

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Mission Inn Resort & Club
10400 County Road 48
Howey-in-the-Hills, FL 34737
352.324.3101**

April 10 – 12, 2013

**MEETING MINUTES
Pending Approval**

Board Members Present

Robert Moody, Chair
James Evetts
Edward Weller
Roy Lenois
Jacqueline Watts
Albert Korelishn
Paul Del Vecchio
Mary Layton
Carl Engelmeier
Aaron Boyette
Michelle Kane
Mark Pietanza

Board Members Absent

Brian Cathey, Vice Chair
Kristin Beall (Friday only)
Richard Kane (Friday only)
Christopher Cobb
William Sheehan

Others Present

Drew Winters, Executive Director, DBPR
Amanda Wynn, Government Analyst, DBPR
David Spingler, Government Analyst, DBPR
Tom Barnhart, Legal Advisor, AGO
Paul Waters, Chief Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on April 10, 2013 from 2:06 – 3:40 pm. Mr. Boyette led the meeting. Of the 36 applications scheduled for review, 15 were approved, 5 were contingently approved, 3 were denied, 9 were continued, 3 were withdrawn, and 1 was pulled.

APPROVED (15)

Bible, James
Coats, Michael
Curiel, Leonardo
Dean, William (Manhattan Hewes Constructoin – A Joint Venture)
Dean, William (Manhattan Twins – A Joint Venture)
Dillon, John
Dudeck, Chad
Fila, Bruce
Grant, Carter
Kirkman, Jimmy
Moss, Scott
Pileggi, Salvatore
Spielvogel, William
Stebbins, Ed
Walden, William

CONTINGENT APPROVALS (5)

Albanese, Charles – *Contingent upon showing proof of W2 employment*
Fellon, Mark – *Contingent upon showing proof of W2 employment*
Fiddler, Kerrith – *Contingent upon showing proof of 25% granted ownership in company to be qualified*
Mantis, Scott – *Contingent upon showing proof of W2 employment and proof of granted ownership*
Richardson, Ronald – *Contingent upon verification of percentage of ownership confirming he does in fact own 25%*

DENIED (3)

Becker, Stephen
Casariego, Oscar
Gorra, Egbert

CONTINUED (9)

Crews, William – 60 days
Douglass, Bradley – 30 days
Foster, Stephen – 90 days
Hewitt, Richard – 60 days
Jones, Andrew – 30 days
Jordan, Thomas – 60 days
Miller, Bradley – 30 days
Nieto, Nancy – 60 days
Sorensen, Kenneth – 30 days

WITHDRAWN (3)

McCloskey, Michael
Tarquinio, Fred
Valdini, Gene

PULLED (1)

De Zayas, Alan

Division II Board members met for Additional Business Entities Review on April 11, 2013 from 1:34 – 2:06 pm. Mr. Pietanza led the meeting. Of the 7 applications scheduled for review, 5 were approved, 1 was continued, and 1 was withdrawn.

APPROVED (5)

Buck, Shawn
Hensley, Kevin
Morris, Mitchell
Renda, Frank
Savoie, Raymond

CONTINUED (1)

De Izaguirre, Frank – 60 days

WITHDRAWN (1)

Williamson IV, Roderick

APPLICATION REVIEW

Division I Board members met for Application Review on April 10, 2013 from 4:08 – 5:27 pm. Mr. Evetts led the meeting. Of the 19 applications scheduled for review, 5 were approved, 1 was contingently approved, 5 were continued, 5 were denied, 3 were withdrawn, and 1 was pulled.

APPROVED (4)

Billings, Scott
Chen, Stanley
Diaz, Daniel (as downgrade to a CBC license)
Vale, Michael (as downgrade to a CRC license)

CONTINGENT APPROVALS (1)

Esquerre, Francis – *Contingent upon proof of satisfaction of lien within 30 days*

CONTINUED (5)

Eskelson, Brian – 90 days
Hlaing, Tin – 60 days
Mitchell, Steven – 90 days
Porosky, Christopher – 60 days
Schafstall, Charles – 60 days

DENIED (5)

Higgins, Brian
Liddicoat Jr., Austin
Pichotta, Jeffrey
Simms, Richard
Sitka, Matthew

WITHDRAWN (3)

Barton, Zachary
Pickens, James
Williamson, Brian

PULLED (1)

Sicca, David

Division II Board members met for Application Review on April 11, 2013 from 2:18 – 4:56 pm. Ms. Watts led the meeting. Of the 34 applications scheduled for review, 15 were approved, 5 were continued, 6 were denied, 7 were withdrawn, and 1 was pulled.

