

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

June 7, 2012

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

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Members Present:

**William Ambrose
Thomas Burns
John Damon
John Herston
Erik Howard
Carleton Strong
Robert Koch, Board Attorney**

Members Excused:

**Michael Douglass
Randy Fassett**

Staff Present:

**Erin Mullen-Travis, Licensing and Code Enforcement Manager
Lorraine Lundblad, Certified Code Enforcement Licensing Investigator
Wendy Pacheco, Certified Code Enforcement Licensing Investigator
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 –

V. NEXT MEETING DATE: July 12, 2012, at 6:00 p.m.

VI. SWEARING IN OF ALL THOSE GIVING TESTIMONY

VII. QUASI-JUDICIAL HEARING

VIII. APPROVAL OF MINUTES: May 3, 2012

MOTION: *John Herston* 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. None

X. CONTESTING CITATION:

A. Darryl Smith – Citation #2638; \$518.50 **Lorraine Lundblad**

Lorraine Lundblad, Certified Contractor Licensing Inspector, provided testimony as stated in the investigative report. Mr. Smith was present to give testimony to the board.

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

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 permanent reinstatement of his permitting privileges.

Wendy Pacheco, Certified Contractor Licensing Inspector, provided testimony as stated in the investigative report. Mr. Braat was present to give testimony to the board.

Motion: Erik Howard made the motion to permanently reinstate Mr. Braat's permitting privileges and the right to engage in business or act in the capacity of a contractor in Charlotte County. **Thomas Burns** seconded the motion and it was approved unanimously.

B. Brandon Gilley
d/b/a Gilley's Custom Homes, LLC
License No. CRC1327329

Wendy Pacheco

Mr. Gilley has requested a hearing to have permanent reinstatement of his permitting privileges.

Wendy Pacheco, Certified Contractor Licensing Inspector, provided testimony as stated in the investigative report. Mr. Gilley was present to give testimony to the board.

Motion: Erik Howard made the motion to permanently reinstate Mr. Gilley's permitting privileges and the right to engage in business or act in the capacity of a contractor in Charlotte County. **John Herston** seconded the motion and it was approved unanimously.

C. Hans G. Menzer III
d/b/a Flamingo Pools & Spas, Inc.

**Local Aluminum Contractor
License No. AAA002885
Case No. CIL-11-00487**

Aaron Schulze

Mr. Menzer has requested a hearing to have temporary reinstatement of his contracting privileges and right to work in Charlotte County as an Aluminum Contractor to correct expired permit issues.

Aaron Schulze, Certified Contractor Licensing Inspector, provided testimony as stated in the investigative report. Mr. Menzer was present to give testimony to the board.

Motion: Erik Howard made the motion that the Local Aluminum Contractors License and permitting privileges of Hans G. Menzer III be temporarily reinstated for the sole purpose of renewing the expired permits as cited in CIL-11-00487. Once the permits have passed final inspections, Mr. Menzer will be required to reappear before the CILB to request his license and permanent permitting privileges in Charlotte County be restored. **John Herston** seconded and it was approved unanimously.

**D. Hans G. Menzer III
d/b/a Flamingo Pools & Spas, Inc.
State Certified Pool Contractor
License No. CPC056940
Case No. CIL-12-00309**

Aaron Schulze

Mr. Menzer has requested a hearing to have temporary reinstatement of his Certified Pool Contractor License to correct expired permits.

Aaron Schulze, Certified Contractor Licensing Inspector, provided testimony as stated in the investigative report. Mr. Menzer was present to give testimony to the board.

Motion: Erik Howard made the motion that the permitting privileges of Hans G. Menzer III be temporarily reinstated for the sole purpose of renewing the expired permits as cited in CIL-12-00309. Once the permits have passed final inspections, Mr. Menzer will be required to reappear before the CILB to request his permanent permitting privileges and the right to work as a contractor in Charlotte County be restored. **William Ambrose** seconded and it was approved unanimously.

XII. LICENSE REVIEW:

A. Curt Nelson

Aaron Schulze

Mr. Nelson has submitted an application for the Concrete, Place, Finish and Business Law exam and is required by the Licensing Division to appear due to credit concerns.

Aaron Schulze, Certified Contractor Licensing Inspector, provided testimony as stated in the investigative report. Mr. Nelson was present to give testimony to the board.

Motion: William Ambrose made the motion to disapprove Mr. Nelson's request to take the Concrete, Place, Finish and Business Law exam. **Thomas Burns** seconded the motion and it was approved unanimously.

XIII. DISCIPLINE CASES:

**A. Patrick J. Love Jr.
d/b/a Loves Air Conditioning and Heating, Inc.
State Certified Air Conditioning Contractor
License No. CAC1814942
Case No. CIL-11-00361**

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. **(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, 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. **(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)**

Aaron Schulze, Contractor Licensing Inspector, provided testimony as stated in the investigative report. Mr. Love was present to give testimony to the board.

MOTION: Thomas Burns made the motion that that the new permitting privileges of Patrick J. Love be suspended and that the permits listed in the notice be renewed within 30 days. Per the Florida Building Code, Patrick J. Love must obtain final inspections of all outstanding permits within 6 months or in accordance with the Florida Building Code. If Patrick J. Love does obtain the required final inspections within the allocated time frame after the permits were renewed, Patrick J. Love's new permitting privileges be restored without the necessity of reappearing before this Board.

If Patrick J. Love fails to comply with the board's order within the allocated period of time and allows any of the renewed permits to expire again, Patrick J. Love's permitting privileges and the right to work as a contractor in Charlotte County will be REVOKED without requiring Patrick J. Love to reappear before this Board. **William Ambrose** seconded and it was approved unanimously.

- I. **CITIZEN INPUT** – Patrick Love ask a question about energy calculations and the permitting process which was answered by Jim Evetts.

XIV. REPORT FROM THE LICENSING DIVISION MANAGER- None

XV. REPORT FROM THE BUILDING OFFICIAL- Jim Evetts talked about energy calculations.

XVI. REPORT FROM THE ASSISTANT COUNTY ATTORNEY- Daniel Gallagher said the

ordinance that was questioned last meeting was in process should be done in about a month.

XVII. BOARD ATTORNEY COMMENTS- None

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: *Erik Howard* made the motion to adjourn. *John Damon* seconded the motion and it was approved unanimously. The meeting was adjourned at 7:30 PM.

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

Read and approved by:

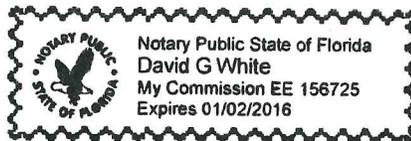

Carleton Strong, Chairman

Date: July 12, 2012

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 12th day of July, 2012 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 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