

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

**July 11, 2013**

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

**Members Present:**

**Thomas Burns  
John Damon  
Michael Douglass  
Randy Fassett  
Stephen Gardiner  
John Herston  
Erik Howard  
Carleton Strong  
Glenn Siegel, Board Attorney**

**Members Excused: William Ambrose**

**Member Absent: None**

**Staff Present:**

**Erin Mullen-Travis, Certified Code Compliance Officer, Licensing Manager  
Lorraine Lundblad, Certified Code Compliance Officer, Licensing Investigator  
Aaron Schulze, Certified Code Compliance Officer, Licensing Investigator  
Ira Bender, Certified Code Compliance Officer, Licensing Investigator  
Terri Barnett, Certified Code Compliance Officer, Licensing Investigator  
Jim Evetts, Building Official  
Joshua Moye, Assistant County Attorney  
David White, Clerk**

**Staff Excused: Jim Evetts at FCILB Meeting**

- IV. AGENDA CHANGES – Erin Mullen-Travis, Certified Code Compliance Officer, Licensing Manager informed the board of the following changes:**
  - A. Peter A. Cafaro III continued to Jan 9, 2014**
  - B. Anthony E. Cardiello amended notice of Administrative proceedings, case moved to Oct 3, 2013**

- C. **William Schork continued to Jan 9, 2014**
- D. **Mark A. Teixeira continued to Jan 9, 2014**

V. **NEXT MEETING DATE:** August 1, 2013, at 6:00 p.m.

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

VII. **QUASI-JUDICIAL HEARING**

VIII. **APPROVAL OF MINUTES:** May 2, 2013, June 6, 2013 meeting cancelled

**MOTION:** *John Herston* motioned to approve the minutes. *Erik Howard* 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.**

*Erin Mullen-Travis* advised the board that **Frank A. Smith** was present and asked that his case be removed from the Consent-Affidavits of Non-Compliance agenda and heard separate. The board removed **Frank A. Smith** from the agenda.

- |    |                                                      |                      |
|----|------------------------------------------------------|----------------------|
| A. | <b>Benjamin E. Ayers – Citation # 3458; 510.00</b>   | <b>Aaron Schulze</b> |
| B. | <b>Mateusz E. Barcis – Citation 3425; 500.00</b>     | <b>Ira Bender</b>    |
| C. | <b>Rodney L. McGee - Citation # 3456; 510.00</b>     | <b>Aaron Schulze</b> |
| D. | <b>Rodney L. McGee - Citation # 3457; 510.00</b>     | <b>Aaron Schulze</b> |
| E. | <b>Ronald D. Petersen - Citation # 3454; 510.00</b>  | <b>Aaron Schulze</b> |
| F. | <b>Ronald D. Petersen - Citation # 3455; 510.00</b>  | <b>Aaron Schulze</b> |
| G. | <b>Ricky L. Winningham - Citation # 2785; 510.00</b> | <b>Aaron Schulze</b> |

**MOTION:** *Randy Fassett* motioned to approve the Consent-Affidavits of Non-Compliance Fines and remove Frank A. Smith from the Consent-Affidavits of Non-Compliance Fines to be heard separately. *Stephen Gardiner* seconded and the motion was approved unanimously.

- |    |                                                 |                      |
|----|-------------------------------------------------|----------------------|
| A. | <b>Frank A. Smith – Citation # 3450; 510.00</b> | <b>Aaron Schulze</b> |
| B. | <b>Frank A. Smith – Citation # 3451; 510.00</b> | <b>Aaron Schulze</b> |

*Erin Mullen-Travis* reminded the board that **Frank A. Smith** waived his right of appeal by failing to contest his citation within the 10 days as allowed by law. **Josh Moyer**, Assistant County Attorney, stated that we were not here to readdress the case, however, **Mr. Smith** can give mitigating circumstances and the board can take the fine

into account, remembering that he has waived his rights, and that the underlined facts are deemed to be admitted or not contested. **Mr. Smith** gave testimony to the board. **Erin Mullen-Travis** provided testimony to the board.

**MOTION:** *Erik Howard* motioned to approve citations #3450 and #3451 issued to **Frank A. Smith**. *John Damon* seconded and the motion was approved unanimously.

