

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**SIRATA RESORT & CONFERENCE CENTER
5300 GULF BOULEVARD
ST, PETE BEACH, FL 33706**

NOVEMBER 12-14, 2008

GENERAL SESSION MINUTES

Board Members Present

Jacqueline Watts, Acting Chair
William S. Sheehan (absent)
Peggy Bailey
Don Wilford (absent)
Elbert Batton
Frank Bonuso
Paul Del Vecchio, Acting Vice Chair
Carl E. Engelmeier
James C. Evetts
James Flaherty
Raymond Holloway
Jerry D. Hussey
Michelle Kane
Roy R. Lenois
Robert Moody Jr.
Mark Pietanza
Edward Weller

Others Present

G.W. Harrell, Executive Director, DBPR
Andy D. Janecek, Government Analyst, DBPR
Amanda Abbott, Government Analyst, DBPR
Daniel Biggins, Legal Advisor, AGO
Jeff Kelly, Chief Prosecuting Attorney, DBPR
Paul Waters, Prosecuting Attorney, DBPR

NOMINATING COMMITTEE – JACQUELINE WATTS

The Nominating Committee was called to order by Ms. Watts on Wednesday November 12, 2008 at 5:30 pm.

The board voted unanimously to hold the vote for the appointment of the Vice Chair from Division I in January 2009. Natural succession would place Jacqueline Watts as Chair once the Vice Chair has been appointed.

GENERAL SESSION

CALL TO ORDER – ACTING CHAIR, JACQUELINE WATTS

General Session was called to order by Chair, Jacqueline Watts on November 14th, 2008, at 8:30 am. Mr. Holloway gave the invocation. Mr. Del Vecchio led the Pledge of Allegiance.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell discussed Board member training which took place on Wednesday where new board member handbooks were passed out. Ms. Bailey thanked board staff for putting the training on, and Mr. Harrell thanked Deputy Secretary Maureen Olson for coming up with the idea for the training. Mr. Harrell thanked the departing board members and stated they would be receiving a plaque for their service. Mr. Harrell also congratulated the new members appointed to the board and stated he was impressed with how they did during their first meeting.

Mr. Harrell also discussed the Nominating Committee which met on Wednesday where Jacqueline Watts took over as Chair for the time period of January 2009 to December 2009, at which time the Nominating Committee would meet again. Mr. Harrell stated committee reassignments would need to be decided upon well in advance of the January 2009 meeting so if anyone had any preferences on which committee they would like to serve on to let him know. Mr. Harrell also stated that if anyone wanted to Chair a committee to let him know as well. Mr. Harrell held a vote with the entire board to adopt the Nominating Committee's appointment of Ms. Watts as Chair, and to vote a Division I member to Vice Chair in January 2009. The board voted unanimously to adopt these appointments.

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

CHAIRMAN'S REPORT – JACQUELINE WATTS

Ms. Watts stated if anyone had preferences on committee appointments to give those to Mr. Harrell, and if anyone would like to chair a committee to let Mr. Harrell know those as well.

The following absences were excused:

Mr. Sheehan (whole meeting)
Mr. Wilford (whole meeting)

The board voted unanimously to approve the October 2008 Final Actioin minutes.

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

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

For October 2008 the overall case load was 2,313, down from 2,366 in September or 2008 and up from 2,017 from October of 2007.

There were 554 cases to be reviewed in Legal, 235 set for probable cause and 499 where probable cause had been found/administrative complaints filed. 181 cases were ready for default, 96 had stipulations executed/informal hearings requested, and 140 had requested formal hearings. There were 33 cases were referred to DOAH, 121 were in settlement negotiations, 193 cases awaiting final orders, and 261 were set for Board presentation. There were 0 cases under appeal and 0 cases reopened. 190 cases were closed for the month of October.

Mr. Kelly presented a local discipline case against David Allen Love. The local board was Leon County and the order date was September 4th, 2008. The order recommendation was \$26,516.79 Restitution to Jack Solvent, \$5,500 in fines, and \$649.04 in Investigative Costs for Leon County. The order also requested suspension of Mr. Loves license until compliance with the order. The board voted unanimously to adopt this order.

