

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Embassy Suites Tampa/USF
3705 Spectrum Blvd
Tampa, FL 33612
813.977.7066**

November 14-16, 2012

**MEETING MINUTES
Approved January 11th, 2013**

Board Members Present

Robert Moody, Vice Chair
William Sheehan
James Evetts
Richard Kane
Roy Lenois
Jacqueline Watts
Christopher Cobb
William "Brian" Cathey
Albert Korelishn
Michelle Kane
Mark Pietanza
Paul Del Vecchio
Aaron Boyette

Board Members Absent

Jerry Hussey, Chair
Ed Weller
Carl Engelmeier
Kristen Beall

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

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on November 14, 2012 from 2:01 – 3:07 pm. Mr. Evetts led the meeting. Of the 27 applications scheduled for review, 14 were approved, 5 were approved contingently, 4 were denied, 2 were continued, and 2 were withdrawn.

APPROVED (14)

Andrew, Todd
Barnes, Donald (Toll Bros, Inc.)
Durano, Francisco
Eilertsen, Michael
Fisher, Jeffrey
Fiterman, Matthew
Hettinger, Brian
Jacoby, Tyran
Kitain, Brian
Larson, Glen
Sanders, Robert
Sergi, Sherry
Tennefoss, Shawn
Walsh, Michael (as a change of status application)

CONTINGENT APPROVALS (5)

Barnes, Donald (Toll Orlando Limited Partnership) – *Contingent upon submitting proof of W2 employment*
Budler, Gene - *Contingent upon submitting proof of W2 employment*
Butler, Scott - *Contingent upon submitting proof of W2 employment*
Galvez, Anthony - *Contingent upon submitting proof of W2 employment*
Strickland, Gene - *Contingent upon submitting proof of W2 employment*

DENIED (4)

Ford, Kevin
Geosits, Joseph
Rosen, Gary
Tillman, Kevin

CONTINUED (2)

Levesque, Daniel – 60 days
Tombaugh, James – 60 days

WITHDRAWN (2)

Bergfeld, William
Coello, Arthur

Division II Board members met for Additional Business Entities Review on November 15, 2012 from 1:45 – 2:24 pm. Mr. Pietanza led the meeting. Of the 18 applications scheduled for review, 6 were approved, 2 were approved contingent, 4 were continued, 4 were denied, and 2 were withdrawn.

APPROVED (6)

Cocking, Matthew
Cohen, Howard
Mitchell, Steve
Taylor, Timothy
Weeks, Kristopher
Weinstein, Joshua

CONTINGENT APPROVALS (2)

Herritt, Frederick – *Contingent upon submitting proof of W2 employment*
Meiser, Terry – *Contingent upon submitting proof of 20% ownership*

CONTINUED (4)

Guerrero, Fausto – 60 days
Libert, Richard – 60 days
Maietta, Mario – 60 days
Strickler, Steven – 60 days

DENIED (4)

Beasley, Barry
Bonan, David
Guerra, Raul
Ianzuzzi, Vincent

WITHDRAWN (2)

Carpenter, Jonathan (Mechanical)
Carpenter, Jonathan (Plumbing)

APPLICATION REVIEW

Division I Board members met for Application Review on November 14, 2012 from 4:00 – 5:13 pm. Mr. Cathey led the meeting. Of the 22 applications scheduled for review, 2 were approved, 1 was contingently approved, 3 were continued, 10 were denied, 2 were withdrawn, and 4 were pulled.

APPROVED (2)

Needles, Andrew
Patel, Ketan

CONTINGENT APPROVALS (1)

Thacker, Larry – *Contingent upon showing proof of conclusion of Chapter 11 Bankruptcy*

CONTINUED (3)

Johnson, Shawn – 60 days
Martinez, Eduardo – 60 days
Porosky, Christopher – 60 days

DENIED (10)

Acreman, Shannon
Bradford, Nicholas
Cantrell, Michael
Clark, Anthony
Clive, Corey
Costello, William
Dennis, Thomas
Fero, Stephen
Lima, Sergio
Turner, Todd

WITHDRAWN (2)

Connelly, Christopher
Frezza, John

PULLED (4)

Crosby, Aubrey
Morales, Eric
Shaw, Dallas
Wagner, David

Division II Board members met for Application Review from 2:36 – 3:50 pm and again from 4:03 – 4:55 pm. Ms. Watts led the meeting. Of the 45 applications scheduled for review, 25 were approved, 3 were continued, 8 were denied, 8 were withdrawn, and 1 was pulled.

