

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

September 5, 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
Stephen Gardiner
John Herston
Erik Howard
Carleton Strong
Glenn Siegel, Board Attorney**

Members Excused: Michael Douglass, Randy Fassett

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: None

- IV. AGENDA CHANGES – Erin Mullen-Travis, Certified Code Compliance Officer, Licensing Manager informed the board of the following changes:**
 - A. James D Davis Continued till March 6, 2014**
 - B. Robert E. Johnson Continued till March 6, 2014**
- V. NEXT MEETING DATE: October 3, 2013, at 6:00 p.m.**

VI. SWEARING IN OF ALL THOSE GIVING TESTIMONY

VII. QUASI-JUDICIAL HEARING

VIII. APPROVAL OF MINUTES: July 11, 2013, August 1, 2013 meeting cancelled

MOTION: *John Herston* 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 \$10.00 for the cost of recording the lien.**

A. Payton R. Read III - Citation # 3562; 510.00 Aaron Schulze

Mr. Read was present and made a statement to the board.

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

X. CONTESTING CITATION: None

XI. WAIVER OF TESTING:

A. Kevin D. Jansch Aaron Schulze
AAA-13-00070

Mr. Jansch has requested a hearing for waiver of testing. *Aaron Schulze* Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Jansch was present to give testimony to the board.

MOTION: *Thomas Burns* motioned to approve the request to waive the requirement for testing. *John Herston* seconded and the motion was approved with *Erik Howard* opposing.

XII. OLD BUSINESS:

A. Dominique S. Jean
d/b/a Sunshine Construction & Plastering, Inc.
State Certified Residential Contractor
License No. CRC056954
Case No. CIL-13-00410

Aaron Schulze

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. **(2 Counts)**

CHARGE 2: 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. **(2 Counts)**

CHARGE 3: Florida Statutes Chapter 489.129 (1)(m) – Committing incompetency or misconduct in the practice of contracting. **(2 Counts)**

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. **(2 Counts)**

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

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

MOTION: Thomas Burns made the motion that the new permitting privileges of **Dominique S. Jean** be revoked and requires of **Dominique S. Jean** to obtain final inspections on ALL outstanding permits within 6 months or in accordance with the Florida Building Code.

It is also recommended that this Board send a copy of the orders along with a follow up report to the FCILB with the recommendation that **Dominique S. Jean** be required to final ALL permits in Charlotte County and place the State Certified Residential Contractor's license of **Dominique S. Jean** on probation, suspension, or revocation.

John Herston seconded the motion and it was approved unanimously.

XIII. DISCIPLINE CASES:

- A. Vladimir V. Dudenkov**
d/b/a Ocean Quality Roofing, Inc.
State Certified Roofing Contractor
License No. CCC1327991
Case No. CIL-12-00532

Ira Bender

CHARGE 1: Florida Statute 489.129 (1)(j) Failing in any material respect to comply with the provisions of this part or violating a rule or lawful order of the board Failing to obtain inspection including but not limited to final inspection. **(1 Count)**

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

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. **(1 Count)**

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

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

MOTION: Erik Howard made the motion that **Vladimir V. Dudenkov'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 the Florida Construction Industry Licensing Board with a recommendation that the FCIL Board order **Vladimir V. Dudenkov** to renew the permit and obtain final inspection and that **Vladimir V. Dudenkov's** State Contractor's license also be placed on probation, suspended or revoked. **John Herston** seconded the motion and it was approved unanimously.

B. Frank Koller
f/k/a Koller Aluminum & Screening, Inc.
Local Aluminum Concrete Contractor
License No. AAA008021
Case No. CIL-12-00568

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. Koller** was not present to give testimony to the board.

MOTION: Stephen Gardiner made the motion that **Frank Koller's** Certificate of Competency in Charlotte County be Revoked.

Charlotte County Code 3-2-44 states the board is granted authority to impose fines, restitution, and costs against the contractor. In lieu of this, it is ordered that **Mr. Koller** be fined \$200.00 per count for 10 separate counts of violation of Charlotte County Code 3-2-47 (b) (20) for a total of \$2,000.00, in accordance with the guidelines set forth in Charlotte County Code 3-2-44 (c). **Thomas Burns** seconded the motion and it was approved unanimously.

