

**FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD**

**CROWNE PLAZA TAMPA WESTSHORE  
5303 WEST KENNEDY BOULEVARD  
TAMPA, FL 33609  
813.289.1950**

**FEBRUARY 9 - 12, 2010  
MEETING MINUTES**

**Board Members Present**

Edward Weller  
Peggy Bailey  
Don Wilford  
Elbert Batton  
Paul Del Vecchio  
Robert Moody Jr.  
Mark Pietanza  
Roy R. Lenois  
Carl E. Engelmeier  
James C. Evetts  
Raymond Holloway  
Michelle Kane  
William S. Sheehan, Chair  
Jacqueline Watts  
Wilbert Malphus

**Board Members Absent**

Jerry D. Hussey

**Others Present**

G. W. Harrell, Executive Director, DBPR  
Andy D. Janecek, Government Analyst, DBPR  
Mandie Wynn, Government Analyst, DBPR  
Daniel Biggins, Legal Advisor, AGO  
Carol Cherry, Legal Advisor, AGO  
Jeff Kelly, Chief Prosecuting Attorney, DBPR  
James Fortunias, Prosecuting Attorney, DBPR

## **ADDITIONAL BUSINESS ENTITIES REVIEW**

***Division I Board members met for Additional Business Entities Review on February 10, 2010 from 2:00 –3:22p.m. Mr. Evetts led the meeting. Of the 19 applications reviewed, 10 were approved, 2 were approved contingent, 1 was approved with conditions, 1 was withdrawn and 5 were denied.***

### **APPROVALS (10)**

Bracy, Herbert  
Bracy, Brain  
Cole, Daniel  
Dales, Christopher  
Estep, Jeffrey  
Gamm, Steven  
Gresham, Robert  
Jacobazzi, Anthony  
Tomlin, Stephen  
Umpierre, Manuel

### **CONTINGENT APPROVALS (3)**

Jeffreys, Jack – contingent upon submitting credit report with no liens  
Morgan, Ronald – contingent upon submitting 25% ownership

### **CONDITIONAL APPROVAL(1)**

Johnston, Keith – probation for 3 years

### **WITHDRAWAL (1)**

West, Terry

### **DENIALS (5)**

Canelo, Daniel  
Esola, Richard  
Jenkins, John  
Rowe, Gregory  
Traxinger, James

***Division II Board members met for Additional Business Entities Review on February 11, 2010 from 3:45p.m. Mr. Flaherty led the meeting. Of the 6 applications reviewed, 5 were approved and 1 was approved contingent.***

### **APPROVALS (5)**

Harris, Randall  
Hund, Charles  
Novella, Ralph  
Umpierre, Manuel  
Wayne, Michael

### **CONTINGENT (1)**

Commerford, Belseri – contingent upon submitting proof of at least 10% ownership or W2 employment status

### **APPLICATION REVIEW**

***Division I Board members met for Application Review on February 10, 2010 from 3:34 – 4:44p.m. Mr. Hussey led the meeting. Of the 26 applications reviewed, 13 were approved, 1 was approved with conditions, 2 were continued, 1 was pulled, 1 was withdrawn and 8 were denied.***

#### **APPROVALS (13)**

Bitzer, Ryan Douglas  
Carter, James Cody  
Collins, Corey Aaron  
Eskenazi, Paul B.  
Hutchinson, Arnold Morales  
Hutchinson, Arnold Morales  
Lineback, Harold Robert  
McMillion, Michael S.  
McGregor, Greg S.  
Pooler, Jr., Thomas  
Vessels, Charles Michael  
Yo, Il Yon  
Yzaguirre, Tammy S.

#### **CONDITIONAL APPROVAL (1)**

Mattis, Jr., Ronald Aaron – approved as cell tower specialty license

#### **CONTINUANCE(2)**

Brace, Scott Duane - continued 30 days to allow for noticing of petition for waiver  
Roberts, Michael L - continued 30 days

#### **WITHDRAWAL(1)**

Ekey, Benjamin R.

