

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

Omni Orlando ChampionsGate
1500 Masters Blvd
Championsgate, FL 33896
407.390.6664

October 13, 14 – 16, 2020
MEETING MINUTES

Approved January 15th, 2021

Board Members Present

Rachelle Wood, Vice-Chair
Frank Cawthon
Donald Cesarone
Brian Donovan
Mario Famada
Ted Feaster
Rick Kane
Edgar Laney
Robert Maphis
Edward McCullers
Michael Strickland

Board Members Absent

Aaron Boyette, Chair
William Cathey
Keith Lawson

Others Present

Dan Biggins, Executive Director, DBPR
Donald Shaw, Senior Management Analyst Supervisor, DBPR
Brian Lynch, Government Operations Consultant, DBPR
Robert Milne, Assistant Attorney General, AGO
Christopher Dierlam, Assistant Attorney General, AGO
Ian Brown, Chief Construction Attorney, DBPR
Sally Raines, Senior Prosecuting Attorney, DBPR
Jim Burkhart, Senior Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW DIVISION II

Division II Board members met for Additional Business Entities Review on October 14th, 2020 from 2:02 – 3:03pm. Mr. McCullers led the meeting. Of the 14 applications on the agenda, 7 were approved, 6 were approved contingent, and 1 was denied.

APPROVED (7)

Afong, Andrew
Banton, Michael
Duany, Mario
Flecha, Isaac
Molleja, Gregorio
Ruiz, Jorge
Sanjuan, Juan

APPROVED CONTINGENT (6)

Adams, Anthony
Cartaya, Nelson
Scannell, Buddy
Spinner, Joshua
Tingberg, Frederick
Tingberg, Frederick

DENIED (1)

Miller, John

APPLICATION REVIEW DIVISION II

Division II Board members met for Application Review on October 14th, 2020 from 3:07 – 3:30pm. Mr. Cesarone led the meeting. Of the 12 applications on the agenda, 2 were approved, 1 was approved contingent, 2 were continued, 4 were pulled and 3 were denied.

APPROVED (2)

Henry, Ryan
Wing, Heather

APPROVED CONTINGENT (1)

May, Michael

CONTIINUED (2)

Ayers, Christopher – 30 day continuance
Botbol, Meir – 30 day continuance

PULLED (4)

Boda, Douglas
Dorr, Elyse
Wells, Michael
Wendorf, Robert

DENIED (3)

Dotson, Perry
Guerrero, Rogelio
Stuart, Neal

ADDITIONAL BUSINESS ENTITIES REVIEW DIVISION I

Division I Board members met for Additional Business Entities Review on October 15th, 2020 from 1:30 – 2:15pm. Mr. Maphis led the meeting. Of the 20 applications on the agenda, 9 were approved, 6 were approved contingent, 2 were denied, 1 was continued, 1 was pulled and 1 was withdrawn.

APPROVED (9)

Batista, Gregorio
Bessey, Jeff
Bocchino, William
D'Agostino, Luis
Esposito, Anthony
Garcia Mendez, Carlos
La Rocca, Luigi
Matias, Jaysen
Poole, Elwood

APPROVED CONTINGENT (6)

Damerau, Robert
Milton, Christopher
Munilla, Alejandro
Robaina, Carlos
Shifflett, Joseph
Whelan, Daniel

DENIED (2)

Christiaens, Richard
Schlitt, Michael

CONTINUED (1)

Andrews, Joseph – 90 day continuance

PULLED (1)

Sorchevich, Jordan

WITHDRAWN (1)

Woodworth, David

APPLICATION REVIEW DIVISION I

Division I Board members met for Application Review on October 15th, 2020 from 2:31 – 3:33pm. Mr. Strickland led the meeting. Of the 17 applications on the agenda, 9 were approved, 5 were denied, 1 was withdrawn, and 2 were pulled.

