

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**The Ritz-Carlton Sarasota
1111 Ritz-Carlton Drive
Sarasota, FL 34236
941.309.2050**

August 14 – 16, 2013

**MEETING MINUTES
Approved 1/10/14**

Board Members Present

Robert Moody, Chair
James Evetts
Roy Lenois
Jacqueline Watts
Albert Korelishn
Paul Del Vecchio
Mary Layton
Edward Weller
Aaron Boyette
Christopher Cobb
William Sheehan
Mark Pietanza
Richard Kane

Board Members Absent

Kristin Beall
Carl Engelmeier (Thursday & Friday)
Brian Cathey, Vice Chair
Mary Layton
Michelle Kane

Others Present

Drew Winters, Executive Director, DBPR
Amanda Wynn, Government Analyst, DBPR
Donald Shaw, Government Analyst, DBPR
Tom Barnhart, Legal Advisor, AGO
Douglas Dolan, Legal Advisor, AGO
Kyle Christopher, Prosecuting Attorney, DBPR
Jerry Wilson, Director, Division of Regulation, DBPR
Paul Waters, Deputy General Counsel, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on August 14, 2013 from 2:16 – 3:44 pm. Mr. Boyette led the meeting. Of the 29 applications scheduled for review, 16 were approved, 8 were denied, 3 were continued, 1 was withdrawn, and 1 was pulled.

APPROVED (16)

Abate, Paul
Caddell, John
Curry, Michael
Daluisse, Blaise (Veterans Medical Construction Corp)
Daluisse, Blaise (Phoenix Medical Construction SE, Inc.)
Dolfi, Phillip
Edwards, Ryan
Gerwig, Mariann
Haines, Richard
Harward, John
Holder, Michael
Hummel, Joseph
Simon, John
Wilson, Patrick
Wommack, Thomas
Woodley, Richard

DENIED (8)

Cortez, Joepy
Guarch, Gerardo
Kandah, Sam
Klein, Jason
Koch, Nathan
Lacerte, Marc
Lozano, Danex
Montanez, Edgardo

CONTINUED (3)

Al-Soufi, Maher – 30 days
Hall, Stephen – 30 days
Stewart, Burnis – 30 days

WITHDRAWN (1)

Honc, Stephen

PULLED (1)

Balakrishnan, Vinayagar

Division II Board members met for Additional Business Entities Review on August 15, 2013 from 1:30 – 2:07 pm. Mr. Cobb led the meeting. Of the 12 applications

scheduled for review, 6 were approved, 1 was contingently approved, 1 was denied, 3 were withdrawn, and 1 was pulled.

APPROVED (6)

De Izaguirre, Frank
Haines, Richard (plumbing license)
Haines, Richard (roofing license)
Henry, Charles
Kenyon, Dean
Park, William

CONTINGENT APPROVALS (1)

Becker, Howard – *Contingent upon submitting proof of all mechanical experience*

DENIED (1)

Khanna, Christopher

WITHDRAWN (3)

Benner, Wayne
Johnson, Robert
Saez, Joseph

PULLED (1)

Balakrishnan, Vinayagar

APPLICATION REVIEW

Division I Board members met for Application Review on August 14, 2013 from 4:14 – 5:49 pm. Mr. Evetts led the meeting. Of the 20 applications scheduled for review, 9 were approved, 1 was conditionally approved, 2 were continued, 6 were denied, and 2 were withdrawn.

APPROVED (9)

Abate, Paul
Chichelli, Michael
Holder, Michael
Martineau, Kevin
Martinez, Michael – approved as a downgrade to a CBC license
Moff, Douglas
Senko, David
Simon, John
Woodley, Richard

CONDITIONAL APPROVALS (1)

Marshall, Brian – *8 years of probation; early termination can be granted if pending case is dropped*

CONTINUED (2)

Munyan, Daniel – 30 days

Winkelman, Shanon – 60 days

DENIED (6)

Bolton, Bradley
Cicero, Samuel
Eskelson, Brian
Levandoski, John
Rhodes, Lisa
Yetzer, Stephen

WITHDRAWN (2)

Davis, Christopher
Horblitt, Alexandra

Division II Board members met for Application Review on August 15, 2013 from 2:22 – 4:06 pm. Ms. Watts led the meeting. Of the 26 applications scheduled for review, 14 were approved, 3 were continued, 4 were denied, 3 were withdrawn, and 2 were pulled.

APPROVED (14)

Filjones, Jeremiah
Guerra, Courney
Hancock, Justin
Hubner, Joseph
Hynes, Richard
Lapp, David
Mandile, Anthony
Micolo, James
Nightengale, Jeffrey
Silver, Peter
Simms, John
Taylor, Patrick
Toth, Roberto
Wilson, Daniel

CONTINUED (3)

Batchelor, Michael – 60 days
Cancio, George – 30 days
Parker, Douglas – 6 months

DENIED (4)

Baumstein, Darryl
Gardner, Arlin
Grant, Michael
McCormick, Ruth

WITHDRAWN (3)

Eash, Brandon
May, William

Mobley, Marilyn

PULLED (2)

Cook, Gregory

Ornstein, Jeff

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

Division I Board Members convened for Probation on August 15, 2013 from 9:35 – 10:01 am. Mr. Kane led the meeting.

