

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

October 3, 2013

- I. CALL TO ORDER by Carleton Strong at 6:00 PM.**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL: Randy Fassett resigned from the board via e-mail to the clerk effective October 3, 2013 at 12:29 p.m.**

Members Present:

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

Members Excused: Thomas Burns

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
Jim Evetts, Building Official
Joshua Moye, Assistant County Attorney
David White, Clerk**

Staff Excused:

**Ira Bender, Certified Code Compliance Officer, Licensing Investigator
Terri Barnett, Certified Code Compliance Officer, Licensing Investigator**

- IV. AGENDA CHANGES – Erin Mullen-Travis, Certified Code Compliance Officer, Licensing Manager informed the board of the following changes:**
 - A. Jan J. Musil Citation # 3394 dismissed**
 - B. Jan J. Musil Citation # 3402 Continued till November 7, 2013**
 - C. Lane Warzybok Citation # 3586 Continued till November 7, 2013**

- V. **NEXT MEETING DATE:** November 7, 2013, at 6:00 p.m.
- VI. **SWEARING IN OF ALL THOSE GIVING TESTIMONY**
- VII. **QUASI-JUDICIAL HEARING**
- VIII. **APPROVAL OF MINUTES:** September 5, 2013

MOTION: *John Herston* motioned to approve the minutes. *Stephen Gardiner* 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.: None**

X. **CONTESTING CITATION:**

Jan J. Musil - Citation # 3386; 510.00, 3391; 510.00, 3395; 510.00, 3396; 510.00, 3398; 510.00
Lorraine Lundblad

Mr. Musil has requested to contest Citation # 3386, 3391, 3395, 3396 and 3398. **Lorraine Lundblad** Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Musil** was present to give testimony to the board and was represented by his attorney Derek Rooney who presented his clients case.

MOTION: *Erik Howard* motioned to uphold Citation # 3386, 3391, 3395, 3396 and 3398. *Michael Douglass* seconded and the motion was approved unanimously.

XI. **REAPPEARANCE:**

A. **Ryan Herman**
d/b/a Service Star Enterprise, Inc.
CAC1816260

Erin Mullen-Travis

Mr. Ryan has requested to reappear to review Case CIL-12-00576 which was conducted on May 2, 2013 and to give the board an update on the status of the permits. **Erin Mullen-Travis, Licensing Manager**, Certified Code Compliance Officer, provided statements to the board. **Mr. Herman** provided statement to the board. The **Board** accepted Mr. Herman's statements into the record.

XII. REINSTATEMENT:

A. Timothy Baldwin

**d/b/a T. Baldwin Environmental Services & Construction, Inc.
CGC049747**

Erin Mullen-Travis

Mr. Baldwin has requested to have his temporary permitting privileges restored. **Erin Mullen-Travis** Licensing Manager, Certified Code Compliance Officer, provided testimony as stated in the investigative report. **Mr. Baldwin** was present to give testimony to the board.

MOTION: Erik Howard motioned to reinstate temporary permitting privileges Of **Mr. Baldwin** for the sole purpose of closing and obtaining final inspections on five open permits and that **Mr. Baldwin** reappear before the board at the next scheduled board meeting to update the board of the status of the open permits. It is also ordered that **Mr. Baldwin** obtain final inspections on these permits within 6 months and that he reappear before this board to request that his permitting privileges and right to work in Charlotte County be restored. **John Damon** seconded and the motion was approved unanimously.

XIII. OLD BUSINESS:

A. Steve R. Balcomb

**d/b/a Cool Concepts Heating and Cooling, Inc.
State Certified Air Conditioning Contractor
License No. CAC1815623
Case No. CIL-12-00300**

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. **(1 Count)**

CHARGE 2: Florida Statutes Chapter 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)**

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

MOTION: Erik Howard made the motion that the new permitting privileges of **Steve Balcomb** be suspended and that the permits listed in the notice and any other outstanding permits not listed in the notice be renewed within 30 days. Per the Florida Building Code **Steve Balcomb** must obtain final inspections of all outstanding permits within 6 months or in accordance with the Florida Building Code.

If **Steve Balcomb** does obtain the required final inspections within the allocated time frame after the permits were renewed, **Steve Balcomb's** new permitting privileges will be restored without the necessity of reappearing before this Board.

And if **Steve Balcomb** fails to comply with the boards order within the allocated period of time and allows any of the renewed permits to expire again, **Steve Balcomb's** permitting privileges and the right to work as a contractor in Charlotte County will be **REVOKED** without requiring **Steve Balcomb** to reappear before this Board.

It is further ordered that a case along with a copy of this Board's order be sent to the Department of Business and Professional Regulation with the recommendation that the FCILB order **Steve Balcomb** to renew the required permits as listed in the notice and obtain final inspections on all permits he has obtained in Charlotte County and that the FCILB discipline the license of **Steve Balcomb** by suspension, revocation, or by placing on probation.

