



FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

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

**JULY 14, 2006
APPROVED – JANUARY 12, 2007**



Jeb Bush
Governor

Simone Marstiller
Secretary

The meeting was called to order by Paul Del Vecchio, Chair, at 8:44 a.m.

Division of Professions

**Construction Industry
Licensing Board**

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Those present were:

Those absent were:

BOARD MEMBERS

Paul Del Vecchio, Chair
Raymond Holloway, Vice-Chair
Peggy Bailey
Joan Brown
Joe Cook
Lee-En Chung
Carl Engelmeier
James Flaherty
Barry Kalmanson
Mark Pietanza
Robert Stewart
Jacqueline Watts
Don Wilford

BOARD MEMBERS

Michelle Kane
Edward Weller
Lorie Clark (Friday only)
Thomas Thornton (Friday only)

OTHERS PRESENT

Diane Guillemette, Board Counsel
Patrick Creehan, Prosecuting Attorney
G.W. Harrell, Executive Director
Adrienne Rogers, CIRF Counsel
Stacey Merchant, Government Analyst II
Andy Janecek, Government Analyst I
Valerie Singleton, Regulatory Consultant

Ms. Bailey gave the invocation. Mr. Flaherty led the Pledge of Allegiance.

REVIEW OF MINUTES

The board voted unanimously to approve the June 2006 Final Action Minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Harrell reported that he recently attended the BOAF Annual Conference. He also mentioned that Andy Janecek, Mark Reddinger and he are planning to attend the CLOAF meeting.

CHAIRMAN'S REPORT

The board voted unanimously to excuse the following absences:

Michelle Kane
Edward Weller
Lorie Clark (Friday only)
Thomas Thornton (Friday only)

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

There were 433 cases to be reviewed in Legal, 244 cases set for probable cause and 227 cases with probable cause found/Administrative complaints filed. Ninety-seven cases were ready for default, 102 cases had stipulations executed/Informal Hearings requested and 148 cases requested Formal Hearings. There were 26 cases referred to DOAH, 145 cases awaiting Final Orders and 23 cases in settlement negotiations. There are 4 cases under appeal and 1 case re-opened.

ATTORNEY GENERAL'S REPORT

A. WILLIAM BARANSKY – INFORMAL HEARING

Mr. Baransky was not present.

Ms. Guillemette presented this case stating that Mr. Baransky's application for change of status was denied at the February meeting of the Board, based on outstanding liens.

The Notice of Intent to Deny was mailed on April 28, 2006. Mr. Baransky timely filed a request for appeal.

The board voted unanimously to uphold the previous denial.

Mr. Baransky arrived late and requested that the board re-open his case.

The board voted unanimously to re-open this case.

After discussion, the board voted unanimously to approved this application with a minimum of five years of probation and satisfaction of liens.

B. RONALD PAUL CARUSO – INFORMAL HEARING

Mr. Caruso was present with his Attorney, Mr. Navaratta.

Ms. Guillemette present this case stating that Mr. Caruso's application for certification of registered license (Grandfathering) was considered at the September meeting of the board.

The application was denied based on failure to provide 5 years of experience.

The applicant's attorney at the time, Mr. Barry Taylor, had requested a DOAH hearing on behalf of the applicant. The request states that Mr. Caruso has more experience than that required in Rule 61G4-15.030(1)(c), F.A.C.

Mr. Taylor withdrew as counsel but had not communicated this change to DOAH.

The case was referred to DOAH.

Mr. Caruso now has new counsel, Mr. Navaratta.

The parties entered into a pretrial stipulation, which states as an agreed fact that Mr. Caruso held a registered license since June 12, 2001.

CILB filed a Motion to Relinquish Jurisdiction (from DOAH to the Board) since no material facts were at issue. The motion was granted.

After discussion, the board voted unanimously to uphold the denial.

C. BILLY RAY FORD, JR. – REQUEST FOR RECONSIDERATION OF CONDITIONAL APPLICATION APPROVAL

Mr. Ford's Attorney Diane Perriera was present.

Ms. Guillemette presented this case stating that Mr. Ford was put on probation in October 2005 for failure to provide proof of restoration of civil rights. His Motion to reconsider, given the recent court decisions, was scheduled to be heard in June 2006.

