

**FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD**

**EMBASSY SUITES ORLANDO – NORTH  
225 SHORECREST DRIVE  
ALTAMONTE SPRINGS, FL 32701**

**GENERAL SESSION MINUTES**

**MAY 15, 2009**

The meeting was called to order by Jacqueline Watts, Chair, at 8:30 am.

**Board Members Present**

Jacqueline Watts  
Elbert Batton  
Paul Del Vecchio  
Carl E. Engelmeier  
James C. Evetts  
James Flaherty  
Raymond Holloway  
Jerry D. Hussey  
Michelle Kane  
Roy R. Lenois  
Robert Moody Jr.  
William S. Sheehan

**Board Members Absent**

Peggy Bailey  
Frank Bonuso  
Mark Pietanza  
Don Wilford  
Paul Del Vecchio (Wednesday only)  
Edward Weller (Wednesday only)

**Others Present**

G. W. Harrell, Executive Director, DBPR  
Andy D. Janeczek, Government Analyst, DBPR  
Amanda Abbott, Government Analyst, DBPR  
Jenny Ulrich, Regulatory Consultant, DBPR  
Daniel Biggins, Legal Advisor, AGO  
Carrol Cherry, Legal Advisor, AGO  
James Fortunatas, Prosecuting Attorney, DBPR  
Paul Waters, Prosecuting Attorney, DBPR

Mr. Flaherty gave the invocation. Ms. Kane led the Pledge of Allegiance.

## **EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL**

Mr. Harrell discussed the new meeting structure and its challenges and complimented the board on making the meeting progress smoothly. Mr. Harrell stated he has not yet received a synopsis on what the legislature has passed and stated the Governor has not yet signed the Department's bill.

The board voted unanimously to approve this report.

## **CHAIRMAN'S REPORT – JACQUELINE WATTS**

Ms. Watts confirmed they will continue to meet to make sure the meeting runs as smoothly as possible and complimented the board on the meeting running smoothly.

The following absences were excused:

Ms. Bailey (whole meeting)  
Mr. Pietanza (whole meeting)  
Mr. Wilford (whole meeting)  
Mr. Bonusu (whole meeting)  
Mr. Weller (Wednesday)  
Mr. Del Vecchio (Wednesday)

The board voted unanimously to approve this report.

## **PROSECUTING ATTORNEY'S REPORT – JEFF KELLY**

Mr. Fortunus gave the following report:

For the month of April 2009 the overall case load was 1,823, down from 1,963 in March and down from 2,315 from April of 2008.

There were 609 cases to be reviewed in Legal, 41 cases set for probable cause, and 441 cases where probable cause had been found/administrative complaints filed. 167 cases were ready for default, 34 cases had stipulations executed/informal hearings requested, and 106 cases had requested formal hearings. There were 21 cases referred to DOAH, 53 cases in settlement negotiations, 201 cases awaiting final orders, and 149 cases set for Board presentation. There were 0 cases under appeal and 1 case re-opened. 303 cases were closed for the month of April.

The board voted unanimously to approve this report.

## **ATTORNEY GENERAL'S REPORT – DAN BIGGINS**

### **JOHN AIELLO – REQUEST FOR EARLY TERMINATION OF PROBATION**

Mr. Aiello was present.

The board voted unanimously to grant the request for early termination of probation.

#### **TRACY CLOUGH – REQUEST FOR INFORMAL HEARING**

Mr. Biggins stated this case had been pulled from the agenda.

#### **CONTRACTORS CE SYSTEMS – REQUEST FOR INFORMAL HEARING**

A representative from Contractors CE Systems was present.

Mr. Biggins presented this case stating Contractors CE Systems course application for the course entitled “7 Hours Course #1 (Internet)” was denied at the January 2009 meeting for failure to demonstrate interactivity and student identification procedures. Contractors CE Systems received a Notice of Intent to Deny in March of 2009. Contractors CE Systems timely requested board reconsideration.

After discussion the board voted to send this back to the CE Committee.

#### **NORBERTO LOPEZ – REQUEST FOR INFORMAL HEARING**

Mr. Lopez was present.

Mr. Biggins presented this case stating Norberto Lopez’ application for initial licensure as a Certified General Contractor was denied at the January 2009 meeting for failure to demonstrate the required experience. Mr. Lopez received a Notice of Intent to Deny in March of 2009. Mr. Lopez timely requested board reconsideration.

After discussion the board voted unanimously to approve the application contingent upon the applicant downgrading to a Certified Building Contractors license.

