

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Hyatt Regency Jacksonville Riverfront
225 Coastline Dr
Jacksonville, FL 32202
904.588.1234**

February 8-10, 2012

**MEETING MINUTES
Approved March 16th, 2012**

Board Members Present

Jerry Hussey, Chair
Robert Moody, Vice Chair
Michelle Kane
William Sheehan
Elbert Batton
James Evetts
Richard Kane
Mark Pietanza
Doris "Peggy" Bailey
Carl Engelmeier
Albert Korelishn
Roy Lenois
Jacqueline Watts

Board Members Absent

William "Brian" Cathey
Paul Del Vecchio
Kristin Beall
Ed Weller

Others Present

Drew Winters, Executive Director, DBPR
Amanda Wynn, Government Analyst, DBPR
David Spingler, Government Analyst, DBPR
Daniel Biggins, Legal Advisor, AGO
Paul Waters, Chief Prosecuting Attorney, DBPR
Susan Mazuchowski, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on February 8, 2012 from 2:01 pm to 2:36 pm. Mr. Evetts led the meeting. Of the 14 applications scheduled for review, 8 were approved, 1 was approved contingent, 4 were denied, and 1 was continued.

APPROVED (8)

Albu, Jason
Flint, Russell
Mountrakis, George
Smith, Gary
Wamock, Harvey
White, Kevin
Wilt, Leonard
Wyka, Gregory

CONTINGENT APPROVALS (1)

Serna, Jorge – *Contingent upon submitting copy of W2 showing proof of employment*

DENIED (4)

Coban, Unal
Comar, Bret
Goldbold, Scott
Nolan, Edward

CONTINUED (1)

Rodriguez, Davian – 60 days

Division II Board members met for Additional Business Entities Review on February 9, 2012 from 3:30 pm to 3:52 pm. Mr. Pietanza led the meeting. Of the 5 applications scheduled for review, 2 were approved, 2 were denied, and 1 was pulled.

APPROVED (2)

Flint, Russell
Gordon, Harry

DENIED (2)

Corredor, Mauricio
Malkiel, Warren

PULLED (1)

Poyastro, Lior

APPLICATION REVIEW

Division I Board members met for Application Review on February 8, 2012, from 3:16 pm to 4:28 pm. Mr. Sheehan led the meeting. Of the 16 applications

scheduled for review, 3 were approved, 2 were continued, 1 was approved conditionally, 6 were denied, and 4 were withdrawn.

APPROVED (3)

Bazzano, Robert

Eden, James

Myers, Jonathan – approved as a downgrade to a CRC license

CONTINUED (2)

Martelli, Goffredo – 60 days

Worrell, Gregory – 90 days

CONDITIONAL APPROVALS (1)

O'Brien, Matthew – *4 years probation or until proof of having obtained a credit score of 660 is provided*

DENIED (6)

Falciani, Frank

Graham, Joel

Leonardo, Joseph

Miller, Charles

Sims, Gene

Wise, James

WITHDRAWN (4)

Bustos, Armando

Magner, Shawn

Muilenburg, Chad

Rogers, Wilbur

Division II Board members met for Application Review on February 9, 2012, from 4:04 pm to 4:17 pm. Ms. Watts led the meeting. Of the 6 applications scheduled for review, 1 was approved, 1 was withdrawn, 1 was denied, and 3 were pulled.

APPROVED (1)

Brown, Gregory

WITHDRAWN (1)

McRae, Mark

DENIED (1)

Snider, Tim

PULLED (3)

Barnes, Michael

Hernandez, Rafael

Wilson, Jeffrey

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

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

PROBATION

The Division I Probation Committee met on February 9, 2012, from 2:00 pm to 2:20 pm. The Committee was chaired by Richard Kane.

Dean Blankenship, CBC1257096

Result: Satisfactory

Request for early termination of probation was **approved**

Douglas Calo, CBC060206

Result: Satisfactory

Phillip Englett, CGC055197

Result: Satisfactory

Kyle Green, CBC1257095

Result: Satisfactory

Request for early termination of probation was **approved**

David Hall, CGC1519452

Result: Satisfactory

Paul Hansen, CRC056902

Result: Satisfactory

Request for early termination of probation was **approved contingent upon payment of fines/costs**

Kenneth Johnston, CGC1518392

Result: Stay of Suspension Lifted

Louis Maniero, CGC1506516

Result: Satisfactory

Clinton Moore, CGC1511982

Result: Satisfactory

Terrence Moore, CGC1105819

Result: Satisfactory

Martha Munoz, CGC1519186

Result: Continuance granted

Angel Roman, CGC1508595

Result: Satisfactory

Christopher Staggs, CBC060480

Result: Satisfactory

Kenneth Tumlin, CBC028108

Result: Satisfactory

Tammy Yzaguirre, CGC1505393

Result: Continuance granted

The Division II Probation Committee met on February 9, 2012, from 2:48pm to 3:21 pm. Mr. Korelishn chaired the Committee.

