

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

**EMBASSY SUITES ORLANDO - NORTH
225 SHORECREST DRIVE
ATLANTAMONTE SPRINGS, FL 32701
407-834-2400**

MAY 14-16, 2008

8:30 AM

BOARD MEMBERS PRESENT

Raymond Holloway, Chair
Barry Kalmanson, Vice Chair
Peggy Bailey
Frank Bonuso
Joan M. Brown
Lorie Clark
Paul Del Vecchio
Carl E. Engelmeier
James Flaherty
Michelle Kane
Robert Moody Jr.
Mark Pietanza
William S. Sheehan
Robert Stewart
Jacqueline Watts
Edward Weller
Don Wilford

BOARD MEMBERS ABSENT

OTHERS PRESENT

G.W. Harrell, Executive Director, DBPR
Andy D. Janecek, Government Analyst, DBPR
Amanda Abbott, Government Analyst, DBPR
Daniel Biggins, Legal Advisor, AGO
William Oglo, Legal Advisor, AGO
Jeff Kelly, Chief Prosecuting Attorney, DBPR
James Fortunat, Assistant General Counsel, DBPR
Marc Drexler, FHCRF Attorney, DBPR
Lisa Comingore

GENERAL SESSION MINUTES

The meeting was called to order by Chair, Raymond Holloway, at 8:31 a.m. Ms. Bailey gave the invocation. Ms. Watts led the Pledge of Allegiance.

REVIEW OF THE MINUTES

- **FINAL ACTION – APRIL 2008**

The Board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT – GW HARRELL

Mr. Harrell discussed the Department of Community Affairs and the projects that they have funded by fees transferred from the Department of Business and Professional Regulation, and these issues would continue to be discussed.

Mr. Harrell also discussed the agenda change and the shift to the electronic agenda and solicited feedback from the board members on how to improve the system. Mr. Kalmanson requested that paper agendas continue to be provided to those board members who request them. Mr. Janecek clarified that this is still the pilot phase and that a lot of issues that arose during this meeting will be rectified in the future.

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

CHAIRMAN'S REPORT – RAYMOND HOLLOWAY

Mr. Holloway discussed the Nominating Committee and that Jacqueline Watts was unanimously voted as the incoming Vice Chair.

The following absences were excused:

Mr. Bonuso – Friday

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

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

For April 2008, the overall case load was 2,315, down from 2,349 in March 2008 and up from 1,682 in April 2007.

There were 713 cases to be reviewed in Legal, 247 cases set for probable cause, and 447 cases where probable cause had been found/administrative complaints filed. 22 cases had stipulations executed/informal hearings requested, 125 cases were ready for default, and 169 cases had requested formal hearings. 106 cases had been referred to DOAH, 135 cases were in settlement negotiations, 240 cases were set for board presentation, and 111 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been re-opened.

For the month of April 2008, 90 cases were closed.

Mr. Kelly asked the board to adopt the following local disciplinary order:

Mack W. Womble – 2008009914. Order was filed 02/07/2008. The board voted unanimously to adopt the local disciplinary order.

RECOVERY FUND ATTORNEY'S REPORT – MARC DREXLER

Mr. Drexler gave the following report:

The year started with \$3.25 million dollars. Through April 30, 2008, \$1,941,867.16 has been disbursed. An additional \$359,598.58 has been obligated, leaving a total cash balance of \$948,534.16. Mr. Drexler anticipates having obligated almost \$3.1 million by the end of the fiscal year (June 2008).

Pending claims for all years is 457, with 33 Division II claims. 253 cases had been received for this year of which 121 were ineligible. 70 new claims were received in April of which 43 were ineligible. 3 claims were recommended for denial and 20 claims were presented to the Committee in April. Incomplete claims over 180 days totals 193 and incomplete claims under 180 days totals 174. There are 5 claims currently under appeal. No new lifetime caps had been instituted.

Mr. Drexler stated the lifetime cap had been reached in the April Committee meeting against Steven Bartlett, CRC 56956, the first contractor to have reached the lifetime cap of claims awarded against him.