APPROVED (25)

Barrios, Abiezer
Barron, Jarrett
Blanco, Yadira
Bodwell, Richard
Bowman, Chad
Chavez, Roberto
Damic, Kevin
Deming, Ronald
Dimon, Jason
Faltersack, Thomas
Foshee, Charles
Isherwood, Robert
Lawson, Wallace
Martin, Carlos
Mintz, Thomas
Morey Cuba Sr., Ebel
Neill, Douglas – downgrade to Class A A/C License
Newman, Brody
Peters, Dexter
Piquera, Carlos
Roberts, Samuel

Sineriz, Jorge
Skrobis, Michael
Taylor, Richard
Tidwell, David

CONTINUED (3)

Larkin, Shawn – 60 days
Paredes, John – 60 days
Willis, John III – 60 days

DENIED (8)

Carroll, Kevin
Fritz, Harry
Milinski, Matthew
Novotny, Brian
Sink, Brian
Werth, Matthew
Wetherington, Joseph
Wichlenski, William

WITHDRAWN (8)

Cantrell, Michael
Carratala, Nelson
Clemans, Charles
Coxwell, Glen
England, James
Jordan, John
Kanistras, Christopher
Massanet, Milton

PULLED (1)

Nones, Gil

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 convened on November 15, 2012, from 10:00 – 10:32 pm. Mr. Kane led the meeting.

Joe Cooner, CGC062344
Result: Unsatisfactory

Garnett Craig, CGC1518689
Result: Satisfactory

Kevin Karten, CGC061616

Result: Satisfactory

Petros Manolatos, CGC060140

Result: Satisfactory

Robert McDonald, CGC015334

Result: Satisfactory

Sheldon Morant, CGC1507314

Result: Unsatisfactory

David Stone, RR282811794

Result: Satisfactory

Raymond Woods, CBC058759

Result: Satisfactory

The Division II Probation Committee convened on November 15, 2012 from 1:00 – 1:12 pm. Mr. Korelishn led the meetings.

Keith Almeida, CCC057851

Result: Satisfactory

Ann Carapezza, CCC1329739

Result: Satisfactory

Jeremiah Cook, CAC1813212

Result: Satisfactory

Request for early termination of probation **denied**

Juan Gordillo

Result: Satisfactory

Robert McDonald, CCC011249

Result: Satisfactory

Linda Ratliff, CCC058307

Result: Satisfactory

Christopher Shannon

Result: Satisfactory

Polyenne Soares, CCC1329580

Result: Satisfactory

Willie Wilson, CFC1428343

Result: Satisfactory

Request for early termination of probation **denied**

GENERAL SESSION

The meeting was called to order by Jerry Hussey, Chair, at 9:04 am. Ms. Watts gave the Invocation. Mr. Lenois led the Pledge of Allegiance.

REVIEW OF MINUTES

The board voted unanimously to approve the following minutes:

- July 2012 Meeting Minutes
- August 2012 Meeting Minutes

EXECUTIVE DIRECTOR'S REPORT – DREW WINTERS

Mr. Winters gave the following report:

Mr. Winters asked the Board to excuse the following absences:

Mr. Weller
Mr. Cobb
Ms. Beall
Mr. Boyette

The board voted unanimously to excuse these absences.

Mr. Winters also distributed the enforcement report from the Division of Regulation and the quarterly financial reports.

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

CHAIRMAN'S REPORT – JERRY HUSSEY

Mr. Hussey reminded the board members to meet their newly elected officials. Mr. Hussey also thanked board staff for their hard work throughout the year.

