

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**The Bohemian Celebration Hotel
700 Bloom Street
Celebration, FL 34747
407.566.6000**

September 10, 11 - 13, 2013

**MEETING MINUTES
Approved 5/16/14**

Board Members Present

Robert Moody, Chair
Brian Cathey, Vice 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
Kristin Beall
Keith Lawson II

Board Members Absent

None

Others Present

Drew Winters, Executive Director, DBPR
Amanda Wynn, Government Analyst, DBPR
David Spingler, Government Analyst, DBPR
Donald Shaw, Administrative Assistant, DBPR
Douglas Dolan, Legal Advisor, AGO
Tom Barnhart, Legal Advisor, AGO
Kyle Christopher, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on September 11, 2013 from 2:04 – 4:05 pm. Mr. Boyette led the meeting. Of the 37 applications scheduled for review, 16 were approved, 3 were contingently approved, 11 were denied, 3 were continued, 2 were withdrawn and 2 were pulled.

APPROVED (16)

Garcia Sr., Rodolfo A.
Gross, Bradley H.
Hall, Stephen
Honc, Stephen J.
Joiner, Jubal L.
Karp, Richard J.
Kinsell, Dale E.
Lewis III, Charles R.
Lewis, Steven W.
Leynes, John K.
Loss, Andrew J.
Loss, Andrew J.
Mullen, Scott L.
Stewart Jr., Burnis E.
Stubock, Jason J.
Werner, Cheryl L.

CONTINGENT APPROVALS (3)

Daniels, John W. – *approved contingent upon providing proof of W2 employment*
Finkelstein, Richard M. – *approved contingent upon providing satisfaction of lien within 60 days of order filing date*
Rubin, Steven B. – *approved contingent upon providing proof of W2 employment*

DENIED (11)

Al-Soufi, Maher
Alfredson, Dale J.
Cervino, Lino
Charlton, Richard L.
Hough, Keith J.
Keller, James P.
Langston IV, John L.
Perez, Adalberto
Porro, Luis F.
Stine, Kevin W.
Webster, Charles E.

CONTINUED (3)

Crespin, Vick S. – 30 days
Duggan, Ryan R. – 30 days
Fay, David E. – 60 days

WITHDRAWN (2)

Loffler, David S.
Vaughn, Sammy C.

PULLED (2)

Bragg, Jeffrey J.
Cancio, George L.

Division II Board members met for Additional Business Entities Review on September 12, 2013, from 1:30 – 2:05 pm. Mr. Cobb led the meeting. Of the 12 applications scheduled for review, 8 were approved, 3 were continued and 1 was denied.

APPROVED (8)

Barnes, Elianu – approved as a change of status
Cook, Brandon J.
Gross, Michael S.
Horner, Heather M.
Jokinen, Teppo K.
Lee, Ronald W.
Leynes, John K.
Sosa, Daniel P.

CONTINUED (3)

Boalch, Mark D. – 60 days
Powers, Edward L. – 60 days
Wilson Jr., Albert – 30 days

DENIED (1)

Daniels, Charles W.

APPLICATION REVIEW

Division I Board members met for Application Review on September 11, 2013 from 4:27 – 6:12 pm. Mr. Evetts led the meeting. Of the 21 applications scheduled for review, 6 were approved, 6 were continued, 6 were denied and 3 were withdrawn.

APPROVED (6)

Goetz, Andrew W.
Jackson, David W.
Lippe, David J.
McNally, Matthew J.
Quintero, Nyree
Roesch III, Kenneth M.

CONTINUED (6)

Bobo, Joshua S. – 30 days
Calvert, Ricky B. – 120 days

Compton, Barry L. – 60 days
Coward, Judson N. – 30 days
Egbert, Kenyon E. – 60 days
McNish Sr., Emiel R – 60 days

DENIED (6)

Andrade, Keith J.
Cussianovich, Danislav M.
Henke, Larry L.
La Perle, Edward L.
Munyan, Daniel R.
O'Brien, Ronald K.

WITHDRAWN (3)

Bankes Jr., Michael E.
Kessler, Kathleen
McBride Jr., Teddy W.

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

Division II Board members met for Application Review on September 12, 2013 from 2:18 – 3:24 pm. Ms. Watts led the meeting. Of the 29 applications scheduled for review, 13 were approved, 1 was contingently approved, 6 were continued, 4 were denied, 3 were withdrawn, and 2 were pulled.

APPROVED (13)

Alvarez, Otniel
Buck, Joshua R.
Egan, Michael S.
Egbert, Kenyon E.
Hammond, Dale B.
Holmes, Shawn M.
Jane, Gabriel
Massej, Thomas
Morrisey, Many K.
Rowe, Robert D.
Schirmer, James L.
Sopena, Miguel A.
Tokes, Toby L.

CONTINGENT APPROVAL (1)

Prater, Jason R. – *approved contingent upon providing proof of credit score or licensing bond*

CONTINUED (6)

Benson, Jason S. – 30 days
Jackson, Tony S. – 60 days
Landino, Paul J. – 60 days

Melasi, Michael W. – 30 days
Oldack, David – 30 days
Willette, Brian M.

