

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

**HILTON COCOA BEACH OCEANFRONT
1550 NORTH ATLANTIC AVENUE (A1A)
COCOA BEACH, FL 32931
321.799.0003**

NOVEMBER 11, 2005

APPROVED JANUARY 13, 2006

The meeting was called to order by Joan Brown, Chair, at approximately 8:20 a.m.

BOARD MEMBERS PRESENT

Joan Brown, Chair
Paul Del Vecchio, Vice-Chair
Peggy Bailey
Michael Blankenship
Lee-En Chung
Carl Engelmeier
Jim Flaherty
Raymond Holloway
Barry Kalmanson
Michelle Kane
Thomas Thornton
Robert Stewart
Jacqueline Watts
Don Wilford

BOARD MEMBERS ABSENT

Mark Pietanza
Edward Weller

OTHERS PRESENT

Diane Guillemette, Board Counsel, AGO
Patrick Creehan, Prosecuting Attorney, OGC
Tim Vaccaro, Executive Director
Stacey Merchant, Government Analyst II
Andy Janecek, Government Analyst I
Adrienne Rogers, FCHRF Counsel

Mr. Thornton gave the invocation and Mr. Wilford led the Pledge of Allegiance.

REVIEW OF MINUTES

Final Action – October, 2005

The board vote unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Vaccaro asked the Board Members to let Mr. Janecek know the dates that they can serve on probable cause.

Mr. Vaccaro also gave the members the 2006 Board Meeting Schedule with locations.

CHAIRMAN'S REPORT

The board voted unanimously to excuse Mr. Pietanza's and Mr. Weller's absences.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

There were 471 cases in legal. Of these cases, 58 cases were set for probable cause, 157 had probable cause found/administrative complaints filed, 67 cases were ready for default and 45 cases had stipulations executed/informal hearings requested. There were 102 cases with formal hearings requested, 6 cases were referred to DOAH, 66 cases were awaiting final orders, 9 cases were in settlement negotiations and 3 cases were reopened.

For the month of October 2005, 140 cases were closed.

The Board also voted unanimously to ratify the list of Local Disciplinary Orders.

ATTORNEY GENERAL'S REPORT

Ronnie L. Evans – Informal Hearing

Mr. Evans was present with his Attorney Jim Lussier.

Ms. Guillemette presented this case stating that Ms. Evans' application to qualify an additional entity was denied at the August Board meeting. (See Notice of Intent to Deny.)

Mr. Evans has filed a "Petition for review of Notice of Intent to Deny."

The Petition should be considered timely.

After discussion, the board voted unanimously to uphold this denial.

David Mart – Informal Hearing

Mr. Mart was present.

Ms. Guillemette presented this case stating that Mr. Mart's application for change of status from Inactive to active was denied at the August meeting of the Board, on the grounds that the applicant failed to comply with a previous order of the board.

With a timely request for hearing on October 5, 2005, Mr. Mart has supplied a letter from Elise M. Matthes which speaks to certain language which was inadvertently added to a settlement stipulation order.

After discussion, the voted unanimously to allow Mr. Mart's application to continue the processing and that his license should no longer be suspended.

Harish C. Patel – Informal Hearing

No one was present for this hearing.

Ms. Guillemette presented this case stating that Mr. Patel's application was denied at the March meeting of the board. Mr. Patel preserved his right to a hearing by Petition of May 3, 2005. This Petition stated that he was in the process of hiring an attorney. As of October 26, 2005, no Attorney had filed a notice of appearance or contacted Ms. Guillemette. Ms. Guillemette sent Mr. Patel a letter informing him of the lack of Attorney and asked him to clarify the Petition. Mr. Patel has not provided any return correspondence.

After discussion, the board voted unanimously to uphold the previous denial.

VLE Enterprises – Informal Hearing

No one was present for this hearing.

Ms. Guillemette presented this case, stating that one of the courses submitted, "Making the Retail Sales Call," was denied as not related to contracting at the June Meeting of the Board.

A request for "re-approval" of the course was received with supplemental information, at the Department on September 2, 2005.

The date of VLE Enterprises' receipt of the Notice of Intent to Deny should be available at the Board meeting.

After discussion, the board voted unanimously to uphold the previous denial.

Jim Whitfield – Informal Hearing

Mr. Whitfield was present with his Attorney Jim Moore.

Ms. Guillemette presented this case stating that Mr. Whitfield's application for change of status from one business to another was denied at the April meeting of the Board.

Mr. Whitfield, through his Attorney, timely mailed a request for Formal Hearing to Counsel for the Board, as well as a request to the Department. This request was not filed until after the expiration of 21 days.

