

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**THE FLORIDA HOTEL AND CONFERENCE CENTER
1500 SAND LAKE ROAD
ORLANDO, FL 32809**

**MARCH 9 – 12, 2010
MEETING MINUTES**

Board Members Present

Edward Weller
James Flaherty
Don Wilford
Paul Del Vecchio
Robert Moody Jr.
Roy R. Lenois
James C. Evetts
Raymond Holloway
Jerry D. Hussey
William S. Sheehan, Chair
Jacqueline Watts
Wilbert Malphus

Board Members Absent

Peggy Bailey
Elbert Batton
Michelle Kane
Mark Pietanza
Carl E. Engelmeier (Thursday only)

Others Present

G. W. Harrell, Executive Director, DBPR
Andy D. Janeczek, Government Analyst, DBPR
Mandie Wynn, Government Analyst, DBPR
Daniel Biggins, Legal Advisor, AGO
Jeff Kelly, Chief Prosecuting Attorney, DBPR
Thomas Campbell, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I Board members met for Additional Business Entities Review on March 10, 2010 from 2:00 – 3:00 p.m. Mr. Evetts led the meeting. Of the 21 applications reviewed, 9 were approved, 3 were approved contingent, 3 were approved with conditions, 3 were continued and 3 were denied.

APPROVALS (9)

Fisher, Kelley
Gardner, Andrew
Jones, Andrew
Malo, Fabian
Osborn, Michael
Slippy III, William
Socias, Alejandro
St Dennis, Shaun
Suris, Roberto

CONTINGENT APPROVALS (3)

Klote, Philip – must provide proof that he is an employee of present.
Lomonico, Anthony – must provide proof that judgment is paid; Probation for 4 years due to financial stability.
Lopez, Javier – must provide of 100% ownership of proposed; Probation for 2 years due to financial stability.

CONDITIONAL APPROVALS (3)

Bowman, Duane – probation for 4 years
Lopez, Eli – probation for 2 years
Lopez-Recio, Orestes – probation for 2 years

CONTINUANCES (3)

Babazadeh, Mojtaba – continued 30 days
Coleman, John – continued 30 days
Munilla, Fernand – continued 30 days

DENIALS (3)

Kanaday, Joseph
Matthews, William
Rodriguez, Elizafath

Division II Board members met for Additional Business Entities Review on March 11, 2010 from 3:45 – 4:02p.m. Mr. Flaherty led the meeting. Of the 6 applications reviewed, 3 were approved, 1 was approved contingent, 1 was continued and 1 was denied.

APPROVALS (3)

Fender, Richard

Metzgar, Jeffrey
Ricketson, David

CONTINGENT APPROVALS (1)

Elmalah, Svika – must provide proof of W2.

CONTINUANCES 1()

Blume, Daryl – continued 30 days

DENIALS (1)

Fulmer, Milton

APPLICATION REVIEW

Division I Board members met for Application Review on March 10, 2010 from 3:32 – 5:10p.m. Mr. Hussey led the meeting. Of the 20 applications reviewed, 7 were approved, 3 were approved with conditions, 2 were continued, 1 was pulled, 2 were withdrawn and 5 were denied.

APPROVALS (7)

Deitz, William A
Hunt, Kevin B
Kelley, Bromley Thomas
Roberts, Michael L
Teffenhart, Thomas Joseph
Von Minden, Audra Claire
Watkins, William E

CONDITIONAL APPROVALS (3)

Gray, Samuel Newton – probation for 2 years due to financial stability or until 660.
Korman, Jonathan Stuart – downgrade to CRC.
Loy, James George – probation for 2 years due to financial stability.

CONTINUANCES (2)

Adams, Steven M – continued 60 days to provide additional experience.
Brace, Scott Duane – continued 30 days

PULLED (1)

Elgazar, Roni

WITHDRAWAL (2)

Cort Sr, Samuel Fitzroy
Graves, Candice M

DENIALS (5)

Booth, Deborah W
Hmielewski, David C
Hotic, Eldin

Karvois, Edwin Frank
Richie, Leonard Gregory

Division II Board members met for Application Review on June 10, 2010 from 3:00 – 4:19p.m. Mr. Flaherty led the meeting. Of the 14 applications reviewed, 3 were approved, 1 was approved contingent, 3 were approved with conditions 1 was withdrawn, 1 was pulled and 5 were denied.

APPROVALS (3)

Kelley, Kurtis K
Murphy, Timothy Martin
Rivera, Anthony

CONTINGENT APPROVALS (1)

Foster, Kevin Dean – must provide proof of W2 status and workers' compensation insurance.

