



STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

## FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD



Jeb Bush  
Governor

Diane Carr  
Secretary

### GENERAL SESSION MINUTES

THE BILTMORE HOTEL  
1200 ANASTASIA AVENUE  
CORAL GABLES, FL  
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JULY 15, 2005

Division of  
Professions and Regulation

Construction Industry  
Licensing Board

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The meeting was called to order by Joan Brown, Chair, at 8:35 a.m.

#### BOARD MEMBERS PRESENT

Joan M. Brown, Chair  
Paul Del Vecchio, Vice-Chair  
Peggy Bailey  
Michael Blankenship  
Lee-En Chung  
Raymond Holloway  
Barry Kalmanson  
Mark Pietanza  
Robert Stewart  
Thomas Thornton  
Jacqueline Watts  
Edward Weller

#### BOARD MEMBERS ABSENT

Michelle B. Kane  
Carl Engelmeier

#### OTHERS PRESENT

Diane Guillemette, Board Counsel, OAG  
Patrick Creehan, Chief Prosecuting Attorney  
Tim Vaccaro, Executive Director  
Stacey Merchant, Government Analyst II  
Andy D. Janecek, Government Analyst I  
Adrienne Rodgers, Recovery Fund Attorney  
Valeria Singleton, Regulatory Consultant/Supervisor  
Kyle Mitchell, Special Counsel to the Secretary

Mr. Del Vecchio gave the invocation and Mr. Kalmanson led the Pledge of Allegiance.

## **REVIEW OF MINUTES**

- **To be distributed**

The Board voted unanimously to approve these minutes.

## **EXECUTIVE DIRECTOR'S REPORT**

Mr. Vaccaro gave the Board an update on Unlicensed Activity Cases for Construction, stating the Department has already exceeded the total number of cases received in the 2004 calendar year by 52 cases from January through June 2005. There have been 952 cases received, 735 cases have had probable cause found, 45 cases had no probable cause found and 162 cases have had Administrative Complaints found.

Mr. Vaccaro also gave the following report, at the end of June, the Department had visited over 13,200 sites, checked over 18,600 licenses, issued 533 citations, opened 1,400 investigations, issued over 1,500 cease and desist orders and facilitated the arrest of 68 unlicensed contractors relating solely to hurricane damage repair.

## **CHAIRMAN'S REPORT**

Ms. Brown announced that Paul Del Vecchio was the Board Vice-Chair.

The Board voted unanimously to excuse the absences of Mr. Engelmeier and Ms. Kane.

## **PROSECUTING ATTORNEY'S REPORT**

Mr. Creehan gave the following report:

As of June 2005, there were 258 cases in Legal, 74 cases were set for probable cause, 146 cases had probable cause found/Administrative Complaints filed and 52 cases are ready for default. There were 97 stipulations executed/informal hearings requested, 76 formal hearings requested, 11 cases were referred to DOAH and 43 cases were awaiting Final Orders. There were 9 cases in settlement negotiations and 5 cases were re-opened. For the month of June 2005, 149 cases were closed.

## **ATTORNEY GENERAL'S REPORT**

### **A. Advanced Benefits Inc – Informal Hearing**

Ron Mikolajczyk was present.

Ms. Guillemette presented this case stating that Advanced Benefits Inc.'s application for course approval was denied at the May meeting of the Board, as it constitutes sales of PEO services and is not related to contracting as required by rule.

Advanced Benefits Inc. requested that the Board review additional information that has been submitted and reconsider the application.

After discussion, the Board decision ended in a tie of 6-6. This item will be placed on the September 2005.

**B. Joe Galloway – Informal Hearing**

Mr. Galloway was present.

Ms. Guillemette presented this case stating that Mr. Galloway's application was denied during the April meeting of the Board based on the lack of financial responsibility and outstanding liens.

Mr. Galloway has requested that the Board reconsider his application.

After discussion, the Board voted unanimously to uphold the previous denial of the application.

**C. Steven Rubin – Informal Hearing**

Mr. Rubin was not present.

Ms. Guillemette presented this case stating that Mr. Rubin's application was denied at the April meeting of the Board based on failure to provide proof of restoration of civil rights.

After discussion, the Board voted unanimously to uphold the previous denial of the application.

**D. Sunshine Law Article – For Review Only**

This article was submitted for Informational Purposes only. No action was necessary.

**RECOVERY FUND ATTORNEY'S REPORT**

**A. Request for Informal Hearing – Charles Richardson; Claim No. 03-C0050 (Contractor: Harold Green; License No. CG C057871)**

Mr. Richardson was present with Attorney Christopher O'Rand.

