

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Vinoy Renaissance St. Petersburg
501 5th Avenue NE
St. Petersburg, FL 33701
727.894.1000**

August 11, 12-14, 2015

**MEETING MINUTES
Approved 1/15/2016**

Board Members Present

Roy Lenois, Chair
James Evetts, Vice Chair
William "Brian" Cathey
Robert Moody
Albert Korelishn
William Sheehan
Keith Lawson II
Andrew Allocco
Edward Weller
Christopher Cobb
Hector Castro
Richard Kane
Mark Pietanza
Jacqueline Watts
Mary Layton

Board Members Absent

Aaron Boyette
Jason Wolf

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
Eric Giunta, Assistant Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division II Board members met for Additional Business Entities Review on August 12, 2015 from 2:00 – 3:03pm. Mr. Lawson led the meeting. Of the 16 applications on the agenda, 6 were approved, 3 were continued, 3 were approved contingent, 3 were denied and 1 was pulled.

APPROVED (6)

De La Cruz, Tupac A.
Fouk, Frederick J.
Luvara, Antonio - plumbing
Luvara, Antonio – AC
Rodriguez, Juan F.
Toman, James A.

CONTINUED (3)

Defrancesco, Michael J. – continued 180 days
Granda, Omar L. – 90 day continuance
Rios Jr., Miguel A. – 30 day continuance

CONTINGENT (3)

Munoz, Luis E.
Palmer, Jay D.
Reidy, David J.

DENIED (3)

Clark, Leon J.
Elbaz, Stephen M.
Martini, Darren J.

PULLED (1)

Savage, Michael W.

Division I Board members met for Additional Business Entities Review on August 13, 2015, from 2:07 – 3:18 pm. Mr. Kane led the meeting. Of the 31 applications on the agenda, 16 were approved, 6 were continued, 2 were approved contingent, 5 were denied, 1 was withdrawn and 1 was pulled.

APPROVED (16)

Carter, Gordon E.
Delwisch, Clinton H.
Dorso, Louis M.
Elkhatib, Omar
Fechtel III, Vincent J.
Fechtel III, Vincent J.
Lind, Mitchell W.
Mayes, Antony T.
Munoz, Eloy M.
Page, Francois
Pizey, Andrew S.

Roberts, John C.
Roberts, Quinn M.
Sandholzer, Michael
Smith, Bryan P.
Yoshikay, Juan F.

CONTINUED (6)

Alvarez, Reynaldo L.- 30 day continuance
Bundy, Robert J. – 60 day continuance
Cooper, Michael P.- 30 day continuance
Martini, Darren J. – 60 day continuance
Rios Jr., Miguel A.- 30 day continuance
Rivera, Juan D. - 60 day continuance

CONTINGENT(2)

Dos Santos, Maurysio
Mascaro, Emilio F.

DENIED (5)

Colwell, William S.
Garcia Jr., Pablo R.
Lewellen Jr., Michael J.
Luvara, Antonio
Lynch, Patrick M.

WITHDRAWN (1)

Hennessey II, Joseph P.

PULLED (1)

Carroll, Lee K.

APPLICATION REVIEW

Division II Board members met for Application Review on August 12, 2015, from 3:15 – 4:05pm. Mr. Cobb led the meeting. Of the 19 applications on the agenda, 7 were approved, 4 were approved contingent, 4 were denied, 1 was withdrawn and 3 were pulled.

APPROVED (7)

Barturen, Guillermo P.
Cannaday, Michael D.
Colon, Nelson R.- downgrade to Class A
Doby II, Willie D.
Lutley, Richard J.
Novo, Kristen A.
Owen, Daniel F.

CONTINGENT (4)

Benton, Jason S.
Berg, Larry- roofing

Berg, Larry- plumbing
Garcia, Rogger A.

DENIED (4)

Chambers, Scott D.
Isbell, Barry E.
Kurenuma, Hiroki F.
Tow, Shane M.

WITHDRAWN (1)

Cook, Steven J.

PULLED (3)

Austad, Howard R.
McAlhany, James G.
Zarm, Carey L.

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

Division I Board members met for Application Review on August 13, 2015, from 4:00– 5:20pm. Mr. Evetts led the meeting. Of the 20 applications on the agenda, 4 were approved, 4 were continued, 1 was approved contingent, 9 were denied, 1 was withdrawn and 1 was pulled.

