

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

December 4, 2014

CALL TO ORDER

Erik Howard called the meeting to order at 6:00 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

Members Present:

Pamela Alexander
Thomas Burns
John Damon
Stephen Gardiner
Charles Hackbarth
Erik Howard
Carleton Strong
Glenn Siegel, Board Attorney

Members Excused:

Michael Douglass

Not Present:

John Herston

Staff Present:

Erin Mullen-Travis, Certified Code Compliance Officer, Licensing Manager
Terri Barnett, Certified Code Compliance Officer, Licensing Investigator
Lorraine Lundblad, Certified Code Compliance Officer, Licensing Investigator
Ben Bailey, Deputy Building Official
Pooja Patel, Assistant County Attorney
Sandra Williamson, Administrative Assistant I
Keith Morgan, Administrative Assistant II

NEXT MEETING DATE

January 8, 2015

APPROVAL OF MINUTES

Carlton Strong moved to approve the minutes of November 6, 2014. The motion was seconded by **Stephen Gardiner** and was passed unanimously, with the following correction:
The motion for adjournment regarding the time.

SWEARING IN OF ALL THOSE GIVING TESTIMONY

Sandra Williamson administered oath to those who gave testimony.

AGENDA CHANGES

Erin Mullen-Travis read into the record the agenda changes.

QUASI-JUDICIAL HEARING

1. Election of Chair and Vice Chair

Chair - **Carlton Strong** nominated *Tom Burns* and *Pam Alexander* nominated *Eric Howard* as Chair. The nomination for *Tom Burns* was carried with the majority votes.

Vice Chair - **Carlton Strong** nominated *Charles Hackbarth* as Vice Chair. The nomination was carried with the majority vote.

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. | Thomas Childers – Citation No. 3904 - \$1,000.00 | Terri Barnett |
| B. | Patrick McCauley – Citation No. 3905 - \$1,000.00 | Terri Barnett |
| C. | Peter Cahill – Citation No. 3954 - \$1,000.00 | Lorraine Lundblad |

MOTION: *Tom Burns* motioned to accept the fine as stated in the Affidavits of Noncompliance. **Carlton Strong** seconded and was passed unanimously.

CONTESTING CITATION

None

REINSTATEMENT

None

LICENSE REVIEW

None

EXMANINATION

None

OLD BUSINESS

None

DISCIPLINE CASES

- | | | |
|----|---|---------------|
| A. | Ronald E. Scribner Jr. - DISMISSED
d/b/a Scribner Construction of South Florida, Inc.
State Certified Residential Contractor
License No. CRC1328423
Case No. CIL-12-00500A | Terri Barnett |
|----|---|---------------|

B. Wayne F. Benner
d/b/a Jem Air Conditioning & More, Inc.
State Certified Mechanical Contractor
License No. CMC1250398
Case No. CIL-14-00474

Lorraine Lundblad

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. **(1 Count)**

Charlotte County Code 3-2-47 (b)(1) Any violation of F.S. section 489.129 or section 489.533, whether by a certified, registered or local contractor. **(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)(13) If a state certified contractor, failing to register with Charlotte County prior to contracting or commencing work in Charlotte County. **(1 Count)**

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

A discussion took place between the Board members about the recommendation of just renewing the expired permits or all outstanding permits. After the discussion the following motion was made.

MOTION: **Tom Burns** made the motion that **Wayne F. Benner's** new permitting privileges and the right to work as a contractor in Charlotte County of be suspended and that the all permits receive final inspections. Per the Florida Building Code **Wayne Benner** must obtain final inspections of all outstanding permits within 6 months or in accordance with the Florida Building Code. If **Wayne Benner** does obtain the required final inspections within the allocated time frame it's recommended that **Wayne Benner** will be required to reappear before the Board to have his permitting privileges and the right to work restored. And if **Wayne Benner** fails to comply with the boards order within the allocated period of time and allows any of the renewed permits to expire, **Wayne Benner's** permitting privileges and the

right to work as a contractor in Charlotte County will be **REVOKED** without requiring **Wayne Benner** to reappear before this Board.

- C. Jeffrey S. Davis - **CONTINUED** Lorraine Lundblad
d/b/a PGA, LLC
Local Aluminum/Concrete Contractor
License No. AAA005762
Case No. CIL-14-00325
- D. Morgan W. Randolph - **DISMISSED** Lorraine Lundblad
d/b/a Morgan Randolph, Inc.
State Certified Building Contractor
License No. CBCA09038
Case No. CIL-14-00346
- E. Klinton H. Keesling - **DISMISSED** Lorraine Lundblad
d/b/a Keesling Construction, Inc.
State Certified General Contractor
License No. CGC057637
Case No. CIL-12-00526
- F. Michael Sessa - **DISMISSED** Lorraine Lundblad
d/b/a Five Star Plumbing of SW Florida, Inc.
State Certified Plumbing Contractor
License No. CFC1428616
Case No. CIL-14-00361
- G. James L. Fife Lorraine Lundblad
d/b/a Innovative Construction of Punta Gorda, Inc.
f/k/a Innovative Construction of Naples, Inc.
State Certified Building Contractor
License No. CBC1252527
Case No. CIL-14-00484

CHARGE 1: Charlotte County Code Section 3-2-47(b)(13) - If a state certified contractor, failing to register with Charlotte County prior to contracting or commencing work in Charlotte County.

CHARGE 2: Charlotte County Code Section 3-2-47(b)(19) - Failing to file with the building construction services department a subcontractor change form prior to permitting any subcontractor not on the subcontractor worksheet, or the most recent previously filed subcontractor change form, to work on the jobsite **(2 Counts)**

CHARGE 3: Charlotte County Code Section 3-2-47(b)(23) - Performing any act which assists a person or entity in engaging in the prohibited uncertified, unregistered or unlicensed practice of contracting, if the certificateholder or registrant knows or has reasonable grounds to know that the person or entity was uncertified, unregistered or unlicensed.

CHARGE 4: Charlotte County Code Section 3-2-47(b)(25) - Acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificateholder or registrant as set forth on the issued certificate or registration, or in accordance with the personnel of the certificateholder or registrant as set forth in the application for the certificate or registration. or as later changed as provided in this part.

CHARGE 5: Charlotte County Code Section 3-2-47(b)(29) - Committing incompetency or misconduct in the practice of contracting **(3 Counts)**.

Lorraine Lundblad Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **James L. Fife** was present to give testimony to the board. Ellis Fullerton and Randi Coffey were also present and provided testimony to the Board.

MOTION: **Eric Howard** made the motion that **James L. Fife's** permitting privileges and the right to work as a contractor in Charlotte County be **REVOKED** and 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 **James L. Fife's** State Contractor's license also be revoked. **Thomas Burns** seconded the motion and it was approved unanimously.

CITIZEN INPUT

None

REPORT FROM THE LICENSING DIVISION MANAGER

Erin Mullen-Travis informed the Board that the County is in the process of updating the Rules of Procedure and Section 3-2 of the Charlotte County code. Once a draft had been prepared she will provide the Board with a copy. She also announced that the Sheriff's Office has a new Economic Crimes deputy, his name is Sargent Terry Cochran.

REPORT FROM THE BUILDING OFFICIAL

None

REPORT FROM THE ASSISTANT COUNTY ATTORNEY

None

BOARD ATTORNEY COMMENTS

None

REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

None

ADJOURNMENT

Carlton Strong made the motion to adjourn and **Tom Burns** seconded the motion and it was approved unanimously at 7:59 pm.