FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

THE CASA MONICA HOTEL
95 CORDOVA STREET
ST. AUGUSTINE, FL 32084
904.827.1888

JULY 14 – 16, 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
Roy R. Lenois
Carl E. Engelmeier
James C. Evetts
Robert Moody Jr.
Albert Korelishn
Jerry D. Hussey

Board Members Absent
Michelle Kane
Elbert Batton
W. Brian Cathey
Scott Greenberg

Others Present
G. W. Harrell, Executive Director, DBPR
Mandie Wynn, Government Analyst, DBPR
David Spingler, Government Analyst, DBPR
Jenny Ulrich, Recovery Fund, DBPR
Daniel Biggins, Legal Advisor, AGO
Paul Waters, Prosecuting Attorney, DBPR
Pooja Patel, Prosecuting Attorney, DBPR
ADDITIONAL BUSINESS ENTITIES REVIEW

Division I Board members met for Additional Business Entities Review on July 14, 2010 from 2:00 – 2:02 p.m. to inform the audience that one board member had not arrived so the meeting could not start due to quorum issues. The meeting was postponed until 4:00 p.m. Division I Board members reconvened for Additional Business Entities Review from 4:01 – 5:11 p.m. The committee was re-opened from 6:21 – 6:24 p.m. Mr. Evetts led the meeting. Of the 32 applications reviewed, 19 were approved, 1 was approved with conditions, 7 were continued, 1 was withdrawn and 4 were denied.

APPROVALS (19)
Benson, Paul
Davis, Jason
Delgado, Jose
Gorden, David
Hertenstein, Dennis
Jarvis, Charles
Johnson, Kevin
Kirchendorfer, Carl
Malle, Frank
Masci, Leonel
May, Phillip
Mehaffey, Timothy
Minich, Mark
Monville, John
Morton, Sean
Rosselet, Michael
Seifert, James
Sparks, John
Vazquez, Jesus

CONDITIONAL APPROVAL (1)
Day, Roger – probation for 4 years

CONTINUANCES (7)
Dean, William – continued 30 days
Empric, Thomas – continued 30 days
Fowke, John – continued 30 days
Moore, Timothy – continued 60 days
Purto, Stephen – continued 30 days
Reynolds, Jeffrey – continued 30 days
Zemke, Steven – continued 60 days

WITHDRAWAL (1)
Brommelsick, Joseph

DENIALS (4)
Friedman, Adam
Division II Board members met for Additional Business Entities Review on July 15, 2010 from 5:00 – 6:19p.m. Mr. Flaherty led the meeting. Of the 6 applications reviewed, 2 were approved, 2 were approved contingent and 2 were denied.

APPROVALS (2)
Gillain, Robert
O’Neal, John

CONTINGENT APPROVALS (2)
Alfonso, Jorge – must provide proof of W2 employment status
Perez, Janlert – must provide proof of W2 employment status

DENIALS (2)
Noble, Richard
Turner, Darrell

APPLICATION REVIEW

Division I Board members met for Application Review on July 14, 2010 from 5:12 – 5:19p.m. and 5:26 – 6:20p.m. Mr. Sheehan led the meeting. Of the 23 applications reviewed, 9 were approved, 1 was approved contingent and 13 were denied. One application was pulled from the agenda.

APPROVALS (9)
Bearden, Matthew
Fletcher, Fred
Fonseca, Frank
Guzina, Robert
Longenecker, Matthew
Riskas, John
Satterthwaite, Brian
Sealey, Joseph
Stanley, Jim

CONTINGENT APPROVAL (1)
Mazraeh, Max – must provide proof of discharged debts

DENIALS (13)
Axtell, Daniel
Bowden, Mark
Cleveland, Gregory
Cliburn, Duane
Cohen, Roger
Cordell Jr., John
Division II Board members met for Application Review on July 15, 2010 from 6:02 – 6:50 p.m. Mr. Flaherty led the meeting. Of the 17 applications reviewed, 9 were approved, 2 were approved with conditions, 1 was continued and 5 were denied. One application was pulled from the agenda.