APPROVED (15)

Allen, Ricky
Bick, Dan
Burkhalter, Joseph
Cullen, Daniel
Eary, Benjamin
Emery, Charles
Fetner, Fritz
Grantham, Ryan
Green, William (as Class A air conditioning contractor)
Haley, Jeffery (as Class A air conditioning contractor)
Hurley, John
Moratto, Lorraine
O'Born, Joshua
Riggs, William
Wendel, John

CONTINUED (5)

Gloin, Christopher – 30 days
McNutt, Steven – 30 days
Ortengren, Richard – 60 days (roofing contractor's license application)
Toth, Roberto – 60 days
Zullo, Adrian – 60 days

DENIED (6)

Badri, Aaron
Benesh, Ryan
Berg, John
Bischoff, Christopher

Rich, David
Smith, Kevin

WITHDRAWN (7)

Faircloth, Jeffery
Huston, Kyle
Kidd, Claude
Nunes, Seth
Ortengren, Richard (solar contractor's license application)
Pease, Tommy
Snyder, Michael

PULLED (1)

White, James

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 April 11, 2013 from 10:01 – 10:18 pm. Mr. Kane led the meeting.

Fernando Barberena, CGC1512241

Result: Stay of Suspension Lifted

Carlos Guerrero, CGC1520534

Result: Probation terminated as licensee provided bond showing financial responsibility

Christopher Hayes, CRC1330612

Result: Satisfactory

Robert Haynes, CGC062355

Result: Satisfactory

Guy Huard, CBC1251621

Result: Continuance granted

Samuel Joseph, CGC1518941

Result: Stay of Suspension Lifted (see Old Business in General Session for reconsideration)

Kenneth Messier, CBC1258941

Result: Continuance granted

Ricardo Ordonez, CBC1258938

Result: Satisfactory

Steven Pavich, CBC1251350

Result: Satisfactory

Michael Porath, CBC060392

Result: Satisfactory

Edsun Segundo, CGC1520510

Result: Stay of Suspension lifted

Oleksandr Serga, CGC1518264

Result: Satisfactory

Steven Sills, CBC1255412

Result: Unsatisfactory

The Division II Probation Committee convened on April 11, 2013 from 1:00 – 1:28 pm. Mr. Korelishn led the meeting.

Douglas Bloomer, CFC1427803

Result: Satisfactory

Kenneth Brannen, CFC057132

Result: Stay of Suspension lifted

Michael Cantrell, CCC1329540

Result: Satisfactory

Wayne Giese, CAC1816786

Result: Satisfactory

Raymond Kent, CAC036839

Result: Satisfactory

Charles McHone, RC29027390

Result: Satisfactory

Patrick Muth, CFC1426961

Result: Satisfactory

Eric Smith, CFC050572

Result: Satisfactory

Charles Stoetzel, CPC1456750

Result: Satisfactory

GENERAL SESSION

The meeting was called to order by Robert Moody, Chair, at 9:04 am. Ms. Watts gave the Invocation. Ms. Layton led the Pledge of Allegiance.

REVIEW OF MINUTES

The board voted unanimously to approve the following minutes:

- March 2013 Meeting Minutes

EXECUTIVE DIRECTOR'S REPORT – DREW WINTERS

Mr. Winters gave the following report:

Mr. Winters informed the board that a media request was presented to the Board, and Mr. Winters wanted to remind the Board that if they are presented with a media request, to be sure to let Drew know so that he can coordinate with the Office of Communications on a response.

Mr. Winters also informed the Board that the Senate confirmed the following appointments:

Mr. Moody
Mr. Cathey
Ms. Watts
Ms. Beall
Mr. Boyette
Mr. Kane
Mr. Korelishn
Mr. Cobb

Mr. Winters informed the Board that Mr. Sheehan was reappointed, and that both his reappointment, and Ms. Layton's appointment, will be going to the Senate for confirmation soon.

