

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Gaylord Palms Resort & Convention Center
6000 West Osceola Pkwy
Kissimmee, FL 34746
407.586.2000**

October 12-14, 2011

**MEETING MINUTES
Pending Approval**

Board Members Present

Mark Pietanza, Chair
Jerry Hussey, Vice Chair
Albert Korelishn
Roy R. Lenois
W. Brian Cathey
Peggy Bailey
Robert Moody
Kristen Beall
Elbert Batton
Paul Del Vecchio
Carl Engelmeier
Edward Weller
Michelle Kane
Richard Kane (Observed)

Board Members Absent

James Evetts
William Sheehan

Others Present

Drew Winters, Executive Director, DBPR
Amanda Wynn, Government Analyst, DBPR
David Spingler, Government Analyst, DBPR
Daniel Biggins, Legal Advisor, AGO
Paul Waters, Chief Prosecuting Attorney, DBPR
Susan Mazuchowski, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on October 12, 2011 from 2:01 – 3:48 pm. Mr. Hussey led the meeting. Of the 24 applications scheduled for review, 12 were approved, 1 was contingently approved, 2 were denied, and 9 were withdrawn.

APPROVED (12)

Carelli, Robert
Crews, Jimmy
Dostie, Christopher
Funke, Timothy
Gillam, Gregory (present with Counsel Fred Dudley)
Mangoli, Sanjeev
Mastrucci, Joseph
Pietragall, Stephen
Rinehart, Stephen
Spears, Karen
Wyatt, Shawn
Wyatt, Shawn

CONTINGENT APPROVALS (1)

Fluty, Paul – Contingent upon submitting W2 showing proof of employment

DENIED (2)

McBayne, Trevor
Pugh, James

WITHDRAWN (9)

Bobek, Michael
Brooks, Robert
Eller, Martin
Galvez, Anthony
Grashel, Larry
Griffin, James
Newman, Christopher
Schaefer, Paul
Welsh, Kim

Division II Board members met for Additional Business Entities Review on October 13, 2011 from 3:49 – 4:39 pm. Mr. Pietanza led the meeting. Of the 13 applications scheduled for review, 9 were approved, 1 was denied, 2 were approved contingent, and 1 was withdrawn.

APPROVED (9)

Distolle, Kevin (present with Counsel Fred Dudley)
Forrest, Terry
Garza, Francisco
Gilreath, Gilley

Harrity, Daniel (present with Counsel Fred Dudley)
Rushing, Scott
Tillman, Timothy
Tucker, Forrest
Wolek, Edwin

CONTINGENT APPROVALS (2)

Despres, Pierre – Contingent upon completing an additional 7 hours of live continuing education, submitting a \$1,000 assessment for, and submitting proof of employment in the form of a W2
Rodriguez, Madeline – Contingent upon showing 20% ownership in the company and submitting proof of employment in the form of a W2

DENIED (1)

Cabrera, Angel

WITHDRAWN (1)

Rosenblum, Michael

APPLICATION REVIEW

Division I Board members met for Application Review on October 12, 2011 from 4:07 – 4:52 pm. Mr. Cathey led the meeting. Of the 14 applications reviewed, 8 were approved, 1 was continued, 1 was contingently, and 4 were denied.

APPROVED (8)

Anderson, Randall
Atlee, Kenyon
Berrong, Robert
Fanning, Brock (present with Counsel Tim Atkinson)
Merton, Steven (present with Counsel Tim Atkinson)
Reinert, James (present with Counsel Tim Atkinson)
Smith, Kenneth – approved as downgrade to a CRC license
Wells, Thomas

CONTINUED (1)

Cooper, James – 30 days

CONTINGENT APPROVALS (1)

Moss, Kenneth – Contingent upon providing proof of having no liens or judgments within 60 days

DENIED (4)

Hamilton, Donald
Matarazzo, Nicholas
Perusse, Jeffrey
Tsacrios, James

Division II Board members met for Application Review on October 13, 2011 from 4:49 to 5:37 pm. Mr. Engelmeier led the meeting. Of the 15 applications scheduled for review, 8 were approved, 1 was approved conditionally, 1 was continued, 2 were withdrawn, and 3 were denied.

