



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD



**RADISSON PLAZA HOTEL ORLANDO
60 SOUTH IVANHOE BLVD.
ORLANDO, FL 32804**

GENERAL SESSION MINUTES

OCTOBER 10, 2003

APPROVED MARCH 12, 2004

Jeb Bush
Governor

Diane Carr
Secretary

Division of
Professions and Regulation

Construction Industry
Licensing Board

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BOARD MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

None

OTHERS PRESENT

Tim Vaccaro, Executive Director
Erica Glover, Board Counsel
Patrick Creehan, Prosecuting Attorney
Adrienne Rodgers, CIRF Attorney
Stacey Merchant, Government Analyst II
Ruthanne Christie, Government Analyst I

The meeting was called to order by Edward Weller, Chair, at approximately 8:02 a.m. Mr. Holloway gave the invocation. Mr. Del Vecchio led the Pledge of Allegiance.

EXECUTIVE DIRECTOR'S REPORT

Mr. Vaccaro gave the following statistics on complaints and investigations for the first quarter of the fiscal year: There were 1221 complaints, 656 of these were legally sufficient and 585 are under investigation. There were 224 unlicensed cases. There were 23 notices of non-compliance and 29 citations issued. There were 34 sweeps and 369 unlicensed activity checks. There were also two major sweeps in the Jacksonville and Gainesville areas. There were 112 cases mediated. It is estimated that \$1.5 million were saved by not prosecuting these cases.

Mr. Vaccaro informed the board that the continuing education deficiency letters had been mailed out to the Registered Contractors that had renewed their licenses. These letters stated the number of hours that the registered contractors must show proof of completion for. The letter further stated that failure to provide proof of these required hours would not allow the contractor to renew the license at the next required renewal.

CHAIRMAN'S REPORT

Mr. Weller stated that he needed direction from the board regarding the joint meeting with the Electrical Contractors board required by Statute. After discussion, it was decided that the Chair and Vice-Chair of both boards could meet.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

There are 262 cases in Legal. Of these cases, 52 are set for probable cause, 86 probable cause has been found/administrative complaints have been found and 119 are ready for default. In 50 of the cases stipulations have been executed/Informal hearing requested, 100 have requested formal hearings and 24 have been referred to DOAH. There are 48 cases that are awaiting final orders, 7 are in settlement negotiations and 3 are under appeal. For the month of September 2003, 73 cases were closed.

ATTORNEY GENERAL'S REPORT

Ms. Glover had nothing to report at this time.

RECOVERY FUND ATTORNEY'S REPORT

REILLY v. CIRF v. CLERIE – Informal Hearing -

No one was present for this case.

Ms. Rogers presented this case stating this case was heard by the committee on June 13, 2002, and was denied with prejudice. The claim was denied because the contractor's license did not cover the scope of work performed under the contract.

The homeowners do not have a civil judgment.

After discussion, the board voted unanimously to uphold the previous decision to deny with prejudice.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications approved

Aguilar, Vianca-initial FRO.

Archer, Donald-certification of registered building contractor (grandfathering).

Aulicino, Thomas-initial issuance of licensure for certified specialty structure contractor.

Bennett, Ronald-initial issuance of licensure for certified roofing contractor.

Butler, Joe -change of status from one business entity to another.

Clark, Brian-initial issuance of licensure for registered plumbing contractor.

Coggins, Glenn-initial issuance of licensure for certified building contractor.

Connelly, John-initial issuance of licensure for certified general contractor.

Dasilva, Antonio-initial issuance of licensure for certified general contractor.

Davis, Richard-initial issuance of licensure for certified general contractor.

Denman, Richard-initial issuance of licensure for certified roofing contractor.

Deslauriers, Mark-initial issuance of licensure for certified roofing contractor.

Eftekhari, Majid - change of status from inactive to active.

Fontana, Anthony - initial issuance of licensure for certified residential contractor.

Grossman, Steven - initial issuance of licensure for certified general contractor.