After conversation with Mr. Moore, Board Counsel requested that the Board consider the additional information filed by Mr. Whitfield.

After discussion, the board voted unanimously to approve Mr. Whitfield's application contingent upon receipt of satisfaction of the judgment within 60 days.

Joseph N. Guy – Request for Reinstatement of License

Mr. Guy was present.

Mr. Guy via his attorney had filed a Petition for Reinstatement of License under SB 1012er. The Board is in the process of rule making to formalize a form and a fee as required by the new legislation.

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

Frank Stellino – Request for Reinstatement of Stay of Suspension

Mr. Stellino was present with his Attorney Charles Jaffee.

Ms. Guillemette presented this case stating that Mr. Stellino is on probation. Mr. Stellino's stay of suspension was lifted at the September Board meeting for failure to appear. Along with Mr. Stellino's request he submitted a complete probation package.

After discussion, the board voted unanimously to reinstate the stay of Suspension.

EvapTech – Amended Petition for Declaratory Statement

Debbie Platz was present.

Ms. Guillemette presented this case stating this Petition requesting the licensing requirements for the installation and repair of its proprietary water cooling towers. After discussion, the board voted unanimously to have Ms. Guillemette draft a letter explaining that the erection and installation of cooling towers requires a Mechanical or a Class A or B air-conditioning contractor's license.

Dannie S. Johnson – Petition for Declaratory Statement

Mr. Johnson was present.

Mr. Johnson filed a petition for declaratory statement requesting clarification on whether a licensed residential or commercial swimming pool contractor, in accordance with Chapter 489.113(9), F.S., includes in his contract the sale of a screen enclosure which will be subcontracted to an appropriately licensed contractor for installation.

After discussion, the board voted unanimously to have Ms. Guillemette draft a response affirming that 489.113(a) allows subcontracting in all categories.

RECOVERY FUND ATTORNEY'S REPORT

There were no claims presented.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications approved

Cook, Fred – Initial certified class B air conditioning contractor
Genera, Rolando – Initial certified general
Kessee, Rickey, Change of status (RP 0067370)
Lansford, John – Initial certified roofing
Mosequera, Donato – initial certified general contractor
Runyon, Ronnie – Initial certified general contractor
Sawdo, Michael – Initial certified general contractor – approved with 2 years of probation.
Valenti, John – Initial certified building contractor

Applications denied

Brennerman, Kent – change of status – CP C057225
Luongo, Vincent – Plumbing & class A air-conditioning by Endorsement
Marshburn, William – General by Endorsement
Pappas, Thomas – Limited one time non-renewable building registration
Payette, Frederick – change of status CB C058436 & CC C057726
Pederson, John – roofing by Endorsement
Pollock, Neal – Specialty Dry Wall by Endorsement
Raygor, Paul – change of status CG C1504248 & CG CA057401
Young, Billy – initial certified inactive residential contractor

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

PROBATIONS COMMITTEE

Mr. Del Vecchio gave the following report:

Anthony Agrusa, (CFC26530)

Comments: **Appearance 4 of 4**

Result: Satisfactory

Lawrence A. Bellinger, (CP C032554)

Comments: **Appearance 1 of 4**

Result: Stay Lifted - Failure to Appear

Jeffrey Braley, (CBC032098)

Comments: **Appearance 1 of 2**

Result: Unsatisfactory

Charles R. Coleman, (CC C024429)

Comments: **Appearance 1 of 4**

Result: Satisfactory

Robert E. Cross, (CB C053668)

Comments: **Appearance 1 of 10**

Result: Tolled

Carl Evans, (CAC58389)

Comments: **Appearance 2 of Until Civil Rights are restored**

Result: Satisfactory

Jeffrey Foster, (CAC57377)

Comments: **Appearance 3 of 4**

Result: Satisfactory

Robert G. Franklin, (CGC1506150)

Comments: **Appearance 4 of 4**

Result: Satisfactory

Dennis Hardy, (CP C029643)

Comments: **Appearance 1 of 4**

Result: Continued to May, 2006

Willis Hodges, (RA0066511)

Comments: **Appearance 2 of Until Liens are Paid**

Result: Satisfactory

Robert Hostetler, Jr., (CCC 057082)

Comments: **Appearance 1 of 4**

Result: Stay Lifted - Failure to Appear

William R. Kivimaki, (CMC56259)

Comments: **Appearance 3 of 4**

Result: Satisfactory

Robert Laurence, (CBC56772)

