



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**CASA MONICA HOTEL
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GENERAL SESSION MINUTES

JANUARY 16, 2003

APPROVAL JULY 16, 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
Michael Blankenship
Joan Brown
John J. Cox, III
Paul Del Vecchio
Carl Engelmeier
Raymond Holloway
Barry Kalmanson
Elizabeth Karcher
Robert Lang
Mark Pietanza
John Smith
Jacqueline Watts

BOARD MEMBERS ABSENT

Lee-En Chung

OTHERS PRESENT

Tim Vaccaro, Executive Director
Erica Glover, Board Counsel
Patrick Creehan, Prosecuting Attorney
Adrienne Rogers, CIRF Attorney
Stacey Merchant, Government Analyst II
Ruthanne Christie, Government Analyst I
Valerie Singleton, Regulatory Supervisor/Consultant
G.W. Harrell, Special Counsel to the Secretary

The meeting was called to order by Edward Weller, Chair, at approximately 8:10 a.m. Mr. Del Vecchio gave the invocation. Ms. Watts led the Pledge of Allegiance.

REVIEW OF MINUTES

November 13, 2003 Final Action Minutes

The Board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Vaccaro announced that the Newsletter was mailed out last month and the Board Office had been receiving calls about the Legislative changes and Mr. Kalmanson's Lien Law article.

Mr. Vaccaro also provided the board with statistics regarding Complaints and Investigations. To date, there have been 2,354 complaints. Of these complaints, 1233 were found legally sufficient, 806 were licensed and 427 were unlicensed. There are currently 1,111 cases under investigation and 786 cases completed. There are 234 mediations assigned and 180 are completed. With 45 notices of non-compliance issued and 35 citations issued.

Mr. Reddinger provided the board with copies of a spreadsheet, which breaks down by region the unlicensed activity cases. Mr. Reddinger informed the board that the department will be giving a continuing education course and will have at least 11 instructors in each region. He also stated that the contracts for Public Service Announcements are in the final stages of negotiation.

CHAIRMAN'S REPORT

The board voted unanimously to excuse the following absence:

Lee-En Chung – Illness - Thursday & Friday.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

There are one hundred ninety-one cases in legal. Seventy-five of these cases are set for probable cause. Seventy-one have stipulations executed/informal hearings requested, sixty-nine are ready for default and sixty-eight are awaiting final order. Twelve are under appeal and four are re-opened.

Mr. Creehan also stated that his office would be relocating to that same building as the board office in the next few weeks.

ATTORNEY GENERAL'S REPORT

Steven G. Anderson – Informal Hearing

Mr. Anderson and his attorney, Linda Reel, were present.

Ms. Glover asked if Mr. Anderson had requested that his case be sent to DOAH.

Ms. Glover stated that there was some information regarding public cases against Mr. Anderson in the Board's supplemental packages that they did not have when Mr. Anderson appeared before them last. Ms. Glover felt like this information should be considered before approving or denying his application. Ms. Glover stated that these cases had probable cause found.

Ms. Glover also stated that she wanted the board to look out the Notice of Intent to Deny that was issued previously and to make sure that all of the reasons that they had denied Mr. Anderson's application were listed.

Ms. Reel stated that if the board did not vote in Mr. Anderson's favor she would take his case to DOAH. Ms. Glover stated that would be fine, but that she still would have the board amend the Notice of Intent to Deny if that is what they choose to do.

Mr. Anderson stated that the Department closed these cases because the State did not have jurisdiction because the cases related to local licensing issues.

Ms. Watts was asked by Mr. Anderson to recuse herself and she did.

Mr. Kalmanson pointed out to the board, that according to the packet that Mr. Anderson had plead guilty to 32 counts of first degree misdemeanor charges of misuse of money. Mr. Anderson stated that he pled guilty to 3 of the charges and adjudication was withheld in 1986. Mr. Kalmanson also pointed out that in 1991 Mr. Anderson pled no contest to fraud charges. Mr. Anderson stated that this was from a bad check for \$44.

The board voted unanimously to amend the Notice of Intent to Deny to include the language in Section 489.101, F.S., regarding regulating the construction industry to protect the Public Health Safety of the public, Section 489.111, F.S., regarding good moral character and Chapter 455.227(1)(f), F.S., regarding grounds for denial if the applicant has had a license revoked in another County.

Mark Fleming - Informal Hearing

Mr. Fleming was present.