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

Mr. Cobb
Mr. Cathey
Mr. Sheehan
Ms. Beall (Friday only)
Mr. Kane (Friday 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 mentioned to the Board that the demolition license examination is currently being developed, but is being put on hold because of proposed legislation. Mr. Winters further explained that House Bill 1245 is proposing to revert Section 489.105 back to its previous version, which exempted from licensure individuals who demolished buildings or residences under 3 stories in height. Mr. Winters explained the change in the statute last year necessitated the development of the specialty license, and if that section of the statutes is reverted to its previous version, the creation of that specialty license isn't really required. Mr. Winters informed the board that they aren't sure if that legislation will pass, but he wanted to present it to the board to see if the legislation does pass, if the board would request the removal of that specialty license type.

Mr. Evetts asked Mr. Winters if there was something the Board can do to require a statewide license for demolition, even if this section of the statutes is reverted to its previous version. Mr. Winters stated that mandatory licensing requirements cannot be created by the Board; they can only be created by the legislature. Mr. Winters also stated that the specialty licenses are voluntary licenses for specific scopes of work that are already mandatory in certain sections of the Statutes; they do not impose mandatory licensing requirements for scopes of work outside of what the legislature has determined is mandatory.

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 three cases with one of those being continued. Division I & II heard two cases, one of which was continued, and Division I heard 18 cases with three being continued. Mr. Waters indicated that the total case load for licensed cases is 309, and the total for unlicensed cases is 221.

Mr. Waters also assured the board that certain language which normally appears in final orders for voluntary relinquishments will continue to appear in those orders.

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

ATTORNEY GENERAL'S REPORT – TOM BARNHART

KENNETH BARFIELD – REQUEST FOR INFORMAL HEARING

Mr. Barfield was present with Counsel.

Mr. Barnhart presented this case stating Mr. Barfield's application to qualify an additional business entity was denied at the February 2013 meeting of the board for failure 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. Barfield timely requested board reconsideration.

After discussion the board voted to approve the application.

PAUL CASTELL – REQUEST FOR INFORMAL HEARING

Mr. Castell was present.

Mr. Barnhart presented this case stating Mr. Castell's application for initial issuance of a certified mechanical contractor's license was denied at the February 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 March of 2013. Mr. Barnhart timely requested board reconsideration.

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

DANIEL CHEN-FUNG – PETITION FOR VARIANCE AND WAIVER

Mr. Chen-Fung was present.

Mr. Barnhart presented this case stating Mr. Chen-Fung filed a petition for variance and waiver on March 14, 2013. The petition for variance and waiver was noticed in the Florida Administrative Register on March 27, 2013. Mr. Barnhart noted the petitioner 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. Barnhart asked the board to consider the petition and grant or deny the waiver as required.

After discussion the board voted to deny the petition.

ANTHONY CLARK – MOTION TO RECONSIDER (REGISTERED BUILDING CONTRACTOR'S APPLICATION)

Mr. Clark was present.

Mr. Barnhart presented this case stating Mr. Clark's application for a registered building contractor's license was denied at the February 2013 meeting of the board for as the applicant has been convicted, found guilty of, or entered a plea of nolo contendere to crimes related to the practice of contracting, contrary to Section 455.227 (1)(c) and 489.129 (1)(b), Florida Statutes. Mr. Clark requested the board reconsider his application prior to the Notice of Intent to Deny being filed.

After discussion the board voted to approve the application.

ANTHONY CLARK – MOTION TO RECONSIDER (CERTIFIED GENERAL CONTRACTOR'S APPLICATION)

Mr. Clark was present.

Mr. Barnhart presented this case stating Mr. Clark's application for a certified general contractor's license was denied at the November 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 January of 2013. Mr. Clark timely requested board reconsideration and had an informal hearing heard at the February 2013 meeting of the board, in which the board voted to uphold the denial of the application. Mr. Clark requested the board reconsider their decision, 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. Clark to withdraw the application.

DEBRA DEAN – REQUEST FOR INFORMAL HEARING

Ms. Dean was present.

Mr. Barnhart presented this case stating Ms. Dean's application for initial issuance of a certified roofing 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. Ms. Dean timely requested board reconsideration.

After discussion the board voted to vacate the denial of the application and allow Ms. Dean to withdraw the application.

