

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Hyatt Regency Jacksonville Riverfront
225 E Coastline Drive
Jacksonville, FL 32202
904.588.1234**

July 8, 9 - 11, 2014

**MEETING MINUTES
Unapproved**

Board Members Present

Roy Lenois, Vice Chair
Brian Cathey, Chair
Robert Moody
Aaron Boyette
Edward Weller
Jacqueline Watts
Albert Korelishn
Christopher Cobb
William Sheehan
Keith Lawson II
Hector Castro

Board Members Absent

Mark Pietanza
Andrew Allocco
Richard Kane
James Evetts
Mary Layton (Friday only)

Others Present

Drew Winters, Executive Director, DBPR
Amanda Wynn, Government Analyst, DBPR
David Spingler, Government Analyst, DBPR
Greg Ayers, Administrative Assistant, DBPR
Douglas Dolan, Legal Advisor, AGO
Tom Barnhart, Legal Advisor, AGO
Kyle Christopher, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division II Board members met for Additional Business Entities Review on July 9, 2014 from 2:03 – 2:38pm. Mr. Lawson led the meeting. Of the 11 applications on the agenda, 4 were approved, 2 were approved contingent, 3 were continued, 1 was denied and 1 was withdrawn.

APPROVED (4)

Baker Jr., Joseph
Fries, Mark
Jenkins, Rustin
Moore, Tracy

APPROVED CONTINGENT (2)

Dragstedt, Roger
Flannery, James

CONTINUED (3)

Gordon, Harry – continued 120 days
Konnick, Mark – continued 60 days
Villa, Patricia – continued 30 days

DENIED (1)

Sheffield, Jeffrey

WITHDRAWN (1)

Arnedo, Marcelo

Division I Board members met for Additional Business Entities Review on July 10, 2014, from 1:30 – 3:09pm. Mr. Boyette led the meeting. Of the 30 applications on the agenda, 12 were approved, 4 were approved contingent, 7 were continued, 3 were denied, 2 were withdrawn and 2 were pulled.

APPROVED (12)

Crowder, Otis
Fries, Mark
Fries, Mark
Garcia, Angyvette
Graveran, Josue
Hartman, Michael – approved as a change of status
Long III, Howell
Metzker, James
Negm, Ahmed
Quevedo, Juan
Robbins, Justin – approved as a change of status
Ryan, Jeffrey

APPROVED CONTINGENT (4)

Apolinario, Nelson
Benavides, Richard

Guo, Zhi
Thames, Ronald

CONTINUED (7)

Bogomolni, Gustavo – continued 30 days
Konnick, Mark – continued 60 days
Layman, Scott – continued 30 days
Martin, Douglas – continued 60 days
Monk, David – continued 30 days
Pannill, Phillip – continued 30 days
Rubio, Rey – continued 30 days

DENIED (3)

Escobar, Luis
Raynor, William
Scheitinger, Stephen

WITHDRAWN (2)

Sanchez, Fred
Watson, Terry

PULLED (2)

O'Brien, Matthew
Perry, Edward

APPLICATION REVIEW

Division II Board members met for Application Review on July 9, 2014, from 3:00 – 4:52pm. Mr. Cobb led the meeting. Of the 38 applications on the agenda, 14 were approved, 2 were approved contingent, 7 were continued, 3 were denied, 10 were withdrawn and 2 were pulled.

APPROVED (14)

Bowden, David
Fellipone, Jose
Gonzalez, Pablo
Jones, Mark
Knight Jr., John
Mazzoli, Richard
Middlebush, Miles
Mignoli, Joseph
Molodecki Jr., Peter
Ogden, Gregory
Ragsdale, Jacob
Ritzer, William
Schwartz, William
Zabinsky, Ryan – approved as a downgrade to a Class B CAC license

APPROVED CONTINGENT (2)

Tetor, Paul

Vanpelt, Gaver

CONTINUED (7)

Beatty, Michael – continued 30 days
Derosa, Paul – continued 60 days
Hartmann, Robert – continued 60 days
Lliveras, Eduardo – continued 60 days
Maybaum, Russell – continued 60 days
Van Houten, Timothy – continued 60 days
Wise, Ginnie – continued 30 days

DENIED (3)

Antoniou, Ilias
Holland, Lori
Schueler, Richard

WITHDRAWN (10)

Boles, Tommy
Durkee Sr., Christopher
Henry, Jack
Henry, Jack
Jungclaus, David
McMillan, Willie
Rogers, James
Smyklo, Arthur
Young, Brandon
Zelaya, Ricardo

PULLED (2)

Bryant, Randall
Ward, Richard

Division II voted unanimously to ratify the list of financially responsible officer approvals.