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

PROSECUTING ATTORNEY'S REPORT – PAUL WATERS

Mr. Waters gave the following report:

For the month of October 2012, the overall case load was 267, down from 343 in September 2012, and down from 431 in October 2011.

There were 84 cases currently in Legal to be reviewed, 33 cases set for probable cause, and 41 cases where probable cause had been found/administrative complaints filed. 1 settlement stipulation had been approved, 2 informal hearings had been requested, and

9 cases were awaiting outside action. 8 cases were ready for default, 15 had requested formal hearings, and 3 cases were referred to DOAH. 6 cases were in settlement negotiations, 7 cases were pending board dates, and 31 cases were set for board presentation. 27 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

For the month of October 2012, 171 cases were closed.

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

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

MICHAEL ASHMEAD – REQUEST FOR INFORMAL HEARING

Mr. Ashmead was present.

Mr. Biggins presented this case stating Mr. Ashmead's application for initial issuance of a Class B air conditioning contractor's license was denied at the September 2012 meeting of the board for failing to demonstrate the required experience and failing to sufficiently demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in October of 2012. Mr. Ashmead timely requested board reconsideration.

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

JAMES FORTIER – REQUEST FOR INFORMAL HEARING

Mr. Fortier was present.

Mr. Biggins presented this case stating Mr. Fortier's application for initial issuance of a certified commercial pool/spa contractor's license was denied at the September 2012 meeting of the board for failing to demonstrate the required experience. The Notice of Intent to Deny was filed in October of 2012. Mr. Fortier timely requested board reconsideration.

After discussion the board voted to continue the informal hearing for 120 days to applicant to complete the pool servicing course.

DENNIS HAGGERTY – PETITION FOR DECLARATORY STATEMENT

Mr. Haggerty was present.

Mr. Haggerty presented this case stating Mr. Haggerty filed a petition for a declaratory statement on September 26, 2012. The petition was noticed in the Florida Administrative Register on October 8, 2012. Mr. Biggins noted the petition appears to be requesting an interpretation of Chapter 489.105, Florida Statutes, and whether a license is required for work on medium, low, and ultralow temperature equipment located in hospitals, laboratories, research facilities, and highly specialized cooling equipment for

the U.S. Government. 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 a license is not needed for simple appliance repair, but if the equipment is permanently affixed to the structure of the building a license would be required.

MARGARET KARRH – REQUEST FOR INFORMAL HEARING

Ms. Karrh was not present.

Mr. Biggins presented this case stating Ms. Karrh's application for initial issuance of a certified roofing contractor's license was denied at the August 2012 meeting of the board for failing to demonstrate the required experience. The Notice of Intent to Deny was filed in September of 2012. Ms. Karrh timely requested board reconsideration.

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

LIGHTNING INVESTIGATIONS – PETITION FOR DECLARATORY STATEMENT

A representative from Lightning Investigations was not present.

Mr. Biggins presented this case stating Lightning Investigations filed a petition for a declaratory statement on October 2, 2012. The petition was noticed in the Florida Administrative Register on October 25, 2012. Mr. Biggins noted the petitioner appears to be requesting an interpretation of Chapter 489.105, Florida Statutes, and whether a license is required for technicians to investigate the cause and origin of damage to HVAC units and to prepare a written report with their findings. 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 an air conditioning contractor's license is required for the work described in the petition.

GEORGE LUCOS – REQUEST FOR INFORMAL HEARING

Mr. Lucos was present.

Mr. Biggins presented this case stating Mr. Lucos' application to qualify an additional business was denied at the June 2012 meeting of the board for failing to appear as required by Rule 61G4-15.0021, Florida Administrative Code. The Notice of Intent to Deny was filed in July 2012. Mr. Lucos timely requested board reconsideration.

After discussion the board voted to approve the application contingent upon Mr. Lucos providing proof of W2 employment status.

SEAN MALONE – REQUEST FOR INFORMAL HEARING

Mr. Malone was present.