APPROVALS (9)
Chamberlain, John
Deaton, Christopher
Elmalah, Svika
Espino, Roberto
Frazier, Darryl
Haskins, Richard
Kuzdzal, William
Perez, George
Theodoru, Steve

CONDITIONAL APPROVALS (2)
Avila, Victor – probation for 2 years
DeJesus, Edward – probation for 4 years

CONTINUANCE (1)
Kohn, Jordan – continued 60 days

DENIALS (5)
Caya, Robert
Martin, Gerald
Mazraeh, Max
Rangel, Saide
Zowarka, Jennifer

PULLED (1)
Ingram, Scott

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

Division I Board members met for Probation on July 15, 2010 from 2:00 – 3:14p.m.
Mr. Evetts led the meeting.

Abercrombie, William, CGC059751
Result: 6 month continuance granted

Acevedo, Daniel, CGC1506071
Result: Unsatisfactory
No FHCRF notice on contract(s), license number not on all contracts

Barrows, Sherry, CGC1517285
Result: Satisfactory

Berman, Scott, CGC1509450
Result: 6 month continuance granted

Bookhardt, Aldon, CGC1505081
Result: Unsatisfactory
No FHCRF notice, no financial statement

Bray, Daniel, CRC1328343
Result: Satisfactory

Brown, Larry, CBC1257486
Result: Unsatisfactory
No FHCRF notice, no bank statements

Chacon, Robert, CGC009564
Result: Satisfactory

Clark, Blair, CGC1510333
Result: Satisfactory
Clark, Chadwyck, CBC1257934
Result: Satisfactory

Davis, Cleo, CBC1253068
Result: 6 month continuance granted

Dhaniram, Devindranath, CGC060613
Result: Satisfactory

Fajardo, Tammy, CBC1257929
Result: Satisfactory

Fleming, Mason, CBC1257928
Result: Satisfactory
Gilley, Brandon, CRC1327329
Result: Unsatisfactory
Received an Unsatisfactory from the board due to failure to appear for scheduled July 2010 probation hearing; 3 Unsatisfactory appearances will result in suspension of your license

Ginther, Paul, CRC1329932
Result: Satisfactory

Holmes, Kenneth, CBC1257274
Result: License Reinstated to Probation

Hudson, John, CGC060960
Result: 6 month continuance granted

King, Charles, CBC1257841
Result: Satisfactory

Kovacsik, Richard, CGC058246
Result: 6 month continuance granted

Lancey, Jonathan, CBC1256079
Result: Satisfactory

Lemerand, Gary, RR282811754
Result: Satisfactory

Lore, Jr., Jesse, CBC1251349
Result: License Reinstated to Probation

McKeehan, Jason, CGC1516826
Result: Request to reinstate license denied; Mr. McKeehan was not present

Morrison, Michael, CGC1518076
Result: Unsatisfactory
Received an Unsatisfactory from the board due to failure to appear for scheduled July 2010 probation hearing; 3 Unsatisfactory appearances will result in suspension of your license

Osceola, Mark, CGC1518295
Result: 30 day continuance granted

Perez, Miguel, CGC1517294
Result: Unsatisfactory
No bldg dept questionnaire was returned, no FHCRF notice on contract(s)

Pineda, Pedro, CBC057443
Result: Satisfactory, Probation Complete
Board voted to release Mr. Pineda from his probation term early
Richel, Michael, CGC1517290
Result: Satisfactory

Robeson, Isiah, CRC1330126
Result: 6 month continuance granted

Rowland, Rodney, CBC1257930
Result: Satisfactory
Board reminded Mr. Rowland to include license number on all contracts

Sarver, Chad, CBC1257927
Result: Satisfactory
Board reminded Mr. Sarver to include license number on all contracts

Saylor, Robert, CGC021753
Result: Satisfactory

Schlitt, Greg, CGC1518297
Result: Satisfactory
Board reminded Mr. Schlitt to include license number on all contracts

Serga, Oleksandr, CGC1518264
Result: Satisfactory

Theriault, Steve, CBC1257847
Result: Satisfactory

Visser, Patrick, CRC1330280
Result: Unsatisfactory
Received an Unsatisfactory from the board due to untimely submission of probation packet; 3 Unsatisfactory appearances will result in suspension of your license

Bobich, Alex, CGC016654
Result: Stay lifted, failure to appear or submit a probation package

Cleveland, Kevin, CGC1511242
Result: Stay lifted, failure to appear or submit a probation package

Fidler, Brittany, CBC1257931
Result: Stay lifted, failure to appear or submit a probation package

Jamison, Chip, CBC057203
Result: Stay lifted, failure to appear or submit a probation package

Mongan, Brenton, CGC058246
Result: Stay lifted, failure to appear or submit a probation package

Worley, David, CRC020161
Division II Board members met for Probation on July 15, 2010 from 3:33 – 4:50 p.m. and 5:52 – 6:00 p.m. Mr. Moody led the meeting.