Mr. Harrell instructed the Prosecuting Attorney to open an investigation against a verifier of Mr. Lopez’ application for verifying experience as a corporation instead of an Individual, which is what he is licensed as.

#### **JOSH SCHMIDTER – REQUEST FOR INFORMAL HEARING**

Mr. Schmidter was present.

Mr. Biggins presented this case stating Josh Schmidter’s application for initial licensure as a Certified Roofing Contractor was denied at the November 2008 meeting for failure to demonstrate the required experience. Mr. Schmidter received a Notice of Intent to Deny in February of 2009. Mr. Schmidter timely requested board reconsideration.

After discussion the board voted unanimously to continue the application for further processing to verify his experience.

#### **MICHELLE TAUSCHER – REQUEST FOR INFORMAL HEARING**

Mr. Biggins stated this hearing request had been concluded the previous day and had been pulled from this agenda.

### **FRED DUDLEY – REQUEST FOR EMERGENCY MOTION FOR STAY OF A FINAL ORDER, PENDING APPEAL**

The Final Order was issued April 8 and an appeal was filed with the District Court of Appeals on May 8<sup>th</sup>.

After discussion the board voted unanimously voted to reconsider and withdraw the Final Order.

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

### **COMMITTEE REPORTS**

#### **ADDITIONAL BUSINESS ENTITIES COMMITTEE – MARK PIETANZA**

The following report was given:

##### Applications Approved

Arbucci, Mario  
Arellano, Agustin  
Barrows, Sherry– approved with 2 years probation.  
Bogart, Michael  
Clendenen, David  
Garcia-Menocal, Marco  
Guillotte, Michael  
Hoffman, Andrea  
Jason, Kenneth  
Mangialetto, Mark  
Manning, Larry– must provide proof of 100% proposed ownership  
Mannino, Anthony  
Martin, Michael  
Mulligan, Richard  
Otto, Harold  
Pappas, Johnny  
Richel, Michael– approved with 2 years probation.  
Spivey, James  
Wolfe-Hirt, Kelly  
Bartlett, Jack  
Heal, Albert

##### Applications Continued

Epstein, Shlomo – continued 60 days

##### Applications Withdrawn

Beierle, Scott  
Rice, Michael

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

## **EXAMS/CE/PUBLIC AWARENESS COMMITTEE**

Mr. Lenois gave the following report:

### **BUILDING OFFICIALS ASSOCIATION OF FLORIDA**

Energy Code Update – Approved as 2 hours GENERAL course.  
Existing Building Update – Approved  
Florida Building Code- Residential Update – Approved  
Introduction to Solar PV System – Approved  
Introduction to Solar Thermal System – Approved  
Method A Energy Code Plan Review Change – Approved  
Solar Permitting & Inspection under the Florida Building Code - Approved

### **FLORIDA ASSOCIATION OF PLUMBING, GAS & MECHANICAL INSPECTORS INC**

Building Type – Occupancy & Tenant Separation – Approved  
Corrosion and Corrosion – Approved  
CPVC Pipe Training– Approved  
Plumbing- Drainage – Approved  
Plumbing - Venting – Approved  
Water Supply and Distribution – Approved

### **FLORIDA ASSOCIATION PLUMBING HEATING COOLING CONTRACTORS**

Collection 101 – An Attorney’s Guide for Plumbing Contractors – Approved  
Developing and Performing a Green Plumbing Audit – Approved  
Indoor Air Quality – Addressing Your Customer’s Concerns – Approved  
Introduction to Residential Fire Protection – Approved  
LEED AP – Why would a Plumbing contractor need it? – Approved  
Measuring Gravity Sewer Flow Accurately – Approved  
Plumber’s Guide to Solar Hot Water Design & Installation – Approved  
Reducing Worker’s Compensation Fraud – Approved  
Resolving Fats, Oils, Grease Plumbing Problems – Approved  
Secrets of a Successful Business – Approved  
Systems for Success – Approved  
The Economy and your Future as a Plumbing Contractor – Approved  
The Ultimate Pay-for-Performance – Approved  
Zero Water Consumption Technologies - Approved

### **FLORIDA REFRIGERATION & AIR CONDITIONING CONTRACTORS ASSOCIATION**

Residential Chillers – Design, Installation, Service - Approved

### **HAYES & CARABALLO, PL**

Contractors, Specifications and Law Workshop – Approved

### **KONING ENTERPRISES, INC. DBA CONTRACTORS INSITUTE**

Building Warranties and F.S. 558 Notices of Defects – Approved  
Contract Term and Clause Specifics – Approved