Ms. Glover presented this case stating that Mr. Fleming applied for licensure as a registered building contractor. On September 11, 2003, his application was reviewed by the Application Review Committee. The committee determined that Mr. Fleming's application should be denied based the fact that he failed to submit proof of having his civil rights restored subsequent to a previous felony conviction in accordance with section 112.011(1)(b), F.S. On October 2, 2003, a Notice of Intent to Deny was filed with the Department's Agency Clerk's Office. On October 28, 2003, Mr. Fleming timely filed a Request for Informal Proceeding pursuant to section 120.569 and 120.57(2), F.S.

Ms. Glover also stated that in the proceeding, the burden is on Mr. Fleming to prove that the board improperly denied his application.

Mr. Fleming stated that it could possibly be 12 – 18 months before his Civil Rights are restored. He also stated that he felt it was not his fault that the Clemency Board is three years behind.

Mr. Fleming also stated that he has been working in the Construction Industry for the past 20 years and has not had any problems.

Ms. Watts pointed out that the application states that if an applicant has lost their Civil Rights, proof of restoration must be attached.

The denial of Mr. Fleming's application was upheld by a vote of 8-5.

After it was discovered that Mr. Fleming was trying to obtain a registered license and that he had already received his local competency card, a motion to reconsider this application passed.

The motion to approve Mr. Fleming's application was defeated by a vote of 7-7.

Richard M. Wagner, Informal Hearing

Mr. Wagner was present.

Ms. Glover presented this case stating that on October 24, 2003, Mr. Wagner filed a Petition for Waiver of rule 61G4-15.001(1), F.A.C., Qualification for Certification. Mr. Wagner seeks waiver of the verification of education and verification of experience requirements.

Rule 61G4-15.001(1), F.A.C., states that an applicant for certification must submit proof that he meets the eligibility requirements set forth in Section 489.111(2)(c), F.S., for the particular category in which he seeks to qualify. An applicant who seeks to meet the educational standard set forth in Section 489.111(2)(c)1.,2., or 3., F.S., must direct the college, or university, junior college, or community college which he attended to submit proof to the Department that the applicant received the requisite amount of education.

Rule 61G4-15.001(1), F.A.C., further states, active experience in the category in which the applicant seeks to qualify shall be verified by affidavits prepared or signed by a state certified Florida contractor, or an architect or engineer who is licensed in good standing or a licensed building official employed by a political subdivision of any state or possession of the United States who is responsible for inspections of construction improvements, listing chronologically the active experience in the trade, including the name and address of employers and dates of employment (which may be corroborated by investigation by the board). Said affidavits shall be subscribed to in front of a notary.

Section 489.111(2), F.S., states that a person shall be eligible for licensure by examination if the person (c)1. has received a baccalaureate degree from an accredited 4-year college in the appropriate field of engineering, architecture, or building construction and has 1 year of proven experience in the category in this part, a minimum of 2,000 person-hours shall be used in determining full-time equivalency.

According to his Petition, Mr. Wagner earned his degree in Civil Engineering from the LVIV Polytechnic Institute and the Dniepropetrovsk Institute of Railway Engineering.

According to his Petition, Mr. Wagner's experience was gained in the former Soviet Union. As proof of his experience, he has submitted his "Work-Record Book".

Pursuant to section 120.542(2), F.S., rule waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness: are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

Ms. Glover also stated that the burden is on the Petitioner to demonstrate (1) that the purpose of the underlying statute will be or has been achieved or other means and (2) that a substantial hardship or a violation of principles of fairness justifies a waiver of the underlying rule.

Mr. Wagner stated that he has been in the United States for the past 20 years. He worked as for the New York Housing Authority; however, he did not build any houses. He also worked as a truck driver.

The board voted unanimously to deny Mr. Wagner's request of rule waiver.

Public Hearing on Rule 61G4-15.015, F.A.C.

Ms. Glover stated that on October 15, 2003, the Board voted to adopt the attached proposed language for rule 61G4-15.015, F.A.C. On November 21, 2003, Woody Watters, President of the Southeast Glass Association, requested a public rule hearing pursuant to section 120.54(3)(c)1., F.S., on rule 61G4-15.015, F.A.C.

