

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

December 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 Douglas

Member Absent: None

Staff Present:

**Erin Mullen-Travis, Certified Code Compliance Officer, Licensing Manager
Lorraine Lundblad, Certified Code Compliance Officer, Licensing Investigator
Ira Bender, 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:

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. Brian M. Marshall Continued to Jan 2014
 - B. Joshua Massing Continued to July 2014
 - C. Theodore Steele Dismissed 12-5-13
- V. **NEXT MEETING DATE:** January 9, 2014, at 6:00 p.m.
- VI. **SWEARING IN OF ALL THOSE GIVING TESTIMONY**
- VII. **QUASI-JUDICIAL HEARING**

VIII. APPROVAL OF MINUTES:

A. Erik Howard notated on the October 3, 2013 minutes, 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.

MOTION: *Erik Howard* motioned to accept the October 3, 2013 minutes. *Thomas Burns* seconded and the minutes were accepted unanimously.

B. November 7, 2013 minutes

MOTION: *Erik Howard* motioned to accept the November 7, 2013 minutes. *Carleton Strong* seconded and the minutes were accepted 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:

A. Kevin Brightman – Citation # 3820; 1,000.00

Ira Bender

Mr. Brightman has requested to contest Citation # 3820. *Ira Bender* Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Brightman** was present to give testimony to the board.

MOTION: *Carleton Strong* motioned to uphold Citation # 3820. *Thomas Burns* seconded, and the citation was upheld and accepted by a vote of 5 to one with John Damon opposed.

XI. TEMPORARY PERMITTING:

A. Dominique S. Jean
d/b/a Sunshine Construction and Plastering, Inc.
CRC056954

Aaron Schulze

Mr. Jean has requested a hearing to request temporary reinstatement of his permitting privileges and the right to work in Charlotte County. *Aaron Schulze* 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* motioned that that the permitting privileges and right to work as a contractor in Charlotte County for Dominique S. Jean be temporarily reinstated for the sole purpose of obtaining final inspections on the (2) outstanding permits within six (6) months.

If Mr. Jean obtains final inspections within six (6) months, it is ordered that he reappear before this Board to have new permitting privileges and right to work in Charlotte County be reinstated.

It is also ordered that **Mr. Jean** be placed on probation for no less than three (3) years, and; that Mr. Jean is required to attend the February 2014 board meeting to give an update to the board. If **Mr. Jean** fails to comply with the Board's orders or is found in violation of any Charlotte County Code, Florida Statute or Florida Building Code during his probationary period, the following recommendation will be requested by the Licensing Division; the permitting privileges and right to work as a contractor in Charlotte County be permanently revoked without requiring **Mr. Jean** to reappear before this Board and this board will send a copy of the orders to the FCILB along with a follow up report with the recommendation that **Mr. Jean's** state Certified Residential Contractor's license be revoked. **Carleton Strong** seconded and the motion was approved unanimously.

XII. DISCIPLINE CASES:

A. **Ronald Imes**
d/b/a R&L Building Construction, Inc.
State Certified Building Contractor
License No. CBC1245660
Case No. CIL-12-00456A

Lorraine Lundblad

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. **(2 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. **(2 Counts)**

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

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

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

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

And if **Ronald Imes** fails to comply with the boards order within the allocated period of time and allows any of the renewed permits to expire again, **Ronald Imes'** permitting privileges and the right to work as a contractor in Charlotte County will be REVOKED without requiring **Ronald Imes** 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 **Ronald Imes** 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 **Ronald Imes** by suspension, revocation, or by placing on probation.

If **Ronald Imes** 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 Building Contractor's license of **Ronald Imes** be revoked. **Carleton Strong** seconded the motion and it was approved unanimously.

B. Carl J. Walker
d/b/a All American Air and Electric
State Certified Air Conditioning Contractor
License No. CAC057222
Case No. CIL-13-00431

Ira Bender

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. **(5 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. **(5 Counts)**

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

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

MOTION: Stephen Gardiner made the motion that **CARL J. WALKER'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 **CARL J. WALKER** be ordered by the FCILB to renew the expired permits and obtain final inspections. In addition, it is recommended that **CARL J. WALKER'S** State Contractor's license be suspended or revoked. *John Herston* seconded the motion and it was approved unanimously.

XIII. ADOPTION OF CODE – The Chairman called for a motion to approve or disapprove the recommendation of the Construction Industry Licensing Board to the Board of County Commissioners; the changes to the Charlotte County Code as provided by mail and discussed last meeting. A long discussion ensued about various aspects of the code.

MOTION: Carleton Strong made the motion that the board accept the staff's recommendations of the changes to the code *Thomas Burns* seconded the motion and it was approved unanimously.

XIV. ELECTION OF OFFICERS – The Chairman called for nominations for the office of Chairman for the 2014 year.

MOTION: *John Herston* made the motion that *Erik Howard* be nominated to be Chairman. *John Damon* seconded the motion and it was approved with a vote of four to two with Carlton Strong and Thomas Burns opposing.

XVI. The Chairman called for nominations for the office of Vice-Chairman for the 2014 year.

MOTION: *John Herston* made the motion that Stephen Gardiner be nominated to be Vice-Chairman. *Thomas Burns* seconded the motion and it was approved unanimously.

XVII. **CITIZEN INPUT** – Bubba Howard wished the board a Merry Christmas and a Happy New Year.

XVIII. **REPORT FROM THE LICENSING DIVISION MANAGER- Erin Mullen-Travis:**
Welcomed Gainesville Independent Testing onboard as a partner and discussed the next day access to testing and a retesting option, verses waiting for three months or having to travel long distances. They have also signed a contract with Edison University so that now applicants can just go to Punta Gorda to take the test.

XIX. **REPORT FROM THE BUILDING OFFICIAL- James Evetts** – Stated that he thought that once the public hearing was closed that the board could ask staff questions without opening the public hearing. Glenn Siegel advised that if you do that you stand a chance of someone talking about an evidentiary item and would prefer that the board continue the way it has in the past to preclude that from happening. Carleton Strong stated that in the last meeting a lawyer stated that we could not cite his client as an unlicensed contractor when he is not a contractor. Joshua Moye responded that it was unlicensed contracting and the definition of contracting is something that you need a license for.

XX. **REPORT FROM THE ASSISTANT COUNTY ATTORNEY- Joshua Moye - None**

XXI. **BOARD ATTORNEY COMMENTS- Glenn Siegel-** Wished everyone a happy holiday season.

XXII. **REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS-**
John Herston commended, Erin Mullen-Travis, James Evetts and their staff. Carleton Strong asked staff if they were happy with the way things are going. Erin Mullen-Travis stated that there is more unlicensed contracting than after Charley. Carleton Strong asked the staff to please suggest to the board any suggestions to make the system better in the future.

XXIII. **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. *Thomas Burns* seconded the motion and it was approved unanimously. The meeting was adjourned at 7:33 PM.

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

Read and approved by:



Erik Howard, Chairman

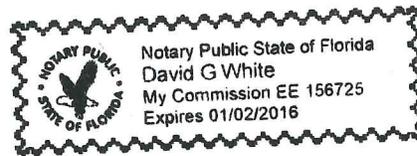
Date: January 9, 2014

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 9th day of January, 2014 by Erik Howard 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 ^{DECEMBER 5, 2013} ~~January 4, 2014~~ 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