

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**GAYLORD PALMS RESORT & CONVENTION CENTER
6000 WEST OSCEOLA PARKWAY
KISSIMMEE, FL 34746
407.586.2000**

**AUGUST 11 – 13, 2010
MEETING MINUTES**

Board Members Present

William S. Sheehan, Chair
Mark Pietanza, Vice – Chair
Michelle Kane
Edward Weller
Elbert Batton
Jerry D. Hussey
Peggy Bailey
James Flaherty
Don Wilford
Roy R. Lenois
Carl E. Engelmeier
James C. Evetts
Robert Moody Jr.
Albert Korelishn
Scott Greenberg

Board Members Absent

Paul Del Vecchio (Wednesday and Thursday only)
W. Brian Cathey

Others Present

G. W. Harrell, Executive Director, DBPR
Mandie Wynn, Government Analyst, DBPR
David Spingler, Government Analyst, DBPR
Daniel Biggins, Legal Advisor, AGO
Jeff Kelly, Chief Prosecuting Attorney, DBPR
Thomas Campbell, Prosecuting Attorney, DBPR
Tim Vaccaro, Director of Professions, DBPR
Jerry Wilson, Director of Regulation, DBPR
George Ayrish, Bureau Chief of Central Intake & Licensure, DBPR
Gus Ashoo, Bureau Chief of Education & Testing, DBPR
Andy Janecek, Senior Management Analyst Supervisor, DBPR
Alex Bosque, Examination Development Specialist Supervisor, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I Board members met for Additional Business Entities Review on August 11, 2010 from 2:04 – 2:47p.m. Mr. Evetts led the meeting. Of the 16 applications reviewed, 9 were approved, 3 were approved contingent, 1 was approved with conditions, 2 were continued and 1 was denied.

APPROVALS (9)

Brown, Jeffrey
Dean, William
Empric, Thomas
Fowke, John
Keene, Gary
Purto, Stephen
Reynolds, Jeffrey
Taylor, Michael
Zynda, Theodore

CONTINGENT APPROVALS (3)

Booker, Timothy – must provide proof of 10% ownership of proposed entity.
Burton, Thomas – must provide proof of W2 employee status of proposed entity.
Jackman, Dane – must provide proof of 20% ownership of proposed entity.

CONDITIONAL APPROVAL(1)

Hegi, Ulrich – probation until credit score of 660 or higher

CONTINUANCES (2)

Fitzgerald, John – continued 60 days
Lulo Jr., Michael – continued 30 days

DENIAL (1)

Scholz, Jeremy

Division II Board members met for Additional Business Entities Review on August 12, 2010 from 3:33 – 3:49p.m. Mr. Flaherty led the meeting. Of the 2 applications reviewed, 2 were approved.

APPROVALS (2)

Thiel, Kristopher
Wolf, Ronnie

APPLICATION REVIEW

Division I Board members met for Application Review on August 11, 2010 from 3:15 – 5:05p.m. Mr. Hussey led the meeting. Of the 20 applications reviewed, 1 was approved, 4 were approved with conditions, 8 were continued, 3 were withdrawn and 4 were denied.

APPROVAL (1)

James, Carl

CONDITIONAL APPROVALS (4)

Dennis, Drew – approved with 4 years of probation

Herd, Benjamin – approved as a downgrade to CBC with probation until a credit score of 660 is provided

Joseph, Samuel – approved with probation until a credit score of 660 is provided

McKendry, Jason – approved as a downgrade to CRC with probation for 2 years or until a 660 credit score is provided

CONTINUANCES (8)

Beck, Serge – continued 60 days

Martin, Brenda – continued 60 days

Meadows, Waymon – continued 60 days

Mulholland, Spiderman – continued 30 days to provide additional experience and verification

Parker Jr., Robert – continued 30 days

Quarture Jr., Robert – continued 30 days

Reed, Patrick – continued 30 days

Satterfield, Louis – continued 30 days

WITHDRAWALS (3)

Curtis, Lee

DeCarlo, Frank

Harman, Brett

DENIALS (4)

Holmes, Jerome

Iselin, Philipse

Marcotte, John

Seery, Michael

Division II Board members met for Application Review on August 12, 2010 from 4:00 – 5:10p.m. Mr. Flaherty led the meeting. Of the 16 applications reviewed, 7 were approved, 4 were approved with conditions, 1 was withdrawn, 1 was continued and 3 were denied.