Rodolfo Fundora, CGC058651

Result: Satisfactory

Clinton Moore, CGC1511982

Result: Stay of Suspension Lifted

Terrence Moore, CGC1105819

Result: Satisfactory

Michael Morrison, CGC1518076

Result: Satisfactory

Matthew O'Brien, CBC1256531

Result: Satisfactory

Antonio Requejo, CGC1504266

Result: Continuance granted

Jesus Rodriguez, CGC003408

Result: Stay of Suspension Lifted

Tammy Yzaguirre, CGC1505393

Result: Stay of Suspension Lifted

Gregory Worrell, CGC1514941

Result: Unsatisfactory appearance; probationer instructed to submit an application to inactive license within 7 days of meeting, or license will be suspended for failure to appear at hearing or provide a probation packet.

Division II Board Members convened for Probation on August 15, 2013 from 1:00 – 1:10 pm. Mr. Korelishn led the meeting.

Anthony Atkins, CCC1329527

Result: Satisfactory

Brian Citrano, CFC1425927

Result: Satisfactory

Steven Evans, CCC1329990

Result: Satisfactory

Walter Montoya, CAC1815913

Result: Satisfactory

David Nash, CFC056740

Result: Satisfactory

Dean Scharn, CCC1327772

Result: Satisfactory

Brian Suciu, CCC1329988

Result: Satisfactory

GENERAL SESSION

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

REVIEW OF MINUTES

The board voted unanimously to approve the following minutes:

- November 2012 Final Action Minutes
- January 2013 Final Action Minutes
- February 2013 Final Action Minutes
- March 2013 Final Action Minutes

EXECUTIVE DIRECTOR'S REPORT – DREW WINTERS

Mr. Winters gave the following report:

Mr. Winters gave a brief overview of what transpired at the Ad Hoc meeting, and thanked all the participants who appeared in front of the Board. Mr. Winters also extended an invitation to the Board to let him know if the Department can assist further.

Mr. Winters distributed the Enforcement Report, and stated he would have a Financial Report at the next meeting.

Mr. Winters said the Department would begin updating the notice letters to include language about applicants submitting materials at the Board meeting in order to ensure

that all application materials would be received in plenty of time for the Board to review them.

Mr. Winters requested the Board excuse the following absences:

Ms. Beall
Mr. Cathey
Ms. Kane
Ms. Layton
Mr. Engelmeier (Wednesday & Thursday)

The board voted unanimously to excuse the above absences.

Mr. Winters also discussed absences and how they can cause a hardship for Committees.

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

CHAIRMAN'S REPORT – ROBERT MOODY

Mr. Moody gave the following report:

Mr. Moody thanked the individuals from Sarasota, Charlotte, and Lee Counties, and the staff from the Department for their appearance in front of the Ad Hoc Committee. Mr. Moody also requested that a link to the Unlicensed Activity website be put on the CILB website.

Mr. Moody also gave a brief update on the development of the Demolition Specialty Contractor's license and exam, and that the Department hopes to be able to offer the exam in October.

Mr. Moody also gave a brief review of his experience at the meeting of the National Association of State Contractors Licensing Agencies.

Mr. Moody then presented a plaque to former board member Jerry Hussey, and thanked him for his service on 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 July 2013, the overall case load was 327, up from 309 in June of 2013, and up from 300 in July 2012.

There were 125 cases currently in Legal to be reviewed, 15 cases set for probable cause, and 50 cases where probable cause had been found/administrative complaints filed. 0 settlement stipulations had been approved, 1 informal hearing had been

requested, and 11 cases were awaiting outside action. 9 cases were ready for default, 14 had requested formal hearings, and 0 cases were referred to DOAH. 3 cases were in settlement negotiations, 8 cases were pending a board date, and 76 cases were set for board presentation. 15 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

For the month of July 2013, 66 cases were closed.

Mr. Christopher also provided a Case Status Report for unlicensed activity, which indicated that 114 cases were currently in Legal to be reviewed. Additionally, 5 cases had administrative complaints filed, 0 settlement stipulations had been approved, and 1 informal hearing had been requested. 0 cases were awaiting outside action, 1 case was ready for default, and 1 formal hearing had been requested. 0 cases had been referred to DOAH, 1 case was currently in settlement negotiations, and 5 cases were awaiting final orders. 0 cases were currently under appeal and 0 cases had been reopened.

For the month of July 2013, 57 cases were closed.

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

ATTORNEY GENERAL'S REPORT – TOM BARNHART

STEPHENIE BARBUTO – REQUEST FOR INFORMAL HEARING

Ms. Barbuto was present.

Mr. Barnhart presented this case stating Ms. Barbuto's application for initial issuance of a certified roofing contractor's license was denied at the May 2013 meeting of the Board for failing 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 May of 2013. Ms. Barbuto timely requested board reconsideration.

After discussion the board voted to vacate the denial of the application and to approve Ms. Barbuto's application for licensure.

JOSEPH BECERRA – REQUEST FOR INFORMAL HEARING

Mr. Becerra was present with Counsel.

Mr. Barnhart presented this case stating Mr. Becerra's application to qualify an additional business entity was denied at the July 2013 meeting of the Board for failing to demonstrate the qualifying agent would properly supervise the construction work and business activities, as required by section 489.119, Florida Statutes. The Notice of Intent to Deny was filed in August of 2013. Mr. Becerra timely requested board reconsideration.

