

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

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

July 7, 8-10, 2015

**MEETING MINUTES
Unapproved**

Board Members Present

Robert Moody
Jacqueline Watts
Albert Korelishn
William Sheehan
Mary Layton
Andrew Allocco
Aaron Boyette
Edward Weller
Christopher Cobb
Roy Lenois, Chair
Jason Wolf
Hector Castro
Richard Kane
Mark Pietanza

Board Members Absent

William "Brian" Cathey
James Evetts, Vice Chair
Keith Lawson II

Others Present

Dan Biggins, Executive Director, DBPR
Amanda Wynn, Government Analyst, DBPR
David Spingler, Government Analyst, DBPR
Douglas Dolan, Legal Advisor, AGO
Kyle Christopher, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division II Board members met for Additional Business Entities Review on July 8, 2015 from 2:01 – 2:54pm. Ms. Watts led the meeting. Of the 15 applications on the agenda, 7 were approved, 2 were continued, 2 were approved contingent, 3 were denied and 1 was pulled.

APPROVED (7)

Giro, Rafael E.
Jackson, Tony S.
Jaramillo, Uzziel I.
Libiszewski, Craig M.
Novoa, Ramon
Sicignano, Robert A.
Vicker, Richard M.

APPROVED CONTINGENT (2)

Kearney Jr., Bing Charles W.
Kearney Jr., Bing Charles W.

CONTINUED (2)

Reidy, David J. – 60 day continuance
Savage, Michael W. – 30 day continuance

DENIED (3)

Corredor, Mauricio
Howell, James D.
Peterson, Scott L

PULLED (1)

Foulk, Frederick J.

Division I Board members met for Additional Business Entities Review on July 9, 2015, from 2:21- 3:35pm. Mr. Boyette led the meeting. Of the 38 applications on the agenda, 22 were approved, 3 were approved contingent, 10 were continued, 2 were denied and 1 was withdrawn.

APPROVED (22)

Borregard, William S.
Chasin, Robert C.
Clayton III, Charles W.
Daluisse, Blaise
Davis, James F.
Donegan, Brian G.
Goldman, Richard M.
Hope, Aaron M
Howard, Scott C.
Jackson, Tony S.
Jones, Brian T.
Krawchuk, Gary J.
McDonald, Eric J.

Nichols, Steven H.
Pearson, Clifford J.
Radtke Jr., Robert L.
Runyan, Brad A.
Smock, William W.
Swindle, Richard D.
Swindle, Richard D.
Thornton III, William A.
Yates Jr., William G.

APPROVED CONTINGENT (3)

Brown, Robert W.
Hill, Kevin H.
Johnston, Billy E.

CONTINUED (10)

Cooper, Michael P. – 30 day continuance
Delwisch, Clinton H. – 30 day continuance
Dorso, Louis M. – 30 day continuance
Elias, Maria P. – 90 day continuance
Hennessey II, Joseph P. – 30 day continuance
Kearney Jr., Bing Charles W – 6 month continuance
Kearney Jr., Bing Charles W.- 6 month continuance
Mayes, Antony T. – 90 day continuance
Paris, Jack A. – 90 day continuance
Rios Jr., Miguel A.- 30 day continuance

DENIED (2)

Cruz, Osvaldo
Estevez, Alexandra J.

WITHDRAWN (1)

Workman, Barry T.

APPLICATION REVIEW

Division II Board members met for Application Review on July 8, 2015, from 3:04-4:22pm. Mr. Cobb led the meeting. Of the 24 applications on the agenda, 9 were approved, 5 were continued, 5 were denied, and 5 were withdrawn.

APPROVED (9)

Antoniou, Ilias H.
Axmacher, Joshua P.
Conger III, Daniel M.
King, Shawn A.- downgrade to CPC Servicing
Massey, Michael B.
Provencal, Larry M.
Ravelo, Carlos A.
Saenz, Abdias H.

Stone, David E.

CONTINUED (5)

Dahlquist, David- 60 day continuance
McAlhany, James G. – 30 day continuance
Suijkens, Michael W.- 60 day continuance
Thomas, James C. – 90 day continuance
Uffelman, S. Leigh – 60 day continuance

DENIED (5)

Derosa, Paul T.
Eastwood, Randal R.
Foster, Bradley B.
Kent, David M.
Kirkbride Sr., David O.

WITHDRAWN (5)

Ombalski, Daniel W.
Phillips, Thomas E.
Sherwood, Hugh C.
Smith, Christopher C.
West, Joseph D.

