

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Embassy Suites Tampa/USF
3705 Spectrum Blvd
Tampa, FL 33612
813.977.7066**

March 13 - 15, 2013

**MEETING MINUTES
Approved 4/12/2013**

Board Members Present

Robert Moody, Chair
William Sheehan
James Evetts
Edward Weller
Roy Lenois
Jacqueline Watts
Albert Korelishn
Paul Del Vecchio
Mary Layton
Carl Engelmeier
Christopher Cobb
Richard Kane

Board Members Absent

Brian Cathey, Vice Chair
Kristin Beall
Michelle Kane
Mr. Boyette (Thursday only)
Mr. Pietanza (Friday only)

Others Present

Drew Winters, Executive Director, DBPR
Amanda Wynn, Government Analyst, DBPR
David Spingler, Government Analyst, DBPR
Donald Shaw, Regulatory Consultant, DBPR
Daniel Biggins, Legal Advisor, AGO
Tom Barnhart, Legal Advisor, AGO
Paul Waters, 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 13, 2013 from 2:00 – 3:37 pm. Mr. Boyette led the meeting. Of the 30 applications scheduled for review, 13 were approved, 7 were denied, 6 were continued, and 4 were withdrawn.

APPROVED (13)

Angell, Rock
Binder, James
Brown, John
Coviello, Brian
Czerwinski, Douglas
Dionisi, Francois
Hirschberger, Jeffrey
Holm, Michael
Mullis, Michael
Peterson, Scott
Sifakis, Alexander
Spielvogel, William (Cashman Dredging & Marine Contracting Company, LLC)
Wolf, Ronald

DENIED (7)

Bouscher, Steven
Dillon, John
Douglass, Bradley
Dresie, Douglas
Earl, William
Knapp, Todd
Uzcategui, Rommel

CONTINUED (6)

Albanese, Charles – 30 days
Anderson, Randall – 30 days
Green, Nathan – 60 days
Hunt, Daniel – 90 days
Richardson, Ronald – 60 days
Spielvogel, William – 60 days (Lucas Marine Acquisition Company, LLC)

WITHDRAWN (4)

Czubkowski, Scott
Naim, Daniel
Pilz, Norbert
Roberts, James Jr.

Division II Board members met for Additional Business Entities Review on March 14, 2013 from 1:30 – 2:10 pm. Mr. Cobb led the meeting. Of the 18 applications scheduled for review, 11 were approved, 1 was approved contingently, 3 were continued, and 3 were withdrawn.

APPROVED (11)

Bagley, Lee
Cabrera, Angel
Delgado, Jose
Gilles, Gerard
Kane, Paul
Knapp, Todd
Payne, William
Perez, Juan
Seppy, John
Seubert, Jason
Warner, Brandon

CONTINGENT APPROVALS (1)

Grenald, Julian – *Contingent upon showing proof of W2 employment*

CONTINUED (3)

De Izaguirre, Frank – 30 days
Hensley, Kevin – 30 days
Llorens, Pedro – 90 days

WITHDRAWN (3)

Guerrero, Fausto
Savelli, John
Waite, Mark

APPLICATION REVIEW

Division I Board members met for Application Review on March 13, 2013 from 4:00 – 5:40 pm. Mr. Evetts led the meeting. Of the 24 applications scheduled for review, 5 were approved, 2 were conditionally approved, 3 were continued, 8 were denied, 5 were withdrawn, and 1 was pulled.

APPROVED (5)

Boblitt, Scott
Brochu, Thomas
Nutting, Bradford
Planas, Henry
Taylor, Dale

CONDITIONALLY APPROVED (2)

McMillan, Willie – *Approved as a downgrade to a Building contractor's license and with 4 years of probation.*
Valdes, David – *Approved with 2 years of probation*

CONTINUED (3)

Cristina, John – 60 days
Higgins, Brian – 60 days

Murray, Joe – 60 days

DENIED (8)

Diaz, Nicholas
Dozier, William
Glantz, Clair
Hugenberg, Douglas
Mayhew, Steven
Miller, Robert
Riley, James
Tate, Ronald

WITHDRAWN (5)

Bloom, Donald
Doerre, Karl
Fero, Stephen
Lampel, Ryan
Ricketts, Winston

PULLED (1)

Strachan, John

Division II Board members met for Application Review on March 14, 2013 from 2:30 – 4:07 pm. Ms. Watts led the meeting. Of the 38 applications scheduled for review, 24 were approved, 3 were conditionally approved, 5 were continued, 5 were denied, and 1 was withdrawn.