DENIED (4)

Bello Diaz, Jorge R.
Christian, Michael J.
Neal, John A.
Pop-Buia, Pavel O.

WITHDRAWN (3)

Ancliffe, Eric A.
Roche, Silvio
Williams, Kerry C.

PULLED (2)

Cancio, George L.
Randol, Thomas W.

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

PROBATION

Division I Board Members convened for Probation on September 12, 2013 from 11:15 – 12:00 pm. Mr. Kane led the meeting.

Ambrosius, Robert - CGC1519002
Result: Satisfactory

Annunziata, Steven – CGC025623
Result: Unsatisfactory

Ansley, Gary – CBC036329
Result: Unsatisfactory

Berman, Scott – CGC1509450
Result: Unsatisfactory

Bowman, Duane – CGC1518502
Result: Satisfactory

Caro, Miguel – CGC1520409
Result: Unsatisfactory

Cartelle, Antonio – CGC1516713
Result: Unsatisfactory

Checho, Robert – CBC040782

Result: Satisfactory

Davis, Cleo – CGC1520462

Result: Satisfactory

Gannaway, Guy – CGC1508012

Result: Continuance of 6 months granted

Gilley, Brandon – CRC1327329

Result: Satisfactory

Grashel, Larry – CRC1330606

Result: Continuance of 6 months granted

Greene, Craig – CGC1505891

Result: Stay of suspension lifted

Parker, Robert – CBC1258274

Result: Satisfactory

Sanders, JC – CBC060567

Result: Unsatisfactory

Division II Board Members convened for Probation on September 12, 2013 from 1:10 – 1:18 pm. Mr. Korelishn led the meeting.

Deekman, Dan – CCC1328830

Result: Stay of suspension lifted

Dejesus, Edward – CAC058733

Result: Stay of suspension lifted

Griffith, Glen – CCC1330167

Result: Satisfactory

Hahn, Paul – CCC023528

Result: Continuance of 6 months granted

Hanine, Ali – CAC1814604

Result: Satisfactory

Pybus, Robert – CAC1817420

Result: Continuance of 6 months granted

Scardina, James – CCC57964

Result: Satisfactory

Walsh, Timothy – CAC1817419

Result: Satisfactory

Wrong, Brian – CAC042669

Result: Satisfactory

GENERAL SESSION

The meeting was called to order by Robert Moody, Chair, at 9:02 am. Ms. Watts gave the Invocation. Mr. Sheehan led the Pledge of Allegiance.

REVIEW OF MINUTES

The board voted unanimously to approve the following minutes:

- April 2013 Final Action Minutes
- May 2013 Final Action Minutes
- June 2013 Final Action Minutes
- July 2013 Final Action Minutes
- August 2013 Final Action Minutes
- July 2013 Meeting Minutes

EXECUTIVE DIRECTOR'S REPORT – Drew Winters

Mr. Winters gave the following report:

Mr. Winters distributed the Monthly Board Report which provides the monthly complaint and investigation numbers.

Mr. Winters informed the Board that updated appointments had been received. He stated that three new members had been appointed to the Board, then recognized Keith Lawson II, and expressed his relief that the long-time vacant position of the mechanical contractor had now been filled. Mr. Winters announced that Michelle Kane had been replaced by Ben Dacheballi and Carl Engelmeier had been replaced by Andrew Allocco, both of whom would be present at the October meeting. Mr. Winters expressed his appreciation for Ms. Kane and Mr. Engelmeier's years of service, and stated that they would attend a future meeting to receive their plaque. Mr. Winters also announced that Mr. Evetts, Mr. Del Vecchio and Mr. Lenois had each been re-appointed and will continue to serve on the Board. Mr. Winters' offered congratulations to all parties.

Mr. Winters asked the Board to authorize the transfer of general revenue funds from their operating account in the amount of \$348,000 for the enforcement of Unlicensed Activity. This amount was determined by looking at the amounts spent during the previous two fiscal years. The Board voted to approve the transfer.

Mr. Winters stated that as mentioned during the Rules meeting, the Department will be moving forward with requesting legislative change related to the audit authority of the Board. He will work with the Department's Legislative Affairs office as well as the

Governor's office on proposed language. The Department is not moving forward with the licensing of pool cleaners.

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 stated that he had the pleasure of attending the NASCLA's national conference in Idaho with Division Director Harrell, Executive Director Biggins and a member of the Electrical Licensing Contractors Board. He stated that he enjoyed the conference and learning about the issues that other state agencies are facing. He stated that the most prominent issues were unlicensed activity, testing protocol and the other states' desire to reach a reciprocal agreement with Florida.

Mr. Moody reported that the demolition specialty contractor licensing was being delayed until February 2014 due to delays in developing the examination.

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 August 2013, the overall case load was 350, up from 327 in July of 2013, and up from 337 in August 2012.