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

Division I Board members met for Application Review on July 9, 2015, from 3:46– 5:26pm. Mr. Sheehan led the meeting. Of the 29 applications on the agenda, 16 were approved, 5 were continued, 6 were denied, and 2 were pulled.

APPROVED (16)

Brown, Neville H.
Campanelli, Alphonse P.
Dilullo, John D.
Duckworth, Clifton W.
Dufur, Jeremy T.
Fernandez, Amat S.
Fier, Mercedes – downgrade to CRC
Fortin, David L.
Huff III, William B.
Maloney, Dason C.
Masline, Devin J.
Neff, Jason C.
Prkacin, Diana – downgrade to Industrial
Provencal, Larry M.
Sola Jr., James – downgrade to CRC
Trivett, Stephen

CONTINUED (5)

Garcia, Gregory W. – 60 day continuance

Jeffers Jr., Robert C. – 90 day continuance
Krulisky, Eric R. – 60 day continuance
Loftin, Michael K.- 60 day continuance
McAlhany, James G. – 30 day continuance

DENIED (6)

Cruz, Maksim F.
Dennis, Thomas
Lange, Jason D.
Loughmiller, Fred C.
Lugo, Hernan A.
Spazzarini, Edward A.

PULLED (2)

Greener, Andrew J.
Percy, Joel T.

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

Division I Board members met for Final Action on July 9, 2015, from 8:30am– 9:01am. Mr. Sheehan led the meeting.

Case #(s): 2014031023

GARY BERNHARDT

License #(s): CGC025759
7700 SW 114 St
Miami, FL 33156-4423
Probation for 6 years
7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.
Pay administrative fines in the amount of \$20,000 and costs of \$250.53
Present

Case #(s): 2013001705, 2013002075, 2013022347, 2013025463, 2013029501, 2013046590, 2014021011, 2014038545

LUCKNER EXANTUS

License #(s): CGC062650
9001 SW 203 Terrace
Miami, FL 33189-1856
Voluntary Relinquishment
Pay administrative fines in the amount of \$92,000 and costs of \$2,289.83
Not Present

Case #(s): 2014009358

ANDREW GAAB

License #(s): CBC4135958
PO Box 773291
Ocala, FL 34417
Restitution in the amount of \$948.00
Pay administrative fines in the amount of \$12,500 and costs of \$209.50

Not Present

Case #(s): 2012047248

JEFFERY HUGHES

License #(s): CRC1327590

2977 Sequoyah Dr

Haines City, FL 33844

Restitution in the amount of \$6,100

Probation for 6 years

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

Pay administrative fines in the amount of \$15,500 and costs of \$52.96

Not Present

Case #(s): 2014009467

RONNIE JONES

License #(s): CBC1255591 & CBC1250482

1822 SW 34 Ct

Ocala, FL 34474

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

Pay administrative fines in the amount of \$500.00 and costs of \$460.85

Present

Case #(s): 2014050797

PAUL KASISCHKE

License #(s): CRC1330730

4567 Pace Patriot Blvd

Pace, FL 32571

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 \$240.42

Present w/ out Counsel

Case #(s): 2013002962

HUGO LEPRE

License #(s): CGC061020

7300 SW 100 Ct

Miami, FL 33173

Pulled

Not Present

Case #(s): 2014022996

JASON MCKENDRY

License #(s): CRC1330395

831 Carnal St

Ft Walton Beach, FL 32547

Proposed Settlement Stipulation rejected by Board

Not Present

Case #(s): 2014019692

MICHAEL NELSON

License #(s): CGC1506283
320 Red Cedar Lane
Panama City Beach, FL 32407
7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.
Pay administrative fines in the amount of \$1,500 and costs of \$519.54
Present

Case #(s): 2014036590

BRUCE RYNEARSON

License #(s): CRC1329212
5025 Mortier Ave
Orlando, FL 32812
Restitution in the amount of \$2,860
Probation for 4 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 \$497.74
Not Present

Division I & II Board members met for Final Action on July 9, 2015, from 9:15am– 9:46am. Mr. Evetts and Mr. Lenois led the meeting.

