

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**EMBASSY SUITES HOTEL
4350 PGA BLVD.
PALM BEACH GARDENS, FL
(561) 622-1000**

GENERAL SESSION MINUTES

MAY 9, 2003

APPROVED JULY 16, 2003

The meeting was called to order by Mr. Lang, Chair, at approximately 8:05 a.m.

BOARD MEMBERS PRESENT

Robert Lang, Chair
Edward Weller, Vice-Chair
Michael Blankenship
Joan Brown
Lee-En Chung
Paul Del Vecchio
Carl Engelmeier
Christine Hoke
Raymond Holloway
Barry Kalmanson
Michelle Kane
Elizabeth Karcher
Jacqueline Watts

BOARD MEMBERS ABSENT

John Smith

OTHERS PRESENT

Barbara Edwards, Board Counsel, AGO
Patrick Creehan, DBPR Attorney
Tim Vaccaro, Executive Director
Stacey Merchant, Government Analyst II
Ruthanne Christie, Government Analyst I

Mr. Holloway gave the invocation. Ms. Brown led the Pledge of Allegiance.

REVIEW OF MINUTES

- A. FEBRUARY 14, 2003 (To be distributed)
- B. MARCH 14, 2003 (To be distributed)
- C. APRIL 10, 2003

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Vaccaro announced that the Division of Professions and the Division of Regulation have been merged together to form the Division of Professions and Regulation. James Varnado is the Director of this Division.

Mr. Vaccaro also stated that someone had raised a question regarding money being transferred to the Recovery Fund from the General account now that the amount had been increased. Mr. Vaccaro said that he will try to have the exact figure by the next meeting.

Continuing Education Certificates will be given out to the Board Members after the meeting.

CHAIRMAN'S REPORT

Mr. Lang announced that all board members should have received their copy of the Newsletter.

Mr. Lang also inquired about board member vacancies. Mr. Vaccaro stated that he was working on that situation. Mr. Watts stated that she knew of a Building Official that had made application to fill the position left vacant when Paul McKittrick resigned earlier this year.

Mr. Lang had Mr. Weller read the new committee list, which will begin in July. It is as follows:

Additional Business Committee

Elizabeth Karcher, Chair
Paul Del Vecchio, Vice-Chair
Robert Lang
Jacqueline Watts

Probations Committee

Paul Del Vecchio, Chair
Carl Engelmeier, Vice-Chair
Joan Brown
Robert Lang
Jacqueline Watts

CE/Exams Committee

Lee-En Chung, Chair
Raymond Holloway, Vice-Chair
Michael Blankenship
Christine Hoke
John Smith

Recovery Fund Committee

Michelle Kane, Chair
John Smith, Vice-Chair
Joan Brown
Carl Engelmeier
Barry Kalmanson

Application Review Committee

Jacqueline Watts, Chair
Christine Hoke, Vice-Chair
Lee-En Chung
Raymond Holloway
Michelle Kane

Rules Committee

Michael Blankenship, Chair
Barry Kalmanson, Vice-Chair
Paul Del Vecchio
Michelle Kane
Elizabeth Karcher

PROSECUTING ATTORNEY'S REPORT

- A.** Consideration of motion for rehearing, in Case # 2001-06414, regarding Respondent Steven Michael Leoni (CRC058266).

Mr. Leoni was present with Attorney. Mr. Creehan presented this case stating that Mr. Leoni was served a Final Order, but the Attorney that was listed in the file was not the Attorney listed on the Election of Rights. Mr. Leoni out of the Country and an appeal was not filed within the required deadlines. The Final Order was refiled.

Ms. Watts recused herself from this case.

The board voted unanimously to deny the motion for rehearing.

- B.** Consideration of motion to vacate final order in Case #2001-04569, Robert E. Spencer (CGCA06128), due to improper service of Administrative Complaint.

Mr. Spencer was not present or represent by Counsel.

Mr. Creehan presented this case stating this case stating that he recommends vacating the Final Order and reserving at the proper address.

