

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

November 5, 2015

A. CALL TO ORDER

Glenn Siegel, called the meeting to order at 6:00 pm. Since the Chairman and Vice Chairman were not present, he stated the Board need to select a Chairman Pro Tem. Erik Howard was elected to serve as Chairman Pro Tem

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Members Present:

Pamela Alexander
John Damon
Erik Howard
Stephen Gardiner
Kenneth Lowe
Robert Overcash
Carleton Strong
Glenn Siegel, Board Attorney

Absent:

Thomas Burns - Excused
Charles Hackbarth - Excused

Staff Present:

Erin Mullen-Travis, Certified Code Compliance Officer, Licensing Manager
Terri Barnett, Certified Code Compliance Officer, Licensing Investigator
Keith Morgan, Certified Code Compliance Officer, Licensing Investigator
John Drown, Certified Code Compliance Officer, Licensing Investigator
Tom Atkins, Code Compliance Officer, Licensing Investigator
Ben Bailey, County Building Official
Pooja Patel, Assistant County Attorney
Sandra Williamson, Administrative Assistant I

John Damon recused himself on the David Griggs case.

D. OPENING STATEMENT

Was read into the record

E. NEXT MEETING DATE

December 3, 2015 at 6:00 pm

F. APPROVAL OF MINUTES

Carleton Strong moved to approve the minutes of October 1, 2015. The motion was seconded by **Stephen Gardiner** and was passed unanimously.

G. **SWEARING IN OF ALL THOSE GIVING TESTIMONY**

Sandra Williamson administered oath to those who gave testimony.

H. **AGENDA CHANGES**

Erin Mullen-Travis announced the agenda changes.

I. **CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES**

All matters listed under this item are considered 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

J. **CONTESTING CITATION**

Jammie Pagan – Contested Citation No. 4067. *Keith Morgan* Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. *Jammie Pagan* was present and provided testimony to the board.

MOTION: *Carleton Strong* motioned to uphold Citation No. 4067 with the citation amount raised to \$2,500.00. The motion was seconded by *Pam Alexander* and was approved unanimously.

K. **REINSTATEMENT**

James Dixon
d/b/a Dixon Mechanical LLC
License No. CFC1427873
Case No. CIL-12-00441

James Dixon has requested reinstatement of his permitting privileges and the right to work in Charlotte County.

The investigative report was ready into the record by *Erin Mullen-Travis* Certified Code Compliance Officer, Licensing Manager. *James Dixon* was present and provided testimony to the Board.

MOTION: *Erik Howard* made the motion to approve the permitting privileges and the right to work in Charlotte County of *James Dixon*. The motion was seconded by *Carleton Strong* and was passed unanimously.

L. **LICENSE REVIEW**

None

M. **EXAMINATION**

None

N. **OLD BUSINESS**

1. Jeffrey S. Davis
d/b/a PGA, LLC
Local Aluminum/Concrete Contractor
License No. AAA005762
Case No. CIL-14-00325

Keith Morgan Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Russell Kirshy**, counsel for **Jeffery Davis** were present and provided testimony to the board.

MOTION: **Carleton Strong** made the motion that **Jeffrey Davis'** permitting privileges and the right to work in Charlotte County be permanently reinstated. Additionally, **Jeffrey Davis** is to be placed on probation for four (4) years with the understanding that if **Jeffrey Davis** violates the Florida Statutes, Florida Building Code or Charlotte County Code regulating the construction industry, he will be brought before the Board for additional sanctions. The motion was seconded by **Robert Overcash** and was passed unanimously.

2. Corey J. Lynch
d/b/a Heights Seamless Gutter, Inc.
Local Aluminum Contractor
License No. AAA0010565
Case No. CIL-13-00472

Erin Mullen-Travis Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Corey Lynch** was present and provided testimony to the board.

