

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

Doubletree Hotel Tampa Westshore Airport
4500 W. Cypress Street
Tampa, FL 33607
813.879.4800

October 12 – 15, 2010

MEETING MINUTES

Board Members Present

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

Board Members Absent

Elbert Batton
Roy R. Lenois

Others Present

G. W. Harrell, Executive Director, DBPR
David Spingler, Government Analyst, DBPR
Donald Shaw, Administrative Assistant, DBPR
Daniel Biggins, Legal Advisor, AGO
Paul Waters, Prosecuting Attorney, DBPR
Paul Rendleman, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I Board members met for Additional Business Entities Review on October 13, 2010 from 2:46 – 3:35p.m. Mr. Evetts led the meeting. Of the 14 applications reviewed, 8 were approved, 1 was approved with conditions, 1 was continued, 2 were approved contingent and 2 were denied. One application was pulled from the agenda.

APPROVALS (8)

Colen, Robert L.
Corcoran, George L.
Garner Jr., Woodrow W.
Ghazvini, Behzad
McKenna, Edward S.
Searcy, David L.
Smith, Steve R.
White, Steve R.

APPROVED WITH CONDITIONS (1)

Ruiz, Jorge – probation for 2 years or a credit score of 660 is provided

CONTINUED (1)

Fitzgerald, John J.

CONTINGENT APPROVALS (2)

Britton, Alan – must provide proof of 10% entity ownership

DENIALS (2)

Usher, Linda
Zonneveld, Joel T.

PULLED (1)

Hulbert, Matthew E.

Division II Board members met for Additional Business Entities Review on October 14, 2010 from 4:02 – 4:37 p.m. Mr. Flaherty led the meeting. Of the 5 applications reviewed, 2 were approved, 1 was approved with conditions, 1 was approved contingent and 1 was withdrawn.

APPROVALS (2)

Myers Jr., Harold J.
Wilde Jr., John W.

APPROVED WITH CONDITIONS (1)

Soares, Polynne – probation for 2 years or a credit score of 660 is provided

CONTINGENT APPROVAL (1)

Bourbeau, Randy – must submit a \$3600 assessment fee

WITHTHDRAWN (1)

McKenna, Edward S

APPLICATION REVIEW

Division I Board members met for Application Review on October 13, 2010 from 3:44 –6:21p.m. Mr. Sheehan led the meeting. Of the 23 applications reviewed, 6 were approved, 2 were approved contingent, 1 was approved with conditions, 3 were continued, 1 was withdrawn and 10 were denied.

APPROVALS (6)

Brownie, Jamison T.
Del Monte, Jeffrey J.
Gray, Clark P.
Griffin, Gregory W.
Mulholland, Spiderman S.
Redish, Gary J.

CONTIGENT APPROVALS (2)

Connell, William D. – must provide a credit score of 660 or higher within 30 days
Cruikshank, Joel I. – must provide a credit score of 660 or higher within 30 days

CONDITONAL APPROVAL (1)

Ashenback, Kristopher T. – 4 years probation, financial

CONTINUANCES(3)

Elmeer Phillip S. – Continued 30 days.
Korte, Thomas. – Continued 30 days.
Loughan, John – Continued 30 days to revise xp and updated credit score.

WITHDRAWN (1)

Cassidy, Randolph R.

DENIALS (10)

Ajagbe, Olabode A.
Beck, Serge S.
Davis, Terry D.
De Oliveira, Dwight
Hanczaruk, Pawel P.
Jimenez, Jorge G.
Martin, Brenda A.
Meadows, Waymon E.
Novak, John P.
Trenski, Kevin E.

Division II Board members met for Application Review on October 14, 2010 from 4:46 – 6:17p.m. Mr. Flaherty led the meeting. Of the 19 applications reviewed, 10

were approved, 4 were approved with conditions, 3 were continued, 1 was withdrawn and 1 was denied.

