



FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD



GENERAL SESSION MINUTES

**RITZ-CARLTON
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SARASOTA, FL 34236**

JULY 11, 2003

APPROVED FEBRUARY 13, 2004

Jeb Bush
Governor

Diane Carr
Secretary

Division of
Professions and Regulation

Construction Industry
Licensing Board

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The meeting was called to order by Edward Weller, Chair, at approximately 8:03 a.m.

Board Members Present

Edward Weller, Chair
Michelle Kane, Vice-Chair
Michael Blankenship
Joan Brown
Lee-En Chung
Paul Del Vecchio
Karl Englemeier
Christine Hoke
Raymond Holloway
Barry Kalmanson
Elizabeth Karcher
Robert Lang
John Smith
Jacqueline Watts

Board Members Absent

None

Others Present

James Varnado – Director, Division of Professions
Barbara Edwards, Board Counsel
Patrick Creehan, Prosecuting Attorney
Adrienne Rogers – CIRF Attorney
Tim Vaccaro – Executive Director
Stacey Merchant – Government Analyst II
Ruthanne Christie – Government Analyst I

Mr. Smith gave the Invocation. Ms. Edwards led the Pledge of Allegiance.

EXECUTIVE DIRECTOR'S REPORT

Mr. Vaccaro urged the board members to try to complete and return their travel reimbursement forms to the board office in a timely manner. Mr. Vaccaro explained that this helps board staff monitor expenditures.

Mr. Vaccaro also stated that staff was working to have another Newsletter go out by mid-September. He invited board members to write articles and send directly to him. Mr. Weller stated that he would provide the Chairman's article. Mr. Kalmanson stated that he would write an article on the Lien Law changes.

Mr. Vaccaro announced that Jerry Wilson is the new Deputy Director of the Division of Professions and Regulation.

CHAIRMAN'S REPORT

Mr. Weller announced that Ms. Hoke had submitted her resignation from the Board.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

As of June 30, 2003, there were 207 cases to be reviewed in Legal, 95 set for Probable Cause and 80 with Probable Cause Found/Administrative Complaints filed. There were 42 were ready for default, 48 with stipulations executed/Informal Hearings requested and 103 with Formal Hearings requested. There were 21 cases referred to DOAH, 90 awaiting Final Orders and 5 were under appeal. For the month of June 2003, 71 cases were closed.

ATTORNEY GENERAL'S REPORT

Mohedin Hanafi, Application to Qualify an Additional Business Organization was denied on February 13, 2003 for failure to appear. Mr. Hanafi has requested an informal hearing before the board. Ms. Edwards presented this case stating that the notice letter for the additional business was sent to the incorrect address. Mr. Hanafi was present.

The board voted unanimously to approve this additional business application.

Barton Quibell, Change of Status Application was denied on March 13, 2003 for failure to show financial responsibility, the applicant was not present. Applicant has requested reconsideration of his application. Mr. Quibell was present. Ms. Edwards presented this case. Ms. Watts stated that there were two items on this application that were answered incorrectly. Ms. Watts also explained that the reason Mr. Quibell's application was referred to the Application Review Committee was because of a recent bankruptcy and this usually results in the applicant being placed on probation. Because Mr. Quibell did not appear, he could not answer the committee's questions.

The board voted unanimously to send Mr. Quibell's application back to the Application Review Committee.

Ms. Edwards presented a letter from the ECLB regarding advanced modules.

The board discussed the issue of advanced course module courses and the requirement of the board to adopt rules specifying the required number of hours for such courses.

After discussion, the board instructed Mr. Vaccaro to prepare a letter to the Florida Building Commission stating that they would like to require one hour of advanced module training.

RECOVERY FUND ATTORNEY'S REPORT

KERR & ST.HUBERT vs. DELLICARPINI – Informal Hearing

Mr. Creehan presented this case explaining that this matter was originally heard on July 11, 2002 and the Respondent timely filed a request for hearing and the matter was scheduled for an informal hearing on May 9, 2003. Neither the Respondent nor Counsel was present.

The recommendations of the Recovery Fund at the May 9, 2003 hearing was that the contractor's appeal be granted, and the order issued October 31, 2002 be reversed as to Dellicarpini but affirmed as to Cone.

However, as evidenced by e-mails included as part of the file, neither Respondent nor his Counsel were present based upon a representation from the Recovery Fund Attorney that a continuance would be requested until they could make an appearance if the Recovery Fund Attorney's recommendation was not followed. No such request was made during the course of the hearing.

