

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

January 10, 2013

I. CALL TO ORDER by Chairman, Carleton Strong at 6:00 PM.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Members Present:

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

Members Excused:

**Thomas Burns
Randy Fassett**

Member Absent: None

Staff Present:

**Erin Mullen-Travis, Licensing and Code Enforcement Manager
Lorraine Lundblad, Certified Code Enforcement Licensing Investigator
Wendy Pacheco, Certified Code Enforcement Licensing Investigator
Ira Bender, Certified Code Enforcement Licensing Investigator
Joshua Moye, Assistant County Attorney
David White, Clerk**

Staff Excused:

**Jim Evetts, Building Official is attending FCILB
Aaron Schulze, Certified Code Enforcement Licensing Investigator**

IV. AGENDA CHANGES – Erin Mullen-Travis, Licensing and Code Enforcement Manager informed the board of the following changes:

William Griffin Continued till February 7, 2013

V. NEXT MEETING DATE: February 7, 2013, at 6:00 p.m.

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

VII. **QUASI-JUDICIAL HEARING**

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

MOTION: *Carleton Strong* 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 \$10.00 for the cost of recording the lien.**

- | | | |
|----|---|-------------------|
| A. | James R. Allaire – Citation #3205; \$510.00 | Lorraine Lundblad |
| B. | John E. Bunkley - Citation #3242; \$510.00 | Ira Bender |
| C. | Dana Haynes – Citation #2637; \$510.00 | Lorraine Lundblad |
| D. | Dana Haynes – Citation #3245; \$510.00 | Lorraine Lundblad |
| E. | Christy M. Washausen – Citation #2879; \$510.00 | Wendy Pacheco |
| F. | Christy M. Washausen – Citation #3494; \$510.00 | Wendy Pacheco |

MOTION: *William Ambrose* motioned to accept the Consent Agenda as written. *Carleton Strong* seconded and the minutes were approved unanimously.

X. **CONTESTING CITATION:** None

XI. **OLD BUSINESS:** None

XII. **LICENSE REVIEW:** None

XIII. **DISCIPLINE CASES:**

- A. **Robert E. Elwell Jr.**
d/b/a Service Star Cooling & Heating, Inc.
State Certified Air Conditioning Contractor
License No. CAC058252
Case No. CIL-12-00388

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. **(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: 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)

Wendy Pacheco Certified Contractor Licensing Inspector, provided testimony as stated in the investigative report. **Mr. Elwell** was not present to give testimony to the board.

MOTION: Erik Howard made the motion that **Mr. Elwell'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. **John Herston** seconded and it was approved unanimously.

XIV. **CITIZEN INPUT – Bubba Howard** wished the board a Happy New Year.

REPORT FROM THE LICENSING DIVISION MANAGER- Erin Mullen -Travis – Reminded the board that they can raise the fine to \$1000.00 for a citation appeal and stated that last year the approximate total of fines collected was \$60,000.00. The Pool sticker ordinance was passed and stickers are now available. Discussion ensued about streamlining administrative actions on permits.

XV. **REPORT FROM THE BUILDING OFFICIAL- None**

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

XVII. **BOARD ATTORNEY COMMENTS- None**

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

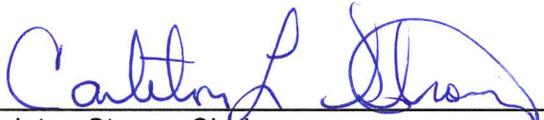
XIX. **ADJOURNMENT**

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 6:29 PM.

Charlotte County
Construction Industry Licensing Board
Minutes of January 10, 2012

Read and approved by:

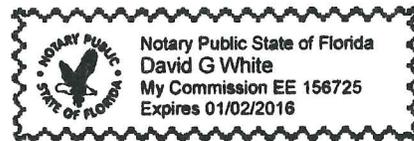

Carleton Strong, Chairman

Date: February 7, 2013

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 7th day of February, 2013 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 January 10, 2013 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