

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**CROWNE PLAZA TAMPA WESTSHORE
5303 WEST KENNEDY BOULEVARD
TAMPA, FL 33609
813.289.1950**

**FEBRUARY 9 - 12, 2010
MEETING MINUTES**

Board Members Present

Edward Weller
Peggy Bailey
Don Wilford
Elbert Batton
Paul Del Vecchio
Robert Moody Jr.
Mark Pietanza
Roy R. Lenois
Carl E. Engelmeier
James C. Evetts
Raymond Holloway
Michelle Kane
William S. Sheehan, Chair
Jacqueline Watts
Wilbert Malphus

Board Members Absent

Jerry D. Hussey

Others Present

G. W. Harrell, Executive Director, DBPR
Andy D. Janecek, Government Analyst, DBPR
Mandie Wynn, Government Analyst, DBPR
Daniel Biggins, Legal Advisor, AGO
Carol Cherry, Legal Advisor, AGO
Jeff Kelly, Chief Prosecuting Attorney, DBPR
James Fortunat, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I Board members met for Additional Business Entities Review on February 10, 2010 from 2:00 –3:22p.m. Mr. Evetts led the meeting. Of the 19 applications reviewed, 10 were approved, 2 were approved contingent, 1 was approved with conditions, 1 was withdrawn and 5 were denied.

APPROVALS (10)

Bracy, Herbert
Bracy, Brain
Cole, Daniel
Dales, Christopher
Estep, Jeffrey
Gamm, Steven
Gresham, Robert
Jacobazzi, Anthony
Tomlin, Stephen
Umpierre, Manuel

CONTINGENT APPROVALS (3)

Jeffreys, Jack – contingent upon submitting credit report with no liens
Morgan, Ronald – contingent upon submitting 25% ownership

CONDITIONAL APPROVAL(1)

Johnston, Keith – probation for 3 years

WITHDRAWAL (1)

West, Terry

DENIALS (5)

Canelo, Daniel
Esola, Richard
Jenkins, John
Rowe, Gregory
Traxinger, James

Division II Board members met for Additional Business Entities Review on February 11, 2010 from 3:45p.m. Mr. Flaherty led the meeting. Of the 6 applications reviewed, 5 were approved and 1 was approved contingent.

APPROVALS (5)

Harris, Randall
Hund, Charles
Novella, Ralph
Umpierre, Manuel
Wayne, Michael

CONTINGENT (1)

Commerford, Belseri – contingent upon submitting proof of at least 10% ownership or W2 employment status

APPLICATION REVIEW

Division I Board members met for Application Review on February 10, 2010 from 3:34 – 4:44p.m. Mr. Hussey led the meeting. Of the 26 applications reviewed, 13 were approved, 1 was approved with conditions, 2 were continued, 1 was pulled, 1 was withdrawn and 8 were denied.

APPROVALS (13)

Bitzer, Ryan Douglas
Carter, James Cody
Collins, Corey Aaron
Eskenazi, Paul B.
Hutchinson, Arnold Morales
Hutchinson, Arnold Morales
Lineback, Harold Robert
McMillion, Michael S.
McGregor, Greg S.
Pooler, Jr., Thomas
Vessels, Charles Michael
Yo, Il Yon
Yzaguirre, Tammy S.

CONDITIONAL APPROVAL (1)

Mattis, Jr., Ronald Aaron – approved as cell tower specialty license

CONTINUANCE(2)

Brace, Scott Duane - continued 30 days to allow for noticing of petition for waiver
Roberts, Michael L - continued 30 days

WITHDRAWAL(1)

Ekey, Benjamin R.

DENIALS (8)

Batista, Elizabeth
Chadwell, Donald R.
Fields, Jerry Dwight
Nemec, Charles G.
Rice, Jason P.
Rodriguez, Danny
Roederer, Joanne J.
Zeldenthuis, Charles Ray

PULLED (1)

Goswick, Chad Stanley

Division II Board members met for Application Review on February 11, 2010 at 4:45p.m. Mr. Engelmeier led the meeting. Of the 14 applications reviewed, 5 were approved, 2 were approved with conditions, and 3 were denied, 3 pulled and 1 withdrawn.

