

**FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD**

**THE CASA MONICA HOTEL  
95 CORDOVA STREET  
ST. AUGUSTINE, FL 32084  
904.827.1888**

**JULY 14 – 16, 2010  
MEETING MINUTES**

**Board Members Present**

William S. Sheehan, Chair  
Mark Pietanza, Vice – Chair  
Paul Del Vecchio  
Edward Weller  
Peggy Bailey  
James Flaherty  
Don Wilford  
Roy R. Lenois  
Carl E. Engelmeier  
James C. Evetts  
Robert Moody Jr.  
Albert Korelishn  
Jerry D. Hussey

**Board Members Absent**

Michelle Kane  
Elbert Batton  
W. Brian Cathey  
Scott Greenberg

**Others Present**

G. W. Harrell, Executive Director, DBPR  
Mandie Wynn, Government Analyst, DBPR  
David Spingler, Government Analyst, DBPR  
Jenny Ulrich, Recovery Fund, DBPR  
Daniel Biggins, Legal Advisor, AGO  
Paul Waters, Prosecuting Attorney, DBPR  
Pooja Patel, Prosecuting Attorney, DBPR

## **ADDITIONAL BUSINESS ENTITIES REVIEW**

***Division I Board members met for Additional Business Entities Review on July 14, 2010 from 2:00 – 2:02p.m. to inform the audience that one board member had not arrived so the meeting could not start due to quorum issues. The meeting was postponed until 4:00p.m. Division I Board members reconvened for Additional Business Entities Review from 4:01 – 5:11p.m. The committee was re-opened from 6:21 – 6:24p.m. Mr. Evetts led the meeting. Of the 32 applications reviewed, 19 were approved, 1 was approved with conditions, 7 were continued, 1 was withdrawn and 4 were denied.***

### **APPROVALS (19)**

Benson, Paul  
Davis, Jason  
Delgado, Jose  
Gorden, David  
Hertenstein, Dennis  
Jarvis, Charles  
Johnson, Kevin  
Kirchendorfer, Carl  
Malle, Frank  
Masci, Leonel  
May, Phillip  
Mehaffey, Timothy  
Minich, Mark  
Monville, John  
Morton, Sean  
Rosselet, Michael  
Seifert, James  
Sparks, John  
Vazquez, Jesus

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

Day, Roger – probation for 4 years

### **CONTINUANCES (7)**

Dean, William – continued 30 days  
Empric, Thomas – continued 30 days  
Fowke, John – continued 30 days  
Moore, Timothy – continued 60 days  
Purto, Stephen – continued 30 days  
Reynolds, Jeffrey – continued 30 days  
Zemke, Steven – continued 60 days

### **WITHDRAWAL (1)**

Brommelsick, Joseph

### **DENIALS (4)**

Friedman, Adam

Held, John  
Huggins, James  
Trevor, Jean

***Division II Board members met for Additional Business Entities Review on July 15, 2010 from 5:00 – 6:19p.m. Mr. Flaherty led the meeting. Of the 6 applications reviewed, 2 were approved, 2 were approved contingent and 2 were denied.***

APPROVALS (2)

Gillain, Robert  
O'Neal, John

CONTINGENT APPROVALS (2)

Alfonso, Jorge – must provide proof of W2 employment status  
Perez, Janlert – must provide proof of W2 employment status

DENIALS (2)

Noble, Richard  
Turner, Darrell

**APPLICATION REVIEW**

***Division I Board members met for Application Review on July 14, 2010 from 5:12 – 5:19p.m. and 5:26 – 6:20p.m. Mr. Sheehan led the meeting. Of the 23 applications reviewed, 9 were approved, 1 was approved contingent and 13 were denied. One application was pulled from the agenda.***

APPROVALS (9)

Bearden, Matthew  
Fletcher, Fred  
Fonseca, Frank  
Guzina, Robert  
Longenecker, Matthew  
Riskas, John  
Satterthwaite, Brian  
Sealey, Joseph  
Stanley, Jim

CONTINGENT APPROVAL (1)

Mazraeh, Max – must provide proof of discharged debts

DENIALS (13)

Axtell, Daniel  
Bowden, Mark  
Cleveland, Gregory  
Cliburn, Duane  
Cohen, Roger  
Cordell Jr., John