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

ATTORNEY GENERAL'S REPORT – DAN BIGGINS/CARROL CHERRY

WILLIAM ANDRES – REQUEST FOR INFORMAL HEARING

Mr. Biggins stated this case had been pulled from the agenda.

KURT ARON – REQUEST FOR EARLY TERMINATION OF PROBATION

Mr. Aron was present.

Mr. Biggins presented this case as a request for early termination of probation. Mr. Aron stated he had paid all his restitution, paid all his fines, and has not had an unsatisfactory probation appearance.

After discussion the board voted unanimously to deny the request for early termination of probation.

JEAN BONANEY – REQUEST FOR INFORMAL HEARING

Mr. Bonaney was present.

Mr. Biggins presented this case stating Jean Bonaney's application for initial licensure as a Certified Roofing Contractor was denied for failure to demonstrate financial stability and failure to show good moral character. Mr. Bonaney received a Notice of Intent to Deny. Mr. Bonaney timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

LUIS ESCOBAR – REQUEST FOR INFORMAL HEARING

Mr. Escobar was present.

Mr. Biggins presented this case stating Luis Escobar's application for initial licensure as a Certified General Contractor was denied for failure to demonstrate the required experience. Mr. Escobar received a Notice of Intent to Deny. Mr. Escobar timely requested board reconsideration.

After discussion the board voted unanimously to approve the application as a downgrade to a Certified Building Contractors license.

FLORIDA MASONRY APPRENTICE & EDUCATIONAL FOUNDATION, INC. – REQUEST FOR INFORMAL HEARING (CE)

A representative from Florida Masonry Apprentice & Educational Foundation, Inc. was present.

Mr. Biggins presented this case stating the application for a course from Florida Masonry Apprentice & Educational Foundation, Inc. was denied for failure of the course timeline to be sufficiently detailed. Florida Masonry Apprentice & Educational Foundation, Inc. received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board voted unanimously to approve the course as 3.5 hours of general credit.

FRSA EDUCATION & RESEARCH – REQUEST FOR INFORMAL HEARING

A representative from FRSA Education & Research was present, Barbara Crenshaw

Mr. Biggins presented this case stating the application for a course from FRSA Education & Research was denied for instructor qualifications. FRSA Education & Research received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board voted unanimously to approve the course as a 4 hour course.

MARTIN G. HAND – REQUEST TO REINSTATE PROBATION

Mr. Hand was present.

Mr. Biggins presented this case stating Martin Hand's license previously had the Stay of Suspension lifted from his license for failing to appear or submit a probation package or request a continuance.

After discussion the board voted unanimously to reinstate the probation with a \$200 assessment and one unsatisfactory appearance on Mr. Hand's record.

JAMES HATTON – REQUEST FOR EARLY TERMINATION OF PROBATION

Mr. Hatton was present with Counsel, Andy Mason.

Mr. Biggins presented this case as a request for early termination of probation. Mr. Hatton was originally placed on probation as a condition of licensure. After discussion the board voted to reduce the amount of probation to one more satisfactory appearance following this meeting and his probation will be fulfilled.

EDELSON LAVADO – REQUEST FOR INFORMAL HEARING

Mr. Lavado was not present.

Mr. Biggins presented this case stating Edelson Lavado's application for initial licensure as a Certified Roofing Contractor was denied due to pending discipline and failure to demonstrate the required experience. Mr. Lavado received a Notice of Intent to Deny. Mr. Lavado timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

NEAL MCCORMICK – REQUEST FOR INFORMAL HEARING

Mr. McCormick was not present.

Mr. Biggins presented this case stating Neal McCormick's application to qualify an additional entity was denied for failure to appear. Mr. McCormick received a Notice of Intent to Deny. Mr. McCormick timely requested board reconsideration and requested the application be sent back to the Additional Entities Committee.

After discussion the board voted unanimously to uphold the denial.

GREGORY MORABITO (PIONEER CONCRETE OF THE TREASURE COAST, INC.) – REQUEST FOR INFORMAL HEARING

Mr. Biggins presented this case stating it had been pulled from the agenda.

