

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

HYATT REGENCY JACKSONVILLE RIVERFRONT
225 EAST COAST LINE DRIVE
JACKSONVILLE, FLORIDA 32202

JANUARY 12, 2007
APPROVED APRIL 13, 2007

The meeting was called to order by Paul Del Vecchio, Chair, at 8:31 am.

Those present were:

BOARD MEMBERS

Paul Del Vecchio, Chair
Raymond Holloway, Vice Chair
Peggy Bailey
Joan M. Brown
Lorie Clark
Joe Cook
Carl E. Engelmeier
James Flaherty
Michelle Kane
Robert Stewart
Thomas Thornton
Jacqueline Watts
Edward M. Weller
Don Wilford

Those absent were:

BOARD MEMBERS

Lee-En Chung
Barry Kalmanson
Mark Pietanza

OTHERS PRESENT

Diane Guillemette, Legal Advisor, AGO
April Hammonds, Chief Prosecuting Attorney, DBPR
G.W. Harrell, Executive Director, DBPR
Stacey Merchant, Government Analyst II, DBPR
Andy D. Janecek, Government Analyst I, DBPR
Amanda Abbott, Administrative Assistant, DBPR
Marc Drexler, FHCRF Attorney, DBPR

Ms. Bailey gave the invocation. Mr. Thornton led the Pledge of Allegiance.

I. REVIEW OF MINUTES

The board voted unanimously to approve the July 14, 2006, General Session Minutes, October 12, 2006, Final Action Minutes, and the November 9, 2006, Final Action Minutes.

II. EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell reported that Stacey Merchant has accepted another employment opportunity within the Department and will be leaving her position with the Construction Industry Licensing Board after five years of service. Mr. Harrell also introduced Ms. Abbott, who will take over the duty of overseeing discipline processes for the board, while Mr. Janecek assumes Ms. Merchant's responsibilities of coordinating the licensure processes.

Ms. Brown commended Ms. Merchant for her service to the board.

Mr. Harrell discussed Executive Order #2007-01, the first Executive Order to be issued by Governor Charlie Crist. He explained that the Executive Order asks state agencies to use "plain talk" when communicating with the public. Mr. Harrell explained that Governor Crist held a press conference at DBPR headquarters in Tallahassee to explain the Executive Order. The Department will be reviewing all of its general correspondence to ensure that it meets the requirements as outlined in the Executive Order.

The board unanimously voted to approve the report.

III. CHAIRMAN'S REPORT – PAUL DEL VECCHIO

Mr. Del Vecchio asked the board to vote to excuse the absences of Ms. Chung, Mr. Kalmanson, and Mr. Pietanza. Mr. Del Vecchio also asked that the board vote to excuse the early departure of Mr. Thornton and Mr. Weller.

The board unanimously voted to approve the absences.

At the end of the meeting, Mr. Del Vecchio asked that the board recognize Ms. Merchant's departure from the board office. Ms. Watts made a motion to further recognize Ms. Merchant's service to the industry and the board unanimously voted to acknowledge the motion.

IV. PROSECUTING ATTORNEY'S REPORT – APRIL HAMMONDS

Ms. Hammonds asked that the board recall the disciplinary case against David Allan Wemyss, number 2004-030416, that was heard by the board at Final Action on January 10, 2007. The case was recalled and the hearing commenced. [Results of that hearing are available in the Final Action minutes.]

Ms. Hammonds presented the local disciplinary order agenda and the board unanimously voted to adopt the Department's recommendation in the following cases: Euill Ashley Clark, case no. 2006-062731; Benny Joe Hawley, case no. 2006-061298; and, Dennis Morel, Sr., case no. 2005-062832.

Ms. Hammonds reported that the prosecutor's office has become fully staffed and continues to receive an all-time record number of cases, and in December, 2006, set an all-time record by referring 173 cases for probable cause. Ms. Hammonds commended her staff for their efforts. Ms. Hammonds introduced the new attorneys on staff – Josh Moye, Tampa region; Matthew Morton, Orlando region; and, Michael Golen, Jacksonville/Gainesville region.

