

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**EMBASSY SUITES TAMPA – USF
3705 SPECTRUM BLVD.
TAMPA, FL 33612
813-977-7066**

GENERAL SESSION MINUTES

FEBRUARY 13, 2009

The meeting was called to order by Mrs. Jacqueline Watts, Chair, at 8:33 am.

Board Members Present

Jacqueline Watts, Chair
Peggy Bailey
Elbert Batton
Frank Bonuso
Paul Del Vecchio
Carl E. Engelmeier
James C. Evetts
James Flaherty
Raymond Holloway
Jerry D. Hussey
Michelle Kane
Roy R. Lenois
Robert Moody Jr.
Mark Pietanza
William S. Sheehan
Don Wilford

Board Members Absent

Edward Weller

Others Present

G. W. Harrell, Executive Director, DBPR
Andy D. Janecek, Government Analyst, DBPR
Amanda Abbott, Government Analyst, DBPR
David Spingler, Administrative Assistant, DBPR
Daniel Biggins, Legal Advisor, AGO
Carrol Cherry, Legal Advisor, AGO
Tiffany Harrington, Prosecuting Attorney, DBPR
Lisa Comingore, Prosecuting Attorney, DBPR

Mr. Holloway gave the invocation. Mr. Del Vecchio led the Pledge of Allegiance.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell thanked the board for their work during Final Action the previous day and proposed the idea of allotting a lunch break in the middle of Final Action, and possibly scheduling more committee meetings on Wednesday or Friday to ease the load Thursday. Mr. Harrell also stated he would make sure that local discipline cases are checked by OGC to make sure they're compliant with local discipline before they appear in front of the board. Mr. Harrell also mentioned that the department has proposed the idea of eliminating the Qualified Business License.

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

CHAIRMAN'S REPORT – JACQUELINE WATTS

The following absences were excused:

Mr. Weller (whole meeting)

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

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

For the month of January 2009, the overall case load was 1,952, up from 1,893 for December 2008 and down from 2,052 in January of 2008.

There were 549 cases to be reviewed in Legal, 129 cases set for Probable Cause and 436 cases where probable cause had been found/administrative complaints filed. 134 cases were ready for default, 33 cases had stipulations executed/informal hearings requested, and 120 had requested formal hearings. There were 27 cases referred to DOAH, 91 cases in settlement negotiations, 224 cases awaiting final orders, and 209 cases set for board presentation. There were 0 cases under appeal and 0 cases re-opened. 186 cases were closed for the month of January.

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

ATTORNEY GENERAL'S REPORT – DAN BIGGINS

LANCELOT BRYAN – REQUEST FOR INFORMAL HEARING

Mr. Bryan was present.

Mr. Biggins presented this case stating Lancelot Bryan's application for initial issuance of a Certified General Contractor's License was denied for failure to demonstrate the required experience. Mr. Bryan received a Notice of Intent to Deny. Mr. Bryan timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

MATTHEW DISTELHURST – REQUEST FOR INFORMAL HEARING

Mr. Distelhurst was present with Counsel, Mr. Tim Atkinson.

Mr. Biggins presented this case stating Matthew Distelhurst's application for initial issuance of a Certified General's Contractor's license was denied for failure to demonstrate the required experience and prior discipline issues. Mr. Distelhurst received a Notice of Intent to Deny. Mr. Distelhurst timely requested board reconsideration.

After discussion the board voted unanimously to approve the application as a Certified Building Contractor.

GEORGE GUZMAN – REQUEST FOR INFORMAL HEARING

Mr. Guzman was present.

Mr. Biggins presented this case stating George Guzman's application for initial issuance of a Certified General Contractors license was denied for failure to demonstrate the required experience and failure to demonstrate financial stability. Mr. Guzman received a Notice of Intent to Deny. Mr. Guzman timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

CLINTON HENNECY – PETITION FOR VARIANCE AND WAIVER

Mr. Hennecy was present with Counsel, Tim Atkinson.

Mr. Biggins presented this case as a petition for variance of waiver of rule 61G4-15.001 (2). Mr. Harrell stated Mr. Hennecy has passed the General Contractors Examination and would like to use that exam to be issued a Certified Specialty License for the construction of communication towers.

After discussion the board voted unanimously to grant the petition for variance and waiver.

ELLIOT JAMES JENKINS – REQUEST FOR INFORMAL HEARING

Mr. Jenkins was present.