CONDITIONAL APPROVALS (3)

Hale, Jason D – downgrade to Class B.
Hotic, Eldin – probation for 2 years due to financial stability.
Ruiz, Jose A – probation for 2 years due to financial stability.

WITHDRAWAL (1)

Alvarez, Raymond

PULLED (1)

Riess, Ryan Martin

DENIALS (5)

Carlson, Jason Paul
Howe, John J
Mekara, Peter Martin
Smith, Grover C
Wood, Robert Davis

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

PROBATION

Division I Board members met for Probation on March 11, 2010 from 2:00 – 2:34p.m. Mr. Evetts led the meeting.

Wayne, Robert Kuntz, (CBC022190)

Result: Satisfactory

Committee voted to approve an early termination of probationer's probation period.

Terms of probation completed

Arthur Badaloo, (CGC056729)

Result: Satisfactory

Terms of probation completed

Joseph P. Blasucci, (CBC1250169)

Result: Satisfactory

Terms of probation completed

Charles M Burgan, (CGC1512729)

Result: Satisfactory

Provide credit report for next probation appearance.

Antonio Cartelle, (CGC1516713)

Result: Unsatisfactory

Make sure to include the FHCRF Notice on applicable contracts.

Michael Caruso, (CGC037287)

Result: Satisfactory

Terms of probation completed

Tavaris Jerome Davis, (CBC1257346)

Result: Stay lifted

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

Kenneth Holmes, (CBC1257274)

Result: Stay lifted

Your license has been suspended for failure to submit a probation package of appear at the March 2010 board meeting.

Lloyd Nathan Moore, (CGC1516829)

Result: Satisfactory

Jorge L. Romero, (CGC061188)

Result: Satisfactory

Forrest Riley Smith, (CGC1517817)

Result: Satisfactory

Committee voted to approve an early termination of probationer's probationary period.

Terms of probation completed.

Frank Stellion, (CGC033957)

Result: Satisfactory

Brian B. Sussman, (CGC1515675)

Result: Satisfactory

Brian Michael Szymula, (CGC1509304)

Result: Satisfactory

William M. Wilson, (CGC021685)
Result: Satisfactory

Linda Worthington, (CGC045449)
Result: Satisfactory

Division II Board members met for Probation on March 11, 2010 from 3:00 – 3:45p.m. Mr. Moody, Jr. let the meeting.

Wayne, Robert Kuntz, (CCC057335)
Result: Satisfactory
Terms of probation completed.

Timothy Burke, (CFC57951)
Result: Satisfactory
Committee voted to approve an early termination of probationer's probationary period.
Terms of probation completed

Antonio Cartelle, (CFC1427736)
Result: Satisfactory

Humbert E. Collins, (CFC1427676)
Result: Satisfactory

Edmund Deveaux, Sr., (RU11066599)
Result: Unsatisfactory
Make sure to include your license number on your contracts and provide complete bank statements.

Billy Doughty, (CCC1327869)
Result: Satisfactory

Richard C. Fox, (CFC057294)
Result: Satisfactory

William Frey, (CCC1328660)
Result: Stay lifted
Your license has been suspended for failure to submit a probation package or appear at the March 2010 board meeting.

Chetwood F. Johnson, (CFC1427262)
Result: Satisfactory
Terms of probation competed

Raymond Edward Johnson, (CVC56788)
Result: Continued

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

Dennis M. Kennedy, (CCC1328958)
Result: Satisfactory
Terms of probation completed

Jerrald Lee Miller, (CCC1328562)
Result: Unsatisfactory
Make sure to submit permits, bank statements and workers' compensation for the next meeting.

Jose William Mondragon, (CAC1815894)
Result: Satisfactory

Robert Petito, (CAC1815624)
Result: Continued
Continued for 6 months. This will extend your probation period by an additional 6 months.

Richard James Powell, (CAC1816374)
Result: Satisfactory
Provide complete bank statements and list license number on all contracts.

Viurniel Sanchez, (CCC1328992)
Result: Continued
Continued for 6 months. This will extend your probation period by an additional 6 months.

Brian Michael Szymula, (CCC1327384)
Result: Satisfactory

GENERAL SESSION

The meeting was commenced at 8:30 am.

Mr. Holloway gave the invocation. Ms. Watts led the pledge.

REVIEW OF MINUTES

A. Final Action Minutes – February 2010

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell had nothing to report.

The Board voted unanimously to approve this report.

