

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Four Seasons Palm Beach
2800 South Ocean Blvd
Palm Beach, FL 33480
561.582.2800**

June 13 – 15, 2012

**MEETING MINUTES
Approved 7/13/2012**

Board Members Present

Jerry Hussey, Chair
Robert Moody, Vice Chair
William Sheehan
James Evetts
Richard Kane
Mark Pietanza
Albert Korelishn
Roy Lenois
Jacqueline Watts
Paul Del Vecchio
Ed Weller
Kristin Beall
Aaron Boyette
Christopher Cobb
William "Brian" Cathey

Board Members Absent

Michelle Kane
Carl Engelmeier
Albert Korelishn (Wednesday & Thursday)

Others Present

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

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on June 13, 2012, from 2:00 pm to 3:45 pm. Ms. Beall led the meeting. Of the 24 applications scheduled for review, 13 were approved, 1 was approved conditionally, 2 were approved contingently, 4 were denied, 2 were continued, and 2 were withdrawn.

APPROVED (13)

Bergeron, Lonnie
Dixon, Jonathan
Hernandez, Armando
Kibler, Patrick
Luke, Rodney
Moorman, Jack
Phillips, Robert
Reyes, Maria
Smith, Kenneth
Ulkus, Richard
Wagers, Mikie
Young, Joshua
Zak, John

CONDITIONAL APPROVALS (1)

Harrison, Edward – *Must either serve 4 years probation, submit proof of a credit score of 660 or higher, have an individual be granted an FRO license, or submit a licensing bond.*

CONTINGENT APPROVALS (2)

Chirumbolo, Dana – *Contingent upon submitting proof of W2 employment*
Pinto, Anderson – *Contingent upon submitting a licensing bond, letter of credit, or proof of a credit score of 660 or higher*

DENIED (4)

Griffin, James
Karram, Karam
Lucos, George
Ocampo, Gonzalo

CONTINUED (2)

Lemus, Idania – 30 days
Stevens, John – 90 days

WITHDRAWN (2)

Doucette, Lea
Rioux, Jeffrey

Division II Board members met for Additional Business Entities Review on June 14, 2012, from 1:05 pm to 1:24 pm. Mr. Pietanza led the meeting. Of the 7 applications scheduled for review, 2 were approved, 1 was continued, 3 were denied, and 1 was withdrawn.

APPROVED (2)

Bergeron, Lonnie
Dacas, Lenworth

CONTINUED (1)

Litenski, Jose – 30 days

DENIED (3)

Garcia, Alfredo
Maciques, Frank
Reutlinger, Adolfo

WITHDRAWN (1)

Close, Thomas

APPLICATION REVIEW

Division I Board members met for Application Review on June 13, 2012 from 3:57 pm to 5:17 pm. Mr. Cathey led the meeting. Of the 27 applications scheduled for review, 8 were approved, 9 were continued, 6 were denied, 1 was pulled, and 3 were withdrawn.

APPROVED (8)

Bice, Richard
Fiduccia, Nicholas
Gibaldi, Michael
Grooms, Gregory
McCollester, Peter
Patterson, Matthew (as a CBC)
Raphael, Howard (approved as inactive application)
Reis, Cary

CONTINUED (9)

Allard, John – 30 days
Donovan, Robert – 60 days
Jarmon, Morris – 60 days
McCoy, Benjamin – 60 days
Petitt, Wilson – 90 days
Porcelli, Richard – 120 days
Romero, Anthony – 60 days
Schafstall, Charles – 90 days
Trujillo, Benny – 90 days

DENIED (6)

Alvidrez, Lorenzo
Avant, Gregory
Bilott, Ronald
Cleveland, Steven
Hackett, Vernon
Masso, Alfredo

PULLED (1)

Schwartz, Mark

WITHDRAWN (3)

Byrd, Steven
Spector, Lawrence
Warapius, Kevin

Division II Board members met for Application Review on June 14, 2012, from 1:36 pm to 3:16 pm. Ms. Watts led the meeting. Of the 23 applications scheduled for review, 9 were approved, 2 were conditionally approved, 2 were withdrawn, 7 were denied, 3 were continued.

