

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

The Ritz-Carlton Sarasota
1111 Ritz-Carlton Dr.
Sarasota, FL 34236
941.309.2050

June 7, 9-11, 2021
MEETING MINUTES

Approved August 13, 2021

Board Members Present

Rachelle Wood, Chair
Michael Strickland, Vice-Chair
Frank Cawthon
Donald Cesarone
Brian Donovan
Mario Famada
Ted Feaster
Rick Kane
Edgar Laney
Robert Maphis
Edward McCullers

Board Members Absent

Aaron Boyette
William Cathey
Keith Lawson

Others Present

Dan Biggins, Executive Director, DBPR
Donald Shaw, Senior Management Analyst Supervisor, DBPR
Jordan Jones, Government Analyst, DBPR
Ian Brown, Chief Construction Attorney, DBPR
Ashanti Breeden, Senior Prosecuting Attorney, DBPR
Evan Etheridge, Senior Prosecuting Attorney, DBPR
Robert Milne, Assistant Attorney General, AGO
Christopher Dierlam, Assistant Attorney General, AGO

ADDITIONAL BUSINESS ENTITIES REVIEW DIVISION II

Division II Board members met for Additional Business Entities Review on June 9th, 2021 from 2:00 – 2:58pm. Mr. McCullers led the meeting. Of the 15 applications on the agenda, 5 were approved, 7 were approved contingent, 1 was pulled, and 2 were denied.

APPROVED (5)

Devove, Thierry
Embick, Christopher
Lynch, Patrick
Madruga, Yosvany
Padilla, Lissette

APPROVED CONTINGENT (7)

Gobie, Philip
Gordon, Harry
Hloska, Christopher
LaCerte, Claude
Rupert, Roger
Weiler, Marlin
Zemach, Amit

PULLED (1)

Diaz, David

DENIED (2)

Cosco, Jamie
Cortez, Alvin

APPLICATION REVIEW DIVISION II

Division II Board members met for Application Review on June 9th, 2021 from 3:04 – 4:12pm. Mr. Famada led the meeting. Of the 22 applications on the agenda, 4 were approved, 5 were approved contingent, 2 were continued, 1 was pulled, 4 was withdrawn and 6 were denied.

APPROVED (4)

Hinton, Michael – downgrade to class B
LaFontaine, Montero
Nowisser, Shadi
Sevier, Justin

APPROVED CONTINGENT (5)

Dudley, Jeremy
Faircloth, William
Forester, Joseph
Jackson, John
Ryan, Michael

CONTIINUUED (2)

Buchanan, Benjamin
Ghere, Arthur

PULLED (1)

Gonzalez, Seriozha

Withdrawn (4)

Coit, Aron
Contreras Zambrano, Jorge
Maric, Petar
Perkins, Eugene

DENIED (6)

Chase, Philip
Dean, Darryl
Fernandez, Jose
Garcia, Javier
Gill, William
Ormes, Jonathan

ADDITIONAL BUSINESS ENTITIES REVIEW DIVISION I

Division I Board members met for Additional Business Entities Review on June 10th, 2021 from 1:30 – 2:47pm. Mr. Maphis led the meeting. Of the 27 applications on the agenda, 9 were approved, 4 were approved contingent, 6 were continued, 1 was pulled, 2 were withdrawn and 5 were denied.

APPROVED (9)

Bentley, Glenory
Ederi, Ilan
Gomez, Gloria
Ivory, Willie
Kellogg, Philip
Magnin, Andrew
Nguyen, Troy
Rodriguez, Jamie
Steier, Thomas

APPROVED CONTINGENT (4)

Espinoza, Richard
Eubanks, Woodford
Nguyen, Troy
Zemach, Amit

CONTINUED (6)

Felix, Diogo – 30 day continuance

Leyva, Yourdetty – 30 day continuance
Munilla, Pedro – 30 day continuance
Sanchez, Ernesto – 30 day continuance
Weldon, Christopher – 30 day continuance
Williams, Thomas – 60 day continuance

PULLED (1)

Cedeno, Steven

WITHDRAWN (2)

Donovan, Robert
Gomez, Gloria

DENIED (5)

Davalos, Julio
Espinoza, Richard
Espinoza, Richard
Rabah, Tarek
Vilchez, Oscar

APPLICATION REVIEW DIVISION I

Division I Board members met for Application Review on June 10th, 2021 from 2:59 – 5:01pm. Mr. Cawthon led the meeting. Of the 32 applications on the agenda, 12 were approved, 5 were continued, 6 were withdrawn, 2 were pulled and 7 were denied.