Acevedo, Daniel, CCC1326888
Result: Unsatisfactory
Received an Unsatisfactory from the board due to failure to appear for scheduled July 2010 probation hearing; 3 Unsatisfactory appearances will result in suspension of your license

Bookhardt, Aldon, CCC057655
Result: Unsatisfactory
No financial statement. License suspended due to third unsatisfactory appearance

Coronado, Luis, CAC1816445
Result: 6 month continuance granted

Erney, William, CCC1328936
Result: Satisfactory
Board reminded Mr. Erney to make sure that building department questionnaire is included with packet at next appearance

Fleming, Mason, CCC1328560
Result: Satisfactory

Gould, Tony, CAC1816446
Result: Satisfactory

Hostetler, Robert, CCC057082
Result: License Reinstated to Probation

Isparyan, Timur, CCC1329350 and CMC1250039
Result: Satisfactory

Lancey, Jr., Jonathan, CCC1329346
Result: Satisfactory

Lohmeyer, Galen, CCC1329351
Result: Satisfactory

Marotta, Michael, CFC1426899
Result: Satisfactory

Mocny, Jr., Michael, CFC1426077
Result: Satisfactory

Patterson, Keithon, CFC1428164
Result: 6 month continuance granted
Roberts, William, CCC1328895
Result: License Reinstated to Probation. Licensee given one unsatisfactory appearance and a $200 citation as a condition of reinstatement

Robertson, Timothy, CMC1249321
Result: Satisfactory

Rose, Tebayane, CCC1326090
Result: 6 month continuance granted

Sanders, Barry, CCC1328939
Result: Satisfactory

Van Antwerp, Jennifer, CPC1457926
Result: Satisfactory

Bryant, Ted, CCC1325922
Result: Stay lifted, failure to appear or submit a probation package

Gates, Matthew, RC29027401
Result: Stay lifted, failure to appear or submit a probation package

Lea, Titus, CCC1326502
Result: Stay lifted, failure to appear or submit a probation package

Pease, Zachary, CPC1457644
Result: Stay lifted, failure to appear or submit a probation package

GENERAL SESSION

The meeting was called to order by Mr. Sheehan, Chair, at 9:05 a.m. Mr. Lenois gave the invocation. Mr. Flaherty led the Pledge of Allegiance.

REVIEW OF MINUTES

A. Final Action Minutes – June 2010
B. Meeting Minutes – May 2010

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR’S REPORT – G.W. HARRELL

Mr. Harrell asked the Board members with financial disclosure statements to turn them in board staff so the forms can be sent to the Commission of Ethics office. He reminded the Board members about the reunion meeting scheduled for August 2010, and informed them that the reunion attendees would be invited to a meet and greet session during Thursday of the August meeting. Mr. Harrell also informed the Board members that
there would be department representatives present at the August meeting to make presentations during General Session. Additionally, Mr. Harrell reminded the Board members to refrain from participating in side conversation during the meetings; all comments should be made on the record.

The Board voted unanimously to approve this report.

CHAIRMAN’S REPORT – WILLIAM SHEEHAN

Mr. Sheehan stated that Division I had a successful Ad Hoc meeting and will be getting feedback from insurance companies and invited all Board members to attend for informational purposes.

The Board voted unanimously to approve this report.

PROSECUTING ATTORNEY’S REPORT – PAUL WATERS

Mr. Waters gave the following report:

There were 412 cases to be reviewed in Legal, 55 cases set for probable cause and 159 cases with probable cause found/administrative complaints filed. 57 cases were ready for default, 20 cases had stipulations executed/informal hearings requested, and 62 cases requested formal hearings. There were 16 cases referred to DOAH, 27 cases in settlement negotiations, 277 cases awaiting final orders and 418 cases set for board presentation. There were 0 cases under appeal and 2 cases re-opened.

