Board Members Present
Mark Pietanza, Chair
W. Brian Cathey
James C. Evetts
James Flaherty
Scott Greenberg
Robert Moody Jr.
Albert Korelishn
Roy R. Lenois
William Sheehan
Elbert Batton
Jerry D. Hussey
Edward Weller
Carl Engelmeier
Paul Del Vecchio

Board Members Absent
Don Wilford, Vice Chair (Friday only)
Michelle Kane
Peggy Bailey

Others Present
G. W. Harrell, Executive Director, DBPR
David Spingler, Government Analyst, DBPR
Mandie Wynn, Government Analyst, DBPR
Daniel Biggins, Legal Advisor, AGO
Paul Waters, Chief Prosecuting Attorney, DBPR
Andrew Fier, Prosecuting Attorney, DBPR
ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on May 11, 2011 from 2:07 – 3:32 pm. Mr. Evetts led the meeting. Of the 28 applications scheduled for review, 14 were approved, 1 was approved contingent, 1 was approved conditional, 3 were continued, 9 were denied, and 1 was withdrawn.

APPROVED (14)
Dubois, Jerry
Ellis, Robert
Fitzgerald, Kevin
Haas, Robert
Hayes, Prentiss
Lee, Marvin
Melheim, Dave
Nash, Stephen
Paul-Hus, Bernard
Plotke, Eric
Trask, Matthew
Walsh, Thomas
Rahmani, Behroz
Weber, Andrew

CONTINUED (3)
Hayes, John – 30 days
Metzgar, James – 60 days
Peranich, Stephen – 30 days

CONTINGENT APPROVALS (1)
Kyle, Kelly – Contingent upon Richard Spreen becoming the FRO

CONDITIONAL APPROVALS (1)
Quevedo, Juan – Probation or until a 660 credit score is obtained

DENIED (9)
Bax, James
Carelli, Robert
Gomez, Patrick
Kueppers, Edward
Lallier, Russell
Pellerano, Rafael
Raulerson, Raymond
Reissener, Stewart
Villasenor, Ian

WITHDRAWN (1)
Pierson, John
Division II Board members met for Additional Business Entities Review on May 12, 2011, from 3:36 – 4:46 pm. Mr. Flaherty led the meeting. Of the 12 applications scheduled for review, 5 were approved, 1 was denied, 4 were continued, 1 was approved conditional, and 1 was withdrawn.

APPROVED (5)
Bryson, Scott
Ferrante, Albert
Haas, Robert
Tucker, Jackie
Valerio, Matthew

DENIED (1)
Bartlett, Edward

CONTINUED (4)
Brenzo, Joseph – 30 days
Gonzalez, Beatriz – 60 days
Owens, Chris – 30 days
Vigue, Scott – 60 days

CONDITIONAL APPROVAL (1)
Carapezza, Ann – 2 years probation

WITHDRAWN (1)
Pierson, John

APPLICATION REVIEW

Division I Board members met for Application Review on May 11, 2011, from 4:02 pm to 5:43 pm. Mr. Hussey led the meeting. Of the 24 applications reviewed, 7 were approved, 2 were continued, 2 were approved with conditions, 2 were withdrawn, 8 were denied, and 3 were pulled.

APPROVED (7)
Diaz, Dagoberto
Dominguez, Yamil
Feinglas, Mitchel
Lamberson, Dalas – Approved as a downgrade to a CBC license
Qualls, Edward
Quintal, Juan
Pittman, Clarence

CONTINUED (2)
Clement, Shane – 60 days
Daniels, Thomas – 60 days

CONDITIONAL APPROVALS (2)
Stone, David – Probation for 4 years or until a credit score of 660 is obtained
Wissner, Kevin – Probation for 4 years or until a credit score of 660 is obtained

WITHDRAWN (2)
Deemer, Barry
Martinez, Jose

DENIED (8)
Coyne, Mark
Cromer, Richard
Grasso, Dennis
Graves, Joseph
Heguaburo, Hector
Lucas, Mark
Stophel, Thomas
Walden, William

PULLED (3)
Asbury, Thomas
Murphy, David
Siggins, Michael

Division II Board members met for Application Review on May 12, 2011 from 4:55 – 6:02 pm. Mr. Engelmeier led the meeting. Of the 19 applications scheduled for review, 3 were approved, 4 were approved with conditions, 1 was withdrawn, 6 were denied, 3 were continued, and 2 were pulled.

