

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Embassy Suites Tampa/USF
3705 Spectrum Blvd
Tampa, FL 33612
813.977.7066**

October 7, 8 – 10, 2014

**MEETING MINUTES
Unapproved**

Board Members Present

Brian Cathey, Chair
Roy Lenois, Vice Chair
Aaron Boyette
Jacqueline Watts
Albert Korelishn
Christopher Cobb
Richard Kane
Mark Pietanza
Mary Layton
James Evetts
Keith Lawson II
Andrew Allocco
Robert Moody
Hector Castro
William Sheehan
Jason Wolf

Board Members Absent

Edward Weller

Others Present

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

ADDITIONAL BUSINESS ENTITIES REVIEW

Division II Board members met for Additional Business Entities Review on October 8, 2014 from 2:00 – 2:34pm. Mr. Lawson led the meeting. Of the 16 applications on the agenda, 8 were approved, 5 were continued, 2 were withdrawn and 1 was pulled.

APPROVED (8)

Abdullah, Salahuddin
Bludsworth, Steven
Forbes, Brian
Geus, Karl
Oszianczi, Csaba
Reaves, William
Starkweather, James
Terhune, John

CONTINUED (5)

Andres, Arsenio – continued 30 days
Bouscher, Steven – continued 30 days
Rice, Donald – continued 30 days
Snyder, Timothy – continued 90 days
Soper, James – continued 90 days

WITHDRAWN (2)

Calderon, Joseph
Skladzien, Ryszard

PULLED(1)

Gordon, Harry

Division I Board members met for Additional Business Entities Review on October 9, 2014, from 1:30 – 3:31pm. Mr. Boyette led the meeting. Of the 35 applications on the agenda, 12 were approved, 6 were approved contingent, 9 were continued, 5 were denied, 1 was withdrawn and 2 were pulled.

APPROVED (12)

Foster Jr., Anthony
Foster Jr., Anthony
Lee, Jennifer
Marshall, John
Martinez, Fermin
Miseroy, John
Paul, Brian
Perez-Lavin, Darleen
Rubio, Rey
Salisbury, James
Wilhite, David
Wirsing, Matthew

APPROVED CONTINGENT (6)

Karch, Christopher
Montgomery, Jeffrey
Papas, Clem
Richetti, Italo
Smith, Charles
Stecker, William

CONTINUED (9)

Bosma, Brandon – continued 90 days
Duarte, Ramon – continued 30 days
Herrera, Carlos – continued 30 days
Kantor, Ori – continued 90 days
Lewellen Jr., Michael – continued 90 days
Patterson, Chad – continued 90 days
Rohe, Christopher – continued 30 days
Savich, Justin – continued 30 days
Williams, Christopher – continued 30 days

DENIED (5)

Donavon, Brooks
Hubbard, Randey
Nwana, Chika
Pitts, Grant
Simpson, Lewis

WITHDRAWN (1)

Williams, Rex

PULLED(2)

Gaitan, Joanna
Sanchez, Maria

APPLICATION REVIEW

Division II Board members met for Application Review on October 8, 2014, from 3:00 – 5:11pm. Mr. Cobb led the meeting. Of the 37 applications on the agenda, 18 were approved, 6 were continued, 7 were denied, 5 were withdrawn and 1 was pulled.

APPROVED (18)

Archinal, Jay
Castano Guerra Sr., Aroldo
Collins, Lee
Diaz, Frank
Inskip, David
Moore Jr., Jerry
Morales, Alexis
Pisano, Michael – approved as a downgrade to a Residential CPC license
Price, George

Quijada, Kevin
Rodriguez, Hector
Rogers, James
Selbach, John
Stidham, Ronald
Vallejo, Luis
Whorley, Robert
Wise, Ginnie
Zes, Katie

CONTINUED (6)

Cseak, Robert – continued 90 days
Derosa, Paul – continued 90 days
Esperanza, Cesar – continued 90 days
Holmes, Shawn – continued 30 days
Maybaum, Russell – continued 30 days
Wicht, Alfred – continued 30 days

DENIED (7)

Allred, Brett
Colosimi, John
Dalmau, Francisco
Mathews III, Philip
Peare, James
Utley, Thomas
Zeyrek, Omer

WITHDRAWN (5)

Edwards, Van
Harmon, Thomas
Theberge, Paul
Werling, Dustin
Wheeler, Howard

PULLED (1)

Cocilovo, Frank

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

Division I Board members met for Application Review on October 9, 2014, from 3:45 – 5:39pm. Mr. Evetts led the meeting. Of the 27 applications on the agenda, 9 were approved, 4 were continued, 1 was approved contingent, 9 were denied, 2 were withdrawn and 2 were pulled.

