

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Hampton Inn & Suites Amelia Island
19 South 2nd St
Fernandina Beach, FL 32034
904.491.4911**

April 13 – 15, 2011

**MEETING MINUTES
Approved 5/13/2011**

Board Members Present

Mark Pietanza, Chair
Don Wilford, Vice Chair
W. Brian Cathey
James C. Evetts
Peggy Bailey
James Flaherty
Scott Greenberg
Robert Moody Jr.
Albert Korelishn
Roy R. Lenois
William Sheehan
Michelle Kane

Board Members Absent

Elbert Batton
Jerry D. Hussey
Edward Weller
Carl Engelmeier (Friday only)
Paul Del Vecchio (Friday only)

Others Present

G. W. Harrell, Executive Director, DBPR
David Spingler, Government Analyst, DBPR
Mandie Wynn, Government Analyst, DBPR
Daniel Biggins, Legal Advisor, AGO
Paul Waters, Chief Prosecuting Attorney, DBPR
James Fortunas, Prosecuting Attorney, DBPR
George Ayrish, Director of the Division of Service Operations, DBPR
Oscar Gertsch, Regulatory Consultant, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on April 13, 2011 from 2:07 – 2:56 pm. Mr. Evetts led the meeting. Of the 13 applications scheduled for review, 4 were approved, 1 was approved contingent, 2 were continued, and 6 were denied.

APPROVED (4)

Apostolou, George – amended to 20% ownership
Farmer, David
Kinsloe, Thomas
Lewis, Aaron

CONTINUED (2)

Bax, James – 30 days
Weber, Andrew – 30 days

CONTINGENT APPROVALS (1)

Smith, Terry – Contingent upon providing W2 and serving 3 years probation or showing proof of a credit score 660 or higher

DENIED (6)

Cox, Douglas
Jones, Justin
McGillicuddy, Jared
Rahmani, Behroz
Varona, Armando
Ziegler, Jason

Division II Board members met for Additional Business Entities Review on April 14, 2011 from 3:38 pm - 4:07 pm. Mr. Flaherty led the meeting. Of the 8 applications scheduled for review, 4 were approved, 1 was denied, and 3 were continued.

APPROVED (4)

Frattin, Michael – amended application to become W2 employee
Garcia, Michel
Tolbert, Robert
Tolbert, Robert

DENIED (1)

Angel, Eduardo

CONTINUED (3)

Bryson, Scott – 30 days
Ferrante, Albert – 30 days
Vigue, Scott – 30 days

APPLICATION REVIEW

Division I Board members met for Application Review on April 13, 2011 from 3:32 – 4:45 pm. Mr. Evetts led the meeting. Of the 20 applications reviewed, 1 was approved, 1 was continued, 4 were approved with conditions, 3 were withdrawn, and 11 were denied.

APPROVED (1)

McGill, Mike

CONTINUED (1)

Badger, Jannie – 60 days

CONDITIONAL APPROVALS (4)

Beale, Shawn – Probation until a 660 credit score is obtained and a satisfaction of the outstanding judgment is provided

Davis, Joel - Probation for 3 years or until a credit score of 660 or higher is obtained

Hudson, John - Probation for 3 years or until a credit score of 660 or higher is obtained

Sills, Steven - Probation for 3 years or until a credit score of 660 or higher is obtained

WITHDRAWN (3)

Boren, Michael

Farrow, John

Spivey, Joshua

DENIED (11)

Arodak, Mike

Berezansky, Michael

Blalock, Dennis

Bradford, Nicholas

Chestnut, James

Daoust, Pierre

Jones, Christopher

Perez, Luis

Scott, Paul

Spinella, John

Thomas, Paul

Division II Board members met for Application Review on April 14, 2011 from 4:30 – 5:04 pm. Mr. Engelmeier led the meeting. Of the 15 applications scheduled for review, 6 were approved, 3 were approved with conditions, 2 were withdrawn, 2 were denied, and 2 were continued.

