

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

THE CASA MONICA HOTEL
95 CORDOVA STREET
ST. AUGUSTINE, FL 32084
904.827.1888

JUNE 10 – 12, 2009

MEETING MINUTES

Board Members Present

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

Board Members Absent

Carl E. Engelmeier
James C. Evetts
Frank Bonuso (Tuesday only)
Edward Weller (Tuesday only)

Others Present

G. W. Harrell, Executive Director, DBPR
Andy D. Janecek, Government Analyst, DBPR
Amanda Abbott, Government Analyst, DBPR
Jenny Ulrich, Regulatory Consultant, DBPR
Daniel Biggins, Legal Advisor, AGO
Carrol Cherry, Legal Advisor, AGO
Jeff Kelly, Chief Prosecuting Attorney, DBPR
Brian Coats, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on June 10, 2009 from 2:00 – 3:22p.m. Of the 30 applications reviewed, 21 were approved, 4 were continued, 4 were denied and 1 was withdrawn.

APPROVALS (21)

Amritt, Donovan
Binkley, Curtis
Bowe, Kristin
Byrd, Kelly
Campbell, Dean
Casias, Ray
Cimaglia, Anthony
Close, Thomas
Feagin, Matthew
Galloway, Johnny
Gonzalez, Alain
Hallyburton, Wayne
Hobbs, Syd
Mandese, Joey
Martinez, Jason
Mirabal, Pedro
Moffitt, David
Scalero, Robert
Strickland, Roy
Suhr, Roberto
Suplicki, Lowell

CONTINUED (4)

Cohen, Isi – continued 30 days
Earnest, Clint – continued 60 days to provide roofing experience
Gandolfo, Ernest – continued 60 days
Perkins, Michael – continued 30 days

DENIALS (4)

Bowman, Tommy
Polanis, Donald
Roessler, Chris
Rosnow, William

WITHDRAWN (1)

Manning, Larry

Division I & II board members met for Additional Business Entities Review on June 10, 2009 from 3:22 – 3:30 p.m. Of the 2 applications reviewed, 2 were approved.

APPROVALS (2)

Boykin, Teresa

Boykin, Teresa

Division II Board members met for Additional Business Entities Review on June 10, 2009 from 3:39 – 5:25 p.m. Of the 17 applications reviewed, 9 were approved, 3 were approved contingent, 3 were denied, 1 was continued and 1 was pulled.

APPROVALS (9)

Albla, David

Brodock, Lonnie

Kennedy, John II

Kuhnel, Bruce

Nissen, James

Plasencia, Belgrabe – amended record to request RA license not CAC

Rivera, Samuel

Valdes, Hector

Zoltko, Thaddeus

CONTINGENT APPROVALS (3)

Fulbright, Gregory – contingent upon becoming 25% owner or salary employee

Lopez, Reinaldo – contingent upon providing proof of 30% ownership

Murphy, Timothy – contingent upon paying a \$250 assessment

DENIALS (3)

Berlin, Brian

Bodwell, Nicholas

Flathe, John

CONTINUED (1)

Insignares, Miguel – continued 60 days to provide additional roofing experience

PULLED (1)

Baker, Andrew

APPLICATION REVIEW

Division I Board members met for Application Review on June 11, 2009 from 1:30 – 2:53p.m. Of the 18 applications reviewed, 4 were approved, 1 was approved contingent, 3 were approved with conditions, 8 were denied, 1 was withdrawn and 1 was pulled.

APPROVALS (4)

Cunningham, John III

Kenny, Stephen

Lauterborn, David

Sharpe, Richard

CONTINGENT APPROVAL (1)

McCallum, Bryan – contingent upon confirmation of IRS release within 30 days

CONDITONAL APPROVALS (3)

McSwain, Shermeka – approved with 3 years probation

O'Steen Vaughn, Sara – approved as a downgrade to CBC

Robeson, Isiah – approved as a downgrade to CRC with 3 years probation

DENIALS (8)

Bynum, Blair

Collins, William

Cserep, Steve

Herrmann, Joseph

Jones, Christopher

Rosero, Luis

Torrioni, Thomas

Valdivia, Albert

WITHDRAWN (1)

Stewart, Homer

PULLED (1)

Rowland, Michelle

Division I & II board members met for Application Review on June 11, 2009 from 3:03 – 3:12 p.m. Of the 1 application reviewed, 1 was approved.

