

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

**DOUBLETREE GUEST SUITES BOCA RATON
701 NW 53RD STREET
BOCA RATON, FLORIDA 33487
561.997.9500 (hotel phone)**

APRIL 14, 2006

The meeting was called to order by Joan Brown, Chair, at 8:30 a.m.

BOARD MEMBERS PRESENT

Joan M. Brown, Chair
Paul Del Vecchio, Vice-Chair
Peggy Bailey
Lee-En Chung
Carl Engelmeier
James Flaherty
Raymond Holloway
Michelle Kane
Barry Kalmanson
Mark Pietanza
Robert Stewart
Thomas Thornton
Jacqueline Watts
Don Wilford

BOARD MEMBERS ABSENT

Edward Weller (excused)

OTHERS PRESENT

Dennis Yecke, Deputy Secretary
Diane Guillemette, Board Counsel. AGO
Patrick Creehan, Chief Prosecuting Attorney
G.W. Harrell, Executive Director
Stacey Merchant, Government Analyst II
Andy D. Janecek, Government Analyst I
Adrienne Rodgers, FHCRF Attorney
Valeria Singleton, Regulatory Consultant/Supervisor

Mr. Holloway gave the invocation and Mr. Wilford led the Pledge of Allegiance.

REVIEW OF MINUTES

- **Final Action – March, 2006**
- **General Session – February, 2006**

The Board voted unanimously to approve this minutes.

EXECUTIVE DIRECTOR'S REPORT

Deputy Secretary Dennis Yecke introduced G.W. Harrell as the new Executive Director replacing Tim Vaccaro. The board welcomed Mr. Harrell to the board.

CHAIRMAN'S REPORT

The board voted to excuse Edward Weller's absence.

Ms. Brown announced the Don Wilford was named the National Mentor of the Year. The board congratulated Mr. Wilford on this accomplishment.

PROSECUTING ATTORNEY'S REPORT

- **Ratification of Local Disciplinary Orders List**

The board voted unanimously to ratify these orders.

ATTORNEY GENERAL'S REPORT

Joseph Michael Fontana – Informal Hearing

Mr. Fontana was present for this hearing.

Ms. Guillemette presented this case stating that Mr. Fontana's application was denied during the September meeting of the board based on failure to provide a current certificate of competency.

Mr. Galloway has requested that the Board reconsider his application and a copy of his current certificate of competency.

After discussion, the Board voted unanimously to approve Mr. Fontana's application.

James Hatton (FRO with Eric Vanhorn) – Informal Hearing

Mr. Hatton was present for this hearing.

Mr. Hatton was asked if he wanted to continue this hearing without his attorney present and he stated that he did.

Ms. Guillemette presented this case stating that Mr. Hatton's FRO application was denied during the October meeting of the board based on failure to provide proof of financial stability.

Mr. Hatton requested the board reconsider his application.

After discussion the board voted unanimously to approve Mr. Hatton's application with probation until he has resolved pending issues on his credit report.

Robert Lawr Holman – Informal Hearing

This hearing was continued to the May 2006 board meeting at the applicant's request.

Juan S. Lageyre – Informal Hearing

This hearing was continued to the May 2006 board meeting at the applicant's request.

Robert Muzzo – Informal Hearing

Mr. Muzzo was present for this hearing.

Ms. Guillemette presented this case stating that Mr. Muzzo's change of status application was denied during the January meeting of the board based on lack of good moral character.

Mr. Galloway has requested that the Board reconsider his application and submitted additional documentation.

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

Timothy Payton – Informal Hearing

Mr. Payton was not present for this hearing.

Ms. Guillemette presented this case stating that Mr. Peyton's application for certification of a registered license was denied during the September meeting of the board based on failure to submit a completed application, certificate of competency and credit reports.

Mr. Payton has requested that the Board reconsider his application.

After discussion the board voted unanimously to uphold the previous denial of Mr. Payton's application.

Fred Szewczak – Informal Hearing

Mr. Payton was not present for this hearing.

Ms. Guillemette presented this case stating that Mr. Szewczak's application by endorsement was denied during the January meeting of the board.

Mr. Szewczak has requested that the Board reconsider his application.

After discussion the board voted unanimously to continue Mr. Szewczak's application for 30 days to allow his attorney to be present.

Eric Vanhorn (contractor with James Hatton) – Informal Hearing

Mr. Vanhorn was present for this hearing.

Mr. Vanhorn was asked if he wanted to continue this hearing without his attorney present and he stated that he did.

Ms. Guillemette presented this case stating that Mr. Vanhorn's change of status application was denied during the October meeting of the board based on the business having liens and judgments against it.

Mr. Vanhorn has requested that the Board reconsider his application and submitted additional documentation.

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

Michael Williams – Informal Hearing

Mr. Williams withdrew his request for a hearing.

Contractor's Education Source, Inc. – Informal Hearing

No one was present for this hearing.

