

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

Hilton St. Petersburg Bayfront
333 1st St. S
St. Petersburg, FL 33701
727.894.5000

May 11, 12-14, 2021
MEETING MINUTES

Approved August 13, 2021

Board Members Present

Rachelle Wood, Chair
Michael Strickland, Vice-Chair
Frank Cawthon
Donald Cesarone
Brian Donovan
Mario Famada
Ted Feaster
Edgar Laney
Edward McCullers

Board Members Absent

Aaron Boyette (partial)
William Cathey
Rick Kane
Keith Lawson
Robert Maphis

Others Present

Dan Biggins, Executive Director, DBPR
Donald Shaw, Senior Management Analyst Supervisor, DBPR
Jordan Jones, Government Analyst, DBPR
Ian Brown, Chief Construction Attorney, DBPR
Sally Raines, Deputy Chief Construction Attorney, DBPR
Goliath Davis, Prosecuting Attorney, DBPR
Robert Milne, Assistant Attorney General, AGO
Christopher Dierlam, Assistant Attorney General, AGO

ADDITIONAL BUSINESS ENTITIES REVIEW DIVISION II

Division II Board members met for Additional Business Entities Review on May 12th, 2021 from 2:01 – 2:58pm. Mr. McCullers led the meeting. Of the 21 applications on the agenda, 8 were approved, 3 were approved contingent, 5 was continued, 1 was pulled, 2 were withdrawn and 2 were denied.

APPROVED (8)

Allocco, Andrew
Allocco, Andrew
Allocco, Andrew
Chapman, Donald
Hidy, Jason
McLemore, Charles
Rodriguez Bosch, Carlos
Salch, Kenneth

APPROVED CONTINGENT (3)

Frishman, Jordan
Judy, Dale
Mendes, Jose

CONTINUED (5)

Castrillon, Carolina – 60 day continuance
Diaz, David – 30 day continuance
Garcia, Abiel – 60 day continuance
LaCerte, Claude – 30 day continuance
Snell, Clifford – 60 day continuance

PULLED (1)

Rupert, Jerry

WITHDRAWN (2)

Campbell, Ferrin
Kozel, Jaroslav

DENIED (2)

Carlos, Eduardo
Martinez, Jorge

APPLICATION REVIEW DIVISION II

Division II Board members met for Application Review on May 12th, 2021 from 3:08 – 3:49pm. Mr. Famada led the meeting. Of the 17 applications on the agenda, 8 were approved, 1 were approved contingent, 2 were continued, 1 was pulled, 1 was withdrawn and 4 were denied.

APPROVED (8)

Collins, Robert
Furman, Jason

Gardner, Richard – subject to probation requirements
LaCoste, Lucindy – downgraded to class B
Nash, Ryan
Ricco, Mark
Stinton, Jacob
White, Jerald

APPROVED CONTINGENT (1)

Cantoni, David

CONTIINUED (2)

Faircloth, William
Jackson, John

PULLED (1)

Isaac, Elias

Withdrawn (1)

Bayona, Frady

DENIED (4)

Abraham, Stephanie
Churchman, Guy
Cruz Salazar, Reinilder
Matassini Nunez, Bruno

ADDITIONAL BUSINESS ENTITIES REVIEW DIVISION I

Division I Board members met for Additional Business Entities Review on May 13th, 2021 from 1:30 – 2:29pm. Mr. Cawthon led the meeting. Of the 41 applications on the agenda, 19 were approved, 4 were approved contingent, 2 were denied, 13 were continued, 2 were pulled and 1 was withdrawn

APPROVED (19)

Allocco, Andrew
Babazadeh, Mojtaba
Baldi, Peter
Cohen, Yaniv
Dunbar, Lionel
Duncan, Donald
Fritz, Michael
Huerta, Ender
Mahoney, Joseph
Martin, Jeffrey
Ogden, Robert
Rezvani, Farhood
Rivera, David

Rock, Jesse
Salusso, Sergio
Shuler, Brandon
Torres, Eduardo
Turner, Michael
Ward, Kieran

APPROVED CONTINGENT (4)

Droque, Kenneth
Lopez, Luis
Mills, Christopher
Wilson, Willie

DENIED (2)

Kellogg, Phillip
Tao, Duy

CONTINUED (13)

