

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

**EMBASSY SUITES DEERFIELD BEACH RESORT
950 OCEAN DRIVE
DEERFIELD BEACH, FL 33441**

OCTOBER 13, 2006

8:00 AM

The meeting was called to order by Paul Del Vecchio, Chair, at 8:38 a.m.

BOARD MEMBERS PRESENT

Paul Del Vecchio, Chair
Raymond Holloway, Vice-Chair
Jacqueline Watts
Edward Weller
Peggy Bailey
Joan Brown
Lee-En Chung
Joe Cook
Carl Engelmeier
James Flaherty
Michelle Kane
Mark Pietanza
Robert Stewart
Thomas Thornton

BOARD MEMBERS ABSENT

Lorie Clark
Barry Kalmanson
Don Wilford

OTHERS PRESENT

Diane Guillemette, Board Counsel
April Hammonds, Acting Chief Prosecuting Attorney
G.W. Harrell, Executive Director
Stacey Merchant, Government Analyst II
Andy D. Janecek, Government Analyst I

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

REVIEW OF THE MINUTES

- **FINAL ACTION – SEPTEMBER 2006**

The Board voted unanimously to approve these minutes.

CHAIRMAN'S REPORT

Mr. Del Vecchio asked the Board members to excuse the absences of Lorie Clark, Barry Kalmanson and Don Wilford.

The Board voted unanimously to excuse these absences.

BOARD COUNSEL'S REPORT

FERNANDO CASIMIRO

Matthew Welch was present.

Ms. Guillemette presented this case stating that Mr. Casimiro's and Accolade Homes, Inc.'s applications were denied at the July 2006 meeting of the Board due to failure to provide proof of experience and lack of a qualifying agent. The Notices of Intent to Deny for both were sent on August 19, 2006. The applicants timely requested an informal hearing before the Board.

After discussion the Board voted unanimously to approve these applications.

ROBERT HUFFINE

Mr. Huffine was present.

Ms. Guillemette presented this case stating that Mr. Huffine's application for change of status was denied at the June meeting of the Board. The Notice of Intent to Deny was received on August 3, 2006. The applicant timely requested an informal hearing before the Board.

After discussion the Board voted unanimously to approve this application contingent upon payment of a \$10,000 assessment.

JUAN S. LAGEYRE

Mr. Lageyre was present with Attorney Joseph Olivera.

Ms. Guillemette presented this case stating that Mr. Lageyre's application for certification of a registered contractor's license was denied at the September 2006 board meeting. The Notice of Intent to Deny was received on October 2, 2006. The applicant timely requested an informal hearing before the Board.

After discussion the Board voted unanimously to approve this application.

RICHARD MITCHELL

Mr. Mitchell was present with his wife Erica Mitchell.

Ms. Guillemette presented this case stating that Mr. Mitchell's application for change of status was denied at the July 2006 board meeting. The Notice of Intent to Deny was received on August 19, 2006. The applicant timely requested an informal hearing before the Board.

After discussion the Board voted unanimously to approve this application.

JIMMY MURPHY

Mr. Murphy was present with Attorney Robert Crabill.

Ms. Guillemette presented this case stating that Mr. Murphy's application for a general contractor's license was denied at the July 2006 board meeting. The Notice of Intent to Deny was received on August 19, 2006. The applicant timely requested an informal hearing before the Board.

After discussion the Board voted unanimously to approve this application with 4 years of probation.

MARK MURPHY

Mr. Murphy was present.

Ms. Guillemette presented this case stating that Mr. Murphy's application for a general contractor's license was downgraded to a residential contractor's license at the June 2006 board meeting. The Notice of Intent to Deny was received on August 26, 2006. The applicant timely requested that the Board reconsider the application for a general contractor's license.

After discussion the Board voted unanimously to uphold the downgrade of this license.

OSVALDO SANCHEZ

Mr. Sanchez was present with Attorney Ed Bayo.

Ms. Guillemette presented this case stating that Mr. Sanchez's request to reinstate his null and void license was denied at the June 2006 board meeting. The Notice of Intent to Deny was received on August 29, 2006. The applicant timely requested an informal hearing before the Board.

After discussion the Board voted unanimously to uphold the previous denial.

JEFFREY SEYLER

Mr. Seyler was present with Attorney Robert Crabill.

Ms. Kane was recused from hearing this case.

Ms. Guillemette presented this case stating that Mr. Seyler's request to reinstate his previously revoked license was denied at the June 2006 board meeting. The Notice of Intent to Deny was received on August 8, 2006. The applicant timely requested an informal hearing before the board.

After discussion the Board voted unanimously to approve this request.

RICHARD WALCOTT

Mr. Walcott was not present. Attorney Dedrick Straghn was present.

Ms. Guillemette presented this case stating that Mr. Walcott's application for a class B air conditioning contractor's license was denied at the July 2006 board meeting. The Notice of Intent to Deny was received on August 19, 2006. The applicant timely requested an informal hearing before the Board.

After discussion the Board voted unanimously to continue this application to the November 2006 board meeting.

COAST SOFTWARE

No one was present for this case.

