

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

July 12, 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
Randy Fassett
John Herston
Erik Howard
Carleton Strong
Robert Koch, Board Attorney**

Members Excused:

Michael Douglass

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
Daniel Gallagher, Assistant County Attorney
David White, Clerk**

Staff Excused

Jim Evetts, Building Official – Attending FCILB

- IV. AGENDA CHANGES –**

Hager A. Barnthouse Sr. – Citation #2874 – Dismissed for payment
Ricky L. Sears – Citation #2863 - Dismissed for payment
Christopher H. Aniskewicz Sr. - CIL-12-00345 Continued to Feb 2013
Joseph Paul Giordano - Corrected name on agenda
Darrell Stanley – CIL-12-00402 Continued to Feb 2013

- V. **NEXT MEETING DATE:** August 2, 2012, at 6:00 p.m.
- VI. **SWEARING IN OF ALL THOSE GIVING TESTIMONY**
- VII. **QUASI-JUDICIAL HEARING**
- VIII. **APPROVAL OF MINUTES:** June 7, 2012

MOTION: *Randy Fassett* motioned to approve the minutes as amended. *Erik Howard* 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. | Jason B. Drennon – Citation #2804; \$500.00 | Wendy Pacheco |
| B. | Lee J. Marshall – Citation #3297; \$500.00 | Lorraine Lundblad |
| C. | James C. Newman – Citation #3296; \$500.00 | Ira Bender |
| D. | Thomas A. Pennella – Citation #2787, 2788 & 2789; \$500.00 each | Aaron Schulze |

MOTION: *Erik Howard* motioned to approve the Consent-Affidavits of Non-Compliance Fines for Jason B. Drennon, Lee J. Marshall, James C. Newman and Thomas A. Pennella. *John Herston* seconded and the motion was approved unanimously.

X. **CONTESTING CITATION:**

- | | | |
|----|--|-------------------|
| A. | Shawn K. Christie – Citation #3259; \$500.00 | Lorraine Lundblad |
|----|--|-------------------|

Lorraine Lundblad, Certified Contractor Licensing Inspector, provided testimony as stated in the investigative report. Mr. Christie 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:** None

XII. **LICENSE REVIEW:**

- | | | |
|----|---------------|---------------|
| A. | David B. Link | Wendy Pacheco |
|----|---------------|---------------|

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

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

Motion: *William Ambrose* made the motion to permanently reinstate Mr. Link'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. Richard M. Homa

Wendy Pacheco

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

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

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

XIII. DISCIPLINE CASES:

**A. Joseph Paul Giordano
d/b/a ABC Southwest Company, Inc.
State Certified Plumbing Contractor
License No. CFC052701
Case No. CIL-12-00400**

Lorraine Lundblad

CHARGE 1: Florida Statute 489.129 (1)(O) –Proceeding on any job without obtaining applicable local building department permits and inspections **(1 count)**.

CHARGE 2: 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 3: 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 4: 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 5: Charlotte County Code 3-2-47 (b)(20) – Failing to obtain inspections including but not limited to final inspections. **(1 Count)**

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

MOTION: *Thomas Burns* made the motion that Joseph Paul Giordano'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 Plumbing Contractor license also be suspended or revoked. **William Ambrose** seconded and it was approved unanimously.

B. John S. Presson
d/b/a Presson Interior/Exterior Remodeling, LLC
State Certified Plumbing Contractor
License No. CRC1327589
Case No. CIL-11-00488A

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. **(2 Counts)**

CHARGE 2: Florida Statutes Chapter 489.129 (1)(m) – 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.

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. **(2 Counts)**

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

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

MOTION: Randy Fassett made the motion that John S. Presson'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 Plumbing Contractor license also be suspended or revoked. **William Ambrose** seconded and it was approved unanimously.

C. Richard Rotering
d/b/a All About Aluminum, LLC
State Certified Specialty Contractor
License No. CSC131149645
Case No. CIL-12-00399

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

MOTION: Thomas Burns made the motion that Richard Roterling'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 Specialty Contractor license also be suspended or revoked. **John Herston** seconded and it was approved unanimously.

D. Robert Votta
d/b/a Votta Construction
State Certified Residential Contractor
License No. CRC058299
Case No. CIL-12-00381

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

MOTION: Thomas Burns made the motion that Robert Votta'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 Residential Contractor license also be suspended or revoked. **John Damon** seconded and it was approved unanimously.

XIV. CITIZEN INPUT – None

XV. REPORT FROM THE LICENSING DIVISION MANAGER- Erin Mullins-Travis discussed the activities of the Contractor License Investigators.

XVI. REPORT FROM THE BUILDING OFFICIAL- Not Present

XVII. REPORT FROM THE ASSISTANT COUNTY ATTORNEY-.None

XVIII. BOARD ATTORNEY COMMENTS- Mr. Koch Stated that he had been selected as the new Magistrate of Charlotte County and as such it requires that he wind down his practice of law as he cannot hold the magistrate position while practicing as an attorney. Regrettably he is required to notify the board that he cannot hold the board attorney past the August board. He stated that he has provided that notification to the county and will follow up with a more formal letter of resignation.

XIX. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS- Erik Howard read the first part of the Declaration of Independence in honor of Independence Day and the greatest country in the world.

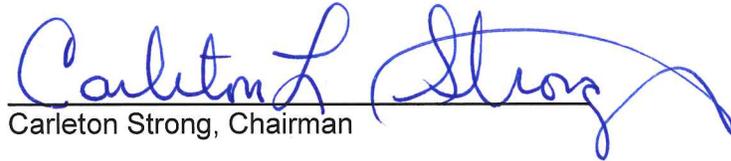
XX. ADJOURNMENT

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.

MOTION: Randy Fassett made the motion to adjourn. **Erik Howard** seconded the motion and it was approved unanimously. The meeting was adjourned at 7:10 P.M.

Charlotte County
Construction Industry Licensing Board
Minutes of July 12, 2012

Read and approved by:

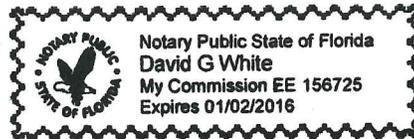

Carleton Strong, Chairman

Date: August 2, 2012

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 2nd day of August, 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 ^{off July 12} August 2, 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