Mr. Biggins presented this case stating Mr. Malone's application for initial issuance of a certified pool/spa contractor's license was denied at the August 2012 meeting of the board for failure to demonstrate the required experience. The Notice of Intent to Deny was filed in September of 2012. Mr. Malone timely requested board reconsideration.

After discussion the board voted to approve the application.

GARY MITCHELL – MOTION TO RECONSIDER

Mr. Mitchell was present with Counsel.

Mr. Biggins presented this case stating Mr. Mitchell's application to qualify an additional business was denied at the September 2012 meeting of the board for failing 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 2012. Mr. Mitchell timely requested board reconsideration.

After discussion the board voted to approve the application as a change of status application.

MICHAEL O'CONNOR – REQUEST FOR INFORMAL HEARING

Mr. O'Connor was present with Counsel.

Mr. Biggins presented this case stating Mr. O'Connor's application to qualify an additional business entity (KGP Telecommunications, LLC) was denied at the October 2012 meeting of the board for failing to demonstrate the qualifying agent would properly supervise the construction work and activities. The Notice of Intent to Deny was filed in November of 2012. Mr. O'Connor timely requested board reconsideration.

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

MICHAEL O'CONNOR – REQUEST FOR INFORMAL HEARING

Mr. O'Connor was present with Counsel.

Mr. Biggins presented this case stating Mr. O'Connor's application to qualify an additional business entity (BlueStream Professional Services, LLC) was denied at the October 2012 meeting of the board for failing to demonstrate the qualifying agent would properly supervise the construction work and activities. The Notice of Intent to deny was filed in November of 2012. Mr. O'Connor timely requested board reconsideration.

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

ROBERT PROSSER – REQUEST FOR INFORMAL HEARING

Mr. Prosser was present.

Mr. Biggins presented this case stating Mr. Prosser's application to qualify an additional business entity was denied at the October 2012 meeting of the board for failing to demonstrate the qualifying the agent would properly supervise the construction work and business activities. The Notice of Intent to Deny was denied in November of 2012. Mr. Prosser timely requested board reconsideration.

After discussion the board voted to approve the application.

MATTHEW SHAW – REQUEST FOR INFORMAL HEARING

Mr. Shaw was present.

Mr. Biggins presented this case stating Mr. Shaw's application for initial issuance of a certified general contractor's license was denied at the August 2012 meeting of the board for failing to demonstrate the qualifying agent would properly supervise the construction work and business activities and failing to sufficiently demonstrate financial stability and responsibility. The Notice of Intent to Deny was filed in September of 2012. Mr. Shaw timely requested board reconsideration.

After discussion the board voted to approve the application.

The board also requested Mr. Waters open an investigation on the verifier of Mr. Shaw's experience in his application.

ERIC TAYLOR – REQUEST FOR INFORMAL HEARING

Mr. Taylor was present with Counsel Tim Atkinson.

Mr. Biggins presented this case stating Mr. Taylor's application for initial issuance of a certified general contractor's license was denied at the September 2012 meeting of the board for failing to demonstrate the required experience. The Notice of Intent to Deny was filed in October of 2012. Mr. Taylor timely requested board reconsideration.

After discussion the board voted to approve the application.

DENNIS VIVES – REQUEST FOR INFORMAL HEARING

Mr. Vives was present with Counsel Tim Atkinson.

Mr. Biggins presented this case stating Mr. Vives application for initial issuance of a certified building contractor's license was denied at the August 2012 meeting of the board for failing to demonstrate the required experience. The Notice of Intent to Deny was filed in September of 2012. Mr. Vives timely requested board reconsideration.

After discussion the board voted to approve the application.

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

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ROY LENOIS

Mr. Lenois gave the following report:

API Processing-Licensing, Inc.

1st Course: Financial Stability and Responsibility Course – **approved**

At Home Prep (National Contractors Pre-Licensure Services)

1st Course: Florida Contractors Online Continuing Education – **approved**

Building Performance Americas USA, Inc.

