

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

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

GENERAL SESSION MINUTES

MARCH 13, 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

Board Members Absent

Frank Bonuso
Paul Del Vecchio

Others Present

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

Ms. Bailey gave the invocation. Ms. Kane led the Pledge of Allegiance.

REVIEW OF MINUTES

- Final Action – January 2009

The Board voted unanimously to approve this report.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell introduced Charles Drago to the board and he gave a brief introductory speech to the Board. Mr. Drago brought up two initiatives the Governor initiated for economic recovery; Accelerate Florida and combating unlicensed activity. Mr. Drago also addressed internal measures meant to speed up the application/licensing process and the Road to Better Business initiative meant to gauge public issues and concerns.

Mr. Harrell introduced David Spingler, Administrative Assistant, to the Board.

Mr. Harrell reminded board members that with legislative session approaching, if any member speaks to the legislature, they are not doing so as representatives of the Board.

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

CHAIRMAN'S REPORT – JACQUELINE WATTS

Ms. Watts excused the following absences:

Mr. Del Vecchio (whole meeting)

Mr. Bonuso (whole meeting)

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 February 2009, the overall case load was 1,978, up from 1,953 from January 2009, and down from 2,357 from February 2008.

There were 572 cases to be reviewed in Legal, 74 cases set for probable cause, and 403 cases where probable cause had been found/administrative complaints filed. 171 cases were ready for default, 29 cases had stipulations executed/informal hearings requested, and 98 cases had requested formal hearings. There were 18 referred to DOAH, 68 cases in settlement negotiations, 298 cases awaiting final orders, and 246 cases set for Board presentation. There were 0 cases under appeal and 0 cases re-opened.

Mr. Kelly announced the filling the two vacancies in his Department.

Mr. Kelly introduced April Skilling, Deputy General Counsel. Ms. Skilling spoke about measures being taken to speed up prosecution by the implementation of a timeline with the goal of cases being closed within 1 year. Ms. Skilling stated that in order for this to

be accomplished, investigations will have to be completed within 120 days. At that point, the attorney's have up to 30 days to either close the case or draft an Administrative Complaint and set it to appear before the probable cause panel. At that point, it has a mandatory 10 days before going public and the Agency Clerk's attempts to process serve it through Certified Mail. If proof of receipt (green card) is not received within 30 days it is then attempted to be served by a process server, who has 30 days. If a person cannot be served within 30 days by the process server, it has to go to publication and stay in publication for 4 weeks. If the Administrative Complaint is served within 30 days the respondent in the complaint has 20 days to respond, and either request a formal hearing and appear in front of DOAH, request an informal hearing and appear in front of the board, choose to negotiate, or choose to allow the board to take whatever action they deem necessary. Cases going to DOAH are usually sent to DOAH within 15 days. If they choose to negotiate they are given an additional 30 days to attempt negotiations. If negotiations fail the case is sent to DOAH. If a negotiation is agreed upon, Legal will draft a settlement stipulation and set it for Board presentation. The final step is awaiting the Final Order from the Attorney's General's office. Ms. Skilling stated there are several things that could go awry to keep the case from being closed within 1 year so in order to speed up the process, when an Administrative Complaint is served with the Election of Rights, a proposed Settlement Stipulation will also be served. At that point, the person being served has 21 days to either accept or reject the Stipulation.

Ms. Skilling stated that what she is requesting from the board is consistency in what they are looking for in Settlement Stipulations. This would improve the ability to come to a Settlement Stipulation with a respondent and drastically reduce the amount of time it takes for a case to be closed. Ms. Skilling stated the Office of General Counsel has gone to mandatory 45 hour work weeks in attempts to reduce the case load. Ms. Skilling also explained the settlement options the Department takes to prevent the case from ever being sent to the OGC's office, including Cease and Desist Orders, Notices of Non-Compliance, Citations, and Alternative Dispute Resolution. Ms. Skilling explained which violations have been determined mediation eligible and she will provide the board a list of those violations.

Ms. Watts complimented Jeff Kelly on his ability to accurately gauge the punishment that the Board likes to see for different violations and recommending those punishments to the Board.

Mr. Kelly talked about probable cause and mentioned that probable cause should be going paperless in the near future.

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

ATTORNEY GENERAL'S REPORT – DAN BIGGINS/CARROL CHERRY

DALE ANDERSON – REQUEST FOR INFORMAL HEARING

Mr. Anderson was present.

