

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

**November 1, 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  
Michael Douglass  
John Herston  
Erik Howard  
Carleton Strong  
Glenn Siegel, Board Attorney**

**Members Excused: 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  
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. Darryl S. Smith –** Contesting Citation #3250 has verbally asked for another extension to his case. Erin Mullins-Travis asked the investigators report be read into the record so the board could make a decision. **Lorraine Lundblad**, Contractor Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Smith** was not present to give testimony to board. **Erin Mullen-Travis** stated that Mr. Smith has asked for another continuance and it was the board's discretion whether to grant one. Discussion ensued. **Erik Howard** made a motion to hear the case. **Carleton Strong** seconded the motion which was unanimously approved.

**B. Ronald Oilerenshaw Continued Till Dec 6, 2012  
d/b/a A+ Garage Doors, Inc.  
Local Door / Window / Garage Door Contractor  
License No. AAA0010727  
Case No. CIL-12-00449**

**Lorraine Lundblad**

- V. **NEXT MEETING DATE:** December 6, 2012, at 6:00 p.m.
- VI. **SWEARING IN OF ALL THOSE GIVING TESTIMONY**
- VII. **QUASI-JUDICIAL HEARING**
- VIII. **APPROVAL OF MINUTES:** October 4, 2012

**MOTION:** *John Herston* motioned to approve the minutes. *Michael Douglass* 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. Edward J Consalvo – Citation #3279; \$500.00        | Aaron Schulze     |
| B. Ramon De Diego - Citation #3233; \$500.00           | Ira Bender        |
| C. Matthew C. Johnston – Citation #3217; \$500.00      | Lorraine Lundblad |
| D. Matthew C. Johnston – Citation #3218; \$500.00      | Lorraine Lundblad |
| E. Matthew C. Johnston – Citation #3229; \$500.00      | Lorraine Lundblad |
| F. Matthew C. Johnston – Citation #3230; \$500.00      | Lorraine Lundblad |
| G. Jose Llanos – Citation #3237; \$500.00              | Lorraine Lundblad |
| H. Pedro Llanos – Citation #3236; \$500.00             | Lorraine Lundblad |
| I. Donna McFarland – Citation #3278; 500.00            | Aaron Schulze     |
| J. Jorge Recendiz – Citation #3235; \$500.00           | Lorraine Lundblad |
| K. Mario Reynoso – Citation #3238; \$500.00            | Lorraine Lundblad |
| L. Johannes Vanhoof – Citation #3277; \$500.00         | Aaron Schulze     |
| M. Javier Vargaz – Citation #3234; \$500.00            | Ira Bender        |
| N. Jorge A. Velazquez Mejia – Citation #3231; \$500.00 | Ira Bender        |

**MOTION:** *Erik Howard* motioned to approve the Consent-Affidavits of Non-Compliance Fines. *Thomas Burns* seconded and the motion was approved unanimously.

**X. CONTESTING CITATION:**

- B. Darryl S. Smith – Citation #3250; \$500.00** **Lorraine Lundblad**

Lorraine Lundblad, Contractor Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Smith** was not present to give testimony to board.

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

- C. Shane R. Watson - Citation #3243; \$500.00** **Lorraine Lundblad**

**Lorraine Lundblad**, Contractor Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Watson** was present and gave testimony to board.

**MOTION: Erik Howard motioned** to uphold the Consent-Affidavit of Non-Compliance Fine. **William Ambrose** seconded and the motion and it was approved seven to one with **John Damon** opposing.

**XI. OLD BUSINESS:**

**A. J. Bart Dixon**  
**d/b/a Dixon Mechanical, LLC**  
**License No. CFC1427873**  
**Case Number CIL-12-00441**

**Aaron Schulze**

**Mr. Dixon** had requested a hearing to have temporary reinstatement of his contracting privileges to correct expired permits.

**Mr. Dixon** was not present to give testimony to the board. **Erin Mullen-Travis** stated that since the case hearing had been requested by Mr. Dixon, that we would table his appearance and wait till he submits another written request for a board appearance.