APPROVED (9)

Ayers, Jonathan
Cecil, Justin
Cobos, Steven
Handy, Donald
Marshall, Keith
McKinney, Joseph – downgrade to Certified Residential Contractor
Moulder, Cailyn
Portuondo, Mario
Powers, Geoffrey

DENIED (5)

Collins, Joshua
Corrigan, John
Fox, Mike
Middleton, Arthur
Perez, Heber

WITHDRAWN (1)

James, Steven

PULLED (2)

Donovan, Robert
Wendorf, Eric

Division II Board members met for Final Action on October 15th, 2020, from 9:03 – 9:12am. Ms. Wood led the meeting.

Case #(s): 2019017741

Eric Rodriguez

License #(s): CMC1249973, CMC1250591, CFC1428381

7550 W 2nd Street

Hialeah, FL 33014

Probation for 2 years added to existing probation

7 hours of live Continuing Education

Pay administrative fines in the amount of \$11,000 and costs of \$294.19

Present

Case #(s): 2019039269, 2019044472, 2019044599, 2019046193, 2019048106, 2019053991, 2019040202

Joshua Campbell

License #(s): CCC57963

911 SE 15th Avenue

Cape Coral, FL 33990

Voluntary Relinquish
Restitution ordered-jurisdiction reserved as to amount
Pay administrative fines in the amount of \$87,000 and costs of \$500
Not present

Case #(s): 2018033472

Fred Collier

License #(s): RC60032
5501 SW 16th Court
Gainesville, FL 32608
Probation for 2 years
7 hours of live Continuing Education related to Ch 489, F.S.
Pay administrative fines in the amount of \$7,500 and costs of \$83.60
Not Present

Division I & II Board members met for Final Action on October 15th, 2020, from 9:17 – 9:28am. Mr. Feaster led this meeting.

Case #(s): 2020012143

Aurelio Fernandez

License #(s): CFC1429844, CGC1507964, CGC1524829, CGC1525440
5711 NW 198 Terr.
Hialeah, FL 33015
Revocation
Restitution in the amount of \$3,500
Pay administrative fines in the amount of \$10,000 and costs of \$339.46
Not present

Case #(s): 2018039661

Aurelio Fernandez

License #(s): CFC1429844, CGC1507964, CGC1524829, CGC1525440
5711 NW 198 Terr.
Hialeah, FL 33015
Revocation
Restitution in the amount of \$3,500
Pay administrative fines in the amount of \$ 13,000 and costs of \$126.01
Not present

Case #(s): 2018060232

Aurelio Fernandez

License #(s): CFC1429844, CGC1507964, CGC1524829, CGC1525440
5711 NW 198 Terr.
Hialeah, FL 33015
Revocation
Pay administrative fines in the amount of \$10,500 and costs of \$193.09
Not present

Case #(s): 2019038925

Aurelio Fernandez

License #(s): CFC1429844, CGC1507964, CGC1524829, CGC1525440
5711 NW 198 Terr.
Hialeah, FL 33015
Revocation
Pay administrative fines in the amount of \$10,500 and costs of \$112
Not present

Case #(s): 2019051962

William Laino

License #(s): CCC1331006, CCC57448, CGC9331, CGC1524491
12207 S.W. 133rd Court
Miami, FL 33186
Voluntary Relinquish
Restitution ordered-jurisdiction reserved as to amount
Pay administrative fines in the amount of \$165,000 and costs of \$3,300
Not present

Case #(s): 2019037554

William Schultz

License #(s): CCC1326499, CRC1329006, CMC1249675
855 Altamira Street
Palm Bay, FL 32907
Revocation
Pay administrative fines in the amount of \$20,000 and costs of \$122.81
Not present

Division I Board members met for Final Action on October 15th, 2020, from 9:42 – 10:05am. Mr. Feaster? led the meeting.