APPROVED (3)
Monteagudo, Robert
Shelton, Arthur
Spicciate, Vincent

CONDITIONAL APPROVALS (4)
Cason, Ricky – Probation for 2 years
Gordillo, Juan – Probation for 2 years
McFadden, Thomas – Probation for 4 years
Shannon, Christopher – Probation for 2 years

WITHDRAWN (1)
Francois, Robin

DENIED (6)
Davis, Albert
Field, Scott
Francescani, Michael
Hines, Winward
MacDonald, Kenneth
Maratea, Dominick

CONTINUED (3)
Clement, Shane – 60 days
Whitmire, Todd – 60 days
Wilson, Darrell – 60 days

PULLED (2)
Bass, Charles
Murphy, David

Division I voted unanimously to approve the list of financially responsible officer applications.

Division II voted unanimously to approve the list of financially responsible officer applications.

PROBATION

Division I board members met for Probation on May 12, 2011 from 2:01 pm to 2:53 pm. Mr. Batton led the meeting.

Cooner, Joe, CGC062344
Result: Satisfactory

Corso, William, CBC015288
Result: Unsatisfactory

Garrett, Guy, CBC1255506
Result: Satisfactory

Karten, Kevin, CGC061616
Result: Unsatisfactory

Konkol, David, CGC1518155
Result: Satisfactory

Lauterborn, David, RR0067173
Result: Satisfactory

Lemire, Aaron, CRC1329931
Result: Continued 30 days

Lopez, Javier, CGC1518702
Result: Satisfactory

Manolatos, Peter, CGC060140
Result: Satisfactory

McKendry, Jason, CRC1330395
Result: Satisfactory
Mulvany, Richard, CBC059897  
Result: Satisfactory  
Request for early termination of probation was denied

Parker, Grady, CGC002856  
Result: Probation reinstated  
This was a request to reinstate the stay of suspension and reinstate probation

Raimi, Manuel, CBC012196  
Result: Unsatisfactory

Rickel, Robert, CGC058696  
Result: Satisfactory  
Request for early termination of probation was denied

Romero, Jorge, CGC061188  
Result: Satisfactory

Tyler, Robert, CGC062699  
Result: Satisfactory

Craig, Garnett, CGC1518689  
Result: Satisfactory

Joseph, Samuel, CGC1518941  
Result: Stay of Suspension lifted

Division II met for Probation on May 12, 2011 from 3:10 pm to 3:26 pm. Mr. Moody led the meeting.

Arambula, David, CCC1328828  
Result: Satisfactory

Baker, Gregory, RX0034905  
Result: Satisfactory

Brechbiel, Timothy, CCC1328996  
Result: Satisfactory

Downs, Gene, CFC1428137  
Result: Satisfactory  
Request for early termination of probation denied

Maldonado, Jose, RP252555106  
Result: Satisfactory

Martinez, Delia, CCC1329437  
Result: Continued for 6 months
Moore, George, RF11067119  
Result: Satisfactory

Quarry, Kevin, CAC1815404  
Result: Satisfactory

Sherrick, James, CAC1816560  
Result: Satisfactory

West, James, CFC044136  
Result: Satisfactory

Wilson, Willie, CFC1428343  
Result: Satisfactory

Ratliff, Linda, CCC058307  
Result: Continued for 6 months

GENERAL SESSION

The meeting was called to order by Mr. Pietanza, Chair, at 8:31 am. Mr. Lenois gave the invocation. Mr. Weller led the Pledge of Allegiance.

REVIEW OF MINUTES

A. Meeting Minutes – March 2011
B. Meeting Minutes – April 2011
C. Final Action Minutes – February 2011
D. Final Action Minutes – March 2011
E. Final Action Minutes – April 2011

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR’S REPORT – G.W. HARRELL

Mr. Harrell gave the following report:

Mr. Harrell informed the board that next month’s agenda for the application review committee will include approved applications gathered during the audit to show the board how the Department approves applications not requiring board review.

