

**FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD**

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

**October 12-14, 2011**

**MEETING MINUTES  
Pending Approval**

**Board Members Present**

Mark Pietanza, Chair  
Jerry Hussey, Vice Chair  
Albert Korelishn  
Roy R. Lenois  
W. Brian Cathey  
Peggy Bailey  
Robert Moody  
Kristen Beall  
Elbert Batton  
Paul Del Vecchio  
Carl Engelmeier  
Edward Weller  
Michelle Kane  
Richard Kane (Observed)

**Board Members Absent**

James Evetts  
William Sheehan

**Others Present**

Drew Winters, Executive Director, DBPR  
Amanda Wynn, Government Analyst, DBPR  
David Spingler, Government Analyst, DBPR  
Daniel Biggins, Legal Advisor, AGO  
Paul Waters, Chief Prosecuting Attorney, DBPR  
Susan Mazuchowski, Prosecuting Attorney, DBPR

## **ADDITIONAL BUSINESS ENTITIES REVIEW**

***Division I board members met for Additional Business Entities Review on October 12, 2011 from 2:01 – 3:48 pm. Mr. Hussey led the meeting. Of the 24 applications scheduled for review, 12 were approved, 1 was contingently approved, 2 were denied, and 9 were withdrawn.***

### **APPROVED (12)**

Carelli, Robert  
Crews, Jimmy  
Dostie, Christopher  
Funke, Timothy  
Gillam, Gregory (present with Counsel Fred Dudley)  
Mangoli, Sanjeev  
Mastrucci, Joseph  
Pietragall, Stephen  
Rinehart, Stephen  
Spears, Karen  
Wyatt, Shawn  
Wyatt, Shawn

### **CONTINGENT APPROVALS (1)**

Fluty, Paul – Contingent upon submitting W2 showing proof of employment

### **DENIED (2)**

McBayne, Trevor  
Pugh, James

### **WITHDRAWN (9)**

Bobek, Michael  
Brooks, Robert  
Eller, Martin  
Galvez, Anthony  
Grashel, Larry  
Griffin, James  
Newman, Christopher  
Schaefer, Paul  
Welsh, Kim

***Division II Board members met for Additional Business Entities Review on October 13, 2011 from 3:49 – 4:39 pm. Mr. Pietanza led the meeting. Of the 13 applications scheduled for review, 9 were approved, 1 was denied, 2 were approved contingent, and 1 was withdrawn.***

### **APPROVED (9)**

Distolle, Kevin (present with Counsel Fred Dudley)  
Forrest, Terry  
Garza, Francisco  
Gilreath, Gilley

Harrity, Daniel (present with Counsel Fred Dudley)  
Rushing, Scott  
Tillman, Timothy  
Tucker, Forrest  
Wolek, Edwin

CONTINGENT APPROVALS (2)

Despres, Pierre – Contingent upon completing an additional 7 hours of live continuing education, submitting a \$1,000 assessment for, and submitting proof of employment in the form of a W2  
Rodriguez, Madeline – Contingent upon showing 20% ownership in the company and submitting proof of employment in the form of a W2

DENIED (1)

Cabrera, Angel

WITHDRAWN (1)

Rosenblum, Michael

APPLICATION REVIEW

***Division I Board members met for Application Review on October 12, 2011 from 4:07 – 4:52 pm. Mr. Cathey led the meeting. Of the 14 applications reviewed, 8 were approved, 1 was continued, 1 was contingently, and 4 were denied.***

APPROVED (8)

Anderson, Randall  
Atlee, Kenyon  
Berrong, Robert  
Fanning, Brock (present with Counsel Tim Atkinson)  
Merton, Steven (present with Counsel Tim Atkinson)  
Reinert, James (present with Counsel Tim Atkinson)  
Smith, Kenneth – approved as downgrade to a CRC license  
Wells, Thomas

CONTINUED (1)

Cooper, James – 30 days

CONTINGENT APPROVALS (1)

Moss, Kenneth – Contingent upon providing proof of having no liens or judgments within 60 days

DENIED (4)

Hamilton, Donald  
Matarazzo, Nicholas  
Perusse, Jeffrey  
Tsacrios, James

***Division II Board members met for Application Review on October 13, 2011 from 4:49 to 5:37 pm. Mr. Engelmeier led the meeting. Of the 15 applications scheduled for review, 8 were approved, 1 was approved conditionally, 1 was continued, 2 were withdrawn, and 3 were denied.***