There were 136 cases currently in Legal to be reviewed, 19 cases set for probable cause, and 48 cases where probable cause had been found/administrative complaints filed. 0 settlement stipulations had been approved, 0 informal hearings had been requested, and 13 cases were awaiting outside action. 7 cases were ready for default, 15 had requested formal hearings, and 0 cases were referred to DOAH. 3 cases were in settlement negotiations, 1 case was pending a board date, and 65 cases were set for board presentation. 43 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

For the month of August 2013, 82 cases were closed.

Mr. Christopher stated that an unlicensed activity case report would be provided to the board in the future.

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

ATTORNEY GENERAL'S REPORT – TOM BARNHART

ROBERT BOSTIC – REQUEST FOR INFORMAL HEARING

Mr. Bostic was present.

Mr. Barnhart presented this case stating Mr. Bostic's application for initial issuance of a certified building contractor's license was denied at the July 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 August of 2013. Mr. Bostic timely requested board reconsideration.

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

CITY OF PORT ORANGE – PETITION FOR DECLARATORY STATEMENT

Representatives from the City of Port Orange, Wharton-Smith, Inc., and Danus Utilities, Inc. were present.

Mr. Barnhart presented this case stating the City of Port Orange filed a petition for a declaratory statement on May 28, 2013. The petition was noticed in the Florida Administrative Register on June 14, 2013. Supplemental Questions were filed on August 12, 2013. Mr. Barnhart noted the petition seeks the Board's interpretation of Sections 489.105(3), 489.105(3)(n), and 489.113(9)(a), F.S., as to whether a certified underground contractor is licensed to perform work at a reclaimed water treatment plant facility as described in each of the following:

- A) Bypass pumping of influent sanitary sewer flow
- B) Removal and replacement of above ground piping, 16 inch plug valves and mechanical slide with manual actuators and gates
- C) Temporary underground piping for bypass pumping
- D) Removal and rehabilitation of above ground concrete channels and grating; including removing fiberglass liner assembly and rehabilitation of concrete surface
- E) Application of the manufacturer's certified epoxy coating to above ground concrete channels
- F) Removal and replacement of self-cleaning mechanical bar screens and accessories e.g., float balls, electrical connections and control panels

On June 12, 2013, Wharton-Smith filed a petition for leave to intervene in the declaratory statement proceedings. On June 25, 2013, Danus Utilities, Inc. filed a petition for leave to intervene in the declaratory statement proceedings.

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. Mr. Barnhart instructed the Board to consider whether or not the intervening parties, Wharton-Smith, Inc., and Danus Utilities, Inc., had proper standing to intervene in the declaratory statement proceedings.

After discussion the Board voted that the petitioner, the City of Port Orange, had the proper standing to request the petition. After further discussion the Board voted that both intervening parties, Wharton-Smith, Inc., and Danus Utilities, Inc., had the proper standing to intervene, and voted to allow both parties intervention in the proceedings.

After further discussion the Board answered in the affirmative and voted that a certified underground contractor is licensed to perform A – E as listed above, and that a certified underground contractor is authorized to perform F except for conduit and electrical connections which must be subcontracted.

CAMILO DIAZ – REQUEST FOR INFORMAL HEARING

Camilo Diaz was present.

Mr. Barnhart presented this case stating Camilo Diaz' application to qualify an additional business was denied at the June 2013 meeting of the board for failure to appear, pursuant to Rule 61G4-15.0021, Florida Administrative Code. The Notice of Intent to Deny was filed in July of 2013. Camilo Diaz timely requested board reconsideration.

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

PHILIP ECKHOFF – REQUEST FOR INFORMAL HEARING

Mr. Eckhoff was not present.

Mr. Barnhart presented this case stating Mr. Eckhoff's application for initial issuance of a certified building contractor's license was denied at the July 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 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 August of 2013. Mr. Eckhoff timely requested board reconsideration.

Mr. Eckhoff requested a 30 day continuance of this hearing. After discussion, the board voted to grant the continuance.

FLAMINGO POOL & SPA INC – PETITION FOR DECLARATORY STATEMENT

Phoebe Menzer was not present.

Mr. Barnhart presented this case stating Phoebe Menzer and Flamingo Pool and Spa Inc filed a petition for a declaratory statement on July 18, 2013. The petition was noticed in the Florida Administrative Register on August 1, 2013. Mr. Barnhart noted the petition seeks the Board's interpretation of Section 489.113, F.S., as it relates to subcontracting the application of the interior finish plaster to pools. 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 the proper standing. After further discussion the board voted that county licensed contractors can be subcontracted to apply the interior finish plaster to pools, as long as the issuing agency permits that work under their licensing.

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 vacate the previous denial and approve the application.

PATRICK HIGGINS – REQUEST FOR RECONSIDERATION

Mr. Higgins was not present.

Mr. Barnhart presented this case stating Mr. Higgins' application for initial issuance of a certified general contractor's license was denied at the July 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 August of 2013. Mr. Higgins timely requested board reconsideration.