MOTION: **Carleton Strong** made the motion that **Corey Lynch's** permitting privileges and the right to work in Charlotte County be permanently reinstated. Additionally, **Corey Lynch** is to be placed on probation for one (1) year with the understanding that if **Corey Lynch** violates the Florida Statutes, Florida Building Code or Charlotte County Code regulating the construction industry, he will be brought before the Board for additional sanctions. The motion was seconded by **Pam Alexander** with one (1) opposing vote **Kenneth Lowe**.

O. **DISCIPLINE CASES**

1. Eric Langer
d/b/a Stevar Property Development, Inc.
Certified General Contractor
License No. CGC054452
Case No. CIL-15-00447

The investigative report was ready into the record by **Erin Mullen-Travis** Certified Code Compliance Officer, Licensing Investigator. **Eric Langer** was present to give testimony to the board.

CHARGE 1: Florida Building Code Sections 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 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 **(7 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. **(7 counts)**

CHARGE 3: Charlotte County Code 3-2-47 (b) (20) - Failing to obtain inspection including but not limited to final inspection. **(7 counts)**

MOTION: **Erik Howard** made the motion that **Eric Langer** be found in violation of the charges as specified in the Notice of Violation and Notice of Administrative of Proceedings, Case CIL-14-00447 and that **Eric Langer's** new permitting privileges and 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 Florida Construction Industry License Board **Eric Langer** to renew the expired permits and obtain final inspections on all permits obtained in Charlotte County and if he fails to comply, that the Florida Construction Industry Licensing Board **REVOKE** the general contractor license of **Eric Langer**. The motion was seconded by **Kenneth Lowe** and was passed unanimously.

2. **David Griggs**
d/b/a Coral Sands Constructions, LLC
Certified General Contractor
License No. CGC1515835
Case No. CIL-15-00475

The investigative report was ready into the record by **Terri Barnett** Certified Code Compliance Officer, Licensing Investigator. **David Griggs** was present to give testimony to the board. A lengthy discussion took place regarding the timeframe and what work was done to the property. Robert Knutson testified that Deep South Builders was the company that had hired him to do the job.

CHARGE 1: Florida Building Code Section - 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)**.

CHARGE 2: Charlotte County Code Section 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 F.S. Chapter 489 and Part I of Chapter 455 **(1 count)**.

CHARGE 3: Charlotte County Code Section 3-2-47(b)(10) – Failing to stop work on a project after being ordered to do so by the building official, building inspector, or code compliance officer **(1 count)**.

MOTION: **Erik Howard** made the motion to continue this case to a further time in which the county can contact the homeowner. The motion was seconded by **Kenneth Lowe** and was passed unanimously.

3. **David Wormsbacher**
d/b/a American Heritage Electric of Southwest Florida
Certified Electrical Contractor
License No. EC13001313
Case No. CIL-15-00399

The investigative report was ready into the record by **John Drown** Certified Code Compliance Officer, Licensing Investigator. **David Wormsbacher** was not present to give testimony to the board.

CHARGE 1: Florida Building Code Sections 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 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 **(2 counts)**.

MOTION: **Stephen Gardiner** made the motion that **David Wormsbacher** be found in violation of the charges as specified in the Notice of Violation and Notice of Administrative of Proceedings, Case CIL-15-00399 and that **David Wormsbacher's** new permitting privileges and the right to work as a contractor in Charlotte County be **REVOKED**. It is further recommended, that a case along with a copy the Board's order be forwarded to the Department of Business and Professional Regulation with the recommendation that Florida Construction Industry Licensing Board order **David Wormsbacher** to renew the expired permits and obtain final inspections on all permits obtained in Charlotte County and that the Florida Construction Industry Licensing Board discipline the license of **David Wormsbacher** by suspension or revocation. The motion was seconded by **Kenneth Lowe** and was passed unanimously

4. **Robert Hill**
d/b/a Home Construction of Florida, Inc.
Certified Building Contractor
License No. CBC1257652
Case No. CIL-15-00312

The investigative report was ready into the record by **Terri Barnett** Certified Code Compliance Officer, Licensing Investigator. **Robert Hill** was present to give testimony to the board. He stated he has not been notified properly but he takes full responsibility of the expired permits. Christine Azar provided testimony to the Board regarding issues that she

has with the work done by **Robert Hill**.

