

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Hyatt Regency Jacksonville Riverfront
225 E. Coastline Dr
Jacksonville, FL 32202
904.588.1234**

May 8 – 10, 2013

**MEETING MINUTES
Approved 6/14/2013**

Board Members Present

Robert Moody, Chair
Brian Cathey, Vice Chair
James Evetts
Roy Lenois
Jacqueline Watts
Albert Korelishn
Paul Del Vecchio
Mary Layton
Carl Engelmeier
Aaron Boyette
Michelle Kane
Mark Pietanza
Christopher Cobb
William Sheehan

Board Members Absent

Kristin Beall
Richard Kane
Edward Weller

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 May 8, 2013 from 2:00 – 3:34 pm. Mr. Boyette led the meeting. Of the 33 applications scheduled for review, 18 were approved, 6 were contingently approved, 2 were denied, 4 were continued, and 3 were withdrawn.

APPROVED (18)

Comar, Bret
Digioia, Nicholas
Fleri, Matthew
Goswick, Chad
Gray, Michael
Green, Kelly
Green, Nathan
Jones, Andrew (as a Change of Status application)
Leete, John
McCloskey, Michael
Pergola, Anthony
Pribell, Richard
Rechichar, Paul
Roberts, James
Rogers, Ryan (as a Change of Status application)
Saoud, Raja (as a Change of Status application)
Whiteman, Daniel (Coastal Gilbane, LLC)
Whiteman, Daniel (Coastal/Gilbane Building Company, A Joint Venture)

CONTINGENT APPROVALS (6)

Bromley, Kenneth – *Contingent upon submitting proof of W2 employment in company to be qualified*
De Loach, Anthony – *Contingent upon submitting proof of W2 employment in company to be qualified*
Johnson, Wayne – *Contingent upon submitting proof of W2 employment in company to be qualified*
Justice, James – *Contingent upon submitting proof of W2 employment in company to be qualified*
Maxwell, Dennis – *Contingent upon submitting proof of 20% ownership in company to be qualified*
Statz, Kenneth – *Contingent upon submitting proof of 20% ownership in company to be qualified*

DENIED (2)

Anderson, Randall
Granger, John

CONTINUED (4)

Bryant, Tatchi – 60 days
Emmons, Peter – 30 days
Kandah, Sam – 90 days

Sorensen, Kenneth – 6 months

WITHDRAWN (3)

Douglass, Bradley
Miller, Bradley
Rodriguez, Peter

Division II Board members met for Additional Business Entities Review on May 9, 2013 from 1:30 – 2:07 pm. Mr. Cobb led the meeting. Of the 12 applications scheduled for review, 8 were approved, 2 were continued, 1 was denied, and 1 was withdrawn.

APPROVED (8)

De Loach, Anthony (Underground Utility and Excavation contractor's license)
De Loach, Anthony (Pollutant Storage contractor's license)
Garcia, Rodrigo
Mahler, Ronald
Orozco, Edy
Pounsberry, Bernard
Pritts, Michael
Saoud, Raja (as a Change of Status application)

CONTINUED (2)

Harrell, Justin – 30 days
Koutz, David – 60 days

DENIED (1)

Maietta, Mario

WITHDRAWN (1)

Digioia, Nicholas

APPLICATION REVIEW

Division I Board members met for Application Review on May 8, 2013 from 4:00 – 5:39 pm. Mr. Evetts led the meeting. Of the 26 applications scheduled for review, 8 were approved, 1 was contingently approved, 1 was conditionally approved, 7 were continued, 4 were denied, 4 were withdrawn, and 1 was pulled.