Mr. Higgins requested a 30 day continuance of this hearing. After discussion, the board voted to grant the continuance.

J NEWTON ENTERPRISES INC – PETITION FOR DECLARATORY STATEMENT

Lori Newton was not present.

Mr. Barnhart presented this case stating that Lorie Newton and J Netwon Enterprises Inc filed a petition for a declaratory statement on July 23, 2013. The petition was noticed in the Florida Administrative Register on August 1, 2013. Mr. Barnhart noted the petition seeks the Board's interpretation as to whether the petitioner's state certified specialty contractor license allows her to install steel doors and frames. 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 the proper standing. After further discussion the board voted to deny the petition because the scope of the question is too broad and insufficient information was given.

MARC LACERTE – REQUEST FOR INFORMAL HEARING

Mr. Lacerte was present.

Mr. Barnhart presented this case stating that Mr. Lacerte's application to qualify an additional business entity was denied at the August 2013 meeting of the board for failure

to appear, as required by Rule 61G4-15.0021, Florida Administrative Code. The Notice of Intent to Deny was filed in September of 2013. Mr. Lacerte timely requested board reconsideration.

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

LANDMARC ENVIRONMENTAL SERVICES LLC – PETITION FOR DECLARATORY STATEMENT

A representative from Landmarc Environmental Services LLC was not present.

Mr. Barnhart presented this case stating Landmarc Environmental Services LLC filed a petition for a declaratory statement on July 26, 2013. The petition was noticed in the Florida Administrative Register on August 1, 2013. Mr. Barnhart noted the petition seeks the Board's interpretation as to which license would be required for the construction of gas extraction wells. 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 the proper standing. After further discussion the board voted to deny the petition because it was not in the proper format.

DENNIS TURNER – REQUEST FOR INFORMAL HEARING

Mr. Turner was present.

Mr. Barnhart presented this case stating that Mr. Turner's application for initial issuance of a certified roofing contractor's license was denied at the July 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 August of 2013. Mr. Turner timely requested board reconsideration.

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

UTILITY SERVICE CORP – PETITION FOR DECLARATORY STATEMENT

A representative from Utility Service Corp was not present.

Mr. Barnhart presented this case stating Utility Service Corp filed a petition for a declaratory statement on July 31, 2013. The petition was noticed in the Florida Administrative Register on August 29, 2013. Mr. Barnhart noted the petition seeks the board's interpretation as to the scope of work for the tower specialty license. 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.

Utility Service Corp requested a 30 day continuance. After discussion, the Board voted to grant the continuance.

JOSE VAZQUEZ – REQUEST FOR RECONSIDERATION

Mr. Vazquez was present with counsel, Diane Perera, Esq.

Mr. Barnhart presented this case stating Mr. Vazquez' application for initial issuance of a certified solar contractor's license was denied at the January 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 February of 2013. Mr. Vazquez timely requested board reconsideration.

Mr. Vazquez requested a 60 day continuance. After discussion, the Board granted the continuance.

JASON KLEIN – REQUEST FOR INFORMAL HEARING

Mr. Klein was present.

Mr. Barnhart presented this case stating that Mr. Klein's application to qualify an additional business entity was denied at the August 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 September of 2013. Mr. Klein timely requested board reconsideration.

After discussion the board voted to vacate the previous denial and approve the application contingent upon the applicant providing evidence of 30% ownership within 30 days from the order filing date.

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:

BOAF – FHBA CONSTRUCTION TRAINING

1st Course: 2010 Advanced Applying the Existing Building – **approved**

2nd Course: 2010 Advanced Dealing with Floodplains – **continued 30 days**

BUILDING OFFICIALS ASSOCIATION OF FLORIDA

1st Course: Photovoltaic Onsite Workshop for Code – **continued 30 days**

FLORIDA PLUMBING & BACKFLOW ASSOCIATION

1st Course: Backflow Repair and Maintenance – **approved as 19.5 hours**

FLORIDA POOL & SPA ASSOCIATION DBA FLORIDA SWIMMING POOL

1st Course: Business 106: Design and Construction Agreements – **approved**

2nd Course: Business 331: Job Casting for Profit vs. Existence – **approved**

3rd Course: Construction 104: Waterproofing – **approved**

4th Course: Construction 323: Outdoor Kitchen – **approved**

5th Course: Design 181: Major Renovations of Pools Design and Construction Considerations – **approved**

6th Course: Engineering 181: Major Renovation of Pools Structural and Hydraulic Considerations – **approved**

7th Course: Photovoltaic System Inspection – **approved**

8th Course: Solar Heating Pool Inspection – **approved**

9th Course: Solar Water Heating System Inspection - **approved**

HANLEY WOOD EXHIBITIONS

1st Course: Advanced Repair Techniques, Evaluation Repair Strategies and Design – **approved**

2nd Course: Advanced Structural Repair Strengthening Solutions – **approved as 3 hours general credit**

