



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

SHERATON FORT LAUDERDALE AIRPORT
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DANIA, FL
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GENERAL SESSION MINUTES

MARCH 14, 2003

PENDING APPROVAL

Division of Professions

Construction Industry
Licensing Board

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Tallahassee, FL

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BOARD MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

John Smith

OTHERS PRESENT

Barbara Edwards, Board Counsel, AGO
Brian Higgins, Construction Attorney, OGC
Tim Vaccaro, Executive Director
Stacey Merchant, Government Analyst II
Ruthanne Christie, Government I
Elise Matthes, CIRF Attorney

The meeting was called to order by Mr. Lang, Chair, at approximately 8:00 a.m. Mr. Holloway gave the invocation. Ms. Karcher led the Pledge of Allegiance.

EXECUTIVE DIRECTOR'S REPORT

Mr. Vaccaro handed out travel reimbursement forms prepared by his Assistant, Julie Odom, and encouraged board members to send in these forms as soon as possible after each meeting.

Mr. Vaccaro also explained that the Newsletter was expected to be mailed out in the very near future.

Mr. Vaccaro told the board of Julie Baker's recent promotion to Deputy Secretary of Business Regulation. Lianne Acebo will be the Deputy Secretary of the Division of Professions.

CHAIRMAN'S REPORT

The board voted unanimously to excuse Mr. Smith's absence.

Mr. Lang stated that he expected the Newsletter to be mailed by the April meeting. He stated that the board was under the impression that it had already been mailed. Mr. Vaccaro assured the board members that he would take the necessary steps to make sure this happened.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

For the month of February 2003, 143 cases were closed. There were 238 cases in Legal. Of the 238 cases, 79 were set for probable cause, 59 had administrative complaints filed, 45 were ready for default and 75 had a stipulation executed/informal hearing requested. There are 67 awaiting Final Orders and 11 under appeal.

ATTORNEY GENERAL'S REPORT

Angel A. Garriga, CAC008043, Application for Change of Status was denied on July 11, 2002, due to failure to a pending complaint Case # 2001-02168 and answering "no" to question 15(c) on the application even though he had contracts which resulted in a judgment being filed against his company. Mr. Garriga has requested an informal hearing before the board.

Mr. Garriga sent a letter withdrawing this request for an informal hearing.

George M. Moerler, Application for Initial Licensure as a certified general contractor is being presented as an informal hearing. Mr. Moerler was previously licensed as a registered residential and registered roofing contractor license numbers RR 0034746, RR A034746 and RC 0035449.

On 11/1/1984 an order was filed suspending the licenses for 5 years and ordering restitution to 3 homeowners, there were 6 complaints. The licenses were not reinstated and went Null and Void.

Mr. Moerler was present with his Attorney.

The board voted 8-5 to allow Mr. Moerler's application to continue through processing.

Petition for Permanent Waiver and Variance for Robert Bergin from Rules 61g4-16.001 and 61G4-16.009, F.A.C.

Mr. Bergin was present with his Attorney Randall Gilbert and his wife Debbie Bergin.

Mr. Bergin's request was to allow him to renew a license that is currently in "Null and Void" status.

Ms. Edwards explained that there is no such thing as a permanent waiver that this would be for one time only.

Mr. Gilbert stated that his client's wife had submitted an address change to the Department for her husband. Mr. Bergin could not provide proof that he sent his address change to the CILB. The computer records showed that the address change was submitted to the Building Code Board in Tallahassee only.

After discussion, the board voted 11-2 to deny this request.

RECOVERY FUND ATTORNEY'S REPORT

Morris v. Thompson, Recovery Fund Claim # 01-C0144

Ms. Matthes presented this case to the board and recommended that the board uphold the order for the judgment against Mr. Thompson.

The board voted unanimously to uphold the previous order.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications approved

Bollinger, Rick Allen – Individual.

Bosley, Stephen - Peters Utilities, LLC.

Hauley, Donald -

Kent, Peter – Individual (Changed by full board)

McDonnell, James – Sienna Homes, Inc.
Merritt, George Timothy – Tim Merritt Construction (With 2 years of probation)
Miller, Donald L. – Individual (With 2 years of probation)
Osorio, Juan – Individual
Owen, Terrance – Bay Construction Services, Inc.
Rosa, Juan – J.J. Construction and Real Estate Services, Inc.
Sgro, Timothy – Individual
Sharp, John Clyde – Stonehenge Builders, LLC.
Shaw, Gene – Individual (With 2 years of probation)
Starling, Johnny Darrell, Jr. – Individual
Stearns, Jack Lynn – Stearns Construction Company (With 2 years of probation)
Todd, Samuel V. – Archer Western Contractors, Ltd.
Tota, Jason – Van’s Comfortemp Air Conditioning
Van Alstine, David Alan – JDV Enterprises, Inc.
Yandle, Mark A. II – Yandle’s Splash Time Pools, Inc.

Applications denied

Flynn, Wayne S. – Did not take a local exam.
Quibell, Barton – Due to lack of information.

The committee also approved 32 contractors that have been certified under the “Grandfathering Law” and 46 Financially Responsible Officer applicants.