The board unanimously voted to approve the report.

V. RECOVERY FUND ATTORNEY'S REPORT – MARC DREXLER

Mr. Drexler reported that so far, this fiscal year, the Florida Homeowners' Construction Recovery Fund has awarded \$844,845.43 in claims. The Recovery Fund office currently has 273 pending claims, and in 2006, the Recovery Fund received 347 total claims and 177 were accepted while 170 were deemed ineligible. There are currently seven cases under appeal. Mr. Drexler explained that he currently has two vacant positions but is in the process of interviewing potential employment candidates.

The board unanimously voted to approve the report.

VI. ATTORNEY GENERAL'S REPORT – DIANE GUILLEMETTE

Ms. Guillemette presented the litigation list to the board. Ms. Guillemette explained that an opinion was entered by an administrative law judge that suggested that the board did not have the appropriate administrative rules in place for the formation of committees. Ms. Guillemette advised that she has filed an appeal in that case.

The board considered their options in the matter and ultimately voted unanimously to proceed with the appeal in that case.

Ms. Guillemette proceeded to present the cases that are part of her report that require action by the board. The following cases were reviewed.

A. THEODORE CAVA, NORDON RESTORATION, INC., DONNA CASALE – REQUEST FOR INFORMAL HEARING

Mr. Cava and Ms. Casale were present and were sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. Cava's application was denied at the August, 2006, meeting of the board, based on lack of intention to supervise the new business in the future. Consequently, the qualified business application and financially responsible officer application were denied at that meeting. Ms. Guillemette stated that a review of the notices of intent to deny was timely requested.

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

B. JOHN ERIKSEN, 3D DEVELOPMENT SERVICES, LLC – REQUEST FOR INFORMAL HEARING

Mr. Eriksen was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. Eriksen's application to qualify an additional business entity was denied at the October, 2006, meeting of the board, due to his failure to appear. Consequently, the qualified business application was denied at that meeting. Mr. Eriksen requested that the board reconsider the applications prior to the filing of the notices of intent to deny.

After discussion, the board voted unanimously to deny the request for reconsideration of the applications.

C. DONALD HEMPLE, NORTH SHORE BUILDERS, INC. – REQUEST FOR INFORMAL HEARING

Mr. Hemple was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. Hemple's application to qualify an additional business entity was denied at the September, 2006, meeting of the board, due to his failure to appear. Mr. Hemple timely requested an informal hearing prior to receiving the notices of intent to deny.

The board voted unanimously to refer the application back to the Additional Entity Review Committee in March, 2007, and asked that Mr. Hemple provide updated financial information prior to that meeting.

D. DARMA SAINMERVIL, F.M.D. CONSTRUCTION, LLC, ERIC CALVET ROOFING, INC. – REQUEST FOR INFORMAL HEARING

Ms. Sainmervil was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Ms. Sainmervil's applications to qualify two additional business entities were denied at the September, 2006, meeting of the board, due to her failure to appear. Consequently, the qualified business applications were also denied at that meeting. F.M.D. Construction, LLC timely filed a request for reconsideration.

After discussion, the board voted unanimously to refer the application back to the Additional Entity Review Committee in March, 2007, and asked that Ms. Sainmervil provide updated financial information prior to that meeting.

E. CREDIT RESTORATION BROKERS, LLC – REQUEST FOR INFORMAL HEARING (CE)

Sam Sky was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Credit Restoration Brokers, LLC's application for continuing education course was denied at the October, 2006, meeting of the board, due to the course not containing sufficient educational content to improve the quality of a contractor's performance. Credit Restoration Brokers, LLC timely filed a request for board reconsideration.

