

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Sanibel Harbour Marriott
17260 Harbour Pointe Dr
Fort Myers, FL 33908
239.466.4000**

**June 6, 8-10, 2022
MEETING MINUTES**

Approved January 13th, 2023

Board Members Present

Michael Strickland, Chair
Don Cesarone, Vice-Chair
Bradley Barreto
Frank Cawthon
Mario Famada
Ted Feaster
Robert Maphis
Edward McCullers
Ashley Ross
Michael Sasso
Brian "Parks" Wilson
Rachelle Wood
Brian Zettle

Board Members Absent

Edgar Laney
Keith Lawson

Others Present

Don Shaw, Executive Director, DBPR
Jordan Jones, Senior Management Analyst Supervisor, DBPR
Madison Williams, Government Analyst, DBPR
Ian Brown, Chief Construction Attorney, DBPR
Sally Raines, Senior Prosecuting Attorney, DBPR
Christopher Dierlam, Assistant Attorney General, OAG
Ronald "Tom" Jones, Assistant Attorney General, OAG

ADDITIONAL BUSINESS ENTITIES REVIEW DIVISION II

Division II Board members met for Additional Business Entities Review on June 8th, 2022 from 2:00 – 2:37pm. Mr. McCullers led the meeting. Of the 11 applications on the agenda, 3 were approved, 1 was continued, 2 were approved contingent, 2 were pulled, and 3 were withdrawn.

APPROVED (3)

Kleiner, Henry
Verney, Andres
Wiggins, John

APPROVED CONTINGENT (2)

Roberts, Charles
Sieber, William

CONTINUED (1)

Aguirre, Jaime – 30 Days

PULLED (2)

Burnsed, Donald – Tab B
White, John – Tab J

WITHDRAWN (3)

Ortega, Alesia
Santana, Sergio
Syed, Akram

APPLICATION REVIEW DIVISION II

Division II Board members met for Application Review on June 8th, 2022 from 3:01 – 4:23pm. Mr. Famada led the meeting. Of the 26 applications on the agenda, 9 were approved, 1 was approved contingent, 6 were continued, 3 were pulled, 3 were withdrawn and 4 were denied.

APPROVED (9)

Adkins, Steven
Barton, David
Beitler, Richard
Boehly, Bret
Graham, Bryan
Guise, Ryan E
Perez Acevedo, Guillermo
Ramos, Miguel Angel Jr
Shores, Glenn Thomas Jr

APPROVED CONTINGENT (1)

Sanches, Rosangela Pereira

CONTIINUED (6)

Capone, Paul David
Coombs, James
Frazier, Tavares Nekea
Hidalgo, Jordan Pierce
Martinez, Giordano Nestor
Minasalli, Charles John

PULLED (3)

King, Derek John
Mendheim, Henry E (2)

WITHDRAWN (3)

Coelho, Jhonatas Gemal
Corrow, David Wayne
Rios, Eric

DENIED (4)

Bates, Shaune
Gonzalez, Seriozha Sergio
Squires, James Dean
Strickland, James Heath

Division II voted unanimously to ratify the list of approved Financially Responsible Officers.

ADDITIONAL BUSINESS ENTITIES REVIEW DIVISION I

Division I Board members met for Additional Business Entities Review on June 9th, 2022 from 1:30 – 1:47pm. Mr. Feaster led the meeting. Of the 9 applications on the agenda, 5 were approved, 1 was approved contingent, 2 were continued, and 1 was denied.

APPROVED (5)

Abram, Mark
Clower, Carl L Jr
Hammen, Jesse B
Kleiner, Henry
Mandianez, Jorge

APPROVED CONTINGENT (1)

Tabri, Anwar Stephen

CONTINUED (2)

Coleman, Michael Patrick
Richel, Michael

DENIED (1)

Freese, Patrick A

APPLICATION REVIEW DIVISION I

Division I Board members met for Application Review on June 9th, 2022 from 2:00 – 3:52m. Mr. Maphis led the meeting. Of the 31 applications on the agenda, 13 were approved, 6 were continued, 3 were withdrawn, 3 were pulled and 5 were denied.

