

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**EMBASSY SUITES ORLANDO – NORTH
225 SHORECREST DRIVE
ALTAMONTE SPRINGS, FL 32701**

GENERAL SESSION MINUTES

JANUARY 16, 2009

The meeting was called to order by Ms. Jacqueline Watts, Chair, at 8:30 a.m.

Board Members Present

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

Others Present

G. W. Harrell, Executive Director, DBPR
Andy D. Janeczek, Government Analyst, DBPR
Amanda Abbott, Government Analyst, DBPR
Daniel Biggins, Legal Advisor, AGO
Carrol Cherry, Legal Advisor, AGO
Jeff Kelly, Chief Prosecuting Attorney, DBPR
Lisa Comingore, Prosecuting Attorney, DBPR

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

REVIEW OF MINUTES

- Additional Business – December 2008
- Application Review – December 2008
- Final Action – November 2008

The Board voted unanimously to approve this report.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell gave the following report:

Mr. Harrell apologized for the technical difficulties experienced this meeting and asked all the board members that once they receive their DVD's in the mail, even if they don't have to time review them, to make sure the disc is working properly. Mr. Harrell also asked them to take quick look at the agenda to familiarize themselves with the schedule.

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

CHAIRMAN'S REPORT – JACQUELINE WATTS

Ms. Watts gave the following report:

Ms. Watts asked if everyone received their received their probable cause schedule with their agenda package, and to make sure they've reviewed that.

Ms. Watts also asked board members that if they desire to be on a committee, or would like to be removed from a committee that they're currently on, to get with Mr. Harrell and he will make the proper assignments.

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

PROSECUTING ATTORNEY'S – JEFF KELLY

Mr. Kelly gave the following report:

For the month of December 2008, the overall case load was 1,893, down from 2,258 from November 2008, and down from 2,153 from December 2007.

There were 397 cases to be reviewed in Legal, 79 cases set for probable cause, and 565 cases where probably cause had been found/administrative complaints filed. 109 cases were ready for default, 25 cases had stipulations executed/informal hearings requested, and 113 cases had requested formal hearings. There were 32 referred to DOAH, 110 cases in settlement negotiations, 175 cases awaiting final orders, and 288 cases set for Board presentation. There were 0 cases under appeal and 0 cases re-opened.

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

ATTORNEY GENERAL'S REPORT – DAN BIGGINS/CARROL CHERRY

ADVANCE BENEFITS INC – REQUEST FOR INFORMAL HEARING

A representative from Advance Benefit's, Inc. was not present.

Mr. Biggins presented this case stating Advance Benefits, Inc., course application was denied at a previous meeting for failure to relate to the practice of contracting. Advance Benefits, Inc. received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board voted unanimously to approve the course application.

DAVID CARDINALE – REQUEST FOR INFORMAL HEARING

Mr. Mike Cardinale, the father of the applicant, appeared on the applicant's behalf.

Mr. Biggins presented this case David Cardinale's application for initial licensure for a Certified Residential contractor's license was denied for failure to show good moral character. Mr. Cardinale received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board voted unanimously to approve the application on an inactive status and should the applicant ever wish to move to active status he would be required to appear back in front of the board.

CLINTON HENNECY – PETITION FOR VARIANCE WAIVER

Mr. Biggins presented this case stating it had been pulled from the agenda and would re-appear the following month.

SHERIF KODSY – REQUEST FOR EARLY TERMINATION OF PROBATION

Mr. Kodsy was present.

Mr. Biggins presented this case as a request for early termination of probation.

After discussion the board voted unanimously to deny the request for early termination.

WILFREDO LEAL – REQUEST FOR INFORMAL HEARING

Mr. Leal was present.

Mr. Biggins presented this case stating Wilfredo Leal's application to qualify an additional entity was denied at a previous board meeting for failure to provide proper supervision. Mr. Leal received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

Mr. Sheehan also recommended that the Department look at the company to be qualified for possibly unlicensed activity.

GREGORY MORABITO – PIONEER CONCRETE OF THE TREASURE COAST INC – REQUEST FOR INFORMAL HEARING

Mr. Morabito was present with Counsel.

Mr. Biggins presented this case stating Gregory Morabito's application to qualify an additional entity was denied at a previous board meeting for failing to provide proper supervision. Mr. Morabito received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

GREGORY MORABITO – PIONEER CONCRETE II – REQUEST FOR INFORMAL HEARING

Mr. Morabito withdrew this application.

PRECISION POINT – REQUEST FOR INFORMAL HEARING

A representative from Precision Point, Daniel O'Brien, was present.