Bruce Kershner and Woody Watters were present and spoke on behalf on the Southeast Glass Association. Mr. Kershner stated that SEGA expressed their concerns at the October 2003 meeting, that the proposed rule change would unduly expand the original intent of the Specialty Structure Contractors license. At the meeting, a compromise was offered by the Aluminum Association of Florida, which would limit the proposed change to Group R Occupancy as defined by the Florida Building Code. It was represented at that meeting that this category did not include commercial structures. Since that meeting, SEGA has researched the Florida Building Code and found that it, in fact, includes hotels and motels and other structures that could well exceed three stories or thirty-foot height restriction. Buildings exceeding this height restriction would require the use of commercial grade windows and doors.

Mr. Blankenship asked Mr. Kershner to define Group R Occupancy. Mr. Kershner stated that the section 311 of the Florida Building Code begins with "Residential Group R Occupancy – use of a building or structure, or any portion there of, for sleeping accommodations not classified as a Group I Occupancy".

The Board voted unanimously to send this issue back to the rules committee in February 2004.

Ms. Glover announced that this would be her last meeting as Board Counsel as she had accepted a job with the Department of Business and Professional Regulation. The Board Members thanked Ms. Glover for all of the hard work and time she put into her job. Many of the members stated that they would miss her.

RECOVERY FUND ATTORNEY'S REPORT

Ms. Rodgers stated that the Recovery Fund Staff would be relocating their offices next week and that their telephones could possibly be out from Monday to Thursday.

Ms. Rodgers stated that as of December 31st, the Recovery Fund had disbursed \$515,867.52, had obligated \$268,281.81 and a service charge of \$3,608 leaving a balance of \$3,212,170.56.

Peggy Bailey, Consumer advocate for Florida's Elders, thanked the Recovery Fund Committee for the fine job that they are doing. Ms. Bailey also stated that she very happy with the committee's decision for claim number 02-C0166 of Delores Leonard v. Glenn C. Schultz.

Claim Number 98-C0140 of Jane Murphy & Marc Sorensen v. Neal J. Blust CRC027153 - Informal Hearing

Ms. Murphy and Mr. Sorensen were present.

Ms. Rodgers presented this case stating that the claim was filed on June 29, 1998. The contract was dated June 24, 1995, in the amount of \$62,900 for land and construction. Construction breakout was \$50,900. Closing on the real property took place on October 27,

1995, a Notice of Commencement was filed on November 7, 1995, and the project was deemed abandoned on April 23, 1996. On August 12, 1996, Claimant filed a new Notice of Commencement.

In this case the claim was filed only 3 months after the 2-year statute of limitations period for discovery. Therefore the claim should be allowed.

Claimant submitted a copy of a cancelled check in the amount of \$1,887 and a statement that the mortgage company had paid \$3,203, totaling \$5,090 paid to contractor.

Claim is not for reimbursement of subcontractor payments. Funds were paid to contractor and no work was performed. Claimants then hired out for completion.

CILB ordered restitution in the amount of \$13,744.63 was entered on July 19, 2000. Restitution appears to include interest on mortgage loan, costs to extend construction period and other items that may not be eligible for CIRF award as these types of damages are under the control of the Claimant.

An asset search is in the file and shows that there are no assets from which claimant can satisfy the judgment.

The board voted unanimously to send this case back to the Recovery Fund Committee.

Claim Number 98-C0089 of Raymond & Joan Chappell v. Construction Industries Recovery Fund and James E. Martin - Informal Hearing

No one was present for this case.

Ms. Rodgers presented this case stating that she recommends the board adopt the Final Order approving this claim as ordered by the Third District Court of Appeal. The claim for \$10,321.95 was originally denied by the Recovery Fund Committee because they felt that the July 7, 1993 change order related back to the original contract date of December 1992, and therefore the homeowners were not entitled to reimbursement.

The board voted unanimously to approve the claim

Claim Number 00-C0261 of Mitchell & Shirley Mitnick v. Robert Stephen Rickel CGC058696 – Informal Hearing

No one was present for this case.

Ms. Rodgers presented this case stating that the original order was filed after Mr. Rickel's bankruptcy had been discharged. Ms. Rodgers is requesting permission to replace the previous order with a revised one removing the language regarding the mandatory suspension of Mr. Rickel's license.

The board voted unanimously to approve Ms. Rodgers' request.

Claim Number 96-C0199 of Stephen A. Humphrey v. Robert P. Ryan, Jr. CBC038918- Informal Hearing

No one was present for this case.

