



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

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GENERAL SESSION MINUTES

APRIL 11, 2003

APPROVED JUNE 13, 2003

Florida's Future...
**Right Here.
Right Now.**

Jeb Bush
Governor

Diane Carr
Secretary

Division of
Professions and Regulation

Construction Industry
Licensing Board

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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
Barry Kalmanson
Michelle Kane
Raymond Holloway
Elizabeth Karcher
John Smith
Jacqueline Watts

Board Members Absent

Christine Hoke (Friday Only)

Others Present

Barbara Edwards, Board Counsel
Patrick Creehan, Construction Attorney
Tim Vaccaro, Executive Director
Stacey Merchant, Government Analyst II
Ruthanne Christie, Government Analyst I
Elise Matthes, CIRF Attorney
Sherry Rogers, Government Analyst I

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

REVIEW OF MINUTES

- A.** FEBRUARY 13, 2003
- B.** MARCH 13, 2003 (will be distributed at a later date)

The board voted to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Vaccaro announced that the CILB Newsletter had been mailed.

Mr. Vaccaro stated that he contacted Audrey Summerall in the Governor's Appointment Office regarding Mr. McKittrick's vacant position on the board. Ms. Summerall is working on this situation.

Mr. Vaccaro also told the board that staff is working on Service Level Agreements with the Central Intake Unit to help improve the quality of their agenda packets.

Mr. Vaccaro addressed a question from the March meeting regarding what impact the Legislative Session would have on the Professional Regulation Trust Fund. Mr. Vaccaro stated that it is too early to say at this point. The House is considering sweeping Trust Funds, however, the Senate is not. The Secretary is heavily involved in the Session and is trying to ensure that we not lose any of our funds if possible.

Mr. Vaccaro also provided board members with travel packets and encouraged them to send in their reimbursements after each meeting.

CHAIRMAN'S REPORT

Mr. Lang stated he would like to see a replacement not only for Mr. McKittrick but for all other vacancies as well.

Mr. Lang was pleased to see that the Newsletter was mailed.

Mr. Lang also encouraged board members to submit their travel reimbursement forms in a timely manner.

Mr. Lang thanked Ms. Christie and Ms. Merchant for their hard work and stability.

PROSECUTING ATTORNEY'S REPORT

Consideration of motion regarding final order in case #2001-07262, Robert E. Spencer (CGCA06128), due to improper service of Administrative Complaint. Mr. Spencer was not present.

Mr. Creehan stated that Mr. Spencer's old address was still in the computer records. This was the address that was used in the final order.

After discussion, the board voted unanimously to vacate the final order.

Mr. Creehan also gave the following report:

In March 2003, there are 270 cases in Legal to be reviewed. There are 56 cases set for probable cause, 69 with administrative complaints filed, 36 are ready for default and 59 have stipulations executed/informal hearings requested. There are 114 that have requested formal hearings, 18 are referred to DOAH and 36 are awaiting Final Order.

ATTORNEY GENERAL'S REPORT

Karl J. Martyn, Application for Initial Certified Building Contractor License was denied on January 9, 2003 for failure to show proof of civil rights restoration. Mr. Martyn's application is being presented for **Reconsideration** since proof of Civil Rights restoration has been provided.

Mr. Martyn was not present.

Ms. Edwards presented this to the board recommending approval since Mr. Martyn has provided a copy of the Executive Order restoring his Civil Rights.

The board voted unanimously to approve Mr. Martyn's Application.

Brian Davis, Application for Limited Non-Renewable Registration was denied on November 14, 2002 for failure to show proof of passing a written examination. Mr. Davis' application is being presented for **Reconsideration** since proof of passing a written examination has been provided.

Mr. Davis was present with Attorney Miriam Wilkinson.

Mr. Davis stated that he passed the examinations in Louisiana and South Carolina.

After discussion, it was discovered that Mr. Davis does not hold a license as an in another State.

The board voted unanimously to uphold the denial of Mr. Davis' application

James David Schuler, discuss request for **Reconsideration**.

Ms. Edwards presented this to the board stating that this application had previously been denied by the board, however, was issued in error by Staff. Mr. Schuler had received this license and had been working for about two weeks. The application had been denied because Ms. Schuler did not have his Civil Rights restored and had failed to appear at the Application Review Committee Meeting to answer questions regarding his application.

Ms. Edwards recommended that the board have Mr. Schuler provide a copy of every contact that he has entered into and allow him to finish only those jobs and then surrender this license.

After discussion, Mr. Schuler was allowed to keep this license but must provide proof when his Civil Rights are restored.

Ms. Edwards asked the board for clarification regarding the meaning of experience in the category that they are certified. After discussion, it was decided that registered experience would not count. It was also decided that that the certified experience in the lower category would not count either.

RECOVERY FUND ATTORNEY'S REPORT

Ms. Matthes stated that she has provided Recovery Fund Financial Statements to committee members.

Ms. Matthes also stated that the Recovery Fund Committee also voted to approve the payouts to the homeowners where the contractor has filed for Bankruptcy and the only thing they were appealing is the suspension of their license.

Fussey v. Nutt: Case 97-C0196
Order Upheld

Ghorbani v. Davalos: Case 98-C0115
Order Reversed

Lanzetta v. Mingoia: Case 01-C0077
Order Upheld

Pertap v. Gragg: Case 98-C0219
Order Upheld

Prevatt v. Battle: Case 99-C0156
Order Upheld

Rodriguez v. Redden: Case 02-C0066
Order Upheld

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications approved

Arthur D. Betts

Jose A. Bilbraut, Jr.

