



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

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Right Now.**

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EMBASSY SUITES HOTEL
1100 SE 17TH STREET
FT. LAUDERDALE, FL 33316

GENERAL SESSION MINUTES

JUNE 13, 2003

APPROVED SEPTEMBER 10, 2003

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
Raymond Holloway
Christine Hoke
Michelle Kane
Elizabeth Karcher
John Smith
Jacqueline Watts

BOARD MEMBERS ABSENT

Barry Kalmanson
Carl Engelmeier

OTHERS PRESENT

Barbara Edwards, Board Counsel, AGO
Patrick Creehan, Prosecuting Attorney, OGC
Tim Vaccaro, Executive Director
Stacey Merchant, Government Analyst II
Ruthanne Christie, Government Analyst I

The meeting was called to order by Mr. Lang, Chair, at approximately 8:06 a.m.

REVIEW OF MINUTES

- A.** MAY 8, 2003
- B.** APRIL 11, 2003

The board voted to unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Vaccaro announced that beginning at the August meeting Division I will begin at 8:00 a.m.

Mr. Vaccaro also announced that the August meeting changed from Fort Lauderdale to Coral Gables.

Mr. Vaccaro also stated that he was working with the Governor's Appointment Office to have board vacancies filled.

CHAIRMAN'S REPORT

The board voted unanimously to excuse the following absences:

Carl Engelmeier – prior commitment.
Barry Kalmanson – prior commitment.

Mr. Lang thanked the other board members and especially the Chairs and Vice-Chairs of each committee for all of their support over the past year while he has been serving as Chairman. Mr. Lang also thanked Staff for their hard work.

Mr. Lang also requested that Mr. Vaccaro send a letter to the Department of Education stating that the board feels there does not need to be any additional hours for Advanced Courses. The board will designate where it feels necessary within the fourteen hours that are already required.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan announced that the Recovery Fund Attorney Position had been advertised and that he would keep the board informed of any news in this area.

In May 2003 there were 695 total cases. Of the 695 cases, 235 cases were in Legal to be reviewed, 64 cases were set for Probable Cause, and 63 cases had Probable Cause found/Administrative Complaints filed. 55 were ready for default, 60 had Stipulations executed/Informal Hearings requested and 105 had Formal Hearings requested. 30 cases were referred to DOAH, 76 were awaiting Final Orders and 5 are under appeal.

ATTORNEY GENERAL'S REPORT

- A.** Florida Sunshine Law Presentation

Ms. Edwards stated that the Sunshine Law if violated is a criminal offense and carries criminal penalties. You may be sentenced to 60 days in jail and fined up to \$500 for each offense. Violation of the sunshine law is cause to be removed from the board by the Governor.

Any gathering, whether formal or casual, of two or more members of the same board who discuss some matter on which foreseeable action will be taken by the board is a violation. The

courts have said it is the thought process, as well as the affirmative act, which is of public concern. Even a discussion on a vote for who will hold what office on the board is a violation of the sunshine law. It does not have to be a discussion directly between the board members, nor do two members have to be present to violate the sunshine law. The use of others to communicate is prohibited.

Written correspondence, telephone calls, and e-mail are subject to the sunshine law. Written correspondence and e-mail are public records and subject to public record requests.

It is not a violation of the sunshine for a board member to call counsel for an opinion on the meaning of a statute or the authority of that member to undertake some act.

RECOVERY FUND ATTORNEY'S REPORT – Nothing to be presented

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications approved

Anderson, Gregory S.

Atchison, George B.

Bagdonas, Michael A.

Bang, Larry W.

Bartczak, Brian

Bettencourt, Bryan W. – with two years of probation.

Black, Frederick

Black, Marc

Bracey, Bradford G.

Brann, Scott M.

Buza, Peter L.

Dittenber, Andrew – probation until Civil Rights are restored.

Duffield, William P.

Finley, James E.

Fleming, Robert – Downgraded to building contractor due to lack of experience in multi-story buildings. Probation until Civil Rights restored.

Garcia, Jorge

Grier, Travis

Grissom, William L.

Guettler, Phillip – probation until payment plan or satisfaction of lien.

Head, Richard

Horne, Boyce B.

Hughes, Melvin

Hutchins, Edwards

Johnson, Scott A. – with two years of probation.

Kehres, Matthew G.

King, Thomas E.

Kinney, Daniel G.

LaValle, Frank P.

McGinnis, Jamie S.

McGuire, Keith E.

Morgan, Jackie

Nicholas, Anthony, Jr. – with two years probation.

Parden, Audra F.
Parker, William R.
Protic, Jeffrey E.
Russ, Clifford A.
Simonini, David A.
Steinacker, Randee G.
Strode, Thomas G.
Valdes, Eduardo M.
Vanderhider, Clyde P. – Probation until IRS lien is paid completely.
Venson, Arthur R., Jr.
Weeks, Marron D.
Yargeau, Mel – Limited one-time non-renewable registration.