APPROVED (4)

Antigua, Carlos L.
Jeffers Jr., Robert C.
Layton, Donna D.
Sowers, Paul D.

CONTINUED (4)

Martin Jr., Johnny A.- 90 day continuance
Ratica, Jacqueline M. – 90 day continuance
Taylor, Terrance J. – 30 day continuance
Thai, Jeffrey N. – 30 day continuance

CONTINGENT (1)

Berg, Larry

DENIED (9)

Engelken Jr., Walter R.
Cramer Jr., Kevin E.
Diaz, Nicholas A.
Falby, Matthew B.
Fialka, Michael J.
Gates, Kenneth J.
McCawley, Shane M.
Sorenson, Ronald R.
Torres, Daniel L.

WITHDRAWN (1)

Greer, Jerald G.

PULLED (1)

McAlhany, James G.

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

Division I Board members met for Final Action on August 13, 2015, from 8:35am– 8:49am. Mr. Evetts led the meeting.

Case #(s): 2014033515

AARON ROY

License #(s): CBC056807

18798 SW 350th St

Homestead, FL 33034

Probation for 4 years

7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.

Pay administrative fines in the amount of \$10,000 and costs of \$285.68

Not Present

Case #(s): 2014037266

BENNY CALZON

License #(s): CGC1514577

5418 Poinsettia Dr

New Port Richey, FL 34652

Probation for 4 years

7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.

Pay administrative fines in the amount of \$2,000 and costs of \$325.72

Present w/ Counsel

Case #(s): 2014008049

PAUL CARNES

License #(s): CBC1253086

4667 Bay Cedar Lane

Sarasota, FL 34241

Restitution in the amount of \$14,077.50

Probation for 4 years

Pay administrative fines in the amount of \$12,500 and costs of \$218.47

Not Present

Case #(s): 2014036378

HECTOR CASTRO

License #(s): CGC057674

8567 Coral Way, #147

Miami, FL 33155

Dismissed

Present

Case #(s): 2014020033

JOHN FEWELL

License #(s): CGC058109

1049 Summerbrooke Dr

Tallahassee, FL 32312

Probation for 4 years

14 hours additional live Continuing Education w/emphasis on Ch 489, F.S.

Pay administrative fines in the amount of \$15,500 and costs of \$218.37

Not Present

Division I & II Board members met for Final Action on August 13, 2015, from 8:56am– 9:06am. Mr. Evetts and Mr. Lenois led the meeting.

Case #(s): 2014035966

ALDON BOOKHARDT

License #(s): CGC1505081, CCC057655

1116 South St

Titusville, FL 32780

Probation for 6 years

7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.

Pay administrative fines in the amount of \$3,000 and costs of \$409.15

Counsel Present

Case #(s): 2014042156

DAVID BURROWS

License #(s): CVC056704, CVC056972, CCC1328415 & CGC1505549

1281 North Ocean Dr, #162

Singer Island, FL 33404

30 day continuance

Counsel Present

Case #(s): 2014038438

DAVID BURROWS

License #(s): CVC056704, CVC056972, CCC1328415 & CGC1505549

1281 North Ocean Dr, #162

Singer Island, FL 33404

30 day continuance

Counsel Present

Case #(s): 2013017006

PATRICK FLANAGAN

License #(s): FRO586, FRO3981

4404 NW 13th St

Gainesville, FL 32609

30 day continuance

Not Present

Division II Board members met for Final Action on August 13, 2015, from 9:15am– 9:35am. Mr. Lenois led the meeting.

Case #(s): 2014040259, 2014040370, 2014042134, 2014042169, 2014043124, 2014043623

ERIC CLIFT

License #(s): CPC056663

3842 Deer Chase Place East

Jacksonville, FL 32224

Voluntary Relinquishment

Pay administrative fines in the amount of \$60,000 and costs of \$1,446.85

Not Present

Case #(s): 2014048122

JAMES GARRISON

License #(s): RC41872

404 7th St East

Bradenton, FL 34208

Revocation

Pay administrative fines in the amount of \$10,000 and costs of \$246.89

Not Present

Case #(s): 2014027814

JUAN MORENO

License #(s): CCC1327148

2649 Nassau Dr

Miramar, FL 33023

7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.