Ms. Rodgers presented this case stating this case was denied by order dated April 24, 1998. Petitioner filed a Notice of Appeal and a request for a Formal Hearing. At this hearing, the parties announced that a settlement agreement had been reached and that there were no material issues of disputed fact for the Administrative Law Judge to consider. In April 1999, the CILB approved the settlement agreement. In September 2000, the Board entered a Final Order approving Petitioner's claim. The Board approved payment of \$25,000 to Petitioner from the Fund. Respondent, Robert P. Ryan, appealed this final agency decision to the Fourth District Court of Appeal. The case was again transferred to DOAH and a formal hearing occurred on March 1, 2002.

The board voted unanimously to accept the order denying the Petitioners' claim.

Claim Number 02-C0166 of Delores Leonard v. Glenn C. Schultz CBC058874 - Informal Hearing

No one was present for this case.

Ms. Rodgers presented this case stating that the claim was filed on September 23, 2002. The contract is dated December 5, 2000, in the amount of \$112,902. Claimant was awarded restitution from the CILB on March 19, 2003, in the amount of \$10,099.59, of which \$10,099.59 is compensable from the Recovery Fund. The material facts and conclusions of law found by the board are as follows:

- a. Contractor was paid \$106,932.23 of the contract price;
- b. Contractor ceased work when approximately 50% of the job was completed;
- c. Contractor violated section 489.129(10)(g)2., F.S., in that contractor abandoned a job and the percentage of completion is less than the percentage of the contract price paid to the contractor at the time of abandonment.

In addition, there is evidence in the file that liens have been placed on the subject property. Copies of the liens are in the file. Claimant admits that she has not paid these lien holders; however, there are 2 outstanding lawsuits brought by 2 of the lien holders. Both suits are in abeyance pending the decision of this Board. The amounts claimed by these lien holders are \$3,373.47 and \$5,409.12. Contractor filed for protection under Chapter 7 of the bankruptcy code and listed claimant as an unsecured creditor. Claimant satisfied all requirements for payment from the Recovery Fund.

The Board voted unanimously to approve the claim for \$10,099.59.

Claim Number 00-C0058 of Trent Bausch v. Sauveur Trincali CGC016868- Informal Hearing

No one was present for this hearing.

Ms. Rodgers presented this case stating that the CIRF received a Motion for Formal Rehearing December 30, 2002. This petition was timely filed. Contractor has agreed to informal hearing before the full CILB.

Ms. Rodgers stated that she recommends that the board reverse the order dated November 17, 2002 and deny claim with prejudice based on the following reasons:

The application was filed on May 20, 2000. Application was not timely submitted. The contract is dated April 14, 1997, in the amount of \$24,225. Claimant paid \$7,267.50 on April 16, 1997. Contractor did not start work after receiving these funds and Claimant deemed the job abandoned on August 11, 1997. Section 489.141(c), F.S., (1997), states that a claim for recovery must be made within 2 years from the time of the act giving rise to the claim or within 2 years from the time the act is discovered or should have been discovered with the exercise of due diligence; however, in no event may a claim for recovery be made more than 4 years after the date of the act giving rise to the claim. The Bausch claim must have been filed no later than the date of discovery, i.e. August 11, 1999. Claimant has not satisfied all requirements for payment from the Recovery Fund.

Ms. Rodgers stated that she received a telephone call yesterday at 6:00 p.m. from an Attorney stating that he had just been hired by Mr. Trincali and could not make this meeting. Ms. Rodgers stated she recommends the board continue this case until the February meeting.

The Board voted to continue this case to the February Board Meeting.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications Approved

Berger, Lennie – initial certified general contractor.

Brown, David – initial certified plumbing contractor.

Dollar, Robert – change of status from one business to another CB C058660.

Honeycutt, William – change of status from one business entity to another.

Larsson, Erik – change of status from one business entity to another.

Lucas, James – initial certified underground utility & excavation contractor.

Manning, William – initial certified residential contractor.

Martin, Derek F. – initial certified commercial pool/spa contractor.

Moore, Edward – initial certified building contractor.

Nicholas Jr., Anthony – initial certified building contractor – with 2 years of probation – 1st appearance in Feb. -2004.

Perry, Dain – initial certified residential contractor.

Quintana, Leyvis – initial certified general contractor.

Reynolds, Errol – initial certified general contractor & initial certified roofing contractor.

Robbins, Cynthia – initial certified building contractor – with 2 years of probation.

Sackrider, Robert – initial registered roofing contractor – with 2 years of probation.

