

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

**EMBASSY SUITES ORLANDO DOWNTOWN
191 EAST PINE STREET
ORLANDO, FL 32801
407.841.1000 (hotel phone)**

SEPTEMBER 15, 2006

BOARD MEMBERS PRESENT

Joan M. Brown, Chair
Paul Del Vecchio, Vice-Chair
Peggy Bailey
Lorie Clark
Joe Cook
Lee-En Chung
Jim Flaherty
Raymond Holloway
Barry Kalmanson
Michelle Kane
Mark Pietanza
Robert Stewart
Jacqueline Watts
Don Wilford

BOARD MEMBERS ABSENT

Thomas Thornton (excused)
Edward Weller (excused)

OTHERS PRESENT

G.W. Harrell, Executive Director
Diane Guillemette, Board Counsel, AGO
Patrick Creehan, Chief Prosecuting Attorney
Adrienne Rodgers, Recovery Fund Attorney
Stacey Merchant, Government Analyst II
Andy Janecek, Government Analyst I
Valeria Singleton, Regulatory Consultant/Supervisor

The meeting was called to order by Paul Del Vecchio, Chair, at approximately 8:04 a.m. Mr. Stewart gave the invocation and Mr. Del Vecchio led the Pledge of Allegiance.

REVIEW OF MINUTES

- **Final Action – August, 2006**

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Harrell reported that 93% of the certified contractors were in compliance with the required continuing education credits and the renewal process.

CHAIRMAN'S REPORT

Mr. Weller and Mr. Thornton's absences were excused.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

As of August 2006, there were 399 cases in Legal, 194 cases set for Probable Cause, 300 cases had probable cause found/Administrative Complaints found and 163 were ready for Default. There were 164 cases with Stipulations executed/Informal Hearings requested, 133 cases with Formal Hearings requested and 6 cases were referred to DOAH. There were 81 cases awaiting Final Orders, 22 cases in settlement negotiations, 0 cases under Appeal and 0 cases was reopened.

The board voted unanimously to ratify the Local Disciplinary Orders pulling A4.

ATTORNEY GENERAL'S REPORT

Advanced Builders College, Inc. – Request for Informal Hearing

No one was present.

Ms. Guillemette presented this case stating that these applications were denied at the June meeting of the Board. The Notice of Intent to Deny was received on July 10, 2006.

The request for review was timely filed.

After discussion, the Board voted unanimously to uphold the ruling of the Continuing Education Committee.

Florida International University – Request for Informal Hearing

No one was present.

Ms. Guillemette presented this case stating that this application was denied at the May meeting of the Board. The Notice of Intent to Deny was received by applicant on June 26, 2006. On July 20, 2006 a Petition for Appeal Hearing was filed.

After discussion, the board voted unanimously that the Petition was untimely.

HornerXpress – Request for Informal Hearing

This request was withdrawn.

Todd Johnson – Request for Informal Hearing

Mr. Johnson was present.

Ms. Guillemette presented this case stating that Mr. Johnson's application was denied at the February meeting of the Board. The denial was based on Mr. Johnson's failure to appear.

After discussion, the board voted unanimously to send Mr. Johnson's application back to the October Additional Business Committee Meeting.

Heather Dawn Michael – Request for Informal Hearing

Ms. Michael was present with Attorney Jennifer O'Barr.

Ms. Guillemette has requested that the Board consider reinstating her null and void license under the new provision of 455.271, Florida Statutes.

The Board found that the Petitioner failed to present evidence of a good faith effort to comply with the license renewal and failed to present evidence which rose to the level of illness or unusual hardship.

After discussion, the board voted to deny Ms. Michael's request.

Rickey Morgan – Request for Informal Hearing

Mr. Morgan was present for this hearing.

Mr. Morgan asked the board to continue this case so that he could be represented by an attorney.

The board voted unanimously to continue this case until the January 2006 meeting.

National Roofing Contractors – Request for Informal Hearing

Ms. Jean Schehl was present for this case.

Ms. Guillemette presented this case stating that the National Roofing Contractor's Association's application for continuing education credit for the course "Specright: Energy – Efficient Roof System Design" was denied at the June meeting of the board.

After discussion the board voted unanimously to approve this course.

Tampa Bay Pipe Trades JATC – Request for Informal Hearing

This was approved at the September 14, 2006 Continuing Education Committee meeting.

Robert Fleming – Request for Early Termination of Probation

Mr. Fleming was present for this case.

Ms. Guillemette presented this case stating that Mr. Fleming's application was conditionally approved with probation until his civil rights have been restored in summer 2003.