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

F. ROBERT WITT – REQUEST FOR INFORMAL HEARING (CE)

Mr. Witt was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. Witt's application for continuing education course was denied at the September, 2006, meeting of the board, due to the application not detailing the course with sufficient specificity.

Mr. Witt timely filed a request for board reconsideration.

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

G. HEATHER LYNN DEBOLT, PATRICK KELLEY, ALITE CUSTOM POOLS & DECKS – RECONSIDERATION OF APPLICATION DENIAL (DOAH)

Neither Ms. Debolt nor Mr. Kelley were present.

Ms. Guillemette presented the case, stating that Ms. Debolt's application to qualify an additional business entity was denied at the August, 2006, meeting of the board, due to the board determining that Ms. Debolt has no intention of carrying out her responsibilities for all construction activities of the additional business and that Ms. Debolt would be brokering her license.

Ms. Debolt timely requested a hearing before the Division of Administrative Hearings. In preparation for the hearing, review of the evidence led to the joint request for the board to reconsider the denial.

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

H. SHERIF KODSY – REQUEST TO EXECUTE FINAL ORDER IN SETTLEMENT (DOAH)

Mr. Kodsy was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. Kodsy's application was originally denied in September, 2005, due to lack of restoration of civil rights. Mr. Kodsy timely requested a hearing before the Division of Administrative Hearings. Since no material facts were in dispute, an informal hearing was held by the board in February, 2006. Ms. Guillemette further stated that while the hearing was pending, the District Court of Appeals entered rulings that prohibited the denial of a license application due to lack of civil rights. Consequently, Mr. Kodsy's application was referred back to the Application Review Committee.

In March, 2006, Mr. Kodsy's application for registered building contractor's license was approved with the condition of six years probation. Mr. Kodsy, once again, timely requested a hearing before the Division of Administrative Hearings. Ms. Guillemette explained that during the course of litigation, the parties agreed to settle the case with two years probation. Ms. Guillemette asked the board to execute the final order that she drafted in furtherance of the settlement.

After discussion, the board voted unanimously to uphold the conditional approval of the application, to include six years probation.

I. ADAM HARDEN – PETITION FOR DECLARATORY STATEMENT

Mr. Harden was not present.

Ms. Guillemette presented the case, stating that Mr. Harden filed a request for declaratory statement on November 16, 2006. The petition was noticed in the Florida Administrative Weekly on December 1, 2006. Ms. Guillemette asked that

the board consider whether the petition meets the statutory requirements for a declaratory statement and, if so, asked the board to respond to the petition.

After discussion, the board voted unanimously to deny the petition as it did not meet the statutory requirements for a declaratory statement.

J. DAVID ELDER – PETITION FOR COSTS

Mr. Elder's attorney, Wilson J. Foster, was present.

Ms. Guillemette presented the case, stating that Mr. Elder had filed a petition for payment of the attorney costs incurred during the course of his appeal of the final order filed in case no. 2005-01700. Mr. Elder timely filed the petition and provided supporting documentation.

After discussion, the board voted unanimously to approve the petition, with the payment amount of \$1,093.

K. DENNIS ANDREW DE GRAZIA – REQUEST TO REINSTATE NULL AND VOID LICENSE

Mr. De Grazia was present with his attorney, Wilson J. Foster, and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. De Grazia's license went delinquent on September 1, 2004, and subsequently became null and void on September 1, 2006. The renewal fee with delinquency charge was received by the Department on September 14, 2006. Ms. Guillemette further explained that Mr. De Grazia filed a petition for reinstatement and paid the application fee of \$100. Ms. Guillemette asked the board to consider Mr. De Grazia's request.

After discussion, the board voted unanimously to deny the request.

L. SUSY HOYOS – REQUEST TO REINSTATE NULL AND VOID LICENSE

Ms. Hoyos was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Ms. Hoyos' license went delinquent on September 1, 2004, and subsequently became null and void on September 1, 2006. Ms. Guillemette further explained that Ms. Hoyos filed a petition for reinstatement, but was not required to submit an application fee as the petition was received prior to the effective date of the application fee. Ms. Guillemette asked the board to consider Ms. Hoyos' request.