Comments: **Appearance 2 of 4**

Result: Satisfactory

Jong X. Leon, (CPC 1456657)

Comments: **Appearance 4 of 4**

Result: Satisfactory

Jose Lima, (CA C1813817)

Comments: **Appearance 1 of 4**

Result: Satisfactory

William F. Lock, (CGC1506127)

Comments: **Appearance 3 of 4**

Result: Satisfactory

Thomas Mendez, (CGC46376)

Comments: **Appearance 2 of Until Civil Rights are restored**

Result: Continued to May, 2006

George Merritt, (CRC01326699)

Comments: **Appearance 3 of 4**

Result: Satisfactory

Clifton Meyer, (CGC4154)
Comments: **Appearance 1 of 4**
Result: Satisfactory

John Olin Milstead, (CAC033632)
Comments: **Appearance 7 of 14**
Result: Satisfactory

Robert Nance, (CRC042470)
Comments: **Appearance 3 of 4**
Result: Satisfactory

Jack L. Stearns, (CGC1505374)
Comments: **Appearance 4 of 4**
Result: Satisfactory

Daryl Strickland, (CAC1813368)
Comments: **Appearance 6 of Until Civil Rights are restored**
Result: Continued to January, 2006

Gary F. Tucker, (CGC18532)
Comments: **Appearance 1 of 4**
Result: Stay Lifted - Failure to Appear

David Vickers, (CGC057366 & CCC057466)
Comments: **Appearance 4 of 10**
Result: Satisfactory

Christopher J. Webster, (CCC036988)
Comments: **Appearance 1 of 4**
Result: Continued to May, 2006

Mark K. Weller, (CB C057574)
Comments: **Appearance 1 of 4**
Result: Tolled

John White, (CR 051373)
Comments: **Appearance 1 of 4**
Result: Request for Continuance Denied – Unsatisfactory

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

ADDITIONAL ENTITY COMMITTEE

Ms. Watts gave the following report:

Applications approved

Amaral, Daniel, Jr.
Arnold, Charles III
Barrios, Marlon
Cammack, John
Chasin, Robert
Cloutier, Richard
Coggins, Charles, Jr.

Coleman, Michael
Crist, James – upon receipt of proof of employment
Fall, Eugene
Fichter, Thomas
Fralick, Frank
Frazey, Rick
Garcia, Carlos
Goodenough, Barbara
Green, William, Jr. – upon receipt of payment of \$1,000 assessment & proof of 20% ownership
Grider, Gary
Harrison, Wayland
Hart, Randal
Kitogard, Ira
Korsen, Ted – approved to qualify new company upon receipt of old company license
Kurtz, Larry
Lembo, Philip
Martin, David
McBroom, Mark
McMillan, Leslie
Menke, Wendell
O'Key, Dennis
Oves, Ricardo
Redmon, Robert III – switched to change of status
Riggs, Cheryl
Rivera, Melissa
Rudolph, Joseph
Ryba, Robert
Schumm, John
Smith, Trina
Soveral, Bret
Sterling, Timothy
Stern, Peter

Applications denied

Brito, Norma
Maxwell, Billie

Applications withdrawn

McNair, Tammy
Milton, Vance

Applications continued

Cregg, Gordon – to January 2006
Thornton, Vance – to January 2006

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

EXECUTIVE COMMITTEE

There were no items for this committee.

RULES REVIEW COMMITTEE

Mr. Blankenship gave the following report:

The following rules have been developed:

61G4-15.001 – adding registered to approved persons who can verify experience.

61G4-12.008 – toll probation for only one six month period.

61G4-17.001 – Normal Penalty Ranges.

The following rules have been noticed:

61G4-12.006 – null and void application form.

61G4-12.009 – fees for null and void application.

61G4-16.003 – practical exam for swimming pool specialty contractors.

61G4-15.0021(4),(5) – additional entities.

61G4-15.033

61G4-15.034

The following rules have been adopted:

61G4-15.003 – add swimming pool specialty contractor.

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Holloway gave the following report:

Providers & Courses approved

LORMAN BUSINESS CENTER (0000837)

Course: Cruisin' Construction issues in the Bahamas

AMERICAN CONSTRUCTION SCHOOL, INC (0000872)

1st Course: The New Florida Residential Code

2nd Course: The New Florida Mechanical Code

3rd Course: The New Florida Plumbing Code

4th Course: Construction Laws

PALM CONSTRUCTION SCHOOL, INC. (0000912)

1st Course: Florida Workers' Compensation Update (Internet Course)

2nd Course: Florida Code Compliance Issues

3rd Course: Safety with Ladders & Scaffolds (Internet Course)

4th Course: Florida Construction Licensing (Internet Course)

5th Course: Construction Labor Productivity

FRSA EDUCATIONAL AND RESEARCH FOUNDATION (0000910)

1st Course: Introduction to Roofing for Building Officials (contingent upon adding "and Contractors" to the name.