The board voted unanimously to accept the Prosecuting Attorney's Recommendation.

Mr. Creehan also gave the following report:

For the month of April, there were 300 cases in legal. 23 cases were set for probable cause, 79 cases was probable cause found/ admin. Complaints filed, 48 were ready for default and 57 cases have stipulations executed/Informal Hearings requested. 109 had Formal Hearings requested, 34 were referred to DOAH, 50 were awaiting Final Orders and 5 were under Appeal.

ATTORNEY GENERAL'S REPORT

- A.** Michael Esposito, Application for Initial Certified General Contractor License was denied on January 9, 2003 for failure to show proof of experience necessary to meet the eligibility requirements set forth in 61G4-15.001, F.A.C. Mr. Esposito has requested an informal hearing before the board.

Mr. Esposito was present with Attorney Mark Bryan. Ms. Edwards presented this case stating Mr. Esposito's application was denied in January and he has requested an informal hearing.

Mr. Esposito is requesting that the board consider granting him licensure as a certified residential contractor instead of a general contractor. DBPR Education and Testing staff has compared the blueprints of the two examinations and determined that they are substantially similar.

The board voted unanimously to approve Mr. Esposito for certified residential contractor.

- B.** Kenneth R. Fritz, Application for Initial Certified Residential Contractor License was denied on February 13, 2003 for failure to show proof of Civil Rights Restoration. Mr. Fritz's application is being submitted for reconsideration due to evidence his civil rights have been restored.

Mr. Fritz was present without Counsel. Ms. Edwards presented this case.

Mr. Fritz provided proof that his Civil Rights have been restored.

The board voted unanimously to approve Mr. Fritz's application.

- C.** Michael F. Lapp, Application for Registered Pool/Spa Contractor License was denied on January 9, 2003 for lack of good moral character. Mr. Lapp has requested an informal hearing before the board.

Mr. Lapp was present without Counsel. Ms. Edwards presented this case stating that the standards for denying an applicant for lack of good moral character set out that it must be directly related to contracting and there must be clear and convincing evidence of such.

Mr. Lapp had marked on his application that he had never been disciplined by any municipality when in fact; he had received two unlicensed activity citations from Palm Beach County. This resulted in the Application Review Committee's denial of the application for lack of good moral character.

Mr. Lapp's application had erroneously been approved and a few hours later, before the license could even be printed, it was deleted and the file was forwarded to the board office.

A motion was made to approve Mr. Lapp's application. Mr. Lapp's application was denied.

RECOVERY FUND ATTORNEY'S REPORT

A. AMENDOLARE vs. MOORE – Informal Hearing

Mr. Amendolare was present. Ms. Matthes presented this case stating that it was first heard in September 2002 with her recommendation to deny with prejudice. Ms. Matthes still recommends denial.

The board voted unanimously to deny this claim.

B. KERR & ST.HUBERT vs. DELLICARPINI – Informal Hearing

No one was present for this case. Ms. Matthes presented this case stating that it was first heard in July 2002 with her recommendation to approve the claim. At the time the claim was heard the committee instructed Ms. Matthes to hold both contractors responsible.

Mr. Dellicarpini has since appealed stating that he only pulled the permit as a professional courtesy and received no compensation.

Ms. Matthes current recommendation is to reverse the order against Mr. Dellicarpini and not find him liable.

The board voted unanimously to deny reversing this order.

C. KING vs. SMITH – Informal Hearing

No one was present for this case. Ms. Matthes presented this case stating that it was first heard in September 2002 and approved. Mr. Smith is now appealing this decision. Ms. Matthes recommends denial.

The board voted to accept the Attorney's recommendation.

D. MCDANIEL vs. THREADGILL – Informal Hearing

No one was present for this case. Ms. Matthes presented this case stating that it was first heard in November 2002 and approved. The contractor has filed an appeal. Ms. Matthes has established that there is no factual basis and recommends to affirm the previous order.