Mr. Biggins presented this case stating Elliot Jenkin's application for initial licensure for a Certified General Contractors license was denied for failure to demonstrate the required experience and for pending discipline. Mr. Jenkins received a Notice of Intent to Deny. Mr. Jenkins timely requested board reconsideration.

After discussion the board voted unanimously to approve the application as a Certified Building Contractor.

CHARLES MILLER – REQUEST FOR INFORMAL HEARING

Mr. Miller was present with Counsel.

Mr. Biggins presented this case stating Charles Miller's application for initial licensure as a Certified Class B Air Conditioning contractor was denied for failure to demonstrate the required experience, failure to show good moral character, and having been found guilty of crimes related to the practice of contracting, and issues with the experience verifier. Mr. Miller received a Notice of Intent to Deny. Mr. Miller timely requested board reconsideration. Mr. Miller requested a 60 day continuance.

After discussion the board voted unanimously to grant a 60 day continuance.

ROBERT RAINES – RECOMMENDED ORDER

Mr. Raines was present.

Mr. Biggins presented this case as a Recommended Order on a ruling from an Administrative Law Judge. Mr. Biggins stated the Administrative Law Judge upheld the Board's decision to deny the application and found Mr. Raines ineligible to obtain licensure.

After discussion the board voted unanimously to uphold the Administrative Law Judge's findings.

SAFETY GUYS – REQUEST FOR INFORMAL HEARING (CE)

A representative from Safety Guys was not present.

Mr. Biggins presented this case stating the CE courses offered by Safety Guys title were denied. Safety Guys received a Notice of Intent to Deny. Safety Guys timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

ANTHONY SMITH-MARTINEZ – REQUEST FOR INFORMAL HEARING

Mr. Smith-Martinez was present.

Mr. Biggins presented this case stating Mr. Smith-Martinez' application for initial licensure as a Certified Roofing Contractor was denied due to failure to demonstrate the required experience. Mr. Smith-Martinez received a Notice of Intent to Deny. Mr. Smith-Martinez timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

IGNACIO VIGO – REQUEST FOR INFORMAL HEARING

Mr. Vigo was present.

Mr. Biggins presented this case stating Ignacio Vigo's application for a change of status of a Certified A/C Contractors license was denied due to pending discipline. Mr. Vigo received a Notice of Intent to Deny. Mr. Vigo timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

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

ADDITIONAL BUSINESS ENTITIES REVIEW – MARK PIETANZA

Mr. Pietanza gave the following report:

Applications Approved

Armstrong, Scott

Aubry, Robert

Barbieri, Anthony

Chong, Arnold

Daniels, John

Hamilton, Brad - need 7hrs laws and rules CE within 1 year

Jarvis, John

Johnson, Bruce

Kay, John

Kelly, Kyle

Lee, Tae

Lewis, James

Lue, Daniel

Lyssenko, Ilia

Mancini

Marsala, Joseph

McDonald

Mobley, Michael

Mosher, Christopher

Powell, Wallace

Romano, Joseph

Schaneville, Scott - 7hrs of laws and rules CE in one year

Wilson, William

Wolf, Daniel

Wolf, Daniel

Applications Denied

Lee, Timothy

Applications Withdrawn

Perez, Luis

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE AGENDA – JIM FLAHERTY

Mr. Flaherty gave the following report:

Air Conditioning Contractors of America

- 1st Course: (Almost) 50 Ways to find and Keep good employees – denied
- 2nd Course: Cluster control: 5 marketing Steps for Local Domination – approved for one credit hour only
- 3rd Course: Energy Analysis for Homeowners – approved for one general credit hour only
- 4th Course: Front Line Service, Upselling & Handling Stress – denied
- 5th Course: Hiring the right people: Screening and Interview Techniques – denied
- 6th Course: Identifying and Selling “Energy Saving” in Commercial Building – approved for one credit hour only
- 7th Course: Managing your Company with “Team Leaders” – approved for one credit hour only; instructor must be qualified
- 8th Course: Mastering Manual N: Tips, Tricks and Tips – approved for one credit hour only
- 9th Course: Maximizing Profits Through Email – approved for one credit hour only
- 10th Course: Measuring Customer Satisfaction – approved for one credit hour only
- 11th Course: Performing Energy Audits for Existing Homes – approved for one credit hour only
- 12th Course: PR is not just for Big Companies Get Free Press & Grow Your Business – denied
- 13th Course: Pricing for Profits – approved
- 14th Course: Recipe for Maximizing Commercial Service Profits – approved for one credit hour only
- 15th Course: Retrofits Opportunities for the Commercial Contractor – approved for one credit hour only
- 16th Course: Selling Commercial Service Agreements – approved for one credit hour only; instructor must be qualified
- 17th Course: Strategies for reducing callbacks – approved for one credit hour only; Instructor must be qualified
- 18th Course: Taking your Service Agreement program to the next Level – approved for one hour credit only; Instructor must be qualified
- 19th Course: Ten Years from Now: The Successful Contractor of the (Near) Future – denied
- 20th Course: The Green Consumer: Who they are, What they want and How to Sell to Them – approved for one hour credit only; Instructor must be qualified
- 21st Course: The HVACR Career Path: Building one for your Employees – approved for one hour credit only
- 22nd Course: The Truth about contracting: What Your Techs need to know before they become your completion – approved for one credit hour only