APPROVALS (10)

Cunningham, William E.
Emery, Francis E.
Guadagno, Anthony M.
Lamonaco Jr., Jose R.
McCormick, Fredrick A.
Monteagudo, Robert C.
Steffen, Edwin W.
Trentine, Christopher
Walthers, James A.
Whyte, David G.

CONDITIONAL APPROVALS (4)

Ashenback, Kristopher – probation 4 years
Cantrell, Craig T. – probation 2 years
Cashbaugh III, John L. – probation 2 years
Desimone, Anthony E. – probation 2 years

CONTINUANCES (3)

Ajagbe, Olabode A. – continued 90 days
Elmeer, Phillip S. – continued 30 days
Rich, Joe P. – continued 30 days

DENIALS (1)

Wilson, Patricia H.

WITHDRAWN (1)

Kohn, Jordan T.

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

PROBATION

Division I Board members met for Probation on October 14, 2010 from 2:02 – 2:49p.m. Mr. Evetts led the meeting.

Aron, Kurt, CGC059146
Result: Satisfactory

Brown, Winston, CGC062829
Result: Satisfactory

Elias, Nicholas, CBC1254451
Result: Stay Lifted

License is now suspended due to failure to appear for scheduled October 2010 probation hearing

Fletcher, Kalam, CBC1258103

Result: Satisfactory

Gonzalez, Guido, CBC1255680

Result: Request for reinstatement denied

Herman, Michael, CGC060830

Result: Satisfactory

Imperato, Robb, CGC057221

Result: Satisfactory

Terms of probation completed

Jettinghoff, Christopher, RB29003456

Result: Satisfactory

King, John, CGC1510488

Result: Unsatisfactory

Packet incomplete

Mendoza, Claudia, CGC1505446

Result: Unsatisfactory

Reminded to include FHCRF notice and license number on contracts

Murphy, Jimmie, RG291103713

Result: Granted continuance to next scheduled appearance

Nelson, Jerry, CGC1506011

Result: Granted continuance to next scheduled appearance

Parker, Grady, CGC002856

Result: Stay Lifted

License is now suspended due to failure to appear for scheduled October 2010 probation hearing

Porath, Michael, CBC060392

Result: Satisfactory

Scammell, William, CGC011250

Result: Stay Lifted

License is now suspended due to failure to appear for scheduled October 2010 probation hearing

Stamas, Christopher, CGC1516086

Result: Satisfactory

Tryon, Peter, RR282811763
Result: Satisfactory

Division II Board members met for Probation on October 14, 2010 from 3:01 – 3:50p.m. Mr. Moody led the meeting.

Allen, Gregory, CFC1427781
Result: Satisfactory

Althoff, Steven, CCC1328764
Result: Satisfactory

Bloomer, Douglas, CFC1427803
Result: Satisfactory

Buck, Ronald, CFC1427935
Result: Satisfactory

Herman, Michael, CCC1325488
Result: Stay Lifted
License is now suspended due to failure to appear for scheduled October 2010 probation hearing

Hickey, Robert, CPC39928
Result: Satisfactory

Johnson, Raymond, CVC56788
Result: Satisfactory
Request for early termination of probation denied

Martinez, Delia, CCC1329437
Result: Unsatisfactory
Packet incomplete

McHone, Charles, RC29027390
Result: Satisfactory

Ming, Yvette, CFC1428097
Result: Granted continuance to next scheduled appearance

Navarra, Christina, CCC1329438
Result: Satisfactory

Rey, Ray, CFC057546
Result: Satisfactory
Terms of probation completed

Rodeghiek, Kyle, RX11067013
Result: Stay Lifted

License is now suspended due to failure to appear for scheduled October 2010 probation hearing

Romero, Jose, CCC1328762

Result: Satisfactory

Stoetzel, Charles, CPC1456750

Result: Satisfactory

Sziranko, Lincoln, SCC131149971

Result: Satisfactory

GENERAL SESSION

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

REVIEW OF MINUTES

A. Final Action Minutes – June 2010

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Sheehan took role for Division I. Mr. Pietanza took role for Division II.

