

**Minutes**

**CHARLOTTE COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD  
Administration Center, County Commission Meeting Room #119  
18500 Murdock Circle, Port Charlotte, Florida 33948-1094**

**May 6, 2021 at 6 pm**

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs, and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to [David.Lyles@charlottecountyfl.gov](mailto:David.Lyles@charlottecountyfl.gov).

**A. CALL TO ORDER**

Chairman Michael Melton calls meeting to order at 6:00PM

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

**MEMBERS PRESENT:**

Michael Melton  
Louis Green  
Michael Ferrara  
Charles Hackbarth  
Kelly Munsell  
Rick Castro

**NOT PRESENT:**

Christopher Knight  
Robert Overcash

**STAFF PRESENT:**

Erin Mullen-Travis, Licensing Manager  
Tom Atkinson, Certified Licensing Officer  
Ben Bailey, Community Development Director and Building Official  
Daryl Dillow, Deputy Building Official  
Ryan Maher, Assistant County Attorney  
Kristin Binns, Senior Administrative Assistant, Clerk to the Board  
Robert H Berntsson, Board Attorney

**D. OPENING STATEMENT**

Read by Chairman Michael Melton.

E. **NEXT MEETING DATE**  
June 3, 2021 at 6:00 pm

F. **APPROVAL OF MINUTES**

Chuck Hackbarth made motion to approve the minutes from April 1, 2021 meeting, Louie Green seconded the motion, all in favor.

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

Kristin Binns administered oath to those who gave testimony

H. **PUBLIC INPUT-AGENDA ITEMS ONLY**

I. **AGENDA CHANGES**  
Announced by Ryan Maher

J. **EXAMINATION**

1. **MARIO MUNIZ**

**Erin Mullen-Travis**

Mr Muniz is requesting waiver of examination for the trade of Local Ceramic, Tile, Terrazzo and Marble contractor from the Board.

**MOTION:** Charles Hackbarth makes the motion to Deny Mr Muniz request for waiver of testing requirements for licensing purposes for Local Ceramic Tile, Terrazzo & Marble category. Motion was seconded by Michael Farrara, all in favor motion carries.

K. **LICENSE REVIEW**

NONE

L. **CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES**  
NONE

M. **CONTESTING CITATIONS**  
NONE

N. **REINSTATEMENT**  
NONE

O. **OLD BUSINESS**  
NONE

**P. DISCIPLINE CASES**

**1. MARK S BALASCO**  
**Land & Sea Air Conditioning of South Florida**  
**Certified Air Conditioning Contractor**  
**License No. CAC1814494**  
**CIL-20-00585**

**Tom Atkinson**

Mr. Balasco was not present to provide testimony to the Board, licensing investigator Tom Atkinson provided testimony the Board.

The Respondent was charged with the following:

**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 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 **(6 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 **(6 counts)**.

**CHARGE 3: Charlotte County Code 3-2-47 (b)(20)** Failing to obtain inspections including but not limited to final inspections **(6 counts)**.

Upon consideration, it is **ORDERED**:

1. The allegations of fact set forth in the Notice of Violation are approved and adopted and incorporated herein by reference as findings of fact.
2. The conclusions of law alleged and set forth in the Notice of Violation are approved and adopted and incorporated herein.

UPON THESE FINDINGS, it is **FURTHER ORDERED**:

That Mark S. Balasco's new permitting privileges be suspended, and the permits listed in the notice be renewed within 30 days. Per the Florida Building Code, Mr. Balasco must obtain a final inspection on the outstanding permits within 6 months or in accordance with the Florida Building Code. If Mr. Balasco allows the permits in the notice to expire again without the required inspections, the permitting privileges and right to work as a contractor in Charlotte County shall be revoked without the need for a further

administrative hearing and a follow up notice shall be sent to the Florida Construction Industry Licensing Board notifying them of the failure to comply with the Boards Order.

It is further ordered if Mr. Balasco complies with the order in the time frame specified and the permit is renewed and issued a final inspection, Mr. Balasco SHALL NOT be required to reappear before the Board to have his permitting privileges reinstated.

