

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Embassy Suites Orlando - North
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Altamonte Springs, FL 32701
407.834.2400**

March 8 - 11, 2011

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

Board Members Present

Mark Pietanza, Chair
Don Wilford, Vice Chair
Edward Weller
W. Brian Cathey
Paul Del Vecchio
James C. Evetts
Jerry D. Hussey
Elbert Batton
Peggy Bailey
James Flaherty
Carl E. Engelmeier
Scott Greenberg
Robert Moody Jr.
Albert Korelishn
Roy R. Lenois

Board Members Absent

William Sheehan
Michelle Kane

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
Kyle Christopher, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on March 9, 2011 from 2:05 – 3:02 pm. Mr. Evetts led the meeting. Of the 15 applications scheduled for review, 5 were approved, 4 were approved contingent, 1 was continued, 4 were denied, and 1 was withdrawn.

APPROVALS (5)

Beltran, Samuel
Marshall, Jeffrey
Polizzi, Waldemar
Schechner, Jarrett
Siems, Steven

CONTINUED (1)

Bax, James – 30 day continuance

CONTINGENT APPROVALS (4)

Karam, Raymond – Contingent upon an FRO obtaining & 2 years probation or submitting a credit score of 660 or higher
Martinez, Fermin – Contingent upon serving 2 years probation or submitting a credit score of 660 or higher. Applicant is required to bring a credit report for each probation appearance
Pereira, Christian - Contingent upon serving 2 years probation or submitting a credit score of 660 or higher
Vergnolle, Robert - Contingent upon applicant becoming a W2 employee and also serving 2 years probation or submitting a credit score of 660 or higher

DENIALS (4)

Burke, Peter
Comesana, Lorena
Davis, Tony
Newton, Leigh

WITHDRAWN (1)

Lewis, Aaron

Division II Board members met for Additional Business Entities Review on March 10, 2011 from 3:42pm - 4:06 pm. Mr. Flaherty led the meeting. Of the 4 applications scheduled for review, 1 was approved, 2 were approved contingent, and 1 was withdrawn

APPROVALS (1)

Benigno, Michael

CONTINGENT APPROVAL (2)

Gomez, James - Contingent upon becoming a W2 employee
Stanchiu, Jorge - Contingent upon serving 2 years probation or submitting a credit score of 660 or higher

WITHDRAWN (1)
Hilderbrand, Gaylen

APPLICATION REVIEW

Division I Board members met for Application Review on March 9, 2011 from 3:32 – 5:05 pm. Mr. Hussey led the meeting. Of the 21 applications reviewed, 7 were approved, 1 was continued, 3 were withdrawn, and 10 were denied.

APPROVALS (7)
Dillon, Tyler (Mr. Del Vecchio recused himself)
Johnson, Chetwood
Konnick, Mark
Schopp, Victoria
Singer, Steve – approved as CRC license
Sturms, Aleph
Suriol, Jose

CONTINUANCES (1)
Qualls, Edward – 60 days

WITHDRAWN (3)
Rupert, Rodney
Treviranus, Gerhard
Wissner, Kevin

DENIALS (10)
Beckett, William
El-Aryan, Ziad
Galindez, Jorge
Grimsley, Joseph Jr.
Krebs, Timothy (Mr. Evetts recused himself)
Ledbetter, John
Scharber, Robert
Shear, Gary
Tarpley, Earnest
Walker, Marlowe

Division II Board members met for Application Review on March 10, 2011 from 4:15 – 5:28 pm. Mr. Engelmeier led the meeting. Of the 13 applications scheduled for review, 4 were approved, 1 was approved with conditions, 1 was withdrawn, 3 were denied, 1 was pulled from the agenda, and 3 were continued.

APPROVALS (4)
Harris, Brett
Leman, Douglas
Phegley, Michael

Quarry, Kevin

CONDITIONAL APPROVALS (1)

Rhatigan, Thomas - Serve 2 years probation or submit a credit score of 660 or higher

WITHDRAWN (1)

Rupert, Rodney

DENIALS (3)

Parker, Daniel

Peace, Harvey

Quintero, Bernardo

PULLED (1)

Hoyt, Dell

CONTINUED (3)

Francois, Robin – 60 days

Hector, Yordanys Sr. – 180 days

Wilson, Darrell – 60 days

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

PROBATION

Division I board members met for Probation on March 10, 2011 from 2:03 – 2:23 pm. Mr. Batton led the meeting.

