

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

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

GENERAL SESSION MINUTES

MAY 15, 2009

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

Board Members Present

Jacqueline Watts
Elbert Batton
Paul Del Vecchio
Carl E. Engelmeier
James C. Evetts
James Flaherty
Raymond Holloway
Jerry D. Hussey
Michelle Kane
Roy R. Lenois
Robert Moody Jr.
William S. Sheehan

Board Members Absent

Peggy Bailey
Frank Bonuso
Mark Pietanza
Don Wilford
Paul Del Vecchio (Wednesday only)
Edward Weller (Wednesday only)

Others Present

G. W. Harrell, Executive Director, DBPR
Andy D. Janeczek, Government Analyst, DBPR
Amanda Abbott, Government Analyst, DBPR
Jenny Ulrich, Regulatory Consultant, DBPR
Daniel Biggins, Legal Advisor, AGO
Carrol Cherry, Legal Advisor, AGO
James Fortunatas, Prosecuting Attorney, DBPR
Paul Waters, Prosecuting Attorney, DBPR

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

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell discussed the new meeting structure and its challenges and complimented the board on making the meeting progress smoothly. Mr. Harrell stated he has not yet received a synopsis on what the legislature has passed and stated the Governor has not yet signed the Department's bill.

The board voted unanimously to approve this report.

CHAIRMAN'S REPORT – JACQUELINE WATTS

Ms. Watts confirmed they will continue to meet to make sure the meeting runs as smoothly as possible and complimented the board on the meeting running smoothly.

The following absences were excused:

Ms. Bailey (whole meeting)
Mr. Pietanza (whole meeting)
Mr. Wilford (whole meeting)
Mr. Bonusu (whole meeting)
Mr. Weller (Wednesday)
Mr. Del Vecchio (Wednesday)

The board voted unanimously to approve this report.

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Fortunas gave the following report:

For the month of April 2009 the overall case load was 1,823, down from 1,963 in March and down from 2,315 from April of 2008.

There were 609 cases to be reviewed in Legal, 41 cases set for probable cause, and 441 cases where probable cause had been found/administrative complaints filed. 167 cases were ready for default, 34 cases had stipulations executed/informal hearings requested, and 106 cases had requested formal hearings. There were 21 cases referred to DOAH, 53 cases in settlement negotiations, 201 cases awaiting final orders, and 149 cases set for Board presentation. There were 0 cases under appeal and 1 case re-opened. 303 cases were closed for the month of April.

The board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – DAN BIGGINS

JOHN AIELLO – REQUEST FOR EARLY TERMINATION OF PROBATION

Mr. Aiello was present.

The board voted unanimously to grant the request for early termination of probation.

TRACY CLOUGH – REQUEST FOR INFORMAL HEARING

Mr. Biggins stated this case had been pulled from the agenda.

CONTRACTORS CE SYSTEMS – REQUEST FOR INFORMAL HEARING

A representative from Contractors CE Systems was present.

Mr. Biggins presented this case stating Contractors CE Systems course application for the course entitled “7 Hours Course #1 (Internet)” was denied at the January 2009 meeting for failure to demonstrate interactivity and student identification procedures. Contractors CE Systems received a Notice of Intent to Deny in March of 2009. Contractors CE Systems timely requested board reconsideration.

After discussion the board voted to send this back to the CE Committee.

NORBERTO LOPEZ – REQUEST FOR INFORMAL HEARING

Mr. Lopez was present.

Mr. Biggins presented this case stating Norberto Lopez’ application for initial licensure as a Certified General Contractor was denied at the January 2009 meeting for failure to demonstrate the required experience. Mr. Lopez received a Notice of Intent to Deny in March of 2009. Mr. Lopez timely requested board reconsideration.

After discussion the board voted unanimously to approve the application contingent upon the applicant downgrading to a Certified Building Contractors license.

Mr. Harrell instructed the Prosecuting Attorney to open an investigation against a verifier of Mr. Lopez’ application for verifying experience as a corporation instead of an Individual, which is what he is licensed as.

