

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**THE FLORIDA HOTEL AND CONFERENCE CENTER
1500 SAND LAKE RD
ORLANDO, FL 32809
407-859-1500**

GENERAL SESSION MINUTES

NOVEMBER 11 - 13, 2009

Board Members Present

Paul Del Vecchio
Peggy Bailey
Robert Moody, Jr.
Mark Pietanza
Roy Lenois
Carl Engelmeier
James C. Evetts
James Flaherty
Raymond Holloway
Michelle Kane
William S. Sheehan
Jacqueline Watts, Chair

Board Members Absent

Don Wilford
Edward Weller
Frank Bonuso
Elbert Batton
Jerry D. Hussey

Others Present

G. W. Harrell, Executive Director, DBPR
Andy D. Janeczek, Government Analyst, DBPR
David Spingler, Administrative Assistant, DBPR
Daniel Biggins, Legal Advisor, AGO
Carrol Cherry, Legal Advisor, AGO
Jeff Kelly, Chief Prosecuting Attorney, DBPR
Paul Waters, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I Board Members met on November 11, 2009 from 1:48 pm to 3:45 pm. Mr. Hussey led the meeting. Of the 28 applications reviewed, 15 were approved, 5 were approved contingent, 2 were approved with conditions, 4 were denied, 1 was pulled and 1 was withdrawn.

Approved Applications

Alley, Sam
Alley, Sam
Anderson, Michael
Aviles, Rene
Booth, William
Corell, Steven
Fundora, Carlo
Gornet, Michael
Hendricks, Daniel
Linder, Jerry
Shull, Roger
Shull, Roger
Steelman, Christopher
Wallace, Jerald
Ziegler, James

Approved Contingent

Avey, Gary - Contingent upon providing proof of ownership in company
Hash, Paul - Contingent upon submitting copy of W2
Konkol, David – Contingent upon submitting proof of 25% ownership; probation of 3 years will be applied upon approval
Mather, Timothy – Contingent upon submitting proof of 25% ownership
Otis, Michael – Contingent upon submittal of W2

Conditional Approvals

Morrison, Michael – 4 years probation
Perkins, Terrance – 4 years probation

Applications Denied

Fundora, Carlo
Gietz, Timothy
Johnson, Robert
Ruiz, Richanell – (Paul Del Vecchio recused himself causing quorum issues – a decision was not made at this meeting)

Applications Withdrawn

Carter, James

Applications Pulled

McWhorter, Ralph

Division I & II Board Members met on November 11, 2009 from 3:47 pm to 3:50 pm. Mr. Hussey led the meeting. Of the 2 applications reviewed, 2 were approved.

Approved Applications

Burkett, Roy (CBC)
Burkett (CMC)

Division II Board Members met on November 11, 2009 from 3:58 pm to 4:13 pm. Mr. Moody led the meeting. Of the 6 applications reviewed, 3 were approved, 1 was approved contingent and 2 were denied.

Applications Approved

Martin, John C.
Pfuner, Tho
Zrallack, Robert

Approved Contingent

Counts, Steven – Contingent upon submitting proof of ownership within 60 days

Applications Denied

Jackson, Gerald
Jackson, Gerald

APPLICATION REVIEW

Division I Board Members met on November 12, 2009 from 1:31 pm to 4:17 pm. Mr. Sheehan led the meeting. Of the 37 applications reviewed, 7 were approved, 8 were approved with conditions, 15 were denied, 2 were continued, 2 were withdrawn, and 3 were pulled.

Approved Applications

Cooner, Edward
Freeman, Robert
Maharaj, Sashi
Mueller, Gregory
Nadaskay, Aaron
Shipman, Rickie
Wilkinson, Rick

Conditional Approvals

Enoch, Bryan – Downgrade to CRC license
Irr, Kristian – Downgrade to CBC and 4 years probation
King, Charles – 4 years probation
Lane, Michael – 4 years probation
Lose, Jose – 2 years probation
Perez, Luis – Downgrade to CRC and 4 years probation
Theriault, Steven – downgrade to CBC and 4 years probation
Tralongo, Jack – downgrade to CBC

Applications Denied

Arojado, Jennifer
Arvanitopoulos, Nikolas
Ayesh, Abdel
Campbell, Lewin
Castro, Yolanda
Coker, Barry
Delatour, Patrick
Garrison, Ricky
Gibson, Don
Goldberg, Aaron
Gonzalez, Hiram
Goodman, Sam
Houseman, Michael
Howard, George
Vardouniotis, Angelo

Applications Continued

Pooler, Thomas – continued for 60 days to provide experience
Visser, Patrick – continued for 60 days to provide experience

Applications Withdrawn

Fidler, Timothy
Johnson, Chetwood

Applications Pulled

Brewer, Jacob
Fulks, Jimmy
Guess, Aaron

Division I & II Board members met on November 12, 2009 from 4:23 pm to 4:27 pm. Mr. Sheehan led the meeting. Of the 2 applications reviewed, both were denied.