Ethics for Construction Contractors and Code Officials – Approved  
Florida Statute 713-Construction Liens – Approved  
Governmental and labor Risks – Approved  
Introduction to Common Federal and State Safety and Employment laws – Approved  
Introduction to Contracts and Subcontracting Terms – Approved  
Introduction to Legal Processes: Alternate Dispute Resolution – Approved  
Introduction to Legal Processes: The Court Process – Approved  
Legal Protections and Asset Management – Approved  
Managing Safety Exposures – Approved  
Overview of F.S. 468 Building Code Administrator and Inspector's Statute – Approved  
Principles of Accounting and Payroll Management – Approved  
Principles of Business and Risk Management – Approved  
Principles of Insurance and Bond Types - Approved  
Principles of Job Costing and Scheduling - Approved  
Thermal and Moisture - Approved  
Understanding Photovoltaic – Approved  
Understanding Solar Technology for Domestic Water Heating – (internet) - Approved

**PLUMBING & MECHANICAL CONTRACTORS ASSOCIATION OF SOUTH FLORIDA  
INC**

2007 Florida Building Code - Plumbing – Approved  
Awareness of Violence in the Workplace (0008947, expired 01/11/2009) – Approved  
Excavation/Confined Space-OSHA Chapter 29 Subpart B (0008949, expired  
01/11/2009)– Approved  
Green Awareness – Approved  
Hazwoper (0008950, expired 01/11/2009) – Approved  
What is an Inspection? (0008948, expired 01/11/2009) – Approved

**REDVECTOR.COM, INC**

Window Installation: Concrete Masonry Unit Techniques (Continued from March, 2009)  
– Approved

**ROBERTSON GROUP**

The Fundamentals of Construction Law – Approved

**SOUTH FLORIDA CHAPTER ASSOCIATED GENERAL CONTRACTORS**

Florida 2007 Advanced Building Code – Approved  
Laws and Rules – Statute 489 – Approved

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

**PROBATIONS COMMITTEE – CARL ENGELMEIER**

Mr. Engelmeier gave the following report:

**Aiello, John Robert**, CAC 1815313

Result: Satisfactory

**Arambula, David Russel**, CCC 1328826,

Result: Unsatisfactory (Incomplete package)

**Burchfield, Joseph G.**, CCC 58201

Result: Satisfactory

**McKenna, Kenneth**, CPC 1456482

Result: Satisfactory

**Milstead, John Olin**, CAC 33632

Result: Satisfactory (Probation completed)

**Teixeira, Barry**, CFC 1427464

Result: Unsatisfactory (Expired insurance and failure to submit a financial statement).  
This is his third unsatisfactory and his license was suspended.

**Garvin, Isaac** (CCC 57644)

Result: Stay of suspension lifted for failure to submit a probation package or appear at the probation hearing.

**Wonsetler, Roger** (CPC 37045)

Result: Stay of suspension lifted for failure to submit a probation package or appear at the probation hearing.

**Bookhardt, Aldon**, CGC 1505081, CCC 57655

Division II Result: Continued for 6 months

Division I Result: Continued for 6 months

**Cerber, Sinclair** (CBC 1510534)

Result: Continued for 6 months

**D'Aprix, Rexford** (CBC 1256975)

Result: Continued for 6 months

**Dulworth, Jean** (CGC 1516266)

Result: Satisfactory

**Goodman, Sam** (CBC 57446)

Result: Unsatisfactory

**Griffis, Roger** (CGC 24765)

Result: Continued for 6 months

**Kodsy, Sherif** (RB 29003399)

Result: Satisfactory

**Lemire, Aaron** (CRC 1329931)

Result: Continued for 6 months

**Means, Daryl** (CGC 59950)

Result: Continued for 6 months

**Neff, Herbert** (CGC 51895)

Result: Continued for 6 months

**Raimi, Manuel** (CBC 12196)

Result: Satisfactory

**Rickel, Robert** (CGC 58696)

Result: Satisfactory

**Rudzik, Thomas** (CGC 1512728)

Result: Continued for 6 months

**Saylor, Robert** (CGC 21753)

Result: Satisfactory

**Jesse Donald Lore, Jr.** (CBC 1251349)

Result: Stay of suspension lifted for failure to submit a probation package or appear at the probation hearing.