APPROVALS (5)

Carlson, Adolph
Giralt, Carlos Alberto
Lopez, Yodaly
Urquiaga, Wilfredo
Wozniak, Peter Edward

CONDITIONAL APPROVALS (2)

Pannell, Chad Edward – probation for 2 years
Preiss, Andy Alexander – probation for 2 years

DENIALS (3)

Chadwell, Donald R.
Deming, Richard Allen
Lee, Andrew D.

PULLED(3)

Gast, Gregory Allen
Ooi, Soo L.
Wilson, Wilma

WITHDRAWAL(1)

Kelly, Daniel L.

PROBATION

Division I board members met on February 11, 2010 from 2:00 – 2:42p.m. Mr. Batton led the meeting.

Dean Joseph Blankenship, (CBC 1257096)

Result: Satisfactory

Matt Jahn Corson, (CRC 1330160)

Result: Continued

Continued for 6 months. This will extend your probation period by an additional 6 months.

Heather L Debolt, (CBC 058193)

Result: Satisfactory

You have completed the terms of your probation. Your licenses are now set to Current/Active status.

Philip H. Englett, (CGC 055197)

Result: Continued

Continued for 6 months. This will extend your probation period by an additional 6 months.

Shlomo Epstein, (CGC 1517607)

Result: Unsatisfactory

No contracts provided.

Elijah Franklin Gainey, (CRC 1329756)

Result: Satisfactory

Kevin Bryan Gentry, Sr., (RB 29003516)

Result: Satisfactory

Kyle Patrick Green, (CBC 1257095)

Result: Satisfactory

Paul Hansen, (CRC 56902)

Result: Satisfactory

William Igou, (CBC 1254550)

Result: Satisfactory

James Kelly, (CGC 05721)

Result: Unsatisfactory

Incomplete package. No contracts, proposals or permits provided; no financial statement provided.

Gary Keith Natanson, (CGC 052834)

Result: Satisfactory

Anthony D. Nesmith, Sr., (RB 29003517)

Result: Satisfactory

Richard Oltmann, (CBC 014487)

Result: Satisfactory

Robert A. Ricciardelli, (CRC 057704)

Result: Unsatisfactory

Incomplete package; no contract provided.

Jose Valladares, (CGC 1511678)

Result: Satisfactory

Rick L. Vogel, (CGC 1517713)

Result: Satisfactory

Richard J. Walsh, (CGC 00727)

Result: Stay Lifted

Your license has been suspended for failure to submit a probation package or appear at the February 2010 meeting.

Ryan Wilkey, (CRC 1329977)

Result: Unsatisfactory

Eugene Williams, (CGC 031803)

Result: Unsatisfactory

Division II board members met on February 11, 2010 from 3:00 – 3:33p.m. Mr. Moody led the meeting.

Laurence Edward Borello, (CCC 042793)

Result: Unsatisfactory

Incomplete package; no contract provided.

Heather L Debolt, (CPC 1456756)

Result: Satisfactory

You have completed the terms of your probation. Your licenses are now set to Current/Active status.

Robert T. Gasperson, (CCC 1326271)

Result: Continued

Continued for 6 months. This will extend your probation period by an additional 6 months.

David Gaul, (CAC 1815055)

Result: Satisfactory

You have completed the terms of your probation. Your licenses are now set to Current/Active status.

Jason D. Graber, (CUC 1224099)

Result: Stay lifted

Your license has been suspended for failure to submit a probation package or appear at the February 2010 meeting.

Robert Hickey, (CPC 39928)

Result: Stay lifted

Your license has been suspended for failure to submit a probation package or appear at the February 2010 meeting.

