

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Courtyard Palm Beach Jupiter
4800 Main Street
Jupiter, FL 33458
407.834.2400**

April 12, 13- 15, 2016

**MEETING MINUTES
Approved July 15, 2016**

Board Members Present

Andrew Allocco
Aaron Boyette
Christopher Cobb, Vice Chair
James Evetts, Chair
Richard Kane
Albert Korelishn
Roy Lenois
Robert Moody
William Sheehan
Scott Thomason
Jason Wolf
Rachelle Wood

Board Members Absent

Hector Castro
Brian Cathey
Keith Lawson II
Mary Layton
Michael Strickland
Jacqueline Watts

Others Present

Dan Biggins, Executive Director, DBPR
Amanda Wynn, Senior Management Analyst Supervisor, DBPR
Aimee Odom, Government Analyst, DBPR
Douglas Dolan, Legal Advisor, AGO
Ian Brown, Prosecuting Attorney, DBPR
Clayton Osteen, Assistant Attorney, DBPR
Ramsey Revell, Assistant Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division II Board members met for Additional Business Entities Review on April 13, 2016 from 2:02 – 3:06pm. Mr. Cobb led the meeting. Of the 15 applications on the agenda, 10 were approved, 3 were continued, and 2 were withdrawn.

APPROVED (10)

Arner, Scott A.
Boudreaux, Thomas W.
Cardoso, Christian P.
Espinoza Jr., Miguel A.
Gillette, John
Gucailo, Samuel
Konrath, Brian M.
Nenon, Edward F.
Oliveras Jr., Angel L.
Perez, Alejandro

CONTINUED (3)

Argenziano, James J.- 30 day continuance
Connors, Joseph P.- 90 day continuance
Gulyas, Mark S.- 30 day continuance

WITHDRAWN (2)

Carr, Christopher M.
Rivera, Rafael A.

Division I Board members met for Additional Business Entities Review on April 14, 2016 from 1:33 – 3:02pm. Mr. Boyette led the meeting. Of the 40 applications on the agenda, 18 were approved, 7 were approved contingent, 8 were continued, 4 were denied, 2 were withdrawn and 1 was pulled.

APPROVED (18)

Beauchamp, Brian A.
Bertozzi, John P.
Butler, Joseph S.
Clark, Brian T.
DeFranks Jr., Paul
Dignan, Edmund F.
Fulton, Terry L.
Glogger, Ryan M.
Gomez, Deborah A.
Hardin, James F.
Hiebert, Gerald R.
Jones, Scott E.
Prendes, George W.
Rhodes, Richard N.
Rodriguez, Rene
Seaverns, III, Earle D.

Smith III, Orville R.
Valdini, Gene L

APPROVED CONTINGENT (7)

D'Escrivan, Geraldine D.
Fulmer Sr., Jake R.
Jokinen, Norman M
Norwood III, William I.
Reams, Randy L.
Sardinas, Lynette L.
Young, Mark T.

CONTINUED (8)

Ares, Gilfredo M.- 60 day continuance
Gillette, John D.- 60 day continuance
Guckian, Steven- 60 day continuance
Klob, Terry A.- 30 day continuance
Malut, Ramachandran K.- 60 day continuance
Matz Jr., John W- 120 day continuance
Pedrosa, Juan- 30 day continuance
Turner, Marcus- 30 day continuance

DENIED (4)

Donahue, Donald F.
Lavallee, James L.
McCowan, Jared K.
Wood, Derrell D

WITHDRAWN (2)

Brown, Louis S.
Heitz, Howard J.

PULLED (1)

Franco, Eric

APPLICATION REVIEW

Division II Board members met for Application Review on April 13, 2016, from 3:18 – 5:49pm. Mr. Cobb led the meeting. Of the 42 applications on the agenda, 21 were approved, 7 were continued, 1 was approved contingent, 4 were denied, 5 were withdrawn and 4 were pulled.

APPROVED (21)

Almand, Jared J.
Bean, Mark A.
Davidson, Matthew T.
Diaz, Roel G.
Floyd Jr., Joseph J.
Forsyth, Scott R.
Iseley, Michael D.

Josey, Joshua E.
Lesseur, Alexander G.
Manning Jr., Eugene J.
Melasi, Reece M.
Menjivar Hernandez, Wilmer
Miller, Mark C.- downgrade to residential pool/spa
Moreira, Edgardo
Murchison Jr., Donald W.
Myers Jr., Harold J.
Ross Jr., Gregory A.
Santos, Eduardo J.
Skopik, Steven M.
Somera, Richard
Taylor, Dwayne L.

