE 3: Violation of Charlotte County Code 3-2-47 (b)(4) – 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) – Failing to obtain inspections including but not limited to final inspections. (7 Counts)

Aaron Schulze, Contractor Licensing Inspector, provided testimony as stated in the investigative report. Mr. Reeves was not present to give testimony to the board.

MOTION: Randy Fassett made the motion that David L. Reeves' permitting privileges and the authority to engage in business or act in the capacity of a contractor in Charlotte County is REVOKED without requiring him to reappear before this board. It is further ordered 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 David L. Reeves' State Certified Air Conditioning Contractor's license also be suspended or revoked. **John Damon** seconded and it was approved unanimously.

XIII. CITIZEN INPUT - none

- XIV. **REPORT FROM THE LICENSING DIVISION MANAGER –** Erin Mullen-Travis reported that her staff is up and running and was able to either dismiss or if permits were renewed continue those bringing the total from 19 to 5 cases.
- XV. **REPORT FROM THE BUILDING OFFICIAL -** Jim Evetts reported that the New Florida Building Code becomes effective March 15, 2012. Mr. Evetts requested that the agenda item to add electrical subs on boatlift permits be added to the agenda for April.
- XVI. **REPORT FROM THE ASSISTANT COUNTY ATTORNEY –** Kira Honse reported that the Legislative session is coming to a close within the next week, she has not seen any changes pertaining to contractors licensing but after the session is over she will search the document for any changes.
- XVII. **BOARD ATTORNEY COMMENTS –** Robert Koch reminded the board to acknowledge, for the record, which evidence it is considering.
- XVIII. **REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS- None**
- XIX. **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.

MOTION: *Stan Munson* made the motion to adjourn. *Randy Fassett* seconded the motion and it was approved unanimously. The meeting was adjourned at 7:08 p.m.

Charlotte County
Construction Industry Licensing Board
Minutes of March 1, 2012

Read and approved by:

Carleton Strong, Chairman

Date: April 5, 2012

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 5th day of April, 2012 who is personally known to me and who did not take an oath.

Signature of Notary

My Commission expires:

I hereby attest and affirm that the minutes of the March 1, 2012 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.

David White, Administrative Assistant II/Clerk
Construction Industry Licensing Board
Community Development Department
Contractor Licensing Division