

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**One Ocean
1 Ocean Blvd.
Atlantic Beach, FL 32233
904.249.7402**

June 11, 12-14, 2019

MEETING MINUTES

Approved August 16th, 2019

Board Members Present

Keith Lawson, II, Chair- appeared by phone
Aaron Boyette, Vice Chair
Rick Kane
Donald Cesarone
Brian Donovan
Edgar Laney
Edward McCullers
Michael Strickland
Rachelle Wood

Board Members Absent

William "Brian" Cathey - partial
Frank Cawthon
James "Jim" Evetts
Ted Feaster
Robert Maphis

Others Present

Dan Biggins, Executive Director, DBPR
Donald Shaw, Senior Management Analyst Supervisor, DBPR
Aimee Odom, Government Analyst, DBPR
Ian Brown, Chief Construction Attorney, DBPR
Sally Raines, Deputy Chief Construction Attorney, DBPR
Conrado Gomez, Assistant Construction Attorney, DBPR
Tom Barnhart, Legal Advisor, AGO
Rob Milne, Legal Advisor FHCRF, AGO

ADDITIONAL BUSINESS ENTITIES REVIEW DIVISION II

Division II Board members met for Additional Business Entities Review on June 12, 2019 from 2:00-3:18 pm. Mr. McCullers led the meeting. Of the 32 applications on the agenda, 12 were approved, 4 were approved contingent, 3 were denied, 9 were continued, 3 were pulled, and 1 was withdrawn.

APPROVED (12)

Berret, Michel-Ange
Berret, Michel-Ange
Bostick, Derek
Bouchard, Donald
Hines, Robert
Ifft, Barbara
Martin, Nicholas
Pauelsen, Antonius
Reardon, Patrick
Stuart, Erik
Taibl, William
Walley, Shannon

APPROVED CONTINGENT (4)

McDonald, Eric
Rembas, John
Sanabria, Michel
Tyre, David

DENIED (3)

Falcon, Silviana
Marshall, Richard
Peebles, Steven

CONTINUED (9)

Ferrara, Michael- 60 day continuance
Helton, Gregory- 180 day continuance
Hubner, Joseph- 30 day continuance
James, William- 30 day continuance
Murphy Brito, Deborah- 30 day continuance
Reboiro, Manuel- 30 day continuance
Rudge, Remon- 120 day continuance
Sequeiro, Andres- 30 day continuance
Tabor, Norman- 60 day continuance

PULLED (3)

Bourdeau, Paul
Bouscher, Steven
Thomas, Eva

WITHDRAWN (1)

Vega, John

APPLICATION REVIEW DIVISION II

Division II Board members met for Application Review on June 12, 2019 from 3:30– 5:15pm. Mr. Cesarone led the meeting. Of the 47 applications on the agenda, 21 were approved, 1 was approved contingent, 9 were denied, 11 were continued, and 5 were withdrawn.

APPROVED (21)

Arey, Zak
Billingsley, Daniel
Blackham, Frederick
Bowen, Tyler
Buckner, Jerry
Choate, Kenneth
Coats, Michael
Cords, Richard
Cucci, Michael
Diaz de Leon, Bonifacio
Gonzalez Diaz, Alexander
Gutierrez, Ricardo
McClain, Harvey
McLane, Justin
Morales, Samuel
Paul, John
Rabenold, Jackie
Reeves, Brock
Stucci, Mauro
Toloza, Emir
Whaley, Michael

APPROVED CONTINGENT (1)

Thomas, Scott

DENIED (9)

Aronow, David
Brummer, Anthony
Fountain, Donnie
Guerra, Felix de Jesus
Le, Amylou
Nuhic, Dennis
Nuhic, Dennis
Nuhic, Dennis
Riker, Johnny

CONTINUED (11)

Badri, Aaron- 30 day continuance
Carter, Gordon- 30 day continuance

Crowder, Edwin- 60 day continuance
Griffith, Katherine- 30 day continuance
Holloway, Jack- 120 day continuance
Janssen, Ervin- 180 day continuance
Mahmoud, Haytham- 30 day continuance
Mansour, Michael- 180 day continuance
McGarity, Shane- 30 day continuance
Wahl, Howard- 90 day continuance
Wescott, John- 90 day continuance

WITHDRAWN (5)

Criado, Pamela
Davey, Paul
Deemer, Barry
Fleming, Michael
Roebuck, Donald

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

ADDITIONAL BUSINESS ENTITIES REVIEW DIVISION I

Division I Board members met for Additional Business Entities Review on June 13, 2019 from 1:30– 3:10pm. Mr. Boyette led the meeting. Of the 60 applications on the agenda, 37 were approved, 7 were approved contingent, 13 were continued, 2 were pulled and 1 was withdrawn.