APPROVED (6)

Beyer, Steven

Polk, Tyrone

Scardina, James

Smith, Donald
Watts, Lawson
Wolfe, Eric

CONDITIONAL APPROVALS (3)

Dittmar, Joseph - Probation for 2 years or until a credit score of 660 or higher is obtained
Geise, Wayne - Probation for 2 years
Hudson, Eric - Probation for 2 years or until a credit score of 660 or higher is obtained

WITHDRAWN (2)

Boren, Michael
Boren, Michael

DENIED (2)

Arodak, Mike
Arodak, Mike

CONTINUED (2)

Herrick, Richard – 60 days
Herrick, Richard – 60 days

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

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

PROBATION

Division I board members met for Probation on April 14, 2011 from 2:01 – 2:40 pm. Mr. Evetts led the meeting.

Aron, Kurt, CGC059146
Result: Satisfactory

Brown, Winston, CGC062829
Result: Satisfactory

Day, Roger, CBC1258208
Result: Satisfactory

Fletcher, Kalam, CBC1258103
Result: Satisfactory

Herman, Michael, CGC060830
Result: Satisfactory

Jettinghoff, Christopher, RB29003456
Result: Satisfactory

King, John, CGC1510488

Result: Satisfactory

Mendoza, Claudia, CGC1505446

Result: Satisfactory

Nesmith, Anthony, RB29003517

Result: Satisfactory

Parker, Grady, CGC002856

Result: Unsatisfactory. The stay of suspension has been lifted on Mr. Parker's license as this was the third unsatisfactory appearance on his record.

Pavich, Steven, CBC1251350

Result: Satisfactory

Reminded to put the Recovery Fund notice and license number on contract

Romero, Jorge, CGC061188

Result: Unsatisfactory

Serga, Oleksandr, CGC1518264

Result: Satisfactory

Stamas, Christopher, CGC1516086

Result: Satisfactory

Porath, Michael, CBC060392

Result: Continuance granted

Division II board members met for Probation on April 14, 2011 from 2:48 pm to 3:30 pm. Mr. Moody led the meeting.

Allen, Gregory, CFC1427781

Result: Satisfactory

Althoff, Steven, CCC1328764

Result: Satisfactory

Bloomer, Douglas, CFC1427803

Result: Satisfactory

Bookhardt, Aldon, CCC057655

This was a request by Mr. Bookhardt to reinstate the stay of suspension on his license and reinstate probation.

Result: Stay of Suspension and Probation reinstated with \$200 citation and 2 unsatisfactory appearances on record.

Buck, Ronald, CFC1427935

Result: Satisfactory

Herman, Michael, CCC1325488

Result: Satisfactory

Reminded to add license numbers to contracts

McHone, Charles, RC29027390

Result: Continuance granted

Ming, Yvette, CFC1428097

Result: Satisfactory

Musso, Salvatore, CAC1816598

Result: Satisfactory

Romero, Jose, CCC1328762

Result: Satisfactory

Stoetzel, Charles, CPC1456750

Result: Satisfactory

Sziranko, Lincoln, SCC131149971

Result: Satisfactory

Taylor, Marc, CCC1325527

Result: Satisfactory

Reminded to provide bank statements at each appearance

Turner, Billy, CCC1325929

Result: Satisfactory

Navarra, Christina, CCC1329438

Result: Stay of Suspension lifted

GENERAL SESSION

The meeting was called to order by Mr. Pietanza, Chair, at 9:01 am. Ms. Bailey gave the invocation. Mr. Sheehan led the Pledge of Allegiance.

REVIEW OF MINUTES

- A. Meeting Minutes – February 2011
- B. Final Action Minutes – January 2011

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell gave the following report:

Mr. Harrell announced the Department has a new Secretary, Mr. Ken Lawson, and stated his first day as the Secretary will be May 1st. Mr. Harrell then gave some background information on Mr. Lawson. Mr. Harrell also stated he was not sure in what capacity the current Secretary, Mr. Liem, will stay on as, or if he will stay on at all.

Mr. Harrell also introduced Mark Hamilton, the North Region Bureau Chief of the Economic Crimes Unit within the Attorney General's Office. Mr. Hamilton gave a brief speech and handed out some information showing what exactly his office does. Mr. Hamilton also informed the board of how the process works in his Unit, and the sorts of crimes his Unit looks out for and prosecutes. Mr. Hamilton gave some examples of the types of cases they are working now. Mr. Sheehan asked if the cases that are appearing in Final Action can be referred for criminal convictions as well, and Mr. Hamilton answered that, unfortunately, they cannot be, as his Unit is civil in nature and not criminal.

