FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

Via Telephone Conference Call To Connect: 888.585.9008 Conference Code: 564 952 647

> May 12 - 15, 2020 MEETING MINUTES

Aproved October 16, 2020

Board Members Present

Aaron Boyette, Chair
Rachelle Wood, Vice-Chair
William Cathey
Frank Cawthon
Donald Cesarone
Brian Donovan
Mario Famada
Rick Kane
Edgar Laney
Keith Lawson
Robert Maphis
Edward McCullers
Michael Strickland

Board Members Absent

James Evetts Ted Feaster

Others Present

Dan Biggins, Executive Director, DBPR
Donald Shaw, Senior Management Analyst Supervisor, DBPR
Shannon Callaway, Government Analyst, DBPR
Tom Barnhart, Assistant Attorney General, AGO
Robert Milne, Assistant Attorney General, AGO
lan Brown, Chief Construction Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW DIVISION II

Division II Board members met for Additional Business Entities Review on May 13th, 2020 from 1:00-2:09pm. Mr. McCullers led the meeting. Of the 20 applications on the agenda, 9 were approved, 3 were approved contingent, 6 were continued, and 2 were denied.

APPROVED (9)

Adams, Charles
Coccaro, Peter
Collazo Hidalgo, Faure
Espinoza, Marco
Fenwick, William
Gaudet, Daryl
Griffin, Tammy
Griffin, Tammy

APPROVED CONTINGENT (3)

Mendez, Carlos Moreira, Rodrigo Wend, Thomas

Hicks, Phaion

CONTINUED (6)

Delgado, Arnold Delgado, Arnold Gilles, Gerard Kleiner, Henry Lowe, Michael Tejera, Alexis

DENIED (2)

Blocker, Brian Smith, Clint

APPLICATION REVIEW DIVISION II

Division II Board members met for Application Review on May 13th, 2020 from 2:09-3:35pm. Mr. Cesarone led the meeting. Of the 24 applications on the agenda, 12 were approved, 1 was approved contingent, 3 were continued, and 8 were denied.

APPROVED (12)

Deemer, Barry
Ellis, Eugene
Ferguson, Sarah- downgraded to
Foster, Frank
Jessup, James
Johnson, Donald

Marshall, Kyle- downgraded to Mitchell, James Pool, Michael Rios, David Sanchez, Julio Strange, Joseph

APPROVED CONTINGENT (1)

Robertson, Robert

CONTINUED (3)

Bakovic, David Majors, Wesley Milligan, Kyle

DENIED (8)

Boudreaux, Ernest Boyd, James Brumley, Robert Elaboudi, Jaber Hoxha, Dritan Lind, Rebecca Moore, Brandon Wallace, Cody

ADDITIONAL BUSINESS ENTITIES REVIEW DIVISION I

Division I Board members met for Additional Business Entities Review on May 14th, 2020 from 1:00-3:26pm. Mr. Maphis led the meeting. Of the 23 applications on the agenda, 10 were approved, 1 was approved contingent, 6 were denied, 5 were continued, and 1 was withdrawn.

APPROVED (10)

Aquit, Reinaldo Aquit, Reinaldo Bilott, Ronald Bortt, Sascha

Dorian, Kenneth

Griffin, Tammy

Hernandez, Jorge

LaQuidara, Anthony

Price, Michael

Ramos, James

APPROVED CONTINGENT (1)

Polk, Stephen

DENIED (6)

Camaraza, Jesus Davenport, John Fuccile, Patricia Martin, David Ottaviani, David Smith, Clint

CONTINUED (5)

Gabuardi, Claudia Guzzo, Gregory Kass, Mitchell Kleiner, Henry Kleiner, Henry

WITHDRAWN (1)

Mayfield, Joshua

APPLICATION REVIEW DIVISION I

Division I Board members met for Application Review on May 14th, 2020 from 3:40-5:31pm. Mr. Strickland led the meeting. Of the 17 applications on the agenda, 13 were approved, 1 was approved contingent, 1 was continued, and 2 were denied.

APPROVED (13) Bonney, James- downgraded to Certified Building Contractor Cristales, Noe Donnelly, Kyle Kirmiziogly, Alp Lalone, Neil McLaughlin, Mary Meeks, Jordan Parham, Justin Powers, Timothy

Reves, David

Rounds, Lewis

Saranow, David

Teate, Justin

APPROVED CONTINGENT (1)

Prince. Vincent

CONTINUED (1)

Bakovic, David

DENIED (2)

Brumley, Robert Wang, Kelan

Division II Board members met for Final Action on May 14th, 2020, from 10:01-10:08am. Mrs. Wood led the meeting.

