

**FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD**

**Embassy Suites Orlando – North  
225 Shorecrest Dr  
Altamonte Springs, FL 32701  
407.834.2400**

**March 14-16, 2012**

**MEETING MINUTES  
Approved 5/11/2012**

**Board Members Present**

Jerry Hussey, Chair  
Robert Moody, Vice Chair  
Michelle Kane  
William Sheehan  
Elbert Batton  
James Evetts  
Richard Kane  
Mark Pietanza  
Doris “Peggy” Bailey  
Carl Engelmeier  
Albert Korelishn  
Roy Lenois  
Jacqueline Watts  
William “Brian” Cathey  
Paul Del Vecchio  
Kristin Beall  
Ed Weller

**Others Present**

Drew Winters, Executive Director, DBPR  
David Spingler, Government Analyst, DBPR  
Donald Shaw, Regulatory Consultant, DBPR  
Daniel Biggins, Legal Advisor, AGO  
Paul Waters, Chief Prosecuting Attorney, DBPR

## **ADDITIONAL BUSINESS ENTITIES REVIEW**

***Division I board members met for Additional Business Entities Review on March 14, 2012, from 2:00 pm to 3:03 pm. Ms. Beall led the meeting. Of the 20 applications scheduled for review, 10 were approved, 1 was approved contingent, 1 was approved conditionally, 4 were denied, and 2 were continued.***

### **APPROVED (10)**

Dellacosta, Daniel  
Earnest, Joseph  
Ely, Troy  
Fogue, Jr., Edward  
Handler, Brett  
Kempf, John  
Lopez, George  
Moore, Timothy  
Richardson, Thomas  
Sweeney, Edward

### **CONTINGENT APPROVALS (1)**

Valle, Ricardo – *Must provide proof of having become a W2 employee or providing proof of ownership*

### **CONDITIONAL APPROVALS (3)**

Caro, Miguel – *Must serve 4 years probation or submit proof of having obtained a credit score of 660 or higher*  
Guerrero, Carlos – *Must serve 4 years probation or submit proof of having obtained a credit score of 660 or higher*  
Hayes, Christopher – *Must serve 6 years probation or submit proof of having obtained a credit score of 660 or higher as well as provide proof of 20% ownership in the company to be qualified*

### **DENIED (4)**

Gibbons, Joseph  
Johnson, David  
Leggett, Jerry  
Waller, Daniel

### **CONTINUED (2)**

Doucette, Lea – 90 days  
Pinto, Anderson – 30 days

***Division II Board members met for Additional Business Entities Review on March 15, 2012, from 4:01 pm to 4:06 pm. Mr. Pietanza led the meeting. Of the 1 applications scheduled for review, 1 was approved***

### **APPROVED (1)**

Micali, John

## **APPLICATION REVIEW**

***Division I Board members met for Application Review on March 14, 2012 from 3:33 pm to 4:17 pm. Mr. Cathey led the meeting. Of the 20 applications scheduled for review, 2 were approved, 5 were continued, 12 were denied, and 1 was withdrawn.***

### **APPROVED (2)**

Ferreira, Marco  
Petersen, Kevin

### **CONTINUED (5)**

Byrd, Steven – 30 days  
Cook, Reggie – 30 days  
Messier, Kenneth – 30 days  
Porcelli, Richard – 60 days  
Wilson, Ronald – 60 days

### **DENIED (12)**

Cournoyer, Stephen  
Egerhei, Arthur  
Giancamilli, Luigino  
Graef, Jeffrey  
Kilpatrick, Kenneth  
Leggett, Jerry  
Perez – Jacome, Nelson  
Ricketts, Winston  
Steiner, Maria  
Sullivan, Thomas  
Sumner, Stanley  
Veneziano, Anthony

### **WITHDRAWN (1)**

Paul, Forrest

***Division II Board members met for Application Review on March 15, 2012, from 4:15 pm to 4:55 pm. Ms. Watts led the meeting. Of the 6 applications scheduled for review, 1 was approved, 1 was withdrawn, 1 was denied, and 3 were pulled.***

### **APPROVED (3)**

Rhodes, Paul  
Tauscher, Michele  
Willard, John

### **WITHDRAWN (2)**

Coble, Clay  
Langley, Barney

### **DENIED (4)**

Bahrs, Christopher

Garcia, Jorge  
Mentler, Cornel  
Tam, Michael Ko Fung

CONTINUED (2)

Donovan, Robert – 90 days  
Massanet, Milton – 12 months

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

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

**PROBATION**

***The Division I Probation Committee met on March 15, 2012 from 2:00 pm to 2:39 pm. The Committee was chaired by Richard Kane.***