Case #(s): 2019061207

Iveth Bello

License #(s): CGC1516062
14996 SW 179th St.
Miami, FL 33187
Probation for 2 years
7 hours of live Continuing Education related to Ch 489, F.S.
Pay administrative fines in the amount of \$12,500 and costs of \$314.19
Not present

Case #(s): 2018009754

Thomas Borchert

License #(s): CGC1508629
1611 Deer Hollow Blvd
Sarasota, FL 34232
7 hours of live Continuing Education related to Ch 489, F.S.
Pay administrative fines in the amount of \$1,250 and costs of \$407.70
Present

Case #(s): 2019016431

Steve Delbrune

License #(s): CBC1257829

3400 NW 9th Ave. Suite A

Oakland Park, FL 33309

Revocation

Restitution ordered-jurisdiction reserved as to amount

Pay administrative fines in the amount of \$25,000 and costs of \$254.70

Not present

Case #(s): 2018064361

Gerardo Garza

License #(s): CRC1330551

13992 Sand Domingo Blvd

Port Charlotte, FL 33981

Revocation

Restitution in the amount of \$16,707.55

Pay administrative fines in the amount of \$12,500 and costs of \$607.26

Not present

Case #(s): 2019008756

Gerardo Garza

License #(s): CRC1330551

13992 Sand Domingo Blvd

Port Charlotte, FL 33981

Revocation

Pay administrative fines in the amount of \$32,500 and costs of \$185.25

Not present

Case #(s): 2019039955

Gerardo Garza

License #(s): CRC1330551

13992 Sand Domingo Blvd

Port Charlotte, FL 33981

Revocation

Restitution ordered-jurisdiction reserved as to amount

Pay administrative fines in the amount of \$12,500 and costs of \$350.57

Not present

Case #(s): 2019063585

Gregory Guzzo

License #(s): CGC1521626, CGC1522365

333 SE 2nd Ave.

Delray Beach, FL 33483

7 hours of live Continuing Education related to Ch 489, F.S.

Pay administrative fines in the amount of \$2,500 and costs of \$165.26

Present

Case #(s): 2018027954

Paul McCloskey

License #(s): CBC43602

2614 Bryant Circle

Tampa, FL 33629

Voluntary Relinquish

Pay administrative fines in the amount of \$10,000 and costs of \$255.18

Not present

Case #(s): 2019048834

David Quick

License #(s): CGC1525031, CGC1527958

6800 Gulfport Blvd., Suite 201-181

South Pasadena, FL 33707

Probation for 2 years

Restitution in the amount of \$8,943.24

7 hours of live Continuing Education related to Ch 489, F.S.

Pay administrative fines in the amount of \$12,500 and costs of \$275.61

Not present

Division II Board members convened for Probation on October 15th, 2020, from 8:30 – 8:53am. Mr. Famada led the meeting.

PROBATION

Duchscher, Celena, CCC1328218

Result: Satisfactory

Han, Yichun, CAC1813483

Result: Satisfactory

Hunt, Kyle, CAC1816190

Result: Satisfactory

O'Bannon, Daniel, CAC1816975

Result: 30 day continuance

Pollack, Bradley, CCC1328033

Result: Continued for 6 months

STAYS TO BE LIFTED

Clawges, Eric, CPC57301

Result: 6 month continuance

Daniel, Carlson, CCC1328324

Result: 6 month continuance

Jones, Meghon, CAC1816087
Result: Pulled

Division I Board members convened for Probation on October 15th, 2020, from 10:17 – am. Mr. Donovan led the meeting.

Bailey, Joseph, CRC1331847
Result: Satisfactory

Coheley, Christopher, CRC1331890
Result: Satisfactory

Hunter, Brian Terrence, CGC1517033
Result: Satisfactory

Morris, Natalie K, CBC1262646
Result: Satisfactory

Newcomer, Derek, CGC1508944
Result: 6 month continuance

Pollack, Bradley, CGC1509548
Result: 6 month continuance

REINSTATE PROBATION

Hargreaves, Bernard, CGC3463
Result: Probation Reinstated

STAYS OF SUSPENSION TO BE LIFTED

Cavalier, John, CGC1524294
Result: 30 day continuance

Daniel, Carlson, CGC1512952
Result: 6 month continuance

GENERAL SESSION

The meeting was called to order by Ms. Wood, at 9:00am. Mr. Donovan gave the Invocation. Mr. Cesarone led the Pledge of Allegiance.

