

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

Grand Bohemian Hotel
325 South Orange Avenue
Orlando, FL 32801
407.313.9000

September 7-10, 2010
MEETING MINUTES

Board Members Present

William S. Sheehan, Chair
Mark Pietanza, Vice – Chair
Paul Del Vecchio
Edward Weller
Peggy Bailey
James Flaherty
Roy R. Lenois
James C. Evetts
Robert Moody Jr.
Albert Korelishn
Michelle Kane
Elbert Batton
Scott Greenberg

Board Members Absent

Jerry D. Hussey (Wednesday only)
W. Brian Cathey (Thursday only)
Carl E. Engelmeier (Thursday only)
Don Wilford

Others Present

G. W. Harrell, Executive Director, DBPR
David Spingler, Government Analyst, DBPR
Donald Shaw, Administrative Assistant, DBPR
Daniel Biggins, Legal Advisor, AGO
Jeff Kelly, Chief Prosecuting Attorney, DBPR
James Fortunas, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I Board members met for Additional Business Entities Review on September 8, 2010 from 2:14 – 3:04p.m. Mr. Evetts led the meeting. Of the 17 applications reviewed, 10 were approved, 1 was approved contingent, 2 were withdrawn and 4 were denied.

APPROVALS (10)

Black, Robert
Dias, Ney P.
Eberly, Joseph H.
Friedmann, Darrin
Gershen, Harvey
Johnston, Roy M.
Latanzio, Arthur
Torrens, William M.
White, Mark
Zemke Steven

CONTINGENT APPROVAL (1)

Martin, Ronald M. – contingent upon submitting proof of W2 employment or 10 percent of entity ownership

WITHDRAWALS (2)

Moore, Timothy
Peterson, Bradley

DENIALS (4)

Boulais, James M.
Lulo Jr., Michael
Neumann, Jason
Reina, Claudia

Division II Board members met for Additional Business Entities Review on September 9, 2010 from 4:02 – 4:30 p.m. Mr. Flaherty led the meeting. Of the 6 applications reviewed, 4 were approved and 2 were continued.

APPROVALS (4)

Fansler, Jason D.
Keiser, John T.
Milhomme, Mafer
Pacheco, Lisette

CONTINUANCES (2)

Acosta, Alberto – continued 60 days
Dias, Ney P. – continued 60 days

APPLICATION REVIEW

Division I Board members met for Application Review on September 8, 2010 from 3:18 – 5:04p.m. Mr. Sheehan led the meeting. Of the 24 applications reviewed, 6 were approved, 6 were approved with conditions, 3 were continued and 9 were denied.

APPROVALS (6)

Cimalgia Jr., Anthony E.
Denham Jr., Virgile D.
Pergola, Anthony C.
Player, James J.
Quarture Jr., Robert J.
Rappold, Edward T.

CONDITONAL APPROVAL (6)

Ambrosius, Robert C. – probation for 2 years or a credit score of 660 is provided
Finnegan Leith F. – probation for 2 years or a credit score of 660 is provided
Marcotte, John T. – probation for 2 years or a credit score of 660 is provided
Parker Jr., Robert R. – probation for 2 years or a credit score of 660 is provided
Reed, Patrick W. – license approved for cell tower only
Young, Laura J. – probation for 2 years or a credit score of 660 is provided

DENIALS (9)

Dunn, Gregory A.
Huard, Guy A.
Johnson, Michael A.
Knox, Robert P.
Mays, Adam R.
Melson, Richard B.
Miller, Donald K.
Morrison, Jerry M.
Satterfield, Louis C.

CONTINUANCES(3)

Mulholland, Spiderman S. – continued 30 days
Whalen, William D. – continued 60 days
Wood IV, James A. – continued 60 days

Division II Board members met for Application Review on September 9, 2010 from 4:45 – 5:51p.m. Mr. Flaherty led the meeting. Of the 18 applications reviewed, 5 were approved, 4 were approved with conditions, 2 were continued and 7 were denied.

APPROVALS (5)

Arniella, Rolando F.
Hartranft, Janet L.
Parnell, Donald R.
Reynolds Jr., Kemp B.

Smith, Kevin T.

CONDITIONAL APPROVALS (4)

Alford, Danny – probation for 2 years

Brannen, Kenneth A. – probation for 2 years or a credit score of 660 is provided

Cantrell, Michael J. – probation for 3 years or a credit score of 660 is provided

Gales, Joseph C. – probation for 2 years

CONTINUANCES (2)

Desimone, Anthony E. – continued 30 days

Drewes, Duane A. – continued 60 days

DENIALS (7)

Dunn, Gregory A.