Applications denied

Lantrip, William – Georgia’s plumbing examination is not substantially similar to Florida’s examination.

Wang, Alfred

Applications Continued

Galvez, Antonio – for 6 months – waived 90 days.

Koester, David J. – for 60 days.

Applications withdrawn

Ennis, William

The committee also approved 36 contractors that have been certified under the “Grandfathering Law” and 53 applicants that have met all requirements to become a “Financially Responsible Officer”.

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

PROBATIONS COMMITTEE

Mr. Weller gave the following report:

There were no Probation appearances in June.

Harvey D. McClain requested the committee’s assistance with his suspension in Hillsborough County. The county will not reinstate his license until he has completed Probation. He is unable to complete probation w/o permitted work to review. Barbara Edwards is to contact the county and request assistance.

The Probation Committee discussed the following items:

1. General guidelines for probationers.
2. Requiring proof of completion of core course.
3. Discontinuing reappearance in 3 months after an unsatisfactory appearance.
4. Informing probationers that they may attend Final Action for CE credit.
5. Guidelines for Tolling.

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

ADDITIONAL ENTITY COMMITTEE

Ms. Brown gave the following report:

Applications approved

Allen, Billy F.

Batten, Michael – Notice of non-compliance for not having a QB license.

Cobb, Daniel

Colen, Kenneth

Daley, John F.

Derrer, William

Enriquez, Luis

Evans, Ronnie

Lee, David

Field, Alan J.

Hoar, Wayne

Hurley, John

Jacobazzi, Michael

Jones, Malcolm

Mastrucci, Joseph

Murphy, Paul V.

Noble, Rex

Palmer, David

Pierson, John D.

Rich, William

Ronca, Louis – Notice of Non-compliance for not having a QB license.

Shaffer, Walter

Snyder, Randall

Stanley, Randall

Stewart, Glenn

Trembley, Peter

Watkins, Kenneth

Wightman, Charles – QB expired issued a Notice of non compliance.

Applications continued

Garver, Curtis – per his request.

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

EXECUTIVE COMMITTEE

Mr. Lang gave the following report:

The committee considered a request from Jason B. Gonzalez, regarding whether a contractor would also be required to obtain an underground utility contractor license if constructing power plants, process plants and highways and bridges within the State of Florida. Mr. Gonzalez has provided additional documentation since the may meeting. Mr. Vaccaro to send a letter stating the board can't provide an answer without additional information.

The committee also considered an email request from Frank Kenton, regarding licensure requirements for directional drilling. Ms. Edwards to send a letter stating an underground utility & excavation or plumbing contractor license would be required.

The committee also considered an email request from David Evangelista, regarding the licensure requirement to install "fall protection systems". Ms. Edwards to send a letter stating this would require a general contractor license or someone under the direct supervision of a general contractor.

The committee also received a letter from Jeffrey Olson, City Attorney, City of Sunrise, regarding plumbing contractors. This was for informational purposes only. No action was required.

The committee also received a letter from Miriam S. Wilkinson, Attorney, regarding the application of Brian N. Davis. This was for informational purposes only. No action was required.

RULES REVIEW COMMITTEE

Ms. Kane gave the following report:

Ms. Edwards gave the following Rules report:

61G4-21.005 – Payment of Claims – effective date of Rule – 6/19/03.

61G4-15.018 – (Create Glass & Glazing) – May adopt on or after 6/16/03.

61G4-015 – Specialty Structure – committee voted to approve proposed language.

61G4-16.001 – Written Certification Examination Requirements – Adopted 6/5/03/

61G4-17.002 – Aggravating & Mitigating Circumstances –Notice published 6/13/03

61G4-12.011 – Define Structural – Development noticed on 6/6/03.

Ms. Kane stated that the Rules committee will be reviewing all of the board's application over the next several months and suggested members of different committees bring their suggestions for changes to the forms. The committee will be starting with the Application to Qualify an Additional Business Form and Initial Issuance of Certified Contractor.

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Ms. Chung gave the following report:

The following courses were approved:

Miami Dade Community College (0001050)

Course: Construction Management (0005138 - Expired 03/01/03)

Seagull Environmental Management Co. (0001020)

1st Course: Asbestos Contractor/Supervisor Refresher (0001466 - Expired 04/01/02)

2nd Course: Lead Sampling Technician (0005398 - Expired 03/01/03)

Florida Concrete & Products Association (0000973)

1st Course: Computerized Design and Service Life Cost Of Parking Lots (0005603 Expired 04/01/03)

2nd Course: Concrete Parking Lots (0005610 - Expired 04/01/03)

Northeast Florida Builders Association (0000937)

