

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

**March 7, 2013**

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

**Members Present:**

**William Ambrose  
Thomas Burns  
John Herston  
Erik Howard  
Glenn Siegel, Board Attorney**

**Members Excused:      Member Absent: None**

**Carleton Strong  
John Damon  
Randy Fassett  
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  
Ira Bender, Certified Code Enforcement Licensing Investigator  
Jim Evetts, Building Official  
Joshua Moye, Assistant County Attorney  
David White, Clerk**

**Staff Excused:**

- IV. AGENDA CHANGES – Erin Mullen-Travis, Licensing Manager informed the board of the following changes:**
  - A. Riyad Baker Dismissed for payment**
  - B. David D'Hondt continued to April 4, 2013**
  - C. James D. Davis continued to September 5, 2013**
  - D. Jeffrey Hansen continued to May 2, 2013**
  - E. Frank Koller continued to September 5, 2013**
  - F. Ronald Ollerenshaw continued to September 5, 2013**

- V. **NEXT MEETING DATE:** April 4, 2013, at 6:00 p.m.
- VI. **SWEARING IN OF ALL THOSE GIVING TESTIMONY**
- VII. **QUASI-JUDICIAL HEARING**
- VIII. **APPROVAL OF MINUTES:** February 7, 2013

**MOTION:** *William Ambrose* motioned to approve the minutes. *John Herston* 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. | <b>Cesar Gonzales - Citation # 2833; 510.00</b>      | <b>Lorraine Lundblad</b> |
| B. | <b>Julio Cesar Hipolito-Alvarado - #2834; 510.00</b> | <b>Lorraine Lundblad</b> |
| C. | <b>Larry Oxendine II - #3204; 510.00</b>             | <b>Lorraine Lundblad</b> |
| D. | <b>Larry Oxendine II - #2627; 510.00</b>             | <b>Lorraine Lundblad</b> |
| E. | <b>Larry Oxendine II - #3347; 510.00</b>             | <b>Lorraine Lundblad</b> |
| F. | <b>Alberto Perez Jr. - Citation # 3203; 510.00</b>   | <b>Lorraine Lundblad</b> |
| G. | <b>Yamil Perez - Citation # 2827; 510.00</b>         | <b>Ira Bender</b>        |
| H. | <b>Carlos A. Quiroz – Citation # 2828; 510.00</b>    | <b>Ira Bender</b>        |
| I. | <b>Johnathon Zambrano – Citation # 2835; 510.00</b>  | <b>Ira Bender</b>        |

**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:**

- |    |  |                      |
|----|--|----------------------|
| A. | <b>Scott Archer – Citation #3288; \$510.00</b> | <b>Aaron Schulze</b> |
|----|--|----------------------|

**Aaron Schulze** Certified Contractor Licensing Inspector, provided testimony as stated in the investigative report. **Mr. Archer** was present to give testimony to the board. **Mr. Archer** asked the board to allow testimony from **Ms. Wetherby** who also provided testimony.

**MOTION:** *Erik Howard* motioned to uphold the citation. *John Herston* seconded and the motion was approved unanimously.

XI. **OLD BUSINESS:**

- A. **Alexander Kirichenko  
d/b/a Polar Bear Cooling & Heating, Inc.  
State Certified Air Conditioning Contractor**

**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. **(13 Counts)**

**CHARGE 2: Florida Statutes Chapter 489.129 (1)(m)** – Committing incompetency or misconduct in the practice of contracting. **(13 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. **(13 Counts)**

**CHARGE 4: Charlotte County Code 3-2-47 (b)(20)** – Failing to obtain inspections including but not limited to final inspections. **(13 counts)**

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

**MOTION: John Herston** made the motion that since Mr. Kirichenko is already on probation from a previous CILB case, that Mr. Kirichenko's new permitting privileges be suspended until the permits listed in the notice are issued final inspections. Once the permits have been issued and final inspections are obtained, Mr. Kirichenko can submit a request to reappear before this Board to request his permitting privileges be reinstated. At that time, the Licensing Division will recommend that the probationary period be extended.

If Alexander Kirichenko fails to comply with the board's order within the allocated period of time it is ordered that Alexander Kirichenko's permitting privileges and the right to work as a contractor in Charlotte County will be REVOKED without requiring Alexander Kirichenko to reappear before this Board.

It is also ordered that a case along with the boards order be sent to the Department of Business Professional Regulation with the recommendation that the license of Alexander Kirichenko be suspended or revoked. **Thomas Burns** seconded the motion and it was approved unanimously.

- XII. LICENSE REVIEW: None
- XIII. REINSTATEMENT: None
- XIV. DISCIPLINE CASES: None
- XV. CITIZEN INPUT – **Bubba Howard** told the board to remember to change their clocks this weekend or else you will wake up late and he wished them a happy Easter.
- XVI. LONGSHOREMANS INSURANCE DISCUSSION – **James Evetts**- discussed Longshoreman’s insurance, the county’s implementation and Federal regulation.
- XVII. REPORT FROM THE LICENSING DIVISION MANAGER- **Erin Mullen-Travis** – None
- XVIII. REPORT FROM THE BUILDING OFFICIAL- **James Evetts** – None
- XIX. REPORT FROM THE ASSISTANT COUNTY ATTORNEY- None
- XX. BOARD ATTORNEY COMMENTS- None
- XXI. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS- None
- XXII. 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: *Thomas Burns*** made the motion to adjourn. ***John Herston*** seconded the motion and it was approved unanimously. The meeting was adjourned at 7:07 PM.

Charlotte County  
Construction Industry Licensing Board  
Minutes of March 7, 2013

Read and approved by:

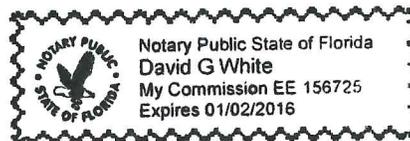
  
Carleton Strong, Chairman

Date: April 4, 2013

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 4th day of April, 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 April 4, 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