

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

**SHERATON ORLANDO DOWNTOWN HOTEL
60 SOUTH IVANHOW BLVD
ORLANDO, FL 32804**

FEBRUARY 14 – 16, 2007

8:30 AM

The meeting was called to order by Paul Del Vecchio, Chair, at 8:33 a.m.

BOARD MEMBERS PRESENT

Paul Del Vecchio – Chair
Raymond Holloway – Vice Chair
Mark Pietanza
Jacqueline Watts
Barry Kalmanson
Lorie Clark
Robert Stewart
Thomas Thornton
Peggy Bailey
Carl Engelmeier
Jim Flaherty
Michelle Kane
Edward Weller
Lee-En Chung
Joe Cook
Don Wilford
Joan M. Brown

OTHERS PRESENT

Diane Guillemette, Board Counsel, AGO
April Hammonds, Acting Chief Prosecuting Attorney
G.W. Harrell, Executive Director
Andy D. Janecek, Government Analyst II
Amanda Abbott, Government Analyst I
Marc Drexler, Recovery Fund Attorney, DBPR
Valeria Singleton, Regulatory Specialist, DBPR

Ms. Bailey gave the Invocation. The Pledge of Allegiance was not given as there was no flag.

REVIEW OF THE MINUTES

- FINAL ACTION – January 2007

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell gave the following report:

Mr. Harrell distributed the financial report for the Recovery Fund and the total of the operating account. Mr. Harrell stated that if anyone has any concerns about the financial report to contact him.

Mr. Harrell also stated that he had correspondence from a representative from the Roofing & Sheet Metal Association in regards to the new continuing education requirements. Mr. Harrell stated he met with the Construction Coalition and that the Coalition had a problem with the 3 hour laws and rules continuing education requirement, and they also expressed concerns about the financially responsibility officer bond requirements. Mr. Harrell stated the Coalition is not aware of the decisions the board makes, and Mr. Harrell will work on better communication with them. Mr. Harrell mentioned that the Department has legislative package on the floor, which includes a one hour limitation on the laws and rules requirements instead of the proposed three.

Mr. Harrell brought up Senate Bill 404 which requires criminal history checks for everyone who submits an application and provisions for electronic fingerprinting were included. It also gives the board the option of imposing net worth requirements on contractors; \$20,000 for Division I and \$10,000 for Division II. Another Senate Bill, Bill 440, gives the board the option of adding an additional board member for mold remediation contractors which would fall under the Division II contractors.

A motion was made by Mr. Engelmeier to change the rule requiring only one hour of laws & rules instead of three. Mr. Kalmanson suggested the motion be amended to make that one hour be live classroom instruction as opposed to an internet class. This motion died. Mr. Engelmeier made the motion again to reduce the amount of required continuing education for laws and rules from three hours to one hour. The motion was defeated again. Ms. Watts made a motion to make the laws and rules requirement three hours for the next two renewal cycle until the 2010 renewal cycle at which point a laws and rules exam will be implemented for initial licensure. This motion was passed. Another motion was made that the board request from the legislature a hard line on civil rights being restored for applicants. The motion was passed.

Ms. Kane made another motion that the endorsement application no longer be allowed, which was seconded. The motion was passed. Ms. Bailey asked if there is a statute or rule that specifically states Florida does not accept reciprocity from any other states.

Mr. Harrell also mentioned that there is a bill in the House proposed by the Construction Coalition that would give them the jurisdiction to fine and discipline contractors for violations such as abandonment, etc. The board expressed displeasure with this bill.

Mr. Harrell then brought up an issue that the General Counsel's office asked for board advice on a specific statute on unlicensed activity, and the provision that if an unlicensed contractor is found to have committed unlicensed activity, but within one year of the violation obtains

licensure, the fine is reduced by half. The board made the recommendation to the Department has the right to reduce the fine by 1/10th of 1%, and the motion was voted on and passed.

With nothing further to report the board voted unanimously approve this report.

CHAIRMAN'S REPORT – PAUL DEL VECCHIO

Mr. Del Vecchio had nothing to report this month.

PROSECUTING ATTORNEY'S REPORT – APRIL HAMMONDS

Ms. Hammonds gave the following report:

For the month of January 2007 the overall case load was 1,686, up from 1,672 in December 2006 and up from 1,172 in January 2006.