Course: Recognizing The "Big Four" Safety Hazards For The Home Building Industry (Name Change) (0004532 Expired 06/01/02)

Boss Construction School (0000923)

Course: Success In Construction (0006443 Expired 10/01/03)

Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap, P.A. (0001072)

Course: Business Planning & The Law For The Construction Industry (0003578 Expired 06/01/03)

Florida Association Of Plumbing-Gas-Mechanical Inspectors, Inc. (Fapgmi) (0000919)

1st Course: Florida Accessibility for Building Construction (0000299 Expires 07/01/03)

2nd Course: Cast Iron Soil Pipe (0005847 Expired 05/01/03)

3rd Course: Hazwoper – Occupational Safety and Health Act (0005848 Expires 05/01/03)

Florida Power & Light (Fpl) (0001060)

1st Course: Duct Leak Diagnosis (0000768 Expired 05/01/02)

2nd Course: Repairing Ducts Correctly & Safely (0000769 Expired 05/01/02)

3rd Course: Florida Residential Energy Code (Name Change) (0000770 Expired 03/01/02)

4th Course: Manual J (0000771 Expired 03/01/02)

5th Course: Airflow and Duct System Leaks (0000772 Expired 03/01/02)

6th Course: Safety While Working in the Field (0000773 Expired 03/01/02)

7th Course: Duct Repair Refresher (0000774 Expired 03/01/02)

Gold Coast School Of Construction, Inc. (0000983)

1st Course: Roofing Technology (0000490 Expires 11/01/03)

2nd Course: The Practitioners Guide to the Florida Building Code (0006688 Expires 11/01/03)

3rd Course: The Practitioners Guide to the Florida Building Code, Access Code & Fair Housing Act (0006689 Expires 11/01/03)

4th Course: The Practitioners Guide to the Florida Building Code, Access Code & Fair Housing Act (Internet Format) (0006690 Expires 11/01/03)

University of Central Florida, Div. of Continuing Education (0001810)

Course: Contracts and Subcontractors

Broward County Public Schools – Industry Services Training Center (0001004)

Course: Defensive Driving, Time Management, Workers' Compensation

Hg & Associates, Inc. (0000892)

Course: Osha Construction Outreach
Business Development Resources (0001735)

Course: Hiring, Compensating & Developing A Sales Force

Contractors Institute (0001189)

Course: Mold & Moisture Remediation

Department Of Community Affairs (DCA) (0001642)

Course: Florida Building Code – Accessibility Advanced Training

Lorman Business Center, Inc. (0000837)

1st Course: A Practical Guide to Managing Risks In Construction Projects

2nd Course: Construction Contracting For Public Entities

3rd Course: Mold Mitigation Before It Occurs In Florida

Universal Inspection Service, Inc. (0000907)

1st Course: Inspections and Plan Requirements

2nd Course: Technical Requirements of Accessible Routes & Accessible Toilets

The Trane Company (0000935)

Course: Air Conditioning Clinic

Florida Educational Facilities Planners' Association (FEFPA) (0001202)

1st Course: Construction Under Pressure – Pentagon Renovation Program

2nd Course: Reducing Budget Deficits Through Energy Management Techniques

3rd Course: Solar Energy As A Renewable, Affordable Power Source

4th Course: Getting To Green / Leed (Leadership In Energy & Environmental Design)

United Service Training Corp. (0001013)

1st Course: Financial Planning

2nd Course: Diseases and Other Work Hazards

3rd Course: Homeland Security

Southern Forest Products Association (0001054)

1st Course: Mold And Moisture: Protecting Structural Wood Framing

2nd Course: Design, Specify, Build

3rd Course: Pressure Treated Southern Pine CCA Transition

4th Course: Designing For Permanence

Plumbing Contractors Association (0000987)

1st Course: Florida Plumbing Code Management, Skills & Interpretation, Part I

2nd Course: Florida Plumbing Code Management, Skills & Interpretation, Part II

3rd Course: Florida Plumbing Code Management, Skills & Interpretation, Part III

4th Course: Florida Plumbing Code Management, Skills & Interpretation, Part IV

5th Course: Florida Plumbing Code Management, Skills & Interpretation, Part V

6th Course: Florida Plumbing Code Management, Skills & Interpretation, Part VI

7th Course: Florida Plumbing Code Management, Skills & Interpretation, Part VII

8th Course: Florida Plumbing Code Management, Skills & Interpretation, Part VIII

9th Course: The Mold Problem: Separating Fact From Fiction

Florida Home Builders Association (FHBA) (0000916)

1st Course: Jobsite Spanish For Contractors

2nd Course: Free Construction Money

3rd Course: Health House Builder Guidelines Workshop

4th Course: Contractor Insurance – Managing Risk And Exposure
In A Volatile Market

