FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

Hampton Inn & Suites Amelia Island
19 South 2nd St
Fernandina Beach, FL 32034
904.491.4911

November 9-11, 2011

MEETING MINUTES
Approved January 13, 2012

Board Members Present
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
Jacqueline Watts
James Evetts
William Sheehan

Board Members Absent
Mark Pietanza, Chair

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
Katie Sabo, Prosecuting Attorney, DBPR
ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on November 9, 2011 from 2:00 – 3:05 pm. Mr. Evetts led the meeting. Of the 20 applications scheduled for review, 9 were approved, 2 were approved with conditions, 3 were denied, 4 were withdrawn, 1 was pulled, and 2 were continued.

APPROVED (9)
Barber, Robert
Bobek, Michael (with Counsel Fred Dudley)
Carlson, Griff
De La Sierra, Raul
Demers, Jeffrey
Fernandez, Joe (with Counsel Fred Dudley)
Hedrick, Dale
Horn, Robert
Weeks, Marron

CONDITIONAL APPROVALS (2)
Gleich, Harry – 2 years probation
Moran, David – 2 years probation or submit proof of a credit score of 660 or higher

DENIED (3)
O’Connell, Charles
Vinitski, John
Weber, Patrick

WITHDRAWN (3)
Gil-Mera, Carlos
Phillips, Robert
Pounds, Michael
Rionda, Enrique

PULLED (1)
Dowd, Peter

CONTINUED (2)
Reid, Steven – 60 days
Rodriguez, Daniel – 60 days

Division II Board members met for Additional Business Entities Review on November 10, 2011 from 4:02 – 5:15 pm. Mr. Moody led the meeting. Of the 11 applications scheduled for review, 8 were approved, 1 was continued, 1 was denied, and 1 was withdrawn.

APPROVED (8)
Barber, Robert
Brooks, Craig
Finegan, John (present with Counsel Robert Crabill)  
Loiko, William  
McCullough, Charles  
Oliver, Todd  
Rise, Charley  
Watson, Thomas

CONTINUED (1)  
Holsbeke, Robert – 60 days

DENIED (1)  
Jokinen, Teppo

WITHDRAWN (1)  
Krolick, Brian

APPLICATION REVIEW

Division I Board members met for Application Review on November 9, 2011 from 3:34 – 4:50 pm. Mr. Cathey led the meeting. Of the 14 applications reviewed, 1 was approved, 2 were continued, 1 was contingently approved, 1 was conditionally approved, 7 were denied, 1 was withdrawn, and 1 was pulled.

APPROVED (1)  
Headrick, Danny

CONTINUED (2)  
Hein, Eric – 60 days  
Rust, Fred – 60 days

CONTINGENT APPROVALS (1)  
Swisher, David – contingent upon submitting a clear credit report on the business

CONDITIONAL APPROVALS (1)  
Lucas, Donald – 4 years probation or proof of having obtained a credit score of 660 or higher and satisfaction of all judgments

DENIED (7)  
Carrero-Santana, Rodney  
Christopher, Steven  
Cooper, James  
Davis, Cliff  
Esho, Luay  
Kelley, Michael  
King, Benjamin

WITHDRAWN (1)  
Simmons, Wydel
Division II Board members met for Application Review on November 10, 2011 from 5:30 – 6:25 pm. Mr. Engelmeier led the meeting. Of the 15 applications scheduled for review, 8 were approved, 1 was approved conditionally, 1 was withdrawn, 4 were denied and 1 was pulled.

APPROVED (8)
Baker, Joseph
Fox, Christopher (present with Counsel)
Luvara, Antonio
Luvara, Antonio
Parker, James
Perez, Byron
Tannous, Farid
Weiner, Steven

CONDITIONAL APPROVALS (1)
Lucas, Donald – 4 years probation or proof of having obtained a credit score of 660 or higher and satisfaction of all judgments

WITHDRAWN (1)
Davis, Albert

DENIED (4)
Fennell, Kent
Ganey, William
Kavanagh, Michael
Kingsbury, Travis

PULLED (1)
McKay, William

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 November 10, 2011 from 2:00 – 2:45 pm. The Committee was chaired by Elbert Batton.