Ashenback, Kristopher, CBC54507

Result: Satisfactory

Bowman, Duane, CGC1518502

Result: Satisfactory

Burgan, Charles, CGC1512729

Result: Satisfactory

Cartelle, Antonio, CGC1516713

Result: Satisfactory

Davis, Cleo, CBC1253068

Result: Satisfactory

Finnegan, Leith, CGC1519003

Result: Satisfactory

Parker, Robert, CBC1258274

Result: Satisfactory

Szymula, Brian, CGC1509304

Result: Satisfactory

Reminded to ensure the Building Department questionnaire is with future packets

Wilson, William, CGC021685

Result: Unsatisfactory

Failure to appear

Worthington, Linda, CGC045449

Result: Satisfactory

Reminded to ensure the Building Department questionnaire is with future packets

Ambrosius, Robert, CGC1519002

Result: Continued for 6 months

Loy, James, CGC1504966

Result: Satisfactory

Packet was submitted but lost in mail. Probationer was also reminded to submit Building Department questionnaire with future packets

Marcotte, Robert, CGC1519011

Result: Released from probation as credit score of 660 or higher was obtained

Redish, Gary, CGC1511215

Result: Continued for 6 months

Vance, Eric, CGC1506613

Result: Stay of Suspension Lifted

Division II board members met for Probation on March 10, 2011 from 2:47 pm to 3:34 pm. Mr. Moody led the meeting.

Alford, Danny, RC29027447

Result: Satisfactory

Ashenback, Kristopher, CCC57686

Result: Satisfactory

Cantrell, Michael, CCC1329540

Result: Satisfactory

Collins, Humbert, CFC1427676

Result: Satisfactory

Reminded to provide proof of Workers Compensation coverage and General Liability insurance

Dejesus, Edward, CAC058733

Result: Satisfactory

Deveaux, Edmund, RU11066599
Result: Unsatisfactory
Probationer has not complied with requests from previous hearings

Doughty, Billy, CCC1327869
Result: Satisfactory
Request for early termination of probation was denied.

Fox, Richard, CFC057294
Result: Satisfactory

Hauser, Dennis, CCC057180
Result: 6 month continuance granted

Mondragon, Jose, CAC1815894
Result: Satisfactory

Petito, Robert, CAC1815624
Result: Satisfactory
Reminded to provide bank statements & financial statements at future hearings

Powell, Richard, CAC1816374
Result: Satisfactory
Reminded to have correct name on all documents

Ruiz, Jose, CFC1427081
Result: Satisfactory

Scharn, Dean, CCC1327771
Probation is requesting reinstatement. The probationer had successfully completed 4 of 12 appearances with no unsatisfactory appearances or Lifts of Stay prior to February 2011.
Result: Reinstatement request denied.

Szymula, Brian, CCC1327384
Result: Satisfactory

Brannen, Kenneth, CFC057132
Result: 6 month continuance granted

Gales, Joseph, RC0067405
Result: 6 month continuance granted

Sanchez, Viurniel, CCC1328992
Result: Satisfactory
Packet lost in Department

Sherrick, James, CAC1816560

Result: Stay of Suspension lifted

GENERAL SESSION

The meeting was called to order by Mr. Pietanza, Chair, at 9:12 am. Ms. Bailey gave the invocation. Mr. Pietanza led the Pledge of Allegiance.

REVIEW OF MINUTES

- A. Meeting Minutes – January 2011
- B. Final Action Minutes – October 2010
- C. Final Action Minutes – November 2010

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell gave the following report:

Mr. Harrell mentioned that the Recovery Fund will be making some payouts in the near future and a Committee needs to be created to do that. Mr. Harrell stated that the money for this quarter is being given from last quarter, and the total figure of allocatable money will be provided to Mr. Harrell by the next meeting. The Committee meeting will be done by conference call, and the Chairman is going to appoint the Committee members. Mr. Harrell stated this is the first time claimants have been paid in almost 2 years.