Applications Denied

Mullen, Brian (CPC license)
Mullen, Brian (CGC license)

Division II Board members met on November 12, 2009 from 4:31 pm to 5:36 pm. Mr. Lenois led the meeting. Of the 14 applications reviewed, 5 were approved, 1 was approved with conditions, 7 were denied, 1 was pulled and 1 was continued.

Applications Approved

Brechbiel, Timothy
Kane, Raymond
Swanson, William
Thaler, Daniel

Conditional Approval

Moore, George – 4 years probation

Applications Denied

Babazadeh, Ali
Carbonell, Alfredo
Kolke, Brian
Varsi, Giovanni
Vincent, Manuel
Willett, Mel
Willingham, Mike

Applications Pulled

Mathes, Kenneth

Applications Continued

Beringhaus, Robert – continued 60 days to provide proof of experience

The board voted unanimously to ratify the list of Financially Responsible Officers from October 2009.

PROBATION

PROBATION COMMITTEE

The Division II board members met for probation on November 12, 2009 at 1:30 pm. The meeting was led by Mr. Engelmeier.

Aiello, John, (CAC 1815313)

Result: Satisfactory

Arambula, David, (CCC 1328826)

Result: Satisfactory

Burchfield, Joseph, (CCC 58201)

Result: Satisfactory

McDonald, Paul, (CCC 1326092)

Result: Stay of Suspension lifted

McKenna, Kenneth, (CPC 1456482)

Result: Satisfactory

Teixeira, Barry, (CFC 1427464)

Result: Satisfactory

Westbrook, Larry, (CAC 1816209)

Result: Satisfactory

Division I & II board members met for probation on November 12, 2009 at 2:45 pm. The meeting was led by Mr. Engelmeier.

Bookhardt, Aldon, (CGC 1505081, CCC 57655)
Result: Continued to January 2010

Division I board members met for probation on November 12, 2009 at 3:45 pm. The meeting was led by James Evetts.

Cerber, Sinclair, (CGC 1510534)
Result: Satisfactory

D'Aprix, Rexford, (CBC 1256975)
Result: Satisfactory

Dulworth, Jean, (CGC 1516266)
Result: Satisfactory

Goodman, Sam, (CBC 57446)
Result: Satisfactory

Karten, Kevin, (CGC 61616)
Result: Unsatisfactory

Ko, Oon Teong, (CGC 1516966)
Result: Satisfactory

Kodsy, Sherif, (RB 29003399)
Result: 6 month continuance granted

Lemire, Aaron, (CRC 1329931)
Result: Satisfactory

McKeehan, Jason, (CGC 1516826)
Result: 6 month continuance granted

Neff, Herbert, (CGC 51895)
Result: Satisfactory

Raimi, Manuel, (CBC 12196)
Result: Satisfactory

Rickel, Robert, (CGC 58696)
Result: Satisfactory

Rudzik, Thomas, (CGC 1512728)
Result: 6 month continuance granted

Saylor, Robert, (CGC 21753)

Result. Satisfactory

Tucker, Cheryl, (CGC 61605)
Result: Stay of Suspension lifted

Tyler, Robert, (CGC 62699)
Result: Satisfactory

GENERAL SESSION

The meeting was called to order by Ms. Jacqueline Watts, Chair, at 8:30 a.m. Ms. Bailey gave the Invocation. Mr. Evetts led the Pledge of Allegiance.

REVIEW OF MINUTES

A. Final Action Minutes – October 2009

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell brought up how the board reviews financial background for application. Mr. Harrell thanked the board for being fair and looking at the entire financial picture of applicants and commended the board in their discretion while reviewing these applications.

