

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Embassy Suites Orlando – North
225 Shorecrest Dr
Altamonte Springs, FL 32701
407.834.2400**

March 14-16, 2012

**MEETING MINUTES
Approved 5/11/2012**

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
William “Brian” Cathey
Paul Del Vecchio
Kristin Beall
Ed Weller

Others Present

Drew Winters, Executive Director, DBPR
David Spingler, Government Analyst, DBPR
Donald Shaw, Regulatory Consultant, DBPR
Daniel Biggins, Legal Advisor, AGO
Paul Waters, Chief Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on March 14, 2012, from 2:00 pm to 3:03 pm. Ms. Beall led the meeting. Of the 20 applications scheduled for review, 10 were approved, 1 was approved contingent, 1 was approved conditionally, 4 were denied, and 2 were continued.

APPROVED (10)

Dellacosta, Daniel
Earnest, Joseph
Ely, Troy
Fogue, Jr., Edward
Handler, Brett
Kempf, John
Lopez, George
Moore, Timothy
Richardson, Thomas
Sweeney, Edward

CONTINGENT APPROVALS (1)

Valle, Ricardo – *Must provide proof of having become a W2 employee or providing proof of ownership*

CONDITIONAL APPROVALS (3)

Caro, Miguel – *Must serve 4 years probation or submit proof of having obtained a credit score of 660 or higher*
Guerrero, Carlos – *Must serve 4 years probation or submit proof of having obtained a credit score of 660 or higher*
Hayes, Christopher – *Must serve 6 years probation or submit proof of having obtained a credit score of 660 or higher as well as provide proof of 20% ownership in the company to be qualified*

DENIED (4)

Gibbons, Joseph
Johnson, David
Leggett, Jerry
Waller, Daniel

CONTINUED (2)

Doucette, Lea – 90 days
Pinto, Anderson – 30 days

Division II Board members met for Additional Business Entities Review on March 15, 2012, from 4:01 pm to 4:06 pm. Mr. Pietanza led the meeting. Of the 1 applications scheduled for review, 1 was approved

APPROVED (1)

Micali, John

APPLICATION REVIEW

Division I Board members met for Application Review on March 14, 2012 from 3:33 pm to 4:17 pm. Mr. Cathey led the meeting. Of the 20 applications scheduled for review, 2 were approved, 5 were continued, 12 were denied, and 1 was withdrawn.

APPROVED (2)

Ferreira, Marco
Petersen, Kevin

CONTINUED (5)

Byrd, Steven – 30 days
Cook, Reggie – 30 days
Messier, Kenneth – 30 days
Porcelli, Richard – 60 days
Wilson, Ronald – 60 days

DENIED (12)

Cournoyer, Stephen
Egerhei, Arthur
Giancamilli, Luigino
Graef, Jeffrey
Kilpatrick, Kenneth
Leggett, Jerry
Perez – Jacome, Nelson
Ricketts, Winston
Steiner, Maria
Sullivan, Thomas
Sumner, Stanley
Veneziano, Anthony

WITHDRAWN (1)

Paul, Forrest

Division II Board members met for Application Review on March 15, 2012, from 4:15 pm to 4:55 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 (3)

Rhodes, Paul
Tauscher, Michele
Willard, John

WITHDRAWN (2)

Coble, Clay
Langley, Barney

DENIED (4)

Bahrs, Christopher

Garcia, Jorge
Mentler, Cornel
Tam, Michael Ko Fung

CONTINUED (2)

Donovan, Robert – 90 days
Massanet, Milton – 12 months

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 March 15, 2012 from 2:00 pm to 2:39 pm. The Committee was chaired by Richard Kane.