APPROVED (8)

Baker, Andrew

Bolt, Grove – present with counsel

Buckels, Theodore – Mr. Lenois recused himself for personally knowing applicant

Farrill, William – present with counsel

Fernandez, Lisandro – present with counsel

Marziano, Francisco

Moliterno, Oscar

CONDITIONAL APPROVALS (1)

Smith, Eric – 2 years probation or until liens are satisfied

CONTINUED (1)

Hector, Yordanys – 90 days

WITHDRAWN (2)

Russ, Bette

Sutherland, Mark

DENIED (3)

Cunningham, Jacob

Hagan, Geoffrey

Taylor, Brad

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

The Division I Probation Committee met on October 13, 2011 from 2:00 – 2:29 pm. The Committee was chaired by Elbert Batton.

Fernando Barberena, CGC1512241

Result: Unsatisfactory

Shawn Beale, CGC1519613

Result: Satisfactory

Harry Brown, CGC1514149

Result: Stay of Suspension lifted

Joel Davis, CGC1519612
Result: Continued 6 months

Roger Day, CBC1258208
Result: Satisfactory

Kalam Fletcher, CBC1258103
Result: Satisfactory

Neyza Guzman, CBC1255705
Result: Satisfactory

Michael Herman, CGC060830
Result: Satisfactory

Eric Hudson, CGC038665
Result: Satisfactory

Christopher Jettinghoff, RB29003456
Result: Satisfactory

John King, CGC1510488
Result: Continued 6 months

Anthony Nesmith, RB29003517
Result: Satisfactory

Steven Pavich, CBC1251350
Result: Satisfactory

Michael Porath, CBC060392
Result: Continued 6 months

Remon Rudge, CGC1506495
Result: Satisfactory

Oleksandr Serga, CGC1518264
Result: Satisfactory

Steven Sills, CBC1255412
Result: Unsatisfactory

Christopher Stamas, CGC1516086
Result: Satisfactory
Request for early termination of probation was approved

Guillermo Swain, CGC1519361
Result: Stay of Suspension lifted

***The Division II Probation Committee met on October 13, 2011 from 2:47 – 3:38 pm.
Mr. Moody chaired the Committee.***

Steven Althoff, CCC1328764

Result: Satisfactory

Douglas Bloomer, CFC1427803

Result: Satisfactory

Kenneth Brannen, CFC057132 (with Counsel)

Result: Unsatisfactory

Joseph Dittmar, CAC1816786

Result: Satisfactory

Wayne Giese, CAC1816786

Result: Satisfactory

Michael Herman, CCC1325488

Result: Satisfactory

Eric Hudson, CCC056682

Result: Satisfactory

Charles McHone, RC29027390

Result: Stay of Suspension lifted

Lance Mears, CFC1428408

Result: Stay of Suspension lifted

Yvette Ming, CFC1428097

Result: Satisfactory

Salvatore Musso, CAC1816598

Result: Satisfactory

Travis Slaughter, CFC1428342

Result: Unsatisfactory

Polynne Soares, CCC1329580

Result: Stay of Suspension lifted

Charles Stoetzel, CPC1456750

Result: Satisfactory

Lincoln Sziranko, SCC131149971

Result: Satisfactory

Marc Taylor, CCC1325527
Result: Continued 6 months

GENERAL SESSION

The meeting was called to order by Mr. Pietanza, Chair, at 9:05 am. Mr. Lenois gave the invocation. Mr. Moody led the Pledge of Allegiance.

REVIEW OF MINUTES

- A. Final Action Minutes – September 2011
- B. Meeting Minutes – September 2011

EXECUTIVE DIRECTOR'S REPORT – DREW WINTERS

Mr. Winters gave the following report:

Mr. Winters introduced Mr. Richard Kane as the newest board member to serve on Division I and stated that next month's meeting will be his first actively participating in the proceedings.

Mr. Winters also summarized the Inspector General's audit on travel expenses to the board and suggested they pay close attention to the section comparing the costs of board members using their own transportation as opposed to renting a vehicle.

Mr. Winters also handed out the board member training handbook as requested by Ms. Beall and Ms. Kane at the previous meeting, and provided the board members with the Departments most recent financial statement, summarizing that the board has a very positive financial situation.

Unlicensed Activity Awareness memorabilia was also distributed to board members.

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

CHAIRMAN'S REPORT – MARK PIETANZA

Mr. Pietanza gave the following report:

The board voted unanimously to excuse the following absences:

Mr. Evetts
Mr. Sheehan

Mr. Pietanza congratulated Ms. Kane on winning her fitness competition and congratulated Ms. Watts on her reappointment to the board.