APPROVED (9)

Bucciero, William
Fiduccia, Nicholas
Heinmiller-Kelly, Cynthia
McRae, Reamonn
Pease, Zachary
Pounds, Michael
Quintero, Bernardo
Rangel, Alexander
Swift, Gregory

CONDITIONAL APPROVALS (2)

Evans, Steven – *Must serve 2 years probation and must also submit proof of a payment plan within 60 days*
Suciu, Brian – *Must serve 2 years probation*

DENIED (7)

Cleveland, Steven
Each, Brandon
Gusti, John
Nicioli, Thomas
Prats, Luis
Richau, Paul
Sharma, Rajesh

CONTINUED (3)

Donovan, Robert – 60 days
Irr, Kristian – 30 days

Wrong, Brian – 60 days

WITHDRAWN (2)

Mintz, Brandon

Williamson, George

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 did not convene this month.

The Division II Probation Committee did not convene this month..

GENERAL SESSION

The meeting was called to order by Jerry Hussey, Chair, at 9:31. Mr. Lenois gave the Invocation. Mr. Evetts led the Pledge of Allegiance.

REVIEW OF MINUTES

The board voted unanimously to approve the following minutes:

- March 2012 Final Action Minutes
- April 2012 Final Action Minutes
- May 2012 Final Action Minutes
- May 2012 Meeting Minutes

EXECUTIVE DIRECTOR'S REPORT – DREW WINTERS

Mr. Winters gave the following report:

Mr. Winters welcomed the two new board members to the board; Mr. Boyette out of Tallahassee, who replaced Mr. Batton as one of certified building contractors, and Mr. Cobb from Jacksonville, who replaced Ms. Bailey as the consumer member for Division II.

Mr. Winters also thanked Mr. Batton for his service to the board and presented him with a plaque thanking him for his service.

Mr. Winters distributed the fiscal reports for the general operating fund for the board, the Recovery Fund, and for the unlicensed activity program. Mr. Winters informed the board that everything is in the black and looking good.

Mr. Winters also provided the board members with the monthly enforcement report from the Division of Regulation.

Mr. Winters addressed the issue with a contractor who sent correspondence directly to board members. The contractor is particularly concerned with an unlicensed activity prosecution, and Mr. Hussey requested that Mr. Winters provide information on that case. Mr. Winters informed the board that the prosecution is an unlicensed activity case which is handled by the Department directly and not by the board, and the contractor has received a response from the Office of the General Counsel. Mr. Winters stated the issue has been sent up the chain and has been addressed.

Mr. Winters stated that effective July 1, 2012, the Glass & Glazing license is being reverted back a specialty license, so beginning on that date those licenses will be designated with the SCC license prefix, meaning that a mandatory regulation of the glass & glazing license will end. The Department's website will be updated as well. Additionally, the CE reactivation law will go into effect as well and the rules are being written now.

Mr. Winters also mentioned to the board members that travel reimbursements need to be submitted as quickly as possible.

Mr. Winters asked the following absences by excused:

Mr. Engelmeier
Ms. Kane
Mr. Korelishn (Wednesday & Thursday only)

The board voted unanimously to approve these absences.

Mr. Winters mentioned that by August 1, 2012, the Department needs to present to the Governor potential legislative changes, and requested that the board, if they have any suggestions, to please let him know and he would pass it up the chain.

Mr. Winters also stated that at next month's meeting they had two Ad Hoc agendas scheduled. One will be a joint meeting between the CILB and the Department of Transportation, which was requested by the Department of Transportation, regarding the concerns that were raised over Rule 61G4-12.011 (9), which defines "services incidental thereto" for the exemption listed in Section 489.103 (1), Florida Statutes. The second will be a discussion of the creation of the two previously discussed specialty licenses (irrigation contractor, industrial/commercial power plant contractor).

Mr. Winters concluded his report by stating that previous Executive Director and current Director of Professions, GW Harrell, will attend the July board meeting.

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

CHAIRMAN'S REPORT – JERRY D. HUSSEY

Mr. Hussey gave the following report:

Mr. Hussey requested that Board staff if and when the board gets their continuing education credits for serving on the Board. Ms. Wynn informed the board that they get 4 hours of CE credit, 1 of which is for laws and rules.