After discussion the Board voted to vacate the denial of Mr. Becerra's application to approve the application.

JOHN BERG – MOTION TO RECONSIDER

Mr. Berg was not present.

Mr. Barnhart presented this case stating Mr. Berg's application for initial issuance of a certified mechanical contractor's license was denied at the April 2013 meeting of the Board for failing 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 May of 2013. Mr. Berg timely requested reconsideration.

After discussion the board voted to vacate the denial of the application and to allow Mr. Berg to withdraw his application.

JORGE DIAZ – REQUEST FOR INFORMAL HEARING

Mr. Diaz was not present.

Mr. Barnhart presented this case stating Mr. Diaz' application for initial issuance of a certified general contractor's license by endorsement was denied at the May 2013 meeting of the Board for failing to demonstrate he has passed an examination that is substantially equivalent to the required Florida certification examination; that he has a license in a state whose criteria are substantially similar to Florida's; or that he has attained the experience requirements for certification in Florida, as required by section 489.115 (3), Florida Statutes. The Notice of Intent to Deny was filed in May of 2013. Mr. Diaz timely requested board reconsideration.

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

PETE DOSPEL – PETITION FOR DECLARATORY STATEMENT

Mr. Dospel was not present.

Mr. Barnhart presented this case stating Mr. Dospel filed a petition for a declaratory statement on June 25, 2013. The petition was noticed in the Florida Administrative Register on July 25, 2013. Mr. Barnhart noted the petition seeks the Board's interpretation of section 489.113 (3)(c), Florida Statutes, as to whether his general contractor's license is sufficient to build (permit) a commercial swimming pool, with a licensed plumber and an electrician on his sub form. Mr. Barnhart 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 to deny the petition as the petitioner lacked the proper standing.

FLORIDA POWER AND LIGHT – PETITION FOR DECLARATORY STATEMENT

A representative from Florida Power and Light was not present.

Mr. Barnhart presented this case stating Florida Power and Light filed a petition for a declaratory statement on May 21, 2013. The petition was noticed in the Florida Administrative Register on July 5th, 2013. Mr. Barnhart noted the petition seeks the Board's interpretation of section 489.113, Florida Statutes, as to what type of licenses are required for companies performing each of the following work activities on FPL facilities in the State of Florida: installation of machine or hand dug conduit 1"-4" without wiring; installation of concrete reinforced foundations for substation equipment; installation of substation ground grid; minor yard grading; spreading of yard rock cover; installation of below grade pre-fabricated concrete electrical raceway without wiring; and installation of pre-fabricated foundation to support lighting and miscellaneous substation equipment. Mr. Barnhart 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 petitioner had standing. After further discussion the board voted to deny answering the petition as the information on the scope of work is too broad, and the petition itself lacked specific details.

FLORIDA ROOFING, SHEET METAL, & AIR CONDITIONING CONTRACTORS ASSOCIATION, INC. (FRSA) – MOTION TO RECONSIDER DS 2013-043

A representative from FRSA was present with Counsel.

Mr. Barnhart presented this case stating on May 21, 2013, Sun Star Energy, LLC filed a petition for declaratory statement. The petition was noticed in the Florida Administrative Register on May 31, 2013. Mr. Barnhart stated that the petition sought the Board's interpretation of section 489.105 (3)(m), Florida Statutes, as to whether a plumbing contractor can install the company's solar water heating system. At the hearing at the June 2013 meeting of the Board, the Board voted that the petitioner had the proper standing, and voted that the petitioner can install solar water heating systems without a roofing contractor. The final order granting the petition was filed on July 16, 2013.

On July 26, 2013, FRSA filed a Motion to Reconsider the final order granting the petition, requesting the Board either vacate the final order and set it aside, or allow FRSA to intervene and present its argument on the issue.

After discussion and hearing testimony from the petitioner, the Board voted to vacate the previously issued declaratory statement.

MICHAEL HANNAFORD – REQUEST FOR INFORMAL HEARING

Mr. Hannaford was present.

Mr. Barnhart presented this case stating Mr. Hannaford's application for initial issuance of a certified mechanical contractor's license was denied at the June 2013 meeting of the Board for failing 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 July of 2013. Mr. Hannaford timely requested board reconsideration.

After discussion the board voted to continue Mr. Hannaford's hearing to a later month to allow him to present additional documentation in support of his experience.

CARLOS HERNANDEZ – REQUEST FOR INFORMAL HEARING

Mr. Hernandez was not present.

Mr. Barnhart presented this case stating Mr. Hernandez' application to qualify an additional business was denied at the October 2012 meeting of the Board for failing to appear as required by Rule 61G4-15.0021, Florida Administrative Code. The Notice of Intent to Deny was filed in November of 2012. Mr. Hernandez timely requested board reconsideration, and requested the Board allow him to continue the hearing to a later meeting.

After discussion the board voted to deny the request to continue the hearing, and voted to uphold the denial of the application.

DOUGLAS HUGENBERG – REQUEST FOR INFORMAL HEARING

Mr. Hugenberg was not present.

