FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

Embassy Suites Tampa- USF
3705 Spectrum Blvd.
Tampa, FL 33612
813.977.7066

April 7, 8-10, 2015

MEETING MINUTES
Unapproved

Board Members Present
James Evetts, Vice Chair
Jacqueline Watts
Albert Korelishn
Richard Kane
William Sheehan
Mark Pietanza
Mary Layton
Keith Lawson II
Andrew Allocco
Hector Castro
Aaron Boyette
Edward Weller
William “Brian” Cathey
Christopher Cobb

Board Members Absent
Roy Lenois, Chair
Jason Wolf
Robert Moody (Wednesday and Thursday)

Others Present
Dan Biggins, Executive Director, DBPR
Amanda Wynn, Government Analyst, DBPR
David Spingler, Government Analyst, DBPR
Aimee Odom, Regulatory Consultant, DBPR
Douglas Dolan, Legal Advisor, AGO
Rachel Clark, Legal Advisor, AGO
Kyle Christopher, Prosecuting Attorney, DBPR
Clayton Osteen, Assistant Prosecuting Attorney, DBPR
ADDITIONAL BUSINESS ENTITIES REVIEW

Division II Board members met for Additional Business Entities Review on April 8, 2015 from 2:02 – 3:41pm. Mr. Lawson led the meeting. Of the 23 applications on the agenda, 12 were approved, 2 were continued, 5 were approved contingent, 3 were denied and 1 was withdrawn.

APPROVED (12)
Baker, Stephen K.
Bartlett II, James J.
Gionti, Lori A.
Holshey, Raymond C. *Mechanical Application
Holshey, Raymond C. *Plumbing Application
Meloney, Richard D.
Neill, Douglas T.
Rogers, James K.
Ruiz, Pedro J.
Sauceda, Oscar
Vigo, Ignacio F.
White, Dane P

CONTINUED (2)
Granda, Omar L. – continued 60 days
King, Donald P. – continued 60 days

CONTINGENT (5)
Baker, Lee D.
Geyer Jr., Dudley R.
Miranda, Gladisbel
Spang, Thomas P.
Vann, Kenneth G.

DENIED (3)
Drummond, Joe J.
Robbins, Richard W.
Taylor Jr., Labron E.

WITHDRAWN (1)
Walton Sr., Charles D.

Division I Board members met for Additional Business Entities Review on April 9, 2015, from 1:34 – 4:29pm. Mr. Boyette led the meeting. Of the 37 applications on the agenda, 18 were approved, 5 were approved contingent, 5 were continued, 8 were denied, 2 were withdrawn and 0 were pulled.

APPROVED (18)
Bryan, Scott A.
Choutka, Michael J.
Coraci, Mary E.
David, John A.
APPROVED CONTINGENT (5)
Barroso Sr., Alejandro J.
Elkhatib, Omar
Elliott Jr., Preston D.
Myslak, John V.
Rogers, James K.

CONTINUED (5)
Ifft, Barbara J. - continued 90 days
King, Donald P. – continued 60 days
Nycum, James W. - continued 60 days
Rubio, Ramiro – continued 60 days
Sheldon, George D. - continued 60 days

DENIED (8)
Elkhatib, Omar
Riccardo, Robert A.
Saccareccia, Mitchell L.
Brunelle, Richard
Glenn, Nicholas T.
Moya, Alex
Quinn, Timothy J.
Griffin, Fred

WITHDRAWN (2)
Bermudez Onopa, Ramon D.
Hartman-Ferruolo, Monika

APPLICATION REVIEW

Division II Board members met for Application Review on April 8, 2015, from 3:55 – 5:42pm. Mr. Cobb led the meeting. Of the 40 applications on the agenda, 21 were approved, 6 were continued, 2 were approved contingent, 6 were denied, 3 were withdrawn and 2 were pulled.
APPROVED (21)
Anderson, Jennifer L.
Boyadjiev, Stefan V.
Cabral, Wendy
Davis, Christine D.
Espinoza, Paul R.
Espinoza, Paul R.
Frasher, James T.
Govea, Jose M.
Grey, Timothy C.
Haigh, Ruth A.
Lingo, Terry G.
Matyjaszek, Kevin R.
Picek II, William J.
Podlasek, Christopher H.
Ribeiro Jr., Edson J.
Riley, Larry T.
Robinson, Stan B.
Seay, George L.
Urban, Anna M.
Vickers, James
Kinkel, Daniel P.