Bentley, Glenroy – 30 day continuance
Berman, Scott – 90 day continuance
Davalos, Julio – 30 day continuance
Donovan, Robert – 30 day continuance
Downs, James – 30 day continuance
Espinoza, Richard – 30 day continuance
Espinoza, Richard – 30 day continuance
Felix, Diago – 30 day continuance
Gomez, Gloria – 30 day continuance
Hoyos, Oscar – 90 day continuance
Leto, James – 60 day continuance
Magnin, Andrew – 30 day continuance
Vilchez, Oscar – 30 day continuance

PULLED (2)

Miles, Ronald
Palenzuela, Carlos

WITHDRAWN (1)

Allsbrook, Michael

APPLICATION REVIEW DIVISION I

Division I Board members met for Application Review on May 13th, 2021 from 3:00 – 3:48pm. Mr. Cawthon led the meeting. Of the 22 applications on the agenda, 7 were approved, 4 were continued, 4 were denied, 2 were withdrawn and 5 were pulled.

APPROVED (7)

Colasuonno, Dominick
Geer, Tyler – downgraded to CBC
Hoffman, Joseph
Linehan, Charles
MacNeil, Kevin – downgrade to CRC
McKee, John
Morrison, Paul

CONTINUED (4)

Ard, Brandon – 60 day continuance
Balok, Damion – 180 day continuance
Rivers, Todd – 60 day continuance
Smith, Steven – 30 day continuance

DENIED (4)

Fisher, Chris
Marasco, Anthony
Nikitin, Valeria
Peck, Michael

Withdrawn (2)

Bane, Russell
Heilbroun, Andrew

PULLED (5)

Bowerman, James
Grinberg, Benjamin
Meives, Paul
Trapanese, Jeffrey
Vanek, Brian

Division II Board members met for Final Action on May 13th, 2021 from 9:21 – 9:25am. Ms. Wood led the meeting.

Case #(s): 2020027347, 2020027935

Etienne, Cadet

License #(s): CAC1818036, CAC1819374

Pay administrative fines in the amount of \$3,750 and costs of \$211.69

Probation for 2 years

7 hours of continuing education related to Ch. 489, F.S.

Not present/Counsel present

Case #(s): 2018017560

Oestreich, Phillip Edward

License #(s): CPC1458205, CPC1457717

Restitution

Pay administrative fines in the amount of \$7,500 and costs of \$351.44

Probation for 2 years
7 hours of live or online continuing education related to Ch. 489, F.S.
Not present

**Division I & II Board members met for Final Action on May 13th, 2021 from 9:31 – 9:45am.
Mrs. Wood and Mr. Strickland led this meeting.**

Case #(s): 2019046857, 2019054403, 2019048189, 2019050672, 2019051903

Baudendistel, Joseph

License #(s): CGC1510533, CGC1526691, CFC1430077, CFC1428560, CCC1331627,
CCC1327432

30 day continuance

Pay administrative fines in the amount of \$5,000 and costs of \$500

Probation for 2 years

7 hours of continuing education related to Ch. 489, F.S.

Present with Counsel

Case #(s): 2018045653

Dixon, Andrew

License #(s): CBC58235, CCC56706

Pay administrative fines in the amount of \$3,500 and costs of \$180.88

Not present/Counsel present

Case #(s): 2020006288

Fischer, Fred

License #(s): FRO9231

Revocation

Restitution

Pay administrative fines in the amount of \$5,000 and costs of \$195.47

Not present

Case #(s): 2020006296

Fischer, Fred

License #(s): FRO9231

Revocation

Restitution

Pay administrative fines in the amount of \$5,000 and costs of \$191.76

Not present

Case #(s): 2020025793

Fischer, Fred

License #(s): FRO9231

Revocation

Restitution

Pay administrative fines in the amount of \$5,000 and costs of \$258.03

Not present

Case #(s): 2018037841

Ruggiano, Anthony

License #(s): CGC1510808, CCC1330909

Previously revoked January 2021

Pay administrative fines in the amount of \$6,000 and costs of \$328.05

Probation for 2 years

7 hours of continuing education related to Ch. 489, F.S.

Present with counsel

**Division I Board members met for Final Action on May 13th, 2021, from 10:00 – 10:01am.
Mr. Strickland led the meeting.**

Case #(s): 2019039868

Figueroa, Francisco

License #(s): CGC1514326, CGC1525605

Pulled

Case #(s): 2020018087

Forero, Manuel

License #(s): CGC1518807

Pay administrative fines in the amount of \$5,000 and costs of \$177.51

7 hours of continuing education related to Ch. 489, F.S.

