

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

**EMBASSY SUITES HOTEL
1100 SE 17TH STREET
FORT LAUDERDALE, FL 33316
954.527.2700**

OCTOBER 14, 2005

8:00 AM

The meeting was called to order by Joan Brown, Chair, at 8:05 a.m.

Board Members Present:

Joan M. Brown, Chair
Paul DeVecchio, Vice Chair
Michelle B. Kane
Edward M. Weller
Barry Kalmanson
Lee-En Chung
Robert Stewart
Don Wilford
Michael Blankenship
Carl E. Engelmeier
Jacqueline Watts
Raymond Holloway
Mark Pietanza
Doris O. "Peggy" Bailey
Jim Flaherty

Board Members Absent

Thomas Thornton (Excused)

Others Present

Simone Marsteller, Secretary
Diane Guillemette, Board Counsel
Tim Vaccaro, Executive Director
Stacey Merchant, Government Analyst II
Andrew Janecek, Government Analyst I
Patrick Creehan, Prosecuting Attorney
Adrienne Rodgers, CIRF Attorney
Valeria Singleton, Regulatory Consultant
Other Attendees: Secretary Simone Marsteller

Mr. Holloway gave the invocation. Mr. Flaherty led the pledge of allegiance.

REVIEW OF MINUTES

- **Final Action – September, 2005**
- **General Session – September, 2005**

The Board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Vaccaro introduced Secretary Marstiller to the Board. Secretary Marstiller pledged the department's continued support to the board. The board greeted the Secretary with great enthusiasm.

Mr. Vaccaro reviewed the complaint and investigation statistics with the Board.

CHAIRMAN'S REPORT

Ms. Brown asked the Board to vote to excuse Mr. Thornton's absence. The Board voted unanimously to excuse this absence.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

In September, there were 317 cases in Legal. There were 90 cases set for probable cause, 136 cases had probable cause found/Administrative complaints filed and 62 cases were ready for default. There were 32 cases with stipulations executed/Informal Hearings requested, 97 cases had formal hearings requested and 6 cases were referred to DOAH. There also were 117 cases awaiting final orders, 9 cases in settlement negotiations, 0 cases under appeal and 2 cases that were re-opened. There were 64 case closed for the month of 2004.

ATTORNEY GENERAL'S REPORT

MARLON BARRIOS

Mr. Barrios was present.

Ms. Guillemette presented this case stating that Mr. Barrios' application to qualify an additional business was denied at the July 2005 Board meeting. Mr. Barrios' timely requested an informal hearing before the Board.

After discussion the Board voted unanimously to set aside the Notice of Intent to Deny and to refer this application back to the Additional Business Committee for the November 2005 Board meeting.

MATTHEW KUNTZ

Mr. Kuntz was present.

Ms. Guillemette presented this case stating that Mr. Kuntz's application for registration of a swimming pool/spa servicing contractor license was denied at the July 2005 Board meeting. The reason for the denial was failure to provide proof of restoration of civil rights.

The Notice of Intent to Deny was received on August 23, 2005 and the applicant timely requested an informal hearing before the Board and provided proof that his civil rights were restored.

After discussion the Board voted unanimously to approve this application.

CONTRACTOR'S EDUCATION SOURCE, INC.

No one was present.

Ms. Guillemette presented this case stating that Contractor's Education source, Inc. had 3 courses that were denied at the August 2005 Board meeting. The basis of the denial was failure to present course access logs for this internet courses.

After discussion the Board voted to approve these 3 courses.

R. BRUCE KERSHNER COMPANY

R. Bruce Kershner was present.

Ms. Guillemette presented this case stating that R. Bruce Kershner Company's application for a CE course titled "Competent Person Refresher" was approved without credit for business practices at the July 2005 Board meeting.

Mr. Kershner presented additional information to the Board.

After discussion the Board voted unanimously to approve this course with the 1 hour of credit for business practices.

JUAN M. GONZALES

Mr. Gonzales was present.

Ms. Guillemette presented this case stating that Mr. Gonzales' stay of suspension was lifted for not appearing at his scheduled probation appearance. Mr. Gonzales' is requesting that his stay of suspension be reinstated.

After discussion the Board voted unanimously to reinstate Mr. Gonzales' stay of suspension and his last probation appearance "unsatisfactory".

JACK MORGAN

Mr. Morgan was not present.

Ms. Guillemette presented this case stating that Mr. Morgan's stay of suspension was lifted for not appearing at his scheduled probation appearance. Mr. Morgan is requesting that his stay of suspension be reinstated.