APPROVED (8)

Bocchino, William
Fero, Stephen - (for Residential contractor's license; denial of application for Certified Building contractor's license was reconsidered and the denial was vacated)
Marin, Jorge
Paulsen, Keith
Seaton, Timothy
Smith, Daniel
Stein, Michael
Zepp, Charles

CONTINGENT APPROVALS (1)

Zellmer, Russell – *Contigent upon submitting copies of building permits for a 1 year period*

CONDITIONAL APPROVALS (1)

Carter, Cliff – *Conditional upon applicant serving 3 years probation with no criminal infractions*

CONTINUED (7)

Klein, Debra – 60 days
Levandoski, John – 60 days
Maclin, Stanley – 60 days
Martinez, Michael – 30 days
Munyan, Daniel – 90 days
Murray, Joe – 60 days
True, Scott – 30 days

DENIED (4)

Anderson, Aaron
Caspi, Gil
Diaz, Jorge
Ply, Christopher

WITHDRAWN (4)

Cristina, Jon
Elliot, Lori
Luna, Milton
Vought, Paul

PULLED (1)

Mittinen, Andrew

Division II Board members met for Application Review on May 9, 2013 from 2:20 – 5:11 pm. Ms. Watts led the meeting. Of the 58 applications scheduled for review, 26 were approved, 4 were continued, 12 were denied, 14 were withdrawn, and 2 were pulled.

APPROVED (26)

Bocchino, William
Callahan, James
Cash, Felicia
Christman, David
Cook, Brandon
Cooper, Kipp
Denis, Marcelin
Diaz Jr., Rene
French, Jody
Handley, Jeffrey

Handley-White, Karl
Holmes, Autney
Kenny, Stephen
Maddox, Charles
Marlar Jr., Joseph
McClellan, Matthew
McNutt, Steven
Morse, Stanley
Nesmith, Gilbert
Pavlyukova, Evgeniya
Plaisance, Kim
Ramirez, Christian
Rodriguez, Andrew
Simmons, Seth (Underground Utility and Excavation contractor's license)
Steinke, Armin
Yoder, Benjamin

CONTINUED (4)

Blanco, Luis – 60 days
Canelosi, Eric – 30 days
Fox, Joseph – 30 days
Martell, Michael – 60 days

DENIED (12)

Barbuto, Stephenie
Blidgen, Derion
Denison, Nancy
Jimenez, Juan
Manning Jr., Thomas
Massimo, Nick
Mora, Luis
Ortengren, Richard
Quinn, Nathan
Roche, Steven
Une, Johnny
Wagner, Kenneth

WITHDRAWN (14)

Andreev, Andrey
Boutty, Benjamin
Bowers, Michael
Cristina, John
Doggett, Anthony
Gloin, Christopher
Mathews, Caleb
Mortensen, Lawrence
Myers Jr., Harold (Mechanical contractor's license)
Myers Jr., Harold (Plumbing contractor's license)
Redmond, Jonathan

Simmons, Seth (Mechanical contractor's license)
Szostek, Krzysztof
Wolfe, Benjamin

PULLED (2)

Mittinen, Andrew
Utz, Troy

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 May 9, 2013 from 10:00 – 10:26 am. Ms. Kane led the meeting.

Joe Cooner, CGC062344
Result: Satisfactory

William Corso, CBC015288
Result: Unsatisfactory

Garnett Craig, CGC1518689
Result: Satisfactory

Brittney Crosby, CGC1510962
Result: Unsatisfactory

Kevin Karten, CGC061616
Result: Unsatisfactory

Robert McDonald, CGC015334
Result: Satisfactory

Terry Smith, CGC1519647
Result: Unsatisfactory

David Stone, RR282811794
Result: Satisfactory

Raymond Woods, CBC058759
Result: Satisfactory

The Division II Probation Committee convened on May 9, 2013 from 1:00 – 1:10 pm. Mr. Korelishn led the meeting.