Ilias Antoniou, CAC1815492

Result: Continuance granted

Anthony Atkins, CCC1329527

Result: Satisfactory

Laurence Borello, CCC042792

Result: Satisfactory

Brian Citrano, CFC1425927

Result: Stay of Suspension reinstated with a \$200 assessment

David Hall, CUC1224913

Result: Satisfactory

Edward Hobel, CCC029553

Result: Satisfactory

Jeffrey Leh, CCC1329672

Result: Continuance granted

Delia Martinez, CCC1329437

Result: Unsatisfactory

Chad Pannell, CFC1426680

Result: Continuance granted

Andy Preiss, CPC049399

Result: Satisfactory

Steven Vickery, CCC1328890

Result: Stay of Suspension lifted

Gregory Wallace, CAC054715

Result: Satisfactory

GENERAL SESSION

The meeting was called to order by Chair Jerry Hussey at 8:30 am. Mr. Lenois gave the Invocation. Mr. Batton led the Pledge of Allegiance.

EXECUTIVE DIRECTOR'S REPORT – DREW WINTERS

Mr. Winters gave the following report:

Mr. Winters asked the board to excuse the absences of the following board members:

Mr. Cathey
Mr. Del Vecchio
Mr. Weller
Ms. Beall

The board voted unanimously to excuse these absences.

Mr. Winters also informed the board that the Recovery Fund had received an additional \$700,000 in appropriation for fiscal year 2011-2012 and that a conference call would take place in the next couple of months or so to review additional claims.

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

CHAIRMAN'S REPORT – JERRY D. HUSSEY

Mr. Hussey had nothing to report.

PROSECUTING ATTORNEY'S REPORT – PAUL WATERS

Mr. Waters gave the following report:

For the month of January 2012, the overall case load was 313, down from 363 in December of 2011, and down from 762 in January of 2011.

There were 50 cases currently in Legal to be reviewed, 28 cases set for probable cause, and 62 cases where probable cause had been found/administrative complaints filed. 1 settlement stipulation had been approved, 1 formal hearing had been requested, and 9 cases were awaiting outside action. 5 cases were ready for default, 5 had requested formal hearings, and 2 cases were referred to DOAH. 9 cases were in settlement negotiations, 5 cases were pending board dates, and 77 cases were set for board presentation. 59 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

For the month of January 2012, 127 cases were closed.

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

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

POOLE & KENT COMPANY OF FLORIDA, INC – PETITION FOR DECLARATORY STATEMENT

The petition for declaratory statement was withdrawn.

DANNY BOROMEI, CLOSE CONSTRUCTION, LLC. – PETITION FOR DECLARATORY STATEMENT

Neither Mr. Boromei nor a representative from Close Construction, LLC were present.

Mr. Biggins presented this case stating Danny Boromei and Close Construction, LLC filed a petition for a declaratory statement on January 3, 2012. The petition was noticed in the Florida Administrative Weekly on January 20, 2012. Mr. Biggins noted the petition requests the Board interpret Section 489.113, Florida Statutes, and whether the petitioner is required to obtain a plumber's license for construction on a municipal public works water distribution system. Mr. Biggins asked the board to consider whether or not the petition meets the criteria for a declaratory statement, and to dismiss or answer as appropriate.

After discussion the board voted that the petitioner had standing. After further discussion the board that that a general contractor can, under the scope of his license, run water piping in a water treatment plant and associated distribution systems, and that a general contractor can install pre-manufactured blowers in plants.

JUAN CARLOS CACCIAMANI – RECOMMENDED ORDER

Mr. Cacciamani was not present but Executive Director Drew Winters read into the record a statement by Mr. Cacciamani's counsel, Tim Atkinson.

Mr. Biggins presented this case stating Mr. Cacciamani's application to reinstate his Null & Void certified general contractor's license was denied at the February 2011 meeting of the board for failure 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. The Notice of Intent to Deny was filed in March of 2011. Mr. Cacciamani timely requested a formal hearing with the Division of Administrative Hearings. That hearing was concluded on January 13th, 2012 and in the Recommended Order the Administrative Law Judge recommended the Construction Industry Licensing Board enter a final order approving Mr. Cacciamani's application for reinstatement of his certified general contractor's license.

