

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**DOUBLETREE HOTEL COCOA BEACH OCEANFRONT
2080 NORTH ATLANTIC AVENUE
COCOA BEACH, FL 32391**

**January 12 – 15, 2010
MEETING MINUTES**

Board Members Present

William S. Sheehan, Chair
Mark Pietanza
Paul Del Vecchio
Edward Weller
Michelle Kane
Peggy Bailey
James Flaherty
Don Wilford
Roy R. Lenois
Carl E. Engelmeier
James C. Evetts
Robert Moody Jr.
Elbert Batton
Raymond Holloway
Jerry D. Hussey
Jacqueline Watts

Board Members Absent

None

Others Present

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

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I Board members met for Additional Business Entities Review on January 13, 2010 from 1:34 – 3:20p.m. Mr. Hussey led the meeting. Of the 31 applications reviewed, 20 were approved, 3 were approved contingent, 4 were approved with conditions, 2 were continued, and 2 were denied.

APPROVALS (19)

Adler, Peter
Bishop, Joseph
Braswell, Edgar
Braverman, Feliz
Chavez, Pedro
Cox, John
Craft, Barry
Craig, Reginald
Curiel, Leonardo
Elliott, Dean
Fernandez, Robert
Grass, Bruce
Massey, Mark
McClanahan, Richard
Murphy, Sean
Sosa, Jose
Stultz, Jeffry
Whiteman, Daniel
Wuenschell, Kenneth
Young, James

CONTINGENT APPROVALS (3)

Espinoza, Miguel – amended manner of remuneration to w-2/salary. Must provide proof within 30 days.
Mitro, David – must provide proof of ownership within 30 days.
Olivieri, Joseph – owner amended manner of remuneration to w-2. Provide proof within 30 days.

CONDITIONAL APPROVALS (4)

Clark, Blair – probation – 2 years, due to alleged a&a by present company.
Clark, Chadwyck – probation – 4 years, due to financial stability.
Mongan, Brenton – probation – 2 years, due to financial stability.
Schlitt, Greg – probation – 2 years, due to financial stability.

CONTINUANCES (2)

Coleman, John – continued 60 days.
Morgan, Ronald – continued 30 days, not present.

DENIALS (2)

Bean, Brian
Faillace, Paul

Division II Board members met for Additional Business Entities Review on January 13, 2010 from 3:20 – 3:22 p.m. Mr. Flaherty led the meeting. Of the 12 applications reviewed, 5 were approved, 2, were approved contingent, 3 were approved with conditions, 1 was withdrawn and 1 was denied.

APPROVALS (5)

Gonzalez, William
La Porte, Rene
Massey, Mark
Paden, Thomas
Smith, Dale

CONTINGENT APPROVALS (2)

Gomez, James – update remuneration to reflect salary.
Shawver, Daniel – Amended remuneration in application to reflect w-2/salary.

CONDITIONAL APPROVALS (3)

Isparyan, Timur – probation, 1 year due to financial stability.
Isparyan, Timur – probation, 1 year due to financial stability.
Lohmeyer, Galen – Amended application to reflect 25% ownership. Probation, 1 year due to financial stability.

WITHDRAWALS (1)

Poyastro, Lior

DENIALS (1)

Prenesti, Ralph

APPLICATION REVIEW

Division I Board members met for Application Review on January 14, 2010 from 3:00 – 6:03 p.m. Mr. Malphus led the meeting. Of the 36 applications reviewed, 5 were approved, 12 were approved with conditions, 4 were continued, 3 were withdrawn and 12 were denied.

APPROVALS (5)

Ellison, Robert S.
Fisher, Kevin Michael
McKinnon, Jr., David Lee
Seager, David Collins
Snyder, Justin Paul

CONDITIONAL APPROVALS (12)

Fajardo, Tammy Olen - DOWNGRADE to CBC with probation for 2 years, financial stability or until 660.
Fidler, Brittany L. – probation, 2 years due to financial stability.
Fleming, Mason F. – probation, 2 years due to criminal history and financial stability.