Case #(s): 2019055776 Joao Paulo Moro

License #(s): CPC1458609

33 Cross Street

South Easton, MA 02375 Voluntary Relinquish

Restitution ordered-jurisdiction reserved as to amount

Pay administrative fines in the amount of \$36,750 and costs of \$812.42

Not present

Case #(s): 2018015061

Isaac Turpin

License #(s): CFC1428965 7627 Stoney Hill Drive Wesley Chapel, Florida 33545

Probation for 2 years

7 hours of live Continuing Education

Pay administrative fines in the amount of \$750 and costs of \$449.02

Present?

Division I & II Board members met for Final Action on May 14th, 2020, from10:30 – 10:38 am. Mrs. Wood and Mr. Boyette led the meeting.

Case #(s): 2019035253

David Caldwell

License #(s): SCC13049531
4802 Distribution Ct. Suite 9
Orlando, Florida 32822
Probation for 2 years
7 hours of live Continuing Education related to Ch 489, F.S.
Pay administrative fines in the amount of \$5,000 and costs of \$181.54
Not present

Case #(s): 2019019062 Hector Jesus Carratala

License #(s): CGC58612, CCC1328085

9740 Caribbean Blvd Cutler Bay, Florida 33189 Probation for 2 years 7 hours of live Continuing Education related to Ch 489, F.S. Pay administrative fines in the amount of \$5,000 and costs of \$176.77 Not present

Case #(s): 2020008872, 2020004513, 2020006181, 2020005330, 2020005177, 2020003989,

2019056474 James Dellinger

License #(s): CPC1457616, FRO1095

621 67th St. Cr. E. Unit 101 Bradenton, Florida 34208 Voluntary Relinquish

Restitution ordered-jurisdiction reserved as to amount

Pay administrative fines in the amount of \$140,000 and costs of \$500

Not present

Division I Board members met for Final Action on May 14th, 2020, from 11:00-11:15am. Mr. Boyette led the meeting.

Case #(s): 2018061197, 2018052248, 2019008999

John Mellado

License #(s): CRC1329192

9174 CR 121

Wildwood, Florida 34785

Probation for 2 years

14 hours of live Continuing Education related to Ch 489, F.S.

Pay administrative fines in the amount of \$5,500 and costs of \$500

Not present

Case #(s): 2019063913, 2019063077, 2019062319, 2019061818, 2020006801, 2019063464, 2019062636, 2020003063, 2020002321, 2020003936, 2019063886, 2020001899, 2019062108, 2019061805

James Willis

License #(s): CBC1261439

1606 Amnesty Drive

North Port, Florida 34288

Voluntary Relinquish

Restitution ordered-jurisdiction reserved as to amount

Pay administrative fines in the amount of \$175,000 and costs of \$500

Not present

GENERAL SESSION

The meeting was called to order by Mr. Boyette, at 9:34am. Ms. Wood gave the Invocation. Ms. Wood led the Pledge of Allegiance.

EXECUTIVE DIRECTOR'S REPORT- Daniel Biggins

Mr. Biggins requested the Board excuse absences for the following board members:

- Mr. Feaster
- Mr. Famada
- Mr. Lawson
- Mr. Evetts

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

CHAIRMAN'S REPORT- Aaron Boyette

Mr. Boyette had nothing to report.

PROSECUTING ATTORNEY'S REPORT- Ian Brown

Mr. Brown informed the Board that his section was now fully staffed.

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

HEARING AND PETITIONS

AGNESS, JOHN HENRY - INFORMAL HEARING

Mr. Agness was present.

Mr. Milne presented this case stating Mr. Agness' application to qualify Ark Florida Services, Inc. as an additional business entity was denied at the December 2019 meeting of the Board for failure to demonstrate the qualifying agent would have the ability to supervise the construction work and business activities of the business organization, as required by section 489.119, Florida Statutes, and Rule 61G4-15.0024, Florida Administrative Code; for failure to appear as required by Rule 61G4-15.0021, Florida Administrative Code; and for failure to sufficiently demonstrate financial stability and responsibility, pursuant to s. 489.115, Florida Statutes, and Rule 61G4-15.006, Florida Administrative Code. The Notice of Intent to Deny was filed in January of 2020. Mr. Agness timely requested an informal hearing.

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

BUCKLEY, SUSAN – DECLARATORY STATEMENT

Ms. Buckley was present with counsel.