Mr. Fleming is requesting early termination of his probation.

After discussion the board voted unanimously to terminate Mr. Fleming's probation.

William Gentry – Request for Reinstatement of Null and Void License

Mr. Gentry was present for this case.

Ms. Guillemette presented this case stating that Mr. Gentry is requesting that the board reinstate his null and void license.

Mr. Gentry's license went delinquent in August 1996 and null and void in August 1998. Mr. Gentry has not completed any continuing education credits.

After discussion the board voted unanimously to deny this request.

Gregory V. Moore – Request for Informal/Formal Hearing

Mr. Moore was not present for this hearing.

Ms. Guillemette presented this case stating that Mr. Moore's application was denied at the March meeting based on open complaints.

This case was continued by request of Mr. Moore from the June meeting.

After discussion the board voted unanimously to uphold the denial of Mr. Moore's application.

~~James Powers – Petition for Variance and Waiver –~~ **WITHDRAWN PER PETITIONER – 09/07/2006**

John Rullman – Request to Reserve Right to Review

Mr. Rullman was not present for this case.

Ms. Guillemette presented this case stating that Mr. Rullman's request for reinstatement of null and void license was denied at the March meeting of the board.

Mr. Rullman filed a request to reserve his right to review on June 19, 2006.

After discussion the board voted unanimously to deny this request.

Rule 61G4-15.0021 – Consider Change to Rule

Ms. Guillemette presented this stating that this rule was originally approved by the rules committee with language changing the bond to \$500,000.

On July 21, 2006 CIRF Attorney Adrienne Rodgers brought the division I, division II inequity to the committee's attention.

At the August meeting the Rules Committee changed the language making the bond reliant on the lifetime cap.

Ms. Rodgers and Ms. Guillemette feel that the citizens of the state may be better served by the first draft of the change.

After discussion the board voted unanimously to go with the first draft of this rule.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications approved

Brisbois, Stephen

Cleary, Martin

Raczkowski, James

Costello, Howard

Driggers, Charles

Fischbach, Peter – approved with four years of probation.

Giesy, Thomas – approved with four years of probation.

Glagola, Stephen – approved with four years of probation.

Lockett, Johnell

Martinez-Villalba, Daniel

Miller, Frederick – approved contingent upon a completed FRO application.

Williams, Wayne

Applications denied

Emmons, Mark

Summer Huckleby

Kalreuth, John

Maxson, Lonnie

Rodriguez, Marino

Southerland, William

Whiddon, Marcus

Applications continued

Barnhill, Charles – 30 days.

Cancio, Jesus – 60 days.

Eddy, Steven – 60 days.

Yancey, Michael – 60 days.

Applications withdrew

Arrighi, David

Leon, Linton

Patchak, Thomas

Thomas, John

The board voted unanimously to accept the recommendations of this Committee.

PROBATIONS COMMITTEE

Mr. Del Vecchio gave the following report:

The board voted unanimously to accept the recommendations of this Committee.

ADDITIONAL ENTITY COMMITTEE

Mr. Pietanza gave the following report:

Applications approved

Baecker, Martin
Brandt, Michael
Cartaya, Luis
Chin-Sang, Dave
Ciccarello, Laurent
Crowther, Robert
Dayton, Gregory
Douglas, Peter
Gilliam, Gregory
Golden, David III
Goodwin, Wade
Gotch, Jim
Haines, Richard
Harrity, Daniel
Hector, Francis, Jr.
Iandimarino, Salvatore – with a \$1,500 Assessment.
Kemick, Lawrence
Lagrasta, Ignazio
Lendry, Bryan
Leonardi, Christopher – with a \$6,960 Assessment.
Mandish, Justin
Martini, Pablo
Milbert, Arthur
Pantaleo, Francis
Perez, Alejandro
Rivers, Early – with a \$1,900 Assessment.
Samples, Joseph
Sanchez, Jason – with a \$2,500 Assessment.
Sims, David
Soule, Moseley

Applications denied

Albert, John III
Bagdonas, Michael – denied additional business and I initial Air Conditioning License.
Hempel, Donald
Sainmervil, Darma – failure to appear.

Applications continued

Barfield, Sam – waived 90 days – continued 30 days.
Felt, LeRoy – continued 30 days.
Motes, William – continued 30 days.
Smithers, Jeffrey – Continued 30 days.

Applications withdrawn

McNorton, Robert

The board voted unanimously to accept the recommendations of this Committee.