The board voted unanimously to affirm the previous order.

LARAIA vs. STEINSALTZ – Informal Hearing

No one was present for this case. Ms. Matthes presented this case stating it was first heard in November 2002 and approved. The contractor filed an appeal. Ms. Matthes recommends affirming the previous order.

The board voted unanimously to affirm the previous order.

E. SINGLER vs. JENNINGS – Informal Hearing

Mr. Singler was present. Ms. Matthes presented this case stating it was first heard in November 2002 and the claim was denied as recommended.

The board voted to uphold the denial of this claim.

F. STENDARDI vs. MYERS – Informal Hearing

No one was present for this case. Ms. Matthes presented this case stating it was first heard in October 2002 and approved the claim. The contractor filed an appeal. Ms. Matthes recommends affirming the previous order.

The board voted unanimously to affirm the previous order.

COMMITTEE REPORTS

Application Review Committee

Ms. Watts gave the following report:

Applications approved to continue processing

Appleby, Dustin L.

Ashworth, Jodi M.

Boe, Ray G.

Citrano, Brian

DeLaquil, Mark – with two years of probation. (Certified roofing & specialty structure contractor).

Dropps, Allen D.

Gillard, Allen – with two years of probation.

Hardman, Hugh

Hastings, Sewayne

Himelfarb, Jeffrey

Hoppe, James D.

Howell, Scott W.

Jackson, Matthew F. – pending release of lien or payment plan to IRS.

Jackson, Michael W.

Johnson, Alfred J., Jr. – with two years of probation.

Johnson, Charles A.

Kittleson, Kevin C.

Loucks, Kevin

Mackey, Stephen C.

Marshall, James C., Jr.

Martin, Johnny W.

Martinez, Oscar M. – with two years of probation.

Melville, James Archer

Pannell, Johnny R. – with two years of probation.

Raymos, Victor E. – with two years of probation.

Reedy, James M.

Rizzi, Daniel

Stables, Terry

St. George, Louis

Weeks, Brenda L.

West, Cody J. – Applicant agreed to downgrade from certified building contractor to certified residential contractor.

Williams, Rodney F.

Woodington, Donald – with two years probation.

Applications continued

Bagdonas, Dustin – Must appear in person

Applications Denied

Cabral, Andrew H.

Stokes, R. Donald, Jr.

Ward, Kenneth J.

The committee also approved 19 applicants that have met all requirements to be “Financially Responsible Officers” and 19 contractors that have been certified under the “Grandfathering Law”.

The board voted unanimously to accept the recommendation of this committee.

Probations Committee

Douglas Aird, (CGC047330) - Satisfactory

William Chandler, (CGC026001, CCC039865) - Satisfactory

William Thomas Donnell, (CRC057111) - Written Appearance - Satisfactory

Frederick Ingle, (CAC01466) - Written Appearance - Satisfactory

Jeremy Scott Logar, (CRC1326523) - Satisfactory

John Olin Milstead, (CAC033632) - Unsatisfactory

Edward Plante, (CGCA4574) - Unsatisfactory

Kenneth M. Roesch, (CBC057040) - Unsatisfactory (Tolled while case is on appeal)

Daryl Strickland, (CAC1813368) - Satisfactory

David Vickers, (CG C057366, CCC057466) - Continued to July

Harvey D. McClain, (CRC050317) - Tolled

Robert J. Foster, (CC C044924 & CBC059642) - Tolled

Gary F. Tucker, (CGC057366 & CCC057466) - Tolled

Additional Entity Committee

Ms. Brown gave the following report:

Applications Approved

Cyr, Gilles

Dolan, Paul P.

Hadad, Manuel

Henkelman, Ronald

Hoolihan, Mike

Mast, Cindy J.

Meckley, Mark E.

Meiser, Cristine D.

