



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD



Jeb Bush
Governor

Diane Carr
Secretary

GENERAL SESSION MINUTES

THE BILTMORE HOTEL
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JULY 15, 2005

Division of
Professions and Regulation

Construction Industry
Licensing Board

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The meeting was called to order by Joan Brown, Chair, at 8:35 a.m.

BOARD MEMBERS PRESENT

Joan M. Brown, Chair
Paul Del Vecchio, Vice-Chair
Peggy Bailey
Michael Blankenship
Lee-En Chung
Raymond Holloway
Barry Kalmanson
Mark Pietanza
Robert Stewart
Thomas Thornton
Jacqueline Watts
Edward Weller

BOARD MEMBERS ABSENT

Michelle B. Kane
Carl Engelmeier

OTHERS PRESENT

Diane Guillemette, Board Counsel, OAG
Patrick Creehan, Chief Prosecuting Attorney
Tim Vaccaro, Executive Director
Stacey Merchant, Government Analyst II
Andy D. Janecek, Government Analyst I
Adrienne Rodgers, Recovery Fund Attorney
Valeria Singleton, Regulatory Consultant/Supervisor
Kyle Mitchell, Special Counsel to the Secretary

Mr. Del Vecchio gave the invocation and Mr. Kalmanson led the Pledge of Allegiance.

REVIEW OF MINUTES

- **To be distributed**

The Board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Vaccaro gave the Board an update on Unlicensed Activity Cases for Construction, stating the Department has already exceeded the total number of cases received in the 2004 calendar year by 52 cases from January through June 2005. There have been 952 cases received, 735 cases have had probable cause found, 45 cases had no probable cause found and 162 cases have had Administrative Complaints found.

Mr. Vaccaro also gave the following report, at the end of June, the Department had visited over 13,200 sites, checked over 18,600 licenses, issued 533 citations, opened 1,400 investigations, issued over 1,500 cease and desist orders and facilitated the arrest of 68 unlicensed contractors relating solely to hurricane damage repair.

CHAIRMAN'S REPORT

Ms. Brown announced that Paul Del Vecchio was the Board Vice-Chair.

The Board voted unanimously to excuse the absences of Mr. Engelmeier and Ms. Kane.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

As of June 2005, there were 258 cases in Legal, 74 cases were set for probable cause, 146 cases had probable cause found/Administrative Complaints filed and 52 cases are ready for default. There were 97 stipulations executed/informal hearings requested, 76 formal hearings requested, 11 cases were referred to DOAH and 43 cases were awaiting Final Orders. There were 9 cases in settlement negotiations and 5 cases were re-opened. For the month of June 2005, 149 cases were closed.

ATTORNEY GENERAL'S REPORT

A. Advanced Benefits Inc – Informal Hearing

Ron Mikolajczyk was present.

Ms. Guillemette presented this case stating that Advanced Benefits Inc.'s application for course approval was denied at the May meeting of the Board, as it constitutes sales of PEO services and is not related to contracting as required by rule.

Advanced Benefits Inc. requested that the Board review additional information that has been submitted and reconsider the application.

After discussion, the Board decision ended in a tie of 6-6. This item will be placed on the September 2005.

B. Joe Galloway – Informal Hearing

Mr. Galloway was present.

Ms. Guillemette presented this case stating that Mr. Galloway's application was denied during the April meeting of the Board based on the lack of financial responsibility and outstanding liens.

Mr. Galloway has requested that the Board reconsider his application.

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

C. Steven Rubin – Informal Hearing

Mr. Rubin was not present.

Ms. Guillemette presented this case stating that Mr. Rubin's application was denied at the April meeting of the Board based on failure to provide proof of restoration of civil rights.

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

D. Sunshine Law Article – For Review Only

This article was submitted for Informational Purposes only. No action was necessary.

RECOVERY FUND ATTORNEY'S REPORT

A. Request for Informal Hearing – Charles Richardson; Claim No. 03-C0050 (Contractor: Harold Green; License No. CG C057871)

Mr. Richardson was present with Attorney Christopher O'Rand.

Ms. Rodgers presented this case stating that it was a reconsideration.

After discussion, the Board voted to award \$15,000.

B. Request for Informal Hearing – Elisa and Stephen Ballew; Claim No. 03-C0060 (Contractor: Gary Sutton; License No. CP C056852)

No one was present for this case.

Ms. Rodgers presented this case stating that the Recovery Fund application was filed on April 4, 2003. The application was timely filed.

