

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

April 5, 2012, 6 p.m.

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

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Members Present:

William Ambrose
John Damon
Richard Eger
Randy Fassett
John Herston
Erik Howard
Carleton Strong
Robert Koch, Board Attorney

Members Excused: None

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
Daniel Gallagher, Assistant County Attorney
David White, Clerk

IV. AGENDA CHANGES - None

V. NEXT MEETING DATE: May 3, 2012, at 6:00 p.m.

VI. SWEARING IN OF ALL THOSE GIVING TESTIMONY

VII. QUASI-JUDICIAL HEARING

VIII. APPROVAL OF MINUTES: March 1, 2012

MOTION: *William Ambrose* motioned to approve the minutes. *Richard Eager* 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. Terry P. Conger – Citation #2844; \$500.00

Lorraine Lundblad

MOTION: *Erik Howard* motioned to approve the Consent-Affidavits of Non-Compliance Fine. *William Ambrose* seconded and the motion was approved unanimously.

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.

Lorraine Lundblad, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Braat was present to give testimony

Motion: *Erik Howard* made the motion to temporarily reinstate the permitting privileges of Gustav J. Braat for the sole purpose of renewing the expired permits as cited in CIL-11-00391 and any remaining permits that are expired. Once the permits have their required final inspections, Mr. Braat shall be required to reappear before the Construction Industry Licensing Board to request permanent reinstatement of his permitting privileges. *John Herston* seconded the motion and it was approved unanimously.

**B. Richard M. Homa
d/b/a RMH Exterior Industries Inc.
License No. RX0053639**

Lorraine Lundblad

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

Lorraine Lundblad, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Homa was present to give testimony

Motion: *Erik Howard* made the motion to temporarily reinstate the permitting privileges of Richard M. Homa for the sole purpose of renewing the expired permits as cited in CIL-11-00502 and any remaining permits that are expired. Once the permits have their required final inspections, Mr. Homa shall be required to reappear before the Construction Industry Licensing Board to request permanent reinstatement of his permitting privileges. *William Ambrose* seconded the motion and it was approved unanimously.

C. **Robert E. Johnson**
d/b/a Charlotte Harbor Homes, Inc.
License No. CBC059988

Erin Mullen-Travis

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

Erin Mullen-Travis, Licensing and Code Enforcement Manager, provided testimony as stated in the investigative report. Mr. Johnson was present to give testimony

Motion: *Richard Eager* made the motion to temporarily reinstate the permitting privileges of Robert E. Johnson for the sole purpose of renewing the expired permits as cited in CIL-11-00401 and any remaining permits that are expired. Once the permits have their required final inspections, Mr. Johnson shall be required to reappear before the Construction Industry Licensing Board to request permanent reinstatement of his permitting privileges. ***Randy Fasset*** seconded the motion and it was approved unanimously.

D. **Mark A. Kobie**
d/b/a Kobie Kooling, Inc.
License No. CAC057313

Ira Bender

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

Ira Bender, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Kobie was present to give testimony

XII. **Motion: *Richard Eager*** made the motion to temporarily reinstate the permitting privileges of Mark A. Kobie for the sole purpose of renewing the expired permits as cited in CIL-11-00310 and any remaining permits that are expired. Once the permits have their required final inspections, Mr. Kobie shall be required to reappear before the Construction Industry Licensing Board to request permanent reinstatement of his permitting privileges. ***Randy Fasset*** seconded the motion and it was approved unanimously.

XIII. **LICENSE REVIEW:**

A. **Claudio Manna**
d/b/a Europa Tile & Stone Inc.
Local Tile Installer

Wendy Pacheco

Mr. Manna has requested a hearing for a waiver of the contractor's examination for Tile Installer to renew his license. Grandfathered License Expired.

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

Motion: *Erik Howard* made the motion to waive the requirement for a Tile Installer examination of Claudio Manna. ***William Ambrose*** seconded the motion and it was approved unanimously.

