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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

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GENERAL SESSION MINUTES

FEBRUARY 14, 2003

APPROVED MARCH 14, 2003

The meeting was called to order by Mr. Lang, Chair, at 8:00 a.m.

Board Members Present

Robert Lang, Chair
Edward Weller, Vice-Chair
Joan Brown
Lee-En Chung
Paul Del Vecchio
Carl Engelmeier
Barry Kalmanson
Michelle Kane
Raymond Holloway
Elizabeth Karcher
John Smith
Jacqueline Watts

Board Members Absent

Michael Blankenship (Friday Only)

Others Present

Paul Martin, Board Counsel
Barbara Edwards, AGO
Patrick Creehen, OGC
Tim Vaccaro, Executive Director
Stacey Merchant, Government Analyst II
Ruthanne Christie, Government Analyst I
Elise Matthes, CIRF Attorney

Mr. Smith gave the Invocation and Ms. Kane led the Pledge of Allegiance.

REVIEW OF MINUTES

- A.** NOVEMBER 15, 2002
- B.** JANUARY 9, 2003
- C.** JANUARY 10, 2003

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Vaccaro told the board that the Director of the Communications Office had emailed him the Final Draft of the CILB Newsletter. Mr. Vaccaro stated that he hoped the Newsletter would be mailed in the next week or so.

Mr. Vaccaro also provided information regarding Unlicensed Activity and Sweeps between August and January. During these 93 sweeps, there were 48 cease & desists issued and local law enforcement agencies made 17 arrests for unlicensed activity.

CHAIRMAN'S REPORT

Mr. Lang announced that this would be Paul Martin's last meeting as Board Counsel. Mr. Lang asked everyone to stand in honor of Mr. Martin.

Mr. Lang asked the board to look into streamlining more things to Staff to help move the meetings along more quickly. Mr. Lang also encouraged the board to look at possible rule changes if necessary.

Mr. Lang also asked Mr. Vaccaro to check with Ms. Baker to contact the Governor's Office to find out where we are with board vacancies.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan stated that he and his staff are helping the board office with the filing of Final Orders to help with the backlog.

Mr. Creehan also stated that Mr. Higgins will be attending the March meeting in his place due to a conflict.

ATTORNEY GENERAL'S REPORT

Louis Dwayne Parker, RX 0051679, Application for Specialty Structure Examination was denied on August 15, 2002, due to failure to appropriate rehabilitation, after his previous license was revoked by a Final Order filed on October 11, 1990. Mr. Parker has now requested an informal hearing before this board. Mr. Parker requested a continuance because of medical testing, which was granted until the February meeting. Mr. Parker was present with no attorney.

Mr. Parker stated that he needed this license to do Hurricane Shutters in the county that he lives in. Mr. Parker stated that he has been working for other builders for the past ten years. When questioned why he did not appear at disciplinary hearings when his previous license was revoked, he stated that it was negligence and poor thought on his part.

After discussion, the board voted to approve Mr. Parker's application to sit for the Specialty Structure Examination with two years of probation. Must pay past fines.

David Scott, CGC044381, Application to qualify an additional business organization, Clark Realty Builders. Application was continued on April 10, 2002 and subsequently denied by the board on

June 13, 2002 for failure to appear, failure to demonstrate existing qualified entity met net worth requirements and failure to apply for an FRO for existing company. Applicant's attorney has requested an Informal hearing. Due to late noticing, this was continued until the February meeting.

Jeffrey Louis Felix, CB C056123, Application to qualify an additional, Application to qualify an additional business organization, Clark Realty Builders. Application was continued on April 10, 2002 and subsequently denied by the board on June 13, 2002 for failure to appear, failure to demonstrate existing qualified entity met net worth requirements and failure to apply for FRO for existing company. Applicant's attorney has requested an informal hearing.

Mr. Scott and Mr. Felix's applications were taken together. Ms. Rosemary Hayes, Attorney was present to represent the applicants.

Ms. Hayes said that she would like to state on the record that she is not waiving any issues regarding jurisdiction of the board currently. These are just legal matters that she would like to preserve for the record pending appeal on time deadline issues and the request for a Formal Hearing and in fact, being scheduled for an Informal Hearing. Ms. Hayes stated that her clients are very interested in clearing up what she feels are misunderstandings between the board and the applicants.

Ms. Hayes stated that the board has no authority to require a Financially Responsible Officer. Mr. Martin stated that the board has the ability to determine if a qualifying agent without any ownership interest is financially stable or if a Financially Responsible Officer should be required.

Mr. Martin also stated that Mr. Scott and Mr. Felix were unable to answer questions regarding the negative net worth situation showing in the company's financial statements. No one from the company came to the following meeting to answer questions regarding the financials. This also led to the denial.