Mr. Biggins presented this case stating Dale Anderson's application for initial licensure as a Certified General Contractor was denied at the October 2008 meeting due to failure

to demonstrate the required experience. Mr. Anderson received a Notice of Intent to Deny. Mr. Anderson timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

HANLEY WOOD EXHIBITIONS – REQUEST FOR INFORMAL HEARING (CE)

A representative from Hanley Wood Exhibitions was not present.

Mr. Biggins presented this case stating that 5 courses, “7 Non-Negotiables of a Successful Concrete Contractor”, “Costly Mistakes and Specs”, “How to Develop and Implement a Start Up Safety Program”, “Understanding Subcontracts from a Sub’s Point of View”, “Killer Construction Laws that Affect Contractors”, proposed by Hanley Wood Exhibitions were denied at a previous board meeting for not being sufficiently related to contracting.

After discussion the board voted unanimously to approve the course “How to Develop and Implement a Start Up Safety Program” and uphold the denial of the other 4 courses.

BRIAN HUNTER – REQUEST FOR INFORMAL HEARING

Mr. Hunter was present.

Mr. Biggins presented this case stating Brian Hunter’s application for initial licensure as a Certified General Contractors license was denied at the December 2008 meeting for failure to demonstrate the required experience. Mr. Hunter received a Notice of Intent to Deny. Mr. Hunter timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

GROVER JOHNSON – REQUEST FOR INFORMAL HEARING

Mr. Johnson was not present.

Mr. Biggins presented this case stating Grover Johnson’s application to qualify an additional business entity was denied at the October 2008 meeting for failure to appear in front of the board. Mr. Johnson received a Notice of Intent to Deny. Mr. Johnson timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial of the application.

TONY ROBERTSON – REQUEST FOR INFORMAL HEARING

Mr. Robertson was not present.

Mr. Biggins presented this case stating Tony Robertson’s application to qualify an additional business entity was denied at the October 2008 meeting for failure to appear in front of the board. Mr. Robertson received a Notice of Intent to Deny. Mr. Robertson timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial of the application.

CHARLES BURGAN – REQUEST FOR EARLY TERMINATION OF PROBATION

Mr. Burgan was present.

Mr. Biggins presented this case stating Mr. Burgan is requesting early termination of his probation. Mr. Burgan stated he has completed two years of probation successfully and all his appearances have been satisfactory.

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

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

COMMITTEE REPORTS

ADDITIONAL BUSINESS COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

Applications Approved

Anzalone, Frank

Bannan, Gary

Boone, James

Cacace, Danilo – must provide proof of 20% ownership of proposed entity.

Head, Thomas

Johnson, Jeannie

Ko, Oon Teong – probation until settlement in mediation is paid in full of proposed entity.

Kondroski, Roger

Lamm, David

Lawhun, Samuel – probation for 2 yrs.

Leccese, Michael

Lenardson, Wetanah

Leoni, Victor – must provide proof of employment or ownership of proposed entity.

Mc Garvey, John

Mercer, Paul

Meyers, Rhoda – must provide proof of employment of proposed entity.

Mickle, Jeffery

Mouhot, Emile

Noble, John

Parish, Bradley

Pezzano, Vincent – must provide receipt of release of lien of proposed entity.

Potenti, Alessandro

Robertson, James

Sabin, Sam

Sexton, Ronnie – must provide proof of ownership of proposed entity.

Smid, Karel

Solano, Denis
Williams, Britton
Zecher, Bryan

Applications Denied

Gonzalez, William
Griffith, Thomas

Applications Continued

Della-Pietra, Ralph – continued 30 days
Heal, Albert – continued 60 days to provide additional experience.
Manning, Larry – continued 30 days

Applications Withdrawn

Garcia, Obdulio

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – JAMES FLAHERTY

Mr. Flaherty gave the following report:

CONTRACTORS EXAM SCHOOL

Green Construction
LEED Training
Wind Mitigation Inspection Training

FEDERATED MUTUAL INSURANCE

Contractors Guide to Transporting Hazardous Materials - approved

FENESTRATION MANUFACTURER'S ASSOCIATION, INC.

