

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

November 7, 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
Stephen Gardiner
John Herston
Erik Howard
Carleton Strong
Glenn Siegel, Board Attorney

Members Excused: None

Member Absent: None

Staff Present:

Erin Mullen-Travis, Certified Code Compliance Officer, Licensing Manager
Lorraine Lundblad, 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:

Ira Bender, Certified Code Compliance Officer, Licensing Investigator
Aaron Schulze, 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: None
- V. NEXT MEETING DATE: December 5, 2013, at 6:00 p.m.
- VI. SWEARING IN OF ALL THOSE GIVING TESTIMONY
- VII. QUASI-JUDICIAL HEARING

VIII. APPROVAL OF MINUTES:

- A. October 3, 2013 Erik Howard notated that the last line of the minutes was incomplete as to who made the motion and who seconded the motion and the time of adjournment. The approval was tabled to correct the minutes to be presented December 5, 2013.

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. Sheldon Jernigan - Citation # 2611; 510.00

Lorraine Lundblad

MOTION: *Thomas Burns* motioned to accept the consent agenda. *John Herston* seconded and the consent agenda was accepted unanimously.

X. CONTESTING CITATION:

I. Lane Warzybok - Citation # 3586; 510.00

Terry Barnett

Mr. Warzybok has requested to contest Citation # 3586. *Terry Barnett* Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Warzybok** was present to give testimony to the board.

MOTION: *John Herston* motioned to uphold Citation # 3586 and to increase the fine to **\$1,000.00**. *Michael Douglas* seconded, Thomas Burns opposed and the motion was approved by a 6 to 1 vote.

XI. TEMPORARY PERMITTING:

**A. Ronald Ollerenshaw
d/b/a A+ Garage Doors, Inc.
AAA0010727**

Lorraine Lundblad

Mr. Ollerenshaw has requested a hearing to request temporary reinstatement of his Certificate of Competency, permitting privileges and the right to work in Charlotte County and to renew to renew expired permits to obtain a final inspection.

MOTION: *Thomas Burns* motioned to reinstate the Certificate of Competency for Door, Window, Garage Door and permitting privileges Of **Mr. Ollerenshaw** temporarily for the sole purpose of renewing the expired permits as cited in CIL-12-00449A. Once the permits have received the required final inspections, **Mr. Ollerenshaw** shall be required to appear again before the CILB to request permanent reinstatement of his permitting privileges'. In addition **Mr. Ollerenshaw** shall be required to pay fines in the amount of \$1200.00. *Stephen Gardiner* seconded and the motion was approved unanimously.

XII. DISCIPLINE CASES:

A. **Mark Hack**
d/b/a Osprey Air Conditioning, Inc.
State Certified Air Conditioning Contractor
License No. CAC043863
Case No. CIL-13-00396

Terri Barnett

CHARGE 1: Florida Building Code 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. **(3 Counts)**

CHARGE 2: 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. **(3 Counts)**

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

Terri Barnett Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Hack** was present to give testimony to the board.

MOTION: Thomas Burns made the motion that the board that the new permitting privileges of **Mark Hack** be suspended and that the permits listed in the notice be renewed within 30 days. Per the Florida Building Code **Mark Hack** must obtain final inspections of all outstanding permits within 6 months or in accordance with the Florida Building Code.

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

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

It is further recommended 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 **Mark Hack** 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 **Mark Hack** by suspension, revocation, or by placing on probation.

If **Mark Hack** fails to comply with the requirements in the Boards order it is the recommendation 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 **Mark Hack** be revoked. **Michael Douglass** seconded the motion and it was approved unanimously.

A. Hiram Gonzalez
d/b/a Advanced Construction Services Group, Inc.
State Certified General Contractor
License No. CGC001773
Case No. CIL-12-00446B

Terri Barnett

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)**

Terri Barnett Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Gonzalez** was present to give testimony to the board.

MOTION: Thomas Burns made the motion that **Hiram Gonzalez's** permitting privileges and the right to work as a contractor in Charlotte County be revoked. It is further recommended 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 **Hiram Gonzalez** to renew the expired permits and obtain final inspections on all permits obtained in Charlotte County and that the FCILB discipline the license of **Hiram Gonzalez** by suspension or revocation. **John Herston** seconded the motion and it was approved unanimously.

XIII. CITIZEN INPUT –Ted Cruise addressed the board on the subject of license for Concrete, Masonry and if that license will allow him to plaster pools. Erin Mullen-Travis presented a proposal by Mr. Cruise's company that quoted items that can only be done by a licensed Pool Contractor. A long discussion ensued about what Mr. Cruise

could do and what he felt he should be able to do as a concrete contractor. **Colin McTeague** addressed Florida statute 489 which covers the licensing of Pool Contractors. **John Fulton** stated that Mr. Cruise could take the State Certified Sub-Contractor by taking the proctored test, get his insurance and be approved by the state. **Brian Martin** stated that the reason there is a license for plastering pools is that with the chemistry involved, plastering a pool is a world of difference from applying stucco to a wall and the people working around pools need to have the education to do it. Brandon Popel said that he felt that the rules about pools are there for a reason and you need the license and knowledge to be able to do the modifications.

XIV. REPORT FROM THE LICENSING DIVISION MANAGER- Erin Mullen-Travis: stated that the topic on the agenda of change of County Codes was due to DBPR disallowing the use of Florida Statutes to cite, so we turned them into Charlotte County Codes. Major changes are to clarify the code for pools as we discussed earlier along with all the testing requirements for the different licenses.

XIV. REPORT FROM THE BUILDING OFFICIAL- James Evetts – None

XV. REPORT FROM THE ASSISTANT COUNTY ATTORNEY- None

XVI. BOARD ATTORNEY COMMENTS- None

XVII. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS- None

XVIII. 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 7:20 PM.

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

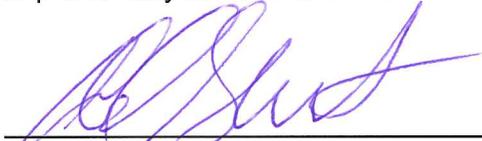
Read and approved by:


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 November 7, 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