Case #(s): 2014042292

DAVID BURROWS

License #(s): CVC056704, CVC056972, CCC1328415 & CGC1505549
1281 North Ocean Dr, #162
Singer Island, FL 33404
Probation for 4 years
14 hours additional live Continuing Education w/emphasis on Ch 489, F.S.
Pay administrative fines in the amount of \$4,000 and costs of \$300.18
Present

Case #(s): 2014035934

FERNANDO CARDAO

License #(s): FRO480
301 Clematis St, Ste 3000
West Palm Beach, FL 33401
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 \$245.24
Not Present

Case #(s): 2014027173

BRET RINNERT

License #(s): CGC1508482, CGC1519934, CCC1329809 & CCC1328183
3532 Carolwood Lane
St Augustine, FL 32086
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 \$143.93
Present

Case #(s): 2014041313

MICHAEL TOWNE

License #(s): CGC1521139, CBC1258388 & CCC1330125

3978 Trail Ridge Rd

Middleburg, FL 32068

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 \$459.21

Not Present

Case #(s): 2013043918

MICHAEL YANCEY

License #(s): CCC058055 & FRO6120

2036 Seahawk Cir

Ponte Vedra, FL 32082

Restitution in the amount of \$3,000

Probation for 4 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 \$1,028.10

Not Present

Case #(s): 2014000977

MICHAEL YANCEY

License #(s): CCC058055 & FRO6120

2036 Seahawk Cir

Ponte Vedra, FL 32082

Restitution in the amount of \$8,548.87

Probation for 4 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 \$596.65

Not Present

Division II Board members met for Final Action on July 9, 2015, from 9:55am– 10:17am. Mr. Lenois led the meeting.

Case #(s): 2014043473

ROLANDO FIGUEROA

License #(s): CCC1329338

6112 Wilbur Way

Lake Worth, FL 33467

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 \$147.68

Not Present

Case #(s): 2014016871

LIZ GUARDIA

License #(s): CPC1457055

14945 SW 145th St

Miami, FL 33196

Revocation

Restitution in the amount of \$275.00
Pay administrative fines in the amount of \$2,500 and costs of \$48.07
Not Present

Case #(s): 2014019555

LIZ GUARDIA

License #(s): CPC1457055

14945 SW 145th St

Miami, FL 33196

Revocation

Pay administrative fines in the amount of \$22,500 and costs of \$221.65

Not Present

Case #(s): 2014019754

LIZ GUARDIA

License #(s): CPC1457055

14945 SW 145th St

Miami, FL 33196

Revocation

Restitution in the amount of \$7,690.20

Pay administrative fines in the amount of \$22,500 and costs of \$47.67

Not Present

Case #(s): 2014039392

KYLE HUNT

License #(s): CAC1816190

249 Center Ct

Venice, FL 34285

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 \$202.97

Not Present

Case #(s): 2014046432

SHAWN LARKIN

License #(s): CCC1330115

304 Sprucewood Rd

Lake Mary, FL 32746

Restitution in the amount of \$4,198.81

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 \$61.22

Not Present

Case #(s): 2014027416

ROLANDO MARTINEZ

License #(s): CAC057814

15933 SW 153rd Ct

Miami, FL 33187

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 \$107.51
Not Present

Case #(s): 2013050465

TIMOTHY REEVES

License #(s): CAC1816451

2744 Roy Sikes Rd

Hilliard, FL 32046

Probation for 4 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 \$149.81

Present w/ Counsel

Case #(s): 2014005262

KEVIN SMITH

License #(s): CFC027524

1250 Central Park Dr

Sanford, FL 32771

pulled

Not Present

Case #(s): 2014053020

KEVIN SMITH

License #(s): CFC027524

1250 Central Park Dr

Sanford, FL 32771

pulled

Not Present

Case #(s): 2014052112

KEVIN SMITH

License #(s): CFC027524

1250 Central Park Dr

Sanford, FL 32771

pulled

Not Present

Case #(s): 2014017841

STEPHAN SPANNINGER

License #(s): CFC057734

11679 Claremont Dr

Port Charlotte, FL 33981

Restitution in the amount of \$5,500

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

Pay administrative fines in the amount of \$1,500 and costs of \$322.48

Not Present

PROBATION

Division II Board Members convened for Probation on July 9, 2015 from 10:20 – 10:34am. Mr. Korelishn led the meeting.

BLESSITT, KEVIN, CCC1330602
Result: Satisfactory

HARTWICK, BENJAMIN, CAC1816206
Result: Satisfactory

CHRISTOPHER, PATTI, CCC1328749
Result: Unsatisfactory – stay lifted

PROVENCAL, LARRY, CCC1328747
Result: Satisfactory - Contingent

Stays of Suspension to be lifted:

PRINCE, LYNN, RA13067549 –*New probationer; No previous continuances*
Result: Stay lifted

Division I Board Members convened for Probation on July 9, 2015 from 1:30 – 2:07pm. Mr. Sheehan led the meeting.