Mr. Harrell also mentioned that the EZ Apply applications may appear by next month for board review, and if they do, to make sure to review those and have comments prepared. There will no longer be an experience verification page as there is no statutory authority for that, but instead there will be an experience checklist. The Department will hold a workshop for stake holders.

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:

Michelle Kane
William Sheehan

Mr. Harrell mentioned that the Department is currently in compliance with the Governor's Executive Order in reviewing all of the Rules. Mr. Harrell stated it is a very large project and Board staff is currently wrapped up in that. Mr. Harrell also stated it may be more fruitful for the board to discuss Ad Hoc issues instead of Rules right now.

Mr. Pietanza stated that he would prefer that board members who have previously served on the Recovery Fund committee also serve on the future Committee to make sure everything runs smoothly, and if anyone would like to volunteer for it, to let him know.

Mr. Harrell also asked that the Committee be small, as small as possible, and that the only statutory requirement is that the committee have one member from Division I and one member from Division II. Mr. Wilford asked for a show of hands for people who have previously served on the Committee.

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

PROSECUTING ATTORNEY'S REPORT – PAUL WATERS

Mr. Waters gave the following report:

As of February 2011 the number of overall construction disciplinary cases was 794. This is an increase from 762 which was the overall caseload as reported in January 2011, and 827 less cases than reported in February 2010.

There were 110 cases to be reviewed in Legal, 84 cases set for probable cause and 95 cases with probable cause found/administrative complaints filed. 14 cases were ready for default, 2 cases had a stipulations executed, 7 cases where informal hearings were requested, and 16 cases requesting formal hearings. There were 8 cases awaiting outside action, 10 cases referred to DOAH, 21 cases in settlement negotiations, 85 cases pending board date, 237 cases awaiting final orders and 102 cases set for board presentation. There were 0 cases under appeal and 3 cases re-opened. There were 89 cases closed for the month of February.

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.

GREGORY DUNN – REQUEST FOR INFORMAL HEARING

Mr. Dunn was present.

Mr. Biggins presented this case stating Mr. Dunn's application for a change of status for his certified general contractor's license was denied at the September 2010 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility and failure to demonstrate the required experience. The Notice of Intent to Deny was filed in November 2010. Mr. Dunn timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

GREGORY DUNN – REQUEST FOR INFORMAL HEARING

Mr. Dunn was present.

Mr. Biggins presented this case stating Mr. Dunn's application for a change of status for his certified mechanical contractor's license was denied at the September 2010 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in November 2010. Mr. Dunn timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

RONALD HAASE – REQUEST FOR INFORMAL HEARING

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. The Notice of Intent to Deny was filed in January of 2011. Mr. Haase timely requested board reconsideration.

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

GEORGE HOWARD – REQUEST FOR INFORMAL HEARING

Mr. Howard was present with Counsel, Drew Winters.

Mr. Biggins presented this case stating that Mr. Howard's application for initial licensure as a certified general contractor was denied at the November 2009 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility, and failure to demonstrate the required experience. The Notice of Intent to Deny was filed in November 2010. Mr. Howard timely requested a hearing before the Division of Administrative Hearings, but requested the original Notice of Intent to Deny be reconsidered.

After discussion the board voted unanimously to approve the application.

BRENDA MARTIN – REQUEST FOR INFORMAL HEARING

Ms. Martin was present.

Mr. Biggins presented this case stating that Ms. Martin's application for initial licensure as a certified building contractor was denied at the October 2010 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 November of 2010. Ms. Martin timely requested board reconsideration.

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

GERALD MONEY – REQUEST FOR INFORMAL HEARING

Mr. Money was not present.

Mr. Biggins presented this case stating that 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 for failure to sufficiently demonstrate financial stability and responsibility. 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 continue the review of the application for 30 days to allow the applicant to appear at the hearing.

GARFIELD RHODEN – REQUEST FOR INFORMAL HEARING

Mr. Rhoden was present with Counsel Tim Atkinson.