1st Course: Mitigating Existing Buildings Against Destruction from Hurricane Wind and Wind Borne Rains – **denied**

Cam Tech School of Construction

1st Course: Financial Responsibility and Stability for the Contractor – **denied**

Florida Building Codes and Standards

1st Course: 2010 Changes to the Florida Energy Code – Online – **approved**

2nd Course: 2010 Changes to the Florida Energy Code – Classroom – **approved**

3rd Course: Enforcing the 2010 Florida Building Code, Energy Conservation – Online – **approved**

4th Course: Enforcing the 2010 Florida Building Code, Energy Conservation – Classroom – **approved**

FRSA Educational and Research Foundation

1st Course: 2010 Florida Building Code Accessibility – **approved**

2nd Course: Wind Mitigation Gable End Procedures and Forms – **approved**

Gold Coast School of Construction, Inc.

1st Course: Building Code Basics – Classroom – **approved**

2nd Course: Building Code Basics – Online – **approved**

Inspection Depot, Inc.

1st Course: Four Point Inspection Training – **denied**

JC Code & Construction Consultants, Inc.

1st Course: Ethics in Construction – **approved**

2nd Course: The Florida Accessibility Code – **approved**

Michael Garcia, P.A.

1st Course: Florida Construction Lien Law – **approved**

National Comfort Institute, Inc.

1st Course: HVAC Systems Redesign and Renovation – **denied**

On-Line-Classes.com dba Of Infinity, LLC

- 1st Course: Construction Contracts – A Primer for Florida Contractors – **approved**
- 2nd Course: Construction Spanish – Ready, Set, Communicate – **approved**

Pinch A Penny, Inc.

- 1st Course: Differential Hold Down Forces – **approved**
- 2nd Course: Gas Heaters: Installation & Performance – **approved**
- 3rd Course: Legal Issues in the Workplace – **approved**
- 4th Course: Nine Ways to Pay Less Taxes, Reduce Your Expenses & Much More – **approved**
- 5th Course: Phosphate & Enzymes Control for Increased Efficiency – **approved**
- 6th Course: Pool Surface Forensics 101 – **approved** (amended to 1.5 hours of credit)
- 7th Course: Swimming Pool Start Ups – the \$64,000 Answer – **approved**
- 8th Course: The Ins and Outs of Robotic Pool Cleaners – **approved**

Total Tech LLC

- 1st Course: Air Conditioning Diagnostics – **denied**
- 2nd Course: Electrical Diagnostics – **denied**
- 3rd Course: Heat Pump Diagnostics – **denied**
- 4th Course: Thermostatic Expansion Valve Diagnostics – **denied**

Training Licensing Center, Inc.

- 1st Course: Determination of Pay for Injuries or Death – **approved**
- 2nd Course: Employer's Tax Obligation – **approved**
- 3rd Course: Fall Prevention – **approved**
- 4th Course: Introduction to Steam and Hot Water Boilers – **denied**
- 5th Course: Laws & Rules I – **approved**
- 6th Course: Laws & Rules II – **approved**
- 7th Course: New Changes to the Mechanical FBC – **denied**
- 8th Course: Understanding FL Construction Lien Law – **approved**
- 9th Course: Wind Load Mitigation – **approved**

University of Florida Treeo Center

- 1st Course: 23rd Annual Cross Connection Control Conference - **approved**

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Biggins gave the following report:

The following Rules were discussed:

- 61G4-12.011 (7) Definitions – *no action taken*
- 61G4-15.036 Demolition Specialty Contractors – *draft language approved*

The following Rules have been **Developed:**

61G4-12.011 Definitions – *Language adopted*
61G4-15.035 Certification of Irrigation Specialty Contractors
61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants

The following Proposed Rules have been **Adopted**:

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants

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

NOMINATING COMMITTEE – JERRY HUSSEY

Mr. Hussey informed the board that the committee voted unanimously to make Mr. Brian Cathey the next Vice Chair and Mr. Moody the next Chairman.