The construction contract was dated July 17, 2001, in the amount of \$18,325.00. Claimants obtained a Final Judgment against Waterside Pools, Inc., issued on July 31, 2002, in the amount of \$6,258.60 plus interest and costs. Claimants were awarded restitution from the CILB on May 27, 2003, in the amount of \$7,273.00

After discussion, the Board voted to award \$6,002.26.

- C. Request for Informal Hearing – Michael Vu; Claim No. 03-C0180 (Contractor: Gary Van Tilburg [deceased]; License No. CP C042934)

Attorney John Evans was present.

Ms. Rodgers presented this case recommending the claim be approved in the amount of \$25,000 for the following reasons:

Orangewood Pools, Inc. held a valid and current certificate of authority at the time of the violation. Gary Thomas Van Tilburg was the qualifying agent for Orangewood Pools, Inc. and Barbara Wakula was a sales agent for Orangewood Pools, Inc.

The Recovery Fund Claim was filed on August 19, 2003 and was timely. The contract was entered into on October 23, 2001, for the price of \$52,000. Claimant paid \$50,454.11 for the project and no work was performed.

After discussion, the Board voted to award \$25,000.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications continued

Fruend, Ronald

Applications denied

Brown, James

Buyama, Edward

Cain, Donald

Capraro, Paul

Carson, Steven

Carter, Wilfred

Christopoulos, Thomas

Cram, Gary

Drake, Charles

Emanuell, Fabricio

Griffin, Leon

Heilman, Robert

Isaac, Marcello

Kuntz, Matthew

Lagana, Carmelo

Perry, Harold

Pierman, Martin

Rogers, Leonard

Tacheny, Daniel

Thaxton, Lee Ray

Tellekamp, Martin

Yafanaro, Vincent

Applications withdrawn

Smith, Richard

Stivers, Lydia

Sullivan, Gregory
Wiggers, Dennis

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

PROBATIONS COMMITTEE

Mr. Del Vecchio gave the following report:

Anthony J. Bailey, (CGC023919)
Comments: **Appearance 3 of 4**
Result: Satisfactory

Lawrence Bequette, (CGC019533)
Result: Unsatisfactory - Citation Filed

Garth Bonner, (CPC056430)
Comments: **Appearance 5 of 12**
Result: Satisfactory

William Campbell, (CB C039121)
Comments: **Appearance 2 of Until Civil Rights are Restored**
Result: Satisfactory

John Carter, (CCC050492)
Comments: **Appearance 2 of 4**
Result: Tolled

Henry K. Cavaliere, (CBC1251258)
Result: Reinstated Stay of Suspension

Kenneth Coyne, (CGC23802)
Result: Stay Lifted - License is Suspended for Failure to Appear

Mark Delaquil, (CCC058200, SCC13045074)
Comments: **Appearance 3 of 4**
Result: Satisfactory

Michael W. Evans, (CBC59080)
Comments: **Appearance 3 of 8**
Result: Satisfactory

Thomas Fisher, (CGC015974)
Comments: **Appearance 3 of 8**
Result: Satisfactory

Robert W. Fleming, Jr., (CBC1251087)
Comments: **Appearance 3 of Until Civil Rights are Restored**
Result: Satisfactory

Jeffrey Foster, (CAC57377)
Comments: **Appearance 2 of 4**
Result: Satisfactory

Allen Gezelman, (CGC051062, CWC022629, CCC049371, CMC048025, CPC050502, CFC052690)

Comments: **Appearance 2 of 4**

Result: Satisfactory

Robert Joseph Gore, (CGC025698 & CGCA25698)

Comments: **Appearance 4 of 8**

Result: Satisfactory

Vincent Graham, (CBC051164)

Comments: **Appearance 1 of 4**

Result: Request for Continuance Denied -- Unsatisfactory Appearance

William Green, (CGC 13651)

Comments: **Appearance 1 of Until Civil Rights are restored**

Result: Satisfactory

Alfred Johnson, (CAC1813618)

Comments: **Appearance 4 of 4**

Result: Satisfactory

Robert Jones, (RF 067123)

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

Result: Satisfactory

Paul Marchese, (CRC057007)

Comments: **Appearance 3 of 4**

Result: Satisfactory

Harvey D. Mc Clain, Jr., (CRC050317)

Comments: **Appearance 2 of 4**

Result: Tolled

James McCranie, (RG 17972)

Result: Tolled

William Miles, (CFC1426180)

Comments: **Appearance 1 of 4**

Result: Satisfactory

Danny Mitchell, (RG 0066693)