APPROVAL (1)

Robbins, Richard

Division II Board members met for Application Review on June 11, 2009 from 3:16 – 5:53p.m. Of the 23 applications reviewed, 9 were approved, 1 was approved with conditions, 3 were approved contingent, 9 were denied and 1 was pulled.

APPROVALS (9)

Ahmen, Max

Altman, William

Brady, Vincent

Cue, Hector

Godek, William

Haugen, Jeromie

Kohn, Jordan

Kriegish, Kenn

Perez, Hector

CONDITONAL APPROVALS (1)

Rountree, Raymond Jr. – approved with probation for 2 years or until IRS judgment is satisfied

CONTINGENT APPROVALS (3)

Erickson, Nils II – approved contingent upon submitting experience verification referencing commercial experience
Raisch, Jerod – contingent upon submitting additional experience verification within 30 days
Saez, Jose – contingent upon submitting a total of 28 CE hours for 2006 renewal cycle and a total of 14 CE hours for 2008 renewal cycle

DENIALS (9)

Arniella, Rolando
MacKinnon, Alexander
Marsh, Larry
Martinez, Yamiley
Matthews, Wayne
Murray, David
Pinder, Jerry
Soto, Eduardo
Tumlin, Kenneth

PULLED (1)

Swann, Charles

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

GENERAL SESSION

The meeting was called to order by, at 8:30 a.m. Mr. Lenois gave the invocation. Mr. Batton led the Pledge of Allegiance.

REVIEW OF MINUTES

- A. Final Action Minutes – March 2009
- B. Final Action Minutes – April 2009

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell introduced Jean Whitten, the Director of Financial Affairs for the Department. Ms. Whitten addressed the board and gave an update on the fiscal situation of the board. Ms. Whitten mentioned the budget cuts proposed by the legislature including the removal of two field offices from the Division of Regulation and stated that the amount of investigators would not be reduced. Ms. Whitten also mentioned the elimination of the Tampa exam site which would save \$119,000. Ms. Whitten mentioned that 9 positions in the Division of Administration and Office of the Secretary were eliminated, saving an estimated \$555,000. Ms. Whitten also mentioned the reduction of the IT budget which went from over \$13 million to a little above \$8 million. The Accenture contract was eliminated as was the document management contract. Ms. Whitten mentioned the

CILB budget was down mainly due to economic factors and costs are down. Ms. Whitten also mentioned HB 425 which should increase revenue. Ms. Whitten mentioned that a letter will be sent out to board members asking their opinions on how to cut costs, etc, and that should be reaching them shortly. Ms. Whitten brought up the Recovery Fund and how the revenue stream from that, which is generated from the surcharge on building permits, has decreased significantly, by almost 75% from three years ago. New claims will most likely not be awarded, and already awarded claims will most likely not be paid. The current cash balance is \$5.8 million for the CILB. Unlicensed activity has a cash balance of \$700,000, and there is now money in the Building Code Administrator Fund.

Ms. Watts asked about the elimination of the QB license, and Ms. Whitten stated that the \$50 fee which the QB license required is now picked up by the qualifier. Mr. Harrell clarified this as well. The fee to qualify a business will still be collected, but the bureaucracy of obtaining a separate license and collecting renewal fees on that license will be eliminated.

The Board voted unanimously to approve this report.

CHAIRMAN'S REPORT – JACQUELINE WATTS

The board voted unanimously to excuse the following absences:

Mr. Engelmeier
Mr. Evetts
Mr. Bonuso (from Tuesday's conference call)
Mr. Weller (from Tuesday's conference call)

The Board voted unanimously to approve this report.