Ms. Guillemette presented this case stating that 3 of Coast's Software's applications for course approval were denied at the May 2006 board meeting. The Notices of Intent to Deny were filed on June 23, 2006. The request for an informal hearing was received on August 25, 2006.

After discussion the Board voted unanimously that this was an untimely request.

HORNEREXPRESS

Connie Centrella was present.

Ms. Guillemette presented this case stating that several of HornerExpress' course applications were denied at the May 2006 board meeting. The Notices of Intent to Deny were received on June 23, 2006. The applicant timely requested an informal hearing before the Board.

After discussion the Board voted unanimously to continue these applications to the November 2006 CE committee meeting.

DAVID ELDER

Mr. Elder was present with Attorney Wilson Jerry Foster.

Ms. Guillemette presented this case stating that the Board accepted a Voluntary relinquishment of Mr. Elder's General Contractor's license in April 1996. The stipulation encompassed 38 cases and stated that Mr. Elder give up his license for 5 years. There were no fines, costs or restitution mentioned in the stipulation.

In July 2002, Mr. Elder reapplied for Florida licensure and Mr. Elder's request was denied. Mr. Elder appealed to the First District Court of Appeals. On September 5, 2006, the DCA ruled that because the stipulation pertaining to the prior discipline contained an agreement not to reapply for a license in Florida for 5 years, the Board essentially forfeited the opportunity to later penalize him for the series of complaints then pending against him. Also, the fact that no more recent disciplinary actions can be found, Mr. Elder's application must be approved.

After discussion the Board voted unanimously to approve this application.

M. DAVID OWEN

Mr. Owen was present.

Ms. Guillemette presented this case stating that Mr. Owen's application for certification of registered license (Grandfathering) was considered at the September 2005 Board meeting. The application was denied due to lack of a financial statement. The Notice of Intent to Deny was received on March 1, 2006. The Board office received a personal financial statement on the 21st day and an informal hearing was scheduled in May 2006 and the Board upheld the denial of this application. On September 1, 2006, the Board office received a letter stating that Mr. Owen had no knowledge of a hearing and requesting that the Board accept a company financial statement.

After discussion the Board voted unanimously to deny this request.

RAUL CASANOVA

Mr. Casanova was present.

Ms. Guillemette presented this case stating that Mr. Casanova's stay of suspension was lifted at the April 2006 Board meeting due to failure to appear for his probation appearance.

Mr. Casanova is requesting that his stay be reinstated.

After discussion the Board reinstated his stay of suspension and marked his first probationary appearance unsatisfactory.

RULE 61G4-15.001

Ms. Guillemette present this rule stating asking the Board to vote to accept her changes as presented.

After discussion the Board voted unanimously to accept this language.

MICHEL ALFONSO

Mr. Alfonso was present with Attorney Tim Atkinson.

Mr. Thornton was recused as he served as the expert witness in this case.

Ms. Hammonds represented the Board as their Counsel since Ms. Guillemette litigated this case in a formal hearing at the Division of Administrative Hearings.

Ms. Hammonds presented this case stating that the Board had denied Mr. Alfonso's application for a certified general contractor's license at the August 2005 Board meeting. The Notice of Intent to Deny was filed on November 3, 2005. The application was denied due to the applicant's failure to provide proof of the restoration of his civil rights following the conviction for bank robbery. The board also found that this conviction was directly related to contracting and failing to satisfy the requirement of good moral character.

After discussion the Board voted unanimously to approve this application for licensure.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications Approved

Barnhill, Charles
Dean, Paul
Eddy, Steven
Gale, Michael
Hoffman, Jonathan
Manuel, Anthony
Maust, Robert
Patterson, Ronald
Taylor, Johnny
Tuglus, Walter
Watson, Elbie
Williamson, James
Yancey, Michael

Applications Denied

Ferguson, William
Klappauf, Bryan
Pisco, Mark
Vance, Michael
Walker, Clarence
Winters, Tracy

Applications Withdrawn

Doyne, Virgil
Houston, Billy
Laplow, Troy

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

PROBATIONS COMMITTEE

Mr. Del Vecchio gave the following report:

Lawrence A. Bellinger, (CP C032554)
Result: Satisfactory

Timothy Burke, (CFC57951)
Result: Satisfactory

William Campbell, (CB C039121)
Result: Satisfactory

Henry K. Cavaliere, (CBC1251258)
Result: Continued to November, 2006

Keri Lynn Cimaglia, (CR C057634)
Result: Satisfactory

Santiago Fuertes, (CGC1506135)

Result: Satisfactory

Fernando Gomez-Pina, (CGC 2540)

Result: Unsatisfactory

Juan Gonzalez, (CFC037086)

Result: Satisfactory

Roger W. Griffis, (CG C024765)

Result: Satisfactory

Michael L. Hayden, (CG C1508586)

Result: Stay Lifted - Failure to Appear

Robb C. Imperato, (CG C057221)

Result: Unsatisfactory

Claudia Isabela Mendoza, (CG C1505446)

Result: Satisfactory

Rock Miller, (CPC056698)

Result: Satisfactory

Ray Rey, (CF C057546)

