

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

May 3, 2012

- 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
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, Code Enforcement Licensing Investigator
Wendy Pacheco, Certified Code Compliance Officer
Aaron Schulze, Certified Code Enforcement Licensing Investigator
Ira Bender, Certified Code Enforcement Licensing Investigator
Jim Evetts, Building Official
Daniel Gallagher, Assistant County Attorney
David White, Clerk**

IV. AGENDA CHANGES –

Under Contesting Citation:

A. Darryl Smith - continued until June 7, 2012

Under Discipline Cases:

- A. James R. Logue – continued until November 1, 2012
- B. David W. Morgan – continued until June 7, 2012

- V. NEXT MEETING DATE: June 7, 2012, at 6:00 p.m.**
- VI. SWEARING IN OF ALL THOSE GIVING TESTIMONY**
- VII. QUASI-JUDICIAL HEARING**

VIII. APPROVAL OF MINUTES: April 5, 2012

MOTION: *Randy Fassett* amended the minutes to read: Item 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. *Erik Howard* amended the minutes to correct the spelling of his name and to remove a misplaced paragraph with the name of Kira Honse which was in error. *John Damon* motioned to approve the minutes as amended. *William Ambrose* 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. | Brian M. Allen Rock – Citation #2877; \$500.00 | Wendy Pacheco |
| B. | Brian M. Allen Rock – Citation #2878; \$500.00 | Wendy Pacheco |
| C. | Mark R. Urtz – Citation #2791; \$500.00 | Wendy Pacheco |

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

X. CONTESTING CITATION:

- | | | |
|----|--|--------------------------|
| A. | Darryl Smith – Citation #2638; \$500.00 | Lorraine Lundblad |
|----|--|--------------------------|

This case was continued until June 4, 2012

XI. OLD BUSINESS:

- | | | |
|----|--|--------------------------|
| 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 |
|----|--|--------------------------|

Mr. D'Hondt has requested a hearing to have temporary reinstatement of his contracting privileges.

Lorraine Lundblad, Code Enforcement Licensing Inspector, provided testimony as stated in the investigative report. Mr. D'Hondt was present to give testimony

Motion: *Erik Howard* made the motion to temporarily reinstate the permitting privileges of David J. D'Hondt for the sole purpose of renewing the expired permits as cited in CIL-11-00447 and any remaining permits that are expired. Once the permits have their required final inspections, Mr. D'Hondt shall be required to reappear before the Construction Industry

Licensing Board to request permanent reinstatement of his permitting privileges. **John Damon** seconded the motion and it was approved unanimously.

B. David B. Link
d/b/a Cool Aid A/C of SW Florida, Inc.
License No. CAC058670
Case No. CIL-11-00356

Wendy Pacheco

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

Wendy Pacheco, Certified Code Compliance Officer, provided testimony as stated in the investigative report. Mr. Link was present to give testimony

Motion: Erik Howard made the motion to temporarily reinstate the permitting privileges of David B. Link for the sole purpose of renewing the expired permits as cited in CIL-11-00356 and any remaining permits that are expired. Once the permits have their required final inspections, Mr. Link 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.

XII. CHANGE OF BUSINESS NAME:

A. Craig A. Jordan
d/b/a Craig Jordan Enterprises, Inc.
License No. AAA008771

Ira Bender

Ira Bender, Certified Code and Licensing Inspector, provided testimony as stated in the investigative report. Mr. Jordan was present to give testimony

Motion: Erik Howard made the motion to allow the change of name from Craig Jordan Enterprises, Inc. to CJE Concrete, Inc. **Randy Fassett** seconded the motion and it was approved 5 to one with **John Herston** opposing.

B. Patrick T. Lewis
d/b/a Sharp Electric
License No. ER0014402

Wendy Pacheco

Wendy Pacheco, Certified Code Compliance Officer, provided testimony as stated in the investigative report. Mr. Lewis was present to give testimony.

Motion: Erik Howard made the motion to allow the change of name from Sharp Electric Inc. to Sharp Development of Southwest Florida, Inc. **William Ambrose** seconded the motion and it was approved unanimously.

XIII. DISCIPLINE CASES:

A. James R. Logue
d/b/a Sunrise Aluminum Enclosures, Inc.
State Certified Specialty Contractor
License No. CSCC131149711
Case No. CIL-12-00324

Lorraine Lundblad

This case was continued until November 1, 2012

**B. Hans G. Menzer III
d/b/a Flamingo Pools & Spas, Inc.
Local Aluminum Contractor
License No. AAA002885
Case No. CIL-11-00487**

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)**

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

MOTION: Bill Ambrose made the motion that Hans G. Menzer'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. In addition the board imposes fines for the following offenses **Florida Statute 489.129 (1)(j) (3 counts)** at \$1,000.00 per count, **Florida Statute 489.129 (1)(m) (3 counts)** at \$1,000.00 per count, **Charlotte County Code 3-2-47 (b)(4) (3 counts)** at \$1,000.00 per count and **Charlotte County Code 3-2-47 (b)(20) (3 counts)** at \$500.00 per count for a total of \$10,500.00 with the fine not to exceed \$5,000.00. **John Herston** seconded and it was approved five to one with **Erik Howard** opposing.

**C. Hans G. Menzer III
d/b/a Flamingo Pools & Spas, Inc.
State Certified Pool Contractor
License No. CPC056940
Case No. CIL-11-00309**

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. Menzer was not present to give testimony to the board.