Ms. Rodgers presented this case stating that it was a reconsideration.

After discussion, the Board voted to award \$15,000.

**B. Request for Informal Hearing – Elisa and Stephen Ballew; Claim No. 03-C0060 (Contractor: Gary Sutton; License No. CP C056852)**

No one was present for this case.

Ms. Rodgers presented this case stating that the Recovery Fund application was filed on April 4, 2003. The application was timely filed.

The construction contract was dated July 17, 2001, in the amount of \$18,325.00. Claimants obtained a Final Judgment against Waterside Pools, Inc., issued on July 31, 2002, in the amount of \$6,258.60 plus interest and costs. Claimants were awarded restitution from the CILB on May 27, 2003, in the amount of \$7,273.00

After discussion, the Board voted to award \$6,002.26.

- C. Request for Informal Hearing – Michael Vu; Claim No. 03-C0180 (Contractor: Gary Van Tilburg [deceased]; License No. CP C042934)

Attorney John Evans was present.

Ms. Rodgers presented this case recommending the claim be approved in the amount of \$25,000 for the following reasons:

Orangewood Pools, Inc. held a valid and current certificate of authority at the time of the violation. Gary Thomas Van Tilburg was the qualifying agent for Orangewood Pools, Inc. and Barbara Wakula was a sales agent for Orangewood Pools, Inc.

The Recovery Fund Claim was filed on August 19, 2003 and was timely. The contract was entered into on October 23, 2001, for the price of \$52,000. Claimant paid \$50,454.11 for the project and no work was performed.

After discussion, the Board voted to award \$25,000.

## **COMMITTEE REPORTS**

### **APPLICATION REVIEW COMMITTEE**

Ms. Watts gave the following report:

#### Applications continued

Fruend, Ronald

#### Applications denied

Brown, James

Buyama, Edward

Cain, Donald

Capraro, Paul

Carson, Steven

Carter, Wilfred

Christopoulos, Thomas

Cram, Gary

Drake, Charles

Emanuell, Fabricio

Griffin, Leon

Heilman, Robert

Isaac, Marcello

Kuntz, Matthew

Lagana, Carmelo

Perry, Harold

Pierman, Martin

Rogers, Leonard

Tacheny, Daniel

Thaxton, Lee Ray

Tellekamp, Martin

Yafanaro, Vincent

#### Applications withdrawn

Smith, Richard

Stivers, Lydia

Sullivan, Gregory  
Wiggers, Dennis

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

## **PROBATIONS COMMITTEE**

Mr. Del Vecchio gave the following report:

**Anthony J. Bailey**, (CGC023919)  
Comments: **Appearance 3 of 4**  
Result: Satisfactory

**Lawrence Bequette**, (CGC019533)  
Result: Unsatisfactory - Citation Filed

**Garth Bonner**, (CPC056430)  
Comments: **Appearance 5 of 12**  
Result: Satisfactory

**William Campbell**, (CB C039121)  
Comments: **Appearance 2 of Until Civil Rights are Restored**  
Result: Satisfactory

**John Carter**, (CCC050492)  
Comments: **Appearance 2 of 4**  
Result: Tolled

**Henry K. Cavaliere**, (CBC1251258)  
Result: Reinstated Stay of Suspension

**Kenneth Coyne**, (CGC23802)  
Result: Stay Lifted - License is Suspended for Failure to Appear

**Mark Delaquil**, (CCC058200, SCC13045074)  
Comments: **Appearance 3 of 4**  
Result: Satisfactory

**Michael W. Evans**, (CBC59080)  
Comments: **Appearance 3 of 8**  
Result: Satisfactory

**Thomas Fisher**, (CGC015974)  
Comments: **Appearance 3 of 8**  
Result: Satisfactory

**Robert W. Fleming, Jr.**, (CBC1251087)  
Comments: **Appearance 3 of Until Civil Rights are Restored**  
Result: Satisfactory

