

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Gaylord Palms Resort & Convention Center
6000 West Osceola Pkwy
Kissimmee, FL 34746
407.586.2000**

July 13-15, 2011

**MEETING MINUTES
Approved 8/12/2011**

Board Members Present

Mark Pietanza, Chair
Don Wilford, Vice Chair
James C. Evetts
Albert Korelishn
Roy R. Lenois
William Sheehan
Jerry D. Hussey
Carl Engelmeier
Michelle Kane
W. Brian Cathey
Peggy Bailey
Robert Moody
Elbert Batton

Board Members Absent

Edward Weller
Paul Del Vecchio
Michelle Kane

Others Present

G. W. Harrell, Executive Director, DBPR
Amanda Wynn, Government Analyst, DBPR
David Spingler, Government Analyst, DBPR
Daniel Biggins, Legal Advisor, AGO
Paul Waters, Chief Prosecuting Attorney, DBPR
Thomas Campbell, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on July 13 2011 from 2:18 – 3:27 pm. Mr. Evetts led the meeting. Of the 17 applications scheduled for review, 6 were approved, 3 were approved contingent, 1 was approved conditional, 3 were denied, 1 was withdrawn, and 3 were continued

APPROVED (6)

Hoskins, Micajah
Indriolo, Joseph
Kovacsik, Richard
Norred, William
Snowden, David
Von Minden, Audra

CONTINGENT APPROVALS (3)

Carapezza, Ann – Contingent upon satisfaction of all listed judgments
Hendrickson, Doug – Contingent upon submitting a W2 showing employment
Longaker, Shawn – Contingent upon submitting a W2 showing employment

CONDITIONAL APPROVALS (1)

Naranjo, Luis – 2 years probation or until proof of a credit score of 660 is provided

DENIED (3)

Allen, William
Ferreira De Melo, Martin
Ndreca, Zej

WITHDRAWN (1)

Scorpio, Domenico

CONTINUED (3)

Engeman, Gary – 30 days
Metzgar, James – 30 days
Rinnert, Bret – 30 days

Division II Board members met for Additional Business Entities Review on July 14, 2011, from 4:08 – 4:27 pm. Mr. Pietanza led the meeting. Of the 6 applications scheduled for review, 2 were approved, 2 were denied, 1 was approved contingent, and 1 was continued.

APPROVED (2)

Blalock, Dennis – Assessed \$500 fine for unlicensed activity
Shivak, George

CONTINGENT APPROVALS (1)

Scavuzzo, Cristina – Contingent upon submitting a W2 showing employment

DENIED (2)

Gonzalez, Beatriz
Jones, Jaron

CONTINUED (1)

Rinnert, Bret – 30 days

APPLICATION REVIEW

Division I Board members met for Application Review on July 13, 2011, from 3:38 - 4:51 pm. Mr. Hussey led the meeting. Of the 21 applications reviewed, 6 were approved, 4 were continued, 1 was approved with conditions, 1 was contingently approved, 1 was withdrawn, 7 were denied, and 1 was pulled.

APPROVED (6)

Gurr, Michael
Kirms, Harry III
Mahon, Harold
Oppenhuizen, Henry
Shearman, Arthur
Trenter, Adam

CONTINUED (4)

Branholm, Kenneth – 30 days
Demick, Robert – 30 days
Hester, David – 60 days
Mills, Andrew – 30 days

CONDITIONAL APPROVALS (1)

Poole, William – 2 years probation

CONTINGENT APPROVALS (1)

McKee, Clinton – Contingent upon submitting satisfaction of judgment within 60 days

WITHDRAWN (1)

Bolton, Bradley

DENIED (7)

Arias, Jose
Clement, Shane
Fralin, James
Freeman, James Jr.
Goodman, Sam
Krebs, Arturo
Maguire, Michael

PULLED (1)

Perez, Albert

Division II Board members met for Application Review on July 14, 2011 from 4:34 – 5:50 pm. Mr. Engelmeier led the meeting. Of the 20 applications scheduled for review, 7 were approved, 3 were approved with conditions, 3 were continued, 2 were withdrawn, 4 were denied, and 1 was pulled.