Mr. Harrell brought up how he has requested throughout the meeting for each board member to identify themselves before speaking for clarity on the official transcript and the recording. Mr. Harrell mentioned that the construction forms are currently being drafted and informed everyone of the progress that is occurring. Mr. Harrell states it was suggested that the board appoint a liaison to the Department for consultation throughout the process, and suggested the board appoint one member from Division I (Del Vecchio) and one from Division II (Pietanza). Division I voted unanimously to appoint Del Vecchio as the liaison for Division I and Pietanza for Division II.

The Board voted unanimously to approve this report.

CHAIRMAN'S REPORT – WILLIAM SHEEHAN

Mr. Sheehan stated it is about the time for a new Chairman to be appointed, and Mr. Harrell stated that nominations should be made to the Executive Director within the next month. Mr. Harrell confirmed that a nominating committee did not need to be appointed at this time.

The Board voted unanimously to approve this report.

PROSECUTING ATTORNEY'S REPORT – PAUL WATERS

Mr. Waters gave the following report:

There were 255 cases to be reviewed in Legal, 62 cases set for probable cause and 116 cases with probable cause found/administrative complaints filed. 26 cases were ready for default, 13 cases had stipulations executed/informal hearings requested, and 35 cases requested formal hearings. There were 25 cases awaiting outside action, 19 cases referred to DOAH, 38 cases in settlement negotiations, 132 cases pending board date, 234 cases awaiting final orders and 241 cases set for board presentation. There were 0 cases under appeal and 3 cases re-opened.

As of September 2010 the number of overall construction disciplinary cases is 1,199. This is a decrease from 1,395 which was the overall caseload as reported in August 2010, and approximately 464 less cases than reported in September of 2009.

The Board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

MARK BOWDEN – REQUEST FOR INFORMAL HEARING

Mr. Bowden was present.

Mr. Biggins presented this case stating that Mr. Bowden's certified building contractor initial licensure application was denied at the July 2010 meeting of the board. The Notice of Intent to Deny was filed in August of 2010. Mr. Bowden timely requested board reconsideration.

After discussion the board voted unanimously to approve Mr. Bowden's application.

DONALD CHADWELL – REQUEST FOR INFORMAL HEARING

Mr. Chadwell was not present.

Mr. Biggins presented this case stating that Mr. Chadwell's certified roofing contractor and certified residential contractor change of status applications were denied at the February 2010 meeting of the board. The Notice of Intent to Deny was filed in April 2010 for each application. Mr. Chadwell timely requested board reconsideration.

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

ELW LEARNING RESOURCES – REQUEST FOR INFORMAL HEARING

A representative from ELW Learning Resources was not present.

Mr. Biggins presented this case stating that ELW Learning Resources' application for continuing education course entitled Basic Business Toolbox HVAC Construction was denied at the July 2010 meeting of the board. The Notice of Intent to Deny was filed in August 2010. ELW Learning Resources timely requested board reconsideration.

After discussion the board voted unanimously to continue review of the application to the November CE/Exams committee meeting.

ENVIRONMENTAL RESOURCE CONSULTANTS INC – REQUEST FOR INFORMAL HEARING

Environmental Resource Consultants Inc representative, Robert Martin, was present.

Mr. Biggins presented this case stating that Environmental Resource Consultants Inc's application for continuing education course entitled EPA Renovation, Repair & Painting was denied at the June 2010 meeting of the board. The Notice of Intent to Deny was filed in August 2010. Environmental Resource Consultants Inc timely requested board reconsideration.

After discussion the board voted unanimously to continue review of the application to the November CE/Exams committee meeting.

MAURICIO GONZALEZ/BEHAR MAYER – REQUEST FOR INFORMAL HEARING

Mr. Gonzalez and Mr. Mayer were not present.