Pay administrative fines in the amount of \$1,500 and costs of \$243.83

Not Present

Case #(s): 2013021205, 2013021399, 2013027464

HAROLD MYERS

License #(s): CFC1428321

712 S Oakwood Ave

Brandon, FL 33511

Probation for 4 years

7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.

Pay administrative fines in the amount of \$6,000 and costs of \$801.64

Present w/ Counsel

Case #(s): 2014002487

MILO OLSON

License #(s): CCC1329585

8883 Fisherman's Wharf Dr

Stuart, FL 34997

Restitution in the amount of \$866.66

Pay administrative fines in the amount of \$20,000 and costs of \$349.75

Not Present

Case #(s): 2014005262, 2014052112, 2014053020

KEVIN SMITH

License #(s): CFC027524

1250 Central Park Dr
Sanford, FL 32771
30 day continuance
Counsel Present

Case #(s): 2014043392

JAMES WATSON

License #(s): CAC1814083
9140 55th St North
Pinellas Park, FL 33782
Probation for 2 years
7 hours additional live Continuing Education w/emphasis on Ch 489, F.S.
Pay administrative fines in the amount of \$5,000 and costs of \$252.99
Not Present

Case #(s): 2014042339

DAVID WHIPPLE

License #(s): CCC039859
7232 Burnway Dr
Orlando, FL 32819
Revocation
Restitution in the amount of \$7,030
Pay administrative fines in the amount of \$10,000 and costs of \$339.88
Not Present

Case #(s): 2014048068

DAVID WHIPPLE

License #(s): CCC039859
7232 Burnway Dr
Orlando, FL 32819
Revocation
Pay administrative fines in the amount of \$10,000 and costs of \$202.99
Not Present

Case #(s): 2012048868

MARION YORK

License #(s): CPC1457036
8236 SW 115th Run
Lake Butler, FL 32054
30 day continuance
Not Present

PROBATION

***Division II Board Members convened for Probation on August 13, 2015 from 9:45am – 10:00am.
Mr. Korelishn led the meeting.***

CITRANO, BRIAN, CFC1425927

Results: Satisfactory

NELSON, GERALD, RC29027503
Results: Satisfactory

POYASTRO, LIOR, CAC1815656
Results: Continued

SOARES, POLYNNE, CCC1329580
Results: Stay Lifted

Prince, Lynn,
Results: Reinstated Stay

***Division I Board Members convened for Probation on August 13, 2015 from 1:40 – 2:00pm.
Mr. Sheehan led the meeting.***

CONNER, STEPHANIE, SCC131149884
Results: Satisfactory

FORREST, LINDA, CGC049650
Results: Satisfactory

MOORE, TERENCE, CGC1105819
Results: Satisfactory

NELSON, GERALD, RB29003074
Results: Unsatisfactory

STERRETT, MICHAEL, CGC060838
Results: Satisfactory

MULLINS, RANDALL, CBC1252808
Results: 180 day continuance

VALLADARES, JOSE, CGC1511678
Results: continued to next meeting.

RULES/PUBLIC/LEGISLATIVE COMMITTEE: SPECIAL DISCUSSION

The Rules/Public/ Legislative Committee members convened for discussion on August 13, 2015 from 10:04am- 12:28pm. Ms. Watts led the meeting.

Rules Discussion regarding A/C contractors and pool heaters:
Statutory provisions 489.105 (3)(f) and (g)

Public comment was made by: Mr. Dudley, Ms. Hatfield, Mr. Tawney, Mr. Cotney, Mr. Sims (Rick), Mr. Moss (Andy), Mr. Evans, FSPA representative, Mr. Howard (Rick), Mr. Sanger (Rob), Mr. Kirsch USPA

Board Members: Ms. Watts, Mr. Lenois, Mr. Evetts, (Board Counsel: Doug Dolan)

Comments:

- Mr. Dudley referenced DS 2012-024 of Mr. Tawney. The question posed in DS 2012-024 is: “Can a licensed Class A or B air-conditioning contractor contract and install a heat pump for a swimming pool or spa?”
- The specific concern addressed in DS 2012-024 was that installation of a pool heater could increase water flow and pressure which are subject to federal laws, state laws, and ANSI standards for Suction Entrapment Avoidance.
- The Board’s discussion of DS 2012-024 focused on the fact that the existing language of sections 489.105 (3)(f) and (g) F.S. prohibits swimming pools (e.g. pool piping) from all HVAC scopes of work.
- The FSPA agrees with sections 489.105 (3) (f) and (g) clearly prohibiting A/C contractors from working with swimming pool piping and filtration systems. The FSPA understands a heater cannot be installed without interacting with these parts.
- Mr. Tawney commented, based on his 30+ years’ experience in the swimming pool heat pump industry as a manufacturer and servicing agent of over 300 models, that heat pumps can have diverse hydraulic characteristics which affect flow rate differently. Thus if the installing contractor is not aware of a particular pump’s unique performance calculations, the contractor may very well create what ANSI/APSP-7 considers hazardous conditions.
- A/C contractors are capable of performing repair services on existing swimming pool heat pumps but are not appropriately trained to perform replacements or install brand new heat pumps due to the impacts on plumbing. As such, a consumer would be required to hire a swimming pool contractor for installation/replacement work.
- Public comment: there is a lack of continuing education opportunities to keep contractors up to date with hydraulic system changes over time.
- The importance of knowing the history of a pool’s hydraulic system and any changes to the piping in order to appropriately perform work on the system. When the same contractor installs and maintains the pool they already have this knowledge; a new contractor would have to dig up the pipes to properly examine them
- The CDC swimming pool statistics prove death and disembowelment occur as a result of hydraulic entrapment issues more often than electrocution or asphyxiation.
- The USPA supports the legislation excluding “swimming pool piping and filters” from A/C contractors’ scope of work.
- Frequency of changing the pump: entirely dependent upon functionality of each unit.
- No substantive motions offered.

Rules Discussion regarding draft language for 61G4-15.001: Qualification for Certification:

Comments:

- The difference in the two drafts of the rule, the newer includes “habitable & occupiable” language rather than the older “habitable commercial buildings” language.
- The main update is the addition of the Florida Building Code references
- It was suggested that the word “commercial” needs to remain included in the license language. General Contractors are separated by their exclusive experience with buildings of 4 or more stories, but the word “commercial” it is the only difference between the B and C license language.
- Including the word “aggregate” in (2)(a) under qualifying square footage. There are many aspects to commercial work that residential contractors simply do not encounter. The term

“aggregate” may allow certain contractors to technically meet commercial criteria without having the full range of experience.

- The major goal of this language cleanup is to clarify what is required because it seems many applicants do not fully understand the criteria before applying. However, some feel the requirements for a general contractor’s license are not restrictive enough which is why financial problems arise. Many contractors seem to lack the experience either to perform the work they are hired to do or to run a business itself.
- It was noted to take a look at 489.103(3) F.S. exemptions: It would be preferable to simply state, “Paid experience gained under 489.103 will not be allowed”.
- Ms. Koning clarified in the corrected language of 1(a) the last sentence reads as follows: “However, experience gained through providing services that would fall under an exemption pursuant to Ch. 489 part 1 F.S. will not be accepted”.
- On a multi-employer worksite, the experience the subcontractors gain is recognized by the Board because they are working for the primary contractor.
- We need to get back to controlling the means and methods: General Contractor is the only one on the job that controls the means and methods. Experience gained under a contractor who controls the means and methods.
- Need to be sure experience gained is under a licensed contractor.
- Supervisor is an employee of contractor, or supervisor who is qualified to oversee that scope of work.
- Just for clarification: Rules and Regulations are supplemental to the FS. The statutes under 489.111 paragraphs 2 have a clear description of what is required.
- Contractor can verify relevant experience, relevant scope, Supervisor should be verifying the relevant scope too.
- 489.111 (1)(c)(2)
- This rule purpose is to put people on notice of what to expect when applying and coming before the board.
- The board should have some kind of consensus, amongst the board members itself.
- Add: employed by and appropriately licensed contractor who controls the means and methods of that scope of work on a multi-employer worksite.
- Need to make a reference that experience gained under a subcontractor working for a contractor We do need to get subs if they have the relevant experience we just don’t need to add supervisory in the language.
- The word supervisor will get misconstrued. We need to think on the language.
- Mr. Dolan would like to have wording to be voted on.
- 2(a) and (3): habitable vs occupiable: this may work if we include a site to reference the Florida Building Code.
- 2(a)(1): should remove the word aggregate
- Ms. Koning: Under 2(a) on her draft: pursuant to the Florida Building Code without reference to chapter 3.
- There should be a (c) under 2(a) that references a Building Contractor.
- The only difference between residential and building is, commercial. If you aren’t going to distinguish between the two then do away with the classifications.
- Final Comments: request copies of language tomorrow
- No substantive motions offered.