Not present

Case #(s): 2020024328

Garza, Gerardo

License #(s): CRC1330551

Revocation

Restitution

Pay administrative fines in the amount of \$12,500 and costs of \$583.81

Not present

Case #(s): 2019023857

Masias, Alexander

License #(s): CBC1251894

Revocation

Restitution

Pay administrative fines in the amount of \$20,000 and costs of \$201.73

Not Present

Case #(s): 2019023905

Masias, Alexander

License #(s): CBC1251894

Revocation

Restitution

Pay administrative fines in the amount of \$20,000 and costs of \$210.51

Not present

Case #(s): 2018042326

Smith, Jeffrey

License #(s): CGC1515949

Null & Void

Pay administrative fines in the amount of \$20,500 and costs of \$208.19

Not Present

Case #(s): 2018025045

Smith, Jeffrey

License #(s): CGC1515949

Null & Void

Restitution

Pay administrative fines in the amount of \$12,500 and costs of \$61.25

Not present

**Division II Board members convened for Probation on May 13th, 2021, from 8:30 – 9:05am.
Mr. Cesarone led the meeting.**

PROBATION

Deekman, Dan Felix, CCC1328830 / CCC1331517

Appearance 1 of 4

Result: Satisfactory

Diaz, Francisco Fernando, CAC50345 / CAC1818792 (inactive)

Appearance 1 of 4

Result: 90 day continuance

Fred, Ruben, CCC1329414 / CPC1457855

Appearance 1 of 8

Result: Satisfactory

Harvey, Brian Paul, CMC1249346

Appearance 1 of 16

Result: 90 day continuance

Lambeth, Patrick Jasper, CMC42546 / CFC1427619

Appearance 3 of 4

Result: Satisfactory

Phillips, Steven, CAC57788

Appearance 3 of 4

Result: Satisfactory

Starkes, Darryl, CCC1330074

Appearance 3 of 4

Result: Satisfactory

Tellez, Lexter, CFC1429335
Appearance 4 of 4
Result: Satisfactory

Turpin, Isaac John, CFC1428965
Appearance 1 of 4
Result: Satisfactory

Division I Board members convened for Probation on May 13th, 2021, from 10:30 – 10:30am. Mr. Donovan led the meeting.

PROBATION

Chatman, Mario Lacount, CGC1414617
Appearance 1 of 4
Result: 60 day continuance

Lambeth, Patrick, CGC1506447
Appearance 3 of 4
Result: Satisfactory – contingent on insurance in 30 days

REINSTATE PROBATION

Vande Brink, Eric, CBC1251861
Stay lifted oat October 2019 CILB meeting for failure to submit packet

EARLY TERMINATION

Berman, Scott, CGC1509450
3 of 4 appearances – no prior continuances / no stays lifted / no unsatisfactory results

GENERAL SESSION

The meeting was called to order by Ms. Wood, at 8:34am. Mr. Donovan gave the Invocation. Mr. Cesarone led the Pledge of Allegiance.

EXECUTIVE DIRECTOR'S REPORT- Daniel Biggins

Mr. Biggins requested the Board excuse absences for the following board members:

- Mr. Boyette (partial)
- Mr. Cathey
- Mr. Kane
- Mr. Lawson
- Mr. Maphis

Mr. Biggins allowed Mr. Bruce Kershner to provide an update to the Board on legislation affecting the industry. Mr. Biggins also let Mr. Dallas Thiesen of the Florida Swimming Pool Association provide the Board with an update on legislation affecting the pool industry.

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

CHAIRMAN’S REPORT- Ms. Wood

Ms. Wood had nothing to report.

PROSECUTING ATTORNEY’S REPORT- Ian Brown

Mr. Brown had nothing to report.

HEARING AND PETITIONS

ALONSO-RODRIGUEZ, GENARO – INFORMATION HEARING

Mr. Alonso-Rodriguez was present.

Mr. Milne presented this case stating Mr. Alonso-Rodriguez’ application for a Class B Certified Air Conditioning Contractor’s license was denied at the February 2021 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 March of 2021. Mr. Alonso-Rodriguez timely requested an informal hearing.

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

CAMPBELL, RICHARD – INFORMAL HEARING

Mr. Campbell was not present.

Mr. Milne presented this case stating Mr. Campbell’s application for a Certified Residential Pool/Spa Contractor’s license was denied at the March 2021 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 2021. Mr. Campbell timely requested an informal hearing.