3rd Course: Air Barrier Requirements for Low Slope Roof Assemblies Myths vs. Facts – **approved**

4th Course: Approaches to Reducing Roof Related Damage and Losses – **approved**

5th Course: Are you ready for an ICE Audit? – **approved**

6th Course: Checklist for Reviewing a Mix Design – **approved**

7th Course: Concrete Countertop Fundamentals Templating, Forming, Reinforcing, Installing, Coloring and Sealing – **approved**

8th Course: Defense Strategies for OSHA Citations Contractor Success Stories – **approved as general credit only**

9th Course: Essential Parts to a Successful Estimating System – **approved**

10th Course: Fall Protection Issues and Challenges – **approved**

11th Course: Handling Complex Roofing Claims – **approved as general credit only**

12th Course: Improving Construction Productivity – **approved as general credit only**

13th Course: Leadership and Management Be Successful by Knowing the Difference – **approved as general credit only**

14th Course: Mock Depositions Preparing for an OSHA Formal Hearing – **approved**

15th Course: Open Forum Technical & Design Observation from the Field Experts – **approved**

16th Course: OSHA Regulatory Update – **approved**

17th Course: Performance of Asphalt Shingles – **approved**

18th Course: Plaza and Green Roof Waterproofing – **approved**

19th Course: Proven Techniques for Quality Concrete Placement and Consolidation – **approved**

20th Course: Restoration and Repair of Decorative Concrete – **approved**

21st Course: Roofing and Insurance When World's Collide – **approved**

22nd Course: Self- Consolidating Concrete Understand Technology and Leverage the Advantage – **approved**

23rd Course: Service Life Low Slope AI – ZN Standing Seam Roof System – **approved**

24th Course: Success Methods for Drying in a Low Slope Roof when you get Caught by a Surprise Change in Weather – **approved**

25th Course: The 2013-CA Energy Code Will Higher Reflectance Requirements Cause Condensation? – **approved**
26th Course: The Environmentally Responsible Building Envelope – **approved**
27th Course: The Impact FM and UL have on the Roofing Industry – **approved**
28th Course: Time Management Become a Personal Productivity Champion – **approved as general credit only**
29th Course: Total Quality Management a Key to Success – **approved as general credit only**
30th Course: Transparency in Thermal Performance – **approved**
31st Course: Troubleshooting Moisture Problems in Concrete Floors – **approved**
32nd Course: Understanding the Financial Realities of Building a Profitable Business – **approved**
33rd Course: Water infiltration of Asphalt Shingle Roofs Traditional Flashing Details and Updated Options – **approved**
34th Course: Waterproofing Product Types and Systems - **approved**
35th Course: Weather Related Effects on the Installation of Fully Adhered Single Ply System – **approved**
36th Course: What is More Important Water or Air? The Air versus Vapor Barner Conundrum- **approved**
37th Course: What You Do Not See Can Hurt You Moisture in Concrete Roof Decks – **approved**

INTERNACHI

1ST Course: How to Perform Wind Mitigation Inspections – **approved**

JC CODE & CONSTRUCTION CONSULTANTS INC

1st Course: Basic Concepts of the Florida – **approved**

PALM CONSTRUCTION SCHOOL INC

1st Course: Your Money “Matters” (Classroom Version) – **denied**

2nd Course: Your Money “Matter” (Online Version) - **denied**

PINCH A PENNY INC

1st Course: 12 Myths of Water Chemistry & Testing – **approved**

2nd Course: A New Era for Pool Contractors – **approved**

3rd Course: Advanced Automation – **approved**

4th Course: Basic Light Repair – **approved**

5th Course: Pool Surface Forensics 201 – **approved**

6th Course: PVC Plumbing Do’s & Don’ts – **approved**

7th Course: QuickBooks – **approved**

8th Course: Reduced Speed Technology for Pools – **approved**

9th Course: Why Seals Fail – **approved**

10th Course: Workers Compensation Basics – **approved**

11th Course: Workplace Safety - **approved**

REDVECTOR.COM INC

1st Course: 14 Hour Financial Responsibility and Stability – **approved**

SEMINAR GROUP

1st Course: 2ND Annual Construction Law in Florida – **approved as general; no laws & rules credit**

2nd Course: Engineered Tax Credits – **approved as general only**

SUNCOAST ARCHITECTURE & ENGINEERING LLC

1st Course: Aluminum Structures Engineering and “Acceptable Practice” - **approved**

TITAN CONTINUING EDUCATION INC

1st Course: 2014-2015 Live contractor Seminar #1 – **continued 30 days**

2nd Course: 2014-2015 Live Contractor Seminar #2 – **continued 30 days**

3rd Course: 2014-2015 Online Contractor Course #1 – **continued 30 days**

4th Course: 2014-2015 Online Contractor Course #2 – **continued 30 days**

5th Course: Construction Claims – **approved**

6th Course: Construction Ethics – **approved**

7th Course: Construction Marketing – **approved**

8th Course: Construction Trends – **approved**

9th Course: Laws and Rules – **approved**

10th Course: OSHA Safety Information – **approved**

11th Course: Project Portfolio Management – **approved**

12th Course: Storm water Control – **approved**

13th Course: Wind Mitigation Methodologies – **approved**

14th Course: Workers Compensation – New Requirements - **approved**

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Barnhart gave the following report:

There are no rules pending at this time, however Mr. Barnhart stated that he would work with Mr. Winters to develop language updates for Rule 61G4-17.001, F.A.C., regarding increasing the fines/penalties as requested by the Board during their first Unlicensed Activity Ad Hoc meeting. This rule should be noticed for development in the next week. Mr. Winters asked that Mr. Christopher work with them as well to determine the appropriate penalty guidelines.

