

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

May 1, 2014

I. CALL TO ORDER by Erik Howard at 6:00 PM.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL:

Members Present:

**Pamela Alexander
Thomas Burns
Stephen Gardiner
Charles Hackbarth
John Herston
Erik Howard
Glenn Siegel, Board Attorney**

Members Excused:

**John Damon
Carleton Strong**

Member Absent: Michael Douglass

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
Jim Evetts, Building Official
Pooja Patel, Assistant County Attorney
David White, Clerk**

Staff Excused:

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:

- A. Antonio Ferreira – Citation # 3738; 1,000.00 Paid 5-1-14**
- B. Elessandro Ferreira – Citation # 3735; 1,000.00 Paid 5-1-14**
- C. Michael R. Johnson - Dismissed**

V. NEXT MEETING DATE: June 5, 2014, at 6:00 p.m.

VI. SWEARING IN OF ALL THOSE GIVING TESTIMONY

VII. QUASI-JUDICIAL HEARING

VIII. APPROVAL OF MINUTES: April 3, 2014

MOTION: *John Herston* motioned to accept the minutes with minor spelling changes. *Stephen Gardiner* 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. Ricardo Mendoza – Citation 3736; 1,000.00 | Lorraine Lundblad |
| B. Pedro Morales – Citation 3737; 1,000.00 | Lorraine Lundblad |
| C. Jabier Roblero – Citation # 3739; 1,000.00 | Terri Barnett |
| D. Juvileo Velaquez- Citation # 3870; 1,000.00 | Terri Barnett |

MOTION: *Pamela Alexander* motioned to accept the consent agenda excluding those that were paid. *Thomas Burns* seconded and the consent agenda was accepted unanimously.

X. REINSTATEMENT OF PERMANENT PERMITTING

- | | |
|--|---------------------------|
| A. Robert E. Johnson
d/b/a Charlotte Harbor Homes, Inc.
State Certified Building Contractor
License No. CBC059988 | Erin Mullen-Travis |
|--|---------------------------|

Mr. Johnson has requested a hearing to request permanent reinstatement of his permitting privileges and the right to work in Charlotte County. **Erin Mullen-Travis** Certified Code Compliance Officer, Licensing Manager, provided testimony as stated in the investigative report. **Mr. Johnson** was present to give testimony to the board.

MOTION: *John Herston* motioned that the permitting privileges and right to work in Charlotte County of **Robert E. Johnson** be permanently reinstated. *Charles Hackbarth* seconded and the motion was approved unanimously.

XI. WAIVER OF EXAMINATION

- | | |
|--|-------------------|
| A. Jose N. Davila
d/b/a Tropical Painting, LLC. | Ira Bender |
|--|-------------------|

Mr. Davila has requested a waiver of examination for Painting and Business and Law exams in order to obtain certificate of competency as a Painting Contractor in Charlotte County. *Ira Bender* Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Davila** was present to give testimony to the board.

MOTION: *Stephen Gardiner* motioned to approve the waiver of examination for Painting and Business and Law exams. *Thomas Burns* seconded and the motion was approved unanimously.

XII. DISCIPLINE CASES:

A. **Walter Pereira Jr.**
d/b/a Amazon Pools
f/k/a Amazon Pools, Inc.
State Certified Swimming Pool Contractor
License No. CPC1456681
Case No. CIL-14-00326

Lorraine Lundblad

CHARGE 1: Florida Building Codes 110.3 and 110.5 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 violation 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. It shall be the duty of the holder of the building permit to 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 requires 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. 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)**

Glenn Siegel, CILB Board Attorney announced that he had represented **Mr. Pereira** in the past and stepped down for this case.

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

MOTION: *Thomas Burns* made the motion that Walter Pereira's new permitting privileges and the right to work as a contractor in Charlotte County be suspended and that permits listed in the notice be renewed within 30 days. Per Florida Building Code Walter Pereira must obtain final inspections of all outstanding permits within 6 months or in accordance with the Florida Building Code.

If **Walter Pereira** does obtain the required final inspections within the allocated time frame after the permits were renewed, it's recommended that he be required to reappear before the CILB to have his permitting privileges and the right to work restored.

If **Walter Pereira** fails to comply with the Board's order within the allocated period of time and allows any of the renewed permits to expire again, his permitting privileges and the right to work as a contractor in Charlotte County will be revoked without requiring **Walter Pereira** to reappear before this Board.