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

There were 574 cases to be reviewed in Legal, 83 cases set for probable cause and 379 cases with probable cause found/administrative complaints filed. 197 cases were ready for default, 28 cases had stipulations executed/informal hearings requested, and 99 cases requested formal hearings. There were 21 cases referred to DOAH, 58 cases in settlement negotiations, 193 cases awaiting final orders and 217 cases set for board presentation. There were 0 cases under appeal and 3 cases re-opened.

As of May 2009 the number of overall construction disciplinary cases was 1,852. This is an increase from 1,823 which was the overall caseload as reported in April 2009, and a decrease from 2,213 which was the overall caseload as reported in May 2008.

The Board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – DAN BIGGINS/CARROL CHERRY

MID-FLORIDA HEATING AND AIR INC – DECLARATORY STATEMENT

A representative from Mid-Florida Heating and Air, Inc. was not present.

Mr. Biggins presented this case as a Petition for a Declaratory Statement from Mid-Florida Heating and Air, Inc., asking the board to issue a declaratory statement finding the Petitioner and similarly situated Class B Air Conditioning Contractors are entitled pursuant to Rule 61G4-15.012, F.A.C. to install solar water heating systems.

After discussion the board voted that the Petitioner has standing.

After discussion the board voted unanimously to answer the question that Mechanical, A/C Class A, and A/C Class B contractors are not allowed to installed solar water heating systems.

UNIVERSITY OF FLORIDA – REQUEST FOR INFORMAL HEARING

A representative from the University of Florida was not present.

Mr. Biggins presented this case stating the University of Florida's course application was denied at a previous meeting. The University of Florida received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board voted unanimously to approve the course application.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – JIM FLAHERTY

Mr. Flaherty gave the following report:

AAA Construction School Inc

- The DBPR/FBC Mandatory Six Hours – approved

Abel Band, Chartered

- Chapter 558 & Other Notable Dispute Resolution Provisions – approved as business practice credit only
- The ABC's of the Florida Construction Lien Law – What You Need to Know to Make the Lien Law Work for You – approved as business practice credit only
- The ABC's of the Florida Construction Lien Law – What You Need to Know to Make the Lien Law Work for You Part II: Preserving Your Bond Rights – approved as business practice credit only
- The ABC's of the Florida Construction Lien Law – What You Need to Know to Make the Lien Law Work for You Part I: Preserving Your Lien Rights – approved as business practice credit only

Advanced Benefits Inc

- Overview of Florida Statutes 553-844 – approved; instructor must meet qualifications
- Uncovering the True Cost of Worker Comp – approved

- Understanding the General Addressing - approved

Alternate Energy Technologies - approved

- Residential Solar Water & Pool Heating Design, Installation & Troubleshooting - approved

Charles R. Lewis III - approved

- OSHA Construction 10 hours – approved; must be instructor-led
- OSHA Construction 30 hours – approved; must be instructor-led

Collier County Building Department - approved

- Significant Changes to FBC 2007 Building – approved as general credit only

Construction Estimating Institute

- Negotiating Construction Contracts - approved

Continuing Education Academy

- Energy Tax Credit – approved

Contractors Continuing Education Systems LLC

- 7 Hours Course #1 (Internet) – approved
Remanded from General Session from May 2009

Federated Mutual Insurance Company

- Driving Distracted: At What Cost? - approved

Florida Educational Facilities Planners Association Inc (FEFPA)

- Castaldi, Building Replacement Processes & Practices – approved
- Classroom Acoustics & Students Learning – denied
- Dept. of Education and Legislative Update – denied
- Documenting the Construction Process – approved
- Engineering Solutions that Save Money – approved
- Florida Accessibility Code for Bldg Construction – Advanced – approved
- In the Trenches with Building Information Modeling (BIM) – approved
- Space to Learn: How Physical Space Affects the Learning Experience – denied
- Undergraduate Teaching Environments for Science - denied