Keith Almeida, CCC057851

Result: Satisfactory

Kenneth Brannen, CFC057132

Result: License reinstated, and Mr. Brannen given an unsatisfactory appearance for April 2013

Jeremiah Cook, CAC1813212

Result: Satisfactory

Juan Gordillo, CCC058078

Result: Satisfactory

Robert McDonald, CCC011249

Result: Satisfactory

Linda Ratliff, CCC058307

Result: Satisfactory

Bryan Scruggs, CCC1328687

Result: Satisfactory

Christopher Shannon, CAC1813319

Result: Satisfactory

Willie Wilson, CFC1428343

Result: Satisfactory

GENERAL SESSION

The meeting was called to order by Robert Moody, Chair, at 9:03 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:

- April 2013 Meeting Minutes

EXECUTIVE DIRECTOR'S REPORT – DREW WINTERS

Mr. Winters gave the following report:

Mr. Winters provided the board with the latest numbers from the Division of Regulation.

Mr. Winters also informed that board that HB57 has been passed by the legislature and has been sent to the Governor for his signature. This will increase the funding of the Recovery Fund by a substantial amount.

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

Mr. Weller
Ms. Beall
Mr. Kane

Mr. Winters also reminded the board to remove the materials from their laptops at the conclusion of the meeting, and informed the board that June's meeting will take place in Fort Lauderdale.

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 informed the board of the process of the creation of the Specialty Demolition contractor's license and stated that subject matter experts have been brought in to assist with developed the exam. Mr. Moody stated that the board has enlisted the help of the National Demolition Association, which is the national agency that represents the industry. Mr. Moody stated they have pledged their support in developing the exam.

Mr. Moody also informed the board that the CILB was asked to do a presentation at the BOAF conference, to update attendees of the processes of the Department, and answer any questions which may be asked.

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

PROSECUTING ATTORNEY'S REPORT – PAUL WATERS

Mr. Waters gave the following report:

For the month of April 2013, the overall case load was 291, down from 262 in April 2012.

There were 145 cases currently in Legal to be reviewed, 11 cases set for probable cause, and 29 cases where probable cause had been found/administrative complaints filed. 0 settlement stipulations had been approved, 0 informal hearings had been requested, and 21 cases were awaiting outside action. 4 cases were ready for default, 14 had requested formal hearings, and 3 cases were referred to DOAH. 4 cases were in settlement negotiations, 0 cases were pending board dates, and 32 cases were set for board presentation. 28 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

For the month of April 2013, 61 cases were closed.

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

ATTORNEY GENERAL'S REPORT – TOM BARNHART

IRA ARNOLD – REQUEST FOR INFORMAL HEARING

Mr. Arnold was present.

Mr. Barnhart presented this case stating Mr. Arnold's application for initial issuance of certified general 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, and failure to 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.

After discussion the board voted to vacate the denial of the application and to approve the application for a certified building contractor's license.

ALAN ASADOORIAN – REQUEST FOR INFORMAL HEARING

Mr. Asadoorian was present.

Mr. Barnhart presented this case stating Mr. Asadoorian'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; for failure to sufficiently demonstrate financial stability and responsibility, pursuant to Section 489.115, Florida Statutes, and Rule 61G4-15.006, Florida Administrative Code; for failure to demonstrate the qualifying agent would properly supervise the construction work and business activities, as required by Section 489.119, Florida Statutes; and because the application contained inconsistencies regarding the financially responsible officer information contrary to section 489.1195 (1)(a), Florida Statutes. The Notice of Intent to Deny was filed in March of 2013. Mr. Asadoorian timely requested board reconsideration.

After discussion the board voted to vacate the denial of the application and to approve the application.

BLYGOLD FLORIDA, INC – PETITION FOR DECLARATORY STATEMENT

A representative from Blygold Florida, Inc., Wouter Hofmeijer, was present.

Mr. Barnhart presented this case stating Blygold Florida, Inc. filed a petition for a declaratory statement on March 6, 2013. The petition was noticed in the Florida Administrative Register on April 3, 2013. Mr. Barnhart noted the petition appears to be requesting the Board's interpretation of 489.105 (3)(a), Florida Statutes, as to whether the company's general contractor's license is sufficient to perform sponge blasting and the application of special coating on centrifugal chillers of air conditioning units after they have been disassembled by a mechanical contractor. 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 to issue a statement stating that a general contractor can perform the work as long as he subcontracts the disassembly and assembly to the appropriate Division II contractor.