APPROVED (12)

Alvarez Rolon, Jose – downgrade to CBC
Ard, Brandon
Boynton, Kimberly
Fernandez, Andre
Garcia Sierra, Liliana – downgrade to CBC
Gongora Pupo, Miguel
Herring, George
Manjack, Daniel
McGinnis, Joseph
Rivers, Todd
Smith, Steven
Tichner, Spencer – downgrade to CBC

CONTINUED (5)

Codi, Daniel – 60 day continuance
Dalton, Jay – 90 day continuance
DeCristofaro, Matthew – 90 day continuance
Lambropoulos, Nicholas – 30 day continuance
Whitby, James – 60 day continuance

Withdrawn (6)

Doan, ben
Geen, Wesley
Hernon, Trevor
Kozlowski, Eric
Reid, Adam
Scherrer, Bruno

PULLED (2)

Myers, Donn
Rubio, Anna

DENIED (7)

Clem, David
Durrwachter, Michael
Newman, Kyle
Skrzypek, Antoine
Velo, Andrea
Walker, Steven
Wunch, Mark

**Division II Board members met for Final Action on June 10th, 2021 from 8:34 – 8:39am.
Ms. Wood led the meeting.**

Case #(s): 2019019140

Elder, Jeffrey

License #(s): CCC1330378

Revocation

Restitution

Pay administrative fines in the amount of \$17,500 and costs of \$129.48

Not present

Case #(s): 2019023866

Elder, Jeffrey

License #(s): CCC1330378

Revocation

Restitution

Pay administrative fines in the amount of \$22,500 and costs of \$148.03

Not present

Case #(s): 2019017424

Elder, Jeffrey

License #(s): CCC1330378

Revocation

Restitution

Pay administrative fines in the amount of \$17,500 and costs of \$188.84

Not present

Case #(s): 2019031838

Johnston, Jeffrey

License #(s): CVC56735

Probation

Restitution

Pay administrative fines in the amount of \$10,500 and costs of \$162.80

7 hours of continuing education related to Ch. 489, F.S.

Not present

Case #(s): 2020010866

Nahmod, James

License #(s): CCC1327364

FO Vacated

Not present

**Division I & II Board members met for Final Action on June 10th, 2021 from 9:33 – 9:57am.
Mrs. Wood and Mr. Strickland led this meeting.**

Case #(s): 2019047055

Arrasmith, Larry Wayne

License #(s): CBC24096, CCC57510

Revocation

Restitution

Pay administrative fines in the amount of \$25,000 and costs of \$354.01

Not present

Case #(s): 2019046642

Bradford, Terrance

License #(s): CCC1328564, CGC1508820

Pay administrative fines in the amount of \$500 and costs of \$262.92

7 hours of continuing education related to Ch. 489, F.S.

Not present

Case #(s): 2019055466

Cole, Darryl

License #(s): RG291104005, RC29027677

Revocation

Restitution

Pay administrative fines in the amount of \$17,500 and costs of \$161.68

Not present

Case #(s): 2020000417

Cole, Darryl

License #(s): RG291104005, RC29027677

Revocation

Restitution

Pay administrative fines in the amount of \$12,500 and costs of \$166.71

Not present

Case #(s): 2020002080

Cole, Darryl

License #(s): RG291104005, RC29027677

Revocation

Restitution

Pay administrative fines in the amount of \$12,500 and costs of \$196.26

Not present

Case #(s): 2020054899, 2021004811

Craft, Allison

License #(s): FRO9977

Restitution

Pay administrative fines in the amount of \$20,000 and costs of \$500.00

Not present

Case #(s): 2019018672

Diaz, David

License #(s): CFC1426173, CFC1429174, CBC1262239

Pay administrative fines in the amount of \$5,000 and costs of \$573.68

Probation for 2 years

7 hours of live or online continuing education related to Ch. 489, F.S.

Not present

Case #(s): 2020007057

Gerard, James

License #(s): FRO8404

Revocation

Restitution

Pay administrative fines in the amount of \$10,000 and costs of \$62.23

Not present

Case #(s): 2020053304

Hale, Eric

License #(s): CAC1818711, CBC1258219

Voluntarily relinquished

Pay administrative fines in the amount of \$5,000 and costs of \$576.91

Not present

Case #(s): 2019048187

Hildebrand, Josh

License #(s): CBC1257253, CCC1331076

2 year probation

Pay administrative fines in the amount of \$5,000 and costs of \$296.30

7 hours of continuing education related to Ch. 489, F.S.

