

**FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD**

**SAWGRASS MARRIOTT RESORT & SPA  
100 PGA TOUR BOULEVARD  
PONTE VEDRA BEACH, FL 32082**

**JUNE 8 – 10, 2005**

**GENERAL SESSION MINUTES**

**Board Members Present**

Michelle Kane (Chair)  
Joan Brown (Vice Chair)  
Raymond Holloway  
Barry Kalmanson  
Thomas Thornton  
Jacqueline Watts  
Mark Pietanza  
Robert Stewart  
Lee-En Chung  
John J. Cox, III  
Peggy Bailey

**Board Members Absent**

Paul Del Vecchio  
Carl Engelmeier  
Edward Weller  
Michael Blankenship

**Others Present**

Tim Vaccaro, Executive Director, DBPR  
Stacey Merchant, Government Analyst, DBPR  
Andy Janeczek, Government Analyst, DBPR  
Diane Guillemette, Board Counsel, AGO  
Patrick Creehan, Chief Prosecuting Attorney, DBPR  
Jeff Kelly, Prosecuting Attorney, DBPR  
Adrienne Rodgers, Recovery Fund Attorney, DBPR  
Valeria Singleton, Recovery Fund, DBPR  
Kyle Mitchell, DBPR  
Richard Morrison, DBPR

General Session was called to order by Michelle Kane, Chair, on June 10, 2005 at 10:23 am. Mr. Holloway gave the Invocation. Ms. Watts led the Pledge of Allegiance.

## **REVIEW OF MINUTES**

No Minutes were reviewed this month.

## **EXECUTIVE DIRECTOR'S REPORT – TIM VACARRO**

Mr. Vacarro gave the following report:

Mr. Vacarro informed the board that the meeting in the following month was originally scheduled for Sarasota has been relocated to Coral Gables.

Mr. Vacarro also informed the board that he has passed out investigation statistics and mediation statistics which are self explanatory, and asked if anyone had any questions.

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

## **CHAIRMAN'S REPORT – MICHELLE KANE**

Ms. Kane gave the following report:

The board voted unanimously to excuse the following absences:

Edward Weller  
Paul Del Vecchio  
Michael Blankenship  
Carl Engelmeier

Ms. Kane also reminded the board that the Nominating Committee will convene next month so there will not be a Vice Chair for next month's meeting. Ms. Brown will Chair the Committee. Ms. Kane also thanked the board and the Department for allowing her to serve for the past year as Chair.

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

## **PROSECUTING ATTORNEY'S REPORT – PATRICK CREEHAN**

Mr. Creehan gave the following report:

For the Month of May 2005 the number of overall construction disciplinary cases was 778. This was an increase from the 763 cases reported in April of 2006, and an increase of 95 cases from the 683 reported in May 2004.

There were 290 cases to be reviewed in Legal, 61 cases set for probable cause and 147 cases where probable cause had been found/administrative complaints filed. 30 cases were ready for default, 86 cases had stipulations executed/informal hearings requested, and 72 cases had requested formal hearings. There were 65 cases awaiting final orders, 13 cases referred to DOAH, and 9 cases in settlement negotiations. There were 0 cases under appeal and 5 cases were reopened. There were 93 cases closed for May 2005.

## **RECOVERY FUND ATTORNEY'S REPORT – ADRIANE RODGERS**

Ms. Rodgers gave the following report:

Ms. Rodgers informed the board that the 4 informal hearings originally scheduled were pulled and rescheduled to appear in front of the Recovery Fund Committee.

Ms. Rodgers informed the board that an claim was awarded in 2002 but the contractor was not served with the notice until 2004. When the suspension was entered in against his license he was made aware of the outstanding claims and agreed to payments of \$720 a month for the next 36 months were imposed upon him to satisfy the full \$25,000 awarded to the claimant, and the licensee is also responsible for paying off the accrued interest which has accumulated since the claim was awarded. The board voted unanimously to accept the repayment agreement.