Harold L. Croft

Cleo Davis

William G. Fruecht (2 applications)

William J. Krasauskas

Forrest R. Lee

Matthew K. Morton

Kristen P. Olson

Joseph P. Placher

James D. Purkhiser, Sr.

Todd B. Rowley
James. T. Schmidt
Bruner S. Stockstill, II
Donald J. Taber
Todd D. Walton

Applications denied

Michael G. Ingram – grades were over three years old.
Duncan W. Munroe – due to inability to contact him & paid with NSF check.

The committee also approved a list of 8 contractors that have been certified under the “Grandfathering Law” and a list of 26 applicants that have met requirements to become “Financially Responsible Officers).

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

PROBATIONS COMMITTEE

Mr. Weller gave the following report:

John L. Bazemore (CG C023049) – Satisfactory – Probation complete.
Leigh Broward (CB C06776 – Satisfactory.
John R. Brown (RB 9967177) – Satisfactory.
Michael Thomas Donnell (CR C057111) – Continued until May.
Thomas Howard Gavin (CR C057153) – Stay of suspension lifted.
Wiley Gratham (CC C036950) – Stay of suspension lifted.
Dennis Hubbard (RP252554743) – Satisfactory.
Frederick Ingle (CA C014666) – Continued until May.
Richard John Thomas (CB C019954) Satisfactory.
Charles Stone (CAC057079) – Satisfactory – Probation complete.
Mehrad Shahgodari – CG C047089 – Tolloed.
Brent McRae CB C028240 – Tolloed.
Brett Elihow CB C056677) – Tolloed.

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

ADDITIONAL ENTITY

Ms. Karcher gave the following report:

Applications approved

Bartoletta, James
Damiano, Thomas
Fry, Thomas C.
Gambrell, Robert M.
Grubbs, Darryl
Knable, Michael
Land, Stephen P.

Lowry, Victor
Mazzarella, Donald
McDaniel, David G.
Morton, James
Osborne, Mark
Osborne, Roger
Pou, Antonio
Ryman, Kevin – with letter of reprimand.
Taylor, Joseph
Uhrig, Thomas
Welch, Chad
Welsch, Joseph

Applications denied

Welz, Joseph – No credit report for present company. Doing business in name other than name on license.

Applications continued

Cox, Warren E. – per applicant's request.
Miller, Thomas J. – per applicant's request.

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

EXECUTIVE COMMITTEE

Mr. Lang gave the following report:

The committee considered a request from Chuck Meyer, regarding content requirements for advertising on construction vehicles. Mr. Vaccaro was instructed to draft a letter stating that this was satisfactory to the board.

The committee considered a request from Richard N. Russell, Jr., regarding licensure requirements for installation of vertical and horizontal pneumatic conveyor systems, and installation of pneumatic tube systems. Ms. Edwards was instructed to draft a letter stating that a general contractor would be needed for the structure. A mechanical or plumbing license would be needed to install the pneumatic tube system.

The committee considered a request from David L. Wainwright, regarding licensure requirements for installation of garbage disposals and dishwashers. Ms. Edwards was instructed to draft a letter stating that a plumbing license would be necessary. Ms. Watts asked that Ms. Edwards send a copy of this letter to the companies mentioned in Mr. Wainwright's letter.

The committee considered a request Meadors Construction Co. Inc., regarding obtaining building permits per the Clay County Utility Authority Agreement. Mr. Vaccaro was instructed to draft a letter stating that this is a civil matter.

The committee considered an email request from John Schwartz, asking that the CILB address the improper action of local action of local building officials in permitting general contractors to build complete swimming pools. Ms. Edwards to draft a letter to FSPI stating "structural " in this rule means building structure.

The committee considered a letter from Rhonda Koning, The Contractor's Institute, regarding problems with Continuing Education Provider and Course Applications and questioning when the board would be having the next Provider Workshop. Mr. Vaccaro was instructed to have staff from the Bureau of Education and Testing attend the next CILB meeting.

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

RULES REVIEW COMMITTEE

Ms. Kane gave the following report:

The following rule was adopted 61G4-21.002 Definitions.

The following rules were noticed 61G4-21.005 Payment of Claims & 61G4-15.018 Certification of Glass and Glazing Contractors.

The committee voted to approve language to add glass and glazing contractor examination requirements to 61G4-16.001(19).

Dr. Woodley, PTI, presented and discussed the Dacum Chart Job and Task Analysis for Glass and Glazing Contractors.

The committee discussed the Dream Rules and decided to table this until after the Legislative Session.

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Ms. Chung gave the following report:

The committee reviewed 102 courses. Of these 95 were approved and 7 were continued.

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

RECOVERY FUND/FINANCE COMMITTEE

Ms. Kane gave the following report:

The Recovery Fund Committee voted to approve the payouts to the homeowners where the contractor has filed for Bankruptcy and the only thing they were appealing is the suspension of their license.

Ms. Kane requested that staff schedule time on the next agenda for Ms. Edwards, Ms. Matthes and Mr. Creehan to meet at the next meeting.

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

OLD BUSINESS

Mr. Lang stated that he would miss Mr. McKitrick. Mr. Weller asked if staff could order a plaque for Mr. McKitrick.

NEW BUSINESS

Mr. Lang encouraged board members to let Mr. Weller know which committees they might be interested in serving on.

Ms. Kane was elected as Vice-Chair to begin in July 2003.

With no further business, the meeting was adjourned at 10:00 a.m.