If **Steve Balcomb** fails to comply with the requirements in the Boards order it is ordered that this Board send a copy of the Boards order along with a follow up report to the state FCILB with the recommendation that the State Certified Air Conditioning Contractor's license of Steve Balcomb be **REVOKED**. **John Damon** seconded the motion and it was approved unanimously.

XIV. DISCIPLINE CASES:

A. Anthony E. Cardiello
d/b/a Innovative Construction of Naples, Inc.
State Certified General Contractor
License No. CGC031533
Case No. CIL-13-00365A

Aaron Schulze

CHARGE 1: Florida Statute 489.129 (1)(d) Performing any act which assists a

person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if the certificate holder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered. **(3 Counts)**

CHARGE 2: Florida Statute 489.129 (1)(e) Knowingly combining or conspiring with a uncertified or unregistered person by allowing his or her certificate or registration to be used by the uncertified or unregistered person with intent to evade the provisions of this part. When a certificate holder or registrant allows his or her certificate or registration to be used by one or more business organizations without having any active participation in the operations, management, or control of such business organizations, such act constitutes prima facie evidence of and intent to evade the provisions of this part. **(3 Counts)**

CHARGE 3: Florida Statute 489.129 (1)(e) Knowingly combining or conspiring with a uncertified or unregistered person by allowing his or her certificate or registration to be used by the uncertified or unregistered person with intent to evade the provisions of this part. When a certificate holder or registrant allows his or her certificate or registration to be used by one or more business organizations without having any active participation in the operations, management, or control of such business organizations, such act constitutes prima facie evidence of and intent to evade the provisions of this part. **(2 Counts)**

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

Aaron Schulz Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Cardiello** was not present but was represented by his attorney **Robert Segur** who was present to give testimony to the board. A consent order signed by the respondent, the Licensing Manager and the County Attorney was presented to the board for their approval. Some discussion ensued.

MOTION: *Erik Howard* made the motion that the board accepts the consent agreement as written. *John Herston* seconded the motion and it was approved unanimously.

B. Ryan Herman
d/b/a Service Star Enterprise, Inc.
State Certified Air Conditioning Contractor
License No. CAC1816260
Case No. CIL-13-00411A

Erin Mullen-Travis

CHARGE 1: Florida Building Code 105.1, adopted by **Charlotte County Code 3-2-23**: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas,

mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit **(2 Counts)**.

IN THAT YOU: Violated **Florida Building Code Chapter 1, Section 105.1, adopted by Charlotte County Code 3-2-23, and Charlotte County Building Code 3-2-27(a)**, by failing to obtain Charlotte County Building Permits prior to commencing work at:

COUNT 1: Installed an AC system at 1587 Sharpe St., Port Charlotte without first obtaining the required Building Department permit. The permit application was submitted on March 21, 2013 and was rejected in Plans on March 23, 2013. A site inspection confirmed the unit was installed prior to the permit being obtained. This permit was not issued until July 25, 2013.

COUNT 2: Installed a 2 ½ ton 13 SEER unit at 23168 Nancy Ave., Port Charlotte on or about July 18, 2013, without first applying for and obtaining the required Building Department permit and while your permit privileges were revoked in Charlotte County.

CHARGE 2: Florida Building Codes 109.3 and 109.5, adopted by Charlotte County Code 3-2-23: The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. Additionally, it shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code **(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 inspections including but not limited to final inspection **(8 counts)**.

IN THAT YOU: Willfully violated **Florida Building Code Chapter 1, Sections 109.3 and 109.5, adopted by Charlotte County Code 3-2-23, and Charlotte County Code 3-2-47(b)(20)**, by obtaining the permits as shown below and failing to obtain inspections including but not limited to final inspections which resulted in the permits expiring. A job is not considered to be completed until the final inspection is approved by the Building Department under Florida Building Code 109.3 – Required Inspections.

Count 1: 13276 Darnell Ave. Permit 20121212496- Failed 4/5/2013 need 25 amp breaker on condenser. Need permit, a.h.r.i. duct seal load calc. Need manual installation book on air handler; 5/14/2013-rejected no one home; 6/6/2013-rejected need to repair ceiling in front of air handler. Need to mechanically attach plenum to air handler. Cut off all thread and use duct tape to hold rubber tape on hanging bar. Need to show correct cost of complete job on permit. Need notice of commencement. 6/10/2013-rejected- need manufactures installation book on air handler. Check on hanging a/h

Count 2: 1067 Harbour Wood Dr. Permit 20121214589- Failed 12/17/2012 load calculations for 4 1/2 ton. Cover ends of all thread and hanging bar with armaflex. Need to seal all penetrations in ceiling. Need to replace plenum on right cannot be repaired. Hanging bar in attic is restricting flex. Seal all tape on plenum on left. need to show correct price of job on permit and notice of commencement. 5/14/2013-corrections not completed; 5/29/2013-no one home @ 8:40; 6/6/2013-need to repair ceiling in front of air handler. Need to mechanically attach plenum to air handler. Cut off all thread and use duct tape to hold rubber tape on hanging bar. Need to show correct cost of complete job on permit. Need notice of commencement

Count 3: 14411 Claggett Ave. Permit 20121214451- Failed 12/17/2012-need to seal around both plenums at ceiling. Seal all penetrations in ceiling. Plenums leaking. Ground wire not connected in disconnect at a/h. Seal around condensate drains and a/c lines at unit. Need 35 amp on condenser. Need to do complete load calculations on home with correct information and submit to building dept. for review; 1/30/2013-Failed No one home 5/15/2013- supply plenum leaking; 5/20-rejected-supply plenum still leaking; 5/29/2013-rejected foam behind and in unit to fix leak. 6/21/2013-owner daughter called in, service tech there on June 19, 2013 while permit was in expired status. Technician cut electrical wiring while using saw disrupting power to various parts of residence.