Elken, Rainer  
Giacoletto, Paul  
Kohn, Jordan  
Mahon, Harold  
Quero, Alfred  
Trenter, Adam  
Wilson, Archibald

PULLED (1)

Nasser, Bassam

***Division II Board members met for Application Review on July 15, 2010 from 6:02 – 6:50p.m. Mr. Flaherty led the meeting. Of the 17 applications reviewed, 9 were approved, 2 were approved with conditions, 1 was continued and 5 were denied. One application was pulled from the agenda.***

APPROVALS (9)

Chamberlain, John  
Deaton, Christopher  
Elmalah, Svika  
Espino, Roberto  
Frazier, Darryl  
Haskins, Richard  
Kuzdzal, William  
Perez, George  
Theodoru, Steve

CONDITIONAL APPROVALS (2)

Avila, Victor – probation for 2 years  
DeJesus, Edward – probation for 4 years

CONTINUANCE (1)

Kohn, Jordan – continued 60 days

DENIALS (5)

Caya, Robert  
Martin, Gerald  
Mazraeh, Max  
Rangel, Saide  
Zowarka, Jennifer

PULLED (1)

Ingram, Scott

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

## **PROBATION**

***Division I Board members met for Probation on July 15, 2010 from 2:00 – 3:14p.m.  
Mr. Evetts led the meeting.***

**Abercrombie, William**, CGC059751  
Result: 6 month continuance granted

**Acevedo, Daniel**, CGC1506071  
Result: Unsatisfactory  
No FHCRF notice on contract(s), license number not on all contracts

**Barrows, Sherry**, CGC1517285  
Result: Satisfactory

**Berman, Scott**, CGC1509450  
Result: 6 month continuance granted

**Bookhardt, Aldon**, CGC1505081  
Result: Unsatisfactory  
No FHCRF notice, no financial statement

**Bray, Daniel**, CRC1328343  
Result: Satisfactory

**Brown, Larry**, CBC1257486  
Result: Unsatisfactory  
No FHCRF notice, no bank statements

**Chacon, Robert**, CGC009564  
Result: Satisfactory

**Clark, Blair**, CGC1510333  
Result: Satisfactory  
**Clark, Chadwyck**, CBC1257934  
Result: Satisfactory

**Davis, Cleo**, CBC1253068  
Result: 6 month continuance granted

**Dhaniram, Devindranath**, CGC060613  
Result: Satisfactory

**Fajardo, Tammy**, CBC1257929  
Result: Satisfactory

**Fleming, Mason**, CBC1257928  
Result: Satisfactory

**Gilley, Brandon**, CRC1327329

Result: Unsatisfactory

Received an Unsatisfactory from the board due to failure to appear for scheduled July 2010 probation hearing; 3 Unsatisfactory appearances will result in suspension of your license

**Ginther, Paul**, CRC1329932

Result: Satisfactory

**Holmes, Kenneth**, CBC1257274

Result: License Reinstated to Probation

**Hudson, John**, CGC060960

Result: 6 month continuance granted

**King, Charles**, CBC1257841

Result: Satisfactory

**Kovacsik, Richard**, CGC058246

Result: 6 month continuance granted

**Lancey, Jonathan**, CBC1256079

Result: Satisfactory

**Lemerand, Gary**, RR282811754

Result: Satisfactory

**Lore, Jr., Jesse**, CBC1251349

Result: License Reinstated to Probation

**McKeehan, Jason**, CGC1516826

Result: Request to reinstate license denied; Mr. McKeehan was not present

**Morrison, Michael**, CGC1518076

Result: Unsatisfactory

Received an Unsatisfactory from the board due to failure to appear for scheduled July 2010 probation hearing; 3 Unsatisfactory appearances will result in suspension of your license

**Osceola, Mark**, CGC1518295

Result: 30 day continuance granted

**Perez, Miguel**, CGC1517294

Result: Unsatisfactory

No bldg dept questionnaire was returned, no FHCRF notice on contract(s)