**APPROVED (8)**

Baker, Andrew

Bolt, Grove – present with counsel

Buckels, Theodore – Mr. Lenois recused himself for personally knowing applicant

Farrill, William – present with counsel

Fernandez, Lisandro – present with counsel

Marziano, Francisco

Moliterno, Oscar

**CONDITIONAL APPROVALS (1)**

Smith, Eric – 2 years probation or until liens are satisfied

**CONTINUED (1)**

Hector, Yordanys – 90 days

**WITHDRAWN (2)**

Russ, Bette

Sutherland, Mark

**DENIED (3)**

Cunningham, Jacob

Hagan, Geoffrey

Taylor, Brad

*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 October 13, 2011 from 2:00 – 2:29 pm. The Committee was chaired by Elbert Batton.***

**Fernando Barberena, CGC1512241**

Result: Unsatisfactory

**Shawn Beale, CGC1519613**

Result: Satisfactory

**Harry Brown, CGC1514149**

Result: Stay of Suspension lifted

**Joel Davis, CGC1519612**  
Result: Continued 6 months

**Roger Day, CBC1258208**  
Result: Satisfactory

**Kalam Fletcher, CBC1258103**  
Result: Satisfactory

**Neyza Guzman, CBC1255705**  
Result: Satisfactory

**Michael Herman, CGC060830**  
Result: Satisfactory

**Eric Hudson, CGC038665**  
Result: Satisfactory

**Christopher Jettinghoff, RB29003456**  
Result: Satisfactory

**John King, CGC1510488**  
Result: Continued 6 months

**Anthony Nesmith, RB29003517**  
Result: Satisfactory

**Steven Pavich, CBC1251350**  
Result: Satisfactory

**Michael Porath, CBC060392**  
Result: Continued 6 months

**Remon Rudge, CGC1506495**  
Result: Satisfactory

**Oleksandr Serga, CGC1518264**  
Result: Satisfactory

**Steven Sills, CBC1255412**  
Result: Unsatisfactory

**Christopher Stamas, CGC1516086**  
Result: Satisfactory  
Request for early termination of probation was approved

**Guillermo Swain, CGC1519361**  
Result: Stay of Suspension lifted

***The Division II Probation Committee met on October 13, 2011 from 2:47 – 3:38 pm.  
Mr. Moody chaired the Committee.***

**Steven Althoff, CCC1328764**

Result: Satisfactory

**Douglas Bloomer, CFC1427803**

Result: Satisfactory

**Kenneth Brannen, CFC057132 (with Counsel)**

Result: Unsatisfactory

**Joseph Dittmar, CAC1816786**

Result: Satisfactory

**Wayne Giese, CAC1816786**

Result: Satisfactory

**Michael Herman, CCC1325488**

Result: Satisfactory

**Eric Hudson, CCC056682**

Result: Satisfactory

**Charles McHone, RC29027390**

Result: Stay of Suspension lifted

**Lance Mears, CFC1428408**

Result: Stay of Suspension lifted

**Yvette Ming, CFC1428097**

Result: Satisfactory

**Salvatore Musso, CAC1816598**

Result: Satisfactory

**Travis Slaughter, CFC1428342**

Result: Unsatisfactory

**Polynne Soares, CCC1329580**

Result: Stay of Suspension lifted

**Charles Stoetzel, CPC1456750**

Result: Satisfactory

**Lincoln Sziranko, SCC131149971**

Result: Satisfactory

**Marc Taylor, CCC1325527**  
Result: Continued 6 months

### **GENERAL SESSION**

The meeting was called to order by Mr. Pietanza, Chair, at 9:05 am. Mr. Lenois gave the invocation. Mr. Moody led the Pledge of Allegiance.

### **REVIEW OF MINUTES**

- A. Final Action Minutes – September 2011
- B. Meeting Minutes – September 2011

### **EXECUTIVE DIRECTOR'S REPORT – DREW WINTERS**

Mr. Winters gave the following report:

Mr. Winters introduced Mr. Richard Kane as the newest board member to serve on Division I and stated that next month's meeting will be his first actively participating in the proceedings.

Mr. Winters also summarized the Inspector General's audit on travel expenses to the board and suggested they pay close attention to the section comparing the costs of board members using their own transportation as opposed to renting a vehicle.

Mr. Winters also handed out the board member training handbook as requested by Ms. Beall and Ms. Kane at the previous meeting, and provided the board members with the Departments most recent financial statement, summarizing that the board has a very positive financial situation.

Unlicensed Activity Awareness memorabilia was also distributed to board members.

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 board voted unanimously to excuse the following absences:

Mr. Evetts  
Mr. Sheehan

Mr. Pietanza congratulated Ms. Kane on winning her fitness competition and congratulated Ms. Watts on her reappointment to the board.

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 September 2011, the overall case load was 472, down from 555 in August of 2011, and down from 1,199 in September of 2010.

