

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**FOUR SEASONS RESORT PALM BEACH
2800 SOUTH OCEAN BLVD
PALM BEACH, FL 33480**

**August 13 – 15, 2008
MEETING MINUTES**

Board Members Present

Barry Kalmanson, Chair
Jacqueline Watts, Vice Chair
William S. Sheehan
Mark Pietanza
Paul Del Vecchio
Edward Weller
Michelle Kane
Peggy Bailey
James Flaherty
Don Wilford
Carl E. Engelmeier
Joan M. Brown
Raymond Holloway
Lorie Clark
Robert Steward

Board Members Absent

Robert Moody Jr.
Frank Bonuso

Others Present

G. W. Harrell, Executive Director, DBPR
Andy D. Janecek, Government Analyst, DBPR
Amanda Abbott, Government Analyst, DBPR
Daniel Biggins, Legal Advisor, AGO
Carrol Cherry, Legal Advisor, AGO
Jeff Kelly, Chief Prosecuting Attorney, DBPR
Kyle Christopher, Prosecuting Attorney, DBPR
Marc Drexler, FHCRF Attorney, DBPR
Anne Bailey, FHCRF Staff, DBPR

GENERAL SESSION

General Session was called to order by Barry Kalmanson, Chair, on August 15th, 2008 at 8:30 am. Mr. Holloway gave the Invocation. Mr. Pietanza led the Pledge of Allegiance.

REVIEW OF MINUTES

The board voted unanimously to approve the following minutes:

June 2008 – Final Action

July 2008 – Final Action

With no further business the board voted unanimously to approve this report.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell offered an apology on the behalf of Secretary Chuck Drago for not being able to make it to this month's meeting. Mr. Harrell announced the recognition of the outgoing Chair, Mr. Raymond Holloway. Mr. Harrell presented Mr. Holloway with a plaque.

The board voted unanimously to approve this report.

CHAIRMAN'S REPORT - BARRY KALMANSON

Mr. Kalmanson announced the fines from the previous day's Final Action amounted to \$1,228,300. \$11,665 in Costs, and \$472,000 in Restitution.

Mr. Moody's absence was excused.

Mr. Bonuso's absence was unexcused.

The board voted unanimously to approve this report.

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

For the month of July 2008, the overall case load was 2,296, down from 2,359 from June 2008 and up from 1,818 from July of 2007.

There were 597 cases to be reviewed in Legal, 234 cases set for probable cause and 510 cases where probable cause had been found/administrative complaints filed. 121 cases were ready for default, 93 cases had stipulations executed/informal hearings requested, and 171 had requested formal hearings. There were 64 cases referred to DOAH, 104 cases in settlement negotiations, 154 cases awaiting final orders, and 248

cases set for Board presentation. There were 0 cases under appeal and 0 cases reopened. 143 cases were closed for the month of July.

With no further discussion the board voted unanimously to approve this report.

RECOVERY FUND ATTORNEY'S REPORT – MARC DREXLER

Mr. Drexler gave the following report:

This year the Recovery Fund has been appropriated \$1.8 million dollars. \$202,858.54 has been obligated to claimants. \$1,597,141.46 currently remains in the Fund.

478 claims pending of which 26 are Div II claims. There are 432 new claims for this year, 59 of them in July. There were 15 cases presented to Recovery Fund Committee. There are currently 338 cases pending over 180 days and 140 cases pending under 180 days. There have only been 2 appeals so far this year.

Mr. Drexler projects the money will run out in the first couple months of the New Year, at which point the people waiting on claims will have to wait until the next fiscal year to receive funds.

With no further discussion the board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – DAN BIGGINS/WILLIAM OGLO

DENNIS HARDY – RECONSIDERATION OF A PROBATION APPEARANCE

Mr. Hardy was present.

Mr. Biggins presented this case as a reconsideration of a probation appearance. Mr. Hardy is requesting his first appearance, which was unsatisfactory, to be turned into a satisfactory. Mr. Hardy has had the Stay of Suspension lifted once before and has two unsatisfactory appearances on his record. Mr. Engelmeier stated Mr. Hardy had a tendency to be confrontational when first appearing in front of the Board but has learned to respect the Board.

After discussion the board voted unanimously to deny the request to turn an unsatisfactory to a satisfactory.

DAVID MART – REQUEST TO REINSTATE LICENSE TO PROBATION STATUS

Mr. Mart was present.

Mr. Biggins presented this case as a request to reinstate David Mart's license to probation status. Mr. Mart previously had the Stay of Suspension lifted from his license.