Mr. Barnhart presented this case stating Mr. Hugenberg's application for initial issuance of a certified marine specialty contractor's license was denied at the March 2013 meeting of the Board as the applicant was found to have been convicted, found guilty of, or entered a plea of nolo contendere to crimes related to the practice of contracting, contrary to sections 455.227 (1)(c) and 489.129 (1)(b), Florida Statutes. The Notice of Intent to Deny was filed in April of 2013. Mr. Hugenberg timely requested board reconsideration, and requested the board allow him to continue the hearing to a later meeting.

After discussion the board voted to deny the request for a continuance, and voted to uphold the denial of the application.

ROBERT LIPSCOMB – REQUEST FOR INFORMAL HEARING

Mr. Lipscomb was present.

Mr. Barnhart presented this case stating Mr. Lipscomb's application to qualify an additional business entity was denied at the July 2013 meeting of the Board for failing to appear as required by Rule 61G4-15.0021, Florida Administrative Code. The Notice of Intent to Deny was filed in August of 2013. Mr. Lipscomb timely requested board reconsideration.

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

STANLEY MACLIN

Mr. Maclin was present with Counsel.

Mr. Barnhart presented this case stating Mr. Maclin's change of status application for his certified general contractor's license was denied at the July 2013 meeting of the Board as there was a pending investigation against one of the officers of the company Mr. Maclin was seeking to qualify. The Notice of Intent to Deny was filed in August of 2013. Mr. Maclin timely requested board reconsideration.

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

THOMAS MANNING – REQUEST FOR INFORMAL HEARING

Mr. Manning was present.

Mr. Barnhart presented this case stating Mr. Manning's application for initial issuance of a certified mechanical contractor's license was denied at the May 2013 meeting of the Board for failure to demonstrate the required experience, pursuant to section 489.111, Florida Statutes, and Rule 6G4-15.001, Florida Administrative Code. The Notice of Intent to Deny was filed in May of 2013. Mr. Manning timely requested board reconsideration.

After discussion the board voted to vacate the denial of the application and allow Mr. Manning to withdraw the application.

ROBERT MILLER – REQUEST FOR INFORMAL HEARING

Mr. Miller was present.

Mr. Barnhart presented this case stating Mr. Miller's application for initial issuance of a registered residential contractor's license was denied at the June 2013 meeting of the board for failing to demonstrate the required experience, pursuant to Section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code, and for failing 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 July of 2013. Mr. Miller timely requested board reconsideration.

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

KENNETH WILSON – REQUEST FOR INFORMAL HEARING

Mr. Wilson was not present.

Mr. Barnhart presented this case stating Mr. Wilson's change of status application for his certified general contractor's license was denied at the January 2013 meeting of the board as the financially responsible officer of the company Mr. Wilson was seeking to qualify was the subject of a pending investigation, pursuant to section 455.213, Florida

Statutes. The Notice of Intent to Deny was filed in February of 2013. Mr. Wilson timely requested board reconsideration.

After discussion the board voted to continue the hearing 60 days.

With no further discussion the board voted to approve this report.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ROY LENOIS

Mr. Lenois gave the following report:

API Processing-Licensing, Inc.

1st Course: Wind Mitigation Methodology – **approved**

FI Foil Company, Inc.

1st Course: Advanced Technologies in Insulation – **approved**

Florida Association of Plumbing, Heating, & Cooling Contractors

1st Course: Get the Lead Out – **pulled**

2nd Course: Innovation – Construction 2.0 – **pulled**

Florida Masonry Apprentice & Educational Foundation, Inc.

1st Course: Masonry vs. Hurricanes and Tornadoes – **approved**

Florida Pool & Spa Association dba Florida Swimming Pool Association

1st Course: Cost Cutting to Increase Profits – **approved**

2nd Course: Fifteen Things Successful Companies have in Common – **approved**

3rd Course: How to Achieve Efficient Water Chemistry – **approved**

4th Course: Manage a Pool Company – **approved**

5th Course: Motion is Money – **approved**

6th Course: OSHA Training for Service Technicians – **approved**

7th Course: Pool Surface Forensics – **approved**

8th Course: Product and Service Pricing for Profit- **approved**

9th Course: Risk Transfer Mechanisms for Contractors – **approved** (business practice, not workplace safety)

10th Course: The Art and Science of Plaster – **approved**

11th Course: Understanding and Using the NPC's New Plaster Start-Up Method – **approved**

Florida Refrigeration and Air Conditioning Contractors Association

1st Course: Ductwork What's New – **approved**

Palm Construction School, Inc.

1st Course: Maintaining a Healthy Business (Construction Business Issues and Mold) – **approved**

2nd Course: The Color of Money (How Contractors can Benefit from Building Green) – **approved**

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Barnhart reported that no rules are currently under development.

AD HOC COMMITTEE – ROBERT MOODY

Mr. Del Vecchio gave the following report:

Mr. Del Vecchio introduced Jerry Wilson, Director of the Division of Regulation with the Department of Business and Professional Regulation. Mr. Wilson stated that the previous month he had provided the Board with a plan on combating unlicensed activity, and he is appearing in front of the Board this month to give an update on that plan.