GREGORY MORABITO (PIONEER CONCRETE II) – REQUEST FOR INFORMAL HEARING

Mr. Biggins presented this case stating it had been pulled from the agenda.

SCHOOL FOR CONTRACTORS AND TRADES – REQUEST FOR INFORMAL HEARING (CE)

A representative from School for Contractors and Trades was not present.

Mr. Biggins presented this case stating the application for a course submitted by School for Contractors and Trades was denied at a previous meeting for failing to include the Laws & Rules credit. School for Contractors and Trades received a Notice of Intent to Deny. School for Contractors and Trades timely requested board reconsideration.

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

DENIS SOLANO – REQUEST FOR INFORMAL HEARING

Mr. Solano was not present.

Mr. Biggins presented this case stating Denis Solano's application to qualify an additional business was denied for failure to appear. Mr. Solano received a Notice of Intent to Deny and timely requested board reconsideration and requested the application be sent back to the Additional Entities Committee.

After discussion the board voted unanimously to uphold the denial.

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

COMMITTEE REPORTS

ADDITIONAL BUSINESS ENTITIES COMMITTEE – MARK PIETANZA

The Additional Business Entities Committee met on November 12, 2008 from 4:00 – 7:03p.m. Mr. Pietanza led the meeting. Of the 71 applications reviewed, 49 were approved, 4 were approved contingent, 10 were denied, 5 were continued, and 3 were withdrawn.

APPROVALS (49)

Andreu, Lipren
Arnold, Charles
Blanco, Ubaldo
Brown, Richard
Buckingham, Harold
Cabada, Jorge
Cannon, John
Carroll, Richard

Colodny, Russell
Cook, Mercer
Corbett, Clarence
Corsa, Guillermo
Costoya, Domingo
Derrer, Willian
Eames, John
Flood, Steven
Gates, Todd E
Glickstein, Cary
Gonzalez, Andrew
Grose, George
Gureckis, Peter
Jamsky, Joseph
Jones, Donald
Kalb, April
Keadle, Carton
Lattner, Peter
Letendre, Dennis
Livermore, Roger
Mauk, John
Mecias, Annie
Owens, Emmett
Palmer, Jay
Patton, Damon
Pfeffer, Oliver
Popa, Brandon
Popa, Philip
Powell, Benjamin
Roberts, David
Rogers, Michael
Scheipsmeier, Michael
Slaughter, Travis
Soule, Moseley
Thompson, John
Wasiniak, Andrew
Wiseman, John
Woods, Hal
Yake, Terry
Yoder, John

DENIED (10)

Eveland, Michael Mark
Garcia-Menocal, Marco
Gay, William
Guttveg, Guttveg
Horan, Michael
Lamb, Joseph
McNeill, James

Pointer, Dustin
Pratt, John R

CONTINGENT APPROVALS (4)

Cochrane, Thomas – \$6,000 assessment
Dewitt, Christopher – must provide proof of W2 employee status of proposed entity.
Fitch, John – must provide proof of 10% ownership or W2 employee status of proposed entity.
Moore, Phillip – \$15,000 assessment

CONTINUANCES (5)

Cata, Teresa – continued 60 days (*the applicant appeared at General Session on Friday. The board voted unanimously to reopen the application. The applicant waived the deemer clause and was granted the 60 day continuance.*)
Cohen, Harvey – continued 60 days
Highnote, Donald – continued 60 days
Pappas, Johnny – continued 60 days
Sifontes, Luis – continued 60 days

WITHDRAWAL (3)

Blake, Christian
Gonzalez, Mauricio
Scavuzzo, Cristina

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – JIM FLAHERTY

The Exams/CE/Public Awareness Committee met on November 13, 2008 from 2:30 pm – 4:00 p.m. Mr. Flaherty led the meeting. Of the 72 courses offered, 69 were approved and 3 were denied.

I. REVIEW OF CONTINUING EDUCATION PROVIDERS & COURSE APPLICATIONS.

A. ACT GROUP, INC

1ST Course: Business to Business selling (Tapping the Light Commercial Replacement Market) – Denied.