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

ATTORNEY GENERAL'S REPORT – DAN BIGGINS/WILLIAM OGLO

COLEMAN-RUSSELL & ASSOCIATES, INC. – REQUEST FOR INFORMAL HEARING

A representative from Coleman-Russell Associates, Inc. was present.

Mr. Biggins presented this case stating the continuing education course applications entitled "Bath Furniture", "Bath and Whirlpool", "Custom Showering", and "Toilet Flushing Technology", were all denied at the November 2007 meeting of the board for failing to be sufficiently related to contracting, and the continuing education course entitled, "Specifying Residential Faucets for Showering" was denied in part for business practices for failing to meet the requirements of Rule 61G4-18.001, F.A.C. The Notice of Intent to Deny was filed in February of 2008. Coleman-Russell & Associates, Inc, timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

RICK STRAWBRIDGE, INC. – REQUEST FOR INFORMAL HEARING

A representative from Rick Strawbridge, Inc. was not present.

Mr. Biggins presented this case stating that Rick Strawbridge, Inc.'s application for a qualified

business license was denied at the September 2007 meeting for failure to have a qualified agent as the qualifying agent's application was not approved. The Notice of Intent to Deny was filed in January of 2008. Rick Strawbridge, Inc. timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

WAYNE WHITE – REQUEST FOR REINSTATEMENT OF NULL & VOID LICENSE

Wayne White was present.

Mr. Biggins presented this case as a request for reinstatement of Mr. White's null & void certified general contractors license. The request was filed in January of 2008.

After discussion the board voted to grant the request to reinstate Mr. White's license.

COMMITTEE REPORTS

ADDITIONAL BUSINESS ENTITIES COMMITTEE – MARK PIETANZA

The Additional Business Entities Committee met on May 14, 2008 from 4:09pm to 5:24pm. Mr. Pietanza chaired the Committee. Of the 28 applications reviewed, 25 were approved, 1 was denied, and 2 were withdrawn.

Applications Approved

Berlingieri, Roberto
Boden, John
Bolton, Jon – reviewed as an addendum
Buchanan, David
Decosmo, Brian
Grant, Huey
Guerrero, Miguel – Approved as CRC
Lechner, Lee
Ludwig, Randall
Ludwig, Randall
Mehaffey, Timothy
Morrisey, Daniel
Motto, Michael
Overstreet, Linda
Overstreet, Linda
Overstreet, Linda
Overstreet, Linda
Porro, Jorge
Rodgers, John
Tatro, Don
Varnum, Hezzie
Varnum, Hezzie
Vina, Javier
Wikel, David
Williams, Reuben

Applications Continued

Brown, Deron – issue of application denial

Applications Withdrawn

Routhier, Richard

Sperry, Todd

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – JIM FLAHERTY

The Exams/CE/Public Awareness Committee met on May 15, 2008 from 12:32pm to 2:57pm. Mr. Flaherty chaired the Committee. Of the 103 courses reviewed, 76 were approved and 27 were denied.

FENESTRATION MANUFACTURERS ASSOCIATION - approved

1st Course: Standard Practice for Installation of Windows in Wood Frame Construction – **approved**.

DIAMOND FINANCIAL SERVICES OF SW FLORIDA – approved

1st Course: Complete Financial Management Workshop – **approved** for 4 hours only including Business; must remove retirement planning & estate conservation/investment planning

NUDURA CORPORATION - approved

1st Course: 1 Day Basic Installation Course – **approved**, sales

SCMI – SCHOOL OF CONSTRUCTION MANAGEMENT, INC - approved

1st Course: Construction Scheduling – **denied**, not enough detail on timeline

2nd Course: Construction Cost Estimating – **denied**, not enough detail on timeline

3rd Course: Water Intrusion & Mold Growth – **denied**, not enough detail on timeline

4th Course: Contract Management for Construction Professionals – **denied**, not enough detail on timeline, not 7 hours

5th Course: Avoiding construction Latent Defects – **denied**, not enough detail on timeline

6th Course: Construction Claims Preparation & Analysis – **denied**, not enough detail on timeline