Mr. Harrell also informed the board that the legislative session recently ended. Mr. Harrell stated he had yet to receive the official memo from the legislative affairs office, but it appears the Department’s bill failed. Mr. Harrell also informed the board that there may or may not be appointments to the board in the near future, and any changes would be passed down to the board members by Mr. Harrell personally.

With nothing further to report the board voted unanimously to approve this report.
CHAIRMAN’S REPORT – MARK PIETANZA

Mr. Pietanza gave the following report:

The following absences were excused:
Ms. Kane
Ms. Bailey
Mr. Wilford (Friday only)

With nothing further to report the board voted unanimously to approve this report.

PROSECUTING ATTORNEY’S REPORT – PAUL WATERS

Mr. Waters gave the following report:

For the month of April 2011 the total number of cases in Legal was 644, down from 681 in March of 2011, and down from 1,485 in April of 2010.

There were 138 cases to be reviewed in Legal, 81 cases set for probable cause, and 67 cases where probable cause had been found/administrative complaints filed. There was currently 1 settlement stipulation, 3 cases had requested informal hearings, and 10 had requested formal hearings. 15 cases were currently awaiting outside action, 7 cases were ready for default, 2 cases were referred to DOAH, and 9 cases were in settlement negotiations. 73 cases were pending board dates, 106 cases were set for board presentation, and 130 cases were awaiting final orders. 0 cases were under appeal, and 2 cases were reopened. For the month of April 2011 a total of 161 cases were closed.

With nothing further to report the board voted unanimously to approve this report.

ATTORNEY GENERAL’S REPORT – DANIEL BIGGINS

GARY BERNHARDT – REQUEST FOR INFORMAL HEARING

Mr. Bernhardt was present.

Mr. Biggins presented this case stating Mr. Bernhardt’s application for initial licensure as a certified roofing contractor was denied at the November 2010 meeting of the board for failure to demonstrate the required experience, failure to demonstrate financial stability and responsibility, and because the Board had concerns about the applicant’s prior discipline. The Notice of Intent to Deny was filed in January of 2011. Mr. Bernhardt timely requested board reconsideration.

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

PETER BURKE – REQUEST FOR INFORMAL HEARING

Mr. Burke was present.
Mr. Biggins presented this case stating Mr. Burke's application to qualify an additional business entity with his certified general contractor’s license was denied at the March 2011 meeting of the board for failure to demonstrate the qualifying agent would properly supervise the construction work and business activities, and because the proposed financially responsible officer was the subject of a pending investigation. The Notice of Intent to Deny was filed in April of 2011. Mr. Burke timely requested board reconsideration.

After discussion the board voted unanimously to approve the application contingent upon Mr. Burke becoming a salaried employee and providing proof of a W2 to the board office.

BRIAN CERNY – REQUEST FOR INFORMAL HEARING

Mr. Cerny was present.

Mr. Biggins presented this case stating Mr. Cerny's application to qualify an additional business entity with his certified general contractor’s license was denied at the November 2010 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility and for failing to demonstrate the qualifying agent would properly supervise the construction work and business activities. The Notice of Intent to Deny was filed in December of 2010. Mr. Cerny timely requested board reconsideration. Mr. Cerny distributed at the meeting proof that he had become a salaried employee

After discussion the board voted unanimously to approve the application.

FRANCISCO DE MOYA – MOTION TO RECONSIDER

Mr. De Moya was not present but was represented by Counsel Diane Perera.

Mr. Biggins presented this case stating that Mr. De Moya’s application for reinstatement of his null & void certified general contractors license was denied at the January 2011 meeting of the board for failure to present evidence of a good faith effort to comply with the license renewal statutes and for failure to present evidence that rises to the level of illness or unusual hardship that would justify the failure to renew the license. The Notice of Intent to Deny was filed in February of 2011. Mr. De Moya requested the board reconsider their decision, while also leaving him the opportunity to present this case to an administrative law judge with the Division of Administrative Hearings.