Miller, Thomas

Cox, Warren

Morales, Omar
Nance, Rudolph
Neal Michael R.
Ollerich, David E.
Panichello, Michael
Spires, Marvin
Szymanski, William

Applications Continued

Enrique, Luis – Continued until June.
Hoar, Wayne – Clarification of money in proposed bank account.
Mastrucci, Joseph – per applicant's request.

Applications Denied

Lee, David – Failure to appear.

The board voted unanimously to accept the recommendation of this committee.

Executive Committee

Mr. Lang gave the following report:

The committee considered a request from Jason B. Gonzalez, regarding whether a contractor would also be required to obtain an underground utility contractor license if constructing power plants, process plants and highways and bridges within the State of Florida. Mr. Vaccaro to send a letter requesting more information.

The committee considered a request from Lloyd J. Wander, regarding licensure requirements for sealing manhole chimneys with a urethane rubber that is painted on. Mr. Vaccaro to contact them and tell them the board changed their decision. Ms. Edwards to send a letter stating that a plumbing or underground utility & excavation contractor license would be required.

The committee considered a request from Stewart Jones, regarding licensure requirements for the mechanical installation and assembly of baggage conveyor systems found in airports. Ms. Edwards to send a letter stating that the structural work should be done by a general contractor, electrical work by an electrician and assembly does not require a license.

The committee considered a request from Jim Wright, regarding licensure requirements for mobile home roof-overs. Ms. Edwards to send out a letter stating it would require a general, building, residential, roofing or specialty contractor.

The committee considered a request from John D. Mahaffey, Jr., regarding the board's opinion as to the application of various statutes to a non-licensed subcontractor who is working under a licensed general contractor's license when the permit is pulled by the general contractor. The board decided a complaint should be opened on the general contractor for aiding and abetting unlicensed activity. The subcontractor is also in violation. Ms. Edwards to send a letter.

The committee considered an email request regarding whether a class B air conditioning contractor could service swimming pool heat pumps and chlorine generators. Ms. Edwards to send a letter stating yes to heat pumps, no to chlorine generators.

The committee considered a request from Hans G. Huessy, regarding a business model in which The Home Service Store (HSS) provides a referral service for construction projects. Ms. Edwards to send a letter stating this does not fall under the jurisdiction of this board.

The committee considered a request from Paul Berkowitz, regarding Tousa Homes and its qualifier Thomas Kimble. Tousa Homes has three fictitious names, which they want to qualify with Mr. Kimble's existing additional business licenses. They are requesting the board's guidance as to whether this would require a change of status application or additional business application. After discussion, it was decided to allow this to be handled with change of status applications.

The board voted unanimously to accept the recommendation of this committee.

Rules Review Committee

Ms. Kane gave the following report:

Ms. Edwards stated that she received a letter from JAPC regarding Rule 61G4-15.018, Glass and Glazing Contractors. After discussion, it was decided that Ms. Edwards should call Ms. Printy for clarification before responding to her letter.

Ms. Kane reported that the committee has decided not to pursue Rule 61G4-16.001 at this time.

The committee has decided to review the following rules in the next month:

61G4-15.0021
61G4-15.005
61G4-15.006

The committee has requested that all members of this committee be mailed all application forms so that they can review those forms as they review the forms rule.

Ms. Brown and Ms. Edwards will be working together to discuss the structural definition of swimming pools.

Mr. Kalmanson and Ms. Edwards will also be working together on the Continuing Education requirements.

The board voted unanimously to accept the recommendation of this committee.