Mr. Wilson stated that the Division has hired additional staff totaling 15 new investigators who will be focused strictly on investigating unlicensed activity cases. Mr. Wilson stated that there are two branches dedicated to unlicensed activity; enforcement and outreach. Mr. Wilson stated that his Division has drafted a letter to all of the big construction associations to inform them of the Department's efforts to combat unlicensed activity, and to "reintroduce" themselves to the associations.

Mr. Wilson stated that a webpage has been created and is continually being updated, with the eventual goal being a portal in which all cease and desist orders and citations can be posted for public view, which will also include administrative complaints filed against unlicensed contractors. Mr. Wilson said another feature of this website will be to encourage local municipalities to assist in combating unlicensed activity, with the goal being that the local municipalities can split in the revenue generated from fines.

Mr. Wilson requested advice and possible expectations from the Board on how the Department can better combat unlicensed activity. Mr. Wilson stated he would be happy to provide any statistics or data the Board would like to see, and would be happy to hear ideas on how to improve their outreach and education, and commended Mr. Lenois for his idea the previous month regarding radio and TV advertisements. Mr. Wilson stated that with the increased appropriation, the Department will begin to pay to have advertisements played during peak hours to reach more people. Mr. Wilson stated he is happy to hear both recommendations on how to improve, and any criticisms the Board may have of the Department's efforts.

Mr. Wilson stated his plan going forward is to have some of the regional staff in local field offices appear at meetings as they happen around the state. Mr. Wilson then introduced his staff in the Fort Myers regional office, which covers Sarasota County. Mr. Sergio Gonzalez, the Regional Program Administrator of the Fort Myers Office, introduced himself.

Mr. Gonzalez stated his region covers a rather large patch of territory in Florida, and as a retired police officer, his office is dedicated to putting a real big dent in unlicensed activity. Mr. Gonzalez stated that in the past, a decrease in the amount of unlicensed

people has shown itself, largely due to the housing bubble bursting, but also due to a task force that the Sarasota County Sheriff's Department has implemented. Mr. Gonzalez introduced Mr. Tony Colonna, Mr. Greg Yantorno, and Mr. Alan Anderson. Mr. Gonzalez stated that his office has hired new investigators, and he introduced investigator Brian Windisch.

Detective Tony Colonna of the Sarasota County Sheriff's Office introduced himself, and stated that approximately 15 months prior, his supervisor proposed an idea to take a proactive approach to combating unlicensed contracting. Mr. Colonna stated he was tasked with identifying the problem and proposing ideas on how to combat the issue. Mr. Colonna stated that he found out there was a huge disconnect between the Building Officials, local Code Enforcement officers, and law enforcement. Mr. Colonna stated he then began to introduce himself to local agencies and set out to bring all the local agencies on board with combating the problem. Mr. Colonna stated additional state agencies, such as the Division of Workers' Compensation, Department of Agriculture, etc., were also contacted in order to streamline the process of stopping unlicensed contracting. Mr. Colonna stated monthly meetings were organized involving all the previously mentioned parties as well as representatives from trade associations, to get a dialogue going on how to better solve the issue. Mr. Colonna stated he has since received calls from other law enforcement agencies requesting advice on how to implement similar programs in their areas.

Mr. Colonna stated that the normal process in setting up a sting operation is two days of logistics and three days of the actual sting, and the normal operation nets between 8-20 unlicensed contractors. Mr. Colonna stated in the 15 months since this program was started they have produced 56 criminal cases. Mr. Colonna stated that they were educated on what is needed for criminal prosecution by the State Attorney, which has resulted in more substantial prosecutions. Mr. Colonna stated that of the 56 criminal cases produced, 15 were felony cases and 41 were misdemeanor. Mr. Colonna stated that it is difficult for law enforcement to prove criminal intent, so to address that issue a process was put into place in which Code Enforcement officers would issue a citation for a first time violation. A copy of that citation is then directed to his office, and he can use the index of citations to locate multiple offenders and prove criminal intent. Mr. Colonna stated that his efforts have also begun to focus on licensed contractors and ensuring that proper permits are pulled for work requiring such. Mr. Colonna stated that a lot of information has been gleaned from the Department of Agriculture, who prosecutes illegal telemarketing companies, which is the main avenue that air conditioning companies receive a lot of their work. Mr. Colonna stated in these particular cases where he can only charge a misdemeanor for unlicensed contracting, the Department of Agriculture can prosecute the illegal telemarketing as a felony.

Mr. Colonna stated his office has begun more outreach and has been giving presentations at trade association meetings and at other law enforcement agencies and as a result, unlicensed contractors are changing the way they do things, indicating to him that something he is doing is proving successful. Mr. Colonna stated he is prepared to change his operation to meet the response from unlicensed contractors. Mr. Colonna stated his main goal is to mirror the Florida Wildlife Commission's penalties; if an individual is caught contracting without a license, that individual should expect to receive discipline from multiple state agencies, and that discipline will take such a "bite" out of

the individual, that it's not worth it to contract without a license. Mr. Colonna stated that of the cases they've prosecuted, ten guilty charges have been filed and convictions issued.