After discussion the board voted to a tie.

MIGUEL DIAZ Perna – REQUEST FOR INFORMAL HEARING

Mr. Diaz Perna was not present.

Mr. Biggins presented this case stating Mr. Diaz Perna’s change of status application for his registered roofing contractor’s license was denied at the November 2010 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility. The
Notice of Intent to Deny was filed in January of 2011. Mr. Diaz Perna timely requested board reconsideration.

After discussion the board voted unanimously to continue the review of the application for 60 days.

MIGUEL DIAZ PERNA – REQUEST FOR INFORMAL HEARING

Mr. Diaz Perna was not present.

Mr. Biggins presented this case stating Mr. Diaz Perna’s change of status application for his registered general contractor’s license was denied at the November 2010 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility and failure to demonstrate good moral character. The Notice of Intent to Deny was filed in January of 2011. Mr. Diaz Perna timely requested board reconsideration.

After discussion the board voted unanimously to continue the review of the application for 60 days.

EDWARD FITZ-GERALD – REQUEST FOR INFORMAL HEARING

Mr. Fitz-gerald was not present.

Mr. Biggins presented this case stating Mr. Fitz-gerald’s application for a change of status of his certified residential pool/spa contractor’s license was denied at the June 2010 meeting of the board because the applicant was the subject of pending discipline. The Notice of Intent to Deny was filed in August of 2010. Mr. Fitz-gerald did not timely request board reconsideration.

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

ALFRED QUERO – MOTION TO RECONSIDER

Mr. Quero was present with Counsel Rob Suarez.

Mr. Biggins presented this case stating Mr. Quero’s application to reinstate his null & void certified general contractors license was denied at the July 2010 meeting of the board for failing to present evidence of a good faith effort to comply with the license renewal statutes and rules and failure to present evidence that rises to the level of illness or unusual hardship that would justify the failure to renew the license. The Notice of Intent to Deny was filed in August of 2010. Mr. Quero timely requested a formal hearing to be presented to an administrative law judge with the Division of Administrative Hearings, but also filed a petition for review of the Notice of Intent to Deny and requested a hearing in front of the board.

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

BERNARDO QUINTERO – REQUEST FOR INFORMAL HEARING
Mr. Quintero withdrew his request for an informal hearing.

ALBERTO RODRIGUEZ – REQUEST FOR INFORMAL HEARING

Mr. Rodriguez was present.

Mr. Biggins presented this case stating Mr. Rodriguez’ application for a change of status of his certified mechanical contractor’s license was denied at the February 2011 meeting of the board because the applicant was the subject of pending discipline. The Notice of Intent to Deny was filed in March of 2011. Mr. Rodriguez timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

GARY SHEAR – REQUEST FOR INFORMAL HEARING

Mr. Shear was not present.

Mr. Biggins presented this case stating Mr. Shear’s application for a change of status of his certified general contractor’s license was denied at the March 2011 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in April of 2011. Mr. Shear timely requested board reconsideration.

After discussion the board voted to continue the review of the application for 60 days.

MICHAEL SIGGINS – REQUEST FOR INFORMAL HEARING

Mr. Siggins was present with Counsel Caron Balkany.

Mr. Biggins presented this case stating Mr. Siggins’ application for initial licensure as a certified building contractor was denied at the November 2010 meeting of the board for failure to demonstrate the required experience, failure to sufficiently demonstrate financial stability and responsibility, and for lack of good moral character. The Notice of Intent to Deny was filed in January of 2011. Mr. Siggins timely requested board reconsideration.

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

DON WHITE – PETITION FOR DECLARATORY STATEMENT

Mr. White was present.

Mr. Biggins presented this case stating Don White filed a petition for a declaratory statement on March 29, 2011. The petition was noticed in the Florida Administrative Weekly. Mr. Biggins noted that the petition requests guidance on whether or not the scope of work of a certified general contractor includes the installation of natural gas distribution systems or natural gas pipelines. Mr. Biggins asked the board to consider
whether the petition meets the criteria for a declaratory statement, and to dismiss or answer, as appropriate.