Mr. Biggins presented this case stating that Mauricio Gonzalez' application to qualify an additional business entity was approved contingent upon the applicant providing written evidence of the qualifying agent's ownership of 20% or more of the business to be qualified at the May 2010 meeting of the board. The Notice of Intent of Contingent Approval was filed in June of 2010. Mr. Mayer, the sole owner of the business to be qualified, requested a hearing before the board to request that Mr. Gonzalez' application be approved without the condition that he own 20% of the business.

After discussion the board voted to continue the review of the application for 30 days.

JOHN JENKINS – REQUEST FOR INFORMAL HEARING

Mr. Jenkins was not present.

Mr. Biggins presented this case stating that Mr. Jenkins contacted the board office to request that his informal hearing be continued 30 days.

After discussion the board voted unanimously to grant Mr. Jenkins' continuance request.

EDWIN KARVOIS – REQUEST FOR INFORMAL HEARING

Mr. Karvois was present.

Mr. Biggins presented this case stating that Mr. Karvois' certified general contractor initial licensure application was denied at the March 2010 meeting of the board. The Notice of Intent to Deny was filed in April of 2010. Mr. Karvois timely requested board reconsideration.

After discussion the board voted unanimously to approve Mr. Karvois' application.

KIMAL LUMBER COMPANY – REQUEST FOR INFORMAL HEARING

Kimal Lumber Company representative, Natalie Clark, was present.

Mr. Biggins presented this case stating that Kimal Lumber Company's application for continuing education course entitled Certified Renovator Initial Training Course (Lead Paint RRP Program) was denied at the July 2010 meeting of the board. The Notice of Intent to Deny was filed in August of 2010. Kimal Lumber Company timely requested board reconsideration.

After discussion the board voted unanimously to continue review of the application until the November 2010 CE/Exams committee meeting.

BARRY LAFRENIERE – REQUEST FOR INFORMAL HEARING

Mr. Lafreniere was present.

Mr. Biggins presented this case stating that Mr. Lafreniere's certified roofing contractor initial licensure application was denied at the May 2010 meeting of the board. The Notice of Intent to Deny was filed in June of 2010. Mr. Lafreniere timely requested board reconsideration.

After discussion the board voted unanimously to approve Mr. Lafreniere's application.

MAX MAZRAEH – REQUEST FOR INFORMAL HEARING

Mr. Mazraeh was present with Counsel Scott A. Smothers.

Mr. Biggins presented this case stating that Mr. Mazraeh's certified roofing contractor change of status application was denied at the July 2010 meeting of the board. The Notice of Intent to Deny was filed in August of 2010. Mr. Mazraeh timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial for Mr. Mazraeh's application.

MCNEAL & WHITE CONTRACTORS INC – REQUEST FOR INFORMAL HEARING

A representative from McNeal & White Contractors Inc was present.

Mr. Biggins presented this case stating that McNeal & White Contractors Inc's applications for continuing education courses entitled 1) 7 Hour of Defined CEUs; 2) 8 Hours of General CEUs; 3) BPI Certified Building Analyst; 4) EPA Lead RRP Training and 7) Thermal and Pressure Boundaries were denied at the June 2010 meeting of the board. The Notice of Intent to Deny was filed in August of 2010. McNeal & White Contractors Inc timely requested board reconsideration.

After discussion the board voted unanimously to continue review of the application to the November 2010 CE/Exams committee meeting.

SAIDE RANGEL – REQUEST FOR INFORMAL HEARING

Ms. Rangel was present.

Mr. Biggins presented this case stating that Ms. Rangel's certified mechanical contractor initial licensure application was denied at the July 2010 meeting of the board. The Notice of Intent to Deny was filed in August of 2010. Ms. Rangel timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial of Ms. Rangel's application.

UTILITY METER SERVICES INC – PETITION FOR DECLARATORY STATEMENT

A representative from Utility Meter Services Inc was present.