Mr. Biggins presented this case stating Precision Point's course application was denied at a previous meeting for failing to be sufficiently related to contracting. Precision Point received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board informed Mr. O'Brien that his application was approved at the CE Committee the previous day and he asked to withdraw this hearing request. The board voted unanimously to vacate.

DENIS SOLANO – REQUEST FOR INFORMAL HEARING

Mr. Solano was present.

Mr. Biggins presented this case stating Denis Solano's application to qualify an additional entity was denied at a previous meeting for failing to appear. Mr. Solano received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board voted unanimously to send this application back to the Additional Entities Review Committee.

STELLAR GROUP – REQUEST FOR INFORMAL HEARING

A representative from Stellar Group, Phil Hendrickson, was present.

Mr. Biggins presented this case stating Stellar Group's course application was denied at a previous board meeting for being too vague and providing an inaccurate timely. Stellar Group received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board voted unanimously to send the course application back to the CE Committee.

ERIC VALVERDE – REQUEST FOR INFORMAL HEARING

Mr. Valverde was present.

Mr. Biggins presented this case stating Eric Valverde's application for initial licensure as a Certified General contractor was denied at a previous board meeting for failure to demonstrate the required experience. Mr. Valverde received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board voted unanimously to approve the application as a Certified Residential contractor.

SAFETY GUYS – REQUEST FOR INFORMAL HEARING

Mr. Biggins presented this case stating Safety Guys requested a 30 day continuance.

KIMBAL LUMBER COMPANY – REQUEST FOR INFORMAL HEARING

A representative from Kimbal Lumber Company, Natalie Clark, was present.

Mr. Biggins presented this case stating Kimbal Lumber Company's course application was denied at a previous meeting. Kimbal Lumber Company received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board voted unanimously to approve this application.

COMMITTEE REPORTS

ADDITIONAL BUSINESS COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

Applications Approved

Aleman, Evelio
Barlow, Allen
Bedingfield, Scot
Brown, Dennis
Cogdill, Michael
Cohen, Harvey
Febles, Pedro
Fernandez, Allen
Gonzalez, Mauricio

Hall, Stephen
Highnote, Donald
Horan, Michael
Horan, Michael
Laux, Anthony
Linzer, Jeffrey
Mijares, John
Moss, Scott
Mullis, Michael
Ortiz, Francisco
Parker, Christopher
Ruggeri, Ivy
Ruskin, Michael
Sackett, David – contingent upon providing a new experience affidavit within 60 days
Salinas, Trinidad
Shore, Todd
Sifontes, Luis
Speegle, Troy
Toth, Lajos
Willie, John

Applications Continued

Gonzalez, William

Applications Withdrawn

Bo, Donald
Pappas, Johnny

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – JAMES FLAHERTY

Mr. Flaherty gave the following report:

AE21 INCORPORATED DBA ASSN OF PROPERTY & CASUALTY CLAIMS -

approved

10th Annual Windstorm e Insurance Conference - denied

BARTHET FIRM - approved

Better Your Chances of Getting Paid on a Construction Job - approved

BUILDING OFFICIALS AND INSPECTORS EDUCATIONAL ASSN (BOIEA)

Assessing Building “As Built” Thermal Characteristics - approved

Building Green and the Building Code - approved

Ethics for Code Professionals - approved

Florida Residential Building Code, Significant Changes - approved

Foundations and Steel Placement - approved

“Hood Systems” - approved

Key Systems to Green Plumbing - approved

L.P. Gas Regulations – approved
Laws and Rules for Code Professionals - approved
Significant Changes to the FL Building Code - approved
Testing and Balance for HVAC Systems - approved
Using ACCA Manual J and D Computer Programs - approved

BUILDING OFFICIALS ASSOCIATION OF FLORIDA

Carbon Monoxide (CO) – The Basics - approved
Electrical Code Update - approved
Florida Building Code Update - approved
The Fair Housing Act Made Simple - approved
Wind Mitigation – Advanced Training - approved

CAPTIVE AIRE SYSTEMS INC - approved

Commercial Kitchen Ventilations Seminar – approved without ADA credit

CARY SOLUTIONS INC - approved

After Market ECM Motors – Replacing PSC Motors - approved

COMPLIANCE DATA SERVICES INC DBA CALCS-PLUS - approved

From HVAC Load Calculation to System Sizing – approved contingent upon applicant providing a copy of the instructor's resume

CONSTRUCTION SERVICES ENTERPRISE INC

CILB Three Required: Safety – WC – BP - approved
Construction Business Key Elements for Success - approved
Daily Management of a Construction Projects - approved
Pre-Construction Planning Workshop - approved