CHARGE 1: Florida Building Code Sections 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 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 **(1 count)**.

CHARGE 2: Charlotte County Code Section - 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 F.S. Chapter 489 and Part I of Chapter 455 **(1 count)**.

CHARGE 3: Charlotte County Code Section 3-2-47(b)(20) - Proceeding on any job without obtaining applicable local building department permits and inspections **(1 count)**.

MOTION: **Robert Overcash** made the motion that **Robert Hill** is found in violation of the charges as specified in the Notice of Violation and Notice of Administrative of Proceedings, Case CIL-15-00312 and his new permitting privileges be extended until the next Board Hearing. **Robert Hill must** reappear before the Board on December 3, 2015, to provide the Board with an update on 8912 Gulf Street, Placida, Florida. The permit must obtain final inspections in accordance with the Florida Building Code. If Mr. Hill fails to comply a follow up notice will be sent to the Florida Construction Industry Licensing Board with the recommendation that the state license of Robert Hill, Jr. be **REVOKED**. The motion was seconded by **Carleton Strong** with one (1) opposing vote **Kenneth Lowe**.

5. **William Yager**
f/k/a Englewood Electric, Inc.
Registered Electrical Contractor
License No. ER0015501

The investigative report was ready into the record by **John Drown** Certified Code Compliance Officer, Licensing Investigator. **William Yager** was not present to give testimony to the board.

CHARGE 1: Florida Building Code Sections 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 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) – Disciplinary Action - 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 Section 3-2-47(b)(20) - Failing to obtain inspections including but not limited to final inspections (**3 counts**).

MOTION: *Carleton Strong* made the motion that *William Yager* be found in violation of the charges as specified in the Notice of Violation and Notice of Administrative of Proceedings, Case CIL-14-00419 and that *William Yager's* new permitting privileges and the right to work as a contractor in Charlotte County be **REVOKED**. It is further recommended, that a case along with a copy the Board's order be forwarded to the Department of Business and Professional Regulation with the recommendation that Florida Construction Industry Licensing Board order *William Yager* to renew the expired permits and obtain final inspections on all permits obtained in Charlotte County and that the Florida Construction Industry Licensing Board discipline the license of *William Yager* by suspension or revocation. The motion was seconded by *John Damon* and was passed unanimously

P. **CITIZEN INPUT**
None

Q. **REPORT FROM THE LICENSING DIVISION MANAGER**
None

R. **REPORT FROM THE BUILDING OFFICIAL**
Ben Bailey informed the Board that inspections are running a little behind and the department will be hiring another building inspector.

S. **REPORT FROM THE ASSISTANT COUNTY ATTORNEY**

None

T. **BOARD ATTORNEY COMMENTS**

- ❖ ***Carleton Strong*** commented about Lorraine Lundblad and her health issues...he suggested that if anyone would like to donate to the family it would be greatly appreciated.
- ❖ ***Pam Alexander*** inquired about using power point when photographs are shown as exhibits in a case that is presented to the Board.

U. **REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS**

None

V. **ADJOURNMENT**

John Damon made the motion to adjourn and ***Carleton Strong*** seconded the motion and it was approved unanimously at 9:15 pm.

CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
MINUTES OF NOVEMBER 5, 2015

Read and approved on December 3, 2015:



Tom Burns, Chairman of the
Charlotte County Construction
Industry Licensing Board

ATTEST:



Sandra Williamson
Administrative Assistant I
Community Development Department
Contractor Licensing Division

Complete files of all cases, as well as taped recordings of all proceedings of this meeting, are kept in the Community Development Department and are available to the public.

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.