APPROVED (13)

Apple, Jeffrey
Banks, Donald
Broussard, Barrett
Davila, Hector
Flodin, Kirby
Flynn, Scott
Harasimowicz, Adam
Hernandez, Christian
Igoe, Jame
Margalit, Eran
Sanders, Carroll
Spade, Saul
Sylvester, Paul

APPROVED CONTINGENT (1)

Trepachko, Dmitriy

CONTINUED (6)

Bass, Christopher
Davis, Cynthia
Harris, Russell
McMillan, Michael
Rodriguez, Roberto
Whalen, Todd

WITHDRAWN (3)

Bigelow, Barry
Frank, John
Mora, Antonio

PULLED (3)

Acevedo, Daniel
Alexander, Christian
Tilson, Nathan

DENIED (5)

Brewer, Barry

Crandell, Christopher
Jackson, Eric
Kulvinskis, Jason
Machain, Timothy

Division II voted unanimously to ratify the list of approved Financially Responsible Officers.

Division II Board members met for Final Action on June 9th, 2022 from 8:31– 8:37am. Mr. Cesarone led the meeting.

Case#(s): 2021024299

Thomas James Dyer

License #(s): CCC1328241

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 \$302.08

Present

Case#(s): 2021043763

James Warren McAlister

License #(s): CPC1458523

Revocation

Pay administrative fines in the amount of \$10,000 and costs of \$203.27

Not present

Division I & II Board members met for Final Action on June 9th, 2022 from 9:00 – 9:13am. Mr. Strickland and Mr. Cesarone led this meeting.

Case#(s): 2022007488

Brian L Homan

License #(s): FRO8759

Previously Voluntary Relinquished

Restitution: to be determined by FHCRF

Not present

Case#(s): 2018047886 / 2020055812 / 2020028632

Antonio Luvara

License #(s): CGC1519937 / CGC1518830 / CAC1816795 / CFC1428288

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 \$500

Not present

Case#(s): 2020008804

Gregory S McIntosh

License #(s): CGC1521293 / CPC1458764

Pay administrative fines in the amount of \$1,000 and costs of \$283.90

Not present

Case#(s): 2021000147

Anthony Shane McLemore

License #(s): CBC1259841 / CPC1458492 / SCC131151656

Revoked

Restitution: \$2,332.00

Pay administrative fines in the amount of \$12,500 and costs of \$251.44

Not present

Case#(s): 2021002956

Anthony Shane McLemore

License #(s): CBC1259841 / CPC1458492 / SCC131151656

Revoked

Restitution: to be determined by FHCRF

Pay administrative fines in the amount of \$15,000 and costs of \$347.61

Not present

Case#(s): 2021033135

Anthony Shane McLemore

License #(s): CBC1259841 / CPC1458492 / SCC131151656

Revoked

Restitution: \$14,706.60

Pay administrative fines in the amount of \$17,500 and costs of \$144.82

Not present

Case#(s): 2021019877

Orlando A Nightengale

License #(s): FRO6902

Restitution: \$50,000.00

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 \$300.23

Not present

**Division I Board members met for Final Action on June 9th, 2022, from 9:31 – 9:41am.
Mr. Strickland led the meeting.**

**Case#(s): 2021022240 / 2020025090 / 2021002983 / 2020051040 / 2021017281 /
2020058398 / 2020038545 / 2020023965**

William Francis Ladson III

License #(s): CRC1331037

Voluntary Relinquishment

Restitution: to be determined by FHCRF

Pay administrative fines in the amount of \$80,000 and costs of \$1,000

Not present but represented by counsel.

