

**FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD**

**EMBASSY SUITES ORLANDO – NORTH  
225 SHORECREST DRIVE  
ALTAMONTE SPRINGS, FL 32701**

**JUNE 9 – 11, 2010  
MEETING MINUTES**

**Board Members Present**

William S. Sheehan, Chair  
Mark Pietanza, Vice – Chair  
Paul Del Vecchio  
Edward Weller  
Michelle Kane  
Peggy Bailey  
James Flaherty  
Don Wilford  
Roy R. Lenois  
Carl E. Engelmeier  
James C. Evetts  
Robert Moody Jr.  
Wilbert Malphus  
W. Brian Cathey  
Albert Korelishn  
Scott Greenberg

**Board Members Absent**

Elbert Batton (Friday only)  
Jerry D. Hussey

**Others Present**

G. W. Harrell, Executive Director, DBPR  
Mandie Wynn, Government Analyst, DBPR  
David Spingler, Government Analyst, DBPR  
Daniel Biggins, Legal Advisor, AGO  
Jeff Kelly, Chief Prosecuting Attorney, DBPR  
Brian Coats, Prosecuting Attorney, DBPR

## **ADDITIONAL BUSINESS ENTITIES REVIEW**

***Division I Board members met for Additional Business Entities Review on June 9, 2010 from 2:06 – 3:30p.m. Mr. Evetts led the meeting. Of the 20 applications reviewed, 8 were approved, 4 were approved contingent, 1 was continued, 1 was withdrawn and 6 were denied.***

### **APPROVALS (8)**

Brewer, Frank  
De Bickes, John  
Gates, Jeffrey  
Gonzalez, Carlos  
Jones, Britton  
McVey, James  
Phillips, Ronald  
Sklar, Oscar

### **CONTINGENT APPROVALS (4)**

Cantin, Claude – must provide proof of 20% ownership or W2 employee status of proposed entity.  
Caro, Nicholas – must provide proof of W2 employee status of proposed entity.  
Maras, Kamil – must provide proof of 25% ownership of proposed entity.  
Ward, Robert – must provide proof that a FRO has been approved for the proposed entity.

### **CONTINUANCES (1)**

Jarvis, Charles – continued 30 days

### **WITHDRAWAL (1)**

Munilla, Fernando

### **DENIALS (6)**

Bonilla, Herbert  
Castano, Hernando  
Griepel, S Barry  
Johnson, Karl  
Orlando, James  
Weathersby, Calvin

***Division II Board members met for Additional Business Entities Review on June 10, 2010 from 2:01 – 2:50p.m. Mr. Flaherty led the meeting. Of the 6 applications reviewed, 3 were approved, 2 were approved with conditions and 1 was denied.***

### **APPROVALS (3)**

Kareyva, Albert  
Scott, Brian  
Seamon, Michael

CONDITIONAL APPROVALS (2)

Jokinen, Teppo – probation for 2 years  
Sherrick, James – probation for 2 years

DENIALS (1)

Bush, Kristian

**APPLICATION REVIEW**

***Division I Board members met for Application Review on June 9, 2010 from 3:43 – 4:41p.m. Mr. Sheehan led the meeting. Of the 17 applications reviewed, 7 were approved, 2 were approved with conditions, 4 were continued and 4 were denied.***

APPROVALS (7)

Czoschke, David  
Hagen, Donald  
Phillips, Brent  
Potter, Richard  
Stone, William  
Swift, Rebecca  
Thompson, Robert

CONDITIONAL APPROVALS (2)

Ansaroff, Brian – downgrade to CRC  
Moon, Corey – downgrade to CRC with 2 years probation

CONTINUANCES (4)

Herd, Benjamin – continued 60 days to submit revised CGC experience and verification.  
Huard, Guy – continued 60 days to present disciplinary case  
Korte, Thomas – continued 90 days to provide revised experience, verification, credit score and lien satisfaction or payment plan  
Melson, Richard – continued 90 days

DENIALS (4)

Martinez, Reynaldo  
Pettengill, James  
Riggs, William  
Sturms, Aleph

***Division II Board members met for Application Review on June 10, 2010 from 3:00 – 4:19p.m. Mr. Flaherty led the meeting. Of the 17 applications reviewed, 10 were approved, 1 was withdrawn, 4 were continued and 2 were denied.***

APPROVALS (10)

Alvarez, Raymond  
Atkinson, James  
Beckner, Rachel  
Grauer, Jason

Hutson, Charles  
Potter, Richard  
Rhyne, Todd  
Steele, Martin  
Waktins Jr., William  
Whitman, Justin

