

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**HYATT REGENCY JACKSONVILLE RIVERFONT
225 E COASTLINE DRIVE
JACKSONVILLE, FL 32202**

GENERAL SESSION MINUTES

OCTOBER 16, 2009

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

Board Members Present

Jacqueline Watts - Chair
Paul Del Vecchio
Carl E. Engelmeier
James C. Evetts
James Flaherty
Raymond Holloway
Jerry D. Hussey
Michelle Kane
Roy R. Lenois
Wilbert Malphus
Robert Moody Jr.
Mark Pietanza
William S. Sheehan

Board Members Absent

Peggy Bailey
Elbert Batton (10/15 & 16)
Frank Bonuso
Edward Weller
Don Wilford
Jerry Hussey (10/16)

Others Present

G. W. Harrell, Executive Director, DBPR
Andy D. Janecek, Government Analyst, DBPR
David Spingler, Administrative Assistant, DBPR
Daniel Biggins, Legal Advisor, AGO
Carrol Cherry, Legal Advisor, AGO
Jeff Kelly, Chief Prosecuting Attorney, DBPR
Paul Waters, Prosecuting Attorney, DBPR

Mr. Engelmeier gave the invocation. Mr. Flaherty led the Pledge of Allegiance.

REVIEW OF MINUTES

A. Final Action Minutes – September 2009

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell informed the board the nominating committee for Chair and Vice Chair will be noticed in November. Mr. Harrell followed up on the prior days presentation on pre-licensure education, Mr. Harrell stated he could provide the board with the same materials the Construction Coalition was supplied with. Mr. Harrell suggested the board members seek advice from people they know in the industry concerning pre-licensure education.

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

CHAIRMAN'S REPORT – JACQUELINE WATTS

Ms. Watts excused the following absences:

Mr. Weller (missed CE and the meeting).
Ms. Bailey (missed the meeting).
Mr. Bonuso (missed CE and the meeting).
Mr. Wilford (missed the meeting).
Mr. Hussey (missed Friday).
Mr. Batton (missed Thursday and Friday).

The board voted to excuse the absences of Ms. Bailey, Mr. Wilford, Mr. Hussey, Mr. Batton.

The board voted to give Mr. Weller and Mr. Bonuso unexcused absences.

Ms. Watts reminded the board of the importance of attending the meetings and asked board staff to send something out reminding board members of this.

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

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

For September 2009 the overall case load was 1,663, down from 1,831 for August, and down from 2,366 for September of 2008.

There were 587 cases to be reviewed in Legal, 43 cases set for probable cause and 404 cases where probable cause had been found/administrative complaints filed. 210 cases were ready for default, 32 cases had stipulations executed/informal hearings requested, and 96 cases had requested formal hearings. There were 20 cases referred to DOAH, 49 cases in settlement negotiations, 57 cases awaiting final orders, and 164 cases set for

Board presentation. There were 0 cases under appeal and 1 case re-opened. 244 cases were closed for the month of September.

Mr. Kelly stated this month was the first month of OnBase cases.

Mr. Harrell explained the investigative/complaint process to the board members and also commended Mr. Kelly and his staff on the hard work they've done in reducing the case load.

Mr. Kelly also announced the departure of Kyle Christopher and stated his position should be filled in the next couple of weeks.

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

ATTORNEY GENERAL'S REPORT – DAN BIGGINS AND CAROL CHERRY

NICHOLAS BODWELL – REQUEST FOR INFORMAL HEARING

Mr. Bodwell was not present.

Mr. Biggins presented this case stating Mr. Bodwell requested a 30 day continuance.

The board voted unanimously to grant a 30 days continuance.

JAMES D. DAVIS – REQUEST FOR INFORMAL HEARING

Mr. Davis was present.

Mr. Biggins presented this case stating James Davis' application to qualify an additional business was denied at the July 2009 meeting for failure to appear. Mr. Davis received a Notice of Intent to Deny in September of 2009. Mr. Davis timely requested board reconsideration.