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

PROSECUTING ATTORNEY'S REPORT – PAUL WATERS

Mr. Waters gave the following report:

For the month of September 2011, the overall case load was 472, down from 555 in August of 2011, and down from 1,199 in September of 2010.

There were 109 cases currently in Legal to be reviewed, 43 cases set for probable cause, and 55 cases where probable cause had been found/administrative complaints filed. 1 settlement stipulation had been approved, 5 informal hearings had been requested, and 5 cases were awaiting outside action. 10 cases were ready for default, 10 had requested formal hearings, and 3 cases were referred to DOAH. 19 cases were in settlement negotiations, 25 cases were pending board dates, and 117 cases were set for board presentation. 70 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

For the month of August 2011, 183 cases were closed.

Mr. Waters also reopened a case from the Final Action proceedings on Thursday, October 13. Mr. Moody served with Division I to make quorum. The details of that case can be found in the Final Action minutes.

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

TED BICKOFF – PETITION FOR DECLARATORY STATEMENT

Mr. Bickoff was present.

Mr. Biggins presented this case stating Ted Bickoff filed a petition for a declaratory statement on September 16, 2011. The petition was noticed in the Florida Administrative Weekly on October 14, 2011. Mr. Biggins noted that the petition seeks the agency's opinion as to the applicability of Section 489.105 (3), Florida Statutes, as it applies to the petitioner, and whether the installation of a Pool Lift and providing an independent water supply is within the scope of a building contractor. Mr. Biggins 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 that the petitioner had standing. After further discussion the board voted that the requested pool services are outside the scope of work of a building contractor and that a building contractor is not licensed to install a pool lift as described in the petition.

JUAN CARLOS CACCIAMANI – MOTION TO RECONSIDER

Mr. Cacciamani was present with Counsel Tim Atkinson.

Mr. Biggins presented this case stating Mr. Cacciamani's application for a reinstatement of his null & void certified general contractor's license was denied at the February 2011 meeting of the board for failing to present evidence of a good faith effort to comply with the license renewal statutes and rule and failure to present evidence that rises to the level of illness or unusual hardship that would justify the failure to renew the license.

The Notice of Intent to Deny was filed in February of 2011. Mr. Cacciamani timely requested a hearing before an Administrative Law Judge with the Division of Administrative Hearings, but requested the board reconsider their decision before proceeding with the hearing at DOAH.

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

GEORGE ELBERT – REQUEST FOR INFORMAL HEARING

Mr. Elbert was not present.

Mr. Biggins presented this case stating Mr. Elbert's application for initial issuance of a registered swimming pool/spa servicing contractor's license was denied at the July 2011 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in August of 2011. Mr. Elbert timely requested board reconsideration.

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

TIMOTHY KREBS – MOTION TO RECONSIDER

Mr. Krebs was present without Counsel.

Mr. Biggins presented this case stating Mr. Krebs's application to reinstate his null & void certified general contractors license was denied at the March 2011 meeting of the board for failure to present evidence of a good faith effort to comply with the license renewal statutes and rules and failed to present evidence that rise to the level of illness or unusual hardship that would justify the failure to renew the license. The Notice of Intent to Deny was filed in April of 2011. Mr. Krebs timely requested a hearing before an Administrative Law Judge with the Division of Administrative Hearings, but requested the board reconsider their decision before proceeding with the hearing at DOAH.

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

DOMINICK MARATEA – MOTION TO RECONSIDER

Mr. Maratea was present.

Mr. Biggins presented this case stating Mr. Maratea's application to reinstate his null & void certified roofing contractor's license was denied at the May 2011 meeting of the board for failure to present evidence of a good faith effort to comply with the license renewal statutes and rules and failed to present evidence that rise to the level of illness or unusual hardship that would justify the failure to renew the license. The Notice of Intent to Deny was filed in June of 2011. Mr. Maratea timely requested a hearing before an Administrative Law Judge with the Division of Administrative Hearings, but requested the board reconsider their decision before proceeding with the hearing at DOAH.

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

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

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ELBERT BATTON

Mr. Lenois gave the following report:

Construction Services Enterprises, Inc.