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

CHAIRMAN'S REPORT – JACQUELINE WATTS

Ms. Watts excused the following absences:

Mr. Hussey
Mr. Batton

The board voted to give Mr. Weller, Mr. Wilford, and Mr. Bonuso unexcused absences.

Ms. Watts thanked Ms. Bailey for stepping in to establish a quorum throughout the meeting so the meeting could progress.

Ms. Watts stated the Nominating Committee's recommendation was that Mr. Sheehan would step up to Chair and Mr. Pietanza would become Vice Chair. The board voted unanimously to accept the recommendations of the Nominating Committee.

Ms. Watts recognized Barry Kalmanson's service to the Board.

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

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

For October 2009 the overall case load was 1,664, up from 1,663 for September 2009, and down from 2,313 for October of 2008.

There were 548 cases to be reviewed in Legal, 54 cases set for probable cause and 397 cases where probable cause had been found/administrative complaints filed. 199 cases were ready for default, 29 cases had stipulations executed/informal hearings requested, and 97 cases had requested formal hearings. There were 12 cases referred to DOAH, 52 cases in settlement negotiations, 115 cases awaiting final orders, and 160 cases set for Board presentation. There were 0 cases under appeal and 1 case re-opened. 172 cases were closed for the month of October.

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

ATTORNEY GENERAL'S REPORT – DAN BIGGINS AND CAROL CHERRY

RODNEY S. FISCHER – PETITION FOR DECLARATORY STATEMENT

Mr. Fischer was present. A representative from the Florida Pool & Spa Association, Jennifer Hatfield, was also present. A representative from the United Pool & Spa Contractors Association, Bruce Kirschner, was also present.

Mr. Biggins presented this case as a Petition for a Declaratory Statement asking, "Can a Swimming Pool/Spa Servicing Contractor do work that includes penetration or modification or a swimming pool concrete structure", and, "Can a Swimming Pool/Spa Servicing Contractor change a filtration system from a direct suction type to a gravity fed collection tank type system".

After discussion the board voted unanimously that the petitioner had standing. The board voted unanimously to answer the first question in the negative. The board voted unanimously to answer the first question in the negative.

NICHOLAS K. BODWELL – REQUEST FOR INFORMAL HEARING

Mr. Bodwell was present.

Mr. Biggins presented this case stating that Nicholas Bodwell's application for initial licensure as a Certified Building Contractor license and the application to qualify an additional business entity under his Certified Mechanical Contractor were denied at the June 2009 meeting for failing to sufficiently provide evidence of his qualifications. Mr. Bodwell received a Notice of Intent to Deny in July of 2009. Mr. Bodwell timely requested board reconsideration.

After discussion the board voted unanimously to send the application back to the Application Review Committee in January 2010.

JOHN CARRIEGO – REQUEST FOR INFORMAL HEARING

Mr. Carriego was not present.

Mr. Biggins presented this case stating John Carriego's application for reinstatement of a Null & Void Certified Residential Contractor's license was denied at the July 2009 meeting for failing to present evidence of a good faith effort to comply with the license renewal statutes and rules and failing to present evidence that rises to the level of illness or unusual hardship. Mr. Carriego received a Notice of Intent to Deny in September 2009. Mr. Carriego timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

STEVE CSEREP – REQUEST FOR INFORMAL HEARING

Mr. Cserep was present.

Mr. Biggins presented this case stating Steve Cserep's application for initial licensure as a Certified General contractor was denied at the June 2009 meeting for failure to demonstrate the required experience and failure to demonstrate financial stability. Mr. Cserep received a Notice of Intent to Deny in July 2009. Mr. Cserep timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

STEVE DELBRUNE – REQUEST FOR INFORMAL HEARING

Mr. Delbrune was present.

Mr. Biggins presented this case stating Steve Delbrune's application for initial licensure as a Certified General contractor was denied at the July 2009 meeting for failure to demonstrate the required experience. Mr. Delbrune received a Notice of Intent to Deny in September 2009. Mr. Delbrune timely requested board reconsideration.

After discussion the board voted unanimously to approve this application as a Certified Building Contractor's license.

MATTHEW J. JONES, JR. – REQUEST FOR INFORMAL HEARING

Mr. Jones was present.

Mr. Biggins presented this case stating Matthew Jones Jr. application for initial licensure as a Certified Building contractor was denied at the July 2009 meeting for failure to demonstrate the required experience. Mr. Jones received a Notice of Intent to Deny in September 2009. Mr. Jones timely requested board reconsideration.

