

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

**THE EMBASSY SUITES HOTEL ORLANDO DOWNTOWN
191 EAST PINE STREET
ORLANDO, FL 32801
(407) 835 6857**

APRIL 16, 2004

The meeting was called to order by Michelle Kane, Vice-Chair, at 8:07 a.m.

Those present were:

BOARD MEMBERS

Michelle Kane, Vice-Chair
Michael Blankenship
Joan Brown
John J. Cox, III
Lee-En Chung
Paul Del Vecchio
Carl Engelmeier
Raymond Holloway
Barry Kalmanson
Elizabeth Karcher
Robert Lang
Mark Pietanza
Jacqueline Watts

OTHERS PRESENT

Diane Guillemette, Board Counsel
Patrick Creehan, Prosecuting Attorney
Tim Vaccaro, Executive Director
Adrienne Rodgers, CIRF Counsel
Stacey Merchant, Government Analyst II
Ruthanne Christie, Government Analyst I
Valerie Singleton,

Those absent were:

BOARD MEMBERS

Edward Weller, Chair
John B. Smith

Raymond Holloway gave the invocation. Jacqueline Watts led the Pledge of Allegiance.

REVIEW OF MINUTES

- MARCH 11, 2004

The Board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Vaccaro gave the Board Members an updated list of Licensees. The list included the number of active and inactive contractors sorted by license type. There were 59,229 certified contractors and 14,038 registered contractors for a total of 73,267

Mr. Vaccaro also reported that that there were 4,364 complaints from July 03 – March 04. There were 2,273 complaints found legally sufficient. 760 were unlicensed cases. There were 2,018 investigations assigned, 1,433 investigations completed and 417 mediations assigned. There were 331 mediations completed, 139 notices of non-compliance issued and 66 citations issued.

CHAIRMAN'S REPORT

Ms. Kane asked the Board to excuse Mr. Weller and Mr. Smith's absences from this meeting. The Board voted unanimously to excuse both absences.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

In March there were 297 cases in Legal. There were 62 cases set for probable cause, 61 cases had probable cause found/Administrative complaints filed and 58 cases were ready for default. There were 39 cases with stipulations executed/Informal Hearings requested, 108 cases had formal hearings requested and 15 cases were referred to DOAH. There also were 25 cases awaiting final orders, 7 cases in settlement negotiations, 2 cases under appeal and 1 case that was re-opened. There were 64 case closed for the month of 2004.

ATTORNEY GENERAL'S REPORT

Lee Chabot, Application to Qualify an Additional Business, Informal Hearing

Mr. Chabot's application was denied by the Additional Business Committee at the January 2004 meeting. The Notice of Intent to Deny was based upon Global Homes Builders, Inc.'s (the additional business Mr. Chabot wished to qualify) engaging in the business of contracting without first having a certificate of authority. The Notice was sent to the address of the entity Mr. Chabot was applying to qualify rather than his personal address. The certified mail "green card" came back undeliverable. Mr. Chabot also presented a letter from DBPR stating that the complaint of unlicensed activity was closed due to insufficient evidence. Mr. Chabot was present. The Board voted unanimously to uphold the previous denial.

Public Hearing on Rule 61G4-15.001, F.A.C.

The following individual's spoke against the proposed rule changes:

John Moyant, Contractor's Exam School
Rhonda Koning, Contractor's Institute, licensee

Public Hearing on Rule 61G4-15.005 F.A.C.

The following individual's spoke against the proposed rule changes:

John Moyant, Contractor's Exam School
Kevin Trim, Professional Licensure Services
Jim Cunningham, Mid-Florida Utilities and Contractor Association
Jim DuVall, licensee
Jan Duvall, employed by Construction school
Joe Raucci - Mid-Florida Utilities and Contractor Association
Rhonda Koning, Contractor's Institute
Daryl Thomas, homeowner
Fred Spence, Contractor's Institute

Mr. Vaccaro also stated that he had received 6 emails speaking against the proposed changes from Cliff Turk, Ralph Palacios (in favor of changes), Franklin Wilson, Rob Irion, Harris Walters and Chuck Yagel.

RECOVERY FUND ATTORNEY'S REPORT

Larry Shimkus, License # CR C013599

Richard & Kathleen Beltz; claim # 99-C018, Dennis & Carolyn DeStefanis; Claim # 00-C0054, Louis Mahoney, claim # 00-C0082, Sylvia Reinhardt; claim # 00-C0083, John & Kathleen Whitesides; claim # 00-C0100, Keith Deyo; claim # 00-C0138, James & Donna Barr; claim #00-C0157, Jim Myers; claim # 00-C0204, Sandra L. Harvey; claim # 01-C0062

Mr. Shimkus was present with Attorney Bruce Kaleta.