There were 109 cases currently in Legal to be reviewed, 43 cases set for probable cause, and 55 cases where probable cause had been found/administrative complaints filed. 1 settlement stipulation had been approved, 5 informal hearings had been requested, and 5 cases were awaiting outside action. 10 cases were ready for default, 10 had requested formal hearings, and 3 cases were referred to DOAH. 19 cases were in settlement negotiations, 25 cases were pending board dates, and 117 cases were set for board presentation. 70 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

For the month of August 2011, 183 cases were closed.

Mr. Waters also reopened a case from the Final Action proceedings on Thursday, October 13. Mr. Moody served with Division I to make quorum. The details of that case can be found in the Final Action minutes.

#### **ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS**

##### **TED BICKOFF – PETITION FOR DECLARATORY STATEMENT**

Mr. Bickoff was present.

Mr. Biggins presented this case stating Ted Bickoff filed a petition for a declaratory statement on September 16, 2011. The petition was noticed in the Florida Administrative Weekly on October 14, 2011. Mr. Biggins noted that the petition seeks the agency's opinion as to the applicability of Section 489.105 (3), Florida Statutes, as it applies to the petitioner, and whether the installation of a Pool Lift and providing an independent water supply is within the scope of a building contractor. Mr. Biggins asked the board to consider whether or not the petition meets the criteria for a declaratory statement, and to dismiss or answer as appropriate.

After discussion the board voted that the petitioner had standing. After further discussion the board voted that the requested pool services are outside the scope of work of a building contractor and that a building contractor is not licensed to install a pool lift as described in the petition.

##### **JUAN CARLOS CACCIAMANI – MOTION TO RECONSIDER**

Mr. Cacciamani was present with Counsel Tim Atkinson.

Mr. Biggins presented this case stating Mr. Cacciamani's application for a reinstatement of his null & void certified general contractor's license was denied at the February 2011 meeting of the board for failing to present evidence of a good faith effort to comply with the license renewal statutes and rule and failure to present evidence that rises to the level of illness or unusual hardship that would justify the failure to renew the license.



The Notice of Intent to Deny was filed in February of 2011. Mr. Cacciamani timely requested a hearing before an Administrative Law Judge with the Division of Administrative Hearings, but requested the board reconsider their decision before proceeding with the hearing at DOAH.

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

#### **GEORGE ELBERT – REQUEST FOR INFORMAL HEARING**

Mr. Elbert was not present.

Mr. Biggins presented this case stating Mr. Elbert's application for initial issuance of a registered swimming pool/spa servicing contractor's license was denied at the July 2011 meeting of the board for failure to sufficiently demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in August of 2011. Mr. Elbert timely requested board reconsideration.

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

#### **TIMOTHY KREBS – MOTION TO RECONSIDER**

Mr. Krebs was present without Counsel.

Mr. Biggins presented this case stating Mr. Krebs's application to reinstate his null & void certified general contractors license was denied at the March 2011 meeting of the board for failure to present evidence of a good faith effort to comply with the license renewal statutes and rules and failed to present evidence that rise to the level of illness or unusual hardship that would justify the failure to renew the license. The Notice of Intent to Deny was filed in April of 2011. Mr. Krebs timely requested a hearing before an Administrative Law Judge with the Division of Administrative Hearings, but requested the board reconsider their decision before proceeding with the hearing at DOAH.

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

#### **DOMINICK MARATEA – MOTION TO RECONSIDER**

Mr. Maratea was present.

Mr. Biggins presented this case stating Mr. Maratea's application to reinstate his null & void certified roofing contractor's license was denied at the May 2011 meeting of the board for failure to present evidence of a good faith effort to comply with the license renewal statutes and rules and failed to present evidence that rise to the level of illness or unusual hardship that would justify the failure to renew the license. The Notice of Intent to Deny was filed in June of 2011. Mr. Maratea timely requested a hearing before an Administrative Law Judge with the Division of Administrative Hearings, but requested the board reconsider their decision before proceeding with the hearing at DOAH.

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

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

## **COMMITTEE REPORTS**

### **EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ELBERT BATTON**

Mr. Lenois gave the following report:

#### **Construction Services Enterprises, Inc.**

- 1<sup>st</sup> Course: Building & Designing Using Green Materials – **approved**
- 2<sup>nd</sup> Course: Code Compliance to Resist Winds – **approved**
- 3<sup>rd</sup> Course: Using Sheathing Panels to Resist Uplift & Shear – **approved**
- 4<sup>th</sup> Course: Wind Force Resistance Systems – Panels Walls Construction – **approved**