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

FHCRF COMMITTEE – MICHELLE KANE

The Florida Homeowners Construction Recovery Fund Committee convened on Wednesday, November 14, 2012 from 5:23 – 6:03 pm. A total of 34 claims were presented; 29 claims were approved in the amount of \$399,617.64, 1 claim was approved contingently in the amount of \$17,000.00, 1 claim was continued 90 days, and 3 claims were denied.

APPROVED (29)

2007-050413 – Maldonado vs. American Pride Building Company (*Motion to Reconsider*) - **\$18,518.00**

2008-023114 – Bolanovich vs. Sessoms - **\$50,000.00**

2008-017809 – Sparger vs. Hurley - **\$3,948.00**

2007-067596 – LaForest vs. Pio - **\$41,895.00**

2008-046232 – Wold vs. Hurley - **\$4,404.00**

2008-023188 – Balazs vs. Cicero - **\$1006.20**

2008-025219 – Jenkins vs. Caribbean Custom Homes - **\$50,000.00**

2008-022097 – Buwen vs. Cicero - **\$2,300.00**

2008-032482 – Cohen vs. Penna - **\$10,323.00**

2008-006392 – Martinez vs. Mendez - **\$9,600.00**

2007-011711 – Schaad vs. Christy - **\$14,971.00**

2008-023383 – Senk vs. Cicero - **\$2,700.00**

2007-056929 – Thrun vs. Sullivan - **\$9,275.47**

2007-041475 – Darnell vs. Kuehl - **\$4,403.39**

2008-046335 – Klein vs. Cicero - **\$4,000.00**

2007-038973 – Liss vs. Riggan - **\$27,551.52**

2007-053955 – Stevens vs. Vickers - **\$40,000.00**

2007-069027 – Jennings vs. Johnson - **\$3,000.00**

2008-022210 – King vs. Killoren - **\$41,027.06**

2008-050092 – Garlacz vs. Fry - **\$24,249.00**

2007-059529 – Haltiwanger vs. McDaniels - **\$2,888.00**

2008-050137 – Augsten vs. Cicero - **\$2,160.00**

2008-050142 – Waldenmyer vs. Griffin - **\$2,000.00**
2008-054073 – McDougal vs. Transflorida Corp. - **\$13,782.00**
2008-003305 – Quick vs. Schuller - **\$3,000.00**
2008-050156 – Weiner vs. Cicero - **\$866.00**
2008-020041 – Criden-Roebuck vs. Cicero - **\$3,474.00**
2008-050086 – Irwin vs. Hernandez - **\$6,119.00**
2008-050097 – Lynn vs. Griffin - **\$2,157.00**

CONTINGENT APPROVALS (1)

2008-050073 – Vales vs. Chess - **\$17,000.00** – *Contractor given 30 days to provide additional proof of payments made to claimant*

CONTINUED (1)

2008-000768 – Berni vs. Diversified General Contractors – *90 day continuance granted*

DENIED (3)

2007-062173 – Smith vs. Varsi
2007-068971 – Kalb vs. Jennings
2006-037796 – Langford vs. Luke

OLD BUSINESS

Removal of old materials from laptop.

NEW BUSINESS

Mr. Lenois brought up one issue regarding the new guidelines for experience for applicants. Mr. Lenois expressed concern over the new applications and how they have denuded the board's ability to properly evaluate the expertise and experience of applicants. Mr. Lenois requested the Department explain to the board how they can ensure those applicants with out of state, unverified, experience, are being truthful on their applications. Mr. Del Vecchio stated that the Statutes and Rules haven't changed and that the onus to determine experience still resides with the board. Mr. Del Vecchio stated that the only thing that has changed is the application, which is not the property of the board, but is the property of the Department, who intentionally omitted the verification requirement. Mr. Del Vecchio stated this conflict between the two bodies has been ongoing for quite a while and he would like to see some resolution. Mr. Hussey reminded everyone to visit with the new legislators to discuss these issues. Mr. Winters responded stating that if the board feels that an applicant has been untruthful on their application, those issues can always be directed to Mr. Waters to conduct an investigation. Mr. Del Vecchio suggested that perhaps the board can consider creating an audit committee to review the applications which are processed by the Department to see if issues with the new applications can be found. Mr. Winters stated that they have previously pulled numbers, and the amount of applications approved by the Department, referred for board review, etc., are right in line with the numbers with the old application forms. Mr. Winters stated that if the board would like to designate an individual from each Division to begin that process he would certainly welcome it. Mr. Hussey requested that Ms. Watts step into that role for the board for Division II. Ms. Watts accepted the assignment. Mr. Cathey volunteered himself for Division I. Mr. Winters