After discussion, the Board voted to uphold the previous denial.

CITY OF PALM BAY – PETITION FOR DECLARATORY STATEMENT

Two representatives from the petitioner were present.

Mr. Milne presented this case stating The City of Palm Bay filed a petition for a declaratory statement on April 6, 2021. The petition was noticed in the Florida Administrative Register on April 12, 2021. Mr. Milne noted the petitioner requested an answer to the question of whether or not a playground equipment supplier can enter into a contract for the furnishing and installation

of equipment on public property when they intend to subcontract the installation to licensed certified general or building contractor, despite the playground equipment supplier not being licensed themselves.

After further discussion, the Board found that the petitioner had standing but declined to answer the petition.

HUGO DOMLOJ – PETITION FOR VARIANCE AND WAIVER

Mr. Domloj was not present.

Mr. Milne presented this case stating Mr Domloj filed a petition for variance and waiver on January 5, 2021. The petition was noticed in the Florida Administrative Register on March 24, 2021. Mr. Milne noted the petitioner is seeking a variance or waiver of Rule 61G4-16.005, Florida Administrative Code, that states for the purpose of certification a passing grade on the examination shall be valid only for a period of four (4) years from the date of the most recently passed portion of the exam.

After further discussion, the Board voted to deny the petition.

JOHN, EMERSON – INFORMAL HEARING

Mr. John was present.

Mr. Milne presented this case stating Mr. John's application for a Certified Pollutant Storage Contractor's license was denied at the January 2021 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 February of 2021. Mr. John timely requested an informal hearing.

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

MANNING, WILLIAM – PETITION TO MODIFY FINAL ORDER

Continued 30 days.

MUNILLA, PEDRO – INFORMAL HEARING

Mr. Munilla was present.

Mr. Milne presented this case stating Mr. Munilla's application to qualify Strongcore Group, LLC as an additional business entity was denied at the February 2021 meeting of the Board for failure to appear as required by Rule 61G4-15.0021, Florida Administrative Code, and for failure to demonstrate the qualifying agent would have the ability to supervise the construction work

and business activities of the organization, as required by section 489.119, Florida Statutes. The Notice of Intent to Deny was filed in March of 2021. Mr. Munilla timely requested an informal hearing.

After discussion, the Board voted to vacate the previous denial and to approve the application contingent on the applicant providing proof of W2 employment with the proposed business entity and proof of completion of 7 hours of live continuing education specifically related to Financial Management, within 90 days.

VINCENT PRINCE – INFORMAL HEARING

Continued 30 days.

WINDHAM, MICHAEL – INFORMAL HEARING

Continued 30 days.

WISEMAN, WHITNEY – PETITION FOR VARIANCE AND WAIVER

Mr. Wiseman was present.

Mr. Milne presented this case stating Mr. Wiseman filed a petition for variance and waiver on April 7, 2021. The petition was noticed in the Florida Administrative Register on April 29, 2021. Mr. Milne noted the petitioner is seeking a variance or waiver of Rule 61G4-16.005, Florida Administrative Code, that states for the purpose of certification a passing grade on the examination shall be valid only for a period of four (4) years from the date of the most recently passed portion of the exam.

After further discussion, the Board voted to deny the petition.

ZOUMAS, NICHOLAS – INFORMAL HEARING

Mr. Zoumas was present.

Mr. Milne presented this case stating that Mr. Zoumas' application for a Certified General Contractor's license via endorsement was denied at the February 2021 meeting of the Board for failure to meet the requirements set forth in section 489.115 (3)(b), Florida Statutes. The Notice of Intent to Deny was filed in April of 2021. Mr. Zoumas timely requested an informal hearing.

After further discussion, the Board voted to vacate the previous denial and to approve the application as a downgrade to a Certified Building Contractor's license.

RULES/PUBLIC/LEGISLATIVE – May 2021 Rules Report

61G4-12.0171 Reinstatement of Null & Void Certification or Registration

- Date sent to OFARR: 09/21/19(RD), 12/18/19(RN)
- Rule Development Published: 10/03/19 (Vol. 45/193)
- Notice Published: 01/07/20 (Vol. 46/05), 01/15/20 (JAPC Corresp.), 02/05/20 (JAPC Response), 04/06/20 (Tolled)

