

**FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD**

**Embassy Suites Orlando- North  
225 Shorecrest Drive  
Altamonte Springs, FL 32701  
407.834.2400**

**March 10, 11 - 13, 2015**

**MEETING MINUTES  
Unapproved**

**Board Members Present**

Roy Lenois, Chair  
Robert Moody  
Jacqueline Watts  
Albert Korelishn  
Richard Kane  
William Sheehan  
Mark Pietanza  
Mary Layton  
Keith Lawson II  
Andrew Allocco  
Hector Castro

**Board Members Absent**

Aaron Boyette  
Edward Weller  
Brian Cathey  
James Evetts  
Christopher Cobb

**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  
Kelly Wright, Assistant Prosecuting Attorney, DBPR  
Sorin Ardelean, Assistant Prosecuting Attorney, DBPR

## **ADDITIONAL BUSINESS ENTITIES REVIEW**

***Division II Board members met for Additional Business Entities Review on March 11, 2015 from 2:00 – 3:02pm. Mr. Lawson led the meeting. Of the 14 applications on the agenda, 7 were approved, 2 were continued, 1 was denied and 3 were withdrawn.***

### **APPROVED (7)**

Atkinson, Duane  
Buckley, Shawn  
Dickerman, Douglas W.  
Griffis Jr., Andrew W.  
McCulloch, Peter  
Powell, Samuel  
Toth, Roberto C.

### **CONTINUED (2)**

Corredor, Mauricio- 60 day continuance  
Konnick, Mark J.- 60 day continuance

### **CONTINGENT(1)**

Che, Fook M.

### **DENIED (1)**

Clark, Kelly S.

### **WITHDRAWN (3)**

Gregoire, Daniel P.  
O'Keefe, Michael  
O'Keefe, Michael

***Division I Board members met for Additional Business Entities Review on March 12, 2015, from 1:37 – 2:34pm. Mr. Boyette led the meeting. Of the 21 applications on the agenda, 8 were approved, 4 were approved contingent, 4 were continued, 3 were denied, 1 was withdrawn and 1 was pulled.***

### **APPROVED (8)**

Brugge, Jonas  
Evans, Grayson  
Foote, David G.  
McMahon, Michael F  
Meeks, David L.  
Mobley, Eric J.  
Tackett, David  
Ulkus, Richard

### **APPROVED CONTINGENT (4)**

Sumner, Stanley  
Vitale, Frank V.  
Derogatis, Anthony V.

Quinn III, Robert

CONTINUED (4)

David, John A- continued 60 days  
Davis II, Glenn- continued 60 days  
Vlahos, Phillip J- continued 60 days  
Konnick, Mark J.- continued 60 days

DENIED (4)

Bertot, Peter  
Hoffman, Adam  
Quevedo, Juan

WITHDRAWN (1)

O'Keefe, Michael G.

PULLED (1)

Hartman-Ferruolo, Monika

**APPLICATION REVIEW**

***Division II Board members met for Application Review on March 11, 2015, from 3:10 – 4:45pm. Mr. Cobb led the meeting. Of the 29 applications on the agenda, 11 were approved, 4 were continued, 0 were approved contingent, 9 were denied, 3 were withdrawn and 2 were pulled.***

APPROVED (11)

Broyles, Mark J.  
Clay, Timothy  
Furrow, Kristi L.  
Jones, James D.  
Kimbrough, Joseph D.  
Marus, Eric M.  
Sierra Jr., Miguel A.  
Soares, Polynne  
Sorg, Christopher S  
Trainor, Daniel N.  
Wilder, John A.

CONTINUED (4)

Mannix, Jayson T.- continued to June  
Rawlins Jr., John D.- continued 30 days  
Holmes, Shawn M. – continued 7 months  
Webb, Troy M.- continued 90 days

DENIED (9)

Johnson, Christopher N.  
Hamil, William G.  
Hardy, Dustin R.  
Holub, Michael R.

Khalil, Fakhir  
Kimmel, Joseph G.  
Ray Jr., Kenneth E.  
Romano, Vito  
Roopani, Mac

WITHDRAWN (3)

Davenport, Robert G.  
Everly, Nicholas  
Humphrey, Richard A.

PULLED (2)

Capps, Stephen M.  
Heath, Tracy A.

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

***Division I Board members met for Application Review on March 12, 2015, from 3:05– 4:21pm. Ms. Layton led the meeting. Of the 23 applications on the agenda, 12 were approved, 3 were continued, 0 were approved contingent, 5 were denied, 3 were withdrawn and 0 were pulled.***

APPROVED (12)

Campbell, Renee  
Caronna, Joseph M.  
Gittinger, Christopher G.  
Gutman, Jorge  
Holt, Richard N.  
Hooker Sr., Jeffrey K.  
Leigh, Jamie L.  
Nelson, Douglas A.  
Pell, Thomas A.  
Schaefer, Eric J.  
Simpson, Fredric E.  
Stanton, Johnathan M.