Mr. Biggins presented this case stating Mr. Rhoden's application for a change of status of his certified general contractors license was denied at the November 2010 meeting of the board for having been found guilty, or entering a plea of nolo contendere, to crimes related to the practice of contracting, for failure to demonstrate good moral character, 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 January of 2011. Mr. Rhoden timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

MICHAEL ROBITZSCH – PETITION FOR VARIANCE AND WAIVER

Mr. Robitzsch was present with Counsel Tim Atkinson.

Mr. Biggins presented this as a petition for variance and waiver of rule 61G4-15.001 (2) to allow the petitioner to obtain a limited certified general contractor's license to construct uninhabitable, liquid and non-liquid containing, steel aboveground storage structures placed on an impermeable surface. The petition was filed on February 2, 2011. The petition was noticed in the Florida Administrative Weekly on February 18, 2011. Mr. Robitzsch's application for a certified general contractor's license was also heard.

After discussion the board voted unanimously to grant the petition and to approve the application for a limited certified general contractor's license.

MICHAEL SIGGINS – REQUEST FOR INFORMAL HEARING

Mr. Siggins was not present.

Mr. Biggins presented this case stating Mr. Siggins' application for initial licensure as a certified building contractor was denied at the November 2010 meeting of the board for failure to demonstrate the required experience, failure to show good moral character, and failure to sufficiently demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in January of 2011. Mr. Siggins timely requested board reconsideration.

After discussion the board voted unanimously to continue the review of the application for 60 days to allow Mr. Siggins to appear at the hearing.

STEVEN TORELL – REQUEST FOR INFORMAL HEARING

Mr. Torell was present with Counsel Tim Droel.

Mr. Biggins presented this case stating that Mr. Torell's application for initial licensure as certified general contractor's license was denied at the November 2010 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility, failure to demonstrate the qualifying agent would properly supervise the construction work and business activities, and failure to demonstrate the required experience. The Notice of Intent to Deny was filed in January of 2011. Mr. Torell timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

KEVIN TRENKI – PETITION FOR VARIANCE AND WAIVER, REQUEST FOR INFORMAL HEARING

Mr. Trenski was present with Counsel Tim Atkinson.

Mr. Biggins presented this as a petition for variance and waiver of rule 61G4-15.001 (2) to allow the petitioner to obtain a limited certified general contractor's license to construct uninhabitable, liquid and non-liquid containing, steel aboveground storage structures placed on an impermeable surface, as well as any accessory use structures in conjunction with construction of the tank. The petition was filed on February 4, 2011. The petition was noticed in the Florida Administrative Weekly on February 18, 2011. Mr. Trenski also requested an informal hearing for the denial of his application.

After discussion the board voted unanimously to grant the petition and to approve the application for a limited certified general contractor's license.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ROY LENOIS

Mr. Lenois gave the following report:

Adcox Group, Inc.

1st Course: Avoiding a Tax Audit – **approved**

American Concrete Institute

1st Course: Contractors' Day Session: The Strength of Florida – **approved**

Building Trades Education Services

1st Course: Broward County Chapter 9 – **approved (as general credit)**

2nd Course: Florida Workers Compensation System Guide – **approved**

3rd Course: OSHA's Sudden Stop Standard (It's not the fall that kills you) – **approved**

Construction Estimating Institute

1st Course: Lead Safety for Renovation, Repair, & Painting – **approved**

Federated Mutual Insurance

1st Course: Are you Covered? Liability Exposures Defined – **approved**

Florida Refrigeration & Air Conditioning Contractors

1st Course: Computer Room Cooling – Best Design Practices – **approved**

2nd Course: Diagnosing Air Flow Problems – **approved**

3rd Course: Legislative Update – Energy Initiatives – **approved**

4th Course: Meet your New Partner – The Energy Rater – **approved**

5th Course: Smart HVAC Systems – **approved**

6th Course: Solar and the HVAC/R Contractor – **approved**

7th Course: Understanding the Basic Concepts of ACCA Manual J, D, and S –
approved

8th Course: What is Energy Auditing and Why Should One be Done – **approved**

9th Course: What your Techs Need to Know About Duct Leakage Testing – **approved**

FRSA Educational and Research Foundation

1st Course: Forced Air Zoning – **approved**

2nd Course: OSHA 10 Hour Certification for Construction and CILB's Mandatory Six CE
Requirement – **approved**

3rd Course: OSHA 10 Hour Construction Industry Certification – **approved**

Information Resource for Professionals

1st Course: Identifying Water Intrusion: Stucco Assessments – **approved**

2nd Course: Identifying Wind Damage: Hurricane Assessment – **approved**

Kerney & Associates, Inc.