JOHN CAVALIER – REQUEST FOR INFORMAL HEARING

Mr. Cavalier was present.

Mr. Barnhart presented this case stating Mr. Cavalier's application to qualify an additional business entity was denied at the September 2012 meeting of the board for failing 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 October of 2012. Mr. Cavalier 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 deny the request to vacate the denial.

WILLIAM DOZIER – MOTION TO RECONSIDER

Mr. Dozier was present with Counsel.

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

After discussion the board voted to vacate the denial of the application and to approve the application.

BRUCE FRY – REQUEST FOR INFORMAL HEARING

Mr. Fry was present.

Mr. Barnhart presented this case stating Mr. Fry's application for initial issuance of a certified building contractor's license was denied at 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 vacate the denial of the application and to approve the application.

DOUGLAS HUGENBERG – REQUEST FOR INFORMAL HEARING

Mr. Hugenberg was not present and requested a 90 day continuance.

After discussion the board voted to grant the 90 day continuance.

CARL KEEVER – REQUEST FOR INFORMAL HEARING

Mr. Keever was present.

Mr. Barnhart presented this case stating Mr. Keever's application for a certified residential pool/spa contractor's license was denied at the March 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 April of 2013. Mr. Keever timely requested board reconsideration.

After discussion the board voted to vacate the denial of the application and to approve the application.

MIGUEL MAGALLANES – REQUEST FOR INFORMAL HEARING

Mr. Magallanes was not present.

Mr. Barnhart presented this case stating Mr. Magallanes' application for initial issuance of a certified general 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; and because the applicant's test scores have expired, contrary to Section 489.111, Florida Statutes, and Rule 61G4-16.005, Florida Administrative Code. The Notice of Intent to Deny was filed in February of 2013. Mr. Magallanes 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 allow Mr. Magallanes to withdraw the application.

DAVID DE JESUS POSADA – REQUEST FOR INFORMAL HEARING

Mr. Posada was not present and requested a 30 day continuance.

After discussion the board voted to grant the continuance.

MARCUS RHODEN – REQUEST FOR INFORMAL HEARING

Mr. Rhoden was present with Counsel.

Mr. Barnhart presented this case stating Mr. Rhoden's application for initial issuance of a certified pool/spa servicing contractor's license was denied at the March 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 April of 2013. Mr. Rhoden timely requested board reconsideration.

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

JAMES RILEY – REQUEST FOR INFORMAL HEARING

Mr. Riley was present.

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

After discussion the board voted to vacate the denial of the application and to approve the application.

UTILITY SERVICES ASSOCIATES, LLC – PETITION FOR DECLARATORY STATEMENT

A representative from Utility Services Associates, LLC was not present.

Mr. Barnhart presented this case stating Utility Services Associates, LLC filed a petition for a declaratory statement March 18, 2013. The petition was noticed in the Florida Administrative Register on April 3, 2013. Mr. Barnhart noted the petition appears to be requesting the Board's interpretation 489.105, Florida Statutes, as to whether a license is required for the scope of work associated with AMR/AMI endpoint and electronic meter deployments, and if so, which type of license is required for this work. 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 did not have proper standing, and denied the petition.