#### **DENIALS (8)**

Batista, Elizabeth  
Chadwell, Donald R.  
Fields, Jerry Dwight  
Nemec, Charles G.  
Rice, Jason P.  
Rodriguez, Danny  
Roederer, Joanne J.  
Zeldenthuis, Charles Ray

#### **PULLED (1)**

Goswick, Chad Stanley

***Division II Board members met for Application Review on February 11, 2010 at 4:45p.m. Mr. Engelmeier led the meeting. Of the 14 applications reviewed, 5 were approved, 2 were approved with conditions, and 3 were denied, 3 pulled and 1 withdrawn.***

**APPROVALS (5)**

Carlson, Adolph  
Giralt, Carlos Alberto  
Lopez, Yodaly  
Urquiaga, Wilfredo  
Wozniak, Peter Edward

**CONDITIONAL APPROVALS (2)**

Pannell, Chad Edward – probation for 2 years  
Preiss, Andy Alexander – probation for 2 years

**DENIALS (3)**

Chadwell, Donald R.  
Deming, Richard Allen  
Lee, Andrew D.

**PULLED(3)**

Gast, Gregory Allen  
Ooi, Soo L.  
Wilson, Wilma

**WITHDRAWAL(1)**

Kelly, Daniel L.

**PROBATION**

***Division I board members met on February 11, 2010 from 2:00 – 2:42p.m. Mr. Batton led the meeting.***

**Dean Joseph Blankenship, (CBC 1257096)**

Result: Satisfactory

**Matt Jahn Corson, (CRC 1330160)**

Result: Continued

Continued for 6 months. This will extend your probation period by an additional 6 months.

**Heather L Debolt, (CBC 058193)**

Result: Satisfactory

You have completed the terms of your probation. Your licenses are now set to Current/Active status.

**Philip H. Englett, (CGC 055197)**

Result: Continued

Continued for 6 months. This will extend your probation period by an additional 6 months.

**Shlomo Epstein, (CGC 1517607)**

Result: Unsatisfactory

No contracts provided.

**Elijah Franklin Gainey, (CRC 1329756)**

Result: Satisfactory

**Kevin Bryan Gentry, Sr., (RB 29003516)**

Result: Satisfactory

**Kyle Patrick Green, (CBC 1257095)**

Result: Satisfactory

**Paul Hansen, (CRC 56902)**

Result: Satisfactory

**William Igou, (CBC 1254550)**

Result: Satisfactory

**James Kelly, (CGC 05721)**

Result: Unsatisfactory

Incomplete package. No contracts, proposals or permits provided; no financial statement provided.

**Gary Keith Natanson, (CGC 052834)**

Result: Satisfactory

**Anthony D. Nesmith, Sr., (RB 29003517)**

Result: Satisfactory

**Richard Oltmann, (CBC 014487)**

Result: Satisfactory

**Robert A. Ricciardelli, (CRC 057704)**

Result: Unsatisfactory

Incomplete package; no contract provided.

**Jose Valladares, (CGC 1511678)**

Result: Satisfactory

**Rick L. Vogel, (CGC 1517713)**

Result: Satisfactory

**Richard J. Walsh**, (CGC 00727)

Result: Stay Lifted

Your license has been suspended for failure to submit a probation package or appear at the February 2010 meeting.

**Ryan Wilkey**, (CRC 1329977)

Result: Unsatisfactory

**Eugene Williams**, (CGC 031803)

Result: Unsatisfactory

***Division II board members met on February 11, 2010 from 3:00 – 3:33p.m. Mr. Moody led the meeting.***

**Laurence Edward Borello**, (CCC 042793)

Result: Unsatisfactory

Incomplete package; no contract provided.

**Heather L Debolt**, (CPC 1456756)

Result: Satisfactory

You have completed the terms of your probation. Your licenses are now set to Current/Active status.

**Robert T. Gasperson**, (CCC 1326271)

Result: Continued

Continued for 6 months. This will extend your probation period by an additional 6 months.

**David Gaul**, (CAC 1815055)

Result: Satisfactory

You have completed the terms of your probation. Your licenses are now set to Current/Active status.

**Jason D. Graber**, (CUC 1224099)

Result: Stay lifted

Your license has been suspended for failure to submit a probation package or appear at the February 2010 meeting.

**Robert Hickey**, (CPC 39928)

Result: Stay lifted

Your license has been suspended for failure to submit a probation package or appear at the February 2010 meeting.