Case#(s): 2020026340

Nick Albert Martinez

License #(s): CGC1514806

Probation for 2 years

7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.
Pay administrative fines in the amount of \$4,500 and costs of \$430.84
Not present

Case#(s): 2021032991

John S Mihalik

License #(s): CBC1263037 / CBC1263100

Restitution: \$50,000.00

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 \$353.37

Not present

Case#(s): 2019030569

Raymond Wayne Raulerson

License #(s): CGC9471

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

Pay administrative fines in the amount of \$10,500 and costs of \$319.81

Not present

Case#(s): 2021018728

David C Wallace

License #(s): CBC1262209

Previously revoked

Restitution: to be determined by FHCRF

Pay administrative fines in the amount of \$17,500 and costs of \$214.94

Not present

GENERAL SESSION

The meeting was called to order by Mr. Strickland, at 8:30am. Mr. Strickland gave the Invocation and Mr. Maphis led the Pledge of Allegiance.

CHAIRMAN'S REPORT – MICHAEL STRICKLAND

Mr. Strickland welcomed the new board members, Mr. Sasso, Mr. Barreto, and Mr. Zettle. Mr. Strickland also welcomed the new member of board staff, Madison Williams.

Mr. Strickland also requested excused absences for the following members:

- Mr. Lawson
- Mr. Laney

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

EXECUTIVE DIRECTOR'S REPORT – DONALD SHAW

Mr. Shaw welcomed the new board members and welcomed Ms. Williams.

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

PROSECUTING ATTORNEY'S REPORT – IAN BROWN

Mr. Brown welcomed the new board members and Ms. Williams. Mr. Brown also provided an update on the case load and staffing issues within his section.

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

HEARING AND PETITIONS

MARK DAVIS – INFORMAL HEARING

Mr. Davis was present.

Mr. Dierlam presented this case stating Mr. Davis' application to qualify Calvary Brothers Roofing, LLC as an additional business entity was denied at the November 2021 meeting of the Board for failure to appear as required by Rule 61G4-15.0021, Florida Administrative Code, and for failure to demonstrate supervision as required in section 489.119, Florida Statutes, and Rule 61G4-15.0024, Florida Administrative Code. The Notice of Intent to Deny was filed in December of 2021. Mr. Davis timely requested an informal hearing.

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

JOSEPH FORLENZO – INFORMAL HEARING

Mr. Forlenzo was present.

Mr. Dierlam presented this case stating Mr. Forlenza's application to qualify County Line Builders, LLC as an additional business entity was denied at the March 2022 meeting of the Board for failure to demonstrate supervision as required in section 489.119, Florida Statutes, and Rule 61G4-15.0024, Florida Administrative Code. The Notice of Intent to Deny was filed in April of 2022. Mr. Forlenza timely requested an informal hearing.

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

JONATHAN GONZALEZ – INFORMAL HEARING

Mr. Gonzalez was not present.

Mr. Dierlam presented this case stating Mr. Gonzalez' application for a Certified General Contractor's license was denied at the October 2021 meeting of the Board for failure to comply

with the provisions of section 489.115 (3)(d), Florida Statutes. The Notice of Intent to Deny was filed in November of 2021. Mr. Gonzalez timely requested an informal hearing.

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

KENNETH KELLY – INFORMAL HEARING

Mr. Kelley was present.

Mr. Dierlam presented this case stating Mr. Kelly's application for a Certified Solar Contractor's license was denied at the December 2021 meeting of the Board for failure to demonstrate the required experience as required by section 489.111, Florida Statutes and Rule 61G4-15.001, Florida Administrative Code; because the applicant had failed to comply with a previously entered order of the Board; and because the applicant is currently under investigation or prosecution for an act that would constitute a violation of the relevant practice act. The Notice of Intent to Deny was filed in February of 2022. Mr. Kelly timely requested an informal hearing.

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

BRADLEY MARKET – PETITION FOR VARIANCE AND WAIVER

Mr. Market was present.

Mr. Dierlam presented this case stating Mr. Market filed a petition for variance and waiver on April 4, 2022. The petition was noticed in the Florida Administrative Register on May 2, 2022. Mr. Dierlam noted the petitioner is seeking a variance or waiver of Rule 61G4-16.005, Florida Administrative Code, that states a passing examination grade shall be valid only for a period of four years from the date of the most recently passed portion of the exam.