Groves, Jason-change of status from one business entity to another.

Harris, Joseph -change of status from qualifying business to individual.

Hayo, Fred -initial issuance of licensure for certified building contractor.

Hesser, Peter-change of status from one business entity to another.

Kaplan, Steven - initial issuance of licensure for certified general contractor.

King, Cavin - initial issuance of licensure for certified roofing contractor.

Losee, Mark - initial issuance of licensure for certified general contractor.

Maniatis, James-certification of registered sheet metal contractor (grandfathering).

Militello, Nicholas - initial issuance of licensure for certified underground utility & excavation contractor.

Mullen, Carl - initial issuance of licensure for registered swimming pool/spa servicing contractor.

Nault, Leon -change of status from qualifying business to individual.

Pastorius, Lee - initial issuance of licensure for certified general contractor. With 2 years probation.

Payne, James -change of status from one business entity to another.

Pittman, Richard - initial issuance of licensure for certified residential contractor.

Sackett, David - initial issuance of licensure for certified plumbing contractor.

Schilke, Wayne - initial issuance of licensure for certified general contractor.

Shewski, David -change of status from one business entity to another.

Stoddard, Sean - limited one time non-renewable specialty structure registration.

Strait, David - initial issuance of licensure for registered plumbing contractor.

Taylor, Steve - initial issuance of licensure for certified general contractor.

Thomas, David - initial issuance of licensure for certified general contractor.

Torres, Daniel -initial issuance of licensure for certified building contractor.

Tucker, Jason - initial issuance of licensure for registered class b air-conditioning contractor.

Walsh, Eamon - initial issuance of licensure for certified building contractor.

Watkins, Earnest-change of status from one business entity to another.

Wikel, David - initial issuance of licensure for certified roofing contractor.

Wyatt, Derek - certification of registered building contractor (grandfathering).

Applications withdrawn

Rusch, David - initial issuance of licensure for certified general contractor.

Applications denied

Griffith, Brent - initial issuance of licensure for registered roofing contractor.

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

PROBATIONS COMMITTEE

Mr. Del Vecchio gave the following report:

Chandler, William - Satisfactory, Final Appearance
Donnell, Michael Thomas - Satisfactory, Final Appearance
Foster, Robert J. – Satisfactory
Gillard, Allen - Satisfactory
Ingle, Frederick - Satisfactory, Final Appearance
Jennings, Jack G. – Unsatisfactory
Logar, Jeremy Scott – Satisfactory, Final Appearance
Merritt, George - Unsatisfactory
Miller, Donald - Continued for 3 months
Milstead, III, John Olin - Satisfactory
Nance, Robert - Unsatisfactory
Stearns, Jack L. - Satisfactory
Strickland, Daryl - Satisfactory

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

ADDITIONAL ENTITY COMMITTEE

Ms. Karcher gave the following report:

Applications approved

Ackerman, Mark D. – with notice of non-compliance for no QB license for present company.
Brindley, Joseph O.
Commack, John W.
Doster, Thomas E. – with notice of non-compliance for no QB license for present company.
Grouette, Donald P.
Gutenmann, William W.
Halperin, Leonard III.
Lenahen, Michael K.
Lewis, Thomas C. - with notice of non-compliance for no QB license for present company.
Mills, Christopher N.
Nichols, Gregory A.
Rebull, Patrick J.
Schachinge, Rudolf
Walker, Richard L.

Applications continued

Dalton, John E. – 30 days per applicant's request.
Fite, Richard Lee – 30 days per applicant's request.
Gerov, Miguel – 90 days – notice of non-compliance for no QB license for present company.
Needs verification of \$10,000 cash for 3 months in both accounts.

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

EXECUTIVE COMMITTEE

Mr. Weller gave the following report:

The committee considered a request from James W. Linn, Esquire, requesting an informal opinion whether a licensed residential contractor may lawfully construct single story two-family and three-family residences that will be rented on an extended stay or seasonal basis. The board directed Ms. Glover to draft a letter stating that a residential contractor can perform this type of work.