61G4-21.002 Definitions

- Date Rule Language Approved by Board:08/14/20
- Date sent to OFARR: 09/15/20 (RD)
- Rule Development Published: 09/23/20 (Vol. 46/No.186)
- Notice Published 02/01/2021 (Vol. 47/20)
- JAPC Letter 02/05/2021
- Adopted: 04/14/2021 (tentative)
- Effective 05/05/2021 (tentative)

61G4-21.003 Filing Claims

- Date Rule Language Approved by Board:08/14/20
- Date sent to OFARR: 09/15/20 (RD)
- Rule Development Published: 09/23/20 (Vol. 46/No.186)
- Notice Published 02/01/2021 (Vol. 47/20)
- JAPC Letter 02/05/2021
- Adopted: 04/14/2021 (tentative)
- Effective 05/05/2021 (tentative)

61G4ER20-6 Approval of Continuing Education Courses

- Date Rule Language Approved by Board: 06/12/20
- Date sent to OFARR: 06/17/20
- Rule Development Published: N/A
- Notice Published: 06/18/20 (Vol. 46/No.119)
- Adopted: N/A
- Effective: 06/17/20

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – Ted Feaster

Mr. Feaster gave the following report:

CORDOBA AND ASSOCIATES, INC

1st course: Financial Responsibility for Contractors: **approved**

FLORIDA HOME BUILDERS ASSOCIATION

1st course: Building Science of Floor Systems: **approval**

2nd course: Building Science of Floor Systems (classroom): **approved**

3rd course: High Performing Resilient Wood Framed Roofs: **approved**

4th course: High Performing Resilient Wood Framed Roofs (classroom): **approved**
5th course: Magnesium Oxide (MgO) Floor Panels for Multifamily Buildings: **approved**
6th course: Magnesium Oxide (MgO) Floor Panels for Multifamily Buildings (classroom): **approved**
7th course: Managing Condensation and Thermal Performance with Continuous Insulation: **approved**
8th course: Managing Condensation and Thermal Performance with Continuous Insulation (classroom): **approved**

GULFSHORE INSURANCE, INC

1st course: OSHA 10 Hour: **contingent approval**

HEALTH CHOICE ENTERPRISES, LLC

1st course: Medical Gas Systems Maintenance Personnel (6040): **approved**

MIKE HOLT ENTERPRISES

1st course: 2020 NEC Review with Updates Live Seminar: **denied**
2nd course: Business Management & Finance Live Seminar: **denied**
3rd course: FL Current Rules, Laws, & Statues Online: **denied**
4th course: Florida Combined 4-hour Business, Safety, Workers Comp and Rules: **denied**

PINCH A PENNY

1st course: Pool Stains: **approved**
2nd course: Spa Chemicals: **approved**
3rd course: Workers' Compensation: **approved**
4th course: Workplace Safety: **approved**

REDVECTOR.COM, INC

1st course: Transmission and Distribution: Care & Testing of Tools/Equipment: **denied**

RECOVERY FUND COMMITTEE - DON CESARONE

Mr. Cesarone gave the following report:

Larson v Paramo – Claim No. 2019-009034: **30 day continuance**
Fine v Rubin – Claim No. 2020-046697: **\$15,000**
Bidwell v Stapp – Claim No. 2020-033197: **\$50,000**
Morgan/Neumeyer v Jones – Claim No. 2019-055665: **\$50,000**
Leluiika v Campbello De Londo – Claim No. 2020-032579: **\$15,000**
Chalut v Campbell – Claim No. 2021-009885: **\$15,000**
Albert v Rubio – Claim No. 2019-048284: **\$10,739.41**
Kaczmaric v Harrison – Claim No. 2020-040135: **\$19,816**
McCormick v Brennan – Claim No. 2020-014927: **15,000**
Cincotti v Marth – Claim No. 2020-016516: **8,000**
Costa v Reardon – Claim No. 2020-043493: **14,746.78**
Kuettner v Dutruch – Claim No. 2020-013049: **12,449**
Smolarcik v Long – Claim No. 2021-009436: **18,300**

Brookens v Rubio – Claim No. 2020-008766: **award reduced to \$2,464.02**
Abramson v Lauria – Claim No. 2020-039733: **Motion to Reconsider Denied**
Bodiford v Wilcox – Claim No. 2018-038770: **Motion to Reconsider – 60 day continuance**

OLD BUSINESS

Removal of Board materials from laptops.

NEW BUSINESS

The Board discussed the possibility of increasing the single claim cap limit for Division II recovery fund claims and requested the Department explore options to have that limit increased.

With no further business the meeting was adjourned at 10:30am.