After discussion, the board voted unanimously to deny the request.

M. WALTER FRANCIS – REQUEST FOR REINSTATEMENT OF STAYS OF SUSPENSION

Mr. Francis was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. Francis was placed on probation for a period of two years, based on the final order filed in case no.

2002-004368. The final order was filed on December 24, 2003. Mr. Guillemette further reported that Mr. Francis' first three appearances before the Probations Committee were continued. Mr. Francis later received one satisfactory appearance. The stays of suspension of Mr. Francis' licenses were lifted by the board on September 14, 2006, as he did not appear for his scheduled probation appearance on that date. Ms. Guillemette asked the board to consider Mr. Francis' request.

After discussion, the board voted unanimously to deny the request.

N. GARY F. TUCKER – REQUEST FOR REINSTATEMENT OF STAY OF SUSPENSION

Mr. Tucker was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. Tucker was placed on probation for a period of two years, based on the final order filed in case no. 98-16346. The final order was filed on January 29, 2001. Mr. Guillemette further reported that Mr. Tucker's first appearance before the Probations Committee was continued. Mr. Tucker's next seven appearances were tolled as Mr. Tucker indicated that he was not actively contracting. The stay of suspension of Mr. Tucker's license was lifted by the board on November 10, 2005, as he did not appear for his scheduled probation appearance on that date. Ms. Guillemette asked the board to consider Mr. Tucker's request.

After discussion, the board voted unanimously to deny the request.

O. TIMOTHY R. BURKE – REQUEST FOR EARLY TERMINATION OF PROBATION

Mr. Burke was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. Burke was placed on probation until his civil rights are restored upon conditional approval of an application. The notice of intent to approve was filed on March 4, 2004. Ms. Guillemette explained that Mr. Burke had requested that his probation be terminated early.

After discussion, the board voted unanimously to deny the request.

P. THOMAS MENDEZ – REQUEST FOR EARLY TERMINATION OF PROBATION

Mr. Mendez was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. Mendez was on probation due to lack of civil rights. The order placing him on probation is a valid order since it was legal at the time of filing and was never appealed. Mr. Mendez's request for early termination was denied at the July, 2006, meeting of the Board. Ms. Guillemette explained that Mr. Mendez was interested in negotiating a settlement.

After discussion, the board voted unanimously to uphold the original order and directed Ms. Guillemette not to entertain a request for negotiations.

Q. THOMAS H. WEBB – REQUEST FOR EARLY TERMINATION OF PROBATION

Mr. Webb was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. Webb was placed on probation until his civil rights are restored upon conditional approval of an application. The notice of intent to approve was filed on April 13, 2005. Ms. Guillemette explained that Mr. Webb had requested that his probation be terminated early.

After discussion, the board voted unanimously to deny the request.

R. RULE 61G4-18.001, FAC – REVIEW OF PROPOSED CHANGES

Ms. Guillemette provided the board members with a copy of the suggested changes for Rule 61G4-18.001, Florida Administrative Code, relating to continuing education requirements for contractors.

After discussion, the board voted unanimously to approve the drafted language and accepted an effective date of September 1, 2007.

S. LETTER FROM JESUS CANCIO – FOR BOARD’S REVIEW ONLY

VII. COMMITTEE REPORTS

A. ADDITIONAL BUSINESS ENTITIES COMMITTEE – PAUL DEL VECCHIO

Mr. Del Vecchio reported the following recommendations from the Additional Business Entities Committee meeting on January 10, 2007. Of the 54 applications reviewed, 29 were recommended for approval, 7 for conditional approval, 8 for continuances, and 10 for denial.