CHAIRMAN'S REPORT – WILLIAM SHEEHAN

Mr. Sheehan stated the meeting progressed nicely this month. This concluded the Chairman's report.

The Board voted unanimously to approve this report.

The board voted unanimously to approve the absences of Mr. Pietanza, Ms. Bailey, Mr. Batton, and Ms Kane. The board voted unanimously to approve the absence of Mr. Engelmeier from Thursday's meetings.

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

For February 2010, the overall case load was 1,621, up from 1,561 from January 2010, and down from 1,978 in February of 2009.

There were 479 cases to be reviewed in Legal, 99 cases set for probable cause and 288 cases with probable cause found/administrative complaints filed. 125 cases were ready for default, 38 cases had stipulations executed/informal hearings requested, and 89 cases requested formal hearings. There were 12 cases referred to DOAH, 21 cases in settlement negotiations, 120 cases awaiting final orders and 349 cases set for board presentation. There were 0 cases under appeal and 1 case re-opened.

There were 72 cases closed for February, 2010.

Mr. Kelly also notified the board that Kyle Christopher had been brought back on as counsel.

Mr. Kelly informed the board the next probable cause meeting was scheduled for March 22, 2010, and could either access the cases through OnBase or through the CD's which will be mailed out. Mr. Kelly also announced his absence for next month and Paul Waters would be taking his place.

The Board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

ALI BABAZADEH – REQUEST FOR INFORMAL HEARING

Mr. Babazadeh was present with Sunworks qualifier.

Mr. Biggins presented this case stating that Mr. Babazadeh's application for initial licensure for a Certified Solar Contractor's license was denied at the November 2009

meeting for lack of experience. Mr. Babazadeh received a Notice of Intent to Deny in February 2010. Mr. Babazadeh timely requested board reconsideration.

After discussion the Board voted unanimously to uphold the denial of the application.

CAM TECH SCHOOL OF CONSTRUCTION – REQUEST FOR INFORMAL HEARING

Mr. Paul Kelly was present with Patti Krell, the representative from Cam Tech School of Construction.

Mr. Biggins presented this case stating that Cam Tech School of Construction's application for continuing education course The Responsible Contractor Part II was denied at the a previous board meeting. Ms. Krell received a Notice of Intent to Deny and timely requested Board reconsideration.

After discussion the Board voted unanimously to approve the course.

RUSSELL DODSON – REQUEST FOR INFORMAL HEARING

Ms. Dodson was present.

Mr. Biggins presented this case stating that Mr. Dodson's application for initial licensure as a Certified Specialty Contractor's license was denied at the August 2009 meeting for lack of experience. Mr. Dodson received a Notice of Intent to Deny in September of 2009. Mr. Dodson timely requested board reconsideration.

After discussion the Board voted unanimously to approve the application.

JEFFREY EMBICK – REQUEST FOR INFORMAL HEARING

Mr. Embick was present with counsel, Tim Atkinson.

Mr. Biggins presented this case stating that Jeffrey Embick's application for initial licensure as a Certified General Contractor was denied at the October 2009 meeting for lack of experience. Mr. Embick received a Notice of Intent to Deny in January 2010. Mr. Embick timely requested board reconsideration.

After discussion the Board voted unanimously to approve the application.

JASON FERRIS – PETITION FOR DECLARATORY STATEMENT

Mr. Ferris was not present and requested a 30 day continuance.

The board voted unanimously to grant a 30 day continuance.

RICKY GARRISON – REQUEST FOR INFORMAL HEARING

Mr. Garrison was present.

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

After discussion the Board voted unanimously to approve the application.

GERARD CHIMNEY CORPORATION – PETITION FOR DECLARATORY STATEMENT

A representative from Gerard Chimney Company was not present and requested a 30 day continuance.

After discussion the board voted unanimously to grant a 30 day continuance.

AARON GOLDBERG – REQUEST FOR INFORMAL HEARING

Mr. Goldberg was present with the FRO of his company.

Mr. Biggins presented the case stating that Aaron Goldberg's application for initial licensure for a Certified General Contractor's license was denied at the November 2009 meeting. Mr. Goldberg received a Notice of Intent to Deny in January of 2010. Mr. Goldberg timely requested board reconsideration.

After discussion the Board voted unanimously to approve the application.

CHRISTINE ANN LEMONS – REQUEST FOR INFORMAL HEARING

Ms. Lemons was present.

