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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

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GENERAL SESSION MINUTES

JANUARY 10, 2003

APPROVED FEBRUARY 14, 2003

Mr. Lang, Chair, called the meeting to order at 8:00 a.m.

BOARD MEMBERS PRESENT

Robert Lang, Chair
Edward Weller, Vice-Chair
Michael Blankenship
Joan Brown
Lee-En Chung
Paul Del Vecchio
Barry Kalmanson
Raymond Holloway
Elizabeth Karcher
John Smith
Jacqueline Watts

BOARD MEMBERS ABSENT

Carl Engelmeier (Friday Only)
Christine Hoke
Michelle Kane

OTHERS PRESENT

Paul Martin, Board Counsel
Patrick Creehan, Chief Construction Attorney
Elise Matthes, CIRF Attorney
Stacey Merchant, Government Analyst II
Ruthanne Christie, Government Analyst I

Mr. Smith gave the invocation. Ms. Chung led the Pledge of Allegiance.

REVIEW OF MINUTES

A. November 14, 2002

The board voted to unanimously approve these minutes.

EXECUTIVE DIRECTOR'S REPORT

There was no Executive Director at this time.

CHAIRMAN'S REPORT

The members voted on the following absences:

Christine Hoke – unexcused.

Michelle Kane – excused.

Carl Engelmeier – (Friday only) – unexcused.

Mr. Lang reminded members that they must send the Executive Director and Board Chair a letter stating that they will be unable to attend at least 48 hours before the meeting.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

There are one hundred ninety-one cases in legal. Seventy-five of these cases are set for probable cause. Seventy-one have stipulations executed/informal hearings requested, sixty-nine are ready for default and sixty-eight are awaiting final order. Twelve are under appeal and four are re-opened.

Final Action, Division I, Case against Jerry Linkous revisited for clarification. Division I voted unanimously to accept the settlement stipulation.

ATTORNEY GENERAL'S REPORT

- A. LOUIS DWAYNE PARKER**, RX 0051679, Application for Specialty Structure Examination was denied on August 15, 2002, due to failure show appropriate rehabilitation, after his previous license was revoked by a Final Order filed on October 11, 1990. Mr. Parker requested a formal hearing before the board and was scheduled for the January meeting, however, due to medical testing; Mr. Parker requested a continuance until the February 2003 meeting.

- B. DAVID SCOTT**, CG C044381, Application to qualify an additional business organization, Clark Realty Builders. Application was continued on April 10, 2002 and subsequently denied by the board on June 13, 2002, for failure to appear, failure to demonstrate existing qualified entity met net worth requirements and failure to apply for an FRO for

the existing company. Applicant's attorney has requested an informal hearing, however, due to the notice being sent late, the hearing was continued until the February 2003 meeting.

- C. JEFFREY LOUIS FELIX, CB C056123, Application to qualify an additional business organization, Clark Realty Builders. Application was continued on April 10, 2002 and subsequently denied by the board on June 13, 2002, for failure to appear, failure to demonstrate existing qualified entity met net worth requirements and failure to apply for an FRO for the existing company. Applicant's attorney has requested an informal hearing, however, due to the notice being sent late, the hearing was continued until the February 2003 meeting.**

CIRF ATTORNEY'S REPORT

- A. KOKIRSEV & RYABOY V. SZARAPKA, CLAIM 99-C0125 INFORMAL HEARING**
- B. SPAINHOUR & GRAY V. LEONI, CLAIM 01-C0130-INFOMRAL HEARING**
- C. FUSSEY V. NUTT, CLAIM 99-C0125- INFORAMAL HEARING**
- D. LANZETTA V. MINGIOA, CLAIM 01-C0077 – INFORMAL HEARING**
- E. ROBERTS V. EVANS, CLAIM 02-C0061INFORMAL HEARING**

The board voted unanimously to refer all of these cases back to the Recovery Fund Committee.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications approved

