

**FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD**

**EMBASSY SUITES TAMPA – USF  
3705 SPECTRUM BLVD.  
TAMPA, FL 33612  
813-977-7066**

**GENERAL SESSION MINUTES**

**FEBRUARY 13, 2009**

The meeting was called to order by Mrs. Jacqueline Watts, Chair, at 8:33 am.

**Board Members Present**

Jacqueline Watts, Chair  
Peggy Bailey  
Elbert Batton  
Frank Bonuso  
Paul Del Vecchio  
Carl E. Engelmeier  
James C. Evetts  
James Flaherty  
Raymond Holloway  
Jerry D. Hussey  
Michelle Kane  
Roy R. Lenois  
Robert Moody Jr.  
Mark Pietanza  
William S. Sheehan  
Don Wilford

**Board Members Absent**

Edward Weller

**Others Present**

G. W. Harrell, Executive Director, DBPR  
Andy D. Janeczek, Government Analyst, DBPR  
Amanda Abbott, Government Analyst, DBPR  
David Spingler, Administrative Assistant, DBPR  
Daniel Biggins, Legal Advisor, AGO  
Carrol Cherry, Legal Advisor, AGO  
Tiffany Harrington, Prosecuting Attorney, DBPR  
Lisa Comingore, Prosecuting Attorney, DBPR

Mr. Holloway gave the invocation. Mr. Del Vecchio led the Pledge of Allegiance.

## **EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL**

Mr. Harrell thanked the board for their work during Final Action the previous day and proposed the idea of allotting a lunch break in the middle of Final Action, and possibly scheduling more committee meetings on Wednesday or Friday to ease the load Thursday. Mr. Harrell also stated he would make sure that local discipline cases are checked by OGC to make sure they're compliant with local discipline before they appear in front of the board. Mr. Harrell also mentioned that the department has proposed the idea of eliminating the Qualified Business License.

With no further discussion the board voted unanimously to approve this report.

## **CHAIRMAN'S REPORT – JACQUELINE WATTS**

The following absences were excused:

Mr. Weller (whole meeting)

With no further discussion the board voted unanimously to approve this report.

## **PROSECUTING ATTORNEY'S REPORT – JEFF KELLY**

Mr. Kelly gave the following report:

For the month of January 2009, the overall case load was 1,952, up from 1,893 for December 2008 and down from 2,052 in January of 2008.

There were 549 cases to be reviewed in Legal, 129 cases set for Probable Cause and 436 cases where probable cause had been found/administrative complaints filed. 134 cases were ready for default, 33 cases had stipulations executed/informal hearings requested, and 120 had requested formal hearings. There were 27 cases referred to DOAH, 91 cases in settlement negotiations, 224 cases awaiting final orders, and 209 cases set for board presentation. There were 0 cases under appeal and 0 cases re-opened. 186 cases were closed for the month of January.

With no further discussion the board voted unanimously to approve this report.

## **ATTORNEY GENERAL'S REPORT – DAN BIGGINS**

### **LANCELOT BRYAN – REQUEST FOR INFORMAL HEARING**

Mr. Bryan was present.

Mr. Biggins presented this case stating Lancelot Bryan's application for initial issuance of a Certified General Contractor's License was denied for failure to demonstrate the required experience. Mr. Bryan received a Notice of Intent to Deny. Mr. Bryan timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

**MATTHEW DISTELHURST – REQUEST FOR INFORMAL HEARING**

Mr. Distelhurst was present with Counsel, Mr. Tim Atkinson.

Mr. Biggins presented this case stating Matthew Distelhurst's application for initial issuance of a Certified General's Contractor's license was denied for failure to demonstrate the required experience and prior discipline issues. Mr. Distelhurst received a Notice of Intent to Deny. Mr. Distelhurst timely requested board reconsideration.

After discussion the board voted unanimously to approve the application as a Certified Building Contractor.

**GEORGE GUZMAN – REQUEST FOR INFORMAL HEARING**

Mr. Guzman was present.