Mr. Creehan presented this case and began by asking the board for a motion to grant an extension to file the exceptions. Mr. Creehan stated that

The board voted unanimously to accept our Attorney's recommendation for the following items: 117, 118, 119, 120, 127, 128, 129, 131, 132 & 133.

Sharon Grant; claim # 99-C0001

Ms. Grant was present. Ms. Rogers presented this case recommending that the board affirm the committee's decision not to rehear this case. Ms. Rogers also stated that the claimant contracted with a company that did not have a qualifying agent. The claimant also did not pursue a civil judgment against the contractor, and the CILB did not find probable cause for disciplinary action.

The board voted unanimously not to rehear this case.

DeLozier v. Schwarz; claim # 99-C0167, Motion for Final Order

No one was present for this case. Ms. Rogers presented this case recommending that the board accept the Final Order.

The board voted unanimously to accept the Final Order.

Don Tyson; claim # 01-C0059

Mr. Tyson was present with Attorney Jefferson Braswell. Ms. Rogers presented this case stating that she recommends approving this claim for the amount of \$25,000.

The board voted unanimously to approve this claim.

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications approved

Campbell, William – Change of status – probation until Civil Rights are restored & 4 hours of CE.

Kasper, Glenn – Change of status – probation until Civil Rights are restored.

McCranie, James – change of status – 4 years of probation.

Mitchell, Danny – change of status – probation until Civil Rights are restored.

Ortiz, Luis

Solman, Ashrat

Applications denied

Corcoran, Kim – Limited one time non-renewable registration – not specialized enough to require out of state contractor.

Cuevas, Jose – Initial certified contractor – lack of Civil Rights.

Denahan, Todd – Initial certified contractor – lack of Civil Rights.

Eldridge, Robert – Initial registered contractor – lack of Civil Rights.

Green, Thomas – Limited one time non-renewable registration - not specialized enough to require out of state contractor.

Irvin, Marcia – change of status – applicant can not be located – application has been deficient for too long.

Kasper, Glenn – Initial certified contractor – lack of Civil Rights.

Rodriguez, Aldo – Initial registered contractor – lack of Civil Rights.

Rubin, Steven – Grandfathering – lack of Civil Rights.

Taylor, Rodney – change of status –lack of financial responsibility.

Applications continued

Locke, Ralph – initial and change of status – to allow him to show proof of child support payment plan.

Steinmetz, Jon – Initial certified contractor – per applicant's request.

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

PROBATIONS COMMITTEE

Mr. Del Vecchio gave the following report:

Anthony Agrusa, (CFC026530), Case # 2001-08275 – Satisfactory
John R. Brown, (RB 0067177), Condition of Licensure – Satisfactory, agreed to extend
probation until civil rights are restored
Ronald Dwyer, CBC057349, Case #(s) 2001-00687 - Unsatisfactory
Brett Elhilow, CGC057422, Condition of Licensure - Satisfactory
Ronald Lee Ford, (CRC050298), Condition of Licensure - Satisfactory
Harry Gillean, (CBC14167), Case # 2000-01286 - Satisfactory
William Goode, (CGC014847), Case # 2000-03280 - Unsatisfactory
Dennis Hubbard, (RP 252554743), Condition of Relicensure - Satisfactory
Scott Johnson (CGC1505754), Condition of Licensure – Tolled
Hung Q. Le, (CBC1251131), Condition of Licensure - Satisfactory
Thomas Lee Likens, (CB C043656, RG 0033123 (Inactive)), Case # 91-09678 –
Probation completed, no appearance was required
Jackie Lewis Morgan, (CGC059825), Case # 98-04236 & 98-10927 - Satisfactory
Karl Riesterer, (CG C048765, CC C053267, CM C052396, & CF C051639), Case #
2000-03297, 2000-04706 - Satisfactory
Edward Radke, (RC0030375), Case # 2002-009836 – Stay Lifted
Robert A. Ricciardelli, (CRC057704), Case # 2000-04319 - Tolled
John T. Wilker, (CGC016500), Case # 2000-05111 – Continued for 90 days
John Woodhull, CGC1505260, Condition of Licensure - Satisfactory
Ashenback, Kristopher, CCC057686, CBC054507, Case #'s 2001-07678 et al - Tolled
Greene, Craig, CGC01505891, Condition of Licensure - Tolled

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

ADDITIONAL BUSINESS COMMITTEE

Ms. Karcher gave the following report:

Applications approved

Amaral, Antonio Jr.
Butler, John P., Jr.
Crawford, Robin P.
Crimaldi, Sam
Deming, Wayne
Duggan, Troy A.
Encinosa, Juan J.
Ferriter, Michael L.
Garcia, Fidel J.
Grace, Kevin L.
Harris, Kenneth A.
Hendry, Allen S.
Hodges, Daniel K.
Hull, James E.
Llitas, Michael A.
McCurdy, Ronald W.
McLendon, Michael D.