After discussion the Board voted unanimously to deny this request.

WILLIAM WALTON

Mr. Walton was present.

Ms. Guillemette presented this case stating that Mr. Walton had entered into a settlement agreement with the Broward County Construction Board in September 2003. As a condition of that stipulation he was to serve 6 months probation.

By order of March 8, 2004 the Broward County Construction Board revoked Mr. Walton's license due to his failure to appear at a Board meeting.

The Final Order was "revised" on September 9, 2005 and the local Board reinstated the certificate of competency and recommended that this Board reinstate his registration.

After discussion the Board reinstated his registration.

EVAP TECH

No one was present.

Ms. Guillemette presented this petition for declaratory statement regarding whether s. 489.105, F.S. requires licensure for the installation and repair of water cooling towers. The board determined that Evap Tech did not provide sufficient information upon which the board could make a ruling. Therefore, it declined to render an opinion and suggested that Evap Tech file a more detailed petition.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications Denied

Alfonso, Michael
Barrow, Joseph
Brunais, Todd
Chatman, Elliott
Colontrelle, John A.
Conley, Larry F.
Crain, Stephen E., Jr.
Derby, Dale
Fisher, Dale
Fruend, Ronald
Fussell, Elmer
Gaul, David
Halvorson, Richard
Johnson, Robert
Knight, Stenson
McGuirt, Robert
Mashburn, William
Munroe, David
Overfelt, Virgil
Pak, Peter
Penix, Joseph E.

Prieto, Mario
Van Horn, Eric
Wilson, Robert E.

Applications Withdrawn

Baxter, Daniel
Hart, Dorothy
Renfroe, Buriel

Applications Continued

Luongo, Vincent – to 11/05.
Mosquera, Donato – to 11/05.
Padron, Michael – to 1/06.
Raulerson, David – to 1/06.

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

PROBATIONS COMMITTEE

Mr. Del Vecchio gave the following report:

Bart Didden, (CBC059008)

Comments: **Appearance 1 of 4**
Result: Stay Lifted - License is Suspended

Ronald Dwyer, (CB C057349)

Comments: **Appearance 3 of 4**
Result: Satisfactory

Santiago Fuertes, (CGC1506135)

Comments: **Appearance 2 of 4**
Result: Satisfactory

Edher Gaitan, (CCC057274)

Comments: **Appearance 1 of 2**
Result: Stay Lifted - License is Suspended

Michael L. Hayden, (CG C1508586)

Comments: **Appearance 1 of 4**
Result: Continued to April, 2006

Rock Miller, (CPC056698)

Comments: **Appearance 3 of 8**
Result: Continued to April, 2006

Robert Sackrider, (RC29027126)

Comments: **Appearance 3 of 4**
Result: Satisfactory

Manuel Scoulos, (CAC58176)

Comments: **Appearance 1 of 4**
Result: Stay Lifted - License is Suspended

Joseph Sumlin, (SC C045055, CG C059044)

Comments: **Appearance 1 of 8**

Result: Satisfactory

Richard J. Thomas, (CBC019954)

Comments: **Appearance 3 of 4**

Result: Tolled

Jose A. Vega, (CG C045310)

Comments: **Appearance 1 of 4**

Result: Stay Lifted - License is Suspended

Thomas Webb, (RR 0066830)

Comments: **Appearance 1 of Until Civil Rights are Restored**

Result: Satisfactory

Rebecca West, (CUC1223941)

Comments: **Appearance 2 of Until Chase Manhattan Lien is Satisfied**

Result: Satisfactory

Clarence Williams, (CG C028851)

Comments: **Appearance 1 of 4**

Result: Tolled

John Woodhull, (CGC1505260)

Comments: **Appearance 4 of 4**

Result: Satisfactory

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

ADDITIONAL ENTITY COMMITTEE

Mr. Pietanza gave the following report:

Applications Approved

Bauerlein, Charles

Beavers, Christopher

Bennett, Judson

Blume, Daryl

Boyd, Carlton

Burton, Christopher

Cannon, Michael

Casariago, Alexis

Dale, Ronald – contingent upon a completed FRO application.

D'Elia, Frank – with \$2,500 assessment.

Ford, Billy – with probation until civil rights are restored.

Gall, Rick – Contingent upon completion of 7 hours of CE credit in chapter 489.