ALLEN, STEVEN, CGC1521189
Result: Satisfactory

AMBROSE, JOSEPH, CGC060341
Result: Unsatisfactory

ASBURY, JASON, CGC1511019
Result: Satisfactory

BRATKOVICH, ISAAC, CBC059323
Result: Unsatisfactory

CALVERT, RICKY, RR0067639
Result: Unsatisfactory

DAVIS, JOEL, CGC1519612
Result: Satisfactory

HENDERSON, JONATHAN, SCC131149811
Result: Satisfactory

KNIGHTEN, LISA, CBC1256809
Result: Unsatisfactory

MERRITT, DONALD, CBC1259938
Result: Unsatisfactory

NORTHWAY, BRYAN, CGC1522363
Result: Satisfactory

ORMAN, MARK, CGC1506674
Result: Satisfactory

PROVENCAL, LARRY, CGC1515398
Result: Satisfactory – contingent

RUDGE, REMON, CGC1506495
Result: Satisfactory

RUKSE, JOSEPH, CRC1331108
Result: Unsatisfactory

Stays of Suspension to be lifted:

WINTERS, TRACY ALAN, CBC059798
Result: Stay lifted

RULES/PUBLIC/LEGISLATIVE COMMITTEE: RULE 61G4-15.001 DISCUSSION

The Rules/Public/ Legislative Committee members convened for discussion on July 9, 2015 from 10:35- 11:33am. Ms. Watts led the meeting.

Discussion:

Rule 61G4-15.001: Qualification for Certification

Ms. Watts asks the Board if there is a definition for habitable.

Mr. Dudley responded to Ms. Watts that he has provided that to Mr. Dolan out of the 5th edition of the Building Code.

Mr. Dolan read the definition of habitable and occupiable space that was provided to him by Mr. Dudley: Habitable space is a space and structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, screen enclosures, sunroom Categories I, II and III as defined in the AAMA/NPEA/NSA 2100, storage or utility spaces and similar areas are not considered habitable spaces.

Occupiable Space: is a room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes or in which occupants are engaged at labor, and which is equipped with *means of egress* and light and *ventilation* facilities meeting the requirements of this code.

Ms. Watts suggested that occupiable space seems more fitting than habitable

A board member asked if Mr. Dolan could repeat the portion regarding labor that they think if the Board adopts the phrase occupancy classification that we should be very careful with the explanation.

Ms. Koning read the Qualification of certification for division I contractors 489.105

The definition is listed under 489.105(3) (read statute and definition)

(a) General Contractor: Unlimited as to the type of work in which he or she may do

(b) Building Contractor: Services are limited to construction of commercial building

(c) Residential Contractor: Limited to 1 family, 2 family or 3 family residences.

She stated there is nothing in the statute that refers to a contractor working in a habitable or occupiable space except a Residential Contractor; and we certainly can't add that to a BC or a GC of experience they have.

Ms. Watts asked, whether remodeling would then have to be an experience they would have to accept?

Ms. Koning responded to Ms. Watts, that she is not an attorney and she's only reading what's in the statutes. So, yes as a contractor she can do all of those things because that's under the experience. As we go through to update the rule that has to be taken into consideration when we're looking at the experience.

Mr. Dudley wanted to clarify and follow up with Ms. Koning's comments. He stated that both definitions are defined in the building code, so he didn't want any misunderstanding about that. As to Ms. Koning's comments, he agrees. He doesn't believe that you can add the requirement by rule that says new and he doesn't believe you can add the word habitable. Mr. Dudley asserted this board has been applying a requirement that in work experience that applicant must have gained that experience on habitable structures and that's not reflected in the statutes. He went on to state that he disagrees that the Board should put that requirement in the rule. He suggested previously as an alternative the Board use the word occupiable, if they do anything at all. There are other changes that we all agree to but we are only talking about the latest draft from last month that adds new and adds habitable in all three categories.

Mr. Kershner commented that he agrees with his colleagues. He asked the Board to take a look at the definition of GC, BC, and RC, stating the only place that mentioned habitable is residential. He stated that if we were to take look at the proposed rule, or draft, we use the term habitable for both BC in 2 (a) and 3, so he would argue that we could use habitable only in residential and not in GC or BC as to occupiable. He stated he is not an attorney but he thinks then the Board would have an issue if it's not in the statute and we start using it in our rules, he believes then we will have a problem when it gets to JPEC.