**X. CONTESTING CITATION:**

**A. Ramon Acevedo - Citation # 2647; 510.00** **Lorraine Lundblad**

**Lorraine Lundblad** Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Acevedo** was not present to give testimony to the board.

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

**B. Joseph W. Furtado - Citation # 3565; 510.00** **Aaron Schulze**

**Aaron Schulze** Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Furtado** was present to give testimony to the board.

**MOTION:** *Michael Douglass* motioned to uphold the citation. *Carl Strong* seconded and the motion was defeated with two votes for and five votes against with **John Damon, Randy Fasset, John Herston, Stephen Gardiner and Erik Howard** dissenting.

**MOTION:** *Erik Howard* motioned to dismiss the citation. *John Damon* seconded and the motion was approved with Michael Douglass and Carl Strong dissenting.

**XI. OLD BUSINESS: None**

**XII. LICENSE REVIEW:**

**A. PETER T. ENGLE** **Aaron Schulze**  
**d/b/a ACPLM, Inc.**

**Peter T. Engle** has requested a Certificate of Competency in the category of Asphalt Paving and Coating. **Aaron Schultz** Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Engle** was present to give testimony to the board.

**MOTION:** *Erik Howard* motioned to approve the Certificate of Competency in Asphalt Paving and Coating. *Randy Fassett* seconded and the motion was approved unanimously.

**B. ROBERT W. MUMFORD, JR.**

**Aaron Schulze**

**Robert W. Mumford JR.** has submitted an Application for Sponsorship for Contractors Examination for Concrete Place and Finish through Charlotte County. **Aaron Schultz** Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Mumford** was present to give testimony to the board.

**MOTION:** *Erik Howard* motioned to approve the Sponsorship for the Concrete Place and Finish Examination. *John Herston* seconded and the motion was approved unanimously.

**XIII. REINSTATEMENT:**

**C. CHRISTOPHER H. ANISKEWICZ SR.**

**Ira Bender**

**f/k/a/ Suncoast Construction of Charlotte Co. Inc.  
d/b/a Prime Catalyst Solutions LLC  
LICENSE NO. CBC1251863**

**Christopher H. Aniskewicz SR.** has requested a hearing to request temporary reinstatement of his permitting privileges and the right to work in Charlotte County to renew permit 2009090556 which has expired. **Ira Bender** Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Aniskewicz** was present to give testimony to the board.

**MOTION:** *Erik Howard* motioned to approve the temporary reinstatement of permitting privileges and the right to work in Charlotte County for the sole purpose of scheduling a final inspection for permit 2009090556. Once the permit has been finalized, **Mr. Aniskewicz's** permanent permitting privileges and the right to work in Charlotte County will be reinstated without **Mr. Aniskewicz** being required to appear in front of this board. *Randy Fassett* seconded and the motion was approved unanimously.

**XIV. WAIVER OF TESTING:**

**A. SOKOL LEKIC**

**Ira Bender**

**d/b/a Soko's Painting and Decorating, Inc.**

**Sokol Lekic** has requested a hearing for waiver of testing to renew his expired Painting license. **Ira Bender** Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Lekic** was

present to give testimony to the board.

**MOTION:** *Carl Strong* motioned to deny the request to waive the requirement of testing to renew his expired painting license. *Michael Douglass* seconded and the motion was approved with John Damon and Randy Fassett dissenting.

**XV. DISCIPLINE CASES:**

**A. Dennis L. Hess**  
**d/b/a Hess Construction, Inc.**  
**State Certified Building Contractor**  
**License No. CBC1258462**  
**Case No. CIL-13-00377A**

**Aaron Schulze**

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

**CHARGE 2: Florida Statute 489.129 (1)(o)** - Disciplinary Proceedings – Proceeding on any job without obtaining applicable local building department permits and inspections. **(1 Count)**

**CHARGE 3: 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. **(1 Count)**

**CHARGE 4: 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)**

**Aaron Schultz** Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Hess** was present to give testimony to the board.

**MOTION:** *Stephen Gardiner* made the motion that the new permitting privileges of **Dennis L. Hess** be suspended and that **Dennis L. Hess** obtain final inspections on ALL outstanding permits within 6 months or in accordance with the Florida Building Code.

If **Dennis L. Hess** does obtain the required final inspections within the allocated time frame, it is recommended that **Dennis L. Hess**' new permitting privileges and right to work in Charlotte County be restored without the necessity of reappearing before this Board. It is also recommended that **Dennis L. Hess** placed on probation for no less than 3 years.