Ms. Kane asked Mr. Harrell to inform the board of the types of cases that can be referred to Attorney General's Office. Mr. Harrell stated that Chapter 455 requires the Department report all criminal conduct to law enforcement, and that's done during both the investigative phase of and by the Office of the General Counsel. Mr. Harrell stated he is not aware of a formal process or procedure where violations are referred directly to the Economic Crimes Unit but that he would be open to ideas from Mr. Hamilton on the types of cases his office would be interested in pursuing.

Mr. Waters asked for clarification, and Mr. Hamilton confirmed that his office deals with "multi-circuit" violators; those who commit crimes throughout the state in different areas and who do not confine their activities to one jurisdiction. Mr. Waters stated this also has to be taken into account when referring construction cases. Mr. Harrell asked Mr. Hamilton what sort of pattern of conduct they should be on the lookout for, for possible referral, and that the worst offenders in the construction industry seem to be home builders who take numerous deposits and close up shop, leaving a lot of harmed consumers. Mr. Hamilton stated the line is not so cut and dry, and that a lot of factors go into play when they decide which sort of cases to take on, and that it's very important for his office to not limit themselves in the types of cases they take. Mr. Hamilton further stated that it's very important to his office that a line of communication remain open between the Board and his office.

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 following absences were excused:

Mr. Batton
Mr. Hussey
Mr. Weller
Mr. Engelmeier (Friday only)

Mr. Del Vecchio (Friday only)

PROSECUTING ATTORNEY'S REPORT – PAUL WATERS

Mr. Waters gave the following report:

As of March 2011 the number of overall construction disciplinary cases was 681. This is a decrease from 794 which was the overall caseload as reported in February 2011, and 929 less cases than reported in March 2010.

There were 128 cases to be reviewed in Legal, 61 cases set for probable cause and 71 cases with probable cause found/administrative complaints filed. 7 cases were ready for default, 1 case had a stipulation executed, 6 cases where informal hearings were requested, and 12 cases requesting formal hearings. There were 16 cases awaiting outside action, 5 cases referred to DOAH, 32 cases in settlement negotiations, 44 cases pending board date, 161 cases awaiting final orders and 136 cases set for board presentation. There were 0 cases under appeal and 1 case was re-opened. There were 240 cases closed for the month of March.

The Board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

MIGUEL DIAZ PERNA – REQUEST FOR INFORMAL HEARING

Mr. Diaz Perna was not present.

Mr. Biggins presented this case stating Mr. Diaz Perna's change of status application for his registered roofing contractor's license was denied at the November 2010 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in January of 2011. Mr. Diaz Perna timely requested board reconsideration.

After discussion the board voted unanimously to continue the review of the application for 30 days to allow the applicant to appear at the hearing and to allow the applicant's informal hearing request for his general contractor's application to be heard at the same time.

ASH FARID – REQUEST FOR INFORMAL HEARING

Mr. Farid was not present.

Mr. Biggins presented this case stating Mr. Farid's change of status application for his certified building contractors license was denied at the January 2011 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility, and for failure to demonstrate the qualifying agent would properly supervise the construction work and business activities. The Notice of Intent to Deny was filed in February of 2008. Mr. Farid timely requested board reconsideration.

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

RONALD HAASE – MOTION TO RECONSIDER

Mr. Haase was present with Counsel Robert Butts.

Mr. Biggins presented this case stating Mr. Haase's application for initial licensure as a certified residential contractor was denied at the November 2010 meeting of the board for failure to demonstrate the required experience. Mr. Haase previously requested an informal hearing, and the denial was upheld at the March 2011 meeting of the board. Mr. Biggins stated this case had been brought back for reconsideration. The Notice of Intent to Deny was filed in January 2011. Mr. Haase requested the board reconsider its decision to uphold the denial.

After discussion the board voted unanimously to reconsider its decision from the March meeting and approve the application.

DARRYL HALL – REQUEST FOR INFORMAL HEARING

Mr. Hall was present.