After discussion the board voted to deny the petition.

**JOSEPH WORTH – REQUEST FOR INFORMAL HEARING**

Mr. Worth was present.

Mr. Biggins presented this case stating Mr. Worth’s application for initial licensure as a certified general contractor was denied at the February 2011 meeting of the board for failure to demonstrate the required experience and failure to sufficiently demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in March of 2011. Mr. Worth timely requested board reconsideration.

After discussion the board voted unanimously to approve the application contingent upon the applicant serving 2 years probation.

With nothing further to report the board voted unanimously to approve this report.

**COMMITTEE REPORTS**

**EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ROY LENOIS**

Mr. Lenois gave the following report:

**AAA Construction School, Inc.**
- 1st Course: An Easier Way to Avoid a Lawsuit – approved
- 2nd Course: Basics of Wind Mitigation – approved
- 3rd Course: Business 101 for Contractors – approved
- 4th Course: Chapter 489 Construction Contracting – approved
- 5th Course: Construction Quality Management for Contractors – denied
- 6th Course: Essentials of a Good Construction Business – approved
- 7th Course: Florida Administrative Code 61G4 – approved
- 8th Course: Florida Statute 713 – The Lien Law – approved
- 9th Course: Ladder, Pump, Jack & Scaffold Safety: Scaffolds – approved
- 10th Course: Making the Claim of the Lien Stick – approved
- 11th Course: Personal Protective Equipment for Lead Safe Practices Required by OSHA - approved
- 12th Course: Safe Digging in Florida – approved
- 13th Course: Safe Use Electricity - approved
- 14th Course: Safety: ‘Workers’ Comp and Business Compliance – denied
- 15th Course: Wind Mitigation Gable End Procedures and Forms – approved

**BOAF/FHBA Joint Construction Training**
- 1st Course: FBC Code Update – Building - approved
- 2nd Course: FBC Code Update – Module 3 - approved
- 3rd Course: FBC Code Update – Residential - approved
- 4th Course: Mitigation Technologies, Inspections, and DFS/OIR B1-1802 - approved
Breaking Ground Contracting dba Breaking Ground Educators Service
1st Course: OSHA 30 Hour Safety Training – approved
*Informal Hearing for course that was denied at the February 2011 meeting of the board

Contractors Continuing Education, Inc
1st Course: Accessibility – approved
2nd Course: Concrete Masonry Construction – denied
3rd Course: Construction Business Management – denied
4th Course: Laws and Rules – approved
5th Course: Laws and Rules for Construction Industry – denied
6th Course: Self Employment Tax and FL Unemployment Compensation – approved
7th Course: Top Building Code Violations – denied
8th Course: Wind Mitigation Methodologies – approved

E3 Design Group dba E3 Building Sciences
1st Course: Energy-Efficient Building Practices – approved
2nd Course: Multifamily Housing and LEED – approved

Energy Conservation Services of N FL
1st Course: Solar Themed Systems, Lessons Learned – denied
*Informal Hearing for course that was denied at the February 2011 meeting of the board

Fenestration Manufacturers Association
1st Course: Standard Practice for Installation of Exterior Doors in Wood Frame Construction for Extreme Wind/Water Exposure - approved

Florida Association of Plumbing, Heating, Cooling Contractors
1st Course: Cured in Place Pipe – Uses, Methods, and Benefits – approved
2nd Course: Introduction to Cured in Place Pipe – approved
3rd Course: New Day, New Strategy: Repositioning After the Great Recession - approved

Florida Home Builders Association
1st Course: OSHA Residential Fall Protection – approved