EXECUTIVE COMMITTEE

This committee did not meet.

AD HOC FINANCIAL/MISCONDUCT COMMITTEE

The ad hoc committee on financial misconduct developed a recommendation that a four-hour Laws and Rules Examination based on Chapter 489, Florida Statutes and Rule 61G4, Florida Administrative Code be administered to initial applicants in addition to current examination requirements. This recommendation was ratified by the full board and referred to the rules committee for rule development. Mr. Harrell is discussing this proposal with the Bureau of Education and Testing.

The ad hoc committee on financial misconduct also developed a recommendation that three hours of continuing education per renewal cycle be dedicated to courses specifically approved as laws and rules.

RULES REVIEW COMMITTEE

Mr. Kalmanson gave the following report:

The following have been suggested for rule committee consideration:

489.146 – Privatization of Services

New affidavit of Experience – Bring back to Committee at the October meeting with changes.

The following rules have been Developed:

61G4-15.001(5) – Qualifications for Certification – changing to allow 60 hour course as an alternative to the experience requirements.

61G4-16.009 – Examination and reexamination – To General Session for full board vote.

The following rules have been Noticed:

61G4-12.017 – Voluntary Relinquishment and Revocation – No action required.

61G4-18.001 – Continuing Education Requirements – No action required.

61G4-15.0021 (3)(b) – Bond for FRO – Committee voted to go back to original language.

61G4-16.0031 – Practical examination for Swimming Pool Specialty Contractors – No action required.

61G4-17.001 – Normal Penalty Ranges – No action required.

G1G4-12.009 – Fees (for null and void application) – No action required.

The board voted unanimously to accept the recommendations of this Committee.

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Holloway gave the following report:

The Continuing Education Provider Workshop for providers of construction continuing education courses was conducted by the department's Bureau of Education and Testing on the afternoon of September 13, 2006. The continuing education committee chair, Mr. Raymond Holloway, board counsel, Ms. Diane Guillemette, interim chief attorney, Ms. April Hammonds, and executive director, Mr. G.W. Harrell, made presentations at the workshop regarding the continuing education requirements of the Construction Industry Licensing Board.

LORMAN BUSINESS CENTER, INC. (0000837)

- 1st Course: Accelerate Your Schedule Increase Your Profit – approved.
- 2nd Course: Administration and Enforcement of Wetlands and Endangered Species – approved.

AMERICAN CONSTRUCTION SCHOOL, INC. (0000872)

- 1st Course: QuickBooks PRO 1 (# 0000469, Expired 08/09/2003) *Note: Provider has changed the credit use on this course so we must treat it as a new course – approved.
- 2nd Course: QuickBooks PRO 1 (# 0000470, Expired 08/09/2003) *Note: Provider has changed the credit use on this course so we must treat it as a new course – approved.
- 3rd Course: Manufactured Homes – approved.

BOSS CONSTRUCTION SCHOOL, INC. (0000923)

- 1st Course: Advanced 2004 Accessibility *Note: This is an approved FBC advanced course, but we are submitting it to the Board so that the additional hour can be approved as "General" credit – approved.

PLUMBING CONTRACTORS ASSOCIATION (0000987)

- 1st Course: Firestopping Requirements & Application – approved.

INSURANCE OFFICE OF AMERICA, INC. (0001080)

- 1st Course: Market & Legal Environment and Risk Management Techniques for the Residential Homebuilder – approved.

NATIONAL COMFORT INSTITUTE (0001812)

- 1st Course: Performaxx University – denied.
- 2nd Course: Air Balancing & Diagnostics – 101 – denied.
- 3rd Course: Air Balancing Certification 201 – denied.

HANLEY WOOD EXHIBITIONS (0003200)

- 1st Course: Ten Key Project Indicators to Ensure Project Success – denied.
- 2nd Course: Hiring and Retaining a Quality Workforce – approved.
- 3rd Course: Building Business Leaders – denied.
- 4th Course: Highly Effective Leadership for Higher Productivity- approved.
- 5th Course: 7 Roads to Business Success – approved.
- 6th Course: Powerful Leadership Practices for Today's Roofing Industry- denied.
- 7th Course: Human Resources for Small Construction Companies- approved.
- 8th Course: How to Motivate Today's Construction Worker- denied.
- 9th Course: Hispanics in the Roofing Industry- approved.