WITHDRAWAL (1)

Kappes, John

CONTINUANCES (4)

Avila, Victor – continued 30 days

Caya, Robert – continued 30 days

Collie, Steven – continued 60 days to provide revised roofing experience and verification

Herold, John – continued 60 days

DENIALS (2)

Fitz-Gerald III, Edward

Staggs, Christopher

*The Board reviewed and ratified the list of approved financially responsible officer applications.*

**PROBATION**

***There were no probation hearings held at the June 2010 board meeting.***

**GENERAL SESSION**

The meeting was called to order by Mr. Sheehan, Chair, at 9:00 a.m. Ms. Bailey gave the invocation. Mr. Flaherty led the Pledge of Allegiance.

**REVIEW OF MINUTES**

**A. Final Action Minutes – May 2010**

The board voted unanimously to approve these minutes.

**EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL**

Mr. Harrell reminded the Board members how important it is for the department to have their correct address on record and asked that they ensure the information is correct.

Mr. Harrell informed the Board members that a reunion event will take place at the August 2010 meeting and several previous Board members plan to attend. The Board agreed that there should be a workshop set up on Thursday evening where the current and previous Board members can discuss items of common interest. Additionally, Mr. Harrell reminded the Board members that financial disclosure forms are due to the

Florida Commission on Ethics by July 1, 2010. He advised the members that if they have not received the forms they may contact the board office.

The Board voted unanimously to approve this report.

#### **CHAIRMAN'S REPORT – WILLIAM SHEEHAN**

Mr. Sheehan stated that a change in the dress code had been requested but that no changes would be made.

The Board voted unanimously to approve this report.

#### **PROSECUTING ATTORNEY'S REPORT – JEFF KELLY**

Mr. Kelly gave the following report:

There were 484 cases to be reviewed in Legal, 40 cases set for probable cause and 167 cases with probable cause found/administrative complaints filed. 114 cases were ready for default, 26 cases had stipulations executed/informal hearings requested, and 89 cases requested formal hearings. There were 13 cases referred to DOAH, 37 cases in settlement negotiations, 277 cases awaiting final orders and 296 cases set for board presentation. There were 0 cases under appeal and 2 cases re-opened.

As of May 2010 the number of overall construction disciplinary cases is 1,545. This is an increase from 1,485 which was the overall caseload as reported in April 2010, and approximately 300 less cases than reported in May of 2009.

The Board voted unanimously to approve this report.

#### **ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS**

##### **CY R. ADAMS – PETITION FOR WAIVER OF RULE 61G4-15.001(2) AND INFORMAL HEARING**

Mr. Adams was present with Counsel, Timothy Atkinson.

Mr. Biggins presented this case stating that Mr. Adams' application for initial certified general contractor license was denied at the April 2010 meeting of the Board. Mr. Adams subsequently filed a Petition for Variance from or Waiver of Rule 61G4-15.001(2) and a Petition for Informal Administrative Hearing in May of 2010.

After discussion the Board voted unanimously to deny the Petition for Waiver as drafted but granted a waiver of the 4 story habitable construction requirement. The Board voted unanimously to approve a limited certified general contractor license until such time that the license category for a certified cell tower specialty contractor license is approved.

##### **DAVID L. ANGLIN – REQUEST FOR INFORMAL HEARING**

Mr. Anglin was present.

Mr. Biggins presented this case stating that Mr. Anglin's application for initial certified plumbing contractor license was denied at the January 2010 meeting of the Board. Mr. Anglin received a Notice of Intent to Deny in March of 2010. Mr. Anglin timely requested Board reconsideration.

After discussion the Board voted unanimously to uphold the denial of Mr. Anglin's application.

#### **ELIZABETH BATISTA – REQUEST FOR INFORMAL HEARING**

Ms. Batista was present.

Mr. Biggins presented this case stating that Ms. Batista's application for initial certified general contractor license was denied at the February 2010 meeting of the Board. Ms. Batista received a Notice of Intent to Deny in April of 2010. Ms. Batista timely requested Board reconsideration.

After discussion the Board voted unanimously to uphold the denial of Ms. Batista's application.

#### **CONSTRUCTIVE RESOURCES INC dba AAA SOLAR SOURCE – REQUEST FOR INFORMAL HEARING**

Representative from Constructive Resources Inc dba AAA Solar Source was not present.