Mr. Sheehan suggested the person who is building 4 story building have some experience that is necessary.

Mr. Trim stated that the Board has a rule that defines story: 8feet floor to ceiling.

Mr. Sheehan commented it's necessary that they are familiar with what it takes to make a 4 story building.

Ms. Watts asked the Board if we have a definition of what they can do, then how is it that we can require that they have done more than what's in the definition of what they can do?

Mr. Dudley feels that if the structures the Board has in mind for which work experience does not qualify, what basis is required to build that structure?

Mr. Dudley asserted every time he has filed a petition for application of licensure that doesn't include habitable he also files a waiver of the board's non-rule policy on habitability and he gets the license approved. He does not believe the Board is on legal grounds. He doesn't believe that we can add anything without going back to the legislature.

Ms. Koning stated, for the record, a residential contractor can upgrade his license to a general contractor after 4 years' experience not having done anything on a four story structure. We have means to get where we want anyway. The issue has to be the use of new construction; the issue of determining occupiable vs. habitable that this board go back and references by rule the types of structures referenced in the building code. We have drafted up language that addresses just those things. She suggested for needs to reference under both the GC app and 2(a) specifically is to add building and structures with any use of occupancy, except for group as that covers all of the construction we are allowed to do under the Building code. And that's the same for Residential Application.

Mr. Boyette asked to please clarify, doesn't an exemption on S & U one of the classification on S is an airplane hangar?

Mr. Biggins asked if anyone had any issues with Ms. Koning's draft.

Mr. Rebeck indicated that we do have problems with the new construction. He prefers occupiable over habitable. He believes Ms. Koning's draft was great; it ties it into the building code definitions. In the end, the object is trying to get unlicensed people into compliance. He doesn't feel the Board should raise the bar so high that it makes it almost impossible. He said to remember, its entry level, don't raise the bar so high that nobody can get in, because then you are driving people back into unlicensed activity.

Mr. Dudley's only problem is it excludes building types S&U. His problem with exempting storage and utility is if the Board wants to say these types of buildings don't count for work experience. Then he would question, can he build an air craft hangar without a license? He doesn't think so. He believes the board needs to be careful with unintended consequences.

Ms. Ammons stated that licenses are defined as entry level. The state examination by requirement by the department is written at entry level, and is required to be entry level to protect the public, the state requires the exam at entry level and she asks that the Board keep that in mind.

Mr. Lenois commented the Board has to protect consumers. We get very concerned about cases that have consumer harm. If we license people that with the best judgment do not qualify, he believes we have to keep that in mind if we are protecting the consumers.

Mr. Rebeck commented that it's a heavy burden to protect the consumers. In watching final action he understands there are a lot of bad people. But then again, how do most contractors get into trouble? It's not that they don't know how to lay bricks, mortar or steel. And when you get up to a GC level you're not doing the labor much anymore, you are managing a business, and that is where the contractors get into trouble, financial. He believes if anything we should be requiring basic business training in lieu of looking so hard at the experience requirements.

Ms. Ammons says the reason continuing education was put into law and rule was because of the need to follow up on the entry level. It was simply because entry level did require additional training along the way.

Mr. Sheehan agreed to what Mr. Rebeck stated is correct. 99.9% are Financial Mismanagement problems.

He suggested people out there with A, B, C perhaps lack the experience, but they passed the test. He does not feel the Board is going to the extreme requiring experience.

Mr. Kane stated there is a little wiggle room; but he's very comfortable with the way the rules have been applied so far.

Mr. Biggins mentioned that the staff applies the standard in the rule. Rules should match what the Board is doing. We're helping people understand our rule before making it to us; we are limited by our authority to make the rule. We haven't removed anything we have; so he doesn't think we are doing anything but helping people understand our rules before getting before the Board.

Mr. Dolan noted that it is a regulated entity on notice of what's expected of them. He does understand the expertise of the board is there for the experience of the applicant. He suggests that we make this an objective statement that most people can read and can understand the standards. If it goes to DOAH we can prove we've applied and they didn't qualify. The board has the authority to make rules but he would like to see a review of the application to match what's in Rule.

Mr. Biggins told the Board that they can just exclude occupiable or habitable, but that the better we can define the better we will be. But he thinks we should focus on the consensus with people in the industry and board itself. Do we like occupiable? Do we like what's in the draft? If we can all agree what will work then he thinks it would be beneficial.

Mr. Lenois does not think there is any way we can sit here today and make a decision. He feels we should take the information we have heard and the drafts presented and look and ponder over everything and exchange information.