**Edward F. Hobel**, (CCC 029553)

Result: Satisfactory

**Todd Kontny**, (CFC 1427114, CMC 1249643)

Result: Satisfactory

**William James Roberts, (CCC 1328895)**

Result: Stay lifted

Your license has been suspended for failure to submit a probation package or appear at the February 2010 meeting.

**Dean Scharn, (CCC 1327771)**

Result: Satisfactory

**Steven K. Vickery, (CCC 1328890)**

Result: Continued

**James West, (CFC 044136)**

Result: Unsatisfactory

**Kenneth Wosyluk, (CCC 1326215)**

Result: Unsatisfactory

## **GENERAL SESSION**

The meeting was called to order by Mr. William Sheehan, at 8:31 a.m. Mr. Evetts led the pledge of allegiance. Mr. Holloway gave the invocation.

## **REVIEW OF MINUTES**

### **A. Final Action Minutes – January 2010**

The board voted unanimously to approve these minutes.

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

Mr. Harrell thought the structure of the meeting went very good. Mr. Harrell stated that former board member Andrea Serraes is planning a reunion of all current and former board members and Executive Directors possibly in August.

The Board voted unanimously to approve this report.

## **CHAIRMAN'S REPORT – WILLIAM SHEEHAN**

Mr. Sheehan thanked the board for the meeting moving along very well as opposed to the previous meeting. Mr. Sheehan presented Carol with a plaque for her service and stated she will be leaving the board. Mr. Bob Stewart was also presented with a plaque for his service. And Ms. Joan Brown was presented with a plaque for her service to the board. Mr. Sheehan also wanted to make everyone aware that Probable Cause is now paperless. Mr. Sheehan suggested moving Ad Hoc and Rules to Wednesday afternoon. Mr. Harrell suggested keeping this format for March and possibly moving Division I probation to Wednesday afternoon after Additional Business and Application Review.

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 2010, the overall case load was 1,561, down from 1,557 in December of 2009, and down from 1,952 from January of 2009.

There were 461 cases to be reviewed in Legal, 107 cases set for probable cause and 297 cases where probable cause had been found/administrative complaints filed. 174 cases were ready for default, 43 cases had stipulations executed/informal hearings requested, and 80 cases had requested formal hearings. There were 17 cases referred to DOAH, 41 cases in settlement negotiations, 121 cases awaiting final orders, and 207 cases set for Board presentation. There were 0 cases under appeal and 1 case re-opened. 84 cases were closed for the month of January.

Mr. Kelly stated that cases against registered contractors would appear beginning in March and would appear at Division I & II Final Action, and would consist mostly of adopting the discipline local jurisdictions had adopted.

The Board voted unanimously to approve this report.

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

##### **OSCAR BEHNCKE – REQUEST FOR INFORMAL HEARING**

Mr. Behncke was not present.

Mr. Biggins presented this case stating that Oscar Behncke's application for initial licensure for a Certified Plumbing License was denied at the October 2009 meeting due to a lack of experience. Mr. Behncke received a Notice of Intent to Deny in January of 2010. Mr. Behncke timely requested board reconsideration.

After discussion the board voted to grant a continuance to further evaluate Mr. Behncke's degree.

##### **JORGE CABALLERO – REQUEST FOR INFORMAL HEARING**

Mr. Caballero was present.

Mr. Biggins presented this case stating that Jorge Caballero's application for initial licensure for a Certified General Contractor's License was denied at the July 2009 meeting due to lack of experience and lack of financial stability. Mr. Caballero received a Notice of Intent to Deny in October 2009. Mr. Caballero timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial of Mr. Caballero's application.

#### **DONALD L. CORNELIUS – REQUEST FOR INFORMAL HEARING**

Mr. Cornelius was present with his attorney Tim Atkinson.

Mr. Biggins presented this case stating that Donald Cornelius' application for initial licensure for a Certified Mechanical's Contractor's license was denied at the September 2009 meeting due to a lack of experience and that the applicant had committed crimes related to the practice of contracting. Mr. Cornelius received a Notice of Intent to Deny in November of 2009. Mr. Cornelius timely requested board reconsideration.