Hoggins, Jr., Ronnie – DOWNGRADE to CRC with probation 4 years due to financial stability and moral character.
Lancey, Jr., Jonathan – probation, 2 years due to financial stability.
Lemerand, Gary G. – probation, 2 years due to financial stability.
Osceola, Mark Steven – probation, 2 years due to criminal history with FDLE report at every meeting.
Rowland, Rodney Charles – probation, 2 years due to financial stability.
Sarver, Chad Lee – probation, 2 years for financial stability, or until 660 score.
Serga, Oleksandr – probation, 4 years due to financial stability.
Sontag, Scott B. – approved with cell tower limitations as approved previously.
Visser, Patrick Johan – probation, 2 years, must provide FDLE report at each one, stay lifted if convicted.

CONTINUANCES (4)

Adams, Steven M. – continued 60 days to provide more detailed experience. Waived deemer.
Fields, Jerry Dwight – not present, continued 30 days.
Pooler, Jr., Thomas Richard – not present, continued 30 days.
Roberts, Michael L. – not present, continued 30 days, waived deemer.

WITHDRAWALS (3)

Bruce, Robert Sheldon
Erb, Martin G.
Jardaneh, Nadia Salam

DENIALS (12)

Benedict, Charles E.
Hanna, Timothy Edward
Johnson, Craig Andrew
Kennell, Karl E.
Krauklis, John
Lemons, Christine Ann
McFadden, Douglas Keith
Mills, Stevan Gray
Pescatrice, John C.
Quick, John L.
Reis, Cary Barrington
Rodriquez, Eugenio G.

Division II Board members met for Application Review on June 10, 2010 from 3:00 – 6:03 p.m. Mr. Malphus led the meeting. Of the 31 applications reviewed, 10 were approved, 7 were approved with conditions, 2 were withdrawn, and 12 were denied.

APPROVALS (10)

Blizzard, Terry Lee
Coleman, James
Deblock, Jr., Albert Abel
Dewitt, Laurence Robert

Galmin, Gregory Francis
Gonzalez, Guillermo
Hall, Adam
Hernandez, Manuel
Ratliff, Linda R.
Torres, Jonathan

CONDITIONAL APPROVALS (7)

Bain, Alicia Nicole – probation appearance tolled due to inactive license status.
Coronado, Luis Eduardo – probation, 4 sat appearances or 660 due to financial stability.
Gould, Tony K – probation, 4 sat appearances.
Lancey, Jr., Jonathan – probation, 2 years due to financial stability.
Marotta, Jr., Michael J. – probation, 4 sat appearances due to financial stability.
Mocny, Jr., Michael Steven – probation, 4 sat appearance due to financial stability.
Patterson, Keithon Maurice - probation, 4 sat appearance due to financial stability.

WITHDRAWAL (2)

Beringhaus, Robert Lee
Regante, Jedde Victor

DENIALS (12)

Anglin, David Lee
Coia, II, Dominic David
Douglas, Michael Stephenson
Dowdy, Ralph
Grant, Michael A.
Hagan, Geoffrey Alexander
Hernandez, Junior Raul
Kastner, Michael Joseph
Lee, Donald Gerald
Robitzsch, Michael C.
Walsh, Patrick Michael
Yohann, Moshe

The Board reviewed and ratified the list of approved financially responsible officer applications.

PROBATION

Division I Board members met for Probation on January 14, 2010 from 6:45 – 7:25 pm. Mr. Batton led the meeting.

Sherry Lynne Barrows, (CGC 1517285)
Result: Satisfactory

Kevin Allen Boyer, (CGC 1515032)
Result: Unsatisfactory
No recovery fund notice in contract; no insurance information.

Daniel P. Bray, (CRC 1328343)
Result: Unsatisfactory
No recovery fund notice or license number in contract.

