

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

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April 14 – 16, 2010
MEETING MINUTES

Board Members Present

William S. Sheehan, Chair
Mark Pietanza
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
Albert Korelishn
Scott Greenberg
Elbert Batton
Jerry D. Hussey
William Cathey

Board Members Absent

Don Wilford

Others Present

G. W. Harrell, Executive Director, DBPR
Andy D. Janeczek, Government Analyst, DBPR
Mandie Wynn, Government Analyst, DBPR
Daniel Biggins, Legal Advisor, AGO
Jeff Kelly, Chief Prosecuting Attorney, DBPR
Paul Waters, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I Board members met for Additional Business Entities Review on April 14, 2010 from 2:08 – 2:57p.m. Mr. Evetts led the meeting. Of the 15 applications reviewed, 7 were approved, 4 were continued, 1 was withdrawn and 3 were denied.

APPROVALS (7)

Babazadeh, Mojtaba
Baughn, Oran
Bertozzi, John
Dodd, Richard
Gazzoli, Brian
Hummel, Joseph
Strada Jr, Joseph

CONTINUANCES (4)

Maras, Kamil – continued 60 days
Munilla, Fernando – continued 60 days
Shaw, William – continued 30 days
Weathersby, Calvin – continued 60 days

WITHDRAWAL (1)

Coleman, John

DENIALS (3)

Iglesias, Ian
Lockrem, Alan
Losada, Javier

Division II Board members met for Additional Business Entities Review on April 15, 2010 at 3:45 p.m. Mr. Flaherty led the meeting. Of the 4 applications reviewed, 2 were approved and 2 were approved contingent approved.

APPROVALS (2)

Blume, Daryl
Jeffrey, Metzgar

CONTINGENT APPROVALS (2)

Acevedo, Antonio – Contingent proof of W2 employment status within 30 days.
Holston, Joseph – Contingent proof of W2 employment status within 30 days.

APPLICATION REVIEW

Division I Board members met for Application Review on April 14, 2010 from 3:30 –5:11p.m. Mr. Hussey led the meeting. Of the 20 applications reviewed, 4 were approved, 2 were approved with conditions, 2 were continued, 1 was pulled and 11 were denied.

APPROVALS (4)

Boettcher, William A
Conway III, Wallace J
Foxhoven, Wilfred M
Gierach, David A

CONDITIONAL APPROVALS (2)

Fletcher, Kalam B – Probation for 3 yrs due to financial instability
Tryon, Peter D – Probation for 2 yrs due to financial stability

CONTINUANCES (2)

Cimilluca, Joseph A – continued 30 days to provide more experience, specifically commercial
Riggs, William C – continued 60 days to provide additional experience

PULLED (1)

Campbell, Dionisio

DENIALS (11)

Beck, Christopher M
Brace, Scott D
Cabrera, Roger A
Dunkle, Daniel W
Errickson Jr, Spencer P
Hope, Leslie A
Rasmus, Mark
Rodriguez, Jorge L
Ruiz, Ramon A
Shapton, Matthew T
Wagle, Ralph E

Division II Board members met for Application Review on April 15, 2010 from 3:00 – 4:19p.m. Mr. Flaherty led the meeting. Of the 13 applications reviewed, 5 were approved, 1 was pulled, 1 was withdrawn, 2 were approved with conditions, and 4 were denied.

APPROVALS (5)

Anderson, Nathaniel S
Fulmer, Milton H
Gobeo, Frank P
Martinez, Delia J
Zapan, Samuel J

CONDITIONAL (2)

Navarra, Christina M – Probation for 2 yrs due to financial instability
Rodeghier, Kyle W – Probation for 2 yrs due to financial stability

PULLED (1)

Campbell, Dionisio

WITHDRAWN (1)

Hartranft, Janet L – Present w/ husband. Withdrawn to amend to COS from one to another

DENIALS (4)

Holmes, John
Segraves, Amanda K
Stramandinoli, Joseph R
Yazji, Kamal

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

PROBATION

Division I Board members met for Probation on April 15, 2010 from 2:00 – 2:48p.m. Mr. Batton led the meeting.

Kurt Aron, (CGC 059146)
Result: Satisfactory

Winston O Brown, (CGC 062829)
Result: Satisfactory

Michael Herman, (CGC060830)
Result: Satisfactory
Please make sure to provide a financial statement. If no work has been performed you must provide a blank contract. If no permits have been pulled please still have a building department complete the building department questionnaire.

Ray Bryant Holmes, (CGC 049623)
Result: Stay lifted
Your license has been suspended for failure to appear or submit a probation package for the April 2010 board meeting.

Robb C Imperato, (CGC 057221)
Result: Satisfactory
Update license to reflect the correct business name.

Christopher J Jettinghoff, (RB 29003456)
Result: Satisfactory
Correct your license number on the contract.