Mr. Alan Anderson introduced himself as the President of the Homebuilders Association in Sarasota County. Mr. Anderson stated his association has tried to address this issue for quite a while. Mr. Anderson stated he represents licensed contractors, and unlicensed contracting is a major concern for a lot of members of his association. Mr. Anderson states licensed contractors lose a lot of money to unlicensed contracting, and his association realized that the only way anything can be done about this issue is to seek involvement from all affected parties, including local building departments, code enforcement agencies, law enforcement agencies, and other trade associations. Mr. Anderson stated that he is fortunate to reside in a county where the Sheriff desired to be proactive in combating unlicensed activity, and all the other agencies involved in prosecution are working together. Mr. Anderson stated that Sarasota County really is the poster child for combating unlicensed activity. Mr. Anderson said that at his association's monthly meetings, on average of 35 people from various government agencies attend to discuss possible ways to reduce unlicensed activity. Mr. Anderson invited the Board, or any interested party, to attend one of his association meetings and work with him on ways to reduce unlicensed activity.

Mr. Gonzalez introduced Mr. Darryl Aubuchon of the Lee County Sheriff's Office, who was recently tasked with looking into unlicensed contracting in Lee County. Mr. Aubuchon stated he brings a slightly different perspective in that he's only been a deputy for around 5 years, but prior to that he was a licensed general contractor and a licensed residential contractor for 23 years. Mr. Aubuchon stated because of this, unlicensed contracting is a very important issue for him. Mr. Aubuchon stated was not aware of the actions of Sarasota County prior to a few weeks before the meeting but he has found a blueprint on how his county can prosecute and eradicate unlicensed contracting. Mr. Aubuchon stated he has several contacts in Lee County, who all pointed him in the direction of Sergio Gonzalez. Mr. Aubuchon stated that his early impressions in Lee County are that there is a large disconnect between Law Enforcement and other agencies on the problems. Mr. Aubuchon stated that the typical law enforcement response is that unlicensed contracting is a civil issue. Mr. Aubuchon stated when he found out this was the typical response, he made it a goal to make sure that people in his county were no longer victimized by unlicensed contracting. Mr. Aubuchon stated he is more than willing to bring his previous experience as a contractor into his new role in law enforcement to do whatever he can to stop unlicensed contracting in Lee County. Mr. Aubuchon thanked the Board for their interest in what the local agencies are doing to stop unlicensed contracting, and he is more than willing to keep his door open to anyone who may have ideas to assist his county in stopping the problem. Mr. Aubuchon stated he has identified 24 agencies just in Lee County that could assist in pushing back against unlicensed contracting and has been brainstorming on how he can get everyone on the same page.

Mr. Wilson introduced the Building Official for Sarasota County, Mr. Yantorno. Mr. Yantorno stated he's been licensed as a contractor for nearly 40 years. Mr. Yantorno stated his experience as a contractor has made him very aware of the harm that unlicensed contracting does, not only to the industry, but to the public at large. Mr.

Yantorno stated since 2009, he's been receiving more and more reports of unlicensed contracting from contractors, who began to look to him to stop the problem. Mr. Yantorno stated his main job responsibility is enforcing the Building Code, and not licensing compliance, but most people aren't aware of the separation of those two things. Mr. Yantorno stated that his experience has shown him that the most effective way to combat unlicensed activity is teamwork between the various governmental agencies, and that he appreciates all the interagency cooperation because he was becomingly increasingly frustrated trying to go at the issue alone. Mr. Yantorno stated he has participated in stings put on by DBPR, and that his office has spent a lot of time in outreach events, and he feels only a small dent has been made in combating unlicensed contracting. Mr. Yantorno stated that just the fact that discussions are underway on how to better combat unlicensed activity is a step in the right direction.

Mr. Wilson thanked all the speakers, and stated he was excited when he heard the Board was meeting in Sarasota, because he knew of the activities of the local agencies, and was looking forward to informing the Board of what they were doing. Mr. Wilson stated he would be happy to have local people at next month's meeting location to also stop by and give a presentation.

Mr. Wilson introduced Paul Waters, Deputy Counsel for the Department. Mr. Waters stated that at the previous meeting, Mr. Wilson gave a presentation on how the Department would increase enforcement activities, and he is appearing in front of the Board to inform them how the Department intended to handle future prosecutions. Mr. Waters stated that two new attorneys had been assigned to the Construction prosecution team, and that while the Department's previous primary goal has been compliance, a new emphasis would be placed on prosecution. Mr. Waters stated that more Administrative Complaints would be filed, which would lead to more litigation in unlicensed activity cases, which will ultimately result in more prosecutions. Mr. Waters also stated that future final orders would be posted to the Department's website so that the public can track the cases. Mr. Waters stated that Mr. Christopher, Chief Prosecuting Attorney for the Construction Board, will also begin distributing an unlicensed activity case report.

Mr. Waters also stated that a problem for quite a long time has been licensed contractors aiding and assisting unlicensed contracting, and while authority to impose discipline against licensed contractors has always been under the jurisdiction of the CILB, the authority to impose discipline against unlicensed contractors is not under their jurisdiction. Mr. Waters stated that he would like to implement rulemaking that would increase the maximum fines against licensed contractors for aiding and abetting unlicensed activity, increasing the minimum fine from \$2,500 to \$3,500, or whatever number the Board feels is appropriate. Mr. Waters stated that process could start as soon as the Board authorized it.

