

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

**HYATT REGENCY JACKSONVILLE RIVERFRONT
225 EAST COAST LINE DRIVE
JACKSONVILLE, FLORIDA 32202
904.588.1234 (hotel phone)**

MARCH 10, 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
Mark Pietanza
Robert Stewart
Jacqueline Watts
Edward Weller
Don Wilford

BOARD MEMBERS ABSENT

Thomas Thornton (Excused - General
Session only)
Barry Kalmanson (Excused)

OTHERS PRESENT

Diane Guillemette, Board Counsel. AGO
Patrick Creehan, Chief Prosecuting Attorney
Tim Vaccaro, 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 Ms. Watts led the Pledge of Allegiance.

REVIEW OF MINUTES

- **Final Action – February, 2006**

The Board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Vaccaro announced that he accepted a promotion and would be the new Division of Professions' Director. The Board Members expressed their joy in his promotion and stated that they would miss him as their Executive Director.

CHAIRMAN'S REPORT

Mr. Brown stated that Mr. Kalmanson's absence was excused. She also stated that Mr. Thornton's absence for General Session was excused.

PROSECUTING ATTORNEY'S REPORT

Ratification of Local Disciplinary Orders List

The Board voted unanimously to approve this list.

Mr. Creehan gave the following report:

As of February, there were 510 cases in Legal (to be reviewed), there were 219 cases set for probable cause, 165 cases has Probable Cause found/Administrative Complaints filed and 56 cases were ready for default. There were 33 cases with Stipulations executed/Informal Hearing requested, 111 cases that had requested Formal Hearings, 12 cases were referred to DOAH, 70 cases were awaiting Final Orders and 9 cases were trying to reach Settlement Negotiations. There were also 3 cases that were re-opened and 3 cases set for Board Presentation. For the month of February 2006, 60 cases were closed.

ATTORNEY GENERAL'S REPORT

Kent Brenneman – Informal Hearing

Mr. Brenneman was not present for this hearing.

Ms. Guillemette presented this case stating that Mr. Brenneman's application for a change of status was denied at the November meeting of the Board.

Mr. Brenneman timely filed a petition for review of Notice of Intent to Deny.

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

Stephen Crain, Jr. – Informal Hearing

Mr. Crain was not present for this hearing.

Ms. Guillemette presented this case stating that Mr. Crain's application for Certification of Registered Contractor's license was denied at the October meeting of the Board.

Mr. Crain timely filed a petition for review of Notice of Intent to Deny.

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

James Hatton (FRO with Eric Vanhorn) – Informal Hearing

Mr. Hatton requested a continuance to the April 2006 meeting. The Board voted unanimously to approve this continuance.

Todd King – Informal Hearing

Mr. King was present.

Ms. Guillemette presented this case stating that Mr. King's application for Certification of Registered Contractor's license was denied at the September meeting of the Board.

Mr. King timely filed a petition for review of Notice of Intent to Deny.

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

Troy Kirby – Informal Hearing

Mr. Kirby was not present for this hearing.

Ms. Guillemette presented this case stating that Mr. Kirby's application for Certification of Registered Contractor's license was denied at the September meeting of the Board.

Mr. Kirby timely filed a petition for review of Notice of Intent to Deny.

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

Mario Prieto – Informal Hearing

Mr. Prieto was present with his daughter.

Ms. Guillemette presented this case stating that Mr. Prieto's application for Certification of Registered Contractor's license was denied at the October meeting of the Board.

Mr. Prieto timely filed a petition for review of Notice of Intent to Deny.

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

Eric Vanhorn (contractor with James Hatton) – Informal Hearing

This item was pulled.

Billy Young – Informal Hearing

Mr. Young was present.

Ms. Guillemette presented this case stating that Mr. Young's application for change of status was denied at the November meeting of the Board.

Mr. Young timely filed a petition for review of Notice of Intent to Deny.

After discussion, the board voted unanimously to approve Mr. Young's application contingent upon the receipt of a properly completed experience affidavit verifying 4 years of experience. This affidavit must be received within 30 days.

AAA Construction School, Inc. – Informal Hearing

Rob Irion was present.

Ms. Guillemette presented this case stating that AAA Construction School, Inc.'s application for continuing education courses were denied at the November meeting of the Board.

Mr. Irion timely filed a petition for review of Notice of Intent to Deny.

After discussion, the board voted unanimously to approve these course applications.

Hardhat Technologies – Informal Hearing

No one was present for this hearing.

Ms. Guillemette presented this case stating that Hardhat Technologies' application for continuing education courses were denied at the July meeting of the Board.