Larry C. Brown, (CBC 1257486)
Result: Satisfactory

Nicky Lee Brown, (CGC050863)
Result: Satisfactory
You have completed the terms of your probation.

Robert R. Chacon, (CGC 009564)
Result: Continued
Continued for 6 months. This will extend your probation period by an additional 6 months.

Devindranath Dhaniram, (CGC 060613)
Result: Unsatisfactory
No recovery fund notice or license number in contract

Paul Robert Ginther, (CRC 1329932)
Result: Unsatisfactory
No contracts provided; no bank statements provided

Arnold Morales Hutchinson, (CGC 060414)
Result: Stay Lifted
Continuance request denied; suspend license

Richard A. Kovacsik, (CGC 058246)
Result: Satisfactory

William T. Moccia, (CBC 1255973)
Result: Satisfactory
You have completed the terms of your probation.

Miguel A. Perez, (CGC 1517294)
Result: Satisfactory

Pedro Pineda, (CBC 057443)
Result: Satisfactory

Michael P. Richel, (CGC 01517290)
Result: Satisfactory

Panagis Vittoratos, (CGC 057438)
Result: Satisfactory

Division II Board members met for Probation on January 14, 2010 from 3:00 – 3:15 pm. Mr. Moody led the meeting.

Alicia Nicole Bain, (CCC 1325838)
Result: Tolled

Gary S. Eckert, (CPC 1456590)
Result: Satisfactory
You have completed the terms of your probation.

William Charles Erney, (CCC 1328936)
Result: Satisfactory

Mason Fleming, (CCC 1328560)
Result: Satisfactory

Bruce A. Freund, (CCC 1325930)
Result: Continued
Continued for 6 months. This will extend your probation period by an additional 6 months.

Douglas Eugene Harsanyi, (CPC 057269)
Result: Stay Lifted
Your license is now suspended for failure to appear or send in probation package for probation meeting.

Kurtis K. Kelly, (CMC 056785)
Result: Continued
Continued for 6 months. This will extend your probation period by an additional 6 months.

Richard Hoyt Lindley, (CCC 1326286)
Result: Stay Lifted
Your license is now suspended for failure to appear or send in probation package for probation meeting.

Humberto Jose Oliver, (RP 0066966)
Result: Satisfactory

Douglas J. Ringold, (CCC 1326506)
Result: Stay Lifted
Your license is now suspended for failure to appear or send in probation package for probation meeting.

Barry Sanders, (CCC 1328939)
Result: Satisfactory
Please make sure to include the lien law notice as required and include your license number on all contracts. Your next appearance will be set for 8:30 am.

Jennifer Ann Van Antwerp, (CPC, 1457926)

Result: Satisfactory

Division I & II Board members met for Probation on January 14, 2010 from 7:33 pm – 7:46 pm. Mr. Moody led the meeting.

Aldon Bookhardt, (CGC 1505081, CCC 057655)

Result: Div I Satisfactory; Div II Unsatisfactory

Daniel F. Acevedo, (CGC 1506071, CCC 1326888)

Result: Unsatisfactory

GENERAL SESSION

The meeting was called to order by Mr. William Sheehan at 8:36 a.m. Ms. Bailey gave the invocation. Ms. Watts led the Pledge of Allegiance.

REVIEW OF MINUTES

The board voted unanimously to approve December's minutes.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

The Executive Director's Report was called to order. Mr. Harrell recognized everyone's hard work the previous day and thought Board Staff had a good idea in recognizing Board member contributions while still serving on the Board by awarding them lapel pins. Those who have served as Committee Chairs will receive silver lapel pins and former or current Board Chairs will receive gold lapel pins. The Board voted unanimously to use the slush fund money to purchase these lapel pins. Mr. Harrell proposed the idea of not having a Division I & II and possibly combining the two for Application reviews. Mr. Harrell brought up the task force out of the Office of the Insurance Commissioner being concerned about unlicensed appraising by contractors. The Office of the Insurance Commissioner raised the idea of developing a CE course on appraisals and the licensure involved with it, and if the Board would consider it sufficiently related to contracting to qualify it as a CE course. Mr. Harrell stated he would ask the OIC to create a summary of what exactly the course would entail as the Board expressed confusion about what kind of appraising was being discussed. Mr. Harrell stated he would also ask the OIC how this relates to the new Home Inspector's license. The Board voted unanimously to approve this report.