FLORIDA POOL & SPA ASSOCIATION (0000917)

1st Course: Stain Specialist Certification -

2nd Course: Pavers: Advantages and Installation: New & Existing Decks

NBI, INC d/b/a NATIONAL BUSINESS INSTITUTE (0000954)

1ST Course: Resolving Problems and Disputes on Construction Projects in Florida

2nd Course: Averting Chaos on the Job Site: Proactively Understanding
Components of a Good Contract

PINCH A PENNY, INC. (0001014)

1st Course: Phosphate and Algae, So Happy Together

2nd Course: Maintenance and Care of Spas for the Swimming Pool/Spa Contractor

4th Course: Zeolite Filtration for Swimming Pools

5th Course: Electric Swimming Pool Cleaners

6th Course: Swimming Pool Pressure Cleaners

7th Course: Chlorination and Automation: For the Swimming Pool/Spa Servicing
Contractor

9th Course: Tips for Recruiting Pool Contractor Employees

10th Course: In-Floor Pool Cleaning Systems

FLORIDA EDUCATIONAL FACILITIES PLANNERS (0001202)

1st Course: Department of Education – Facilities Update

2nd Course: Avoiding Indoor Air Quality Problems in Hot & Humid Climates

5th Course: Bonds and Surety's

REDVECTOR.COM, INC. (0001771)

1st Course: Asbestos: What is it and How do you Remove It? (Internet Course)

3rd Course: Transforming the Entry Door (Internet Course)

4th Course: Toxic Mold: Detection, Prevention Remediation (Internet Course)

5th Course: Titles II and III: Construction Compliance w/the ADA (Internet Course)

6th Course: Title II: State & Local Governments (Internet Course)

10th Course: Personnel Administration (Internet Course)

11th Course: OSHA Tools: Hand & Power

15th Course: General Property Surveys & Real Property Law (Internet Course)

17th Course: Business Management Part III: Marketing & Financial Planning
(Internet Course)

18th Course: Business Management Part II: The Business Plan (Internet Course)

19th Course: Business Management Part I (Internet Course)

22nd Course: Developing & Managing a Project Budget (Internet Course)

25th Course: Professional Liability: Pre-Construction Considerations (Internet Course)

UNIVERSITY OF SOUTH FLORIDA (0003426)

1st Course: USF 9001 Steel Erection Sub Part R Safety Standards

2nd Course: OTI 3010 Course Excavation, Trenching & Soil Mechanics

3rd Course: OTI 500 Trainer Course in Occupational Safety & Health for Construction

ST. PETERSBURG COLLEGE (0000994)

1st Course: New Techniques in Hurricane Resistant Design for Residential
Construction Project Management (# 0000704, Expired 01/11/2004)

AMERICAN CONSTRUCTION SCHOOL, INC. (0000872)

1st Course: Rules & Regulations (# 0004860, Expired 04/10/2005)

3rd Course: OSHA Standards for the Construction Industry (# 0007680, Expired 08/14/2005)

B T BUILDERS INC. (0000958)

1st Course: American with Disabilities Act w/the State of Florida Amendments
(# 0007686, Expired 08/14/2005)

CONSTRUCTION ESTIMATING INSTITUTE (0000981)

1ST Course: Improving Construction Productivity (# 0003508, Expired 01/11/2004)

MIAMI-DADE COUNTY BUILDING CODE (0001284) COMPLIANCE OFFICE

(# 00001284, Expired 05/31/2005)

CENTEX CONSTRUCTION, LLC (0001109) (# 00001109, Expired 05/31/2005)

1st Course: Construction Management Training Course

ATKINS ENGINEERS, INC. (0002725, RENEWAL)

Providers & courses denied

AMERICAN CONSTRUCTION SCHOOL, INC (0000872)

5th Course: Mold & More

AAA CONSTRUCTION SCHOOL, INC. (0000972)

1st Course: Advanced Construction Management

2nd Course: Advanced Building Compliance

3rd Course: Advanced Termites and Mold

4th Course: Advanced Contracts, Estimates and Profits

5th Course: Advanced Core and Lien Law

PINCH A PENNY, INC. (0001014)

3rd Course: Successful Succession...Keeping Your Business in the Family Without
Killing One Another