There were 621 cases to be reviewed in Legal, 135 cases set for probable cause, and 112 cases where probable cause had been found/administrative complaints filed. 96 cases were ready for default, 41 cases had stipulations executed/informal hearings requested, and 277 had requested formal hearings. There were 13 cases referred to DOAH, 47 cases in settlement negotiations, 215 cases awaiting final orders, and 129 cases set for board presentation. There were 0 cases under appeal and 0 cases reopened. There were 257 cases closed for the month of January.

The board voted unanimously to adopt local discipline against the following registered contractors:

Larry D. Hatfield, RB 67007 – 2007004287 – One year suspension, 14 hours CE, 12 months probation

Edward F. McCullough, RC 61335 – 2007000966 – Revocation of registration

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

RECOVERY FUND ATTORNEY'S REPORT – MARC DREXLER

Mr. Drexler gave the following report:

There were 283 claims pending in the Recovery Fund, and 78 claims were received in January. Currently, 6 cases are under appeal.

With nothing further to report the board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – DIANE GUILLEMETTE

JOHN LANSTON KALKREUTH – REQUEST FOR INFORMAL HEARING

Mr. Kalkreuth was present with counsel, Tim Atkinson.

Ms. Guillemette presented this case stating Mr. Kalkreuth's application for initial licensure as a certified roofing contractor was denied at the September 2006 meeting of the board for failure to demonstrate financial responsibility. As a result, the qualified business application for Kalkreuth Roofing & Sheet Metal, Inc. was denied for failing to have a qualifying agent. The Notice of

Intent to Deny was filed in November of 2006. Mr. Kalkreuth timely requested board reconsideration.

After discussion the board voted unanimously to approve Mr. Kalkreuth's application and the qualified business application of Kalkreuth Roofing & Sheet Metal, Inc.

KERRY LANCE – REQUEST FOR INFORMAL HEARING

Mr. Lance was present with counsel, Christopher Aird.

Ms. Guillemette presented this case as a petition by Mr. Lance to apply for a certified general contractor's license. Mr. Lance previously had a certified general contractor's license revoked in 1986 as a result of discipline and the request to resubmit an application was denied for failing to show proper rehabilitation. Mr. Lance submitted additional documents proving rehabilitation and is requesting permission to apply for licensure.

After discussion the board voted unanimously to approve Mr. Lance to apply for a certified residential contractor's license and to send the application to the Application Review Committee.

MARINO RODRIGUEZ, ROSAIR AIR SERVICES CORP. – REQUEST FOR INFORMAL HEARING

Mr. Rodriguez was present.

Ms. Guillemette presented this case stating Mr. Rodriguez' grandfathering application to upgrade his registered class A air conditioning contractors license to a certified class A air conditioning contractor's license was denied at the September 2006 meeting of the board for failing to provide proof of examination. The Notice of Intent to Deny was filed in December of 2006. Mr. Rodriguez timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

JOHN SEIDLER, COPE HOMES, INC., & ALTON COPE – REQUEST FOR INFORMAL HEARING

Mr. Seidler and Mr. Cope were present with counsel, Wayne Coat.

Ms. Guillemette presented this case stating Mr. Seidler's application to qualify an additional business entity with his certified building contractor's license was denied at the July 2006 meeting of the board for failure to demonstrate proper supervision. As a result, the qualified business license for Cope Homes, Inc. was denied for failing to have a qualifying agent. Subsequently, the financially responsible officer's application for Alton Cope was denied. The Notices of Intent to Deny were filed in August of 2006. Mr. Seidler and Mr. Cope timely requested board reconsideration.

After discussion the board voted unanimously to approve all of the applications.

FPC (FLORIDA PROTECTIVE COATING) – REQUEST FOR INFORMAL HEARING

A representative from Florida Protective Coating, Floyd Roberts, was present.

Ms. Guillemette presented this case stating the continuing education course submitted by Florida Protective Coating entitled, "Painter's ED", was denied at the September 2006 meeting for failing to sufficiently contain the required amount of educational content. The Notice of Intent to Deny was filed in November of 2006. Florida Protective Coatings timely requested board reconsideration.

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

RHEEM AIR CONDITIONING DIVISION – REQUEST FOR INFORMAL HEARING

A representative from Rheem Air Conditioning Division, Raymond Granderson, was present.

Ms. Guillemette presented this case stating the continuing education course submitted by Rheem Air Conditioning Division entitled, "Comfort Control System", was denied at the October 2006 meeting of the board as it constituted a sales promotion or presentation. The Notice of Intent to deny was filed in December of 2006. Rheem Air Conditioning Division timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial of the course application.