Robert Ambrosius, CGC1519002
Result: Unsatisfactory

Gary Ansley, CBC036329
Result: Continuance granted

Kristopher Ashenback, CBC054507
Result: Unsatisfactory

Scott Berman, CGC1509450
Result: Unsatisfactory

Aldon Bookhardt, CGC1505081
Result: Unsatisfactory

Brian Burns, CGC020464
Result: Stay of Suspension Lifted

Antonio Cartelle, CGC1516713
Result: Satisfactory

Cleo Davis, CBC1253068
Result: Satisfactory

Patricia Fernandez, CRC1329204
Result: Continuance granted

Arnold Hutchinson, CGC060414
Result: Probation reinstated and fines and costs issued in Final Order due within 30 days.

James Loy, CGC1504966

Result: Satisfactory

Eduardo Martinez, CGC1513604

Result: Stay of Suspension Lifted

Robert Parker, CBC1258274

Result: Continuance granted

Anthony Pasquale, CBC057385

Result: Stay of Suspension Lifted

Christian Pereira, CGC1519520

Result: Stay of Suspension Lifted

Luis Perez, CRC1330244

Result: Satisfactory

Chad Taylor, CGC1519945

Result: Unsatisfactory

Robert Vergnolle, CGC1519519

Result: Stay of Suspension Lifted

William Young, CGC021685

Result: Satisfactory

Laura Young, CBC1258089

Result: Unsatisfactory

The Division II Probation Committee met on March 15, 2012 from 3:01 pm to 3:45 pm. The Committee was chaired by Albert Korelishn.

Danny Alford, RC29027447

Result: Stay of Suspension Lifted

Edmund Deveaux, RC11066599

Result: Satisfactory

Kristopher Ashenback, CCC057686

Result: Satisfactory

Aldon Bookhardt, CCC057655

Result: Satisfactory

Michael Cantrell, CCC1329540

Result: Satisfactory

Humbert Collins, CFC1427676

Result: Satisfactory

Dan Deekman, CCC1328830

Result: Satisfactory

Edward DeJesus, CAC058733

Result: Satisfactory

Victor Fermin, CPC057051

Result: Continuance Granted

Richard Fox, CFC057294

Result: Satisfactory

Joseph Gales, RC0067405

Result: Stay of Suspension Lifted

Paul Hahn, CCC023528

Result: Continuance Granted

Ali Hanine, CAC1814604

Result: Satisfactory

Jose Mondragon, CAC1815894

Result: Satisfactory

Richard Powell, CAC1816374

Result: Satisfactory

Tebayane Rose, CCC1326090

Result: Stay of Suspension Lifted

Jose Ruiz, CFC1427081

Result: Continuance Granted

Viurniel Sanchez, CCC1328992

Result: Satisfactory

Polynne Soares, CCC1329580

Result: Stay of Suspension reinstated

Jorge Stanchiu, CMC1250138

Result: Unsatisfactory appearance and Stay of Suspension Lifted

Gregory Williams, CCC1327297

Result: Continuance Granted

GENERAL SESSION

The meeting was called to order by Paul Del Vecchio at 8:34 am. Mr. Lenois gave the Invocation. Mr. Evetts led the Pledge of Allegiance.

REVIEW OF MINUTES

The board voted unanimously to approve the following minutes:

- January 2012 Meeting Minutes
- January 2012 Final Action Minutes
- February 2012 Meeting Minutes
- February 2012 Final Action Minutes

EXECUTIVE DIRECTOR'S REPORT – DREW WINTERS

Mr. Winters gave the following report:

Mr. Winters distributed the expense reports and stated that everything was looking good.

Mr. Winters also informed the board that the Recovery Fund Committee has a scheduled meeting on April 5th and to expect a report on the results of that Committee meeting at April's board meeting.

Mr. Winters asked the board to excuse the absences of the following board members:
Mr. Cathey (Friday only)
Mr. Batton (Friday only)

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 February 2012, the overall case load was 353, down from 313 in January of 2012, and down from 794 in February of 2011.