XIV. DISCIPLINE CASES:

A. **Jennings B. Bradshaw**
d/b/a New Beginnings Construction, LLC
State Certified Building Contractor
License No. CBC1254202
Case No. CIL-11-00534

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. **(4 Counts)**

CHARGE 2: Florida Statutes Chapter 489.129 (1)(m) – **Committing incompetency or misconduct** in the practice of contracting. **(4 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. **(4 Counts)**

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

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

MOTION: *Richard Eager* made the motion that Jennings B. Bradshaw'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 his State Certified Building Contractor's license also be suspended or revoked. ***Randy Fasset*** seconded and it was approved unanimously.

B. **Scott W Howell**
d/b/a Elite Aluminum ETC, Inc.
State Registered Specialty Contractor
License No. RX11066757
Case No. CIL-12-00312

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. **(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. (3 Counts)

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

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

MOTION: John Damon made the motion that Scott W. Howell'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 his State Registered Specialty Contractor's license also be suspended or revoked. **Randy Fasset** seconded and it was approved unanimously.

C. **Terry Perkins**
d/b/a Terry Perkins Aluminum, Inc.
Local Aluminum Contractor
License No. AAA0010624
Case No. CIL-12-00304

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. (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)

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

MOTION: *Erik Howard* made the motion that Terry Perkins' 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. *Randy Fassett* seconded and it was approved unanimously.

XV. CITIZEN INPUT - None

XVI. REPORT FROM THE LICENSING DIVISION MANAGER – Erin Mullen-Travis passed out booklets to the board regarding Roberts Rule of Order.

XVII. REPORT FROM THE BUILDING OFFICIAL - Jim Evetts stated regarding the electrical sub on the boat lift permits that he has met with one of the contractors in the local area explaining the counties position on this and they are trying to get together with a couple of the other contractors to see if we can get agreement. He stated that he didn't think that this item will have to be brought up to the board as it is common sense for us to require that an electrical permit is pulled at the same time as the boat lift Permit. The industry input is favorable to this change. Randy Fassett asked what the expected time frame is and Mr. Evetts replied as soon as possible.

XVIII. REPORT FROM THE ASSISTANT COUNTY ATTORNEY – None

XIX. BOARD ATTORNEY COMMENTS – None

XX. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS- Randy Fassett reported that he received a letter of complaint from a concerned citizen. Mr. Fassett asked the board if any other board members had received a letter and if he should read the letter into record since he received it at the meeting. He was told by the chairman and other board members to proceed. He started to read the letter into record; not having read the letter previously or giving it to the chairman for his review, but was stopped as it contained names and unsubstantiated claims. The letter was turned over to Erin Mullen-Travis for action and has been included in the board record. Jim Evetts stated that the appropriate place to file a complaint with the department instead of with the board as it gives the members of the board pre- knowledge of an incident creating a conflict when it comes to voting. The public can send the complaint to the licensing division or they can go on line and file a complaint.

Carleton Strong acknowledged and thanked Stan Munson who completed his term on the board after eleven years of service but was not with us tonight. Richard Eager also completed his term this month and was presented a certificate of achievement and thanked for his years of service. John Herston thanked the Board of County Commissioners and anyone involved for reappointing him to another term.

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.

MOTION: *Erik Howard* made the motion to adjourn. *John Herston* seconded the motion and it was approved unanimously. The meeting was adjourned at 8:00 pm.

Charlotte County
Construction Industry Licensing Board
Minutes of April 5, 2012

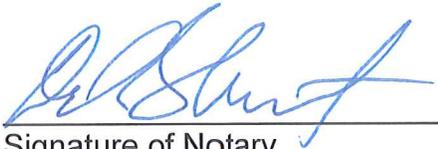
Read and approved by:

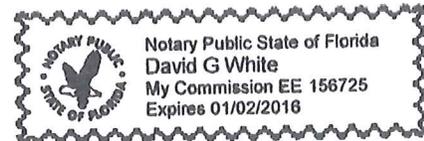

Carleton Strong, Chairman

Date: May 3, 2012

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 3rd day of May, 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 April 5, 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