Austin Alvarez – ROM A/C Corp.
Henry E. Hester – Hester Construction
Brett William Costello – Individual
Brian T. McKendry – McKendry Builders, Inc.,
Burton R. Berman – Palm Coast Homes & Development Corp.
Charles Darrell Melton
Derek Scott Morton – Morton Builders, Inc.
Elvis Kenneth Golden – E.K. Golden Builders, Inc,
Henry Kevin Shirley – Individual
James David Shuler – Coastal Installations, Inc.
Jeff Endsley – Pathfinder Consulting, Inc.
Jeffrey R. Onorato
Jesse Lee Wilburn – Keywest Contracting Services, Inc.
John Stanley Ricker – John Ricker Air Conditioning, Inc.
Michael Allen Conroy
Raymond Tummolo – Tummolo Aluminum, Inc.
Richard Arthur Yates – Airco Systems, Inc.
Ronald G. VanGarsel – Individual
Thomas S. Hutchison
Victor Paul Wozniak – Wozniak Builders, Inc.

Applications denied

Betram Oce – Marquis Construction Co. – unlicensed activity.

Cordell B. Oswald – Oswald Builders – did not take an examination at the local level.

Joseph Micheal Esposito – Three J, Inc. – failure to meet the experience requirements of a General Contractor.

Karl Josef Martyn – Martyn & Martyn Enterprises, Inc. – failure to show proof that Civil Rights have been restored.

Michael F. Lapp – Southern Comfort Quality Pool & Spa Service, Inc. – continuing unlicensed activity.

Patrick Migliore – Commercial Concrete Restoration Services, Inc. – has judgment.

Robert P. Haynie, Jr. – Unlicensed Activity.

William Terry Besnier – due to open complaint.

The committee also approved the list of seventy-three contractors that have been certified under the “grandfathering law” and the list of fifty-three applicants that have met all requirements to become “financially Responsible Officers”.

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

PROBATIONS COMMITTEE

Mr. Weller gave the following report:

Leigh Broward (CB C06776) – unsatisfactory appearance - failed to provide satisfactory contracts.

John Carter (CC C050492) – stay of suspension was reinstated – this did not count as a probation appearance

Eric Pitchman (CG C013895) – satisfactory appearance.

Daniel Stirling (CC C056787, CB C057799) – satisfactory appearance.

Ronald E. Dwyer - continued until February 2003 meeting.

Garth Bonner (CP C056430) - Tolloed.

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

ADDITIONAL BUSINESS COMMITTEE

Ms. Brown gave the following report:

Applications approved

Martz, Benny L.

McKenzie, Walter

Sabatello, Theodore P.

Tamayo, Juan

Toutouchian Hamid R.

Walters, Dennis

Applications denied

Brown, William – has not held license for one year.

Morton, James – selling license.

Ricard, James – renting license.

Talley, Paul A. – failure to show both companies meet net worth requirements.

Applications continued

Buscaino, Victor – needs corrected financial statement.
Espinosa, Roberto – needs corrected bond.
Guadarrama, Ricardo – per applicant's request.
Hanafi, Moneidin – needs building contractor application.
Pybus, James A. – information received too late.
Schultz, Roy C. – needs satisfaction of liens.

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

EXECUTIVE COMMITTEE

Mr. Lang gave the following report:

The committee considered a proposal from Robert C. Stroh of the University Of Florida to invest a portion of the \$4.00 licensing fee for the maintenance of a statewide builder practices database and the production of annual reports of the energy related characteristics of new home construction in Florida. The board directed Mr. Vaccaro to draft a letter denying this request.

The committee also considered a request from Norman H. Miller, regarding licensure requirements for door and window installers. After discussion, it was decided that no action was required since Mr. Miller has a local license, which allows him to install windows and doors.

The committee considered a request from Edmund R. Stanton, Redd Team Mfg., regarding licensure requirements for the installation of temporary, modular, "pre-engineered" aluminum access ramp and stair systems which the company manufactures. The board directed Mr. Vaccaro to send a letter stating that their previous letter regarding this subject still stands.

The committee considered a request from Doug Ratterman, regarding licensure requirements for the installation of the heavy timber and steel roofing systems his company sells. Mr. Martin will draft a letter stating that a contractor's license would be required and their sub-contractor would also need a license. The letter would further state that if they were employees working for a Florida licensed contractor, no license would be required for them.

The committee considered a request from Don Lewis, regarding the scope of a gas pipeline specialty contractor's license. Paul Martin will draft a letter stating that this work requires an underground utility and excavation or plumbing contractor license.