After discussion the board voted unanimously to approve the application with 2 years probation.

#### **JOHN GLENNON – REQUEST FOR INFORMAL HEARING**

Mr. Glennon was present.

Mr. Biggins presented this case stating that John Glennon's application for initial licensure for a Certified Plumbing Contractor's license was denied at the January 2009 meeting because it was found he committed crimes related to the practice of contracting, was found to have submitted a fraudulent application because he did not acknowledge his criminal history, and was found to lack moral character. Mr. Glennon received a Notice of Intent to Deny in December of 2009. Mr. Glennon timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

#### **GEORGE HOWARD – REQUEST FOR INFORMAL HEARING**

Mr. Howard was present.

Mr. Biggins presented this case stating George Howard's application for initial licensure for a Certified General Contractor's license was denied at the November 2009 meeting due to a lack of experience and failure to demonstrate financial stability. Mr. Howard received a Notice of Intent to Deny in January 2010. Mr. Howard timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial of the application. The application was opened for reconsideration and the denial of the application was again upheld.

#### **RONALD A. MATTIS – PETITION FOR VARIANCE AND WAIVER**

Attorney Tim Atkinson was present for Mr. Mattis.

This was heard during Application Review. Mr. Janecek stated the application would need to be reconsidered and heard during in conjunction with the Variance and Waiver request.

The board voted unanimously to approve the variance and waiver request.

### **JORGE MUNIZ – REQUEST FOR INFORMAL HEARING**

Mr. Muniz present and was also represented by counsel Timothy Atkinson.

Mr. Biggins presented this case stating Jorge Muniz' application for initial licensure for a Certified General Contractor's license was denied at the October 2009 meeting due to a lack of experience. Mr. Muniz received a Notice of Intent to Deny in January of 2010. Mr. Muniz timely requested board reconsideration. A handout was provided by Mr. Muniz and Mr. Atkinson.

After discussion the board voted to unanimously approve the application.

### **SAMUEL OMEGA ROLLINS – RECOMMENDED ORDER**

Mr. Rollins was present.

Mr. Biggins recused himself. Mr. Jeff Kelly presented this case stating Samuel Rollins had previously appeared in front of an Administrative Law Judge and. Mr. Kelly recommended that board adopt the findings of the Administrative Law Judge. The board unanimously voted to adopt the order and uphold the denial.

### **DANNY SUGGS – INFORMAL HEARING REQUEST**

Mr. Suggs was present, and provided a handout to the board members.

Mr. Biggins presented this case stating that Danny Sugg's application for reinstatement of a Null & Void certified general contractors license and certified roofing contractors license was denied at the July 2009 meeting because the applicant had failed to make a good faith effort to renew his license and did not establish his failure to renew was due to illness or undue hardship. Mr. Suggs received a Notice of Intent to Deny in October of 2009. Mr. Suggs timely requested board reconsideration. Mr. Suggs provided the board with a handout which was returned to the applicant.

After discussion the board unanimously voted to uphold the denial.

### **MOSHE YOHANN – INFORMAL HEARING REQUEST**

Mr. Yohann was present.

Mr. Biggins presented this case stating Moshe Yohann's application for initial licensure for a Certified Pool/Spa contractor was denied at the January 2010 meeting due to lack of experience. Mr. Yohann received a Notice of Intent to Deny in March of 2010. Mr. Yohann timely requested board reconsideration.

After discussion the board voted unanimously to approve the amended application as a downgrade to a Residential Pool/Spa contractor.

### **CHARLES ZELDINGHOUSE – CONTINUED FROM APPLICATION REVIEW**

Mr. Zeldighouse was not present and failed to waive the deemer at application review.

The board voted unanimously to deny the application.