Edward F. Hobel, (CCC 029553)

Result: Satisfactory

Todd Kontny, (CFC 1427114, CMC 1249643)

Result: Satisfactory

William James Roberts, (CCC 1328895)

Result: Stay lifted

Your license has been suspended for failure to submit a probation package or appear at the February 2010 meeting.

Dean Scharn, (CCC 1327771)

Result: Satisfactory

Steven K. Vickery, (CCC 1328890)

Result: Continued

James West, (CFC 044136)

Result: Unsatisfactory

Kenneth Wosyluk, (CCC 1326215)

Result: Unsatisfactory

GENERAL SESSION

The meeting was called to order by Mr. William Sheehan, at 8:31 a.m. Mr. Evetts led the pledge of allegiance. Mr. Holloway gave the invocation.

REVIEW OF MINUTES

A. Final Action Minutes – January 2010

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell thought the structure of the meeting went very good. Mr. Harrell stated that former board member Andrea Serraes is planning a reunion of all current and former board members and Executive Directors possibly in August.

The Board voted unanimously to approve this report.

CHAIRMAN'S REPORT – WILLIAM SHEEHAN

Mr. Sheehan thanked the board for the meeting moving along very well as opposed to the previous meeting. Mr. Sheehan presented Carol with a plaque for her service and stated she will be leaving the board. Mr. Bob Stewart was also presented with a plaque for his service. And Ms. Joan Brown was presented with a plaque for her service to the board. Mr. Sheehan also wanted to make everyone aware that Probable Cause is now paperless. Mr. Sheehan suggested moving Ad Hoc and Rules to Wednesday afternoon. Mr. Harrell suggested keeping this format for March and possibly moving Division I probation to Wednesday afternoon after Additional Business and Application Review.

The Board voted unanimously to approve this report.

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

For the month of January 2010, the overall case load was 1,561, down from 1,557 in December of 2009, and down from 1,952 from January of 2009.

There were 461 cases to be reviewed in Legal, 107 cases set for probable cause and 297 cases where probable cause had been found/administrative complaints filed. 174 cases were ready for default, 43 cases had stipulations executed/informal hearings requested, and 80 cases had requested formal hearings. There were 17 cases referred to DOAH, 41 cases in settlement negotiations, 121 cases awaiting final orders, and 207 cases set for Board presentation. There were 0 cases under appeal and 1 case re-opened. 84 cases were closed for the month of January.

Mr. Kelly stated that cases against registered contractors would appear beginning in March and would appear at Division I & II Final Action, and would consist mostly of adopting the discipline local jurisdictions had adopted.

The Board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

OSCAR BEHNCKE – REQUEST FOR INFORMAL HEARING

Mr. Behncke was not present.

Mr. Biggins presented this case stating that Oscar Behncke's application for initial licensure for a Certified Plumbing License was denied at the October 2009 meeting due to a lack of experience. Mr. Behncke received a Notice of Intent to Deny in January of 2010. Mr. Behncke timely requested board reconsideration.

After discussion the board voted to grant a continuance to further evaluate Mr. Behncke's degree.

JORGE CABALLERO – REQUEST FOR INFORMAL HEARING

Mr. Caballero was present.

Mr. Biggins presented this case stating that Jorge Caballero's application for initial licensure for a Certified General Contractor's License was denied at the July 2009 meeting due to lack of experience and lack of financial stability. Mr. Caballero received a Notice of Intent to Deny in October 2009. Mr. Caballero timely requested board reconsideration.

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

DONALD L. CORNELIUS – REQUEST FOR INFORMAL HEARING

Mr. Cornelius was present with his attorney Tim Atkinson.

Mr. Biggins presented this case stating that Donald Cornelius' application for initial licensure for a Certified Mechanical's Contractor's license was denied at the September 2009 meeting due to a lack of experience and that the applicant had committed crimes related to the practice of contracting. Mr. Cornelius received a Notice of Intent to Deny in November of 2009. Mr. Cornelius timely requested board reconsideration.

After discussion the board voted unanimously to approve the application with 2 years probation.

JOHN GLENNON – REQUEST FOR INFORMAL HEARING

Mr. Glennon was present.