APPROVED (9)

Albritton IV, John
Coleman, John
Garner, Kenneth
Hellmich, James
Hutchison, Drew – approved as a downgrade to a CRC license

Mashtakov, Serge
Peacock, Thamar
Poll, Philip
Raymon, Rene

CONTINUED (4)

Bogie, Michael – continued 90 days
Feola III, Nicholas – continued 180 days
Ivey, Ryan – continued 90 days
Nichols, Frederick – continued 30 days

APPROVED CONTINGENT (1)

Greaves, Alan

DENIED (9)

Barney, Chelsea
Clayton, Annie-May
Crosby Jr., Aubrey
Leo, Rogerio
McAllister, Scott
Miller Jr., Raymond
Ransco II, James
Welborn, David
Winston, Angela

WITHDRAWN (2)

Batson, Mia
Ghiz, Joshua

PULLED (2)

Bardonner, Charles
Cossairt, Maurice

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

PROBATION

Division II Board Members met for Probation on October 9, 2014 from 9:45 – 10:15am. Mr. Korelishn led the meeting.

Hebert, Edward – CFC039984
Result: Satisfactory

Mendoza Blandon, William – CFC1427860
Result: Unsatisfactory

Mullen, Brian – CCC1330417
Result: Satisfactory

Mullen, Brian – CPC048249

Result: Satisfactory

Muth, Patrick – CFC1426961

Result: Unsatisfactory

Sharpeletti, Michael – CFC1429043

Result: Satisfactory

Division I Board Members met for Probation on October 9, 2014 from 1:02 – 1:17pm. Mr. Sheehan led the meeting.

Gibaldi, Michael – CGC056799

Result: Satisfactory

Gilley, Brandon – CRC1327329

Result: Satisfactory; Request for early termination of probation was denied.

Hayes, Christopher – CRC1330612

Result: Satisfactory

Haynes, Robert – CGC062355

Result: Satisfactory

Joseph, Samuel – CGC1518941

Result: Unsatisfactory

Mullen, Brian – CGC049971

Result: Satisfactory

Segundo, Edson – CGC1520510

Result: Satisfactory

GENERAL SESSION

The meeting was called to order by Mr. Cathey, Chair, at 9:04am. Mr. Lenois gave the Invocation. Mr. Evetts led the Pledge of Allegiance.

EXECUTIVE DIRECTOR'S REPORT – Drew Winters

Mr. Winters gave the following report:

Mr. Winters distributed the monthly enforcement report which provides the monthly complaint and investigation numbers. He informed the Board that he would distribute the financial report at the next meeting.

Mr. Winters informed the Board that the Department was currently working on correcting license statuses to remove "active" as a secondary status for revoked and suspended licenses. He also stated

that the Department was working on making information regarding previous discipline on a licensee more easily accessible to the public.

Mr. Winters invited the members whose terms were coming up on expiration to re-apply for re-appointment.

Mr. Winters requested the Board excuse the following absence:

Mr. Weller

The Board voted unanimously to excuse the above absence.

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

CHAIRMAN'S REPORT – BRIAN CATHEY

Mr. Cathey announced that Daniel Biggins would be the new Executive Director for the Board.

Mr. Cathey informed the Board that the nominating committee would convene at the November meeting, and asked the members to consider if they would like to keep the schedule as it is with Division II convening for Application Review and Additional Business on Wednesdays and Division I convening for those meetings on Thursdays. He also informed the Board that the 2015 schedule was being worked on by Board staff and would be distributed at the next meeting.

PROSECUTING ATTORNEY'S REPORT – KYLE CHRISTOPHER

Mr. Christopher gave the following report:

For the month of September 2014, the overall license activity case load was 555, up from 528 in August 2014 and up from 371 in September 2013.