Joe Cooner, CGC062344
Result: Continued for 6 months

William Corso, CBC015288
Result: Satisfactory

Garnett Craig, CGC1518689
Result: Satisfactory

Guy Garrett, CBC1255506
Result: Satisfactory

Samuel Joseph, CGC1518941
Result: Stay of Suspension lifted

Kevin Karten, CGC061616
Result: Satisfactory

David Konkol, CGC1518155
Result: Satisfactory
Request for early termination of probation was approved

Edward Landers, CGC043271
Result: Continued for 6 months

David Lauterborn, RR0067173
Result: Satisfactory
Probation terminated as Mr. Lauterborn provided proof of having obtained a credit score higher than 66

Aaron Lemire, CRC1329931
Result: Continued 6 months
Assessment of $200 was imposed

Petros Manolatos, CGC060140
Result: Satisfactory

Robert McDonald, CGC015334 (present with Counsel Fred Dudley)
Result: Satisfactory

Jason McKendry, CRC1330395
Result: Satisfactory

Sheldon Morant, CGC1507314
Result: Satisfactory, contingent upon completed packet being received by Department

Richard Mulvany, CBC059897
Result: Satisfactory

Grady Parker, CGC002856
Result: Unsatisfactory

Juan Quevedo, CGC1519672
Result: Stay of Suspension lifted

Maunel Raimi, CBC012196
Result: Satisfactory

Robert Rickel, CGC058696
Result: Satisfactory
Request for early termination of probation was approved

Terry Smith, CGC1519647
Result: Satisfactory

David Stone, RR282811794
Result: Satisfactory

Robert Tyler, CGC062699
Result: Satisfactory

Kevin Wissner, CBC1258570
Result: Satisfactory

The Division II Probation Committee met on November 10, 2011 from 2:57 – 3:52 pm. Mr. Moody chaired the Committee.

Keith Almeida, CCC057851
Result: Satisfactory

Gregory Baker, RX0034905
Result: Satisfactory

Timothy Brechibiel, CCC1328996
Result: Satisfactory

Joshua Campbell, CCC057963
Result: Satisfactory

Ann Carapezza, CCC1329739
Result: Satisfactory

Rickey Cason, CCC1329740
Result: Satisfactory

Jeremiah Cook, CAC1813212
Result: Satisfactory

Juan Gordillo, CCC058078
Result: Satisfactory

Delia Martinez, CCC1329437
Result: Stay of Suspension lifted

Robert McDonald, CCC011249 (present with Counsel Fred Dudley)
Result: Satisfactory

Thomas McFadden, CFC1428341
Result: Satisfactory

George Moore, RF11067119
Result: Satisfactory

Linda Ratliff, CCC058307
Result: Satisfactory

Christopher Shannon, CAC1813319
Result: Satisfactory

James West, CFC044136
Result: Satisfactory

Willie Wilson, CFC1428343
Result: Unsatisfactory

GENERAL SESSION

The meeting was called to order by Mr. Hussey, Vice-Chair, at 9:01 am. Mr. Lenois gave the invocation. Mr. Sheehan led the Pledge of Allegiance.

EXECUTIVE DIRECTOR’S REPORT – DREW WINTERS

Mr. Winters gave the following report:

Mr. Winters welcomed back Ms. Jacqueline Watts to the board for her second term, and announced that Mr. Moody also had been reappointed for a second term.

Mr. Winters announced that the January meeting had been scheduled and was set for Altamonte Springs.

Mr. Winters also presented the enforcement report and quarterly financial report.

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

CHAIRMAN’S REPORT – JERRY D. HUSSEY

Mr. Hussey gave the following report:

The board voted unanimously to excuse the following absences:
Mr. Pietanza

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 October 2011, the overall case load was 431, down from 472 in September of 2011, and down from 1,085 in October of 2010.