**Pineda, Pedro**, CBC057443

Result: Satisfactory, Probation Complete

Board voted to release Mr. Pineda from his probation term early

**Richel, Michael**, CGC1517290

Result: Satisfactory

**Robeson, Isiah**, CRC1330126

Result: 6 month continuance granted

**Rowland, Rodney**, CBC1257930

Result: Satisfactory

Board reminded Mr. Rowland to include license number on all contracts

**Sarver, Chad**, CBC1257927

Result: Satisfactory

Board reminded Mr. Sarver to include license number on all contracts

**Saylor, Robert**, CGC021753

Result: Satisfactory

**Schlitt, Greg**, CGC1518297

Result: Satisfactory

Board reminded Mr. Schlitt to include license number on all contracts

**Serga, Oleksandr**, CGC1518264

Result: Satisfactory

**Theriault, Steve**, CBC1257847

Result: Satisfactory

**Visser, Patrick**, CRC1330280

Result: Unsatisfactory

Received an Unsatisfactory from the board due to untimely submission of probation packet; 3 Unsatisfactory appearances will result in suspension of your license

**Bobich, Alex**, CGC016654

Result: Stay lifted, failure to appear or submit a probation package

**Cleveland, Kevin**, CGC1511242

Result: Stay lifted, failure to appear or submit a probation package

**Fidler, Brittany**, CBC1257931

Result: Stay lifted, failure to appear or submit a probation package

**Jamison, Chip**, CBC057203

Result: Stay lifted, failure to appear or submit a probation package

**Mongan, Brenton**, CGC058246

Result: Stay lifted, failure to appear or submit a probation package

**Worley, David**, CRC020161

Result: Stay lifted, failure to appear or submit a probation package

***Division II Board members met for Probation on July 15, 2010 from 3:33 – 4:50p.m. and 5:52 – 6:00p.m. Mr. Moody led the meeting.***

**Acevedo, Daniel, CCC1326888**

Result: Unsatisfactory

Received an Unsatisfactory from the board due to failure to appear for scheduled July 2010 probation hearing; 3 Unsatisfactory appearances will result in suspension of your license

**Bookhardt, Aldon, CCC057655**

Result: Unsatisfactory

No financial statement. License suspended due to third unsatisfactory appearance

**Coronado, Luis, CAC1816445**

Result: 6 month continuance granted

**Erney, William, CCC1328936**

Result: Satisfactory

Board reminded Mr. Erney to make sure that building department questionnaire is included with packet at next appearance

**Fleming, Mason, CCC1328560**

Result: Satisfactory

**Gould, Tony, CAC1816446**

Result: Satisfactory

**Hostetler, Robert, CCC057082**

Result: License Reinstated to Probation

**Isparyan, Timur, CCC1329350 and CMC1250039**

Result: Satisfactory

**Lancey, Jr., Jonathan, CCC1329346**

Result: Satisfactory

**Lohmeyer, Galen, CCC1329351**

Result: Satisfactory

**Marotta, Michael, CFC1426899**

Result: Satisfactory

**Mocny, Jr., Michael, CFC1426077**

Result: Satisfactory

**Patterson, Keithon, CFC1428164**

Result: 6 month continuance granted



**Roberts, William**, CCC1328895

Result: License Reinstated to Probation. Licensee given one unsatisfactory appearance and a \$200 citation as a condition of reinstatement

**Robertson, Timothy**, CMC1249321

Result: Satisfactory

**Rose, Tebayane**, CCC1326090

Result: 6 month continuance granted

**Sanders, Barry**, CCC1328939

Result: Satisfactory

**Van Antwerp, Jennifer**, CPC1457926

Result: Satisfactory

**Bryant, Ted**, CCC1325922

Result: Stay lifted, failure to appear or submit a probation package

**Gates, Matthew**, RC29027401

Result: Stay lifted, failure to appear or submit a probation package

**Lea, Titus**, CCC1326502

Result: Stay lifted, failure to appear or submit a probation package

**Pease, Zachary**, CPC1457644

Result: Stay lifted, failure to appear or submit a probation package

## **GENERAL SESSION**

The meeting was called to order by Mr. Sheehan, Chair, at 9:05 a.m. Mr. Lenois gave the invocation. Mr. Flaherty led the Pledge of Allegiance.

## **REVIEW OF MINUTES**

- A. Final Action Minutes – June 2010
- B. Meeting Minutes – May 2010

The board voted unanimously to approve these minutes.