CONTINUED (6)
Derosa, Paul T.- continued for 90 days
Harris, Zhalman A.- continued 60 days
McCalmon III, Thomas L – continued 30 days
Nazworth, Christopher E. – continued 30 days
Peare, James L. – continued 30 days
Rawlins Jr., John D.- continued 30 days

APPROVED CONTINGENT (2)
Schuman, Fred R.
Hartley, Brian

DENIED (6)
Brown, Neville H.
Gingerich, Scott D.
Sequino, Michael J.
Sherman Jr., Thomas J.
Smillie, Cameron S.
Wells, Ryan M.

WITHDRAWN (3)
Diaz, Chad A.
Harmon, David L.
Ritz, Stephen F.
Division II voted unanimously to ratify the list of financially responsible officer approvals.

**Division I Board members met for Application Review on April 9, 2015, from 4:37– 5:45pm. Mr. Evetts led the meeting. Of the 29 applications on the agenda, 8 were approved, 10 were continued, 1 was approved contingent, 8 were denied, 1 was withdrawn and 1 was pulled.**

**APPROVED (8)**
Berger, Steven
Jalayer, Mehdi
Kimble Jr., Thomas H.
Kuentz, John M.- CBC
Letzelter, Otto J.
Meraz, Dennis M.
Ransco II, James J.
Smith, Terry S.- CBC

**CONTINUED (10)**
Campanelli, Alphonse P. – continued 90 days
Cheney, Christopher P. – continued 120 days
Diaz, Nicholas A.- continued 30 days
Jackson, Gregory W.- continued 30 days
Jackson, Gregory W.- continued 30 days
Pascuzzo Sr., Thomas D.- continued 60 days
Tavares, Mariana - continued 30 days
Walz, Candace M.- continued 30 days
Garousi, Aria F.- continued 60 days
Llerena, Juan C.- continued 60 days

**APPROVED CONTINGENT (1)**
Yoder, Vern R.

**DENIED (8)**
Jeffers Jr., Robert C.
Conners, James L.
Ellis III, Nicholas V.
Nascimento, Jonathan
Raulerson, Tracy B.
Smith, Kenneth G.
Aniskewicz, Christopher H.
Moore, Johnathan E.

**WITHDRAWN (1)**
Feola III, Nicholas J.
Division I voted unanimously to ratify the list of financially responsible officer approvals.

PROBATION

Division II Board Members convened for Probation on April 9, 2015 from 10:01am – 10:17am. Mr. Korelishn led the meeting.

HUTCHINSON, WILLIAM – CCC1328714
Result: Satisfactory

KIEFER, CHRISTOPHER – CMC057154
Result: Continued

MENDOZA BLANDON, WILLIAM – CFC1427860
Result: Satisfactory

MULLEN, BRIAN – CCC1330417 & CPC048249
Result: Satisfactory

NEYRA, RICARDO – CCC1327829
Result: Probationer must set his license to inactive status before his next regularly scheduled probation appearance or he will receive unsatisfactory for this appearance.

SHARPELLETTI, MICHAEL – CFC1429043
Result: Satisfactory

Division I Board Members convened for Probation on April 9, 2015 from 1:00 – 1:17pm. Mr. Sheehan led the meeting.

GILLEY, BRANDON – CRC1327329
Result: Satisfactory

HAYES, CHRISTOPHER – CRC1330612
Result: Satisfactory

HAYNES, ROBERT – CGC062355
Result: Satisfactory

HUDSON, TIMOTHY – CGC1511435
Result: Satisfactory

MCMILLAN, WILLIE – CBC1259381
Result: Satisfactory

MULLEN, BRIAN – CGC049971
Result: Satisfactory
STREETER, JEFFERY – CGC1517860
Result: Probation terminated

URICH, ANDREA – CRC1326794
Result: Probation terminated

GENERAL SESSION

The meeting was called to order by Mr. Evetts, Vice-Chair, at 9:10am. Ms. Watts gave the Invocation. Mr. Sheehan led the Pledge of Allegiance.