APPROVALS (7)

Galletti, Todd

Herold, John

Keene, Earl

Morrison, Larry

Pierson, David

Porvaznik, Robert

Porvaznik, Robert

CONDITIONAL APPROVALS (4)

Atkins, Anthony – approved with 2 years of probation

Collie, Steven – approved with 2 years of probation
Faulkner, Mark – approved with 2 years of probation
Musso, Salvatore – approved with 2 years of probation

WITHDRAWAL (1)

Jones, Joshua

CONTINUANCE (1)

Cantrell, Michael – continued 30 days

DENIALS (3)

Gil, Guarionex
Hernandez, Juan
Navarro, Dario

The Board reviewed and ratified the list of approved financially responsible officer applications.

PROBATION

Division I Board members met for Probation on August 12, 2010 from 1:31 – 2:33p.m. Mr. Batton led the meeting.

Dean Joseph Blankenship, (CBC1257096)

Result: Satisfactory

Matt Jahn Corson, (CRC1330160)

Result: Continued 6 months

Reminded to include license number on contract(s).

Philip H. Englett, (CGC055197)

Result: Satisfactory

Shlomo Epstein, (CGC1517607)

Result: Satisfactory

Granted early release from probation

Elijah Franklin Gainey, (CRC1329756)

Result: Satisfactory

Kevin Bryan Gentry, Sr., (RB29003516)

Result: Satisfactory

Kyle Patrick Green, (CBC1257095)

Result: Satisfactory

Paul Hansen, (CRC56902)

Result: Satisfactory

William Igou, (CBC1254550)

Result: Satisfactory

Terms of probation completed

Keith L. Johnston, (CGC1518392)

Result: Unsatisfactory

No Bldg Dept questionnaire returned, no FHCRF notice on contract, no license # on contract, no worker's comp certificate provided, and GL insurance appeared to have already expired based the certificate submitted.

James Kelly, (CGC050721)

Result: Satisfactory

Louis Anthony Maniero, (CGC1506516)

Result: Satisfactory

Gary Keith Natanson, (CGC052834)

Result: Satisfactory

Terms of probation completed

Anthony D. Nesmith, Sr., (RB29003517)

Result: Stay Lifted

License is now suspended due to failure to appear for scheduled August 2010 probation hearing.

Richard Oltmann, (CBC014487)

Result: Satisfactory

Mark S. Osceola, (CGC1518295)

Result: Satisfactory

Luis Miguel Perez, (CRC1330244)

Result: Satisfactory

Robert A. Ricciardelli, (CRC057704)

Result: Satisfactory

Jose Valladares, (CGC1511678)

Result: Satisfactory

Granted early release from probation

Rick L. Vogel, (CGC1517713)

Result: Satisfactory

Reminded to include license number on contract(s).

Ryan Wilkey, (CRC1329977)

Result: Satisfactory

Eugene Williams, (CGC031803)

Result: Stay Lifted

License is now suspended due to failure to appear for scheduled August 2010 probation hearing.

Tammy S. Yzaguirre, (CGC1505393)
Result: Satisfactory

Division II Board members met for Probation on August 12, 2010 from 2:47 – 3:32p.m. Mr. Moody led the meeting.

Laurence Edward Borello, (CCC042793)
Result: Satisfactory
Donald L. Cornelius, (CMC1250044)
Result: Satisfactory

Marsha Diquez, (CPC1456644)
Result: Unsatisfactory
No supporting documents submitted with packet; only probationer questionnaire was returned. Reminded to submit complete packets for future appearances.

Robert T. Gasperson, (CCC1326271)
Result: Unsatisfactory
Company name on bank statements does not match business name on license.

Edward F. Hobel, (CCC029553)
Result: Satisfactory

Todd Kontny, (CFC1427114, CMC1249643)
Result: Satisfactory
Terms of probation completed
Chad E. Pannell, (CFC1426680)
Result: Satisfactory
Reminded to include license number on contract(s).

Andy A. Preiss, (CPC049399)
Result: Satisfactory

Dean Scharn, (CCC1327771)
Result: Satisfactory

Steven K. Vickery, (CCC1328890)
Result: Unsatisfactory

GENERAL SESSION

The meeting was called to order by Mr. Sheehan, Chair, at 9:28 a.m. Ms. Bailey gave the invocation. Mr. Flaherty led the Pledge of Allegiance.