There were 386 cases in Legal to be reviewed, 0 cases set for probable cause, 13 cases for which probable cause had been found/administrative complaints filed, 1 settlement stipulation approved, 3 informal hearings requested, 1 case awaiting outside action, 26 cases ready for default, 57 formal hearings requested, 0 cases referred to DOAH, 2 cases in settlement negotiations, 0 cases pending Board dates, 27 cases set for Board presentation, 39 cases awaiting final orders, 0 cases under appeal and 0 cases had been re-opened.

For the month of September 2014, 43 cases were closed.

For the month of September 2014, the overall unlicensed activity case load was 747.

There were 546 cases in Legal to be reviewed, 50 administrative complaints filed, 0 settlement stipulations approved, 10 informal hearings requested, 3 cases awaiting outside action, 58 cases ready for default, 36 formal hearings requested, 0 cases referred to DOAH, 21 cases in settlement negotiations, 23 cases awaiting final orders, 0 cases under appeal and 0 cases had been re-opened.

For the month of September 2014, 93 cases were closed.

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

ATTORNEY GENERAL'S REPORT – TOM BARNHART

RYAN BROWN – REQUEST FOR INFORMAL HEARING

Mr. Brown was present.

Mr. Barnhart presented this case stating Mr. Brown's application for initial issuance of a certified specialty structure contractor's license was denied at the June 2014 meeting of the Board for failure to demonstrate the required experience, pursuant to section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code and the applicant failed 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 2014. Mr. Brown timely requested Board reconsideration.

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

DAVID BUNKER – REQUEST FOR INFORMAL HEARING

Mr. Bunker was present with counsel.

Mr. Barnhart presented this case stating Mr. Bunker's application for initial issuance of a certified general contractor's license was denied at the June 2014 meeting of the Board for failure to sufficiently demonstrate the required experience, pursuant to section 489.111, Florida Statutes and Rule 61G4-15.006, Florida Administrative Code. The Notice of Intent to Deny was filed in July of 2014. Mr. Bunker timely requested Board reconsideration.

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

LUIS ESCOBAR – REQUEST FOR INFORMAL HEARING

Mr. Escobar was present with counsel.

Mr. Barnhart presented this case stating Mr. Escobar's application to qualify an additional business entity was denied at the July 2014 meeting of the Board for failure 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 July of 2014. Mr. Escobar timely requested Board reconsideration.

Mr. Escobar requested a 30 day continuance. After discussion, the Board voted to grant the continuance.

MARK GANSKOP – REQUEST FOR INFORMAL HEARING

Mr. Ganskop was present.

Mr. Barnhart presented this case stating Mr. Ganskop's application for initial issuance of a certified General contractor's license was denied at the February 2014 meeting of the Board for failure 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 April of 2014. Mr. Ganskop timely requested Board reconsideration.

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

JOHN HOLMES – REQUEST FOR INFORMAL HEARING

Mr. Holmes was present with counsel.

Mr. Barnhart presented this case stating Mr. Holmes's application for initial issuance of a certified general contractor's license was denied at the July 2014 meeting of the Board for failure 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 2014. Mr. Holmes timely requested Board reconsideration.

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

CHARLES HUNT– PETITION FOR DECLARATORY STATEMENT

Mr. Hunt was not present.

Mr. Barnhart presented this case stating that Charles Hunt filed a petition for declaratory statement on August 4, 2014. The petition was noticed in the Florida Administrative Register on August 13, 2014. Mr. Barnhart noted the petition seeks the Board's interpretation as to whether petitioner, as a licensed certified general contractor, needs to complete the specialized continuing education courses specified in section 489.115(4)(b), F.S., and Rule 61G4-18.001(2)(f), F.A.C., before he can submit to the local building departments his own plans and drawings pursuant to section 489.113(9)(b)(2), F.S., and whether local building departments are allowed to require liability releases, special training, or any other item not specifically addressed in the state statutes.