UNITED RENTAL - approved

1st Course: Excavation Safety – **approved**

AARONS STAFF (0001327)

1st Course: Building Green in the New Economy – Introduction – **approved**

2nd Course: Building Green in the New Economy – Energy – **approved**

3rd Course: Building Green in the New Economy – Safety & Site Management – **approved**

4th Course: Building Green in the New Economy – Water & Materials – **approved**

5th Course: Building Green in the New Economy – After Construction – **approved**

6th Course: Building Green in the New Economy – Green Certifications – **approved**

LORMAN BUSINESS CENTER, INC (0000837)

1st Course: Building Codes – **approved**

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2nd Course: Understanding Geotechnical Reports and Designs – **approved**

3rd Course: Construction Claims – **approved**

4th Course: Managing Construction Projects - **approved**

AMERICAN CONSTRUCTION SCHOOL (0000872)

1st Course: Solar Contracting – **approved**.

UNIVERSAL INSPECTION SERVICE, INC. (0000907)

1st Course: Understanding the New Code – **approved**

FRSA EDUCATIONAL AND RESEARCH FOUNDATION (0000910)

1st Course: Wind Classification of Asphalt Shingles – **approved**

2nd Course: Wind Mitigation Law: Secondary Water Barriers – **approved**

3rd Course: Immigration, No-Match Letters and General Employment Regulations – **approved**

FLORIDA HOME BUILDERS ASSOCIATION (0000916)

1st Course: Using Mitigation Guidelines for Single Family Residential Structures – **approved**

2nd Course: Construction Contracts and Law – **approved**, no laws and rules credit

3rd Course: Significant Changes to the 2007 Florida Building Code – Residential – **approved**

BOSS CONSTRUCTION SCHOOL, INC. (0000923)

1st Course: Laws and Rules for Contractors – **approved**

2nd Course: More construction for the Money – **approved**

SMITH, CURRIE & HANCOCK LLP (0000998)

1st Course: Common Sense Construction Law for Florida Contractors – **approved**

BUILDING OFFICIALS ASSOCIATION OF FLORIDA (0001001)

1st Course: Hurricane Code 101 – **approved**

2nd Course: NSSA Shelters – **approved**

3rd Course: Building Green – An Introduction – **approved**

4th Course: Dealing with Floodplains – **approved**

5th Course: An Update to the Educational Facilities Requirements of the FBC – **approved**

FLORIDA ATLANTIC UNIVERSITY (0001015)

1st Course: Fall Protection, Scaffolding, Work Platforms and Ladders – **approved**, no business practice

2nd Course: Accident Investigation Safety Course – **approved**

3rd Course: OSHA Act of 1970, Inspections, Citations & Workers' Comp – **approved**

4th Course: Occupational Safety & Health, Test Equipment and PPE – **approved**, no business practice

5th Course: Fire Prevention, Extinguishers, Systems & Welding – **approved**, no business practice

6th Course: Respiratory Protection and Fit Testing Competent Person Safety Course – **approved**, no business practice

7th Course: Demolition Competent Person Safety Course – **approved**, no business practice

8th Course: Scaffolding Competent Person Safety Course – **approved**, no business practice

9th Course: Fire Prevention, Protection and Inspection Competent Person Safety Course – **approved**, no business practice

10th Course: Lockout/Tagout Competent Person Safety Course – **approved**, no business practice

- practice
- 11th Course: Rigging Competent Person Safety Course – **approved**, no business practice
- 12th Course: Fall Protection Competent Person Safety Course – **approved**, no business practice
- 13th Course: Electrical Lockout/Tagout, Diving and Barge Safety – **approved**, no business practice
- 14th Course: Excavation, Heavy & Mechanized Equipment – **approved**, no business practice
- 15th Course: Powder Actuated & Hand Tools, Signs and Barricades – **approved**, no business practice
- 16th Course: Masonry, Steel, Tunnels, Shafts & Confined Space – **approved**, no business practice
- 17th Course: Cranes, Rigging, Material & Forklifts/Power Lifts – **approved**, no business practice
- 18th Course: Demolitions, Blasting and Hazardous Substances – **approved**, no business practices
- 19th Course: Contractor’s Recertification Course – Part I – **approved**, conditional upon receiving proof of DCA approval.
- 20th Course: Permit Required Confined Space Entry Competent Person – **approved**, no business practice
- 21st Course: Excavation & Trench Safety Competent Person Safety Course – **approved**, no business practice
- 22nd Course: Construction Accounting & Planning Course – **denied**, not enough detail in course description, sub 2
- 23rd Course: Project Management and Administration – **denied**, not enough detail on timeline