After discussion the board voted unanimously to approve the application as a Certified Residential Contractor's license.

YAMILEY MARTINEZ – REQUEST FOR INFORMAL HEARING

Ms. Martinez was present.

Mr. Biggins presented this case stating Yamiley Martinez' application for initial licensure as a Certified Underground Utility and Excavation contractor was denied at the June 2009 meeting for failure to demonstrate financial stability and failure to demonstrate good moral character. Ms. Martinez received a Notice of Intent to Deny in July 2009. Ms. Martinez timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

MARK PAPA – REQUEST FOR INFORMAL HEARING

Mr. Papa was present.

Mr. Biggins presented this case stating Mark Papa's application for a change of status of his Certified Plumbing contractor's license was denied at the July 2009 meeting because Mr. Papa was the subject of pending discipline. Mr. Papa received a Notice of Intent to Deny in September 2009. Mr. Papa timely requested board reconsideration.

After discussion the board voted unanimously to approve the application with 4 satisfactory appearances in front of the probation committee.

ALBERT VALDIVIA – REQUEST FOR INFORMAL HEARING

Mr. Valdivia was present.

Mr. Biggins presented this case stating Albert Valdivia's application for a change of status from inactive to active of a Certified General contractor's license was denied at the June 2009 meeting because Mr. Valdivia was the subject of pending discipline. Mr. Valdivia received a Notice of Intent to Deny in July 2009. Mr. Valdivia timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

DIETMAR WASCH – REQUEST FOR INFORMAL HEARING

Mr. Wasch was present.

Mr. Biggins presented this case stating Dietmar Wasch's application for initial licensure as a Certified Solar contractor and application to qualify an additional entity under his current Certified Specialty Structure contractor's license were denied at the April 2009 meeting for failure to provide sufficient evidence of his qualifications. Mr. Wasch received a Notice of Intent to Deny in May of 2009. Mr. Wasch timely requested board reconsideration.

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

STEPHEN TRIPP – REQUEST FOR INFORMAL HEARING/RECONSIDERATION

Mr. Tripp was present.

Mr. Biggins presented this case stating Stephen Tripp's application for a change of status of his Certified Roofing License was approved contingent upon Mr. Tripp providing an FRO bond. Mr. Tripp received a Notice of Intent of Contingent Approval. Mr. Tripp timely requested board reconsideration.

After discussion the board voted to approve the application with 4 satisfactory appearances in front of the probation committee.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – JAMES FLAHERTY

Mr. Flaherty gave the following report:

American Construction School

1st Course – Mold Remediation - denied

American Management Resources Corporation

1st Course – Lead Safety for Renovation, Repair, and Painting - denied

BOAF/FHBA Construction Training

1st Course – Advanced Mitigation Retrofits - approved

2nd Course – Radon Training Advanced Mitigation Retrofits - approved

Construction Estimating Institute

1st Course – Florida Construction Laws and Rules - denied

2nd Course – Strengthening Roofs - denied

Contractors School Inc. Construction Estimating Institute

1st Course – Green Building - approved

Department of Community Affairs

1st Course – Florida Accessibility Code for Building Construction - denied

Florida Association of Plumbing, Heating, and Cooling Contractors

1st Course – BOSS (Business Operations and Success Systems) - approved

2nd Course – Caring for our Water - approved

3rd Course – Climate Care - approved

4th Course – Into to Design & Installation Or Rainwater Harvesting Systems - approved

5th Course – Legislative Update – Actions Impacting your Business - approved

6th Course – Water Efficient Technology - approved

Florida Masonry Apprentice & Educational Foundation

1st Course – Preventing Moisture Problems in Masonry Construction - approved

FRSA Educational & Research Foundation

1ST Course – Understanding Metal Roofing Products and Design - approved

Gold Coast School of Construction

1st Course – Centrifugal Pool Pumps – approved

2nd Course – Chemistry in Pool Water Treatment - approved

3rd Course – Know your Building Code! (classroom) - approved

4th Course – Know your Building Code! (internet) - approved

5th Course – Residential Pool Maintenance Techniques - approved

6th Course – Swimming Pool Leak Detection & Repair Techniques (classroom) - approved

7th Course – Types & Uses of Swimming Pool Filters (classroom) - approved

All of the above courses were approved contingent on unqualified instructors being removed