New recommendation: Respondent's May 30, 2003 letter with regard to this matter should be treated as a Motion to Reconsider. If the Motion to reconsider is granted, an Order vacating Final Order number BPR-2003-01349, filed May 21, 2003 should be issued and this matter set as an Informal Hearing at the August 2003.

The board voted unanimously to accept the new recommendation.

ROBERTS vs. EVANS & ANDERSON & GRAY – Informal Hearing

Mr. Creehan presented this case explaining that the Recovery Fund Committee denied the Petitioners' claim with prejudice by an Order, filed November 26, 2002. As basis for the denial of the claim the committee found that Petitioners failed to establish abandonment. However, the Petitioners' claim was not based on Abandonment. On December 6, 2002 the Petitioners' timely requested a formal hearing in this matter.

New recommendation: Petitioners' May 9, 2003 letter with regard to this matter be treated as a Motion to Reconsider the basis for their claim.

The board voted unanimously to refer this case back to the Recovery Committee.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications approved to continue processing

Baker, Lee Witt – initial certified building contractor.

Blair, Bruce – initial certified general contractor.

Chambers, Robert L., Jr. – change of status – CG C057139.

Cherry, James W., Jr. – change of status – CF C057211.

DeRosa, Anthony N. – initial certified underground utility contractor.

Doran, Stephen M., Sr. – initial certified general contractor.

Ford, Ronald Lee – change of status – CR C050298 – with 2 yrs. probation.

Greene, Craig S. – initial certified general contractor – with 2 yrs. probation.

Hulslander, Mark B. – initial certified residential contractor – pending receipt of voters
Registration card.

Koester, David J. – initial certified swimming pool/spa servicing contractor.

Le, Hung Q. – initial certified building contractor – with 1-yr. probation.

Mace, Charles F. – change of status – CB C060532.

Makrancy, Dennis J. – change of status – CU C05397.

McCutcheon, Terry – change of status – CF C019086.

McLay, James H. – change of status – CG C1504422.

Nicholson, William F., III – initial certified building contractor.

Patterson, John C. – change of status – CG C105112.

Piccolo, Sam R. – initial certified general contractor.

Peirce, Stephen D. – change of status - CG C052777.

Ramsey, Melissa R. – initial certified residential contractor.

Rhatigan, Thomas C. – certification of registered (Grandfather) residential pool/spa
contractor.

Schiller, Randal P. – withdrawn – handled by Staff.

Rousch, Lawrence – withdrawn – handled by Staff.

Thomas, William D. – initial certified general contractor.

Tilley, Winston F. – initial certified roofing contractor.

Williams, Dale A. – initial certified class B air-conditioning contractor.

Williams, Robert O. – initial registered building contractor.

Wilson, Michael H. – change of status – CF C041679.

The committee also approved the list of four contractors that had been certified under the Grandfathering law and the list of 18 applicants that met the requirements to be Financially Responsible Officers.

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

PROBATIONS COMMITTEE

Mr. Del Vecchio gave the following report:

Garth Bonner, (CPC056430) - Satisfactory
John Carter, (CCC050492) - Continued to August
Robert Gore, (CGC025698 & CGCA25698) - Satisfactory
Rock Miller, (CPC056698) - Unsatisfactory
Eric Pitchman, (CGC013895) - Satisfactory
Daniel Stirling, (CCC056787 & CBC057799) - Satisfactory
David Vickers, (CGC057366 & CCC057466) - Satisfactory
Dwight David Moody, (CBC034324) - Tolled
Jerry McCracken, (CRC057239) - Tolled
Ken Kazia, (CGC044317) – Tolled

The committee discussed the possibility of limiting the length of time a probationer can be tolled before he/she must put their license on Inactive Status. The committee determined a rule would be required and planned to discuss it further.

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

ADDITIONAL ENTITY COMMITTEE

Ms. Karcher gave the following report:

Applications approved

Adams, Richard – with Notice of Non-Compliance.
Blosser, Richard
Boykin, James – with Notice of Non-Compliance.
Cunningham, Bruce
Dalie, Robert
Granberg, William, Jr.
McGarvey, John
Melendi, Reynaldo
Miller, Thomas
Savnik, James, Jr.
Schultheis, David – submitted missing information and approved at General Session.
Stephens, James
Stokes, Buford
Strickland, Thomas
Vetter, Richard
Whiteman, Daniel

Applications denied

Palacio, Ignacio
Sitte, Carey – failure to appear.
Tribble, Dennis – failure to appear.

Applications continued

Bandes, Robert – per applicant's request.

Block, James – per applicant's request.

Garver, Curtis – per applicant's request.

Schultheis, David – 60 days-CPA prepared Financial Statement for Aqua-Shield Corp.