US ARMY CORPS FO ENGINEERS (0001330)

- 1st Course: Dredging – **approved**

SPLASH ENTERPRISES SCHOOL OF CONSTRUCTION (0001348)

- 1st Course: Laws and Rules, Chapter 489 Part I; Chapter 455 and FAC 61G4 – **approved**
- 2nd Course: Wind Mitigation Methodology – **approved**

COAST SOFTWARE, INC. DBA COASTINTERACTIVE.COM (0001627)

- 1st Course: Accounting Basics for Contractors – **approved**
- 2nd Course: Cash Flow Management for Contractors – **approved**
- 3rd Course: Managing Construction Documentation – **approved**

SCHOOL FOR CONTRACTORS AND TRADES (0001797)

- 1st Course: Essence of Construction Continuing Education – **approved**
- 2nd Course: Technical Elements of Construction – **approved**, no laws and rules credit

PROFESSIONAL TRAINING & CONSULTANTS, INC. (0003532)

- 1st Course: Florida Lien Law – **approved**
- 2nd Course: Painting, Coating & Waterproofing CRS for Contractors – **approved**
- 3rd Course: Structural Mitigation for Contractors – **approved**
- 4th Course: Chapter 489 – **approved**

PACEPDH.COM DBA OF THE MEDIA FACTORY, INC (0002868)

- 1st Course: An In-Depth Look at Chapter 489 – Laws & Rules for Florida Contractors (Online Version) – **Approved**
- 2nd Course: An In-Depth Look at Chapter 489 – Laws & Rules for Florida Contractors

(Classroom Version) – **Approved**

PROFESSIONAL PROJECT SOLUTIONS, INC. (0004393)

- 1st Course: Purchasing w/Prolog Managers – **approved**
- 2nd Course: Managing Cash Flow/AIA Requisitions – **approved**
- 3rd Course: Cost Management with Prolog Manager – **approved**
- 4th Course: Introduction to Prolog Manager – **approved**
- 5th Course: Advanced Prolog Administrator – **approved**
- 6th Course: From Conception to Completion of a Project – **approved**, no laws and rules credit

SOUTH FLORIDA CHAPTER ASSOCIATED GENERAL CONTRACTORS (0004396)

- 1st Course: Work Site Safety – **denied**, lack of proof of time tracking and student participation
- 2nd Course: Human Resources 1-9 Form – **denied**, lack of proof of time tracking and student participation; not related
- 3rd Course: Confined Space – **denied**, lack of proof of time tracking and student participation
- 4th Course: Construction Payment – **denied**, lack of proof of time tracking and student participation; no laws and rules
- 5th Course: Defensive Driving – **denied**, lack of proof of time tracking and student participation; not related
- 6th Course: Hot Metals – **denied**, lack of proof of time tracking and student participation
- 7th Course: Florida Workers' Compensation Law – **denied**, lack of proof of time tracking and student participation
- 8th Course: Florida Lien Law – **denied**, lack of proof of time tracking & student participation; not laws & rules
- 9th Course: OSHA Record Keeping – **denied**, lack of proof of time tracking and student participation; no business practice
- 10th Course: Preparing For an Emergency – **denied**, lack of proof of time tracking and student participation; no workplace safety
- 11th Course: Personal Construction Safety – **denied**, lack of proof of time tracking and student participation
- 12th Course: OSHA 101 – **denied**, lack of proof of time tracking and student participation
- 13th Course: Wind Mitigation – **denied**, lack of proof of time tracking and student participation
- 14th Course: Prevention – **denied**, lack of proof of time tracking and student participation
- 15th Course: Office Safety – **denied**, lack of proof of time tracking and student participation
- 16th Course: Chemical Safety – **denied**, lack of proof of time tracking and student participation
- 17th Course: Florida Advanced Building Code (1hour credit for Advanced and other 1 hour for general continuing education credit) – **denied**, lack of proof of time tracking and student participation
- 18th Course: Construction Contract Interpretation – **denied**, lack of proof of time tracking and student participation