DAVID LEVESQUE – PETITION FOR DECLARATORY STATEMENT

Mr. Levesque was present.

Ms. Guillemette presented this as a petition for a declaratory statement for clarification of Ch. 489.103 Florida Statutes, pertaining to the definition of a spa and/or hot tub and if a license is required to perform maintenance on a hot tub, specifically if a license is required to make electrical connections to hot tubs. After the discussion the board voted the petitioner had standing. After further discussion the board voted that the petition does not meet the criteria for a petition for a declaratory statement.

After discussion the board voted that a license is not required so long as the installer is not tying into a potable water or sewer system. The board also voted that the board does not have jurisdiction to interpret practice acts other than Part I of Section 489, Florida Statutes.

JAMES MADDOX – PETITION FOR VARIANCE AND WAIVER/REQUEST FOR INFORMAL HEARING

Mr. Maddox was not present.

Ms. Guillemette presented this case as petition for variance and waiver of Rule 61G4-16.005, Florida Administrative Code, to extend the validity of his test scores beyond the 3 years indicated in the Rule. The petition was filed in January of 2007. The petition was noticed in the Florida Administrative Weekly on February 9, 2007. In the interim, the application submitted by Mr. Maddox was denied by the board for failure to provide of passing the exam within the 3 year time limit.

After discussion the board voted to deny the petition for variance and waiver.

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

COMMITTEE REPORTS

ADDITIONAL ENTITY COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

Applications Approved

Alcibar, Manuel
Axtell, Arthur
Bendavid, Andres
Bendavid, Andres
Boily, Robert
Brugge, Jonas
Butters, Mark
Chavez, Richardo
Cotton, Lawrence
Culp, W Scott
Cupl, W Scott
Daniel, Luis
Dixon, Jonathan
Dixon, Jonathan
Faver, William
Faver, William
Ganes, Steven
Grosz, Timothy
Hartley, David
Jordan, Bonnie
Kohly, Eugene
Leonard, Paul
Listenberger, Paul
Lynch, Sr., Edward
Marchuk, Victor
McMillan, Terry
Mickle, Jeffery
Moore, William
Motes, Dorsey
Patterson, Ronald
Patterson, Ronald
Permuy, Alberto
Queen, Ronald
Smith, Kiernan Raymond
Smith, Shawn
Taylor, Jospeh
Templeman, Jr., William
Trudell, Chad
Vilchez, Eduardo
Walsh, John
Diamond, Perry A
Diamond, Perry A

Applications Denied

Harris, James

Applications Continued

Johnson, Kevin – continued 30 days
Kishel, Alexander – continued 30 days
Quinones, Miguel – continued 30 days
Stein, Gina – continued for 30 days

Applications Withdrawn

Blume, Daryl
Blume, Daryl
Blume, Daryl
Powell, Jeffrey

Applications Approved with Conditions

Kintzler, Bruce – with \$3,000 assessment

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – RAYMOND HOLLOWAY

Mr. Holloway gave the following report:

Contractors Exam School

Mold in Construction – **approved**
Legislative Changes Affecting the Construction Industry – **approved**

FRSA Educational and Research Foundation

Understanding Construction Contracts and Defective Design/Workmanship Issues – **approved**

NBI Inc d/b/a National Business Institute

Construction Change Orders - **approved**

AAA Construction School Inc

Advances Supplement and Lien Law – **approved**

Construction Estimating Institute

Understanding Workers Compensation – **approved**
Construction Cost Strategy – **approved**
The Estimate – Where Cost Control Begins – **approved**
Bidding for Success – **approved**
Making Job-Site Safety Profitable – **approved**
Financial Basics for Contractors - **approved**

Building Officials Association of Florida (BOAF)

2004 FBC Workers Compensation (2007 Program) – **approved**
Florida Job Site Safety - **approved**
2004 FBC Laws and Rules (2007 Program) – **denied**
2004 Florida Building Code – 300 Most Found Code Violations – **approved**
2004 FBC Accessibility and Usability – **approved**
2006 Florida Building Code Supplement – **approved**

Department of Education, Educational Facilities

SREF Advanced Continuing Education Course – **approved**

Air Conditioning Contractors of America

“Leed the Way How Commercial Contractors Can Benefit from the Leed Process” – **denied**