There were 79 cases currently in Legal to be reviewed, 52 cases set for probable cause, and 41 cases where probable cause had been found/administrative complaints filed. 4 settlement stipulations had been approved, 4 informal hearings had been requested, and 6 cases were awaiting outside action. 10 cases were ready for default, 10 had requested formal hearings, and 2 cases were referred to DOAH. 16 cases were in settlement negotiations, 17 cases were pending board dates, and 85 cases were set for board presentation. 105 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

For the month of August 2011, 108 cases were closed.

Mr. Waters presented to the board a motion to vacate the Final Order for case 2010-030874 against Marsha Diquez and to dismiss the case. The board voted unanimously to vacate the Final Order and dismiss the case.

Mr. Waters also introduced Katie Sabo as a new prosecuting attorney for the Department.

And Mr. Waters stated he will take new unlicensed activity cases for construction.

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

ATTORNEY GENERAL’S REPORT – DANIEL BIGGINS

MARK ANNUNZIATA – PETITION FOR DECLARATORY STATEMENT

Mr. Annunziata was not present.

Mr. Biggins presented this case stating Mark Annunziata filed a petition for a declaratory statement on October 6, 2011. The petition was noticed in the Florida Administrative Weekly on November 4, 2011. Mr. Biggins noted that the petition seeks the Board’s interpretation of Section 489.105, Florida Statutes, and whether a certified state residential contractor is permitted to act as a prime contractor where the majority of the work to be performed under the contract is within the scope of his or her license or from subcontracting to other licensed contractors that remaining work which is part of the project contracted. 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 subcontractor has the authority to install the items described in the petition at the location described if he’s the subcontractor for the general contractor.

JASON ASBURY – REQUEST FOR INFORMAL HEARING

Mr. Asbury was not present.

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

After discussion the board voted to continue the informal hearing to a later meeting as requested by the applicant.

DREW BISPING – REQUEST FOR INFORMAL HEARING

Mr. Bisping was not present.

Mr. Biggins presented this case stating Mr. Bisping’s application for initial issuance of a certified general contractor’s license was denied at the September 2011 meeting of the board for failing to sufficiently demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in October of 2011. Mr. Bisping timely requested board reconsideration.

After discussion the board voted to continue the informal hearing to a later meeting as requested by the applicant.

PAUL DEL VECCHIO – PETITION FOR DECLARATORY STATEMENT

Mr. Krebs was present without Counsel.

Mr. Biggins presented this case stating Paul Del Vecchio filed a petition for a declaratory statement on October 18, 2011. The petition was noticed in the Florida Administrative Weekly on November 4, 2011. Mr. Biggins noted that the petition seeks the Board’s interpretation of Section 489.105 (3)(a), (b), (c), Florida Statutes, and whether construction management as a service that oversees the management of construction activities on a given project is exclusive to a licensed contractor or whether this service may be performed by an unlicensed individual or entity. 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 construction management as a service that oversees the management of construction activities on a given project the exclusive purview of a
licensed contractor under Florida Statute 489.105 (1)(3)(a), (b), (c), does require a license, and that an unlicensed individual or entity cannot perform this service.

**DANIEL DOUGLAS – REQUEST FOR INFORMAL HEARING**

Mr. Douglas was not present.

Mr. Biggins presented this case stating Mr. Douglas’ application for a change of status of his certified class A air conditioning contractor’s license was denied at the August 2011 meeting as the applicant was the subject of a pending investigation. The Notice of Intent to Deny was filed in September of 2011. Mr. Douglas timely requested board reconsideration.

After discussion the board voted to send the application back to the Application Review Committee to appear at the January board meeting.

**MOISES GORIN – REQUEST FOR INFORMAL HEARING**

Mr. Gorin was not present.

Mr. Biggins presented this case stating Mr. Gorin’s application to qualify an additional business entity with his certified general contractor’s license was denied at the August 2011 meeting of the board for failing to sufficiently demonstrate financial stability and responsibility and failure to demonstrate the qualifying agent would properly supervise the construction work and business activities. The Notice of Intent to Deny was filed in September of 2011. Mr. Gorin timely requested board reconsideration.

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

**JARON JONES – REQUEST FOR INFORMAL HEARING**

Mr. Jones was present.