After discussion the board voted unanimously to approve Mr. Davis' application.

KIRK A. GARRIS – REQUEST FOR INFORMAL HEARING

Mr. Garris was present with Counsel, Maureen Dodd and Tim Gable, President of the proposed business.

Mr. Biggins presented this case stating Kirk Garris' application to qualify an additional business was denied at the July 2009 meeting for failure to submit evidence showing the applicant could provide proper supervision. Mr. Garris received a Notice of Intent to Deny in September of 2009. Mr. Garris' timely requested board reconsideration.

After discussion the board voted unanimously to approve Mr. Garris' application contingent upon him providing a W2 showing he is a salaried employee of the additional business to be qualified.

CHRISTOPHER L. JONES – REQUEST FOR INFORMAL HEARING

Mr. Jones was present with Counsel, Michael Woods.

Mr. Biggins presented this case stating Christopher Jones' application for initial licensure as a Certified Building Contractors license was denied at the June 2009 meeting due to lack of experience. Mr. Jones received a Notice of Intent to Deny in July of 2009. Mr. Jones timely requested board reconsideration.

After discussion the board voted to unanimously approve the application for a Certified Residential Contractors license contingent upon the applicant providing experience to qualify him as a residential contractor.

YAMILEY MARTINEZ – REQUEST FOR INFORMAL HEARING

Ms. Martinez was not present.

Mr. Biggins presented this case stating Yamiley Martinez requested a 30 day continuance.

After discussion the board voted to grant the 30 day continuance.

LUIS ROSERO – REQUEST FOR INFORMAL HEARING

Mr. Rosero was present with partner Robert Howard.

Mr. Biggins presented this case stating Luis Rosero's application for initial licensure as a Certified General Contractor's license was denied at the June 2009 meeting for failure to demonstrate the required experience and failure to demonstrate financial stability. Mr. Rosero received a Notice of Intent to Deny in July of 2009. Mr. Rosero timely requested board reconsideration.

After discussion the board voted unanimously to approve the application contingent upon a FRO application being received by the Department.

SOUTH FLORIDA CHAPTER ASSOCIATED GENERAL CONTRACTORS OF AMERICA – REQUEST FOR INFORMAL HEARING (CE)

A representative from South Florida Chapter Associated General Contractors of America, Mr. Len Mills, was present.

Mr. Biggins presented this case stating South Florida Chapter Associated General Contractors of America's course application for the courses, "Florida 2007 Advanced Building Code" and "Law and Rules – Statute 489" were denied due to failure to demonstrate time monitoring and interactivity response time and failure to have a properly qualified instructor teach the course. South Florida Chapter Associated General Contractors of America received a Notice of Intent to Deny in August of 2009. South Florida Chapter Associated General Contractors of America timely requested board reconsideration.

After discussion the board voted unanimously to approve both course applications.

THOMAS J. TALLAKSEN – REQUEST FOR INFORMAL HEARING

Mr. Tallaksen was present.

Mr. Biggins presented this case stating Thomas Tallaksen's application to qualify an additional business was denied for failing to appear in front of the board. Mr. Tallaksen received a Notice of Intent to Deny in November of 2009. Mr. Tallaksen timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

PAUL G. THOMAS – REQUEST FOR EARLY TERMINATION OF PROBATION

Mr. Thomas was present.

Mr. Biggins presented this case stating that Mr. Thomas has made 7 satisfactory probation appearances out of a total of 12 which he was originally ordered to. Mr. Thomas was placed on probation as a condition of licensure.

After discussion the board voted unanimously to terminate Mr. Thomas' probation.

JOHN W. TYLER – REQUEST FOR INFORMAL HEARING

Mr. Tyler was present.

Mr. Biggins presented this case stating that John Tyler's application for a change of status of a Certified General Contractor's license was denied at the July 2009 meeting because the applicant was the subject of pending discipline. Mr. Tyler received a Notice of Intent to Deny in September of 2009. Mr. Tyler timely requested board reconsideration.