Mr. Biggins presented this case stating George Guzman's application for initial issuance of a Certified General Contractors license was denied for failure to demonstrate the required experience and failure to demonstrate financial stability. Mr. Guzman received a Notice of Intent to Deny. Mr. Guzman timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

**CLINTON HENNECY – PETITION FOR VARIANCE AND WAIVER**

Mr. Hennecy was present with Counsel, Tim Atkinson.

Mr. Biggins presented this case as a petition for variance of waiver of rule 61G4-15.001 (2). Mr. Harrell stated Mr. Hennecy has passed the General Contractors Examination and would like to use that exam to be issued a Certified Specialty License for the construction of communication towers.

After discussion the board voted unanimously to grant the petition for variance and waiver.

**ELLIOT JAMES JENKINS – REQUEST FOR INFORMAL HEARING**

Mr. Jenkins was present.

Mr. Biggins presented this case stating Elliot Jenkin's application for initial licensure for a Certified General Contractors license was denied for failure to demonstrate the required experience and for pending discipline. Mr. Jenkins received a Notice of Intent to Deny. Mr. Jenkins timely requested board reconsideration.

After discussion the board voted unanimously to approve the application as a Certified Building Contractor.

## **CHARLES MILLER – REQUEST FOR INFORMAL HEARING**

Mr. Miller was present with Counsel.

Mr. Biggins presented this case stating Charles Miller's application for initial licensure as a Certified Class B Air Conditioning contractor was denied for failure to demonstrate the required experience, failure to show good moral character, and having been found guilty of crimes related to the practice of contracting, and issues with the experience verifier. Mr. Miller received a Notice of Intent to Deny. Mr. Miller timely requested board reconsideration. Mr. Miller requested a 60 day continuance.

After discussion the board voted unanimously to grant a 60 day continuance.

## **ROBERT RAINES – RECOMMENDED ORDER**

Mr. Raines was present.

Mr. Biggins presented this case as a Recommended Order on a ruling from an Administrative Law Judge. Mr. Biggins stated the Administrative Law Judge upheld the Board's decision to deny the application and found Mr. Raines ineligible to obtain licensure.

After discussion the board voted unanimously to uphold the Administrative Law Judge's findings.

## **SAFETY GUYS – REQUEST FOR INFORMAL HEARING (CE)**

A representative from Safety Guys was not present.

Mr. Biggins presented this case stating the CE courses offered by Safety Guys title were denied. Safety Guys received a Notice of Intent to Deny. Safety Guys timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

## **ANTHONY SMITH-MARTINEZ – REQUEST FOR INFORMAL HEARING**

Mr. Smith-Martinez was present.

Mr. Biggins presented this case stating Mr. Smith-Martinez' application for initial licensure as a Certified Roofing Contractor was denied due to failure to demonstrate the required experience. Mr. Smith-Martinez received a Notice of Intent to Deny. Mr. Smith-Martinez timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

## **IGNACIO VIGO – REQUEST FOR INFORMAL HEARING**

Mr. Vigo was present.

Mr. Biggins presented this case stating Ignacio Vigo's application for a change of status of a Certified A/C Contractors license was denied due to pending discipline. Mr. Vigo received a Notice of Intent to Deny. Mr. Vigo timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

With no further business the board voted unanimously to approve this report.

### **ADDITIONAL BUSINESS ENTITIES REVIEW – MARK PIETANZA**

Mr. Pietanza gave the following report:

#### Applications Approved

Armstrong, Scott

Aubry, Robert

Barbieri, Anthony

Chong, Arnold

Daniels, John

Hamilton, Brad - need 7hrs laws and rules CE within 1 year

Jarvis, John

Johnson, Bruce

Kay, John

Kelly, Kyle

Lee, Tae

Lewis, James

Lue, Daniel

Lyssenko, Ilia

Mancini

Marsala, Joseph

McDonald

Mobley, Michael

Mosher, Christopher

Powell, Wallace

Romano, Joseph

Schaneville, Scott - 7hrs of laws and rules CE in one year

Wilson, William

Wolf, Daniel

Wolf, Daniel

#### Applications Denied

Lee, Timothy

#### Applications Withdrawn

Perez, Luis

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

## **EXAMS/CE/PUBLIC AWARENESS COMMITTEE AGENDA – JIM FLAHERTY**

Mr. Flaherty gave the following report:

### **Air Conditioning Contractors of America**

- 1<sup>st</sup> Course: (Almost) 50 Ways to find and Keep good employees – denied
- 2<sup>nd</sup> Course: Cluster control: 5 marketing Steps for Local Domination – approved for one credit hour only
- 3<sup>rd</sup> Course: Energy Analysis for Homeowners – approved for one general credit hour only
- 4<sup>th</sup> Course: Front Line Service, Upselling & Handling Stress – denied
- 5<sup>th</sup> Course: Hiring the right people: Screening and Interview Techniques – denied
- 6<sup>th</sup> Course: Identifying and Selling “Energy Saving” in Commercial Building – approved for one credit hour only
- 7<sup>th</sup> Course: Managing your Company with “Team Leaders” – approved for one credit hour only; instructor must be qualified
- 8<sup>th</sup> Course: Mastering Manual N: Tips, Tricks and Tips – approved for one credit hour only
- 9<sup>th</sup> Course: Maximizing Profits Through Email – approved for one credit hour only
- 10<sup>th</sup> Course: Measuring Customer Satisfaction – approved for one credit hour only
- 11<sup>th</sup> Course: Performing Energy Audits for Existing Homes – approved for one credit hour only
- 12<sup>th</sup> Course: PR is not just for Big Companies Get Free Press & Grow Your Business – denied
- 13<sup>th</sup> Course: Pricing for Profits – approved
- 14<sup>th</sup> Course: Recipe for Maximizing Commercial Service Profits – approved for one credit hour only
- 15<sup>th</sup> Course: Retrofits Opportunities for the Commercial Contractor – approved for one credit hour only
- 16<sup>th</sup> Course: Selling Commercial Service Agreements – approved for one credit hour only; instructor must be qualified
- 17<sup>th</sup> Course: Strategies for reducing callbacks – approved for one credit hour only; Instructor must be qualified
- 18<sup>th</sup> Course: Taking your Service Agreement program to the next Level – approved for one hour credit only; Instructor must be qualified
- 19<sup>th</sup> Course: Ten Years from Now: The Successful Contractor of the (Near) Future – denied
- 20<sup>th</sup> Course: The Green Consumer: Who they are, What they want and How to Sell to Them – approved for one hour credit only; Instructor must be qualified
- 21<sup>st</sup> Course: The HVACR Career Path: Building one for your Employees – approved for one hour credit only
- 22<sup>nd</sup> Course: The Truth about contracting: What Your Techs need to know before they become your completion – approved for one credit hour only

### **American Rainwater Catchment Systems Association**

- 1<sup>st</sup> Course: ARCSA Rainwater Catchment Professional Accreditation - approved

### **B T Builders Inc.**

- 1<sup>st</sup> Course: Chapter 440 Florida Statutes Workers Compensation – approved for one hour workers' compensation credit only
- 2<sup>nd</sup> Course: Contractor Licensing Chapter 489 Florida Statutes – approved for one hour laws and rules credit and one hour general credit
- 3<sup>rd</sup> Course: Fixed Ladder Safety – approved for one hour workplace safety credit only
- 4<sup>th</sup> Course: Lien Law of Florida Chapter 713 Construction Liens – approved for one hour business practice credit and one hour general credit
- 5<sup>th</sup> Course: Portable Ladder Safety – approved for one hour workplace safety credit only
- 6<sup>th</sup> Course: Wind Mitigation – approved for one hour wind mitigation credit only

**Commercial Energy Specialists, Inc.**

- 1<sup>st</sup> Course: Guerilla Professional Pool Management Seminar – denied
- 2<sup>nd</sup> Course: Proven Green Technologies for Commercial Pools – denied