CONTINUED (3)

Diaz, Edward H. – continued 60 days  
Smith, Terry S. – continued 180 days  
Raulerson, Tracy B. – continued 60 days

DENIED (5)

Rasmus, Mark K.  
Baggs, Jack O.  
Hamil, William G.  
McCawley, Shane M.  
Sola Jr., James

WITHDRAWN (3)

Hochschild-Smith, Birgit P.

Moraes, Vicente A.  
Nakonecznyj, Stephan M.

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

**PROBATION**

***Division II Board Members convened for Probation on March 12, 2015 from 9:15am – 9:34am.  
Mr. Korelishn led the meeting.***

**CHERISOL, VILER, CCC1327330**  
Result: Satisfactory

**GRIFFITH, GLEN, CCC1330167**  
Result: Satisfactory

**HANSEN, JEFFREY, CFC1428851**  
Result: Satisfactory

**WALSH, TIMOTHY, CAC1817419**  
Result: Satisfactory

**WILLIAMS, GREGORY, CCC1327297**  
Result: Unsatisfactory

**WRONG, BRIAN, CAC042669**  
Result: Satisfactory contingent upon change of status

***Division I Board Members convened for Probation on March 12, 2015 from 1:00 – 1:28pm.  
Mr. Sheehan led the meeting.***

**ANNUNZIATA, STEVEN, CGC025623**  
Result: Satisfactory

**BARNEY, GARRETT, CRC1331024**  
Result: Satisfactory

**BERMAN, SCOTT, CGC1509450**  
Result: 7 & 8 appearance will be held at the 8<sup>th</sup> appearance due to lack of quorum.

**CHECHO, ROBERT, CBC040782**  
Result: Satisfactory

**GANNAWAY, GUY, CGC1508012**  
Result: Satisfactory

**GREENE, CRAIG, CGC1505891**  
Result: Satisfactory

**O'BRIEN, MATTHEW**, CBC1256531  
Result: Satisfactory

**REED, DAVIS**, CRC1330937  
Result: Satisfactory

**SANDERS, JC**, CBC060567  
Result: Unsatisfactory

### **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 the Department is monitoring closely Senate Bill 1168, and House Bill 915.

Mr. Biggins requested the Board excuse the following absences:

Mr. Cobb  
Mr. Boyette  
Mr. Evetts  
Mr. Weller  
Mr. Cathey

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: He would like to thank the board staff for all of their work in providing the information to the board each month with plenty of time to review.

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**

### **MATTHEW BERTHOLD – REQUEST FOR INFORMAL HEARING**

Mr. Berthold was present.

Mr. Dolan presented this case stating Mr. Berthold's application for a Certified Building Contractors' license was denied at the November 2014 meeting of the Board for failure to demonstrate required experience, pursuant to section 489.111 Florida Statutes and by Rule 61G4-15.001, Florida Administrative Code. The Notice of Intent to Deny was filed in January 2015. Mr. Berthold timely requested board reconsideration.

After discussion, the board voted to uphold the denial.

### **RONALD CLARK – PETITION FOR VARIANCE & WAIVER**

Mr. Clark was present.

Mr. Dolan presented this case stating on January 30, 2015 filed a Petition for Variance and Waiver from the Department. Mr. Clark seeks a waiver from Rule 61G4-16.005, Florida Administrative Code, to extend the duration of validity of his exam scores beyond the 4 year time limit, and allow him to submit his expired test scores with an application for license in lieu of retaking the examination. Mr. Clark has asked the Board to consider the petition and grant or deny the waiver as required.

After discussion, the Board voted to deny the petition.

### **JAMES JOHANNESSEN – PETITION FOR DECLARTORY STATEMENT**

Mr. Johannessen was present.

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

Mr. Dolan presented this case stating that Mr. Johannessen filed a petition for a declaratory statement on February 6, 2015. The petition was noticed in the Florida Administrative Register on February 18, 2015. Mr. Dolan noted the petition seeks the Board's interpretation as to when contracting for a project that exclusively includes electrical or low voltage work it is their interpretation of the Florida Statutes that a contract for the work can be awarded to a "general contractor", provided the general contractor subcontract the work to an appropriately licensed electrical or low voltage subcontractor.

The board determined the petitioner had standing, after further discussion, the board answered yes, when contracting for a project that exclusively includes electrical or low voltage work that a contract for the work can be awarded to a “general contractor”, provided the general contractor subcontract the work to an appropriately licensed electrical or low voltage subcontractor.