CHAIRMAN'S REPORT – WILLIAM SHEEHAN

The Chairman's Report was called to order. Mr. Sheehan thanked the Committee Chairs. Mr. Sheehan followed up on Mr. Harrell's suggestion on having Counsel explain what a Waiver really means and what it means when there is no disputed fact, etc. Mr. Sheehan stated that Mr. Bonuso resigned after a year of service. The Board unanimously approved Mr. Malphus' absence. The Board voted unanimously to approve this report.

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

For the end of the year, December 2009, the overall case load was 1,557, down from 1,706 cases from November 2009, and down from 1,893 from December of 2008.

There were 551 cases to be reviewed in Legal, 20 cases set for probable cause and 344 cases were probable cause had been found/administrative complaints filed. 177 cases were ready for default, 38 cases had stipulations executed/informal hearings requested, and 97 cases had requested formal hearings. There were 11 cases referred to DOAH, 46 cases in settlement negotiations, 65 cases awaiting final orders, and 207 cases for set for Board presentation. There were 0 cases under appeal and 1 case re-opened. 275 cases were closed for the month of December.

Mr. Kelly stated that Mr. Ted Gay will be resigning.

Mr. Kelly stated that the FTP site is now up, and Probable Cause cases are now able to be viewed on that site.

The Board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS

JENNIFER B. AROJADO – REQUEST FOR INFORMAL HEARING

Ms. Arojado was present.

Mr. Biggins presented this case stating that Jennifer Arojado's application for initial licensure for a Certified Residential Contractor's license was denied at the Board Meeting held on November 12, 2009 for lack of experience. Ms. Arojado received a Notice of Intent to Deny in January of 2010. Ms. Arojado timely requested board reconsideration.

After discussion the board voted unanimously to approve the application of Ms. Arojado.

JAMES R. CLAEYS – REQUEST FOR INFORMAL HEARING

Mr. Claeys was present.

Mr. Biggins presented this case stating that James Claeys' application for a change of status was denied at the Board Meeting held on September 10, 2009 due to pending discipline, lack of financial responsibility, lack of moral character, and having been convicted, found guilty, or having entered a plea of nolo contendere to crimes related to the practice of contracting. Mr. Claeys received a Notice of Intent to Deny in November of 2009. Mr. Claeys timely requested board reconsideration.

After discussion the board voted unanimously to conditionally approve the application, provided Mr. Claeys show proof of a release of lien, and serve probation for two years or until he could provide proof his credit score had exceeded 660.

LUKE R. FREDERICKSON – INFORMAL HEARING REQUEST

Mr. Frederickson was present.

Mr. Biggins presented this case stating that Luke Frederickson's application for initial licensure for a Certified Building Contractor's license was denied at the Board Meeting held on August 13, 2009 due to lack of experience. Mr. Frederickson received a Notice of Intent to Deny in September of 2009. Mr. Frederickson timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

WILLIE R. MCMILLAN – INFORMAL HEARING REQUEST

Mr. McMillan was not present.

Mr. Biggins presented this case stating that Willie McMillan's application for initial licensure for a Certified General Contractor's license was denied at the Board Meeting held on August 13, 2009 due to lack of experience, lack of financial stability, and a lack of moral character. Mr. McMillan received a Notice of Intent to Deny in September of 2009. Mr. McMillan timely requested board reconsideration.

After discussion the board voted unanimously to approve the request for a 60 day continuance.

JORGE A. MUNIZ – INFORMAL HEARING REQUEST

Mr. Muniz was not present.