After discussion in which Prosecution had no objection the board voted unanimously to approve the application.

ALBERT J. VALDIVIA – REQUEST FOR INFORMAL HEARING

Mr. Valdivia was not present.

Mr. Biggins presented this case stating Mr. Valdivia's attorney had requested a continuance.

After discussion the board voted unanimously to grant a 30 day continuance.

DIETMAR WASCH – REQUEST FOR INFORMAL HEARING

Mr. Wasch was not present.

Mr. Biggins presented this case stating Dietmar Wasch had requested a 30 day continuance.

After discussion the board voted unanimously to grant a 30 day continuance.

The board voted to unanimously approve this report.

COMMITTEE REPORTS

ADDITIONAL BUSINESS COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

Approved Applications

Acres, Randy
Badolati, Gabrio
Barfield, Kenneth
Bernstein, Michael
Boyd, Donald
Dominguez, Pedro
Douglas, James
Dupre, Dean
Elarja, Samy
Freeman, Clifford
Fulmer, Randy
Gross, Jarret
Hayes, Carter
MacNamee, James
Merritt, Jason
Nelson, Derek
Pickering, Christopher
Regenhardt, William R.
Rice, Philip
Rodriguez, Jacqualin
Smith, Trina
Smith, Trina
Stepps, Ladi
Sziranko, Lincoln – probation for 2 years
Weismore, Robert – probation for 3 years due to financial instability

Applications Denied

Guerra, Jesus
Herrington, Clarence L.
Herrington, Clarence L.
Herrington, Clarence
Lubke, Chad
Montenegro, Mathew
Trentine, Christopher

Applications Continued

Aviles, Rene – continued 30 days for failure to appear

Carter, James – continued 30 days for no presence
Lohmeyer, Galen – continued 60 days due to confusion regarding ownership percentages
McWhorter, Ralph – continued 30 days for no presence
Shawer, Daniel – continued 90 days due to concern regarding lack of supervision

Applications Withdrawn

Neligan, Brian

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – JAMES FLAHERTY

Mr. Flaherty gave the following report:

Review of Continuing Education Providers & Course Applications:

AAA Construction School, Inc.

Avoiding a Law Suit – approved
Getting a Green Lead – approved

BOAF/FHBA Construction Training

Advanced Mitigation Retrofits – approved
Florida Energy Code Rules – approved
Florida Laws and Rules – approved

Building Officials Association of Florida

Understanding Fire Protection Requirements – approved
Understanding Fire Resistant Rate Construction - approved

Compliance Data Services, Inc. DBA CALCS-PLUS

Computerized Residential HVAC Load Calculation - denied

Contractor's Education Source, Inc.

Basic Bookkeeping: Timekeeping and Payroll – approved
CH 713-Florida Statutes and Construction Liens – laws and rules denied – approved for business practice
Fall Protection – OSHA Requirements Reducing Back Injuries - approved

Contractors Educational Services, Inc.

Florida Contractors Course A – approved
Florida Contractors Course B – approved

Fenestration Manufacturers Association

Florida Energy Code 2009 – approved

Florida Association of Safety Councils

Employment Screening & New Employee Safety Orientation – approved
Ergonomics – approved
How to Develop a Safety Program – approved

Incident Investigation and Reporting – approved
Loss Control I – Fundamentals – approved
Loss Control I – Applications – approved
Managing a Drug Free Work Site – approved
Managing Workers Compensation – approved
Methods and Techniques of Training – approved
OSHA Record-keeping and Documentation – approved
Preparing for Emergencies – approved
Understanding Behavior and Stress Strategies – approved

Gold Coast School of Construction, Inc.