O'Brien, Edward E.
Royall, Hardin
Ruark, Edward R.
Smith, Derek J. - must remove self from qualifying Splash Pools, Inc. within 60 days.

Spiller, Jack N. Sr.
Strand, Stephen R.
Valdes, Roy
Waldhauer, Roy C.
Welton, John

Applications denied

Kosiba, William J. – failure to appear.
Rich, Joe G. – failure to appear.

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

EXECUTIVE COMMITTEE

Ms. Kane gave the following report:

The committee considered a request FRO for the City of Dunedin requesting clarification of Chapter 489.105, F.S., Regarding what a class A or class B air-conditioning contractor is authorized to do in regards to a gas furnace replacement with air conditioning coil. Ms. Guillemette will draft letter stating that not at the present time, but that there is Legislation being considered at the present time.

The Committee also considered a request to review a letter from the Florida Fish and Wildlife Conservation Commission, which recaps activities that do not require licensure by the CILB, to determine if they were contemplated by the original scenario. This item was pulled from the agenda.

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

RULES REVIEW COMMITTEE

Mr. Kalmanson gave the following report:

Ms. Guillemette will notice the following rules for development:

61G4-18.004
61G4-18.007

Ms, Guillemette also noticed the following rule

61G4-15.0021 – Certification and Registration of Business Organizations.

The following rules have been adopted:

61G4-15.015 Certification for Specialty Structure Contractors
61G4-17.001 Normal Penalty Ranges

The following rules have been noticed:

61G4-15.001 Qualification for Certification

61G4-15.005 Requirements for Certification and Registration.

The following rules have been developed:

61G4 – 15.031 Medical Gas Certification

61G4- 18.001 Continuing Education Requirements for Certificateholders and Registrants.

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Holloway gave the following report:

The following courses and providers were approved:

AMERICAN BACKFLOW PREVENTION ASSOCIATION GOLD COAST CHAPTER
(0001091)

Course: Backflow Repair Seminar (#0002027, Expires 07/11/04)

CONTRACTORS SCHOOL, INC. (0001000)

1st Course: Construction Business Management (#0000744, Expired 04/11/04)

2nd Course: Industrial Safety, Workers' Comp and Business Practices (#0007006,
Expired 04/11/04)

PGT INDUSTRIES, INC. (0002027)

Course: Wind-Borne Debris Protection (#0006685, Expired 11/16/03)

FLORIDA SWIMMING POOL ASSOCIATION (0000917)

1st Course: Swimming Pool & Spa Service Certification Course (PRE-LICENSURE
CERTIFICATION)

2nd Course: NSPI – Basic Pool & Spa Technology (TECH I) Certification

UNIVERSITY OF FLORIDA, FLORIDA ENERGY EXTENSION SERVICE (0001129)

1st Course: Preserving Wildlife Habitat in Residential Developments

2nd Course: Worker's Compensation: Information and Requirements for Building
Professionals (INTERNET)

FRSA EDUCATIONAL AND RESEARCH FOUNDATION (0000910)

1st Course: Managing Roofing Contractor Liability

2nd Course: Federal Tax Update

PALM BEACH COUNTY PLUMBING, PIPEFITTING JOINT EDUCATIONAL TRUST
FUND (0000986)

Course: Florida Laws and Rules Overview

LORMAN BUSINESS CENTER, INC. (0000837)

1st Course: Construction Defect Claims

2nd Course: The Fundamentals of Construction Contracts: Understanding the Issues

MIAMI-DADE COUNTY BUILDING CODE COMPLIANCE OFFICE
(0001284)

Course: Construction Business Practices and Workplace Safety

FLORIDA WOOD COUNCIL (0000980)

Course: Safety in the Construction Industry

CONTRACTORS EXAM SCHOOL, INC. (0000862)

10th Course: Risk of Mold to Contractor

CONTRACTOR'S EXAM TUTORING SERVICES, INC. (0002473)

1st Course: Preventing Fatalities in Construction

2nd Course: Materials Handling at the Jobsite

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

Course: Water Intrusion – Prevention and Remediation

HG & ASSOCIATES, INC. (0000892)

Course: Construction Scheduling Simplified

PRO MANAGE, INC.