1st Course: Thermal Energy Storage – Application & Financial Modeling – **approved**

Koning Enterprises, Inc. d/b/a Contractors Institute

1st Course: CILB Required Subject Areas – **approved**

2nd Course: Florida Existing Building Code – **approved**

Nodorah Training Institute

1st Course: Construction Lien Law – **approved** (*Informal Hearing for course that was denied at the June 2010 meeting*)

2nd Course: Operating a Contracting Business – **approved** (*Informal Hearing for course that was denied at the June 2010 meeting*)

Smith, Currie, & Hancock, LLP

1st Course: Construction Risk Avoidance and Mitigation – **approved**

2nd Course: Federal Government Construction Contractors Key Differences, Opportunities, Rights, & Obligations – **approved**

Trifecta Construction Solutions

1st Course: Green Remodel and Retrofit – **approved**

2nd Course: Plumbing Code for Grease Interceptors – **approved**

The question of whether or not the board approves time for examinations for online courses but not for instructor led courses was asked, and the answer is “no”, there is no difference between online courses and instructor led courses in this regard. The examinations given during online courses are showing as part of the interactivity/monitoring/evaluation but are in addition to the 50 minutes required for 1 credit hour.

Mr. Lenois also brought up the issue of Home Inspector’s licenses; there are courses that are now coming up for certification of Home Inspector’s, and teaching how to be a home inspector, and those courses are being submitted to the CILB committee for credit for contractors. Mr. Lenois stated that two of the courses that were approved were “quasi-inspector” courses, because one of them had to do with water intrusion and another one was for identifying and assessing wind damage. Mr. Lenois requested opinions on these types of courses. Mr. Del Vecchio stated that the CILB has nothing to do with the Home Inspector’s license, and he doesn’t think it would help the construction industry by approving courses that further the Home Inspector trade. The course in question was more for identification purposes and did not teach any sort of prevention methods. Mr. Harrell stated that it is either within the scope of work for a contractor, or it is not and even with the home inspections statutes/rules, a contractor is still allowed to perform inspections within their own trade/scope of work.

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:

Mr. Wilford read a statement into the record stating that there is a growing problem with fraudulent experience being submitted on the applications. The Department does not have enough staff nor can they be trained to be experts on fraudulent experience, and that he will no longer support downgrades of application based on falsified experience. Mr. Wilford stated that he would recommend that new guidelines be put into place to severely punish verifiers that sign off on fraudulent experience and new language needed to be created in the Statutes/Rules to address this problem. Mr. Del Vecchio recommended that board members do a random audit of applications to see the experience that is being listed/verified, and to punish people who are listing fraudulent experience. Mr. Del Vecchio also suggested that if the experience on the application is not correct, the application should automatically be denied. Mr. Harrell mentioned that the new applications will no longer have an experience verifier, as there is not statutory authority for this. Mr. Greenberg also recommended that proof of employment be submitted with the application (W2's, pictures, videos, etc).

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

OLD BUSINESS

Removal of Board materials from lap tops.

NEW BUSINESS

Doug Harvey, the Executive Director of the Building Officials Association of Florida, asked a question about an action the Board just took, related to the licenses that were issued to Mr. Robitzsch and Mr. Trenski being limited in nature. Mr. Harvey asked if the information that is printed on the hard copy of the license will also be referenced on the website for the building department's clarification during the permit pulling process. Mr. Harrell and Ms. Wynn stated that the website does reflect this information, but staff would be sure to double check upon return to Tallahassee, and if the website did not contain this information, staff would ensure it would be updated to reflect it.

With no further business the meeting was adjourned at 10:11 am.