As of May 31, 2005, the total amount of money disbursed and obligated was \$2.1 million dollars. Ms. Singleton also corrected the numbers from the previous month. Approximately 533 claims are pending, and 106 claims were presented to the board this month, of which 47 were ineligible. 17 claims are under appeal (14 to appear in front of the DCA, 3 to appear in front of the board).

Ms. Rodgers also informed the board that the lifetime cap against contractors is now \$500,000, and a max of \$50,000 per claim.

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

## **ATTORNEY GENERAL'S REPORT – DIANE GUILLETTE**

### **FLORIDA HOME BUILDERS – REQUEST FOR INFORMAL HEARING**

A representative from Florida Home Builders was present.

Ms. Guillemetter presented this case stating Florida Home Builder's applications for the continuing education courses entitled, "Superintendent RCS – Safety and Security" was denied in part at the February 2005 meeting of the board for failing to provide in the outline the detailed instructions in those areas and "Home Modifications" was denied in part for failing to be sufficiently related to contracting. The courses entitled, "Resource Efficient Construction", "Universal Design for the Active Adult Market", "Creating an Effective Sales & Marketing Plan", "Bright Ideas to Build On", "Land Development – From Dirt to Dollars", "Working With & Marketing to Older Adults", and "Creating a Comprehensive Business Plan were all denied at the February 2005 meeting of the board for failure to be sufficiently related to contracting. The Notices of Intent to Deny was filed in March of 2005. Florida Home Builders timely requested board reconsideration.

After discussion the board voted that all the above courses are approved, with the exception of "Creating an Effective Sales Marketing Plan", which was denied.

## **MAURICE HERNDON – REQUEST FOR INFORMAL HEARING**

Mr. Herndon was present.

Ms. Guillemette presented this case stating Mr. Herndon's application for initial issuance of a registered roofing contractor's license by grandfathering was denied at the January 2005 meeting of the board for failing to provide proof of having passed a written examination. The Notice of Intent to Deny was filed in April of 2005. Mr. Herndon timely requested board reconsideration.

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

## **GULF COAST BUILDERS EXCHANGE – PETITION FOR VARIANCE AND WAIVER**

Deborah Ormando, a representative from Gulf Coast Builders Exchange, was present.

Ms. Guillemette presented this case stating Gulf Coast Builders Exchange filed a petition for variance and waiver of Rule 61G4-18.004 (6), Florida Administrative Code. The petition was filed in May of 2005. The petition is seeking a permanent waiver of Rule 61G4-18.004 (6) based on extenuating circumstances; the courses submitted by Gulf Coast Builders Exchange were to appear in front of the board in August of 2004 but that board meeting was cancelled due to Hurricane Charley. The courses submitted were approved at the October 2004 meeting and retroactively approved to September 2004. The petition is requesting the courses be retroactively approved to August 2004 when they were originally scheduled to appear in front of the board.

After discussion the board voted unanimously to deny the request.

## **SAM LEWIS – MOTION TO VACATE FINAL ORDER**

Mr. Lewis was present.

Ms. Guillemette presented this case as a motion to vacate the final order issued against Mr. Lewis revoking his state registration. Ms. Guillemette states that the respondent first appeared in front of the board in October of 2001 after challenging Broward County's recommended penalty against his registration. Broward County recommended revocation, however, the board suspended the license for two years to allow Mr. Lewis to resolve the issues with Broward County. Mr. Lewis appeared back in front of the board two years later, in November of 2003, requesting an extension of the suspension as the issues with Broward County were not resolved. The board denied that request and revoked the license. An order issued by Broward County, dated December 6, 2004, rescinded the revocation and reinstated Mr. Lewis' registration. Mr. Lewis filed this motion to vacate the board's final order revoking his registration.

After discussion the board voted unanimously to vacate the order revoking Mr. Lewis registration.