GENERAL SESSION

The meeting was called to order by Roy Lenois, at 9:19am. Mr. Lenois gave the Invocation. Mr. Pietanza led the Pledge of Allegiance.

Review of Minutes: The Board approved minutes for:

- Meeting Minutes: May 2015, June 2015

EXECUTIVE DIRECTOR'S REPORT – Daniel Biggins

Mr. Biggins gave the following report: CILB Complaint Summary

Mr. Biggins requested the Board excuse the following absences:

- Aaron Boyette
- Jason Wolf

The Board voted unanimously to excuse the above absences.

Mr. Biggins thanked the Board members for their extra work the past few meetings.

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

CHAIRMAN'S REPORT – Roy Lenois

Mr. Lenois reminded the board members to please remember the rules and responsibility of the Florida Sunshine Law

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 July 2015, the overall license activity case load was 635, down from 682 in June of 2015, and up from 519 in July 2014.

There were 398 cases currently in Legal to be reviewed, 12 cases set for probable cause, 44 cases where probable cause had been found/administrative complaints filed, 0 settlement stipulation approved, 5 informal hearings requested, 0 cases awaiting outside action, 38 cases ready for default, 62 formal hearings requested, 0 cases referred to DOAH, 0 cases in settlement negotiations, 0 case pending board date, 43 cases set for board presentation, 33 cases awaiting final orders, 0 cases under appeal and 0 cases had been re-opened.

For the month of July 2015, 78 cases were closed.

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

ATTORNEY GENERAL'S REPORT – Douglas Dolan

NATHAN ANDERSON – REQUEST FOR INFORMAL HEARING

Mr. Anderson was not present.

Mr. Dolan presented this case stating Mr. Anderson's application for a Certified Gas Line Specialty Contractor's license was denied at the May 2015 meeting of the Board for failure to demonstrate 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 June of 2015. Mr. Anderson timely requested board reconsideration.

After discussion, the Board vacated the previous denial, and the applicant withdrew.

STEPHEN BENDER – PETITION FOR DECLARATORY STATEMENT

Mr. Bender was not present.

Mr. Dolan presented this case stating that Mr. Bender filed a petition for Declaratory Statement on June 11, 2015. The petition was noticed in the Florida Administrative Register on June 19, 2015. Mr. Dolan noted the petitioner asks the Board whether a license is required for an industrial welding contractor in the State of Florida when the welding process is used to repair boilers in petrochemical and power facilities and does not erect, modify, or change any existing structures.

After discussion, the board declined to answer due to the question already being answered.

TOMMY BOLES – REQUEST FOR INFORMAL HEARING

Mr. Boles was present.

Mr. Dolan presented this case stating Mr. Boles filed a Notice of Appeal and Petition for Informal Hearing in this cause on March 6, 2015, and the Amended Notice filed on July 21, 2015. Mr. Boles and Homewise Improvement Solutions, Inc., sought review of the Board Order entered on February 10, 2015, by the Marion County License Review Board of Marion County, Florida. The petitioner filed a notice of appeal pursuant to 489.131(7)(d), FS, and requested the Board conduct a hearing pursuant to Section 120.57(2), FS. The petitioner is requesting an entry of an order by the Board finding that Petitioner is not liable for any additional fine or sanction as recommended by the Marion County License Review Board.

After discussion, the Board voted to reject the recommendation of the Marion County License Review Board and does not impose a penalty on Petitioner in this matter.

CHRISTIAN CARDOSO – REQUEST FOR INFORMAL HEARING

Mr. Cardoso was present.

Mr. Dolan presented this case stating Mr. Cardoso's application to qualify an additional business was denied at the June 2015 meeting of the Board for failure to demonstrate the required experience for a certified class A air conditioning license, pursuant to 489.111 Florida Statutes. The Notice of Intent to Deny was filed in July of 2015. Mr. Cardoso timely requested board reconsideration.

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

KEVIN CLAYTON – REQUEST FOR INFORMAL HEARING

Mr. Clayton was present.

Mr. Dolan presented this case stating Mr. Clayton's application for a Certified Drywall Specialty Contractors' license denied at the May 2015 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 June of 2015. Mr. Clayton timely requested board reconsideration.