It is further ordered a copy of this case along with a copy the Board's order be forwarded to the Department of Business and Professional Regulation and Florida Construction Industry Licensing Board (FCILB) with the recommendation the State Certified Air Conditioning Contractor's License of Mr. Balasco be disciplined up to and including suspension of his license by the Florida Construction Industry Licensing Board.

**MOTION:** was made by Charles Hackbarth to accept the staff's recommendation that Mr Balasco's new permitting privileges and the right to work in Charlotte County be **SUSPENDED** and the permits listed in the notice be renewed within 30 days. Per the Florida Building Code, Mr. Balasco must obtain a final inspection on the outstanding permits within 6 months or in accordance with the Florida Building Code. If Mr. Balasco allows the permits in the notice to expire again without the required inspections, the permitting privileges and right to work as a contractor in Charlotte County shall be revoked without the need for a further administrative hearing and a follow up notice shall be sent to the Florida Construction Industry Licensing Board notifying them of the failure to comply with the Boards Order. It is further recommended if Mr. Balasco complies with the order in the time frame specified and the permit is renewed and issued a final inspection, Mr. Balasco **SHALL NOT** be required to reappear before the Board to have his permitting privileges reinstated. Motion was seconded by Louis Green, all in favor. Motion carries.

2. **RICHARD E JOHNSON**  
**R.E. Johnson Electrical Contractor, Inc**  
**Certified Electrical Contractor,**  
**License No. EC13001228**  
**CIL-19-00558**

**Tom Atkinson**

Mr. Johnson was not present to provide testimony to the Board, licensing investigator Tom Atkinson provided testimony the Board.

The Respondent was charged with the following:

**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 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 inspections including but not limited to final inspections **(2 counts)**.

Upon consideration, it is **ORDERED**:

1. The allegations of fact set forth in the Notice of Violation are approved and adopted and incorporated herein by reference as findings of fact.
2. The conclusions of law alleged and set forth in the Notice of Violation are approved and adopted and incorporated herein.

UPON THESE FINDINGS, it is **FURTHER ORDERED**:

That Richard E. Johnson's permitting privileges and right to work as a contractor in Charlotte County be revoked.

It is further recommended that a copy of this case along with a copy the Board's order be forwarded to the Department of Business and Professional Regulation and Florida Electrical Licensing Board (FELB) with the recommendation the FELB order Mr. Johnson to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also recommended if Mr. Johnson fails to comply, the FELB order the State Certified Electrical Contractor License of Mr. Johnson be revoked by the FELB.

**MOTION:** Michael Farrara make motion to accept staff's recommendation to Revoke Mr Johnsons permitting privileges and the right to work in Charlotte County, Charles Hackbarth seconds the motion, all in favor, motion carries.

**Q. REPORT FROM THE LICENSING MANAGER**

None

**R. REPORT FROM THE BUILDING OFFICIAL**

Ben Bailey presented the Board with a Slide show discussing updated to code changes under section 3-2 that updates the changes on mobile homes. Regarding flood requirements Motion was made by Charles Hackbarth to accept/approve the new changes to the code, Louis Green seconded the motion, all in favor, Motion upheld amending code to allow for adoption of updated IPMC

Mr Bailey also announced that the building department has hired new inspectors and has had over 200 SFR permits for the past 3 months and changes/corrections to local licensing codes mainly housekeeping issues.

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

None

U. BOARD ATTORNEY COMMENTS  
NONE

U. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS  
NONE

W. ADJOURNMENT

Charles Hackbarth made the motion to adjourn and Louis Green seconds the motion and it was approved unanimously at 7:02pm.

CHARLOTTE COUNTY  
CONSTRUCTION INDUSTRY LICENSING BOARD  
MINUTES OF MAY 6, 2021  
READ AND APPROVED ON SEPTEMBER 2, 2021

  
\_\_\_\_\_  
Michael Melton, Chairman

ATTEST:

  
\_\_\_\_\_  
Kristin Binns  
Senior Administrative Assistant  
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 ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.