## **ROGER W. GRIFFIS – MOTION FOR RECONSIDERATION**

Ms. Guillemette stated this Motion for Reconsideration was pulled from the agenda.

## **COMMITTEE REPORTS**

### **APPLICATION REVIEW**

Ms. Watts gave the following report:

#### **Applications Approved**

Gary Von Husen  
Mark Wolfe

#### **Applications Denied**

Yanuario Arias  
Dory Burks  
Anthony Cousins  
Richard Davis  
Raymond Leroy  
Lewis Carlos  
Frank Oliver  
Raymond Renna  
Stuart Shoaf

#### **Application Continued**

Michael Alfonso – 30 days

The board voted unanimously to ratify the Grandfather List.

The board voted unanimously to ratify the FRO List.

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

### **PROBATIONS COMMITTEE – PAUL DEL VECCHIO**

The Probations Committee met on June 9, 2005 at 3:00 pm. The Committee was led by Paul Del Vecchio. There were no probationers scheduled to appear, and no probationers requesting tolled status. There was a semi-annual review of the current probation process, and the meeting was adjourned.

The board voted unanimously to approve this report.

### **ADDITIONAL BUSINESS ENTITIES COMMITTEE – MARK PIETANZA**

Mr. Pietanza gave the following report:

#### **APPROVALS (37)**

Bowyer, Fred  
Brennan, James  
Canham, Richard

Coffel, Jason  
Coffel, Jason  
Duncan, Tommy  
Dunnigan Jr, Edward  
Eaton, Ted  
Ellerbee, Archie  
Flinn, John (\$500 assessment)  
Gill, Kenneth (\$500 assessment)  
Gose, Mark  
Gunther, Curtis  
Hering, Bruce  
Hilden, Larry  
Johnson, Dannie  
Karlstedt, Magnus  
Keady, Thomas  
Landon, J Darrell  
Long, Howell  
Lyons, Bobby (6 applications)  
Mather, Timothy  
McCree Jr, Richard  
Monroe Jr, jack  
Persichilli, Anthony  
Povia Jr, Michael  
Pratt III, Elmer  
Roviroso, Jose  
Scherer, Robert  
Sherrick, Paul  
Shrode Jr, Norman  
Spieth, Richard  
Springer Jr, Jerome  
Troendle, Mark  
Williams, Michael  
Williams, Michael  
Wilson Jr, Willie  
Zorc, Timothy

**CONTINUED 30 DAYS (1)**

Schaefer, Paul

**DENIED (3)**

Brewer, David  
Brewer, David  
Slossberg, Gary

The board voted unanimously to approve this report.

**EXECUTIVE COMMITTEE AGENDA – MICHELLE KANE**

Ms. Kane gave the following report:

Request from Ruth Tirado, PHCC, Regarding Journeymen Certification

Ms. Tirado asked the board the following questions:

- 1) Can an individual take the journeymen test without attending an approved apprenticeship program that is registered with the Florida Department of Education?
- 2) Can an individual journeyman reciprocate their license with one or all of the following requirements of Statute 489.1455 if they
  - Have scored at least 70%, or after October 1, 2=1997, at least 75%, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the trade in which he or she is licensed?
  - Has completed an apprenticeship program registered with the Department of Labor and Employment Security and demonstrates 4 years' verifiable practical experience in the trade for which he or she is licensed, or demonstrates 6 years' verifiable practical experience in the trade for which he or she is licensed?
- 3) What is the eligibility that an individual must have in order to take a proctored journeyman Block or Associates examination or other proctored examination that has been approved by the board? If there is not a standard eligibility requirement we respectfully request for the CILB to implement a rule regarding this issue into the FAC 61G4.

Ms. Kane stated that board came to the conclusion that this issue was not something the board could answer and to not answer the question.

Request from David Fehrenbach, PHCC, Regarding Water Conditioning Service Companies

This request was withdrawn

The board voted unanimously to approve this report.