Garcia, David M.

Johnson, Michael A.

Johnson, Michael A.

King, Todd R.

Kohn, Jordan T.

Tidwell, Terry

The Board reviewed and ratified the list of approved financially responsible officer applications.

PROBATION

Division I Board members met for Probation on September 9, 2010 from 2:01 – 2:31p.m. Mr. Batton led the meeting.

Bowman, Duane, CGC1518502

Result: Satisfactory

Reminded to include license number on all contracts

Burgan, Charles, CGC1512729

Result: Satisfactory

Cartelle, Antonio, CGC1516713

Result: Satisfactory

Gray, Samuel, CBC1257234

Result: Stay Lifted

License is now suspended due to failure to appear for scheduled September 2010 probation hearing

Holmes, Kenneth, CBC1257274

Result: Satisfactory

Lopez, Eli, CRC1330313

Result: Stay Lifted
License is now suspended due to failure to appear for scheduled September 2010 probation hearing

Lopez-Recio, Orestes, CGC1518496

Result: Stay Lifted
License is now suspended due to failure to appear for scheduled September 2010 probation hearing

Loy, James, CGC1504966

Result: Satisfactory
Reminded to include license number on all contracts

Moore, Lloyd, CGC1516829

Result: Satisfactory

Romero, Jorge, CGC061188

Result: Satisfactory

Stellino, Frank, CGC033957

Result: Satisfactory
Granted early termination of probation

Szymula, Brian, CGC1509304

Result: Satisfactory

Wilson, William, CGC021685

Result: Satisfactory
Reminded to include FHCRF notice on contracts. Previous Unsatisfactory appearance reconsidered and shall be considered a continuance on the probationer's record.

Worthington, Linda, CGC045449

Result: Satisfactory

Division II Board members met for Probation on September 9, 2010 from 3:03 – 3:43p.m. Mr. Moody led the meeting.

Cartelle, Antonio, CFC1427736

Result: Satisfactory

Collins, Humbert, CFC1427676

Result: Satisfactory

Deveaux, Edmund, RU11066599

Result: Granted continuance to next scheduled appearance

Doughty, Billy, CCC1327869

Result: Satisfactory

Fox, Richard, CFC057294
Result: Satisfactory
Reminded to include license number on all contracts

Hotic, Eldin, CPC1456563
Result: Stay Lifted
License is now suspended due to failure to appear for scheduled September 2010 probation hearing

Miller, Jerrald, CCC1328562
Result: Stay Lifted
License is now suspended due to failure to appear for scheduled September 2010 probation hearing

Mondragon, Jose, CAC1815894
Result: Satisfactory

Petito, Robert, CAC1815624
Result: Probation stayed pending outcome of hearing to reconsider application

Powell, Richard, CAC1816374
Result: Satisfactory

Ruiz, Jose, CFC1427081
Result: Satisfactory

Sanchez, Viurniel, CCC1328992
Result: Satisfactory

Szymula, Brian, CCC1327384
Result: Satisfactory

GENERAL SESSION

The meeting was called to order by Mr. Sheehan, Chair, at 9:01 a.m. Mr. Lenois gave the invocation. Mr. Engelmeier led the Pledge of Allegiance.

REVIEW OF MINUTES

No minutes were reviewed at this meeting.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell brought up the cash for clunkers program initiated by the Governor's office to replace old A/C units with new ones, and reminded the board that licensing is not required and that the Department of Community Affairs does the certification of testers of the units. Mr. Harrell stated that unless the person is doing repairs to the unit or duct cleaning, a license is not required. Mr. Harrell stated that the board chair received a

letter from the Secretary for input on budget issues. Mr. Harrell stated that the easy apply process to change the application forms is coming along in earnest and there should be news in the upcoming months about drafts, etc.

The Board voted unanimously to approve this report.

CHAIRMAN'S REPORT – WILLIAM SHEEHAN

Mr. Sheehan stated during Ad Hoc bonding issues and licensure rules were discussed. Bonding was put on hold due to the fact they didn't have the support from the associations. Discussion over other licensing problems occurred but a conclusion was not reached and will be discussed next month.

The Board voted unanimously to approve this report.