JEREMY EARL – PETITION FOR A DECLARATORY STATEMENT

Mr. Earl was present.

Mr. Barnhart presented this case stating Mr. Earl filed a petition for a declaratory statement on March 22, 2013. The petition was noticed in the Florida Administrative Register on April 2, 2013. Mr. Barnhart noted the petition seeks the Board's interpretation of Rule 61G4-15.033, and whether his license as a marine contractor is sufficient to apply for the permit and be the primary contractor on a Florida Department of Environmental Protection project involving pile driving, framing, and concrete construction. Mr. Barnhart 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 work described in the petition is within the scope of work of a marine contractor's license, but that the board would not issue an opinion on any requirements imposed by the DEP or local municipality.

MARK FETHERMAN – PETITION FOR VARIANCE AND WAIVER

Mr. Fetherman was present.

Mr. Barnhart presented this case stating Mr. Fetherman filed a petition for variance and waiver on February 11, 2013. The petition for variance and waiver was noticed in the Florida Administrative Register on February 20, 2013. Mr. Barnhart noted the petitioner seeks a waiver of Rule 61G4-12.009 (11)(a), Florida Administrative Code, which requires a delinquency fee of \$100.00 for late renewal of the license. Mr. Barnhart asked the board to consider the petition and grant or deny the waiver as required.

After discussion the board voted to deny the petition.

RAUL GUERRA – REQUEST FOR INFORMAL HEARING

Mr. Guerra was present.

Mr. Barnhart presented this case stating Mr. Guerra's application to qualify an additional business entity was denied at the November 2012 meeting of the board for failure to appear as required by Rule 61G4-15.0021, Florida Administrative Code. The Notice of Intent to Deny was filed in January of 2013. Mr. Guerra timely requested an informal hearing which was heard at the February 2013 meeting of the board. Mr. Guerra failed to appear at that hearing and the board voted to uphold the denial of the application. The Final Order was filed in March of 2013. Mr. Guerra timely requested the board vacate the final order denying the application and grant him the license.

After discussion the board voted to approve the application.

CARLOS HERNANDEZ – REQUEST FOR INFORMAL HEARING

Mr. Hernandez was not present and requested a 60 day continuance of the hearing prior to the board meeting.

After discussion the board voted to grant a 60 day continuance.

ANGELA RAMIREZ – REQUEST FOR INFORMAL HEARING

Mr. Ramirez was present.

Mr. Barnhart presented this case stating Ms. Ramirez' application for initial issuance of a certified general contractor's license was denied at the February 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 March of 2013. Ms. Ramirez timely requested board reconsideration.

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

JAMES RANSCO – REQUEST FOR INFORMAL HEARING

Mr. Ransco was not present.

Mr. Barnhart presented this case stating Mr. Ransco's application for initial issuance of a certified general contractor's license was denied at the February 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 March of 2013. Mr. Ransco timely requested board reconsideration and requested a downgrade of his application to that of a certified building contractor's license.

After discussion the board voted to uphold the denial of the application.

MARSHA DIQUEZ – MOTION FOR AMENDED PAYMENT PLAN

Ms. Diquez was not present.

Mr. Barnhart presented this case stating a \$10,000 fine was imposed against Ms. Diquez' certified commercial pool/spa contractor's license as a result of disciplinary action. The final order was filed in August of 2012. Ms. Diquez filed a petition for an amended payment plan in April of 2013 in which she requested the board to allow her to make monthly payments of \$100 per month until her income has increased.

After discussion the board voted to deny the petition.

ALAN TARPELL – MOTION FOR PAYMENT PLAN OF RECOVERY FUND RESTITUTION

Mr. Tarpell was present.

Mr. Barnhart presented this case stating a final order for Recovery Fund claim 2008-050941 was filed on March 21, 2013, which requires Mr. Tarpell to recompense the Florida Homeowners' Construction Recovery Fund the amount of \$20,000 upon payment of the claim to the claimant, pursuant to Section 489.143 (8), Florida Statutes. Mr. Tarpell filed a motion for a payment plan on March 27, 2013 and requested the board stay the suspension of his license upon payment of the claim, and allow him to repay the Recovery Fund \$555.55 per month for three years until the Recovery Fund is satisfied in full.