Green Buildings & the Construction Professional (internet course) – approved

Hanley Wood Exhibitions

All about Hydrostatic Metal Roofing – the Devil is still in the Details – approved, no business
Avoiding Tolerance Traps – approved
Better Job Costing and Labor Controls to Increase Profits – approved
Cold, Liquid-Applied, Reinforced Roofing Membranes - denied
Composite Roofing Systems – Designs & Installation Principles – approved, no business
Concrete Pavement Restoration Techniques – approved
Concrete Repair Part II - Surface Preparation, Reinforcement, Material Selection and Placement Techniques – approved
Condensation Control in Roof Systems – approved
Emerging from the Recession Successfully – approved
Emerging Health Hazards Encountered in the Roofing Construction Industry – approved, no business
Floors Done Right – From Beginning to End – approved
Foundation Walls – Design and Construction – approved
Getting paid for all the Work You Do – approved
Green (Vegetative) Roofs – They Grow on You – approved
Greenwashing: What It Is, How to Recognize It, How to Protect You & Your Firm – approved
How to Avoid & Fix Moisture Problems in Concrete Floors & Flooring – approved
How to Improve Jobsite Productivity: A 15-Point Program – approved
How to Inspect a Rooftop for Safety – approved, no business practice
Innovations in Roofing Industry Fall Protection – approved
Insurance for Roofing Contractors: General Liability, Additional Insured's & Builder's Risk – approved, no laws and rules
Minimize Finishing Problems with Steel Troweled Light-Weight Concrete Floors – approved
Most Frequent Safety Citations for Concrete Contractors – approved
New Technologies for Solar & Wind Systems – approved
OSHA Fall Protection Standards – approved
Photovoltaic Arrays & Standing-Seam Metal Roofs – approved
Photovoltaic for the Roofing Contractor – approved
Polishing Retail & Industrial Slabs-Design & Construction Best Practices– approved
Positioning yourself for Growth and Profit – approved
Reflectivity vs R-Value: What are the Trade-Offs? – approved

Roof Coating: Materials, Uses and Energy Issues – approved
Securing Payment from Contract Negotiation to Collections – approved, no laws & rules
Soldering Techniques – approved
Supervise, Manage, Motivate, Lead & Train to Improve Productivity – approved
The Do's and Don'ts of Concrete Durability – approved
The Residential Metal Roofer's Top 10 List – approved
The Roof as a Platform for Energy Production – approved
Time Management and Goal Setting – approved
Tools to Manage your Business: Let the Business Run Itself – approved
Troubleshooting Concrete Field Problems – approved
Troubleshooting Formwork for Wall and Columns – approved
Troubleshooting Low-Slope Roof Assemblies – approved
Using Decorative Overlays on Existing Concrete – approved
What You Need to Know about Testing & Evaluation – approved
What's so Bad about the Employee Free Choice Act? – approved, no laws & rules

Hansgrohe, Inc. - approved

Hansgrohe and Axor Technical Shower System Training – approved, no laws & rules

I Level by Weyerhaeuser

Wall Solutions – approved

Palm Construction School, Inc.

Business Practices 2010 (internet) – approved
Florida Construction Lien Law 2010 (internet) – approved
Laws and Rules 2010 (internet) – approved
Maintaining a Healthy Business (Construction Business Issues & Mold) (Classroom) – approved
Maintaining a Healthy Business (Construction Business Issues & Mold) (Internet) – approved
Re-Cover Your Assets 2010 – approved
Required CE Subjects 2010 (Classroom) – approved
Required CE Subjects 2010 (Internet) – approved
The Color of Money (How Contractors Can Benefit from Building Green) (Classroom) – approved
The Color of Money (How Contractors Can Benefit from Building Green) (Internet) – approved
Wind Mitigation Methodology 2010 (Internet) – approved
Workers' Compensation 2010 (internet)– approved
Workplace Safety 2010 (Internet) – approved

Perry International Corporation DBA TheSafetyDoctor.com, Inc. – approved

Continuing Education Workshop – 1009Safety10 – approved

Pinch A Penny, Inc.