Also, Mr. Winters and Mr. Del Vecchio will continue working on proposed rule language for the industrial facilities specialty contractor.

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

UNLICENSED ACTIVITY AD HOC COMMITTEE – AARON BOYETTE

Mr. Boyette gave the following report:

Erin Reisinger, ULA Coordinator for the Department of Business and Professional Regulation was introduced to the Board. Ms. Reisinger provided the Board with her employment history and introduced Samantha Stratton. Ms. Reisinger went on to discuss the current goals of the ULA division. The first goal is to meet with the State

Attorney's offices throughout Florida in an effort to increase the number of cases that are prosecuted criminally; at this time they have met with at least 12 offices. The second goal is to meet with building officials to communicate HB269 changes; at this time over 300 letters have been mailed to building officials. The third goal is to reach out to various associations, and they have sent out over 80 "Let's Work Together" letters. The last goal is to increase ULA staff, which has been done.

Ms. Reisinger introduced Tim McGrath, Regional Manager for the Tampa and Orlando offices. Mr. McGrath stated that he has brought on additional staff in both offices and in August they cleared 110 cases. 49 of the cases were unlicensed activity and of those 38 were self-initiated by investigators. Mr. McGrath explained that some of his biggest projects are getting out and connected with local authorities and sharing Sarasota's model program with involved parties to have it implemented throughout central Florida. He has met with Volusia County and Polk County offices. The ultimate goal is to have a round table meeting with the State Attorney's office, code enforcement officers and the Polk County Sheriff's office. He stated that his investigative supervisor would be meeting with the Osceola County building official and code enforcement officer that same evening to discuss the Sarasota program.

Mr. McGrath introduced Alan Plant, Orange County Building Official, and Carlos Morales, Investigative Supervisor with the Consumer Fraud Division of the State's Attorney's office. Both of these gentlemen played a huge part in the civil citation initiative that was just enacted in Orange County.

Mr. Plant stated he was pleased to report that after about a year and a half of working on the issue they now have the authority to issue citations for unlicensed contracting activity in Orange County. They had existing ordinances (back in 1994 the process started but it never came to fruition) that just weren't being enforced, and now they have the same ability to issue citations under the same categories as DBPR. He stated the benefit of working with Mr. Morales and his office is they already investigate these issues criminally, but now they have a civil element.

Mr. Morales thanked the Board for inviting them to attend the meeting. He stated that the ordinance was already there but not being enforced, and they have recently received authority to issue civil citations. Policy with the State's Attorney's office is that if there is a victim harmed by the fraud, they will file a criminal case. With the civil citation activity they can try and stop unlicensed activity before any consumer is harmed. They revised the citation form and now once they receive a call, notice or ad to act upon, they determine if a citation can be issued using information from DBPR and the building departments. Once they issue the citation the person has a couple of days to appeal the citation or in the alternative, they must pay the amount, which varies from \$75.00 - \$200.00 for an initial citation and up to \$500.00 for repeat offenders. The penalties mirror what's listed in Chapter 489 Florida Statutes. A list of violators is shared with DBPR to determine if there is an existing case, and if there are victims they can open a criminal case in addition to issuing a citation.

Mr. Lenois expressed concern over the low citation amounts and asked if there was a statutory requirement that the penalties be that low. It was explained that the penalties

were just doubled, but they intend to go back and request higher penalties be implemented.

Mr. Morales stated that he would like to have the State's Attorney's office serve the civil citations to repeat offenders, and then if the unlicensed contractor does not pay the citation he/she would then be found in contempt and have to appear before a judge.

Mr. Winters stated that the process is new but it is headed in the right direction.

Mr. Cobb asked if the various offices are keeping a database of offenders and if so, is the information being shared on a state level. It was confirmed that there is a database, but at this point they are working towards the goal of having a web-based database where code enforcement, law enforcement and state attorney's offices can all have access to this shared information so they can check for pas violations state wide.

Mr. Del Vecchio asked Ms. Reisinger the minimum amount for a citation issued by the Department. Ms. Reisinger explained that the minimum was \$1,000.00 but that a cease and desist is issued for the first offense and then a citation is issued for the second offense.