After discussion the Board voted to deny the petition finding that the petitioner failed to establish that the Board's application of the Rule to the petitioner's circumstances would violate the principles of fairness or impose a substantial hardship.

MARTIN PENHALIGON – INFORMAL HEARING

Mr. Penhaligon was present.

Mr. Dierlam presented this case stating Mr. Penhaligon's application to qualify Martin Jeffrey Penhaligon dba Individual as an additional business entity was denied at the April 2022 meeting of the Board for failure to appear as required by Rule 61G4-15.0021, Florida Administrative Code, and for failure to demonstrate supervision as required in section 489.119, Florida Statutes, and Rule 61G4-15.0024, Florida Administrative Code. The Notice of Intent to Deny was filed in May of 2022. Mr. Penhaligon timely requested an informal hearing.

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

GUY SHIPMAN – PETITION FOR VARIANCE AND WAIVER

Mr. Shipman was present.

Mr. Dierlam presented this case stating Mr. Shipman filed a petition for variance and waiver on April 22, 2022. The petition was noticed in the Florida Administrative Register on May 3, 2022. Mr. Dierlam noted the petitioner is seeking a variance or waiver of Rule 61G4-16.005, Florida Administrative Code, that states a passing examination grade shall be valid only for a period of four years from the date of the most recently passed portion of the exam.

After discussion the Board voted to deny the petition finding that the petitioner failed to establish that the Board's application of the Rule to the petitioner's circumstances would violate the principles of fairness or impose a substantial hardship.

SCARLETT VIDAAL – INFORMAL HEARING

Ms. Vidaal was present.

Mr. Dierlam presented this case stating Ms. Vidaal's application to IngTekh Engineering Group, Inc. as an additional business entity was denied at the March 2022 meeting of the Board for failure to demonstrate supervision as required in section 489.119, Florida Statutes, and Rule 61G4-15.0024, Florida Administrative Code. The Notice of Intent to Deny was filed in April of 2022. Ms. Vidaal timely requested an informal hearing.

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

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – EDWARD MCCULLERS

Mr. McCullers gave the following report:

CONSTRUCTION PROFESSIONALS INSTITUTE, INC.

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

DEPARTMENT OF EDUCATION, EDUCATIONAL FACILITIES

1st course: State Requirements for Educational Facilities (Informal Hearing): **continued**

MIKE HOLT ENTERPRISES, INC.

1st course: Practical Application of the NEC for Bonding & Grounding: **approved**

ORANGE COUNTY DIVISION OF BUILDING SAFETY

1st course: Electrical Residential Inspections: **withdrawn**

2nd course: Electrical Residential Inspections (Online): **withdrawn**

3rd course: Exterior Frame and Lath Inspections: **approved**

4th course: Exterior Frame and Lath Inspections (Online): **approved**
5th course: Footing Inspections: **approved**
6th course: Footing Inspections (Online): **approved**
7th course: Framing Inspections: **approved**
8th course: Framing Inspections (Online): **approved**
9th courses: Insulation Inspections (Online): **approved**
10th course: Insulation Inspections: **approved**
11th course: Lintel and Tie Beam Inspections: **approved**
12th course: Lintel and Tie Beam Inspections (Online): **approved**
13th course: Mechanical Residential Inspections (Online): **approved**
14th course: Mechanical Residential Inspections: **approved**
15th course: Plumbing and Gas Residential Inspections (Online): **approved**
16th course: Plumbing and Gas Residential Inspections: **approved**
17th course: Pool Inspections: **approved**
18th course: Pool Inspections (Online): **approved**
19th course: Roof Inspections: **approved**
20th course: Roof Inspections (Online): **approved**
21st course: Single Family Residence Final Inspections (Online): **approved**
22nd course: Single Family Residence Final Inspections: **approved**
23rd course: Slab Inspections: **approved**
24th course: Slab Inspections (Online): **approved**
25th course: Window and Sliding Door Inspections: **approved**
26th course: Window and Sliding Door Inspections (Online): **approved**