JOSH SCHMIDTER – REQUEST FOR INFORMAL HEARING

Mr. Schmidter was present.

Mr. Biggins presented this case stating Josh Schmidter’s application for initial licensure as a Certified Roofing Contractor was denied at the November 2008 meeting for failure to demonstrate the required experience. Mr. Schmidter received a Notice of Intent to Deny in February of 2009. Mr. Schmidter timely requested board reconsideration.

After discussion the board voted unanimously to continue the application for further processing to verify his experience.

MICHELLE TAUSCHER – REQUEST FOR INFORMAL HEARING

Mr. Biggins stated this hearing request had been concluded the previous day and had been pulled from this agenda.

FRED DUDLEY – REQUEST FOR EMERGENCY MOTION FOR STAY OF A FINAL ORDER, PENDING APPEAL

The Final Order was issued April 8 and an appeal was filed with the District Court of Appeals on May 8th.

After discussion the board voted unanimously voted to reconsider and withdraw the Final Order.

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

COMMITTEE REPORTS

ADDITIONAL BUSINESS ENTITIES COMMITTEE – MARK PIETANZA

The following report was given:

Applications Approved

Arbucci, Mario
Arellano, Agustin
Barrows, Sherry– approved with 2 years probation.
Bogart, Michael
Clendenen, David
Garcia-Menocal, Marco
Guillotte, Michael
Hoffman, Andrea
Jason, Kenneth
Mangialetto, Mark
Manning, Larry– must provide proof of 100% proposed ownership
Mannino, Anthony
Martin, Michael
Mulligan, Richard
Otto, Harold
Pappas, Johnny
Richel, Michael– approved with 2 years probation.
Spivey, James
Wolfe-Hirt, Kelly
Bartlett, Jack
Heal, Albert

Applications Continued

Epstein, Shlomo – continued 60 days

Applications Withdrawn

Beierle, Scott
Rice, Michael

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Lenois gave the following report:

BUILDING OFFICIALS ASSOCIATION OF FLORIDA

Energy Code Update – Approved as 2 hours GENERAL course.