Mr. Biggins presented this case stating that Constructive Resources Inc dba AAA Solar Source's continuing education course application was denied at the January 2010 meeting of the Board. Constructive Resources Inc dba AAA Solar Source received a Notice of Intent to Deny in March of 2010. Constructive Resources Inc dba AAA Solar Source timely requested Board reconsideration.

After discussion the Board voted unanimously to uphold the denial of Constructive Resources Inc dba AAA Solar Source's application.

#### **DEPARTMENT OF COMMUNITY AFFAIRS – REQUEST FOR INFORMAL HEARING**

Representative from Department of Community Affairs was not present.

Mr. Biggins presented this case stating that Department of Community Affairs' continuing education course application was denied at the November 2009 meeting of the Board. Department of Community Affairs received a Notice of Intent to Deny in March of 2010. Department of Community Affairs timely requested Board reconsideration.

After discussion the Board voted unanimously to uphold the denial of Department of Community Affairs' application.

### **JUNIOR HERNANDEZ – REQUEST FOR INFORMAL HEARING**

Junior Hernandez was not present.

Mr. Biggins presented this case stating that Junior Hernandez's change of status for certified air conditioning contractor application was denied at the January 2010 meeting of the Board. Mr. Hernandez' received a Notice of Intent to Deny in March of 2010. Mr. Hernandez timely requested Board reconsideration.

After discussion the Board voted unanimously to uphold the denial of Mr. Hernandez's application.

### **KRISTINE & FRANK PARKER – PETITION FOR DECLATORY STATEMENT**

Kristine and Frank Parker were not present.

Mr. Biggins presented the case, stating that Kristine and Frank Parker filed requests for declaratory statements in March of 2010. The petitions were noticed in the Florida Administrative Weekly on May 7, 2010. Mr. Biggins asked that the Board consider whether the petitions met the statutory requirements for a declaratory statement, and if so, asked the Board to respond to the petitions.

After discussion the Board voted unanimously to deny the petitions as they did not meet the statutory requirements for a declaratory statement.

### **EUGENIO RODRIGUEZ – REQUEST FOR INFORMAL HEARING**

Mr. Rodriguez was not present.

Mr. Biggins presented this case stating Eugenio Rodriguez's application for reinstatement of a null and void registered building contractor's license was denied at the January 2010 meeting of the Board. Mr. Rodriguez received a Notice of Intent to Deny in March of 2010. Mr. Rodriguez timely requested Board reconsideration.

After discussion the Board voted unanimously to uphold the denial of Mr. Rodriguez's application.

### **VOIGHT PROFESSIONAL SERVICES INC – REQUEST FOR INFORMAL HEARING**

Representative from Voight Professional Services Inc was present.

Mr. Biggins presented this case stating that Voight Professional Services Inc continuing education course application was denied at the March 2010 meeting of the Board. Voight Professional Services Inc received a Notice of Intent to Deny in April of 2010. Voight Professional Services Inc timely requested Board reconsideration.

After discussion the Board voted unanimously to approve Voight Professional Services Inc's application.

## **RONNIE HOGGINS – REQUEST FOR RECONSIDERATION OF APPROVAL WITH CONDITIONS**

Ronnie Hoggins was present with Counsel, Drew Winters.

Mr. Biggins presented this case stating that Ronnie Hoggins' initial certified general contractor license application was approved as a downgrade to certified residential contractor with 4 years of probation at the January 2010 meeting of the Board. Mr. Hoggins' received a Notice of Intent to Approve with Conditions in March of 2010. Mr. Hoggins' timely requested Board reconsideration.

After discussion the Board voted unanimously to approve a certified building contractor license with 4 years of probation.

## **COMMITTEE REPORTS**

### **EXAMS/CE/PUBLIC AWARENESS COMMITTEE**

Mr. Lenois gave the following report:

#### **360training.com**

Business Ethics – approved contingent upon submitting documentation for a qualified instructor

NEC 2008 Grounding and Bonding – denied

#### **AAA Construction School Inc**

Lead Safe Work Practices Affects You – approved as a 7 hour course

#### **Air Conditioning Contractors ASSN of NW Florida**

Laws and Rules of DBPR/CILB - approved

#### **Associated Builder and Contractors of Florida Inc**

Contractors Environmental Compliance - approved

#### **The Barthet Firm**

Five Things You Need to Know about Your License – approved

Human Resource Fundamentals – approved

I've Been Sued Now What – approved

Job Site Safety and Your Safety Program – approved

Managing Construction Risk with Your Contract and Insurance – approved

The Fundamentals of Construction Accounting – approved

Wind Mitigation Methodologies – approved

#### **Building Officials Association of Florida**

The Green Shades of Natural Gas - approved

#### **Building Trades Education Services**

Building Rehab and the Fire Prevention Code – continued 30 days to provide a more detailed timeline