Present with counsel

Case #(s): 2021004072, 2021013917, 2020048369, 2020055826, 2021000728, 2021013509
Mueller, Robert

License #(s): CPC1458256, FRO850

Voluntarily relinquished

Restitution

Pay administrative fines in the amount of \$75,000 and costs of \$1,000.00

Not present

Case #(s): 2020030038

Soares, Anthony

License #(s): SCC131151466

Voluntarily relinquished

Pay administrative fines in the amount of \$30,000 and costs of \$149.16

Not present

Case #(s): 2020002431

Vesce, Daniel

License #(s): CCC1327919, CGC1508114

4 year probation

Pay administrative fines in the amount of \$5,000 and costs of \$260.71

Not present

Division I Board members met for Final Action on June 10th, 2021, from 10:15 – 10:20am.
Mr. Strickland led the meeting.

Case #(s): 2020055480

Creamer, David

License #(s): CGC1514326, CGC1525605

Voluntarily Relinquished

Restitution

Pay administrative fines in the amount of \$7,500 and costs of \$134.89

Not present

Case #(s): 2019013548

Cruz, Vladimir

License #(s): CGC1518807

Stay granted

Not present

Case #(s): 2019020774

Flanagan, Ian

License #(s): CRC1330551

Revocation

Restitution

Pay administrative fines in the amount of \$20,000 and costs of \$539.87

Not present

Case #(s): 2020005095

Garza, Gerardo

License #(s): CRC1330551

Revocation

Restitution

Pay administrative fines in the amount of \$12,500 and costs of \$354.89

Not Present

Case #(s): 2020049721, 2020049428, 2020054847, 2021004064

Hammond, George

License #(s): CGC1517899, CGC1527914

Voluntarily relinquished

Restitution

Pay administrative fines in the amount of \$40,000 and costs of \$1,000

Not present

Case #(s): 2020016617

Hoban, Seamus

License #(s): CGC59784

2 year probation

Pay administrative fines in the amount of \$6,000 and costs of \$286.80

7 hours of live or online continuing education related to Ch. 489, F.S.

Counsel present

Case #(s): 2019059797, 2019041222, 2019046245, 2019046995

Joyce, Edward

License #(s): CGC1509010

Voluntarily relinquished

Restitution

Pay administrative fines in the amount of \$60,000 and costs of \$1,319.61

Not present

Case #(s): 2019039131

McGraw, Gary

License #(s): CBC1252295

2 year probation

Pay administrative fines in the amount of \$6,000 and costs of \$434.55

7 hours of live continuing education related to Ch. 489, F.S.

Present with counsel

Case #(s): 2019009576

Smith, Jeffrey

License #(s): CBC1252295

Null & Void

Restitution

Pay administrative fines in the amount of \$12,500 and costs of \$705.13

Not present

Case #(s): 2019055938

Wozniak, Peter

License #(s): CCC1327181, CCC1327351, CCC1331226, CRC16377, CRC1331782

Previously relinquished

Restitution

Pay administrative fines in the amount of \$10,000 and costs of \$219.24

Present

GENERAL SESSION

The meeting was called to order by Ms. Wood, at 8:30am. Mr. Cawthon gave the Invocation. Mr. Cesarone led the Pledge of Allegiance.

EXECUTIVE DIRECTOR'S REPORT- Daniel Biggins

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

- Mr. Cathey
- Mr. Lawson
- Mr. Boyette

Mr. Biggins also updated the Board on possible appointments.

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

CHAIRMAN'S REPORT- Ms. Wood

Ms. Wood had nothing to report.

PROSECUTING ATTORNEY'S REPORT- Ian Brown

Mr. Brown provided an update on the case load of his team, and updated the Board on personnel changes within his unit.

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

HEARING AND PETITIONS

ARRIAGADA, DANIEL – INFORMAL HEARING

Mr. Arriagada was present.

Mr. Milne presented this case stating Mr. Arriagada's application for a Certified Building Contractor's license via endorsement was denied at the February 2021 meeting of the Board for

failure to meet the requirements of section 489.115 (3)(d), Florida Statutes. The Notice of Intent of Deny was filed in March of 2021. Mr. Arriagada timely requested an informal hearing.

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

DAVIS, PATRICK – INFORMAL HEARING

Continued 30 days.