**Jeffrey Foster**, (CAC57377)  
Comments: **Appearance 2 of 4**  
Result: Satisfactory

**Allen Gezelman**, (CGC051062, CWC022629, CCC049371, CMC048025, CPC050502, CFC052690)

Comments: **Appearance 2 of 4**

Result: Satisfactory

**Robert Joseph Gore**, (CGC025698 & CGCA25698)

Comments: **Appearance 4 of 8**

Result: Satisfactory

**Vincent Graham**, (CBC051164)

Comments: **Appearance 1 of 4**

Result: Request for Continuance Denied -- Unsatisfactory Appearance

**William Green**, (CGC 13651)

Comments: **Appearance 1 of Until Civil Rights are restored**

Result: Satisfactory

**Alfred Johnson**, (CAC1813618)

Comments: **Appearance 4 of 4**

Result: Satisfactory

**Robert Jones**, (RF 067123)

Comments: **Appearance 2 of Until Civil Rights are Restored**

Result: Satisfactory

**Paul Marchese**, (CRC057007)

Comments: **Appearance 3 of 4**

Result: Satisfactory

**Harvey D. Mc Clain, Jr.**, (CRC050317)

Comments: **Appearance 2 of 4**

Result: Tolled

**James McCranie**, (RG 17972)

Result: Tolled

**William Miles**, (CFC1426180)

Comments: **Appearance 1 of 4**

Result: Satisfactory

**Danny Mitchell**, (RG 0066693)

Comments: **Appearance 2 of Until Civil Rights are Restored**

Result: Satisfactory

**Carl Thomas Nicks**, (CGC061952)

Comments: **Appearance 3 of 4**

Result: Satisfactory

**Johnny R. Pannell**, (RA13067222)

Comments: **Appearance 4 of 4**

Result: Satisfactory - Probation Completed

**Peggy Patterson**, (CAC 50381)

Comments: **Appearance 1 of Until leins are paid**

Result: Satisfactory

**Pedro Pineda**, (CB C057443)

Comments: **Appearance 1 of 12**

Result: Satisfactory

**Jon Robbins**, (CG C10870)

Comments: **Appearance 2 of 4**

Result: Satisfactory

**Thomas W. Smith**, (CCC057079)

Result: Stay Lifted - License is Suspended for Failure to Appear

**Howard Steele**, (CB C1251845)

Result: Stay Lifted - License is Suspended for Failure to Appear

**Edward Darrell Traylor**, (CR C047986)

Comments: **Appearance 1 of Until Civil Rights are Restored**

Result: Satisfactory

**David Vickers**, (CGC057366 & CCC057466)

Comments: **Appearance 4 of 10**

Result: Continued to November, 2005

**Donald Alan Woodington**, (RC0066891)

Comments: **Appearance 4 of 4**

Result: Satisfactory

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

#### **ADDITIONAL ENTITY**

Mr. Pietanza gave the following report:

##### Applications approved

Csapo, John

Cassiani, Kati

Edenfield, Ronald

Fleckenstein, Robert

Hernandez, Jose Jr. – contingent on proof of required experience.

Johnson, Joshua

Kicklighter, Steven

Klaus, Kevin

Levy, Mark

Marcus, Richard

Moore, Jo – with payment of \$500 assessment.

Peng, Chun-Li

Pugh, Merrill

Ritchie, Corey

Ryder, Jeffery – with payment of \$500 assessment.

Schaefer, Paul

Smith, Douglas

Smith, Harry  
Strump, Jeffrey  
Taylor, Steve  
Tristam, David  
Weaver, Harold  
Wilson, David

Applications denied

Barrios, Marlon  
De Pasquale, Joseph

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

**EXECUTIVE COMMITTEE**

There were no items discussed at this committee.

**RULES REVIEW COMMITTEE**

Mr. Kalmanson gave the following report:

The following areas were suggested for Consideration:

Awning Exemption – (requested by Public) – Ms. Guillemette will send letter stating it needs to be addressed in a Declaratory Statement and the Board declined to make Rules.

61G4-15.0021(4), (5) – Additional Entities – Ms. Guillemette will strike all language which speaks to separate Divisions ruling as separate Committees.

61G4-18.007 – Internet Rule

61G4-17.001-Normal Penalty Ranges

The following Rules have been noticed:

61G4-15.032, 61G4-15.033, 61G4-15.034 - Rules for specialty pool contractors

61G4-18.007 – Approval of CE Courses (Brand Specific)

61G4-18.001 – CE requirements for Certificateholders and Registrants.

61G4-15.021 – Certification and Registration of Business Organizations (Forms Rule)

61G4-15.026 – Certification of Gas Line Specialty Contractors. (Forms Rule)

61G4-15.027 – Pollutant Storage System Specialty Contractors (Forms Rule)

61G4-15.029 – Tank Lining Applicators (Forms Rule)

61G4-15.030 – Medical Gas Certification (Forms Rule)

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



## **EXAMS/CE/PUBLIC AWARENESS COMMITTEE**

Mr. Holloway gave the following report:

The following providers and courses were approved:

### **THE STELLAR GROUP (0001917)**

1<sup>st</sup> Course: Managing Design/Build Construction Project (# 0001917, Expired 10/10/2004)