Mr. Biggins presented this case stating Christine Lemon's application for reinstatement of a Null & Void Certified General Contractor's license was denied at the January 2010 meeting. Ms. Lemons received a Notice of Intent to Deny in March of 2010. Ms. Lemons timely requested board reconsideration.

After discussion the Board voted unanimously to approve the application

MATHEW MONTENEGRO – REQUEST FOR INFORMAL HEARING

Mr. Montenegro was not present.

Mr. Biggins presented this case stating that Mr. Montenegro's application for initial issuance of licensure and to qualify an additional business as a Certified Air Conditioning Contractor, Class A, was denied at the October 2009 meeting. Mr. Montenegro received a Notice of Intent to Deny in January of 2010. Mr. Montenegro timely requested board reconsideration.

After discussion the Board voted unanimously to uphold the denial of the application.

MICHAEL R. PORATH – REQUEST FOR INFORMAL HEARING

Mr. Porath was present with his father.

Mr. Biggins presented this case stating that Mr. Porath's application for change of status from inactive to active was denied at the September 2009 meeting due to lack of financial stability and failure to show good moral character. Mr. Porath received a Notice of Intent to Deny in November of 2009. Mr. Porath timely requested board reconsideration.

After discussion the Board voted unanimously to approve the application conditionally, provided the applicant serve 4 years probation to show financial stability and the applicant must show proof of compliance with child support payments in conjunction with his probation appearances.

SUNCAM, INC. – REQUEST FOR INFORMAL HEARING

A representative from Suncam, Inc. was present and was accompanied by Ed Bayo.

Mr. Biggins presented this case stating the continuing education courses titled "Foundation of Project Management", "How Your Projects Will Go Wrong", and "The Technical Side of Project Management" were denied at the August 2009 meeting. Suncam, Inc. received a Notice of Intent to Deny in November of 2009. Suncam, Inc. timely requested board reconsideration.

After discussion the board voted unanimously to approve all three courses.

RICHARD J. WALSH – REQUEST FOR REINSTATEMENT OF PROBATION

Mr. Walsh was present.

Mr. Biggins presented this case stating that Mr. Walsh's license was suspended at the February 2010 meeting for failure to timely submit a probation packet.

After discussion the board voted unanimously to reinstate the probation for Mr. Walsh with one unsatisfactory appearance.

JAMES WEST – REQUEST FOR REINSTATEMENT OF PROBATION

Mr. West was present.

Mr. Biggins presented this case stating that Mr. West's license was suspended at the February 2010 meeting for having three unsatisfactory appearances.

After discussion the board voted unanimously to reinstate the probation for Mr. West with three unsatisfactory appearances.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Lenois gave the following report:

B T Builders Inc

RRP Rule (Renovation Repair & Painting – conditional approval: must remove “certification” from materials.

BRB Code Educators

FBC Reqs for Roofing in the High Velocity Hurricane Zone – approved

Means of Egress Reqs of 2007 FBC w/2009 Supplements - approved

Building Officials & Inspectors Educational Association

Clean Agent Fire Protection – approved

Construction Defects and FS 558 – approved

Construction in the Floodplain – From Planning through C.O. – approved

Florida Laws and Rules & Business Practices – approved; no laws and rules credit granted

Green Building LEED & The Building Code – approved

Hood Systems FBMC 2007 & NFPA 96 – approved

Hurricane Mitigation Retrofits – approved as 1 hour course

Mounting Equipment For Wind Resistance In Hurricane – approved as 1 hour course

OSHA & Workers Compensation Regulations – approved; no laws and rules credit granted. Approved with workplace safety and workers’ compensation per verbal amendment to application

Regulations for L.P. Gas Installations – approved

Residential Fire Sprinklers – approved

Smoke Detectors, Applications and Technology – approved

Substantial Damage, Improvement, FEMA & The Contractor – approved

Test and Balance for Life Safety – approved

Understanding Product Approvals – approved

Understanding The National Flood Insurance Program – approved

Working with the Community Rating System - approved

Building Officials Association of Florida

Construction and Inspection of Aluminum Structures – approved

Modular Building Construction Laws, Codes and Rules – approved

Post Disaster Safety Assessment Program – approved

Swimming Pools and the FBC - approved

Davna Enterprises LLC

Building The AEC Industry Beyond The Built Environment - approved

Environmental Safety and Health Institute

Lead Safety-Renovation, Repair, and Painting- approved

Florida Association of Plumbing, Heating Cooling Contractors

Construction Defects on the Hook for 10 Years – approved
Flat Rate Pricing – Making It Work for You and Your Customer – approved
Tools To Help Build Your Service Department - approved