After discussion the board voted to adopt the finding of fact and conclusions of law. The board then voted to uphold the denial of the application.

ISTA NORTH AMERICA, INC. – PETITION FOR DECLARATORY STATEMENT

Mr. Biggins informed the Board that the petitioner had requested a continuance.

The board voted to grant a 30 day continuance.

BENJAMIN KING – REQUEST FOR INFORMAL HEARING

Mr. King was present with Counsel Fred Dudley.

Mr. Biggins presented this case stating Mr. King's application for initial issuance of a certified general contractor's license was denied at the November 2011 meeting for failure to demonstrate the required experience and because the application appeared to contain false information as testimony differed from the application. The Notice of Intent to Deny was filed in December of 2011. Mr. King timely requested board reconsideration.

After discussion the board voted to approve the application as a downgrade to a certified residential contractor's license.

MIKE LEFEBVRE – PETITION FOR A DECLARATORY STATEMENT

Mr. Lefebvre was not present.

Mr. Biggins presented this case stating Mike Lefebvre filed a petition for a declaratory statement on January 9, 2012. The petition was noticed in the Florida Administrative weekly on January 20, 2012. Mr. Biggins noted the petition appears to be requesting an interpretation of Section 489.105, Florida Statutes, and whether a Division I contractor is required to have a Glass & Glazing License, in addition to a Division I contractor's license, in order to install windows or do glazing on a building that falls within the scope of their license. Mr. Biggins asked the board to consider whether or not the petition meets the criteria for a declaratory statement, and to dismiss or answer as appropriate.

After discussion the board voted that the petitioner did not have standing and the petition was not further considered.

ALDRIA WHITE – PETITION FOR A DECLARATORY STATEMENT

Ms. White was not present.

Mr. Biggins presented this case as a petition for a variance and waiver of Rule 61G4-16.005, Florida Administrative Code, to extend the duration of validity of her certified building contractor's exam scores. The petition was filed January 20, 2012. The petition was noticed in the Florida Administrative Weekly on February 3, 2012.

After discussion the board voted to deny the petition.

With nothing further to report the board voted 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: Complete Online Continuing Education – **approved**
- 2nd Course: Contract Law Which Includes Chapter 489 – **approved** (1 hours Laws & Rules, 6 hours General)
- 3rd Course: Maintaining Your License – **approved**
- 4th Course: The Mandatory Continuing Education Six Pack – **approved**

AE21 Incorporated

- 1st Course: Blowing in the Wind: Engineering, Science, & Wind Load – **approved** (as General, no Laws & Rules)
- 2nd Course: Current Status in Wind and Flood Code Update – **approved** (as General)
- 3rd Course: Gushers & Drips – Analyzing Water Loss – **approved**
- 4th Course: Matching Interior & Exterior Surfaces – **approved**

Air Design Concepts, Inc.

- 1st Course: Basic Fundamentals on Using ACA Manual J to Perform Load Calculations – **approved**

Building Officials and Inspectors Educational Association

- 1st Course: Business Practices and Florida Laws and Rules – **approved**
- 2nd Course: Existing Building and Residential Code Changes – **approved**
- 3rd Course: Florida Building Code, Building 2007 vs. 2010 Part #1 – **approved**
- 4th Course: Florida Building Code, Building 2007 vs. 2010 Part #2 – **approved**
- 5th Course: Introduction to Hazard Mitigation – **approved**
- 6th Course: Introduction to Residential Coastal Construction – **approved**
- 7th Course: Retrofitting Flood Prone Residential Structures – **approved**

Compliance Date Services, Inc., d/b/a Calcs-Plus

- 1st Course: Air Pathways and Ventilation – **approved**
- 2nd Course: Combustion Safety – **approved**
- 3rd Course: HVAC Duct Safety System Design ACCA Manual D – **approved**
- 4th Course: HVAC Load Calculations ACCA Manual J – **approved**
- 5th Course: HVAC Quality Installation Verification Protocols – **approved**
- 6th Course: MAD-Air – **approved**
- 7th Course: Providing Comfort in Humid Climates – Design for Dew Points – **approved**

Construction Services Enterprise, Inc.

- 1st Course: Keys for Successful Construction Business – **approved**
- 2nd Course: Management of a Construction Business – **approved**

Contractors Continuing Education, Inc.