His counsel had a conflict with the June date and requested a continuance, which the board granted.

In the intervening month, Mr. Ford's civil rights were restored.

The board voted unanimously to remove the requirement of probation.

D. KERRY A. LANCE – CONSIDERATION OF APPLICATION FOR INITIAL LICENSE FOR CERTIFIED CONTRACTOR

Mr. Lance was present with his wife Susan.

Ms. Guillemette presented this case stating that Mr. Lance submitted an application for Initial licensure as a certified general contractor. Mr. Lance's previous licenses, numbers CG C023724 and CGCA23724, were revoked by the board.

After discussion, the board voted unanimously to deny this application.

E. JUAN S. LEGEYRE – INFORMAL HEARING

Mr. Legeyre was not present.

The board voted unanimously to continue this hearing for 90 days as requested by Mr. Legeyre.

F. THOMAS F. MENDEZ – REQUEST FOR EARLY TERMINATION FROM PROBATION

James K. Green, P.A., was present.

Ms. Guillemette presented this case stating that Mr. Mendez's application for a change of status was conditionally approved with probation for failure to provide proof of restoration of civil rights in October 2004.

Mr. Mendez has filed a request to terminate the probation.

The board voted unanimously to reduce Mr. Mendez's probation to five years.

G. JACK MORGAN – REQUEST FOR REINSTATEMENT OF STAY OF SUSPENSION

Mr. Morgan was present.

Ms. Guillemette presented this case stating that Mr. Morgan's contractor's license was suspended as a result of a third unsatisfactory appearance at the April 2005 probation committee hearing.

Mr. Morgan's request was denied at the February 2006 meeting of the board.

After discussion, the board voted unanimously to deny this request.

H. FERNANDO MUNILLA – REQUEST FOR REINSTATEMENT OF NULL & VOID LICENSE

Mr. Munilla was present.

Ms. Guillemette presented this case stating that Mr. Munilla is requesting that the board reinstate his null and void license.

Mr. Munilla's license went delinquent on 8-31-02 and null and void on 8-31-04.

After discussion, the board voted unanimously to deny this request.

I. SIMON TSEYLIN/BOSS CONSTRUCTION SCHOOL INCORPORATED

Mr. Tseylin was present.

Ms. Guillemette presented this case stating that Boss' application for a CE Course approval for Profit with engineering video course was denied at the February meeting of the board.

After discussion, the board voted to uphold the denial.

J. KELLY S. WINSLOW/ENVIROHOME, LLC

Mr. Winslow was present.

Mr. Del Vecchio recused himself.

Ms. Guillemette presented this case stating that Mr. Winslow's CE application for "The Complete Home Mold Inspection" was denied at the April meeting of the board.

After discussion, the board voted to uphold this denial.

COMMITTEE REPORTS

APPLICATION REVIEW

Ms. Watts gave the following report:

APPLICATIONS APPROVED

Alonso, Antonio

Alonso, Ignacio

Figueroa, Guillermo

Igou, William – with five years probation.

Kontny, Todd – with four years of probation.

Mantell, Victor – with two years of probation or until tax liens are settled.

Meisel, William

Pardue, Jerry – downgraded to Building Contractor.

Scott, Doug

Severe, Ashley

Spaulding, Clive – minimum of two years of probation and until judgments are satisfied.

Valladares, Jose – with five years of probation.

Wilson, Bradley

Worrell, Edward

Yesbik, Nicholas – with probation until judgments are satisfied.

APPLICATIONS CONTINUED

Greaner, Edmon – waived 90 days - to August meeting

Harden, Adam – waived 90 days – to August meeting.

Martinez-Villalba, Daniel – waived 90 days – to September meeting.

APPLICATIONS DENIED

Bonnema, Dale – did not meet Endorsement requirements.

Casimiro, Fernando – open complaint.

Hagan, Harold – did not take a local exam in a Florida City or County.

Johnson, Ivan - did not meet Endorsement requirements.

Mitchell, Richard – open complaint.

Murphy, Jimmie – previous criminal history & failure to show financial responsibility.