REVIEW OF MINUTES

A. Meeting Minutes – June 2010

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell stated that the reunion meet and greet went great; the previous Board members enjoyed meeting the current Board members. Mr. Harrell introduced the department representatives that were in attendance and allowed them to give their presentations.

Gus Ashoo, Bureau Chief of Education & Testing, began his presentation by introducing two of his staff, Andy Janecek and Alex Bosque. Mr. Ashoo then requested that the Board entertain revising Rule 61G4.16.009, F.A.C., to change the number of attempts that can be made to pass an examination within a given timeframe. The Board advised Mr. Ashoo that they would set the discussion for the September 2010 meeting. Mr. Ashoo also stated that he felt it would be beneficial for the Board to consider changing the format of the written examinations to prepare them for computer based testing, if that is the Board's pleasure in the future. The content would not need to be changed, only the format.

Jerry Wilson, Director of Regulation, introduced several investigators from the Orlando district office that were present at the meeting. Mr. Wilson provided the Board members with a handout outlining statistical information regarding the activities of Regulation. He discussed the regulatory activities that takes place in different counties throughout Florida.

George Ayrish, Bureau Chief of Central Intake & Licensure presented an overview of the Central Intake & Licensure set-up including guidelines that are utilized by staff when processing construction applications. Mr. Ayrish requested guidance from the Board on how to make the application review process better for the applicants as well as the department staff. He stated that construction applications were set to go to VERSA online, which allows for a completely paperless process and this is the best time to make improvements to both the applications and the process.

Tim Vaccaro, Director of Professions, thanked the Board members for all of their hard work and their commitment to the citizens of the State of Florida.

The Board thanked each department representative for attending the meeting and giving presentations. Mr. Harrell asked each Board member to review the experience requirements provided by Mr. Ayrish and be prepared to give feedback at the September meeting.

The Board voted unanimously to approve this report.

CHAIRMAN'S REPORT – WILLIAM SHEEHAN

Mr. Sheehan stated that the reunion meet and greet went very well. He asked that the Board members review the experience guidelines so they can provide valuable feedback during the September Ad Hoc meeting.

The Board voted unanimously to approve this report.

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

There were 316 cases to be reviewed in Legal, 167 cases set for probable cause and 56 cases with probable cause found/administrative complaints filed. 25 cases were ready for default, 21 cases had stipulations executed/informal hearings requested, and 50 cases requested formal hearings. There were 20 cases referred to DOAH, 48 cases in settlement negotiations, 319 cases awaiting final orders and 336 cases set for board presentation. There were 0 cases under appeal and 2 cases re-opened.

As of August 2010 the number of overall construction disciplinary cases is 1,395. This is an decrease from 1,434 which was the overall caseload as reported in July 2010, and approximately 436 less cases than reported in August of 2009.

The Board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

CHRISTOPHER BECK – REQUEST FOR INFORMAL HEARING

Mr. Beck was present.

Mr. Biggins presented this case stating that the application of Christopher Beck for initial certified general contractor licensure was denied at the April 2010 meeting of the Board. Mr. Beck received a Notice of Intent to Deny in June of 2010. Mr. Beck timely requested Board reconsideration.

After discussion the Board voted unanimously to uphold the denial of Mr. Beck's application.

DEMAY INC – PETITION FOR DECLARATORY STATEMENT

Michael R. McCullough, Esquire, legal counsel of record, was present.

Mr. Biggins presented this case stating that Demay Inc filed a petition for declaratory statement on June 30, 2010. The petition was noticed in the Florida Administrative Weekly on July 30, 2010. He noted that the petition requests guidance regarding the authorization of a certified underground utility contractor to install combination lines to the "point of service" which is defined as the downstream side of the back-flow

assembly. Mr. Biggins asked the Board to consider whether the petition meets the criteria for a declaratory statement, and to dismiss or answer, as appropriate.

The Board voted unanimously to accept the petition, and answered in the affirmative, advising that the point of service, where piping is used exclusively for the fire protection system, is the downstream side of the back-flow assembly, and a certified underground utility contractor is able to install combination lines to this point of service.

RONALD DEMING – REQUEST FOR INFORMAL HEARING

Mr. Deming was not present.