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

There were 316 cases to be reviewed in Legal, 167 cases set for probable cause and 56 cases with probable cause found/administrative complaints filed. 25 cases were ready for default, 21 cases had stipulations executed/informal hearings requested, and 50 cases requested formal hearings. There were 20 cases referred to DOAH, 48 cases in settlement negotiations, 319 cases awaiting final orders and 336 cases set for board presentation. There were 0 cases under appeal and 2 cases re-opened.

As of August 2010 the number of overall construction disciplinary cases is 1,395. This is a decrease from 1,434 which was the overall caseload as reported in July 2010, and approximately 436 less cases than reported in August of 2009.

The Board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

ROGER CABRERA – REQUEST FOR INFORMAL HEARING

Mr. Cabrera was not present.

Mr. Biggins presented this case stating that Roger Cabrera's application for change of status was denied at the April 2010 meeting of the board. Mr. Cabrera received a Notice of Intent to Deny in June of 2010. Mr. Cabrera timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial for Mr. Cabrera's application.

JASON CARLSON – REQUEST FOR INFORMAL HEARING

Mr. Carlson was not present.

Mr. Biggins presented this case stating that Jason Carlson's application for initial certified plumbing contractor licensure was denied at the March 2010 meeting of the board. Mr. Carlson received a Notice of Intent to Deny in May of 2010. Mr. Carlson timely requested board reconsideration.

After discussion the Board voted unanimously to uphold the denial of Mr. Carlson's application.

DEPARTMENT OF COMMUNITY AFFAIRS – REQUEST FOR INFORMAL HEARING

A representative from the Department of Community Affairs was not present.

Mr. Biggins presented this case stating that Department of Community Affairs' continuing education course application was denied at the November 2010 meeting of the board. The Department of Community Affairs received a Notice of Intent to Deny in March of 2010. The Department of Community Affairs timely requested board reconsideration.

After discussion the board voted unanimously to approve the Department of Community Affairs' application.

ENVIRONMENTAL RESOURCE CONSULTANTS INC – REQUEST FOR INFORMAL HEARING

A representative from Environmental Resource Consultants Inc was present.

Mr. Biggins presented this case stating that Environmental Resource Consultants Inc's continuing education course application was denied at the June 2010 meeting of the board. Environmental Resource Consultants Inc received a Notice of Intent to Deny in August of 2010. Environmental Resource Consultants Inc timely requested board reconsideration.

After discussion the board voted to continue the review of the application for 30 days.

MAURICIO GONZALEZ/BEHAR MAYER – REQUEST FOR INFORMAL HEARING

Mr. Gonzalez and Mr. Mayer were not present.

Mr. Biggins presented this case stating that Mauricio Gonzalez' application to qualify an additional business entity was approved contingent upon the applicant providing written evidence of the qualifying agent's ownership of 20% or more of the business to be qualified at the May 2010 meeting of the board. A Notice of Intent of Contingent Approval was filed in June of 2010. Mr. Mayer, the sole owner of the business to be qualified, requested a hearing before the board to request that Mr. Gonzalez' application be approved without the condition that he own 20% of the business.

After discussion the board voted to continue the review of the application for 30 days.

DEVON HIGGINBOTHAM – PETITION FOR DECLARATORY STATEMENT

Devon Higginbotham was present.

Mr. Biggins presented this case stating that Devon Higginbotham filed a petition for declaratory statement on July 30, 2010. The petition was noticed in the Florida Administrative Weekly on October 22, 2010. He noted that the petition requests guidance regarding the authorization of a licensed certified residential contractor to construct an accessory use structure when the parcel does not and will not have a residence. Mr. Biggins asked the board to consider whether the petition meets the criteria for a declaratory statement, and to dismiss or answer, as appropriate.

The board voted unanimously to accept the petition, and answered in the negative, advising that a residential contractor may not construct an accessory use structure unless it is in connection with a residence as listed in section 489.105(3)(c), Florida Statutes.

KARL JOHNSON – REQUEST FOR INFORMAL HEARING

Mr. Johnson was present.

Mr. Biggins presented this case stating that Karl Johnson's application to qualify an additional business was denied at the June 2010 meeting of the Board. Mr. Johnson received a Notice of Intent to Deny in August of 2010. Mr. Johnson timely requested board reconsideration.

After discussion the board voted unanimously to approve Mr. Johnson's application.

BRUCE LANDERS – PETITION FOR DECLARATORY STATEMENT

Mr. Landers was present.