APPROVED (37)

Adler, David
Amendola, Thomas
Anaya, Jose
Arneson, James
Baker, Daniel
Bedenbaugh, Gregory
Boudreaux, Ernest
Bradshaw, Stephen
Campbell, William
Carvey, Shawn
Cellini, Gerald
D'Alessandro, Guiseppe
Doyle, Ryan
Fischer, Joelene
Freese, Patrick
Hartley, Mark
Hernandez, Pedro
Horieh, Tarik
Hoyos, Henry
Ifft, Barbara
Indriolo, Joseph
Lofranco, Justin
Majors, Michael

Marshall, Donald
McHugh, Bryan
Meetze, Robert
Miller, George
Norris, John
Partipelo, Vito
Phillips, Rodney
Pinheiro, Dale
Raczkowski, James
Real, William
Reinders, Matthew
Singleton, Matthew
Verma, Rajesh
Virag, Shawn

APPROVED CONTINGENT (7)

Adler, David
Bara, Warren
Boudreaux, Ernest
Cannon, Michael
McDonald, Eric
Scott, Keith
Sterling, Jonathan

CONTINUED (13)

Andres, Alfredo- 30 day continuance
Audette, Jean- 180 day continuance
Brunet, Eric-90 day continuance
Campbell, Lindolph- 90 day continuance
Fernandez, Amat- 180 day continuance
Garcia, Juan- 180 day continuance
Garrett, Britt- 90 day continuance
Gasdow, Joseph- 30 day continuance
Leedy, Nathan- 30 day continuance
Leonard, John- 30 day continuance
Oszust, Dennis- 30 day continuance
Smith, Phillip- 90 day continuance
Weik, Scott- 30 day continuance

PULLED (2)

Hartman-Ferruolo, Monika
Kapkowski, Michael

WITHDRAWN (1)

Head, Joel

APPLICATION REVIEW DIVISION I

Division I Board members met for Application Review on June 13, 2019, from 3:28– 4:33p.m. Mr. Donovan led the meeting. Of the 26 applications on the agenda, 7 were approved, 16 were continued, and 3 were pulled.

APPROVED (7)

Adams, Corey
Adams, Franklin Wade
Austhof, Steven
Clupper, Robert
Ellison, Matthew
Ingram, James
Laidler, Andrew

CONTINUED (16)

Charles, Elmore- 180 day continuance
Estis, Thuy- 60 day continuance
Fishman, Steven- 30 day continuance
Jimenez, Matthew- 180 day continuance
Knight, David- 60 day continuance
Le, Amylou- 30 day continuance
Matheny, Loris- 30 day continuance
Montalbano, John- 30 day continuance
Nuhic, Denis- 30 day continuance
Olson, Kristerfer- 30 day continuance
Rawls, Jeffrey- 90 day continuance
Ruggiano, Anthony- 30 day continuance
Sivitz, David- 90 day continuance
Sivitz, David- 90 day continuance
Tripp, Wesley- 90 day continuance
Vazquez, Daniel- 90 day continuance

PULLED (3)

Barrow, Larry
Bentley, Glenroy
Springer, Robert

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

Division II Board members met for Final Action on June 13, 2019, from 8:30am– 9:26am. Mr. Lawson led the meeting.