Result: Satisfactory

Angelo Rene Rodgers, (CC C051559)

Result: Continued to April, 2007

Thomas W. Smith, (CCC057079)

Result: Stay Lifted - Failure to Appear

Khosrow Taymouri, (CC C056899, CG C041851)

Result: Unsatisfactory

Paul Thomas, (CG C1510844)

Result: Satisfactory

Richard J. Thomas, (CBC019954)

Result: Satisfactory

Thomas Webb, (RR 0066830)

Result: Unsatisfactory

Clarence Williams, (CG C028851)

Result: Satisfactory

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

ADDITIONAL ENTITY COMMITTEE

Mr. Pietanza gave the following report:

Applications Approved

Adkins, Steven
Ausley, James
Barfield, Sam
Bickert, William
Coggins, Charles Jr.
Della-Pietra, James
Denson, Brian
Echevarria, Ruben
England, Carl Jr.
Faver, William
Hash, Paul
Howard, Lori
Fraley, Rick
Hutchinson, Arnold
Johnson, Robert
Johnson, Todd
Lara, Luis
Larkin, Brendan
Lepley, Fred
McDonnell, David
McMullen, Allen Jr.
Motes, William
Pantry, Trevor
Richards, Charles
Seamon, Michael – with \$10,000 assessment.
Smithers, Jeffrey
Stein, Robert
Tatantola, Dominick
Suttin, Eugene

Applications Denied

Barrett, Kenneth
Bosco, Alan
Eriksen, John

Applications Continued

Felt, Leroy
Husein, Firoz
Mimms, David
Reich, John

Applications Withdrawn

Lee, Patrick
Loy, James

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

RULES REVIEW COMMITTEE

Mr. Kalmanson gave the following report:

61G4-18.001(2) – 3 hours of CE devoted to Laws and Rules – Ms. Guillemette to draft language to require these 3 hours each renewal period.

61G4-16.0031 – Practical examination for Swimming pool specialty contractors – Ms. Guillemette have the full board vote on this and notice this rule after.

61G4 – 12.009 – Fees (for Null and Void applications) – waiting to become adopted.

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Holloway gave the following report:

LORMAN BUSINESS CENTER, INC. (0000837)

What to Do When Construction Projects Go Bad – approved.

FLORIDA HOME BUILDERS ASSOCIATION (0000916)

Jobsite Accident Investigation – Preserving The Accident Site – approved.

What to DO If OSHA Arrives Onsite – approved.

Workforce Housing Finance Options – approved.

FLORIDA POOL AND SPA ASSOCIATION (0000917)

Advanced Electrolytic Chlorine Generators – approved.

Hiring and Mentoring for Contractors – approved.

Advanced Hydraulic Design for Custom Pools and Spas – approved.

Pool Surfaces – Identifying Problems and Solutions – approved.

Introduction to Pool Finishes - Alternative Aggregates – approved.

Pool Surface Preparation: Remodeling Cementitious Surfaces – approved.

Time Management for Contractors – approved.

The Entrepreneur's Tool Box – approved.

Managing Employee Performance – approved.

AIR CONDITIONING CONTRACTORS OF AMERICA (0001026)

The Quality Connection – High Value Trumps Low Cost – denied – not related to contracting.

Using UV – C to Resolve Commercial IAQ Problems – approved.

Selling “ Clean and Check” Commercial Service Agreements – approved.

Electric Utilities and Air Conditioning: Why We Care and What We Offer – approved.

Advances in HVAC/R Measurements Products – approved.

Hydronics, Boilers and Combustion System Programs – approved.

Airside Economizers: Are they really saving any Money or Improving Indoor Air Quality – approved.

DEPARTMENT OF COMMUNITY AFFAIRS (0001042)

Florida Building Code Advanced Training: Residential Plumbing – approved.

FEDERAL MUTUAL INSURANCE (0001107)

Business Practices: Mold and Construction Defect – approved.

RHEEM AIR CONDITIONING DIVISION (0001104)

Comfort Control System – denied – sales.

QUALITY PRECAST CO. (0001779)

Precast Concrete Lintels – “Clearing Up the Misconceptions” – approved.

ABEL BAND, CHARTERED - approved.

Construction, Lien and Permitting Issues for the Maria Contractor – approved.

CREDIT RESTORATION BROKERS, LLC - approved.

“Credits and Its Effects” – denied - not related.

MORTAR NET USA – approved.

Moister Prevention in Masonry Construction – approved.

POOL OPERATION MANAGEMENT, INC. – denied.

Certified Pool Operator Course – denied – not contracting.

STRUCTURES INTERNATIONAL, LLC – approved.

Design Pressures for Components and Cladding – denied no time controls.

JANDY INDUSTRIES, INC. d/b/a JANDY POOL PRODUCTS (0003836)

Pool & Spa Heater Level 2 Class (Troubleshooting) – approved.

Pool & Spa Heater Level 1 Class (Installation) – approved.

Pool and Spa Digital Controls - approved.

High Efficiency Heaters - approved.

Pumps and Filters – approved.

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

With no other business to discuss the meeting was adjourned at 12:30 p.m.