EXECUTIVE DIRECTOR’S REPORT – DANIEL BIGGINS

Mr. Biggins gave the following report:

Mr. Biggins distributed the CILB complaint summary.

Mr. Biggins requested the Board excuse the following absences:

Mr. Lenois
Mr. Wolf
Mr. Moody (Wednesday and Thursday)

The Board voted unanimously to excuse the above absences.

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

CHAIRMAN’S REPORT – ROY LENOIS

Mr. Lenois was absent so there was no Chairman’s report.

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

PROSECUTING ATTORNEY’S REPORT – KYLE CHRISTOPHER

Mr. Christopher gave the following report:

For the month of March 2015, the overall license activity case load was 624, down from 659 in February of 2015, and up from 520 in March 2014.

There were 451 cases currently in Legal to be reviewed, 3 cases set for probable cause, 46 cases where probable cause had been found/administrative complaints filed, 2 settlement stipulation approved, 3 informal hearings requested, 0 cases awaiting outside action, 13 cases ready for default, 52 formal hearings requested, 9 cases referred to DOAH, 0 cases in settlement negotiations, 0 case pending Board date, 26 cases set for Board presentation, 19 cases awaiting final orders, 0 cases under appeal and 0 cases had been re-opened.

For the month of March 2015, 119 cases were closed.
With nothing further to report the Board voted unanimously to approve this report.

ATTORNEY GENERAL’S REPORT – DOUGLAS DOLAN

BRETT ALLRED – REQUEST FOR INFORMAL HEARING

Mr. Allred was present.

Mr. Dolan presented this case stating Mr. Allred’s application for initial issuance of a certified mechanical contractor’s license was denied at the October 2014 meeting of the Board for failure to demonstrate the required experience, as required by Florida Statute 489.111, and 61G4-15.001 Florida Administrative Code. The Notice of Intent to Deny was filed in October of 2014. Mr. Allred timely requested Board reconsideration.

After discussion, the Board voted to vacate the previous denial and approve the application as a downgrade to a Class A CAC license.

BRIAN BENT – REQUEST FOR INFORMAL HEARING

Mr. Bent was present.

Mr. Dolan presented this case stating Mr. Bent’s application for initial issuance of a certified underground utility and excavation contractor’s license was denied at the January 2015 meeting of the Board due to the applicant having an open enforcement contrary to section 455.213(3), Florida Statutes. The Notice of Intent to Deny was filed in February of 2015. Mr. Bent timely requested Board reconsideration.

After discussion, the Board voted to vacate the previous denial and approve the application.

WARREN CURRY – REQUEST FOR INFORMAL HEARING

Mr. Curry was present.

Mr. Dolan presented this case stating Mr. Curry’s application for initial issuance of a certified building contractor’s license was denied at the November 2014 meeting of the Board for failure to demonstrate the required experience, as required by Florida Statute 489.111, and 61G4-15.001 Florida Administrative Code. The Notice of Intent to Deny was filed in January of 2015. Mr. Curry timely requested Board reconsideration.

After discussion, the Board voted to vacate the previous denial and approve the application.

FITCH BUILDERS – PETITION FOR DECLARATORY STATEMENT

Mr. Trent Cotney, P.A. on behalf of FRSA was present

Mr. Dolan presented this case stating that Mr. Fitch filed a petition for a declaratory statement on February 24, 2015. The petition was noticed in the Florida Administrative Register on March 5, 2015. The Florida Roofing & Sheet Metal Contractors Association, Inc. filed a Motion for Intervention on March 23, 2015. Mr. Dolan noted the petition seeks the Board’s interpretation on whether a general
contractor can apply a “non-hot tar” system as a roofing material on new construction built by the general contractor who is not licensed as a roofer.

After discussion, the Board voted the petitioner had standing. After further discussion the Board voted to grant the motion to intervene and voted to decline to answer based on the petition being legally insufficient.

JI KIM – REQUEST FOR INFORMAL HEARING

Mr. Kim was present.