Florida Home Builders Association

Changes to the Florida Energy Efficiency Code for 2009 – approved; no laws and rules credit granted

Florida Refrigeration and Air Conditioning Contractors Association

Applying Variable Refrigerant Flow Systems in Florida Markets – approved
Construction Defects on the Hook for 10 Years – approved
Flat Rate Pricing – Making It Work for You and Your Customers – approved
Green Workforce Development Planning for your Employees & Businesses – approved
Lean Business Tools – Not Too Hot, Not Too Cold, Just Right – approved
Tools To Help Build Your Service Department - approved

FRSA Educational and Research Foundation

Concrete Roof Tile Systems – approved
Making An Educated Metal Roof Choice – approved
The Cost of Being Green – approved
The Environment Benefits Of A Durable Concrete Tile Roof – approved
Understanding OSHA Regulations - approved

GLE Associates Inc

EPA Lead RRP Renovator Course - approved

Gray Systems Inc

Construction Business Management – approved contingent upon removal of certification from materials

Infinity LC

Advanced Wind Mitigation Methodologies Part 2 – approved
Code Requirements for Residential Construction – approved
Designing for Aging in Place Pt1 – approved
Designing for Aging in Place Pt2 – approved
Ethical Responsibilities of Public Officials – approved
Overview of Electrical Conductors for Builders – approved
Positive Business Planning for FL Construction Professionals - approved

Information Resources for Professionals, LLC

Roofing Damage and Repair-Tile Roofs – approved
The Design and Installation of Interior Slab Underpins - approved

Northwest Florida Chapter AGC

Business Aspect of Contracting – approved
Change of Building Use and Occupancy – approved
Construction Requirements for Coastal Areas – approved
Contractor Licensing Requirements – approved
Hurricane Mitigation Retrofits Requirements – approved

Safeguards During Construction Projects – approved
Workers Comp. and Licensed Contractors - approved

Palm Construction School, Inc

Required CE Subjects 2010(Online Version) - approved

Plumbing, Air Conditioning Contractors Industry Fund

Avoiding Duct Mold and Controlling Duct Mold with U/V – approved
Negotiating and Interpreting Contracts and Agreements - approved

RedVector.Com

Concrete 1 Evaluation & Causes of Damage – approved
Concrete 2 Repair Planning and Preparation – approved
Concrete 3 Methods, Materials, and Maintenance – approved
Concrete Evaluation and Repair 1 – denied
Concrete Fundamentals II Concrete Slab on Grade – approved
Construction Liens and Bonds – denied
Excavation Safety and Shoring OSHA – approved
Green Building with Steel Part I – approved
Historic Preservation-Roofing for Historic Buildings – approved
Hurricane Damage-Wind vs Water Determination 1 – approved
Roofing Materials-Asphalt Shingles – approved
Roofing Materials-Concrete Tiles – approved
Roofing Materials Flexible Membranes – approved
Solar Electric Generation Technologies – approved
Wind Mitigation Roof Decking, Secondary Water Barr – approved
Window Installations Concrete Masonry Unit Technologies - approved

Seagull Environmental Management Company

Certified Renovator – approved contingent up removing certification from materials and title. No laws and rules credit granted.

Certified Renovator Refresher Course – approved contingent up removing certification from materials and title. No laws and rules credit granted.

Voight Professional Services Inc

ASSE 6010 Medical Gas System Installers - denied

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

AD HOC LICENSURE COMMITTEE DIVISION I

The Ad Hoc Committee did not meet at this meeting.

AD HOC LICENSURE COMMITTEE DIVISION II

The Ad Hoc Committee did not meet at this meeting.

RULES/PUBLIC/LEGISLATIVE COMMITTEE

Mr. Pietanza gave the following report:

The following rules have been developed:

61G4-15.034 Certification of Cell Tower Specialty Contractors

61G4-15.035 Certification of Road, Bridge, and Railroad Specialty Contractors

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

OLD BUSINESS

Removal of Board materials from lap tops.

NEW BUSINESS

Mr. Janecek asked the board about the probation requirement where a probationer must sit through a Final Action session as part of their first probation appearance. Mr. Janecek noticed that it has not come up during Committee meetings and is causing some scheduling conflicts. Mr. Del Vecchio stated he would like to keep that as a requirement and recommended that stipulation be continued for the first appearance for probationers.

Mr. Janecek also asked about the CILB Board member shirts and gave details on how board members could get their own shirt.

With no further business the meeting was adjourned.