Division I Board members met for Application Review on July 10, 2014, from 3:30 – 4:34pm. Mr. Evetts led the meeting. Of the 29 applications on the agenda, 9 were approved, 6 were continued, 10 were denied, 2 were withdrawn and 2 were pulled.

APPROVED (9)

De Armas, Reinaldo
Hensley, Christopher
Kish II, Scott – approved as a downgrade to a CRC license
Kromke, Michael
Leitner Jr., John
Richardson, Grant
Rooney, Mark
Stirp, Jeffrey
Wilkins, Charles

CONTINUED (6)

Crawford, Brian – continued 30 days
Davis, Terry – continued 60 days
Deligio, Antonio – continued 90 days
Mashtakov, Serge – continued 90 days
Nichols, Frederick – continued 30 days
Schmidt, Donald – continued 30 days

DENIED (10)

Banks, John
Elkhatib, Omar
Holmes Sr., John
Kennedy, Daniel
Lavender, Anthony
Pitman, Kenneth
Rutenberg, Sarah
Schenk, Ryan
Trench, Alexander
West, Candace

WITHDRAWN (2)

Henry, Jack
McCurry, Daniel

PULLED (2)

Beggs, Danielle
Fulford, Jack

Division I voted unanimously to ratify the list of financially responsible officer approvals.

PROBATION

Division II Board Members convened for Probation on July 10, 2014 from 9:57am – 10:09am. Mr. Korelishn led the meeting.

Carapezza, Ann – CCC1329739

Result: Unsatisfactory

Cason, Rickey – CCC1329740

Result: Unsatisfactory

Cyr, Kyle – CAC1814273

Result: Satisfactory

Hartwick, Benjamin – CAC1816206

Result: Unsatisfactory

Patti, Christopher – CCC1328749

Result: Satisfaction

Division I Board Members convened for Probation on July 10, 2014 from 1:03 – 1:28pm. Mr. Sheehan led the meeting.

Allen, Steven – CGC1521189

Result: Satisfactory

Asbury, Jason – CGC1511019

Result: Unsatisfactory

Burns, Brian – CGC020464

Result: Stay of suspension lifted

Calvert, Ricky – RR0067639

Result: Satisfactory

Davis, Joel – CGC1519612

Result: Satisfactory

Fagon, Dean – CGC1513842

Result: Stay of suspension lifted

Marra, Ronald – CGC1507637

Result: Stay of suspension lifted

Nesmith, Anthony – RB29003517

Result: Stay of suspension lifted

Obregon, Hector – CGC041565

Result: Satisfactory

Orman, Mark – CGC1506674

Result: Satisfactory

Stark, Marshall – RB0053106

Result: Satisfactory

Thomas, Michael – CGC1519751

Result: Continued 6 months

GENERAL SESSION

The meeting was called to order by Mr. Cathey, Chair, at 9:02am. Mr. Cobb gave the Invocation. Mr. Lenois led the Pledge of Allegiance.

EXECUTIVE DIRECTOR'S REPORT – DREW WINTERS

Mr. Winters gave the following report:

Mr. Winters distributed the Monthly Board Report which provides the monthly complaint and investigation numbers.

Mr. Winters informed the Board that the Residential Pool/Spa Servicing Specialty Contractor applications were now available online.

Mr. Winters informed the Board that the fee holiday has been well received by the licensees.

Mr. Winters requested the Board excuse the following absences:

Mark Pietanza
Andrew Allocco
Richard Kane
James Evetts
Mary Layton (Friday only)

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 – BRIAN CATHEY

Mr. Cathey welcomed Hector Castro as a new Division I Board member, and announced that Jason Wolf is the new Division I consumer member and will be in attendance at the next meeting.

Mr. Cathey presented a plaque to previous Board member, Paul Del Vecchio, in appreciation of his time served on the Board.

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 June 2014, the overall license activity case load was 467, down from 500 in May 2014 and up from 309 in June 2013.

There were 307 cases currently in Legal to be reviewed, 20 cases set for probable cause, 32 cases for which probable cause had been found/administrative complaints filed, 1 settlement stipulation approved, 1 informal hearing requested, 1 case awaiting outside action, 10 cases ready for default, 42 formal hearings requested, 1 case referred to DOAH, 2 cases in settlement negotiations, 0 cases pending Board dates, 35 cases set for Board presentation, 15 cases awaiting final orders, 0 cases under appeal and 0 cases had been re-opened.

For the month of June 2014, 54 cases were closed.

For the month of June 2014, the overall unlicensed activity case load was 756, up from 664 in May 2014.