Case #(s): 2018029814

Patrick Cheney

License #(s): CAC1816997

809 Eyrie Drive

Oviedo, FL 32756

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 \$337.46

Counsel Present

Case #(s): 2018014643

Eric Paul Clawges

License #(s): CPC57301

404 E. Division St.

Clermont, FL 34715

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 \$352.22

Present

Case #(s): 2018050437

Michael T. Dixon

License #(s): CAC1818270, CAC1813293

8499 Tamiami Trail, #5

Sarasota, FL 34238

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

Pay administrative fines in the amount of \$3,500 and costs of \$266.60

Not Present

Case #(s): 2018048591

Christopher J. Dutruch

License #(s): CCC1331305

1585 Kennesaw Drive

Clermont, FL 34711

Restitution in the amount of \$10,000

Probation for 2 years

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

Pay administrative fines in the amount of \$12,500 and costs of \$413.44

Present w/ Counsel

Case #(s): 2018041908

Christopher J. Dutruch

License #(s): CCC1331305

1585 Kennesaw Drive

Clermont, FL 34711

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 \$490.82

Present w/ Counsel

Case #(s): 2018030303

Christopher J. Dutruch

License #(s): CCC1331305

1585 Kennesaw Drive

Clermont, FL 34711

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

Pay administrative fines in the amount of \$3,000 and costs of \$491.96

Present w/ Counsel

Case #(s): 2018006489

Dwayne C. Gonzalez

License #(s): CCC1330763

17010 SW 119th Ave.

Miami, FL 33177

REVOCACTION

Restitution in the amount of \$9,375

Pay administrative fines in the amount of \$12,500 and costs of \$139.25

Not Present

Case #(s): 2018017678

Dwayne C. Gonzalez

License #(s): CCC1330763

17010 SW 119th Ave.

Miami, FL 33177

REVOCACTION

Pay administrative fines in the amount of \$10,000 and costs of \$226.06

Not Present

Case #(s): 2018002871

Dwayne C. Gonzalez

License #(s): CCC1330763

17010 SW 119th Ave.

Miami, FL 33177

REVOCACTION

Restitution in the amount of \$2,000

Pay administrative fines in the amount of \$12,500 and costs of \$182.21

Not Present

Case #(s): 2017037106

Dwayne C. Gonzalez

License #(s): CCC1330763

17010 SW 119th Ave.

Miami, FL 33177

REVOCACTION

Pay administrative fines in the amount of \$8,000 and costs of \$304.53

Not Present

Case #(s): 2018039566

Dwayne C. Gonzalez

License #(s): CCC1330763

17010 SW 119th Ave.

Miami, FL 33177

REVOCACTION

Pay administrative fines in the amount of \$5,000 and costs of \$245.79

Not Present

Case #(s): 2018020938, 2018016822, 2018016790

Mark Masiero

License #(s): CCC58291

2600 Sunset Lakes Drive West, #202

Sunrise, FL 33322

Probation for 2 years

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

Pay administrative fines in the amount of \$9,000 and costs of \$416.92

Present

Case #(s): 2017053103

Matthew J. McClellan

License #(s): CAC1817480, CAC1818078

399 SW Boston Terr.

Ft. White, FL 32038

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

Pay administrative fines in the amount of \$1,750 and costs of \$418.74

Not Present

Case #(s): 2018021389

Donald C. Vansant

License #(s): CCC57669

2890 W. University Blvd.

Jacksonville, FL 32217

REVOCAATION

Restitution in the amount of \$4,000

Pay administrative fines in the amount of \$10,000 and costs of \$208.10

Not Present

Division I & II Board members met for Final Action on June 13, 2019, from 9:37am– 9:05am. Mr. Lawson and Mr. Boyette led the meeting.

