

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**EMBASSY SUITES HOTEL – USF
3705 SPECTRUM BLVD.
TAMPA, FLORIDA 33612**

GENERAL SESSION MINUTES

AUGUST 11, 2006

The meeting was called to order by Paul Del Vecchio, Chair, at 8:34 a.m.

BOARD MEMBERS PRESENT

Paul Del Vecchio, Chair
Raymond Holloway, Vice-Chair
Peggy Bailey
Joan Brown
Lorie Clark
Joe Cook
Carl Engelmeier
James Flaherty
Barry Kalmanson
Michelle Kane
Mark Pietanza
Robert Stewart
Jacqueline Watts
Edward Weller
Don Wilford

BOARD MEMBERS ABSENT

Lee-En Chung (Excused)
Thomas Thornton (Excused)

OTHERS PRESENT

Diane Guillemette, Board Counsel
Patrick Creehen, 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. Wilford led the Pledge of Allegiance.

REVIEW OF THE MINUTES

- **Final Action – July 2006**

The board voted unanimously to approve these minutes.

CHAIRMAN'S REPORT

Mr. Del Vecchio asked the board members to vote to excuse the absences of Thomas Thornton and Lee-En Chung.

The board voted unanimously to excuse these absences.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

As of July 2006, there were 311 cases in Legal, 59 of these cases were set for probable cause, 136 cases had probable cause found/administrative complaints filed, 47 cases were ready for default and 74 cases had stipulations executed/informal hearing requested. There were also 89 cases with formal hearings requested, 7 cases were referred to DOAH, 29 cases were awaiting final orders and 9 cases were in settlement negotiations.

ATTORNEY GENERAL'S REPORT

YANUARIO ARIAS

Mr. Arias was not present.

Ms. Guillemette presented this case stating the Mr. Arias' application for a change of status from one business to another was approved with the condition of 2 years probation at the May 2006 Board meeting. Mr. Arias' timely filed a 'Petition to Appeal' the "Intent to approve with conditions".

Mr. Arias' petition made the legal argument that the Board lacks the authority to place him on probation.

After discussion the Board voted unanimously to deny this petition.

ROBERT DIETZ

Mr. Dietz was present with Attorney Robert Crabill.

Ms. Guillemette presented this case stating that Mr. Dietz's application for certification for a registered license was denied at the September 2005 meeting of the Board. Mr. Dietz received a Notice of Intent to Deny on January 23, 2006. Mr. Dietz timely requested Board reconsideration on January 30, 2006 and supplied the Board with some additional information.

After discussion the Board voted unanimously to approve Mr. Dietz's Application.

HEATHER DAWN MICHAEL

This application was pulled.

ISRAEL MORAG

Mr. Morag was not present.

Ms. Guillemette presented this case stating that Mr. Morag's application for a general contractor for licensure by endorsement was denied at the May 2006 meeting of the Board. Mr. Morag received a Notice of Intent to Deny on June 27, 2006. Mr. Morag timely requested Board reconsideration on June 30, 2006.

After discussion the Board voted to uphold the denial of Mr. Morag's application.

DAVID SHIELDS

Mr. Shields was present without his Attorney.

Ms. Guillemette asked Mr. Shields if he wanted to proceed forward without his Attorney present and he stated that he would.

Ms. Guillemette presented this case stating that Mr. Shield's application for certified building contractor's license was denied at the January 2006 meeting of the Board. Mr. Shield's received a Notice of Intent to Deny in May 2006. Mr. Shield's timely requested Board reconsideration.

After discussion the Board voted to uphold the denial of Mr. Shield's application.

CRAIG FESSLER

Mr. Fessler was present.

Ms. Guillemette presented this case stating that Mr. Fessler submitted a Petition for variance and waiver on July 7, 2006, requesting that the Board waive his requirement to retake the Trade Knowledge examination over again. Mr. Fessler passed this portion of the examination in October 2004 and passed the Business and Finance portion of the exam after the required 365 day time frame.

After discussion the Board voted to approve Mr. Fessler's Petition and allow him to become a licensed specialty contractor.

SCOTT JOHNSON

Mr. Johnson was present.

Ms. Guillemette presented this case stating that Mr. Johnson was placed on 2 years probation as a condition of initial licensure.

Mr. Johnson's stay of suspension was lifted at the February 2006 Board meeting. Mr. Johnson is requesting the reinstatement of his stay.

After discussion the Board voted unanimously to lift Mr. Johnson's stay of suspension and reinstate it as a "stay of revocation" along with 6 years of probation.

EARL CHRISTOPHER VEITH

Mr. Veith was present.