John Earl King, (CGC 1510488)
Result: Satisfactory
To ensure receipt of mailed documents use a resource that will provide a tracking number.

Claudia Isabela Mendoza, (CGC 1505446)

Result: Satisfactory

Update license/probation documents to reflect the same business name.

Jimmie Murphy, (RG 291103713)

Result: Satisfactory

Update certificate of insurance to reflect the correct business name.

Grady A Parker, (CGC 002856)

Result: Unsatisfactory

If no work has been performed you must provide a blank contract. Follow-up with the City of West Palm Beach Building Department to resolve issues identified on the building department questionnaire.

William Franklin Scammell, (CGC 011250)

Result: Satisfactory

Christopher M Stamas, (CGC 1516086)

Result: Satisfactory

Update documents to show correct business name; submit bank statements instead of transaction history; list license number on contract.

Robert Perry Weismore, (CBC 1257797)

Result: Stay lifted

License has been suspended for failure to appear or submit a probation package for the April 2010 board meeting.

Division II Board members met for Probation on August 15, 2010 from 3:00p.m. – 4:17p.m. Mr. Moody led the meeting.

Gregory J Allen, (CFC 1427781)

Result: Satisfactory

Steven J. Althoff, (CCC 1328764)

Result: Satisfactory

If no permits have been pulled please still have a building department complete the building department questionnaire. If you can provide a credit report reflecting a credit score of 660 you may petition the board for an early termination of probation.

Ronald D. Buck, Sr., (CFC 1427935)

Result: Satisfactory

If no work has been performed you must provide a blank contract.

Chad Douberley, (CAC 1814815)

Result: Stay lifted

License has been suspended for failure to appear or submit a probation package for the April 2010 board meeting.

Michael Herman, (CUC057251, CCC1325488)

Result: Satisfactory

Please make sure to provide a financial statement. If no work has been performed you must provide a blank contract. If no permits have been pulled please still have a building department complete the building department questionnaire.

Robert Hickey, (CPC 39928)

Result: Satisfactory

Remove the recovery fund notice from your contracts.

Robert Hierrezuelo, (CFC 1427609)

Result: Satisfactory

You have successfully completed the terms of your probation. Your license has been set to a current/active status.

Raymond Edward Joseph, (CVC 56788)

Result: Unsatisfactory

Update contract to reflect license number.

Charles C. McHone, (RC 29027390)

Result: Satisfactory

Yvette Ming, (CFC 1428097)

Result: Unsatisfactory

Update contract to reflect license number; submit certificate of insurance instead of declarations page for future probation hearings.

Ray Rey, (CFC 057546)

Result: Satisfactory

Provide bank statements for future probation hearings.

Jose L. Romero, (CCC 1328762)

Result: Satisfactory

Charles C Stoetzel, (CPC 1456750)

Result: Satisfactory

If no work has been performed you must provide a blank contract and have the building department complete your building department questionnaire.

Lincoln Tod Sziranko, (SCC 131149971)

Result: Satisfactory

Continued for 6 months

Billy Roosevelt Turner, (CCC 1325929)

Result: Satisfactory

GENERAL SESSION

The meeting was called to order by Mr. Sheehan, Chair, at 9:06 a.m. Mr. Lenois gave the invocation. Mr. Evetts led the Pledge of Allegiance.

REVIEW OF MINUTES

A. Final Action Minutes – March 2010

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell welcomed the new board members and commended the departing board members, Jacqueline Watts and Raymond Holloway.

Mr. Harrell also announced that Andy Janecek will be leaving board staff to take a position in the Bureau of Education and Testing.

With no further business the board voted unanimously to approve this report.

CHAIRMAN'S REPORT – WILLIAM SHEEHAN

Mr. Sheehan suggested an award for Andy is appropriate. Mr. Sheehan also welcomed the new board members.

The following absences were excused:

Don Wilford (full meeting)
Jim Flaherty (Friday)

With no further business the board voted unanimously to approve this report.

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

For March 2010 the overall case load was 1,610, down from 1,621 in February 2010 and down from 1,963 from March of 2009

There were 472 cases to be reviewed in Legal, 25 cases set for probable cause and 258 cases with probable cause found/administrative complaints filed. 128 cases were ready for default, 40 cases had stipulations executed/informal hearings requested, and 98 cases requested formal hearings. There were 14 cases referred to DOAH, 39 cases in settlement negotiations, 249 cases awaiting final orders and 286 cases set for board presentation. There were 0 cases under appeal and 1 case re-opened. 144 cases were closed in March.

The Board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

LEWIN E. CAMPBELL – REQUEST FOR INFORMAL HEARING

Mr. Campbell was present.