There were 50 cases currently in Legal to be reviewed, 35 cases set for probable cause, and 69 cases where probable cause had been found/administrative complaints filed. 0

settlement stipulations had been approved, 3 informal hearing had been requested, and 10 cases were awaiting outside action. 6 cases were ready for default, 8 had requested formal hearings, and 1 case was referred to DOAH. 7 cases were in settlement negotiations, 3 cases were pending board dates, and 59 cases were set for board presentation. 102 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

For the month of February 2012, 57 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

Mr. Moody and Mr. Weller both recused themselves.

A representative from Poole & Kent Company of Florida, Inc., and was represented by Counsel Edward Baird and Robert Crabill. Mr. Frederick Dudley, counsel for affected party Brasfield & Gorrie, LLC, was also present.

Mr. Biggins presented this case stating Poole & Kent Company of Florida, Inc., filed a petition for a declaratory statement on February 7, 2012. The petition was noticed in the Florida Administrative Weekly on February 24, 2012. A petition for Leave to Intervene was filed by Brasfield & Gorrie, LLC, on February 27, 2012, which the board granted. Mr. Biggins noted the petition for declaratory statement requests the board's opinion as to the applicability of Sections 489.105 (3)(a), (i), (m), and (n), 489.113 (3), Florida Statutes, and Rule 61G4-12.011, Florida Administrative Code, and whether a mechanical contractor's license is required to perform the mechanical work on wastewater treatment facility projects, or whether the mechanical work on such projects may be self-performed by general contractors, even if they do not possess a mechanical contractor's 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 lacked standing and was not a substantially affected party as required by section 120.565, Florida Statutes, as the petitioner possesses the necessary licenses and appears to be referring to the conduct of another.

SCOTT BRACE – PETITION FOR VARIANCE AND WAIVER & REQUEST FOR RECONSIDERATION

Mr. Brace requested a 30 day continuance.

UNAL COBAN – REQUEST FOR INFORMAL HEARING

Mr. Coban was present.

Mr. Biggins presented this case stating Mr. Coban's application to qualify an additional business entity was denied at the February 2012 meeting of the board for failure to appear as required. Mr. Coban requested the informal hearing prior to the Notice of Intent to Deny being filed but was informed of his hearing rights and requested board reconsideration.

After discussion the applicant requested to withdraw the application and to vacate the previous denial of his application. The board voted unanimously to vacate the denial of the application and to allow the applicant to withdraw the application.

MARY CORACI – REQUEST FOR INFORMAL HEARING

Ms. Coraci was present and was represented by Counsel Nancy Prior.

Mr. Biggins presented this case stating Ms. Coraci's application to qualify an additional business entity was denied at the January 2012 meeting of the board for failure to appear as required. The Notice of Intent to Deny was filed in February of 2012. Ms. Coraci timely requested board reconsideration.

After discussion the board voted unanimously to vacate the Notice of Intent to Deny and voted unanimously to approve the application with the condition that the applicant serve 4 years of probation or submit proof of a credit score of 660 or higher.

VIRGILE DENHAM – REQUEST FOR INFORMAL HEARING

Mr. Denham was present.

Mr. Biggins presented this case stating Mr. Denham's application to qualify an additional business entity was denied at the January 2012 meeting of the board for failure to appear as required. The Notice of Intent to Deny was filed in February of 2012. Mr. Denham timely requested board reconsideration.

After discussion the board voted unanimously to approve the application under the condition that the applicant submits proof of employment by the company to be qualified within 30 days.

LARRY GRASHEL – MOTION TO RECONSIDER

Mr. Grashel was present and represented by Counsel Mark Woodlock.

Mr. Biggins presented this case stating that Mr. Grashel's application to qualify an additional business entity was denied at the January 2012 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility, failure to demonstrate the qualifying agent would properly supervise the construction work and business activities, and because it appeared the applicant engaged in or aided unlicensed activity. Mr. Grashel requested a motion to reconsider prior to the Notice of Intent to Deny being filed but was informed of his hearing rights and elected to proceed with a motion to reconsider.