CONTRACTOR'S CONTINUING EDUCATION SYSTEMS LLC

7 Hours Course (Internet) - denied

FEDERAL ALLIANCE FOR SAFE HOME – FLASH INC

Blueprint for Safety – New Construction – approved
Blueprint for Safety – Overview – approved
Blueprint for Safety – Retrofit (4 hour class) – approved
Blueprint for Safety – Retrofit (7 hour class) - approved

FLORIDA EDUCATIONAL FACILITIES PLANNERS' ASSOCIATION INC (FEFPA)

Advanced Energy Guide and Strategies for LEED – approved
Applying LEED as Natural Selection – approved without business practice credit
Creating a Sustainable, Relocatable Classroom – approved without business practice credit
LEED Certification Without Risk: Buying Based Upon Proven – denied
Risk Management: Texas Hold'em Tactics for the Project Manager – approved
Team Building in a Project Environment: Kindergarten Skills You Can Use – approved
What Works for Us: Best Practices for Safe Schools – approved with general credit only

FLORIDA SOLAR ENERGY CENTER

Commercial Energy Code and Green Building Modeling Using Energy Gauge Summit – approved

Design Charrette-Practice Design of a High Performance Green Building – approved

Designing and Maintaining Building Air Flows in High Performance Green Buildings – approved

Designing Building Envelopes to Control Air and Moisture in High Performance Green Buildings - approved

I LEVEL BY WEYERHAEUSER

Fundamentals of Engineered Lumber Products - approved

JOHN W. HIGGINS

Understanding the Use of Plastic Pipe and Fittings – approved for 2 hours only

KONING ENTERPRISES INC DBA CONTRACTORS INSTITUTE

Florida Building Code, Mechanical: Chapter 1-3 (classroom version) – approved

Florida Building code, Mechanical: Chapter 1-3 (internet version) – approved

LORMAN BUSINESS CENTER INC DBA LORMAN EDUCATIONS SVCS

Tricks, Traps and Ploys Used in Construction Scheduling – approved

NATIONAL ROOFING CONTRACTORS ASSOCIATION

Cool Roofs – denied

Photovoltaic's and Roofing – denied

Vegetative Roof Systems – denied

PINCH A PENNY INC

Workers Compensation – approved

PLUMBING CONTRACTORS ASSOCIATION

Using Independent Contractors Versus Employees - approved

PRECISION POINT SYSTEMS INC

Plumbing and Mechanical Layout for Sleeves, Inserts and Equipment – approved

RHEEM AIR CONDITIONING DIVISION

Comfort Control System – denied

SHAVELL AND COMPANY, P.A.

2009 Tax Update (1 hour course) – approved

2009 Tax Update (2 hour course) – approved

TRIATOMIC ENVIRONMENTAL INC - approved

Filtration and Ultraviolet Light to Prevent Mold in A/C Systems – approved

UNIVERSITY OF FLORIDA/M.E. RINKER SR. SCHOOL

Taking Charge of the Construction Process – denied

VALUOMETRICS INC – approved
Stats and Graphs Zero – denied

The August 2008 and October 2008 pass/fail lists were ratified.

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

PROBATION COMMITTEE – CARL ENGELMEIER

Mr. Engelmeier gave the following report:

Abercrombie, William, (CGC59751)
Result: Satisfactory

Brown, Nicky Lee, (CGC050863)
Result: Satisfactory

Collazo, Carlos O., (CCC033704)
Result: Satisfactory

Eckert, Gary S., (CPC1456590)
Result: Continued for 6 months

Fleming, Mason, (CCC1328560)
Result: Satisfactory

Gilileo, Larry D., (CCC057931)
Result: Satisfactory

Hardy, Dennis B., (CPC029643)
Result: Satisfactory

Hatton, James G., (FRO2551)
Result: Satisfactory
Your probation is now complete. Your license is now set to current/active status.

Herman, Micahel, (CGC060830)
Result: Stay of suspension lifted

Kish, Paul J, (CBC058926)
Result: Satisfactory
Your probation is now complete. Your license has been set to current/active status.

Kurth, Richard, (CBC58467)
Result: Stay lifted for failure to appear at a probation hearing

Moccia, William T., (CBC1255973)
Result: Satisfactory

Noyes, Russell L., (CCC1326879)
Result: Satisfactory

Pineda, Pedro, (CBC057443)
Result: Satisfactory

Ragonese, Nicholas, (CPC053892)
Result: Satisfactory

Ruel, Bradley S., (CCC057334)
Result: Satisfactory

Vittoratos, Panagis, (CGC057438)
Result: Satisfactory

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

APPLICATION COMMITTEE – WILLIAM S. SHEEHAN

Mr. Sheehan gave the following report:

Applications Approved

Alonso, Miguel

Cartelle, Antonio – approved with probation for 6 years or until credit score is at or above 660

Cason, Jeronald

Conwell, Kenneth

Erney, William (CGC license)

Erney, William (CCC license) – approved with probation for 6 years or until credit score is at or above 660

Gates, Matthew – approved with probation for 4 years or until credit score is at or above 660

Hernandez, Jose – approved as downgrade to CRC

Hobbs, Ronald Jr.