B. AIA FLORIDA/AMERICAN INSTITUTE OF ARCHITECTS

1ST Course: Advanced Accessibility- Compliance – The Good, The Bad, The Ugly or Why Did I Do That? – Denied.

C. ALL FLORIDA CONTRACTOR'S NOTICE, INC

- 1st Course: a Contractor's Survival Guide for the Modern Economy – Approved
- 2nd Course: Construction Contracts – Approved
- 3rd Course: Florida Construction Lien & Payment Bond Law– Approved w/o laws/ rules.
- 4th Course: Florida Construction Lien Law in A Nutshell – Approved w/ just business practice.
- 5th Course: Florida Contractor's Licensing – Approved w/o laws and rules.

D. ASSOCIATED BUILDERS AND CONTRACTORS INSTITUTE DBA ABC INSTITUTE

- 1ST Course: Construction Financial statement – Approved
- 2nd Course: Preconstruction Service Best Practice – Approved
- 3rd Course: What is Green Building – Approved w/o business.

E. BROWARD COUNTY BOARD OF RULES AND APPEALS

- 1ST Course: Duct Smoke Detectors, Requirements for Installation, Testing and Maintenance – Approved w/o wind midigation.
- 2nd Course: Hurricane Mitigation, Retrofits – Approved w/ wind midigation.

F. BUILDING OFFICIALS ASSOCIATION OF FLORIDA

- 1ST Course: Building Green and the Energy Code– Approved.
- 2nd Course: Florida Building Code – Approved.

G. BURSI (Provider with Architecture/Interior Design Board)

- 1ST Course: Better Understanding of Roofing System Institute – Approved

H. CONSTRUCTIVE ESTIMATING INSTITUTELS

- 1ST Course: Successful Estimating & Bidding Techniques – Approved

I. CONSTRUCTIVE RESOURCES, INC DBA AAA SOLAR SOURCE

- 1ST Course: Solar Photovoltaic (PV) Education I – A Basic Understanding – Approved
- 2nd Course: Solar Photovoltaic (PV) Education II – Advanced Installation – Approved

J. FLORIDA AIR CONDITIONING APPRENTICESHIP ASSOCIATION

- 1ST Course: HVAC Quality Installation – Approved

K. FLORIDA POOL AND SPA ASSOCIATION DBA FLORIDA SWIMMING POOL ASSOCIATION

- 1ST Course: Advanced Water Chemistry – Approved
- 2nd Course: Basic Electricity and the NEC for Swimming Pools – Approved
- 3rd Course: Blue Water, green Equipment – Approved
- 4th Course: Business Planning and Development – Approved
- 5th Course: Call 811 Before you dig: Damage, Prevention & safety – Approved
- 6th Course: Cast Rock Construction– Approved
- 7th Course: Chlorine Generators- Understanding and Troubleshooting – Approved

8th Course: Designing Business Plans for Pool & Spa Professionals – Approved
9th Course: Diagnosing & Troubleshooting Today's Heat Pump – Approved
10th Course: Florida Sales Use Tax for the Pool Industry – Approved
11th Course: Gas Supply Issues & Troubleshooting for Pool & Spa Heaters – Approved
12th Course: Green Market Segment Energy Efficient Technology – Approved
13th Course: Installing High End Vinyl Pools: What to do before adding water – Approved
14th Course: Maintenance & Repair of Gas Heaters – Pool & Spa Applications – Approved
15th Course: Multi- speed Pump Usage to Maximize Efficiency - Approved
16th Course: Pool finishes - Approved
17th Course: Project Profiles: Execution of Technically Advanced Watershapes with Challenging Side Conditions - Approved
18th Course: Pump and Motors – Approved
19th Course: Recreational Water Illnesses (RWI's) in Spas- Approved
20th Course: Recreational Water Illnesses (RWI's) in Swimming Pools- Approved
21st Course: Refrigeration Fundamentals as they relate to swimming pools (Heat Pumps) - Approved
22nd Course: Resolving conflict constructively & avoiding workplace (violence)- Approved
23rd Course: Salt Chlorinators and PH and ORP Monitoring/ Dispensing- Approved
24th Course: Technical Advancements in Swimming Pool Heating (1-hr) - Approved
25th Course: Technical Advancements in Swimming Pool Heating (2-hr)- Approved
26th Course: Technical Knowledge of Business Management- Approved
27th Course: UV: Shedding a New Light on Recreational Water Treatment- Approved