CONTINUED (7)

Farland, Jason C.- 30 day continuance
Gillette, Gavin J.- 180 day continuance
Minnick, Richard A.- 60 day continuance
Molina, Jose R.- 60 day continuance
Rinaldo, Anthony T.- 180 day continuance
Weremay, Michael J.- 30 day continuance
Wernicke, Paul T.- 30 day continuance

APPROVED CONTINGENT (1)

Kassella, Andreas P.

DENIED (4)

Fernandez, Jorge E.
Hernandez, Ramon L.
Morales, Mario A.
Poire, Garit W.

WITHDRAWN (5)

Bastidas, Marilyn
McKee, Mark W.
Ospina, Richard F.
Vanhoose, Carl W.
Waters, Curtis S.

PULLED (4)

Brown, Jason K.
Castro, Cesar A.
Conn, Joseph R.
Grimes, Gregory S.

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

Division I Board members met for Application Review on April 14, 2016, from 3:30– 4:56pm. Mr. Evetts led the meeting. Of the 24 applications on the agenda, 14 were approved, 1 was continued, 3 were denied, 4 were pulled and 2 no action was taken due to quorum.

APPROVED (14)

Austin, Matthew G.
Bianchini, Alessandra M.
Brigham, Shawn E.
Cabale Aguilar, Noel
Fontana, Rommel J.
Hicks, David W.
Karll, Andrew D.
Morand, Timothy M.
Morgan, Barry L.
Shulman, Mitchell C.
Topolovec, Steven
Vashi, Poorav
Villa, Javier
Welborn, David P.

CONTINUED (1)

Levine, Daniel A.- 30 day continuance

DENIED (3)

Bauer, David W.
Gorda, Mason P.
Smythe, Albert E.

PULLED (4)

Garousi, Aria F.
Hoggins Jr., Ronnie
Ionta, Kevin A.
Peters, John C.

NO ACTION TAKEN DUE TO QUORUM (2)

Celske, Lee A.
Fleis, Brian J.

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

Division I Board members met for Final Action on April 14, 2016 from 8:31am– 9:03am. Mr. Evetts led the meeting.

Case #(s): 2014036489, 2015006532, 2015008920, 2015014765, 2015020974, 2015021087, 2015023352, 2015028288, 2015047512

Bernard Amengual

License #(s): CGC3704
3851 NW 12th Terrace
Miami, FL 33126

Voluntary Relinquishment
Pay administrative fines in the amount of \$150,000 and costs of \$3,528.83
Not Present

Case #(s): 2014013608

David Attard

License #(s): CBC1256330
321 Kingsbury Ave.
Sanford, FL 32771
Pulled

Case #(s): 2014040570

Thomas J. Burrier

License #(s): CGC62819
5861 Datil Pepper Rd.
St. Augustine, FL 32086
Pay administrative fines in the amount of \$750 and costs of \$248.07
Not Present

Case #(s): 2014043781

Timothy J. Martin

License #(s): CBC125815
3539 Hunting Creek Loop
New Port Richey, FL 34655
Revocation
Pay administrative fines in the amount of \$10,000 and costs of \$183.16
Not Present

Case #(s): 2015004788

Patrick C. Murnane

License #(s): CGC058367, CGC1508395
4422 Del Prado Blvd.
Cape Coral, FL 33904
7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.
Pay administrative fines in the amount of \$250 and costs of \$132.45
Not Present

Case #(s): 2015028394

Camilo J. Mejia

License #(s): CGC1508327
1101 SW 18th Court
Ft. Lauderdale, FL 33305
stip rejected
Counsel Present

Case #(s): 2015026883

Christopher S. Riendeau

License #(s): CBC1258849
8812 Yearling Drive

Lake Worth, FL 33467
Pulled

Case #(s): 2015014523

Alan B. Rodriguez

License #(s): CGC1519634

8150 NW 53 Street, #421

Miami, FL 33166

Restitution in the amount of \$3,000

Probation for 6 years

7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.

Pay administrative fines in the amount of \$15,500 and costs of \$51.97

Not Present

Case #(s): 2013039514, 2015044000, 2015047182, 2015043339

Robert T. Rodriguez

License #(s): CBC1253602

101 Lakeridg Drive

Panama City, FL 32405

Voluntary Relinquishment

Pay administrative fines in the amount of \$50,500 and costs of \$589.13

Not Present

Case #(s): 2014053392

Dana Stearn

License #(s): CGC1518642

4372 Appian Way

Greenacres, FL 33463

Probation for 2 years

7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.