**Robert Ambrosius, CGC1519002**  
Result: Unsatisfactory

**Gary Ansley, CBC036329**  
Result: Continuance granted

**Kristopher Ashenback, CBC054507**  
Result: Unsatisfactory

**Scott Berman, CGC1509450**  
Result: Unsatisfactory

**Aldon Bookhardt, CGC1505081**  
Result: Unsatisfactory

**Brian Burns, CGC020464**  
Result: Stay of Suspension Lifted

**Antonio Cartelle, CGC1516713**  
Result: Satisfactory

**Cleo Davis, CBC1253068**  
Result: Satisfactory

**Patricia Fernandez, CRC1329204**  
Result: Continuance granted

**Arnold Hutchinson, CGC060414**  
Result: Probation reinstated and fines and costs issued in Final Order due within 30 days.

**James Loy, CGC1504966**

Result: Satisfactory

**Eduardo Martinez, CGC1513604**

Result: Stay of Suspension Lifted

**Robert Parker, CBC1258274**

Result: Continuance granted

**Anthony Pasquale, CBC057385**

Result: Stay of Suspension Lifted

**Christian Pereira, CGC1519520**

Result: Stay of Suspension Lifted

**Luis Perez, CRC1330244**

Result: Satisfactory

**Chad Taylor, CGC1519945**

Result: Unsatisfactory

**Robert Vergnolle, CGC1519519**

Result: Stay of Suspension Lifted

**William Young, CGC021685**

Result: Satisfactory

**Laura Young, CBC1258089**

Result: Unsatisfactory

***The Division II Probation Committee met on March 15, 2012 from 3:01 pm to 3:45 pm. The Committee was chaired by Albert Korelishn.***

**Danny Alford, RC29027447**

Result: Stay of Suspension Lifted

**Edmund Deveaux, RC11066599**

Result: Satisfactory

**Kristopher Ashenback, CCC057686**

Result: Satisfactory

**Aldon Bookhardt, CCC057655**

Result: Satisfactory

**Michael Cantrell, CCC1329540**

Result: Satisfactory

**Humbert Collins, CFC1427676**

Result: Satisfactory

**Dan Deekman, CCC1328830**

Result: Satisfactory

**Edward DeJesus, CAC058733**

Result: Satisfactory

**Victor Fermin, CPC057051**

Result: Continuance Granted

**Richard Fox, CFC057294**

Result: Satisfactory

**Joseph Gales, RC0067405**

Result: Stay of Suspension Lifted

**Paul Hahn, CCC023528**

Result: Continuance Granted

**Ali Hanine, CAC1814604**

Result: Satisfactory

**Jose Mondragon, CAC1815894**

Result: Satisfactory

**Richard Powell, CAC1816374**

Result: Satisfactory

**Tebayane Rose, CCC1326090**

Result: Stay of Suspension Lifted

**Jose Ruiz, CFC1427081**

Result: Continuance Granted

**Viurniel Sanchez, CCC1328992**

Result: Satisfactory

**Polynne Soares, CCC1329580**

Result: Stay of Suspension reinstated

**Jorge Stanchiu, CMC1250138**

Result: Unsatisfactory appearance and Stay of Suspension Lifted

**Gregory Williams, CCC1327297**

Result: Continuance Granted

## **GENERAL SESSION**

The meeting was called to order by Paul Del Vecchio at 8:34 am. Mr. Lenois gave the Invocation. Mr. Evetts led the Pledge of Allegiance.

## **REVIEW OF MINUTES**

The board voted unanimously to approve the following minutes:

- January 2012 Meeting Minutes
- January 2012 Final Action Minutes
- February 2012 Meeting Minutes
- February 2012 Final Action Minutes

## **EXECUTIVE DIRECTOR'S REPORT – DREW WINTERS**

Mr. Winters gave the following report:

Mr. Winters distributed the expense reports and stated that everything was looking good.

Mr. Winters also informed the board that the Recovery Fund Committee has a scheduled meeting on April 5<sup>th</sup> and to expect a report on the results of that Committee meeting at April's board meeting.

Mr. Winters asked the board to excuse the absences of the following board members:  
Mr. Cathey (Friday only)  
Mr. Batton (Friday only)

The board voted unanimously to excuse these absences.

Mr. Winters also informed the board that the Recovery Fund had received an additional \$700,000 in appropriation for fiscal year 2011-2012 and that a conference call would take place in the next couple of months or so to review additional claims.

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

## **CHAIRMAN'S REPORT – JERRY D. HUSSEY**

Mr. Hussey had nothing to report.