APPROVED (24)

Bacci, Alfredo
Carter, Charles
Da Cruz, Michele
Farr, Edwin
Fesi, Michael
Foster, John
Gallery, Cornelius
Gowan, Dana
Gross, Michael
Kenyaz, Stan
Kost, Thomas
Lara, Jonathan
Leal, Fidel
Masura, Frank
Matthews, Jeffrey
Medina, Juan
Reymann, Ronnie
Schimanski, Albert
Snyder, William III
Sullivan, Clinton
Tabor, Terry

Thurman, John (as a downgrade to a Class A A/C Contractor)
Wilson, Errol
Worthington, Michael

CONDITIONALLY APPROVED (3)

Griffith, Glen – *Approved with 2 years probation*
Pybus, Robert – *Approved with 3 years probation*
Walsh, Thomas – *Approved with 3 years probation*

CONTINUED (5)

Bengoechea, Jose – 90 days
Cristina, John – 60 days
Haley, Jeffrey – 30 days
Klaus, Kevin – 90 days
Levine, Michael – Indeterminate

DENIED (5)

Gonzalez, Pablo
Keever, Carl
Oifer, Todd
Quero, Alfred
Rhoden, Marcus

WITHDRAWN (1)

Simmons, Thomas

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 convened on March 14, 2013 from 10:13 – 10:45 am. Mr. Kane led the meeting.

Robert Ambrosius, CGC1519002
Result: Satisfactory

Gary Ansley, CBC036329
Result: Unsatisfactory

Scott Berman, CGC1509450
Result: Satisfactory

Duane Bowman, CGC1518502
Result: Satisfactory

Robert Checho, CBC040782

Result: Satisfactory

Brandon Gilley, CRC1327329

Result: Satisfactory

Larry Grashel, CRC1330606

Result: Satisfactory

Robert Parker, CBC1258274

Result: Stay of Suspension Lifted

JC Sanders, CBC060567

Result: Unsatisfactory

Chad Taylor, CGC1519945

Result: Satisfactory

Jenny Thomas, CGC1510265

Result: Continuance granted

The Division II Probation Committee convened on March 14, 2013 from 1:00 – 1:07 pm. Mr. Korelishn led the meeting.

Edward Dejesus, CAC058733

Result: Satisfactory

Ali Hanine, CAC1814604

Result: Satisfactory

James Scardina, CCC057964

Result: Satisfactory

GENERAL SESSION

The meeting was called to order by Robert Moody, Chair, at 9:00 am. Ms. Watts gave the Invocation. Mr. Sheehan led the Pledge of Allegiance.

REVIEW OF MINUTES

The board voted unanimously to approve the following minutes:

- February 2013 Meeting Minutes
- June 2012 Final Action Minutes
- July 2012 Final Action Minutes
- August 2012 Final Action Minutes
- September 2012 Final Action Minutes
- October 2012 Final Action Minutes

EXECUTIVE DIRECTOR'S REPORT – DREW WINTERS

Mr. Winters gave the following report:

Mr. Winters provided the Enforcement Report to the board, provided to him by the Division of Regulation.

Mr. Winters stated that a requisition to replace all the board members' laptops has been approved so they should be receiving new laptops in near future.

Mr. Winters asked the Board to excuse the following absences:

Ms. Kane
Ms. Beall
Mr. Cathey
Mr. Pietanza (Friday only)
Mr. Boyette (Thursday only)

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

CHAIRMAN'S REPORT – ROBERT MOODY

Mr. Moody gave the following report:

Mr. Moody introduced the newest appointment to the board, Ms. Mary Layton, and informed the board that the Governor's Office had reappointed Ms. Watts and Ms. Beall.

Mr. Moody stated that the board's previous chairman, Mr. Jerry Hussey, is no longer a member of the board, and thanked him for his service to the board, and stated that he will be recognized for his service at a later meeting.

Mr. Moody also informed the board that Mr. Biggins is leaving the board to become an Executive Director with the Department of Business of Professional Regulation, and introduced Mr. Thomas Barnhart as Mr. Biggins' replacement as board counsel.

And Mr. Moody asked Mr. Del Vecchio to stand in for Mr. Cathey as Division I chair during the Attorney General's Report.

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

PROSECUTING ATTORNEY'S REPORT – PAUL WATERS

Mr. Waters reported that during Final Action the board heard 26 cases. Division II heard 8 cases with 1 being continued. Division I & II heard 4 cases, and Division II heard 14 cases with 4 being continued.

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

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

IRA ARNOLD – REQUEST FOR INFORMAL HEARING

Mr. Arnold was present.