Mr. Biggins presented this case stating that the application of Ronald Deming for initial certified solar contractor licensure was denied at the February 2010 meeting of the Board. Mr. Deming received a Notice of Intent to Deny in April of 2010. Mr. Deming timely requested Board reconsideration.

After discussion the Board voted unanimously to uphold the denial of Mr. Deming's application.

MILTON FULMER – REQUEST FOR INFORMAL HEARING

Mr. Fulmer was present.

Mr. Biggins presented this case stating that the application of Milton Fulmer to qualify an additional business was denied at the March 2010 meeting of the Board. Mr. Fulmer received a Notice of Intent to Deny in April of 2010. Mr. Fulmer timely requested Board reconsideration.

After discussion the Board voted unanimously to approve Mr. Fulmer's application.

LARRY HUYNH – REQUEST FOR INFORMAL HEARING

Mr. Huynh was not present.

Mr. Biggins presented this case stating that the application of Larry Huynh for initial certified class b air conditioning contractor licensure was denied at the May 2009 meeting of the Board. Mr. Huynh received a Notice of Intent to Deny in September of 2009. Mr. Huynh timely requested Board reconsideration.

After discussion the Board voted unanimously to uphold the denial of Mr. Huynh's application.

JACQUELINE WATTS – PETITION FOR DECLARATORY STATEMENT

Ms. Watts was present.

Mr. Biggins presented this case stating that Jacqueline Watts filed a petition for declaratory statement on July 1, 2010. The petition was noticed in the Florida

Administrative Weekly on July 30, 2010. He noted that the petition requests guidance regarding the authorization of a licensed plumbing, air conditioning A & B, and mechanical contractors to disconnect, reconnect, and repair LP appliances. Mr. Biggins asked the Board to consider whether the petition meets the criteria for a declaratory statement, and to dismiss or answer, as appropriate.

The Board voted unanimously to accept the petition, and answered in the affirmative, advising that service of LP appliances, including disconnect, reconnect, and repair are within the scope of practice of certified plumbing, air conditioning A & B, and mechanical contractors.

JOHN JENKINS – REQUEST FOR INFORMAL HEARING

Mr. Jenkins was not present; John Cling was present.

After discussion the Board voted unanimously to continue the review of the application for 30 days.

JAMES JOHNSON – REQUEST FOR INFORMAL HEARING

Mr. Johnson was present with Rhonda Koning.

Mr. Biggins presented this case stating the application of James Johnson for initial certified general contractor licensure was denied at the May 2010 meeting of the Board. Mr. Johnson received a Notice of Intent to Deny in June of 2010. Mr. Johnson timely requested Board reconsideration.

After discussion the Board voted unanimously to approve Mr. Johnson's application as a downgrade to CBC.

JAMES ORLANDO – REQUEST FOR INFORMAL HEARING

Mr. Orlando was present.

Mr. Biggins presented this case stating that the application of James Orlando to qualify an additional business entity was denied at the June 2010 meeting of the Board. Mr. Orlando received a Notice of Intent to Deny and timely requested Board reconsideration.

After discussion the Board voted unanimously to approve Mr. Orlando's application.

JORGE RODRIGUEZ – REQUEST FOR INFORMAL HEARING

Mr. Rodriguez was present.

Mr. Biggins presented this case stating that the application of Jorge Rodriguez for initial certified residential contractor licensure was denied at the April 2010 meeting of the Board. Mr. Rodriguez received a Notice of Intent to Deny in June of 2010. Mr. Rodriguez timely requested Board reconsideration.

After discussion the Board voted unanimously to approve Mr. Rodriguez's application as a downgrade to CRC.

AMANDA SEGRAVES – REQUEST FOR INFORMAL HEARING

Ms. Segraves was present.

Mr. Biggins presented this case stating that the application of Amanda Segraves for initial certified class b air conditioning contractor licensure was denied at the April 2010 meeting of the Board. Ms. Segraves received a Notice of Intent to Deny in May of 2010. Ms. Segraves timely requested Board reconsideration.

After discussion the Board voted unanimously to approve Ms. Segraves' application.

S. BARRY GRIEPER – REQUEST FOR INFORMAL HEARING

Mr. Grieper was present.

