

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

**BOCA RATON RESORT & CLUB
501 EAST CAMINO REAL
BOCA RATON, FL 33432**

JULY 13, 2007

GENERAL SESSION MINUTES

The meeting was called to order by Raymond Holloway, Chair, at 8:30 am. Mr. Stewart gave the invocation. Mr. Del Vecchio led the Pledge of Allegiance.

BOARD MEMBERS PRESENT

Barry Kalmanson, Vice Chair
Raymond Holloway, Chair
Jacqueline Watts
Edward Weller
Peggy Bailey
Joan Brown
Lee-En Chung
Joe Cook
Carl Engelmeier
James Flaherty
Mark Pietanza
Robert Stewart
Lorie Clark
Paul Del Vecchio

BOARD MEMBERS ABSENT

Michelle Kane
Don Wilford

OTHERS PRESENT

Diane Guillemette, Board Counsel
Samantha B. Hunter, AGO
April Hammonds, Acting Chief Prosecuting Attorney
G.W. Harrell, Executive Director
Stacey Merchant, Government Analyst II
Andy D. Janecek, Government Analyst I
Larissa Vaughn, Administrative Assistant

REVIEW OF THE MINUTES

- Final Action – June 2007

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell mentioned that board members, on behalf of the Secretary, should begin to urge people to do electronic renewals. Mr. Harrell solicited ideas from the board members regarding electronic renewals and how to increase the amount of people renewing online, and to contact him with those ideas.

Mr. Harrell also informed the board Andy Janecek will be receiving an award on behalf of the Secretary in the near future.

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

CHAIRMAN'S REPORT – RAYMOND HOLLOWAY

The board voted to excuse the following absences:

Michelle Kane
Don Wilford

Mr. Holloway wished Mr. Pietanza a happy birthday.

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

PROSECUTING ATTORNEY'S REPORT – APRIL HAMMONDS

Ms. Hammonds gave the following report:

For the month of June 2007 the overall case load was 1,818, up from 1,671 in May of 2007, and up from 1,450 in June of 2006.

There were 671 cases to be reviewed in Legal, 253 cases set for probable cause, and 204 where probable cause had been found/administrative complaints filed. 89 cases were ready for default, 37 cases had stipulations executed/informal hearings requested, and 219 had requested formal hearings. There were 24 cases referred to DOAH, 75 cases in settlement negotiations, 86 cases awaiting final orders, and 124 cases set for Board presentation. There were 0 cases under appeal and 0 cases reopened. There were 198 cases closed for the month of June.

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

John Allen Gage (RR 60430) – 2007028036 – License suspension until construction liens are satisfied

Robert W. Dobson (RP 23937) – 2007031037 – Stipulation ordering restitution in the amount of \$18,716.17 payable to Vera Stoker

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:

For fiscal year 2006-07, total disbursed so far equals \$1,142,799.43. An additional \$584,068.41 has been obligated, leaving a cash balance of \$2,273,132.13.

Currently there are 317 claims pending. 287 claims were received for the fiscal year and 114 of those were ineligible. For June 2007, 51 new claims were received of which 21 were ineligible. 3 claims were recommended for denial. Incomplete claims over 180 days total 159 claims. Incomplete claims under 180 days total 158. 5 claims are currently under appeal.

ATTORNEY GENERAL'S REPORT – DIANE GUILLEMETTE

MOHAMMAD AMEEN, SASA BUILDERS, INC. – REQUEST FOR INFORMAL HEARING

Mr. Ameen was present with Counsel, Jon Urban.

Ms. Guillemette presented this case stating Mr. Ameen's application for initial licensure as a roofing contractor was denied at the January 2007 meeting of the board because of pending discipline. As a result of that denial, the qualified business license for SASA Builders, Inc. was denied for failing to have a qualifying agent. The Notice of Intent to Deny was filed in March of 2007. Mr. Ameen timely requested board reconsideration.