After discussion, the board voted unanimously deny this applications for lack of an FRO and negative net worth.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications approved to continue processing

Heather Meredith
Mark Blair
Carl Borge
Kenneth Brown
John Capozzi
Wayne Chittim
Paul D'Andrea
Anthony Fandino
Alan Green
Kevin Haggerty
Derrick Harger
John Lamphear
Brian O'Donnell
William Pelletier
Frank Pisciotta
Scott Riznick
Ronnie Robinson
Shan Roper
Richard Shell

Applications approved with conditions

Michael Buller – must provide releases of judgments.
John Woodhull – with 2 years of probation.

Applications denied

Steven Anderson
Donald Cutts
Kenneth Fritz
Matthew Phifer

Applications continued or pulled

Sheldon Calix – continued to provide proof of Child Support Payments.
Stephen Squires – pulled to allow applicant time to clear up Federal Tax Lien.

The committee also approved a list of 43 contractors that have been certified under the “Grandfathering Law” and a list of 32 applicants that have met all requirements to become “Financially Responsible Officers”.

The board voted unanimously to accept the committee’s recommendations.

PROBATIONS COMMITTEE

Mr. Weller gave the following report:

Gene Bebble, (CB C056841), Case # 98-18543 – Satisfactory pending proof of QB license and current fine payments, appearance 2 of 4.

Ronald Dwyer, (CB C057349), Case # 2001-00687 – Continued to March 2003

Jack Gilbert Jennings, (CR C026282), Case # 99-05627 - Unsatisfactory, due to failure to meet minimum cash requirement, appearance 1 of 4.

Karl Riesterer, (CG C048765, CC C053267, CM C052396, & CF C051639), Case # 2000-03297, 2000-04706 – Satisfactory – to reappear in October 2003, appearance 1 of 4.

Seth Skalarey, (CG C024684, CG CA24684, CCC042784), Case # 2001-05104 – Satisfactory - must resolve open permits prior to next appearance, appearance 1 of 4.

Charles Stone, (CA C057079), Case # 99-05247 – Continued for 60 days – must resolve discrepancy of business name on license and show contracts with CIRF notice – appearance 4 of 4.

Dennis H. Welten, (CG C034205), Case # 2000-02760 – Satisfactory- appearance 3 of 4.

Vincent Lloyd Graham, (CB C051164), Case # 99-03618, 2000-02729 - Tolloed.

The board voted unanimously to accept the committee's recommendations.

ADDITIONAL ENTITY COMMITTEE

Ms. Brown gave the following report:

Applications approved

Buscaino, Victor

Dupre, Robert

Fitzgerald, Bruce Ray

Gotay, Eugene

Guadarrama, Ricardo

Orr, Robert

Pybus, James A.

Summerall, Carl D.

Wickliff, William – pending receipt of correct bond in 30 days.

Williams, Michael

Willard, Alan Bruce

Applications denied

Hanafi, Moneidin – failure to appear.

Santoro, Eugene F. – renting license.

Applications continued

Schultz, Roy C. – per applicant's request.

Szymanski, William – 90 days – needs clarification of proposed company name. (Bank statements)

The board voted unanimously to accept the committee's recommendations.

EXECUTIVE COMMITTEE

Mr. Lang gave the following report:

The committee considered a request from Joseph Ziegler, regarding licensing requirements for the design and construction of soil and groundwater pollution remediation systems. This was tabled from the January meeting. This was tabled so that Ms. Edwards can contact and obtain additional information.

The committee considered a request from Kurt Eismann, Director, Contractors Certification Division, Palm Beach County, regarding a general contractor performing installation on maintenance on natural gas transmission lines. Mr. Martin was instructed to send a letter stating that a general contractor can not do this type of work. It must be a plumbing, underground utility & excavation or natural gas specialty contractor.

The committee considered a request from Kurt Eismann, Director, Contractors Certification Division, Palm Beach County, regarding the road and bridge exemption. Mr. Martin was instructed to send a letter stating it wouldn't fall under Chapter 489.113(2), F.A.C., if employed by a general contractor.

The committee considered a request from Kurt Eismann, Director, Contractors Certification Division, Palm Beach County, regarding a residential contractor building accessory structures on common property in a subdivision. Mr. Martin was instructed to send a letter stating that non-residential building is outside the scope of a residential contractor.

The committee considered a request from Louis Panico, clarification of scope of work of sheet metal contractor with regard to roofing. Mr. Martin to draft a letter stating that this would fall under the scope of a roofing contractor's license.

The committee considered an email request from Sheri Lucado, regarding clarification of licensing requirements to roof and re-roof using preformed metal panels. Mr. Martin to draft a letter stating that would require a roofing contractor's license.

The committee considered a request from Sherri Kovar, regarding licensing requirements for the installation and repair of fiberglass and fiberglass-reinforced plastic products. Mr. Vaccaro to obtain more information. Tabled until March.