**RULES REVIEW COMMITTEE – BARRY KALMANSON**

Mr. Kalmanson gave the following report:

The following areas have been suggested for Rule Committee Consideration:

61G4-18.007 Internet Rule

61G4-17.001 Normal Penalty Ranges

The following Rules have been **Noticed:**

61G4-15.032 New Rules for Specialty Pool Contractors

61G4-15.033 New Rules for Specialty Pool Contractors

61G4-15.034 New Rules for Specialty Pool Contractors

61G4-18.004 Approval of Continuing Education Courses

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants

61G4-18.003 Registration of Course Providers

61G4-21.001 Construction Industries Recovery Fund

61G4-21.002 Definitions

61G4-21.003 Filing Claims

61G4-21.004 Claims Review

61G4-21.005 Payment of Claims

61G4-21.006 Collection Efforts

61G4-15.005 Requirements for Certification and Registration

The following Rule is no longer scheduled for **Repeal:**

61G4-15.030 Certification of Registered Contractors (Grandfathering, repeal)

Mr. Kalmanson stated that only 2 of the committee members were present for this meeting so they decided to save the issues for the next month.

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

### **EXAMS/CE/PUBLIC AWARENESS COMMITTEE – RAYMOND HOLLOWAY**

Mr. Holloway gave the following report:

#### ***EXISTING PROVIDER – COURSE RENEWALS***

#### **PALM BEACH COUNTY PLUMBING , PIPEFITTING JOINT EDUCATIONAL TRUST FUND**

Proper Venting Installation on Sanitary Plumbing – approved (2 hrs, no safety)  
Expanded Fuel Gas Code Construction – approved (8 hrs general, no safety & business)  
Expanded Mechanical Code – approved (8 hrs general, no safety/business)  
0 Accessibility Code – approved (8 hrs general, no safety/business)  
Expanded Plumbing Code – approved (8 hrs general, no safety/business)

#### **FORT LAUDERDALE HIGH ADULT CENTER**

Continuing Education Requirement for CE – approved

#### **AQUACAL, INC**

Commercial Pool Heat Pump Sizing and Installation (Name Change) – approved



(2 hrs, no business)  
Swimming Pool Heat Pump Service Center Training (Name Change) – approved  
(4 hrs, no business)

**SIEGFRIED, RIVERA, LERNER, DE LA TORRE & SOBEL, PA**

Florida Construction Law – approved (6 hrs, no safety, no WC)  
Florida Construction Law (12 Hours) – approved (no safety, no WC)  
Florida Construction Liens and Bonds – approved (no safety, no WC)

**EXISTING PROVIDER – NEW COURSES**

**AMERICAN CONSTRUCTION SCHOOL INC**

The New Florida Building Code – approved

**FRSA EDUCATIONAL AND RESEARCH FOUNDATION**

Wind Resistant Roof Title [sic?] Installation – approved (1.5 hrs, no business)  
Basic Torch Safety – approved (no business)  
The Exciting World of Experience Modifications – approved  
Metal Roofing – approved (no business)  
Current Human Resources Issues and How They Affect Your Company  
Approved  
Florida Product Approval Update – approved (no business)  
Federal Tax Update – approved (no business)  
Specifying and Installing Asphalt Shingles – approved (no business)  
NCRA Update on Roofing Industry Technical Issues – approved (no business)

**GOLD COAST SCHOOL OF CONSTRUCTION INC**

Financial Management – approved  
Contract & Project management – approved  
Regulation Compliance – approved  
Financial Management (internet version) – approved  
Contract & Project Management (internet version) – approved  
Regulation Compliance (internet version) – approved

**FLORIDA EDUCATIONAL FACILITIES PLANNERS ASSOCIATION**

Why Old Problems Don't Go Away, They Just Get Prepackage – approved  
Significant Changes to The Uniform Fire Safety Standards – approved  
2004 FBC Section 423 Update – approved  
Florida's Code of Ethics for Public Officers and Employees DENIED