Mr. Dolan stated that for the benefit of the members of the board, his most recent draft can be found in the agenda package, and he believes Ms. Koning's draft is a variation of that.

Ms. Koning mentioned that during application review this comes up a lot and that's why we're addressing this issue. When Mr. Dolan drafted his language, we took into consideration the multi-employer worksite. Mr. Dolan's draft had issues: multi-employer worksite covers subcontractors. In the last sentence under qualification of certification under the draft we submitted: 489.103(3) Municipalities employees: have lots of underground guys with work experience to gain licensure.

Ms. Watts expressed that a Governmental Entity does not have true experience of being a contractor. (Municipalities, Universities, Air force basis). The main problem with our contractors is financial. They are not getting that experience at all because there just delivered and they do the work.

Ms. Koning disagrees, especially if they are a foreman, colleges are working under the building official.

Mr. Boyette says he would have to agree with Ms. Watts. The experience they are gaining under a municipal setting is totally different than a private sector. Yes, they fit together the same way, but every other aspect of the business does not.

Mr. Kane suggested we are going to go down a very long road if we start allowing municipalities/ universities, and educational facilities, because some don't have the training and experience like we have.

Mr. Lenois pointed out that is one reason why they have box exemptions. They write their own codes, do their own thing. That's not what an everyday contractor has to do.

Mr. Dudley would like to keep Ms. Koning's draft alive on the table. He was even going to suggest exemption 8- properties exemption. He believes she has the right approach and encouraged the Board to keep draft alive.

Mr. Lenois expressed to the Board that he doesn't believe we are in a position to agree on anything at the moment. He suggests that we take the information we have thus far and mull it over, and then come back and discuss.

Mr. Sheehan asked the Board if we are going to have an extra meeting. He strongly suggests the board make a decision next month.

Ms. Watts stated that as chairman she will push for a decision next month. She asked if there is any other discussion on this subject.

Meeting adjourned.

GENERAL SESSION

The meeting was called to order by Roy Lenois, at 9:00am. Mr. Boyette gave the Invocation. Ms. Layton led the Pledge of Allegiance.

Review of Minutes: The Board approved minutes for:

- Final Action: January 2015- April 2015

EXECUTIVE DIRECTOR'S REPORT – Daniel Biggins

Mr. Biggins gave the following report:

Mr. Biggins distributed the CILB Complaint Summary.

Mr. Biggins also notified the Board that the Financial Disclosures were due July 1, 2015.

Mr. Biggins requested the Board excuse the following absences:

Mr. Evetts
Mr. Lawson
Mr. Cathey

The Board voted unanimously to excuse the above absences.

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

CHAIRMAN'S REPORT – Roy Lenois

Mr. Lenois gave the following report:

Mr. Lenois asked the Board to please remember to keep civility in check when dealing with the public that comes before the Board.

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

PROSECUTING ATTORNEY'S REPORT – KYLE CHRISTOPHER

Mr. Christopher gave the following report:

For the month of June 2015, the overall license activity case load was 683, up from 664 in May of 2015, and up from 467 in June of 2014.

There were 401 cases currently in Legal to be reviewed, 8 cases set for probable cause, 67 cases where probable cause had been found/administrative complaints filed, 0 settlement stipulation approved, 4 informal hearings requested, 0 cases awaiting outside action, 13 cases ready for default, 57 formal hearings requested, 4 cases referred to DOAH, 0 cases in settlement negotiations, 0 case pending board date, 46 cases set for board presentation, 83 cases awaiting final orders, 0 cases under appeal and 0 cases had been re-opened.

For the month of June 2015, 66 cases were closed.

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

ATTORNEY GENERAL'S REPORT – Douglas Dolan

ALLIANCE MECHANICAL SOLUTIONS LLC – PETITION FOR DECLARTORY STATEMENT

Representative for Alliance Mechanical Solutions LLC was not present

Mr. Dolan presented this case stating that Alliance Mechanical Solutions LLC filed a petition for a declaratory statement on April 6, 2015. The petition was noticed in the Florida Administrative Register on June 5, 2015. Mr. Dolan noted the petition seeks the Board's interpretation on whether the installation, including fitting and welding of metal, pre-engineered pipe, not including non-pressurized gas or fuel lines or fire or plumbing system piping, is within the scope of RULE 61G4-15.039, F.A.C., and if not, what license would be required to perform such activity.

Mr. Dolan 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 the petition did not have standing, and declined to answer due to the petition not being legally sufficient.