Count 4: 1062 Veronica St. Permit 20121214891-Failed 5/13/2013-no one home; failed 5/28/2013 no one home.

Count 5: 3497 Syracuse St. Permit 20121214909-Failed- 5/13/2013-cut off all thread at hanging bar. cover ends of hanging bar with armaflex Very sharp. Seal around condensate at air handler. Tape loose on plenum; 5/29/2013-rejected-need to use tape to hold rubber on bar ends. Need to seal around condensate drain at unit. Rubber tape not sealing opening.

Count 6: 5501 Papaya Dr. Permit 20121215117-5/13/2013-failed, no one home.

Count 7: 2281 Montpelier Rd. Permit 20130100166- failed 1/31/2013 seal around u v light tape is loose. seal gap over top of filter door. Need all paper work. 5/31/2013-rejected corrections not completed----duct still leaking.

Count 8: 20352 Tappan Zee Dr. 20130101168- Failed 2/19/2013-Need to mark heat strip used on label; Need duct seal paper; check correct breaker. 5/13/2013-Failed-Marked wrong heat strip on label, check correct breaker, put viewport for ultra violet light in cabinet; 7/8/2013-Failed- Same rejections as February rejection.

MOTION: *Erik Howard* made the motion that the permitting privileges and the right to work in Charlotte County of **Ryan Herman** be **REVOKED**.

It is also ordered that a case along with a copy of this board's order be sent to the Department of Business and Professional Regulation with the following recommendation: that the FCILB order **Ryan Herman** to retain the services of a licensed contractor to assume all permits that are expired and/or have not obtained final inspections that were issued to Mr. Herman under license number CAC1816260; To order Ryan Herman to cease performing work without the required permits being issued as required by Florida Statue and Florida Building Code; and that the FCILB discipline the license of Ryan Herman by suspension or revocation. *John Damon* seconded the motion and it was approved unanimously.

XV. CITIZEN INPUT – Vernon Remreck addressed the board regarding reinstatement of his Registered General Contractor License in Charlotte County. He stated that he was told by Charlotte County that he could not renew his license due to a \$50 fee that he did not pay when he put his contractor's license in an inactive status in 2009. That fee has grown to \$1500 due to state statues and the accrual of fees on inactive licenses. After Erik Howard asked him how the fees got to that high amount, Erin Mullen-Travis stated that she would be glad to explain how the fees escalated. She stated that he was a general contractor and his license cost \$300 a year. He got his license in 2007, he maintained it until 2009, and he never placed his license on inactive. He placed his state registration on inactive, so he knew that he had to do that but he never placed ours on inactive. In the codes 3-22, it talks about certificates of competency, and they shall expire carrying the following penalties in addition to renewal fees. Prior to 30 days it is 10%, after the initial 30 days it goes up to 25%, a 50% penalty is incurred after the third 30 days and a penalty of 100% shall be added to the renewal after 90 days after expiration of the certificate. In addition the building board may require an re-examination; although Charlotte County does not require it only after 5 years but the code states that the board can require it after 90 days. So because he didn't renew his license after 30 days the fee goes to \$600. That includes from 2009 – 2011. He failed to renew from 2011 to 2013, which is another \$600 fee and now he is in a brand new licensing cycle in his fifth year, so that he has got to pay that \$300 for the license. If he does not renew by September of next year he is going to be required to test.

XIV. REPORT FROM THE LICENSING DIVISION MANAGER- Erin Mullen-Travis:

XVI. REPORT FROM THE BUILDING OFFICIAL- James Evetts –

XVII. REPORT FROM THE ASSISTANT COUNTY ATTORNEY- None

XVIII. BOARD ATTORNEY COMMENTS- None

XIX. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS-

XX. 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: *Carleton Strong* made the motion to adjourn. *John Damon* seconded the motion and it was approved unanimously. The meeting was adjourned at 9:20 PM.

Charlotte County
Construction Industry Licensing Board
Minutes of October 3, 2013

Read and approved by:

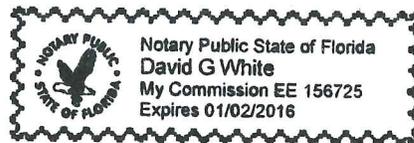

Carleton Strong, Chairman

Date: December 5, 2013

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 5th day of December, 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 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