After discussion, the Board voted that if required by the local building department, the petitioner needs to complete the specialized continuing education courses specified in section 489.115(4)(b)(2), F.S., and Rule 61G4-18.001(2)(f), F.A.C. As to whether local building departments are allowed to require liability releases, special training or any other item not specifically addressed in the state statutes, the Board declined to answer because it is not within the scope of the Construction Industry Licensing Board.

DANIEL KENNEDY– REQUEST FOR INFORMAL HEARING

Mr. Kennedy was present with counsel.

Mr. Barnhart presented this case stating Mr. Kennedy's application for initial certified General contractor's license was denied at the July 2014 meeting of the Board for failure 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 2014. Mr. Kennedy timely requested Board reconsideration.

Mr. Kennedy request 120 day continuance to provide one year experience. After discussion, the Board voted to grant the continuance.

ANTHONY LAVENDER– REQUEST FOR INFORMAL HEARING

Mr. Lavender was not present.

Mr. Barnhart presented this case stating Mr. Lavender's application for initial issuance of a certified general contractor's license was denied at the July 2014 meeting of the Board for failure to 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 2014. Mr. Lavender requested Board reconsideration.

After discussion, the Board voted to uphold the denial.

JEFFREY MARKLEY– REQUEST FOR INFORMAL HEARING

Mr. Markley was present.

Mr. Barnhart presented this case stating Mr. Markley application to qualify an additional business entity was denied at the August 2014 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 2014. Mr. Markley timely requested Board reconsideration.

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

TIMOTHY MEHAFFEY – REQUEST FOR INFORMAL HEARING

Mrs. Mehaffey was present.

Mr. Barnhart presented this case stating Mrs. Mehaffey's application to qualify an additional business entity was denied at the September 2014 meeting of the Board for failure 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 October of 2014. Mr. Mehaffey timely requested Board reconsideration.

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

MARK NEWELL– REQUEST FOR INFORMAL HEARING

Mr. Newell was not present.

Mr. Barnhart presented this case stating Mr. Newell's application to qualify an additional business entity was denied at the August 2014 meeting of the Board for failure to demonstrate the qualifying agent would properly supervise the construction work and business activities, as required by section 489.119, Florida statutes and the applicant failed to appear as required by Rule 61G4-15.0021, Florida Administrative Code. The Notice of Intent to Deny was filed in September of 2014. Mr. Newell timely requested Board reconsideration.

After discussion, the Board voted to uphold the denial.

WOODROW WILSON– REQUEST FOR INFORMAL HEARING

Mr. Wilson was present.

Mr. Barnhart presented this case stating Mr. Wilson’s application to qualify an additional business entity was denied at the June 2014 meeting of the Board for failure to demonstrate the qualifying agent would properly supervise the construction work and business activities, as required by section 489.119, Florida statutes and the applicant failed to appear as required by Rule 61G4-15.0021, Florida Administrative Code. The Notice of Intent to Deny was filed in July of 2014. Mr. Wilson timely requested Board reconsideration.

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

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – RICHARD KANE

Mr. Kane gave the following report:

1ST CONTRACTORS SCHOOL CORP

1st course: Financial Responsibility - denied

ADAMS AND RESSE LLP

1st course: Getting Paid: Understanding Florida’s Lien Law and Surety Bonds – approved as 1 hour business practice and 1 hour general credit

AT HOME PREP (NATIONAL CONTRACTORS PRE-LICENSING SERVICES)

1st course: Florida Business Practices – approved

2nd course: Florida Construction Law – approved

3rd course: Florida Lien Laws – approved as business practice

4th course: OSHA Update – approved

5th course: Florida Wind Mitigation – approved

6th course: Florida Workers’ Compensation – approved

BROWN & BROWN INSURANCE

1st course: Florida Workers Compensation 101: The Good, The Bad and The Ugly – approved as 1 hour workers’ compensation and 1 hour general credit

CONTRACTORS CONTINUING EDUCATION

1st course: Mold in Construction - approved

GURLEY VITALE, P.A.