APPROVED (7)

Gordillo, Juan
Hodges, Keegan
Munoz, Albert
Trenter, Adam
Whitmire, Todd
Wilson, Darrell
Wilson, Steven

CONTINUED (3)

Baker, Andrew – 90 days
Demick, Robert – 30 days
Mills, Andrew – 30 days

CONDITIONAL APPROVALS (3)

Petro, Daniel – 2 years probation or until proof of a 660 credit score is provided
Wilkerson, Leroy – 2 years probation or until proof of a 660 credit score is provided
Williams, Adrian – 4 years probation or until proof of a 660 credit score if provided;
license amended to Class B license

WITHDRAWN (2)

Lanier, Walter
Watta, Roderick

DENIED (4)

Clement, Shane
Elbert, George
Gonzalez, William
Myers, George

PULLED (1)

McHaffie, Thomas

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 July 14, 2011 from 2:01 – 2:56 pm. The Committee was chaired by Elbert Batton.

Daniel Acevedo, CGC1506071
Result: Continuance granted

Arnulf Albrecht, CGC1519351
Result: Satisfactory

Jason Asbury, CGC1511019
Result: Satisfactory

Sherry Barrows, CGC1517285
Result: Satisfactory

Scott Berman, CGC1509450
Result: Satisfactory

Aldon Bookhardt, CGC1505081
Result: Satisfactory

Larry Brown, CBC1257486
Result: Satisfactory

Robert Chacon, CGC009564
Result: Satisfactory

Chadwyck Clark, CBC1257934
Result: Satisfactory

Dario Comuzzi, CGC1505306
Result: Satisfactory

Terry Davis, CGC1512982
Result: Satisfactory

Eric Dekin, CBC1257037
Result: Stay of Suspension Lifted

Devindranath Dhaniram, CGC060613
Result: Satisfactory

Tommy Fajardo, CBC1257929
Result: Satisfactory

Mason Fleming, CBC1257928
Result: Satisfactory

Brandon Gilley, CRC1327329
Result: Satisfactory
Strike Mr. Gilley's first satisfactory probation appearance as he claimed he was not present for his probation appearance.

Samuel Gray, CBC1257234

Result: Satisfactory

Ronnie Hoggins, CBC1258203

Result: Unsatisfactory

Kristian Irr, CBC1257846

Result: Satisfactory

Request for early termination denied but if he can submit proof of a 660 credit score can be provided early termination can be granted.

Charles King, CBC1257841

Result: Satisfactory

Richard Kovacsik, CGC058246

Result: Satisfactory

Jonathan Lancey, CBC1256079

Result: Satisfactory

Gary Lemerand, RR282811754

Result: Satisfactory

Request for early termination of probation approved

Jesse Lore, CBC1251349

Result: Unsatisfactory

Corey Moon, CRC1330360

Result: Satisfactory

Kevin Morris, CGC1504217

Result: Satisfactory

Michael Morrison, CGC1518076

Result: Satisfactory

Hector Obregon, CGC041565

Result: Continuance granted

Mark Osceola, CGC1518295

Result: Satisfactory

Request for early termination of probation approved

Miguel Perez, CGC1517294

Result: Satisfactory

Samuel Poag, CGC1518138

Result: Satisfactory

Alexis Riveron, CGC1519355

Result: Satisfactory

Isiah Robeson, CRC1330126

Result: Satisfactory

Rodney Rowland, CBC1257930

Result: Satisfactory

Robert Saylor, CGC021753

Result: Satisfactory

Probation instructed to add business name to contract

Greg Schlitt, CGC1518297

Result: Satisfactory

Request for early termination of probation approved

Loren Spies, CGC009176

Result: Satisfactory

Steve Theriault, CBC1257847

Result: Satisfactory

David Tollman, CBC046667

Result: Satisfactory

Scott Vincent, CGC1506949

Result: Satisfactory

Probationer instructed to add license numbers to contracts and provide 6 months worth of bank statements

Patrick Visser, CRC1330280

Result: Satisfactory

The Division II Probation Committee met on July 14, 2011 from 3:05 – 4:00 pm. Mr. Moody chaired the Committee.