If **Dennis L. Hess** fails to comply with the Board's order within any of the timeframes stated in the Board's order, it is recommended that **Dennis L. Hess**' permitting

privileges and right to work as a contractor in Charlotte County be **Revoked** without requiring **Dennis L. Hess** to reappear before this Board.

And if **Dennis L. Hess** fails to comply with the Board's orders, it is ordered that this Board send a copy of the orders along with a follow up report to the FCILB with the recommendation that the State Certified Building Contractor's license of **Dennis L. Hess** be **Revoked**. **Carleton Strong** seconded the motion and it was approved unanimously.

**B. Gregory M. Jones**  
**f/k/a S&J Enterprises of Bradenton, Inc.**  
**State Certified Air Conditioning Contractor**  
**License No. CAC1814630**  
**Case No. CIL-13-00372**

**Lorraine Lundblad**

**CHARGE 1: Florida Statute 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. **(8 Counts)**

**CHARGE 2: Florida Statute 489.129 (1)(m)** Committing incompetency or misconduct in the practice of contracting. **(8 Counts)**

**CHARGE 3: 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. **(8 Counts)**

**CHARGE 4: Charlotte County Code 3-2-47 (b) (20)** Failing to obtain inspection including but not limited to final inspection. **(8 Counts)**

**Lorraine Lundblad** Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Jones** was not present to give testimony to the board.

**MOTION: Erik Howard** made the motion that **Gregory M. Jones'** permitting privileges and the right to work as a contractor in Charlotte County be revoked. it is further ordered that this case along with a copy of the board's order be prepared and sent to Department of Business and Professional Regulation with the recommendation that FCILB order **Gregory M. Jones** to renew the expired permits and obtain final inspections on all permits obtained in Charlotte County and that the FCILB discipline the license of **Gregory M. Jones** by suspension or revocation. **Carleton Strong** seconded the motion and it was approved unanimously.

**C. Brian M. Marshall**  
**f/k/a Fireline Restoration, Inc.**  
**State Certified General Contractor**  
**License No. CGC060580**

**CHARGE 1: Florida Statute 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 **(5 Counts)**

**CHARGE 2: Florida Statute 489.129 (1)(m)** Committing incompetency or misconduct in the practice of contracting. **(5 Counts)**

**CHARGE 3: 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 Counts)**

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

*Ira Bender* Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Marshall** was not present to give testimony to the board.

**MOTION: Randy Fassett** made the motion that **Brian M. Marshall's** permitting privileges and the right to work as a contractor in Charlotte County be revoked. it is further ordered that this case along with a copy of the board's order be prepared and sent to Department of Business and Professional Regulation with the recommendation that FCILB order **Brian M. Marshall** to renew the expired permits and obtain final inspections on all permits obtained in Charlotte County and that the FCILB discipline the license of **Brian M. Marshall** by suspension or revocation. **John Herston** seconded the motion and it was approved unanimously.

D. **Mark Vasilchek**  
**f/k/a Omega Garage Doors, Inc.**  
**Local Door / Window / Garage Door / Contractor**  
**License No. AAA009854**  
**Case No. CIL-13-00375**

**Lorraine Lundblad**

**CHARGE 1: Florida Statute 489.129 (1)(j)** 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 **(7 Counts)**

**CHARGE 2: Florida Statute 489.129 (1)(m)** Committing incompetency or misconduct in the practice of contracting. **(7 Counts)**

**CHARGE 3: 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 **(7 Counts)**

**CHARGE 4: Charlotte County Code 3-2-47 (b) (20)** Failing to obtain inspection including but not limited to final inspection. **(7 Counts)**

**Lorraine Lundblad** Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Vasilchek** was present to give testimony to the board.

**MOTION: Randy Fassett** made the motion that Mark Vasilchek renews his contractor license with Charlotte County. Also, the new permitting privileges of Mark Vasilchek will be suspended and all permits listed in the notice must be renewed within 30 days. Mark Vasilchek must obtain final inspections of all outstanding permits within 6 months or in accordance with the Florida Building Code.

If Mark Vasilchek does obtain the required final inspections within the allocated time frame, Mark Vasilchek's new permitting privileges will be restored without the necessity of reappearing before this Board.