- 10th Course: Practical Cash Flow Management – approved.
- 11th Course: Interpreting Contract Documents – approved.
- 12th Course: Immigration and Roofing Contractors – approved.
- 13th Course: Roofing Wage and Labor Issues Facing Today's Workforce- approved.
- 14th Course: Safety, Quality & Crew Management For Foremen – Why it Matters!- approved.
- 15th Course: "What the Heck is Selfish Safety" – denied.
- 16th Course: Roof Fires: Lesson Learned – approved.
- 17th Course: Help for Getting Safety Right the First Time- denied.
- 18th Course: Stop the Injuries that you're Having – approved.
- 19th Course: Metal Roofing: "The Devil's in the Details"- approved.
- 20th Course: A New Guide for the Wind Design of Mechanically Attached Roofs- approved.
- 21st Course: CRRC Panel: Everything You Need to Know about Cool Roofing – approved.
- 22nd Course: Durability and Reliability in Green Roofing Systems- approved.
- 23rd Course: Review of Current Underlayments – approved.
- 24th Course: Roof Deck: Key to Roof System Performance- approved.
- 25th Course: Roof Edge Performance during Hurricane Force Winds- approved.
- 26th Course: Designing Tile Steep Roofs to Meet Mother Nature in 2007- approved.
- 27th Course: How to Trim a Metal Roof – approved.
- 28th Course: The Future of Photovoltaic Roofing Products- approved.
- 29th Course: The Effect of Reflective Roof Coating on the Durability of Roofing Systems- approved.
- 30th Course: Saving Time & Money Using the Right Wind Design- approved.
- 31st Course: Balanced Attic Ventilation systems – approved.

THE UNIVERSITY OF WEST FLORIDA. (0003307)

- 1st Course: The Business of Construction – approved.

ACADEMY OF CONSTRUCTION, HEALTH AND SAFETY, INC. (0003765)

- 1st Course: An Overview of Mold for the Construction Industry – denied.

CESAR MANUEL GARCIA d/b/a CARROLLWOOD POOLS INC. (0003833)

- 1ST Course: Swimming Pool plumbing configurations, techniques, anti-suction entrapment (Internet) – denied.

CPMC, LLC – approved.

- 1st Course: Fundamental of Construction Scheduling – approved.

FPC (FLORIDA PROTECTIVE COATING) – approved.

- 1st Course: Painters ED. – denied.

COAST SOFTWARE, INC. D/B/A COASTINTERACTIVE.COM (0001627)

- 1st Course: Construction Accounting System (# 0007262, Expires 09/12/2004) - approved.
- 2nd Course: Construction Estimating Systems (# 0007263, Expires 09/12/2004) - approved.
- 3rd Course: Construction Office Technology (#0007264, Expires 09/12/2004) – approved.
- 4th Course: OSHA and Workers' Comp Tracking and Reporting (# 0007265, Expires 09/12/2004) – approved.
- 5th Course: Microsoft Office Software (#0007697, Expires 08/14/2005) – approved.

FLORIDA POOL AND SPA ASSOCIATION (0000917)

- 1st Course: How Pools Work (#0007717, Expires 09/11/2005) – approved.
- 2nd Course: Glass Tile Installation – withdrew.
- 3rd Course: Concrete Deck and National Stone Sealers – approved.
- 4th Course: Motors and Pumps – The Heart of the System – approved.
- 5th Course: Value vs. Price – approved.

- 6th Course: Hot Water Chemistry and Testing – approved.
- 7th Course: Introduction to Heat Pumps – approved.
- 8th Course: Basic Hydraulics – approved.
- 9th Course: Understanding & Troubleshooting Swimming Pool Heat Pumps – approved.
- 10th Course: Laser Technology and Pool Construction – approved.
- 11th Course: Phosphates and Algae Control – approved.
- 12th Course: Asset Protection for Contractors – denied.
- 13th Course: Basic Pool and Spa Automation – approved.
- 14th Course: Basic Pool & Spa Water Chemistry and Testing – approved.
- 15th Course: Best Practices for Pool and Spa Business Success- approved.
- 16th Course: Business Management for Pool Service Contractors – approved.
- 17th Course: Chlorination and Automation –approved.
- 18th Course: Pool and Spa Basic Hydraulics for Filtration- approved.

STURDEVANT – BEACH & ASSOCIATES LLC (0002847)

- 1st Course: Risk Management for Homebuilders (#0007637, Expires 03/08/2009)
Notes: Course was approved for general credit hours at the March 9th CILB Board Meeting. The provider is asking for reconsideration, because on the original application they marked the additional information question regarding does the course meets the requirement for business practices as no in error. Now they are asking the course be granted business practice credit. – approved.