Galmin, Gregory

Garcia, Obdulio

Glennon, James

Gross, Jarret

Hellems, Eric

Hempel, Donald

Hunter, Bradford

Kehle, Glen
Knadle, Michael
Knott, Steven
Kofflin, Frank
La Bruyere, Stephen
Long, William
Maroon, William
Martin, Keith – with \$2,000 assessment.
McInnis, George
McTaggart, Gregory
Neal, Michael
O'Reilly, Thomas
Osman, Joseph
Pelka, Jacek
Powers, Jeffrey
Rand, Ricky
Saussy, Charles
Smith, Darrell
Welborn, Gary

Applications Continued

Arnold, Charles III – 30 days.
Cammack, John – 30 days.
Rudolph, Joseph – 30 days.
Soverel, Bret – 30 days.

Applications Denied

Butler, Joseph
Fowler, Thomas Sr.
Janssen, Christopher
Schwartz, William
Smith, James
Smith, Trina

Applications Withdrew

Hahn, Paul

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

RULES REVIEW COMMITTEE

Pursuant to Senate Bill 1012, the Rules Committee voted to adopt an application form and associated fee for those null and void certified licensees who request reinstatement of their licenses based upon illness or unusual hardship. Board Counsel will notice development of a rule to adopt the application form and the fee of \$309.

The Rules Committee continued its discussion regarding revisions to the disciplinary guidelines set forth in Rule 61G4-17.001, FAC, based upon the increased fine limits created by HB 113. The committee decided to postpone any decisions on the matter until November to allow the members additional time for consideration.

The Rules Committee voted to amend Rule 61G4-12.008, F.A.C., to eliminate an indefinite tolling provision for licensees who leaves the practice of contracting for more than 30 days. As

amended the rule will only authorize tolling for those licensees who are suspended or elect inactive status.

The Rules Committee voted to amend Rule 61G4-15.001, F.A.C., to authorize Florida-registered contractors to verify the experience of applicants for initial certified licensure. The current rule provides for verification by Florida-certified contractors, and by architects, engineers, and building officials licensed in the U.S.

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Holloway gave the following report:

LORMAN BUSINESS CENTER (0000837)

Construction Law From Contract to Closeout – approved.

CONSTRUCTION SERVICES ENTERPRISES, INC (0000909)

Introduction to Construction Project Management – approved.

Dealing with Contractors – approved.

Avoiding Construction Disputes and Claims – approved.

FL AIR CONDITIONING CONTRACTORS ASSOC. (0000914)

Exit Planning Process “How to run your so Business You can leave it in Style” – denied – not relevant to contracting.

Cash Flow Management – Managing the Accounts Receivable Asset – approved.

Sell and Deliver True Performance with System Efficiency Rating – approved.

Generate Leads with Air Diagnostics – denied – not relevant to contracting.

“7 Come 11, Improving Your Odds Through Better Contracting and Project Documentation – approved.

Performance Based Pay – approved.

Selling the Value of High Efficiency Equipment – denied- syllabus does not reflect title.

FLORIDA POOL & SPA ASSOCIATION d/b/a FLORIDA SWIMMING POOL ASSOCIATION (0000917)

Advanced Electrolytic Chlorine Generators – approved.

Spa Blowers: How They Work, What They Do – approved.

AAA CONSTRUCTION SCHOOL, INC. (0000972)

Managing a Successful Construction Team – approved.

GOLD COAST SCHOOL OF CONSTRUCTION, INC. (0000983)

***Advanced FL Building Code Energy Training Course (REQUESTING THE ADVANCED MODULE APPROVAL FOR THIS COURSE)**

Course approval granted to DCA was for Instructor led classroom. Course included Power Point, Lectures and Discussion. Gold Coast has changed the course format and

method of delivery. No longer complies with the DCA approval format. Requesting Board Review. – Tabled to 11/05 meeting.

The Florida Residential Code (**CLASSROOM**) – approved.

The Florida Residential Code (**INTERNET COURSE**) – approved.

ANDERSEN WINDOWS, INC. (0001083)

Cardinal Laminated & Art Glass Plant Tour - denied – not relevant to contracting.

Menomonie Plant Tour - denied – not relevant to contracting.

HORNERXPRESS (0001103)

Spa and Support Equipment – approved.

Certified Pool and Spa Operators Course – approved.

Fossil Heaters & Solar Systems (**2hr course**) – approved.

Fossil Heaters & Solar Systems (**3hr course**) – approved.

Swimming Pool Filtration– approved.

Chemicals & Automatic Sanitizing Devices – approved.

Hydraulics– approved.

Swimming Pool Filtration (**3hr course**) – approved.

Hydraulics (**2hr course**) – approved.

Pool Cleaners & Accessories – approved.

Spa and Support Equipment (**3hr course**) – approved.

Pool Cleaners & Accessories (**3hr course**) – approved.