After discussion the board voted unanimously to approve the applications with 2 years probation to run concurrent with his existing probation.

EDWARD BABIK, C.H.B.M. CONSTRUCTION, LLC. – REQUEST FOR INFORMAL HEARING

Mr. Babik was not present.

Ms. Guillemette presented this case stating Mr. Babik's application for a change of status of his certified general contractors license was denied at the February 2007 meeting of the board because the applicant was subject of pending discipline. As a result, the qualified business application for C.H.B.M. Construction, LLC, was denied for failing to have a qualifying agent. Both of the Notices of Intent to Deny were filed in April of 2007. Mr. Babik timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial as prosecution still objected.

MICHAEL CURRY – REQUEST FOR REINSTATEMENT OF STAY OF SUSPENSION

Mr. Curry was not present.

Ms. Guillemette presented this case as a request to reinstate the stay of suspension on Mr. Curry's license and a request to reinstate probation. Mr. Curry was placed on probation as a result of discipline imposed for case 2003081675. The stay of suspension was lifted on his license for failing to appear at his November 2006 probation appearance. The petition was filed in June of 2007.

After discussion the board voted unanimously to deny the request.

DAVID FEDERER – FORMAL HEARING

Mr. Federer was not present.

Ms. Guillemette presented this case stating Mr. Federer filed a supplemental petition which disputed material fact and it would be referred to the Division of Administrative Hearings.

ALVIN HEATHCOCK – REQUEST FOR INFORMAL HEARING

Mr. Heathcock was not present.

Ms. Guillemette presented this case stating Mr. Heathcock's application for initial licensure as a registered residential contractor was denied at the February 2007 meeting of the board for failing to establish good moral character and having a criminal history which substantially relates to the practice of contracting. As a result, the qualified business application for Century Builders, LLC was denied for failing to have a qualifying agent. The Notices of Intent to Deny were filed in April of 2007. Mr. Heathcock timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

DANIEL MANCINI, RMEC, INC. – REQUEST FOR INFORMAL HEARING

Mr. Mancini was present.

Ms. Guillemette presented this case stating Mr. Mancini's application to qualify an additional business entity with his certified general contractor's license was denied at the November 2007 meeting of the board for failing to appear as required. As a result, the qualified business application for RMEC, Inc. was denied for failing to have a qualifying agent. The Notices of Intent to Deny were filed and received by the applicant on March 21, 2007. Mr. Mancini did not timely request board reconsideration.

After discussion the board upheld the denial as the request was not timely filed.

JUAN OROZCO – REQUEST FOR INFORMAL HEARING

Mr. Orozco was present with counsel, George Furtado.

Ms. Guillemette presented this case stating Mr. Orozco's application for initial licensure as a certified general contractor was denied at the November 2006 meeting of the board for failing to demonstrate financial stability and failure to provide proof of education. As a result of that denial, the qualified business application for JP & Son's Construction Co. was also denied for failing to have a qualifying agent. The Notices of Intent to Deny were faxed and received by the applicant in April of 2007. Mr. Orozco timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial of the applications.

TIMOTHY SPURR – REQUEST FOR REINSTATEMENT OF NULL & VOID LICENSE

Mr. Spurr was not present.

Ms. Guillemette presented this case as a petition by Timothy Spurr to reinstate his Null & Void certified general contractor's license. Mr. Spurr's license became Null & Void in September of 2006, and the petition to reinstate the license was filed in June of 2007.

After discussion the board voted unanimously to deny the request.

FRANK QICHOWSKI – REQUEST FOR REHEARING/INFORMAL HEARING

Mr. Qichowski was not present.

Ms. Guillemette presented this case stating Mr. Qichowski's application to reinstate his Null & Void license was denied at the March 2007 meeting of the board for failing to show a good faith effort to renew and failed to present evidence of an illness or unusual hardship. The petition was filed in April of 2007, prior to the Notice of Intent to Deny being filed. Mr. Qichowski's license went Null & Void in August of 2004.

