

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

March 6, 2014

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

Members Present:

**Thomas Burns
John Damon
Charles Hackbarth
John Herston
Erik Howard
Glenn Siegel, Board Attorney**

Members Excused:

**Michael Douglass
Stephen Gardiner
Carleton Strong**

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
Terri Barnett, 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: None

- IV. **AGENDA CHANGES – Erin Mullen-Travis, Certified Code Compliance Officer, Licensing Manager** informed the board of the following changes:
 - A. **Joanne Anders Citation 3819 Dismissed March 6, 2014**
 - B. **Alvin D. Bailey, Continued to September 4, 2014**
 - C. **Robert E. Johnson Continued to April 3, 2014**
- V. **NEXT MEETING DATE:** April 3, 2014, at 6:00 p.m.

VI. SWEARING IN OF ALL THOSE GIVING TESTIMONY

VII. QUASI-JUDICIAL HEARING

VIII. APPROVAL OF MINUTES: February 6, 2014

MOTION: *John Herston* motioned to accept the minutes. *Thomas Burns* 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:**

- | | | |
|----|---|---------------|
| A. | Carlos Yoanmis Isaac Cruz – Citation # 2780; 500.00 | Aaron Schulze |
| B. | Alex Garcia- Citation # 3727; 1,000.00 | Terri Barnett |
| C. | Michael S. Lentz- Citation # 3764; 1,000.00 | Terri Barnett |
| D. | James C. Newman-Citation # 3770; 1,000.00 | Terri Barnett |
| E. | Daniel Williams-Citation # 3778; 1,000.00 | Ira Bender |

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

X. CONTESTING CITATION:

- A. Randy Kastor – Citation # 3833 & 3834; 1,000.00 & 1,000.00 Ira Bender

Mr. Kastor has requested to contest Citation # 3833 & 3834. *Ira Bender* Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Kastor was present to give testimony to the board.

MOTION: *Thomas Burns* motioned to dismiss citation # 3833 and uphold Citation # 3834. *Charles Hackbarth* seconded, and the motion was approved with a vote of 4 to 1 with *John Damon* dissenting.

- B. Jorge A Rodrigues Cruz – Citation # 3823; 1000.00 Ira Bender

Mr. Rodrigues Cruz has requested to contest Citation # 3823. *Ira Bender* Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. Mr. Rodrigues was present to give testimony to the board.

MOTION: *Erik Howard* motioned to uphold Citation # 3823. *John Herston* seconded, and the motion was approved unanimously.

I. REINSTATEMENT OF PERMANENT PERMITTING:

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

Aaron Schulze

Mr. Jean has requested permanent reinstatement of his permitting privileges and the right to work in Charlotte County.

MOTION: John Herston motioned to reinstate the permitting privileges and the right to work in Charlotte County.

Additionally **Dominique Jean** is to be placed on probation for no less than five (5) years with the understanding that if **Dominique Jean** violates the Florida Statutes, Florida Building Code or Charlotte County Code regulating the construction industry, he will be brought before the CILB for additional sanctions. **Thomas Burns** seconded, and the motion was approved unanimously.

XI. DISCIPLINE CASES: None

XVI. CITIZEN INPUT – Katherine Howard said that it was spring again and to remember to spring your clocks forward this weekend.

XVII. REPORT FROM THE LICENSING DIVISION MANAGER- Erin Mullen-Travis: stated that we do have code changes coming, that the department has a couple of things to be brought to the board, the code changes, the lien reduction program extension. She stated that her division has written about 50 citations which exceed the amount from the same time last year. She said that unlicensed contracting is very active especially with handy men that believe they can do remodels in excess of \$100,000.00.

XVIII. REPORT FROM THE BUILDING OFFICIAL- James Evetts –. He stated that he agreed with Erin that the unlicensed contracting is growing and becoming a larger problem in the county. He said that we are trying to hire some additional personnel for the Department but it has become hard to hire people because of the salary that we can offer. A long discussion about unlicensed contracting ensued. John Damon asked about law enforcement involvement in unlicensed contracting and a long discussion ensued.

XIX. REPORT FROM THE ASSISTANT COUNTY ATTORNEY- Joshua Moye - None

XX. BOARD ATTORNEY COMMENTS- Glenn Siegel-stated that they have two deputies in Sarasota County dedicated to putting people in jail for unlicensed contracting.

XXI. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS- John Herston stated that an issue came before the Board of County Commissioners to review a ruling that the CILB had ordered. Joshua explained to the board about that particular ongoing litigation matter. Erik Howard asked the board be made aware of any agenda item going before the County Commissioners that could affect this board. Joshua Moye stated the attorney's office could do that.

XXII. 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 *John Herston* seconded the motion and it was approved unanimously. The meeting was adjourned at 7:00 PM.

Charlotte County
Construction Industry Licensing Board
Minutes of March 6, 2014

Read and approved by:



Erik Howard, Chairman

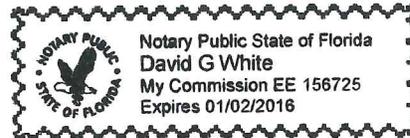
Date: April 3, 2014

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 3rd day of April, 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 March 6, 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