

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Casa Monica Hotel
95 Cordova St
St. Augustine, FL 32084
904.827.1888**

August 8 – 10, 2012

**MEETING MINUTES
Unapproved**

Board Members Present

Jerry Hussey, Chair
Robert Moody, Vice Chair
William Sheehan
James Evetts
Richard Kane
Roy Lenois
Jacqueline Watts
Kristin Beall
Christopher Cobb
William "Brian" Cathey
Albert Korelishn
Michelle Kane
Mark Pietanza

Board Members Absent

Paul Del Vecchio
Aaron Boyette
Ed Weller
Carl Engelmeier

Others Present

Drew Winters, Executive Director, DBPR
G.W. Harrell, Director of Professions, DBPR
Amanda Wynn, Government Analyst, DBPR
David Spingler, Government Analyst, DBPR
Daniel Biggins, Legal Advisor, AGO
Paul Waters, Chief Prosecuting Attorney, DBPR
Brittany Bailey, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on August 8, 2012 from 2:02 – 2:50 pm. Ms. Beall led the meeting. Of the 21 applications scheduled for review, 14 were approved, 1 was approved contingently, 2 were denied, and 4 were continued.

APPROVED (14)

Bond, William
Cruz, Jorge
Dougherty, Samuel
Glenn, Francis Jr.
Hevia, Andrew
Hicks, Wayne
Holden, Edward
Hollett, Bradley
Kegley, Anita
McLeod, Loren
Scapecchi, Victor
Spalton, Joshua
Thompson, Brandi
Velez-Maymi, Miguel

CONTINGENT APPROVALS (1)

White, Kenneth – *Contingent upon submitting proof of being a W2 employee*

DENIED (2)

Dominguez, Pedro
Facey, Christopher

CONTINUED (4)

Fairbanks, Charles – 30 days
Grooms, Gregory – 30 days
Patterson, Matthew – 30 days
Rowe, Larry – 30 days

Division II Board members met for Additional Business Entities Review on August 9, 2012 from 2:25 – 2:54 pm. Mr. Pietanza led the meeting. Of the 9 applications scheduled for review, 7 were approved, 1 was approved contingently, and 1 was withdrawn.

APPROVED (7)

Bello, Remberto
Berry, Matthew
Bondurant, Gregory
Harrell, Roger
McDevitt, William

Rosso, Joseph
White, Kenneth

CONTINGENT APPROVALS (1)

Owens, Lester – *Contingent upon submitting proof of being a W2 employee*

WITHDRAWN (1)

Richau, Paul

APPLICATION REVIEW

Division I Board members met for Application Review on August 8, 2012 from 3:30 – 5:09 pm. Mr. Cathey led the meeting. Of the 21 applications scheduled for review, 4 were approved, 3 were contingently approved, 1 was continued, 12 were denied, and 1 was withdrawn.

APPROVED (4)

Donovan, Robert
Jarmon, Morris
Rodriguez, Ricardo
Silvia, Robert

CONTINGENT APPROVALS (3)

Key, Stephen – *Contingent upon submitting a licensing bond*
Thompson, Frederick - *Contingent upon submitting a licensing bond*
Vaughan, Ashley – *Contingent upon showing proof of W2 employment and satisfaction of citation*

CONTINUED (1)

Billings, Scott – 90 days

DENIED (12)

Cameron, Steven
Campbell, Daniel
Collier, Michael
Holway, Sean
McCoy, Benjamin
Plaszewski, Robert
Romero, Anthony
Shaw, Matthew
Sleeth, Bradley
Sylla, Cheikh
Taylor, L. Ryan
Vives, Dennis

WITHDRAWN (1)

Egg, Michele

Division II Board members met for Application Review on August 9, 2012 from 3:16 – 4:38 pm and again from 4:43 – 5:15 pm. Ms. Watts led the meeting. Of the 23 applications scheduled for review, 9 were approved, 2 were approved contingently, 8 were denied, 3 were withdrawn, and 1 was pulled.