CHARLES CONNER – RECONSIDERATION

Mr. Conner was present.

Mr. Dolan presented this case stating Mr. Conner's application for a Certified General Contractors' license denied at the February 2015 meeting of the Board for failure to appear and failure to demonstrate required experienced, as required by Florida Statute 489.111, and 61G4-15.001 Florida Administrative Code. The Notice of Intent to Deny was filed in March of 2015. Mr. Conner timely requested board reconsideration.

After discussion, the Board voted to uphold the denial.

RASHELLE CROFUT – PETITION FOR DECLARTORY STATEMENT

Ms.Crofut was not present

Mr. Dolan presented this case stating that Ms.Crofut filed a petition for a declaratory statement on April 17, 2015. The petition was noticed in the Florida Administrative Register on June 15, 2015. Mr. Dolan noted the petition seeks the Board's interpretation on whether experience gained under a Certified General Contractor can be used to qualify a foreman who desires to obtain his State Underground Utility and Excavation Contractors' License.

Mr. Dolan 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 the petition did not have standing, and declined to answer due to the petition not being legally sufficient.

NICHOLAS ELLIS – REQUEST FOR INFORMAL HEARING

Mr. Ellis was present.

Mr. Dolan presented this case stating Mr. Ellis' application for a Certified Building Contractor's license was denied at the April 2015 meeting of the Board for failure to demonstrate required experienced, as required by Florida Statute 489.111, and 61G4-15.001 Florida Administrative Code. The Notice of Intent to Deny was filed in June of 2015. Mr. Ellis timely requested board reconsideration.

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

JOHN GWINNETT – REQUEST FOR INFORMAL HEARING

Mr. Gwinnett was not present.

Mr. Dolan presented this case stating Mr. Gwinnett's application to qualify an additional business was denied at the June 2015 meeting of the Board. Electronic mail was received from the applicant requesting the Notice of Intent to Deny issued in this matter be vacated, and that the applicant be allowed to withdraw the application to qualify S&K Building Services, LLC as an additional business entity.

After discussion, the Board voted to vacate the denial and the applicant withdrew their application.

SIGURDIS PERSAUD – REQUEST FOR INFORMAL HEARING

Mr. Sigurdis was not present.

Mr. Dolan presented this case stating Mr. Sigurdis' application for a Certified Roofing Contractors' license denied at the November 2014 meeting of the Board for failure to provide valid test scores, pursuant to Rule 61G4-16.005 Florida Administrative Code. The Notice of Intent to Deny was filed in February of 2015. Mr. Sigurdis timely requested board reconsideration.

After Discussion, The Board vacated the denial, and approved the application.

DONALD RICE – REQUEST FOR INFORMAL HEARING

Mr. Rice was not present.

Mr. Dolan presented this case stating Mr. Rice's application to qualify an additional business entity was denied at the November 2014 meeting of the Board due to failure to appear as required by Rule 61G4-15.0021, Florida Administrative Code, 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, and the applicant failed to demonstrate the he was a w-2 employee of Assurance Power Systems, LLC. The Notice of Intent to Deny was filed in January 2015. Mr. Rice timely requested board reconsideration.

After discussion, the Board voted to vacate the previous denial, and the applicant withdrew his application.

JEFFREY RODEWALD – PETITION FOR DECLARTORY STATEMENT

Mr. Rodewald was not present.

Mr. Dolan presented this case stating that Mr. Rodewald filed a petition for a declaratory statement on May 18, 2015. The petition was noticed in the Florida Administrative Register on May 26, 2015. Mr. Dolan noted the petition seeks the Board's interpretation on whether it is within the scope of his certified residential contractor's license to perform work on a unit that is within a two story building containing multiple units.

Mr. Dolan 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 the petition did not have standing, and declined to answer due to the petition not being legally sufficient.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – Christopher Cobb

Mr. Cobb gave the following report:

FLORIDA CONTRACTORS SCHOOL OF CONTINUING ED

1st course: Core Requirements Course: **approved**

2nd course: Declaratory Statements, Lien Law, Debt Collection, Laws & Rules and Code Modification Process: **approved**

FLORIDA EDUCATIONAL FACILITIES PLANNERS' ASSOCIATION INC (FEFPA)

1st course: Case Study: Chilled Water Thermal Energy Storage: **approved**

2nd course: Energy Effectiveness thru Roofing Coating and Solar: **approved**

3rd course: Energy Efficient Windows, Doors and Skylights: **approved**

4th course: Net Zero Energy & Sustainable Design: **approved**

5th course: Rebuilding an Icon: Paul Rudolph's Sarasota High School: **approved**