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

EXECUTIVE COMMITTEE

Mr. Weller gave the following report:

The committee considered an email request from Duncan Sheridan, regarding the licensure requirements for starting a service company that will perform preventative maintenance, installation, and service on commercial ice machines and small refrigerators. The board instructed Mr. Vaccaro to draft a letter stating that a Mechanical or Air conditioning license would be required for work performed on ice machines that require a refrigerant line and outside condenser installation.

The committee also considered a request from Fred Wagner, Assistant County Attorney, Hernando County, requesting that clarification of pre-1973 roofing issue. Also, see related letter from Shawn M. Brannagan, The Hogan Law Firm. The board instructed Mr. Vaccaro to draft a letter reiterating the board's position that certified residential, building and general contractors that were licensed until 1973 with a license number of "7837" or lower may advertise and perform roof contracting.

Ms. Candace Jones, Office of Legislative Affairs, spoke regarding mold assessment and remediation. Mr. Jones was seeking the board's opinion on legislation that was proposed during the past Legislative Session regarding possible regulation of this subject.

Mr. Lang stated that Insurance Companies are taking hits and that he would like to see mold remediation fall under the Construction Industry Licensing Board if regulated.

After further discussion, the board voted unanimously to request that any Legislation requiring the registration of mold assessment and remediation specialists should be given to the Construction Industry Licensing Board.

Ron Safford, Division of Professions and Regulation, gave a presentation on the process of alternative dispute resolution. Mr. Safford provided statistics and an overview of this program.

Mr. Weller also requested that Mr. Vaccaro provide the Board with the Construction Board Financial Information.

RULES REVIEW COMMITTEE

Mr. Blankenship gave the following report:

Ms. Edwards reported on the status of the following rules:

61G4-21.005 – Payment of Claims/Recovery Fund - became effective on June 19, 2003. 61G4-15.018 – Glass and Glazing Specialty – Effective July 9, 2003. 61G4-15.015 – Specialty Structure Contractor – Development to be published on July 18, 2003. 61G4-16.001 – Written Certification Examination Requirement – Effective June 25, 2003. 61G4-17.002 – Aggravating & Mitigating Circumstances – Notice was Published June 13, 2003. 61G4-12.011 – Define Structural as used in Chapter 489, F.S. – Noticed June 25, 2003.

Mr. Kalmanson handed out copies of House Bill 1277, which was signed by the Governor on June 25, 2003. Mr. Kalmanson outlined the amendments to 489.128 F.S., and 489.532 F.S.

Copies of House Bill 1719, which was signed by the Governor on June 20, 2003, were also handed out. Mr. Kalmanson went over this Legislation explaining the changes to the Lien Law.

The Committee asked that 61G4-15.004, F.A.C., be placed on the agenda for the following month.

The Committee asked Staff to bring the old form, which was used to verify an applicant's experience for licensure to the Rule Committee meeting for review.

The Rules Committee voted on a recommendation to the Department's Legislative package to increase the \$5,000 maximum amount for jurisdiction for penalties to \$25,000.

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Ms. Chung gave the following report:

The following providers and courses were approved:

CUNNINGHAM CONSTRUCTION (0000977)

Course: A Business Tool Box of Ideas for Construction Management (Name Change) (0000475 EXPIRED 3/1/02)

GOLD COAST SCHOOL OF CONSTRUCTION, INC. (0000983)

Course: The Plan Review Process (0000491) EXPIRES 11/1/2003)

FLORIDA ATLANTIC UNIVERSITY (0001015)

- 1st Course: Power Actuated & Hand Tools, Signs & Barricades (0001430 EXPIRED 5/1/03)
2nd Course: Cranes, Rigging, Material & Forklifts/Power Lifts (0001431 EXPIRED 5/1/03)
3rd Course: Demolition, Blasting & Hazardous Substances (0001434 EXPIRED 5/1/03)

LORMAN BUSINESS CENTER, INC. (0000837)

- 1st Course: Tricks, Traps & Ploys Used in Construction Scheduling in Florida
2nd Course: Solving Water Intrusion & Mold Problems in Florida

FLORIDA SOLAR ENERGY CENTER (0000859)

- 1st Course: Checklist for Sustainable Development
2nd Course: Energy Efficient Florida Home Building
3rd Course: Residential Window Options USA
4th Course: Optimizing School Design for Hot and Humid Climates

FLORIDA HOME BUILDERS ASSOCIATION (FHBA) (0000916)

- 1st Course: Growth Management
2nd Course: Winning with the News Media

NATIONAL ASSOCIATION OF THE REMODELING INDUSTRY-TAMPA BAY AREA CHAPTER (0001048)