**REDVECTOR.COM, INC**

Advanced FL Building Code 2004 Indoor Environmental Quality Overview - Cont. 60 days

**CERTIFIED MOLD FREE CORP.**

Mold Remediation for Florida Contractors –Worker Training (16 hrs) – approved (no  
ADA)  
Mold Remediation for Florida Contractors – Working Training (24 hrs) – approved (no  
ADA)  
Certified Mold Free New Homes – approved

**ASSOCIATED BUILDINGER AND CONTRACTORS, INC**

Construction Industry Workers' Compensation and Experience Modification - approved

***NEW PROVIDERS WITH COURSES***

**FLORIDA AIR CONDITIONING APPRENTICESHIP ASSOCIATION**

Duct System Design, Fabrication Installation and Maintenance Program – approved

**SUCCESSION PLANNERS, LLC**

Business Succession Planning How to Run Your Business So You Can Leave It  
In Style DENIED – Not construction Related

**SHAVELL & COMPANY, PA**

Cost Segregation Studies: What CPAs and Attorneys Need to Know (3 hr version) –  
approved

Cost Segregation Studies: What CPAs and Attorneys Need to Know (2 hr version) –  
approved

**VLE ENTERPRISES**

Financial Management – approved

Making the Retail Sales Call –DENIED (Not construction related)

***EXISTING PROVIDER – COURSE RENEWALS AND NEW COURSES***

**LORMAN BUSINESS CENTER, INC**

Construction Management/Design-Build (Material Change) – approved

Law of Easements: Legal Issues and Practical Considerations – DENIED (not  
construction)

Construction Project Operations – approved

Zoning, Subdivision and Land Development Law – DENIED (not construction)

**BRB CODE EDUCATORS, INC**

Advances in Long Term Thermal R-Value for Foam Insulations - approved (no business)

The Impact of the FBC & Fire Prevention Code on State Requirements for Educational  
Facilities – approved (no business)

Product Approval – DENIED (not construction)

Florida Accessibility Code – approved

**FLORIDA HOME BUILDERS ASSOCIATION**

On-Site Project Management – approved

Building Proportionally Correct Houses – DENIED (not ???)

Integrated HVAC Design – approved

Secrets the IRS Doesn't Want You to Know – DENIED (full board refusal)

Exceptional People & Exceptional Service = Extraordinary Profits – approved

Scheduling – A Plan or a Pain – approved

Copyrights, Trademarks & Intellectual Property – DENIED (not construction)

Business Accounting & Job Cost – approved

Develop & Implement A Home Builders Safety & Health Management Program –  
Approved

The board voted unanimously to approve this report.

**RECOVERY FUND/FINANCE COMMITTEE – JOAN M. BROWN**

Ms. Brown gave the following report:

02-C0012 - \$20,602.04  
03-C0027 - \$5,759.38  
03-C0097 - \$12,459.00  
03-C0133 - \$23,251.00  
03-C0141 - \$3,657.51  
03-C0180 – Denied  
2003092057 - \$319  
2004010351 - \$9,032.40  
2004034361 - \$2,179.25  
2004038300 – Approved, but vacate and re-issue order to include bankruptcy language  
2004035060 - \$300.93  
2004060565 - \$4,000.00  
2005004573 - \$3,925.21  
2005014293 - \$6,158.75  
02-C0207 – Continued  
00-C0255 - \$15,240  
2005006936 - \$25,000  
99-C0015 – Denied  
01-C0060 – Denied  
02-C0059 – Denied  
02-C0092 – Denied  
02-C0143 – Denied  
02-C0159 – Continued  
02-C0229 – Denied  
03-C0136 – Denied  
2003096617 – Continued  
2004002328 - \$4,495  
2004026638 – Denied

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

**OLD BUSINESS**

No Old Business was discussed.

**NEW BUSINESS**

No New Business was discussed.

**ADJOURNMENT**