Mr. Biggins presented this case stating that Jorge Muniz's application for initial licensure for a Certified General Contractor's license was denied at the Board Meeting held on October 15, 2009 due to lack of experience. Mr. Muniz received a Notice of Intent to Deny in January of 2010. Mr. Muniz timely requested board reconsideration.

After discussion the board voted to unanimously approve the request for a 30 day continuance.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Lenois gave the following report: 102 courses were submitted. 81 were approved and 21 denied. 7 providers were approved. There were 2 cases which the course was approved but the instructor was not approved; the courses were approved contingent on

a qualified instructor being found. There was an issue where an internet course was approved contingent on the course being taught in a classroom setting instead.

360training.com

- Wind Mitigation – approved

AE21 Incorporated DBA Assn of Property & Casualty Claims – approved

- 11th Annual Windstorm Insurance Conference – approved for six hours – all or nothing.

Allen M. Weiss-Sesco Lighting – approved

- Building Commissioning - approved
- Innovations in solid State Lighting – approved
- LEED looks at Lighting – LEED NC – approved
- Lighting and Life Safety – approved
- Sustainable Lighting Design for Exterior Applications – approved
- The Florida Energy Code – approved
- The Georgia and Tennessee Energy Code – denied

American construction School, Inc.

- Laws and Rules – approved
- Laws and Rules of DBPR – approved
- Wind Mitigation Methodology – approved

Building Officials Association of Florida

- FBC CH. 5 – Building Height & Area - approved
- Residential Building Planning - approved
- The FBC & ASTM C 1063-03 – approved
- The FBC & Green Building Concepts – approved
- The Florida Accessibility Code & FHG – approved
- Workers Compensation – approved
- Workplace Safety – approved

Carlton Fields, P.A.

- Chapter 713 and Other Payment Remedies – approved
- Do You Have as Much Coverage as You Think? – approved

Constructive Resource Inc DBA AAA Solar Source

- Solar Photovoltaic (PV) Education I – A Basic Understanding – denied
- Solar Photovoltaic (PV) Education II – Advanced Installation – denied

Contractor's Education Source Inc DBA Contractorsed.com

- Fire Protection and Prevention: OSHA Requirements – approved
- General Provision and Signs, Signals and Barricades – OSHA Requirements – approved
- Hand and Power Tools: OSHA Requirements – approved

- Personal Protective Equipment: OSHA Requirements – approved
- Scaffolds: OSHA Requirements – approved

Contractors Education & Training Corp

- Integrity in Construction - Denied

Contractors Exam School

- Plan Reading Basics - approved

DASMA

- Garage Door Wind Load compliance to the FBC – approved

Florida Educational Facilities Planners

- Constructing Walls in Florida: Moisture and Thermal Mgmt – approved
- Emergency Power Systems with Photovoltaic's – approved
- High Performance Buildings: Process & Case Study – approved
- Performance Engineering – approved
- Project Estimating Business – approved

Florida Green Building Coalition – approved

- Building Green with Sustainable Profits – approved
- Building Science for the Green Professional – approved
- Going Green – What it Really Means to the Builder – approved
- Green Building Made Simple – approved
- Guiding Principles of Energy Efficient Homes – approved
- High Performance Housing – approved
- Integrated HVAC Design – approved
- Introduction to Green Washing – approved
- Prioritizing Green Building Strategies – approved

Florida Home Builders Association

- Florida Laws and Rules - approved

Florida Solar Energy Center

- EnergyGauge Pro Hands on Training – approved
- From Blue Prints to Residential Code compliance – approved

Glenn Rasmussen Fogarty & Hooker, P.A.

- Alternative Dispute Resolution in Construction – approved
- Handling OSHA Inspections on Construction Projects – approved

Infinity LC

- Workplace Safety – OSHA Fall Protection – approved

Joseph G. Thomas – approved

- Permitting Educating Contractors and the People who work with them – approved

Koning Enterprises, Inc. DBA Contractors Institute

- Lead Renovation – approved

Lassiter – Ware Inc. – approved

- OSHA 10 Hour Construction Standards Seminar – denied

Lorman Business Center, Inc. DBA Lorman Education Services

- Construction Lien Law – denied

McNeal & White Contractors Inc – approved

- Weatherization Contractor Training – approved conditional upon providing proof of qualified instructor.