Mr. Biggins presented this case stating Lewin Campbell's application for initial issuance of a Certified General Contractors license was denied at the November 2009 for failing to demonstrate the required experience. Mr. Campbell received a Notice of Intent to Deny in January of 2010. Mr. Campbell timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial of Mr. Campbell's application.

CONTRACTORS EDUCATION & TRAINING CORP. – REQUEST FOR INFORMAL HEARING (CE)

A representative from Contractors Education & Training Corp., Mr. Phil Stamatyades, was present.

Mr. Biggins presented this case stating the course application submitted by Contractors Education & Training Corp entitled, "Integrity in Construction", was denied at a previous board meeting for failing to comply with F.A.C. 61G4-18.004 (3)(a-f). Contractors Education & Training Corp received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

RALPH E. DOWDY – REQUEST FOR INFORMAL HEARING FOR REINSTATEMENT OF NULL & VOID LICENSE

Mr. Dowdy was present.

Mr. Biggins presented this case stating Ralph Dowdy's application to reinstate his Null & Void Certified Plumbing Contractors license was denied at the January 2010 meeting for failure to show a good faith effort to comply with Section 455.271, F.S. and that the failure to comply was not the result of an illness or hardship. Mr. Dowdy received a Notice of Intent to Deny in March of 2010. Mr. Dowdy timely requested board reconsideration.

After discussion the board voted unanimously to approve the application for reinstatement.

JASON FERRIS – PETITION FOR DECLARATORY STATEMENT

Mr. Ferris was not present.

Mr. Biggins presented this case and stated the petition for a Declaratory Statement had been withdrawn.

GERARD CHIMNEY COMPANY – PETITION FOR DECLARATORY STATEMENT

A representative from Gerard Chimney Company was not present.

Mr. Biggins presented this case stating Gerard Chimney Company had submitted a petition for a Declaratory Statement requesting clarification on whether or not a contractors license is required to inspect, repair, maintain, and demolish chimneys, smokestacks, and related tall structures.

After discussion the board voted that standing for the petitioner was found, and that a license is required depending on the height and type of structure.

WILLIE R. MCMILLAN – REQUEST FOR RECONSIDERATION OF NOTICE OF INTENT TO DENY

Mr. McMillan was present with Counsel, Tim Atkinson.

Mr. Biggins presented this case stating Willie McMillan's application for initial licensure for a Certified General Contractors license was denied at the August 2009 meeting for failure to demonstrate the required experience, failure to demonstrate financial stability, and failure to demonstrate good moral character. Mr. McMillan received a Notice of Intent to Deny in September 2009. Mr. McMillan timely requested board reconsideration.

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

OX SCHOOL OF CONSTRUCTION – REQUEST FOR INFORMAL HEARING (CE)

A representative from Ox School of Construction, Majesty Marcelin, was present.

Mr. Biggins presented this case stating the course applications for Ox School of Construction entitled, "Blueprint Reading", "Business Practices", "Ethics in the Construction Industry", "Laws and Rules", "Project Management", "Quickbooks", "Wind Mitigation", "Workers Compensation", and "Workplace Safety", were denied at the January 2010 meeting for failing to demonstrate interactivity. Ox School of Construction received a Notice of Intent to Deny in March of 2010. Ox School of Construction timely requested board reconsideration.

After discussion the board voted unanimously to send the course applications back to the CE Committee.

JUAN C. RUBIERA – REQUEST FOR INFORMAL HEARING

Mr. Rubiera was present with Counsel, Frank Touron.

Mr. Biggins presented this case stating Juan Rubiera's application for initial licensure for a Certified General Contractors license was denied at the October 2009 meeting for failure to demonstrate the required experience. Mr. Rubiera received a Notice of Intent to Deny in January of 2010. Mr. Rubiera timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

CHARLES R. ZELDENTHUIS – REQUEST FOR RECONSIDERATION/PETITION FOR VARIANCE AND WAIVER

Mr. Zeldenthuis was present with Counsel, Tim Atkinson, and presented both his Informal Hearing Request for a Notice of Intent to Deny a Certified General Contractors License and a Petition for Variance and Waiver of Rule 61G4-15.001 (2).

Mr. Biggins presented this case stating Charles R. Zeldenthuis' application for initial issuance of a Certified General Contractors license was denied at a previous board meeting for failing to demonstrate the required experience. Mr. Zeldenthuis received a Notice of Intent to Deny and timely requested board reconsideration in conjunction with his Petition for Variance and Waiver of Rule 61G4-15.001 (2).

After discussion the board voted unanimously to approve the application.