As of June 2010 the number of overall construction disciplinary cases is 1,531. This is an decrease from 1,545 which was the overall caseload as reported in May 2010, and approximately 208 less cases than reported in June of 2009.

The Board voted unanimously to approve this report.

ATTORNEY GENERAL’S REPORT – DANIEL BIGGINS

AMICUS CURIAE REQUEST

Mr. Biggins presented a request from the State of Florida Fifth District Court of Appeals, which invited the Executive Director to submit an amicus curiae brief on the issue of whether a state licensed contractor who performs work clearly beyond the scope of the license is subject to the exclusive disciplinary authority of the Construction Industry Licensing Board or is disciplinary authority concurrent with local governing bodies.

The Board authorized Mr. Biggins to file an amicus curiae brief in this matter.

ANTHONY BRUNO – REQUEST FOR INFORMAL HEARING
Mr. Bruno was present with Counsel, Fred Dudley.

Mr. Biggins presented this case stating that Mr. Bruno’s application to qualify an additional business entity was denied at the May 2010 meeting of the Board. Mr. Bruno received a Notice of Intent to Deny in June of 2010. Mr. Bruno timely requested Board reconsideration.

After discussion the Board voted unanimously to approve Mr. Bruno’s application.

**CARLOS FUNDORA – REQUEST FOR INFORMAL HEARING**

Mr. Fundora was present with the president of the proposed business entity, Tasy Corporation.

Mr. Biggins presented this case stating that Mr. Fundora’s application to qualify an additional business entity was denied at the November 2009 meeting of the Board. Mr. Fundora received a Notice of Intent to Deny in January of 2010. Mr. Fundora timely requested Board reconsideration.

After discussion the Board voted unanimously to uphold the denial of Mr. Fundora’s application.

**PETER MEKARA – REQUEST FOR INFORMAL HEARING**

Mr. Mekara was present.

Mr. Biggins presented this case stating that Mr. Mekara’s application for reinstatement of a null and void certified plumbing contractor’s license was denied at the March 2010 meeting of the Board. Mr. Mekara received a Notice of Intent to Deny in April of 2010. Mr. Mekara timely requested Board reconsideration.

After discussion the Board voted unanimously to uphold the denial of Mr. Mekara’s application.

**WILLIAM MUGGRIDGE – REQUEST FOR INFORMAL HEARING**

Mr. Muggridge was present.

Mr. Biggins presented this case stating that Mr. Muggridge’s application to qualify an additional business entity was denied at the May 2010 meeting of the Board. Mr. Muggridge received a Notice of Intent to Deny in June of 2010. Mr. Muggridge timely requested Board reconsideration.

After discussion the Board voted unanimously to approve Mr. Muggridge’s application with the condition of probation until the pending liens are resolved.

**AMANDA SEGRAVES – REQUEST FOR INFORMAL HEARING**

Ms. Segraves was not present.
Mr. Biggins presented this case stating that Ms. Segraves’ initial certified class b air conditioning contractor license application was denied at the April 2010 meeting of the Board. Ms. Segraves received a Notice of Intent to Deny in May of 2010. Ms. Segraves timely requested Board reconsideration.

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

RALPH WAGLE – REQUEST FOR INFORMAL HEARING

Mr. Wagle was present with Counsel, Fred Dudley.

Mr. Biggins presented this case stating that Mr. Wagle’s initial certified general contractor license application was denied at the April 2010 meeting of the Board. Mr. Wagle received a Notice of Intent to Deny in June of 2010. Mr. Wagle timely requested Board reconsideration.

After discussion the Board voted unanimously to approve Mr. Wagle’s application.

ROBERT WOOD – REQUEST FOR INFORMAL HEARING

Mr. Wood was present with Counsel, Tim Atkinson.

Mr. Biggins presented this case stating Mr. Wood’s initial certified roofing contractor license application was denied at the March 2010 meeting of the Board. Mr. Wood received a Notice of Intent to Deny in April of 2010. Mr. Wood timely requested Board reconsideration.