Exams/CE/Public Awareness Committee

Ms. Chung gave the following report:

Applications Approved

Homotech Information Systems, Inc. (0000924)
Course: Power Estimating (0005139 EXPIRED 2/1/03)

RACCA Inc. (0000930)
1st Course: Workers' Compensation/Supervisor Safety Training (0000342 EXPIRED 3/1/03)
2nd Course: OSHA Workplace Compliance (0000343 EXPIRED 3/1/03)
3rd Course: Introduction to Indoor Air Quality (0000344 EXPIRED 3/1/03)
4th Course: Energy Code Forms - Residential Compliance (0000346 EXPIRED 3/1/03)
5th Course: Group Health Plans for Contractors (0005425 EXPIRED 3/1/03)

Northeast Florida Builders Association (0000937)
Course: VAMA (Voluntary Affirmative Marketing Agreement) (0004532 EXPIRED 11/1/02)

Florida Concrete & Products Association (0000973)
Course: FC&PA Parking Area Finisher Certification (0005845 EXPIRED 5/1/03)

Broward County Public Schools - Industry Services Training Center (0001004)

Course: Cardiopulmonary Resuscitation, First Aid, Workplace Safety (0000868 EXPIRES 6/1/03)

Locklin Technical Center (0001036)

1st Course: Current Building Construction Practices (0001542 EXPIRES 6/1/03)

2nd Course: Coastal Construction Design and Plan Review (0005951 EXPIRES 6/1/03)

3rd Course: Workers Compensation, Construction Site Safety and Employee Payroll (0005952 EXPIRES 6/1/03)

Florida Consortium of Community Colleges for Continuing Education of Construction Contractors (0001064)

1st Course: OSHA: Occupational Safety Health Standards (0000775 EXPIRED 5/1/03)

2nd Course: Overview of Building Contractor Operations (0000776 EXPIRES 9/1/03)

3rd Course: Hurricane Resistant Residential Construction (0000777 EXPIRED 9/1/01)

4th Course: The ADA: A Primer for Contractors (0000778 EXPIRES 9/1/03)

5th Course: Building Construction Codes (0000779 EXPIRED 1/1/03)

6th Course: Computer Skills for the Construction Industry - Level I (0000780 EXPIRES 8/1/03)

7th Course: Computer Skills for the Construction Industry - Level II (0000781 EXPIRES 8/1/03)

8th Course: Workplace Safety & Workers Comp. Insurance (0000782 EXPIRED 3/1/03)

9th Course: Estimating for General Contractors, Sub-Contractors and Architects (0000783 EXPIRED 3/1/03)

10th Course: Energy Efficient Housing for Florida Climate (0000784 EXPIRED 3/1/03)

11th Course: General Insurance/Health Insurance Issues (0000839 EXPIRED 4/1/03)

12th Course: Business Development and Planning (0000840 EXPIRED 5/1/03)

13th Course: Successful Money Management (0000851 EXPIRED 1/1/03)

14th Course: Autocad for the Construction Industry - Level I (Name Change) (0000852 EXPIRED 3/1/03)

15th Course: Essential Business Practices for Building Contractors (0000854 EXPIRES 6/1/03)

16th Course: Advanced Project Scheduling (0005395 EXPIRED 3/15/03)

17th Course: Introduction to Project Scheduling (0005396 EXPIRED 3/15/03)

18th Course: Drug Free Workplace Programs: Reducing Workers Comp. (0005613 EXPIRED 4/1/03)

19th Course: OSHA Documentation with Electronic Access (0005616 EXPIRED 4/1/03)

Peckar & Abramson, P.C. (0001721)

Course: How to Protect Your Rights Payment: Construction Lien Law, Prompt Payment Law & Claims Against the Bond (0005536 EXPIRED 4/1/03)

BRB Code Educators, Inc. (0001728)

1st Course: Wind Load Provisions of the Florida Building Code (0005600 EXPIRED 4/1/03)

2nd Course: Florida Building Code Roofing Requirements (0005601 EXPIRED 4/1/03)

3rd Course: Wind Load Provisions & Building Envelope Requirements of the Florida Building Code (0005602 EXPIRED 4/1/03)

4th Course: The FBC Requirements for Windows, Doors, Glass & Glazing (0006049 EXPIRES 7/1/03)

Lorman Business Center, Inc. (0000837)

Course: Construction Law for Florida Contractors and Other Construction Professionals (Part 2)

International Comfort Products Corp. (USA) (0001006)