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: Hurricane Mitigation Training & Techniquet – **approved** (as 3 hours Wind Mitigation; no general)

Air Conditioning Contractors Association of Northwest Florida

1st Course: Construction Liens – **approved**

Breaking Ground Contracting d/ba/ Breaking Ground Education Services

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

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

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

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

Building Officials Association of Florida

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

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

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

Florida Building Coalition

1st Course: Commercial Building Green Priorities – **approved**

FRSA Educational and Research Foundation

1st Course: Asphalt Shingles – Type, Testing, & Compliance – **approved**

2nd Course: Fall Protection – OSHA's Fall Protection Directive – **approved**

3rd Course: Fifth Edition Florida High Wind Concrete & Clay Tile Installation Manual – **approved** (2 hours general only)

4th Course: Navigating Miami-Dade NOA's & Florida Production Approvals – **approved**

5th Course: Safety & Housekeeping the Perfect Combination – **approved**

6th Course: Standing Seam Metal Roofing – **approved**

7th Course: Understanding the Affordable Care Act – **approved**

Gold Coast School of Construction, Inc.

1st Course: Know Your Contracting Law (Classroom Version) – **approved**

2nd Course: Know Your Contracting Law (Online Version) – **approved**

Henderson, Franklin, Starnes & Holt, P.A.

1st Course: Construction Law Update Seminar – Understanding the Laws and Mitigating Risk Factors – **withdrawn**

JC Code & Construction Consultants, Inc.

1st Course: An Overview of the Nonstructural Provisions of the Florida Building Code, Building Volume – **approved**

2nd Course: Commercial Kitchen Hood Ventilation – **approved**

National Swimming Pool Foundation

1st Course: Aquatic Facility Audits – **approved**

2nd Course: Aquatic Play Features – **denied**

3rd Course: Certified Aquatic Energy Auditor – **denied**

4th Course: Emergency Response Planning – **denied**

5th Course: Pool and Spa Basics – **approved**

6th Course: Water Chemistry Basics – **approved**

Pinch a Penny, Inc.

1st Course: Mysteries & Myths of Metal Staining – **approved**

Professional Training & Consultants, Inc.

1st Course: National Electric Code 2011 Changes Part 1 – **approved**

2nd Course: National Electric Code 2011 Changes Part 2 – **approved**

Redvector.com

1st Course: ADA Guidelines 2010 Accessible Routes (RV-10317AD) – **approved**

2nd Course: ADA Guidelines 2010 Building Blocks (RV-10294A) – **approved**

3rd Course: ADA Guidelines 2010 Communication Elements & Features (RV-10339A) – **approved**

4th Course: ADA Guidelines 2010 General Site and Building Elements (RC-10311A) – **approved**

5th Course: ADA Guidelines 2010 Plumbing Elements and Facilities (RV-10334A) – **approved**

6th Course: ADA Guidelines 2010 Recreational Facilities (RV-10320AD) – **approved**

7th Course: ADA Guidelines 2010 Small Towns (RV-10328AD) – **approved**

Structural Engineering & Inspections

1st Course: Wind Mitigation – **approved**

Mr. Evetts also asked if the CE Committee would entertain the possibility of a contractor being able to get CILB continuing education credits for attending meetings of the Florida Building Commission via webinar. Mr. Lenois stated that the CE Committee would support that concept, but further information would need to be provided before credit is actually granted. After discussion the board agreed that further discussion would be needed, but that they support the concept.

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Barnhart gave the following report:

61G4-12.011 Definitions – Effective on 04/04/2013

61G4-15.035 Certification of Irrigation Specialty Contractors – Effective on 2/13/2013

61G4-15.038 Certification of Demolition Specialty Contractors – Effective on 2/11/2013

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants – Effective on 3/31/2013.

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

OLD BUSINESS

Removal of old materials from laptop.

NEW BUSINESS

Mr. Sheehan brought up a concern of his relating to Senate Bill 286, which will redefine the term “design professional” and how he feels this Bill removes liability and responsibility from those individuals. Mr. Winters stated there is potential for civil negligence, but that particular scenario does not prevent the CILB from being able to take disciplinary action against contractors if a particular situation falls within the jurisdiction of the CILB. Mr. Winters stated he would update the Board’s website to further explain the ramifications of the Bill and how it will affect the construction industry.

With no further business the meeting was adjourned at 10:34 am.