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

After discussion the Board voted unanimously to deny Mr. Veith's request.

RODNEY WILLIAMS

Mr. Williams was present.

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

After discussion the Board voted unanimously to deny Mr. Williams' request.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications Approved

Bailey, Ryburn
Brown, Stuart
Estevez, Raul
Maszera, Michael
Mineo, Joseph
Murray, Theodore –probation until
Judgment paid
Ruocco, Armand
Smith, Mitchell
Standley, Jonathan
Whalley, Thomas

Applications Denied

Greaner, Edmon
Harden, Adam
Leonard, John
Munao, Nate
Pickford, Donnie
Powell, Eric
Quintana, Johnny
Semino, Orestes
Thompson, Vernon
Tuttle, Scott

Applications Withdrawn

Gravatt, Melford
Lawson, David
Mann, Scott

Applications Continued

Lockett, Johnny – 30 days
Patterson, Ronald – 60 days

The Board voted unanimously to accept the recommendation's of this committee.

PROBATION COMMITTEE

Mr. Del Vecchio gave the following report:

Santiago Bolivar, (CM C056748, CG C1508401)
Result: Stay Lifted - Failure to Appear

James Shelly Carter III, (CG C031396)
Result: Unsatisfactory

Mario Delfiaco, (CBC26157)
Result: Request for Continuance was Denied, Stay Lifted for Failure to Appear

Bohdan Hawryluk, (CBC035048)
Result: Satisfactory

Wayne Robert Kuntz, (CB C022190, CC C057335)
Result: Unsatisfactory

Mark Allen Lowy, (CC C057896)
Result: Stay Lifted - Failure to Appear

Harvey D. Mc Clain, Jr., (CRC050317)
Result: Unsatisfactory

Omari Murray, (CG C1506961)
Result: Unsatisfactory

Donnie Pickford, (CG C1506496)
Result: Unsatisfactory

Mark Wolfe, (RF 11067159, CF C1426740)
Result: Satisfactory

The Board voted unanimously to accept the recommendation's of this committee.

ADDITIONAL BUSINESS COMMITTEE

Mr. Pietanza gave the following report:

Applications Approved

Baker, Dayman

Bishop, Kevin

Boswell, Nathan

Emmons, Peter

Fernandez, Sonia

Gahn, Wanda – with \$2,000 assessment.

Gray, Marshall

Hassell, Gregory – with proof of employment.

Heguaburo, Hector

Levesque, Daniel
Lilly, Jeffrey
Martinez, Enrique
Noojin, Robert Jr.
Powers, Keith
Pridgen, Jerry
Rodriguez, Melissa
Rowe, Donald
Sakran, Adam – with \$3,000 assessment.
Sasso, Edward
Smith, Jeffrey – with \$3,000 assessment.
Smithers, Jeffrey
Williams, Gary
Wood, David – with \$5,000 assessment.
Young, Ronald

Applications Denied

Cava, Theodore
Debolt, Heather
Delaquil, Gary
Goodwin, Wade
Haines, Richard
Kanstoroom, David
McNorton, Robert
Padilla, Jose

Applications Continued

Douglas, Peter – to 9/06.
Hempel, Donald – to 9/06.
Loy, James – to 10/06.

The Board voted unanimously to accept the recommendation's of this committee.

CE/EXAMS/PUBLIC AWARENESS COMMITTEE

Mr. Holloway gave the following report:

Lorman Business Center, Inc. (0000837)
Construction Defect Claims – approved.
Florida Condominium Law Deconstructed – denied – not related to construction.

United Service Training Corp. (0001013)
Florida Fuel Gas Code And Safety – approved.

Environmental Safety & Health Institute (0001215)
IAQ Survey Activities & Assessment Methods – denied – not related to construction.

Garrison Associates (0002631)
Strategic Planning for Contractors – approved.

Environmental Resource Consultants, Inc. – approved.

Lead Safe Work Practices – approved.

Legal and Safety Resources, LLC. – approved
Compliance with Workers' Free Compensation Statute 440.102, Drug Free Workplace – approved as instructor led only.

Business Practices: Condo Warranties and Statutory Compliance – denied – not related to construction.

Oak River Builders, LLC

Construction Safety & Laws Associated with the Industry – denied – no timeline.

Jade Learning (0000890)

Advanced FBC Indoor Environment Quality Course – approved.

Miami-Dade County Builders Code Compliance Office (001284)

Ladders in Construction – approved.

The Board voted unanimously to accept the recommendation's of this committee.

NEW/OLD BUSINESS

There was no new/old business discussed at this meeting.

With no other business to discuss, the meeting was adjourned at 10:08 a.m.