1st course: Construction Liens and Bonds – continued 30 days

KONING ENTERPRISES INC DBA CONTRACTORS INSTITUTE

1st course: The Principles of Mold Assessment and Remediation (Classroom Version) – approved

2nd course: The Principles of Mold Assessment and Remediation (Online Version) - approved

PREMIER STONEWORKS LLC

1st course: A Comprehensive Design and Methods Review for Architectural Stone Masonry Products - approved

REDVECTOR.COM INC

- 1st course: Building Information Modeling (BIM Essentials) (RV-10590) – approved
2nd course: Building Systems for Designers – Heating and Cooling Systems (RV-10416) – approved
3rd course: Building Systems for Designers – Indoor Air Quality (RV-10415) – approved
4th course: Commercial HVAC Building Envelope (RV-10319AD) – approved
5th course: Commercial Structural and Building Systems Essentials (RV-10589) – approved
6th course: Design of Building Using Insulated Concrete Forms (RV-10335) – approved
7th course: Design of Reinforced Concrete Using the ACI Code: Strength Analysis of Beams (RV-10419) – approved
8th course: Design of Reinforced Concrete Using the ACI Code: Analysis and Design of T Beams and Doubly Reinforced Beams (RV-10421) – approved
9th course: Design of Reinforced Concrete Using the ACI Code: Bond, Development Lengths and Splices (RV-10388) – approved
10th course: Design of Reinforced Concrete Using the ACI Code: Design of Rectangular Beams and One-Way Slabs 9 (RV-10420) – approved
11th course: Design of Reinforced Concrete Using the ACI Code: Flexural Analysis of Beams (RV-10386) – approved
12th course: Design of Reinforced Concrete Using the ACI Code: Design of Short Columns to Axial Load and Bending (RV-10422) – approved
13th course: Design of Reinforced Concrete Using the ACI Code: Introduction (RV-10385) – approved
14th course: Design of Reinforced Concrete Using the ACI Code: Serviceability (RV-10387) – approved
15th course: Design of Reinforced Concrete Using the ACI Code: Shear and Diagonal Tension (RV-10389) – approved
16th course: Design of Reinforced Concrete Using the ACI Code: Slender Columns (RV-10423) – approved
17th course: Design of Reinforced Concrete Using the ACI Code: Two-Way Slabs, Equivalent Frame Methods (RV-10424) – approved
18th course: Design to Reinforced Concrete Using the ACI Code: Introduction to Columns (RV-10390) – approved
19th course: Green Design Introduction to Indoor Environmental Air Quality (RV-10131) – approved
20th course: Hazardous Waste The Basics (RV-6463) – approved
21st course: Hazardous Waste Treatment (RV-6495) – approved
22nd course: HVAC HEPA Filters (RV-10157) – approved
23rd course: Indoor Air Quality Introduction, Diagnosing & Mitigating (RV-6736) – approved
24th course: Introduction to Sustainable Roof Technologist Webcast (RV-10352AW) – approved
25th course: Mechanical Design Heating, Ventilating and Air-Conditioning (RV-10041) – approved
26th course: Occupancy Sensors Part 1 – The Technologies (RV-2920) – approved
27th course: Occupancy Sensors Part 2 – Applications (RV-2922) – approved
28th course: Occupancy Sensors Part 3 – Economics (RV-3239) – approved
29th course: Regenerative Landscape Design Solar Heating & IAQ (RV-6314) – approved
30th course: Urban Sprawl Laws (RV-10257) - approved

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

61G4-16.001 Written Certification Examination Requirements

- Sent to OFARR 2/20/14
- Rule Development Published 2/28/14
- Notice Published 7/1/14
- JAPC letter 7/11/14
- Rule Adopted 8/10/14
- Rule Effective 9/1/14

61G4-17.001 Normal Penalty Ranges

- Originally sent to OFARR 9/4/13
- Rule Development Published 9/12/13
- Language adopted by Board
- No SERC needed
- Language was again sent to OFARR and will be sent to JAPC next week; after publishing the public has 21 days to submit comments; the Rule will probably be effective by mid to late November

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

RECOVERY FUND COMMITTEE – ROY LENOIS

Mr. Lenois gave the following report:

2012-001965 – Pereschuk vs. Hatfield – Request for Reconsideration denied
2012-018914 – Nagelson vs. Scott - \$26,262.26

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

OLD BUSINESS

Removal of old materials from laptop.

NEW BUSINESS

With no further business the meeting was adjourned at 10:33am.