Case #(s): 2018062750

Fook Meng Che

License #(s): CBC1256278, CAC1818187

2101 W. Atlantic Blvd., Ste. 106

Pompano Beach, FL 33069

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 \$42.58

Not Present

Case #(s): 2018050740

Shane Clement

License #(s): CGC1509361, CCC1326034

4126 Leeward Point

Jacksonville, FL 32225

REVOCAATION

Pay administrative fines in the amount of \$10,000 and costs of \$172.07

Present

Case #(s): 2018050734

Shane Clement

License #(s): CGC1509361, CCC1326034

4126 Leeward Point

Jacksonville, FL 32225

REVOCAATION

Pay administrative fines in the amount of \$10,000 and costs of \$249.35

Present

Case #(s): 2018023456

Patrick Lambeth

License #(s): CGC1506447, CFC1427619, CMC42546

9810 E. US Hwy 92

Tampa, FL 33610

Probation for 2 years

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

Pay administrative fines in the amount of \$10,000 and costs of \$181.28

Not Present

Case #(s): 2018020151

Richard David Maynard

License #(s): CGC1509537, CCC1326714

181 Key Deer Blvd, #211

Big Pine Key, FL 33043

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 \$61.48

Counsel Present

Case #(s): 2018024430

Randarell Randolph

License #(s): CBC1252508, CCC1328792

4701 E. Hanna Ave.

Tampa, FL 33610

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 \$128.56

Present

Case #(s): 2017019270

Howard Shane Shafer

License #(s): CBC1256581, CCC1328616

135 Jenkins Street, Ste. 105B-208

St. Augustine, FL 32086

Revocation

Pay administrative fines in the amount of \$20,000 and costs of \$198.84

Not Present

Case #(s): 2017009293

Howard Shane Shafer

License #(s): CBC1256581, CCC1328616

135 Jenkins Street, Ste. 105B-208

St. Augustine, FL 32086

Revocation

Pay administrative fines in the amount of \$20,000 and costs of \$214.50

Not Present

Case #(s): 2018022898

Mark Wilson Smith

License #(s): CGC1510216, CFC1429599

48 Horseshoe Trail

Crawfordville, FL 32327

Probation for 2 years

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 \$122.05

Present

Case #(s): 2018017614

Giovanni A. Varsi

License #(s): CGC60722, CCC57812, CFC1427777

954 Dutchmans Bend Rd.

Debary, FL 32713

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

Pay administrative fines in the amount of \$500 and costs of \$351.83

Present

Division I Board members met for Final Action on June 13, 2019, from 10:01am– 10:08am. Mr. Boyette led the meeting.

Case #(s): 2018023776

Ricardo A. Cabrera

License #(s): CGC54329

1408 Brickell Bay Drive, Apt. 815

Miami, FL 33131

Probation for 2 years

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

Pay administrative fines in the amount of \$7,500 and costs of \$225.38

Present

Case #(s): 2018020505, 2018061942, 2018061943, 2018062133, 2018062149, 2018063623, 2018063641, 2018064463, 2019000274, 2019001439, 2019001573, 2019001762, 2019002500, 2019002827, 2019004296, 2019005800, 2019005969, 2019006489, 2019008762

Matthew E. Harden

License #(s): CBC1251858

8084 Burwell Circle

Port Charlotte, FL 33981

VOLUNTARY RELINQUISHMENT

Pay administrative fines in the amount of \$380,000 and costs of \$2,000
Not Present

Case #(s): 2018032425

David Glen Hendrix

License #(s): CBC1261105
10105 Via Columbia Circle
Ft. Myers, FL 33966
PULLED
Not present

Case #(s): 2018032997

David Glen Hendrix

License #(s): CBC1261105
10105 Via Columbia Circle
Ft. Myers, FL 33966
PULLED
Present at hearing

Case #(s): 2018037364

Yakov Segalis

License #(s): CGC1509985, CGC1521272
301 174th Street, Apt. 1710
Sunny Isles Beach, FL 33160
7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.
Pay administrative fines in the amount of \$500 and costs of \$112.21
Not Present

Case #(s): 2018021031

Andre M. Williams

License #(s): CGC1515496, CGC1522244
6137 Post Oak Rd. West
Jacksonville, FL 32277
Probation for 2 years
7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.
Pay administrative fines in the amount of \$6,000 and costs of \$342.42
Present w/ Counsel

GENERAL SESSION

The meeting was called to order by Mr. Evetts, at 9:00am. Mr. Donovan gave the Invocation. Ms. Wood led the Pledge of Allegiance.

REVIEW OF MEETING MINUTES

- Meeting Minutes for April 2019 meeting – approved

EXECUTIVE DIRECTOR'S REPORT – Daniel Biggins

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

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- Mr. Cathey - partial
- Mr. Evetts
- Mr. Feaster
- Mr. Cawthon
- Mr. Maphis

Mr. Biggins thanked board staff, Donald Shaw and Aimee Odom, for their continuous hard work behind the scenes.

Mr. Biggins also notified the Board that there is an influx of disciplinary cases coming into the Department as a result of Hurricane Michael.

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

CHAIRMAN'S REPORT –Keith Lawson

Nothing to report.

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 April 2019, the overall license activity case load was 1535 down from 1543 in March of 2019, and up from 1035 in April of 2018.

There were 547 cases currently in Legal to be reviewed, 536 cases awaiting PC Panel/ Initial Review Completed, 99 cases set for probable cause, 58 cases where probable cause had been found/administrative complaints filed, 0 settlement stipulation approved, 36 informal hearings requested, 0 cases awaiting outside action, 35 cases ready for default, 129 formal hearings requested, 1 cases referred to DOAH, 6 cases in settlement negotiations, 0 case pending board date, 79 cases set for board presentation, 3 cases awaiting final orders, 0 cases under appeal and 0 cases had been re-opened.