It is furthered recommended that this case along with a copy of the Board's order be prepared and sent to the Department of Business and Professional Regulation with the recommendation that FCILB order **Walter Pereira** to renew the expired permits and obtain final inspections on all permits obtained in Charlotte County and that the FCILB discipline the license of **Walter Pereira's** by suspension or revocation.

If **Walter Pereira** fails to comply with the requirements in the Board's order, it is the recommendation that this board send a copy of the Board order along with a follow up report to the state FCILB with the recommendation that the State Certified Building Contractor's license of **Walter Pereira** be revoked. *John Herston* seconded the motion and it was approved unanimously.

B. John Zito
d/b/a Inside Outfitters, Inc.
State Certified General Contractor
License No. CGC059883
Case No. CIL-13-00380

Lorraine Lundblad

CHARGE 1: Florida Building Codes 110.3 and 110.5 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 violation 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. It shall be the duty of the holder of the building permit to 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 requires by this code. **(2 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. **(2 Counts)**

CHARGE 4: 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. Zito** was not present to give testimony to the board.

MOTION: Thomas Burns made the motion that **John Zito'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 the Department of Business and Professional Regulation with the recommendation that FCILB order **John Zito** to renew the expired permits and obtain final inspections on all permits obtained in Charlotte County and that the FCILB discipline the license of **John Zito** by suspension or revocation. **John Herston** seconded the motion and it was approved unanimously.

XIII. LICENSING STAFFING:

Erin Mullen-Travis stated that since the board asked for staffing to be placed on the agenda that Code Enforcement with eleven people and Licensing with six people are both on the same budget even though they are different divisions. Code Enforcement is funded through the general fund. Citations in accordance with Florida code and the statutes uses wording that the funding may go back to the department to fund unlicensed activity and staffing to investigate unlicensed activity. In 2013 we issued approximately 162 citations collecting \$106,000.00 dollars in fines. This year from January 1st through April 30th we have issued 53 citations and collected \$36,000.00 in fines. **Erin** stated that she had four investigators to cover 740 square miles. She stated that she handles all expired permits for the building department in addition to licensing investigations, the licensing examination of contractors, the taxicab ordinance, any other licensing; fortune tellers, medical emergency transport, vacant property registration program, the lien reduction program and the lien release program. Both of these programs, Lien reduction and especially vacant property have provided more than a million dollars in revenue. The money is placed in the general fund which we take from which we use to abate code violations and houses that have to be demolished. **John Herston** asked how many are in code and licensing to which **Erin** replied that she has four in code and one building inspector who handles all unsafe buildings. Code has nine code enforcement officers and two admins and I believe they

are anticipating hiring two more code officers and an admin. **Erin** stated that she does not have any admin staff assigned to licensing. A question was asked about pre-layoff numbers; to which she replied two admin and seven investigators and two building inspectors. **John Herston** asked why **Claire Jubb** had what he was told was eight admins. **Erin** replied that after the reorganization, they took the admins that were assigned to different divisions and put them under **Claire** with the exception of the two in code enforcement. **Erin** said if it were up to her, she would love to have an admin because her investigators have to do all their own paperwork. About 30 percent of their time is in the field and the rest is in the office doing paperwork. She was asked to repeat the numbers from last year and **Erin** said 106,000 and half of those citations were only for \$500.00. **Erik** asked how we were doing on inspections. **Jim Evetts** responded that this morning we had 75 roll overs and we have had anywhere from 75 to 125 for the last two weeks and he stated that he has been on the street doing inspections. He said that we have a new plans examiner that we hired, a rehire who has been on board about 10 days and a new inspector, fully licensed coming on the 1st of June. There is a recommendation going to the board within the next week, from the Building Industry Oversight Committee BIOC to add two customer service specialists for the front, one or two inspectors, one plans examiner and a deputy building official. A discussion ensued on procedures to prioritize which inspections can be closed and can be done without someone being present. He also stated that he is running some inspectors 5 hours per day overtime. **Erik** asked what **Erin's** idea was to get the most bang for their buck such as another admin that was dedicated to your staff. **Erin** stated that if she had her choice, she would like an admin and an investigator, she said that if they bring in 100,000.00 in paid citations, that would cover the cost of these two, but the way the budget goes now we may be funding another division because the money goes into one pot. **Jim** stated that it is a budgeting deal you have to understand the building department is an enterprise fund. All money that comes in from the building department, permits, has to go out and be spent on building. **Erin's** funding from general fund and other places and what she is talking about is the money that has been coming in from those extra charges is something that finance has to look at to determine how we get it back. He stated that he thought they will find that our new director **Mr. Harris** is probably fully supportive of this, it is simply that he has got so much to do right now that things are hard to get done; when you are rewriting the land development, land regulations and the fifty year plan all at one time. He said, I believe that he would support it; but with recommendations from this board I am sure he would push for it. **Erik** stated that his reservation is that, sure you are bring in money to pay salaries, but is there enough to offset the benefits and pension and all those sorts of things. **Erin** stated that she was funded through the general fund and the monies that they bring in from vacant property and lien release programs, when those ordinances were written up, were written up to say that that money also gets put back into the general fund to fund code enforcement and her budget is part of code enforcement. She said that at one point we were pulling a million and a half out of the general fund to fund our department, but since we have these programs vacant property and Lien reduction, they were meant to pay for licensing work. **Jim** stated that we have to be very cautious when we talk about budgets because one of the things that you cannot do is count on any citations that you are going to write and it cannot be included in your budget. **Erik** asked the board is anyone had a motion of a recommendation. **Chuck Hackbarth** said that at this time if Erin could put a recommendation together for the board it would be helpful. **Erin** stated that she would have something for the board for next month. **Tom Burns** asked if one admin would be enough and **Erin** said yes. **Chuck** stated that now he understood better what **Erin**