FRSA Educational and Research Foundation

- Cashing in on the Green Building Movement – approved
- General Liability Insurance – approved
- The Leading Causes for Unsuccessful Business Successions – approved
- Workers' Compensation Fraud and Schemes - approved

JC Code & Construction Consultants Inc

- 2007 FBC Code Update: Building Volume – approved
- 2007 FBC Code Update: Existing Building Volume – approved
- 2007 FBC Code Update: Fuel Gas Volume – approved

- 2007 FBC Code Update: Mechanical Volume – approved
- 2007 FBC Code Update: Plumbing Volume – approved
- 2007 FBC Code Update: Residential Volume – approved
- Energy Efficient Housing for Florida Climates – approved
- The 2007 Florida Energy Code & Green Building - approved

Seagull Environmental Management Co. Inc

- Certified Renovator Initial Training Course – denied
- Certified Renovator Refresher Course - denied

UF/Program for Resource Efficient Communities

- Three Building Envelope Training Course Construction Methods for Increased Wind Resistance – approved for 1.5 credit hours only
- Wind Load Calculations and Other Wind Issues - approved

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

AD HOC LICENSURE QUALIFICATIONS COMMITTEE – PAUL DEL VECCHIO

Ms. Watts gave the following report:

Ms. Watts stated that the issue of prelicensure education was discussed and a handout was provided to the board members for discussion at next month’s Ad Hoc meeting, with the goal of a full fledged work shop being conducted at the August meeting. Ms. Watts asked that the requirements be, at the college degree level, the degree be from an accredited university or college, and for the out of state applicants, that they be in business for at least 5 years. This is just a substitute for experience; they would still be required to take the education, submit all the appropriate paperwork required with the application, etc. This is to take care of the issue of fraudulent experience verifiers only.

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – JACQUELINE WATTS

Ms. Watts gave the following report:

The following rule has been developed:

61G4-15.0021 Certification and Registration of Business Organizations

61G4-18.003 Registration of Course Providers

61G4-18.014 Continuing Education Seminars

The following rule has been noticed:

61G4-12.006 Approved Form; Incorp (No further action required)

61G4-15.001 Qualification for Certification (continue until Dept. Rule)

61G4-15.028 Precision Tank Testers (continue until Dept. Rule)

61G4-15.029 Tank Lining Applicators (continue until Dept. Rule)

61G4-15.032 Certification of Swimming Pool Specialty Contractors (continue until Dept. Rule)

61G4-18.005 Qualifications of Course Instructors (JAPC letter, Consider SERC)

61G4-22.001 Mediation (no further action required)

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

OLD BUSINESS

Removal of Board materials from lap tops.

Ms. Abbott asked board members for suggestions on how to modify the probation packets.

NEW BUSINESS

Ms. Watts mentioned that some Committee Chairman's would be changed to work in some of the people new to the process. Ms. Watts requested that Mr. Wilford chair the Rules Committee, Mr. Hussey chair the Additional Entities Committee for Division I, Mr. Moody chair the Additional Entities Committee for Division II, Mr. Lenois chair the Application Review Committee for Division II, and Mr. Bonuso chair the Application Review Committee for Division I.

Mr. Holloway discussed Mr. Weller's problem with a roofer doing a water heater and how that is causing him issues because he roofers are not warranting the mounting brackets. Mr. Holloway requested clarification on who is responsible for that. Ms. Watts stated that roof warranties can be voided unless the original roofer come out and help with the installation of the brackets. Mr. Weller stated there are now 4 different types of contractors getting involved with the installation and this is becoming a major problem for homeowners and building department. Mr. Harrell stated that this issue has come before the board previously and it was previously determined that Declaratory Statements would be the way to solve these issues.

Ms. Kane brought up the discussion which previously occurred about the elimination of the QB license and Mr. Harrell and Mr. Kelly both clarified that contractors would still qualify the firm, but the licenses would cease to exist. The only change whatsoever is that the physical license will cease to exist; it's not going to affect discipline, the fee will be transferred to the qualifier, etc.

With no further business the meeting was adjourned.