Advanced Energy Design Guides-Small Office and Small Retail – **approved**; 1 hour only

The New Manual N – **approved**

The ACCA QI Specification: Profits, Pride, Price – You can have all 3! – **approved**; 1 hour only

HVAC System Cleaning – **denied**

ACCA’s MJ8are Speedsheet Software – **approved**; 1 hour only

Building Code Changes that Affect Your Business – **denied**

“Zoning” Bandage or Enhancement – **denied**

Indoor Pools – Designing for Proper Dehumidification – **denied**

“Are You a Hostage in Your HVAC Business?” – **denied**

“Cash is King: Understanding Cashflow & How to Keep Afloat” – **approved**; 1 hour only

Incentive That Work: Getting High Performance from Your Employees – **approved**; 1 hour only

Home Performance Contracting, Part I – **denied**

Knott, Consoer, Ebelini, Hart & Sweet, P.A.

Construction Law Seminar 2007 – **approved**

Mechanical Contractors of South Florida

Business Practices: Business Ethics – **approved**

Business Practices: Lien Law – **approved**

US Army Corps of Engineers

Crane Safety – **approved**

Confined Space Safety – **approved**

Fall Protection – **approved**

Excavation Safety – **approved**

Emergency Management – **denied**

Scaffolding Safety – **approved**

Public Safety at Corps Sites – **denied**

RedVector.com, Inc

Radon & New Homes (Internet Course) – **approved**; no safety credit granted

Swimming Pools: Coordination of Contractors (Internet Course) – **approved**

Swimming Pools: Coordination of Contractors & Building Trade Professionals (Internet Course) – **approved**

Basic Wind Loads I: ASCE 7-06 Revealed (Internet Course) – **approved**

Swimming Pools: Introduction to Aquatic Construction – **approved**

Site Safety Risk & Liability (Internet Course) – **approved**

Safety: Fire Part 2 – Fire Protection Equipment & Techniques (Internet Course – **approved**

Basic Wind Loads II: The Law & Implementation (Internet Course) – **continued for 60 days**

FL Statutes Ch. 489, Part I: Construction Contracting1 [v.06] (Internet Course) – **approved**

Safety: Fire Part I – Workplace Fire Hazards & Preventing Fires (Internet Course – **approved**

FL Statutes Ch. 489, Part I: Construction Contracting (Internet Course) – **approved**

Project Management Basics (Internet Course) - **approved**

Contractor’s Education Source, Inc

Introduction to Commercial Construction (Internet Course) – **approved**

Garrison Associates

“Strategic Planning the Project – Phase 2 Planning the Project for Maximum Effectiveness” – **approved**

Phase 2: A Strategic Approach to Scheduling – **approved**

Strategic Execution – Phase III: Project Execution – the Key to Productivity – **approved**

John J. Murphy

Mold Management & Remediation – **approved**

Safety Trenching & Excavating – **approved**

Safety – Scaffolds in Construction – **approved**

Safety – Construction Fall Protection – **approved**

Safety Electrical Requirements – **approved**

Safety Introduction to Steel Erection – **approved**

Safety Ladders & Stairways – **approved**

Crisis Management – **approved**

Safety – Introduction to OSHA – **approved**

OSHA Recordkeeping Requirements – **approved**

Safety – Cranes, Rigging & Hoists - **approved**

Glenn Rasmusser Fogarty & Hooker P.A.

Legal Issued Pertaining to Defective Design and Construction – **approved**

ADAAG Consulting Services, LLC

National Incident Management Systems (NIMS), and Introduction – **denied**

Design Build Institute of America

Principles of Design-Build Project Delivery – **approved**

Fundamentals of Project Delivery – **approved**

Sunshine State One Call of Florida, Inc

Damage Prevention and Safety Systems – **approved**

Koning Enterprises Inc d/b/a Contractors Institute

Workers Compensation, Workplace Safety & Business Practices - **approved**

Equipment Sales Corporation – approved

Germicidal Effect of UV Light as Applied in Indoor Air Quality – **approved**

Gulf Coast Mold Prevention, Inc – approved

Mold Prevention and What You Need to Know - **approved**

The UMAN Group, Inc – approved

Substantial Improvement and Substantial Damage – **denied**

Hurricane Resistant Residential Construction – **approved**

Building Green – **approved**

Mark A Horowitz

Lien Law of Florida - **approved**

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

RECOVERY FUND/FINANCE COMMITTEE – JOAN M. BROWN

Ms. Brown gave the following report:

01-C0145 – Continued
03-C0131 – \$19,338
2005059470 – Vacated
2006024639 – Denied
2006039335 – \$2,550
2006039339 – \$12,983.70
2006039729 – \$25,000
2006042899 – \$43,777.25
2006045432 – \$10,263
2006049221 – \$7,500
2006049303 – \$20,125
2006049684 – \$8,130
2006054393 – \$6,500
2006054837 – \$9,108.50
2006057034 – \$6,000
2006057059 – \$9,806.86
2006063224 – Pulled
2006064830 – \$10,000

A total of \$191,077.31 was awarded

PROBATIONS COMMITTEE – CARL ENGELMEIER

Mr. Engelmeier gave the following report:

James Shelly Carter (CGC 31396)

Result: Satisfactory

David Gaul (CAC 1815055)

Result: Satisfactory

Bodhan Hawryluk (CBC 35048)

Result: Satisfactory

William Igou (CBC 1254550)

Result: Satisfactory

Todd Kontny (CMC 1249643 & CFC 1427114)

Result: Satisfactory

Wayne Robert Kuntz (CBC 22190 & CCC 57335)

Result: Satisfactory

Harvey Donald McClain, Jr. (CRC 50317)

Result: Satisfactory

Jose Valladares (CGC 1511678)

Result: Satisfactory

Nicholas Yesbik (CBC 59680)

Result: Satisfactory

Donnie Pickford (CGC 1506496)

Result: Stay of Suspension Lifted

Scott Johnson (CGC 1505754)

Result: Stay of Suspension Lifted

Herman Wheeler (CBC 1250104)

Result: Unsatisfactory

William John Baransku (RB 66857)

Result: Stay of Suspension Lifted

James R. Hill (CGC 55587 & CCC 1327430)

Result: Stay of Suspension Lifted

Victor Mantell (CUC 24569)

Result: Continued

Omari A. Murray (CGC 1506961)

Result: Stay of Suspension Lifted

Santiago Bolivar (CMC 56748 & CGC 1508401)

Result: Unsatisfactory

Robert L. Merickle (CPC 55619)

Result: Continued

Paul David Putnam (CBC 58915)

Result: Stay of Suspension Lifted

APPLICATION REVIEW COMMITTEE – JACQUELINE WATTS

Ms. Watts gave the following report:

Applications Approved

Carver, Michael E

Hough, Woodrow

Moore, Gregory

McAdams, Chris A

McKinney, Frank H

McKinney, Frank H

Bush, Kevin D

All Star Construction of CC Inc

Ducksworth, George

Gillum, Gerald

Hamel, Steven C

Helmer, Anthony

Richard, Rolan O

Spangler, Michael

Applications Denied

Babik, Edward J
Heathcock, Alvin
Hoegger, Steve H
Oliver, James D
Tosky, Kenneth S
Walden, Richard
Williams, Rolinda D
Davis, Harold Jr.

Applications Withdrawn

Harding, Robert W
Matthews, Jerry A
Simpson, Billy R
McFadden, Terrace M
Peinovich, Steven T

Applications Approved with Conditions

Murphy, Mark F – approved for CBC

Applications Continued

Hickman, Richard L Jr. – continued 60 days

Applications Pulled

Thaler, Daniel M

The Board voted unanimously to ratify the list of Financially Responsible Officers.

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – EDWARD WELLER

Mr. Weller gave the following report:

The following Rules have been **Developed:**

61G4-12.021 Committee Structure

61G4-16.009 Examination and Reexamination

61G4-16 Laws and Rules test

The following Rules have been **Noticed:**

61G4-18.001 (2) 3 hours of CE devoted to laws and rules

The board voted unanimously to approve this report.

AD HOC FINANCIAL MISCONDUCT COMMITTEE – PAUL DEL VECCHIO

Mr. Del Vecchio gave the following report:

A presentation was given by a vendor and by some surety companies which lead the board to believe the minimum credit score the board should consider for financial responsibility is 660. The possibility of bonds being provided to those who can't meet the minimum FICO score was also discussed.

With nothing further to discuss the board voted unanimously to approve this report.

EXECUTIVE REVIEW ITEMS

No Executive Review items were discussed.

OLD BUSINESS

No Old Business was discussed.

NEW BUSINESS

No New Business was discussed.

ADJOURNMENT

With nothing further to discuss the meeting was adjourned at 12:56 pm.