REVIEW OF MINUTES

The board reviewed the meeting minutes of the May 2020 and August 2020 board meetings, and motions were unanimously passed to approve the minutes as submitted.

EXECUTIVE DIRECTOR'S REPORT- Daniel Biggins

Mr. Biggins requested the Board excuse absences for the following board members:

- Mr. Boyette
- Mr. Cathey
- Mr. Kane (partial)
- Mr. Lawson

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

CHAIRMAN'S REPORT- Aaron Boyette

Mr. Boyette was not present. Ms. Wood, as Vice-Chair, had nothing to report.

PROSECUTING ATTORNEY'S REPORT- Ian Brown

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

HEARING AND PETITIONS

BEKTAS, TURK – INFORMAL HEARING

Mr. Bektas was present.

Mr. Milne presented this case stating Mr. Bektas' application to qualify, Pools Waterfalls, LLC, as an additional business entity was denied July 2020 meeting of the Board for failure to appear as required by Rule 61G4-15.0021, Florida Administrative Code, failure to demonstrate the qualifying agent would have the ability to supervise the construction work and business activities of the organization, as required by section 489.119, Florida Statutes, and 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 September of 2020. Mr. Bektas timely requested an informal hearing.

After further discussion, the Board voted to uphold the previous denial.

BENNETT, JUSTIN – INFORMAL HEARING

Mr. Bennett was not present.

Mr. Milne presented this case stating Mr. Bennett's application for a Certified Air Conditioning Contractors License, Class A, was denied at the August 2020 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 September of 2020. Mr. Bennett timely requested an informal hearing.

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

BOOTH, JOSHUA – INFORMAL HEARING

Mr. Booth was not present.

Mr. Milne presented this case stating Mr. Booth's application for a Certified General Contractor License was denied at the March 2020 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 April of 2020. Mr. Booth timely requested an informal hearing.

After further discussion, the Board voted to uphold the previous denial.

DOYLE, RYAN – INFORMAL HEARING

Mr. Doyle was present.

Mr. Milne presented this case stating Mr. Doyle's application to qualify Coast to Coast Contracting & Consulting LLC., as an additional business entity was denied June 2020 meeting of the Board for failure to demonstrate the qualifying agent would have the ability to supervise the construction work and business activities of the organization, as required by section 489.119, Florida Statutes. The Notice of Intent to Deny was filed July of 2020. Mr. Doyle timely requested an informal hearing.

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

GARE, CHRISTOPHER – INFORMAL HEARING

Continued 60 days.

GEISENDORFER, CODY – INFORMAL HEARING

Mr. Geisendorfer was present.

Mr. Milne presented this case stating Mr. Geisendorfer's application for a Certified Building Contractor's License by Endorsement was denied at the August 2020 meeting of the Board for failure to satisfy the requirements pursuant to section 489.115(3)(a) or (3)(b), Florida Statutes. The Notice of Intent to Deny was filed September of 2020. Mr. Geisenforfer timely requested an informal hearing.

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

HERRERA, JOSHUA – INFORMAL HEARING

Mr. Herrera was not present.

Mr. Milne presented this case stating Mr. Herrera's application for a Certified Building Contractor License was denied at the July 2020 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 September of 2020. Mr. Herrera timely requested an informal hearing.

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

HOLLIBAUGH, STEVEN – INFORMAL HEARING

Mr. Hollibaugh was not present.

Mr. Milne presented this case stating Mr. Hollibaugh's application to qualify Native Sun Pools and Spas, Inc. as an additional business entity was approved at the June 2020 meeting of the Board contingent on submitting copies of the W2 forms from the companies he worked for to corroborate his work experience, within 30 days from the date of filing the order. The Notice of Intent to Approve with Conditions was filed July of 2020. Mr. Hollibaugh timely requested an informal hearing.

After further discussion, the Board voted to uphold the previous denial.

