

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**DOUBLETREE HOTEL TAMPA WESTSHORE AIRPORT
4500 W. CYPRESS STREET
TAMPA, FL 33607
813.879.4800**

**MAY 12 – 14, 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
Jerry D. Hussey
W. Brian Cathey
Albert Korelishn
Scott Greenberg

Board Members Absent

Robert Moody Jr.
Elbert Batton (Thursday and Friday)
Michelle Kane (Friday only)
Wilbert Malphus (Friday only)

Others Present

G. W. Harrell, Executive Director, DBPR
Mandie Wynn, Government Analyst, DBPR
David Spingler, Administrative Assistant, DBPR
Daniel Biggins, Legal Advisor, AGO
Jeff Kelly, Chief Prosecuting Attorney, DBPR
Kyle Christopher, Prosecuting Attorney, DBPR
Tim Vaccaro, Division Director, DBPR
Richard Morrison, Executive Director, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I Board members met for Additional Business Entities Review on May 12, 2010 from 2:02 – 2:46p.m. Mr. Evetts led the meeting. Of the 18 applications reviewed, 11 were approved, 2 were approved contingent and 5 were denied.

APPROVALS (11)

Dozzo, David
Ferstadt, Hugo
Giacomelli, Herman
Harris, Cranston
Jacobson, Anton
Peel, Stephen
Shaw, William
Varnes, Edward
Woods, Adrian B.
Woods, Adrian B.
Woods, Adrian B.

CONTINGENT APPROVALS (2)

Beukenkamp, Felix – must provide proof of 25% ownership of proposed entity.
Gonzalez, Mauricio – must provide proof of 25% ownership of proposed entity.

DENIALS (5)

Bruno, Anthony
Cordell, John
Lawless, Joseph
Muggridge, William
Peterson, David

Division II Board members met for Additional Business Entities Review on May 13, 2010 from 4:22 – 4:50p.m. Mr. Flaherty led the meeting. Of the 3 applications reviewed, 2 were approved and 1 was approved contingent.

APPROVALS (2)

Goodwin III, Paul
Kreidler, William

CONTINGENT APPROVAL (1)

Yzquierdo, Jose – must provide proof of employment

APPLICATION REVIEW

Division I Board members met for Application Review on May 12, 2010 from 3:30 – 6:11p.m. Mr. Malphus led the meeting. Of the 25 applications reviewed, 6 were approved, 9 were approved with conditions, 1 was approved contingent, 2 were continued and 7 were denied.

APPROVALS (6)

Artayeta, Carlos E.
Craig, Cory G.
Gier, Travis H.
LaFreniere, Barry E.
McIntyre, Marc
Sessoms, Lee W.

CONDITIONAL APPROVALS (9)

Adams, Steven M. – downgrade to CRC
Cimilluca, Joseph A. – downgrade to CRC
Craig, Garnett S. – probation for 4 years or until credit score is 660
Garrett II, Guy D. – probation for 3 years
Gupta, Vishaal S. – downgrade to CRC
Johnson, Chetwood F. – downgrade to CRC
Lauterborn Jr., David G. – probation for 4 years or until credit score is 660
Manolatos, Petros S. – probation for 4 years or until credit score is 660 and liens are paid
Villar, Andres O. – downgrade to CRC

CONTINGENT APPROVAL (1)

Bedenis, James E. – must provide copy of contract to obtain a limited non-renewable registration

CONTINUANCES (2)

De Oliveira, Dwight – continued 60 days to resolve discipline issues
Moon, Corey W. – continued 30 days to provide residential experience for a CRC downgrade

DENIALS (7)

Adams, Cy R.
Bergh, Anker O.
Henry, Thomas P.
Johnson Jr., James D.
Mills, William R.
Muscarella, Peter S.
Valdes, Reimundo J.

PULLED (1)

Clement, Shane K.

Division II Board members met for Application Review on May 13, 2010 from 4:55 – 6:26p.m. Mr. Engelmeier led the meeting. Of the 14 applications reviewed, 5 were approved, 1 was approved with conditions, 1 was continued and 7 were denied.

APPROVALS (5)

Faiella, Robert M.
Higgs, Robert
Hernandez, Victor

Patterson, Keithon M.
Wisman, Glenn T.