Rubino, Michael – open complaints.

Taylor, Mark - did not meet Endorsement requirements.

Walcott, Richard – previous criminal history.

Yates, Robert – open complaints.

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

PROBATIONS COMMITTEE

Mr. Del Vecchio gave the following report:

Dennis Bartina, (CG C035955)

Result: Satisfactory

Lawrence Bequette, (CGC019533)

Result: Satisfactory

Garth Bonner, (CPC056430)

Result: Satisfactory

Patrick A. Brennan, (CC C039825)

Result: Request for Continuance Approved

Thomas Fisher, (CGC015974)

Result: Satisfactory

Robert W. Fleming, Jr., (CBC1251087)

Result: Satisfactory

Donovon Errington Foster, (CG C057048)

Result: Unsatisfactory

John James Frangos, (CG C057224)

Result: Request for Continuance Denied - Unsatisfactory Appearance

Robert Joseph Gore, (CGC025698 & CGCA25698)

Result: Satisfactory

Vincent Graham, (CBC051164)

Result: Request for Continuance Denied - Unsatisfactory Appearance

William Green, (CGC 13651)

Result: Request for Continuance Approved

John A. Mancini, (CG C037419)

Result: Satisfactory

Joseph M. Marsden, (CG C060241)

Result: Unsatisfactory

David Mart, (CR C040916)

Result: Continued to January, 2007

James McCranie, (RG 17972)

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

William Miles, (CFC1426180)

Result: Satisfactory

Frank Murillo, (CR C054084)

Result: Satisfactory

Pedro Pineda, (CB C057443)

Result: Satisfactory

Jon Robbins, (CG C10870)

Result: Satisfactory

Howard Steele, (CB C1251845)

Result: Conditional Satisfactory

Edward Darrell Traylor, (CR C047986)

Result: Satisfactory

Herman Wheeler, (CBC1250104)

Result: Unsatisfactory

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

ADDITIONAL BUSINESS COMMITTEE

Mr. Pietanza gave the following report:

APPLICATIONS APPROVED

Berg, Forrest

Bernardini, Patricia

Blair, Bruce

Brandon, Thomas

Brendel, James

Brewer, Donald

Brown, Michael

Cerrone, Joseph

Cupaiole, Michael

Curiale, Linda

Di Micco, Louis

Geosits, Joseph – with proof of 20% ownership.

Gifford, Richard – with \$3,200 assessment and 7 hours of CE focusing on Chapter 489.

Gribben, Edward

Hall, Kurt – with \$1,200 assessment and 7 hours of CE focusing on Chapter 489.

Leza, Eric

Nelson, Joseph

Peel, Stephen

Ritter, Daniel

Slimm, John – with \$2,800 assessment

Smith, Jimmie – with \$1,000 assessment & proof of 10% ownership.

Stover, Michael

Sullivan, Brian

Talbot, Sharon

Thoman, Thomas – with proof of employment.

Trapenese, Albert

Trawick, John – with affidavit of 2 years of experience.

Undorf, Jeffrey

Wiggins, Charles

Woods, Richard

Yzquierdo, Jose

Zazeski, David – with proof of ownership or employment.

APPLICATIONS DENIED

Garcia, Jose

Neubauer, Joe

Seidler, John
Tarantola, Dominick

APPLICATIONS CONTINUED

Emmons, Peter
Fernandez, Sonia
Gray, Marshall
Hassell, Gregory
Powers, Keith

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

RULES COMMITTEE

Mr. Kalmanson gave the following report:

The following rules were suggested for consideration:

61G4-16.009 Examination and reexamination.