Mr. Dolan presented this case stating Mr. Kim’s application for initial issuance of a certified mechanical contractor’s license was denied at the February 2015 meeting of the Board for failure to demonstrate the required experienced, as required by Florida Statute 489.111, and 61G4-15.001 Florida Administrative Code. The Notice of Intent to Deny was filed in March of 2015. Mr. Kim timely requested Board reconsideration.

After discussion, the Board voted to grant the petitioner’s request for a 60 day continuance.

DAVID NAVARRO – REQUEST FOR INFORMAL HEARING

Mr. Navarro was present.

Mr. Dolan presented this case stating Mr. Navarro’s application for initial issuance of a certified class a air conditioning contractor’s license was denied at the January 2015 meeting of the Board for failure to demonstrate the required experienced, as required by Florida Statute 489.111, and 61G4-15.001 Florida Administrative Code. The Notice of Intent to Deny was filed in February 2015. Mr. Navarro timely requested Board reconsideration.

After discussion, the Board voted to vacate the previous denial and allow the application to be withdrawn.

MARILYN SCHWITZER – REQUEST FOR INFORMAL HEARING

Ms. Schwitzer was present.

Mr. Dolan presented this case stating Ms. Schwitzer’s application for initial issuance of a certified residential pool/spa contractor’s license was denied at the February 2015 meeting of the Board for failure to demonstrate the required experience, as required by Florida Statute 489.111, and 61G4-15.001 Florida Administrative Code. The Notice of Intent to Deny was filed in February 2015. Ms. Schwitzer timely requested Board reconsideration.

After discussion, the Board voted to vacate the previous denial and approve the application.

VLADISLAV SEMENENKO – REQUEST FOR INFORMAL HEARING

Mr. Semenenko was present.
Mr. Dolan presented this case stating Mr. Semenenko’s application for initial issuance of a registered pool/spa servicing contractor’s license was denied at the January 2015 meeting of the Board due to the applicant having an open enforcement contrary to section 455.213(3), Florida Statutes. The Notice of Intent to Deny was filed in February 2015. Mr. Semenenko timely requested Board reconsideration.

After discussion, the Board voted to vacate the previous denial and approve the application.

**ROBERT SOLLIDAY – PETITION FOR DECLARATORY STATEMENT**

Mr. Solliday was not present, but requested a 30 day continuance.

After discussion, the Board voted to grant the petitioner’s request for a 30 day continuance.

**MEHDI JALAYER AND YE ZHOU (EMPIRE IRON WORKS) – PETITION FOR VARIANCE OR WAIVER**

Petitioners were not present, but were represented by counsel.

Mr. Dolan presented this case stating on that Mr. Jalayer and Mr. Zhou filed a petition for variance or waiver with the Department on March 26, 2015. The petition was noticed in the Florida Administrative Register on March 31, 2015. Mr. Dolan noted the petitioners were seeking a permanent variance from or waiver of Rules 61G4-12.011(11), 61G4-15.006(1), and 61G4-15.002(3), Florida Administrative Code, regarding the requirements for an individual seeking to become a financially responsible officer.

After discussion, the Board voted to approve the petition for waiver of the subjected rules.

**COMMITTEE REPORTS**

**EXAMS/CE/PUBLIC AWARENESS COMMITTEE – CHRISTOPHER COBB**

Mr. Cobb gave the following report:

**AAA CONSTRUCTION SCHOOL INC**

1st course: 6 Mandatory Hours and 8 Building Components (Classroom Version) - approved contingent upon detailed timeline
2nd course: 6 Mandatory Hours and 8 Building Components (Online Version) - approved contingent upon detailed timeline
3rd course: The DBPR/FBC Mandatory Six Hours - approved