Ms. Guillemette presented this case stating that Contractor's Education Source, Inc.'s application for a continuing education course was denied during the January meeting of the board.

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

John Michael Karaphillis – Request for Reinstatement of Null and Void License

Mr. Karaphillis and his attorney Larry Crowe were present for this hearing.

Ms. Guillemette presented this case stating that Mr. Karaphillis has submitted a petition for reinstatement of a contractor's license. The board is in the process of promulgating rules to establish the form and fees for the null and void application. Ms. Guillemette further advised the board that they may consider the petition in lieu of an application while the rules relating to the application and fees are not yet effective.

After discussion the board voted unanimously to deny Mr. Karaphillis' petition based on no proof of continuing education.

Lee Pastorius – Request for Reinstatement of Stay of Suspension

Mr. Pastorius was not present for this hearing.

Ms. Guillemette presented this case stating that Mr. Pastorius was placed on probation as a condition of licensure at the October 2003 meeting of the board.

Mr. Pastorius has requested that his probation be tolled due to his not working as a contractor. Mr. Pastorius' contractor license was suspended as a result of a failure to file paperwork and appear at the February 2006 meeting of the probations committee.

Mr. Pastorius has provided a request for re-instatement of his stay of suspension.

After discussion the board voted unanimously to deny Mr. Pastorius' request.

Christopher Paoli – Petition for Declaratory Statement

Mr. Paoli was present for this hearing.

Ms. Guillemette presented this case stating that Mr. Paoli filed a petition for declaratory statement.

The petition was noticed in the Florida Administrative Weekly on March 17, 2006. Ms. Guillemette stated that the board needs to consider whether the petition meets the standard for a declaratory statement.

After discussion the board voted unanimously that the petition does not meet the declaratory requirement.

RECOVERY FUND ATTORNEY'S REPORT

There were no claims at this meeting.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications approved

John Taylor

Allan Thompson

Applications continued

Frank Veltri

Applications denied

Robert Alvarez

Ronald Frances

Thomas Harpster

John Hogan

Nick Marcinko

James Panchisin

James Patterson

William Pegnato

Mark Sanders

Applications withdrawn

Iaim Barratt

Richard Blaney

Steve Camper

Michael Esmond

David Glynn

Stanley Holsombeck

William Millard

John Verhoff

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

PROBATIONS COMMITTEE

Mr. Del Vecchio gave the following report:

Timothy Burke, (CFC57951)

Result: Unsatisfactory

William Campbell, (CB C039121)

Result: Unsatisfactory

Raul Casanova, (CG C044420)

Result: Stay Lifted - Failure to Appear

Henry K. Cavaliere, (CBC1251258)

Result: Unsatisfactory

Ronald Dwyer, (CB C057349)

Result: Continued to July, 2006

Billy Ray Ford, Jr., (CG C019478, CG C1509971)

Result: Unsatisfactory

Santiago Fuertes, (CGC1506135)

Result: Satisfactory

Fernando Gomez-Pina, (CGC 2540)

Result: Tolled

Juan Gonzalez, (CFC037086)

Result: Unsatisfactory

Roger W. Griffis, (CG C024765)

Result: Unsatisfactory

Michael L. Hayden, (CG C1508586)

Result: Tolled

Robb C. Imperato, (CG C057221)

Result: Stay Lifted - Failure to Appear

Rock Miller, (CPC056698)

Result: Satisfactory

Robert Sackrider, (RC29027126)

Result: Satisfactory

Thomas W. Smith, (CCC057079)

Result: Tolled

Khosrow Taymouri, (CC C056899, CG C041851)

Result: Request for Continuance Denied - Stay Lifted for Failure to Appear

Richard J. Thomas, (CBC019954)

Result: Tolled

Thomas Webb, (RR 0066830)

Result: Satisfactory

Clarence Williams, (CG C028851)

Result: Request for Co

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

ADDITIONAL ENTITY COMMITTEE

Mr. Pietanza gave the following report:

Applications approved

Kirk Angelocci

Jeffrey Berman

Walter Brailly

Daron Bridges

Douglas Turner

Gordon Cone

Mark Correia

Donald Di Russo

Jonathan Dixon

Michael Grafton

Anthony Guccione

Madelyn Guzman

Craig Hoffman

James Hofford

Hassan Jalali-Bidgoli

Alan LaFoy

Kelly Lewis

Michael Marzano

John Maus

John Mercede

Jay Meyers – upon payment of \$1500 assessment.

Scott Moss

Sean Murphy

Mark Odom

James Padgett

Heath Pennington

John Pierson

Douglas Rebeor – upon payment of \$1500 assessment.

Michael Richter

Jeffrey Saul

Michael Schultz

Petuna Schvartz

Charles Smith

Marvin Spires

Guillermo Villar

Peter Zakhary

Applications continued

Albert Cohen – to May 2006 meeting.

Joseph Janicki – to May 2006 meeting.

Teofilo Rodriguez – to May 2006 meeting.

Sharon Talbot – to June 2006 meeting.

