

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

August 2, 2012

- I. CALL TO ORDER by Chairman, Carleton Strong at 6:00 PM.**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**

Members Present:

**John Damon
Michael Douglass
John Herston
Erik Howard
Carleton Strong
Robert Koch, Board Attorney**

Members Excused:

**William Ambrose
Randy Fassett**

Member Absent:

Thomas Burns

Staff Present:

**Erin Mullen-Travis, Licensing and Code Enforcement Manager
Lorraine Lundblad, Certified Code Enforcement Licensing Investigator
Aaron Schulze, Certified Code Enforcement Licensing Investigator
Ira Bender, Certified Code Enforcement Licensing Investigator
Jim Evetts, Building Official
Joshua Moye, Assistant County Attorney
David White, Clerk**

Staff Excused:

Wendy Pacheco, Certified Code Enforcement Licensing Investigator

- IV. AGENDA CHANGES – Erin Mullen-Travis, Licensing and Code Enforcement Manager informed the board of the following changes:**
 - A. Glaucio Almeida – Citation #3201; \$500.00** **Continued to Sept 2012**
 - B. Herbert Paul Loynd IV – Citation #3258; \$500.00** **Dismissed for Payment**
 - C. Edward J. Consalvo Citation #3263 & #3264 to be removed from the Consent-Affidavits of Non-Compliance agenda so he may address the board.**

- V. **NEXT MEETING DATE:** September 6, 2012, at 6:00 p.m.
- VI. **SWEARING IN OF ALL THOSE GIVING TESTIMONY**
- VII. **QUASI-JUDICIAL HEARING**
- VIII. **APPROVAL OF MINUTES:** July 12, 2012

MOTION: *John Herston* motioned to approve the minutes. *John Damon* 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. | Diego Omar Mares Castillo – Citation #2849; \$500.00 | Lorraine Lundblad |
| B. | Reinado Gomos – Citation #3200; \$500.00 | Ira Bender |
| C. | Gigormo Ortiz – Citation #2850; \$500.00 | Ira Bender |
| D. | Charles R. Schmitz – Citation #2848; \$500.00 | Lorraine Lundblad |

MOTION: *Erik Howard* motioned to approve the Consent-Affidavits of Non-Compliance Fines as noted with the exception of **Glaucio Almeida** who was continued, **Herbert Paul Loynd IV** who was dismissed and to remove **Edward J. Consalvo** from the Consent – Affidavits agenda items and add him to the regular agenda. *John Herston* seconded and the motion was approved unanimously.

- | | | |
|----|---|---------------|
| A. | Edward J. Consalvo – Citation #3263 and 3264; \$500.00 each | Aaron Schulze |
|----|---|---------------|

Aaron Schulze, Certified Contractor Licensing Inspector, provided testimony. **Mr. Consalvo** was present to give testimony to the board.

MOTION: *Erik Howard* motioned to uphold the Consent-Affidavits of Non-Compliance Fines for **Edward J. Consalvo**. *John Herston* seconded and the motion was approved unanimously.

X. CONTESTING CITATION: None

XI. OLD BUSINESS:

- | | | |
|----|---|---------------|
| A. | Jerry Garcia
d/b/a Lord’s Construction, Inc.
License No. CGC1506883 & CAC 041250
Case No. CIL-10-00394 | Aaron Schulze |
|----|---|---------------|

Mr. Garcia has requested a hearing to have temporary reinstatement of his contracting privileges to correct expired permits.

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

Motion: *Erik Howard* made the motion that the permitting privileges of Jerry Garcia be temporarily reinstated for the sole purpose of renewing the expired permits. Once the permits have passed final inspections, Mr. Garcia will be required to reappear before the CILB to request that his permanent permitting privileges and right to work in Charlotte County be restored. *John Damon* seconded and it was approved unanimously.

XII. LICENSE REVIEW:

A. Frank M. Mezzatesta
d/b/a All Tile Services, Inc.
License No. AAA-12-00050

Aaron Schulze

Mr. Mezzatesta has requested a hearing for consideration of his reciprocity application to be granted a permanent license in Charlotte County.

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

Motion: *John Damon* made the motion that the reciprocity application of **Frank M. Mezzatesta** be temporarily approved for a period of 6 months commencing August 2, 2012. Once the six month period has expired, **Mr. Mezzatesta** will be required to reappear before the CILB to request that his reciprocity application be reevaluated and that he be granted a permanent license in Charlotte County. *Michael Douglass* seconded and it was approved with a vote of three to two with dissenting votes from **Carl Strong** and **Erik Howard**.

XIII. DISCIPLINE CASES:

A. Walter A. Walters Jr.
d/b/a Advanced Aluminum, Inc.
State Registered Specialty Structure Contractor
License No. RX0058324
Case No. CIL-12-00403

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, Improprity.

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 Count)**

CHARGE 4: Charlotte County Code 3-2-47 (b)(20) – Failing to obtain inspections including but not limited to final inspections. (7 Count)

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

MOTION: Erik Howard made the motion that Walter A. Walters Jr.'s Local License and the right to work as 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 Registered Specialty Structure Contractor License also be suspended or revoked. It is further recommended that Mr. Walters be fined \$500.00 per count for 7 separate counts of violation of Charlotte County Code 3-2-47 (b) (20) for a total of \$3,500.00, in accordance with the guidelines set forth in Charlotte County Code 3-2-44 (c). **John Damon** seconded and it was approved unanimously.

XIV. CITIZEN INPUT – None

XV. REPORT FROM THE LICENSING DIVISION MANAGER- Erin Mullen-Travis acknowledged the new Assistant County Attorney **Joshua Moye** and the incoming County Board Attorney **Glenn Siegel**. Each attorney gave a synopsis of their previous assignments and experience. **Chairman Carleton Strong** welcomed them to the board. He then asked **Erin Muller-Travis** for a report on the ongoing progress of licensing for swimming pool service people. **Erin Mullen-Travis** responded that the planning is done and the measure must go before BCC for a public hearing. She also commended her staff for the amount of unlicensed contractor citations that were issued and fines collected. Discussion ensued about unlicensed contractors, mold remediation and investors buying houses with open code cases.

XVI. REPORT FROM THE BUILDING OFFICIAL- Jim Evetts commented to the board on J manuals and their use in commercial construction and the TAC Committee of the Florida Building Commission.

XVII. REPORT FROM THE ASSISTANT COUNTY ATTORNEY-.None

XVIII. BOARD ATTORNEY COMMENTS- Robert Koch stated that this was his last board and thanked the board for the opportunity to serve. The board expressed their appreciation and Chairman Strong presented him with a Certificate of Appreciation for his service

XIX. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS-

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: Erik Howard made the motion to adjourn. **John Damon** 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 August 2, 2012

Read and approved by:


Carleton Strong, Chairman

Date: September 6, 2012

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 6th day of September, 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 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