Mr. Biggins presented this case stating that the application of S. Barry Grieper to qualify an additional business was denied at the June 2010 meeting of the Board. Mr. Grieper received a Notice of Intent to Deny and timely requested Board reconsideration.

After discussion the Board voted unanimously to approve Mr. Grieper's application.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Lenois gave the following report:

CE Education LLC

- FL Statutes Ch. 489, Sec. 101-114: Construction Contracting – approved; no laws and rules credit granted
- OSHA General Safety and Health Provisions – approved
- Project Management – denied
- The 2004 Florida Statutes Ch. 400: Workers' Compensation – denied
- Wind Mitigation Methodology: Retrofits for Existing Homes – approved

Federated Mutual Insurance

- "Don't be a Victim": Employment Related Practices Liability – approved contingent upon submitting revised application page 5 of 15

Hanley Wood Exhibitions

- Advanced Concrete Cutting Methods & Specification Commercial – approved
- Evaluation of a Residential Foundation and Recommendations for Repair – approved
- How to Build, Repair and Troubleshoot Concrete Pavement Overlays – approved
- Income Statements: Learn How to Structure and Read in a Way that Fits You! – approved

- Introduction to Precast/Prestressed Concrete – approved
- Mixture Designs for Sustainable Concrete Using Alternative Binder Materials – denied
- Pervious Mix Designs and Testing – approved
- Repair of Facades and Architectural Concrete – denied
- Sustainable Concrete and You How to Survive and Thrive in the Green Revolution – approved
- The Concrete Home as a System – The Building Science Behind the Benefits – approved
- The Effect of Water on Concrete: To Add or Not to Add – approved
- Trenching and Excavation: Dangers of Dirt – approved
- Troubleshooting Masonry Part I: Cracks and Movement – approved
- Troubleshooting Masonry Part II: Leaky Walls – approved
- Understanding Concrete Sealers and Chemicals – approved
- Using Grout in Reinforced Masonry – approved
- Waterproofing Product Types and Systems – approved

Jomar Group

- Solar Thermal Technology – Solar Hot Water – approved; only general credit granted

National Econ Corporation

- Lead Safety for Renovation, Repair & Painting - denied

Niesen, Price, Worthy, Campo, Frasier & Blakey, PA

- Florida Construction Licensing & Lien Law - approved

NTO Management Inc

- Introduction to Florida Construction Law: Contracts, Lien Law & Litigation - denied

Pinch A Penny Inc

- Blame it on the Pool Tech – Common Sense Techniques – approved
- Breaking Down & Understanding the New Florida Energy Bill - approved

Professional Training & Consultants Inc

- Business Disaster Preparedness for Contractors – denied

Success Enterprise and Environmental Services

- Lead Safety for Renovation, Repair and Painting - approved

Tradewinds Appropriate Technologies

- Applying Mechanical Ventilation and Dehumidification - approved

The Board voted unanimously to accept the recommendations of this committee.

AD HOC LICENSURE COMMITTEE DIVISION I AND II

Mr. Sheehan gave the following report:

The committee heard a presentation on construction licensing bonds from Mr. Bill Peterson on behalf of the Surety & Fidelity Association of America. Mr. Peterson indicated he would be glad to provide more information to the board upon request. The committee decided to continue the discussion on licensing bonds at the September, 2010 meeting.

The Board voted unanimously to accept the recommendations of the committee.

RULES/PUBLIC/LEGISLATIVE COMMITTEE

Mr. Pietanza gave the following report:

The following rule has been developed:

61G4-15.001 Qualification for Certification.

The following rule has been noticed:

61G4-15.034 Certification of Tower Specialty Contractors.

The following rule has been adopted:

61G4-16.005 Duration of Validity

The committee accepted the Statement of Economic Regulatory Impact for Rule 61G4-15.001, F.A.C. Mr. Kevin Trim and Ms. Rhonda Koning expressed concerns about the definition of "project manager" in the proposed revisions to Rule 61G4-15.001, F.A.C. The committee voted to continue the rule without notice and discuss during the Rules Committee meeting at the September meeting.

The Board voted unanimously to accept the recommendations of this committee.

OLD BUSINESS

Removal of Board materials from lap tops.

NEW BUSINESS

The Board voted unanimously to excuse the following absences:

Paul Del Vecchio (Wednesday and Thursday only)
W. Brian Cathey

With no further business the meeting was adjourned at 12:19pm.