- 1st Course: Building & Designing Using Green Materials – **approved**
- 2nd Course: Code Compliance to Resist Winds – **approved**
- 3rd Course: Using Sheathing Panels to Resist Uplift & Shear – **approved**
- 4th Course: Wind Force Resistance Systems – Panels Walls Construction – **approved**

Contractors School, Inc.

- 1st Course: Family Members Employees – **approved (contingent upon receipt of instructor bios and distance learning)**
- 2nd Course: Referral Tsunami - **approved (contingent upon receipt of instructor bios and distance learning)**
- 3rd Course: Understanding Davis – Bacon - **approved (contingent upon receipt of instructor bios and distance learning)**
- 4th Course: Value Selling - **approved (contingent upon receipt of instructor bios and distance learning)**
- 5th Course: Workers' Compensation - **approved (contingent upon receipt of instructor bios and distance learning)**

DFS Division of Workers Comp/Bureau of Compliance

- 1st Course: Florida Workers Compensation – **approved**
- 2nd Course: Workplace Safety – **approved**

Florida Air Conditioning Apprenticeship

- 1st Course: Air Conditioning Service – **approved**
- 2nd Course: ECM Motors – **approved**

FL Pool & Spa Association dba FI Swimming Pool Assoc

- 1st Course: CMS Certified Maintenance Specialist Course – **approved**
- 2nd Course: Financial Management for Pool Contractors During Tough Times – **approved**

Florida Solar Energy Center

- 1st Course: Online Energy Gauge Pro Hands On – **approved**
- 2nd Course: Online from Blueprints to Residential Energy Code Compliant – **approved (contingent upon submittal of distance learning)**
- 3rd Course: Photovoltaic Technical Sales and Business Operations – **approved**
- 4th Course: Selling Photovoltaic Systems – **approved**

Gold Coast School of Construction, Inc.

- 1st Course: Contracting in Broward County – A Review of Chapter 9 – **approved**

Hanley Wood Exhibitions

1st Course: Estimating Part I – Strategies to Determine Labor, Equipment, and Profit – **approved**

2nd Course: Estimating Part II – Job Costing, Accounting, and Overhead – **approved**

Koning Enterprises, Inc. dba Contractors Institute

1st Course: Florida Statute 489 and F.A.C. – **approved**

2nd Course: Overview Florida's Hurricane Methodologies and Inspection Requirement – **approved**

Sealoflex, Inc.

1st Course: Waterproofing Solutions for the Entire Building Envelope – **withdrawn**

R. Bruce Kershner Company

1st Course: Photovoltaic Systems Basics – **approved**

2nd Course: Photovoltaic Systems Inspections – **approved**

3rd Course: Solar Hot Water Heating Systems Basics – **approved**

4th Course: Solar Hot Water Heating Systems Inspections – **approved**

5th Course: Solar Pool Heating Systems Basics – **approved**

6th Course: Solar Pool Heating Systems Inspections – **approved**

7th Course: Solar Thermal Systems Basics – **approved**

8th Course: Solar Thermal Systems Inspections – **approved**

BRB Code Educators, Inc.

1st Course: Florida Building Code, Building, Summary of Changes – **approved**

2nd Course: Florida Building Code, Building – 2007 vs. 2010 – **approved**

Shumaker, Loop, & Kendrick, LLP

1st Course: Legal Issues with Green Building – **approved**

Siegfried, Rivera, Lerner, De La Torre, & Sobel, P.A.

1st Course: An overview of CGL Insurance for Construction Companies - **approved**

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

The following Rules have been **Developed:**

61G4-15.001 Qualification for Certification

The following Rules have been **Noticed:**

61G4-16.009 Examination/Reexamination

Discussion also began concerning amending Rule 61G4-15.001 (5)(c) to change the edition of the textbook to be used.

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

AD HOC COMMITTEE – MARK PIETANZA

The Ad Hoc Committee did not convene this month.

OLD BUSINESS

Removal of Board materials from lap tops.

NEW BUSINESS

Mr. Winters stated that a request has been brought to his attention regarding the approval of additional business entities. Mr. Winters asked the board that in the situation where a company is seeking to operate under a wholly owned subsidiary and is seeking to apply their current qualifier to this new entity, if the Board would be opposed to allowing just those specific applications to be approved in house by the Department. The Board denied the request and stated they would like those applications to continue to be presented to the Board.

With no further business the meeting was adjourned at 9:58 am.