Avoiding Litigation for the Swimming Pool Contractor – approved
Effective Collections Techniques – approved
Hydraulics and Pump Selection for the Service Professional – approved
Phosphates In Swimming Pools – approved

Pool & Spa Automatic Controls – approved
Pool Surface – Problems and Solutions – approved
Pumps & Filters for Swimming Pools – approved
Stain and Discoloration – approved
Swimming Pool Heat Pumps - approved

Rogers Towers, P.A. – approved
(0003265, Providership expired 05/31/07)
Construction Liens and Statutory Bonds – approved

Solar Development, Inc. – approved
Residential Solar Water Heating – approved

University of West Florida
LEED Green Associated Prep Course – approved
Roof Design, Construction, & Maintenance – approved

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

PROBATION COMMITTEE – CARL ENGELMEIER

Mr. Engelmeier gave the following report:

Michael Herman, (CGC 60830, CUC 57251, CCC 1325488)
Result: Satisfactory by Division I and Division II

Khosrow Taymouri, (CGC 41851, CCC 56899)
Result: Unsatisfactory by Division II and Division I voted to lift the stay of suspension unless he appears.

Division II members voted to reopen the appearance for Mr. Taymouri. Division II members then voted to withdraw the unsatisfactory appearance. Division II members then voted to give Mr. Taymouri a satisfactory appearance. Division I voted to reopen his appearance. Division I then voted to reconsider lifting the stay of suspension. Division I then voted to give Mr. Taymouri a satisfactory appearance.

Gregory Allen, (CFC 1427781)
Result: Satisfactory

Steven Althoff, (CCC 1328764)
Result: Satisfactory

Ronald Buck, (CCC 1427935)
Result: Satisfactory

Roberto Hierrezuelo, (CFC 1427609)
Result: Satisfactory

Charles McHone, (RC 29027390)
Result: Satisfactory

Ray Rey, (CFC 57546)
Result: Satisfactory

Jose Romero, (CCC 1328762)
The board voted to reopen the appearance for Mr. Romero. The board then voted to reconsider lifting the stay of suspension. The board voted to give Mr. Romero an unsatisfactory appearance. The board voted to give Mr. Romero an unsatisfactory appearance contingent on providing information on subcontractors.

Billy R. Turner, (CCC 1325929)
The board voted unanimously to lift the stay of suspension and give the probationer an unsatisfactory appearance.

Douglas Bloomer, (CFC 1427803)
Result: The board voted unanimously to reopen the appearance, voted unanimously to reconsider lifting the stay of suspension, and voted to give Mr. Bloomer a satisfactory appearance.

Kurt Aron, (CGC 59146)
Result: Satisfactory

Winston Brown, (CGC 62829)
Result: Satisfactory

Ray B. Holmes, (CGC 49623)
Result: Request for Continuance granted

Robb Imperato, (CGC 57221)
Result: Satisfactory

Christopher Jettinghoff, (RB 29003456)
Result: Satisfactory

Claudia Mendoza, (CGC 1505446)
Result: Satisfactory

Jimmie Murphy, (RG 291103713)
Result: Satisfactory

William Scammell, (CGC 11250)
Result: Satisfactory

Christopher Stamas, (CGC 1516086)
Result: Satisfactory

Paul Thomas, (CGC 1510844)

Result: Satisfactory (requested early termination of probation, addressed at General Session).

Grady Parker, (CGC 2856)

Result: Unsatisfactory (Failure to submit probation package)

Carol D. Williams-Ransom, (CRC 1326824)

Result: Stay of Suspension Lifted for failure to submit a probation package

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

APPLICATION REVIEW – WILLIAM S. SHEEHAN

Mr. Sheehan gave the following report:

Approved Applications

Benitez, Greco

Brendel, Jr., John Reichert – need evidence that all judgments are resolved.

Cefolia, Louis Alexander Jr.

Cera, Dorine A. – downgrade to CBC

Cloer, Michael

Crews, William M. Jr.

Dilbert, Yasmin Andretia – downgrade to CRC

Free, Henry J. – Limited as described in petition

Grubbs, Kevin – downgrade to CBC

Hall, Janice

Holliday, David Craig

Puder, John Nelson

Robertson, Timothy Warren – probation for 2 years due to financial instability

Applications Denied

Behncke, Oscar Alfredo

Embick, Jeffery

Gobeo, Frank P.