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

Mr. Waters gave the following report:

For the month of February 2012, the overall case load was 353, down from 313 in January of 2012, and down from 794 in February of 2011.

There were 50 cases currently in Legal to be reviewed, 35 cases set for probable cause, and 69 cases where probable cause had been found/administrative complaints filed. 0

settlement stipulations had been approved, 3 informal hearing had been requested, and 10 cases were awaiting outside action. 6 cases were ready for default, 8 had requested formal hearings, and 1 case was referred to DOAH. 7 cases were in settlement negotiations, 3 cases were pending board dates, and 59 cases were set for board presentation. 102 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

For the month of February 2012, 57 cases were closed.

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

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

### **POOLE & KENT COMPANY OF FLORIDA, INC – PETITION FOR DECLARATORY STATEMENT**

Mr. Moody and Mr. Weller both recused themselves.

A representative from Poole & Kent Company of Florida, Inc., and was represented by Counsel Edward Baird and Robert Crabill. Mr. Frederick Dudley, counsel for affected party Brasfield & Gorrie, LLC, was also present.

Mr. Biggins presented this case stating Poole & Kent Company of Florida, Inc., filed a petition for a declaratory statement on February 7, 2012. The petition was noticed in the Florida Administrative Weekly on February 24, 2012. A petition for Leave to Intervene was filed by Brasfield & Gorrie, LLC, on February 27, 2012, which the board granted. Mr. Biggins noted the petition for declaratory statement requests the board's opinion as to the applicability of Sections 489.105 (3)(a), (i), (m), and (n), 489.113 (3), Florida Statutes, and Rule 61G4-12.011, Florida Administrative Code, and whether a mechanical contractor's license is required to perform the mechanical work on wastewater treatment facility projects, or whether the mechanical work on such projects may be self-performed by general contractors, even if they do not possess a mechanical contractor's license. Mr. Biggins 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 that the petitioner lacked standing and was not a substantially affected party as required by section 120.565, Florida Statutes, as the petitioner possesses the necessary licenses and appears to be referring to the conduct of another.

### **SCOTT BRACE – PETITION FOR VARIANCE AND WAIVER & REQUEST FOR RECONSIDERATION**

Mr. Brace requested a 30 day continuance.

### **UNAL COBAN – REQUEST FOR INFORMAL HEARING**

Mr. Coban was present.



Mr. Biggins presented this case stating Mr. Coban's application to qualify an additional business entity was denied at the February 2012 meeting of the board for failure to appear as required. Mr. Coban requested the informal hearing prior to the Notice of Intent to Deny being filed but was informed of his hearing rights and requested board reconsideration.

After discussion the applicant requested to withdraw the application and to vacate the previous denial of his application. The board voted unanimously to vacate the denial of the application and to allow the applicant to withdraw the application.

#### **MARY CORACI – REQUEST FOR INFORMAL HEARING**

Ms. Coraci was present and was represented by Counsel Nancy Prior.

Mr. Biggins presented this case stating Ms. Coraci's application to qualify an additional business entity was denied at the January 2012 meeting of the board for failure to appear as required. The Notice of Intent to Deny was filed in February of 2012. Ms. Coraci timely requested board reconsideration.

After discussion the board voted unanimously to vacate the Notice of Intent to Deny and voted unanimously to approve the application with the condition that the applicant serve 4 years of probation or submit proof of a credit score of 660 or higher.

#### **VIRGILE DENHAM – REQUEST FOR INFORMAL HEARING**

Mr. Denham was present.

Mr. Biggins presented this case stating Mr. Denham's application to qualify an additional business entity was denied at the January 2012 meeting of the board for failure to appear as required. The Notice of Intent to Deny was filed in February of 2012. Mr. Denham timely requested board reconsideration.

After discussion the board voted unanimously to approve the application under the condition that the applicant submits proof of employment by the company to be qualified within 30 days.

#### **LARRY GRASHEL – MOTION TO RECONSIDER**

Mr. Grashel was present and represented by Counsel Mark Woodlock.

Mr. Biggins presented this case stating that Mr. Grashel's application to qualify an additional business entity was denied at the January 2012 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility, failure to demonstrate the qualifying agent would properly supervise the construction work and business activities, and because it appeared the applicant engaged in or aided unlicensed activity. Mr. Grashel requested a motion to reconsider prior to the Notice of Intent to Deny being filed but was informed of his hearing rights and elected to proceed with a motion to reconsider.

After discussion the board voted unanimously to allow Mr. Grashel to amend his application from qualifying an additional business entity to a change of status of his current license. After further discussion the board voted unanimously to approve the application with the condition that the applicant serve 6 years of probation or until such time as he can provide a credit score of 660 or higher, as well as submitting proof that he is a 20% owner in the company to be qualified.