Mr. Milne presented this case stating that Ms. Buckley filed a petition for a Declaratory Statement on February 21, 2020. The petition was noticed in the Florida Administrative Register on March 6, 2020. Mr. Milne noted the petitioner seeks the Board's opinion as to the applicability of s. 489.105 (3)(a), subsection (6), and s. 489.128, as it relates to the petitioner; specifically, a determination on the licensing requirements for an unlicensed modular home retailer to perform general contracting services while under contract with the petitioner.

After discussion, the Board voted to deny the petition as the petitioner lacks standing and is requesting clarification on statutes that are already clear.

CANCIO, GEORGE L - INFORMAL HEARING

Mr. Cancio was present and was represented by counsel.

Mr. Milne presented this case stating Mr. Cancio's application to qualify George Burton Construction, Inc. as an additional business entity was denied at the January 2020 meeting of the Board for failure to demonstrate the qualifying agent would have the ability to supervise the construction work and business activities of the business organization, as required by section 489.119, Florida Statutes, and Rule 61G4-15.0024, Florida Administrative Code. The Notice of Intent to Deny was filed in February of 2020. Mr. Cancio timely requested an informal hearing.

After discussion, the Board voted to vacate the denial and to allow the applicant to withdraw his application.

CAVALERI, VICTOR J – DECLARATORY STATEMENT

Mr. Cavaleri was present.

Mr. Milne presented this case stating that Mr. Cavaleri filed a petition for a Declaratory Statement on February 27, 2020. The petition was noticed in the Florida Administrative Register on March 6, 2020. Mr. Milne noted the petitioner seeks a determination from the Board regarding the State of Florida licensing exemptions requirements for a licensed general contractor who applies for a permit on behalf of a Florida County.

After discussion, the Board voted to deny the petition due to scope of practice questions and because the petitioner lacks the proper standing to bring the petition.

CRAIN, DAVID MICHAEL - INFORMAL HEARING

PULLED

FURLOTT, JAKE - INFORMAL HEARING

Mr. Furlott was present.

Mr. Milne presented this case stating Mr. Furlott's application for a Certified Building Contractor's license was denied at the December 2019 meeting of the Board for failure to demonstrate the required experience, pursuant to section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code. The Notice of Intent to Deny was filed in January of 2020. Mr. Furlott timely requested an informal hearing.

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

HOOKS, WESLEY HARRISON - INFORMAL HEARING

Mr. Hooks was present.

Mr. Milne presented this case stating Mr. Hooks' application for a Certified General Contractor's license was denied at the January 2020 meeting of the Board for failure to demonstrate the required experience, pursuant to section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code. The Notice of Intent to Deny was filed in February of 2020. Mr. Hooks timely requested an informal hearing.

After discussion, the Board voted to vacate the denial and approve the application as a downgrade to a CBC license.

MELADO, CHRISTOPHER D - DECLARATORY STATEMENT

Mr. Melado was not present.

Mr. Milne presented this case stating that Mr. Melado filed a petition for a Declaratory Statement on February 10, 2020. The petition was noticed in the Florida Administrative Register on May 15, 2020. Mr. Milne noted the petitioner seeks a determination from the Board as to whether an unlicensed swimming pool contractor can install an underground pool liner.

After discussion, the Board voted to decline to answer the petition as the petitioner lacked the proper standing to bring forth the petition.

NIPPERT, JOHN - INFORMAL HEARING

Mr. Nippert was present.

Mr. Milne presented this case stating Mr. Nippert's application for a Certified Specialty Structure Contractor's license was denied at the December 2019 meeting of the Board for failure to demonstrate the required experience, pursuant to section 489.111, Florida Statutes, and Rule

61G4-15.001, Florida Administrative Code. The Notice of Intent to Deny was filed in January of 2020. Mr. Nippert timely requested an informal hearing.

After discussion, the Board voted to vacate the denial and to allow the applicant to withdraw the application.

OWENS, JASON - INFORMAL HEARING PULLED

REYES, DAVID - INFORMAL HEARING

Mr. Reyes was present.

Mr. Milne presented this case stating Mr. Reyes' application for a Certified General Contractor's license was denied at the November 2019 meeting of the Board for failure to demonstrate the required experience, pursuant to section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code. The Notice of Intent to Deny was filed in December of 2019. Mr. Reyes timely requested an informal hearing.

After discussion, the Board voted to vacate the denial and to allow the applicant to withdraw the application.

RITCHIE, PAUL SCOTT - INFORMAL HEARING

Mr. Ritchie was not present.