With no further business the board voted unanimously to approve this report.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Lenois gave the following report:

AQUATIC TRAINING INSTITUTE

Pool chemical controller operation and maintenance – denied

BOAF – FHBA CONSTRUCTION TRAINING

Advanced mitigation guidelines for SF Res. Structures – approved

Mitigation inspections & the FBC – approved

New laws affecting FL construction professions – approved

The Florida energy code – residential compliance - approved

BUILDING OFFICIALS AND INSTECTIONERS EDUCATIONAL ASSOCIATION (BOIEA)

Advanced means of egress – plans and the field - approved

BUILDING OFFICIALS ASSOCIATION OF FLORIDA

Advanced mitigation guidelines for SF Res structures - approved

FBC CY Smoke control requirements - approved

Fuel gas code update - approved

Fuel gas principles 7 code application – approved

Gas system installation – approved

Green building, LEED & the FBC - approved

Interpreting the Florida existing building code – approved

Mechanical code update – approved – Amended: removed wind mitigation

Medical gas system installation – approved

Post installed concrete anchors issues and answers – approved
Residential energy code update – approved – Amended: removed wind mitigation
Standard practice for frontal flange windows in CMU construction – approved
Structural wood fasteners & connectors – approved
The Florida energy code residential compliance – approved

CONTRACTOR’S EXAM SCHOOL

Building envelope analysis review – approved

CONTRACTORS SCHOOL FOR CONSTRUCTION

- All courses must show proof that instructors are qualified
Avoiding and resolving disputes in construction – approved
Avoiding and resolving disputes in construction – approved
Construction surety bonds – approved
Construction surety bonds – approved
Elements of a job hazard analysis – approved
Elements of a work place safety program – approved
Elements of a work place safety program – approved
Finding and hiring the right subcontractor – approved
Into to Florida statutes chapter 489 construction contracting – approved
Intro to Florida statutes chapter 489 construction contraction – approved
Intro to workplace safety – approved
OSHA record keeping requirements – approved
Starting and managing a construction business – approved
The construction process and terminology – approved
The OSHA communication program – approved
Wind mitigation methodologies – approved
Wind mitigation methodologies – approved
Workers compensation – approved
Workers compensation – approved

FLORIDA ASSOCIATION OF PLUMBING HEATING COOLING CONTRACTORS

Four key challenges facing the plumbing industry – approved
No-Flame joining of copper piping systems - approved

FLORIDA ATLANTIC UNIVERSITY

Chinese drywall removal training - denied

FLORIDA CONTRACTORS SCHOOL OF CONTINUING EDUCATION

Construction core course – approved – Amended; removed laws and rules
Understanding bonding, additionally insured, mold exclusions, industry news & economic principles – approved

FRSA EDUCATION AND RESEARCH FOUNDATION

Core Continuing Education Courses - approved

FLA Educational Facilities Planners’ Association Inc

Customers are searching.. will roofing company be found? – approved
Maintaining a safe and professional image while on the job – approved

The contractor's responsibility when reporting WC claims – approved
Wind mitigation "Secondary Water Barriers" – approved

GREEN REAL ESTATE EDUCATION

Solar power systems - approved

HORNERXPRESS

Chapter 489 – Contractor's responsibilities - approved

NORR BUILDING CORP

Eng alternative to traditional pile and tieback system - approved

SHERIDAN TECHNICAL CENTER

Green ready building certification – denied – Time spent on certification/exam review should be removed

TRADEWINDS APPROPRIATE TECHNOLOGIES

Exploring major HVAC industry changes – approved
What does the "V" in HVAC stand for? - approved

TWO TRAILS, INC

- All courses are for classroom credit only. Applicant checked both boxes.

Environmental quality advantage - approved
GBU 101 advantage: Green building basics – approved
GBU Plus green technology – approved
Resource efficiency advantage – approved
Sales and marketing advantage – denied
Sustainable preventative maintenance - denied

UNIVERSITY OF FLORIDA – TREEO CENTER

Green building fundamentals for LEED green associate – denied
Green house gas accounting – denied

Mr. Lenois also made a recommendation to have an amendment of Rule 61G4 sent to the Rules Committee, to extend the validity of passing exam scores from 3 years to 4 years. The board approved the recommendation to move the proposal to the Rules Committee.

With no further discussion the board voted unanimously to approve this report.

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

AD HOC LICENSURE COMMITTEE DIVISION I

The Ad Hoc Licensure Committee for Division I did not meet this month.

AD HOC LICENSURE COMMITTEE DIVISION II

The Ad Hoc Licensure Committee for Division II did not meet this month.

RULES/PUBLIC/LEGISLATIVE COMMITTEE

Mr. Pietanza gave the following report:

The following Rules have been **Developed**:

61G4-15.034 Certification of Cell Tower Specialty Contractors

61G4-15.035 Certification of Road, Bridge, and Railroad Specialty Contractors

With no further business the board voted unanimously to approve this report.

OLD BUSINESS

Removal of Board materials from lap tops.

NEW BUSINESS

No New Business was discussed at the meeting.

With no further business the meeting was adjourned at 10:28am.