After discussion the board voted unanimously to refrain from taking action, as it is unclear if the filed petition was an informal hearing request or a request for rehearing.

DARRELL KEITH WILSON – REQUEST FOR APPROVAL TO RE-APPLY FOR LICENSURE

Mr. Wilson was not present.

Ms. Guillemette presented this case as a request to re-apply for a registered roofing contractors license. Mr. Wilson's previous registered roofing contractors license was revoked in 1995 as a result of local discipline. Mr. Wilson has since re-obtained a certificate of competency from Miami-Dade county and is reapplying for licensure.

After discussion the board voted unanimously to deny the request to re-apply for licensure for failing to show proper rehabilitation.

COMMITTEE REPORTS

ADDITIONAL BUSINESS ENTITIES COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

Applications Approved

Aranda Michael
Atchison, Dion
Beiter, Daniel
Belsley, Kenneth
Blair, Jack
Bucher, Philip
Burleson, Dean
Carapezza, Ann - \$2,500 assessment
Carvajal, Luis
Casariego, Oscar
Dixon, Andrew – w \$1,500 assessment
Duncan, Christopher

Goldman, Clift
House, Curtis
House, Curtis
Khamis, William – w \$2,500 assessment
Killian, David
Lizama, Ignacio
Matthew, Andrew
Morales, Francesco – \$1,500 assessment
Mottram, Jeffrey
Noble, Rex
Noble, Rex
Oenbrink, August
Rinehart, Stephen
Sanchez, Denny
Scavone, Mitchell
Scavone, Mitchell
Smith, Calvin
Smith, Steve
Soravilla, Robert
Sousa, Chris
Taworski, Albert, Jr.
Trammell, Clide
Ventura, Michael – \$5,000 assessment
Webster, David
Willis, Charlotte

Applications Continued

Ammons, Robby - 60 days
Gonzalez, Luis – 30 days
Kamenoff, Michael – 60 days
Keller, John – 60 days
Orr, Ted – 30 days
Schmitt, Eugene – 60 days
Wesszo, Joseph – 60 days

Applications Withdrawn

Brown, Darien

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – JIM FLAHERTY

Mr. Flaherty gave the following report:

EXISTING PROVIDER – NEW COURSES

CONTRACTORS EXAM SCHOOL (0000862)

1st Course: Laws and Rules for Construction – approved.

2nd Course: Reinforcing Steel: Principals & Fundamentals of Use of Reinforcing Steel – approved.

PALM CONTRUCTION SCHOOL, INC

1ST Course Online Re-Cover Your Assets – approved.

BOSS CONSTRUCTION SCHOOL, INC. (0000912)

1ST Course: Advanced Florida Building Core Course - approved.

CARRIER SALES AND DISTRIBUTION, LLC.

1ST Course: Puron R410a Refrigerant Characteristics and Handling – approved.

2nd Course: Airflow Troubleshooting – approved.

3rd Course: 80% Gas Furnace Installation & Service – approved.

WTCA-REPRESENTING STRUCTURAL BUILDING COMPONENTS INDUSTRY (0001101)

1ST Course: Structural Building Components Manufacturing Overview Workshop – approved.

EDUCATIONAL TRAINING, INC. (0001151)

1ST Course: Business Practices (Employee Leasing) – denied Not Related.

2nd Course: Workers' Compensation – approved.

3rd Course: Introduction to OSHA Subpart C – approved.

4th Course: Microbiological Corrosion – denied insufficient content.

REDVECTOR.COM, INC. (00017710)

1st Course: Safety: Developing and Employee Safety Orientation Program – approved.

2nd Course: Safety: Welding Part 2 – Equipment Use & Welder Protection – approved.

3rd Course: Swimming Pools: Mechanical & Hydraulic Systems – approved.

4th Course: FL Statutes Ch. 489, Part 1: Construction Contracting 1 – approved.

