

EXECUTIVE SUMMARY

Construction Industry Licensing Board

General Information

Meeting type: General Board Meeting

Meeting dates: February 8-10, 2006, Embassy Suites Hotel - USF, Tampa, FL

Board members: Joan M. Brown, Chair, Paul DeVecchio, Vice Chair, Michelle B. Kane, Edward M. Weller, Barry Kalmanson, Lee-En Chung, Thomas Thornton, Robert Stewart, Don Wilford, Jacqueline Watts, Raymond Holloway, Mark Pietanza, Doris O. "Peggy" Bailey, Jim Flaherty

Board members absent: Carl E. Engelmeier (Excused absence)

Board Counsel: Diane Guillemette

Department Staff: Tim Vaccaro, Stacey Merchant, Andrew Janecek, Patrick Creehan, Adrienne Rodgers, Valeria Singleton

Other Attendees: Secretary Simone Marstiller

Deputy Secretary Dennis Yecke

Major Issues/Actions

- Secretary Marstiller addressed the department's ongoing efforts to improve customer service. The Secretary indicated that the department is conducting customer satisfaction surveys in order to determine how it can better serve the public. She also indicated that the department is providing additional customer service training to personnel, and that the department has established a toll-free unlicensed activity telephone service to encourage the public to report unlicensed activity.
- Secretary Marstiller introduced Deputy Secretary Yecke. The Deputy Secretary also stressed the department's efforts to improve customer service and provide greater consumer protection. The Deputy Secretary indicated that the Division of Professions and Regulation had embarked upon a restructuring project to increase investigative efforts in the field and to place greater emphasis on mediation, in order to provide faster relief to injured consumers. The board greeted the Secretary's and Deputy Secretary's presence with enthusiasm.
- The Application Review Committee considered the First District Court of Appeals remand of the Goode "Buddy" Yeoman case, in which the court ruled that the board lacks statutory authority to deny Mr. Yeoman, a convicted felon, licensure based upon his loss of civil rights. Based upon the Court's ruling, the board voted to grant Mr. Yeoman a contractor's license.
- The board is also defending an appeal regarding the denial of licensure to Michael Alfonso, an applicant convicted of bank robbery. The board's denial cited Mr. Alfonso's lack of civil rights, conviction of a crime related to contracting, and lack of good moral character. Section 489.111, F.S., authorizes the board to deny an applicant licensure when there is a substantial connection between the applicant's lack of good moral character and the professional responsibilities of a contractor. Based upon the Yeoman decision, the board granted Board Counsel's request to amend its denial order to remove the ground related to civil rights.
- The board considered a petition for declaratory statement filed by Mark Pietanza as to whether ch. 489, F.S., requires that a licensed sheet metal contractor subcontract the installation of a steel roof curb to a licensed roofing contractor when the sheet metal contractor installs a hood exhaust system. The board determined that ch. 489, F.S., does not require the licensed sheet metal contractor to subcontract such work.

Legislation/Rule Promulgation

- The board expressed concern regarding the First DCA ruling in the Yeoman case, along with a 2005 First DCA ruling in the Gold Coast School of Construction case, in which the Court determined that the CILB lacks specific statutory authority to impose minimum net-worth requirements upon its applicants. The board voted to take the position that it supports

legislation to provide authority under ch. 489, F.S., to deny licensure for lack of civil rights and to authorize the board to impose net-worth requirements.

- The Rules Committee continued its discussion regarding revisions to the disciplinary guidelines set forth in Rule 61G4-17.001, FAC, based upon increased fine limits created by HB 113 during the 2005 Legislative Session. Board Counsel provided the Rules Committee with draft revisions to the disciplinary guidelines, and the committee voted to consider the revisions during the March board meeting.

Action Required

- Diane Guillemette, Board Counsel, will file a petition to amend the Board's Final Order in the Michael Alfonso appeal and will draft a Final Order addressing Mr. Pietanza's Petition for Declaratory Statement.