

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Hyatt Regency Jacksonville Riverfront
225 E. Coastline Drive
Jacksonville, FL 32202
904.588.1234**

February 10, 11 - 13, 2015

**MEETING MINUTES
Unapproved**

Board Members Present

Roy Lenois, Vice Chair
Robert Moody
Jacqueline Watts
Albert Korelishn
Aaron Boyette
Richard Kane
William Sheehan
Mark Pietanza
Mary Layton
James Evetts
Christopher Cobb
Keith Lawson II
Edward Weller
Brian Cathey, Chair

Board Members Absent

Andrew Allocco
Hector Castro

Others Present

Dan Biggins, Executive Director, DBPR
Amanda Wynn, Government Analyst, DBPR
David Spingler, Government Analyst, DBPR
Aimee Odom, Regulatory Consultant, DBPR
Douglas Dolan, Legal Advisor, AGO
Rachel Clark, Legal Advisor, AGO
Kyle Christopher, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division II Board members met for Additional Business Entities Review on February 11, 2015 from 2:00 – 3:02pm. Mr. Lawson led the meeting. Of the 19 applications on the agenda, 12 were approved, 6 were continued, and 1 was denied.

APPROVED (12)

Altobell, Anthony
Apolinario, Nelson D.
Burrows, David L.
Cohen, Joshua A.
Delgado, Vicente
Morgan, Brainard M.
Paizes, Spiro C.
Paradiso, Pasquale
Shinhoster, Donnell
Shrock, Joshua L.
Simmons, Sharon C.
Stanton, Howard A.

CONTINUED (6)

Clark, Kelly S.
Neill, Douglas T
Corredor, Mauricio
Gregoire, Daniel P.
O'Keefe, Michael G.
O'Keefe, Michael G.

DENIED (1)

McCulloch, Peter S.

Division I Board members met for Additional Business Entities Review on February 12, 2015, from 1:30 – 2:48pm. Mr. Boyette led the meeting. Of the 25 applications on the agenda, 11 were approved, 5 were approved contingent, 4 were continued, 4 were denied, and 1 was withdrawn.

APPROVED (11)

Alpizar, Juan J.
Daugherty, Lawrence L.
Edmonds, David R.
England, David G.
Fabian, John E.
Fernandez, Rene J.
Grenier, Eric
Levy, Raphael
McCauley, Jeffrey J.
Nieto, Nancy
Saab, Mahmoud K.

APPROVED CONTINGENT (5)

Allen, Jonah C.
Brophy Sr., Drew A.
Delgado, Vicente
Vickers, James W.
Pereira, Fabio D.

CONTINUED (4)

Nowotny, John C.
Coraci, Mary E.
Vitale, Frank V.
Gomez, Pedro M.

DENIED (4)

Davalos Jr., Carlos
Altobell, Anthony
Garcia, Jose L
Macaluso, Michael

WITHDRAWN (1)

Leighton Jr., Douglas J

APPLICATION REVIEW

Division II Board members met for Application Review on February 11, 2015, from 3:13 – 4:56pm. Mr. Cobb led the meeting. Of the 31 applications on the agenda, 19 were approved, 1 was continued, 6 were denied, 4 were withdrawn and 1 was pulled.

APPROVED (19)

Adams Sr., Robert C.
Ashmead, Michael J.
Bange, David W.
Borrelli, Patrick A.
Brown, James D.
Figueredo, Fernando M.
Hunt, William A.
Locke, Daniel W.
Mobley, Bobby A.
Moore, Scott R.
Moreschi II, Albert F.
Naranjo, David A.
Nicolai, Troy E.
Olier Jr., Roy A.
Olsen, Mark W.
Parks, Jon T.
Riley, Mathew E.
Rivera, Antonio
Shea, Joseph A.

CONTINUED (1)

Hartley, Brian

DENIED (6)

Adams, Frank M.
Stevens Jr., Donald R.
Kim, Ji H.
Feddon, David W.
Ojeda, Julio E.
Schwitzer, Marilyn

WITHDRAWN (4)

Harl, Thomas R.
Ho Shin, Hugh F.
Martinez, Anthony
Nazworth, Christopher E.

PULLED (1)

Wagner, Joseph T.

Division II voted unanimously to ratify the list of financially responsible officer approvals.

Division I Board members met for Application Review on February 12, 2015, from 3:05– 3:45pm. Mr. Evetts led the meeting. Of the 16 applications on the agenda, 6 were continued, 8 were denied and 2 were withdrawn.

CONTINUED (6)

Gates, Kenneth J.
Jackson, Gregory W.
Jackson, Gregory W.
Pascuzzo Sr., Thomas D.
Perez, Pely A.
Schaefer, Eric J.