Mr. Biggins presented this case stating Mr. Hall's application to qualify an additional business entity with his certified underground utility and excavation license was denied at the January 2011 meeting for failure to appear as required. The Notice of Intent to Deny was filed in February 2011. Mr. Hall timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

BRIAN T. HEBERT – REQUEST FOR INFORMAL HEARING

Mr. Hebert was not present.

Mr. Biggins presented this case stating Mr. Hebert's application to qualify an additional business entity with his certified mechanical contractors license was denied at the January 2011 meeting of the board for failure to demonstrate the qualifying agent would properly supervise the construction work and business activities. The Notice of Intent to Deny was filed in February of 2011. Mr. Hebert timely requested board reconsideration.

After discussion the board voted unanimously to continue the review of the application for 90 days.

MIGUEL HERNANDEZ – REQUEST FOR INFORMAL HEARING

Mr. Hernandez was present with Counsel Frost Walker.

Mr. Biggins presented this case stating Mr. Hernandez' application for initial licensure for a certified general contractor's license was denied at the January 2011 meeting of the board for failure to demonstrate the required experience and failure to sufficiently

demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in February of 2008. Mr. Hernandez timely requested board reconsideration.

After discussion the board voted unanimously to approve Mr. Hernandez' application as an individual and not as the qualifier of Hialeah Housing Authority, as government entities such as Hialeah Housing Authority, by statute, cannot be qualified.

GERALD MONEY – REQUEST FOR INFORMAL HEARING

Mr. Money was not present.

Mr. Biggins presented this case stating Mr. Money's application to qualify an additional business entity with his certified general contractor's license was denied at the January 2011 meeting of the board for failure to demonstrate the qualifying agent would properly supervise the construction work and business activities and failure to demonstrate financial stability. The Notice of Intent to Deny was filed in February of 2011. Mr. Money timely requested board reconsideration.

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

MICHAEL UHRE – REQUEST FOR INFORMAL HEARING

Mr. Uhre was present.

Mr. Biggins presented this case stating Mr. Uhre's application to qualify an additional business entity with his certified general contractor's license was denied at the February 2011 meeting of the board for failure to appear as required. The Notice of Intent to Deny was filed in March of 2011. Mr. Uhre timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

HARVEY D. PEACE – REQUEST FOR INFORMAL HEARING

Mr. Peace was present.

Mr. Biggins presented this case stating Mr. Peace's change of status application for his commercial pool/spa contractors license was denied at the March 2011 meeting of the board as the applicant was the subject of pending discipline. The Notice of Intent to Deny had not been filed at the time of the hearing. Mr. Peace timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ROY LENOIS

Mr. Lenois gave the following report:

Administrative Concepts Corporation

1st Course: OSHA 10 Hour Construction Industry – **approved**

2nd Course: OSHA 10 Hour General Industry – **approved**

3rd Course: OSHA 30 Hour Construction Industry – **approved**

4th Course: OSHA 30 Hour General Industry – **approved**

The above courses were all Informal Hearing requests for courses that were denied at the November 2010 meeting. All Courses approved for General and Workplace Safety only.

BRB Code Educators, Inc.

1st Course: FBC, Building, Chap 9: Fire Protection System Requirements – **approved**

Breaking Ground Contracting dba Breaking Ground Educators Services

1st Course: LEED in the Field for Contractors: Turning Green Building Concepts Into Action – **approved (as instructor led, not webinar)**

Construction Estimating Institute

1st Course: Window Installation Training – **approved at General Session**

Fenestration Manufacturers Association

1st Course: Standard Practice for the Installation of Non-Frontal Flanges Windows with Mounting Flanges for Surface Barrier Masonry Construction – **approved**

Florida Association Plumbing Heating Cooling Contractors

1st Course: Automatic Digital Bathroom Faucet & Shower Unit – **approved**

2nd Course: In-Wall Flushing Systems/New Technology – **approved**

3rd Course: Safety Value Basics – Thermostatic & Pressure Balance Valves – **approved**

FRSA Educational and Research Foundation

1st Course: A Trained Roofer = A Safe Professional – **approved**

2nd Course: Building a Case for Attic Ventilation – **approved**

3rd Course: Forced Air Zoning: Quick Review – **approved**

4th Course: Mapping the ASCE 7-2010 Wind Changes – **approved**

5th Course: OSHA Update: Cranes and Residential Fall Protection – **approved**

6th Course: Roofing Underlayments: A Good Foundation – **approved**

7th Course: The Basics of Construction Lien Law and How to Collect Payment on Construction Projects – **approved**

8th Course: White EPDM: Durable, Reflective, & Recyclable – **approved**

Glen Rasmussen Fogarty & Hooker, P.A.

