

**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 Of the 9 applications scheduled for review, 7 were approved, 1 was approved contingently, and 1 was withdrawn.***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WITHDRAWN (1)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 the 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**

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

##### **Contractor Continuing Education, Inc.**

1<sup>st</sup> Course: Tools for a Successful Contractor – **approved**

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

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

2<sup>nd</sup> Course: 2010 ADA Regulations for Swimming Facilities – An Update – **approved**

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

4<sup>th</sup> Course: Building High Performance Teams – **approved**

5<sup>th</sup> Course: Component Compatibility and Hydraulics – **approved**

6<sup>th</sup> Course: Cost Cutting Techniques to Increase Profits – **approved**

7<sup>th</sup> Course: Differential Hold Down Forces – **approved**

8<sup>th</sup> Course: Executive Leadership in Today's Economy – **approved**

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

10<sup>th</sup> Course: Hydraulics and Pump Selection for the Service Professional – **approved**

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

#### **Home Inspection Academy**

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

#### **John W. Higgins**

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

#### **Rheem Manufacturing Air Conditioning Division**

- 1<sup>st</sup> Course: Heat Pumps: Demand Defrost Controls – **approved**

#### **Scotsman Ice Systems**

- 1<sup>st</sup> Course: Prodigy Ice Machine Technical Training – **denied**

#### **Structural Engineering & Inspections, Inc.**

- 1<sup>st</sup> 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.