National Comfort Institute

- Carbon Monoxide Safety – denied
- Combustion Performance and Diagnostics – denied
- HVAC System Air Balancing and Diagnostics – denied
- HVAC Systems Performance Testing – denied
- Implementing Performance Based Contracting in Your Business – denied
- Light Commercial Balancing – denied

OX School of Construction – approved

- Blueprint Reading – denied
- Business Practices – denied
- Ethics in the Construction Industry – denied
- Laws and Rules – denied
- Project Management – denied
- Quickbooks – denied
- Wind Mitigation – denied
- Worker Compensation – denied
- Workplace Safety, OSHA – denied

Pinch A Penny Inc

- Beyond the Basics – approved

Professional Training and consultants Inc

- Building with Steel: Attributes, Applications and LEED Rating – approved
- Building with Steel: Attributes, Applications and LEED Rating (Internet Version) – approved
- Building with Steel: Framing with Cold-Formed Steel Studs – approved
- Building with Steel: Framing with Cold-Formed Steel Studs (Internet Version) – approved
- Building with Steel: Guidelines For Builders, Trades and Inspectors – approved

- Building with Steel: Guidelines For Builders, Trades and Inspectors (Internet Version) – approved
- Building with Steel: Light Gauge Components for Framing – approved
- Building with Steel: Light Gauge Components for Framing (Internet Version) – approved
- Commercial Green Building Guidelines and Best Practices – approved
- Commercial Green Building Guidelines and Best Practices (Internet Version) – approved
- High Performance Infrastructure Guidelines and Best Practices – approved
- High Performance Infrastructure Guidelines and Best Practices (Internet Version) – approved
- Residential Green Building – approved
- Residential Green Building (Internet Version) – approved
- Residential Green Remodeling – approved
- Residential Green Remodeling (Internet Version) – approved

R.E.Michel

- 410A Ref Safety and Installation – approved

Redvector.com Inc

- Florida Wind Mitigation Retrofit Requirement for Existing Buildings – approved
- Green Building Commercial High Performance Guidelines Part I – approved
- Green Building Commercial High Performance Guidelines Part II – approved

Rheem Air Conditioning Division

- Dual Fuel Systems – approved

RSR & Company – approved

- Understanding Limited Liability Companies (LLC's) – approved, classroom only

Smith, Currie & Hancock LLP

- Federal government Construction Contracts – Appreciating the Critical Differences – approved
- Federal government Contracting: Understanding the opportunities, Performance Requirements, Documentation and Compliance Issues – approved

Thomas A. Lee

- Energy Star Construction f/k/a Building Envelope – approved
- Preventing Fatalities f/k/a Safety and Health program – approved

United Service Training Corp

- Domestic Hot Water Energy Systems – approved
- Florida Fuel Gas Code and Safety – approved

University of Florida Program for Resources Efficient Communities

- Greenhouse Gas Reduction and Energy Conservation Development Impacts Under Florida's HB 697 – approved

University of North florida & NAVFAC SE (US Navy) – approved

- Construction Quality Management for Contractors – approved

The Board voted to unanimously approve the report.