**Contractor's Education Source, Inc.**

- 1<sup>st</sup> Course: HVAC System and Indoor Air Quality - approved

**Continuing Education Academy**

- 1<sup>st</sup> Course: Preparing Financial Statements – approved
- 2<sup>nd</sup> Course: Understanding Contract Surety Bonds – approved

**Drexel Metals Corporation**

- 1<sup>st</sup> Course: Sustainable Design & Metal Roofing – denied

**Florida Wood Council**

- 1<sup>st</sup> Course: Florida Lien Law – approved
- 2<sup>nd</sup> Course: Keys to an OSHA Inspection – approved
- 3<sup>rd</sup> Course: OSHA & State of FL Safety (Administration) – approved
- 4<sup>th</sup> Course: Safety Violations and Prevention - approved

**Glenn Rasmussen Fogarty & Hooker, P.A.**

- 1<sup>st</sup> Course: The Current Revision to AIA Contract Documents - approved

**Hillsborough Association of Plumbing, Heating & Cooling Contractors, Inc.**

- 1<sup>st</sup> Course: Safety Program Guidelines – approved
- 2<sup>nd</sup> Course: Workers Compensation Cost Management - approved

**Honeywell International**

- 1<sup>st</sup> Course: Dehumidification and Controls – approved

**(Name change only)**

**(0001571, Expired 05/31/2005)**

**Koning Enterprises, Ind. DBA Contractors Institute**

- 1<sup>st</sup> Course: Florida Building Code: Health Care Plumbing – approved
- 2<sup>nd</sup> Course: Florida Building Code: Health Care Plumbing (Internet Version) – approved
- 3<sup>rd</sup> Course: Florida Building Code: Plumbing-Chapter 7- Sanitary Drainage Systems – approved
- 4<sup>th</sup> Course: Florida Building Code: Plumbing-Chapter 7- Sanitary Drainage Systems (Internet Version) - approved

**Miami Dade College**

1<sup>st</sup> Course: LEED, Certification Training - approved

**Palm Beach County Plumbing, Pipefitting Joint Educational Trust Fund**

1<sup>st</sup> Course: Contractors, Installer and Inspector Medical Gas Certification – approved  
**(00003067, Expired 09/09/2007)**

2<sup>nd</sup> Course: Florida Laws and Rules Overview – approved for business practice,  
workers' compensation and workplace safety credits only  
**(0008081, Expired 04/15/2007)**

3<sup>rd</sup> Course: OSHA Outreach for Journeyman & Apprentices in the Construction Trades –  
approved  
**(0000501, Expired 07/15/2007)**

**Pinch A Penny, Inc.**

1<sup>st</sup> Course: Using Reports to Maximize Profitability for the Contractor – approved

**Plumbing Contractors Association**

1<sup>st</sup> Course: How to transform a bathroom PT1 – approved

2<sup>nd</sup> Course: How to transform a bathroom PT2-Installation – approved

3<sup>rd</sup> Course: Using Legal Entities for Individuals and Business - approved

**Professional Training & Consultants, Inc.**

1<sup>st</sup> Course: Significant Changes to the Florida Building Code – approved

2<sup>nd</sup> Course: Significant Changes to the Florida Residential Building Code – approved

**Stellar Group**

1<sup>st</sup> Course: Managing Design/Build Construction Projects – continued 60 days to  
provide hour-for-hour timeline

**(Application was remanded to committee by full board on January 16, 2009.)**

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

**PROBATIONS COMMITTEE – CARL ENGELMEIER**

Mr. Engelmeier gave the following report:

**Ball, William,** (CGC 36194)

Result: Satisfactory

**Borello, Laurence,** (CCC 42793)

Result: Satisfactory

**Brenneman, Kent,** (CPC 57225)

Result: Satisfactory (Probation completed)