After discussion, the Board voted to uphold the denial.

ROY FLOURNOY – PETITION FOR DECLARATORY STATEMENT

Mr. Flournoy was not present.

Mr. Dolan presented this case stating that Mr. Flournoy filed a petition for Declaratory Statement on May 5, 2015. The petition was noticed in the Florida Administrative Register on June 19, 2015. Mr. Dolan noted the petitioner asks the Board whether a Certified General Contractor can perform progress/draw inspections on construction projects for financial institutions that are financing the project for the purpose of establishing the status of construction of the project and verifying stored and/or purchased materials.

After discussion, the board voted to decline to answer due to the petition not being legally sufficient pursuant to 28-105.002, Florida Administrative Code.

JAMES FREDRICHS – PETITION FOR DECLARATORY STATEMENT

Mr. Fredrichs was present with Counsel.

Mr. Dolan presented this case stating that Mr. Fredrichs filed a petition for Declaratory Statement on May 13, 2015. The petition was noticed in the Florida Administrative Register on June 26, 2015. Mr. Dolan noted the petitioner asks the Board to clarify several definitions within 61G4-15.015, F.A.C. and whether a Specialty Structure Contractor can install preformed panel metal roofs on site built residential or commercial structures where the preformed panel is being installed directly over existing roofing.

After discussion, the board voted to decline to answer due to the petitioner no being substantially affected, as required by section 120.565, Florida Statutes, and the petitioner is not a licensee.

ED GUND – PETITION FOR VARIANCE & WAIVER

Mr. Gund was not present.

Mr. Dolan presented this case stating that Mr. Gund filed a petition for Variance or Waiver on June 4, 2015. The petition was noticed in the Florida Administrative Register on July 16, 2015. Mr. Dolan noted the petitioner asks the Board for a permanent variance or waiver of Rule 61G4-16.005, F.A.C., which

requires for the purpose of certification, a passing grade shall be valid only for a period of four (4) years from the date the list of successful candidate is approved by the Board.

After discussion, the Board voted to deny the petition because the Petitioner has not shown how application of the rule creates a substantial hardship or violates principles or fairness.

STEVEN HAVEN – REQUEST FOR INFORMAL HEARING

Mr. Haven was present with Counsel.

Mr. Dolan presented this case stating Mr. Haven's application for a Certified General Contractors' license denied at the June 2015 meeting of the Board for failure to demonstrate the required experience for a gas line specialty contractor's license, pursuant to section 489.111, Florida Statutes, and Rule 61G4-15.001, F.A.C. The Notice of Intent to Deny was filed in July of 2015. Mr. Haven timely requested board reconsideration. Mr. Haven requested that the Notice of Intent to Deny be vacated and that he be allowed to withdraw his application.

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

ADAM HOFFMAN – REQUEST FOR INFORMAL HEARING

Mr. Hoffman was present.

Mr. Dolan presented this case stating Mr. Hoffman's application to qualify an additional business was denied at the March 2015 meeting of the Board for failure to appear as required by 61-G4-15.0021, Florida Statutes, and the applicant failed to demonstrate the qualifying agent would have the ability to supervise the construction work and business activities of the organization, as required by section 489.119, Florida Statutes. The Notice of Intent to Deny was filed in March of 2015. Mr. Hoffman timely requested board reconsideration.

After discussion, the Board voted to vacate the previous denial, and approve the application contingent upon proof of W-2.

JOSHUA JORDAN – REQUEST FOR INFORMAL HEARING

Mr. Jordan was present.

Mr. Dolan presented this case stating Mr. Jordan's application for a Certified General Contractor's license denied at the February 2015 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 June of 2015. Mr. Jordan timely requested board reconsideration. At the hearing, Mr. Jordan established the required experience in the licensure classification through the submission of additional documentary information and written testimony.

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

DAVID KIRKBRIDE – REQUEST FOR INFORMAL HEARING

Mr. Kirkbride was present.

Mr. Dolan presented this case stating Mr. Kirkbride's application for a change of status for Registered Roofing Contractor's license denied at the July 2015 meeting of the Board for failure 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 August of 2015. Mr. Kirkbride timely requested board reconsideration. At the hearing, Mr. Kirkbride submitted additional documentary information and testimony regarding his financial stability and responsibility.