Mr. Waters also stated that the Department's Rule for unlicensed activity will be opened up for the rulemaking process, with the goal being to increase the minimum fines for unlicensed activity. Mr. Waters stated the current penalties for a first offense are \$3,000 and \$4,000 for a second offense. Mr. Waters stated those would be increased to a \$4,000 fine for a first offense, and a \$5,000 fine for a second offense. Mr. Waters continued by stating one of the main problems with prosecution of unlicensed

contracting is the ability to collect the fines. Mr. Waters stated that the Department's proposal to alleviate the difficulty in collecting these fines is to propose legislation in which individuals who fail to pay unlicensed activity fines would have their driver's license suspended, along with their hunting and fishing license. Mr. Waters stated this is only proposed legislation, but it will mirror the statute that gives the Department of Revenue the authority to suspend licenses for failure to pay child support.

Mr. Waters stated that another option the Department has is to begin going to circuit courts and obtaining injunctions against individuals who ignore Cease and Desist Orders. Mr. Waters stated that violating an injunction from a circuit court can result in pretty stiff fines or possible incarceration. Mr. Waters concluded by stating that due to his familiarity and past experience working with the CILB, the Department has named him as the Special Counsel for unlicensed activity, and that he would be the Board's contact for unlicensed activity and would be the contact person for any State Attorney's Offices.

Ms. Watts stated that she feels one of the main deterrents in people hiring unlicensed contractors is to be made aware of the fact that if they hire an unlicensed contractor, they are within their statutory right to not pay that contractor, and she feels public service announcements informing the public of this would reduce the amount of unlicensed contracting. Ms. Watts also stated she would like to see the gentlemen from Sarasota County and Lee County visit North Florida and educate the municipalities in her area on the harms of unlicensed contracting and how to better combat unlicensed contracting. Ms. Watts also stated that local offices of the Building Officials Association of Florida ("BOAF") should spend more time training and teaching local code enforcement officers, since the code enforcement officers are the people out in the field. Ms. Watts stated that, from her experience, the main perpetrators are Division I contractors and people in the real estate industry. Ms. Watts stated that there is a lot of ways that Division I contractors subcontract to unlicensed contractors to avoid having to pay them.

Mr. Weller stated he finds the actions of the people in Sarasota and Lee County very refreshing as he is a very big advocate of coordination between the different agencies in stopping unlicensed activity. Mr. Weller stated that stings with interagency coordination were very effective in combating unlicensed activity, but he feels they didn't occur enough, despite their effectiveness.

Mr. Evetts stated that he's been the Building Official in Charlotte County for eleven years and his duration has seen three Sheriff's, four or five State Attorneys, and despite all attempts at cooperation, they have been unsuccessful. Mr. Evetts commended Sarasota County for their interagency cooperation and is frustrated at the inability of his County to emulate it. Mr. Evetts agreed with Ms. Watts in that one of the biggest problems in his county is licensed contractors subcontracting to unlicensed contractors, and his county is unable to impose any sort of discipline against the licensed individuals. Mr. Evetts stated he knows Sarasota County has been successful in their activities because his county, adjacent to Sarasota County, is now flooded with unlicensed contractors.

Mr. Boyette thanked everyone for attending and for the job they're doing. Mr. Boyette stated that he appreciates these individuals making a difference in the industry. Mr.

Boyette asked what caused the Sheriff in Sarasota County to take a proactive approach in combating unlicensed activity. Mr. Colonna stated it was Mr. Anderson. Mr. Anderson followed up stating that they represent trade associations and they are really involved politically. Mr. Anderson stated the Sheriff for Sarasota County knew he would receive assistance on his campaign and so did the State Attorney if they assisted his organization in addressing the issue of unlicensed contracting. Mr. Anderson stated that without involvement from all three agencies, the program would not be working as effectively as it is. Mr. Boyette stated that what the State Attorney's Office needs to realize is that more damage can be done by an unlicensed contractor than by someone who, for example, robs a bank, and they should prosecute accordingly. Mr. Boyette stated he's glad to see at least one State Attorney's office who feels they should be prosecuted similarly. Mr. Anderson stated he agrees, and that he feels the example set in Sarasota County should be copied throughout the State, and he would be glad to assist in any way possible.

Mr. Lenois stated he feels that public service announcements should contain information on how millions of dollars are spent in the State "rewarding" homeowners who have done business with licensed contractors through the Recovery Fund, and how those same people would not be eligible for compensation through the Recovery Fund if they had done business with an unlicensed contractor. Mr. Lenois also suggested that perhaps it would be a good idea for local code enforcements officers to be given the authority to mirror the Florida Wildlife Commission and impound vehicles of unlicensed contractors caught at jobsites. Mr. Lenois stated the immediacy of this action would certainly spread the word of the punishment for contracting without a license. Mr. Lenois stated that one of the main disconnects he sees in his part of the State is that the local agencies often times do not inform a complainant if the unlicensed contractor he's reported has been disciplined. Mr. Lenois stated that if they are not given an answer or provided a status of their complaint, it discourages them from submitting additional complaints.

Mr. Del Vecchio asked if a citation or a fine is issued and then not paid, does that automatically convert to a judgment that would show up on a credit report. Mr. Waters stated it does not, but just the fact the fact that it is in collections means the collection agency could report it to the credit bureau. Mr. Winters stated that a vendor has been contracted by the State to provide all collection services, and that vendor has been very effective in ensuring that fines do show up on credit reports. Mr. Del Vecchio clarified that it does not in fact go away, and Mr. Winters confirmed this. Mr. Del Vecchio stated that the Board members have no problem issuing the maximum fine against a licensed contractor if there is an appropriate aggravating factor.