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

RULES REVIEW COMMITTEE

Mr. Blankenship gave the following report:

The following rules have been noticed:

61G4 – 15.003 – Public Liability Insurance.

61G4 – 15.005 – Requirements for Certification and Registration.

61G4 – 15.015 – Certification of Glass and Glazing Specialty Contractors.

61G4 – 17.001 – Normal Penalty Ranges.

61G4 – 18.004 – Approval of Continuing Education Courses.

The Committee took the following action:

61G4-15.0021 – Certification and Registration of Business Organizations – The committee requested that Ms. Glover check and see if the board has the statutory authority to change this rule to require a financially responsible officer if the qualifier owns less than 25% of the company.

61G4-18.001 - Continuing Education Requirements for Certificateholders and Registrants – The Committee voted on Thursday to reconsider the motion passed on Wednesday. The Committee voted to amend the language to read 1 hour of workplace safety, 1 hour of Workers' Comp, 3 hours of legal, 4 hours of business practices, 3 hours of technical, 1 hour of advanced module and 1 hour general elective. The full board voted to send this proposed language to the Continuing Education Committee at the November meeting.

61G4- 15.015 – Certification for Specialty Structure Contractors.

Changed the wording to add “Group R Occupancy as defined by the Florida Building Code”.

61G4–15.001 – Qualification for Certification – The Committee voted to approve the proposed language as submitted. The full board voted to tabled this rule and bring it back to the January 2004 meeting.

61G4-21 – Construction Industries Recovery Fund – This rule was tabled until the November meeting. This rule will also be worked on in the Recovery Fund Committee.

61G4-15.031 – Medical Gas Certification – Mr. Smith explained to the Committee the reasons he feels Chapter 489.1136, F.S. and 61G4-15.031 are a series of contradictions and need to be repealed. Ms. Glover stated that Mr. Smith’s problem is with the Statute not the Rule. This rule was tabled until the November meeting.

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Ms. Chung gave the following report:

The following providers and courses were approved:

Gray Systems Incorporated (0000815)

Course: Liability Issues for the Construction Industry - (0006479 EXPIRES 10/12/03)

Omni Financial Services (0000867)

Course: The Financial Management Workshop - (0001484 EXPIRES 10/12/03)

Florida Concrete & Products Association (0000973)

Course: Stucco on Block (0005604 EXPIRED 4/13/03)

Plumbing Contractors Association (0000987)

Course: Wage and Hour Issues (0005837 EXPIRED 5/1/03)

Florida Polysteel, Inc. (0001117)

Course: Building with Insulated Forms for Concrete (0002084 EXPIRES 10/12/03)

Grohe America Inc. (0001130)

Course: Grohe Shower Valves and Custom Shower Design (0002116 EXPIRED 4/13/03)

Florida Association of Plumbing, Heating & Cooling Contractors (FAPHCC) (0000932)

1st Course: The Health Risks Associated with Mold & Microbiology

2nd Course: Mold & Microbiology, Containment and Pressurization

International Code Council (0000991)

1st Course: Inspecting for the Residential Energy Code

2nd Course: Hydrogen in the 2003 I Codes

3rd Course: Fundamentals of the ICC Code Development Process

Carrier Florida (0001016)

Course: Business Skill Development

Mechanical Contractors Association of South Florida (0001184)

1st Course: Project Management: Managing Small Projects

2nd Course: Workplace Safety and Workers' Compensation Insurance

Contractors Institute (0001189)

1st Course: Florida Construction Laws & Rules (INTERNET)

2nd Course: Florida Construction Laws & Rules

Advanced Benefits Inc. (0001642)

1st Course: Understanding Small Group Health

2nd Course: Understanding & Utilization of Short Term Medical & Dental Insurance

3rd Course: Understanding Long Term Care & its Applicability to Business Owners

4th Course: Understanding Disability Insurance & Business Overhead Expense

5th Course: Understanding & Utilization of Medical Savings Plans

6th Course: Understanding the Drug Free Workplace Safety Plans Plans

School for Contractors and Trades (0001797)