Mr. Milne presented this case stating Mr. Ritchie's application for a Certified General Contractor's license via military endorsement was denied at the November 2019 meeting of the Board for failure to demonstrate good moral character, pursuant to s. 489.111, Florida Statutes. The Notice of Intent to Deny was filed in December of 2019. Mr. Ritchie timely requested an informal hearing.

After discussion, the Board voted to uphold the previous denial.

ROBBINS, MICHAEL - INFORMAL HEARING

Mr. Robbins was present with counsel.

Mr. Milne presented this case stating Mr. Robbins' application for a business name change for his Certified Air Conditioning Contractor's license was denied at the January 2020 meeting of the Board as the applicant was under investigation or prosecution for an action that would constitute a violation of the professional practice act, pursuant to s. 455.213 (3), Florida

Statutes. The Notice of Intent to Deny was filed in February of 2020. Mr. Robbins timely requested an informal hearing.

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

SALGADO, ARNARDO - INFORMAL HEARING

Mr. Salgado was present.

Mr. Milne presented this case stating Mr. Salgado's application for a Certified Building Contractor's license was denied at the October 2019 meeting of the Board for failure to demonstrate the required experience, pursuant to section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code and for failure to demonstrate good moral character, pursuant to s. 489.111, Florida Statutes. The Notice of Intent to Deny was filed in November of 2019. Mr. Salgado timely requested an informal hearing.

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

SMITH, WESLEY LUKE - INFORMAL HEARING

Mr. Smith was present.

Mr. Milne presented this case stating Mr. Smith's application to qualify Oswald's Painting, Inc. as an additional business entity was denied at the February 2020 meeting of the Board for failure to demonstrate the qualifying agent would have the ability to supervise the construction work and business activities of the business organization, as required by section 489.119, Florida Statutes, and Rule 61G4-15.0024, Florida Administrative Code, and for failure to appear as required by Rule 61G4-15.0021, Florida Administrative Code. The Notice of Intent to Deny was filed in March of 2020. Mr. Smith timely requested an informal hearing.

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

STONE, DONALD – PETITION FOR VARIANCE AND WAIVER

Mr. Stone was present.

Mr. Milne presented this case stating Mr. Stone filed a petition for variance and waiver on January 23, 2020. The petition was noticed in the Florida Administrative Register on May 14, 2020. Mr. Milne noted the petitioner is asking the Board for a variance or waiver did not identify a rule, however, the Petitioner requested that the Board waive his expired test results and accept his exam score from December 31, 2015.

After discussion, the Board voted to deny the petition, finding that the petitioner failed to demonstrate a substantial hardship; failed to demonstrate the application of the rule would violate the principles of fairness; and failed to demonstrate that the purpose underlying statute had been met.

TOFFANELLO, GUILIANO – INFORMAL HEARING

Mr. Toffanello was present.

Mr. Milne presented this case stating Mr. Toffanello's application to qualify Roofing X, Inc.. as an additional business entity was approveds at the August 2019 upon satisfaction of the following conditions: the applicant shall submit written proof of W2 employment, showing that he worked an average of 2,000 hours per year at \$15/hour for four years under employers Colletti and Code Red, within 90 days of the date of the filing of the order. The Notice of Intent to Approve with Conditions was filed in September 2019. Mr. Toffanello timely requested an informal hearing.

After discussion the Board voted to deny the application as the applicant failed to provide the required documentation within the required timeframe.

WITCHER, MELISSA - INFORMAL HEARING

Ms. Witcher was present.

Mr. Milne presented this case stating Ms. Witcher's application for a Certified Underground Utility and Exacavation Contractor's license was denied at the November 2019 meeting of the Board for failure to demonstrate the required experience, pursuant to section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code.. The Notice of Intent to Deny was filed in December of 2019. Ms. Witcher timely requested an informal hearing.

After discussion the Board voted to vacate the previous denial and to allow the applicant to withdraw her application.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE - Ted Feaster

Mr. Feaster gave the following report:

AZS CONSULTING, INC.

1st course: Commercial Energy Inspections: approved

2nd course: Commercial Energy Plan Review and Inspections: approved

3rd course: Construction Lien Law: approved

4th course: Creating a Drug-Free Workplace Program: approved

5th course: Ethical Standards for Building Code Professionals: **approved**

6th course: Florida Licensing Laws and Rules: approved

7th course: History of the Florida Building Commission: approved

8th course: Prescriptive Energy Code Compliance Consideration for Florida- Residential:

approved

9th course: When Houses Go Bad: **30-day continuance**

10th course: Wind Mitigation for Single Family Structures: approved

11th course: Workers' Compensation Overview: approved

FLORIDA ASSOCIATION OF BUILDING INSPECTORS, INC.