**Debolt, Heather,** (CBC 58193 & CPC 1456756)

Result: Satisfactory



**Gainey, Elijah**, (CRC 1329756)  
Result: Satisfactory

**Gasperson, Robert**, (CCC 1326271)  
Result: Satisfactory

**Gaul, David**, (CAC 1815055)  
Result: Satisfactory

**Glagola, Steven**, (CGC 1511992)  
Result: Satisfactory

**Hickey, Robert**, (CPC 39928)  
Result: Satisfactory

**Hobel, Edward**, (CCC 29553)  
Result: Satisfactory

**Igou, William**, (CBC 1254550)  
Result: Satisfactory

**Jones, Kenneth**, (CBC 1250728)  
Result: Stay of Suspension lifted (failure to submit probation package)

**Kelly, James**, (CGC 50721)  
Result: Satisfactory

**Kontny, Todd**, (CMC 1249643, CFC 1427114)  
Result: Satisfactory

**Kuntz, Wayne**, (CBC 22190, CCC 57335)  
Result: Satisfactory

**Malanchuk, Richard**, (CGC 11508)  
Result: Stay of Suspension lifted (failure to submit probation package)

**Mart, David**, (CRC 40916)  
Result: Satisfactory

**Mendez, Thomas**, (CGC 46376)  
Result: Satisfactory. The board ratified a motion to terminate his probation with 7 successful appearances.

**Natanson, Gary**, (CGC 52834)  
Result: Satisfactory

**Oltmann, Richard**, (CGC 14487)  
Result: Satisfactory

**Payne, Troy**, (CGC 22901)  
Result: Satisfactory

**Ricciardelli, Robert**, (CRC 57704)  
Result: Satisfactory

**Scharn, Dean**, (CCC 1327771)  
Result: Satisfactory

**Tummolo, Raymond**, (SCC 56738)  
Result: Continued for 6 months

**Valladares, Jose**, (CGC 1511678)  
Result: Satisfactory

**West, James**, (CGC 44136)  
Result: Continued for 6 months

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

#### **APPLICATION REVIEW COMMITTEE – WILLIAM SHEEHAN**

Mr. Sheehan gave the following report:

##### Approved Applications

Abreu, Antonio  
Buck, Ronald – two years probation  
Debellis, Joseph  
Holmes, Kenneth (Downgrade to a CBC license)  
Kennedy, Dennis – one year probation  
Lichtle, John  
McKeehan, Jason – two years probation  
Noakes, Larry  
Orellana, Juan  
Teets, Robert

##### Applications Denied

Battles, James  
Guevara, Arturo  
Salusso, Sergio  
Tarrab, Jerry  
Villalonga, Lazaro

##### Applications Continued

Sanchez, Viurniel - continued 30 days to provide revised experience verification  
Warmack, Carl – continued 60 days to research affidavit and to provide proof of education and experience

Applications Withdrawn

Lee, Christopher - Withdrawn

Van Vleck, Jon Charles – Withdrawn

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

**AD HOC LICENSURE QUALIFICATIONS COMMITTEE – PAUL DEL VECCHIO**

Mr. Del Vecchio stated the Ad Hoc committee had a discussion of pre-licensure education and looking into the idea of having pre-licensure education as an option for experience in gaining initial licensure.

With no further discussion the board voted unanimously to approve this report.

**RULES/PUBLIC/LEGISLATIVE COMMITTEE – JACQUELINE WATTS**

The following rules have been **Developed**:

61G4-12.006 Approved Form

61G4-21.003 Filing Claims

The following proposed rules have been **Noticed**:

61G4-15.001 Qualification for Certification

61G4-15.028 Precision Tank Testers

61G4-15.029 Tank Lining Applicators

61G4-15.032 Certification of Swimming Pool Specialty Contractors

61G4-16.001 (17) Written Certification Exam Requirements (Solar Contractor)

61G4-18.005 Qualifications of Course Instructors

61G4-21.005 Payment of Claims

Mr. Del Vecchio stated that there was only discussion of the above rules and no determinations were made.

With no further business the board voted unanimously to approve this report.

**OLD BUSINESS**

There was not any old business discussed.

**NEW BUSINESS**

A technology presentation was given by Michelle Franckhauser concerning the automated agenda assembly process in OnBase.

With no further business the board voted unanimously to adjourn the February 2009 board meeting.