Mr. Biggins presented this case stating that John Glennon's application for initial licensure for a Certified Plumbing Contractor's license was denied at the January 2009 meeting because it was found he committed crimes related to the practice of contracting, was found to have submitted a fraudulent application because he did not acknowledge his criminal history, and was found to lack moral character. Mr. Glennon received a Notice of Intent to Deny in December of 2009. Mr. Glennon timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

GEORGE HOWARD – REQUEST FOR INFORMAL HEARING

Mr. Howard was present.

Mr. Biggins presented this case stating George Howard's application for initial licensure for a Certified General Contractor's license was denied at the November 2009 meeting due to a lack of experience and failure to demonstrate financial stability. Mr. Howard received a Notice of Intent to Deny in January 2010. Mr. Howard timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial of the application. The application was opened for reconsideration and the denial of the application was again upheld.

RONALD A. MATTIS – PETITION FOR VARIANCE AND WAIVER

Attorney Tim Atkinson was present for Mr. Mattis.

This was heard during Application Review. Mr. Janecek stated the application would need to be reconsidered and heard during in conjunction with the Variance and Waiver request.

The board voted unanimously to approve the variance and waiver request.

JORGE MUNIZ – REQUEST FOR INFORMAL HEARING

Mr. Muniz present and was also represented by counsel Timothy Atkinson.

Mr. Biggins presented this case stating Jorge Muniz' application for initial licensure for a Certified General Contractor's license was denied at the October 2009 meeting due to a lack of experience. Mr. Muniz received a Notice of Intent to Deny in January of 2010. Mr. Muniz timely requested board reconsideration. A handout was provided by Mr. Muniz and Mr. Atkinson.

After discussion the board voted to unanimously approve the application.

SAMUEL OMEGA ROLLINS – RECOMMENDED ORDER

Mr. Rollins was present.

Mr. Biggins recused himself. Mr. Jeff Kelly presented this case stating Samuel Rollins had previously appeared in front of an Administrative Law Judge and. Mr. Kelly recommended that board adopt the findings of the Administrative Law Judge. The board unanimously voted to adopt the order and uphold the denial.

DANNY SUGGS – INFORMAL HEARING REQUEST

Mr. Suggs was present, and provided a handout to the board members.

Mr. Biggins presented this case stating that Danny Sugg's application for reinstatement of a Null & Void certified general contractors license and certified roofing contractors license was denied at the July 2009 meeting because the applicant had failed to make a good faith effort to renew his license and did not establish his failure to renew was due to illness or undue hardship. Mr. Suggs received a Notice of Intent to Deny in October of 2009. Mr. Suggs timely requested board reconsideration. Mr. Suggs provided the board with a handout which was returned to the applicant.

After discussion the board unanimously voted to uphold the denial.

MOSHE YOHANN – INFORMAL HEARING REQUEST

Mr. Yohann was present.

Mr. Biggins presented this case stating Moshe Yohann's application for initial licensure for a Certified Pool/Spa contractor was denied at the January 2010 meeting due to lack of experience. Mr. Yohann received a Notice of Intent to Deny in March of 2010. Mr. Yohann timely requested board reconsideration.

After discussion the board voted unanimously to approve the amended application as a downgrade to a Residential Pool/Spa contractor.

CHARLES ZELDINGHOUSE – CONTINUED FROM APPLICATION REVIEW

Mr. Zeldighouse was not present and failed to waive the deemer at application review.