Hardhat Technologies timely requested a DOAH hearing to contest the denial.

The parties have since relinquished jurisdiction back to the Board, so that they present the courses for reconsideration.

After discussion, the board voted unanimously to deny these course applications.

St. Petersburg College Corporate Training – Informal Hearing

No one was present for this hearing.

Ms. Guillemette presented this case stating that St. Petersburg College Corporate Training's application for continuing education course was approved for 10 hours instead of 12 hours at the September meeting of the Board.

After discussion, the board voted unanimously to approve this course application for 12 hours.

Steven Lake – Request for Reinstatement of Null and Void License

Mr. Lake was present.

Ms. Guillemette presented this case stating that Mr. Lake was requesting to reinstate his null and void license.

Mr. Lake's license went into null and void status on September 13, 1998.

After discussion, the Board voted unanimously to deny Mr. Lake's request.

John Rullman – Request for Reinstatement of Null and Void License

Mr. Rullman was present.

Ms. Guillemette presented this case stating that Mr. Rullman was requesting to reinstate his null and void license.

Mr. Rullman's license went into null and void status before the computer conversion in 1992.

After discussion, the Board voted unanimously to deny Mr. Lake's request.

Michael Marchica – Informal Hearing

Mr. Marchia was present.

Ms. Guillemette presented this case stating that Mr. Marchia's application for plumbing license by endorsement was denied at the January meeting of the Board.

Mr. Marchia timely filed a petition for review of Notice of Intent to Deny.

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

RECOVERY FUND ATTORNEY'S REPORT

No claims were reviewed at this meeting.

COMMITTEE REPORTS

Application Review Committee

Ms. Watts gave the following report:

Applications denied

Adams, Jeffrey
Channel, Clarence
Lucas, Roger
Moore, Gregory
Morgan, Ricky
Veltri, Frank

Applications withdrawn

Burgin, James
Cavage, Michael
McIntosh, Troy
Parish, Jason
Pratt, John R.
Sliemers, Stephen
Williams, Charlie

Applications approved

Dickson, Brent
Emmanuelli, Fabricio – with 2 years of probation. Building contractor only.
Kodsey, Sheriff – with 6 years of probation.
Pizzi, Carlos
Scherer, Daniel
Stillwagon, Joseph – as a residential contractor.
Thomas, Paul – with 6 years of probation.
Turner, Gary – with 2 years of probation.
Watson, Joseph
Wright, Wayne – with probation until judgments are satisfied.

Applications continued

Blaney, Richard – 30 days.
Marcinko, Nick – 30 days.
Peterson, Roger – 60 days.
Thompson, Vernon – 30 days.

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

Probations Committee

Mr. Del Vecchio gave the following report:

Kristopher T. Ashenback, (CC C057686, CB C054507)
Result: Continued to September 14, 2006

Richard Arpad Bauer, (CA C057340)
Result: Stay Lifted - Failure to Appear

Richard J. Cook, (CB C047782)
Result: Stay Lifted - Failure to Appear

Russell Federspiel, (CR C022305)
Result: Satisfactory

Walter Francis, (CGC060141 & CCC056782)
Result: Satisfactory, conditional upon the receipt of a completed qualified business license application within 60 days.

Carrie Frazier, (RG 45685)
Result: Satisfactory

Darryl Frazier, (RC66631)
Result: Tolled

Joseph Ghezzi, (CGC046468)
Result: Stay Lifted - Failure to Appear

William Goode, (CG C014847)
Result: Unsatisfactory

Craig Greene, (CG C1505891)
Result: Satisfactory

Gordon Heal, (CF C058048)

Result: Satisfactory

Alberto A. Hernandez, (CGC013664)

Result: Tolled

John B. Morton, III, (CC C011043)

Result: Satisfactory, conditional upon the receipt of a completed qualified business license application within 60 days.

Dale Brian Potter, (CC C051580)

Result: Stay Lifted - Failure to Appear

Ray Rey, (CF C057546)

Result: Stay Lifted - Failure to Appear

Jorge Sordo, (CG C056871)

Result: Unsatisfactory

Frank Stellino, (CG C033957)

Result: Satisfactory, conditional upon the receipt of a renewed qualified business license within 60 days.

Rhonda Vetzal, (CB C060081)

Result: Stay Lifted - Failure to Appear

James Waid, (CGC004677)

Result: Unsatisfactory

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

Additional Entity Committee

Mr. Pietanza gave the following report:

Applications approved

Atkins, Alva

Bourbeau, Randy

Brazelton, Scott – contingent upon proof of employment.