APPROVED (9)

Cain, Ronald
Cook, Jeremiah
Donovan, Robert
Fite, Alex
Goyer, Eric – approved as a downgrade to a Class A A/C license
Krebs, Jeremy
Rodriguez, Gustavo
Soroa, Adrian
Wrong, Brian

CONTIGENT APPROVAL (2)

Murphy, Clarence – *Contingent upon submitting a licensing bond and proof of a payment plan for open lien*
Orientale, Dana – *Contingent upon submitting a licensing bond*

DENIED (8)

Bentley, Charles (plumbing license)
Bentley, Charles (solar license)
De Souza, Artur
Gaby, Phillip
Karrh, Margaret
Lopez, Ricardo
Malone, Sean
Trabal, Enrique

WITHDRAWN (3)

Husty, Daniel
Shelton, Robert
Theye, Preston

PULLED (1)

Harper, Thomas

Division I voted unanimously to ratify the list of financially responsible officer applications.

Division II voted unanimously to ratify the list of financially responsible officer applications.

PROBATION

The Division I Probation Committee convened on August 9, 2012 from 1:00 – 1:05 pm. Mr. Kane led the meeting.

Robert Demick, CRC1326556

Result: Satisfactory

Clinton Moore, CGC1511982

Result: Satisfactory

Terrence Moore, CGC1105819

Result: Satisfactory

Matthew O'Brien, CBC1256531

Result: Stay of Suspension Lifted

Christopher Staggs, CBC060480

Result: Satisfactory

Request for early termination of probation granted

Kennth Tumlin, CBC028108

Result: Satisfactory

The Division II Probation Committee convened on August 9, 2012 from 1:45 – 1:56 pm. Mr. Korelishn led the meeting.

Ilias Antoniou, CAC1815492

Result: Satisfactory

Anthony Atkins, CCC1329527

Result: Satisfactory

Laurence Borello, CCC042793

Result: Satisfactory

Brian Citrano, CFC1425927

Result: Satisfactory

Edward Hobel, CCC029553

Result: Satisfactory

Jeffrey Leh, CCC1329672

Result: Continued

Chad Pannell, CFC1426680

Result: Stay of Suspension Lifted

Steven Vickery, CCC1328890

Result: Stay of Suspension Lifted

Gregory Wallace, CAC054715

Result: Satisfactory

GENERAL SESSION

The meeting was called to order by Jerry Hussey, Chair, at 9:00 am. Ms. Watts gave the Invocation. Ms. Beall led the Pledge of Allegiance.

EXECUTIVE DIRECTOR'S REPORT – DREW WINTERS

Mr. Winters gave the following report:

Mr. Winters asked the Board to excuse the following absences:

Mr. Del Vecchio
Mr. Boyette
Mr. Weller
Mr. Engelmeier

The board voted unanimously to excuse these absences.

Mr. Winters also distributed the Department's complaint report.

Mr. Winters announced the Florida Homeowners' Construction Recovery Fund has received its 2012-2013 appropriation. Mr. Winters also stated that there will be a meeting in September which will be a physical meeting as opposed to the conference call meetings that have taken place in the past.

Mr. Winters informed that board that the FDOT/CILB Joint Rule change issue would be brought back in front of the board in September. They are currently working on the language. Similarly, the language for the irrigation specialty license and industrial facility licenses are still being worked on and those will also be brought back in front of the board in September.

Mr. Winters reminded the Board that grandfathering apps will be available to the public on October 1, 2012.

Mr. Winters also reminded the board that he is in discussions with the Office of Legislative Affairs about Section 489.119 (3)(a) and a possible amendment to that language.

With nothing further to report the board voted unanimously to approve this report.

CHAIRMAN'S REPORT – JERRY D. HUSSEY

Mr. Hussey gave the following report:

Mr. Hussey reminded everybody to vote.