John K. Wiggins

1st Course – Starting a Business - approved (no ADA)

2nd Course – The MSDS F.A.Q. - approved

3rd Course – Wage & Hour Laws F.A.Q - approved (no ADA)

4th Course – Workman Comp Tips and Workmen's Compensation - approved (no ADA)

Koning Enterprises, Inc. d/b/a Contractors Institute

1st Course – 14 hour Contractor Financial Responsibility - approved

Mercury Medical

1st Course – Medical Gas Piping Installation - approved

National Roofing Contractors Association

1st Course – Profitability through Effective Safety Programs - approved

2nd Course – Vegetative Roof Systems: Your Rewards, Responsibilities & Risks - approved

Northwest Florida Chapter AGC

1st Course – Best-in-Class Construction Industry Practices - approved

Pinch A Penny, Inc.

1st Course – A New Era for Pool Contractors - withdrawn

2nd Course – Quickbooks & RMS Integration - approved

Plumbing, Air Conditioning Contractors Industry

1st Course – Avoiding Duct Mold & Controlling Duct Mold with UV - denied

2nd Course – Business Practices of 489 of Laws & Rules - approved

3rd Course – Florida Handicap & Accessibility Code - approved

4th Course – Fundamentals of Back Flow for Contractors - approved

5th Course – Installation and Venting for Sanitary Plumbing Systems - approved

6th Course – Installation of Commercial Cooking Hoods - approved

7th Course – Medical Gas I & II - approved

8th Course – Test & Balance – Commissioning - approved

9th Course – Plumbing and Mechanical Code Review - approved

10th Course – Using SMACNA NAIMA Manuals - approved

Shavell & Company, P.A.

1st Course – Tax Update 2010 (1 hr) - approved (Business Practice Credit only)

2nd Course – Tax Update 2010 (2 hrs) - approved (Business Practice Credit only)

Timothy R. Hinson

1st Course – Workplace Safety - approved

University of West Florida

1st Course – CDT Prep Course - denied

The Florida Bar

1st Course – 2010 Construction Law Institute - approved (11.5 hours only)

The board voted unanimously to accept the recommendations of this committee.

AD HOC LICENSURE QUALIFICATIONS COMMITTEE – JACQUELINE WATTS

The Ad Hoc Licensure Qualifications Committee for Division II met on November 11, 2009 at 5:45 pm. The Committee was led by Ms. Watts. She gave the following report:

Ms. Watts stated the Swimming Pool Contractors be the test case for the pre-licensure education issues that have been discussed.

The Ad Hoc Licensure Qualifications Committee for Division I met on November 11, 2009 at 6:00 pm. The Committee was led by Mr. Sheehan. He gave the following report:

Mr. Sheehan stated that the issues have been with residential builders as most of the Final Action cases that have come before the board have been residential in nature, and that Arizona solved this problem with Bonds. Mr. Sheehan suggested that bonds might solve this issue in the residential sector. Mr. Del Vecchio stated there are scope inconsistencies throughout the different counties and this has contributed to applicants going for the General Contractors license to “cover their bases” and is contributing to the fraudulent experience verification issues.

With no further discussion the board voted unanimously to approve these reports.

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

The following Rules have been **Noticed**:

61G4-12.006 Approved Form

61G4-15.001 Qualification for Certification

61G4-15.0021 Certification and Registration of Business Organizations

61G4-15.0022 Qualifications of Joint Ventures

61G4-15.028 Precision Tank Testers

61G4-15.029 Tank Lining Applicators

61G4-15.032 Certification of Swimming Pool Specialty Contractors

61G4-18.003 Registration of Course Providers

61G4-21.003 Filing Claims

The following Rules have been **Adopted**:

61G4-18.014 Continuing Education Seminars

The board voted unanimously to accept the recommendations of this committee.

OLD BUSINESS

Removal of board materials from laptops.

NEW BUSINESS

Mr. Evetts brought up the issue of the American Disabilities Act, and recommended that contractors have to take Continuing Education courses instructing them on the American Disabilities Act.

Ms. Watts brought up the issues with the absences by board members and made it clear that board members need to understand the ramifications of missing meetings. Ms. Watts brought up that there were quorum issues in Final Action as ten cases were pulled because there were quorum issues.

With no further business the meeting was adjourned.