1st course: Wind Mitigation Training: denied

FLORIDA HOME BUILDERS ASSOCIATION

1st course: Air, Water & Moisture Management: approved

FLORIDA SOLAR ENERGY CENTER

1st course: Florida Commercial Energy Code Compliance: Methods Tools, and Verification 4-

Hour: approved

GENERAL HOME INSPECTIONS, INC.

1st course: Hurricane Mitigation Verification: approved

JC CODE & CONSTRUCTION CONSULTANTS, INC.

1st course: Mobile Homes in Special Flood Areas: approved

KONING ENTERPRISES, INC DBA CONTRACTORS INSTITUTE

1st course: American with Disabilities Act (ADA)- Classroom: approved

2nd course: American with Disabilities Act (ADA)- Internet: **approved**

3rd course: FBC, Existing, 5th Edition (2014) Advanced Code: approved

MIKE HOLT ENTERPRISES

1st course: 2020 Bonding and Grounding Online Course: denied

2nd course: 2020 NEC Changes, Part 2, Articles 400-805 Online Course: denied

3rd course: Overview of the 2020 NEC Changes Online Course: denied

NORTHWEST FLORIDA STATE COLLEGE

1st course: Construction Quality Management for Contractors: approved

OGLETREE, DEAKINS, NASH, SMOAK & STEWART P.C.

1st course: Dangerous Curves- Current Employment Law Issues in the Construction Industry: **PULLED**

2nd course: OSHA's Multi Employer Citation Policy: Who can OSHA Cite on a Construction

Site?: PULLED

SMITH, CURRIE, HANCOCK, LLP

1st course: 2017 Advance FBC Significant Code Changes: approved

2nd course: Common Sense Construction Law for Florida Contractors: approved

3rd course: Wind Mitigation Overview: approved

RULES/PUBLIC/LEGISLATIVE COMMITTEE - Frank Cawthon

Mr. Cawthon gave the following report:

Mr. Milne presented proposed draft language for Rule 61G4-15.035. After discussion, the Board voted to approve the draft language, with amendments.

Additionally, the Board voted to open Rule 61G4-15.004 for development

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

RECOVERY FUND COMMITTEE - RICK KANE

Mr. Kane gave the following report:

The Recovery Fund Committee convened on Wednesday, May 13th, 2020, at 3:30pm with the following results:

Pohl vs. Carlson, claim 2019-031978 - Denied

Rodriguez vs. Carlson, claim 2019-019237 - \$8.890.88

Teixeira vs. Carlson, claim 2019-021335 - Denied

Luckey vs. High, claim 2020-002440 - \$15,000

Peters vs. Harden, claim 2019-057089 - \$50,000

McRae vs. Cox, claim 2018-039150 - **\$9,843.44**

Myhre vs. Campbell, claim 2020-007377 - \$15,000

Gonzalez vs. Carlson, claim 2019-029663 - \$6,000

Zimmerman vs. Harden, claim 2019-062639 - \$50,000

deGonzague vs. Harden, claim 2019-063699 - \$50,000

Hill vs. Harden, claim 2019-063172 - \$46,340.59

Justice vs. Padron, claim 2019-019752 - \$33,000

Congedo vs. Marth, claim 2019-032525 - \$15,000

Sciascia vs. March, claim 2019-049292 - \$15,000

Hernandez vs. Roberts, claim 2019-063323 - \$10,458.72

Ray vs. Rubio, claim 2019-060449 - \$15,000

Additionally, the Recovery Fund Committee convened on Thursday, May 14th, 2020, at 9:00am with the following results:

Jaikaran vs. Cooper, claim 2019-008951 - \$50,000 Ballentine vs. DiFabio, claim 2020-002606 - \$13,970 Henderson vs. Kane, claim 2019-064141 - \$3,800 Ross vs. Dean, claim 2019-040696 - Denied Evans vs. Owens, claim 2019-035363 - Denied Gutierrez vs. Brown, claim 2018-062887 - \$11,438.68 Peeler vs. Horrocks, claim 2019-028457 - \$50,000 Rudling vs. DiGioia, claim 2019-033984 - \$39,903 Reisinger vs. Boyer, claim 2020-002244 - \$9,271.75 Ortiz vs. Herrmann, claim 2020-016986 - \$24,500

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

OLD BUSINESS

Removal of Board materials from laptops.

NEW BUSINESS

No new business discussed.

With no further business the meeting was adjourned at 11:47am.