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

EXECUTIVE COMMITTEE

There were no scheduled items for this committee.

RULES REVIEW COMMITTEE

Mr. Weller gave the following report:

The following rules have been developed:

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants

61G4-16.0031 Practical Examination for Swimming Pool Specialty Contractors

- Review Proposed Rule 61G4-17.001, Normal Penalty Ranges (to be distributed at meeting) – The committee made some corrections and voted to move this to the next general session meeting.

The following rules have been noticed:

61G4-15.001 – The committee decided to not move forward with changes at this time.

61G4-12.006 List of Approved Forms

61G4-12.009 Fees

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Holloway gave the following report:

EXISTING PROVIDER – NEW COURSES

GARY SYSTEMS, INC. (0000815)

1st Course: Contractor Licensing and Legal Compliance Issues – approved.

2nd Course: Construction Business Management – approved.

LORMAN BUSINESS CENTER, INC. (0000837)

1st Course: Change Orders Seminars and Hands-On Workshop: Get Your Questions Answered - approved

2nd Course: Management of Construction Recovery Issue/Post Hurricane Season – approved.

FRSA EDUCATIONAL & RESEARCH FOUNDATION (0000910)

- 1st Course: Florida Low-Slope Roof Design and Installation Requirements & FM Requirements for Wind Resistant Roof Systems – approved.
2nd Course: CPR – Basic Rescuer Skills – approved without business practices.
3rd Course: Florida Low-Slope Roof Design and Installation - approved without business practices.

NBI, INC. DBA NATIONAL BUSINESS INSTITUTE (0000954)

- 1st Course: Managing Complex Construction Law Issues – approved.

PROTRAC, INC. (0001106)

- 1st Course: Computerized Residential HVAC Load Calculation – approved.

UF PROGRAM FOR RESOURCE EFFICIENT COMMUNITIES (0001129)

- 1st Course: Residential Duct Design Calculations – approved.
2nd Course: Residential Heat Gain and Loss Calculations Clauses – approved.

ENVIRONMENTAL SAFETY & HEALTH INSTITUTE (0001215)

- 1st Course: Lead Based Paint Pre-Renovation Education Rule – approved.

ADVANCED BENEFITS, INC.

- 1st Course: Understanding the Basics in WC Premium Calculations – approved.
2nd Course: Understanding Hays's – denied – not related.

BRB CODE EDUCATORS, INC. (0001728)

- 1st Course: Florida Building Codes 101 – approved.
2nd Course: Product Approval – approved.

DIVERSIFIED CONSTRUCTION SAFETY, INC. (0003316)

- 1ST Course: Construction Safety Overview (1 Hour) – approved.
2nd Course: Construction Safety Overview (2 Hours) – approved.

FLORIDA AIR CONDITIONING APPRENTICESHIP ASSOCIATION LLC. (0003374)

- 1st Course: Residential Air Conditioning Design – approved.

BUILDERS ESTIMATING & EXAM SCHOOL (0003636)

- 1st Course: Scheduling Old and New – approved.
2nd Course: Computerized Estimating Spreadsheet Basics and Not So Basics – approved.
3rd Course: Financial Success in Construction – approved.

FLORIDA ATLANTIC UNIVERSITY (0001015)

- 1st Course: Construction Workplace Health and Safety Course – approved.

NEW PROVIDERS WITH COURSES

KELLY S. WINSLOW – approved.

- 1st Course: The Complete Home Mold Inspection – denied – not related.

EDUCO, INC. – approved.

- 1st Course: Work Place Safety –w/c – Concrete Paving – Quality Control – Blue Prints – approved.

INSTITUTE FOR SAFETY & RISK MANAGEMENT – approved.

- 1st Course: OSHA 10 Hour Construction Training Course – approved.

EXISTING PROVIDER – COURSE RENEWALS

CONTRACTORS EXAM SCHOOL (0000862)

1st Course: Get Even with the I.R.S. (# 0000283, Expired 06/01/2001) – denied.

EXISTING PROVIDER - COURSE RENEWALS & NEW COURSES

FLORIDA HOME BUILDERS ASSOCIATION (00009160)

1st Course: Durability & Disaster Mitigation (0007598, Expires 06/12/2005) – approved.

2nd Course: Modular Construction Efficiencies (0007602, Expires 06/12/2005) – denied.

3rd Course: OSHA 10-Hour Training (0007600, Expired 06/12/2005)
(Provider changed the credit use so this course must be treated as a new course) – approved.

PROVIDER ASKING FOR RECONSIDERATION OF A COURSE

DEPARTMENT OF COMMUNITY AFFAIRS (0001042)

1st Course: Manufactured Buildings Program Workshop – approved.

EXISTING PROVIDER – PROVIDER RENEWALS

PLUMBERS JOINT APPRENTICE AND EDUCATIONAL COMMITTEE (0001065) – approved.

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

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

There was no new business to discuss.

With no other business to discuss, the meeting was adjourned at 10:54 a.m.