Pay administrative fines in the amount of \$5,000 and costs of \$266.3

Not Present

Division I & II Board members met for Final Action on April 14, 2016, from 9:03am– 9:44am. Mr. Evetts and Mr. Cobb led the meeting.

Case #(s): 2015009866

Anthony K. Atkins

License #(s): CGC60775, CCC1329527

6010 North 32nd Street

Tampa, FL 33610

7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.

Pay administrative fines in the amount of \$2,000 and costs of \$67.37

Present

Division II Board members met for Final Action on April 14, 2016, from 9:56am– 10:24am. Mr. Cobb led the meeting.

Case #(s): 2015043275

Badri S. Abukhzam

License #(s): CAC058439

3330 Kirk Road Unit A

Lake Worth, FL 33461

Revocation

Pay administrative fines in the amount of \$20,000 and costs of \$174.29

Present

Case #(s): 2014037879, 2014041905

Wayne Francis Benner

License #(s): CMC1250398, CMC1249933, CMC1250321, CMC1250368, CMC1250386

312 East Bay Street

Davenport, FL 33837

Pay administrative fines in the amount of \$10,000 and costs of \$248.07

Not Present

Case #(s): 2015018086

Scott H. Brodsky

License #(s): CAC1815125

5702 Green Island Drive

Lake Worth, FL 33463

7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.

Pay administrative fines in the amount of \$1,000 and costs of \$127.82

Present

Case #(s): 2014013849

Luis Nunez

License #(s): CPC42902

12251 SW 202 Ave.

Miami, FL 33196

7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.

Pay administrative fines in the amount of \$2,500 and costs of \$607.80

Present

Case #(s): 2014036583

Michael Powell

License #(s): CAC1815891

6421 W. Homosassa Trail

Homosassa, FL 34448

Pay administrative fines in the amount of \$500 and costs of \$466.93

Present

PROBATION

***Division II Board Members convened for Probation on April 14, 2016 from 10:26am – 10:44am.
Mr. Korelishn led the meeting.***

ALFORD, DANNY, RC29027447

Result: Satisfactory

HUTCHINSON, WILLIAM DAVID, CCC1328714
Result: Satisfactory

KIEFER, CHRISTOPHER, CMC57154
Result: Satisfactory

MULLEN, BRIAN C., CCC1330417
Result: Satisfactory

MULLEN, BRIAN C., CPC48249
Result: Satisfactory

ROSE, TEBAYANE, CCC1326090
Result: Stay Lifted

SHARPELLETTI, MICHAEL, CFC1429043
Result: Satisfactory

WRIGHT SR., BRUCE, CCC1329153
Result: Satisfactory

***Division I Board Members convened for Probation on April 14, 2016 from 1:02 – 1:25pm.
Mr. Sheehan led the meeting.***

CALLISON, DAVID, CBC1260366
Result: Satisfactory

DAVIS, CLIFF, CBC060284
Result: Satisfactory

HAYES, CHRISTOPHER M., CRC1330612
Result: Satisfactory

HAYNES, ROBERT, CGC062355
Result: Satisfactory

HUDSON SR., TIMOTHY, CGC1511435
Result: Satisfactory

HUNTER, BRIAN TERRENCE, CGC1517033
Result: Unsatisfactory

MARRA, RONALD, CGC1507637
Result: Stay Lifted

MCMILLAN, WILLIE, CBC1259381
Result: Satisfactory

MINEO, SANTO, CGC048674
Result: Satisfactory

MORRIS, RICHARD, CBC48961
Result: Satisfactory

MULLEN, BRIAN C., CGC049971
Result: Satisfactory

VILLARREAL, ANDRES R., CGC55103
Result: Satisfactory

WINGO, GUY L., CBC38885
Result: Unsatisfactory

WRIGHT SR., BRUCE, CBC1257674
Result: Satisfactory

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 currently in the process of moving to the old Department of Corrections Building off of Blairstone Road and to please bear with us over the next few weeks as we transition.

Legislative update: HB535 has been signed and will go into effect July 1, 2016. Senate Bill (SB104) is on the Governor's Desk- this is the Veteran's Bill, the Department will create a specific application just for veterans, as well as the experience requirements for veterans under ECLB and CILB.

Mr. Biggins requested the Board excuse the following absences:

Mr. Castro
Mr. Lawson
Ms. Layton
Mr. Strickland
Mr. Cathey
Ms. Watts

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 – Jim Evetts

Mr. Evetts gave the following report: I have read HB535 and it's changed a lot of things, so be sure you read up on it.

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

PROSECUTING ATTORNEY'S REPORT – IAN BROWN

Mr. Brown gave the following report:

For the month of March 2016, the overall license activity case load was 940, up from 848 in February of 2016, and up from 624 in March of 2015.