1st Course: Collecting Payment on Construction Projects – **approved**

Gray Systems, Inc.

1st Course: Contracts in the Construction Industry – **denied**

2nd Course: Compliance with Employment Laws – **denied**

3rd Course: Construction Liens – **denied**

4th Course: Laws and Rules of the Construction Industry – **denied**

5th Course: Wind Mitigation – **denied**

6th Course: Workers' Compensation – **denied**

7th Course: Workplace Safety – **denied**

All of the above courses were informal hearing requests for courses that were denied at the February 2011 meeting.

Information Resource for Professionals

1st Course: 2007 Florida Building Code – **approved**

2nd Course: 2007 Florida Building Code – 2 hour version – **approved**

3rd Course: 2007 Florida Building Code – 4 hour version – **approved**

Inspection Depot, Inc.

1st Course: Wind Mitigation Inspection Training Program – 4 hour version – **approved**
(contingent upon removing references to Home Inspection Statutes

2nd Course: Wind Mitigation Inspection Training Program – 8 hour version – **denied**

Koning Enterprises, Inc. dba Contractors Institute

1st Course: Introduction to Contracts and Subcontracting Terms – **approved**

Lomanco

1st Course: Roof Ventilation Concepts and Troubleshooting Techniques – **approved**

Lorman Business Center, Inc. dba Lorman Education Services

1st Course: Construction Lien Law – **denied**

Probuild Company, LLC

1st Course: ProBuild ProEarth Building Science 101 – **approved**

University of Florida, Civil and Coastal Engineering/CTT

1st Course: Asphalt Mix Design – **approved**

2nd Course: Asphalt Paving – Level 2 – **approved**

3rd Course: Asphalt Plant – Level 2 - **approved**

The Board voted unanimously to accept the recommendations of this committee.

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

The Rules/Public/Legislative Committee did not convene this month.

AD HOC COMMITTEE – DON WILFORD/MARK PIETANZA

Mr. Wilford gave the following report:

Discussing regarding application review requirements for both Division I and Division II occurred.

Review of the EZ Apply applications also took place. Mr. Harrell stated that the EZ Apply Applications are still under review were brought to the Board for their review. Mr. Harrell introduced Oscar Gertsch, who is the EZ Apply Coordinator, and is with the

board office and Service Operations to make the necessary changes. Mr. Harrell stated that the suggestions from the board will be taken back to the Department for revisions to the form, and then the forms will go to OFAAR in the Governor's Office for further revision, and once those revisions have been received back, the rule making process will begin. Mr. Harrell stated he wanted the board to give him some immediate feedback on the applications.

Mr. Lenois asked if the changes made to the forms will satisfy JAPC as far as fiscal impact is concerned. Mr. Biggins stated it may satisfy some of those issues. Mr. Harrell stated the third party experience affidavit is not included in these forms because there is no statutory authority for that. Mr. Harrell also stated the forms implement the unpaid liens/judgments and the 660 credit score requirement. The new form also tells people the kind of experience they actually need, which is a new approach. Mr. Harrell stated they have not yet reached a phase where the Department has reached out to stake holders because he feels the forms are not ready.

Mr. Korelishn asked if, in lieu of a 660 credit score, a bond is acceptable, and if that bond has an amount. Mr. Harrell stated that there is an amount that's contained in the rules, and follows with the statute very closely. Mr. Greenberg brought up the issue that the applications are not consistent with the exam, in that some of the experience requirements are being listed as optional, but the exam tests the applicant on everything, and that the exam should not have questions relating to that specific type of work if it's optional on the application. Mr. Harrell stated that would be discussed when they reviewed the experience.