### **UNITED SERVICE TRAINING CORP (0001013)**

1<sup>st</sup> Course: Safety in the Workplace Course (# 0000981, Expired 05/101/2005)

2<sup>nd</sup> Course: Understanding the Law of Workman's Comp (# 0000980, Expired 05/01/2005)

### **FLORIDA HOME BUILDERS ASSOCIATION (0000916)**

2<sup>nd</sup> Course: How to Hire & Fire a Sub-Contractor

3<sup>rd</sup> Course: Building Green with Sustainable Profits

4<sup>th</sup> Course: Prioritizing Green Building Strategies

### **NATIONAL ROOFING CONTRACTORS ASSOCIATION (0000936)**

1<sup>st</sup> Course: Roofing Safety (No business practices credit)

2<sup>nd</sup> Course: CERTA: Certified Roof Torching Application (No business practices credit)

### **MANATEE TECHNICAL INSTITUTE (0001549)**

1<sup>st</sup> Course: Worker's Comp, Construction Site Safety & Employee Payroll

2<sup>nd</sup> Course: Current Building Construction Practices (No credit for accessibility)

3<sup>rd</sup> Course: Costal Construction Design & Plan Review (No credit for accessibility)

### **LORMAN BUSINESS CENTER, INC (0000837)**

2<sup>nd</sup> Course: Construction Management Contracting Systems

3<sup>rd</sup> Course: Solving Water Intrusion and Mold Problems

### **R. BRUCE KERSHNER COMPANY (0003251)**

1<sup>st</sup> Course: A Review of the Construction Contracting Laws of Florida (Chapter 489, Part I)

### **BRB CODE EDUCATORS, INC. ND CONTRACTORS, INC. (0000898)**

1<sup>st</sup> Course: Advanced FL Building Code 2004 Pools and Spas

2<sup>nd</sup> Course: Advanced FL Building Code 2004 Energy

3<sup>rd</sup> Course: Advanced FL Building Code 2004 Roofing

4<sup>th</sup> Course: Advanced FL Building Code 2004 Termites

### **TP TRAINING SYSTEMS**

1<sup>st</sup> Course: Practical Information for Structural Grade Marked Lumber (Five hours only)

### **ENVIRONMENTAL SOLUTIONS ASSOCIATION**

1<sup>st</sup> Course: Florida Mold Assessment Technician Training Course

### **APPLIED DEHUMIDIFICATION, INC.**

1<sup>st</sup> Course: Rock and Roll Moisture Control Seminar

### **UNIVERSITY OF SOUTH FLORIDA**

1<sup>st</sup> Course: OTI (OSHA Training Institute) Seminar se 510

**PROFESSIONAL TRAINING & CONSULTANTS, INC. (0002532)**

2<sup>nd</sup> Course: Construction Fasteners (#0007402, Expired 01/09/2005)

4<sup>th</sup> Course: Introductory Steel Framing Course (NEW)

**FLORIDA ASSOCIATION OF PLUMBING, HEATING, COOLING CONTRACTORS (0000932)**

1<sup>st</sup> Course: Construction Contractors Review (# 0000359, Expired 04/11/2004)

2<sup>nd</sup> Course: Plumbing, Heating and Cooling Devices (# 0000364, Expired 06/13/2004)

3<sup>rd</sup> Course: Plumbing for Profit (# 0007537, Expired 05/08/2005)

5<sup>th</sup> Course: Residential Maintenance Agreements (NEW)

6<sup>th</sup> Course: Financial Nuts and Bolts (NEW)

The following courses were withdrawn:

**KONING ENTERPRISES INC. dba CONTRACTORS INSTITUTE (0001189)**

1<sup>st</sup> Course: CI Certified Mechanical Technician

2<sup>nd</sup> Course: CI Certified Plumbing Technician

3<sup>rd</sup> Course: CI Certified Home & Property Inspector

The following courses were denied:

**FLORIDA HOME BUILDERS ASSOCIATION (0000916)**

1<sup>st</sup> Course: Understanding Delay Claims in Florida

**LORMAN BUSINESS CENTER, INC (0000837)**

1<sup>st</sup> Course: Law of Easements: Legal Issues and Practical Consideration

**UNIVERSITY OF FLORIDA PROGRAM FOR RESOURCE EFFICIENT COMMUNITIES (0001129)**

1<sup>st</sup> Course: Best Practices for Building Professional Business Computing and Networking Security (INTERNET COURSE)