JOHNSTON, RYAN

Continued 6 months.

LAMONACO, JOSE – REQUEST FOR HEARING

Mr. Lamonaco was present and was represented by counsel.

Mr. Milne presented this case stating Mr. Lamonaco's application for a change of status from inactive to active of his Certified Air Conditioning license was denied at the September 2020 meeting of the Board for failure to comply with a previously issued final order and because the applicant is currently under investigation or prosecution for an action that would constitute a violation of the practice act, contrary to section 455.213 (3), Florida Statutes. The Notice of Intent to Deny was filed in November of 2020. Mr. Lamonaco timely requested an informal hearing, which was heard February 2021 meeting of the Board. At that hearing, the Board voted to uphold the previous denial. Mr. Lamonaco then requested a hearing to dispute the final order.

After discussion, the Board declined to consider the request as jurisdiction for this matter had been referred to the District Court of Appeals upon entry of the final order.

MANNING, WILLIAM – PETITION TO MODIFY FINAL ORDER

Continued 30 days.

PIEDRA, ORESTES ANTONIO – PETITION FOR DECLARATORY STATEMENT

Continued 30 days.

PRINCE, VINCENT – INFORMAL HEARING

Mr. Prince was present.

Mr. Milne presented this case stating Mr. Prince's application for a Certified General Contractor was approved at the May 2020 meeting of the Board, with the condition that the applicant

provide written proof that all pending IRS liens against LandAmerica Holdings & Investments Group, LLC be satisfied within 180 days from the date of the filing order. The Notice of Intent to Approve with Conditions was filed in June of 2020. Mr. Prince timely requested an informal hearing.

After discussion, the Board voted to approve the application with the same conditions but to allow the applicant an additional 180 days to come into compliance with the order.

WINDHAM, MICHAEL – INFORMAL HEARING

Mr. Windham was present and was represented by counsel.

Mr. Milne presented this case stating Mr. Windham's application for a Certified General Contractor's license was denied at the February 2021 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 of Deny was filed in March of 2021. Mr. Windham timely requested an informal hearing.

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

RULES/PUBLIC/LEGISLATIVE – June 2021 Rules Report

61G4-21.002 Definitions

- Date Rule Language Approved by Board:08/14/20
- Date sent to OFARR: 09/15/20 (RD)
- Rule Development Published: 09/23/20 (Vol. 46/No.186)
- Notice Published 02/01/2021 (Vol. 47/20)
- JAPC Letter 02/05/2021
- Adopted: 04/21/2021
- Effective: 05/11/2021

61G4-21.003 Filing Claims

- Date Rule Language Approved by Board:08/14/20
- Date sent to OFARR: 09/15/20 (RD)
- Rule Development Published: 09/23/20 (Vol. 46/No.186)
- Notice Published 02/01/2021 (Vol. 47/20)
- JAPC Letter 02/05/2021
- Adopted: 04/21/2021
- Effective 05/11/2021

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – Ted Feaster

Mr. Feaster gave the following report:

!ROCKETCERT

1st course: ! RocketCert 13 hour Contractor's Online CE: **denied**

FLORIDA HOME BUILDERS ASSOCIATION

1st course: New Options for Insulating & Venting Wood Framed Slope Roof (classroom):
approved

2nd course: New Options for Insulating & Venting Wood Framed Slope Roof (Internet):
contingent approval

FLORIDA REFRIGERATION AND AIR CONDITIONING CONTRACTORS ASSOCIATION

1st course: The Mentally Tough PowerPoint: **denied**

KONING ENTERPRISES, INC. DBA CONTRACTORS INSTITUTE

1st course: 2-hour 2020 Advanced FBC: Hurricane Mitigation (Internet): **contingent approval**

PENTAIR WATER POOL AND SPA

1st course: Advanced Automation I: **previous denial vacated and application approved**

2nd course: Advanced Automation II: **previous denial vacated and application approved**

3rd course: Basic Automation: **previous denial vacated and application approved**

4th course: Basic Filtration: **previous denial vacated and application approved**

5th course: Chemical Controllers: **previous denial vacated and application approved**

6th course: Electricity for the Service Professional: **previous denial vacated and application approved**

7th course: Gas Fired Pool and Spa Heaters: **previous denial vacated and application approved**

8th course: Heat Pumps: **previous denial vacated and application approved**

9th course: Hydraulics for the Builder: **previous denial vacated and application approved**