Stayler, Raymond – change of status from individual to qualifying business.

Wolfe, Mark – initial registered plumbing contractor – with 2 years of probation.

Applications continued

Garcia, Jorge – certification of registered general contractor - until Feb. - 2004.

Hinkley, Ronald – initial certified residential contractor.

Kilpatrick, Kenneth – initial certified general contractor – 30 days.

Propst, Andrew – initial certified general contractor.

Applications denied

Blow, Gene – initial certified (inactive) building contractor – lack of civil rights.

Clark, Rebecca L. - initial registered dry wall specialty contractor – no local license.

Cook James –certification of registered class c air conditioning contractor & certification of registered residential contractor – no local license.

Dodgen, Charles – certification of registered general contractor – no verification of exam scores.

Herndon, Ricky – certification of registered general contractor – under 5 years.

Oglesby, John – initial certified building contractor – lack of civil rights.

Peters, Paul – certification of registered class A air conditioning contractor – no verification of exam scores.

The Committee also decided that they no longer wished to review applications where the applicant has a discharged personal bankruptcy. These applications can be approved by department processors.

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

PROBATIONS COMMITTEE

Mr. Del Vecchio gave the following report:

Anthony Bailey, CGC023919 – Unsatisfactory.

Garth Bonner, CPC056430 – Satisfactory.

John Carruth, CCC010271, RC0015254 – Satisfactory.

William Copeland, CCC056854 – Stay Lifted for failure to appear.

Mark Delaquil, CCC058200, SCC13045074 – Unsatisfactory, cash below minimum requirements.

Robert Fleming, Jr., CBC1251087 – Satisfactory.

Robert J. Gore, CGC025698, CGCA25698 – Unsatisfactory, cash below minimum requirements in Anderson/Gore.

Alfred Johnson, CAC1813618 – Satisfactory.

Paul Marchese, CRC057007 – Unsatisfactory.

Rock Miller, CPC056698 – continued.

Michael Mollohan, CBC046644, CCC44040 - Stay Lifted for failure to appear.

Johnny Pannell, RA1306722 – Satisfactory.

Eric Pitchman, CGC013895 – Satisfactory, final appearance.

Richard Thomas, CBC019954 – Continued.

Donald A. Woodington, RC0066891 – Satisfactory.

David Vickers, CGC057366, CCC057466 – Satisfactory.

Tolled:

Edward Plante, CGC1104574

Oscar Martinez, CGC056792

Victor Raymos, CBC0001337

Continuance granted to Louis Heit to appear in March 2004.

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

ADDITIONAL ENTITY COMMITTEE

Ms. Karcher gave the following report:

Applications approved

Adam, Alstott
Booher, Richard H.
Cheesbro, Gordon P.
Coggins, Charles T., Jr.
Day, Michael B.
Endres, Jude
Escudero Jr., Miguel A.
Gee, Denis E.
Gray, Oscar Hall
Hernandez, Jose L.
Hostetler, Ronald C.
Lowenstein, Barney H.
Martling, Leonard W.
Orr, Joseph
Pinna, Tina M.
Robelo, Arnoldo R.
Schottenstein, Steven
Schottenstein, Steven
Schwendeman, Darla L.
Suchorski, Kenneth
Taylor, Norman Berry
Waters, Robert Thomas
Zizzo, Anthony J.

Applications denied

Chabot, Lee A.
Velez, Ricardo Jesus

Applications continued

Middleton, Lawrence – 30 days – per applicant's request.

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 Deborah Lawson, Executive Director, Florida Roof Deck Association, regarding review of structural elements of lightweight insulating concrete roof decks. After discussion, the Board voted to have Ms. Glover send a letter stating that lightweight insulating concrete, when used for insulation, is non-structural and, as such, does not require a license for installation.

The Committee considered a request from Ruth Tirado, Executive Director, Florida Association of Plumbing, Heating, Cooling Contractors, regarding license fee issue. After discussion, the Board voted to not send a letter because this issue does not fall under purview of this Board.

The Committee also considered a request from Ruth Tirado, Executive Director, Florida Association of Plumbing, Heating, Cooling Contractors, regarding clarification on scope of work of a plumbing contractor, specifically, the point of termination of the potable water line, fire line and backflow prevention assemblies. The Board voted to have Ms. Glover send a letter stating that backflow prevention devices are within the scope of work for a plumbing contractor.