APPROVALS (29)

Anderson, Don
Bedingfield, Scot F.
Brown, Melinda
Currier, Edward III
De Los Reyes, George
Dobson, Richard Sr.
Graham, James Jr.
Gray, Gary
Haines, Richard (2 applications)
Hollinger, Brian
Hostetler, Jesse
Human, Don
Hynes, Michael
Mead, Edward
Meadows, Richard
Metzgar, Jeffrey

Passaro, Steven
Pierce, William
Reinosa, David
Rutherford, Steven (2 applications)
Schuller, Timothy
Shevlin, William
Smith, Anne Maria
Stepanik, Joseph
Weaver, William III
Weiss, Walter Jr.
White, Harold

CONDITIONAL APPROVALS (7)

Akerblom, Carl – required to complete seven hours of continuing education focusing on Chapter 489, Florida Statutes, within one year.
Barrett, Walter – required to pay assessment in the amount of \$1,700.
Hall, Robert – required to pay assessment in the amount of \$4,400.
McHaffie, Matt – required to pay assessment in the amount of \$1,000.
Robshaw, James – required to pay assessment in the amount of \$1,000.
Swaby, Dominik – required to pay assessment in the amount of \$1,000.
Turcotte, William – required to pay assessment in the amount of \$1,000.

CONTINUANCES (8)

Blume, Daryl – to February, 2007 (2 applications)
Butters, Mark – to February, 2007
Dixon, Jonathan – to February, 2007 (2 applications)
Harris, James – to February, 2007
Smith, Shawn – to February, 2007
Walsh, John – to February, 2007

DENIALS (10)

Carvajal, Luis – failure to appear.
Crossman, Amy – no evidence of intention to supervise.
Fairbanks, Charles Jr. – failure to appear.
Fitch, Wayne – failure to appear.
McKee, Page – failure to appear.
Mimms, David – failure to appear.
Ort, Scott – no evidence of intention to supervise.
Walker, Richard Sr. – failure to appear.
Warren, Hayden – failure to appear.
Yalcinsoy, Jeannette – failure to appear.

The board voted unanimously to accept the recommendations of the committee.

B. EXAMS/CE/PUBLIC AWARENESS COMMITTEE – RAYMOND HOLLOWAY

Mr. Holloway reported the following recommendations from the Exams/CE/Public Awareness Committee meeting on January 11, 2007.

APPROVALS

BRB Code Educators, Inc.; "Aluminum Screen Enclosure Design & Construction Post 2004"

Commercial Energy Specialists, Inc.; “CES Aquatic Facility Operator (AFC) Certification Course”

Construction Estimating Institute; “Estimating Carpentry Construction”, and “Estimating Concrete Costs”

Florida Continuing Education Services, Inc.; “Workers Compensation, Business Planning, Workplace Safety and Advanced Building Code for Contractors”

Florida Department of Community Affairs; “Florida Building Code Advanced Training: Plumbing Code and Accessibility”, and “Florida Building Code Advanced Training: Residential Roofing Tiles”

Florida Educational Facilities Planners Association; “Claims Avoidance and Management”, and “The Moisture Challenge – Mold, Mildew & Condensation”

Florida Solar Energy Center; “The Failure-Proof Building, Course 1: Design & Maintenance of HVAC Systems for Efficiency, Humidity Control, and Indoor Air Quality”, “The Failure-Proof Building, Course 2: Control of Building Air Flow for Energy Efficiency, Humidity Control, and Indoor Air Quality”, “The Failure-Proof Building, Course 3: Design of Building Envelopes to Control Air and Moisture Flows”, “The Failure-Proof Building, Course 4: Practice Design of a High Performance Building”, and “The Failure-Proof Building, Course 5: Optimizing Building Energy Efficiency, Using the FlaCom Modeling Tool”

Group Communications, Inc.; “Total Quality Management (TQM) for the Construction Industry”, and “A Professional Approach to Marketing for the Construction Industry”