6th course: The Role of High Performance Doors & Hardware in Energy Efficient Bldgs: **denied**

7th course: Understanding the Challenges of Bio-containment: **approved**

FLORIDA HOME BUILDERS ASSOCIATION

1st course: Contracts 101: The Builders' Blueprint to Avoid Litigation: **pulled**

2nd course: Training Program for Infiltration & Duct Leakage Certification: **approved**

HAYES LAW, PL

1st course: Understanding Contractor's Commercial General Liability Coverage: **approved for 2 hours credit (BP and Financial Responsibility and Stability; No laws & Rules)**

KONING ENTERPRISES INC DBA CONTRACTORS INSTITUTE

1st course: FS 440 – Understanding Workers Compensation Immunity - Classroom: **approved**

2nd course: FS 440 – Understanding Workers Compensation Immunity – Internet: **approved**

NATIONAL ROOFING CONTRACTORS ASSOCIATION

1st course: CERTA Train-the-Trainer Reauthorization: **approved**

2nd course: Roofing Industry Fall Protection from A to Z: **approved**

3rd course: Roofing Safety OSHA 10 Hour Program: **approved**

PACEPDH.COM DBA OF THE MEDIA FACTORY INC

1st course: Florida Laws and Rules – Florida Building Code Enforcement, Product Approval, TAC's and Committees: **continued 30 days**

2nd course: Florida Laws and Rules – Permits, Inspections and Provider: **continued 30 days**

3rd course: The Dynamic (often turbulent) Relationship Between the Construction Contractor and Building Designer Part II – Business Startup: **continued 30 days**

4th course: The Dynamic (often turbulent) Relationship Between the Construction Contractor and Building Designer Part I: **continued 30 days**

5th course: The Dynamic (often turbulent) Relationship Between the Construction Contractor and Building Designer Part III: **continued 30 days**

6th course: The Dynamic (often turbulent) Relationship Between the Construction Contractor and Building Designer Part IV: **continued 30 days**

7th course: The Dynamic (often turbulent) Relationship Between the Construction Contractor and Building Designer Part V: **continued 30 days**

PALM BEACH COUNTY – PLANNING, ZONING & BUILDING

1st course: Building & Electrical Code Requirements for Safe Pool Installations: **continued 30 days**

PDH ACADEMY

1st course: Florida Contractor Essentials: **approved**

PINCH A PENNY INC

1st course: Advanced Swimming Pool Automation: **approved**

2nd course: Swimming Pool Automation: **approved**

REDVECTOR.COM INC

1st course: Building Pathology Foundations: **approved**

THE SEMINAR GROUP

1st course: 4th Annual Construction Law in Florida: **approved**

STRUCTURAL TECHNOLOGIES LLC

1st course: Engineering 101 for Contractors – 4 Hour Course: **denied**

2nd course: Engineering 101 for Contractors – 1 Hour Course: **approved**

SUNCOAST ARCHITECTURE & ENGINEERING LLC

1st course: Continuing Education for Outdoor Structure Contractors: **continued 60 days**

TECHTRAINING LLC

1st course: Energy Conservation: **approved**

2nd course: Florida Accessibility: Chapter 7 (701-703): **approved**

3rd course: Florida Laws and Rules: **approved**

4th course: Testing Concrete: **approved**

WINN'S CONTINUING EDUCATION INC

1st course: 32 Hour Medical Gas Installer Course: **continued 60 days**

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – JACKIE WATTS

Mr. Dolan gave the following report:

61G4-16.0021 Written Examination for Swimming Pool Specialty Contractors

- Sent to OFARR 12/8/2014
- Rule Development Published 12/15/2014
- Notice Published 02/12/2015
- Adopted language 03/19/2015
- Effective: 04/08/2015

61G4-17.001 Normal Penalty Ranges

- Sent to OFARR 03/06/2015
- Rules Development Published 03/16/2015
- Notice Published 04/02/2015
- Adopted: 05/04/2015
- Effective: 05/24/2015

61G4-18.004 Approval of Continuing Education Courses:

- Sent to OFARR 06/04/2015
- Rules Development Published 06/12/2015

61G4-15.001 Qualification for Certification

- Sent to OFARR 06/04/2015
- Rules Development Published 06/12/2015

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

OLD BUSINESS

Removal of old materials from laptop.

NEW BUSINESS

With no further business the meeting was adjourned at 10:22am.