Florida Pool and Spa dba Florida Swimming Pool Association
1st Course: 2010 ADA Regulations for Swimming Facilities – approved
2nd Course: Advanced Florida Building Code: Entrapment Protection for Suction Inlets - approved
3rd Course: Advanced Pool Chemistry and Troubleshooting – approved
4th Course: Breaking Down and Understanding the New Florida Energy Bill – approved
5th Course: Chapter 489 – An Overview of Contractor’s Responsibilities – approved
6th Course: Millionaire Pool Man: Building You Business and Improving Profits - approved
7th Course: New FL Energy Efficiency Regulations: How to Design and Build Compliant Pools and Spas – approved
8th Course: Small Business Communication – approved
9th Course: Workers Compensation Update – approved
10th Course: Workplace Safety: Reducing Back Injuries – approved

Florida Solar Energy Center
1st Course: Commercial Energy Code Compliance: Methods, Tools, and Verification - approved
2nd Course: Residential Energy Code Compliance: Methods, Tools, and Verification - approved

Glenn Rasmussen Fogarty & Hooker, P.A.
1st Course: The Davis Bacon Act – approved
2nd Course: The OSHA Inspection & Citation Process – approved

Home Builders Association of Metro Orlando
1st Course: 10 Hour OSHA Training – approved
2nd Course: Are You Planning to Fail? – approved
3rd Course: Build for Active Adult Population – approved
4th Course: Capitalize on New Business Opportunities – approved
5th Course: How to Fix a Profit Leak! - approved
6th Course: Indoor Air Quality (IAQ) – approved
7th Course: Introduction to Basic Green – approved
8th Course: OSHA Residential Fall Protection – approved

Hornerexpress
1st Course: High Impact Decision Making – approved
2nd Course: Sustainability Strategies – approved
3rd Course: Technological Advancements in Swimming Pool Heating – approved
4th Course: Turning “Green” to Gold – approved

Kerney & Associates
1st Course: The Story Behind Electric Bills – approved
2nd Course: VFD’s – Simple Applications Yield Real Savings – approved

Koning Enterprises, Inc. dba Contractors Institute
1st Course: Building & Renovations Using Zero Energy & Green Technologies - approved
2nd Course: Understanding Florida’s Wind Mitigation Methodologies and Inspection Requirements (classroom version) – approved
3rd Course: Understanding Florida’s Wind Mitigation Methodologies and Inspection Requirements (internet version) – approved

Manitowec Ice, Inc.
1st Course: Manitowec Ice Machine Basics – approved
*Informal Hearing for course that was denied at the January 2011 meeting of the board

Richard J. Dalrymple
1st Course: Keys to Profitability in the New Economy – approved

Ronald A. Benash
1st Course: Gas Tankless Water Heater Installer Training – approved
Siegfried, Rivera, Lerner, De La Torre, & Sobel, P.A.
1st Course: Construction Issues for Turnover – denied (reconsidered at General Session and approved)

Universal Inspection Service, Inc.
1st Course: Understanding the New Code – approved

With nothing further to report the board voted unanimously to approve this report.

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

The Rules/Public/Legislative Committee did not convene this month.

AD HOC COMMITTEE – DON WILFORD/MARK PIETANZA

Mr. Pietanza gave the following report:

Mr. Pietanza stated that discussion took place regarding how the board should review applications, and what is in their statutory authority to do, and three main issues came up: how the board determines good moral character, how the board determines financial stability and responsibility, and how the board interprets the experience listed on the applications. The Department’s processes for approving applications without board review were also discussed. Mr. Del Vecchio requested that the board be presented with the list the Department uses regarding criminal convictions, and which convictions require board review and which ones don’t. Mr. Harrell informed the board that the target date for the new applications to go live will be three months, and he’d like to have these issues worked out prior to that date. Mr. Harrell stated that this topic will continue to be discussed at future Ad Hoc meetings.

With nothing further to report the board voted unanimously to approve this report.

OLD BUSINESS

Removal of Board materials from lap tops.

NEW BUSINESS

Mr. Harrell stated that it’s very important for board members to remember that if they’re contacted by people about the decisions made during the meetings, to refer those to him. Mr. Harrell also reminded the board members that it’s very important they not contact anyone individually that appears in front of the board for business.

Mr. Harrell also stated that Mr. Pietanza and himself have asked the Department to provide some sort of general training for board members, and that Mr. Pietanza has attempted to take that training a little further.
With no further business the meeting was adjourned at 10:30am.