Mr. Harrell then asked the board to look at the first page of the initial licensure application for certified general contractors. Mr. Lenois asked how the fee structure was decided upon for the application. Mr. Harrell stated that the application gives people a break on fees depending on when they apply for license, and that there's not an easier way to determine this fee structure. Mr. Lenois stated he was concerned about the first page regarding the 14 hour course that an applicant can take to reduce the amount of the bond requirement (should the applicant's credit score be below 660), and that concern stems from how it might be difficult to keep track of it. Mr. Harrell stated the Department will keep track of that, and that it must be very specific who they can take the course from so as not to confuse any applicants. Mr. Sheehan asked if the word "live" can be included in the course description. Mr. Del Vecchio asked if there is any language that states this form is the only form that can be used for the application, and "attachments" should not be included. Mr. Gertsch stated it's included in the Rule, and Mr. Del Vecchio stated it probably should be included in the application because a lot of time applicants get creative in hopes that it makes them appear more qualified. Mr. Gertsch stated there could be issues with that as the forms themselves may not be able to contain enough information, and the instructions say to copy the form as many times as needed to list the information. The only instance where that may come up is in the experience and in the criminal history explanation area. Mr. Harrell stated the board would like a statement on the application that "no alterations of this form will be accepted", or something along those lines, and that any other documents submitted with the applications will be considered a deficiency. The Board confirmed that as a good idea.

Mr. Greenberg asked if the Class C Air Conditioning Contractor's license still exists, and was answered in the affirmative, that the license still does exist. Mr. Del Vecchio had an issue with the definition of "foreman" and asked where that definition came from. Mr. Harrell and Mr. Gertsch confirmed it's from the Statute. Mr. Kevin Trim of Professional Licensure Services asked why the A/C license upgrade instructions are included on the general contractor application. Mr. Harrell stated that public comments could wait until the end and he would like board comments first. Mr. Del Vecchio stated his concern lies in who a person is reporting to as foreman, and that it must be necessary for a general contractor applicant to report to a general contractor, and not a building contractor or residential contractor. Mr. Harrell stated Mr. Del Vecchio should send the proper language, and all board members, that concern their qualification, to Mr. Harrell and that he would attempt to address those issues in the Department. Mr. Pietanza stated that the phrase, "foreman in the field applied for" should be included in the definition. Mr. Biggins stated that the word "definition" may draw an objection from JAPC, and Mr. Pietanza stated just change the word to "description". Mr. Greenberg stated that the more specific the question, the better, and will reduce the amount of applications that are reviewed by the Board. Mr. Del Vecchio stated that the definition of "workmen", "active certified license requirements", etc. Mr. Gertsch stated these need clarification from the board. Mr. Harrell stated that there are rules that define these terms.

Mr. Lenois brought up the issues the term "construction related degree" is causing, and that it needs to specify the course work that counts toward this degree. Mr. Harrell stated that there is a statutory subsection that is defined by rule, so there is no reason to further define it. Mr. Greenberg asked if trade school credits will count the same as a "construction related degree". Mr. Wilford stated that a lot of the vocational programs are still in high school, but if they are being taught at the college level and a trade school or vocational school then they should get the same credit. Mr. Harrell stated that this is a rule issue and not a form issue because the rule specifically states "college" and does not list trade or vocational school.

Mr. Harrell asked Mr. Gertsch who suggested requiring official transcripts for the college credit, and that the costs and time of trying to review transcripts is too much to deal with. Mr. Evetts stated he has never applied for a job where he did not have to prove that he had the education he stated he had, and that it should be the same for construction applicants. Mr. Evetts stated he does not feel the reviewers should have to review these transcripts, but there should be some sort of proof that the applicant went to school other than checking a box on an application. Mr. Ayrish stated that evaluating transcripts is a tremendous time burden. Mr. Pietanza reiterated that the board is not asking the Department to evaluate the transcripts, just to request them as actual proof of education. Mr. Pietanza stated that universities provide sealed copies of transcripts and it would not be too much to ask for the applicant to have to provide those if they are attempting to use "construction related degree" as experience. Mr. Evetts brought up that if they're using a "degree" as part of that experience, that the Department should ask them to provide proof of that degree as well, and not just transcripts. Mr. Harrell stated he would go back to the Department and have a cost analysis done and bring those results back to the board.

Mr. Del Vecchio also suggested that the applications be tailored to be more specific to each licensure category, as he was confused why the Class C Air Conditioning

contractor's information was included on the general contractor application. Mr. Gertsch stated he would amend the application. Mr. Harrell confirmed the applications would be category specific.