There were 711 cases currently in Legal to be reviewed, 7 cases set for probable cause, 33 cases where probable cause had been found/administrative complaints filed, 5 settlement stipulations approved, 3 informal hearings requested, 0 cases awaiting outside action, 18 cases ready for default, 41 formal hearings requested, 4 cases referred to DOAH, 0 cases in settlement negotiations, 0 cases pending board date, 72 cases set for board presentation, 46 cases awaiting final orders, 0 cases under appeal and 0 cases had been re-opened.

For the month of March 2016, 39 cases were closed.

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

ATTORNEY GENERAL'S REPORT – Douglas Dolan

MATTHEW GLENN AUSTIN – REQUEST FOR INFORMAL HEARING

Mr. Austin was not present.

Mr. Dolan presented this case stating Mr. Austin's application for a Certified General Contractors' license was denied at the January 2016 meeting of the Board for failure to demonstrate required experienced, pursuant to section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code. The Notice of Intent to Deny was filed in April of 2016. Mr. Austin timely requested board reconsideration.

After discussion, the Board voted to grant the applicants request and vacate the previous denial and allow him to withdraw the application.

LEWIN EARL CAMPBELL – REQUEST FOR INFORMAL HEARING

Mr. Campbell was not present.

Mr. Dolan presented this case stating Mr. Campbell's application for a Certified Roofing Contractor was denied at the September 2015 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 October of 2014. Mr. Campbell's timely requested board reconsideration.

After discussion, the Board voted to uphold the denial.

CLIMBWORKS – PETITION FOR DECLARATORY STATEMENT

A representative of Climbworks was not present.

Mr. Dolan presented this case stating Climbworks filed a petition for a declaratory statement on February 8, 2016. The petition was noticed in the Florida Administrative Register on February 23, 2016. Mr. Dolan noted the petitioner asks the Board's opinion as to the applicability of 489.105, F.S., as it applies to the activities of installing ground anchors, utility poles, and backfilling.

After discussion, the Board voted to decline to answer, as the petitioner is not substantially affected and does not have standing to request a declaratory statement.

ROGER FEICHT – PETITION FOR DECLARATORY STATEMENT

Mr. Feicht was not present.

Mr. Dolan presented this case stating Mr. Feicht filed a petition for a declaratory statement on February 22, 2016. The petition was noticed in the Florida Administrative Register on December 23, 2014. Mr. Dolan noted the petition seeks the Board's to issue a declaratory statement that there is no time deadline for the Construction Related Complaint Package (DBPR CILB 4355) or Uniform Complaint Form- Construction (DBPR 0070) that would bar or otherwise limit a complaint based on conduct occurring during the years 2007, 2008, and 2009.

After discussion, the Board voted the petition had no standing, and declined to answer stating grounds as the petitioner is not a licensee, and petition may essentially be litigation.

BRADLEY FOSTER – REQUEST FOR INFORMAL HEARING

Mr. Foster was present with counsel.

Mr. Dolan presented this case stating Mr. Foster's application for a change of status for a Registered Pool/Spa Servicing Contractors' license was denied at the July 2015 meeting of the Board for failure to sufficiently demonstrate financial stability, as required by Florida Statute 489.115, and Rule 61G4-15.006, Florida Administrative Code.. The Notice of Intent to Deny was filed in August of 2015. Mr. Foster timely requested board reconsideration.

After discussion, the board voted to grant the applicant a 180 day continuance.

ROBERT GARZA – REQUEST FOR INFORMAL HEARING

Mr. Garza was present with counsel.

Informal hearing was pulled and will be placed on May 2016 agenda.

NICHOLAS LOFTUS – REQUEST FOR INFORMAL HEARING

Mr. Loftus was not present.

Mr. Dolan presented this case stating Mr. Loftus' application for a Certified Commercial Pool/Spa Contractors license was denied at the January 2016 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. The Notice of Intent to Deny was filed in April of 2016. Mr. Loftus timely requested board reconsideration.

After discussion, the Board voted to uphold the denial.

ROBERT MACDONALD – REQUEST FOR INFORMAL HEARING

Mr. Macdonald was present.

Mr. Dolan presented this case stating Mr. Macdonald's application for a Certified Building Contractors license was denied at the November 2015 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. The Notice of Intent to Deny was filed in January of 2016. Mr. Macdonald timely requested board reconsideration.

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

WILLIAM CORY MCCOMB – RECONSIDERATION

Mr. McComb was present with counsel.