AD HOC LICENSURE COMMITTEE DIVISION I

Mr. Sheehan gave the following report: Mr. Sheehan expressed concern over the lack of resolution to the issue regarding pre-licensure education. Mr. Del Vecchio suggested a caucus be created at the next Ad Hoc to resolve the issue and not adjourn the caucus until a resolution is agreed upon. Mr. Lenois stated advice from the industry might need to be solicited and that there was concern that some people were worried that education would become the sole way a person could become licensed as opposed to other avenues of obtaining licensure. Ms. Watts clarified what the proposed issues would be and that applicants attempting to use experience would still have time, after possible implementation of the rule, before they would be precluded from obtaining licensure based on experience. Mr. Harrell stated that Ms. Watts proposed the idea that each profession would tailor those concepts to suit their profession. Mr. Sheehan stated that Division I is lacking in coming to a resolution of the issue and really needs to come to a resolution. A member of the public suggested soliciting advice from each trade association and to not bypass the Construction Coalition, but they believe the best bet is to contact the trade associations and confirm what they want to with the issue. Mr. Harrell stated it would be a good idea to bring in representatives from each association and have them discuss this issue with the Board. Mr. Harrell suggested that each committee draft up their own ideas. The board unanimously voted to approve the committee meeting and adjourn it.

AD HOC LICENSURE COMMITTEE DIVISION II

Mr. Pietanza gave the following report: That the issues covered in the Ad Hoc Committee Division I addressed pretty much the same issues that Division II was concerned about. Mr. Pietanza agreed with Division I in that a “one size fits all” approach is not the best way to resolve the issue. The board unanimously voted to approve the committee meeting and adjourn it.

RULES/PUBLIC/LEGISLATIVE COMMITTEE

Mr. Pietanza gave the following report:

The following rules have been noticed:

61G4-12.006 Approved Form

61G4-21.003 Filing Claims

The following rules have been adopted:

61G4-15.0021 Certification and Registration of Business Organizations

61G4-15.002 Qualifications of Joint Ventures

61G4-18.003 Registration of Course Providers

The board voted unanimously to approve the committee meeting and the meeting was adjourned.

OLD BUSINESS

A proposal to re-open the continuance of the Informal Hearing request for Mr. McMillan was proposed. The board voted unanimously to reconsider the continuance request. Mr. Wilford stated he had concerns about the experience of Mr. McMillan as well as the criminal charges that Mr. McMillan has been charged with over the past couple years. Mr. Biggins requested board staff clarify issues with the application. The board voted to unanimously deny the continuance request of Mr. McMillan. The board then voted unanimously to uphold the denial of Mr. McMillan's application.

NEW BUSINESS

A board member proposed the idea of creating a workshop where old Chairman's can offer experiences/issues/input to the new Chairman's coming in to educate them on how proceedings work and to possibly raise the professionalism of the meeting and to make it run more smoothly. Mr. Harrell proposed the idea of making it an Executive Committee and holding it during General Session as opposed to holding it in private. Mr. Harrell proposed the idea of possibly setting up early the first day of the board meeting to hold this committee. Ms. Kane stated it could possibly be done on Friday. Mr. Del Vecchio suggested providing instructions on how each committee could operate more smoothly. Mr. Biggins stated that this could be discussed under New Business. Mr. Sheehan requested clarification on what "material fact" means when discussing Final Action cases. Mr. Harrell stated this was previously brought up by Ms. Kane about being discussed prior to the Final Action hearings as it's unlikely that Board member would retain that information for the next Board meeting. Mr. Harrell stated he would like practical advice to be offered to new Committee Chairs and Mr. Sheehan suggested Mr. Del Vecchio proceed with that. Mr. Del Vecchio suggested that a sample letter be provided to the Board members outlining what probationers responsibilities are and what they should provide before being called. Mr. Harrell instructed Mandie to send a copy of the same materials that probationers receive also be sent to Board members. Mr. Janecek introduced Mandie Wynn to the Board. Mr. Del Vecchio brought up the issue of the Board not following the proper decorum during conduction of the meeting and suggested that Board members raise their hand before speaking. Mr. Harrell suggested the Board operate like the Senate by having the Chair recognize each person before they speak so the Chair can guide and control the discussion before a motion is brought forward. Mr. Sheehan solicited advice from past Chair's regarding the way the meeting is conducted. Ms. Kain stated there should be a higher degree of professionalism and that when she was first appointed nobody spoke unless the Chair recognized them,