Mr. Biggins presented this case stating that Bruce Landers filed a petition for declaratory statement on August 9, 2010. The petition was noticed in the Florida Administrative Weekly on September 3, 2010. He noted that the petition requests guidance regarding the authorization of a licensed certified building contractor to install windows and doors in buildings greater than 3 stories in height. Mr. Biggins asked the board to consider whether the petition meets the criteria for a declaratory statement, and to dismiss or answer, as appropriate.

The board voted unanimously to accept the petition, and answered in the affirmative, advising that a building contractor may install non-structural, non-load-bearing windows and doors in buildings greater than 3 stories in height, pursuant to section 489.105(3)(c), Florida Statutes.

PURL G. ADAMS/OKALOOSA COUNTY DEPARTMENT OF GROWTH MANAGEMENT – PETITION FOR DECLARATORY STATEMENT

The petitioner was not present.

Mr. Biggins presented this case stating that Purl G. Adams/Okaloosa County Department of Growth Management filed a petition for declaratory statement on July 7, 2010. The petition was noticed in the Florida Administrative Weekly on July 30, 2010. He noted that the petition requests a statement verifying the types of contractors who are licensed to install solar heaters. Mr. Biggins asked the board to consider whether the petition meets the criteria for a declaratory statement, and to dismiss or answer as appropriate.

After discussion the board voted unanimously to deny the petition as it did not meet the statutory requirements for a declaratory statement.

WILLIAM RIGGS – REQUEST FOR INFORMAL HEARING

Mr. Riggs was present.

Mr. Biggins presented this case stating that William Riggs' application for initial certified residential contractor licensure was denied at the June 2010 meeting of the board. Mr. Riggs received Notice of Intent to Deny in August of 2010. Mr. Riggs timely requested board reconsideration.

After discussion the board voted to continue the review of the application for 60 days.

GEORGE HOWARD – MOTION TO VACATE FINAL ORDER

Mr. Howard was present with counsel, Drew Winters.

Mr. Biggins presented this case stating that in November of 2009 the board denied Mr. Howard's initial certified general contractor licensure application. In February of 2010, Mr. Howard appeared before the board for an informal hearing where the denial was upheld. The Final Order upholding the denial was filed in June of 2010.

Mr. Howard appealed the CILB Final Order and in August 2010 the District Court of Appeal, First District, relinquished jurisdiction back to the board to vacate the Final Order.

After discussion the board voted unanimously to vacate the Final Order.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Lenois gave the following report:

Air Conditioning Contractors of America

- 10 Steps to Personnel Performance Excellence – denied
- 6 Steps to Selling Commercial Service – denied
- Can You Profit from Emerging HVACR Technologies? – denied
- Commercial Equipment Sizing to the Nth Degree – denied

- Field Operations and Mobility: Unlocking the True Value – denied
- From Preventative Maintenance to Energy Savings: Turn Things Around Today! – denied
- Growing Your Service Business: Break Through that Plateau! – denied
- HVACR is Not Enough: Contractors Break Free of the Box – denied
- Pruning the Tree: Shaping Your Team to Drive Growth – denied
- Right Sizing Your Business – denied
- Sales is a Philosophy, Not a Department – denied
- Selling Energy Services with Financial Justification – denied
- Selling with Integrity: Technician Upselling and Lead Generation – denied
- Service Management in a Green World – denied
- The Future is Here, It's Just not Evenly Distributed – denied
- To LEED or not to LEED? – denied
- Total Cost of Ownership Analysis – denied
- Turning Your Service Department into a Lead Generation Team – denied
- We Have the Technology or Do We? The Promise and Peril of Emerging Technologies – denied
- What Makes a Good Contractor? – denied
- When You Say Green but They See Greed The Legal Ramifications of Green Contracting – denied
- Why Don't Codes and Standards Lead to Better Building - denied

American Management Resources Corporation

- Lead Safety for Renovation, Repair and Painting – approved as 8 hours general credit

CE Education LLC

- ADA Accessible Routes – approved
- ADA Plumbing Elements and Facilities – approved
- ADA Recreational Facilities – approved
- ADA Special Rooms, Spaces and Elements - approved
- USACE Bearing Capacity of Soils – denied
- USACE Chemical Grouting – denied
- USACE Civil Works Construction Cost Index Systems - denied

Florida Pool and Spa Association

- Advancements in Commercial Chlorine Generation – approved
- Breaking Down & Understanding the New Florida Energy Bill – approved
- Blame it on the Pool Tech: Avoiding Claims and Court – approved
- Chapter 489 – An Overview of Contractor's Responsibilities – approved
- Creating Your Own Sales Success in Difficult Market – approved
- Developing a Successful Referral Program – approved
- Effective Collections Techniques – approved
- Energy Efficiency Legislation Impacting the Pool/Spa Industry – approved
- Finding Leaks – Turn Headaches into Profits – approved
- High Impact Decision Making – approved
- How to Prevent Pools from Popping – approved