#### **ISTA NORTH AMERICA, INC. – PETITION FOR DECLARATORY STATEMENT**

A representative from Ista North America, Inc. was present and represented by Counsel Ryan Jones.

Mr. Biggins presented this case stating Ista North American, Inc., filed a petition for a declaratory statement on January 10, 2012. The petition was noticed in the Florida Administrative Weekly on February 3, 2012. Mr. Biggins noted the petition seeks the Board's opinion as to the applicability of Section 489.105 (3), Florida Statutes, as it applies to the petitioner and whether a contractor's license is required for the installation of utility sub-meters. Mr. Biggins 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 that the petitioner had standing. After further discussion the board voted that a general contractor's license will satisfy the requirements for providing all of the proposed services in the petition, but that this statement does not address the requirement for electrical contracting.

#### **PETE QUINTELA – PETITION FOR DECLARATORY STATEMENT**

Mr. Quintela was not present.

Mr. Biggins presented this case stating Mr. Quintela filed a petition for a declaratory statement on February 21, 2012. The petition was noticed in the Florida Administrative Weekly March 9, 2012. Mr. Biggins noted the petition seeks the Board's opinion as to the applicability of Section 489.105 (3)(g), Florida Statutes, and requests the board interpret Section 489.105 (3)(g), Florida Statutes, and whether it is in the scope of work of a Class B air conditioning contractor to replace or repair a broken shut-off valve feeding a water cooled 2 ton unit which is connected to the riser of a 500 ton water cooling tower. Mr. Biggins 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 that the petitioner had standing. After further discussion the board voted that the petition contained insufficient information to issue a statement.

#### **ROBERT KONING – PETITION FOR A DECLARATORY STATEMENT**

Mr. Koning was present.

Mr. Biggins presented this case stating Mr. Koning filed a petition for a declaratory statement on January 24, 2012. The petition was noticed in the Florida Administrative

Weekly on February 10, 2012. Mr. Biggins noted the petition seeks the Board's interpretation of Sections 468.831, 468.8311 (2), (3), (4), Florida Statutes, and whether home inspection services are within the scope of licensure of a Certified Division I Contractor when performing such services provided they are not representing themselves as a person who specializes as a home inspector. Mr. Biggins 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 that the petitioner had standing. After further discussion the board voted that home inspection services described in the petition are within the scope of licensure of a Certified Division I Contractor, provided the Division I Contractor is not holding themselves out specifically as a home inspector licensed under Chapter 468, Florida Statutes.

### **RIGOBERTO DIAZ – REQUEST FOR INFORMAL HEARING**

Mr. Diaz was present.

Mr. Biggins presented this case stating Mr. Diaz' application to qualify an additional business entity was denied at the January 2012 meeting of the board for failing to appear as required by Rule 61G4-15.0021, Florida Administrative Code. The Notice of Intent to Deny was filed in February of 2012. Mr. Diaz timely requested board reconsideration.

After discussion the board voted to approve the application.

### **COMMITTEE REPORTS**

#### **EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ROY LENOIS**

Mr. Lenois gave the following report:

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

1<sup>st</sup> Course: 7 Hr Live CE Chapter 489 – **approved**

2<sup>nd</sup> Course: Construction Core Courses – **approved**

3<sup>rd</sup> Course: Planning for Profit – **denied**

##### **Contractor's School, Inc.**

1<sup>st</sup> Course: 2012 Quick Pack (*Record Clarification*) – **approved** (contingent upon updated timeline being submitted)

##### **Environmental Safety & Health Institute**

1<sup>st</sup> Course: Asbestos Awareness – **denied**

2<sup>nd</sup> Course: Mold Remediation Refresher – **denied**

##### **Florida Building Commission**

1<sup>st</sup> Course: 2010 Florida Building Code Accessibility – **approved**

2<sup>nd</sup> Course: Modular Building Construction Laws, Codes, & Rules – **approved** (general only)

### **Florida Refrigeration and Air Conditioning Contractors Association**

- 1<sup>st</sup> Course: Condensate Recovery the Forgotten Resource – **approved**
- 2<sup>nd</sup> Course: Energy Star 2012 Update – **approved**
- 3<sup>rd</sup> Course: Future Chiller Technologies for Residential and Commercial Markets – **approved**
- 4<sup>th</sup> Course: Manual J Basics – **approved**

### **Informational Resource for Professionals (IRP)**

- 1<sup>st</sup> Course: Non-Destructive and Destructive Testing as it Relates to Structural Investigation – **approved**
- 2<sup>nd</sup> Course: Structural Evaluation, Restoration in the Event of a Residential Fire – **approved**