there was a higher level of respect among board members, and discussion was much smoother. Ms. Kain stated the discussion should be much more controlled in the future, and that everyone should be reminded and educated of the statutory authority the Board actually possesses and what they are allowed to do. Ms. Watts reminded people that the Chair is the person who controls the conduct of the meeting. Ms. Watts stated that if a person has a general statement to the audience, that statement should be addressed to the audience before the meeting starts and not repeated to each individual person appearing in front of the Board. Ms. Watts stated that when there is a silence in the conversation a motion should be made. Mr. Biggins reminded people that Application Review is not the Hearing that an applicant is entitled to; that's what General Session is for. The Application Review is solely to review the application and not to lay out a big record and allow the applicant to explain themselves. If it becomes clear that an application is not going to get passed it is acceptable to make a motion right there. The hearing a person is entitled to comes at General Session. Mr. Del Vecchio reminded people that the Vice Chair is usually the person who makes the initial motion to speed the meeting along. Mr. Harrell asked if it was possible for the Chair to introduce the Vice Chair before each meeting, and Mr. Sheehan suggested the idea of a rolling Vice Chair. Mr. Sheehan suggested the Chair should be the one to decide who the Vice Chair is. Ms. Kane requested that when discipline cases are presented, or Null & Void and Re-Instatement that they be grouped together based on what the issue is, and that legal counsel informs the Board what the Board's right is and what the Board should consider in order to approve an application. Mr. Harrell stated that comprehensive training specifically on Statutes and Rules for the Board needs to occur. Not just general training, but specific training on Statutes and Rules and perhaps a manual should be created. Mr. Sheehan mentioned further clarification on discipline cases (waiver, stipulations, etc) should be provided before Final Action begins and that they should be grouped together. Mr. Janecek stated the technology used to assemble the agenda automatically presents them in alphabetical order. Mr. Kelly stated there are so many people that show up for these cases, and it might cause issues because of who is present and who is not, and the order being mixed up by that. Mr. Harrell stated he thinks the Board should stick with Ms. Kane's idea. Mr. Harrell also brought up the idea of a consent agenda in that if one license holder has several cases, that all those cases be heard at the same time. Mr. Janecek reminded people that it might cause issues with Probable Cause panels. Mr. Harrell summarized the discussion; the idea of the Committee Chairs controlling the committee and each Board member raising their hand and waiting to be recognized by the Chair before speaking; appointing designated Vice Chairs; at the beginning of each committee a short recitation of what the committee members can expect as far as the types of issues that will be presented; specific training on board rules and statutes; Division I & II being not necessary to meet and he requested board opinion on that. Mr. Sheehan asked if two meetings could be conducted at the same time in different locations, one for application review and the other for probation, etc. Mr. Harrell reminded the board that board staff has done all the preparation for the meetings and each staff member has their own specialty and should not be split up as it could cause problems. Mr. Sheehan requested that long serving Board members give advice to the new members on how to conduct the meeting, etc. Mr. Harrell brought up previous boards created the CEU requirements and also created what defines "financial stability". Mr. Harrell states that board is now focusing on experience and the fraud that is being perpetuated in the industry today, and stated that the board nowadays has to deal with so much more, both in the statutes and rules they

most follow, and the workload and amount of applications/Final Action cases being presented. Mr. Engelmeier stated that this board is more stringent than previous ones on reinstating Null & Void licenses, and is more restrictive in granting that than previous boards. Mr. Engelmeier requested that the definition of "hardship" be expanded on and clarification of hardship be provided to the board. Ms Kane reminded that its not just hardship that must be demonstrated, but also "good faith effort" needs to be established, and requested board counsel possibly advise the board on what constitutes each of those things. Mr. Del Vecchio reminded the board that it cannot have selective enforcement based on the applicant and that it must be consistent in dealing with Null & Void reinstatements. Mr. Harrell stated that "hardship" is too ambiguous to be defined by rule and must be considered on a case by case basis.

With no further business the meeting was adjourned at 10:19 a.m.