After discussion the board voted unanimously to allow Mr. Grashel to amend his application from qualifying an additional business entity to a change of status of his current license. After further discussion the board voted unanimously to approve the application with the condition that the applicant serve 6 years of probation or until such time as he can provide a credit score of 660 or higher, as well as submitting proof that he is a 20% owner in the company to be qualified.

ISTA NORTH AMERICA, INC. – PETITION FOR DECLARATORY STATEMENT

A representative from Ista North America, Inc. was present and represented by Counsel Ryan Jones.

Mr. Biggins presented this case stating Ista North American, Inc., filed a petition for a declaratory statement on January 10, 2012. The petition was noticed in the Florida Administrative Weekly on February 3, 2012. Mr. Biggins noted the petition seeks the Board's opinion as to the applicability of Section 489.105 (3), Florida Statutes, as it applies to the petitioner and whether a contractor's license is required for the installation of utility sub-meters. 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 voted that a general contractor's license will satisfy the requirements for providing all of the proposed services in the petition, but that this statement does not address the requirement for electrical contracting.

PETE QUINTELA – PETITION FOR DECLARATORY STATEMENT

Mr. Quintela was not present.

Mr. Biggins presented this case stating Mr. Quintela filed a petition for a declaratory statement on February 21, 2012. The petition was noticed in the Florida Administrative Weekly March 9, 2012. Mr. Biggins noted the petition seeks the Board's opinion as to the applicability of Section 489.105 (3)(g), Florida Statutes, and requests the board interpret Section 489.105 (3)(g), Florida Statutes, and whether it is in the scope of work of a Class B air conditioning contractor to replace or repair a broken shut-off valve feeding a water cooled 2 ton unit which is connected to the riser of a 500 ton water cooling tower. 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 voted that the petition contained insufficient information to issue a statement.

ROBERT KONING – PETITION FOR A DECLARATORY STATEMENT

Mr. Koning was present.

Mr. Biggins presented this case stating Mr. Koning filed a petition for a declaratory statement on January 24, 2012. The petition was noticed in the Florida Administrative

Weekly on February 10, 2012. Mr. Biggins noted the petition seeks the Board's interpretation of Sections 468.831, 468.8311 (2), (3), (4), Florida Statutes, and whether home inspection services are within the scope of licensure of a Certified Division I Contractor when performing such services provided they are not representing themselves as a person who specializes as a home inspector. 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 voted that home inspection services described in the petition are within the scope of licensure of a Certified Division I Contractor, provided the Division I Contractor is not holding themselves out specifically as a home inspector licensed under Chapter 468, Florida Statutes.

RIGOBERTO DIAZ – REQUEST FOR INFORMAL HEARING

Mr. Diaz was present.

Mr. Biggins presented this case stating Mr. Diaz' application to qualify an additional business entity was denied at the January 2012 meeting of the board for failing to appear as required by Rule 61G4-15.0021, Florida Administrative Code. The Notice of Intent to Deny was filed in February of 2012. Mr. Diaz timely requested board reconsideration.

After discussion the board voted to approve the application.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ROY LENOIS

Mr. Lenois gave the following report:

Building Trades Education Services

1st Course: 7 Hr Live CE Chapter 489 – **approved**

2nd Course: Construction Core Courses – **approved**

3rd Course: Planning for Profit – **denied**

Contractor's School, Inc.

1st Course: 2012 Quick Pack (*Record Clarification*) – **approved** (contingent upon updated timeline being submitted)

Environmental Safety & Health Institute

1st Course: Asbestos Awareness – **denied**

2nd Course: Mold Remediation Refresher – **denied**

Florida Building Commission

1st Course: 2010 Florida Building Code Accessibility – **approved**

2nd Course: Modular Building Construction Laws, Codes, & Rules – **approved** (general only)

Florida Refrigeration and Air Conditioning Contractors Association

- 1st Course: Condensate Recovery the Forgotten Resource – **approved**
- 2nd Course: Energy Star 2012 Update – **approved**
- 3rd Course: Future Chiller Technologies for Residential and Commercial Markets – **approved**
- 4th Course: Manual J Basics – **approved**

Informational Resource for Professionals (IRP)

- 1st Course: Non-Destructive and Destructive Testing as it Relates to Structural Investigation – **approved**
- 2nd Course: Structural Evaluation, Restoration in the Event of a Residential Fire – **approved**

Knott, Ebelini, Hart, P.A.