**CAM TECH SCHOOL OF CONSTRUCTION INC**

1st course: Accounting for the Small Contractor - continued 30 days to provide detailed timeline
2nd course: Arbitration and Mediation - continued 30 days to provide detailed timeline
3rd course: Business Communications - continued 30 days to provide detailed timeline
4th course: Business Structures, Compare and Contrast - continued 30 days to provide detailed timeline
5th course: Common Florida Building Code Violations - continued 30 days to provide detailed timeline
6th course: Construction Change Orders - continued 30 days to provide detailed timeline
7th course: Construction Contract Basics - continued 30 days to provide detailed timeline
8th course: Construction Team and Workflow - continued 30 days to provide detailed timeline
9th course: Daily Reporting for the Contractor - continued 30 days to provide detailed timeline
10th course: Emergency Preparedness on the Job Site - continued 30 days to provide detailed timeline
11th course: Employee Classification, Independent Contractor vs. Employee - continued 30 days to provide detailed timeline
12th course: Florida Lien Law Basics Step by Step - continued 30 days to provide detailed timeline
13th course: Florida Sales and Use Tax - continued 30 days to provide detailed timeline
14th course: HAZ COM and Safety Data Sheets - continued 30 days to provide detailed timeline
15th course: Hurricane Wind Mitigation and Completion of the Uniform Mitigation Verification Inspection Form for Home Inspectors - continued 30 days to provide detailed timeline
16th course: Lock Out Tag Out - continued 30 days to provide detailed timeline
17th course: Mark-Up and Profit - continued 30 days to provide detailed timeline
18th course: OSHA Reporting and Recordkeeping - continued 30 days to provide detailed timeline
19th course: The Responsible Contractor Online Required Courses - continued 30 days to provide detailed timeline

FLORIDA GREEN BUILDING COALITION
1st course: Best Practice Tips and Techniques for Building Energy Efficient Homes - approved

FRSA EDUCATIONAL AND RESEARCH FOUNDATION
1st course: 179D Energy Efficient Commercial Building Tax Deduction - approved
2nd course: Facebook Pages for Business - approved
3rd course: Goodbye Traditional Marketing - approved
4th course: How to Sell Preventative Maintenance - approved
5th course: Just what is Great Service - approved

GOLD COAST SCHOOL OF CONSTRUCTION INC
1st course: Florida Existing Building Code Application - approved

JC CODE & CONSTRUCTION CONSULTANTS INC
1st course: 5th Edition FBC Wind Mitigation - approved
2nd course: OSHA 1926 Scaffold Safety - approved
3rd course: Significant Changes to the 5th Edition Energy Code, Residential - approved

JIMERSON & COBB, P.A.
1st course: Construction Law - approved

KONING ENTERPRISES INC DBA CONTRACTORS INSTITUTE
1st course: Construction Plans and Permitting (Classroom Version - approved
2nd course: Construction Plans and Permitting (Online Version - approved
3rd course: Florida Stucco & Lath Code Overview - approved
4th course: FS 633 Fire Prevention (Classroom Version - approved
5th course: FS 633 Fire Prevention (Online Version) - approved
6th course: Lead Renovation - approved

MAKO REP GROUP INC
1st course: Sound Control in Construction - approved

MIKE HOLT ENTERPRISES INC
1st course: Business Skills – denied
REDVECTOR.COM INC

1st course: 2012 International Building Code Significant Changes - approved
2nd course: Advancements in Concrete - approved
3rd course: ASHRAE Guideline 13-2014 Building Automation Systems - approved
4th course: AutoCAD 2014 Part 1 Introduction - approved
5th course: AutoCAD 2014 Part 2 Editing Techniques - approved
6th course: AutoCAD 2014 Part 3 Editing and Construction - approved
7th course: AutoCAD 2014 Part 4 Drawing and Utilities - approved
8th course: AutoCAD 2014 Part 5 Template, Layouts and Viewports - approved
9th course: AutoCAD 2014 Part 6 Advanced Editing and Annotation - approved
10th course: Green Design Introduction to Sustainable Sites (Based on LEED v4) - approved
11th course: Green Building with Steel – Part 3: Light Gauge Metal Components for Framing – continued 30 days to provide revised timeline
12th course: Green Design Introduction to High Performance - approved
13th course: Green Design Introduction to Sustainability and Measurement Systems (Based on LEED v4) - approved
14th course: Green Design Introduction to Sustainable Design Materials and Resources (Based on LEED v4) - approved
15th course: Green Design Sustainable Daylighting Design (Based on LEED v4) - approved
16th course: Green Design Sustainable Lighting Design - approved
17th course: Increasing Building Energy Efficiencies Policies and Practice - approved
18th course: Introduction to Sustainable Design and Construction Using Green Globes - approved
19th course: LEED v4 Building Design and Construction – continued 30 days to provide revised timeline
20th course: LEED v4 for Existing Buildings Operation & Maintenance - approved
21st course: LEED v4 for Healthcare Facilities - approved
22nd course: LEED v4 for Hospitality Project - approved
23rd course: LEED v4 for School Buildings - approved
24th course: Seawalls and Boat Docks for Home Inspectors - approved
25th course: Steam and Condensate Systems II – 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:

61G4-16.0021 Written Examination for Swimming Pool Specialty Contractors
   • Sent to OFARR 12/8/2014
   • Rule Development Published 12/15/2014
   • Notice Published 02/12/2015
   • Adopted 03/19/2015
   • Effective 04/08/2015

61G4-17.001 Normal Penalty Ranges
   • Sent to OFARR 03/06/2015
   • Rules Development Published 03/16/2015

61G4-15.001 Qualifications for Certification
   • Public comments from Fred Dudley, Rosemary Ammons and Rhonda Koning:

   Department of Business & Professional Regulation
   Construction Industry Licensing Board
   Meeting Minutes
   April 2015
   Page 12 of 13
Mr. Dudley asked that the Board take into consideration what the 2009 International Building Code defines as habitable, and occupied space; he also suggested that the Board use the word “occupiable” instead of “habitable” and remove the word “new.”

Ms. Ammons reminded the Board to be sure to look at legal defensibility while looking into this change.

Ms. Koning asked that the Board take renovations into consideration

- Mr. Dolan stated that he would like everyone to agree upon all that they can prior to opening the rule for development.

The committee discussed developing a CE rule to define “detailed course outline” or provide an example of a detailed outline on the Department’s website.

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

**RECOVERY FUND COMMITTEE – RICK KANE**

Mr. Kane gave the following report:

Nicholas vs. Spicer; Claim No. 2013-022628 - reconsideration from April 2014 - $33,902.76
Henderson vs. Sanders Construction Inc.; Claim No. 2010-021473 – request for payment plan - denied
Taylor vs. Schave; Claim No. 2012-052526 - continued from February 2015 - $25,000.00
Tolodxi vs. Durden; Claim No. 2011-060323 – reconsideration from February 2015 - continued
Maitland vs. Kurth; Claim No. 2014-028146 - continued from March 2015 - $25,000.00
Clark vs. Worley; Claim No. 2012-023183 - denied
Consylman vs. Pilkington; Claim No. 2013-051263 - $50,000.00
Nguyen vs. Hernandez; Claim No. 2010-059344 - denied
Eidahda vs. Mirabella; Claim No. 2013-042304 - $5,757.00
Lyons vs. Spurlin; Claim No. 2012-022238 - $11,972.18
Mascitelli vs. Sullivan; Claim No. 2014-000875 - $14,200.00
Lau vs. Requejo; Claim No. 2014-028324 - $3,572.18
Stout vs. Sullivan; Claim No. 2014-031207 - $21,800.00
Almore vs. Oaks; Claim No. 2012-043999 - denied
Lackey vs. Martin; Claim No. 2014-034010 - $1,560.13
Ball vs. Geiger; Claim No. 2012-000323 - $20,311.81
Schwarztrauber vs. O’Brien; Claim No. 2014-019480 - $33,153.73
Bark vs. Houpt; Claim No. 2014-040055 - $3,849.50
Avayou vs. Darby; Claim No. 2014-023476 - $30,485.25
Charles-Pierre vs. Exantus; Claim No. 2014-028893 - $2,500.00
Sobrati vs. Cantens; Claim No. 2010-056734 - $26,825.60
Laskowski vs. Dickens; Claim No. 2014-044888 - $8,300.00
Cashel vs. Exantus; Claim No. 2014-030461 - $50,000.00

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

**OLD BUSINESS**

Removal of old materials from laptop.

**NEW BUSINESS**

With no further business the meeting was adjourned at 10:32am.