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

Mr. Harrell asked the Board members with financial disclosure statements to turn them in board staff so the forms can be sent to the Commission of Ethics office. He reminded the Board members about the reunion meeting scheduled for August 2010, and informed them that the reunion attendees would be invited to a meet and greet session during Thursday of the August meeting. Mr. Harrell also informed the Board members that

there would be department representatives present at the August meeting to make presentations during General Session. Additionally, Mr. Harrell reminded the Board members to refrain from participating in side conversation during the meetings; all comments should be made on the record.

The Board voted unanimously to approve this report.

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

Mr. Sheehan stated that Division I had a successful Ad Hoc meeting and will be getting feedback from insurance companies and invited all Board members to attend for informational purposes.

The Board voted unanimously to approve this report.

#### **PROSECUTING ATTORNEY'S REPORT – PAUL WATERS**

Mr. Waters gave the following report:

There were 412 cases to be reviewed in Legal, 55 cases set for probable cause and 159 cases with probable cause found/administrative complaints filed. 57 cases were ready for default, 20 cases had stipulations executed/informal hearings requested, and 62 cases requested formal hearings. There were 16 cases referred to DOAH, 27 cases in settlement negotiations, 277 cases awaiting final orders and 418 cases set for board presentation. There were 0 cases under appeal and 2 cases re-opened.

As of June 2010 the number of overall construction disciplinary cases is 1,531. This is an decrease from 1,545 which was the overall caseload as reported in May 2010, and approximately 208 less cases than reported in June of 2009.

The Board voted unanimously to approve this report.

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

##### **AMICUS CURIAE REQUEST**

Mr. Biggins presented a request from the State of Florida Fifth District Court of Appeals, which invited the Executive Director to submit an amicus curiae brief on the issue of whether a state licensed contractor who performs work clearly beyond the scope of the license is subject to the exclusive disciplinary authority of the Construction Industry Licensing Board or is disciplinary authority concurrent with local governing bodies.

The Board authorized Mr. Biggins to file an amicus curiae brief in this matter.

#### **ANTHONY BRUNO – REQUEST FOR INFORMAL HEARING**

Mr. Bruno was present with Counsel, Fred Dudley.

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

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

#### **CARLOS FUNDORA – REQUEST FOR INFORMAL HEARING**

Mr. Fundora was present with the president of the proposed business entity, Tasy Corporation.

Mr. Biggins presented this case stating that Mr. Fundora's application to qualify an additional business entity was denied at the November 2009 meeting of the Board. Mr. Fundora received a Notice of Intent to Deny in January of 2010. Mr. Fundora timely requested Board reconsideration.

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

#### **PETER MEKARA – REQUEST FOR INFORMAL HEARING**

Mr. Mekara was present.

Mr. Biggins presented this case stating that Mr. Mekara's application for reinstatement of a null and void certified plumbing contractor's license was denied at the March 2010 meeting of the Board. Mr. Mekara received a Notice of Intent to Deny in April of 2010. Mr. Mekara timely requested Board reconsideration.

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

#### **WILLIAM MUGGRIDGE – REQUEST FOR INFORMAL HEARING**

Mr. Muggridge was present.

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

After discussion the Board voted unanimously to approve Mr. Muggridge's application with the condition of probation until the pending liens are resolved.

#### **AMANDA SEGRAVES – REQUEST FOR INFORMAL HEARING**

Ms. Segraves was not present.

Mr. Biggins presented this case stating that Ms. Segraves' initial certified class b air conditioning contractor license application 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 continue the review of the application for 30 days.

### **RALPH WAGLE – REQUEST FOR INFORMAL HEARING**

Mr. Wagle was present with Counsel, Fred Dudley.

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

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

### **ROBERT WOOD – REQUEST FOR INFORMAL HEARING**

Mr. Wood was present with Counsel, Tim Atkinson.

Mr. Biggins presented this case stating Mr. Wood's initial certified roofing contractor license application was denied at the March 2010 meeting of the Board. Mr. Wood received a Notice of Intent to Deny in April of 2010. Mr. Wood timely requested Board reconsideration.

Mr. Wood withdrew his application.