KONING ENTERPRISES, INC dba CONTRACTORS INSTITUTE (0001189)

*Advanced 2004FL Building Code Mechanical/Energy Technical Core Summary (**INTERNET DELIVERY**) – tabled to the 11/05 meeting.

Advanced 2004FL Building Code Plumbing/Fuel Gas Summary (**INTERNET DELIVERY**) – tabled to the 11/05 meeting.

Advanced 2004 FL Building Code Indoor Environmental Quality Overview (**INTERNET DELIVERY**) – tabled to the 11/05 meeting.

Advanced 2004 FL Building Code Termites Core Training Course (**INTERNET DELIVERY**) – tabled to the 11/05 meeting.

Advanced 2004 FL Building Code Building/Structural Core Training Course (**INTERNET DELIVERY**) **Course approval granted to DCA was for Instructor led classroom. Course included Power Point, Lectures and Discussion. Contractors Institute has changed the**

course format and method of delivery. No longer complies with the DCA approval format. Requesting Board Review. – tabled to the 11/05 meeting.

MANATEE TECHNICAL INSTITUTE (0001549)

Coastal Construction Design & Plan Review – denied.

Current Building Construction Practices – denied.

BROWARD COMMUNITY COLLEGE (0002362)

Construction Management Course – approved.

COASTLINE DISTRIBUTION, LLC (0002471)

R410a Refrigerant Diagnostics - approved.

TITAN CONTINUING EDUCATION, INC. (0002890)

Project Management – approved.

Business Management & Advanced 2004 FL Building Code Building/Structural Summary Course – approved.

UNIVERSITY OF SOUTH FLORIDA (0003426)

OSHA 10 Hour Course - approved.

AIR QUALITY ENVIRONMENTAL, INC. – approved.

Interpretation of Indoor Environmental Conditions – approved.

ICYNENE, INC. – approved.

Conditioned Attics & Crawl Spaces – approved.

ECO – BLOCK, LLC - approved.

Professional Installer Course (PIC 8) – denied.

AMERICAN CONTRACTORS EXAM SERVICES (0003272)

Math for Contractors (**INTERNET DELIVERY**) – approved.

Spanish Lingo for Commercial and Residential Contractors (**INTERNET DELIVERY**) – approved.

ASSOCIATED GENERAL CONTRACTORS OF GREATER FLORIDA, INC. (# 0000885, Expired 05/31/2005) – approved.

GROHE AMERICA, INC. (0001130)(# 0001130, Expired 05/31/2005)- approved.

Groher Shower Valves and Custom Shower Design (**# 0002116, Expired 10/09/2005**)

SIMPSON STRONG – TIE (0001121)(# 0001121, Expired 05/31/2005) – approved.

Inspection of Connector Installations (**# 0001900, Expired 08/14/2005**) – approved.

Advanced Anchor Systems Workshop (**# 0007708, Expired 08/14/2005**) – approved.

Simpson Anchor Systems Catalog Review (**# 0001911, Expired 08/14/2005**)- denied – sales.

Intro to Anchor Systems Workshop (**# 0007710, Expired 08/14/2005**) – approved.

Proper Connector Installation (**# 0001909, Expired 08/14/2005**) – approved.

Adhesive Anchors (# 0007707, Expired 08/14/2005) - denied.

Building Codes (# 0001915, Expired 08/14/2005) – approved.

Structural Connector Workshop (# 0007711, Expired 08/14/2005) approved.

Connectors for Wood Construction Catalog Review (# 0001904, Expired 08/14/2005)- denied – sales.

Inspection of Anchor Installations (# 0001913, Expired 08/14/2005)- approved.

High Wind Design & Construction Workshop (# 0007709, Expired 08/14/2005) – approved.

Mechanical Anchors (# 0001910, Expired 08/14/2005) – approved.

Connectors for use in High Wind Regions (# 0001908, Expired 08/14/2005) – approved.

INTERNATIONAL COMFORT PRODUCTS, LLC (#0001106, Expired 05/31/2005) – approved.

DOZIER AND DOZIER CONSTRUCTION, INC. (0002795) - approved.

Construction Business Management (# 0007541, Expired 06/12/2005) – approved.

Construction Safety (**NEW**) – approved.

R. BRUCE KERSHNER COMPANY (#0000885)

Competent Person Refresher Course – approved to include 1 hour of credit for business practices.

Basic Business Practices – approved.

Basic Safety – approved.

Basic Workers' Compensation – approved.

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

With no other business to discuss, the meeting was adjourned at 9:35 a.m.