CONDITIONAL APPROVAL (1)

Barrow, Timothy S. – approved as Individual

CONTINUANCE (1)

Espino, Roberto – continued 60 days to resolve discipline issues

DENIALS (7)

Craig, Garnett S.
Devries, Robert A.
Durbin, Keith R.
Henderson, John L.
LaFreniere, Barry E.
Rosado, Emil J.
Walsh, Brian

PULLED (1)

Clement, Shane K.

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

PROBATION

***Division I Board members met for Probation on May 13, 2010 from 2:00 – 3:15p.m.
Mr. Evetts led the meeting.***

Sinclair Patrick Cerber (CGC1510534)
Result: Unsatisfactory
Early termination of probation denied.

Roger Evan Cohen (CBC045241)
Result: Continuance granted

William Thomas Corso (CBC015288)
Result: Satisfactory
Request to reinstate license granted.

Rexford D'Aprix (CBC1256975)
Result: Unsatisfactory

Peter Fischbach (CGC1511979)
Result: Request to reinstate license denied

Sam Goodman (CBC057446)
Result: Unsatisfactory

David A. Konkol (CGC1518155)
Result: Satisfactory

Jesse Donald Lore Jr., (CBC1251349)
Result: Request to reinstate license continued 60 days to obtain general liability and workers' compensation insurance

Michael T. Morrison (CGC1518076)
Result: Continued 60 days to provide general liability and workers' compensation insurance

Paul W. Morrison (CGC1510333)
Result: Unsatisfactory

Richard Riley Mulvany (CBC059897)
Result: Unsatisfactory

Herbert J. Neff (CGC051895)
Result: Satisfactory
Request for early termination of probation denied

Manuel Raimi (CBC12196)
Result: Unsatisfactory

Robert Stephen Rickel (CGC058696)
Result: Unsatisfactory

Robert Allen Saylor (CGC021753)
Result: Continued 60 days to provide contract

Christopher Stamas (CGC1516086)
Result: Request for early termination of probation continued to next regularly scheduled probation hearing

Robert Lamont Tyler (CGC062699)
Result: Unsatisfactory

Joe E. Cooner (CGC062344)
Result: Continuance granted

Kevin L. Karten (CGC061616)
Result: Stay lifted, failure to appear or submit a probation package

Sherif R. M. Kodsy (RB29003399)
Result: Stay lifted, failure to appear or submit a probation package

Aaron R. Lemire (CRC1329931)
Result: Stay lifted, failure to appear or submit a probation package

Jason A. McKeehan (CGC1516826)

Result: Request for a continuance denied and the stay lifted for failure to appear or submit a probation package

Thomas Rudzik (CGC1512728)

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

***Division II Board members met for Probation on May 13, 2010 from 3:24 – 4:18p.m.
Mr. Engelmeier led the meeting.***

David Russel Arambula (CCC1328828)

Result: Stay lifted, failure to appear

Gregory J. Baker (RX0034905)

Result: Satisfactory

Douglas R. Bloomer (CFC1427803)

Result: Satisfactory

Joseph G. Burchfield (CCC058201)

Result: Satisfactory

Gene Andrew Downs (CFC1428137)

Result: Satisfactory

Jose R. Maldonado (RP252555106)

Result: Continued to next probation hearing, provide building department questionnaire, computer generated financial statement on business

Request for early termination of probation denied

George R. Moore III (RF11067119)

Result: Satisfactory, remove recovery fund notice from contract

Barry Teixeira (CFC1427464)

Result: Satisfactory

Larry A. Westbrook (CAC1816209)

Result: Satisfactory

Melissa Rodriguez (Lebron) (CCC1326740)

Result: Satisfactory

Linda R. Ratliff (CCC058307)

Result: Continuance granted

GENERAL SESSION

The meeting was called to order by Mr. Sheehan, Chair, at 9:10 a.m. Mr. Del Vecchio gave the invocation. Mr. Wilford led the Pledge of Allegiance.

REVIEW OF MINUTES

A. Final Action Minutes – April 2010

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell presented the Board members with quarterly financial reports which included the Board Operating account, the Unlicensed Activity account and the Recovery Fund account. The Recovery Fund currently has a \$767,000 deficit. Additionally, Mr. Harrell informed the Board members that House Bill 713, presented by the Department of Business and Professional Regulation, was passed in the 2010 Legislative Session.