Mr. Ayrish returned the conversation back to the transcript discussion, and stated he might be able to offer to perform random audits of applications for people who have claimed education as part of his experience. Mr. Ayrish stated these would be for applications already approved so they don't face a deemer issue. Mr. Gertsch stated the goal of this project was to decrease the amount of paper an applicant has to provide, as these forms will eventually be put on the internet and applicants will be able to complete the application online. Mr. Del Vecchio stated from the point of view of the board, the board has a responsibility to ensure each applicant who receives a license is competent to perform the work. Mr. Harrell reminded everyone that they must be reasonable in this, and asked what would be the reasonable decision. Mr. Harrell stated that the college courses probably have very little to do with actually being a contractor, and is it reasonable to ask an applicant to provide those transcripts? Mr. Harrell reminded the board that they have three main things to worry about when someone is issued a contractor's license; did they pass their test, are they financially responsible, and do they have the valid experience. Mr. Harrell stated that if the board would like the application processors to spend all their time reviewing the transcript, then fine, but wouldn't it be more beneficial to the public for the processor to read the credit report, to review the itemized list of experience, or to focus on the criminal results? Ms. Kane stated that it appears this issue is already addressed in the Rule. Ms. Bailey stated that the application should have a place where the applicant can list the college attended and all other necessary information.

Mr. Harrell turned the discussion to the financial responsibility section of the application, and asked the board if they feel the application is clear enough in what it's telling people. Mr. Sheehan directed a question to Mr. Lenois requesting clarification on what the difference between a beacon score is and a score from one of the credit reporting agencies. Mr. Lenois answered that the beacon score is the average of the three scores, and that the problem with the beacon scores is that the people who create the beacon scores look at the scores from each agency and attempt to create a score based on those scores. The problem resides in the fact that the score that each credit reporting service gives can be vastly different from the other, and based on completely different aspects of the applicant's credit. Mr. Del Vecchio stated that this is probably year three or four of this issue, and that the board interviewed a bunch of bonding agencies, etc, and they all preferred to use the FICO score as opposed to the beacon score, and changing it at this point is counterproductive.

Mr. Harrell turned the discussion to the next page of the application, and asked Mr. Gertsch about the different application types (initial licensure, change of status, qualifying an individual, qualifying a business, etc). Mr. Gertsch stated the information on the form would be removed, but there is a different application for each.

Mr. Harrell turned the discussion to page 8 of the application regarding the criminal background questions. Mr. Lenois asked if the Department is considering having somewhere in the application that eliminates issues that are, say, older than 10 years. Mr. Lenois stated when he's reviewing an application and comes across someone with

such an old criminal charge, he feels a statute of limitations should be implemented. Mr. Harrell reminded the board that the board came up with a list of crimes that required automatic board review several years ago, and that often times a single offense over 10 years doesn't require board review. Mr. Harrell stated they wanted to make sure the applicant has ample space to explain any issues. Mr. Harrell states the Department knows whether or not they've been convicted of a crime, etc., but the point is that the applicant knows the Department knows, and that the applicant has sufficient space to explain the circumstances behind the conviction. Mr. Harrell stated that consideration was given on taking that question out entirely because the Department does not need the applicant to tell them whether or not they have been convicted of crimes, but they wanted to give the applicant a chance to solicit the information themselves. Mr. Biggins expressed concern over the phrasing of the question and it's subjectivity in nature, and Mr. Gertsch responded that the question has actually been amended to not be profession specific in accordance with JAPC. Mr. Gertsch stated the other three questions were combined from the previous applications which solicited information from the qualifier, FRO, and officers of the company, and that permission was given from the Office of the General Counsel. Mr. Gertsch stated that instead of there being two sets of background questions on the application, they have been combined and there is only one set of questions that will only be asked of the applicant.

Mr. Harrell turned the discussion to page 11, which solicits the experience requirements from the applicant, and Mr. Harrell stated the first question for "construction related degree" should be amended to just include the rule number so the applicant can look it up themselves. Mr. Sheehan stated perhaps the phrase "your application may be randomly audited" needs to be added to the application. Mr. Harrell stated that perhaps a permission statement needed to be added, stating something to the effect of, "by signing this you grant permission for the Department to obtain sealed copies of transcripts, etc". Mr. Gertsch stated he would check on it. Discussion took place on how exactly that phrase should read.