American Rainwater Catchment Systems Association

- 1st Course: ARCSEA Rainwater Catchment Professional Accreditation - approved

B T Builders Inc.

- 1st Course: Chapter 440 Florida Statutes Workers Compensation – approved for one hour workers' compensation credit only
- 2nd Course: Contractor Licensing Chapter 489 Florida Statutes – approved for one hour laws and rules credit and one hour general credit
- 3rd Course: Fixed Ladder Safety – approved for one hour workplace safety credit only
- 4th Course: Lien Law of Florida Chapter 713 Construction Liens – approved for one hour business practice credit and one hour general credit
- 5th Course: Portable Ladder Safety – approved for one hour workplace safety credit only
- 6th Course: Wind Mitigation – approved for one hour wind mitigation credit only

Commercial Energy Specialists, Inc.

- 1st Course: Guerilla Professional Pool Management Seminar – denied
- 2nd Course: Proven Green Technologies for Commercial Pools – denied

Contractor's Education Source, Inc.

- 1st Course: HVAC System and Indoor Air Quality - approved

Continuing Education Academy

- 1st Course: Preparing Financial Statements – approved
- 2nd Course: Understanding Contract Surety Bonds – approved

Drexel Metals Corporation

- 1st Course: Sustainable Design & Metal Roofing – denied

Florida Wood Council

- 1st Course: Florida Lien Law – approved
- 2nd Course: Keys to an OSHA Inspection – approved
- 3rd Course: OSHA & State of FL Safety (Administration) – approved
- 4th Course: Safety Violations and Prevention - approved

Glenn Rasmussen Fogarty & Hooker, P.A.

- 1st Course: The Current Revision to AIA Contract Documents - approved

Hillsborough Association of Plumbing, Heating & Cooling Contractors, Inc.

- 1st Course: Safety Program Guidelines – approved
- 2nd Course: Workers Compensation Cost Management - approved

Honeywell International

- 1st Course: Dehumidification and Controls – approved

(Name change only)

(0001571, Expired 05/31/2005)

Koning Enterprises, Ind. DBA Contractors Institute

- 1st Course: Florida Building Code: Health Care Plumbing – approved
- 2nd Course: Florida Building Code: Health Care Plumbing (Internet Version) – approved
- 3rd Course: Florida Building Code: Plumbing-Chapter 7- Sanitary Drainage Systems – approved
- 4th Course: Florida Building Code: Plumbing-Chapter 7- Sanitary Drainage Systems (Internet Version) - approved

Miami Dade College

1st Course: LEED, Certification Training - approved

Palm Beach County Plumbing, Pipefitting Joint Educational Trust Fund

1st Course: Contractors, Installer and Inspector Medical Gas Certification – approved
(00003067, Expired 09/09/2007)

2nd Course: Florida Laws and Rules Overview – approved for business practice,
workers' compensation and workplace safety credits only
(0008081, Expired 04/15/2007)

3rd Course: OSHA Outreach for Journeyman & Apprentices in the Construction Trades –
approved
(0000501, Expired 07/15/2007)

Pinch A Penny, Inc.

1st Course: Using Reports to Maximize Profitability for the Contractor – approved

Plumbing Contractors Association

1st Course: How to transform a bathroom PT1 – approved

2nd Course: How to transform a bathroom PT2-Installation – approved

3rd Course: Using Legal Entities for Individuals and Business - approved

Professional Training & Consultants, Inc.