- Hydraulic Applications for Pools and Spas – approved
- Introduction to Basic Perspective Drawing – approved
- Is Flat Rate Pricing for Your Company? – approved
- Millionaire Pool Man: Building Your Business and Improving Profits – approved
- Motor Troubleshooting and Replacement – approved
- New Florida Energy Efficiency Regulations: How to Design and Build Compliant Pools and Spas – approved
- New ORP and pH Technology and Going Green – approved
- Phosphates and Enzymes – Guaranteed Results – approved
- Pool Projects Design and Construction Planning – approved
- Properly Calculating TDH in Existing and New Pools and Spas – approved
- Renovation & Remodeling Existing Pools Part A: Options & Design – approved
- Renovation & Remodeling Existing Pools Part B: Engineering & Construction – approved
- Safety and Energy Efficient Pool Covers – approved
- Sustainability Strategies – approved
- Swimming Pool & Spa Energy Efficiency Regulations – approved
- Swimming Pool Tile Installation: How to Avoid Failures – approved
- Tax Tips Your Accountant Never Told You About – approved
- The Chemistry of Water Clarity – approved
- Understanding Pool Finishes – approved
- Vanishing Edges, Perimeter Overflows and Wet Projects – approved
- Winning the Battle Against Phosphates and Algae – approved
- Workers' Compensation Update - approved

FRSA Educational and Research Foundation

- Environmental Advantages of Metal Roofing – approved
- The Basics of Green Roofing - approved

John W. Higgins

- Submersible, Jet, Sump, Effluent & Sewage Pump Service and Repair - approved

Koning Enterprises Inc dba Contractors Institute

- Business Practice – approved
- Workers Compensation – approved
- Workplace Safety - approved

Pinch A Penny Inc

- A Family Affair – approved for general credit hours
- Be the B-EST – approved for general credit hours
- Motor Troubleshooting and Replacement – approved for general credit hours

Professional Training and Consultants Inc

- Basic Workers' Comp – approved
- Construction Contracts – approved
- Construction Overhead and the Cost of Doing Business – approved
- Construction Safety – approved

- Design – Build – approved for general credit hours
- Florida Laws and Rules – Chapter 489 – approved
- Wind Mitigation Methodology - approved

Raymond L. Robinson

- Construction Lien and Bond Claims – approved with no laws & rules credit

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

- Now that the Project has been completed, has liability ended? A Review of the liability of a Developer, Design Professional, Contractor, Subcontractor, and all other parties after a project has been completed – approved as general credit hours

St. Petersburg College Corporate Training

- Environmental Evaluation, Monitoring and Verification Overview - approved

Whyork Consulting Inc

- Inspector Training Program for Uniform Mitigation Form OIR 1802 - approved

The Board voted unanimously to accept the recommendations of the committee.

AD HOC LICENSURE COMMITTEE DIVISION I AND II

Mr. Sheehan gave the following report:

The committee reviewed bond information and discussed licensing bonds. The committee decided to hold no further discussion on licensing bonds as they are a legislative issue. There was a brief discussion regarding the experience guidelines utilized by the application processors and no changes were suggested. Mr. Kevin Trim indicated the guidelines constituted an un-promulgated rule.

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE

Mr. Pietanza gave the following report:

The following rule has been developed:

61G4-15.001 Qualification for Certification

The following rule has been noticed:

61G4-15.034 Certification of Tower Specialty Contractors.

The following rule has been adopted:

61G4-16.005 Duration of Validity

Mr. Kevin Trim and Ms. Rhonda Koning presented draft language for changes to Rule 61G4-15.001, F.A.C. The committee had concerns about diluting the experience requirements for general contractors. The committee voted to keep the rule in development.

The committee voted to modify the continuing education rule to require tower specialty contractors to take wind mitigation courses. The committee voted to remove Class A and B air conditioning contractors as approved experience providers for mechanical contractors.

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

OLD BUSINESS

Removal of Board materials from lap tops.

NEW BUSINESS

The Board voted unanimously to excuse the following absences:

Jerry D. Hussey (Wednesday only)
W. Brian Cathey (Thursday only)
Carl E. Engelmeier (Thursday only)
Don Wilford

With no further business the meeting was adjourned at 10:32am.