- 1st Course: A/C Technical Review – **continued 30 days**
- 2nd Course: Backflow Prevention & Cross Connection Control – **continued 30 days**
- 3rd Course: Building Envelope Analysis Review – **continued 30 days**
- 4th Course: Construction Trade Technical Review – **continued 30 days**
- 5th Course: Green Advantage – **continued 30 days**
- 6th Course: Green Construction – **continued 30 days**

- 7th Course: Hurricane Shutter Designs – **continued 30 days**
- 8th Course: Legislative Changes – **continued 30 days**
- 9th Course: Mold in Construction – **continued 30 days**
- 10th Course: Plumbing Technical Training – **continued 30 days**
- 11th Course: Reinforcing Steel – **continued 30 days**
- 12th Course: Tools for Successful Contractors – **continued 30 days**
- 13th Course: Wind Mitigation Inspection Training – **continued 30 days**
- 14th Course: Workers Compensation – **continued 30 days**
- 15th Course: Workplace Safety - **continued 30 days**

Contractors School, Inc.

- 1st Course: 2012 Quick Pack – **approved** (at General Session on February 10)

Florida Refrigeration and Air Conditioning Contractors

- 1st Course: Improving HVAC Designer/Contractor Coordination – **approved**
- 2nd Course: Spending Does Not Equal Security – **approved**

Inspection Depot, Inc.

- 1st Course: Sinkhole Assessments – **approved**

John W. Higgins

- 1st Course: Isometric Drawing – **approved**

The above was an informal hearing for a course that was denied at the September 2011 meeting

Judith C. Benson

- 1st Course: Introduction to SMART Control (Irrigation) – **denied**

Koning Enterprises, Inc. d/b/a Contractor's Institute

- 1st Course: Digital Project Documentation – **approved**
- 2nd Course: Internet Basics for Contractors – **approved**
- 3rd Course: Intro to Common Federal/State Laws – **approved**
- 4th Course: Job Cost Bookkeeping Basics – **approved**

Lorman Business Center, Inc., d/b/a Lorman Education Services

- 1st Course: What to do when Construction Projects Go Bad – **approved**

Miami Dade College

- 1st Course: Sustainable Building Design and Construction – **approved**

Palm Construction School, Inc.

- 1st Course: The Good, The Bad, & The Ugly of Contracting – Case Studies – **approved** (at General Session on February 10)

Shumaker, Loop, & Kendrick, LLP

- 1st Course: Alternative Dispute Resolution: Understanding Mediation and Arbitration – **approved** (without Laws & Rules)
- 2nd Course: Contractor Changes, Constructive Changes, & Defective Specifications – **approved** (without Laws & Rules)

3rd Course: DBPR Complaints/Procedures – **approved**
4th Course: Differing Site Conditions – **approved** (without Laws & Rules)
5th Course: Flow Down Provisions & Subcontracting – **approved** (without Laws & Rules)
6th Course: Legal Issues with Green Building – **approved** (without Laws & Rules)
7th Course: Lien Law and Impact of Leasehold Interests – **approved** (without Laws & Rules)
8th Course: Small Business Preference Programs & Participation Goals in State and Federal Contracting – **approved** (without Laws & Rules)
9th Course: Surety Bonds for Federal Projects: The Miller Act – **approved** (without Laws & Rules)

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Biggins gave the following report:

The following Proposed Rules have been **Noticed:**

61G4-15.001 Qualification for Certification

The following Rules were discussed:

61G4-15.032 Certification of Swimming Pool Specialty Contractors

61G4-16.0021 Written Exam for Swimming Pool Specialty

61G4-15.0024 Supervision of Business Entities (review new language and SERC worksheet) – The board voted to approve the 1st version of this Rule.

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

AD HOC COMMITTEE – MARK PIETANZA

The Ad Hoc Committee did not convene this month.

OLD BUSINESS

Removal of Board materials from lap tops.

NEW BUSINESS

Ms. Watts proposed to the board that the Department institute some sort of requirement that when a Financially Responsible Officer leaves a company, he submit a change of status application so that the board can review the financial responsibility of the qualifying agent. Mr. Winters informed Ms. Watts that the Department will look into the issue.

Mr. Moody also stated that Rule 61G4-15.001, Florida Administrative Code, is currently missing the types of license that can verify the experience for a certified pollutant storage contractor. Mr. Moody suggested that the following contractors possibly be listed: general contractor, building contractor, plumbing contractor, and mechanical contractor. Mr. Biggins indicated that previous attempts to open that Rule up failed.

With no further business the meeting was adjourned at 9:42 am.