There were 624 cases currently in Legal to be reviewed, 52 cases where administrative complaints had been filed, 1 settlement stipulation approved, 10 informal hearings requested, 0 cases awaiting outside action, 40 cases ready for default, 27 formal hearings requested, 0 cases referred to DOAH, 2 cases in settlement negotiations, 0 cases awaiting final orders, 0 cases under appeal and 0 cases had been re-opened.

For the month of June 2014, 83 cases were closed.

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

ATTORNEY GENERAL'S REPORT – TOM BARNHART

JEFFREY BECK – REQUEST FOR INFORMAL HEARING

Mr. Beck was present with counsel.

Mr. Barnhart presented this case stating Mr. Beck application for initial issuance of a certified general contractor's license was denied at the March 2014 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 failure to sufficiently demonstrate financial stability and responsibility, pursuant to section 489.115, Florida Statutes and Rule 61G4-15.006, Florida Administrative Code. The Notice of Intent to Deny was filed in April of 2014. Mr. Beck timely requested Board reconsideration.

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

BARRY COMPTON – REQUEST FOR INFORMAL HEARING

Mr. Compton was present.

Mr. Barnhart presented this case stating Mr. Compton's application for initial certified general contractor's license was denied at the November 2014 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 the applicant has outstanding IRS Liens. Therefore, applicant has failed to demonstrate financial stability and responsibility, pursuant to section 489.115, Florida Statutes and Rule 61G4-15.006, Florida Administrative Code. The Notice of Intent to Deny was filed in July of 2014. Mr. Compton timely requested Board reconsideration.

After discussion, the Board voted to pull the application.

JERDO DAVIS – REQUEST FOR INFORMAL HEARING

Mr. Davis was present counsel.

Mr. Barnhart presented this case stating Mr. Davis's application for initial issuance of a certified plumbing contractor's license was denied at the March 2014 meeting of the Board because the application materials indicated the applicant lacked good moral character, contrary to section 489.111, 455.227(1) (c) and 489.129(1)(b), Florida Statutes based on applicant's criminal history as detailed in the application materials. The Notice of Intent to Deny was filed in April of 2014. Mr. Davis timely requested Board reconsideration.

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

AURELIO DIAZ – REQUEST FOR INFORMAL HEARING

Mr. Diaz was present.

Mr. Barnhart presented this case stating Mr. Diaz's application to qualify an additional business entity was denied at the April 2014 meeting of the Board for failure to demonstrate the qualifying agent would properly supervise the construction work and business activities, as required by section 489.119, Florida Statutes. The Notice of Intent to Deny was filed in May of 2014. Mr. Diaz timely requested Board reconsideration.

After discussion, the Board voted to grant the continuance to the August Board meeting.

MARK GANSKOP – REQUEST FOR INFORMAL HEARING

Mr. Ganskop was present.

Mr. Barnhart presented this case stating Mr. Ganskop's application for issuance of a certified general contractor's license was denied at the February 2014 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 April of 2014. Mr. Ganskop timely requested Board reconsideration.

After discussion, the Board voted to reschedule for the October Board meeting.

YENISS GARCIA – REQUEST FOR INFORMAL HEARING

Mr. Garcia was present.

Mr. Barnhart presented this case stating Mr. Garcia application for issuance of a certified plumbing contractor's license was denied at the June 2014 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 July of 2014. Mr. Garcia timely requested Board reconsideration.

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

RICHARD HARDY – REQUEST FOR INFORMAL HEARING

Mr. Hardy was present

Mr. Barnhart presented this case stating Mr. Hardy's application to qualify an additional business entity was denied at the April 2014 meeting of the Board for failure to demonstrate the qualifying agent would properly supervise the construction work and business activities, as required by section 489.119, Florida Statutes. The Notice of Intent to Deny was filed in May of 2014. Mr. Diaz timely requested Board reconsideration.

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

TIMOTHY HAWKINS – REQUEST FOR INFORMAL HEARING

Mr. Hawkins was present.

Mr. Barnhart presented this case stating Mr. Hawkins's application for issuance of a certified mechanical contractor's license was denied at the June 2014 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 July of 2014. Mr. Hawkins timely requested Board reconsideration.

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

EDUARDO MARTIN – REQUEST FOR INFORMAL HEARING

Mr. Martin was not present.

Mr. Barnhart presented this case stating Mr. Martin application for initial issuance of a certified roofing contractor's license was denied at the April 2014 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 May of 2014. Mr. Martin timely requested Board reconsideration.

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

LESLIE REX – REQUEST FOR INFORMAL HEARING

Mrs. Rex was present.

Mr. Barnhart presented this case stating Mrs. Rex's Application for initial issuance of a certified residential contractor's license was denied at the November 2014 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 2014. Mrs. Rex timely requested Board reconsideration.