DENIED (8)

Jordan, Joshua C.
Cassidy, Jeffrey R.
Cerber, Sinclair P.
Conner Jr., Charles K.
Cudmore, Veronica L.
Herbert, Brian P.
Jones, Michael D.
Ortega, Juan C.

WITHDRAWN (2)

Benziger, Tristan P.
Sweatt, David M.

Division I voted unanimously to ratify the list of financially responsible officer approvals.

PROBATION

***Division II Board Members convened for Probation on February 12, 2015 from 9:35am – 9:37am.
Mr. Korelishn led the meeting.***

CITRANO, BRIAN, CFC1425927

Result: Satisfactory

STAYS OF SUSPENSION TO BE LIFTED

LEH, JEFFREY, CCC1329672 –STAY LIFTED

ROSE, TEBAYANE, CCC1326090 -- STAY LIFTED

***Division I Board Members convened for Probation on February 12, 2015 from 1:00 – 1:10pm.
Mr. Sheehan led the meeting.***

CONNER, STEPHANIE – SCC131149884

Result: Satisfactory

FORREST, LINDA, CGC049650

Result: Satisfactory

MARRA, RONALD, CGC1507637

Result: Satisfactory

MULLINS, RANDALL, CBC1252808

Result: Continuance

STERRETT, MICHAEL, CGC060838

Result: Satisfactory

STAYS OF SUSPENSION TO BE LIFTED

MOORE, TERRENCE, CGC1105819 – Continuance

GENERAL SESSION

The meeting was called to order by Roy Lenois, Chair, at 9:20am. Ms.Watts gave the Invocation.
Mr. Sheehan led the Pledge of Allegiance.

EXECUTIVE DIRECTOR'S REPORT – Daniel Biggins

Mr. Biggins gave the following report:

Mr. Biggins informed the board that minutes are being updated and will be caught up fairly quickly, and from here forward you should expect the minutes to be up within 20 days or so from the Board Meeting.

Mr. Biggins requested the Board excuse the following absences:

Mr. Castro
Mr. Alloco

The Board voted unanimously to excuse the above absences.

With nothing further to report the board voted unanimously to approve this report.

CHAIRMAN'S REPORT – Roy Lenois

Mr. Lenois gave the following report:

With nothing further to report the board voted unanimously to approve this report.

PROSECUTING ATTORNEY'S REPORT – Kyle Christopher

Mr. Christopher gave the following report:

For the month of January 2015, the overall license activity case load was 686, up from 633 in December of 2014, and up from 468 in January 2014.

There were 473 cases currently in Legal to be reviewed, 26 cases set for probable cause, 36 cases where probable cause had been found/administrative complaints filed, 1 settlement stipulation approved, 4 informal hearings requested, 0 cases awaiting outside action, 20 cases ready for default, 47 formal hearings requested, 6 cases referred to DOAH, 2 cases in settlement negotiations, 0 case pending board date, 19 cases set for board presentation, 52 cases awaiting final orders, 0 cases under appeal and 0 cases had been re-opened.

For the month of January 2015, 51 cases were closed.

With nothing further to report the board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – Douglas Dolan

BRETT ALLRED – REQUEST FOR INFORMAL HEARING

Mr. Allred was present.

Mr. Dolan presented this case stating Mr. Allred's application for a Certified Mechanical Contractors' license was denied at the October 2014 meeting of the Board for failure to demonstrate required experience, as required by Rule 489., Florida Administrative Code. The Notice of Intent to Deny was filed in October of 2014. Mr. Allred timely requested board reconsideration.

After discussion, the respondent requested a 60 day continuance to provide the board with additional experience.

GUY CHARTRAND – REQUEST FOR INFORMAL HEARING

Mr. Chartrand was present.

Mr. Dolan presented this case stating Mr. Chartrand application for a Certified Plumbing Contractor was denied at the September 2014 meeting of the Board for failure to demonstrate required experienced, as required by Florida Statute 489.111 and 61G4-16.001 Florida Administrative Code. The Notice of Intent to Deny was filed in October of 2014. Mr. Chartrand timely requested board reconsideration.

After discussion, the Board voted to vacate the previous denial and approve the application for a Certified Plumbing Contractor.

JOHN FISCHER – REQUEST FOR INFORMAL HEARING

Mr. Fischer was present.

Mr. Dolan presented this case stating Mr. Fischer application to qualify an additional business was denied at the January 2015 meeting of the Board for failure to appear as required by Rule 61G4-15.0021, Florida Statutes and failure to demonstrate the qualifying agent would have the ability to supervise the construction work and business activities of the organization as required by section 489.119, Florida Statutes. The Notice of Intent to Deny was filed in February of 2015. Mr. Fischer timely requested board reconsideration.

After discussion, the Board voted to vacate the previous denial and approve the application.