The Committee considered a request from Robert Stewart, regarding whether a general contractor who is doing all the structural work on a swimming pool required to hire a swimming pool contractor to subcontract to the plumbing and electrical contractors for "their" work on a swimming pool. The Board voted to have Ms. Glover send a letter stating that general contractors have to subcontract all work, other than the building the structural shell, to a pool contractor.

The Committee also considered an email request from John Hemphill, President, Hemphill Corporation, requesting a letter to Volusia County supporting the recognition of Mr. Hemphill's certified building contractor license to erect communication towers. Mr. Hemphill is further requesting a letter upholding previous letters from previous CILB staff. The Board voted to have Ms. Glover send a letter stating that towers below 250 feet tall could be constructed by either a building or general contractor, and that towers over 250 feet tall must be constructed by a general contractor.

The Committee also considered a request from the Florida Fish and Wildlife Conservation Commission, regarding lake restoration work. The Board voted to have Ms. Glover send a letter stating that this type of work as discussed, does not require a license.

The Committee considered a request from Scott H. Marder, regarding an interpretation of Florida Statute 489.113(3)(a). The Board voted to have Ms. Glover send a letter stating that site work does not require licensure under Chapter 489, F.S.

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

RULES REVIEW COMMITTEE

Ms. Glover stated that the following Rules have been developed:

61G4-15.001 – Qualification for Certification.

61G4 – 15.005 – Requirements for Certification and Registration – (Revisions to net worth amounts.

61G4-15.031 – Medical Gas Certification.

61G4-18.001 – Continuing Education Requirements for Certificateholders and Registrants.

The following Rules have been noticed:

61G4-15.0021 – Certification and Registration of Business Organizations.

61G4- 15.015 – Certification for Specialty Structure Contractors. There will be a Rule Hearing at General Session.

61G4-17.001 – Normal Penalty Ranges – was adopted on 1/13/04 and will become effective on 2/2/04.

The Committee took the following action:

61G4-15.001 – Qualification for Certification – The Committee voted to make the following corrections: Correction to item 13 to Specialty Structure Contractor instead of Specialty Contractor. Correction in item (2)(a) 1. Foundation/Slabs in excess of twenty thousand (20,000) square feet. Correction in item (3)(a) Foundation/slabs. Correction in item (3)(c) Trusses. Correction in item (3)(d) Structural wood framing. The Committee voted to move forward with the adoption process of this Rule.

61G4-15.005 – Requirements for Certification and Registration – After discussion, the Committee voted to move forward with the adoption process of this Rule.

61G4-15.031 – Medical Gas Certification – After discussion, the Committee voted to make no changes to this Rule.

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 and providers were approved:

AIR CONDITIONING CONTRACTORS ASSOCIATION OF NORTHWEST FLORIDA, INC. (0002023)

1st Course: Basics of Business Organization (0006668 EXPIRED 11/16/03)

2nd Course: OSHA in the Workplace (0006669 EXPIRED 11/16/03)

3rd Course: Fundamentals of Workers' Compensation (0006670 EXPIRED 11/16/03)

4th Course: 1997 Standard Mechanical Code, Chapter 3 - General Requirements (0006671 EXPIRED 11/16/03)

5th Course: 1997 Standard Mechanical Code, Chapter 4 - Ventilation (0006672 EXPIRED 11/16/03)

6th Course: 1997 Standard Mechanical Code, Chapter 5 - Exhaust Systems (0006673 EXPIRED 11/16/03)

7th Course: 1997 Standard Mechanical Code, Chapter 6 - Duct Systems (0006674 EXPIRED 11/16/03)

8th Course: 1997 Standard Mechanical Code, Chapter 7 - Combustion Air (0006675 EXPIRED 11/16/03)

9th Course: 1997 Standard Mechanical Code, Chapter 8 - Chimneys and Vents (0006676 EXPIRED 11/16/03)

10th Course: 1997 Standard Mechanical Code, Chapter 11 - Refrigeration (0006677 EXPIRED 11/16/03)

RUDEN, MCCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A. (0001043)

1st Course: Construction Lien and Bond Law in Florida (0003161 EXPIRED 9/15/02)

2nd Course: Understanding the Construction Contract (0003162 EXPIRED 9/15/02)

3rd Course: Mold and Mildew Claims: Distinguishing Between Substance and Hype (NEW)

AMERICAN CONSTRUCTION SCHOOL, INC. (0000872)