reminded the board that two board members cannot work together; that they would have to work independently and would have to report their findings directly to Mr. Winters.

Mr. Lenois stated that the difficulty lies in the fact that the board cannot challenge out of state or out of country experience. All an applicant with out of state experience has to do is make sure all the proper boxes are checked and make sure the time frames meet the requirements, and they're issued a license. There is no way to investigate or require verification of that experience. Mr. Lenois stated that's a problem that needs to be addressed. Mr. Winters stated that more applications are coming before the board than with the old applications, and that is because the experience questions on the application are requiring more detailed answers. Mr. Winters stated the Department just didn't see any benefit in the verifier and the verification issue caused substantial delay in getting applications to the board. Mr. Winters stated that they are catching more people who lack experience and those people are getting their applications referred to the board.

Mr. Cathey made a motion to appoint both himself and Ms. Watts to serve as separate auditors and to task themselves with reviewing all applications which have been approved by the Department over the course of one quarter. Mr. Cathey amended his motion to applications approved by the Department over the course of one month. Mr. Winters stated that something has to be very clear, and that is that the audit procedure has to be fairly applied to every application to avoid any sort of arbitrariness. Mr. Winters stated he would like to have some discussion with the Department and with Mr. Cathey and Ms. Watts to develop the process before initiating it, as opposed initiating the process first and then fixing any problems that arise. The board voted unanimously to approve Mr. Cathey's motion and Mr. Winters stated he would return to the Department to begin discussions on creating and implementing this process.

Mr. Winters then handed the discussion over to Mr. Biggins to give a brief refresher on the Sunshine Laws. Mr. Biggins stated that the first thing to remember is that if a discussion takes place between two or more board members, it has to be "in the sunshine", or in a public meeting. This includes phone calls, emails, etc. Two or more board members cannot discuss board matters outside of a public forum. The people exempt from this are board staff and board counsel. However, they cannot act as a messenger between two board members to relay information. It is acceptable for two board members to appear at the same function as long as a dialogue is not initiated between the two board members. If they are aware ahead of time that this situation might occur, it is best to alert either Mr. Winters or Mr. Biggins and get advice on conduct.

Mr. Biggins explained that even though this meeting is open and the public is free to attend, many of the documents being reviewed contain confidential information so be aware of the information being discussed, and the board needs to try their best to not disclose confidential information. Mr. Biggins also stated to make sure that there cannot be an appearance of impropriety and to make sure that someone does not feel there is a discussion taking place during the board meeting that they are not party to.

Mr. Biggins then explained the two types of business that the board deals with; the first is quasi-legislative, which is when the board creates Rule, etc. This information can be

discussed outside of board meetings, with lobbyists, etc. The second is quasi-judicial, which is the board ruling on applications, declaratory statements, etc. The board should act like a judge in that situation, and not discuss those issues with anyone outside of his own legal representatives and his staff. Mr. Biggins reminded the board that they should not be lobbied by anyone on a quasi-judicial issue. And finally, Mr. Biggins reminded the board that seeking legal counsel, either through himself or private counsel, on any situation which might be a Sunshine violation protects that board member from being criminally prosecuted. So if there are any issues which a board member is unsure of, contacting legal counsel protects that board member from prosecution. Mr. Biggins stated he is always available if anyone has any questions.

With no further business the meeting was adjourned at 10:38 am.