FORT PIERCE UTILITIES AUTHORITY – PETITION FOR DECLARATORY STATEMENT

Representatives from Fort Pierce Utilities Authority were not present -pulled prior to meeting

Mr. Dolan presented this case stating the Fort Pierce Utilities Authority filed a petition for a declaratory statement on December 5, 2013. The petition was noticed in the Florida Administrative Register on December 13, 2013. Mr. Dolan noted the petition seeks the Board's acceptance to allow a properly trained and experienced FPUA employee to perform the work necessary to complete "behind the meter" services (installation of gas piping and gas piping systems, installation and servicing of gas appliances, engaging in sizing, material selection)

The applicant pulled the declaratory statement prior to the meeting before the Board.

ROGERIO LEO – REQUEST FOR INFORMAL HEARING

Mr. Leo was present.

Mr. Dolan presented this case stating Mr. Leo's application for a Certified General Contractors' license denied at the October 2014 meeting of the Board for failure to demonstrate required experienced, as required by Florida Statute 489.111, and 61G4-16.001 Florida Administrative Code. The Notice of Intent to Deny was filed in October of 2014. Mr. Leo timely requested board reconsideration.

After discussion, the Board voted to uphold the denial.

GARY MANTELL – REQUEST FOR INFORMAL HEARING

Mr. Mantell was present.

Mr. Dolan presented this case stating Mr. Mantell application for a Certified Plumbing Contractors license was denied at the August 2014 meeting of the Board for failure to demonstrate financial stability, and responsibility, pursuant to Florida Statute 489.115 as required by Rule 61G4-15.006, Florida Administrative Code. The Notice of Intent to Deny was filed in October of 2014. Mr. Mantell timely requested board reconsideration.

After discussion, the Board voted to uphold the denial.

PUTNAM CO. PLANNING & DEVELOPMENT – PETITION FOR DECLARATORY STATEMENT

Representatives from Putnam Co. Planning & Development were present. (Mr. Powell)

Mr. Dolan presented this case stating Putnam Co. Planning & Development filed a petition for a declaratory statement on December 18, 2014. The petition was noticed in the Florida Administrative Register on December 23, 2014. Mr. Dolan noted the petition seeks the Board's interpretation as to whether a Registered Specialty Contractor (Aluminum) be the primary contractor on a building permit for screened room and wooden decks and can the Registered Specialty Contractor (Aluminum) build the wooden decks?

Mr. Dolan asked the board to consider whether or not the petition meets the criteria for a declaratory statement, and to dismiss or answer as appropriate.

After discussion, the Board voted the petition had standing. After further discussion, the Board voted to decline to answer the declaratory statement, because the authority having jurisdiction is to make the determination being on a county level.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – Christopher Cobb

Mr. Cobb gave the following report:

THE BARTHET FIRM, P.A.- Present

1st course: Florida's Construction Claims Notice and Opportunity to Cure Law (Florida Statute, Chapter 558): A 360 Degree Review - **Approved**

BUILDING OFFICIALS AND INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)- Not Present

1st course: Code Professionals and Ethics –**Approved**

CARPENTER ELECTRIC INC- Present

1st course: ARC Flash Safety Training– Approved

COMPLIANCE DATA SERVICES INC DBA CALCS PLUS- Present

1st course: Building Science Workshop- **30 day continuance**

ENVIRONMENTAL SAFETY & HEALTH INSTITUTE- Not Present

1st course: Renovation, Repair and Painter Refresher Training- **Denied**

INFORMATIONAL RESOURCES FOR PROFESSIONALS (IRP) - Present

1st course: Building Codes and Code Upgrades- **Approved**

2nd course: Water Damage Investigations Using Infrared Thermography- **Approved**

INSURANCE OFFICE OF AMERICA INC- Not Present

1st course: Property Risk Management- **Approved**

JC CODE & CONSTRUCTION CONSULTANTS INC- Present

1st course: Ethics for Construction Professionals- **Approved**

2nd course: Laws & Rules Update- **Approved**

KERNEY & ASSOCIATES INC- Not Present

1st course: Compressed Natural Gas Fill Station- **Approved**

MAKO REP GROUP INC- Present

1st course: Choosing the Correct Railing- **Denied**

2nd course: Understanding the Various Categories of the Exterior Trim Market-**Denied**

PACEPDH.COM DBA THE MEDIA FACTORY INC- Not Present

1st course: Florida Laws and Rules- 61G4 F.A.C. - **Approved**

2nd course: Florida Laws and Rules- Chapter 489- **Approved**

3rd course: The Contractor-Architect Feud: Why can't they always get along?- **Approved**

4th course: Wind Mitigation Methodology: Retrofits for Existing Homes- **Approved**