After discussion, the Board voted to move the application to the August Board meeting.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – RICHARD KANE

Mr. Kane gave the following report:

FLORIDA ASSOCIATION OF PLUMBING, HEATING AND COOLING CONTRACTORS

1st course: 10 Things Your Lawyer Won't Tell You (But Should) – approved

2nd course: Changes in Dimensions/Energy Rating for Water Heaters for 2015 – approved

3rd course: Triple Your Sales by Getting Internet Marketing Right – approved as 1 hour general credit

HANLEY WOOD EXHIBITIONS

- 1st course: Blame it on the Pool Tech – denied
- 2nd course: Cash Flow and Cash Flow Budgeting – approved
- 3rd course: Construction 201: Basic Pool Construction – approved
- 4th course: Construction 251: Commercial Pools and Waterparks – approved
- 5th course: Construction 309: Beauty of the Edge – Vanishing Edge, Grass Edge and Perimeter Overflow Pools – Part 2 – approved
- 6th course: Construction 408: Construction Techniques for a Vanishing Edge Pool – approved
- 7th course: Counter-Intuitive! Design & Build Your Own Cast Concrete Countertops – approved
- 8th course: Design 461: Waterfalls for Swimming Pools and Landscapes – approved
- 9th course: Dive into Solar Pool Heating – approved
- 10th course: Engineering 201: State of the Art Spa Details – approved
- 11th course: Engineering 211: Basic Fluid Engineering – approved
- 12th course: Ignite Your Sales with Fire Features – approved
- 13th course: Leading Edge Swimming Pool Hydraulics (Drains Not Required) – approved
- 14th course: Pool Shell Structural Failures – Case Studies – approved
- 15th course: Sustainability: A Path to Succession – denied
- 16th course: Variable Speed Pool Pumps: Make Them Make Your Job Easier – approved
- 17th course: Water Features - approved

HANS GROVE INC

- 1st course: Water Sense Efficient Shower Technology - approved

M FREDERICK ENTERPRISES

- 1st course: Inverter Technology - approved

MARK A HOROWITZ

- 1st course: Introduction and Overview of Florida's Construction Lien Law – approved as business practice credit

PINCH A PENNY INC

- 1st course: Swimming Pool Energy Audits - approved

PLUMBING CONTRACTORS ASSOCIATION

- 1st course: ASSE 6010 Medical Gas Systems Installer – Brazer Training Course - approved

PROFESSIONAL HOME INSPECTION INSTITUTE

- 1st course: Wind Mitigation Inspection - approved

REDVECTOR.COM INC

- 1st course: Florida Construction Lien Law (RV-10607) – approved as business practice credit
- 2nd course: Mold Reporting for Mold Assessment and Mold Remediation Projects – approved
- 3rd course: The Ultimate Project Manager, Chapter 3, The Contract Agreement - approved

SEMINAR GROUP

- 1st course: 3rd Annual Construction Law in Florida – approved
- 2nd course: Condominiums, Opportunities & Pitfalls – approved

SIEGFRIED, RIVERA, HYMAN, LERNER DE LA TORRE, MARS & SOBEL

1st course: Basic Principles of Construction Contracts – approved

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

AD HOC/UNLICENSED ACTIVITY COMMITTEE – AARON BOYETTE

Mr. Boyette gave the following report:

Mr. Boyette informed the Board that Sandra Rentfrow and Raina Reagan from the Jacksonville office made a presentation to the committee regarding their current efforts and future goals related to unlicensed activity.

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:

61G4-12.011 Definitions

- Sent to OFARR 11/5/13
- Rule Development Published 11/13/13
- The Board voted to table development of this rule at the May 2014 meeting

61G4-14.005 Public Comment

- Sent to OFARR 11/26/13
- Rule Development Published 12/4/13
- The Board voted to not go forward with developing any new language for this rule at the May 2014 meeting

61G4-15.039 Certification of Industrial Facilities Specialty Contractors

- Sent to OFARR 11/5/13
- Rule Development Published 11/13/13
- Notice Published 6/6/14
- JAPC letter 6/12/14

61G4-15.040 Certification of Residential Pool/Spa Servicing Specialty Contractors

- Sent to OFARR 3/27/14
- Rule Development Published 4/3/14
- Rule Adopted 6/2/14
- Rule Effective 6/22/14
- Applications posted online

61G4-16.001 Written Certification Examination Requirements

- Sent to OFARR 2/20/14
- Rule Development Published 2/28/14
- The Board voted that no SERC was needed for this rule
- The Board voted to go forward with the adoption process

61G4-17.001 Normal Penalty Ranges

- Sent to OFARR 9/4/13
- Rule Development Published 9/12/13
- The Board asked that the language be brought back before them at the August 2014 meeting for approval

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 9:39am.