Standard Practice for Frontal Flange Windows in CMU Construction - approved

FLORIDA REFRIGERATION & AIR CONDITIONERS CONTRACTORS ASSOCIATION

Asset Protection Tools, Lawsuit Protection & Tax Reduction - approved
BIM (Building Information Modeling) for HVAC Contractors – approved
Collections 101 – An Attorney's Guide for HVAC Contractors – approved
Don't Lose Your Shirt on Service Agreements – approved
Green Workforce Development Planning for your Employees & Business - approved
Increase Profits with Integrity Installation of After Market Products - approved
Indoor Air Quality Your Customer's Concerns - approved
Killer Contract Clauses Preventing Claims and Disputes - approved
Life After 13 SEER - approved
New Technologies in Ventilation & Dehumidification - approved
Reverse Cycle Chillers Advanced Commercial and Residential Applications – approved
The Economy and Your Future as an HVAC Contractor - approved
Using R410A – Reducing Call Backs and Increase Profits – approved

FRSA EDUCATIONAL AND RESEARCH FOUNDATION

OSHA Scaffold Standards for the Roofing Industry – approved

HANLEY WOOD EXHIBITIONS

Concrete Countertops: Cast-in-Place and Precast – approved

KONING ENTERPRISES, INC. DBA CONTRACTORS INSTITUTE

2007 Advanced Code: Building/Structural Summary – approved

Alternative Technologies for Domestic Water Heating and Power Production – approved

Understanding Photovoltaic Technologies - approved

Understanding Solar Technology for Domestic Water Heating – approved

LORMAN BUSINESS CENTER, INC. DBA LORMAN EDUCATION SERVICES

The Hidden Risks of Green Buildings: Why Building Failures are Likely and How to Avoid Them - denied

PALM BEACH COUNTY PLUMBING, PIPEFITTING JOINT EDUCATION TRUST FUND

Contractors, Installer and Gas Inspector Medical Gas Certification - pulled

Florida Laws and Rules Overview - pulled

OSHA Outreach for Journeyman & Apprentices in the Construction Trade - pulled

PHILIP STAMATYADES

Integrity in Construction - provider approved; course approved; instructor denied

REDVECTOR.COM, INC.

Florida Building Code Advanced 2007; Accessible Elements & Spaces, Part 1 - approved

Florida Building Code Advanced 2007; Accessible Elements & Spaces, Part 2 – approved

Florida Building Code Advanced 2007; Accessible Elements & Spaces, Part 3 – approved

Florida Building Code Advanced 2007; Fixtures, Faucets, and Fixture Fittings – approved

Florida Building Code Advanced 2007; Floors – approved

Diagnosing & Mitigating IAQ Problems – approved

IAQ: Humid Climate Issues – approved

Introduction to Photovoltaic – approved

LEED Introduction: Sustainability & Measurement Systems – approved

OSHA 10 Hour Construction Program – approved

OSHA Safety: Stairways and Ladders – approved

Storm Safe Homes: Building and Safe Room – approved

Window Installation: Box-Frame Replacement Windows – approved

Window Installation: Concrete Masonry Unit Techniques & Standards – continued

Window Installation: Wood Frame Construction, Techniques, and Standards – approved

SOUTHEAST CONSTRUCTION OF TAMPA BAY, INC.

Wind Mitigation Methodology – provider approved; course approved; instructor denied

UNIVERSITY OF SOUTH FLORIDA

OTI 500 Trainer Course in Occupational Safety & Health for Construction – approved
OTI (OSHA TRAINING INSTITUTE) Seminar Course 510 – approved

STELLAR GROUP

Managing Design/Build Construction Projects – approved

COMMERCIAL ENERGY SPECIALISTS, INC.

Guerilla Professional Pool Management Seminar – approved
Proven Green Technologies for Commercial Pools – approved

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

PROBATION COMMITTEE – CARL ENGELMEIER

Mr. Engelmeier gave the following report:

Ameen, Mohammad, (CBC 60222)

Result: Satisfactory

Badaloo, Arthur, (CGC 56729)

Result: Satisfactory

Blanton, Michael, (RC 29027308)

Result: Satisfactory

Blasucci, Joseph, (CBC 1250169)

Result: Satisfactory

Burgan, Charles, (CGC 1512729)

Result: Satisfactory

Burke, Timothy, (CFC 57957)

Result: Satisfactory

Cardon, Keith, (CAC 1813575)

Result: Stay of Suspension lifted

Cartelle, Antonio, (CFC 1427736)