Mr. Wood withdrew his application.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Lenois gave the following report:

Aarons Staff
- Cranes – 29 CFR 1926, Subpart N – approved
- Electrical Safety – 29 CFR 1926, Subpart K – approved
- Fall Protection – 29 CFR 1926, Subpart M, R, L & X – approved
- Fire Protection & Prevention – approved
- Hazcom (29 CFR 1926.59) & Silicosis, Abestosis, Lead – approved
- Ladder & Stairs (29 CFR 1926, Subpart X) – approved
- Material Storage & Handling – 29 CFR 1926, Subpart H – approved
- P.P.E. – Personal Protective Equipment (1926-Subpart E) – approved
- Recordkeeping – 29 CFR 1926, Subpart C – approved
• Rights and Responsibilities Under OSHA – approved
• Support Scaffolding – 29 CFR 1926, Subpart L - approved

**Building Trades Education Services**
• Building Rehab and the Fire Prevention Code - approved

**ELW Learning Resources**
• Basic Business Toolbox HVAC Construction - denied

**Florida ASSN of Plumbing Gas Mechanical Inspectors**
• Residential and Commercial Propane Tank Installation - approved

**Glenn Rasmussen Fogarty & Hooker, P.A.**
• Construction Bonds - approved

**Home Builders Association of Metro Orlando**
• Chapter 489 – Purpose, Exemptions & Definitions – approved; 1 hour laws and rules credit granted
• Florida Lien Law – approved
• Wind Mitigation Methodologies – approved
• Workers Compensation and Workplace Safety - approved

**Jim Manning Resources**
• Pool Safety Issues - approved

**Kimal Lumber Company**
• Certified Renovator Initial Training Course (Lead Paint RRP Program) - denied

**McNeal & White Contractors Inc**
• Ventilation – Controlled Air Flow - approved

**Pile Driving Contractors Association**
• Pile Driving Inspectors Course Systems - approved

**Ronald A. Benash**
• Installation Technique for Corrugated Stainless Steel Tubing - approved

**Smith, Currie & Hancock LLP**
• Federal Government Construction Contracts – Part I – Overview and Introduction to Process; Appreciating the Key Differences; Requirements for Contractor Ethics and Compliance Programs – approved; no laws and rules credit granted
• Federal Government Construction Contracts – Part III – Program for Small Business Contractors (SBs); Set-Asides; Large Business Participation on Set-Asides; Affiliation Rules and Pitfalls: Small Business Subcontracting Plans and Reports – approved
• Federal Government Construction Contracts – Part IV – Key Remedy Granting Clauses – Changes, Differing Site Conditions, Inspection & Acceptance, and Suspension of Work – approved; no laws and rules credit granted
• Federal Government Construction Contracts – Part V – Terminations, Default and conveniences: Grounds for Termination; Excuses for Performances Difficulties Terminations for Convenience Proposals; Understanding the Differences Between Traditional Construction Projects and “Commercial” Items Contracts – approved
• Federal Government Construction Contracts – Part VII – Effective Documentation Practices; Demonstrating Entitlement to Time and Money; Disputes & Claims including Subcontractor Claims - approved

US Green Building Council Florida Gulf Coast Chapter
• BD&C 301: Green Building Design Construction The Leed Implementation Process - denied
• ReGreen 301: Implementing Residential Remodeling - denied

Success Enterprise & Environmental Services
• Lead Safety for Renovation, Repair and Painting – 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

Mr. Sheehan gave the following report:

The committee discussed issues regarding licensure requirements and licensure bonds. No formal action was requested.

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

AD HOC LICENSURE COMMITTEE DIVISION II

Mr. Pietanza gave the following report:

The committee discussed issues regarding licensure requirements and licensure bonds. No formal action was requested.

RULES/PUBLIC/LEGISLATIVE COMMITTEE

Mr. Pietanza gave the following report:

The following rule has been developed:
61G4-15.034 Certification of Tower Specialty Contractors

The following rule has been noticed:
61G4-16.005 Duration of Validity.

The committee accepted the draft changes to Rules 61G4-15.001 and 61G4-15.034. There was general discussion about licensed home inspectors and mold related services and the scope of services of licensed contractors.

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:

Michelle Kane
Elbert Batton
W. Brian Cathey
Scott Greenberg

With no further business the meeting was adjourned at 11:32am.