After discussion the board voted unanimously to reinstate the license to probation status with a \$200 assessment and an unsatisfactory appearance on his record.

NEGOTIATION INSTITUTE – REQUEST FOR INFORMAL HEARING

A representative from Negotiation Institute was present.

Mr. Biggins presented this case stating Negotiation Institute's course application was denied for failure to be sufficiently related to the practice of contracting. Negotiation Institute received a Notice of Intent to Deny. Negotiation Institute timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

SOUTH FLORIDA CHAPTER ASSOCIATED GENERAL CONTRACTORS OF AMERICA – REQUEST FOR INFORMAL HEARING (CE)

Mr. Biggins presented this case stating it has been pulled from the agenda.

TIMOTHY SULLIVAN – PETITION FOR DECLARATORY STATEMENT

Mr. Sullivan was not present.

Mr. Biggins presented this case as a petition for a Declaratory Statement.

After discussion the board voted to not consider this as it's not formatted appropriately for a Declaratory Statement and there is not enough information to issue a Declaratory Statement.

With no further discussion the board voted unanimously to approve this report.

ALDON BOOKHARDT – REQUEST TO REINSTATE LICENSE TO PROBATION STATUS

Mr. Bookhardt was present.

Mr. Biggins presented this case as a request to reinstate probation. Mr. Bookhardt stated was not present for his previous probation appearance but submitted all his paperwork. Mr. Engelmeier

After discussion the board voted unanimously to reinstate the license to probation status with a \$200 assessment and an unsatisfactory appearance on his record.

ROBERT COLASURDO – REQUEST FOR INFORMAL HEARING

Mr. Colasurdo was present.

Mr. Biggins presented this case stating Robert Colasurdo's application to qualify an additional business was denied for failure to appear. Mr. Colasurdo's received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board voted unanimously to vacate the Notice of Intent to Deny and send the application back to the Additional Entities Committee.

ROBERT RICCIARDELLI – REQUEST TO REINSTATE LICENSE TO PROBATION STATUS

Mr. Ricciardelli was present.

Mr. Biggins presented this case as a request to reinstate probation. Mr. Ricciardelli stated he was not present for his probation appearance. Mr. Ricciardelli stated the Stay of Suspension on his license was lifted three years prior and is requesting reinstatement.

After discussion the board voted unanimously to reinstate the license to probation status with a \$200 assessment and one unsatisfactory appearance on his record.

COMMITTEE REPORTS

ADDITIONAL BUSINESS ENTITIES COMMITTEE – MARK PIETANZA

Board members met for Additional Business Entities Review on August 13, 2008 from 4:22 – 5:33 p.m. Mr. Pietanza gave the following report: of the 30 applications reviewed, 23 were approved, 1 was approved contingent, 2 were continued, 1 was withdrawn and 3 were denied.

APPROVALS (23)

Allen, Stephen
Bandes, Robert
Coppedge, Joseph
Crisp, Dale
Dalton, John
Elder, Robert
Estevez, Jeffrey
Glennon, James
Goodson, Tommy
Harmon, Kevin
Horne, Boyce
Kavaky, Joseph
Mannella, Frank
Mansson, Lars
Meacham, David
Puentes, Juan
Senseman, Robert
Summers, Christopher
Tackett, James
Taylor, John
Truby, Mark
Yanovak, John

CONTINGENT APPROVALS (1)

Crisp, Dale - \$1,000 assessment (money moving in accounts)

CONTINUANCES (2)

Johnson, Grover – continued 30 days, not present.

Mullins, David – continued 30 days, not present

WITHDRAWALS (1)

Bo, Donald M

Roberts, Riley

DENIALS (3)

Acevedo, Angel

Leal, Wilfredo

McFarland, Donald

With no further discussion the board voted unanimously to approve this report.

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – JIM FLAHERTY

The Exams/CE/Public Awareness Committee met on August 14th, 2008 at 3:15 pm. The Committee was led by Mr. Flaherty. Of the 24 courses submitted, 18 were approved, 5 were denied, and 1 was withdrawn.

American Construction School, Inc.

- 2007 Florida Building Code – approved
- Green building – approved, 14 hours

Bloomer, Geri & Co CPA & Business Professionals – approved

- Construction and Job Costing in QuickBooks – approved

Building Officials Association of Florida

- Specification & Installation on Non-Structural Wall Framing – approved

Cunningham Construction

- A business Box of Ideas For construction Management – denied

Educational Training, Inc.