1st Course: Technical Components in Construction

2nd Course: Essentials In Construction

Construction Services Enterprise, Inc. (0000909)

1st Course: Construction Project Management I (0000032 EXPIRES 11/16/03)

2nd Course: CILB Three Required Courses (NEW)

FRSA Educational & Research Foundation (0000910)

1st Course: Two-Day Asbestos Competent Person Training, Part I (0000041 EXPIRES 10/12/03)

2nd Course: Two-Day Asbestos Competent Person Training for On-Site Rfg. Supervisors, Part II (0000042 EXPIRES 10/12/03)

3rd Course: Important Changes to the Florida Workers' Compensation Insurance, Construction Lien, Construction Defects and Construction Licensing Laws

Florida Home Builders Association (0000916)

1st Course: Construction Defect Issues (0005950 EXPIRED 6/14/03)

2nd Course: How to Control Your Exposure in Mold Litigation (NEW)

3rd Course: Workers' Comp Exemption Holders Roadmap (NEW)

4th Course: Engineered Wood Products - Basic Design Techniques & Applications (NEW)

5th Course: Diversification: New Profits for Builders (NEW)

6th Course: Off-Site Project Management (NEW)

Florida Pool & Spa Association, d/b/a: NPSI-Florida (0000917)

1st Course: Workplace Safety (0006954 EXPIRES 1/11/04)

2nd Course: Workers Compensation (0006955 EXPIRES 1/11/04)

3rd Course: Pool & Spa Water Chemistry (0006956 EXPIRES 1/11/04)

4th Course: ANSI / NSPI Standards (0006959 EXPIRES 1/11/04)

5th Course: Vanishing Edges, How to Make the Magic! (0006964 EXPIRES 1/11/04)

6th Course: Roof Installations of Solar Heat Systems for Swimming Pools (0006968 EXPIRES 1/11/04)

7th Course: Chapter 489 - Contractors Responsibilities (0006972 EXPIRES 1/11/04)

8th Course: Training Employees in Chemical Handling (0006973 EXPIRES 1/11/04)

9th Course: Alternative Dispute Resolution (NEW)

10th Course: Cash Flow and Cash Flow Budgeting (NEW)

11th Course: Commercial Swimming Pool Certification (NEW)

12th Course: Effective Business Writing (NEW)

13th Course: Electronic Ignition Heaters (NEW)

14th Course: Fifteen Things All Successful Companies Have in Common (NEW)

15th Course: The Importance of a Post-Sale Marketing Initiative (NEW)

16th Course: Improve Sales & Profits with Financing (NEW)

17th Course: Introduction to Automation (NEW)

18th Course: Mesh Safety Barriers (NEW)

19th Course: Product & Service Pricing for a Profit (NEW)

20th Course: Relationship Selling (NEW)

21st Course: Sales & Marketing of Vinyl Lined Pools (NEW)

22nd Course: Service Agreements (NEW)

23rd Course: Stain Discoloration Prevention and Removal (NEW)

24th Course: How to do Major Pool Renovations (NEW)

25th Course: Construction Contracts (NEW)