### **COMMITTEE REPORTS**

#### **EXAMS/CE/PUBLIC AWARENESS COMMITTEE**

Mr. Lenois gave the following report:

#### **AIR CONDITIONING CONTRACTORS OF AMERICA**

- Become Legendary: 20 Methods to Turn, Satisfied Customers – approved without ADA
- Can you Profit from Emerging HVACR Technologies and Practices? – approved without laws and rules
- Cashflow Budgeting and Collections – approved
- Contractor Participation in Leed Projects: On the Design Tear – approved
- Contactors Tell How they Jumped the Hurdles – approved
- Creating a Customer Loyalty Program that Really Works – approved without laws and rules
- Diagnosing Airflow Problems – approved without laws and rules
- Effective Financial Analysis & Key Performance Indicators for Contractors – approved
- Energy Savings for Existing Building: Engineering Analysis, Monitoring and Re-Commission – approved without laws and rules
- Home Energy Auditing: Cutting through the Hype – approved
- How to Turn “Comfort Complaints” Into Profits – approved
- Increasing profits with Quality Installation – approved for general credit only
- Indoor Pools – Drive in for Profits without getting wet – approved
- Maintenance Agreement Millions – approved without laws and rules without ADA
- Managing the Ultimate Risk – approved without laws and rules without ADA
- New American Economy; Where Congress is Headed and Where They are Taking Us – approved without laws and rules
- Optimizing Points for LEED – approved
- Pruning the Tree: When to Coach and When to Cut – approved without ADA
- Residential Load Calculation Manual D – approved without laws and rules
- Residential Load Calculation Manual J – approved without laws and rules
- Residential Load Calculation Manual D & J8ae & Wrightsoft - approved without laws and rules
- Selling with Integrity: Technician Upselling and Lead Generation – approved

- Soft skills Training for Technicians – approved without laws and rules without ADA
- The Truth about Performance Pay – approved without ADA
- Understanding Basic DDC Controls for Commercial Systems – approved
- Whole House Performance Testing – approved without laws and rules without ADA

**AMERICAN CONSTRUCTION SCHOOL, INC.**

- First Aid for the Workplace – approved without workers' compensation and without laws and rules

**CAM TECH SCHOOL OF CONSTRUCTION**

- The Responsible Contractor Part I – approved
- The Responsible Contractor Part II – denied

**FEDERATED MUTUAL INSURANCE**

- “Are you covered?” Liability Exposures Defined - denied

**FLORIDA ASSOCIATION OF PLUMBING, GAS MECHANICAL INSPECTORS**

- Green Awareness – approved
- Green Plumbing – approved

**FLORIDA CONSORTIUM OF COMMUNITY COLLEGES**

- 10 Hr Construction Industry Outreach Training Program – denied
- 30 Hr Construction Industry Outreach Training Program – denied
- NCCER “Core Curriculums Introductory Craft Skills” – denied
- “Tainted” Chinese Drywall: Getting Help for Those in Need – approved
- Your Role in the Green Environment - denied

**FLORIDA REFRIGERATION & AIR CONDITIONING CONTRACTORS ASSOCIATION**

- R-22 Equipment Retrofit – approved
- Rightful Termination - approved

**NORTHWEST FLORIDA CHAPETR AGC**

- Hurricane Resistant Construction – approved

**PERRY INTERNATIONAL CORPORATION DBA THE SAFTEYDOCTOR.COM, INC.**

- Core/Required CE's for Contractors - approved
- Intro to Firestopping for Plumbers – approved
- Safety ROI: Improve your Bottom Line with 3 Techniques – approved

**PLUMBING AIR CONDITIONING CONTRACTORS INDUSTRUY FUND**

- OSHA & Construction Safety Practices & Workers Compensation - approved

**TRIFECTA CONSTRUCTION SOLUTIONS**

- Introduction to Greenwashing – approved

#### **AD HOC LICENSURE COMMITTEE DIVISION I**

There were no ad hoc reports for this month as the committee did not meet.

#### **AD HOC LICENSURE COMMITTEE DIVISION II**

There were no ad hoc reports for this month as the committee did not meet.

#### **RULES/PUBLIC/LEGISLATIVE COMMITTEE**

Mr. Pietanza gave the following report:

The following proposed rule has been noticed:

61G4-21.003 Filing Claims

The board voted unanimously to approve this report.

#### **OLD BUSINESS**

Removal of board materials from the lap tops.

#### **NEW BUSINESS**

The board voted unanimously to approve the absences of Mr. Flaherty from the entire board meeting, Mr. Batton from Friday's proceedings, and Mr. Hussey from Wednesday's proceedings.

#### **ADJOURNMENT**

The meeting was adjourned at 10:37 am.