Mr. Hussey thanked Mr. Winters for distributing the various reports as well as for scheduling a month that Mr. Harrell could attend.

Mr. Hussey also welcomed the two new board members.

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

PROSECUTING ATTORNEY'S REPORT – PAUL WATERS

Mr. Waters gave the following report:

For the month of April 2012, the overall case load was 262, down from 332 in March of 2012, and down from 344 in April of 2011.

There were 36 cases currently in Legal to be reviewed, 28 cases set for probable cause, and 46 cases where probable cause had been found/administrative complaints filed. 0 settlement stipulations had been approved, 4 informal hearings had been requested, and 8 cases were awaiting outside action. 1 case was ready for default, 12 had requested formal hearings, and 0 cases were referred to DOAH. 7 cases were in settlement negotiations, 2 cases were pending board dates, and 58 cases were set for board presentation. 60 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

For the month of April 2012, 146 cases were closed..

Mr. Waters also told the board that if the board desired, they could bring the unlicensed case information to be presented to the board as well. Mr. Waters also informed the board that after each meeting he is going around to the Departments regional field offices and instructing the investigators on how the Department prosecutes cases, general info on Chapter 489, etc.

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

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

JEFFREY ARNOLD – REQUEST FOR INFORMAL HEARING

Mr. Arnold was present.

Mr. Biggins presented this case stating Mr. Arnold's application to qualify an additional business entity was denied at the April 2012 meeting of the board for failure to demonstrate the qualifying agent would properly supervise the construction work and business activities. The Notice of Intent to Deny was filed in May of 2012. Mr. Arnold timely requested board reconsideration.

After discussion the board voted to approve the application.

ARTHUR EGERHEI – REQUEST FOR INFORMAL HEARING

Mr. Egerhei was present with Counsel.

Mr. Biggins presented this case stating Mr. Egerhei's application to reinstate his null & void certified general contractor's license was denied at the March 2012 meeting of the board as the applicant failed to present evidence of a good faith effort to comply with the license renewal statutes and rules and failed to present evidence that rises to the level of illness or unusual hardship that would justify the failure to renew the license. The Notice of Intent to Deny was filed in April of 2012. Mr. Egerhei timely requested board reconsideration.

After discussion the board voted to approve the application.

LUIGINO GIANCAMILI – REQUEST FOR INFORMAL HEARING

Mr. Giancamilli was present.

Mr. Biggins presented this case stating Mr. Giancamilli's application to reinstate his certified general contractor's license was denied at the March of 2012 meeting of the board for failure to present evidence of a good faith effort to comply with the license renewal statutes and rules and failed to present evidence that rises to the level of illness or unusual hardship that would justify the failure to renew the license. The Notice of Intent to Deny was filed in April of 2012. Mr. Giancamilli timely requested board reconsideration.

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

KENNETH KILPATRICK – REQUEST FOR INFORMAL HEARING

Mr. Kilpatrick was present.

Mr. Biggins presented this case stating Mr. Kilpatrick's application for a change of status of his certified general contractor's was denied at the March 2012 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in April of 2012. Mr. Kilpatrick timely requested board reconsideration and requested the board vacate the Notice of Intent to Deny and allow him to withdraw the application.

After discussion the board voted to vacate the Notice of Intent to Deny and to allow the applicant to withdraw his application.

BRUCE LEBEDUN – PETITION FOR DECLARATORY STATEMENT

Mr. Biggins indicated that this petition will be continued to the July board meeting.

RICHARD PORCELLI – PETITION FOR VARIANCE AND WAIVER

Mr. Biggins stated that this petition has been withdrawn by the petitioner.

JASON SCHREYER – REQUEST FOR INFORMAL HEARING

Mr. Schreyer was present.

Mr. Biggins presented this case stating Mr. Schreyer's for a business name change for a certified class B air conditioning license was denied at the September 2011 meeting of the board because the applicant was a subject of a pending investigation. The Notice of Intent to Deny was filed in October 2011. Mr. Schreyer timely requested board reconsideration.