Camp, Kevin

Hefflex II, Albert

Kirkland, Gordon

Mitchell, Shawna

Peiffer, James – with 2 years of probation.

Reis, Ronald – contingent upon proof of employment.

Ritter Sr., Daniel W.

Sleezer, Patrick

Steinhauser, Eric

Swinson, John

Unzueta, Horacio

Wasch, Daniel

White, Brent

Wilson, Jerry – contingent upon proof of employment.

Worsham, Raleigh

Applications denied

Bracey, Bradford
Fradley III, Charles
Hudson, James
Pielago, Raul

Applications withdrawn

Cenk, Robert
Kirkey, Dennis

Applications continued

Dixon, Jonathan – 30 days.
Janicki, Joseph – 30 days.
Klopstad, Lynn - 60 days.
Schultz, Michael – 30 days.

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

Rules Review Committee

Mr. Weller gave the following report:

The following Rules have been noticed:

61G4-17.001 Normal Penalty Ranges

61G4-12.006 Approved Form: Incorporation

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

Exams/CE/Public Awareness Committee

Mr. Holloway gave the following report:

LORMAN BUSINESS CENTER, INC. (0000837)

1st Course: Construction Claims: New Law – approved.

2nd Course: Florida's New Construction Claims Statutes and Related Claims Issues – approved.

CONTRACTORS EXAM SCHOOL (0000862)

1st Course: Legislative Changes Affecting the Construction Industry – approved without workplace safety.

BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA) (0000865)

1st Course: 2004 Building Code Changes – approved.

2nd Course: Residential Plumbing Code – approved.

3rd Course: Florida Energy Code – approved.

4th Course: Florida Laws and Rules for Code Professional – approved.

5th Course: Introduction to the 2004 Florida Plumbing Code – approved.

6th Course: Smoke Control – approved.

7th Course: Florida Mechanical Code – approved.

8th Course: Jobsite Safety and Workers Compensation – approved.

FRSA EDUCATIONAL AND RESEARCH FOUNDATION (0000910)

1st Course: To Lien or Bond: How to Exercise Your Right to Prompt Payment – approved.

STETSON UNIVERSITY COLLEGE OF LAW (0000999)

1st Course: Fair Housing Seminar – denied – unrelated to contracting.

FLORIDA CONTRACTORS SCHOOL OF CONTINUING EDUCATION (0001038)

1st Course: Advanced Accessibility Code & Construction Defects – approved.

2nd Course: Basic First Aid, Lien Law Update, Commercial Insurance & Contracts Clauses – approved.

3rd Course: Workers' Compensation, Safety & Business Skills – approved.

CONSTRUCTION SPECIFICATIONS INSTITUTE - PENSACOLA CHAPTER (0001162)

1st Course: An Overview of Insulated Concrete Forms – approved.

2nd Course: Geothermal Heating and Cooling – approved.

BRB CODE EDUCATORS, INC. (0001728)

1st Course: 2004 Florida Building Code Energy/Mechanical Code Update – approved.

2nd Course: Florida Building Code High Velocity Hurricane Zone Requirement – approved.

(Note: These courses have not been sent to the FBC by the provider to be accredited for the Advanced Module so they are requesting General CE credit for the courses listed above)

SEALOFLEX, INC (0003188)

1ST Course: Solutions and Methods for Waterproofing the Entire Building Envelope – denied.

FLORIDA AIR CONDITIONING APPRENTICESHIP ASSOCIATION LLC. (0003374)

1st Course: Introduction to OSHA – approved with workplace safety & business practices.

LINZAMAIER & ASSOCIATES, INC.

1st Course: Pressure-Enthalpy Charts and their Use – denied – no timeline.

2nd Course: Compressor Failure and Analysis – approved.

NATIONAL SWIMMING POOL FOUNDATION

1st Course: Pool – Spa Operator-nspf.org – denied – incorrect timeline.

STURDEVANT – BEACH & ASSOCIATES LLC (0002847) – approved.

1st Course: Risk Management or Home Builders (# 0007637, Expired 07/10/2005) – approved.

2nd Course: Workers Compensation (# 0007638, Expired 07/10/2005) – approved.

3rd Course: Workplace Safety (# 0007639, Expired 07/10/2005) – approved.

4th Course: Contracts with Subcontractors (# 0007706, Expired 08/14/2005) – approved.

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

Recovery Fund/Finance Committee

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

Ms. Brown asked that the schedule for the next Board Meeting allow time for the Nominating Committee to meet. The Committee will consist of Ms. Kane, Mr. Weller, Mr. Del Vecchio and Ms. Brown.

With no other business to discuss, the meeting was adjourned at 10:14 a.m.