

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

September 6, 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
Glenn Siegel, Board Attorney**

Members Excused: None

**Member Absent:
Michael Douglass**

Staff Present:

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

Staff Excused:

Ira Bender, Certified Code Enforcement Licensing Investigator

- IV. AGENDA CHANGES – Erin Mullen-Travis, Licensing and Code Enforcement Manager informed the board of the following changes:**
 - A. Alvin D. Bailey – Case No. CIL-12-00353 Continued to Oct 2012**
 - B. Gregg D. Brown – Case No. CIL-12-00438 Continued to Mar 2013**
 - C. Henry E. Croy II - Case No. CIL-11-00465 Continued to Mar 2013**
 - D. Mark Cruce - Case No. CIL-11-00494 Continued to Mar 2013**
 - E. Mary Jane Fiedler – Case CIL-12-00422 Counts changed from 6 to 5**

F. George T. Groves - Case No. CIL-12-00409A Continued to Mar 2013

V. **NEXT MEETING DATE:** October 4, 2012, at 6:00 p.m.

VI. **SWEARING IN OF ALL THOSE GIVING TESTIMONY**

VII. **QUASI-JUDICIAL HEARING**

VIII. **APPROVAL OF MINUTES:** August 2, 2012

MOTION: *John Herston* motioned to approve the minutes. *Thomas Burns* 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. **Glaucio Almeida – Citation #3201; \$500.00**

Lorraine Lundblad

B. **Donovan J. Esparza– Citation #2776; \$500.00**

Wendy Pacheco

C. **David J. Raker – Citation #2719; \$500.00**

Wendy Pacheco

MOTION: *Randy Fassett* motioned to approve the Consent-Affidavits of Non-Compliance Fines. *Erik Howard* 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 permanent 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 and right to work in Charlotte County for Jerry Garcia be permanently reinstated. *John Herston* seconded and it was approved unanimously.

XII. **LICENSE REVIEW:**

A. **Georgeta Cristovan**

d/b/a GMV Tile & Marble, Inc.

License No. AAA-12-000556

Lorraine Lundblad

Ms. Cristovan has requested a hearing for consideration of her reciprocity application to

establish contracting privileges and the right to work in Charlotte County.

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

Motion: **Erik Howard** made the motion that the reciprocity application of Georgeta Cristovan be approved. **Randy Fasset** seconded and it was approved with a vote of seven to one with a dissenting vote from **Thomas Burns**.

B. Robert L. Votta
d/b/a Votta Construction
License No. CRC058299

Aaron Schulze

Mr. Votta 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. Votta** was present to give testimony to the board.

Motion: **William Ambrose** made the motion that the permitting privileges of Robert L. Votta be temporarily reinstated for the sole purpose of renewing the expired permits as cited in CIL-12-00381. Once the permits have passed final inspections, Mr. Votta will be required to reappear before the board to request his permanent privileges and the right to work as a contractor in Charlotte County be restored. **Erik Howard** seconded and it was approved unanimously.

XIII. DISCIPLINE CASES:

A. James B. Dixon
d/b/a Dixon Mechanical, LLC
State Certified Plumbing Contractor
License No. CFC1427873a
Case No. CIL-12-00441

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 Count)**

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

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

MOTION: Erik Howard made the motion that James B. Dixon’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. **Thomas Burns** seconded and it was approved unanimously.

**B. Mary Jane Fiedler
d/b/a Murdock Electric, Inc.
State Certified Electrical Contractor
License No. EC13001302
Case No. CIL-12-00422**

Wendy Pacheco

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. (5 Counts)

CHARGE 2: Florida Statutes Chapter 489.129 (1)(m) – Committing incompetency or misconduct in the practice of contracting. (5 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. (5 Count)

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

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

MOTION: Thomas Burns made the motion that Mary Jane Fiedler’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 her 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 her State Certified Electrical Contractor license also be suspended or revoked. **Thomas Burns** seconded and it was approved unanimously.

**C. Edward K. Rega
d/b/a East Coast Contractors, Inc.
State Certified General Contractor
License No. CGC047299A
Case No. CIL-12-00374A**

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 Count)**

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

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

MOTION: Erik Howard made the motion that Edward K. Rega'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 General Contractor license also be suspended or revoked. **Thomas Burns** seconded and it was approved unanimously.

**D. Dominique S. Jean
d/b/a Sunshine Construction & Plastering, Inc.
State Certified Residential Contractor
License No. CRC056954
Case No. CIL-12-00404A**

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 Count)

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

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

1. **MOTION: Erik Howard** made the motion that new permitting privileges of Dominique S. Jean be suspended and that the permits listed in notice be renewed within 30 days. Per the Florida Building Code Dominique S. Jean must obtain final inspections of all outstanding permits within 6 months or in accordance with Florida Building Code. If Dominique S. Jean does obtain the required final inspections within the allocated time frame, after the permits were renewed, Dominique S. Jean's new permitting privileges will be restored without the necessity of re-appearing before this board. If Dominique S. Jean fails to comply with the board's order within the allocated period of time and allows any of the renewed permits to expire again, Dominique S. Jean's permitting privileges and the right to work as a contractor in Charlotte County will be revoked without requiring Dominique S. Jean to reappear before this board. **Randy Fasset** seconded and it was approved unanimously.

XIV. CITIZEN INPUT – None

REPORT FROM THE LICENSING DIVISION MANAGER- Erin Mullen-Travis discussed an applicant for a painting license. She asked if the board would approve the licensing of an individual who passed the business and law test over 5 years ago. She stated that it was not a statute requirement but a policy that the license be terminated after 5 years. She stated this individual has purchased a franchise and would go to work. She said that his record and status have been checked and that if the board would allow this she would make sure that he was fully qualified or she would bring him before the board. **Glenn Siegel** the board attorney recommended that a vote be taken of the board. **Carleton Strong** called for a vote, and it was approved with a vote of seven to one with a dissenting vote from **Erik Howard**. **Erin Mullen-Travis** stated that there was one seat available on the board for the benefit of the television audience. She also discussed code changes going before the commissioners in October.

XV. REPORT FROM THE BUILDING OFFICIAL- Jim Evetts - None

- XVI. **REPORT FROM THE ASSISTANT COUNTY ATTORNEY-. Joshua Moye** stated that Dan Gallagher had been working with Erin Mullins-Travis on the code changes and that Mr. Gallagher would follow that through to the end.

- XVII. **BOARD ATTORNEY COMMENTS-** Glenn Siegel stated he had a conflict with a couple of cases that were continued and would send something to the County attorney's office in that regard so they could cover that meeting with another attorney. Carleton strong asked when a board member should recuse themselves and Mr. Siegel then continued a discussion on the topic.

XVIII. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS- **John Damon** asked the **Building Official Jim Evetts** for guidance on J manual calculations. He discussed the different scenarios and stated that the discussion should be directed to the staff.

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 8:10 P.M.

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

Read and approved by: William E. Ambrose
William E. Ambrose, Vice-Chairman

Date: October 4, 2012

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 4th day of October, 2012 who is personally known to me and who did not take an oath.

David G. White
Signature of Notary



I hereby attest and affirm that the minutes of the October 4, 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 G. White
David White, Administrative Assistant II/Clerk
Construction Industry Licensing Board
Community Development Department
Contractor Licensing Division