Lanier, Nathaniel Jackson

Muniz, Jorge A. Jr.

Reeder, Edward Wayne

Rubiera, Juan Carlos

Applications Continued

Beringhaus, Robert Lee – continued 30 days to work with Jeff regarding discipline Fidler,

Brittany L. – continued 90 days to provide proof of 2 years of college

Fleming, Mason F. – continued 90 days to provide more experience

Hanna, Timothy Edward – continued 90 days to provide more experience

Hoggins, Ronnie Jr. – continued 90 days to provide more experience & credit score

Serga, Oleksandr – continued 90 days to provide additional experience

Vincent, Manuel A. – continued 30 days due to no presence

Applications Withdrawn

Geoghagan, Jeffrey A.
Herwald, Laurene
Martin, Kenneth Brent

Applications Pulled

Verbeeck, Christopher Jules

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

AD HOC LICENSURE QUALIFICATIONS COMMITTEE – JACQUELINE WATTS

Ms. Watts stated a response was distributed from the Construction Coalition to determine if there were any issues concerning pre-licensure education. A representative from the Construction Coalition was present. Mr. Harrell stated to deal with the associations that want to move forward with the concepts because at this time some associations don't appear to want to move forward. Ms. Watts suggested the representative from the Construction Coalition request from the members of the Coalition to have some people be prepared to appear at the following month's board meeting for discussion to determine a viable solution. Mr. Sheehan stated that the reason for the separation of Division I and Division II was to resolve each Division's issues separately, and that next month's Ad Hoc meeting would be separated between Division I and Division II. Mr. Pietanza reminded the board that 3rd Party Verification would no longer be accepted for applications and Mr. Harrell confirmed this and stated the applications would be amended. Mr. Harrell also stated the credit score requirement and bond requirement would be included in the new application and tracking measures would be created by the Department. Mr. Pietanza expressed concern over the board's review of applications being brought into question. Mr. Del Vecchio, Mr. Sheehan, Ms. Kane, and Mr. Lenois all spoke on the issue and expressed concern over what the rule changes will accomplish. Mr. Harrell stated he would convey the board's concerns to the Department. Ms. Watts also asked the representative from the Construction Coalition to express to the Coalition the gravity of the decision being discussed and Ms. Watts stated it would be incumbent upon the Coalition to propose to the legislature the changes being discussed.

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

There were no rules noticed or developed this month.

The board voted unanimously to approve this report.

OLD BUSINESS

Mr. Pietanza suggested the idea that attending the board for all three days would result in that person receiving CE credits. Mr. Janecek stated that idea would be added to next month's Ad Hoc meeting.

NEW BUSINESS

Mr. Flaherty suggested that Cassandra Cox begin listening in on the CE conference calls. Mr. Flaherty stated he would like Cassandra Cox to listen in on these calls and Mr. Janecek stated he would try to make it happen.

Mr. Evetts brought up Senate Bill 360 and the ability to allow contractors to extend their permits for an additional two years. Mr. Evetts stated it is causing issues because the legislator who proposed the bill is being challenged by "half" the jurisdictions in the state and that contractors currently applying for this extension are going to have them snatched out from under them and is causing code issues with plans.

Mr. Evetts also stated that the local county tax appraiser is soliciting information from building departments concerning Chinese drywall on who can give them a letter on which houses have Chinese drywall and which don't. Mr. Evetts stated he does not have an idea on who is qualified to state if the drywall is Chinese or not, and perhaps the board should consider making a statement on this at a future meeting.

Mr. Kelly stated that probable cause for October will have paper materials distributed and if there are any questions to contact him.

Mr. Janecek stated that board staff will now attempt to distribute materials two weekends before the meetings and that January meeting will most likely be large next month.

With no further business the meeting was adjourned at 10:12 am.