Mr. Pietanza solicited opinion from the public on problems that could arise with requesting the transcripts. Ronda Koning from Contractor Business Services stated that they always submit official transcripts with the applications they work, and they personally have never run across an applicant that claims to have college experience and refuses to provide proof of it. Mr. Kevin Trim from Professional Licensure Services stated he has encountered scenarios where applicants have completed some sort of trade school but because those courses aren't accredited the applicant was unable to use them. Rosemary Hayes stated that the transcripts can actually cost quite a bit of money. Mr. Harrell reminded the board that they had decided to perform random audits of already approved applications, and that he would go to the Department and speak with the Office of the General Counsel on how that could be performed. Mr. Wilford asked Mr. Ayrish what the average processing time of a construction application time is. Mr. Ayrish stated it's usually around 40 minutes per application. Mr. Wilford asked how much the time would be increased by asking the processors to look at a couple of pages of transcripts. Mr. Ayrish stated, as an approximation, probably an additional 5-10 minutes per application. Ms. Wynn stated that if the Department is going to require transcripts, then a definition of what constitutes a "year" needs to be agreed upon as well. Mr. Lenois stated there are no statistics on how big this problem might be, and that

he's not sure how big this problem might actually be. Mr. Harrell once again said he would take this issue back to the Department to see what the Department says.

Mr. Harrell turned the discussion the page 13 of the application, and that there is not space on the form for a person to list their experience. Mr. Gertsch stated that this information is on page 11, but Mr. Del Vecchio stated there is not information on the form for the person to be able to list the specific work they performed while under that employer. All the form currently asks for is information about the employer and how long the applicant worked for that employer, but it does not request specific information on the types of work being performed. Mr. Harrell stated this form has gone through several permutations at the Department, and that there probably should be another amendment or two to the forms to include a checklist for each period of employment listed on the form. Mr. Harrell brought up the issue that the form explicitly lists the type of experience a general contractor needs to have performed to be issued a license, and some application processing firms know exactly how to manipulate the application, which words to use, to get it pushed through the process. Mr. Greenberg expressed concern over the fact that the application processors have no idea what most of the experience really means, and Mr. Ayrish confirmed that the processors are looking for specific keywords, and if those keywords are not listed on the application, the applicant is sent a deficiency letter requesting that information be put on the form. Mr. Lenois asked Mr. Gertsch what is the feasibility of expanding the form to allow further detail. Mr. Harrell stated that one size does not fit all, and what's good for the Division I contractor application is not the same thing that's good for the Division II contractor. Mr. Harrell stated there's also a difference in what CIU needs to be able to process the application, and what the board needs to see in order to cross examine an applicant on their experience. Mr. Harrell suggested that this issue is primarily concerned with the CGC applications, and does not really concern Division II applications, and suggested that Division I members sit down and come up with an idea on how to address this problem. Mr. Del Vecchio stated that if the applicant does not have the information up front to explain what would qualify them for a CGC license, then the information listed on the application would be more honest. Mr. Harrell explained that you may be punishing people who are not using the application processing services who know what words to use to get the application approved. Mr. Harrell explained that then the applicant will have no idea what would qualify them to receive the license. Mr. Harrell stated that if those boxes were not put on the application specifically listing the type of "experience", then the fraud being perpetuated now will not be assuaged in any way and will continue on. Mr. Lenois asked how to build an application that tells a lay person what would require board review and what wouldn't. Mr. Harrell stated that, unlike any other aspect of the application, the experience is a subjective matter and has to be treated delicately.

Ms. Lisa Cogan suggested to Mr. Gertsch to look at the Electrical Contractors Licensing Board applications to see an example of how to combine employment information and experience history onto one form.

Mr. Harrell stated these concerns would be taken back to the Department and further discussion with Mr. Ayrish and Mr. Gertsch would take place and future issues would be brought back to the board at a later meeting. Mr. Trim asked if the board would look at Division II applications and look at some of the phrasing on the application forms.

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

OLD BUSINESS

Removal of Board materials from lap tops.

NEW BUSINESS

No New Business was discussed.

With no further business the meeting was adjourned at 10:30am.