1st Course: Management Overview

2nd Course: Workplace Safety I (Multi-Media)

3rd Course: Workers' Compensation Update

4th Course: Concrete Overview

DENNIS BRIAN SLABAUGH

1st Course: Seven Essential Elements of an Effective Safety Program

2nd Course: Manage Your Workers' Comp Program – Minimize it's Cost

The following courses were denied:

UNIVERSITY OF FLORIDA, FLORIDA ENERGY EXTENSION SERVICE (0001129)

3rd Course: Green and Profitable Marketing (INTERNET)

CONTRACTORS EXAM SCHOOL, INC. (0000862)

1st Course: Framing Floors and Stairs (Multi-Media)

2nd Course: Dovetail a Drawer (Multi-Media)

3rd Course: Framing Roofs (Multi-Media)

4th Course: Framing Walls (Multi-Media)

5th Course: Installing Trim (Multi-Media)

6th Course: Laying Hardwood Floors (Multi-Media)

7th Course: Mastering Your Bandsaw (Multi-Media)

8th Course: Mastering Your Table Saw (Multi-Media)

9th Course: Router Joinery (Multi-Media)

MASSEY SERVICES, INC. (0001024)

Course: Preventing and Controlling Termites in New Homes

PRO MANAGE, INC.

2nd Course: Workplace Safety I (Multi-Media)

3rd Course: Workers' Compensation Update

4th Course: Concrete Overview (approved for 4 hours instead 5 hours)

EDUCO, INC.

Course: Construction CE Requirements – 14 Hours (INTERNET)

UNIVERSITY OF FLORIDA, FLORIDA ENERGY EXTENSION SERVICE (0001129)

Course: Building Envelope (#0007947)

The Committee voted unanimously to approve the February pass/fail lists.

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

RECOVERY FUND/FINANCE COMMITTEE

Ms. Kane gave the following report:

Claimant And Contractor

GUERRA V. KENYON CLAIM NO. 03-C0001 - AWARDED \$2,471.00

CAMEL V. HILLS; CLAIM NO. 03-C0039 - AWARDED \$25,000.00

BALLEW V. SUTTON; CLAIM NO. 03-C0060 - DW

LINDON V. REYNAERT; CLAIM NO. 03-C0064 - DWO

SAUVE V. STUEHLER; CLAIM NO. 03-C0072 - AWARDED \$12,180.00

HAGAN V. GIULIANI; CLAIM NO. 03-C0088 - AWARDED \$25,000.00

CRISPINO V. FOSTER & KATZMAN; CLAIM NO. 03-C0108 - AWARDED \$1,480.00

FLORCZAK V. JORDAN; CLAIM NO. 03-C0116 - AWARDED \$24,807.50

PENTZ V. FOSTER AND KATZMAN; CLAIM NO. 03-C0129 - DWO

ALMOSHAIKAH V. ESQUINALDO; CLAIM NO. 03-C0140 - AWARDED \$3,350.00

TRICARICO V. FOSTER & KATZMAN; CLAIM NO. 03-C0143 - AWARDED \$3,998.60

BUSH V. JOHNSON; CLAIM NO. 03-C0148 - AWARDED \$5,000.00

KOEPPEN V. PARKER; CLAIM NO. 03-C0163 - AWARDED \$1,925.00

HURT V. FOSTER; CLAIM NO. 03-C0160 - AWARDED \$4,920.72

FLOREAL V. ACOSTA; CLAIM NO. 03-C0179 - AWARDED \$3,925.80

SUMNER V. NICHOLS; CLAIM NO. 03-C0204 - AWARDED \$25,000.00

THOMAS V. OSGOOD; CLAIM NO. 03-C0213 - AWARDED \$11,080.85

JOHN V. BROWN; CLAIM NO. 03-C0214 - AWARDED \$15,163.32

PIRSELIMOGLU V. WEST; CLAIM NO. 99-C0023 AWARDED \$12,744.00

DAVIS V. CROUCH; CLAIM NO. 01-C0081 DWO

CLAIM NO.	CLAIMANT	CONTRACTOR	REASON
97-C0202	Paul and Hildegard Hawrylcw	Regan D. Katz	Section 489.141(1)(c), Florida Statutes (1997) provided that a claim for recovery must be made within 2 years from the time of the act giving rise to the claim or within 2 years from the time the act is discovered or should have been discovered with the exercise of due diligence. CONTINUED
CLAIM NO.	CLAIMANT	CONTRACTOR	REASON
98-C0226	Wallace E. Spears	William Blackwell	There is evidence that restitution was paid in full.
DW 99-C0047	David and Patricia McDonald	Ronnie C. Maddox	There is no evidence on file that claimant obtained a Final Judgment or an award of restitution from CILB. DW
99-C0215	Ida T. Caceres	Thomas Hunt	Section 489.140(1), F.S., provides that the Recovery Fund shall be disbursed as reimbursement to any natural person adjudged by a court of competent jurisdiction to have suffered monetary damages, or to whom the licensee has been ordered to pay restitution by the board. CONTINUED
01-C0063	Harry Call	Eric H. Miller	Section 489.141(2)(c), F.S., states that a person is not qualified to make a claim for recovery from the Recovery Fund, if such person's claim is based upon a construction contract in which the licensee was acting with respect to the property owned or controlled by the licensee. DW

CLAIM NO.	CLAIMANT	CONTRACTOR	REASON
01-C0064	Douglas Stewart	Eric H. Miller	Section 489.141(2)(c), F.S., states that a person is not qualified to make a claim for recovery from the Recovery Fund, if such person's claim is based upon a construction contract in which the licensee was acting with respect to the property owned or controlled by the licensee. CONTINUED
02-C0186	Lisa Onessimo	Jose A. Rodriguez	The construction contract was between a corporation and the contractor. All payments to the contractor were made by the corporation. Any damages that may have been suffered by claimant would be incidental to and not actual damages arising from the construction contract. DW
03-C0003	Kutaiba Abu-Hannoud	Andre' Chestnut	Claimant was not awarded restitution from CILB in its Order of June 23, 2003. DW
03-C0032	Michael R. Tucker	Daniel Giuliani	Pagano Development, Inc., did not have a qualifying agent at the time of the contract. The company contract bears the license number of Daniel Joseph Giuliani. CONTINUED
03-C0052	Robert and Lorrie Combs	Graig Arcuri	Contractor has reached cap of the lifetime \$250,000; therefore no award can be made. DW
03-C0134	Ilona Bruno	American Landmark Homes	It appears that American owned and constructed the home purchased by claimant. Section 489.141(2)(c), F.S., stated that a person was

not qualified to make a claim for recovery from the Construction Industries Recovery Fund, if such person's claim was based upon a construction contract in which the licensee was acting with respect to the property owned or controlled by the licensee. DW

CLAIM NO.	CLAIMANT	CONTRACTOR	REASON
03-C0146	James Sansotta	Curt J. Tingley	There is no evidence in the file supporting a finding that contractor violated section 489.129(1)(g), (j), or (k), Florida Statutes (2003). DW
03-C0176	Stephen M. Merritt	David C. Salley	Section 489.143(1), Florida Statutes, provides that the Recovery Fund may make an award to a claimant only to the extent and amount reflected in the judgment or restitution order as being actual or compensatory damages. There is no independent evidence showing payments to the contractor, the percent of work completed or the amount paid to have work completed. CONTINUED
03-C0217	Mary F. Allen	Unlicensed	Warren Williams, a licensed contractor, pulled the Contractor building permit for the job, but had no connection with ARCO Associates, Inc.,

the entity with which
claimant contracted. DW

2054	Koths v. Geldart; Claim No. 01-C0143 - AWARDED \$25,000.00
2183	Normandy v. Trapani; Claim No. 02-C0005 AWARDED \$21,795.00
2246	Vivancos v. Cubota; Claim No. 02-C0006 AWARDED \$25,000.00
2317	Harwood and Lang v. Dodd; Claim No. 02-C0067 AWARDED \$25,000.00
2586	Samuels v. Trefcer; Claim No. 02-C0070 AWARDED \$11,591.20
2617	Pring v. McDurfee; Claim No. 02-C0151 AWARDED \$11,789.13
2735	Merk v. Patterson; Claim No. 02-C0169 CONT.
2911	Vazquezbelo v. Matutes; Claim No. 02-C0170 AWARDED \$16,266.58
3062	DeSantis v. Osgood; Claim No. 02-C0172 AWARDED \$ 7,280.28
3142	Jimolka v. Olsen; Claim No. 02-C0193 AWARDED \$25,000.00

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

With no further business, the meeting was adjourned at 11:30 a.m.