C. **Ronald Ollerenshaw**
d/b/a A+ Garage Doors, Inc.
Local Door, Window, Garage Door Contractor
License No. AAA0010727
Case No. CIL-12-00449

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 **(4 Counts)**

CHARGE 2: Florida Statute 489.129 (1)(m) Committing incompetency or misconduct in the practice of contracting. **(4 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 **(4 Counts)**

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

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

MOTION: Erik Howard made that **Ronald Ollerenshaw's** Certificate of Competency in Charlotte County be Revoked.

Charlotte County Code 3-2-44 states the board is granted authority to impose fines, restitution, and costs against the contractor. In lieu of this, it is ordered that Mr. Ollerenshaw be fined \$200.00 per count for 6 separate counts of violation of Charlotte County Code 3-2-47 (b) (20) for a total of \$1200.00, in accordance with the guidelines set forth in Charlotte County Code 3-2-44 (c). **Stephen Gardiner** seconded the motion and it was approved unanimously.

D. Robert Votta
d/b/a R. Votta Construction
State Certified Residential Contractor
License No. CRC058299
Case No. CIL-12-00381B

Aaron Schultz

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 **(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)**

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

MOTION: Erik Howard made the motion that **Robert Votta's** permitting privileges and the right to work as a contractor in Charlotte County be **REVOKED**.

It is also ordered that this case along with a copy of the Board's order be sent to the FCILB with the recommendation that **Robert Votta** be required to final ALL permits in

Charlotte County. It is further recommended that the FCILB discipline the license of **Mr. Votta** by placing on probation, suspension, or revocation. **Thomas Burns** seconded the motion and it was approved unanimously.

XIV. CITIZEN INPUT – None

XIV. REPORT FROM THE LICENSING DIVISION MANAGER- Erin Mullen-Travis: we have issued 159 citations so far this year and 9 under the new amount since it was passed last month now \$1000. Erin discussed some administrative procedural issues with DBPR indicating a slowdown of cases for November and December but has now been corrected. Erin stated that she would work with Josh Moye the County Assistant Attorney to revise the local code and would provide the board with a copy next month. Chairman Strong asked about continuances, procedures for issuing them and how many are given to a contractor. A long discussion ensued and the board has said that a contractor will only be allowed a continuance with a documented medical reason. The board also has decided also that if a permit is expired and a contractor does not renew and finalize the permit they will be required to appear even if they have renewed the permit. At that point the new permitting privileges could be suspended until all cited permits are finalized. Erin also stated that there was an opening on the board for the Consumer Affairs position and encouraged qualified candidates to apply.

XV. REPORT FROM THE BUILDING OFFICIAL- James Evetts –

XVI. REPORT FROM THE ASSISTANT COUNTY ATTORNEY- None

XVII. BOARD ATTORNEY COMMENTS- None

XVIII. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS- **William Ambrose** former Chairman, Vice-Chairman and member of the Construction Industry Licensing Board for eight years, was called out of the audience and awarded a plaque, certificate and heartfelt thanks from the board members and staff of Charlotte County. Chairman Strong asked for a volunteer to fill the remaining term as Vice-Chairman left by William Ambrose on his departure. Thomas Burns volunteered to accept the position, the board voted on the volunteer and the board unanimously approved him Vice-Chairman.

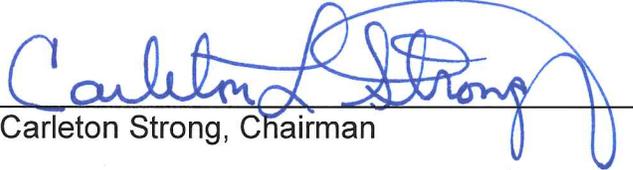
XIX. ADJOURNMENT

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 7:45 PM.

Charlotte County
Construction Industry Licensing Board
Minutes of September 5, 2013

Read and approved by:


Carleton Strong, Chairman

Date: ~~September 5,~~ ^{OCTOBER 3} 2013

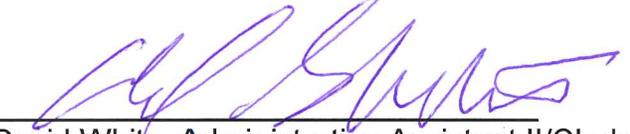
STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this ~~5th~~ ^{3RD} day of ~~September~~ ^{OCTOBER}, 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 ~~September 5,~~ ^{OCTOBER 3} 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