Mr. Biggins presented this case stating Mr. Jones’ application to qualify an additional business entity with his certified plumbing contractor’s license was denied at the July 2011 meeting of the board for failure to appear as required. The Notice of Intent to Deny was filed in August of 2011. Mr. Jones timely requested board reconsideration.

After discussion the board voted to allow the applicant to withdraw the additional business entity application and to submit a change of status application. The board also voted to vacate the Notice of Intent to Deny.

**DHARMESH JOSHI – REQUEST FOR INFORMAL HEARING**

Mr. Joshi was present.

Mr. Biggins presented this case stating Mr. Joshi’s application to qualify an additional business entity with his certified class B air conditioning contractor’s license was denied at the September 2011 meeting of the board was denied at the September 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
October of 2011. Mr. Joshi timely requested board reconsideration.

After discussion the board voted to approve the application.

PHILIP KONIETZKO – REQUEST FOR INFORMAL HEARING

Mr. Konietzko was present.

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

After discussion the board voted to approve the application.

GERALD SHELTON – REQUEST FOR INFORMAL HEARING

Mr. Shelton was present.

Mr. Biggins presented this case stating Mr. Shelton’s application for a change of status
of his certified general contractor’s license was denied at the August 2011 meeting of the
board for failure to sufficiently demonstrate financial stability and responsibility and
because the application was the subject of pending discipline. The Notice of Intent to
Deny was filed in September of 2011. Mr. Shelton timely requested board reconsideration.

After discussion the board voted to approve the application.

RAYMOND WOODS – REQUEST FOR INFORMAL HEARING

Mr. Woods was present.

Mr. Biggins presented this case stating Mr. Wood’s application for a change of status of
his certified building contractor’s license was denied at the August 2011 meeting of the
board for failure to sufficiently demonstrate financial stability and responsibility and
because the applicant had been convicted, found guilty, or entered a plea of nolo
contendere to crimes related to the practice of contracting. The Notice of Intent to Deny
was filed in September of 2011. Mr. Woods timely requested board reconsideration.

After discussion the board voted to approve the application with the condition that the
applicant serve two years probation or until such time as he can submit proof of having
obtained a credit score of 660.

COMMITTEE REPORTS

NOMINATING COMMITTEE – JERRY HUSSEY
Mr. Hussey announced that the Committee voted to make Mr. Hussey the next Chair of the Board and to make Mr. Moody the Vice Chair.

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ELBERT BATTON

Mr. Lenois gave the following report:

American Management Resources Corporation
1st Course: Safety, Health, and Environmental Issues Regarding Demolition or Renovation of a Structure (What the Federal, State, and County Regulations Require) – approved (1 hour only as workplace safety)

Argus Industry Training & Education LLC
1st Course: Professional Business Operations – continued 60 days
2nd Course: Understanding the National Electric Code – NFPA70 – with 2011 Updates – approved

Cam Tech School of Construction
1st Course: The Responsible Contractor 2012 Part 1 – approved (no laws & rules or business practice)
1st Course: The Responsible Contractor 2012 Part 2 – approved (no laws & rules or business practice)

Construction Estimating Institute
1st Course: 14 Hour Online Course B – approved
2nd Course: Cost Estimating for Contractors – approved
3rd Course: Florida Contractor Core Hours – approved
4th Course: Negotiating Construction Contractors Part 2 – approved

Contractor’s School
1st Course: Uniform Mitigation Verification Inspection Form OIR1802 – approved (as 1 hour)

Florida Consortium of Community Colleges
1st Course: Introduction to Calculating Total Dynamic Head – denied
2nd Course: Principles of Pumping – denied
3rd Course: Reading Pump Curves – denied
4th Course: Sound Attenuation for Portable Pump – denied

Gold Coast School of Construction, Inc.
1st Course: Green Buildings & the Rating Systems (Classroom Version) – approved
2nd Course: Green Buildings & the Ratings Systems (Online Version) – approved