Daniel Acevedo, CCC1326888

Result: Continuance granted

Tracy Cantrell, CCC1329608

Result: Satisfactory

Craig Cantrell, CAC1816639

Result: Satisfactory

David Carlson, CCC1329604

Result: Satisfactory

Luis Coronado, CAC1816445

Result: Satisfactory

Probation instructed to submit at least 2 building department questionnaires

William Erney, CCC1328936

Result: Satisfactory

Request for early termination of probation denied

Mason Fleming, CCC1328560

Result: Satisfactory

Tony Gould, CAC1816446

Result: Satisfactory

Timur Isparyan, CCC1329350, CMC1250039

Result: Satisfactory

Raymond Johnson, CVC56788

Result: Satisfactory

Request for early termination of probation

Jonathan Lancey, CCC1329346

Result: Satisfactory

Melissa Lebron, CCC1326740

Result: Satisfactory

Michael Marotta, CFC1426899

Result: Satisfactory

James Parker, CAC057732

Result: Satisfactory

Keithon Patterson, CFC1428164

Result: Satisfactory

William Roberts, CCC1328895

Result: Satisfactory

Timothy Robertson, CMC1249321

Result: Satisfactory

Dean Scharn, CCC1327771

Requesting for reinstatement of probation granted with \$200 citation and one unsatisfactory appearance on record.

Mark Sinclair, CCC1329649

Result: Satisfactory

Jennifer Van Antwerp, CPC1457926

Result: Satisfactory

GENERAL SESSION

The meeting was called to order by Mr. Pietanza, Chair, at 8:31 am. Mr. Lenois gave the invocation. Mr. Sheehan led the Pledge of Allegiance.

REVIEW OF MINUTES

- A. Final Action Minutes – June 2011
- B. Meeting Minutes – May 2011
- C. Meeting Minutes – June 2011

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell gave the following report:

Mr. Harrell brought the Departmental process to the board's attention which requires a contractor who seeks to add an additional d/b/a or fictitious name to his corporation to complete the entire change of status application. Mr. Harrell asked the board if they would allow the Department to create a simple form, similar to the form used for a business name change, that would allow them to add that additional fictitious name. The board made a motion and passed the motion to allow the Department to create this form.

Mr. Harrell also announced that he had received a promotion within the Department and this will be his last meeting as Executive Director. Mr. Harrell assured the board that whoever takes his place will do a great job. Mr. Harrell thanked board members and board staff for their hard work over the years.

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

CHAIRMAN'S REPORT – MARK PIETANZA

Mr. Pietanza gave the following report:

The following absences were excused:

Mr. Del Vecchio

Ms. Kane

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

PROSECUTING ATTORNEY'S REPORT – PAUL WATERS

Mr. Waters gave the following report:

For the month of June 2011, the overall case load was 588, down from 609 in May of 2011, and down from 1,531 in June 2010.

There were 157 cases currently in Legal to be reviewed, 69 cases set for probable cause, and 59 cases where probable cause had been found/administrative complaints filed. 2 settlement stipulations had been approved, 5 informal hearings had been requested, and 13 cases were awaiting outside action. 11 cases were ready for default, 21 had requested formal hearings, and 6 cases were referred to DOAH. 5 cases were in settlement negotiations, 39 cases were pending board dates, and 124 cases were set for board presentation. 77 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

For the month of June 2011, 151 cases were closed.

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

MICHAEL BEREZANSKY – REQUEST FOR INFORMAL HEARING

Mr. Berezansky was present.

Mr. Biggins presented this case stating Mr. Berezansky's application for initial licensure as a certified building contractor was denied at the April 2011 meeting of the board because the applicant was the subject of a pending investigation. The Notice of Intent to Deny was filed in May of 2011. Mr. Berezansky timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial of the application.

RICHARD CROMER – REQUEST FOR INFORMAL HEARING

Mr. Cromer was present.

Mr. Biggins presented this case stating Mr. Cromer's application for a change of status of his certified general contractor's license was denied at the May 2011 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in June of 2011. Mr. Cromer timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

MIGUEL DIAZ PERNA – REQUEST FOR INFORMAL HEARING

Mr. Diaz Perna was not present but was represented by Counsel Tomasita Carmona who indicated that Mr. Diaz Perna wished to withdraw his application.

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BRIAN HEBERT – MOTION FOR RECONSIDERATION

Mr. Hebert was not present but was represented by Counsel David Bryant and Richard Goldsborough, an officer of the company the applicant is seeking to qualify.