Course: Ethics for Contractors

FLORIDA POOL & SPA ASSOCIATION DBA NSPI-FLORIDA (0000917)

1st Course: Outdoor Living Areas, Kitchens, Barbecues & Fire Elements

2nd Course: Job Costing for Profit vs. Existence

GOLD COAST SCHOOL OF CONSTRUCTION, INC. (0000983)

1st Course: A Real Estate Professional's Guide to Mold

2nd Course: Fire Protection Requirements, Structures, Materials & Systems

BUILDING OFFICIALS ASSOCIATION OF FLORIDA (BOAF) (0001001)

1st Course: Florida Construction Laws & Rules: A Review of Jobsite Safety, Workers Compensation and Business Practice Requirements

2nd Course: Florida Building Code: Accessibility Requirements for New Construction

FLORIDA CONSORTIUM OF COMMUNITY COLLEGES FOR CONTINUING EDUCATION OF CONSTRUCTION CONTRACTORS (0001064)

1st Course: Operations Management

2nd Course: Business Assessment and Strategy

3rd Course: Financial Management

4th Course: Business Development

AUTOPILOT SYSTEMS, INC. (0001085)

1st Course: Electrolytic Chlorine Generation (3 Hours)

2nd Course: Electrolytic Chlorine Generation (2 Hours)

FLORIDA ENERGY EXTENSION SERVICE, UF (0001129)

1st Course: Building Envelope

2nd Course: Cooling Load Analysis Issues

3rd Course: Moisture Control Checklist

4th Course: HVAC/IEQ Case Studies

REDVECTOR.COM, INC.

1st Course: Asphalt Pavement - Design Basics (INTERNET)

2nd Course: Precast Concrete Erection Procedures (INTERNET)

3rd Course: Basic Construction Mathematics (INTERNET)

4th Course: Basic Wind Loads: ASCE 7-02 Revealed, Part 1 (INTERNET)

5th Course: Concrete Fundamentals: An Introduction (INTERNET)

6th Course: Construction Arbitration: A Brief Overview - Beginner (INTERNET)

7th Course: Construction Mediation: A Brief Overview - Beginner (INTERNET)

8th Course: Construction Paperwork (INTERNET)

9th Course: Construction Payment Collections (INTERNET)

10th Course: Contract Guide for Design Professionals: Basic Principles (INTERNET)

11th Course: Design Build - An Introduction (INTERNET)

12th Course: Gravel Road Design, Construction & Maintenance (INTERNET)

13th Course: Green Building Materials: An Introduction (INTERNET)

14th Course: Green Building Materials: Product Selection & Specification (INTERNET)

15th Course: Heavy Construction Equipment Basics: Earthmoving & Excavating (INTERNET)

16th Course: Heavy Construction Equipment Basics: Lifting (INTERNET)

17th Course: How to OSHA Proof Your Construction Operations (INTERNET)

18th Course: Insurance for Construction Defects (INTERNET)

THE ACT GROUP, INC. (0001041)

Course: How to Sell HVAC Replacement Equipment So Your Customer Wins
(0001574 EXPIRED 11/16/03)

FLORIDA CONCRETE & PRODUCTS ASSOCIATION (0000973)

Course: Ready Mixed Flowable Fill (0000452 EXPIRED 10/12/3)

CONTRACTORS EXAM SCHOOL, INC. (0000862)

1st Course: Workplace Safety - OSHA Recordkeeping (Updated / Multimedia)
(0000285 EXPIRES 7/1/04)

2nd Course: Workers Compensation (Updated / Multimedia) (0000286 EXPIRES
7/1/04)

3rd Course: Know, Avoid, Minimize Construction Risk (0000296 EXPIRED 7/16/02)

4th Course: Plumbing Exam Preparation (0006229 EXPIRED 10/12/03)

5th Course: Business Practices - Safety & Health Programs (NEW)

LORMAN BUSINESS CENTER, INC. (0000837)

Course: Overcoming Regulatory Obstacles to Traditional Neighborhood
Development

HG & ASSOCIATES, INC. (0000892)

Course: Marketing Your Construction Services

THE MEDIA FACTORY, INC. (0002868)

1st Course: Construction Contracting - The Construction Contracting Process
(INTERNET)

2nd Course: Construction Contracting Part II - Labor Relations (INTERNET)

3rd Course: Construction Contracting Part III - Award Controversies & Risk Allocation
(INTERNET)