- 1st Course: 2012 Construction Law and Insurance Symposium – **approved**

Koning Enterprises, Inc. d/b/a Contractors Institute

- 1st Course: 10-Hour Construction Outreach Training – **approved**

On-Line-Classes.com a d/b/a of Infinity, LLC

- 1st Course: Collections – Your Defensive Game - **approved**
- 2nd Course: Collections – Your Offensive Game – **approved**
- 3rd Course: Historic Preservation – **approved**
- 4th Course: Home Energy Efficiency – **approved**
- 5th Course: Improving Compressed Air Systems, Part 1 – **approved**
- 6th Course: Improving Compressed Air Systems, Part 2 – **approved**
- 7th Course: Improving Fan System Performance, Part 1 – **approved**
- 8th Course: Improving Fan System Performance, Part 2 – **approved**
- 9th Course: Improving Motor and Drive Systems, Part 1 – **approved**
- 10th Course: Improving Motor and Drive Systems, Part 2 – **approved**
- 11th Course: Improving Pumping System Performance, Part 1 – **approved**
- 12th Course: Improving Pumping System Performance, Part 2 – **approved**
- 13th Course: Intellectual Property Primer, Part 1 – **approved**
- 14th Course: Intellectual Property Primer, Part 2 – **approved**
- 15th Course: Mechanical Properties of Wood – **approved**
- 16th Course: OSHA PPE – **approved**
- 17th Course: Parabolic Trough Solar Water Heating – **approved**
- 18th Course: Sustainability Matters, Part 1 – **approved**
- 19th Course: Sustainability Matters, Part 2 – **approved**
- 20th Course: Sustainability Matters, Part 3 – **approved**
- 21st Course: Wood-Based Composites, Part 1 – **approved**
- 22nd Course: Wood-Based Composites, Part 2 – **approved**
- 23rd Course: Wood Fasteners, Part 1 – **approved**
- 24th Course: Wood Fasteners, Part 2 – **approved**

Palm Construction School, Inc.

- 1st Course: The Good, The Bad, & The Ugly of Contracting – Case Studies – **approved**

PGT Industries, Inc.

1st Course: 2010 Florida Building Code Update – **approved**

Techknowledge

1st Course: Florida Building Code – Accessibility - **denied**

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

61G4-15.0024 Supervision of Business Entities

61G4-15.032 Certification of Swimming Pool Specialty Contractors

61G4-16.0021 Written Exam for Swimming Pool Specialty Contractors

Legislative changes to the following Rules were discussed:

61G4-15.018 Certification of Glass & Glazing Contractors

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

Mr. Kalmanson presented comments to the board on Declaratory Statement 2011-079 and request that paragraph 6 be changed from, *“Pursuant to section 489.113, Florida Statutes, a contractor may employ a person who is not licensed to perform work under supervision of the contractor provided the work is within the scope of the contractor’s license. Likewise, the contractor may subcontract to other licensed contractors”*, to, *“Pursuant to Section 489.113 (2), Florida Statutes, a Division I contractor (General, Building, or Residential) may subcontract to a licensed or unlicensed non-employee independent contractor to perform work under the supervision of the Division I Contractor provided the work is within the scope of the Division I contractor’s license including in accordance with Section 489.113 (3)(a), Florida Statutes, any construction or alteration of a structural component of a building or structure. This exemption is limited to scopes of work not otherwise requiring a license under any of the categories listed in 489.105 (d) – (o).*

The board voted unanimously to accept the changes to the Declaratory Statement.

NEW BUSINESS

No New Business was discussed.

With no further business the meeting was adjourned at 11:21 am.