10th course: Hydraulics for the Service Professional: **previous denial vacated and application approved**

11th course: Pool Cleaners: **previous denial vacated and application approved**

12th course: Salt Chlorine Generators: **previous denial vacated and application approved**

13th course: Swimming Pool Pumps and Motors: **previous denial vacated and application approved**

14th course: Variable Speed Pool Pumps: **previous denial vacated and application approved**

15th course: Waters Features and Effects: **previous denial vacated and application approved**

PROFESSIONAL TRAINING & CONSULTANTS, INC

1st course: 2020 FBC Chapter One Questions & Review: **withdrawn**

2nd course: Computer Presentations for Contractors: **withdrawn**

3rd course: Contractors Cost Control: **withdrawn**

4th course: COVID Building Improvements: **withdrawn**

SIWY ENTERPRISES, LLC DBA CEU EVENTS

1st course: Residential Smart Plumbing Products in Demand: **approved**

SOTO LAW GROUP, P.A.

1st course: Florida Lien Law and Bond Law Primer: **denied**

2nd course: Top 10 Critical Contract Provisions (Online): **denied**

WILLIAMS & COMPANY CONSULTING, DBA PETRO CLASSROOM

1st course: UST Decommissioning Course: **denied**

2nd course: UST Installation and Retrofitting Course: **denied**

RECOVERY FUND COMMITTEE - DON CESARONE

Mr. Cesarone gave the following report:

Larson v Paramo – Claim No. 2019-009034: **Denied**

Dubois v Padron – Claim No. 2019-050563: **Denied**

Goodwin v Taylor – Claim No. 2020-052018: **\$10,508**

Murray v Reardon – Claim No. 2020-039077: **\$15,000**

Nasif v Compello de Longo – Claim No. 2020-021164: **\$15,000**

Dorval v Dean – Claim No. 2020-016463: **\$25,095**

Carter v Newton – Claim No. 2020-033996: **\$19,733**

Stoebenau v Brown – Claim No. 2020-050798: **\$6,000**

Warburton v Rubio – Claim No. 2020-040970: **\$13, 684.19**

Paredes v Taylor – Claim no. 2020-040483: **\$3,851.52**

OLD BUSINESS

Removal of Board materials from laptops.

NEW BUSINESS

Additional discussion took place regarding increasing the single claim cap limit for Division II recovery fund claims.

Mr. Biggins also informed the Board of a growing concern in the construction industry regarding the increasing costs and unavailability of construction materials. Mr. Biggins informed the Board that they may want to plan strategies for dealing with these issues and consider whether an alternate disciplinary process would be helpful in dealing with cases where material shortages caused construction delays.

Mr. Cawthon acknowledged the concerns and suggested that additional complaints due to supply chain shortages were unavoidable. He is aware that some companies are selling jobs at a rate that may exceed their ability to complete and the trend could cause a backlog. Further, as

post-contract prices increase bigger companies may be able to absorb the costs, but companies working fewer jobs may not be able to handle cost overruns in the same manner.

Mr. Cesarone noted that critical supplies in pool construction were subject to 6-month delays, and advised that the Board can expect to be tasked with resolving whether job stoppages based on inability to obtain supplies is considered abandonment.

Mr. Maphis noted the challenges are real but cautioned against allowing the use of a blanket excuse to relieve contractors of their responsibility. He recommended disciplinary issues continue to be dealt with on a case by case basis where information is vetted.

Mr. Kane echoed Mr. Cawthon's sentiments and noted that the increased supply prices coupled with labor shortages were effectively putting a halt to some businesses. He also noted the Board had always put the consumer's interest at the forefront.

Mr. McCullers agreed with Mr. Maphis' comments and noted that the construction industry has faced many obstacles and good contractors always adapt, and good business people will adjust their contracts and overcome difficulties as they have in the past.

Mr. Brown confirmed an increase in cases. Mr. Brown noted that abandonment is merely a presumption that can be overcome based on fact. He asked that the Board continue to trust the OGC attorneys' discretion in sorting out the factual situation as cases arrived and taking the appropriate actions.

Finally, discussion took place about promulgating rule-making to create some additional specialty licenses as a result of recently passed legislation. After further discussion, the Board voted unanimously to create an Ad Hoc Committee to discuss these topics further, to be chaired by Frank Cawthon and consisting of board members Don Cesarone, Mario Famada, Rick Kane, and Edward McCullers.

With no further business the meeting was adjourned at 9:48am.