#### **NEAL KRAJEWSKI – REQUEST FOR INFORMAL HEARING**

Mr. Krajewski was present.

Mr. Dolan presented this case stating Mr. Krajewski’s application for a Certified Building Contractors’ license denied at the November 2014 meeting of the Board for failure to demonstrate required experienced, as required by Florida Statute 489.111, and 61G4-15.001 Florida Administrative Code. The Notice of Intent to Deny was filed in January of 2015. Mr. Krajewski timely requested board reconsideration.

After discussion, the Board voted to vacate the previous denial, and the applicant requested to withdraw his application.

#### **MARIO MONTERO – REQUEST FOR INFORMAL HEARING**

Mr. Montero was present.

Mr. Dolan presented this case stating Mr. Montero’s application for a Certified Mechanical Contractors’ license denied at the November 2014 meeting of the Board for failure to demonstrate required experienced, as required by Florida Statute 489.111, and 61G4-15.001 Florida Administrative Code. The Notice of Intent to Deny was filed in January of 2015. Mr. Montero timely requested board reconsideration.

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

#### **PAUL PINEDA – REQUEST FOR INFORMAL HEARING**

Mr. Pineda was present.

Mr. Dolan presented this case stating Mr. Pineda’s application for a Certified General Contractors license was denied at the January 2015 meeting of the Board due to the applicant having open enforcement contrary to section 455.213(3) Florida Statutes. The Notice of Intent to Deny was filed in February 2015. Mr. Pineda timely requested board reconsideration.

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

#### **CHARLES HUNT – RECONSIDERATION OF PETITION FOR DECLARTORY STATEMENT**

Mr. Hunt was present.

Mr. Dolan presented this case stating that Mr. Hunt submitted a request for reconsideration of a petition for declaratory statement originally considered and answered by the Board at their October 10, 2014 meeting. The Board issued a declaratory statement that, if required by the local building department, petitioner needs to complete the specialized continuing education courses specified in Section



489.115(4)(b)(2), F.S. and Rule 61G4-18.001(2)(f), F.A.C. As to whether local building departments are allowed to require liability releases, special training or other item not specifically addressed in the state statutes, the Board declined to hear this matter as the Board does not have jurisdiction over the matter.

After discussion, the Board declined to hear the request for reconsideration as due to the order previously issued, it now lacks jurisdiction over the matter.

## **COMMITTEE REPORTS**

### **EXAMS/CE/PUBLIC AWARENESS COMMITTEE – Christopher Cobb**

Due to Mr. Cobb's absence, Board staff gave the following report:

#### **BOAF – FHBA CONSTRUCTION TRAINING**

1<sup>st</sup> course: 2014 Air Leakage Field Tests, FBC, Energy Conservation 5<sup>th</sup> Edition (2014) for Residential Applications: **approved**

2<sup>nd</sup> course: 2014 Mechanical Ventilation Requirements, FBC, 5<sup>th</sup> Edition (2014) for Residential Applications: **approved**

3<sup>rd</sup> course: ASHRAE Alternative Bldg. Envelope Prov., Commercial Energy Code Compliance, FBC, Energy Conservation: **approved**

4<sup>th</sup> course: ASHRAE Alternative HVAC Prov., Commercial Energy Code Compliance, FBC, Energy Conservation 5<sup>th</sup> Edition: **approved**

#### **BOSS CONSTRUCTION SCHOOL INC**

1<sup>st</sup> course: ECO Friendly Construction: **approved**

#### **BUILDING OFFICIALS AND INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)**

1<sup>st</sup> course: Carbon Monoxide: **approved**

2<sup>nd</sup> course: Concrete : **approved**

3<sup>rd</sup> course: Existing Building Code: **approved**

4<sup>th</sup> course: FBC & FRC Floodplain: **approved**

5<sup>th</sup> course: FBC Chapter 10 Egress: **approved**

6<sup>th</sup> course: FBC Plan Review: **approved**

7<sup>th</sup> course: Threshold Buildings and Special Inspectors: **approved**

8<sup>th</sup> course: Type 1 Hoods: **approved**

9<sup>th</sup> course: Understand Steel: **approved**

#### **COHEN BATTISTI ATTORNEYS AT LAW**

1<sup>st</sup> course: Insider Secrets: Assignment of Insurance Benefits: **contingent approval** to provide a breakdown of the outline within 30 days or the Department will deny.