The board voted unanimously to deny the application.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Lenois gave the following report:

AIR CONDITIONING CONTRACTORS OF AMERICA

- Become Legendary: 20 Methods to Turn, Satisfied Customers – approved without ADA
- Can you Profit from Emerging HVACR Technologies and Practices? – approved without laws and rules
- Cashflow Budgeting and Collections – approved
- Contractor Participation in Leed Projects: On the Design Tear – approved
- Contactors Tell How they Jumped the Hurdles – approved
- Creating a Customer Loyalty Program that Really Works – approved without laws and rules
- Diagnosing Airflow Problems – approved without laws and rules
- Effective Financial Analysis & Key Performance Indicators for Contractors – approved
- Energy Savings for Existing Building: Engineering Analysis, Monitoring and Re-Commission – approved without laws and rules
- Home Energy Auditing: Cutting through the Hype – approved
- How to Turn “Comfort Complaints” Into Profits – approved
- Increasing profits with Quality Installation – approved for general credit only
- Indoor Pools – Drive in for Profits without getting wet – approved
- Maintenance Agreement Millions – approved without laws and rules without ADA
- Managing the Ultimate Risk – approved without laws and rules without ADA
- New American Economy; Where Congress is Headed and Where They are Taking Us – approved without laws and rules
- Optimizing Points for LEED – approved
- Pruning the Tree: When to Coach and When to Cut – approved without ADA
- Residential Load Calculation Manual D – approved without laws and rules
- Residential Load Calculation Manual J – approved without laws and rules
- Residential Load Calculation Manual D & J8ae & Wrightsoft - approved without laws and rules
- Selling with Integrity: Technician Upselling and Lead Generation – approved

- Soft skills Training for Technicians – approved without laws and rules without ADA
- The Truth about Performance Pay – approved without ADA
- Understanding Basic DDC Controls for Commercial Systems – approved
- Whole House Performance Testing – approved without laws and rules without ADA

AMERICAN CONSTRUCTION SCHOOL, INC.

- First Aid for the Workplace – approved without workers' compensation and without laws and rules

CAM TECH SCHOOL OF CONSTRUCTION

- The Responsible Contractor Part I – approved
- The Responsible Contractor Part II – denied

FEDERATED MUTUAL INSURANCE

- “Are you covered?” Liability Exposures Defined - denied

FLORIDA ASSOCIATION OF PLUMBING, GAS MECHANICAL INSPECTORS

- Green Awareness – approved
- Green Plumbing – approved

FLORIDA CONSORTIUM OF COMMUNITY COLLEGES

- 10 Hr Construction Industry Outreach Training Program – denied
- 30 Hr Construction Industry Outreach Training Program – denied
- NCCER “Core Curriculums Introductory Craft Skills” – denied
- “Tainted” Chinese Drywall: Getting Help for Those in Need – approved
- Your Role in the Green Environment - denied

FLORIDA REFRIGERATION & AIR CONDITIONING CONTRACTORS ASSOCIATION

- R-22 Equipment Retrofit – approved
- Rightful Termination - approved

NORTHWEST FLORIDA CHAPETR AGC

- Hurricane Resistant Construction – approved

PERRY INTERNATIONAL CORPORATION DBA THE SAFTEYDOCTOR.COM, INC.

- Core/Required CE's for Contractors - approved
- Intro to Firestopping for Plumbers – approved
- Safety ROI: Improve your Bottom Line with 3 Techniques – approved

PLUMBING AIR CONDITIONING CONTRACTORS INDUSTRUY FUND

- OSHA & Construction Safety Practices & Workers Compensation - approved

TRIFECTA CONSTRUCTION SOLUTIONS

- Introduction to Greenwashing – approved

AD HOC LICENSURE COMMITTEE DIVISION I

There were no ad hoc reports for this month as the committee did not meet.

AD HOC LICENSURE COMMITTEE DIVISION II

There were no ad hoc reports for this month as the committee did not meet.

RULES/PUBLIC/LEGISLATIVE COMMITTEE

Mr. Pietanza gave the following report:

The following proposed rule has been noticed:
61G4-21.003 Filing Claims

The board voted unanimously to approve this report.

OLD BUSINESS

Removal of board materials from the lap tops.

NEW BUSINESS

The board voted unanimously to approve the absences of Mr. Flaherty from the entire board meeting, Mr. Batton from Friday's proceedings, and Mr. Hussey from Wednesday's proceedings.

ADJOURNMENT

The meeting was adjourned at 10:37 am.