Mr. Biggins presented this case stating Mr. Arnold's application for initial issuance of a certified general contractor's license was denied at the January 2013 meeting of the board for failure to demonstrate the required experience, pursuant to section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code, and failure to sufficiently demonstrate financial stability and responsibility, pursuant to Section 489.115, Florida Statutes and Rule 61G4-15.006, Florida Administrative Code. The Notice of Intent to Deny was filed in February of 2013. Mr. Arnold timely requested board reconsideration, and requested the board allow him to obtain a building contractor's license.

After discussion the board granted Mr. Arnold a 60 day continuance to allow him to provide further documentation relating to his experience and financial stability.

MICHAEL CANTRELL – REQUEST FOR INFORMAL HEARING

Mr. Cantrell was present.

Mr. Biggins presented this case stating Mr. Cantrell's application for a change of status of his building contractor's license was denied at the November 2012 meeting of the board as the applicant was the subject of prior discipline for violations of Chapter 455 and Chapter 489, Florida Statutes, and/or Chapter 61G4, Florida Administrative Code, and has failed to demonstrate compliance with imposed discipline, and for having been convicted, found guilty of, or entered a plea of nolo contendere to crimes related to the practice of contracting, contrary to Sections 455.227 (1)(c) and 489.129 (1)(b), Florida Statutes. The Notice of Intent to Deny was filed in January of 2013. Mr. Cantrell timely requested reconsideration and requested the board vacate the denial of the application and allow him to withdraw the application.

After discussion the board voted to vacate the denial of the application and allowed Mr. Cantrell to withdraw his application.

CURT DORSEY – REQUEST FOR INFORMAL HEARING

Mr. Dorsey was present.

Mr. Biggins presented this case stating Mr. Dorsey's application to qualify an additional business entity was denied at the February 2013 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 March of 2013. Mr. Dorsey timely requested reconsideration.

After discussion the board voted to approve the application.

MARK FETHERMAN – PETITION FOR VARIANCE AND WAIVER

Mr. Biggins stated that Mr. Fetherman had requested this matter be continued to a later meeting.

After discussion the board voted to grant a continuance.

JAMES FORTIER – REQUEST FOR INFORMAL HEARING

Mr. Fortier was present.

Mr. Biggins presented this case stating Mr. Fortier's application for initial issuance of a commercial pool/spa contractor's license was denied at the September 2012 meeting of the board for failing to demonstrate the required experience, pursuant to section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code. The Notice of Intent to Deny was filed in October of 2012. Mr. Fortier timely requested board reconsideration, and requested the board vacate the denial of the application and allow him to withdraw the application.

After discussion the board voted to vacate the denial of the application and allowed Mr. Fortier to withdraw his application.

BRUCE FRY – REQUEST FOR INFORMAL HEARING

Mr. Fry was present.

Mr. Biggins presented this case stating Mr. Fry's application for initial issuance of a certified building contractor's license was denied at the January 2013 meeting of the board for failing to demonstrate the required experience, pursuant to section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code. The Notice of Intent to Deny was filed in February of 2013. Mr. Fry timely requested board reconsideration.

After discussion the board voted to grant Mr. Fry a 60 day continuance to allow him to provide additional documentation relating to his experience.

MICHAEL GROSS – REQUEST FOR INFORMAL HEARING

Mr. Gross was present.

Mr. Biggins presented this case stating Mr. Gross' application for initial issuance of a certified mechanical contractor's license was denied at the January 2013 meeting of the board for failing to demonstrate the required experience, pursuant to Section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code. The Notice of Intent to Deny was filed in February of 2013. Mr. Gross timely requested board reconsideration.

After discussion the board voted to approve the application as a downgrade to a Class B air conditioning contractor's license.

MIGUEL MAGALLANES – REQUEST FOR INFORMAL HEARING

Mr. Biggins informed the board that Mr. Magallanes had requested a 60 day continuance.

After discussion the board voted to grant the continuance request.

BRENNEN PENFIELD – REQUEST FOR INFORMAL HEARING

Mr. Penfield was present.

Mr. Biggins presented this case stating Mr. Penfield's application for initial issuance of an inactive certified residential contractor's license was denied at the January 2013 meeting of the board for failing to demonstrate the required experience, pursuant to Section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code. The Notice of Intent to Deny was filed in February 2013. Mr. Penfield timely requested board reconsideration.

After discussion the board voted to approve the application for a certified residential contractor's license.

ANDRE PEREZ – PETITION FOR VARIANCE AND WAIVER AND REVIEW OF APPLICATION

Mr. Perez was present.