For the month of April 2019, 154 cases were closed.

Mr. Brown thanked Mr. Biggins for helping OGC with the wave of cases coming, and informed the board we are on the verge of 2,000 cases so far as a result of Hurricane Michael.

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

ATTORNEY GENERAL'S REPORT – Tom Barnhart

BACCI, ALFREDO – REQUEST FOR INFORMAL HEARING

Mr. Bacci was present

Mr. Barnhart presented this case stating Mr. Bacci's application for a Certified Plumbing Contractor's license was denied at the November 2018 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 December of 2018. Mr. Bacci timely requested board reconsideration.

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

CASTANO, CARLOS – RECONSIDERATION

Continued to September 2019.

CHILS, AMADO – REQUEST FOR INFORMAL HEARING

Mr. Chils was present.

Mr. Barnhart presented this case stating Mr. Chils' application to qualify AIRE ATOMIC HEATING & COOLING, LLC as an additional business was denied at the February 2019 meeting of the Board 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, F.S. and Rule 61G4-15.0024, Florida Administrative Code. The Notice of Intent to Deny was filed in March of 2019. Mr. Chils timely requested board reconsideration.

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

DAVIS, ANNA – REQUEST FOR INFORMAL HEARING

Continued to July 2019.

DUSINBERRE, RICHARD – REQUEST FOR INFORMAL HEARING

Mr. Dusinberre was present.

Mr. Barnhart presented this case stating Mr. Dusinberre's application to qualify J & B QUALITY CONSTRUCTION, LLC as an additional business was denied at the January 2019 meeting of the Board 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, F.S. and Rule 61G4-15.0024, Florida Administrative Code. The Notice of Intent to Deny was filed in February of 2019. Mr. Dusinberre timely requested board reconsideration.

After discussion, the board voted to vacate the previous denial and approve the application contingent.

FIRKUS, NICHOLAS – REQUEST FOR INFORMAL HEARING

Mr. Firkus was present

Mr. Barnhart presented this case stating Mr. Firkus' application for a Certified Residential Contractor's license was denied at the February 2019 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 and the applicant failed to sufficiently demonstrate financial stability and responsibility pursuant to section 489.115, F.S. and Rule 61G4-15.006, Florida Administrative Code. The Notice of Intent to Deny was filed in March of 2019. Mr. Firkus timely requested board reconsideration.

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

LATHROP, ADRIENNE – PETITION FOR VARIANCE OR WAIVER

Ms. Lathrop was present.

Mr. Barnhart presented this case stating Ms. Lathrop filed a petition for Variance or Waiver on March 26, 2019. The petition was noticed in the Florida Administrative Register on March 29, 2019. Mr. Barnhart noted the Petitioner ask the Board for a variance or waiver of Rule 61G4-16.005, Florida Administrative Code.

After discussion, the board voted the petitioner had standing; after further discussion the board declined to answer, no hardship demonstrated.

MCLAUGHLIN, AMANDA – RECONSIDERATION

Ms. McLaughlin was not present.

Mr. Barnhart presented this case stating Ms. McLaughlin's application for a Certified Plumbing Contractor's license was denied at the November 2018 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 December of 2018. Ms. McLaughlin timely requested board reconsideration.

After discussion, the board voted to deny the request to vacate and withdraw the application and upheld the denial.

NAVARRO, GONZALO & CONRAD, ANDREA – PETITION FOR DECLARATORY STATEMENT

Counsel was present on behalf of petitioners.

Mr. Barnhart presented this case stating that the Mr. Navarro and Ms. Conrad filed a petition for Declaratory Statement on March 8, 2019. The petition was noticed in the Florida Administrative Register on March 22, 2019. The amended petition was filed with the Department of Business and Professional Regulation on April 17, 2019. Notice of the amended petition was published in the Florida Administrative Register on April 24, 2019. The petition to intervene filed by Sixsides Architecture, Inc was denied. The petition to Intervene filed by Florida Roofing and Sheet Metal Contractors Association was granted. Mr. Barnhart noted the petitioner asks the Board a few questions in regards to a dispute over whether a contract is valid or not.

1. Pursuant to section 489.113(2), F.S., does a person who is certified or registered "supervise" a subcontractor who is not certified or registered, when the person who is certified or registered never performs construction work other than procuring a building permit?