Pacepdh.com dba The Media Factory, Inc.
1st Course: Green Building, Sustainability, and Smart Growth – approved (with no business practice)
2nd Course: Indoor Environmental Quality – **approved (with no business practice)**
3rd Course: Millwork Part I – Introduction to Millwork – **approved (with no business practice)**
4th Course: Millwork Part II – Fundamentals of Construction – **approved (with no business practice)**
5th Course: Millwork Part III – Wood as a Millwork Material – **approved (with no business practice)**
6th Course: Millwork Part IV – Non-Wood Millwork Materials – **approved (with no business practice)**
7th Course: Millwork Part IX – Stairworks – **approved (with no business practice)**
8th Course: Millwork Part V – Mouldings – **approved (with no business practice)**
9th Course: Millwork Part VI – Door Frames – **approved (with no business practice)**
10th Course: Millwork Part VII – Door and door units – **approved (with no business practice)**
11th Course: Millwork Part VIII A – Windows and Window Units Part I – **approved (with no business practice)**
12th Course: Millwork Part VIII B – Window and Window Units Part II – **approved (with no business practice)**
13th Course: Millwork Part X – Kitchen Cabinets – **approved (with no business practice)**
14th Course: Millwork Part XI – Specialty Millwork Products – **approved (with no business practice)**
15th Course: Principles of Professional Selling – Communications – **approved (with no business practice)**
16th Course: Principles of Professional Selling – Managing the Sales Effort – **approved (with no business practice)**
17th Course: Principles of Professional Selling – People, Skills, and Knowledge – **approved (with no business practice)**
18th Course: Principles of Professional Selling – Sales Approaches – **approved (with no business practice)**
19th Course: Principles of Professional Selling – Sales Techniques – **approved (with no business practice)**
20th Course: Remodology Part I – Get Paid for Your Time – **approved (with no business practice)**
21st Course: Remodology Part II – Up Front Remodeling – **approved (with business practice)**
22nd Course: Remodology Part III – Feasibility Study – **approved (with business practice)**
23rd Course: Remodology Part IV – Design Review – **approved (with business practice)**
24th Course: Remodology Part V – Final Plans & Specifications – **approved (with business practice)**
25th Course: Remodology Part VI – Avoid the He Said/She Said Syndrome – **approved (with business practice)**
26th Course: Remodology Part VII – General Conditions (Protecting Assets) – **approved (as general)**
27th Course: Remodology Part VIII – Construction Process & Conclusion – **approved (with business practice)**
Pinch A Penny, Inc.
1st Course: Basic Electricity – approved
2nd Course: Crowning Customer Service & Handling Difficult Customers – approved
3rd Course: New Florida Efficiency Regulations – approved
4th Course: Swimming Pool Pumps – approved
5th Course: Two Speed, High Efficiency & Variable Speed Pool Pump Motor Fundamentals – approved
6th Course: Variable Speed Pumps – approved
7th Course: Wage & Hour Laws Affecting Employers and Businessowners - 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 approved:
61G4-15.0023 Supervision of Business Entities

Statements of Estimated Regulatory Cost were approved for the following Rules:
61G4-15.008 False Statements
61G4-17.006 Mitigation; Notice of Mitigation and Aggravation
61G4-17.009 Violation of Provisions of this Chapter
61G4-21.001 Florida Homeowners Recovery Fund

The following Rules have been noticed:
61G4-15.001 Qualification for Certification
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.

RECOVERY FUND COMMITTEE – MICHELLE KANE

Ms. Kane gave the following report:

The total amount awarded was $487,108.95 was approved and one claim was denied.

With nothing further to report the board voted unanimously to ratify the Committee’s findings and to approve the report.

Mr. Winters also announced that a meeting will occur on December 12, 2011.
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

Ms. Watts brought up the suggestion that the Department of Agriculture, LP Division, and the Department of Business and Professional Regulation have a meeting to address the difference between Ch. 489 and the DOA’s Practice Act to shore up differences between the two agencies because Ms. Watts indicated there are problems occurring and DOA investigators are causing plumbing and a/c contractor’s problems.

With no further business the meeting was adjourned at 10:00 am.