Result: Satisfactory

Caruso, Michael, (CGC 37287)

Result: Satisfactory

Collins, Humbert, (CFC 1427676)

Result: Satisfactory

Doughty, Billy, (CCC 1327869)

Result: Satisfactory

Ford, Aaron, (CGC 1513636)
Result: Satisfactory

Frey, William, (CCC 1328660)
Result: Continued for 6 months

Johnson, Chetwood, (CFC 1427262)
Result: Continued for 6 months

McCall, Robin, (CBC 36401)
Result: Satisfactory

Miller, Jerald, (CCC 1328562)
Result: Unsatisfactory

Mondragon, Jose, (CAC 1815984)
Result: Satisfactory

Stellino, Frank, (CGC 33957)
Result: Satisfactory

Sussman, Jeffrey, (CGC 1515675)
Result: Satisfactory

Wilson, William, (CGC 21685)
Result: Satisfactory

Worthington, Linda, (CGC 45449)
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

Angelilli, Ernest Louis III

Bass, James Woodson

Brechbiel, Timothy James – probation for 2 yrs. must provide status of child support at each probation hearing.

Buscema, Steven Joseph

Davis, Tavaris Jerome – downgrade to CBC and 4yrs. Probation

Ellis, Terry – must provide proof verifying that Mr. Williams' signed affidavit of proposed entity.

Exposito, Agustin – must provide verification of one year construction experience on buildings no less than 4 stories in height within 30 days.

Halperin, Scott Gary

Garris, Harold H
Harris, James Bradley
Harnett, Phillip Tom
Helms, Jeffery Gleen
Kolinowski, Joseph Patrick
Korson, Mark Alan – downgrade to CBC
Martinez, Jose Jr.
Miller, Mark J
Moreira, Rodrigo Leonardo – must provide proof of transcript.
Rank, Dawn – must provide proof of transcript.
Sanchez, Viurniel – probation for 2 yrs.
Taracek, Jerry
Weaner, Jerritt Lee

.Applications Denied

Jeantinor, Wisly
McAdams, Micheal Dean
Smudde, Ryan Michael

Applications Continued

Murphy, Gabriel Eugene – continued 60 days to provide additional experience.
Parrish, Brent P – continued 30 days
Rodriguez, Jose Gabriel – continued 60 days to provide additional experience.

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

AD HOC LICENSURE QUALIFICATIONS COMMITTEE – JACQUELINE WATTS

Ms. Watts stated that pre-licensure education was discussed again. The idea of an internship was brought up where an applicant could possibly have a year of education and a year of internship both through a provider and the provider would verify an internship.

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – PAUL DEL VECCHIO

The following rules have been **Developed**

61G4-12.006 Approved Form

The following Proposed Rules have been **Noticed**

61G4-15.001 Qualification for Certification

61G4-15.028 Precision Tank Testers

61G4-15.029 Tank Lining Applicators

61G4-15.032 Certification of Swimming Pool Specialty Contractors

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

61G4-18.005 Qualifications of Course Instructors

61G4-21.005 Payment of Claims

Discussion took place regarding Rule 61G4-22.001 to add violation 489.129 (1)(Q) as a mediation eligible violation.

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

OLD BUSINESS

Board meeting materials were removed the laptops.

Mr. Sheehan discussed the inconvenience of waiting to receive compensation for board meeting and requested he be compensated for the past two meeting before next month's board meeting.

NEW BUSINESS

Mr. Pietanza brought up the idea of possibly putting denied applicants on both the General Session agenda and the Committee agenda, as applicants who are denied and appear at General Session often times get sent back to Committee. This would save an applicant from having to travel to two different meetings.

Mr. Holloway brought up the issue of maintenance men repairing electrical and plumbing in hotels. He requested a Declaratory Statement be issued regarding a maintenance man employed by a hotel being able to work on the plumbing and electrical in that hotel. Ms. Watts stated she would like to see it expanded to apartment complexes too.

Ms. Kane thanked G.W. Harrell and Jeff Kelly for speaking at the Florida Bar event for Construction law.

Mr. Lenois thanked G.W. Harrell for a presentation he made to the Florida Swimming Pool Association on the subject of unlicensed activity. Mr. Harrell also gave credit to Michael Green, Unlicensed Activity Coordinator, and to Mr. Lenois.

With no further business the meeting was adjourned.