ORTIZ, FRANCISCO – INFORMAL HEARING

Mr. Ortiz was present with counsel.

Mr. Milne presented this case stating Mr. Ortiz's application to qualify Magma Construction Group, Inc., as an additional business entity was denied at the August 2020 meeting of the Board for failure to demonstrate the qualifying agent would have the ability to supervise the construction work and business activities of the organization, as required by section 489.119, Florida Statutes. The Notice of Intent to Deny was filed September of 2020. Mr. Ortiz timely requested an informal hearing.

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

RUSSELL, RYAN – PETITION FOR DECLARATORY STATEMENT

Mr. Russell was not present.

Mr. Milne presented this case stating Mr. Russell filed a petition for a Declaratory Statement on August 8, 2020. The petition was noticed in the Florida Administrative Register on August 31, 2020. Mr. Milne noted the petitioner seeks a determination from the Board regarding the State of Florida licensing requirements as it pertains to the bidding, sale and installation of commercial park and playground equipment and other related construction services, or whether these services are exempt from licensing.

After discussion, the Board voted to decline to answer the petition.

SARAVIA, AYDEE – PETITION FOR DECLARATORY STATEMENT

Mr. Saravia was present.

Mr. Milne presented this case stating Mr. Saravia filed a petition for a Declaratory Statement on September 21, 2020. The petition was noticed in the Florida Administrative Register on September 25, 2020. Mr. Milne noted the petitioner seeks clarification from the Board on whether metal roofing is an acceptable roof material to be used by a homeowner when attempting to obtain an owner/builder permit, pursuant to section 489.103, Florida Statutes.

After further discussion, the Board voted to deny the petition.

SMITH, JASON – INFORMAL HEARING

Mr. Smith was present.

Mr. Milne presented this case stating Mr. Smith's application for a Certified Roofing Contractor License was denied at the June 2020 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 on July of 2020. Mr. Smith timely requested an informal hearing.

After further discussion, the Board voted to vacate the previous denial and allow the applicant to withdraw his application.

VAN HOEVEN, DAVID – MOTION TO RECONSIDER

Continued 30 days.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – Ted Feaster

Mr. Feaster gave the following report:

A BUILDERS LICENSE TRAINING INSTITUTE

1st course: Starting from the Bottom: **approved**

EDUCATION INSTITUTE OF FLORIDA, INC.

1st course: COVID-19 and the occupational Safety and Health Administration: **approved**

FLORIDA POOL & SPA ASSOCIATION DBA FLORIDA SWIMMING POOL ASSOCIATION

1st course: A Comprehensive Understanding of Performing Leak Detections: **approved**

2nd course: Business 104: Ki is Key- Developing and Maintaining a Positive Powerful Presence: **denied**

3rd course: Construction 171: Residential Project Profiles – An Interactive Discussion on Design and Construction: **approved contingent**

4th course: Construction 212: Pool Surfaces – Problems and Solutions: Profiles – An Interactive PowerPoint and Discussion to Help Identify, Prevent and Mediate Pool Surface Irregularities: **approved**

5th course: Engineering 111: Introduction to Pool Hydraulics & Plumbing: **approved**

6th course: FBC 2020 Public Swimming Pool Sizing: **approved**

7th course: Understanding Circulation, Hydraulics and Reduced Speed Technology: **approved**

8th course: Water Testing & Treatment Myths – EXPOSED: **approved**

9th course: Your Worst Plumbing Nightmares and Expert Solutions: **approved**

HEALTH FACILITY CONSULTING, LLC

1st course: New Codes & Standards for Design & Construction of Healthcare Facilities: **approved contingent**

JC CODE & CONSTRUCTION CONSULTANTS, INC

1st course: Determining Substantial Improvements under the FBC, Existing Building Volume: **approved**

2nd course: FBC-R Means of Egress (Classroom): **approved**

3rd course: FBC-R Means of Egress (Internet): **approved**

4th course: Florida Energy Code Basics, Residential (Classroom): **approved**

5th course: Florida Energy Code Basics, Residential (Internet): **approved**

NATIONAL ROOFING LEGAL RESOURCE CENTER (NRLRC)