PRIORITY TRAINING

1st course: Competent Reason: **approved**
2nd course: Confined Spaces: **approved**
3rd course: Hazardous Materials: **approved**

RECOVERY FUND COMMITTEE - FRANK CAWTHORN

Mr. Cawthorn gave the following report:

Larson v Paramo: Claim No. 2019-009034: ***DENIED***
Wood v Ruggiano: Claim No. 2021-036728: ***DENIED***
Mink v Graham: Claim No. 2021-049210 : **\$50,000.00**
Miller v Webster: Claim No. 2020-051204 : **\$50,000.00**
Barauskas v Delaney: Claim No. 2021-017614 : **\$2,600.00**
Colodny v Case: Claim No. 2021-016354 : **\$1,901.77**
Baer v Rice: Claim No. 2021-018259 : **\$7,900.00**
Kohl v Craft: Claim No. 2021-046296 : **\$4,725.00**
Salaberry v Spann: Claim No. 2021-046644 : **\$8,661.00**
Antonopoulos v Hernandez: Claim No. 2012-008492 : **\$6,600.00**
Smith v Ruggiano: Claim No. 2021-005876 – **Continued 60 days**
Caruana v Creamer: Claim No. 2021-020532 : **\$6,500.00**

Cote v Dellinger: Claim No. 2021-032783 : **\$6,500.00**
Loren v Homan: Claim No. 2021-024360 : **\$4,597.50**
Clutter v Craft: Claim No. 2021-034406 : **\$9,271.65**
Uspensky v Homan: Claim No. 2021-026234 : **\$14,850.00**
Horror v Homan: Claim No. 2021-032862 : **\$6,650.00**
Scandone v Grenwald: Claim No. 2021-047840 : **\$17,432.22**
Schwitz v Southwick: Claim No. 2021-035322 : **\$6,500.00**
Giangrante v Dellinger: Claim No. 2021-034567 : **\$15,000.00**
Machin v Spann: Claim No. 2021-034849 : **\$9,169.00**
Mohler v Craft: Claim No. 2021-048186 : **\$7,977.26**
Medina v Craft: Claim No. 2021-048498 : **\$22,850.00**
Sanders v Spann: Claim No. 2021-035103 : **\$15,000.00**
McRory v Craft: Claim No. 2021-035659 : **\$12,798.50**
Nagel v Scribner: Claim No. 2021-036749 – **DENIED**
Grossman v Gerst: Claim No. 2021-035160 : **\$29,000.00**
Dykstra v Spann: Claim No. 2021-026774 : **\$9,930.00**
Fortunato v Dutruch: Claim No. 2021-032437 : **\$5,400.00**
Angelov v Herrmann: Claim No. 2021-037598 : **\$3,900.00**
Herrera v Hernandez: Claim No. 2021-038825 : **\$15,000.00**
Houston v Craft: Claim No. 2021-038630 - **DENIED**
Birgbauer v Weiler: Claim No. 2020-008798 : **\$50,000.00**

OLD BUSINESS

Removal of Board materials from laptops.

NEW BUSINESS

Mr. Cawthon mentioned that he would like to the Recovery Fund single claim cap limits and lifetime caps limit be increased to keep pace with inflation. Mr. Cawthon requested direction on how they can proceed with making that happen. Mr. Shaw informed the Board that they cannot lobby as an entity, but that individual board members can certainly lobby for legislative changes in their personal capacity.

Mr. Cawthon brought up an issue with endorsement applications regarding out-of-state contractors coming with states that have placed dollar value limitations on their license. Discussion took place on

Mr. Shaw informed the Board that the Governor approved three new laws affecting the construction industry in Florida.

Finally, Mr. Shaw informed the Board that the Rules Committee would convene in July to discuss some new rulemaking and to address some letters received by the Joint Administrative Procedures Committee.

With no further business the meeting was adjourned at 9:08am.