ROBERT WITT (0002418)

- 1st Course: System Design for Low Mass Water Heaters and Boilers (#0007244, Expired 09/12/2004) – denied.
- 2nd Course: Energy Relationships with Water Heaters and Boilers (#0007245, Expired 09/12/2004) – approved.
- 3rd Course: Efficiency with Relationship to Water Heaters and Boilers (#0007246, Expired 09/12/2004) – approved.

ADVANCED BUILDERS COLLEGE, INC.

- 1st Course: Home Inspection & the Contractor & Business Techniques for successful Contracting – denied.
- ~~2nd Course: Workers' Compensation, Work-Place Safety & Business Practices~~
- 3rd Course: Florida Construction Law, New Building Products & Mold in the Construction Industry - denied.

HORNERXPRESS – These courses were continued.

- 1st Course: Building Customer Relationships (1hour)
- 2nd Course: Building Customer Relationships (3 hours)
- 3rd Course: Swimming Pool Financing
- 4th Course: Swimming Pool Financing (2 hours)
- 5th Course: Building Customer Relationships (2 hours)

NATIONAL ROOFING CONTRACTOR ASSOCIATION

- 1st Course: Specright: Energy- Efficient Roof System Design – denied.

TAMPA BAY PIPE TRADES JATC

- 1st Course: Contractors, Installers & Inspectors Medical Gas Certification – approved.

CORRESPONDENCE FROM MEDARD KOPCZYNSKI, CBO, REGARDING PERMISSION TO SELL ADVANCED BUILDING CODE COURSES DEVELOPED BY BCIC, LLC. - This was continued to the October meeting.

RATIFICATION OF PASS/FAIL LISTS – Approved.

The board voted unanimously to accept the recommendations of this Committee.

RECOVERY FUND/FINANCE COMMITTEE

Ms. Brown gave the following report:

Lopez v. Bultema; Claim No. 00-C0114 - APPROVED - \$9,192.25
Mezzapelle v. Bultema; Claim No. 00-C0119 - APPROVED - \$1,862.45
Norris v. Bultema; Claim No. 00-C0120 - APPROVED - \$7,128.87
Points v. Bultema; Claim No. 00-C0124 - APPROVED - \$3,721.03
Roberts v. Bultema; Claim No. 00-C0127 - APPROVED - \$5,635.12
Seibert v. Bultema; Claim No. 00-C0128 - APPROVED - \$5,261.70
Tucker v. Bultema; Claim No. 00-C0133 - APPROVED - \$8,906.70
Walker v. Bultema; Claim No. 00-C0134 - APPROVED - \$1,223.31
Witter v. Barfield and Lammer; Claim No. 02-C0174 - APPROVED - \$10,000.00
Guarini v. Marsh; Claim No. 03-C0062 - APPROVED - \$25,000.00
Voigt v. Perry; Claim No. 99-C0054 - APPROVED - \$779.02
Scott v. Mavis; Claim No. 2005-055659 - APPROVED - \$1,000.00
Dolsey v. McArthur; Claim No. 2005-055678 - APPROVED - \$14,771.00
Morse v. Johnson; Claim No. 2005-059470 - APPROVED - \$25,000.00
Sinnema v. Day; Claim No. 2005-060997 - DENIED WITH PREJUDICE
Hayes v. McKay; Claim No. 2006-004369 - APPROVED - \$12,120.00
Barber v. Hart; Claim No. 2006-004769 - DENIED WITH PREJUDICE
Sicre v. Wagie; Claim No. 2006-025398 - APPROVED - \$7,762.00
Widleski v. Burger; Claim No. 2006-027814 - DENIED WITH PREJUDICE
Reichstein v. Stangle; Claim No. 2006-028073 - APPROVED - \$8,750.00
Teixeira-McFerrin v. Clanton; Claim No. 2006-032258 - APPROVED - \$22,912.07
Poulsen v. Anderson; 2006-032263 - APPROVED - \$2,386.43
Lair v. Eberly; Claim No. 2006-039346 - APPROVED - \$14,993.32
Rogers v. Anderson; Claim No. 2006-040222 - APPROVED - \$1,500.00
Lovell v. Anderson; Claim No. 2006-040226 - APPROVED - \$1,000.00
Ferrell v. Anderson; Claim No. 2006-040229 - APPROVED - \$2,880.04
Toto v. Johnson; Claim No. 2006-040240 - APPROVED - \$11,156.88

The board voted unanimously to accept the recommendations of this Committee.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

There was no new Business.

With no other business at hand, the meeting was adjourned at 11:58 a.m.