- 26th Course: Understanding Advantages & Installation of Pavers (NEW)
- HornerXpress (0001103)
- 1st Course: Swimming Pool Pumps & Filtration (Name Change) (0001838 EXPIRES 10/12/03)
- 2nd Course: Team Building-Bill Kent's 10 Secrets to Business Growth (0001839 EXPIRES 10/12/03)
- 3rd Course: Computers (3 Hrs.) (0001840 EXPIRES 10/12/03)
- 4th Course: Are You Making a Profit? "Understanding the Bottomline" (3 Hrs.) (0001841 EXPIRES 10/12/03)
- 5th Course: Sales and Marketing (3 Hrs.) (0001842 EXPIRES 10/12/03)
- 6th Course: Collections and How to Achieve Results (0001843 EXPIRES 10/12/03)
- 7th Course: Employee Practices (3 Hrs.) (0001844 EXPIRES 10/12/03)
- 8th Course: Repair and Renovation (3 Hrs.) (0001845 EXPIRES 10/12/03)
- 9th Course: Pool Finishes (3 Hrs.) (Name Change) (0001846 EXPIRES 10/12/03)
- 10th Course: Swimming Pool & Spa Solutions in Chemistry (3 Hrs.) (Name Change) (0001847 EXPIRES 10/12/03)
- 11th Course: Electrical and Automatic Controls (3 Hrs.) (0001848 EXPIRES 10/12/03)
- 12th Course: Pool Heating (3 Hrs.) (0001849 EXPIRES 10/12/03)
- 13th Course: Work Place Safety (1.5 Hrs.) (0003573 EXPIRES 10/12/03)
- 14th Course: Worker's Compensation (1.5 Hrs.) (0006455 EXPIRES 10/12/03)
- 15th Course: Work Place Safety (1 Hr.) (NEW)
- 16th Course: You Can Be Better (NEW)
- 17th Course: Employee Practices (2 Hrs.) (NEW)
- 18th Course: Computers (2 Hrs.) (NEW)
- 19th Course: Swimming Pool Pumps & Filtration (2 Hrs.) (NEW)
- 20th Course: Repair and Renovation (2 Hrs.) (NEW)
- 21st Course: Pool Finishes (2 Hrs.) (NEW)
- 22nd Course: Hiring for Talent (1 Hr.) (NEW)
- 23rd Course: The Spirit of the Game (Employee Retention 2-Hrs) (NEW)
- 24th Course: Worker's Compensation (1 Hr.) (NEW)
- 25th Course: The Spirit of the Game (Employee Retention 1-Hr.) (NEW)
- 26th Course: Team Building-Bill Kent's 10 Secrets to Business Growth (4 Hrs.) (NEW)
- 27th Course: Are You Making a Profit? "Understanding the Bottomline" (2 Hrs.)
- 28th Course: Sales and Marketing (1 Hr.) (NEW)
- 29th Course: Sales and Marketing (2 Hrs.) (NEW)
- 30th Course: Pool Heating (2 Hrs.) (NEW)
- 31st Course: Electrical and Automatic Controls (2 Hrs.) (NEW)
- 32nd Course: Swimming Pool & Spa Solutions in Chemistry (2 Hrs.) (NEW)
- 33rd Course: Swimming Pool & Spa Solutions in Chemistry (1 Hr.) (NEW)
- 34th Course: Hiring for Talent (2 Hrs.) (NEW)
- 35th Course: Collections and How to Achieve Results (2 Hrs.) (NEW)
- 36th Course: Four Best Kept Secrets of Business Growth (1 Hr.) (NEW)
- 37th Course: Four Best Kept Secrets of Business Growth (2 Hrs.) (NEW)

Commercial Pool Schools of Florida (NEW)

Course: Public Pool Construction and Operation (NEW)

FACCA (0000914)

Course: Changes & Updates to Workers Compensation (0000093, EXPIRES 10/12/03)

Course: Job Site Safety (0000094, EXPIRES 10/12/03)

Course: Getting a Grip on Your Financial Controls (NEW)

Course: Relative Humidity 101 or If You Believe an A/C Unit Controls Humidity, You

Haven't Looked
 Course: Designing the Failure Proof Building
 Course: How to Minimize Mold Liability & Address Customer Concerns
 Course: 15 Things Dealers Need to do to Run a Successful Business

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

RECOVERY FUND/FINANCE COMMITTEE

Ms. Kane gave the following report:

Tab A Wilson v. Jennings; Claim No. 96-C0099 - CONTINUED
 Tab B Grinnan v. Giancaterino; No. 99-C0111 - AWARDED - \$3,979.30
 Tab C Mitchell v. Fleming; Claim No. 99-C0160 - CONTINUED
 Tab D Williams v. Nolt; Claim No. 00-C0189 - CONTINUED
 Tab E Gavrinev v. Clapsaddle; Claim No. 00-C0213 - AWARDED - \$10,304.00
 Tab F Lattimore v. Garmenia; Claim No. 00-C0218 - DENIED WITH PREJUDICE
 Tab G Pederson/Conner v. Schettino; Claim No. 00-C0225 - CONTINUED
 Tab H McNesby/Wildes v. Schettino; Claim No. 00-C0226 - AWARDED - \$7,800.00
 Tab I Smith v. Garmendia; Claim No. 00-C0238 - AWARDED - \$8,220.00
 Tab J Ayala v. Hunt; Claim No. 01-C0043 - CONTINUED
 Tab K Koths v. Geldart; Claim No. 01-C0143 - CONTINUED
 Tab L Otero v. Breek; Claim No. 02-C0053 - CONTINUED
 Tab M Kellerman v. Colman; Claim No. 02-C0133 - AWARDED - \$6,870.00
 Tab N Vicari v. Schultz; Claim No. 02-C0147 - CONTINUED
 Tab O Beach v. Reeves; Claim No. 02-C0149 - CONTINUED

LIST OF DENIALS - DENIED WITH PREJUDICE

Claim No.	Claimant	Contractor	Reason
98-C0095	Gary Anderson	Elmer Cook	Failed to provide documentation to complete claim.
98-C0108	Kenneth and Diane Bekkelund	Thomas A. Gibbs	No judgment or final order.
98-C0111	Michael D. O'Connell	Steve Arnold	Failed to provide documentation to complete claim.
93-C0121	Betsyanne Harvey	Jeffrey Coleman	No judgment or final order.
98-C0193	Joseph and Elizabeth Laciofano	Unknown	No judgment or final order.
98-C0213	Ron and Rosemary Evans	Unlicensed Contractor	
99-C0001	Sharon D. Grant	Michael Largo	No judgment or final order.
99-C0039	Dianne Hunter	John R. McCall	Failed to provide documentation to complete claim.

99-C0107	Sheila Dixon	Jack Worley	No judgment or final order.
00-C0187	Ruth Pilch	Robert Pesch	Restitution paid.
00-C0192	Dean and Michelle Baldan	David Channell	Ineligible
00-C0197	Stephen Skinner	Kay Deraway	Warranty issue.
00-C0229	Gladys Jason	Leo Cordary	No evidence supporting violations of section 489.129(1)(g), (j), or (k), F.S.
01-C0016	Herman Tucker		Unlicensed Contractor.
02-C0063	Thomas Clayton		Unlicensed Contractor.
02-C0143	John and Sue Resanowitch	Cindy Meyer	Not eligible under section 489.141(2)(c), F.S.
03-C0016	Jim Woodcock		Unlicensed Contractor.
03-C0017	Kenneth Buckley		Unlicensed Contractor.
03-C0026	K&D Investments	Sid Barling	Ineligible.
03-C0119	Betty Flowers	Randolph Woodfaulk	Statute of Limitations.

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

OLD BUSINESS

Mr. Barner updated the board in regards to the glass & glazing examination. The first exam will be given next week to 39 candidates. There are also 20 more applications received for the next examination.

NEW BUSINESS

Mr. Blankenship asked that the Department provide the board members with an update of the examination RFP's since the contracts for the examination expire in June 2004.

Ila Jones, Department of Community Affairs – regarding licensure fees used to fund projects relating to the construction industry of continuing education programs.

The board recommended that DCA use fees collected from licensees pursuant to s. 489.109(3), F.S., to fund a project to encourage uniform interpretation of the Florida Building Code by all municipalities. The board also recommended funding a joint project between the Florida Building Commission and Construction Industry Licensing Board to inform the construction industry of statutory and rule developments affecting the industry.

Mr. Vaccaro suggested that the board consider reducing the number of times that they meet per year. After discussion, the board decided not to reduce their meeting schedule.

With no further business, the meeting was adjourned at approximately 9:50 a.m.