- Bid, Performance, and Payment Bonds – approved
- Introduction to OSHA Subpart C – approved
- Laws and Rules – approved
- Workers' Compensation – approved

Florida Home Builders Association

- Five Things You Need to know about Your License – approved

FMI Corporation

- Financial Management for Non-Financial Managers (# 0000409, Expired 1/13/2008) – denied

- Improving Construction Productivity (# 0000400, Expired 01/13/2008) – denied

Glenn Rasmussen Fogary & Hookeer, P.A.

- Construction Contract Provisions – approved

Hughes & Associates – approved

- Designing with Wood alternative Fence Deck & Rails – denied

Infinity LC – approved

- Environmentally Friendly Landscaping & Site Design – approved
- Laws & Rules – Getting & Keeping Your Contractor's License – approved
- High Performance Buildings: Process & Case Study – approved
- Workers' Compensation Primer – approved

Lorman Business Center, Inc.

- Understanding Land and Title Surveys – approved

Precision Point Systems, Inc.

- Systems & Pipe Sleeve Lay-Out Techniques – denied

School for Contractors and Trades

- Florida Laws and Rules Related to the Construction Industry – approved

Tom Prpich Consultants

- Windstorm Loss Mitigation Methodologies – approved

With no further discussion the board voted unanimously to approve this report.

RECOVERY FUND/FINANCE COMMITTEE – JOAN M. BROWN

The Recovery Fund/Finance Committee met on August 14th, 2008 at 1:00 pm. The Committee was led by Joan M. Brown. Of the 15 cases presented, a total of \$246,416.50 was awarded to 11 claims. 2 claims were denied, 1 was continued, and 1 was pulled.

2007-006547 - \$10,523.72
2007-006564 - Continued
2007-011642 - \$25,000
2007-025211 - \$21,484.36
2007-028630 - \$28,325
2007-032933 - \$1,000
2007-043928 - \$15,000
2007-047336 - \$49,810
2007-050654 - Denied
2007-052500 - Pulled
2007-054552 - \$25,000
2007-054950 - \$12,500
2007-059236 - \$10,500

2007-059242 - \$47,273.42
2007-062607 – Denied

With no further business the board voted unanimously to approve this report.

PROBATIONS COMMITTEE – CARL ENGELMEIER

The Probation Committee met on August 14th, 2008 at 3:30 pm. The Committee was led by Carl Engelmeier. Of the 21 appearances, 16 were satisfactory, 4 were unsatisfactory

Ball, William, (CGC 36194)

Result: Satisfactory

Brenneman, Kent, (CPC 57225)

Result: Satisfactory

Debolt, Heather, (CBC 58193)

Result: Satisfactory

Gasperson, Robert, (CCC 1326271)

Result: Satisfactory

Gaul, David, (CAC 1815055)

Result: Satisfactory

Glagola, Steven, (CGC 1511992)

Result: Unsatisfactory

Hobel, Edward, (CCC 29553)

Result: Unsatisfactory

Igou, William, (CBC 1254550)

Result: Satisfactory

Jones, Kenneth, (CBC 1250728)

Result: Unsatisfactory

Kelly, James, (CGC 50721)

Result: Satisfactory

Kontny, Todd, (CMC 1249643)

Result: Satisfactory

Kuntz, Wayne, (CBC 22190, CCC 57335)

Result: Satisfactory

Malanchuk, Richard, (CGC 11508)

Result: Continued for 6 months

Mancini, John, (CGC 37419)

Result: Satisfactory

Mendez, Thomas, (CGC 46376)

Result: Satisfactory

Natanson, Gary, (CGC 52834)

Result: Unsatisfactory

Oltmann, Richard, (CGC 14487)

Result: Satisfactory

Payne, Troy, (CGC 22901)

Result: Satisfactory

Tummolo, Raymond, (SCC 56738)

Result: Satisfactory

Valladares, Jose, (CGC 1511678)

Result: Satisfactory

West, James, (CGC 44136)

Result: Satisfactory

With no further discussion the board voted unanimously to approve this application.

APPLICATION REVIEW COMMITTEE – JACQUELINE WATTS

Board members met for Application Review on August 14, 2008 from 1:02 – 4:57 p.m. Ms. Watts gave the following report: of the 49 applications reviewed, 17 were approved, 10 were approved with conditions, 4 were continued, 3 were withdrawn and 15 were denied.