5th Course: Florida Construction Lien Law & Prompt Pay Law

6th Course: Niche Sectors – The Next Hot Growth Markets

7th Course: Equipment Theft Protection and Jobsite Security

- 8th Course: Sick Building Syndrome – Legal Aspects
- 9th Course: IRM III: Lifestyle Merchandising, Advertising & Promotion Strategies
- 10th Course: Strong Design Trends to Invigorate Your Business
- 11th Course: Project Delivery Systems & Source Selection Methods
- 12th Course: Harnessing the Internet to Boost Sales
- 13th Course: Durability and Disaster Mitigation
- 14th Course: Panelized Construction and Whole-House Systems – Building For Efficiency
- 15th Course: OSHA 10-Hour Training
- 16th Course: Commercial Contracts and Law
- 17th Course: Modular Construction Efficiencies
- Chitester Management Systems, Inc. (0000900)
- 1st Course: Acceleration Claims (Internet)
- 2nd Course: Achievable Barrier Removal & Accessibility (Internet)
- 3rd Course: ADA Title II: State & Local Governments (Internet)
- 4th Course: Alternative Dispute Resolution – Arbitration & Mediation (Internet)
- 5th Course: Asbestos: What Is It And How Do You Remove It? (Internet)
- 6th Course: Business Management Part I (Internet)
- 7th Course: Business Management Part II: The Business Plan (Internet)
- 8th Course: Business Management Part III: Marketing & Financial Planning (Internet)
- 9th Course: Changed Work Claims (Internet)
- 10th Course: Delay Claims (Internet)
- 11th Course: General Property Surveys & Real Property Law (Internet)
- 12th Course: The Genesis of Toxic Mold (Internet)
- 13th Course: Introduction to Indoor Air Quality (Internet)
- 14th Course: Labor Productivity Loss Claims (Internet)
- 15th Course: Managing Water Use in Businesses & Homes (Internet)
- 16th Course: Mold Remediation in Schools & Commercial Buildings (Internet)

17th Course: OSHA Tools – Hand and Power (Internet)

18th Course: Personnel Administration (Internet)

19th Course: Termination Claims (Internet)

20th Course: Toxic Mold: Detection, Prevention & Remediation (Internet)

21st Course: Understanding Construction Claims (Internet)

Smith, Currie & Hancock, LLP

1st Course: Construction And Labor Law Update (0000715 Expired 05/01/01)

2nd Course: Construction Dispute & Claim Avoidance (Practical Project Documentation & Workplace Safety) (0000716 Expired 05/01/01)

3rd Course: Federal Government Construction Contracting (New Opportunities & Challenges in the 21st Century) (New)

University Of Florida, Energy Extension Service (0001129)

1st Course: Advanced Systems: Windows (Name Change) (0001753 Expires 08/01/03)

2nd Course: Advanced Systems: Lighting (Name Change) (0001755 Expires 08/01/03)

3rd Course: Advanced Systems: Water Sense – Indoor Water Considerations (0001756 Expires 08/01/03)

4th Course: Advanced Systems: Water Sense – Outdoor Water Considerations (0001759 Expires 08/01/03)

5th Course: The Ins And Outs Of Florida's Accessibility Code For Building Professionals (New)

Broward Community College

Course: Boiler Safety Systems

Dozier & Dozier Construction

Course: Construction Business Management

Kelley, Kronenberg, Gilmartin, Fichtel & Wander, P.A.

Course: Managing Workers' Compensation Risks In The Construction Industry

Goodwin Heart Pine Company

Course: Architectural & Design Uses Of Antique Wood

National Technology Transfer, Inc.

1st Course: Refrigeration and Air Conditioning

2nd Course: Centrifugal Pumps

3rd Course: Boilers: An Operator's Workshop

Southwest Florida Pool & Spa Foundation, Inc.

Course: Pool Service Contractors 60-Hour Workshop (Pre-Licensure Course)

Florida Wood Council (0000980)

1st Course: You Design It - We'll Build It

2nd Course: Importance of Bearing And Truss Design

3rd Course: Understanding the Truss Layout

4th Course: Upgrade To Above Grade for Floor Systems

5th Course: Designing & Building to Minimize Mold and Mildew

6th Course: The 22% Advantage for Wood in Homes

7th Course: The Next Generation of Treated Wood Products

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

RECOVERY FUND/FINANCE COMMITTEE

This committee did not meet this month.

OLD BUSINESS

Mr. Weller stated he would like to commend Mr. Lang for the wonderful job he has done as Chair for the past year keeping the board on track. Mr. Weller also stated he enjoyed being Vice-Chair under Mr. Lang and thanked the board members for their support as well.

NEW BUSINESS

Mr. Weller stated that he, Mr. Creehan and Mr. Vaccaro attended the BOAH Annual Conference and that he felt it was really important for the CILB to continue to make a presence at this meeting.

With no further business, the meeting was adjourned at 9:02 a.m.