#### **Contractors School, Inc.**

- 1<sup>st</sup> Course: Family Members Employees – **approved (contingent upon receipt of instructor bios and distance learning)**
- 2<sup>nd</sup> Course: Referral Tsunami - **approved (contingent upon receipt of instructor bios and distance learning)**
- 3<sup>rd</sup> Course: Understanding Davis – Bacon - **approved (contingent upon receipt of instructor bios and distance learning)**
- 4<sup>th</sup> Course: Value Selling - **approved (contingent upon receipt of instructor bios and distance learning)**
- 5<sup>th</sup> Course: Workers' Compensation - **approved (contingent upon receipt of instructor bios and distance learning)**

#### **DFS Division of Workers Comp/Bureau of Compliance**

- 1<sup>st</sup> Course: Florida Workers Compensation – **approved**
- 2<sup>nd</sup> Course: Workplace Safety – **approved**

#### **Florida Air Conditioning Apprenticeship**

- 1<sup>st</sup> Course: Air Conditioning Service – **approved**
- 2<sup>nd</sup> Course: ECM Motors – **approved**

#### **FL Pool & Spa Association dba FI Swimming Pool Assoc**

- 1<sup>st</sup> Course: CMS Certified Maintenance Specialist Course – **approved**
- 2<sup>nd</sup> Course: Financial Management for Pool Contractors During Tough Times – **approved**

#### **Florida Solar Energy Center**

- 1<sup>st</sup> Course: Online Energy Gauge Pro Hands On – **approved**
- 2<sup>nd</sup> Course: Online from Blueprints to Residential Energy Code Compliant – **approved (contingent upon submittal of distance learning)**
- 3<sup>rd</sup> Course: Photovoltaic Technical Sales and Business Operations – **approved**
- 4<sup>th</sup> Course: Selling Photovoltaic Systems – **approved**

#### **Gold Coast School of Construction, Inc.**

- 1<sup>st</sup> Course: Contracting in Broward County – A Review of Chapter 9 – **approved**

### **Hanley Wood Exhibitions**

1<sup>st</sup> Course: Estimating Part I – Strategies to Determine Labor, Equipment, and Profit – **approved**

2<sup>nd</sup> Course: Estimating Part II – Job Costing, Accounting, and Overhead – **approved**

### **Koning Enterprises, Inc. dba Contractors Institute**

1<sup>st</sup> Course: Florida Statute 489 and F.A.C. – **approved**

2<sup>nd</sup> Course: Overview Florida's Hurricane Methodologies and Inspection Requirement – **approved**

### **Sealoflex, Inc.**

1<sup>st</sup> Course: Waterproofing Solutions for the Entire Building Envelope – **withdrawn**

### **R. Bruce Kershner Company**

1<sup>st</sup> Course: Photovoltaic Systems Basics – **approved**

2<sup>nd</sup> Course: Photovoltaic Systems Inspections – **approved**

3<sup>rd</sup> Course: Solar Hot Water Heating Systems Basics – **approved**

4<sup>th</sup> Course: Solar Hot Water Heating Systems Inspections – **approved**

5<sup>th</sup> Course: Solar Pool Heating Systems Basics – **approved**

6<sup>th</sup> Course: Solar Pool Heating Systems Inspections – **approved**

7<sup>th</sup> Course: Solar Thermal Systems Basics – **approved**

8<sup>th</sup> Course: Solar Thermal Systems Inspections – **approved**

### **BRB Code Educators, Inc.**

1<sup>st</sup> Course: Florida Building Code, Building, Summary of Changes – **approved**

2<sup>nd</sup> Course: Florida Building Code, Building – 2007 vs. 2010 – **approved**

### **Shumaker, Loop, & Kendrick, LLP**

1<sup>st</sup> Course: Legal Issues with Green Building – **approved**

### **Siegfried, Rivera, Lerner, De La Torre, & Sobel, P.A.**

1<sup>st</sup> Course: An overview of CGL Insurance for Construction Companies - **approved**

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:

The following Rules have been **Developed:**

61G4-15.001 Qualification for Certification

The following Rules have been **Noticed:**

61G4-16.009 Examination/Reexamination

Discussion also began concerning amending Rule 61G4-15.001 (5)(c) to change the edition of the textbook to be used.

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

**AD HOC COMMITTEE – MARK PIETANZA**

The Ad Hoc Committee did not convene this month.

**OLD BUSINESS**

Removal of Board materials from lap tops.

**NEW BUSINESS**

Mr. Winters stated that a request has been brought to his attention regarding the approval of additional business entities. Mr. Winters asked the board that in the situation where a company is seeking to operate under a wholly owned subsidiary and is seeking to apply their current qualifier to this new entity, if the Board would be opposed to allowing just those specific applications to be approved in house by the Department. The Board denied the request and stated they would like those applications to continue to be presented to the Board.

With no further business the meeting was adjourned at 9:58 am.