Mr. Biggins presented this case stating Mr. Perez filed a petition for a variance and waiver on February 25, 2013. The petition was noticed in the Florida Administrative Register on March 1, 2013. Mr. Biggins noted the petitioner seeks a waiver of Rule 61G4-16.0015, Florida Administrative Code, so that he may be exempt from having to take the Business and Finance portion of the examination with an inactive license. Mr. Biggins asked the board to consider the petition and to grant or deny the waiver as required.

After discussion the board voted to grant Mr. Perez the waiver and allow him to be exempt from the Business/Finance exam without possessing an active contractor's license.

With the waiver having been granted, Mr. Perez asked the board to review and consider his application for initial issuance of a certified roofing contractor's license. After additional discussion the board concluded that Mr. Perez did not have the required experience, pursuant to Section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code. After further discussion Mr. Perez withdrew his application.

ALBERTO RODRIGUEZ – REQUEST FOR INFORMAL HEARING

Mr. Rodriguez was present.

Mr. Biggins presented this case stating Mr. Rodriguez' application to qualify an additional business entity was denied at the January 2013 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 2013. Mr. Rodriguez timely requested board reconsideration.

After discussion the board voted to approve the application contingent upon Mr. Rodriguez submitting proof of 20% ownership, or being a W2 employee, of the company he is seeking to qualify, within 60 days.

YAKOV SEGALIS – REQUEST FOR INFORMAL HEARING

Mr. Segalis was present.

Mr. Biggins presented this case stating Mr. Segalis' application to qualify an additional business entity was denied at the January 2013 meeting of the board for failing to demonstrate the qualifying agent would properly supervise the construction work and business activities, as required by Section 489.119, Florida Statutes. The Notice of Intent to Deny was filed in February of 2013. Mr. Segalis timely requested board reconsideration, and requested the board vacate the denial of the application and allow him to withdraw the application.

After discussion the board voted to vacate the denial of the application and allowed Mr. Segalis to withdraw his application.

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

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ROY LENOIS

Mr. Lenois gave the following report:

Associated Builders and Contractors of Florida, Inc.

1st Course: Construction Lien Law – **approved** (without laws and rules; 1 hour business practice and 3 hours general)

Building Trades Association

1st Course: Understanding Workers' Compensation – **approved**

Florida Association of Plumbing, Heating, & Cooling Contractors

1st Course: The Price is Right! Understanding Overhead and Proper Pricing – **approved** (2 hours business practice only)

Gold Coast School of Construction, Inc.

1st Course: A Professional's Guide to Mold Related Services – Classroom – **approved**

2nd Course: A Professional's Guide to Mold Related Services – Online – **approved**

3rd Course: Hurricane Wind Mitigation Training – Classroom – **approved**

4th Course: Hurricane Wind Mitigation Training – Online – **approved**

5th Course: Professional Home Inspection Overview – Classroom – **approved**

6th Course: Professional Home Inspection Overview – Online – **approved**

Guignard Company

1st Course: Surety Bonding for Construction Contractors – **continued 30 days**

Informational Resources for Professionals (IRP)

1st Course: Statutorily Compliant Soil Displacement Related Investigations – **approved**

JC Code & Construction Consultants, Inc.

1st Course: Construction Laws & Rules – **approved**

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

1st Course: Construction Cost Control – **approved**

Medical Engineering Services, Inc.

1st Course: Medical Gas Pipeline Installation – **denied**

Miami Dade College

1st Course: Inspecting Photovoltaic Installation – **approved**

National Swimming Pool Foundation

1st Course: Pool Operator Primer – **continued**

Plumbing Contractors Association

1st Course: Multipurpose PEX Residential Fire Sprinklers – **approved** (2 hours general)

Seminar Group

1st Course: The Construction Defect Process: Strategies and Update – **approved**

Structural Engineering and Inspections, Inc.

1st Course: Stucco Failures Factors that Cause Damage – **approved**

Sunshine State One-Call of Florida, Inc., d/b/a Sunshine 811

1st Course: Safety Matters – **continued**

Total Tech, LLC

1st Course: Air Conditioning Diagnostics – **continued**

2nd Course: Electrical Diagnostics – **continued**

3rd Course: Heat Pump Diagnostics – **continued**

4th Course: Thermostatic Expansion Valve Diagnostics – **continued**

The 4 above courses were informal hearings for applications which were originally denied at the November 2012 Committee Meeting

University of Florida Treeo Center

1st Course: Green Globes Professional (GGP) Certification Course – **denied**

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Biggins gave the following report:

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

61G4-12.011 – Definitions

61G4-18.001 – Continuing Education Requirements for Certificateholders and Registrants

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

FHCRF COMMITTEE – PAUL DEL VECCHIO

The Florida Homeowners Construction Recovery Fund Committee convened on Wednesday, March 13th, 2013 from 5:51 – 7:36 pm. A total of 43 claims were presented; 42 claims were approved in the amount of \$712,450.55 and 1 claim was continued.