4th Course: Construction Contracting Part IV - Changes, Claims, Differing Site Conditions, &
Delay (INTERNET)

5th Course: Construction Contracting Part V - Cost Recovery, Inspections, Warranties &
Termination (INTERNET)

6th Course: Construction Contracting Part VI - The Dispute Process and Alternate Dispute
Resolution (INTERNET)

7th Course: Construction Contracting Part VII - Liabilities (INTERNET)

8th Course: Construction Contracting Part VIII - Contract Close-Out (INTERNET)

9th Course: Mold Remediation in Schools and Commercial Buildings (INTERNET)

HONEYWELL (0001040)

Course: HRAI's 2-Day U.S. Residential Mechanical Ventilation Course

The following course was denied:

JACKSONVILLE PLUMBERS & PIPEFITTERS JOINT APPRENTICESHIP & TRAINING
TRUST (0000931)

Course: Promoting the Piping Industry

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

RECOVERY FUND/FINANCE COMMITTEE

Ms. Kane gave the following report:

Mitchell v. Fleming; Claim No. 99-C0160	Awarded \$11,370.88
Reed v. Sahrow; Claim No. 99-C0197	Awarded \$25,000.00
Eastman v. Gregg; Claim No. 99-C0228	Awarded \$10,000.00
Kartiganer v. Reif; Claim No. 00-C0004	Awarded \$17,203.00
Gambrell v. Hyde; Claim No. 00-C0215	Cont. – Feb 04
Aanestad v. Chappell; Claim No. 01-C0109	Dismissed without Prejudice.
Thompson v. Miskanic; Claim No. 03-C0092	Dismissed without Prejudice.
Bray v. Garmendia; Claim No. 02-C0087	Awarded \$14,265.00

List of Denials

<u>Claim No.</u>	<u>Claimant</u>	<u>Contractor</u>	<u>Reason</u>
97-C0202	Paul and Hildegard Hawrylcw	Regan D. Katz	Failed to provide documentation to complete claim.
98-C0053	Michael Johnson	Robert D. Greig	No judgment or final order
98-C0069	Kathleen Ward	Richard E. Cuoco	Failed to provide documentation to complete claim.
98-C0071	Gardy Marcelin	Paul R. Bertolami	No judgment or final order.
98-C0076	Joe Quinn, Jr.	Benjamin Brooks	No judgment or final order.
98-C0085	Alan and Natalie Rutherford	Robert K. Hoskins	Failed to provide documentation to complete claim.
98-C0106	Joseph and Danilova Reid	Frederick H. Martin	No judgment or final order.
98-C0128	Robert C. Schwartz	W. L. Bates	Has not satisfied requirements.
98-C0133	Timothy and Prudence Yost	Alex N. Jackson	No judgment or final order.
98-C0143	Tim Lighthall	Hermann Gruber	No judgment or final order.
98-C0184	Patricia O. Mathis	Earl W. Eberly	No judgment or final judgment.
98-C0196	Gary F. Leo	Roy E. Corso	No judgment or final order

98-C0211	James and Brenda Meyer	James Walter Rahman	Has not satisfied requirements.
99-C0003	Zofia Rhodes	Darryl A. Newell	No judgment or final order.
99-C0028	Carol A. Kondrasuk	Joseph E. Shook	No judgment or final order.
99-C0047	David and Patricia McDonald	Ronnie C. Maddox	No judgment or final order.
99-C0065	Burton R. Sims	Rodney W. Atkins	Has not satisfied requirements.
99-C0089	Faye C. Matthews	Daniel Matthew Uman	No judgment or final order.
00-C0220	Marc and Laura McCallum	Peter William Johnson	No judgment or final order.
00-C0253	Henry Rowland	James Leonard Lockhart	No judgment or final order.
01-C0006	Paul and Kathleen Matecki	Rutland Estates Development	Construction contract
02-C0022	Barbara J. Perpall	Edward J. Millard, III	No judgment or final order.
02-C0164	James Anderson	David Blum	No judgment or final order.
02-C0190	Anthony Delcavo	Robert Sfassie	Has not satisfied requirements.
03-C0059	Brian and Karen Foye	Anthony Catalano	Has not satisfied requirements.
03-C0241	Duane and Jasmine Williams	John Alexander Tchor	Unlicensed Contractor.

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

With no further business, the meeting was adjourned at 10:48 a.m.