61G4-12.017(2) Voluntary Relinquishment and Revocation

The following rules have been developed:

61G4-12.012

61G4-12.017(2) Voluntary Relinquishment and Revocation

61G4-18.001 Credit for CE Instructors
CE credit for the same course

61G4-15.0021(3)(b) Bond for FRO

61G4-16.0031 Practical examination Swimming pool specialty contractors

61G4-17.001 Normal Penalty Ranges

61G4-12.006 List of Approved forms

61G4-12.009 Fees

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:

LORMAN BUSINESS CENTER, INC
Course: Water Management in the Urban Environment
Course: Managing the Construction Bond Default

FLORIDA HOME BUILDERS ASSOCIATION

Course: Florida Residential Code 2006

FLORIDA ATLANTIC UNIVERSITY

Course: Contracting and Controlling a Construction Project

Course: Construction Financial Management

Course: Estimating and Project Management

DEPARTMENT OF COMMUNITY AFFAIRS

Course: Florida Building Code Advanced Training: Residential Swimming Pool

Course: Florida Building Code Advanced Training: Residential Roofing-Shingles

REDVECTOR.COM, INC.

Course: Understanding Workers' Comp for Employees

Course: Understanding Workers' Comp for Employers

CONSTRUCTION PROFESSIONS TRAINING, INC.

Construction Lien Rights for Contractors

TITAN CONTINUING EDUCATION, INC.

Course: 7 Hour Program #1

Course: Workers' Comp – Employer and Employee Responsibilities

Course: Workers' Comp – Basic Knowledge

Course: Understanding OSHA

Course: Developing a Company Safety Program

Course: Contract and Labor Law

Course: Preparing and Updating a Business Plan

Course: Estimating Basics

Course: Scheduling

Course: Risk Management

Course: Lien Law

JOHN "TIM" TOLBERT d/b/a/ C2N CODE SOLUTION GROUP

Course: Advanced Coastal Construction

CESAR MANUEL GARCIA d/b/a CARROLLWOOD POOLS, INC.

Course: Properties of Water at rest, in motion and to manage (Internet)

Course: Plan Geometry for Swimming Pool Builders (Internet)

Course: Swimming Pool and Spa Layout Techniques (Internet)

Course: Building a Swimming Pool (Picture Story from drawing to Marcite)(Internet)

HAYWOOD POOL PRODUCTS, INC.

Course: Basic Hydraulics

Course: Heat Pumps

Course: IDL2 Installation Video (Internet)

NATIONAL ROOFING LEGAL RESOURCE CENTER

Course: Roofing Issues: Decks to Dockets

RICHARD J. DALRYMPLE

Course: How Claims/Risk Management Increases Profitability

Course: How Claims Reserves Affect Balance Sheets/Profitability

DESIGN BUILD INSTITUTE OF AMERICA- FLORIDA CHAPTER

Course: Design-Build Contract and Risk Management

FRSA EDUCATIONAL AND RESEARCH FOUNDATION

Course: Planning to Succeed

RICHARD W. MCSHEFFREY

FLORIDA HOMEBUILDERS ASSOCIATION

Course: Business Management for Building Professionals

Course: Job Costing for Contractors

Course: Strategies for Improved IAQ, Sustainability & Durability

Course: Growing Your Business by Controlling Your Business

The following Providers and Courses were denied:

FLORIDA ATLANTIC UNIVERSITY

Course: Blue Print Reading

Course: Introduction to AutoCAD LT 2005

DEPARTMENT OF COMMUNITY AFFAIRS

Course: Manufactured Building Program: Factory Built Schools

HORNERXPRESS

Course: Be the Best 1 hour

Course: Be the Best 2 hours

Course: Be the Best 2 hours

HAYWOOD POOL PRODUCTS, INC.

Course: Haywood Pool Products "Training for the Future"

JANDY INDUSTRIES, INC. d/b/a JANDY POOL PRODUCTS

Course: Pool and Spa Digital Controls

Course: Pool and Spa Heater Level 1 Class (installation)

Course: Pool & Spa Heater Level 2 Class (troubleshooting)

Course: High Efficiency Heaters

Course: Pumps and Filters

RICHARD J. DALRYMPLE

Course: Premium Financed Life Insurance

FLORIDA HOMEBUILDERS ASSOCIATION

Course: Current Trends in Mold Prevention & Remediation

The Committee also ratified the April 2006 Pass/Fail Lists.

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

OLD BUSINESS

NEW BUSINESS

Mr. Del Vecchio appointed Mr. Bailey, Mr. Kalmanson and Mr. Pietanza to the Ad Hoc Financial Misconduct Committee.

With no other business to discuss, the meeting was adjourned at 11:00 a.m.