Hillsborough Association of Plumbing, Heating and Cooling Contractors, Inc.; “New AIA Changes”, “Permitting and Licensing”, “Alternate Dispute Resolution”, and “Getting Paid”

HornerXpress; “Swimming Pool Financing (2 hours)”, and “Swimming Pool Financing (3 hours)”

Insulating Glass Manufacturers Alliance (IGMA) (approved as a provider); “Preventing Insulating Glass Failures”

Manitowoc Ice Inc.; “S Model Ice Machines”

Mechanical Contractors of South Florida; “Advanced Project MGMT”

Michigan Construction Industry Mutual Insurance Company (approved as a provider); “CILB Workers Compensation”, and “CILB Workplace Safety”

Moldof Construction Consulting, Inc. (approved as a provider); “Business Practices: Accounting Standards and Job Costs for Construction”

National Roofing Contractors Association; “Exploring Roof System Options”, and “Roof Repair and Maintenance”

Noveon, Inc. (approved as a provider)

Plumbing and Mechanical Contractors Association of South Florida; “2004 FLA Building Code Plumbing”

Shavell and Co., P.A.; “Tax Update 2007 – What Contractors Need to Know (1 hour course)”, “Section 1999 – The U.S. Production Deduction: Effect on Contractors and Developers (1 hour course)”, “Tax Update 2007 – What Contractors Need to Know (2 hour course)”, and “Section 1999 – The U.S. Production Deduction: Effect on Contractors and Developers (2 hour course)”

The Home Inspection Academy (approved as a provider)

United Pool & Spa Association; “Jobsite Safety”, and “Workers Compensation”

CONDITIONAL APPROVALS

Plumbing and Mechanical Contractors Association of South Florida; “Refresher First Aid/CPR and AED for the Building Trade” – must provide proof of having a certified CPR instructor on staff.

DENIALS

Advanced Builders College, Inc.; “Construction Law Course”, “Building Estimating Course”, “Construction Lien Law”, and “Energy Efficient Building”
Hillsborough Association of Plumbing, Heating and Cooling Contractors, Inc.; “Online CEU Research”
HornerXpress; “Building Customer Relationships (1 hour)”, “Building Customer Relationships (2 hours)”, and “Building Customer Relationships (3 hours)”
National Roofing Contractors Association; “For Foreman Only, Level 1”
NBI, Inc. dba National Business Institute; “Legal Aspects of Condominium Development and Homeowners’ Association”
Noveon, Inc.; “CPVC Installation”
The Home Inspection Academy; “Homeowner’s Guide to Hurricane Protection & Insurance Discounts”

The committee voted unanimously to ratify the pass/fail lists from the September, 2006, and October, 2006, examination administrations.

The board voted unanimously to accept the recommendations of the committee.

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

Ms. Brown reported the following recommendations from the Recovery Fund/Finance Committee meeting on January 11, 2007.

| <u>TAB</u> | <u>CLAIMANT V. CONTRACTOR; CLAIM NO.</u> |
|------------|--|
| A | Brantley v. Mc Arthur; Claim No. 2005-050876 APPROVED - \$1,377.50 |
| B | ★ Barber v. Hart; Claim No. 2006-004769 (Reconsideration) DENIED |
| C | Rickards v. Christy; Claim No. 2006-027912 APPROVED - \$3,425.00 |
| D | Hoskins v. Anderson; Claim No. 2006-032096 APPROVED - \$1,424.87 |
| E | Noble v. Johnson; Claim No. 2006-034165 APPROVED - \$4,018.10 |
| F | Hayes v. Netwal; Claim No. 2006-034480 APPROVED - \$1,857.93 |
| G | Gurney v. Eberly; Claim No. 2006-036806 (Reconsideration) PULLED |
| H | Kilps v. Eberly; Claim No. 2006-039723 APPROVED - \$6,762.50 |
| I | Worsdale v. Mc Arthur; Claim No. 2006-039733 APPROVED - \$14,087.50 |
| J | Colon v. Eicoff; Claim No. 2006-042508 APPROVED - \$3,500.00 |
| K | Sindeband v. Mc Arthur; Claim No. 2006-045444 CONTINUED - MARCH |
| L | Hettinger v. Schumacher; Claim No. 2006-053736 |