MOTION: John Damon made the motion that Hans G. Menzer'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 recommended that this case along with a copy of the Board's Order be prepared and sent to the Florida Construction Industry Licensing Board with a recommendation that his State Certified Pool Contractor license also be suspended or revoked. **John Herston** seconded and it was approved unanimously.

D. **David W. Morgan**
d/b/a Pegasus Construction Inc, f/k/a Florida Restoration Specialist Inc.
State Certified General Contractor
License No. CGC062153
Case No. CIL-12-00334

Lorraine Lundblad

This case was continued until June 7, 2012

E. **Dennis Oberheu**
d/b/a Dennis Oberheu Roofing, Inc.
State Certified Roofing Contractor
License No. CCC1325810
Case No. CIL-12-00332

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)(7) – Refusing certified mail directed by the building construction services department. (1 Counts)

CHARGE 5: 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. Oberheu was not present to give testimony to the board.

MOTION: Randy Fassett made the motion that Dennis Oberheu’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 Recommended that this case along with a copy of the Board’s Order be prepared and sent to the Florida Construction Industry Licensing Board with a recommendation that his State Certified Roofing Contractor license also be suspended or revoked. **John Herston** seconded and it was approved unanimously.

I. CITIZEN INPUT - None

XIV. REPORT FROM THE LICENSING DIVISION MANAGER- Erin Mullen-Travis stated to the board that the Community Development Department, Building Construction Services Division is conducting a four part series concerning Building Safety Month and the new Florida Building Code. It will take place in the Murdock Administration Building 18500 Murdock Circle, Room # 119, Port Charlotte, FL and starts Monday May 8th with the topic of “Wind” and continues on Thursday May 24 with “Flood”, Wednesday May 30, with Energy” and concludes Monday June 4 with a “General” session. Topics will consist of Changes to the Florida Building Code for Homeowners and contractors, safety tips and information and a panel discussion with a question and answer period. Erin Mullen-Travis then introduced the Director of Community Development, Dan Quick, to the board. Mr. Quick stated that he was pleased to be there and was impressed with the way the board carried out their duties in a very professional manner and the kindness that they have provided his staff. Erin Mullen-Travis said there will be a reorganization in the department; presently she supervises two divisions, Code Enforcement and Contractor Licensing and additionally taxi and liquor licenses. She will now be doing just Contractor Licensing and Unsafe Buildings. She stated that she supervised 11 staff under Code Enforcement, two administrative and nine Code Officers and those Code Officers will go under the control of Zoning. The county will be hiring another supervisor or manager to run Code Enforcement and that she will be strictly Contractor licensing and will report to Jim Evetts.

XV. REPORT FROM THE BUILDING OFFICIAL- Jim Evetts stated that the legislature passed a new law regarding “null and void licenses.” He stated that in the past to renew a null and void license the individual had to prove financial hardship. The legislature has decided that the present economy is enough of a financial hardship and that all you have to do is take your 14 hours of continuing education, pay the state license fee and you can renew your license. Mr. Evetts said that the FCILB was dismayed that they had not been consulted on this issue and they came to the conclusion that the State of Florida now has a perpetual license. Erin Mullen-Travis said that this law will result in more contractors with null and void licenses being brought in front of the board ,because in the past null & void license were for eight years, the

contractor would not wait eight years and would not return to renew the permits but now they can get their license back easily. Jim Evetts stated what the new law does is allow a person to come back in with a clean record. Erin Mullen-Travis stated that from now on as the department comes across null and void open permits it will bring those contractors to the board, as it can, remembering that we have probably 3,000 – 4,000 contractors with expired permits. Discussion ensued about the number of open permits and ways to reduce that number including forming an additional board. Randy Fassett asked what an average case takes to prepare and Erin Mullen-Travis responded 12-15 man-hours per case stating that currently the board sees only four or five cases because of the twenty cases her staff processes, most of them are cleared prior to the board. Carleton Strong asked what the status was of mandatory identification stickers on vehicles for pool service vehicles. Erin Mullen-Travis said that it was submitted to the county attorney's office approximately three to four months ago and she deferred to Daniel Gallagher to answer who stated that he just took over the previous attorney's files and is working on it. He also asked about AAA grandfather licenses that had expired. Erin Mullen-Travis said some are requesting to be grandfathered but most are taking the test instead of going in front of the board because grandfathered licenses are only good in Charlotte County and the other ones will be accepted by other counties.

XVI. REPORT FROM THE ASSISTANT COUNTY ATTORNEY- None

XVII. BOARD ATTORNEY COMMENTS- Robert Koch asked Erin Mullin-Travis in light of the 12-15 man-hours of preparation, which are then cleared right before the board meeting, was the county able to recoup any money, fines, etc. that was potentially going to be charged. Erin Mullen-Travis said no not currently, but it is something that is being studied and by the code the county has the ability to recoup costs, although this board has never charged anyone before.

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: John Damon *made* the motion to adjourn. *John Herston* seconded the motion and it was approved unanimously. The meeting was adjourned at 8:28 PM.

Charlotte County
Construction Industry Licensing Board
Minutes of May 3, 2012

Read and approved by:

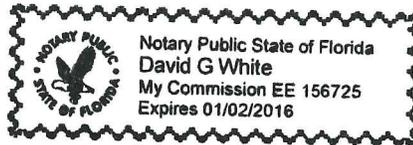

Carleton Strong, Chairman

Date: June 7, 2012

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 7th day of June, 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