8th Course: Internet Contractor's Training & Education

PENTAIR WATER (0001037)

1st Course: IntelliChlor Salt Chlorine Generator

FLORIDA CONSORTIUM OF COMMUNITY COLLEGES (0001064)

1ST Course: Certified Mold Assessor

FLORIDA EDUCATIONAL FACILITIES PLANNERS (0001202)

3rd Course: Growth Management – Public School Concurrency

4th Course: Economic Forecast for Florida

REDVECTOR.COM, INC. (0001771)

2nd Course: Understanding the Hispanic Constructor Worker (Internet Course)

7th Course: The Not – Quite – New Drywall Repair Technique (Internet Course)
8th Course: Proper Work Tool Usage for Contractors (Internet Course)
9th Course: Professional Painting (Internet Course)
12th Course: Mold Remediation in Schools & Commercial Buildings (Internet Course)
13th Course: Managing Water Use in Business & Homes (Internet Course)
14th Course: Laying Floor Tiles: A Case Study (Internet Course)
16th Course: Fire Prevention Basics and Design (Internet Course)
20th Course: Building the Privacy Fence (Internet Course)
21st Course: Beautiful Sliding Doors for Privacy (Internet Course)

AMERICAN CONSTRUCTION SCHOOL, INC. (0000872)
2nd Course: Mold and More (# 0007679, Expired 08/14/2005)

CENTEX CONSTRUCTION, LLC (0001109) (# 00001109, Expired 05/31/2005)
1st Course: Construction Management Training Course

NORMI – NATIONAL ORGANIZATION OF REMEDIATORS & MOLD INSPECTORS
1st Course: Certified Mold Inspection

The committee also ratified the October 2005 Pass List.

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

RECOVERY FUND/FINANCE COMMITTEE

Ms. Kane gave the following report:

Battisti v. Mensching; Claim No. 02-C0226 - APPROVED - \$4,585.00
Farrow v. Catalano; Claim No. 03-C0038 - APPROVED – \$19.50
Irvine v. Glover; Claim No. 03-C0152 - CONTINUED
Diaz v. Osgood; Claim No. 03-C0210 - APPROVED - \$15,954.40
Grande v. Harwood; Claim No. 03-C0248 - APPROVED - \$4,500.00
Ares v. Friga; Claim No. 2003-096597 - APPROVED - \$2,884.40
Lurie v. Tornetta; Claim No. 2004-009459 - APPROVED - \$25,000.00
Weimer v. Garmendia; Claim No. 2004-048930 - APPROVED - \$6,172.74
Vega v. Dorsa; Claim No. 2004-056999 - APPROVED - \$2,281.15
Schreiner v. Beasley; Claim No. 2004-060592 - APPROVED - \$25,000.00
Neel v. Crovo; Claim No. 2005-004581 - APPROVED - \$25,000.00
Shopay v. Huegel; Claim No. 2005-004597 - APPROVED - \$25,000.00
Gordon v. Brown; Claim No. 2005-009508 - APPROVED - \$1,697.32
Dietzman v. Reynaert; Claim No. 2005-021196 - APPROVED - \$5,319.67
Salyers v. Lang; Claim No. 2005-022608 - APPROVED - \$12,888.05
Hinz v. Roche; Claim No. 2005-025614 - APPROVED - \$5,000.00
Bernt & Agee v. Reed; Claim No. 2005-030045 - APPROVED - \$17,360.82
Olivos v. Cole; Claim No. 2005-032521 - CONTINUED TO JANUARY
Salehi v. Polacek; Claim No. 2005-034962 - APPROVED - \$25,000.00
Jaramillo v. Williams; Claim No. 2005-037795 - APPROVED - \$7,250.00
Zdeb v. Dorlon; Claim No. 03-C0033 - (Motion to Modify Final Judgment for the purpose of amending suspension language due to licensee being under a Chapter 13 payment plan) - MOTION APPROVED

List of Denials

Crescente v. Osgood; Claim No. 02-C0175 - DENIED

Wilson v. Pechous; Claim No. 02-C0211 - DENIED

Denton v. Nelson; Claim No. 03-C0093 - DENIED

Castleman v. Alspach; Claim No. 2003-091658 - CONTINUED

Barber v. Jute; Claim No. 2005-032489 - DENIED

McKenzie v. Price; Claim No. 2005-042240 - CONTINUED

Preuss v. Brennan; Claim No. 2005-049322 - APPROVED - \$7,600.00

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

With no further business, the meeting was adjourned at approximately 11:20 a.m.