FSRA EDUCATIONAL AND RESEARCH FOUNDATION (0000910)

- 1st Course: Propane and Vehicle Safety – **approved**
- 2nd Course: Secrets to Success...Even in Down Markets – **approved**
- 3rd Course: Preparing for a Workers' Compensation Audit – **approved**
- 4th Course: Qualifying as Drug-Free and as a Safe Employer – **approved**
- 5th Course: Preview of the 2007 Florida Building Code – **approved**, conditional upon providing proof of FBC approval within 30 days.
- 6th Course: Roof Tile Installation Recommendations Based on the FRSA/TRI Concrete & Clay Tile Installation Manual (Pending FBC Approval) – **approved**, conditional upon

providing proof of FBC approval within 30 days

Discussion:

Jackie Watts brought up "Pontifax Corp" full CE in one day, not two days, referred for investigation.

FRSA Webinar discussion; Board wondering who will sign-in students as that is the instructor's responsibility. Directed to ask the question during review of proposed application.

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

RECOVERY FUND/FINANCE COMMITTEE – JOAN M. BROWN

The Recovery Fund/Finance Committee met on May 15, 2008 at 1:00 pm. The Committee was chaired by Joan M. Brown. A total of 20 claims were reviewed and a total of \$408,686.35 was awarded.

2004019590 – \$5631.15
2007012295 – \$25,000
2007013361 – Denied
2007033220 – \$50,000
2007037491 – \$15,000
2007038061 – \$6,916.56
2007042061 – \$2,838
2007042098 – \$7556.56
2007042123 – \$30,523.12
2007042166 – \$49,350
2007042181 – \$50,000
2007042263 – \$36,000
2007042275 – \$50,000
2007043954 – \$46,263.12
2007043963 – \$15,959.52
2007046079 – \$10,468.34
2007049676 – Denied
2007049699 – \$4,417
2008007133 – \$5,660
2008007312 – Denied

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

PROBATIONS COMMITTEE – CARL ENGELMEIER

The Probations Committee met on May 15, 2008 at 1:30 pm. The Committee was chaired by Carl Engelmeier. Of the 18 scheduled appearances, 13 were satisfactory, 3 were continued, and 2 had the Stays of Suspension lifted on their license.

Aiello, John – CAC 1815313

Result: Satisfactory

Bush, Sheron – SCC 56761

Result: Satisfactory

Cross, Robert – CBC 53668

Result: Continuance granted

Emmanuelli, Fabricio – CBC 1254049

Result: Stay of Suspension Lifted

Franklin, Michael – CBC 58822

Result: Satisfactory

Griffis, Roger – CGC 24765

Result: Continuance granted

Hand, Martin – CGC 57984, CCC 57734

Result: Stay of Suspension Lifted

Heminger, Donald – CRC 58539

Result: Satisfactory

Kodsy, Sherif – RB 29003399

Result: Satisfactory

Lockwood, James – CCC 58334

Result: Continuance granted

Lore, Jesse – CBC 1251349

Result: Satisfactory

McKenna, Kenneth – CPC 1456482

Result: Satisfactory

Milstead, John – CAC33632

Result: Satisfactory

Saylor, Robert – CGC 21753

Result: Satisfactory

Sclease, Louis – CGC 36233

Result: Satisfactory

Sawdo, Michael – CGC 1509901

Result: Satisfactory

Sumlin, Joseph Allen – CGC 59044, SCC 45055

Result: Satisfactory

Teixeira, Barry – CFC 1427464

Result: Satisfactory

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

APPLICATION REVIEW COMMITTEE – JACQUELINE WATTS

The Application Review Committee met on May 15, 2008 from 4:08 to 6:38. Ms. Watts chaired the Committee. Of the 34 applications reviewed, 19 were approved, 2 were approved as downgrades, 1 was approved with probation, 1 was denied, 5 were continued, and 1 was withdrawn, and 5 were pulled.