APPROVED (42)

2008-000768 – Berni vs. Diversified General Contractors, Inc. - **\$25,000.00**

2007-043978 – Mitchell vs. American Pride Building Co. - **\$38,530.00**

2007-056913 – McKinnon vs. American Pride Building Co. - **\$44,450.00**

2007-049647 – Henriquez vs. Cicero - **\$4,000.00**

2008-011374 – Alonso vs. Hernandez - **\$2,500.00**

2008-019977 – Denny vs. Cantens - **\$45,660.00**

2008-007400 – Missry vs. Cicero - **\$2,261.00**

2008-007406 – Simberg vs. Cicero - **\$2,300.00**

2007-052502 – Somers vs. Phillips - **\$5,000.00**

2008-020117 – Seney vs. Hurley - **\$2,000.00**

2008-020115 – Barton vs. Cicero - **\$1,800.00**

2008-017836 – Markow vs. Cicero - **\$4,000.00**

2007-062604 – Weisz vs. Cicero - **\$1,925.00**

2008-023228 – Bernard vs. Cicero - **\$1,530.00**

2008-020459 – McShane vs. Jackson - **\$25,000.00**

2008-037303 – Matthes vs. Pennea - **\$1,450.00**

2008-000109 – Packard vs. Lecei - **\$6,476.04**

2008-025990 – Frazier vs. Ross - **\$6,000.00**

2008-050941 – Johanson vs. M. Miller & Company, Inc. - **\$20,000.00**

2008-054072 – Williams vs. Bezanson - **\$50,000.00**

2008-027823 – Lukens vs. American Pride Building Co. - **\$18,500.00**

2008-054067 – Winkelman vs. Meenan - **\$15,000.00**

2008-032504 – Butera vs. Shaw - **\$25,000.00**

2008-025519 – Canas vs. Rhodes - **\$26,331.82**

2007-047717 – Hofener vs. Correia - **\$3,000.00**

2008-046337 – Meyer vs. Sunseeker Homes, Inc. - **\$26,000.00**

2008-035246 – Grand vs. Johnson - **\$5,060.00**

2008-054076 – Howard vs. White - **\$50,000.00**

2008-023984 – Stuart vs. Osorio - **\$35,120.27**

2008-024183 – Roberts vs. Hurley - **\$8,000.00**

2007-062638 – Herndon vs. Christy - **\$1,932.00**

2008-060862 – Octavien vs. Bezanson - **\$18,180.00**
2008-061891 – Dowling vs. Johnson - **\$3,294.00**
2007-062603 – Stam vs. Cicero - **\$4,480.00**
2008-033417 – Carlson vs. Wilder - **\$2,035.75**
2008-061869 – Peterson vs. Transflorida Corp. - **\$14,750.35**
2008-037299 – Brunelle vs. Perugini - **\$50,000.00**
2007-062114 – Krsta & Lisa Muvceski vs. Perugini - **\$37,792.45**
2007-062127 – Risto & Menka Muvceski vs. Perugini - **\$24,608.86**
2008-063082 – L'Italien-Davis vs. Vickers - **\$20,536.68**
2008-046339 – Gay vs. Hernandez - **\$4,913.33**
2008-064997 – Moseley vs. Bezanson - **\$28,033.00**

CONTINUED (1)

2008-035813 – Wiebe vs. Halco, Inc.

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

OLD BUSINESS

Removal of old materials from laptop.

NEW BUSINESS

Ms. Watts asked if the board would ever consider the idea of possibly allowing residential property owners who rent a property to be allowed to contract for their own repairs on that property. Ms. Watts said it is happening anyway and it would be for the best to get these property owners into compliance. Mr. Winters reminded the board that they cannot be a “lobbying” body and propose changes to the statutes. Something like that should be proposed by a local or state association. This particular issue would be a change in the statutes, which the board does not have the authority to change.

Mr. Boyette asked if the Department could do something to make sure that licensed contractors are including their license numbers on their social media pages. Mr. Winters stated that he had been previously made aware of the issue by Mr. Hussey and that the Department put some information on the website to remind contractors that their license numbers need to be included on social media pages. Mr. Waters stated that if anyone comes across a social media page that does not include a license number, to let either himself or Mr. Winters know and they will initiate a complaint.

With no further business the meeting was adjourned at 10:23 am.