

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

**October 4, 2012**

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

**Members Present:**

**William Ambrose  
Thomas Burns  
John Damon  
Michael Douglass  
John Herston  
Erik Howard  
Carleton Strong  
Glenn Siegel, Board Attorney**

**Members Excused:**

**Carleton Strong  
Randy Fassett**

**Member Absent: None**

**Staff Present:**

**Erin Mullen-Travis, Licensing and Code Enforcement Manager  
Lorraine Lundblad, Certified Code Enforcement Licensing Investigator  
Aaron Schulze, 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  
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. Steve R. Balcomb – Case No. CIL-12-00300 Continued to April 2013**
  - B. Erman Cook - Case No. CIL-12-00300 Continued to January 2013**

- C. **Darryl S. Smith** – Contesting Citation #3250, Continued to November 2013
- D. **Steve R. Balcomb** - Case Number CIL-12-00300 Continued to 4 April 2013
- E. **James B Dixon** –Temp Reinstatement Continued to 1 November 2012
- F. **Erman Cook** - Case No. CIL-12-00322 Continued to 10 January 2013
- G. **Ronald Oilerenshaw** Case No. CIL-12-00449 Continued to 1 November 2012

V. **NEXT MEETING DATE:** November 1, 2012, at 6:00 p.m.

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

VII. **QUASI-JUDICIAL HEARING**

VIII. **APPROVAL OF MINUTES:** September 6, 2012

**MOTION:** *Erik Howard* 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.**

None

I. **CONTESTING CITATION:** None

X. **OLD BUSINESS:** None

XI. **LICENSE REVIEW:**

A. **Patrick A. Ford**

**Lorraine Lundblad**

**Mr. Ford** has submitted an application and requested sponsorship to take the Carpentry Contractor and Business & Law Exams.

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

**Motion:** *Erik Howard* made the motion to approve the sponsorship of **Patrick A. Ford** to take the Carpentry Contractor and Business & Law Exams. *John Herston* seconded and it was approved unanimously.

XII. **DISCIPLINE CASES:**

A. **Richard A. Foden**  
**d/b/a Foden Construction, Inc.**  
**State Certified General Contractor**  
**License No. CGC062302**  
**Case No. CIL-11-00386**

**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)**

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

**MOTION: Thomas Burns** made the motion that **Richard A. Foden'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. **Erik Howard** seconded and it was approved unanimously.

**B. Patrick J. Love**  
**d/b/a Loves Air Conditioning and Heating, Inc.**  
**License # CAC1814942**  
**Case Number CIL-11-00481**

**Aaron Schulze**

**CHARGE 1: Charlotte County Code 3-2-47 (b)(6)** Using or attempting to use a certificate of competency, whether certified, registered or local, which has been suspended, revoked, placed inactive, expired or voluntarily surrendered **(1 count)**.

**CHARGE 2: Florida Statute Chapter 489.129 (1)(i)** Failing in any material respect to comply with the provisions of this part or violating a rule or **lawful order of the** board **(1 count)**.

**CHARGE 3: Florida Statute Chapter 489. 129 (1)(o)** Proceeding on any job without obtaining applicable local building department permits and inspections **(4 counts)**.

**CHARGE 4: Florida Statutes Chapter 489.129 (1)(m)** Committing incompetency or misconduct in the practice of contracting **(4 counts)**.

**CHARGE 5: Charlotte County Code 3-2-47 (b)(1)** Any violation of F.S. section 489.129 or section 489.533, whether by a certified, registered or local contractor **(4 counts)**.

**CHARGE 6: 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).

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

**MOTION: John Heston** made the motion that **Patrick J. Love'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 Air Conditioning Contractor license also be suspended or revoked. **Thomas Burns** seconded and it was approved with a unanimous vote with John Damon abstaining due to ex-parte communication with respondent. Disclosure is on file with the clerk of the board.

**XIII. CITIZEN INPUT – None**

**XIV. REPORT FROM THE LICENSING DIVISION MANAGER- Erin Mullen-Travis** discussed changes to the code going up in front of the Commission for approval. She also discussed a recommendation from the Oversight Committee to list the names of people or entities cited by Code Compliance Officers for unlicensed contracting, to be published in the paper or web site.

**XV. REPORT FROM THE BUILDING OFFICIAL- Jim Evetts** discussed Longshoreman's Workers Compensation Insurance.

**XVI. REPORT FROM THE ASSISTANT COUNTY ATTORNEY-. None**

**XVII. BOARD ATTORNEY COMMENTS- None**

**XVIII. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS- None.**

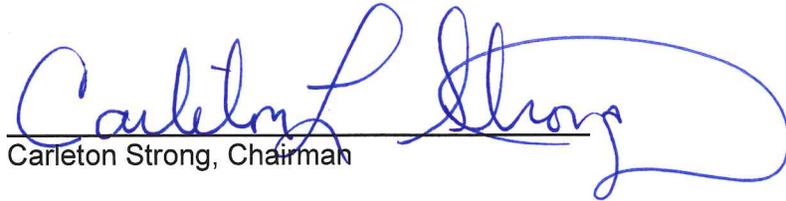
**XIX. ADJOURNMENT**

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 6:51:09 PM.

Charlotte County  
Construction Industry Licensing Board  
Minutes of October 4, 2012

Read and approved by:

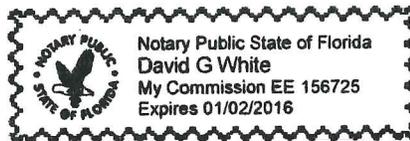
  
Carleton Strong, Chairman

Date: November 1, 2012

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 1st day of November 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 ~~November 1,~~ <sup>OCTOBER 4</sup> 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