Existing Building Update – Approved

Florida Building Code- Residential Update – Approved

Introduction to Solar PV System – Approved

Introduction to Solar Thermal System – Approved

Method A Energy Code Plan Review Change – Approved

Solar Permitting & Inspection under the Florida Building Code - Approved

FLORIDA ASSOCIATION OF PLUMBING, GAS & MECHANICAL INSPECTORS INC

Building Type – Occupancy & Tenant Separation – Approved

Corrosion and Corrosion – Approved

CPVC Pipe Training– Approved

Plumbing- Drainage – Approved

Plumbing - Venting – Approved

Water Supply and Distribution – Approved

FLORIDA ASSOCIATION PLUMBING HEATING COOLING CONTRACTORS

Collection 101 – An Attorney’s Guide for Plumbing Contractors – Approved

Developing and Performing a Green Plumbing Audit – Approved

Indoor Air Quality – Addressing Your Customer’s Concerns – Approved

Introduction to Residential Fire Protection – Approved

LEED AP – Why would a Plumbing contractor need it? – Approved

Measuring Gravity Sewer Flow Accurately – Approved

Plumber’s Guide to Solar Hot Water Design & Installation – Approved

Reducing Worker’s Compensation Fraud – Approved

Resolving Fats, Oils, Grease Plumbing Problems – Approved

Secrets of a Successful Business – Approved

Systems for Success – Approved

The Economy and your Future as a Plumbing Contractor – Approved

The Ultimate Pay-for-Performance – Approved

Zero Water Consumption Technologies - Approved

FLORIDA REFRIGERATION & AIR CONDITIONING CONTRACTORS ASSOCIATION

Residential Chillers – Design, Installation, Service - Approved

HAYES & CARABALLO, PL

Contractors, Specifications and Law Workshop – Approved

KONING ENTERPRISES, INC. DBA CONTRACTORS INSITUTE

Building Warranties and F.S. 558 Notices of Defects – Approved

Contract Term and Clause Specifics – Approved

Ethics for Construction Contractors and Code Officials – Approved
Florida Statute 713-Construction Liens – Approved
Governmental and labor Risks – Approved
Introduction to Common Federal and State Safety and Employment laws – Approved
Introduction to Contracts and Subcontracting Terms – Approved
Introduction to Legal Processes: Alternate Dispute Resolution – Approved
Introduction to Legal Processes: The Court Process – Approved
Legal Protections and Asset Management – Approved
Managing Safety Exposures – Approved
Overview of F.S. 468 Building Code Administrator and Inspector's Statute – Approved
Principles of Accounting and Payroll Management – Approved
Principles of Business and Risk Management – Approved
Principles of Insurance and Bond Types - Approved
Principles of Job Costing and Scheduling - Approved
Thermal and Moisture - Approved
Understanding Photovoltaic – Approved
Understanding Solar Technology for Domestic Water Heating – (internet) - Approved

**PLUMBING & MECHANICAL CONTRACTORS ASSOCIATION OF SOUTH FLORIDA
INC**

2007 Florida Building Code - Plumbing – Approved
Awareness of Violence in the Workplace (0008947, expired 01/11/2009) – Approved
Excavation/Confined Space-OSHA Chapter 29 Subpart B (0008949, expired
01/11/2009)– Approved
Green Awareness – Approved
Hazwoper (0008950, expired 01/11/2009) – Approved
What is an Inspection? (0008948, expired 01/11/2009) – Approved

REDVECTOR.COM, INC

Window Installation: Concrete Masonry Unit Techniques (Continued from March, 2009)
– Approved

ROBERTSON GROUP

The Fundamentals of Construction Law – Approved

SOUTH FLORIDA CHAPTER ASSOCIATED GENERAL CONTRACTORS

Florida 2007 Advanced Building Code – Approved
Laws and Rules – Statute 489 – Approved

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

PROBATIONS COMMITTEE – CARL ENGELMEIER

Mr. Engelmeier gave the following report:

Aiello, John Robert, CAC 1815313

Result: Satisfactory

Arambula, David Russel, CCC 1328826,

Result: Unsatisfactory (Incomplete package)

Burchfield, Joseph G., CCC 58201

Result: Satisfactory

McKenna, Kenneth, CPC 1456482

Result: Satisfactory

Milstead, John Olin, CAC 33632

Result: Satisfactory (Probation completed)

Teixeira, Barry, CFC 1427464

Result: Unsatisfactory (Expired insurance and failure to submit a financial statement).
This is his third unsatisfactory and his license was suspended.

Garvin, Isaac (CCC 57644)

Result: Stay of suspension lifted for failure to submit a probation package or appear at the probation hearing.

Wonsetler, Roger (CPC 37045)

Result: Stay of suspension lifted for failure to submit a probation package or appear at the probation hearing.

Bookhardt, Aldon, CGC 1505081, CCC 57655

Division II Result: Continued for 6 months

Division I Result: Continued for 6 months

Cerber, Sinclair (CBC 1510534)

Result: Continued for 6 months

D'Aprix, Rexford (CBC 1256975)

Result: Continued for 6 months

Dulworth, Jean (CGC 1516266)

Result: Satisfactory

Goodman, Sam (CBC 57446)

Result: Unsatisfactory

Griffis, Roger (CGC 24765)

Result: Continued for 6 months

Kodsy, Sherif (RB 29003399)

Result: Satisfactory

Lemire, Aaron (CRC 1329931)

Result: Continued for 6 months

Means, Daryl (CGC 59950)

Result: Continued for 6 months

Neff, Herbert (CGC 51895)

Result: Continued for 6 months

Raimi, Manuel (CBC 12196)

Result: Satisfactory

Rickel, Robert (CGC 58696)

Result: Satisfactory

Rudzik, Thomas (CGC 1512728)

Result: Continued for 6 months

Saylor, Robert (CGC 21753)

Result: Satisfactory

Jesse Donald Lore, Jr. (CBC 1251349)

Result: Stay of suspension lifted for failure to submit a probation package or appear at the probation hearing.