After discussion the board voted to approve the payment plan, under the condition that if one payment is missed the stay of suspension will be lifted on Mr. Tarpell's license, and his license will not be reinstated until the full amount of the claim has been repayed.

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:

AAA Construction School, Inc.

1st Course: Five Mandatory Hours – **approved**

BOAF/FHBA Construction Training

1st Course: Advanced Applying the Existing Building Code – **approved** (as general)

2nd Course: Advanced Dealing with Floodplains – **approved** (as general)

3rd Course: Mitigation Techniques and Inspections – **approved**

1st and 2nd Course were submitted jointly to the Florida Building Commission for approval of Building Code Advanced Module

Breaking Ground Contracting School d/b/a Breaking Ground Education Services

1st Course: Green Building Series: Introduction to Green Globes, Passive House, and Living Building Challenge – **continued**

2nd Course: Green Building Series Part 1: Introduction to Green Globes – **continued**

3rd Course: Green Building Series Part 2: Introduction to Passive House – **continued**

4th Course: Green Building Series Part 3: Introduction to Living Building Challenge – **continued**

Building Officials Association of Florida

1st Course: Building Code Administrators and Inspectors Board Update – **continued**

2nd Course: Construction Industry Licensing Board Update – **continued**

3rd Course: Florida Building Commission Update – **continued**

Florida Association of Plumbing, Heating, & Cooling Contractors

1st Course: Flat Rate Pricing – Making it Work for You and Your Customer – **approved** (as general)

2nd Course: Section 489 Case Studies – **approved** (as laws & rules)

3rd Course: Water Auditing – Is this Untapped Asset for Your Company? – **approved** (as general)

Florida Home Builders Association

1st Course: Homes that Work – Energy Efficient New Construction – **approved**

2nd Course: Homes the Work – Remodeling for Energy Efficiency – **approved**

FRSA Educational and Research Foundation

1st Course: Crisis Management – **approved** (as general, no business practices)

2nd Course: Priorities that Drive Profitability – **approved** (as general only)

3rd Course: Vehicle Safety - **approved**

Gold Coast School of Construction, Inc.

1st Course: Know your Contracting Law (Classroom Version) – **continued**

2nd Course: Know your Contracting Law (Online Version) – **continued**

Guignard Company

1st Course: Surety Bonding for Construction Contractors – **approved**

Hanley Wood Exhibitions

1st Course: Value-Added Construction with ICF (Insulating Concrete Forms) Modules - **approved**

National Comfort Institute, Inc.

- 1st Course: Balancing the Residential System – **approved**
- 2nd Course: Essentials of Air Balancing – **approved**
- 3rd Course: Light Commercial Air Balancing – **approved**
- 4th Course: Light Commercial System Performance – **approved**
- 5th Course: Measure and Improve System Performance 1 – **approved**
- 6th Course: Measure and Improve System Performance 2 – **approved**

National Swimming Pool Foundation

- 1st Course: Pool Operator Primer – **approved**

Smith, Currie, Hancock, LLP

- 1st Course: Common Sense Construction Law for Florida Contractors – **approved**

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

- 1st Course: Safety Matters – **approved**

Total Tech, LLC

- 1st Course: Air Conditioning Diagnostics – **denied**
 - 2nd Course: Electrical Diagnostics – **denied**
 - 3rd Course: Heat Pump Diagnostics – **approved**
 - 4th Course: Thermostatic Expansion Valve Diagnostics – **approved**
- The above four courses were informal hearings which were continued from the March 2013 meeting.*

United Pool & Spa Association

- 1st Course: 424.1 Public Swimming Pool Final Inspections – **approved**
- 2nd Course: 424.1 Public Swimming Pool Plan Review – **approved**

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Barnhart gave the following report:

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

- 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.

OLD BUSINESS

Mr. Moody presented a probationer, Samuel Joseph, who was absent for his probation hearing on Thursday, April 11. After discussion the board voted to reconsider the previous decision to give Mr. Joseph an unsatisfactory, and further voted to give Mr.

Joseph a satisfactory appearance and reinstate the stay of suspension on Mr. Samuel's license.

Removal of old materials from laptop.

NEW BUSINESS

No New Business was discussed.

With no further business the meeting was adjourned at 11:33 am.