Mr. Biggins presented this case stating that Utility Meter Services Inc filed a petition for declaratory statement on September 2, 2010. The petition was noticed in the Florida Administrative Weekly on October 1, 2010. He noted that the petition requests guidance regarding if a license is required under Chapter 489, Part I, Florida Statutes, to read residential, commercial and industrial electric, gas and water meters for utilities. Mr. Biggins asked the board to consider whether the petition meets the criteria for a declaratory statement, and to dismiss or answer, as appropriate.

The board voted unanimously to accept the petition, and answered in the negative, advising that simple reading of meters does not require a license pursuant to Chapter 489, Part I, Florida Statutes.

JENNIFER ZOWARKA – REQUEST FOR INFORMAL HEARING

Ms. Zowarka was present.

Mr. Biggins presented this case stating that Ms. Zowarka's certified commercial pool/spa contractor initial licensure application was denied at the July 2010 meeting of the board. The Notice of Intent to Deny was filed in August of 2010. Ms. Zowarka timely requested board reconsideration.

After discussion the board voted unanimously to approve Ms. Zowarka's application with 2 years of probation.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ROY LENOIS

Mr. Lenois gave the following report:

Breaking Ground Education Services

- LEED Green Associate Intensive – denied
- OSHA 30 Hour Safety Training - denied

Contractors School Inc

- EPA Lead Renovation - approved

Hanley Wood Exhibitions

- Building Code Compliance Misconceptions and Pitfalls: Do Get Caught Uninformed – approved for general credit
- Building Information Modeling (BIM) for the Roofing Industry – approved
- Common Faux Pas of Metal Roofing – approved
- Construction Vegetative Green Roofs that Comply with the Bldg Code – approved as general credit
- Defense of OSHA Citations for Inspection through Hearing – approved
- Does Your Safety Behavior Include Driving? – approved
- Estimating for Advantage: It's a Hard, Hard, Hard (Bid) World – approved
- Find, Bid & Win! Federal Construction Project Strategies & Requirements - approved
- How Green Codes and Standards will Change Your Business – Prepare Now – approved
- How to Measure Your Performance & Productivity – approved
- Improving Profits with a Construction Waste Management Plan – approved
- Laws of Science, Nature and Roofing...Lessons from the Rooftop – approved as general credit
- Let the Roof Work for You – approved
- Obama's New Labor and Employment Laws and Policies for the Construction Industry – approved
- OSHA Overview: Hot Topics in Safety Compliance – approved
- Plant Selection and Plant Maintenance for Green Roofs – approved
- Research on Flammability of Rooftop Photovoltaic Products – approved as business practice credit
- Roofing System Selection – Understanding How Your Choices Affect Long Term Performance – approved
- Small Crew and Service Safety Compliance – approved
- The Top "7" Plaza Waterproofing System – approved
- Using Aerial Measurement Technology to Improve Roofing Business Practices – approved
- Venturing into Federal Contracting Understanding the Davis Bacon Act – approved as general credit

Pinch A Penny

- Component Compatibility, Calculating Total Dynamic Head - approved

Structural Building Components Association

- Engineered Wood Products - approved

University of Florida – TREEO Center

- Fundamentals and Tools – LEED for Existing Buildings – denied
- Lead Safety for Renovation Repair and Painting Refresher Course – approved as general credit

US Solar Institute LLC

- Solar Contracting, Markets Laws and Codes – continued 30 days to provide a more detailed timeline

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

AD HOC LICENSURE COMMITTEE DIVISION I – WILLIAM S. SHEEHAN

Division I Ad Hoc did not convene at the October 2010 meeting.

AD HOC LICENSURE COMMITTEE DIVISION II – MARK PIETANZA

Division II Ad Hoc did not convene at the October 2010 meeting.

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

The following rule has been developed:

61G4-15.001 Qualification for Certification

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants

The following rule has been noticed:

61G4-15.034 Certification of Tower Specialty Contractors

The committee voted to modify the continuing education rule to require tower specialty contractors to take wind mitigation courses.

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:

Elbert Batton
Roy R. Lenois

With no further business the meeting was adjourned at 10:36am.