5th Course: Safety: Welding Part 1 – Gas Cylinders & Oxy-fuel Systems – approved IMPASS

6TH Course: Safety: Working with Chemicals – approved.

7th Course: Safety: Machine Operation – approved.

8th Course: Safety: Material-Handling – approved.

9th Course: FL Statues Ch. 489, Part 1: Construction Contracting 2 – approved no law.

AMERICAN CONTRACTORS EXAM SERVICES, INC. (0003272)

1ST Course: Basic Electricity – approved.

2nd Course: Personal Protective Equipment (OSHA) – approved.

3rd Course: FLSA – approved.

4th Course: NEC for HVAC – approved.

5^h Course: Manual N Commercial Load Calculations – approved.

6^h Course: 2006 Fuel Gas Code – approved.

7th Course: HVAC Systems and Mold – approved.

8th Course: Heat Pumps – approved.

9th Course: ACCA Duct Slide Rule – approved.

10th Course: 2003 International Mechanical Code Review – approved.

11th Course: Manual J Residential Load Calculations – approved.

CONTRACTORS ED, INC. (0003796)

1ST Course: New Construction Products and Technology – denied insufficient outline.

2nd Course: Cost Estimating for the Building Industry – approved.

3rd Course: Mold in the Construction Industry – approved IMPASS insufficient content.

STRUCTURES INTERNATIONAL, LLC (0004025)

1ST Course: Design Pressures for Components and Cladding – approved.

NEW PROVIDERS WITH COURSES

AMERICAN MOLD GUARD – approved.

1ST Course: Mitigating Mold-Related Liability in New Construction – approved IMPASS.

RECONSIDERATION OF PREVIOUSLY DENIED PROVIDER AND COURSE FROM MAY BOARD MEETING

LYMAN & CO., INC.

1ST Course: Medical Gas Installer Certification Course – approved.

EXAMINATION SUMMARIES – FOR REVIEW ONLY

February, 2007

December, 2006

October, 2006

September, 2006

August, 2006

June, 2006

April, 2006

February, 2006

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

RECOVERY FUND/FINANCE COMMITTEE – JOAN M. BROWN

Ms. Brown gave the following report:

2005045562 – Continued

2005053196 – Continued

2006001866 – \$9,572.30

2006025141 – \$25,000

2006065013 – \$25,000

2006065071 – \$5,914.28

2006065429 – \$25,000

2006065431 – \$17,000

2007000342 – \$4,000

2007020037 – \$1,920

2007006014 – \$25,000

2007007651 – \$10,687.50

2007010492 – \$15,917

2007010669 – \$10,000

2007011848 – \$2,420

2007019597 – \$26,478.50

2007049600 – Denied

2007019603 – \$5,558

2007023375 – \$16,742.40

02-C0196 - \$11,989.19

2006030391 – \$25,000

2009049903 – \$25,000

2007009953 - \$22,077.25

Total amount awarded \$310,221.42.

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

PROBATIONS COMMITTEE – CARL ENGELMEIER

Mr. Engelmeier gave the following report:

Garth Bonner, (CP C056430)

Result: Satisfactory

Dennis Bartina, (CG C035955)

Result: Satisfactory

Thomas M. Fisher, (CG C015974)

Result: Satisfactory

Thomas Giesy, (CG C1511967)

Result: Unsatisfactory

Robert Joseph Gore, (CG C025698) & CG CA25698

Result: Satisfactory

James Granville Hatton, FRO 2551, Condition of Licensure

Result: Satisfactory

Paul J. Kish, (CB C058926)

Result: Satisfactory

John (Jack) Mancini, (CG C037419)

Result: Satisfactory

David Paul Mart, (CR C040916)

Result: Satisfactory

Frank Murillo, (CR C054084)

Result: Satisfactory

(Previous probation appearance in January was changed to a satisfactory)

Russell L. Noyes, (CC C1326879)

Result: Satisfactory

Pedro Pineda, (CB C057443)