Mr. Dolan presented this case stating Mr. McComb's application for a Certified Pollutant Storage Contractors license was denied at the October 2015 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. The Notice of Intent to Deny was filed in November of 2015. Mr. McComb timely requested board reconsideration.

After discussion, the Board voted to refer the case to DOAH.

JOSE MANUEL OJEDA JR. – REQUEST FOR INFORMAL HEARING, PETITION FOR VARIANCE & WAIVER

Mr. Ojeda was present with translator.

Mr. Dolan presented this case stating Mr. Ojeda's file a petition for variance and waiver on October 1, 2015 and was published on October 9, 2015, in the Florida Administrative Register. Mr. Dolan noted the petitioner asks the Board for a variance from or a waiver of four year duration of validity of examination scores.

After discussion, the Board voted to decline to reconsider.

ARIEL RODRIGUEZ – RECONSIDERATION

Mr. Rodriguez was present with counsel.

Mr. Dolan presented this case stating Mr. Rodriguez's application for a Certified General Contractors license was denied at the October 2015 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. The Notice of Intent to Deny was filed in November of 2015. Mr. Rodriguez timely requested board reconsideration.

After discussion, the Board voted to vacate the previous denial, and approve the downgrade to a Certified Building Contractors license.

GEZIM ZELKA – REQUEST FOR INFORMAL HEARING

Mr. Zelka was present.

Mr. Dolan presented this case stating Mr. Zelka's application for a Certified General Contractors license was denied at the June 2015 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. The Notice of Intent to Deny was filed in July of 2015. Mr. Zelka timely requested board reconsideration.

After discussion, the Board voted to vacate the previous denial, and approve the downgrade to a Certified Building Contractors license.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – Christopher Cobb

Mr. Cobb gave the following report:

AZS CONSULTING INC

1st course: 2014 Air Leakage Field Tests, Florida Building Code, Energy Conservation 5th Edition (2014) for Residential Applications: **approved**

2nd course: 2014 Residential Energy Update Overview for Residential Applications-: **approved**

3rd course: 2014 Residential Energy Update Overview for Residential Remodeling Applications: **approved**

4th course: 2014 Residential Envelope Air Sealing Requirements: **approved**

5th course: Commercial Compliance Paths for Energy Conservation 5th Edition (2014): **approved**

6th course: Commercial Commissioning Requirements for Florida Building Code, Energy Conservation 5th Edition (2014): **approved**

7th course: Infiltration & Duct Leakage Training for Building Performance Institute Certification: **approved**

DAVISSON FREY DUNLAP III

1st course: Florida's Construction Lien Law: The Contractor's Key to the Courthouse: **approved**

2nd course: Overview of Florida's Construction Lien Law: **approved**

EDUCATION INSTITUTE OF FLORIDA INC

1st course: OSHA Record Keeping Requirements: **denied**

IRRIGATION TECHNICAL SERVICES

1st course: EvapoTranspiration – Where is My Water Going?: **denied**

MIKE HOLT ENTERPRISES INC

- 1st course: Business Management, Workplace Safety, Workers' Compensation 2: **denied**
- 2nd course: Florida Laws and Rules: **approved**
- 3rd course: NEC Update Part 1: **denied**
- 4th course: NEC Update Part 2: **denied**

NODORAH TRAINING INSTITUTE

- 1st course: Business Practice Refresher Series 101: **denied**
- 2nd course: Laws and Rules Refresher Series 101: **denied**
- 3rd course: Wind Mitigation Refresher Series 101: **denied**
- 4th course: Workers' Compensation Refresher Series 101: **denied**
- 5th course: Workplace Safety Refresher Series 101 : **denied**

SMART VENT PRODUCTS INC DBA SMART VENT

- 1st course: Understanding Foundation Flood Vents and FEMA's Technical Bulletin 1: **30 day continuance**

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK LENOIS

Mr. Dolan gave the following report:

61G4-15.032 Certification of Swimming Pool Specialty Contractors

- Sent to OFARR 9/24/15-RD, 2/25/16-RN
- Rule Development Published 10/2/15
- Notice published 3/4/16

61G4-12.011 Definitions

- Sent to OFARR 12/21/15

61G4-15.001 Qualification for Certification

- Sent to OFARR 6/4/15 –rough draft
- Rule Development Published 6/12/15
- Notice published 12/2/15
- Adopted 12/15/15
- Tolled 2/5/16

61G4-21.002(5) Definitions

- Needs to be opened to add Division II

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

OLD BUSINESS

Removal of old materials from laptop.

NEW BUSINESS

- Can the Department look into some type of insurance for Board Members

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