The committee also considered a request from Greg Sullivan, regarding licensing requirements for the installation of high purity gas and water distribution systems manufactured by his company. Paul Martin will draft a letter stating that a Mechanical or Plumbing license is needed.

The committee also considered a request from Kenneth Bounds, Olshan Foundation Repair Company, regarding foundation repairs using the cable lock system. Paul Martin will draft a letter stating that a Division I contractors license is needed.

The committee considered a request from Joseph Ziegler, regarding licensing requirements for the design and construction of soil and groundwater pollution remediation systems. This item was tabled for one month.

The committee considered a request from Jerry Pellegrino, regarding the definition of "supervision" as used in the November 6, 2002, letter from Robert Crabill regarding precision tank testers. Mr. Martin to draft letter stating must be on site.

Request from Paul Martin to discuss and advise CILB staff as to when they want the Central Intake Unit to require the submission of an FRO application when the attempted qualifier has no equity interest in the company he/she wants to qualify. The board voted unanimously to require that anyone with 25% or more does not require an FRO.

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

RULES/LEGISLATIVE COMMITTEE

Mr. McKitrick gave the following report:

Deborah Lawson with the NACM Improved Construction Committee And The American Subcontractors Association of Florida addressed the committee and plans to bring a draft of proposed legislation regarding Chapters 489.128, 489.532 and 713.02 of the Florida Statutes dealing with companies without QB licenses and unenforceable contracts to the February board meeting. The board stated that they support this Legislation.

The committee had a presentation by the Southeast Glass Association (SEGA) and PTI proposing licensing of glass and glazing contractors by the State of Florida. After discussion, Mr. Kershner agreed to work on a draft of the language and bring to the February board meeting.

Mr. Joseph Belcher, JDB Code Services, Inc., submitted a proposal to modify Chapter 61G4-15.015, F.S., the certification of specialty structure contractors. This item will be placed on the February Rules agenda.

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Ms. Chung gave the following report:

The committee reviewed eighty-seven courses and approved eighty. One instructor was denied because he has a professional license with the Department of Business and Professional Regulation that was revoked.

The committee also reviewed some correspondence from Richard Browdy, Chair, Education TAC, Florida Building Commission, regarding The Florida Building Code. After discussion, the committee voted to have staff place this matter on the February Executive Agenda for consideration by the full board.

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

RECOVERY FUND/FINANCE COMMITTEE

Mr. McKitrick gave the following report:

Brueggeman v. Trefcer: Case #01-C0150 - Approved - \$10,764.00
Call v. Miller: Case #01-C0063 - Continued to February 2003
Camacho v. Benito: Case #01-C0136 - Approved - \$5,000.00
Carr v. Gilbertson : Case #01-C0139 - Approved - \$21,000.00
Centofanti v. Thomson: Case #01-C0002 - Continued to February 2003
Conner v. Colman: 02-C0158 - Approved - \$25,000.00
Deyo v. Thomson : Case #00-C0138 - Approved - \$25,000.00
Garate v. Sheingold & De Armas: Case #02-C0048 - Approved - \$25,000.00
Godert v. May: Case #02-C0047 - Approved - \$25,000.00
Harvey v. Shimkus: Case #01-C0062 - Continued to February 2003
Hayes v. Sturney: Case #98-C0228 - Continued to February 2003
Leggitt v. Wilbur: Case #99-C0154 - Approved - \$10,500.00
Metzger v. Powell: Case #01-C0082 - Approved - \$25,000.00
Orlowski v. Clapsaddle: Case #00-C0256 - Approved - \$8,776.30
Page v. Lancaster: Case #01-C0098 - Continued to March 2003
Rutledge v. Howe: Case #02-C0156 - Continued to February 2003
Smith v. Hunt: Case #00-C0250 - Approved - \$2,566.43
Stewart v. Miller: Case #01-C0064 - Continued to February 2003
Tyson v. Johnson: Case #01-C0059 - Denied with Prejudice
Zachos v. Gilliland: Case #00-C0141 - Approved - \$25,000.00

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

NEW BUSINESS

Mr. Lang announced that he had appointed Mr. Kalmanson to the Application Review and Rules/Legislative Committees.

With no further business, the meeting was adjourned at approximately 8:45 a.m.

