

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 Of the 20 applications reviewed, 8 were approved, 4 were approved contingent, 1 was continued, 1 was withdrawn and 6 were denied.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
Griepfer, 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.