**B. Hans Menzer**  
**d/b/a Flamingo Pool and Spa, Inc.**  
**License No. CPC056940**  
**Case Number CIL-11-00309**

**Aaron Schulze**

**Mr. Menzer** has requested to have permanent reinstatement of his contracting privileges and right to work in Charlotte County.

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

**Motion: John Herston** made the motion that the permitting privileges and right to work in Charlotte County for **Hans Menzer** be permanently reinstated. **Thomas Burns** seconded and it was approved seven to one with **Carleton Strong** opposing.

**XII. DISCIPLINE CASES:**

**A. Levi Cooper**  
**d/b/a Levi Cooper Mechanical Contracting, LLC**  
**State Certified Building Contractor**  
**License No. CMC057222**  
**Case No. CIL-12-00328**

**Ira Bender**

**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. **(1 Counts)**

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

Misconduct as defined in part by the American Heritage Dictionary is: 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. **(1 Count)**

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

*Ira Bender* Certified Contractor Licensing Inspector, provided testimony as stated in the investigative report. **Mr. Cooper** was not present to give testimony to the board.

**MOTION: Erik Howard** made the motion that **Levi Cooper'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 Building Contractor license also be suspended or revoked. **Carleton Strong** seconded and it was approved unanimously.

**B. Ronald Oilerenshaw** Continued Till Dec 6, 2012  
**d/b/a A+ Garage Doors, Inc.**  
**Local Door / Window / Garage Door Contractor**  
**License No. AAA0010727**  
**Case No. CIL-12-00449**

**Lorraine Lundblad**

**C. Christopher J. Patek**  
**d/b/a D-N-M Rescreen ETC**  
**State Certified General Contractor**  
**License No. CGC1510043**  
**Case No. CIL-12-00649**

**Ira Bender**

**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. **(10 Count)**

**CHARGE 2: Florida Statutes Chapter 489.129 (1)(m)** – Committing incompetency or misconduct in the practice of contracting. **(10 Count)**

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. **(10 Count)**

**CHARGE 4: Charlotte County Code 3-2-47 (b)(20) – Failing to obtain inspections including but not limited to final inspections. (10 Count)**

*Ira Bender*, Certified Contractor Licensing Inspector, provided testimony as stated in the investigative report. **Mr. Patek** was not present to give testimony to the board.

**MOTION: Thomas Burns** made the motion that **Christopher J. Patek** 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 Building Contractor license also be suspended or revoked. **Erik Howard** seconded and it was approved unanimously.

**D. Danny L. Wear Continued till December 6, 2012  
d/b/a Gasparilla Construction, Inc.  
State Certified Building Contractor  
License No. CBC1252777  
Case No. CIL-12-00435**

**Ira Bender**

*Erin Mullen-Travis* Stated that **Mr. Wear** was present to give testimony but that he would like to request a continuance till December 6, 2012. She stated that the board could vote to accept the request without Mr. Wear having to speak. **Carleton Strong** made the motion to continue the case till December 6, 2102. **Michael Douglass** seconded and it was approved unanimously.

**XIII. CITIZEN INPUT – None**

**REPORT FROM THE LICENSING DIVISION MANAGER- Erin Mullen –Travis** – reported on the status of the proposed changes to the statues in that the hearing was postponed until the November 13<sup>th</sup> meeting.

**XIV. REPORT FROM THE BUILDING OFFICIAL- James Evetts** discussed the legislature and the result of approved legislation pertaining to the reinstatement of Null and Void Licenses being issued.

**XV. REPORT FROM THE ASSISTANT COUNTY ATTORNEY- Josh Moye-** stated that the views of Mr. Evetts were his own and not those of the County or the board.

**XVI. BOARD ATTORNEY COMMENTS- None**

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

**XVIII. 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. **Thomas Burns** seconded the motion and it was approved unanimously. The meeting was adjourned at 6:57 P.M.

Charlotte County  
Construction Industry Licensing Board  
Minutes of November 1, 2012

Read and approved by:

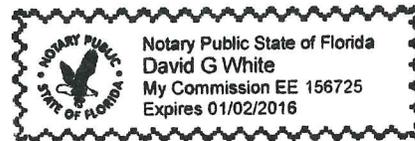
  
Carleton Strong, Chairman

Date: December 6, 2012

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 6st day of December, 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, 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