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

PROBATIONS COMMITTEE

Mr. Weller gave the following report:

David Adam Bankowski, (CG CA47428) – Satisfactory appearance.
John R. Brown, (RB 0067177) – Continued until April.
Jose Gonzalez, (CA C035486) – Unsatisfactory appearance.
Dennis Hubbard, (RP2522554743) – Continued until April.
Dennis L. Reynolds, (CG C025932) – Tolled.
Alberto A. Hernandez, (CG C047087) – Tolled.
Pablo Ravinet, (CG C047087) – Tolled.
Ronald Dwyer, (CB C057349) – Tolled.

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

ADDITIONAL ENTITY COMMITTEE

Ms. Brown gave the following report:

Applications approved

Alex, Donald L.
Dauffenbac, Walter H.
Emmons, Peter N. (2 applications)

Espinosa, Roberto
Knafle, Paul H.
Thompson, Michael A.
White, Frank W., III.
Bulger, James M.

Applications continued

Enriquez, Luis N. – Needs an FRO application. (60 days)
Lee, David E. – Needs revised financial statements for North Coast Construction Co. (60 days)
Morales, Omar – Needs revised financial statements for Melo Contractors Corp. (60 days).
Welsh, Joseph – Needs revised financial statements for Berry Construction of Central FL, Inc.

Applications approved pending additional information

Ferguson, Marc – Pending corrected bond.
Wittman, Matthew A. – Pending an FRO application.

Applications denied

Orazi, Tod – Failure to show minimum cash requirement.

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

EXECUTIVE COMMITTEE

Mr. Lang gave the following report:

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 and February meeting. Ms. Edwards was asked to get more information. The board directed Ms. Edwards to send a letter stating that his combination of licenses uniquely qualifies him for this job.

Request from Steven Webster, Executive Director, Florida Marine Contractors Association, REGARDING; (1) the licensure requirements for constructing docks, seawalls and other marine facilities, citing administrative and legal precedent; (2) clarify the decision to annul marine contractor licenses, and the subsequent steps taken to bring license-holders into compliance with new or different requirements; (3) clarify what steps FMCA May Take To Reestablish A Marine Contractor License, And To Ensure That Good Jobs are not sacrificed on the altar of administrative protocol. The board directed Ms. Edwards to send a letter stating that this type of work requires a general, building, residential contractor or local specialty license.

Request from Robert Grady, regarding recovery fund case Plati V. Superior Remodeling, Inc. The board directed Mr. Matthes to pay the claimant the amount of 22, 281 awarded by the recovery fund.

Request from Stephanie R. Lindsey, regarding exemption from licensing when installing fiber optic cable network for AT&T on public right of ways. The board directed Ms. Edwards to send a letter stating that an Underground Utility & Excavation Contractor license would be required.

Email request from John Daniel, regarding the definition of "building". The board directed Mr. Vaccaro to send a letter directing Mr. Daniel to the definition of a building in the Webster's dictionary.

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

RULES REVIEW COMMITTEE

Ms. Kane gave the following report:

Proposed Rule 61G4-15.018, F.S., regarding The Certification Of Glass And Glazing Specialty Contractors. After discussion, the board voted to add the language, "in residential and commercial applications without any height restrictions", under paragraph (1) Scope of Rule. Ms. Edwards stated she would have this rule noticed.

Proposed modification to Certification Of Specialty Structure Contractor Rule 61G4-15.015., F.S. Mr. Belcher sent a request to pull this language at this time.

Discussion of Petition to the CLB to Challenge Unpromulgated Rule and/or to Engage In Rulemaking Pursuant To Request For Notice Of Rule Making Pursuant To Chapter 120.54(7)(1)., F.S., And Request For Notice Rulemaking Under Chapter 120.54(3)(A)3, F.S. After discussion, the board voted to have Ms. Edwards draft Rules.

Paul Del Vecchio's recommended changes to the disciplinary guidelines. Mr. Del Vecchio and Ms. Edwards will continue to work on these changes and bring an update to the board at a future meeting.

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Ms. Chung gave the following report:

The committee reviewed 40 courses submitted. Of these, 37 courses were approved, 1 course was withdrawn and 2 courses were denied.

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

RECOVERY FUND/FINANCE COMMITTEE

Ms Kane gave the following report:

DeStefanis v. Shimkus: Case #00-C0054
Approved - \$15,765.00

Jordan v. Hunt: Case #00-C0234
Denied Without Prejudice

Kokirtsev & Ryaboy v Szarapka: Case #99-C0125
Approved - \$19,647.40

Lord v. Pope: Case #02-C0142
Denied Without Prejudice

Morsillo v. Dingle: Case #01-C0053
Denied Without Prejudice

Page v. Lancaster: Case #01-C0098
Denied Without Prejudice

Spainhour & Graf v. Leoni: Case #01-C0130
Approved - \$25,000.00

Walters v. Schettino: Case #00-C0214
Approved - \$10,702.00

Weissman v. Schettino: Case #01-C0146
Approved - \$4,716.98

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

OLD BUSINESS

There was no old business at this time.

NEW BUSINESS

Mr. Lang requested that Staff scheduled thirty minutes following the April Recovery Fund meeting for Mr. Lang, Mr. Weller, Mr. Blankenship, Mr. McKitrick and Mr. Vaccaro for Nominating Committee.

With no other business, the meeting was adjourned at 10:45 a.m.