

**FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD**

**Hampton Inn & Suites Amelia Island  
19 South 2<sup>nd</sup> 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 Of the 20 applications scheduled for review, 9 were approved, 2 were approved with conditions, 3 were denied, 4 were withdrawn, 1 was pulled, and 2 were continued.***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### **WITHDRAWN (3)**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 Of the 11 applications scheduled for review, 8 were approved, 1 was continued, 1 was denied, and 1 was withdrawn.***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WITHDRAWN (1)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

PULLED (1)

Young, Joshua

***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 Brechibel, 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**

1<sup>st</sup> 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**

1<sup>st</sup> Course: Professional Business Operations – **continued 60 days**  
2<sup>nd</sup> Course: Understanding the National Electric Code – NFPA70 – with 2011 Updates – **approved**

##### **Cam Tech School of Construction**

1<sup>st</sup> Course: The Responsible Contractor 2012 Part 1 – **approved (no laws & rules or business practice)**

1<sup>st</sup> Course: The Responsible Contractor 2012 Part 2 – **approved (no laws & rules or business practice)**

##### **Construction Estimating Institute**

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

##### **Contractor's School**

1<sup>st</sup> Course: Uniform Mitigation Verification Inspection Form OIR1802 – **approved (as 1 hour)**

##### **Florida Consortium of Community Colleges**

1<sup>st</sup> Course: Introduction to Calculating Total Dynamic Head – **denied**  
2<sup>nd</sup> Course: Principles of Pumping – **denied**  
3<sup>rd</sup> Course: Reading Pump Curves – **denied**  
4<sup>th</sup> Course: Sound Attenuation for Portable Pump – **denied**

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

1<sup>st</sup> Course: Green Buildings & the Rating Systems (Classroom Version) – **approved**  
2<sup>nd</sup> Course: Green Buildings & the Ratings Systems (Online Version) – **approved**

##### **Pacepdh.com dba The Media Factory, Inc.**

1<sup>st</sup> Course: Green Building, Sustainability, and Smart Growth – **approved (with no business practice)**

2<sup>nd</sup> Course: Indoor Environmental Quality – **approved (with no business practice)**  
3<sup>rd</sup> Course: Millwork Part I – Introduction to Millwork – **approved (with no business practice)**  
4<sup>th</sup> Course: Millwork Part II – Fundamentals of Construction – **approved (with no business practice)**  
5<sup>th</sup> Course: Millwork Part III – Wood as a Millwork Material – **approved (with no business practice)**  
6<sup>th</sup> Course: Millwork Part IV – Non-Wood Millwork Materials – **approved (with no business practice)**  
7<sup>th</sup> Course: Millwork Part IX – Stairworks – **approved (with no business practice)**  
8<sup>th</sup> Course: Millwork Part V – Mouldings – **approved (with no business practice)**  
9<sup>th</sup> Course: Millwork Part VI – Door Frames – **approved (with no business practice)**  
10<sup>th</sup> Course: Millwork Part VII – Door and door units – **approved (with no business practice)**  
11<sup>th</sup> Course: Millwork Part VIIIA – Windows and Window Units Part I – **approved (with no business practice)**  
12<sup>th</sup> Course: Millwork Part VIIIB – Window and Window Units Part II – **approved (with no business practice)**  
13<sup>th</sup> Course: Millwork Part X – Kitchen Cabinets – **approved (with no business practice)**  
14<sup>th</sup> Course: Millwork Part XI – Specialty Millwork Products – **approved (with no business practice)**  
15<sup>th</sup> Course: Principles of Professional Selling – Communications – **approved (with no business practice)**  
16<sup>th</sup> Course: Principles of Professional Selling – Managing the Sales Effort – **approved (with no business practice)**  
17<sup>th</sup> Course: Principles of Professional Selling – People, Skills, and Knowledge – **approved (with no business practice)**  
18<sup>th</sup> Course: Principles of Professional Selling – Sales Approaches – **approved (with no business practice)**  
19<sup>th</sup> Course: Principles of Professional Selling – Sales Techniques – **approved (with no business practice)**  
20<sup>th</sup> Course: Remodology Part I – Get Paid for Your Time – **approved (with no business practice)**  
21<sup>st</sup> Course: Remodology Part II – Up Front Remodeling – **approved (with business practice)**  
22<sup>nd</sup> Course: Remodology Part III – Feasibility Study – **approved (with business practice)**  
23<sup>rd</sup> Course: Remodology Part IV – Design Review – **approved (with business practice)**  
24<sup>th</sup> Course: Remodology Part V – Final Plans & Specifications – **approved (with business practice)**  
25<sup>th</sup> Course: Remodology Part VI – Avoid the He Said/She Said Syndrome – **approved (with business practice)**  
26<sup>th</sup> Course: Remodology Part VII – General Conditions (Protecting Assets) – **approved (as general)**  
27<sup>th</sup> Course: Remodology Part VIII – Construction Process & Conclusion – **approved (with business practice)**

**Pinch A Penny, Inc.**

1<sup>st</sup> Course: Basic Electricity – **approved**

2<sup>nd</sup> Course: Crowning Customer Service & Handling Difficult Customers – **approved**

3<sup>rd</sup> Course: New Florida Efficiency Regulations – **approved**

4<sup>th</sup> Course: Swimming Pool Pumps – **approved**

5<sup>th</sup> Course: Two Speed, High Efficiency & Variable Speed Pool Pump Motor Fundamentals – **approved**

6<sup>th</sup> Course: Variable Speed Pumps – **approved**

7<sup>th</sup> 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.