1st Course: Significant Changes to the Florida Building Code – approved

2nd Course: Significant Changes to the Florida Residential Building Code – approved

Stellar Group

1st Course: Managing Design/Build Construction Projects – continued 60 days to
provide hour-for-hour timeline

(Application was remanded to committee by full board on January 16, 2009.)

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

PROBATIONS COMMITTEE – CARL ENGELMEIER

Mr. Engelmeier gave the following report:

Ball, William, (CGC 36194)

Result: Satisfactory

Borello, Laurence, (CCC 42793)

Result: Satisfactory

Brenneman, Kent, (CPC 57225)

Result: Satisfactory (Probation completed)

Debolt, Heather, (CBC 58193 & CPC 1456756)

Result: Satisfactory

Gainey, Elijah, (CRC 1329756)
Result: Satisfactory

Gasperson, Robert, (CCC 1326271)
Result: Satisfactory

Gaul, David, (CAC 1815055)
Result: Satisfactory

Glagola, Steven, (CGC 1511992)
Result: Satisfactory

Hickey, Robert, (CPC 39928)
Result: Satisfactory

Hobel, Edward, (CCC 29553)
Result: Satisfactory

Igou, William, (CBC 1254550)
Result: Satisfactory

Jones, Kenneth, (CBC 1250728)
Result: Stay of Suspension lifted (failure to submit probation package)

Kelly, James, (CGC 50721)
Result: Satisfactory

Kontny, Todd, (CMC 1249643, CFC 1427114)
Result: Satisfactory

Kuntz, Wayne, (CBC 22190, CCC 57335)
Result: Satisfactory

Malanchuk, Richard, (CGC 11508)
Result: Stay of Suspension lifted (failure to submit probation package)

Mart, David, (CRC 40916)
Result: Satisfactory

Mendez, Thomas, (CGC 46376)
Result: Satisfactory. The board ratified a motion to terminate his probation with 7 successful appearances.

Natanson, Gary, (CGC 52834)
Result: Satisfactory

Oltmann, Richard, (CGC 14487)
Result: Satisfactory

Payne, Troy, (CGC 22901)
Result: Satisfactory

Ricciardelli, Robert, (CRC 57704)
Result: Satisfactory

Scharn, Dean, (CCC 1327771)
Result: Satisfactory

Tummolo, Raymond, (SCC 56738)
Result: Continued for 6 months

Valladares, Jose, (CGC 1511678)
Result: Satisfactory

West, James, (CGC 44136)
Result: Continued for 6 months

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

APPLICATION REVIEW COMMITTEE – WILLIAM SHEEHAN

Mr. Sheehan gave the following report:

Approved Applications

Abreu, Antonio
Buck, Ronald – two years probation
Debellis, Joseph
Holmes, Kenneth (Downgrade to a CBC license)
Kennedy, Dennis – one year probation
Lichtle, John
McKeehan, Jason – two years probation
Noakes, Larry
Orellana, Juan
Teets, Robert

Applications Denied

Battles, James
Guevara, Arturo
Salusso, Sergio
Tarrab, Jerry
Villalonga, Lazaro

Applications Continued

Sanchez, Viurniel - continued 30 days to provide revised experience verification
Warmack, Carl – continued 60 days to research affidavit and to provide proof of education and experience

Applications Withdrawn

Lee, Christopher - Withdrawn

Van Vleck, Jon Charles – Withdrawn

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

AD HOC LICENSURE QUALIFICATIONS COMMITTEE – PAUL DEL VECCHIO

Mr. Del Vecchio stated the Ad Hoc committee had a discussion of pre-licensure education and looking into the idea of having pre-licensure education as an option for experience in gaining initial licensure.

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – JACQUELINE WATTS

The following rules have been **Developed**:

61G4-12.006 Approved Form

61G4-21.003 Filing Claims

The following proposed rules have been **Noticed**:

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

61G4-16.001 (17) Written Certification Exam Requirements (Solar Contractor)

61G4-18.005 Qualifications of Course Instructors

61G4-21.005 Payment of Claims

Mr. Del Vecchio stated that there was only discussion of the above rules and no determinations were made.

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

OLD BUSINESS

There was not any old business discussed.

NEW BUSINESS

A technology presentation was given by Michelle Franckhauser concerning the automated agenda assembly process in OnBase.

With no further business the board voted unanimously to adjourn the February 2009 board meeting.