APPROVALS (17)

Abel, William Stephen – Division I

Ayala, Jose Daniel – Division II

Blanchard, Scott Christopher – Division I

Coldren, Randall Jon – Division II

Downs, Cory Michael – Division I

Fernandez, Guido – Division II

Gonzalez, Yorlandy – Division II

Graves III, Jessie B. – Division II

Hernandez, Manuel – Division II

Johnson, William Elliott – Division I

Locigno, Mark Steven – Division I

Nickelson, Vicki Ann – Division I

O'Grady, Thomas J. – Division II

Ragonese, Nicholas R. – Division II

Slessor, Kenneth Eugene – Division II
Velazoo, Jose E. – Division I
West, Gary Leonard – Division I

CONDITIONAL APPROVALS (10)

Althoff, Steven J. – Division II – probation, 4 years
Baum, Aaron Daniel – Division I – downgrade to Residential
Bloomer, Douglas Robert – Division II – probation, 5 years
Chamberlain, Neal Ray – Division I – downgrade to Building
Cicora, Jr., Glenn Michael – Division I – downgrade to Building; continued 30 days to capitalize business CPA letter of capital.
Faulkner, III, Thomas Joseph – Division I – downgrade to Building
Romero, Jose L. – Division II – probation, 2 years
Scammell, William Franklin – Division I – probation, 4 years
Stamas, Christopher – Division I – probation, 4 years
Wark, James Edward – Division – downgrade to Residential

CONTINUANCES (4)

Abreau, Daniel – Division I – continued 30 days, need more experience and financials.
Brooks II, Joseph Raymond – Division I – continued 30 days, increase experience and improve financial stability
Corrales, Martin Alejandro – Division II – continued 30 days, make insurance match application
Gonzalez, Felix – Division I – continued 60 days granted per request

WITHDRAWALS (3)

Chieffe, Kelly Michelle – Division I
Helbling, Edward – Division II
Stockhausen, Todd Jerome – Division II

DENIALS (15)

Berman, Burton – Division I
Bethel, Ronald L. – Division II
Cameron, Todd A. – Division II
Casas, Alejandro – Division I
Dean, Charles J. – Division II
Guzman, George – Division I
Jenkins, Elliot James – Division I
Merolle, Michael – Division II
Pease, Zachary Spencer – Division II
Queen, Ronnie – Division II
Schmidt, Jeffrey Lee – Division II
Thomas, Jr., Samuel J. – Division I
Valverde, Eric – Division I
Walter, III, Fred Douglas – Division II

The Board reviewed and ratified the list of approved financially responsible officer applications.

With no further discussion the board voted unanimously to approve this report.

AD HOC LICENSURE QUALIFICATIONS COMMITTEE – PAUL DEL VECCHIO

Mr. Del Vecchio stated the Committee reviewed a form for additional information with respect to experience. A General Contractor application was used as a model for this form. The Committee will continue to work on this. Mr. Del Vecchio stated he has been tasked with Solar Contractor guidelines and solicited information and possible advice from several other board members so the Committee could continue to develop these forms.

With no further discussion the board voted unanimously to approve this report.

RULES/PUBLIC/LEGISLATIVE COMMITTEE – BARRY KALMANSON

The following rules have been **Developed**:

61G4-15.012 Certification of Residential Solar Water Heater Specialty Contractors

61G4-18.002 Definitions

61G4-18.004 Approval of CE Courses

The following rules have been **Noticed**:

61G4-12.009 Fees

61G4-12.011 Definitions

61G4-15.001 Qualification for Certification

61G4-15.028 Precision Tank Testers

61G4-15.029 Tank Lining Applicators

61G4-15.032 Certification of Swimming Pool Specialty Contractors

61G4-16.0021 (1) Written Exam for Swimming Pool Specialty Contractors

61G4-18.001 CE Requirements

61G4-21.005 Payment of Claims

Mr. Kalmanson voted to proceed with Internet Courses and Distance Learning to be interactive (someone has to be at each end of the computer). The Committee voted to proceed on this.

Mr. Kalmanson stated they would proceed with verification to verify who is actually taking the course.

Mr. Kalmanson discussed the wording of the rule for the scope of the work for a Certified Underground Utility Contractor but that a resolution was not reached.

With no further discussion the board voted unanimously to approve this report.

OLD BUSINESS

There was no old business discussed.

NEW BUSINESS

Ms. Watts discussed issues with back flow preventer work being performed by people that are not licensed plumbers when only a licensed plumber is qualified to perform the work to actually reach the back flow preventer. Some entities are certifying people to work on back flow preventers who are not licensed. The idea of a declaratory statement was brought up and might possibly appear at a future board meeting.

With no further business the board meeting was adjourned.

ADJOURNMENT