

MINUTES

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

December 2, 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.

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
Charles Hackbarth
Louis Green
Christopher Knight
Michael Ferrara
Rick Castro

NOT PRESENT:

Angela Wade-Resigned 11/22/2021
Robert Overcash – Was on his way and did not make it

STAFF PRESENT:

Ben Bailey, Community Development Director and Building Official
Daryl Dillow, Deputy Building Official
Jean Stacio, Assistant County Attorney
Glinda Pruitt, Assistant County Attorney
Robert H Berntsson, Board Attorney
Shawn Horton, Code Enforcement & Zoning Manager
Gail Gursky, Supervisor, Code Compliance
Wendy Welch, Certified Licensing Officer
Maria Di Pompo, Senior Administrative Assistant, Clerk to the Board

NOT PRESENT:

Tom Atkinson, Certified Licensing Officer
Ken Garcia, Certified Licensing Officer

D. **OPENING STATEMENT**

Chairman Michael Melton

E. **NEXT MEETING DATE**

January 6, 2022 at 6:00 pm

F. **APPROVAL OF MINUTES**

MOTION: Christopher Knight made motioned to approve the minutes from October 7, 2021 meeting. Charles Hackbarth seconds. Motion was passed unanimously.

G. **AGENDA CHANGES**

Jean Stacio, Assistant County Attorney, announces discipline case changes

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

Maria Di Pompo administered oath to those who gave testimony

I. **PUBLIC INPUT**

None

J. **EXAMINATION**

None

K. **LICENSE REVIEW**

None

L. **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 \$20.00 for the cost of recording the lien.**

None

M. **CONTESTING CITATIONS**

None

N. **REINSTATEMENT**

None

O. **OLD BUSINESS**

None

P. **DISCIPLINE CASES**

1. **ROBERT P RUCK**
Coast 2 Coast Core Drilling & Demolition
LLC
Certified General Contractor
License No. CGC1519468
CIL-21-00376

Wendy Welsh

Dismissed ~ Dec. 1, 2021

- | | |
|---|--|
| <p>2. RICHARD T HANLEY
 Hanley Heating & Air Conditioning Inc
 Certified Air Conditioning Contractor
 License No. CAC1814059
 CIL-20-00628</p> | <p>Tom Atkinson</p> <div style="border: 1px solid red; padding: 5px; width: fit-content; margin-left: auto;">Dismissed ~ Dec. 1, 2021</div> |
| <p>3. ERMAN COOK
 Cooks Mobile Home Repairs & Service LLC
 Registered Specialty Structure Contractor
 License No. RX0040517
 CIL-21-00423</p> | <p>Wendy Welsh</p> <p>REVOKED</p> |
| <p>4. TIMOTHY J VAN HOUTEN
 Metal Tech Roofing LLC
 Certified Roofing Contractor
 License No. CCC1330522
 CIL-19-00559</p> | <p>Ken Garcia</p> <div style="border: 1px solid red; padding: 5px; width: fit-content; margin-left: auto;">Continued to Jan. 6, 2022</div> |
| <p>5. LOYD J BUTDORF JR
 Buckeye Construction Consulting, LLC
 Certified Building Contractor
 License No. CBC1260408
 CIL-20-00534</p> | <p>Tom Atkinson</p> <div style="border: 1px solid red; padding: 5px; width: fit-content; margin-left: auto;">Continued to March 3, 2022</div> |

ERMAN COOK: Not Present: Mr. Cook was not present to provide testimony to the Board, licensing investigator Wendy Welsch 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 (1 count).

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 (1 count).

CHARGE 3: Charlotte County Code 3 2 47 (b)(20) Failing to obtain inspections including but not limited to final inspections (1 count).

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 Mr. Erman Cook's permitting privileges and right to work as a contractor in Charlotte County be revoked.

It is further recommended 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 FCILB order Mr. Cook 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. Cook fails to comply, the FCILB order the State Specialty Structure Contractor's License of Mr. Cook be revoked by the Florida Construction Industry Licensing Board.

MOTION: Made by Charles Hackbarth to accept the staff's recommendation that Mr. Cook's permitting privileges and right to work as a contractor in Charlotte County be **revoked**. Christopher Knight Seconds **MOTION**. All in favor, motion carries.

It is ordered 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 Construction Industry Licensing Board (FCILB) with the recommendation the FCILB order Mr. Cook 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. Cook fails to comply, the FCILB order the State Certified Roofing Contractor's License of Mr. Cook be revoked by the Florida Construction Industry Licensing Board.

Q. REPORT FROM THE LICENSING MANAGER

Interim Licensing Manager, Shawn Horton: Business as usual.

R. REPORT FROM THE BUILDING DEPARTMENT

Ben Bailey reported

- Permitting Stats: About 250 for month of November. Considerable increase from last year.
- We still have vacancies we are trying to fill
- Future of CILB: Waiting for any legislative bill. We have until 2023 to enforce our local licenses.
- How many registered licenses. Answer to follow.
- Brief discussion on different licenses

S. REPORT FROM THE ASSISTANT COUNTY ATTORNEY

Introduced new Assistant County Attorney, Glinda Pruit

T. BOARD ATTORNEY COMMENTS

Announced 2022 Elections to be held for Chairman and Vice Chairman of the Board.
Opens floor to election:

Chris Knight makes motion to nominate Charles Hackbarth as Chairman.
No other nominations, Chris Knight makes motion to close nominations, Michael Melton seconds the motion to close nomination. Motion, all in favor.

Charles Hackbarth makes a motion to nominate Michael Melton as Vice Chairman. No other nominations, Chris Knight makes motion to close nominations. Rick Castro seconds the motion to close nomination. Motion, all in favor.

- Charles Hackbarth is appointed as Chairman
- Michael Melton is appointed as Vice Chairman

U. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS


Charles Hackbarth is appointed as Chairman
Michael Melton is appointed as Vice Chairman

V. 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 ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Charles Hackbarth closes with Holiday Wishes.
Adjourned at 6:16pm.

CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
MINUTES OF December 2, 2021
READ AND APPROVED ON January 6, 2022



Michael Melton, Vice Chairman

ATTEST:



Maria Di Pompo
Sr. Administrative Assistant
Community Development Department
Code Enforcement and 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.