After discussion the board voted to approve the application.

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:

Alabama Associated General Contractors, Inc.

1st Course: Building Information Modeling (BIM) – **continued 30 days**

2nd Course: Florida Stormwater, Erosion, and Sedimentation Control Training and Certification Program – **continued 30 days**

Barthet Firm

1st Course: Human Resource Fundamentals – **approved**

2nd Course: Insurance and Bonds to Manage Risk and Increase Profitability – **approved**

3rd Course: Job Site Safety and Your Safety Program – **approved**

4th Course: Three Misconceptions about the New EPA Lead Rules – **approved**

C2N Code Solutions Group

1st Course: Business Aspects of Contracting in Florida – **approved**

2nd Course: Change of Building Use and Occupancy – **approved**

3rd Course: Contractor Licensing – **approved**

4th Course: Flood Resistant Requirements in the 2010 Florida Building Code – **approved**

5th Course: Hurricane Mitigation Retrofits for Existing Site-Built Single Family Residential Structures – **approved**

6th Course: Hurricane Resistant Construction Code Requirements – **approved**

7th Course: Safeguards during Construction – **approved**

8th Course: Workers' Comp & Florida Contractors – **approved**

Florida Educational Facilities Planner

1st Course: Applying Lean Principles: Better Outcomes – **approved**

- 2nd Course: BIM, A More Sophisticated Deliverable – **approved**
3rd Course: Call Me Zero: Edison State College Allied Health and Science Building -
approved
4th Course: Geothermal HVAC: Eliminate Your Cooling Tower – **approved**
5th Course: Maximizing Energy Efficiencies through Retrofitting – **approved**
6th Course: The Green Future of Flooring – **approved**

Florida Home Builders Association

- 1st Course: Commercial Energy Code Compliance in the 2010 FBC – Energy –
approved
2nd Course: Residential Energy Code Compliance in the 2010 FBC – Energy –
approved

Gold Coast School of Construction, Inc.

- 1st Course: Contracting in Broward County A Review of Chapter 9 - **approved**
2nd Course: Financial Responsibility & Stability in Construction – **approved**

John W. Higgins

- 1st Course: Boiler Service and Repair Copper Fin. Cast Iron and Package Units –
approved

Koning Enterprises, Inc., d/b/a Contractor's Institute

- 1st Course: Manual N and FL Energy Calcs in Commercial Construction – **approved**
2nd Course: What Contractors Should Know: Aerial Work Platforms & Forklifts –
withdrawn
3rd Course: What Contractors Should Know: Signal Person & Rigging Safety -
withdrawn

Plumbing, Air Conditioning Contractors Industry Fund

- 1st Course: Fundamental Back Flow – **denied**
2nd Course: Mechanical Code Review – **denied**
3rd Course: Plumbing Code Review – **denied**

Suncoast Architecture & Engineering, LLC

- 1st Course: Aluminum Structures Engineering and the Changes in the FBC – **denied**

Training Licensing Center, Inc.

- 1st Course: 14 Hours FL Contractor Life Safety – **continued 30 days**

United Service Training Group

- 1st Course: Advanced 2010 Florida Building Code: Plumbing Edition – **approved**

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Biggins gave the following report:

The following Rules are under development:

61G4-18.001 Continuing Education Requirements for Certificate Holders and Registrants

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

61G4-15.018 Certification of Glass & Glazing Contractors

OLD BUSINESS

No Old Business was discussed.

NEW BUSINESS

Mr. Sheehan suggested that in the future, perhaps the board could require that all new applications for licensure that are submitted to the Department be reviewed by the Board. Mr. Winters advised the board that this could significantly increase the workload of the board members, as well as significantly delaying the processing time of the applications. Ms. Wynn requested clarification on whether or not the board was requesting to review applications before they were approved, or if this is to be some sort of audit of approved applications. Mr. Hussey mentioned that they would like to see it prior to approval as auditing an application after a license has been issued doesn't really solve the problem. Mr. Winters informed the board that, in the best interest not only for the board members, but the Department and the applicant's themselves, that he would schedule something in the future to get more input from everyone involved.

With no further business the meeting was adjourned at 10:42 am.