- Course: How to Avoid Construction Defects and Mold Claims

WOOD TRUSS COUNCIL OF AMERICA (0001101)

- 1st Course: Truss Technician Training: Design Principles (INTERNET)
2nd Course: Truss Technician Training: Design Responsibilities & Truss Design Drawings (INTERNET)
3rd Course: Truss Technician Training: Introduction and Terminology (INTERNET)
4th Course: The Performance and Application of Fire Rated Wood Truss Assemblies (INTERNET)
5th Course: Wood Trusses and the IRC (INTERNET)
6th Course: Wood Trusses and the International Building Code (INTERNET)
7th Course: Permanent Bracing of Metal Plate Connected Wood Trusses (INTERNET)
8th Course: Engineered Wood Products (INTERNET)
9th Course: Truss Technician Training: Truss Materials (INTERNET)
10th Course: Truss Technician Training: Truss Design, Manufacturing & Installation Overview (INTERNET)
11th Course: Truss Technician Training: Truss Connections (INTERNET)
12th Course: Truss Technician Training: Truss Math (INTERNET)
13th Course: Truss Technician Training: Load Development (INTERNET)

COASTLINE DISTRIBUTION (0002471)

- Course: Air Conditioning & Heat Pump Refrigerant Charging

STURDEVANT-BEACH ASSOCIATES, LLC

- 1st Course: Risk Management for Homebuilders
- 2nd Course: Workers Compensation
- 3rd Course: Workplace Safety

ROBERT SESCO

- 1st Course: Beautiful Sliding Doors for Privacy (INTERNET)
- 2nd Course: Building the Privacy Fence (INTERNET)
- 3rd Course: Contract Basics (INTERNET)
- 4th Course: Laying Floor Tiles: A Case Study (INTERNET)
- 5th Course: Look Inside My Toolbox (INTERNET)
- 6th Course: The Not-Quite-New Drywall Repair Technique (INTERNET)
- 7th Course: Transforming the Entry Door (INTERNET)

ESTATE & BUSINESS PLANNING GROUP (0002730)

- 1st Course: 1031 Exchanges / Real Property
- 2nd Course: Business Continuation Plans & Key Employee Plans
- 3rd Course: 412i Defined Benefit Plans

The following courses and providers were tabled for further information:

DAVID M. TURNER

- 1st Course: Pricing as a Professional (INTERNET)
- 2nd Course: Professional Painting (INTERNET)
- 3rd Course: Understanding the Hispanic Construction Worker (INTERNET)
- 4th Course: Use of Steel in Design & Construction (INTERNET)

GOLD COAST SCHOOL OF CONSTRUCTION, INC. (0000983)

Course: Refrigerant Transition and Recovery (0000493 EXPIRES 11/1/03)

The following courses and providers were denied:

A PROFESSIONAL SCHOOL OF CONSTRUCTION (001003)

- 1st Course: Supervision for Contractors (0000756 EXPIRES 10/1/03)
- 2nd Course: Operating a Construction Business (0000757 EXPIRES 10/1/03)

PLUMBING CONTRACTORS ASSOCIATION (0000987)

Course: Wage and Hour Law Issues (0005837 EXPIRED 5/1/03)

FL REDEVELOPMENT ASSOCIATION

Course: NO COURSE TITLE

Mr. Vaccaro addressed this committee regarding an update of the department's 100%-monitoring program for continuing education. The process would be that within thirty days of the next license renewal, the department would send each licensee a notice of any missing continuing education hours, including the Florida Building Code Core Course, and state that all continuing education requirements must be fulfilled in

order to be able to renew the following renewal cycle. Mr. Vaccaro also stated that the department will conduct a mid-cycle audit to determine if any disciplinary action would be required for deficiencies.

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

RECOVERY FUND/FINANCE COMMITTEE

This committee did not meet this month.

OLD BUSINESS

There was no old business at this time.

NEW BUSINESS

Mr. Brad Loar, Federal Emergency Management Agency and Dean Jarvis, Certified General Contractor, approached the board regarding permit fraud abuses by State of Florida licensed contractors working in coastal and flood plain communities. It was stated that contractors routinely file permit requests that fraudulently represent the value of work performed under FEMA repair contracts.

The board explained to Mr. Loar and Mr. Jarvis that they do not have authority over permitting issues and that their requests would have to be taken up at the local level. Mr. Vaccaro suggested that he take FEMA's concerns back to Department Counsel to see if the department had any suggestions.

With no further business, the meeting was adjourned at approximately 10:35 a.m.