Mr. Winters stated if there is consumer harm the Department would go directly to the citation or open a case by filing an administrative complaint

Mr. Boyette stated that he would like to start focusing on the consumer as well as the unlicensed contractor

Mr. Del Vecchio stated there is not a case of unlicensed activity that doesn't involve consumer harm.

Mr. Boyette wants to convey to the public that they do make a difference by reporting unlicensed activity and they will be able to effect change. He applauded Mr. Morales and Mr. Plant for their efforts. He then asked Ms. Reisinger what she felt could be done differently than what's being done now.

Ms. Reisinger said she thought focusing on prosecutions would make a huge impact; getting law enforcement involved and getting the word out that unlicensed activity is a crime will have a positive impact on decreasing unlicensed activity. She also stated she was big on public awareness and her office received excellent feedback from various associations after sending out the "Let's Work Together" letters. She again stated that the big difference was going to be bringing in the criminal element, so working with local law enforcement and getting them on board with stings and sweeps is necessary.

Mr. Cobb expressed his amazement at the efforts of put forth by the unlicensed activity area and asked what the Board can do to help.

Mr. Del Vecchio suggested that we check on conducting studies and providing statistics to law enforcement offices that would provide them with the financial effects of unlicensed activity to show the magnitude of the problem; this may cause them to be more receptive.

Mr. Lenois suggested that our unlicensed activity investigators attend home shows to make our presence known.

Mr. Boyette asked what the next move is after this meeting.

Mr. Del Vecchio stated that many of the Board members have contacts through various associations and can use these contacts to present legislative change and that the biggest issue we have is a lack of communication. Everyone has good ideas, but there is not a protocol in place to ensure everyone is working together effectively.

Mr. Boyette stated he wants to be able to arm unlicensed activity enforcers with bigger hammers; wants the Board to get together and talk about what needs to be done to make sure all parties on are on the same page and working towards the same goals.

Mr. Winters stated that this unlicensed activity ad hoc committee was created to let the Board know what was going on and he thinks it makes a huge difference when the Board can see the local efforts.

Mr. Lenois stated the Board needs to know what the needs are so they can be provided.

Mr. Morales stated he's been working in consumer protection for over 25 years and he thinks the best idea is to put some teeth in the unlicensed activity penalties; tying penalties to an individual's driver's license would be powerful and effective. He also stated that the issue is only about the licensing and sometimes we forget about the victims who have to re-build everything; right now the statute does not deal with the victims. For contracting cases most judges order restitution to the victims but some do not because the statute doesn't state it, so if we could put something in there about restitution that would help make the victims whole.

Mr. Lenois expressed his concern with implementing the ability to charge a consumer for using a unlicensed contractor because he felt it would have a negative impact since the homeowner would then be admitting they had committed a crime; there should be amnesty for homeowners so they would be willing to come forward.

Mr. Boyette stated the goals would be to get more prosecutions and make put teeth in the statute.

Mr. Winters stated that Paul Waters, Assistant General Counsel to the Department, is already working on that and Mr. Winters will bring any legislative changes that effect Chapter 489, Florida Statutes, to the Board during the Rules committee meeting. He suggested the committee bring their ideas to the Rules meeting so they can discuss any legislative changes they may want to present. He also encouraged the committee members to work with their associations and industry representatives.

Public comment was given by Kevin Trim, Professional Licensing Services. Mr. Trim asked:

1. From DBPR's experience, is most unlicensed activity on the residential side or does it also involve commercial work?

2. Is there a typical profile for unlicensed contractors? Are they working as individuals or with businesses?

Ms. Reisinger stated the majority of complaints coming in are from homeowners and more on the residential side than the commercial. She stated that more of the unlicensed contractors were working as individuals, not businesses.

Mr. Trim then asked if the Department contacts workers' compensation after they identify an unlicensed contractor.

Ms. Reisinger informed Mr. Trim that her office receives a list from the Department of Financial Services, and the list includes workers' compensation applicants that are not properly licensed. Her office is currently cross checking these applicants for websites and advertisements to determine if a case can be opened.

Mr. Boyette stated that the committee could brainstorm about legislative changes at the next meeting.

Mr. Del Vecchio suggested that the committee get feedback from the ULA division over the next few months and then the committee can brainstorm about proposing legislative changes.

Mr. Winters informed the committee that this meeting would go from a monthly meeting to a bi-monthly meeting so the information can be digested by the committee.

Mr. Boyette wrapped up the meeting by thanking everyone for their attendance and sharing what they're doing in an effort to decrease unlicensed activity.

With nothing further to discuss the board approved the report.