Mr. Biggins presented this case stating Mr. Hebert's application to qualify an additional business entity with his certified mechanical contractor's license was denied at the January 2011 meeting of the board for failure to demonstrate the qualifying agent would properly supervise the construction work and business activities. The Notice of Intent to Deny was filed in February of 2011. Mr. Hebert timely requested a formal hearing in front of an administrative law judge but agreed to appear back in front of the board for further review of his application.

After discussion the board voted unanimously to approve the application contingent upon the applicant submitting proof of 10% ownership of the proposed entity.

HECTOR HEGUABURO – REQUEST FOR INFORMAL HEARING

Mr. Heguaburo was present.

Mr. Biggins presented this case stating Mr. Heguaburo's application for a change of status of his certified general contractor's license was denied at the May 2011 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in June of 2011. Mr. Heguaburo timely requested board reconsideration.

After discussion the board voted to conditionally approve the application provided the applicant serve two years probation or submit proof to the Department of having obtained a credit score of 660 or higher.

CHRISTOPHER KENNEDY – MOTION FOR RECONSIDERATION

Mr. Kennedy was not present.

Mr. Biggins presented this case stating Mr. Kennedy's application for initial issuance of a certified general contractor's license was denied at the January 2011 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility and failure to demonstrate the required education and experience. Mr. Kennedy timely requested a formal hearing in front of an administrative law judge, but agreed to appear back in front of the board for further review of his application.

After discussion the board voted unanimously to continue review of the application for 30 days.

RUSSELL LALLIER – REQUEST FOR INFORMAL HEARING

Mr. Lallier was present.

Mr. Biggins presented this case stating Mr. Lallier's application to qualify an additional business entity with his certified building contractor's license was denied at the May 2011 meeting of the board for failure to demonstrate the qualifying agent would properly supervise the construction work and business activities. The Notice of Intent to Deny was filed in June of 2011. Mr. Lallier timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

ARMANDO VARONA – REQUEST FOR INFORMAL HEARING

Mr. Varona was present.

Mr. Biggins presented this case stating Mr. Varona's application to qualify an additional business entity was denied at the April 2011 meeting of the board for failure to appear as required. The Notice of Intent to Deny was filed in May of 2011. Mr. Varona timely requested board reconsideration.

After discussion the board voted to uphold the denial of the application.

MARLOWE WALKER – REQUEST FOR INFORMAL HEARING

Mr. Walker was present.

Mr. Biggins presented this case stating Mr. Walker's application for a change of status of his certified general contractor's license was denied at the March 2011 meeting of the board for failure to sufficiently demonstrate stability and responsibility, and for having been found convicted, found guilty, or having entered a plea of nolo contendere to crimes related to the practice of contracting. The Notice of Intent to Deny was filed in April of 2011. Mr. Walker timely requested board reconsideration.

After discussion the board voted to conditionally approve the application provided the applicant serve 2 years probation or submit proof of a credit score of 660 or higher.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ROY LENOIS

Mr. Lenois gave the following report:

AAA Construction School, Inc.

1st Course: Fall Protection Compliance – **approved**

2nd Course: Personal Protective Equipment Requirement – **approved**

3rd Course: Success in Uncertain Times – **approved**

Construction Services Enterprises, Inc.

1st Course: Legislative Update – **approved**

Contractors Continuing Education, Inc.

1st Course: Math Basics – **denied**

Florida Association Plumbing Heating Cooling Contractors

1st Course: Installing Gas Appliances – Are You In Compliance? – **approved**

2nd Course: Leak Diagnostics – **approved**

3rd Course: Water Auditing – Is this an Untapped Asset for your Company? – **approved**

Inspection Depot, Inc.

1st Course: 4 hr – Wind Mitigation Inspection Training Program – **approved**

2nd Course: 8 hr – Wind Mitigation Inspection Training Program - **approved**

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

The following Rules have been **Developed:**

61G4-16.009 Examination/Reexamination.

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

AD HOC COMMITTEE – DON WILFORD/MARK PIETANZA

Mr. Wilford gave the following report:

The Ad Hoc Committee reviewed the revised application forms for the EZ Apply project. Mr. Harrell informed the board that the idea of requesting transcripts as proof of pre-licensure education would not be implemented by the Department so that statement will be removed from the application. Concerns were expressed by the board concerning this issue and the idea of randomly auditing applications for proof of education was mentioned.