was asking for and he didn't believe that a staff study was needed to receive a report that says Licensing need more staff. **Erik** said that he didn't like spending money and he wanted to have his duck in a row before he made a recommendation for the commissioners to spend money. **Tom Burns** said he thought **Erik** should spend a day with the investigators to understand what they do.

MOTION: Thomas Burns made the motion that the Board of County Commissioners adds one Administrative Assistant and One licensing Investigator to the staff. **Chuck Hackbarth** seconded the motion. A vote was taken and the motion passed five to one with the dissenting vote from **Erik Howard**.

XIV. CITIZEN INPUT – None

XVI. REPORT FROM THE LICENSING DIVISION MANAGER- Erin Mullen-Travis: None

XVII. REPORT FROM THE BUILDING OFFICIAL- James Evetts – stated to the board that one of their responsibilities was to advise the Building Official as to what he should or shouldn't be doing. He asked them to provide input on whether or not he should be requiring inspections on pump repairs on swimming pools; should he require permits on pump repairs. He stated that it was his opinion that a permit was needed for change out of a piece of pool equipment and asked the board to either back him or tell him to back off. A long discussion ensued and **Erik Howard** stated that this was not on the agenda and wanted to schedule the discussion for next meeting. **John Herston** disagreed. **Erik Howard** asked if **John Herston** wanted to make a motion to adjust the agenda and add an action for discussion of pool replacements.

MOTION: John Herston made the motion to adjust the agenda to add discussion on an action for pool pump replacements with the building official. **Stephen Gardiner** seconded the motion. The motion was approved by a vote of five to one with the dissenting vote coming from **Erik Howard**.

The discussion continued with **James Evetts** stating that as the building official he has the authority to start requiring a permit in the morning but he would like the support of the board. **Stephen Gardiner** asked if a pool supply company could legally sell pumps and if they could install them. **Erin Mullen-Travis** stated that anyone from a pool supply company doing the work would require a license.

MOTION: Stephen Gardiner made the motion that the board allows the building department the latitude to require permits for pool change-outs of all kinds. Motion fails for lack of a second.

MOTION: Erik Howard made the motion that the building official require a permit for pool change-outs of the equipment that change the hydraulics of the plumbing system such as pumps, filter systems and treatment systems associated that would change the velocity in those pipes and the hydraulics related to those pumps and potential electrical issues associated with those change-outs. **Pamela Alexander** seconded the motion with the comment that as a consumers advocate she felt very strongly that this is something that is needed and with her experience with the building department we have always taken the extra step to be protective of our citizens and this is the only way to do that. A vote was taken and the motion passed unanimously.

XVIII. REPORT FROM THE ASSISTANT COUNTY ATTORNEY- Pooja Patel– None

XIX. BOARD ATTORNEY COMMENTS- Glenn Siegel- None

XX. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS-
.Erik said that today was the national day of prayer so Joshua 24:14 “As for me and my house, we will serve the Lord.”

XXI. 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 *Stephen Gardiner* seconded the motion and it was approved unanimously. The meeting was adjourned at 7:34 PM.

Charlotte County
Construction Industry Licensing Board
Minutes of May 1, 2014

Read and approved by:

Erik Howard, Chairman

Date: June 5, 2014

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 5th day of June, 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 May 1, 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.

Sandra Williamson, Administrative Assistant II/Clerk
Construction Industry Licensing Board
Community Development Department
Contractor Licensing Division