GOLD COAST SCHOOL OF CONSTRUCTION, INC

1ST Course: Ethics for the Construction Professional – Approved
2nd Course: Ethics for the Construction Professional – (Internet version) – Approved
3rd Course: Successful Business Practices – Approved
4th Course: Successful Business Practices (internet version) – Approved
5th Course: Workers; Comp Overview – Approved
6th Course: Workers; Comp Overview (Internet version) – Approved
7th Course: Workplace Safety: A look at OSHA – Approved
8th Course: Workplace Safety: A look at OSHA (Internet version) – Approved

M. JOHN MILLER

1ST Course: Getting the most from your existing software program – Approved

N. LAKE MECHANICAL CONTRACTORS, INC

1ST Course: Cooper Brazing – Testing and certification – Approved

O. LARSONALLEN LLP

1ST Course: Bonding for contractors – Approved
2nd Course: Contractor Accounting – Approved

P. LORMAN BUSINESS CENTER, INC DBA LORMAN EDUCATION SVCS

1ST Course: Public contracts and procurement – Approved

Q. MIAMI DADE COLLEGE

1ST Course: 7 Mandatory Hours Course – Approved

R. MECHANICAL CONTRACTORS ASSOCIATION OF SOUTH FLORIDA

1ST Course: Which code Do I use? Part 1 – Approved

2nd Course: Which code Do I use? Part 2 – Approved

S. NACM TAMPA, INC

1ST Course: – Construction Liens & Bonds a roadmap to protecting your rights in Florida - Approved

T. OLD CASTLE COASTAL

1ST Course: – Raised patio construction - Approved

U. PLUMBING CONTRACTORS ASSOCIATION

1ST Course: – The Construction contract a review of Key Provisions - Approved

V. SCHOOL OF STRUCTION MANAGEMENT (SCMI)

1ST Course: Avoiding construction latent defects – Approved

2nd Course: Construction Claims Preparation & Analysis – Approved

3rd Course: Construction cost estimating – Approved

4th Course: Construction Scheduling – Approved

5th Course: Contract management for construction professionals – Approved

6th Course: Water intrusion & mold Growth – Approved

W. TILE ROOFING INSTITUTE

1ST Course: – TRI Specialist Certification – Approved

PROBATIONS COMMITTEE – CARL ENGELMEIER

The Probations Committee met on November 13, 2008 from 1:30 pm – 2:30 pm. Mr. Engelmeier led the meeting. Of the 19 scheduled appearances, 10 were satisfactory, 5 were continued and 4 Stays of Suspension were listed.

Aiello, John, (CAC 1815313)

Result: Satisfactory

Bookhardt, Aldon, (CGC 1505081)

Result: Satisfactory

Burchfield, Joseph, (CCC 58201)

Result: Continued for 6 months.

Cross, Robert, (CBC 53668)
Result: Stay of Suspension lifted

Franklin, Michael, (CBC 58822)
Result: Satisfactory

Garvin, Isaac, (CCC 57644)
Result: Continued for 6 months

Gilbert, Bryce, (CFC 1426053)
Result: Satisfactory

Goodman, Sam, (CGC 57446)
Result: Continued for 6 months

Griffis, Roger, (CGC 24765)
Result: Continued for 6 months

Heminger, Donald, (CGC 60830)
Result: Stay of Suspension lifted

Kodsy, Sherif, (RB 29003399)
Result: Satisfactory

Lockwood, James, (CCC 58334)
Result: Stay of Suspension lifted

Lore, Jesse D., (CBC 1251349)
Result: Continued for 6 months

McKenna, Kenneth, (CPC 1456482)
Result: Satisfactory

Milstead, John, (CAC 33632)
Result: Satisfactory

Rickel, Robert, (CGC 58696)
Result: Satisfactory

Saylor, Robert, (CGC 21753)
Result: Satisfactory

Sumlin, Joseph, (SCC 45055, CGC 59044)
Result: Stay of Suspension lifted

Teixeira, Barry, (CFC 1427464)
Result: Satisfactory

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

APPLICATION REVIEW – WILLIAM SHEEHAN

Division I Board members met for Application Review on November 13, 2008 from 1:30 – 5:06p.m. Ms. Watts led the meeting. Of the 54 applications reviewed, 28 were approved, 6 were conditionally approved, 4 were continued, 3 were withdrawn, 12 were denied and 1 was pulled.