Course: Gas Furnace Installation & Service

Department of Community Affairs (DCA) (0001042)

Course: June 30th 2003 Code Changes

Contractors Institute (0001189)

1st Course: Computer Aided Residential Drafting (CARD) 2 Day Course

2nd Course: Computer Accounting 2-Day Course
3rd Course: Computer Applications & Programs Used in Construction Professions (2-Day)
4th Course: Basic & Advanced AutoCad)

Miami-Dade County Building Code Compliance Office (0001284)
Course: Ladders in Construction

Advanced Benefits Inc. (0001642)
1st Course: Workers Comp 2% Safety Credit
2nd Course: Understanding Workers Comp Declaration Page

The Landan Company (0002195)
Course: Sharpening Your People Skills

Building Officials Association of Florida, Inc. (0001001)
1st. Course: The ABCs of the Florida Energy Efficiency Code
2nd Course: Glitch Amendments to the Florida Building Code
3rd Course: Door & Window Replacement
4th Course: Simplified Provisions of Chapter 16 - Florida Building Code
5th Course: Update to Florida Building Code Chapter 34 Existing Buildings
6th Course: Roofing Inspection

Stevens Construction Institute, Inc.
1st Course: Best Practices in Managing the Construction Process
2nd Course: Worker's Compensation
3rd Course: Safety Practices
4th Course: Best Practice in Estimating and Bidding

Certified Mold Free Corp.
Course: Certified Mold Free New Homes

Building Officials Association of Florida (0001001)
Course: "F.B.C.Informal Code Interpretations"

Applications Denied

Honeywell (0001040)
1st Course: Indoor Air Quality and Troubleshooting EACS (0001572 EXPIRED 1/1/02)
2nd Course: Zoning Application and Installation (0001573 EXPIRED 1/1/02)

Florida Solar Energy Center (0000859)
1st Course: Checklist for Sustainable Development
2nd Course: Energy Efficient Florida Home Building
3rd Course: Residential Window Options USA
4th Course: Optimizing School Design for Hot and Humid Climates

Florida Wood Council (0000980)
1st Course: You Design It - We'll Build It
2nd Course: Importance of Bearing and Truss Design
3rd Course: Understanding the Truss Layout
4th Course: Upgrade to Above Grade for Floor Systems
5th Course: Designing & Building to Minimize Mold and Mildew
6th Course: The 22% Advantage for Wood in Homes
7th Course: The Next Generation of Treated Wood Products

Miami-Dade County Building Code Compliance Office (0001284)
Course: Construction Business Practices and Workplace Safety

The committee also voted unanimously to accept THE PASS LIST FROM THE APRIL 2003 EXAMINATIONS.

Ms. Chung also reported that Mr. Ewaldt, from the Bureau of Education and Testing attended the committee meeting to answer questions regarding application processing.

The board voted unanimously to accept the recommendation of this committee.

Recovery Fund/Finance Committee

Ms. Kane gave the following report:

Hazzard V. Day: Case #02-C0113
Approved - \$13,045.00

Hoose V. Romano : Case #01-C0054
Order Reversed – Claim Continued Indefinitely

Jordan V. Hunt: Case #00-C0234
Approved - \$20,888.

Koppel V. Taylor: Case #01-C0015
Approved - \$8,347.00

Lord v. Pope: Case #02-C0142
Approved - \$25,000.00

Lyons v. Irvin: Case #02-C0065
Continued At Claimant Request

Morsillo v. Dingle: Case #01-C0053
Approved - \$13,045.00

Page v. Lancaster: Case #01-C0098
Approved - \$25,000.00

Rutledge v. Harwood: Case #02-C0156
Approved - \$7,374.75

Tyson v. Johnson: Case #01-C0059
Continued At Claimant Request

The board voted unanimously to accept the recommendation of this committee.

OLD BUSINESS

There was no old business at this time.

NEW BUSINESS

With no further business, the meeting was adjourned at 9:35 a.m.