M APPROVED - \$12,287.22
Hassen v. Kallow; Claim No. 2006-055168
DENIED WITH PREJUDICE
N Rollins v. Schumacher; Claim No. 2006-056830
APPROVED - \$20,284.40
O Stidham v. Christy; Claim No. 2006-056872
APPROVED - \$2,000.00
P Stewart v. Anderson; Claim No. 2006-058104
APPROVED - \$2,007.00
Q Gant v. Bullard; Claim No. 2006-017331
APPROVED \$25,000.00

The board voted unanimously to accept the recommendations of the committee.

D. PROBATIONS COMMITTEE – PAUL DEL VECCHIO

Mr. Del Vecchio reported the following recommendations from the Probations Committee meeting on January 11, 2007.

Dennis Bartina, (CG C035955)
Result: Unsatisfactory
Lawrence Bequette, (CGC019533)
Result: Satisfactory
Garth Bonner, (CPC056430)
Result: Satisfactory
Patrick A. Brennan, (CC C039825)
Result: Unsatisfactory
Thomas Fisher, (CGC015974)
Result: Satisfactory
John James Frangos, (CG C057224)
Result: Stay Lifted - Failure to Appear.
Robert Joseph Gore, (CGC025698 & CGCA25698)
Result: Satisfactory
Vincent Graham, (CBC051164)
Result: Stay Lifted - Continuance denied.
James Hatton, (FRO 2551)
Result: Satisfactory
Paul J. Kish, (CB C059826)
Result: Satisfactory
John A. Mancini, (CG C037419)
Result: Satisfactory
Joseph M. Marsden, (CG C060241)
Result: Stay Lifted - Failure to Appear
David Mart, (CR C040916)
Result: Satisfactory
William Miles, (CFC1426180)
Result: Satisfactory
Frank Murillo, (CR C054084)
Result: Unsatisfactory
Russell Noyes, (CC C1326879)
Result: Satisfactory
Pedro Pineda, (CB C057443)
Result: Satisfactory

Michael Joseph Rubino, (CG C046437)

Result: Unsatisfactory

Howard Steele, (CB C1251845)

Result: Satisfactory

The board voted unanimously to accept the recommendations of the committee.

E. APPLICATION REVIEW COMMITTEE – JACQUELINE WATTS

Ms. Watts reported the following recommendations from the Application Review Committee meeting on January 11, 2007. Of the 39 applications reviewed, 16 were recommended for approval, 4 for conditional approval, 4 for continuances, 10 for denial, and 2 were withdrawn.

APPROVALS (16)

Adams, Perry

Bauer, Richard

Byrd, Gerald

Click, Carl

Daniel, David

Foster, Robert

Krick, Benjamin

Lyles, Benjamin

Marchand, Rick

Mennella, Paul

Mesa, Ivan

Newland, Richard

Schaeffer, John

Semino, Orestes

Stewart, Thomas

Verble, Carl

CONDITIONAL APPROVALS (4)

Aiello, John – with four years probation.

Burgan, Charles – with four years probation.

Doughty, Billy – with four years probation.

Rickel, Robert – with four years probation.

CONTINUANCES (4)

Baker, Charles – to March, 2007.

Carver, Michael – to February, 2007.

Hough, Woodrow – to February, 2007.

Thaler, Daniel – to March, 2007.

DENIALS (13)

Ameen, Mohammad – pending discipline.

Bouffard, David – experience is not verified as required in Rule 61G4-15.001(1)(a), Florida Administrative Code.