### **Knott, Ebelini, Hart, P.A.**

- 1<sup>st</sup> Course: 2012 Construction Law and Insurance Symposium – **approved**

### **Koning Enterprises, Inc. d/b/a Contractors Institute**

- 1<sup>st</sup> Course: 10-Hour Construction Outreach Training – **approved**

### **On-Line-Classes.com a d/b/a of Infinity, LLC**

- 1<sup>st</sup> Course: Collections – Your Defensive Game - **approved**
- 2<sup>nd</sup> Course: Collections – Your Offensive Game – **approved**
- 3<sup>rd</sup> Course: Historic Preservation – **approved**
- 4<sup>th</sup> Course: Home Energy Efficiency – **approved**
- 5<sup>th</sup> Course: Improving Compressed Air Systems, Part 1 – **approved**
- 6<sup>th</sup> Course: Improving Compressed Air Systems, Part 2 – **approved**
- 7<sup>th</sup> Course: Improving Fan System Performance, Part 1 – **approved**
- 8<sup>th</sup> Course: Improving Fan System Performance, Part 2 – **approved**
- 9<sup>th</sup> Course: Improving Motor and Drive Systems, Part 1 – **approved**
- 10<sup>th</sup> Course: Improving Motor and Drive Systems, Part 2 – **approved**
- 11<sup>th</sup> Course: Improving Pumping System Performance, Part 1 – **approved**
- 12<sup>th</sup> Course: Improving Pumping System Performance, Part 2 – **approved**
- 13<sup>th</sup> Course: Intellectual Property Primer, Part 1 – **approved**
- 14<sup>th</sup> Course: Intellectual Property Primer, Part 2 – **approved**
- 15<sup>th</sup> Course: Mechanical Properties of Wood – **approved**
- 16<sup>th</sup> Course: OSHA PPE – **approved**
- 17<sup>th</sup> Course: Parabolic Trough Solar Water Heating – **approved**
- 18<sup>th</sup> Course: Sustainability Matters, Part 1 – **approved**
- 19<sup>th</sup> Course: Sustainability Matters, Part 2 – **approved**
- 20<sup>th</sup> Course: Sustainability Matters, Part 3 – **approved**
- 21<sup>st</sup> Course: Wood-Based Composites, Part 1 – **approved**
- 22<sup>nd</sup> Course: Wood-Based Composites, Part 2 – **approved**
- 23<sup>rd</sup> Course: Wood Fasteners, Part 1 – **approved**
- 24<sup>th</sup> Course: Wood Fasteners, Part 2 – **approved**

### **Palm Construction School, Inc.**

- 1<sup>st</sup> Course: The Good, The Bad, & The Ugly of Contracting – Case Studies – **approved**

**PGT Industries, Inc.**

1<sup>st</sup> Course: 2010 Florida Building Code Update – **approved**

**Techknowledge**

1<sup>st</sup> Course: Florida Building Code – Accessibility - **denied**

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

**RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA**

Mr. Biggins gave the following report:

The following Proposed Rules have been **Noticed**:

61G4-15.001 Qualification for Certification

61G4-15.0024 Supervision of Business Entities

61G4-15.032 Certification of Swimming Pool Specialty Contractors

61G4-16.0021 Written Exam for Swimming Pool Specialty Contractors

Legislative changes to the following Rules were discussed:

61G4-15.018 Certification of Glass & Glazing Contractors

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

**AD HOC COMMITTEE – MARK PIETANZA**

The Ad Hoc Committee did not convene this month.

**OLD BUSINESS**

Mr. Kalmanson presented comments to the board on Declaratory Statement 2011-079 and request that paragraph 6 be changed from, *“Pursuant to section 489.113, Florida Statutes, a contractor may employ a person who is not licensed to perform work under supervision of the contractor provided the work is within the scope of the contractor’s license. Likewise, the contractor may subcontract to other licensed contractors”*, to, *“Pursuant to Section 489.113 (2), Florida Statutes, a Division I contractor (General, Building, or Residential) may subcontract to a licensed or unlicensed non-employee independent contractor to perform work under the supervision of the Division I Contractor provided the work is within the scope of the Division I contractor’s license including in accordance with Section 489.113 (3)(a), Florida Statutes, any construction or alteration of a structural component of a building or structure. This exemption is limited to scopes of work not otherwise requiring a license under any of the categories listed in 489.105 (d) – (o).*

The board voted unanimously to accept the changes to the Declaratory Statement.

**NEW BUSINESS**

No New Business was discussed.

With no further business the meeting was adjourned at 11:21 am.