Mr. Hussey also informed the board to take note of who the new legislators are and to take time out of their schedule to introduce themselves.

Mr. Hussey asked Paul Waters if he could, at some time in the near future, provide the Board with the total number of complaints that are investigated but dismissed before being presented to the Probable Cause Panel. Mr. Waters stated he would have numbers for the Board at the next meeting.

Mr. Hussey also asked Mr. Winters if he could compile some information for him regarding the types of complaints about the CILB that are handled through the Governor's Office. Mr. Winters stated he would have some information to him by the next board meeting.

Mr. Hussey also reminded the board that the meeting is in Coral Gables next month and asked Mr. Pietanza if they should allow themselves some extra travel time in getting around Coral Gables.

With nothing further to report the board unanimously to approve this report.

PROSECUTING ATTORNEY'S REPORT – PAUL WATERS

Mr. Waters gave the following report:

For the month of July 2012, the overall case load was 300, up from 269 in June of 2012, and down from 538 in July of 2011.

There were 58 cases currently in Legal to be reviewed, 26 cases set for probable cause, and 45 cases where probable cause had been found/administrative complaints filed. 0 settlement stipulations had been approved, 4 informal hearings had been requested, and 11 cases were awaiting outside action. 3 cases were ready for default, 12 had requested formal hearings, and 3 cases were referred to DOAH. 6 cases were in settlement negotiations, 11 cases were pending board dates, and 50 cases were set for board presentation. 71 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

For the month of June 2012, 56 cases were closed.

Mr. Waters also introduced another prosecuting attorney, Ms. Brittany Bailey, who is handling Unlicensed Activity cases.

With nothing further to report the board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

ALLEN FULFER – REQUEST FOR INFORMAL HEARING

Mr. Fulfer was present with Counsel Tommy Smith.

Mr. Biggins presented this case stating Mr. Fulfer's application for a registered plumbing licenses was denied at the May 2012 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility and because the applicant's competency card was expired according to the application materials. The Notice of Intent to Deny was filed in June of 2012. Mr. Fulfer timely requested board reconsideration.

After discussion the board voted to approve the application.

CONSTANTIN HUZDUP – REQUEST FOR INFORMAL HEARING

Mr. Huzdup was present.

Mr. Biggins presented this case stating Mr. Huzdup's application to qualify an additional business was denied at the May 2012 meeting of the board for failure to demonstrate the qualifying agent would properly supervise the construction work and business activities. The Notice of Intent to Deny was filed in June of 2012. Mr. Huzdup timely requested board reconsideration.

After discussion the board voted to approve the application.

JOHN MCCLANE – REQUEST FOR INFORMAL HEARING

Mr. McClane was present.

Mr. Biggins presented this case stating Mr. McClane's application for initial issuance of a certified general contractor's license was denied at the May 2012 meeting of the board for failure to demonstrate the required experience and failure to sufficiently demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in June of 2012. Mr. McClane timely requested board reconsideration.

After discussion the board voted to approve the application contingent upon the applicant obtaining either a licensing bond or an irrevocable letter of credit.

NATIONAL METERING SERVICES, INC. – PETITION FOR DECLARATORY STATEMENT

A representative from National Metering Services, Inc., was not present

Mr. Biggins presented this case stating National Metering Services, Inc. filed a petition for a declaratory statement on June 22, 2012. The petition was noticed in the Florida Administrative Weekly on July 13, 2012. Mr. Biggins noted the petition appears to be requesting an interpretation of Chapter 489.105, Florida Statutes, and whether only licensed Florida Underground Utility and Excavation Contractor's are to bid on underground water metering utility projects. Mr. Biggins asked the board to consider whether or not the petition meets the criteria for a declaratory statement, and to dismiss or answer as appropriate.

After discussion the board voted that the petitioner lacked the proper standing and denied the petition.

PAUL RICHAU – REQUEST FOR INFORMAL HEARING

Mr. Richau was present.