Mr. Harrell introduced Tim Vaccaro, Division Director, and Rick Morrison, Executive Director, to the Board members.

The Board voted unanimously to approve this report.

CHAIRMAN'S REPORT – WILLIAM SHEEHAN

Mr. Sheehan asked that Division I Ad Hoc Committee be scheduled to convene at the June 2010 meeting. The purpose of the meeting is to continue the discussion on pre-licensure education for Division I contractors.

The Board voted unanimously to approve this report.

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

There were 430 cases to be reviewed in Legal, 47 cases set for probable cause and 211 cases with probable cause found/administrative complaints filed. 121 cases were ready for default, 31 cases had stipulations executed/informal hearings requested, and 92 cases requested formal hearings. There were 10 cases referred to DOAH, 31 cases in settlement negotiations, 215 cases awaiting final orders and 292 cases set for board presentation. There were 0 cases under appeal and 2 cases re-opened.

As of April 2010 the number of overall construction disciplinary cases is 1,485. This is a decrease from 1,610 which was the overall caseload as reported in March 2010, and approximately 400 less cases than reported in April of 2009. Additionally, Mr. Kelly reported that of the total cases 1,063 are at least one year old from the date they were received by the department.

The Board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

ABDEL AYESH

Mr. Ayesh was present with his experience verifier.

Mr. Biggins presented this case stating that Mr. Ayesh's Application for Initial Certified General Contractor License was denied at the November 2009 meeting of the Board. Mr. Ayesh received a Notice of Intent to Deny in January of 2010. Mr. Ayesh timely requested Board reconsideration.

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

RONNIE HOGGINS

This application was continued.

JOHN J. JENKINS

Mr. Jenkins was present.

Mr. Biggins presented this case stating that Mr. Jenkins' Application to Qualify and Additional Business Entity was denied at the February 2010 meeting of the Board. Mr. Jenkins received a Notice of Intent to Deny in April of 2010. Mr. Jenkins timely requested Board reconsideration.

After discussion the Board voted to continue this hearing 90 days in order for Mr. Jenkins to provide proof of satisfaction for the open liens listed on his credit report.

ROBERT C. JOHNSON

Mr. Johnson was present.

Mr. Biggins presented this case stating that Mr. Johnson's Application to Qualify an Additional Business Entity was denied at the November 2009 meeting of the Board. Mr. Johnson received a Notice of Intent to Deny in January of 2010. Mr. Johnson timely requested Board reconsideration.

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

BRIAN H. KOLKE

This application was withdrawn.

LORMAN BUSINESS CENTER, INC DBA LORMAN EDUCATION SERVICES

Representative from Lorman Business Center Inc, DBA Lorman Education Services was not present.

Mr. Biggins presented this case stating that Lorman Business Center, Inc DBA Lorman Education Services' Continuing Education Course Application was denied at the January 2010 meeting of the Board. Lorman Business Center, Inc DBA Lorman Education Services received a Notice of Intent to Deny in March of 2010. Lorman Business Center Inc, DBA Lorman Education Services timely requested Board reconsideration.

After discussion the Board voted to uphold the denial of Lorman Business Center, Inc DBA Lorman Education Services application.

JAMES B. TRAXINGER

Mr. Traxinger was present.

Mr. Biggins presented this case stating that Mr. Traxinger's Application to Qualify an Additional Business Entity was denied at the February 2010 meeting of the Board. Mr. Traxinger received a Notice of Intent to Deny in April of 2010. Mr. Traxinger timely requested Board reconsideration.

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

ROBERT D. WOOD

This application was continued.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

The Exams/CE/Public Awareness committee met Mr. Lenois gave the following report:

American Ground Water Trust

Ground Source Heating & Cooling for Residential & Commercial Properties – approved.

CE Resources LLC

Bidding for Maximum Return – approved

Deciphering your Overhead, Markup & Margins – approved

Improving Jobsite Productivity – approved

The Florida Home and Effects from Wind, Storms & Hurricanes – approved

The Laws & Rules Governing the Florida Contractor – approved

Time Management – Getting 'er Done – approved

Workers Compensation Insurance and the Florida Construction Industry – approved

Workplace Safety and How it Affects You – approved

Florida Association of Plumbing Gas Mechanical Inspectors, Inc.