2. Pursuant to section 489.113(2), F.S., is a “supervising contractor” “responsible for the work” when the “supervising contractor” has no contract to perform work at the property?
3. Pursuant to section 489.103(16), F.S., if a certified or registered general contractor only obtains a building permit but does no construction work, were the contractor services to be performed under the terms of the design-build contract “rendered” by a certified or registered general contractor?
4. Pursuant to section 489.128, F.S., is SAI “unlicensed” to perform the construction work “rendered” by it?
5. Did section 489.103(16), F.S., exempt SAI from being licensed as a contractor, when the construction work was not rendered by the licensed contractor that procured the building permit?
6. Did section 489.103(16), F.S., when read together with section 481.229(3), F.S., exempt SAI from being licensed as a contractor, when the construction work was not negotiated by the licensed contractor that procured the building permit?
7. Did section 489.103(16), F.S., when read together with section 481.229(3), F.S., exempt SAI from being licensed as a contractor, when the construction work was not negotiated by any licensed contractor.

After discussion, the provisions of section 489.105(3)(c), F.S., are clear and the Board declines to answer the petition due to the Petitioners not having standing to request a Declaratory Statement from the Board. Even if the Petitioners have standing, the Board declines to answer the petition due to the following reasons: (1) conduct has already occurred; (2) asking about the conduct of another person; (3) litigation is either ongoing or imminent.

ROGERO, RICHARD – PETITION FOR VARIANCE OR WAIVER

Mr. Rogero was present with Counsel.

Mr. Barnhart presented this case stating Mr. Rogero filed a petition for Variance or Waiver on May 20, 2019. The petition was noticed in the Florida Administrative Register on May 23, 2019. Mr. Barnhart noted the Petitioner ask the Board for a variance or waiver of Rule 61G4-15.006 (1), Florida Administrative Code.

After discussion, the board voted the petitioner had standing; after further discussion the board voted to grant the petition for variance or waiver of Rule 61G4-15.006, Florida Administrative Code.

SANCHEZ JR., ANTONIO – REQUEST FOR INFORMAL HEARING

Mr. Sanchez was present.

Mr. Barnhart presented this case stating Mr. Sanchez’s application to qualify AR DESIGN AND CONSTRUCTION, LLC as an additional business was denied at the February 2019 meeting of the Board for failure to appear as required by Rule 61G4-15.0021, Florida Administrative Code, 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, F.S. and Rule 61G4-15.0024, Florida Administrative Code and the applicant failed 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 March of 2019. Mr. Sanchez timely requested board reconsideration.

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

SCHOLLENBERGER, ANDREW – REQUEST FOR INFORMAL HEARING

Continued to August 2019.

SMITH, MICHAEL D. – REQUEST FOR INFORMAL HEARING

Mr. Smith was present

Mr. Barnhart presented this case stating Mr. Smith's application to qualify CERTIFIED ROOFING AND RENOVATIONS INC., as an additional business was denied at the February 2019 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 2019. Mr. Smith timely requested board reconsideration.

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

VARNELL, ANTHONY – REQUEST FOR INFORMAL HEARING

Mr. Varnell was present

Mr. Barnhart presented this case stating Mr. Varnell's application for a Registered Roofing Contractor's license was denied at the February 2019 meeting of the Board because the applicant is currently under investigation or prosecution in a jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, contrary to section 455.213 (3), Florida Statutes. The Notice of Intent to Deny was filed in March of 2019. Mr. Varnell timely requested board reconsideration.

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

WILSON, JERRY CURTIS – RECONSIDERATION

Continued to July 2019.

WORTHMANN, DREW – REQUEST FOR INFORMAL HEARING

Mr. Worthmann was not present

Mr. Barnhart presented this case stating Mr. Worthmann's application to qualify WORTHMANN, LLC as an additional business was denied at the February 2019 meeting of the Board for the applicant not having the qualifying experience for a roofing license, and the applicant failed to demonstrate the he was paid as a W-2 employee by a licensed roofing contractor for his roofing experience. The Notice of Intent to Deny was filed in March of 2019. Mr. Worthmann timely requested board reconsideration.

After discussion, the board voted to uphold the denial.