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

APPLICATION REVIEW COMMITTEE – WILLIAM SHEEHAN

Mr. Sheehan gave the following report:

Applications Approved

Benjamin, Michael Gary

Brown, Larry Jr. – downgrade to CBC with 2 years probation.

Cherry, Ernest Robert

Claek, Euill Ashley

Griggs, John Jr.

Hamilton, Michael Dennis

Hernandez, Carlos Jr.

Hogan, Dennis Michael

Kelly, Thomas A.

Mallin, Shawn Glenn

Mattson, Mark Wilson – downgrade to CBC.

McCall, Robin Shawn

Meyer, Brien Scott

Mooney, Patrick Jr.

Morejon, Ernesto E

Nelson, Andrew Jon

Parker, Robert Clyde

Parrish, Brent P

Payne, D Troy

Perez, Miguel Alejandro – with 3 years probation.

Pritchard, John

Rodriguez, Jose – downgrade to CBC.
Rubin, Bruce Dean – need more verification of experience, needs 4 years total.
Van Antwerp, Jennifer Ann – upon proof of completing 60 hours course with 2 years probation.
Wallace, Michael Steven

Applications Denied

Campbell, Lewin Earl
Huffman, Jeffrey L
Huynh, Larry
Scott, John Edward
Petitt, Wilson Ray
William, Adrien

Applications Continued

Kenny, Stephen Carman – continued 30 days
Lezama, Mauricio Jose – continued 90 days to provide revised experience – establish relationship between verifier, and applicant.
O'steen Vaughn, Sara Beth – continued 30 days
Romero, Richard Ray – continued 60 days for more experience.
Scoz, Jeonei Marcelo – continued 90 days

Applications Withdrawn

McQuillan, William Hugh
Staggs, Christopher

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

AD HOC LICENSURE QUALIFICATIONS COMMITTEE – JACQUELINE WATTS

Ms. Watts stated course providers are following rules. Ms. Watts stated pre-licensure education was discussed again and stated she would bring in both CE providers and members from the industry to gauge opinion. FRO bonds were discussed and who they should be payable to and the board decided they should be made to the Department and would be routed to the board to pay for fines and costs. Mr. Watts stated educational transcripts were discussed and it was decided that the word of the applicant would be enough and actual transcripts would not need to be provided as that would require too much research by staff. However, the applications would be amended to include spaces for the school the applicant attended, etc. Ms. Watts stated it would be made clear to the applicant that random audits would be conducted and the applicant would have to provide proof of education if they are audited. Ms. Watts stated that's the best that could be done with the current staff. Ms. Watts also stated all information that was provided at the CE seminar would be made available on the internet, and a rule would be developed which would remove the need for CE provider to provide workshops. Mr. Sheehan expressed concern over the lack of necessity for applicants to provide transcripts and how education in any field could possibly qualify a person for a construction license because the Department is not checking transcripts. Ms. Kane stated the applicant should provide a transcript. Mr. Del Vecchio invited the board to thoroughly read the statutes as they relate to the educational requirements.

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – JACQUELINE WATTS

The following rules have been Developed:

61G4-15.0021 Certification and Registration of Business Organizations

61G4-22.001 Mediation (Approve language and SERC)

The following proposed rules have been Noticed:

61G4-12.006 Approved Form

61G4-15.001 Qualifications for Certification

61G4-15.028 Precision Tank Testers

61G4-15.032 Tank Lining Applicators

61G4-18.005 Qualifications for Course Instructors

The following rules have been Adopted:

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

61G4-21.005 Payment of Claims

Mr. Biggins stated the rules committee voted on language to allow civil judgment offense to be a mediated offense and decided that it would not affect small business. The rule on Course Instructor certification was completed.

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

OLD BUSINESS

Mr. Lenois brought up concerns for the guidelines which currently constitute aiding and abetting unlicensed activity, and a provision needs to be created for the revocation and suspension of licenses for aiding and abetting unlicensed activity. Mr. Lenois would like to see the punishment guidelines for aiding and abetting unlicensed activity increased.

Removal of board meeting materials from laptop.

NEW BUSINESS

There was no new business.

With no further business the board meeting was adjourned.