After discussion, the Board voted to vacate the previous denial, and approve the application contingent upon timely providing proof of the release of all liens or an established payment plan.

MATTHEW LAIL – PETITION FOR VARIANCE & WAIVER

Mr. Lail was not present.

Mr. Dolan presented this case stating Mr. Lail filed a Petition for Variance/Waiver on July 8, 2015. The Petition was noticed in the Florida Administrative Register on July 22, 2015. Mr. Dolan noted the petitioner seeks a variance or waiver to use his examination scores from his Certified Building Contractor License to qualify for his application as a Certified General Contractor.

After discussion, the Board voted the Petition is not legally sufficient pursuant to 28-104.002, F.A.C. and declined to answer.

NATIONAL METERING SERVICES INC – PETITION FOR DECLARATORY STATEMENT

A representative from National Metering Services, Inc. was present.

Mr. Dolan presented this case stating National Metering Services filed Petition for Declaratory Statement on July 13, 2015. The petition was noticed in the Florida Administrative Register on July 22, 2015. Mr. Dolan noted the petitioner seeks a declaratory statement regarding the phrase "up to and including the meter location," used in 489.105(3)(n), Florida Statutes, as it may relate to the replacement of water meters.

After discussion, the board voted the petition has standing. After further discussion, the board issued a declaratory statement that the installation or replacement of residential water meters is permitted under the scope of practice of the Underground Utility and Excavation Contractor's license.

RICHARD ROBBINS – REQUEST FOR INFORMAL HEARING

Mr. Robbins was present.

Mr. Dolan presented this case stating Mr. Robbins' application to qualify an additional business was denied at the April 2015 meeting of the Board for failure to demonstrate adequate supervisory capability, pursuant to section 489.111, Florida Statutes, and Rule 61G4-15.0024, Florida Administrative Code. The Notice of Intent to Deny was filed in June of 2015. Mr. Robbins timely

requested board reconsideration. At the hearing, Mr. Robbins was able to demonstrate how proper supervision of the business would occur.

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

VITO ROMANO – REQUEST FOR INFORMAL HEARING

Mr. Romano was present.

Mr. Dolan presented this case stating Mr. Romano's application for a Certified Plumbing Contractors' license was denied at the March 2015 meeting of the Board due to the applicant not demonstrating he has passed an examination that is substantially equivalent to the required Florida certification examination as required by section 489.115(3), Florida Statutes. The Notice of Intent to Deny was filed in March 2015. Mr. Romano timely requested board reconsideration.

After discussion, the Board voted to grant a 60-day continuance.

DANIEL RUIZ – REQUEST FOR INFORMAL HEARING

Mr. Ruiz was present.

Mr. Dolan presented this case stating Mr. Ruiz's application for a Certified Mechanical Contractor's license was denied at the May 2015 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 June of 2015. Mr. Ruiz timely requested board reconsideration.

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

THOMAS SHERMAN – REQUEST FOR INFORMAL HEARING

Mr. Sherman was not present.

Mr. Dolan presented this case stating Mr. Sherman's for a Certified Plumbing Contractor's license was denied at the April 2015 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 June of 2015. Mr. Sherman timely requested board reconsideration.

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

ANGELA WINSTON – REQUEST FOR INFORMAL HEARING

Ms. Winston was not present.

Mr. Dolan presented this case stating Ms. Winston's application for a business name change for a Certified General Contractor's license was denied at the October 2014 meeting of the Board due to the

applicant having open enforcement contrary to section 455.213(3), F.S. The Notice of Intent to Deny was filed in October 2014. Ms. Winston timely requested board reconsideration.

After discussion, the applicant requested a 30 day continuance

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – Christopher Cobb

Mr. Cobb gave the following report:

1ST CONTRACTORS SCHOOL

1st course: Financial Responsibility and Stability: **60 day continuance**

AIR CONDITIONING CONTRACTORS OF AMERICA (ACCA) ASSOCIATION INC

1st course: Commercial Design for Quality Installation: **denied**

2nd course: Residential Design for Quality Installation: **denied**

CONTRACTOR'S EDUCATION SOURCE INC

1st course: Contractor 14-Hour Financial Responsibility & Stability Course: **30 day continuance**

FLORIDA IRRIGATION SOCIETY INC

1st course: Don't Get Caught in the Unlicensed Activity Trap: **denied**

2nd course: Entrepreneurial DNA – A Breakthrough Approach to Building your Team: **approved**