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

#### **APPLICATION REVIEW COMMITTEE – WILLIAM SHEEHAN**

Mr. Sheehan gave the following report:

##### Applications Approved

Benjamin, Michael Gary

Brown, Larry Jr. – downgrade to CBC with 2 years probation.

Cherry, Ernest Robert

Claek, Euill Ashley

Griggs, John Jr.

Hamilton, Michael Dennis

Hernandez, Carlos Jr.

Hogan, Dennis Michael

Kelly, Thomas A.

Mallin, Shawn Glenn

Mattson, Mark Wilson – downgrade to CBC.

McCall, Robin Shawn

Meyer, Brien Scott

Mooney, Patrick Jr.

Morejon, Ernesto E

Nelson, Andrew Jon

Parker, Robert Clyde

Parrish, Brent P

Payne, D Troy

Perez, Miguel Alejandro – with 3 years probation.

Pritchard, John



Rodriguez, Jose – downgrade to CBC.  
Rubin, Bruce Dean – need more verification of experience, needs 4 years total.  
Van Antwerp, Jennifer Ann – upon proof of completing 60 hours course with 2 years probation.  
Wallace, Michael Steven

Applications Denied

Campbell, Lewin Earl  
Huffman, Jeffrey L  
Huynh, Larry  
Scott, John Edward  
Petitt, Wilson Ray  
William, Adrien

Applications Continued

Kenny, Stephen Carman – continued 30 days  
Lezama, Mauricio Jose – continued 90 days to provide revised experience – establish relationship between verifier, and applicant.  
O'steen Vaughn, Sara Beth – continued 30 days  
Romero, Richard Ray – continued 60 days for more experience.  
Scoz, Jeonei Marcelo – continued 90 days

Applications Withdrawn

McQuillan, William Hugh  
Staggs, Christopher

The board voted unanimously to approve the recommendations of this committee.

**AD HOC LICENSURE QUALIFICATIONS COMMITTEE – JACQUELINE WATTS**

Ms. Watts stated course providers are following rules. Ms. Watts stated pre-licensure education was discussed again and stated she would bring in both CE providers and members from the industry to gauge opinion. FRO bonds were discussed and who they should be payable to and the board decided they should be made to the Department and would be routed to the board to pay for fines and costs. Mr. Watts stated educational transcripts were discussed and it was decided that the word of the applicant would be enough and actual transcripts would not need to be provided as that would require too much research by staff. However, the applications would be amended to include spaces for the school the applicant attended, etc. Ms. Watts stated it would be made clear to the applicant that random audits would be conducted and the applicant would have to provide proof of education if they are audited. Ms. Watts stated that's the best that could be done with the current staff. Ms. Watts also stated all information that was provided at the CE seminar would be made available on the internet, and a rule would be developed which would remove the need for CE provider to provide workshops. Mr. Sheehan expressed concern over the lack of necessity for applicants to provide transcripts and how education in any field could possibly qualify a person for a construction license because the Department is not checking transcripts. Ms. Kane stated the applicant should provide a transcript. Mr. Del Vecchio invited the board to thoroughly read the statutes as they relate to the educational requirements.

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

#### **RULES/PUBLIC/LEGISLATIVE COMMITTEE – JACQUELINE WATTS**

##### **The following rules have been Developed:**

61G4-15.0021 Certification and Registration of Business Organizations

61G4-22.001 Mediation (Approve language and SERC)

##### **The following proposed rules have been Noticed:**

61G4-12.006 Approved Form

61G4-15.001 Qualifications for Certification

61G4-15.028 Precision Tank Testers

61G4-15.032 Tank Lining Applicators

61G4-18.005 Qualifications for Course Instructors

##### **The following rules have been Adopted:**

61G4-16.001 (17) Written Certification Exam Requirements (Solar Contractor)

61G4-21.005 Payment of Claims

Mr. Biggins stated the rules committee voted on language to allow civil judgment offense to be a mediated offense and decided that it would not affect small business. The rule on Course Instructor certification was completed.

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

#### **OLD BUSINESS**

Mr. Lenois brought up concerns for the guidelines which currently constitute aiding and abetting unlicensed activity, and a provision needs to be created for the revocation and suspension of licenses for aiding and abetting unlicensed activity. Mr. Lenois would like to see the punishment guidelines for aiding and abetting unlicensed activity increased.

Removal of board meeting materials from laptop.

#### **NEW BUSINESS**

There was no new business.

With no further business the board meeting was adjourned.