APPROVALS (28)

Bergsbaken, Kurt Ross
Bozeman, Clayton Robert
Burnett, Wayne Thomas
Couillard, Cynthia Faye
Coyle, Laurel Ann
Cuello, Roberto Patricio
Demaggio, Christopher
Douberley, Chad Caneron
Dryden, Rickey Ray
Evans, Scott M
Garcia, Juan C
Garcia, Jason Bryan
Gebelhoff, Gary Steven
Green, Kyle Patrick
Hubbard, Michael Paul
Kleiner, Henry
Miller, Keith Ford
Rodriguez, Mario Enrique
Romano, Daniel Stephen
Spangler, Timothy Scott
Swindell, Jason Todd
Torres, David Elias
Vega, Jose Antonio
Vickery, Steven Kishi
Yeager, Phillip Alan

CONDITIONAL APPROVALS (6)

Arvidson, Eric Wayne. – downgrade to CRC.
Blankenship, Dean Joseph – with 4 years probation and once a year criminal check.
Henry, Laura Kay – downgrade to CBC.
Jaimes, Homar Horacio – downgrade to CBC.
Lewis, Joshua Mac – with 4 years probation.
Magis, Matthew Robert– downgrade to CRC.
Roberts, William James– with 4 years probation and annual background check.
Smith, Dona A – downgrade to CBC.
Wilkey, Ryan Richard – with 2 years probation

CONTINUANCES (4)

Conwell, Kenneth – continued 60 days
Grant, Ernest Ross – continued 60 days.
Mills, John, Sara Beth – continued 60 days and provide transcript and detailed experience.
Teicher, Mitchell – continued 60 days

DENIALS (12)

Bass, Connie Jr.
Bedard, Michael Joseph
Bustamante, Eliecer
Gates, Paul Miller
Godzak, David Andrew
Guardia, Liz Marie
Legakis, Lucille
Mcgriff, Ronnie Sr.
Platt, Richard S
Schmidter, Josh Mark
Smith, Kevin Gene
Tauscher, Michele L

WITHDRAWN (3)

Hilliard, James Edward
Tillery, Steven Douglas

PULLED(1)

Cuellar, Juan

AD HOC LICENSURE QUALIFICATIONS COMMITTEE – PAUL DEL VECCHIO

Mr. Del Vecchio had a discussion with respect to experience forms for Division II contractors and a discussion with respect to Solar Contractor scopes of work that are also in the plumbing category.

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE

The following Rules have been **Developed**:

61G4-15.012 Certification of Residential Solar Water Heater Specialty Contractors

61G4-18.002 Definitions

61G4-18.004 Approval of CE Courses

61G4-18.005 Qualifications of Course Instructors

The following proposed Rules have been **Noticed**:

61G4-12.009 Fees

61G4-15.001 Qualification for Certification

61G4-15.001 (1)(b) Qualification for Certification

61G4-15.028 Precision Tank Testers

61G4-15.029 Tank Lining Applicators

61G4-15.032 Certification of Swimming Pool Specialty Contractors

61G4-21.005 Payment of Claims

The following Rules have been **Adopted**:

61G4-12.011 Definitions

61G4-18.001 CE Requirements

A presentation from a CE provider was given with respect to a new CE requirement. The Committee also recommended removing from consideration the Certification of Residential Solar Water Heater Specialty Contractors rule from future rule reports, tabling the CE rule discussion, and approving the Qualification of Course Instructors rule.

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

OLD BUSINESS

There was no old business discussed.

NEW BUSINESS

There was no new business discussed.

ADJOURNMENT