Mr. Biggins presented this case stating Mr. Richau's application for initial licensure as a certified residential pool & spa contractor's license was denied at the June 2012 meeting of the board for failure to demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in July of 2012. Mr. Richau timely requested board reconsideration.

After discussion the board voted to approve the application contingent a Financially Responsible Officer application being approved for the company and with the condition that the Financially Responsible Officer remain in place until all liens and judgments are satisfied.

FLETCHER VICKERS – REQUEST FOR INFORMAL HEARING

Mr. Biggins indicated this hearing would be continued.

With nothing further to report the board voted unanimously to approve this report.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ROY LENOIS

Mr. Lenois gave the following report:

American Trainco

1st Course: Air Conditioning & Refrigeration – **approved** (add 1 hour of Laws & Rules)

Contractor Continuing Education, Inc.

1st Course: Tools for a Successful Contractor – **approved**

Florida Pool & Spa Association d/b/a Florida Swimming Pool Association

1st Course: 15 Things All Successful Companies have in Common Workshop – **approved**

2nd Course: 2010 ADA Regulations for Swimming Facilities – An Update – **approved**

3rd Course: Basic Electricity for Pool Contractors – **approved** (contingent upon a licensed electrical contractor instructing the course)

4th Course: Building High Performance Teams – **approved**

5th Course: Component Compatibility and Hydraulics – **approved**

6th Course: Cost Cutting Techniques to Increase Profits – **approved**

7th Course: Differential Hold Down Forces – **approved**

8th Course: Executive Leadership in Today's Economy – **approved**

9th Course: Exposing Myths about Pool/Spa Chemistry – **approved**

10th Course: Hydraulics and Pump Selection for the Service Professional – **approved**

- 11th Course: Managing Fleet Safety – **approved**
12th Course: Maximizing Tax Deductions through Customized Retirement Plans – **approved**
13th Course: Millionaire Pool Man – Improving Profits, Building Wealth – **approved**
14th Course: Mysteries and Myths of Metal Staining – **approved**
15th Course: Pool Popping Epidemic – **approved**
16th Course: Problem Solving Testing Interferences – **approved**
17th Course: Pumps and Motors – **approved**
18th Course: Secrets to Earning More by Selling Less – **approved**
19th Course: Selecting the Right Heating System – **approved**
20th Course: Selling Services the Fearless Way – **approved**
21st Course: Swimming Pool and Spa Start-Up Course – **approved**
22nd Course: The Increasing Influence of Source Water on Swimming Pool and Spa Maintenance – **approved**
23rd Course: The Ins and Outs of Robotic Pool Cleaners – **approved**
24th Course: The Modern Pool – Doing More with Less – **approved**
25th Course: Water Quality Test Procedures and Verification Standards – **approved**

Home Inspection Academy

- 1st Course: Performing Inspection and Preparing the OIR – 182 Uniform Mitigation Verification Form – **approved**

John W. Higgins

- 1st Course: Small Business Owners Insurance – **approved** (contingent upon signing attest statement)

Rheem Manufacturing Air Conditioning Division

- 1st Course: Heat Pumps: Demand Defrost Controls – **approved**

Scotsman Ice Systems

- 1st Course: Prodigy Ice Machine Technical Training – **denied**

Structural Engineering & Inspections, Inc.

- 1st Course: Truss Bracing – **approved**

With nothing further to report the board voted unanimously to approve this report.

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Biggins gave the following report:

The following Rules required no further action:

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants

The following Proposed Rules have been **Noticed**:

61G4-15.018 Certification of Glass & Glazing Contractors

AD HOC COMMITTEE

The following Rules are under outside agency review:

61G4-12.011 Definitions

The following Proposed Rules have been **Noticed:**

Rule 61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants

61G4-15.018 Certification of Glass & Glazing Contractors

OLD BUSINESS

Removal of old materials from laptop.

NEW BUSINESS

No New Business was discussed.

With no further business the meeting was adjourned at 9:30 am.