**DEPARTMENT OF COMMUNITY AFFAIRS (0001042)**

1<sup>st</sup> Course: Manufactured Buildings Program Workshop

**FLORIDA EDUCATIONAL FACILITIES PLANNERS' ASSOCIATION, INC. (FEFPA) (0001202)**

1<sup>st</sup> Course: People Helping People Build a Safer World: A Unified Voice of 50,000 Building Safety Officials

2<sup>nd</sup> Course: Know Who's on Your Site: Background Checks

**HARDHAT TECHNOLOGIES, INC.**

1<sup>st</sup> Course: Introduction to Prolog Manager 7.0

**PROFESSIONAL TRAINING & CONSULTANTS, INC. (0002532)**

1<sup>st</sup> Course: NFIP: Risk Identification Floodplain Management & Flood Insurance (#0007401, Expired 01/09/2005)

3<sup>rd</sup> Course: Introduction to the Coastal Construction Manual (NAME CHANGE) (#0007403, Expired 01/09/2005)

**FLORIDA ASSOCIATION OF PLUMBING, HEATING, COOLING CONTRACTORS (0000932)**

4<sup>th</sup> Course: How to get the Job at Your Price (# 0007532, Expired 05/08/2005)

7<sup>th</sup> Course: Building Green, Gaining Competitive Advantage (NEW)

8<sup>th</sup> Course: Winning at the Negotiation Game (NEW)

The Committee also voted unanimously to ratify the pass/fail list from the June 2005 Examinations.

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

## **RECOVERY FUND/FINANCE COMMITTEE**

Ms. Brown gave the following report:

### Claimant v. Contractor; Claim No.

Edwards v. Walsh; Claim No. 03-C0063 - Approved - \$24,207.20  
Parissi v. Hill; Claim No. 03-C0127 - Approved - \$4,000.00  
~~Alessandro v. McCutcheon; Claim No. 2004-002320-CONTINUED~~  
Laney v. Molloy; Claim No. 2004-017635 - Approved - \$25,000.00  
Dwyer-Giangero v. Mitchell; Claim No. 2004-021219 - Approved - \$13,485.95  
Nappi v. Molloy; Claim No. 2004-021313 - Approved - \$17,350.20  
Soto v. Walsh; Claim No. 2004-026498 - Approved - \$6,969.66  
Wordsworth v. Copeland; Claim No. 2004-034883 - Approved - \$1,400.00  
Fanizza v. Brown; Claim No. 2004-035042 - Approved - \$4,422.96  
Strohm v. Knight; Claim No. 2004-038351 - (Request for Continuance)- Continued  
Luck v. Midgett; Claim No. 2004-041322 - Continued  
Allen v. Hill; Claim No. 2004-052760 - Approved - \$1,803.32  
Ziegenfus v. Williams; Claim No. 2004-060550 - Approved - \$6,000.00  
Francois v. Brown; Claim No. 2005-000161 - Approved - \$2,632.85  
Taylor v. Johnson; Claim No. 2005-002011 - Approved - \$10,020.00  
Parcell v. Ferreira; Claim No. 2005-004506 - Approved - \$17,530.00  
Petters v. Glued; Claim No. 2005-004557 - Approved - \$15,748.00  
Smith v. Broekhoven; Claim No. 2005-019191 - Approved - \$1,589.61  
Nasser v. Brownstein; Claim No. 2005-022599 - Approved - \$14,000.00  
Quinn v. Williams; Claim No. 2005-023049 - Approved - \$9,250.00  
Nguyen v. Mc Carron; Claim No. 2004-034407 - Approved - \$25,000.00  
Mehler v. Williams; Claim No. 2005-002024 - Approved - \$3,500.00  
Markievich v. Duchess; Claim No. 2005-018187 - Approved - \$3,657.22  
Strickland v. Kowalcheck; Claim No. 2005-025650 2,400 - Approved - \$2,400.00  
Wittman v. Foster; Claim No. 03-C0141 (Motion for Re-hearing) -Approved - \$4,657.51  
Shavara v. Mazzurco; Claim No. 99-C0133 - Denied With Prejudice  
Esposito v. Goldschmitt; Claim No. 03-C0019 - Denied With Prejudice  
Zdeb v. Dorlon; Claim No. 03-C0033 - Approved - \$18,500.00  
Allen v. Douglas Hardwood Floors; Claim No. 03-C0091 - Denied With Prejudice  
Dzamba v. Fetter; Claim No. 03-C0112 - Denied With Prejudice  
~~Gesser v. Angiulo; Claim No. 2005-008797- CONTINUED~~

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

## **OLD BUSINESS**

There was no old business discussed.

## **NEW BUSINESS**

There was no new business discussed.

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