If Mark Vasilchek fails to comply with the boards order within the allocated period of time and allows any of the renewed permits to expire again, the board will revoke Mark Vasilchek's Certificate of Competency in Charlotte County without requiring Mark Vasilchek to reappear before this Board. **Carleton Strong** seconded the motion and it was approved unanimously.

**E. Stephan H. Weiss**  
**d/b/a Weiss Construction Company, Inc.**  
**State Certified General Contractor**  
**License No. CGC1507036**  
**Case No. CIL-12-00471**

**Lorraine Lundblad**

**CHARGE 1: Florida Statute 489.129 (1)(j)** 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 Counts)**

**CHARGE 2: Florida Statute 489.129 (1)(m)** Committing incompetency or misconduct in the practice of contracting. **(10 Counts)**

**CHARGE 3: 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 Counts)**

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

**Lorraine Lundblad** Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Weiss** was not present to give testimony to the board.

**MOTION:** **Erik Howard** made the motion that **Stephan H. Weiss'** permitting privileges and the right to work as a contractor in Charlotte County be revoked. it is further ordered that this case along with a copy of the board's order be prepared and sent to Department of Business and Professional Regulation with the recommendation that FCILB order **Stephan H. Weiss** to renew the expired permits and obtain final inspections on all permits obtained in Charlotte County and that the FCILB discipline the license of **Stephan H. Weiss** by suspension or revocation. **Stephen Gardner** seconded the motion and it was approved unanimously.

- XVI. CITIZEN INPUT – Katie Howard and Bubba Howard** were present to speak to the board. **Katie** said that she hoped that the rain doesn't cancel your Happy Independence Day and **Bubba** wished the board a happy 4<sup>th</sup> of July.
- XIV. REPORT FROM THE LICENSING DIVISION MANAGER- Erin Mullen-Travis:** Introduced Terri Barnett the newest Licensing Investigator. Terri came over from Code Enforcement and has many years' experience in county jurisdictions. The board was issued a working paper discussing the changes to Florida Statutes 489 due to passing of House Bill 269 with effective date of July 1, 2013 – She stated that the changes to Florida Statutes 489.127 and 489.531 which raised the citations that could be issued from \$500 to a maximum of \$2000. She asked the board to support a first time offense citation of \$1000 and a second citation of \$2000. **Carleton Strong** asked the board if they supported the request as stated along with a notice period to be determined by the staff for public notification. **The Board** responded with unanimous agreement to the request. Carleton asked that the board be notified as soon as the date for implementation has been established. Erin Mullen-Travis discussed the fact that some contractors are doing their own payroll and some of the pitfalls as far as unlicensed contractors verses employees are concerned.
- XVII. REPORT FROM THE BUILDING OFFICIAL- James Evetts –** Excused due to FCILB meeting.
- XVIII. REPORT FROM THE ASSISTANT COUNTY ATTORNEY- None**
- XIX. BOARD ATTORNEY COMMENTS- None**
- XX. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS- Erik Howard** quoted from the bible in honor of Independence Day "For ye brethren

were called for freedom, only use not your freedom for an occasion to the flesh but through love, be servants to one another for the whole law is fulfilled in one word even in this, thou shall love they neighbor as yourself.”

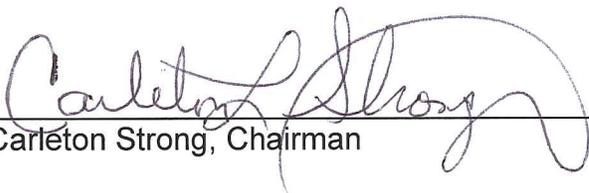
## **XXI. ADJOURNMENT**

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:** *John Damon* made the motion to adjourn. *Randy Fassett* seconded the motion and it was approved unanimously. The meeting was adjourned at 9:07 PM.

Charlotte County  
Construction Industry Licensing Board  
Minutes of July 11, 2013

Read and approved by:

  
Carleton Strong, Chairman

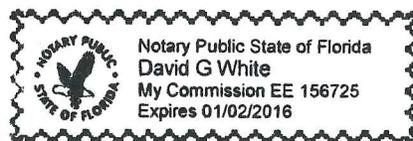
Date: September 5, 2013

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 5th day of September, 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 July 11, 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