Kryzanekas, Edward – approved with downgrade to CRC contingent upon submission of additional experience verification

McAllister, Mark

Mills, John

Moskowitz, Zachary

Plummer, Jeffrey

Powell, Lloyd

Roberts, Leonard

Sanders, Barry – approved with probation for 2 years

Teicher, Mitchell

Umlauf, August

Unruh, Hugo

Withers, Robert (RG license)

Withers, Robert (RU license)

.Applications Denied

Brady, Vincent
Clough, Tracy
Davis, Jonathan
Glennon, John
Gonzalez, Ana
Lopez, Norbeto
Oliva, George
Rollins, Samuel
Wyatt, Timothy

Applications Continued

Angelilli, Ernest III – continued to March 2009 to provide additional experience verification
Bass, James – continued to March 2009 to provide additional experience verification
Brechtel, Timothy – continued to March 2009 to provide additional experience verification
Gonzalez, Felix – continued to March 2009 to provide additional experience verification
Holmes, Kenneth Sr. – continued to February 2009
Jeantinor, Wisly – continued to March 2009 to provide proof of satisfaction of liens/judgments
Korson, Mark – continued to March 2009 to provide additional experience verification
Lichtle, John – continued to February 2009 to provide additional experience verification
Martinez, Jose Jr. – continued to March 2009 to provide additional experience verification
Miller, Mark – continued to March 2009 to provide additional experience verification
Murphy, Gabriel – continued to March 2009 to provide additional experience verification
Noakes, Larry – continued to March 2009 to provide additional experience verification

Applications Withdrawn

Rountree, Raymond Jr.

Counsel for the board presented a proposed settlement stipulation agreed upon by Yanuario Arias. Mr. Arias' application for licensure was previously denied. The settlement stipulation as presented was rejected by the board.

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

AD HOC LICENSURE QUALIFICATIONS COMMITTEE – JACQUELINE WATTS

The Ad Hoc Licensure Qualifications Committee did not convene at this meeting.

RULES/PUBLIC/LEGISLATIVE COMMITTEE – PAUL DEL VECCHIO

The following rules have been **Developed:**

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

61G4-18.002 Definitions (tabled)

61G4-18.004 – Approval of CE courses (tabled)

The following Proposed Rules have been **Noticed**:

61G4-15.001 Qualification for Certification (continue rule hearing)

61G4-15.001(1)(b) Qualification for Certification (JAPC letter re: specific authority)

61G4-15.028 Precision Tank Testers (JAPC letter form issue)

61G4-15.029 Tank Lining Applicators (JAPC letter form issue)

61G4-15.032 Certification of Swimming Pool Specialty Contractors (JAPC letter form issue)

61G4-18.005 Qualifications of Course Instructors

61G4-21.005 Payment of Claims (re-noticed due to expiration – no further action)

The following rules have been **Adopted**:

61G4-12.009 Fees

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

OLD BUSINESS

Board meeting materials were removed the laptops.

Ms. Watts recognized the contributions of former Chair Barry Kalmanson and presented him with a gift.

NEW BUSINESS

Mr. Flaherty brought up an issue with the specialty pool contractors licenses and scope of work issues and municipalities being confused on which specialty a contractor has. Mr. Harrell mentioned that it is included on the website, and Mr. Janecek stated that during the next renewal cycle the specialty will be printed on the Certification. A representative from the Construction Licensing Officials of Florida spoke and stated that the licenses only states CPC on the license, and permits are being issued to specialty contractors for work beyond their scope. Ms. Watts suggested that all building officials be alerted to pay special attention to pool contractors licenses when issuing permits. Mr. Engelmeier brought up that Hillsborough County is attempting to charge probationers \$40 to fill out the Building Department Questionnaire. Ms. Watts said that while it is not something she agrees with, an expense of \$80 a year is not that much. Mr. Evetts brought up the issue of “supervision” and asked if the board could possibly define or establish what “supervision” means. Mr. Del Vecchio stated there currently are

standards defining “supervision” existing, and that contract administration is considered “supervision”.

Mr. Harrell introduced Jenny Ulrich to the board.

Ms. Watts announced that Mr. Sheehan had been appointed as Vice Chair.

With no further business the meeting was adjourned.