3rd course: Irrigation Equipment Technical Update: **approved**

4th course: Irrigation Research Update & Future Trends: **approved**

5th course: Legislative Update – Water Initiatives: **approved**

6th course: Rules of the Road – FDOT Regulations for Contractors: **approved**

7th course: What You Don't Know About Wage & Hour Can Cost You Big Time: **approved**

INFORMATIONAL RESOURCES FOR PROFESSIONALS LLC

1st course: Premises Liability and Florida's Building Codes: 2015 FBC & FRC Updates: **approved**

2nd course: Premises Liability and Florida's Building Code: An Introduction: **approved**

3rd course: Premises Liability and Governing Provisions within Florida's Building Accessibility Codes, Fire Prevention Code and Building Codes: **approved**

ONE EXAM PREP INC

1st course: Code of Miami-Dade Chapter 10: **approved**

PACEPDH.COM DBA OF THE MEDIA FACTORY INC

1st course: Florida Laws and Rules – Florida Building Code Enforcement, Product Approval, TAC's and Committees: **Withdrawn**

2nd course: Florida Laws and Rules – Permits, Inspections and Provider: **Withdrawn**

3rd course: The Dynamic (often turbulent) Relationship between the Construction Contractor and Building Designer Part II: **approved**

4th course: The Dynamic (often turbulent) Relationship between the Construction Contractor and Building Designer Part III: **approved**

5th course: The Dynamic (often turbulent) Relationship between the Construction Contractor and Building Designer Part IV: **approved**

6th course: The Dynamic (often turbulent) Relationship between the Construction Contractor and Building Designer Part V: **approved**

PALM BEACH COUNTY – PLANNING, ZONING & BUILDING

1st course: Building & Electrical Code Requirements for Safe Pool Installations: **approved**

RECTORSEAL

1st course: AC Lineset Cleaning: **approved**

2nd course: Compressor Starting Problems: **approved**

3rd course: Condensate Problems and Solutions: **approved**

4th course: Installation Best Practices for DMS Equipment: **denied**

5th course: Locking Refrigerant Caps: Inhalant Abuse and the Role of the HVACR Technician: **denied**

REDVECTOR.COM INC

1st course: Accessibility by Building Type: Multi-Use Facilities (RV-10790AW): **approved**

2nd course: Construction Project Documents: Navigating Pitfalls (RV-10787AW): **approved**

3rd course: LEED v4 for New Construction Projects (RV-10819AW): **approved**

4th course: Seismic Diaphragm Demands (RV-10792AW): **approved**

WEYERHAEUSER

1st course: Engineered Lumber Basics: **60 day continuance**

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – Jackie Watts

Mr. Dolan 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
- Adopted language 03/19/2015
- Effective: 04/08/2015
- Discussion workshop at August meeting

61G4-17.001 Normal Penalty Ranges

- Sent to OFARR 03/06/2015
- Rules Development Published 03/16/2015
- Notice Published 04/02/2015
- Adopted 7 day letter: 04/24/2015
- Effective: 05/24/2015

61G4-15.001 Qualifications for Certification

- Sent to OFARR 06/04/2015
- Rules Development Published 06/12/2015

61G4-18.004 Approval of Continuing Education Courses

- Sent to OFARR: RD: 06/04/2015 PR: 07/20/2015
- Rules Development Published 06/12/2015

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

RECOVERY FUND COMMITTEE – Rick Kane

Mr. Kane gave the following report:

Carlson vs. King; Claim No. 2012-010833 – **payment plan** – extend payment due date 120 days

Polzin vs. Marsella; Claim No. 2014-011770– **continued from May 2015- \$19,454.20**

Dietrick vs. Rodriguez; Claim No. 2014-051270 - \$6,829.76

Arencibia vs. Goudie; Claim No. 2015-007769 - Denied

Schmidt vs. Exantus; Claim No. 2015-014648- \$50,000

Wellington vs. Ford; Claim No. 2014-035779- 60 day continuance

Nakonechny vs. Cunniff; Claim No. 2014-019807- denied

Edwards vs. Eiriz; Claim No. 2015-020980- \$36,629.00

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

OLD BUSINESS

Removal of old materials from laptop.

NEW BUSINESS

With no further business the meeting was adjourned at 11:57am.