PUBLIC COMMENT:

Ben Bolusky, CEO, Florida Nursery, Growers & Landscape Association (FNGLA)

- A motion was made and unanimously passed to open Rule 15.035, Florida Administrative Code, for development.
- FNGLA will work with Board Counsel to develop proposed rule language.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – Ted Feaster

Mr. Feaster gave the following report:

@ 1st ATTEMPT (TRADESMANCE.COM)

- 1st course: FL 7 Hour First Time CE for Contractors: **approved**
- 2nd course: FL 7 Hour First Time CE for HVAC Contractors: **approved**
- 3rd course: FL 7 Hour First Time CE for Plumbing Contractors: **approved**

A BUILDERS LICENSE TRAINING INSTITUTE

- 1st course: Construction Health and Safety Compliance: **approved**

BUILDING OFFICIALS ASSOCIATION OF FLORIDA

- 1st course: Workers Comp and Building Safety 101: **approved**

ENERGY & ENVIRONMENT BUILDING ASSOCIATION (EEBA)

- 1st course: HERS Associate & Taking the Performance Path: **denied**

FI FOIL COMPANY, INC.

- 1st course: Hybrid Insulation Systems Using Reflective Technology: **denied**

FLORIDA CONTRACTORS SCHOOL OF CONTINUING ED

- 1st course: Construction Management: **approved contingent**
- 2nd course: Core Course Requirements for Contractors 2019-2021: **approved contingent**

GOLD COAST SCHOOL OF CONSTRUCTION, INC.

- 1st course: CILB 14-Hr Continuing Education Bundle: **approved**

INDIAN RIVER STATE COLLEGE

- 1st course: Design Concepts for Livable Homes and Aging in Place: **denied**
- 2nd course: Details & Solutions for Livable Homes & Aging in Place: **denied**
- 3rd course: Marketing & Communicating with the Aging in Place Client: **denied**

TITAN CONTINUING EDUCATION, INC.

- 1st course: Introduction to Zero Energy Buildings: **approved**

COBB & GONZALEZ, P.A.

1st course: Construction Licensing: **approved**

RULES/PUBLIC/LEGISLATIVE COMMITTEE – Aaron Boyette

Mr. Boyette gave the following report:

61G4-15.001: Qualification for Certification

- Date sent to OFARR: 3/20/19
- Rule Development Published: 3/27/19

61G4-15.004: Certification by Endorsement; Examination Equivalency

- Date Language approved by board: 6/15/18
- Date sent to OFARR: 9/5/18, 9/26/18, 12/14/18
- Rule Development Published: 9/13/18
- Notice Published: 10/4/18, 10/5/18, 10/19/18, 10/26/18, 10/29/18, 10/29/18, 12/24/18, 1/7/19, 1/7/19, 1/18/19, 1/23/19
- Rule Adopted: 2/18/19
- Effective Date: 3/10/19

61G4-15.0021: Business Organizations

- Date Language approved by board: 5/11/18
- Date sent to OFARR: 8/7/18, 12/14/18
- Rule Development Published: 8/20/18
- Notice Published: 9/5/18, 9/11/18, 9/25/18, 10/26/18, 10/29/18, 12/24/18, 1/7/19, 1/14/19
- Rule Adopted: 2/8/19
- Effective Date: 2/28/19

61G4-15.0021: Business Organizations

- Date sent to OFARR: 3/20/19
- Rule Development Published: 3/27/19

61G4-15.039: Certification of Industrial Facility Specialty Contractors

- Date Language approved by board: 12/12/18
- Date sent to OFARR: 12/14/18
- Rule Development Published: 12/24/18
- Notice Published: 1/8/19
- Rule Adopted: 2/13/19
- Effective Date: 3/5/19

61G4-16.001: Written Certification Examination Requirements

- Date sent to OFARR: 3/20/19
- Rule Development Published: 3/27/19

61G4-16.007: Security and Monitoring Procedures for Certification Examination

- Date sent to OFARR: 3/20/19
- Rule Development Published: 3/27/19

61G4-17.002: Aggravating and Mitigating Circumstances

- Date sent to OFARR: 4/19/19
- Rule Development Published: 4/26/19

Review of draft language- Rule 61-G4-15.001, 61G4-15.0021, 61G4-16.001: language approved

Rule 61G4-12.010 – A motion was made and unanimously passed to open the rule for development

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

OLD BUSINESS

Removal of old materials from laptops.

NEW BUSINESS

With no further business the meeting was adjourned at 11:04am.