Result: Satisfactory

Michael Joseph Rubino, (CG C046437)

Result: Satisfactory

Nicholas Robert Ragonese, (CP C053892)

Result: Satisfactory

Howard Steele, (CB C1251845)

Result: Satisfactory

Herman J. Wheeler, (CB C1250104)

Result: Satisfactory

Daniel Raphael Witt, (CP C057298)

Result: Satisfactory

Peter Fischbach, (CG C1511979)

Result: Unsatisfactory

Darrell Wayne Copeland, (CGC 57242)

Result: Stay of Suspension lifted

Robin S. McCall, (CBC 36401)

Result: Stay of Suspension lifted

With no further discussion the board voted

APPLICATION REVIEW COMMITTEE – JACQUELINE WATTS

Ms. Watts gave the following report:

Applications Approved

Cavour, Luiz – approved 2 years probation

Hancock, Alexander V.

Palomino, Alberto – approved as CBC

Wells, Christopher D.

Binnix, Robert Kyle

Maddox, Allan Tate

Applications Denied

Chrysakis, Emmanuel

Cuellar, Juan Carlos

Fry, Thomas

Reyes, Robert A.

Clark, Chadwyck E.

Dice, David L

Applications Withdrawn

Hartzog, Paul Edward

McDermott, Terry E

Rasul, Amir

Continuance

Barber, Keith David – 60 days

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

AD HOC FINANCIAL MISCONDUCT COMMITTEE – PAUL DEL VECCHIO

Mr. Del Vecchio gave the following report:

House Bill 7057 was discussed which would revise 489.115 F.S., to require one hour of continuing education relating to wind mitigation methodologies for applicable licensure categories.

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – BARRY KALMANSON

Mr. Kalmanson gave the following report:

The following rules have been **Developed:**

61G4-15.0021 Certification and Registration of Business Organizations

61G4-16.001 Written Certification Examination Requirements

61G4-15.012 Certification of Solar Water Heating Specialty Contractors

61G4-15.015 Certification of Specialty Structure Contractors

61G4-15.017 Certification of Gypsum Drywall Specialty Contractors

61G4-15.018 Certification of Glass & Glazing Specialty Contractors

61G4-15.021 Certification of Solar Contractors

61G4-15.026 Certification of Gas Line Specialty Contractors

61G4-15.027 Pollutant Storage System Specialty Contractors

61G4-15.028 Precision Tank Testers

61G4-15.029 Tank Lining Applicators

61G4-15.031 Medical Gas Certification

61G4-18.001 Continuing Education requirements for Certificateholders and Registrants

61G4-15.003 Public Liability Insurance

61G4-12.011 Definitions

61G4-15.0021 Certification and Registration of Business Organizations

61G4-12.021 Committee Structure

Laws and Rules test. Chapter 61G4-16 see 455.217 (7).

The following Rules have been **Noticed:**

61G4-15.0021 Certification and Registration of Business Organizations

61G4-15.001 (5) Qualification for Certification

The following Rules have been **Adopted:**

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

OLD BUSINESS

No Old Business was discussed.

NEW BUSINESS

Ms. Guillemette informed the board that this would be her last month as she has accepted a position outside the Attorney General's office.

Ms. Watts mentioned that in Division II Final Action that an enormous amount of fraud has been perpetuated by some of these contractors, and perhaps the Department or the Chair could inform the State Attorney's office of these issues and attempt criminal prosecution.

Ms. Watts also mentioned that she is making notes of what she would like the Department to look at during the legislative session, including the trust account and protecting it. The legislature is diminishing that account, and something needs to be addressed to protect that money.

Ms. Bailey asked Mr. Harrell if he would entertain a letter from her regarding follow up criminal prosecution for more serious violations of Ch. 489, F.S.

Mr. Del Vecchio agreed with what Ms. Watts stated regarding criminal prosecution and offered further opinion on the matter.

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

ADJOURMENT

With no further business the board meeting was adjourned.