New Florida Plumbing Code Part 1 Chapter 1 – 5 – approved

Florida Green Building Coalition

Getting to Zero Water Consumption – approved

Florida License & Corporations, Inc.

14 Hours Construction Industry Licensing Board Requirements – approved

Florida Solar Energy Center

Constructing Roofs & Attics for a Zero Energy Green Home – denied – failure to demonstrate interactivity

Defining a Zero Energy Green Home – denied – failure to demonstrate interactivity

Designing a Zero Energy Green Home – denied – failure to demonstrate interactivity

Energy Star Water Heating Choices – denied – failure to demonstrate interactivity

HVAC Systems for Zero Energy Homes – denied – failure to demonstrate interactivity

Installation Consideration for Solar Electric Systems in Zero Energy Homes – denied – failure to demonstrate interactivity

Monitoring and Operating the Zero Energy Green Home – denied – failure to demonstrate interactivity

Selecting Appliances & Plug Loads for a Zero Energy Green Home – denied – failure to demonstrate interactivity

Selecting Solar Water Heating for Zero Energy Green Homes – denied – failure to demonstrate interactivity

Selecting Windows & Walls for a Zero Energy Green Home – denied – failure to demonstrate interactivity

Sizing & Selecting Solar Electric Systems for a Zero Energy Green Home – denied – failure to demonstrate interactivity

Gold Coast School of Construction, Inc.

Financial Responsibility & Stability in Construction – approved

Gregory Share and Stuart PA

Making Taxes Work for Contractors – approved

Understanding Contractor Financial Statement – approved

Henderson, Franklin Starnes & Holt, P.A.

Avoiding Legal Minefields in the Land Development and Construction Business – approved – Laws and Rules portion approved as General CE credit

John W. Higgins

Thermostatic Faucet Service and Repair – approved

Thermostatic Valve Service and Repair – approved

Kimal Lumber Company

How to Maintain Good Indoor Air Quality through Mold-Resistant Wood – approved

Ox School of Construction

Blueprint Reading – approved as instructor led course

Business Practices – approved as instructor led course
Ethics in the Construction Industry – approved as instructor led course
Laws and Rules – approved as instructor led course for General CE credit only
Project Management – approved as 1.5 hour instructor led course
Quickbooks – approved as instructor led course
Wind Mitigation – approved as instructor led course
Worker Compensation – approved as instructor led course
Workplace Safety, OSHA – approved as instructor led course

Plumbing Contractors Association

Tankless Water Heater Training Installation Fundamentals – approved

Success Enterprise and Environmental Services

Lead Safety for Renovation, Repair and Painting – continued to provide timeline

Thomas A. Lee

Energy Star Construction – approved
Residential Building – approved
Zero Energy Homes – approved

Training Source Inc

Beyond the Basics: 12 Steps to Contracting Excellence – approved
Workplace Safety & Contractor Update – approved

Vincent J. Santino

Electrical Shock Hazard – pulled

FRSA Educational and Research Foundation

Contractor Licensing Issues and Construction Contracts – approved

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.

61G4-16.005 Duration of Validity

The committee directed Mr. Harrell and Mr. Biggins to draft language to modify the cell tower specialty license rule to include all tower construction.

Ms. Rhonda Koning of the Contractors Institute requested that the Board develop rules defining the scope of work of contractors in regard to the new Home Inspection and Mold Services licensing programs. The Board decided not to develop rules regarding home inspection and mold services.

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:

Robert Moody Jr.
Elbert Batton (Thursday and Friday)
Michelle Kane (Friday only)
Wilbert Malphus (Friday only)

Mr. Engelmeier asked the Board to consider scheduling informal hearings during the respective Application Review or Additional Business Entities meetings. This will allow for the Board to have more discussion time during General Session. Mr. Harrell asked that Mr. Engelmeier give staff time to implement this change.

Tim Vaccaro, Division Director, was asked if he had any comments for the Board. Mr. Vaccaro thanked the Board members for their hard work. He commended them for their service to the State of Florida and their commitment to improving the Construction Industry.

Mr. Greenberg asked the Board to consider revising the application process so that licensure applications were received and approved prior to passing the state certified examination. Mr. Del Vecchio informed Mr. Greenberg that this was previously the process however it was changed for economical and streamlining reasons.

With no further business the meeting was adjourned at 10:01am.