SHUFFIELD, LOWMAN & WILSON, P.A.- Not Present

1st course: Modifying the Standard Subcontractor Agreement- **Denied**

SUNCOAST SAFETY CONCIL- Present

1st course: EPA Renovation, Restoration and Painting Program- Initial Course- **Approved**

2nd course: EPA Renovation, Restoration and Painting Program- Refresher Course- **Approved**

TECHTRAINING LLC- Present

1st course: Construction Estimating for Contractors- **Approved**

2nd course: Contracts, Bonds and Insurance- **Approved**

3rd course: Introduction to OSHA- **Approved**

4th course: Wind Mitigation- **Approved**

UNIVERSAL BUILDING SPECIALTIES- Present

1st course: Choosing the Correct Railing- **Approved**

2nd course: Understanding the Various Categories of the Exterior Trim Market- **Approved**

With nothing further to report the board voted to approve this report.

RULES/PUBLIC/LEGISLATIVE COMMITTEE – Mark Pietanza

Mr. Pietanza gave the following report:

61G4-17.001 Normal Penalty Ranges

- Sent to OFARR 09/04/2013
- Rule Development Published 9/12/13
- Adopted language

61G4-16.0021 Written Examination for Swimming Pool Specialty Contractors

- Sent to OFARR 12/8/2014
- Rule Development Published 12/15/2014

61G4-15.001(2)(b) and 61G4-12.001(1)

- Amend the language to add “new, commercial, and habitable”.

Mr. Dolan informed the Board that they will receive language regarding the Public Comment Rule in the near future.

With nothing further to report the board voted to approve this report.

RECOVERY FUND COMMITTEE – Rick Kane

Mr. Kane gave the following report:

Thomas vs. Toomey; Claim No. 2011-055704 – reconsideration –approved \$20,794.33
Spencer vs. Shettler; Claim No. 2012-025608- approved \$793.00
Venner vs. Ferrari; Claim No. 2012-043385 - approved \$25,000.00
Faunce vs. Pio; Claim No. 2010-024612 – approved \$50,000.00
Burgess vs. Hotchkiss Claim No. 2012-050494 – approved \$2,575.00
Bealefeld vs. Leonard; Claim No. 2012-000567 – approved \$50,000.00
Spears- Bobb vs. Scott; Claim No. 2012-000743 - \$22,045.66
Libidinsky vs. Foltz; Claim No. 2013-021015 - continued to March 2015
Levin vs. Hotchkiss; Claim No. 2012-029426 - \$6,000.00
Shaffer vs. Moore; Claim No. 2012-023702 - \$4,480.00
Nike vs. George; Claim No. 2012-016748 - denied
Smith vs. Butler; Claim No. 2013-001806 - \$30,146.00
Venezia vs. Murphy; Claim No. 2012-002625 - \$50,000.00
Hill vs. Ramkissoon; Claim No. 2011-052581 - \$7,223.64
Jannicelli vs. Bennett; Claim No. 2010-002389 - \$17,902.50
Madejczyk vs.Kurth; Claim No. 2010-051603 - \$13,027.31
Madejczyk vs.Kurth; Claim No. 2012-051582 - \$9,434.35
Peters vs. Dinger; Claim No. 2012-004150 - \$9,500.00
Lima vs. Martinez; Claim No. 2007-027636 - denied
Irizarry vs. Hurley; Claim No. 2008-017400 - \$3,570.00
Moser vs. Fry; Claim No. 2011-059196 - \$28,284.00
Taylor vs. Schave; Claim No. 2012-052526 – continuance 60 days
Leon vs. Leli; Claim No. 2010-003475 - \$19,360.00
Richardson vs. George; Claim No. 2012-019190 - \$50,000.00
Cubillos vs. Cantens; Claim No. 2012-001672 - denied
Friend vs. Foltz; Claim No. 2011-060781 - \$28,904.00
Tolodxi vs. Durden; Claim No. 2011-060323 - \$2,491.00
Gell vs. Cantens; Claim No. 2012-002345- continued to March 2015

Wimmler vs. Nicks; Claim No. 2007-039224- \$50,000.00

With nothing further to report the board voted to approve this report.

EXAMS/CE/ PUBLIC AWARENESS COMMITTEE DISCUSSION REGARDING TIMELINE REQUIREMENTS

Exams/CE/Public Awareness Members convened on February 12, 2015 from 10:00 – 10:43am. Mr. Cobb led the meeting.

Public attendees present: Rhonda Koning, Rosemary Ammons, Ellen Sokomato, Bruce Kershner

The providers will provide language to the Department of Business and Professional Regulation to add a definition to (641G4-18.00(3) or (18.002) to explain what a detailed timeline consists of.

Developing guidelines for timelines to put in the administrative code

OLD BUSINESS

Removal of old materials from laptop.

NEW BUSINESS

With no further business the meeting was adjourned at 10:24am.