Mr. Harrell moved on the section where an applicant verifies their employment history. The application requests the applicant indicate the specific experience they have gained under a particular employer, and to submit as many of those application sheets as is necessary. The suggestion to include the statement, “use additional sheets as necessary for each employer”, needed to be added to clarify that all the information should not be included on a single page, and that information submitted on pages other than the application pages would not be accepted.

The subject of proof of financial responsibility by the applicant was brought up. The new application will ask the applicant if they have a credit score of 660 or higher to demonstrate financial stability, and if not, the financial stability requirement may be met by taking a 14 hour financial responsibility course and submitting a bond or irrevocable letter of credit, the amount to be determined by the type of license being applied for. The board suggested that the application include the statement that the 14 hour course be live and not an internet course. The board was advised by a CE provider to rethink making it a requirement for the class to be live as the costs for the contractor and provider would be significantly higher if the course had to be live instruction only. The

board still expressed concern over the possible dishonesty that could occur with the internet course.

A board member asked if the experience history section could be amended to include a statement that no attachments be submitted in place of the application pages. Board staff stated that it would be noted on the application that applicants are not to use forms other than the application pages.

The board also expressed gratitude for Oscar Gertsch for his work on these applications.

A member of the public, Fred Dudley, asked the board if the bond underwriters had given an estimate of the premiums for the bonds or irrevocable letter of credit. Mr. Harrell answered that discussions with bond providers indicated the premium would be about 2% of the bond. Mr. Dudley asked the board that if the license holder does not renew the bond and fails to submit proof of a 660 credit score, how the Department will know he is failing to maintain the financial stability requirement. Mr. Harrell answered that the Department won't know and that the Department will not track these bonds. That responsibility belongs to the licensee and the Department will only take action against that licensee if a disciplinary issue arises. Mr. Dudley asked that if the licensee will have to provide proof of a 660 credit score or proof of still having the bond at the time of license renewal. Mr. Harrell responded that financial responsibility needs to be determined only at the time the license is issued and the statutes do not contemplate having to prove financial responsibility at the time of renewal.

Mr. Trim asked the board if the Department will have an original copy of the bond and if they will track the bond, and asked how the Department will call upon the bond if the need arises. Mr. Trim also asked if the board is delegating authority to the bond companies to determine when an applicant reaches a 660 credit score. Mr. Harrell stated these issues will be addressed at the public workshop in Tallahassee at a future date.

Mr. Harrell reminded the Board that the legislature has not given the Board or the Department the authority to perform ongoing audits.

Mr. Harrell shifted the discussion to the additional business entity application forms. Mr. Harrell stated that the current process for additional entity applications is that if an applicant does not own at least 50% of the business it requires automatic board review. Mr. Harrell stated that the new application will ask if the applicant can provide the proper supervision and proper financial supervision. Mr. Harrell stated that while there are no on-site supervision or financial supervision requirements in the statute or rule, the board may inquire as to how the applicants intend to effectively manage the construction activities of both businesses, and how the applicant manages to show financial supervision, and the board may consider ownership interest and employee relationships as credible evidence of financial supervision. Mr. Harrell stated that this information will appear on the applications.

Mr. Harrell moved the discussion to the issues surrounding pre-licensure education, and that the issues will continue to be discussed in the future.

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

OLD BUSINESS

Removal of Board materials from lap tops.

NEW BUSINESS

R. Bruce Kershner, Vice President of the Underground Utility Contractors of Florida, addressed the board and requested that the board reiterate its opinion on a previous declaratory statement that the board issued concerning certified underground utility and excavation contractors being able to perform work on fire sprinkler systems. Mr. Kershner has stated some opposition has arisen from the Fire Marshall's office. The board made a motion which was seconded and approved unanimously to reiterate the position which was previously decided upon by the board.

Mr. Harrell informed the board that House Bill 849, which was recently passed by the legislature, requires licensed home inspectors to take a 3 hour course, approved by the Construction Industry Licensing Board, if they wish to submit uniform mitigation verification forms for insurance purposes. These courses will appear in front of the CE Committee in the near future. A copy of the proposed new uniform mitigation form was also distributed to board members for their review.

With no further business the meeting was adjourned at 10:16 am.