1st course: 5 Greatest Legal Challenges When Using Subcontractors: **denied**

2nd course: 5 Key Issues in Residential Roofing Contracts: **denied**

3rd course: Contract Documents Every Roofing Contractor Should Use: **denied**

4th course: Legal Issues Surrounding Diversity in Roofing: **denied**

5th course: Restrictive Covenants, Non-Disclosure Agreements Unfair Comp: **denied**

6th course: Roofing and Construction Cases and Court Decisions: **denied**

7th course: Understanding FM Requirement, Wind Uplift, Roof Assembly: **denied**

REDVECTOR.COM, INC.

1st course: FL Construction Contracting – Chapter 489 Section 101-114: **approved**

TILE ROOFING INSTITUTE (TRI) DBA TILE ROOFING INDUSTRY ALLIANCE

1st course: TRI Alliance Florida High Wind Manual Certification: **approved**

TRAINING SOURCE, INC.

1st course: No Nonsense Business Leadership Strategies: **denied**

2nd course: Workplace Safety in Construction: **approved contingent**

RULES/PUBLIC/LEGISLATIVE COMMITTEE – Frank Cawthon

A hearing took place regarding the promulgation of Rule 61G4-15.035 Certification of Irrigation Specialty Contractor. Comment was received by interested parties, and after discussion, the Rules Committee made and passed a motion to withdraw further development of the Rule.

RECOVERY FUND COMMITTEE

Fluss vs Cefolia – Claim No. 2019-063518: **\$50,000**
Fluss vs Cefolia – Claim No. 2019-064041: **\$50,000**
Alexander vs Rubio – Claim No. 2020-009276: **\$8,400**
Thinbodeau vs Roberts Jr. – Claim No. 2019-050869: **\$8,000**
Nunn vs Solecki – Claim No. 2019-053416: **\$15,000**
Brammer vs Campbell – Claim No. 2020-015959: **denied**
Mayan vs Campbell – Claim No. 2020-028892: **\$4,908.33**
Aguirree vs Marth – Claim No. 2019-007608: **\$8,000**
Ragin, Jr vs Blum – Claim No. 2019-033074: **\$1,518**
Gallant vs Roberts, Jr. – Claim No. 2019-045291: **\$7,176.73**
Akhter vs Hernandez – Claim No. 2020-013923: **\$11,955**
Figueroa vs High, Jr – Claim No. 2019-033233: **denied**
Drake vs Campbell – Claim No. 2020-010139: **\$8,000**
Nicolaisen vs Neira – Claim No. 2020-003999: **\$13,500**
Rediger vs Crawford – Claim No. 2020-003999: **\$50,000**
Barca vs Perez – Claim No. 2019-051584: **\$14,400**
Berry vs Campbell – Claim No. 2019-063761: **\$15,000**
Fernandez vs Bovell – Claim No. 2020-013089: **\$6,737.90**
Cardinal vs Campbell – Claim No. 2020-010301: **\$7,167**
Donahue vs Boyer – Claim No. 2020-000447: **\$6,584.43**
Russo vs Campbello de Longo – Claim No. 2020-020104: **\$15,000**
Wonsetler vs Bates, Jr. – Claim No. 2019-028349: **\$5,500**
St. Martin vs Laino – Claim No. 2020-033116: **\$15,000**
Latona vs Dutruch – Claim No. 2020-015950: **\$15,000**
Abramson vs Lauria – Claim No. 2020-039733: **\$23,000**
Bodiford vs Wilcox – Claim No. 2018-038770: **denied**
Jenkins vs Harrington – Claim No. 2018-057405: **\$40,916.26**

OLD BUSINESS

Removal of Board materials from laptops.

NEW BUSINESS

The Board requested Mr. Milne look into the supervision requirements of a “first” business.

With no further business the meeting was adjourned at 10:03am.