The committee considered a request from David Meadows, regarding clarification of whether a general contractor or pool contractor should pull the master permit when the GC is building the shell. Mr. Vaccaro instructed to draft a letter stating the September 2002 letter replaces the November 1991 letter regarding pools.

The committee considered a letter from Peter F. Carr, requesting a certified statement that: (1) only an individual can be "contractor"; (2) The CILB only has jurisdiction over licensed contractors pursuant to CHAPTER 455, F.S.; (3) The CILB has no jurisdiction over contractors who are unlicensed; and (4) The CILB has jurisdiction over and Rial J. Jones by virtue of license no. CR C038035. The board advised Mr. Carr to pursue with this through Legislation.

The committee considered a letter from correspondence from Richard Browdy, Chair Education Tac, Florida Building Commission, regarding The Florida Building Code. The board directed Mr. Vaccaro to draft a letter stating that they recommend one hour for all categories of contractors.

The committee considered a letter from Kirk Leaberry, Diversified Construction, Inc., requesting a letter to Polk County Contractor licensing section clarifying that a general contractor can construct a pool. Mr. Vaccaro instructed to draft a letter stating that a general contractor can build the shell only. All other work must be subcontracted out.

The board voted unanimously to accept the committee's recommendations.

RULE REVIEW COMMITTEE

Ms. Kane gave the following report:

Draft of proposed legislation regarding Chapters 255.05, 489.128, 489.532 and 713.02 of the Florida statutes dealing with companies without QB licenses and unenforceable contracts. After discussion, this will be continued at future meeting.

Draft of proposed Rule 61G4-15.018, F.S., regarding the certification of glass and glazing specialty contractors. It was decided that this would be brought back to the next meeting after some additional work is done on the language.

Proposed modification to certification of specialty structure contractors Rule 61g4-15.015, F.S. It was also decided that this would be brought back to the next meeting after some additional work is done on the language.

Correspondence from Daniel Vuelta, Building Code Compliance Office, regarding specialty structure contractors. This was for informational purposes only.

The board voted to unanimously to the committee's recommendations.

EXAM/CE/PUBLIC AWARENESS COMMITTEE

Ms. Chung gave the following report:

The committee reviewed 61 courses. Of these 61 courses, 56 were approved, 3 were denied and 2 were continued.

The committee also ratified the pass list from the December 2002 examination.

The board voted to unanimously to the committee's recommendations.

RECOVERY FUND/FINANCE COMMITTEE

Ms. Kane gave the following report:

Baldwin v. Noll: Case #00-C0219
Approved - \$7,453.00

Cabrera v. Broekhoven: Case #02-C0150
Approved - \$5,645.00

Call v. Miller: Case #01-C0063
Continued

Canard v. Gafford: Case #00-C0195
Approved - \$2,500.00

Centofanti v. Shimkus: Case #01-C0002
Denied with Prejudice

Chang v. Mustapick: #98-C0055
Approved - \$25,000.00

Charchut v. Szarapka : Case #01-C0092
Approved - \$25,000.00

Derogatis v. Mollohan: Case #02-C0154
Approved - \$25,000.00

DeStafanis v. Shimkus: Case #02-C0047
Continued March 2003

Franco v. Bills: Case #01-C0137
Approved - \$25,000.00

Halabrin v. Swain: Case #99-C0120
Approved - \$4,850.00

Harvey v. Shimkus: Case #01-C0062
Approved - \$25,000.00

Hayes v. Sturney: Case #98-C0228
Approved - \$13,693.84

Jolley v. Gould: Case #02-C0155
Approved - \$2,204.00

Jordan v. Hunt: Case #00-C0234
Continued March 2003

Mahoney v. Shimkus: Case #00-C0082
Approved - \$16,360.47

Mascio v. McGraw & Coleman: Case #98-C0182
Denied with Prejudice

Morris v. Mustapick: Case #97-C0088
Approved - \$25,000.00

Morsillo v. Dingle: Case #01-C0053
Continued March 2003

Myers v. Shimkus: Case #00-C0204
Approved \$14,080.66

Nieves v. Garmendia: Case #02-C0200
Approved - \$7,768.00

Rutledge v. Harwood: Case #02-C0156
Approved - \$6,534.75

Schaffer v. Hunt: Case #01-C0007
Approved - \$1,558.66

Stewart v. Miller: Case #01-C0064
Continued

Strauss v. Baker: Case #00-C0244
Approved - \$23,809.13

Tripp v. Fitzpatrick: Case #99-C0101
Approved - \$6,068.20

Warzecha v. Tolbert: Case #98-C0066
Approved - \$16,000.00

Webber v. Bendola: Case #01-C0014
Approved - \$14,349.13

Willms v. Peck: Case # 01-C0112
Denied with Prejudice

The board voted unanimously to accept the committee's recommendations.

OLD BUSINESS

There was no old business at this time.

NEW BUSINESS

There was no new business at this time.

With no other business the meeting was adjourned at 10:05 a.m.