Mr. Colonna stated he often hears local law enforcement agencies being accused of not doing anything to stop unlicensed contracting. Mr. Colonna stated that people are beginning to believe that it takes a lot of effort for law enforcement to play a role in stopping unlicensed contracting but Mr. Colonna stated that it actually takes very little effort. Mr. Colonna stated that by the time local code enforcement has caught an unlicensed contractor and referred it to the Department, it only takes the Department to tell law enforcement of the statutory violation and law enforcement is able to write it up and send it off for prosecution. Mr. Colonna stated that he feels if law enforcement was aware of the little effort they actually have to put into it, they would be willing to

cooperate to a larger degree. Mr. Del Vecchio asked if Mr. Colonna's process was written down somewhere for easy distribution to other agencies. Mr. Colonna stated he had written the process down and streamlined it. Mr. Del Vecchio stated that if it was the proper format, Mr. Wilson could disseminate it law enforcement agencies around the State. Mr. Del Vecchio stated that prior to their appearance in front of the Committee, nobody knew this was happening at all. Mr. Anderson stated that a reason a lot of unlicensed contractors operate underground is because they were already criminals and don't care about fines or credit reports. Mr. Anderson stated, in his opinion, the biggest deterrent in stopping unlicensed contracting is the Sheriff and the State Attorney's Office. Mr. Del Vecchio agreed.

Mr. Wilson asked the Board if presentations similar to this one by his staff were what the Board wanted to see at future meetings, and that he would be glad to have his people in the Orlando office appear at next month's meeting. Mr. Del Vecchio stated that this was very helpful and that he feels it's important that communication stay open.

With nothing further to discuss Mr. Del Vecchio adjourned the meeting.

FHCRF COMMITTEE – PAUL DEL VECCHIO

The Recovery Fund Committee convened on August 14, 2013 from 6:08 – 7:37 pm. Mr. Boyette led the meeting. Of the 39 claims scheduled for review, 32 were approved awarding a total amount of \$741,392.64, 6 were denied, and 1 was withdrawn.

2008-061533 – Thompson vs. Robinson – **\$25,000.00**
2008-066272 – Benward vs. Battle - **\$24,950.00**
2008-050154 – Glaeser vs. Elliot – **Denied**
2008-066372 – Zacchero vs. Battle - **\$22,523.25**
2006-009592 – Tu vs. Casanova - **\$25,000.00**
2008-064928 – Baker vs. Szemborski – **Denied**
2008-017338 – Cass vs. Myura - **\$35,660.15**
2008-064812 – Sit vs. Designer Home Groups, Inc. – **Denied**
2009-008172 – Hans vs. Penna - **\$20,000.00**
2008-013638 – Grotz vs. Myura - **\$49,755.92**
2009-007722 – Williamson/Harris vs. Cicero – **\$4,631.20**
2008-004711 – Rodriguez vs. Kirkpatrick - **\$25,000.00**
2009-011849 – Finnin vs. Johnson - **\$12,219.00**
2007-062641 – Lamm vs. Putnam - **\$25,000.00**
2007-056934 – Viana vs. Pio - **\$38,850.30**
2008-064249 – Chen-See vs. Miquel - **\$50,000.00**
2006-009407 – Starcher vs. Dobson – **Denied**
2009-018188 – Ingui vs. Hurley - **\$4,297.66**
2009-009834 – Lindsey vs. Curnow – **Denied**
2009-010001 – Wilson vs. Fry - **\$43,448.00**
2009-004686 – Cusolito vs. Battle - **\$17,740.00**
2009-019404 – Fox vs. Johnson - **\$5,637.00**
2009-019407 – McDougal vs. Johnson - **\$6,754.00**
2009-008698 – Leeds vs. Wilder - **\$6,750.00**

2008-035815 – Neivert vs. Cicero - **\$2,900.00**
2009-016971 – Butler vs. Johnson - **\$7,870.00**
2009-015633 – Houfek vs. Weiss – **Denied**
2009-015401 – Lee vs. Leli - **\$31,648.50**
2009-020219 – Diresta vs. Bezanson - **\$28,210.78**
2009-020103 – Tribin vs. Eichelberger - **\$30,556.00**
2009-017496 – Hall vs. McLay - **\$10,390.00**
2009-015676 – Robbins vs. Blatz - **\$20,562.00**
2009-021415 – Flynn vs. Schuller - **\$8,600.00**
2009-017525 – McCrea vs. Spurlin - **\$50,000.00**
2008-068357 – Cameron vs. Battle - **\$33,952.60**
2009-009156 – Wood vs. Battle – **Withdrawn**
2009-018247 – Henry vs. Hernandez - **\$6,559.68**
2009-017687 – Marquez-de-la-Plata vs. Sullivan - **\$22,000.00**
2008-068385 – Hatch vs. Battle - **\$44,926.60**

OLD BUSINESS

Removal of old materials from laptop.

NEW BUSINESS

With no further business the meeting was adjourned at 10:48 am.