Applications Approved

Aulicino, Thomas Robert
Blasioli, Edward Joseph
Curry, II, Nathaniel Tyrone
Dehne, Carl Joseph
Dewar, Steven Wayne
Dunn, James Ronald
Gainey, Elijah Franklin – probation for 5 years
Girard, Arthur
Gomez, Wilbert
Heal, Albert
Mirabal, Segundo Ramon
Montoya, Walter – Downgrade to a Class B Air
Orozco, Juan P. – Downgrade to Residential
Padron, David Anthony
Pruitt, John M.
Rodriguez, Arnaldo
Shafer, Howard Shane
Shingledecker, Jeffrey Scott
Suissa, Gilles
Villarroel, Delitza J
Webber, Raymond John
Williams, Sr., Lee Henry

Applications Continued

Bessenroth, Nicholas Bruno – continued for 60 days second entity
Burri, Randall J. – continued for 60 days
Toledo, Louis E. – continued for 30 days
Wallace, Samantha S. – continued for 60 days to find another verifier
Winters, Justin Bryan – continued for 60 days

Applications Denied

Bryan, Lancelot

Applications Withdrawn

Elderkin, Jr., Donald Lee

Applications Pulled

Beckner, II, Robert Eugene
Hudson, John Brian
Kelly, James J.
Murray, Theodore A.

Wright, Barrett Jamison

Ratification of Financially Responsible Officer list on 04/15/08.

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

AD HOC LICENSURE QUALIFICATIONS COMMITTEE – PAUL DEL VECCHIO

Mr. Del Vecchio gave the following report:

Discussion occurred of the types of vertical construction that may be performed by underground utility and excavation contractors.

Work experience issues related to certification applications was discussed.

Discussion of permissible activities for licensed and unlicensed construction managers occurred.

Pre-licensure education was briefly touched on as well.

RULES/PUBLIC/LEGISLATIVE COMMITTEE – BARRY KALMANSON

The Rules/Public/Legislative Committee met on May 15, 2008 at 4:00 pm. Mr. Kalmanson chaired the Committee and gave the following report:

The following Rules have been **DEVELOPED**:

61G4-12.009 Fees

61G4-15.008 False Statements

61G4-16.0021 (1) Written Exam for Swimming Pool Specialty Contractors

The following Proposed Rules have been **NOTICED**:

61G4-15.001 Qualification of Certification

61G4-15.028 Precision Tank Testers

61G4-15.029 Tank Lining Applicators

61G4-15.032 Certification of Swimming Pool Specialty Contractors

61G4-16.001 Examination Requirements

61G4-18.002 Definitions

61G4-21.005 Payment of Claims

The following Rules have been **ADOPTED**:

61G4-18.003 Registration of Course Providers

61G4-18.004 Approval of Continuing Education Courses

61G4-21.002 Definitions

61G4-21.003 Filing Claims

61G4-21.004 Claims Review

61G4-21.006 Collection Efforts

The board voted unanimously to approve the rule change in which the Laws & Rules continuing education requirement is satisfied by attending Final Action and the rule will go under development and be ready for the next board meeting.

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

OLD BUSINESS

No Old Business was discussed.

NEW BUSINESS

Mr. Kalmanson distributed cards with the penalty guidelines for the board members convenience.

Mr. Kalmanson asked if the board would be assigned a new attorney as the board has lost one since the last meeting. Mr. Kelly and Mr. Harrell did not have an answer and stated that discussion about the amount of attorneys assigned to the Construction Board is still going on, and whether or not it was better to have more attorney's who could dedicate less of their time to the board or one or two attorney's who could dedicate more of their time. Mr. Biggins stated that Mr. Oglo resigned suddenly and stated that further discussion about filling his position is ongoing.

ADJOURNMENT

With no other business to discuss the meeting was adjourned at 9:49 am.