## **COMMITTEE REPORTS**

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

Mr. Lenois gave the following report:

#### **Aarons Staff**

- Cranes – 29 CFR 1926, Subpart N – approved
- Electrical Safety – 29 CFR 1926, Subpart K – approved
- Fall Protection – 29 CFR 1926, Subpart M, R, L & X – approved
- Fire Protection & Prevention – approved
- Hazcom (29 CFR 1926.59) & Silicosis, Abestosis, Lead – approved
- Ladder & Stairs (29 CFR 1926, Subpart X) – approved
- Material Storage & Handling – 29 CFR 1926, Subpart H – approved
- P.P.E. – Personal Protective Equipment (1926-Subpart E) – approved
- Recordkeeping – 29 CFR 1926, Subpart C – approved

- Rights and Responsibilities Under OSHA – approved
- Support Scaffolding – 29 CFR 1926, Subpart L - approved

#### **Building Trades Education Services**

- Building Rehab and the Fire Prevention Code - approved

#### **ELW Learning Resources**

- Basic Business Toolbox HVAC Construction - denied

#### **Florida ASSN of Plumbing Gas Mechanical Inspectors**

- Residential and Commercial Propane Tank Installation - approved

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

- Construction Bonds - approved

#### **Home Builders Association of Metro Orlando**

- Chapter 489 – Purpose, Exemptions & Definitions – approved; 1 hour laws and rules credit granted
- Florida Lien Law – approved
- Wind Mitigation Methodologies – approved
- Workers Compensation and Workplace Safety - approved

#### **Jim Manning Resources**

- Pool Safety Issues - approved

#### **Kimal Lumber Company**

- Certified Renovator Initial Training Course (Lead Paint RRP Program) - denied

#### **McNeal & White Contractors Inc**

- Ventilation – Controlled Air Flow - approved

#### **Pile Driving Contractors Association**

- Pile Driving Inspectors Course Systems - approved

#### **Ronald A. Benash**

- Installation Technique for Corrugated Stainless Steel Tubing - approved

#### **Smith, Currie & Hancock LLP**

- Federal Government Construction Contracts – Part II – Competing for Awards, Projects Delivery Systems, Best Value Selection Process, Debriefing & Protests – approved
- Federal Government Construction Contracts – Part I – Overview and Introduction to Process; Appreciating the Key Differences; Requirements for Contractor Ethics and Compliance Programs – approved; no laws and rules credit granted
- Federal Government Construction Contracts – Part III – Program for Small Business Contractors (SBs); Set-Asides; Large Business Participation on Set-Asides; Affiliation Rules and Pitfalls: Small Business Subcontracting Plans and Reports – approved

- Federal Government Construction Contracts – Part IV – Key Remedy Granting Clauses – Changes, Differing Site Conditions, Inspection & Acceptance, and Suspension of Work – approved; no laws and rules credit granted
- Federal Government Construction Contracts – Part V – Terminations, Default and conveniences: Grounds for Termination; Excuses for Performances Difficulties Terminations for Convenience Proposals; Understanding the Differences Between Traditional Construction Projects and “Commercial” Items Contracts – approved
- Federal Government Construction Contracts – Part VI – “Costs” – A Term of Art: FAR Part 31 Cost Principles Cost Accounting Standards and Project Delivery Techniques; Past Performance Evaluations – Managing the Process – approved
- Federal Government Construction Contracts – Part VII – Effective Documentation Practices; Demonstrating Entitlement to Time and Money; Disputes & Claims including Subcontractor Claims - approved

#### **US Green Building Council Florida Gulf Coast Chapter**

- BD&C 301: Green Building Design Construction The Leed Implementation Process - denied
- ReGreen 301: Implementing Residential Remodeling - denied

#### **Success Enterprise & Environmental Services**

- Lead Safety for Renovation, Repair and Painting – continued 30 days to provide a more detailed timeline

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

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

Mr. Sheehan gave the following report:

The committee discussed issues regarding licensure requirements and licensure bonds. No formal action was requested.

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

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

Mr. Pietanza gave the following report:

The committee discussed issues regarding licensure requirements and licensure bonds. No formal action was requested.

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

Mr. Pietanza gave the following report:

The following rule has been developed:

61G4-15.034 Certification of Tower Specialty Contractors

The following rule has been noticed:  
61G4-16.005 Duration of Validity.

The committee accepted the draft changes to Rules 61G4-15.001 and 61G4-15.034.  
There was general discussion about licensed home inspectors and mold related services and the scope of services of licensed contractors.

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:

Michelle Kane  
Elbert Batton  
W. Brian Cathey  
Scott Greenberg

With no further business the meeting was adjourned at 11:32am.