Brown, Shawn – experience is not verified as required in Rule 61G4-15.001(1)(a), Florida Administrative Code; previous criminal history and pending discipline with Florida Board of Architecture and Interior Design.

Brown, Stuart – lack of financial stability.

Federer, David – unsatisfied liens; misrepresentation on application.

Gonzalez, Guido – unsatisfied liens.
Jettinghoff, Christopher – previous criminal history.
Lopez, Dennis – invalid competency card from Miami-Dade; previous criminal history.
Mieres, Armando (two applications) – invalid competency card from Miami-Dade; incomplete application.
Morales, Oscar – invalid competency card from Miami-Dade.
Palm, Christopher – pending discipline.
Shoffstall, David – pending discipline.

WITHDRAWALS (2)

Espino, Robert
Pierson, Timothy

The committee voted unanimously to ratify the grandfather and financially responsible officer lists.

The board voted unanimously to accept the recommendations of the committee.

F. RULES/PUBLIC/LEGISLATIVE COMMITTEE – DIANE GUILLEMETTE

Ms. Guillemette gave the following report from the Rules/Public/Legislative Committee meeting on January 11, 2007.

The following rules have been developed:

- 61G4-15.006 “Financial Responsibility, Definition, Grounds for Denial” – discussion was referred to the Ad Hoc/Financial Misconduct Committee.
- 61G4-18.001(2) “3 Hours of Continuing Education Devoted to Laws and Rules” – discussion was referred to General Session for a full Board vote. Board voted to proceed with publishing notice of proposed rule as drafted.
- 61G4-16 “Laws and Rules Test” – further development of rule is on hold while the Department reviews the existing examination. Ms. Guillemette advised the committee that there is an exemption to the Sunshine law that allows board members to discuss examination development outside of the public forum. Committee voted to re-open the rule for further development.

The following rules have been adopted:

- 61G4-17.001 “Normal Penalty Ranges” – effective November 2, 2006.
- 61G4-12.017 “Voluntary Relinquishment and Revocation” – effective November 19, 2006.
- 61G4-16.009 “Examination and Reexamination” – effective December 4, 2006.
- 61G4-15.001(5) “Qualifications” – effective January 14, 2007.

Ms. Guillemette explained that an opinion was entered by an administrative law judge that suggested that the board did not have the appropriate administrative rules in place for the formation of committees. The committee voted to open for development a rule to establish board committees.

The board voted unanimously to accept the recommendations of the committee.

G. AD HOC/FINANCIAL MISCONDUCT COMMITTEE – PAUL DEL VECCHIO

Mr. Del Vecchio reported that the Ad Hoc/Financial Misconduct Committee met on January 11, 2007, and discussed initiating rulemaking procedures to require credit reports and personal credit ratings to be used in determining licensure eligibility.

The committee reviewed documentation prepared by board staff regarding information contained in the initial licensure applications of those top 33 contractor's who have had pay-outs granted by the Florida Homeowners' Construction Recovery Fund.

Mr. Del Vecchio also reported that the committee has made many accomplishments in the last few months, including developing a rule to require laws and rules continuing education credit, reviewing the existing examination to consider implementing a laws and rules examination, as well as developing more stringent financial requirements for licensure.

The board voted unanimously to accept the recommendations of the committee.

VIII. EXECUTIVE REVIEW ITEMS

There were no topics for discussion.

IX. OLD BUSINESS

There were no topics for discussion.

X. NEW BUSINESS

Mr. Del Vecchio invited David Hodges, a member of the public, to address the board regarding his concerns with building officials that do not verify licensure prior to the issuance of a building permit. Mr. Hodges advised that the Florida Board of Building Code Administrators and Inspectors does not have statutory authority to make such a requirement or to discipline building officials who do not verify licensure. Mr. Hodges further suggested that the board send notice to local building departments anytime a contractor's license is suspended.

With no further business to discuss, the meeting was adjourned at 11:48 am.