#### **FLORIDA REFRIGERATION AND AIR CONDITIONING CONTRACTORS ASSOCIATION**

1<sup>st</sup> course: Air Diagnostics Lab: **approved**

2<sup>nd</sup> course: Determining the Real Cost of Your Sales, Advertising and Marketing: **approved**

3<sup>rd</sup> course: Entrepreneurial DNA: A Breakthrough Approach to Building Your Team: **approved**

4<sup>th</sup> course: Humidity Energy & Economics for HVAC Contractors: **approved**

5<sup>th</sup> course: No Good Deed Shall Go Unpunished HVAC Efficiency: **approved**

6<sup>th</sup> course: Residential Ventilation Code Required Calculation and Methods of Compliance for HVAC Contractors: **approved**

7<sup>th</sup> course: Review of ACCA Manual S – Residential Equipment Sizing: **approved**

8<sup>th</sup> course: Social Media and Your Business Avoiding Pitfalls: **approved**

9<sup>th</sup> course: Sucking and Blowing for Fun and Profits: **approved**

10<sup>th</sup> course: The Role of the HVAC Contractor in Building Commissioning: **approved**

11<sup>th</sup> course: Understanding Benefits Paid Under the Florida Workers' Compensation Law: **approved**

12<sup>th</sup> course: Understanding OSHA Regulations: **approved**

13<sup>th</sup> course: What Happened to my SEER?: **approved**

14<sup>th</sup> course: What is Your HVAC Business Worth? Start Today to Positively Impact Your Business Value: **approved**

15<sup>th</sup> course: What you Don't Know About Wage and Hour Can Cost You Big Time: **approved**

#### **MAKO REP GROUP INC**

1<sup>st</sup> course: Weather Resistant Barriers in Vertical Wall Construction: **approved**

#### **MIAMI DADE COLLEGE**

1<sup>st</sup> course: Metal Roofing Profiles: **Continued 60 days**

#### **NATIONAL COMFORT INSTITUTE INC**

1<sup>st</sup> course: Commercial Air Balancing I: **approved**

2<sup>nd</sup> course: Commercial Air Balancing II: **approved**

3<sup>rd</sup> course: Commercial Air Balancing III: **approved**

#### **PINCH A PENNY INC**

1<sup>st</sup> course: Electric Swimming Pool Cleaners: **approved**

#### **PLUMBING CONTRACTORS ASSOCIATION**

1<sup>st</sup> course: Proposed ASHRAE Standard 188P as it Relates to Water Quality & Minimizing Microbial Growth: **approved**

#### **SEMINAR GROUP**

1<sup>st</sup> course: All is Not Lost! Improving Outcomes for Construction Industry Creditors in Bankruptcies: **approved**

#### **COMPLIANCE DATA SERVICES INC DBA CALCS-PLUS**

1<sup>st</sup> course: Building Science Workshop: **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:

61G4-16.0021 Written Examination for Swimming Pool Specialty Contractors

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

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:

Morris vs. Oberhofer; Claim No. 2012-007284 – reconsideration – \$37,583.90  
Green vs. Myura; Claim No. 2009-008076 – reconsideration - \$19,145.46  
Libidinsky vs. Foltz; Claim No. 2013-021015 – continued from February - \$18,555.00  
Milligan vs. Eggertsson; Claim No. 2010-052065 - \$50,000.00  
Gell vs. Cantens; Claim No. 2012-002345 – continued from February- denied  
Tutterow vs. Fortis Construction; Claim No. 2010-026500 - \$13,779.25  
Sobreiro vs. Leli; Claim No. 2009-059204 - 22,500.00  
McClure vs. Converse; Claim No. 2009-055367 - \$245.90  
Altman vs. Foltz; Claim No. 2012-011911 - \$50,000.00  
Lucas-Minott vs. Hernandez; Claim No. 2010-016590 - \$5,000.00  
Smith-Bonilla vs. vs. Thomas; Claim No. 2012-019697 - \$3,788.74  
Gammage vs. Mirabella; Claim No. 2013-045000 - \$24,000.00  
Cassella vs. Howel Homes, LLC; Claim No. 2009-056294 - \$50,000.00  
Hagood vs. Lockard; Claim No. 2012-022852 - \$50,000.00  
Maitland vs. Kurth; Claim No. 2014-028146 – continued 30 days  
Bronhard vs. Pflieger; Claim No. 2012-013966 - \$25,000.00  
Kirk-Hormilla vs. Navas; Claim No. 2013-003278 - \$50,000.00  
Kruse vs. Sullivan; Claim No. 2014-028066 - \$21,000.00  
Edwards vs. Exantus; Claim No. 2014-030689 - \$17,500.00  
Rosenmeier vs. Battell; Claim No. 2014-018021 - \$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 March 13, 2015 from 9:00 – 10:04am.  
Mr. Cobb led the meeting.***

Public attendees present: Ronda Koning, Fred Dudley, Joe Roebuck

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.

### **OLD BUSINESS**

Removal of old materials from laptop.

**NEW BUSINESS**

With no further business the meeting was adjourned at 10:03am.