**Environmental Resources Consultants Inc**

EPA Renovation, Repair & Painting - denied

**Florida Association of Plumbing, Heating & Cooling Contractors**

High Performance Hot Water Systems – approved

Intro to Firestopping for Plumbers – approved

Practical Plumbing for Water and Energy Efficiency – approved

Rightful Termination – A Proactive Approach to Discipline & Discharge - approved

**Florida Contractors School of Continuing Education**

Core Continuing Education Courses - approved

**FLA Educational Facilities Planners' Association Inc**

Building Code for Educational Facilities – approved

Digital Project Administration for Schools – approved

DOE & Legislative Update – denied

Gold for Free? How to Achieve LEED Gold for Zero Cost Add – approved

Integrated Project Delivery (IPD) – approved

LEEDing Sounds of Education Acoustics – approved

Structural Systems: A True Collaboration with Architecture – approved

Sustainable Roofing Solutions – approved

Undergraduate Facilities for Florida's STEM Initiatives – denied

Value-based Project Selection - denied

**Florida Solar Energy Center**

Using Your Home Solar Electric System for Emergency Power - denied

**FRSA Educational and Research Foundation**

Bond Law in Florida – approved

Construction Dispute Resolutions – approved

Legal Issues Pertaining to Mold – approved

Planning to Succeed – approved

The Current Revisions to AIA Contract Documents - approved

**Halfmoon LLC**

Topics in Soil Engineering and Concrete - approved

**Home Builders ASSN of Metro Orlando**

Construction Contracts and Law – approved – laws and rules credit approved as general credit

**McNeal & White Contractors Inc**

7 Hour of Defined CEUs – denied

8 Hours of General CEUs – denied

BPI Certified Building Analyst – denied

EPA Lead RRP Training – denied

Indoor Air Quality and Worker Safety – approved as general credit

Pollution Occurrence Insurance – approved

Thermal and Pressure Boundaries – denied

**Neisen, Price, Worthy, Campo, Frasier & N Blakey, P.A.**

The Fundamentals of Construction Contracts – approved – laws & rules credit approved as general credit

**Nodorah Training Institute**

Construction Lien Law – denied

Operating a Contracting Business – denied

**NORMI – National Organization of Remediators and Mold Inspectors**

Mold Assessment and Remediation – denied

**Plumbing, Air Conditioning Contractors Industry Fund**

Management 101 – approved

Risk Management – approved

**R. Bruce Kershner Company**

Anti-Terrorism Blast Mitigation – approved

**Redvector.com Inc**

Concrete Evaluation & Repair 1 – approved

Construction Liens & Bonds – approved

Fair Housing Accessibility – approved

OSHA Underground Construction - approved

**Rosalind Williams dba One Choice Service LLC**

Financial Regulations for Contracting – approved

**UF/Program for Resource Efficient Communities**

Windload Calculations: Structural Applications – denied

**University of Florida – TREEO Center**

Lead Safety for Renovation, Repair and Painting – approved as a 7 hour course

**Vincent J. Santino**

Electrical Shock Hazard – approved

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

**AD HOC LICENSURE COMMITTEE DIVISION I**

Mr. Sheehan gave the following report:

The committee discussed issues regarding licensure requirements; including increasing the fee structure to pay for third party experience verifications, licensure bonds, experience rule changes and requiring “project leadership” as an experience requirement for general contractors.

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

#### **AD HOC LICENSURE COMMITTEE DIVISION II**

The Ad Hoc Committee did not meet at this meeting.

#### **RULES/PUBLIC/LEGISLATIVE COMMITTEE**

Mr. Pietanza gave the following report:

The following rule has been noticed:

61G4-16.005 Duration of Validity.

The following rule has been adopted:

61G4-15.034 Certification of Cell Tower Specialty Contractors

The committee directed Mr. Harrell and Mr. Biggins to draft language to modify the experience requirements in Rule 61G4-15.001(2) to include structural steel and project leadership.

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

#### **OLD BUSINESS**

Removal of Board materials from lap tops.

#### **NEW BUSINESS**

The Board voted unanimously to excuse the following absences:

Jerry D. Hussey  
Elbert Batton (Friday only)

With no further business the meeting was adjourned at 10:39am.