RECOVERY FUND COMMITTEE – PAUL DEL VECCHIO

Mr. Del Vecchio gave the following report:

Ritter vs. Bezanson; Claim No. 2009-011885 – claim was awarded in the amount of \$29,840.00

Baskin vs. Ledbetter; Claim No. 2009-020089 – claim was awarded in the amount of \$10,685.08

Miller vs. Cicero; Claim No. 2009-020251 – claim was awarded in the amount of \$3,196.00

Eddins vs. Gill; Claim No. 2009-020369 – claim was awarded in the amount of 7,680.00

Cook vs. Schuller; Claim No. 2009-008378 – claim was awarded in the amount of \$14,000.00

Kiess vs. Hurley; Claim No. 2008-062134 – claim was awarded in the amount of \$5,000.00

Rhodriguez vs. Nurse; Claim No. 2009-028479 – claim was awarded in the amount of \$35,000.00

Bassano vs. Penna; Claim No. 2008-046220 – claim was awarded in the amount of \$11,840.39

Nunez vs. Eichelberger; Claim No. 2009-020335 – claim was awarded in the amount of \$37,910.51

Siemon vs. Blatz; Claim No. 2009-023159 – claim was awarded in the amount of \$18,000.00

Blaguski vs. Battle; Claim No. 2008-067584 – claim was awarded in the amount of \$23,079.73

Hassett vs. Battle; Claim No. 2008-068329 – claim was awarded in the amount of \$20,250.00

Schultz vs. Battle; Claim No. 2008-067334 – claim was awarded in the amount of \$37,499.25

Davis vs. Mulder; Claim No. 2008-063446 – claim was awarded in the amount of \$50,000.00

Caserta vs. Lamb; Claim No. 2009-023819 – claim was awarded in the amount of \$4,111.73

Poxon vs. Battle; Claim No. 2008-069395 – claim was awarded in the amount of \$23,314.90

Ryan vs. Battle; Claim No. 2009-005477 – claim was awarded in the amount of \$50,000.00

Segneri vs. Battle; Claim No. 2008-069242 – claim was awarded in the amount of \$24,103.50

Schimmel vs. Hurley; Claim No. 2009-023897 – claim was awarded in the amount of \$8,155.00

Gentil vs. Cicero; Claim No. 2009-021484 – claim was awarded in the amount of \$4,535.20

Testa vs. Battle; Claim No. 2008-069034 – claim was awarded in the amount of \$22,925.00

Jolly vs. Wells; Claim No. 2009-021057 – claim was awarded in the amount of \$17,360.00

Bell vs. Gill; Claim No. 2009-022510 – claim was awarded in the amount of \$6,000.00

Blake vs. Battle; Claim No. 2008-067230 – claim was awarded in the amount of \$23,259.90

Haney vs. Hill; Claim No. 2009-023920 – claim was awarded in the amount of \$40,908.00

Otto vs. Wilder; Claim No. 2009-022418 – claim was awarded in the amount of \$5,744.25

Applestein/Bivens vs. Battle; Claim No. 2008-067588 – claim awarded in the amount of \$50,000.00

Dorcey vs. Battle; Claim No. 2008-068200 – claim was awarded in the amount of \$50,000.00

Gardner vs. Battle; Claim No. 2009-011915 – claim was awarded in the amount of \$22,569.86

Glenn vs. Battle; Claim No. 2008-068172 – claim was awarded in the amount of \$14,805.64

Sherwood vs. Battle; Claim No. 2008-068971 – claim was awarded in the amount of \$50,000.00

Simko vs. Battle; Claim No. 2008-068770 – claim was awarded in the amount of \$50,000.00

Swann vs. Battle; Claim No. 2008-069059 – claim was awarded in the amount of \$50,000.00

Deck vs. Pennea; Claim No. 2009-025005 – claim was awarded in the amount of \$12,266.94

Tembeck vs. Pennea; Claim No. 2009-020731 – claim was awarded in the amount of \$1,533.00

Navarro vs. Eichelberger; Claim No. 2009-024981 – claim was awarded in the amount of \$50,000.00

Carpenter vs. Battle; Claim No. 2008-067625 – claim was awarded in the amount of \$23,525.60

Ferrara vs. Battle; Claim No. 2009-005501 – claim was awarded in the amount of \$23,370.20

Buker vs. McCleery; Claim No. 2009-028778 – claim was awarded in the amount of \$50,000.00

Currie/Riede vs. Battle; Claim No. 2009-021155 – claim was awarded in the amount of \$20,910.90

Porfirio vs. Battle; Claim No. 2009-005623 – claim was awarded in the amount of \$22,360.50

Tremel vs. Battle; Claim No. 2009-005628 – claim was awarded in the amount of \$50,000.00

Volpe vs. Fasino; Claim No. 2009-024993 – claim was awarded in the amount of \$50,000.00

Bukacek vs. Johnson; Claim No. 2009-033670 – claim was awarded in the amount of \$12,120.00

Joseph vs. Wilder; Claim No. 2009-038223 – claim was awarded \$14,246.00

Bohm vs. Pflieger; Claim No. 2009-021272 – claim was awarded \$25,000.00

Villa vs. Battle; Claim No. 2009-005492 – claim was awarded in the amount of \$50,000.00

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

OLD BUSINESS

Removal of old materials from laptop.

NEW BUSINESS

Mr. Weller asked the board to look at the process for allowing applicants to withdraw their applications at the board meeting.

With no further business the meeting was adjourned at 10:47am.