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

Result: Satisfactory

Carl Thomas Nicks, (CGC061952)

Comments: **Appearance 3 of 4**

Result: Satisfactory

Johnny R. Pannell, (RA13067222)

Comments: **Appearance 4 of 4**

Result: Satisfactory - Probation Completed

Peggy Patterson, (CAC 50381)

Comments: **Appearance 1 of Until leins are paid**

Result: Satisfactory

Pedro Pineda, (CB C057443)

Comments: **Appearance 1 of 12**

Result: Satisfactory

Jon Robbins, (CG C10870)

Comments: **Appearance 2 of 4**

Result: Satisfactory

Thomas W. Smith, (CCC057079)

Result: Stay Lifted - License is Suspended for Failure to Appear

Howard Steele, (CB C1251845)

Result: Stay Lifted - License is Suspended for Failure to Appear

Edward Darrell Traylor, (CR C047986)

Comments: **Appearance 1 of Until Civil Rights are Restored**

Result: Satisfactory

David Vickers, (CGC057366 & CCC057466)

Comments: **Appearance 4 of 10**

Result: Continued to November, 2005

Donald Alan Woodington, (RC0066891)

Comments: **Appearance 4 of 4**

Result: Satisfactory

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

ADDITIONAL ENTITY

Mr. Pietanza gave the following report:

Applications approved

Csapo, John

Cassiani, Kati

Edenfield, Ronald

Fleckenstein, Robert

Hernandez, Jose Jr. – contingent on proof of required experience.

Johnson, Joshua

Kicklighter, Steven

Klaus, Kevin

Levy, Mark

Marcus, Richard

Moore, Jo – with payment of \$500 assessment.

Peng, Chun-Li

Pugh, Merrill

Ritchie, Corey

Ryder, Jeffery – with payment of \$500 assessment.

Schaefer, Paul

Smith, Douglas

Smith, Harry
Strump, Jeffrey
Taylor, Steve
Tristam, David
Weaver, Harold
Wilson, David

Applications denied

Barrios, Marlon
De Pasquale, Joseph

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

EXECUTIVE COMMITTEE

There were no items discussed at this committee.

RULES REVIEW COMMITTEE

Mr. Kalmanson gave the following report:

The following areas were suggested for Consideration:

Awning Exemption – (requested by Public) – Ms. Guillemette will send letter stating it needs to be addressed in a Declaratory Statement and the Board declined to make Rules.

61G4-15.0021(4), (5) – Additional Entities – Ms. Guillemette will strike all language which speaks to separate Divisions ruling as separate Committees.

61G4-18.007 – Internet Rule

61G4-17.001-Normal Penalty Ranges

The following Rules have been noticed:

61G4-15.032, 61G4-15.033, 61G4-15.034 - Rules for specialty pool contractors

61G4-18.007 – Approval of CE Courses (Brand Specific)

61G4-18.001 – CE requirements for Certificateholders and Registrants.

61G4-15.021 – Certification and Registration of Business Organizations (Forms Rule)

61G4-15.026 – Certification of Gas Line Specialty Contractors. (Forms Rule)

61G4-15.027 – Pollutant Storage System Specialty Contractors (Forms Rule)

61G4-15.029 – Tank Lining Applicators (Forms Rule)

61G4-15.030 – Medical Gas Certification (Forms Rule)

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Holloway gave the following report:

The following providers and courses were approved:

THE STELLAR GROUP (0001917)

1st Course: Managing Design/Build Construction Project (# 0001917, Expired 10/10/2004)

UNITED SERVICE TRAINING CORP (0001013)

1st Course: Safety in the Workplace Course (# 0000981, Expired 05/101/2005)

2nd Course: Understanding the Law of Workman's Comp (# 0000980, Expired 05/01/2005)

FLORIDA HOME BUILDERS ASSOCIATION (0000916)

2nd Course: How to Hire & Fire a Sub-Contractor

3rd Course: Building Green with Sustainable Profits

4th Course: Prioritizing Green Building Strategies

NATIONAL ROOFING CONTRACTORS ASSOCIATION (0000936)

1st Course: Roofing Safety (No business practices credit)

2nd Course: CERTA: Certified Roof Torching Application (No business practices credit)

MANATEE TECHNICAL INSTITUTE (0001549)

1st Course: Worker's Comp, Construction Site Safety & Employee Payroll

2nd Course: Current Building Construction Practices (No credit for accessibility)

3rd Course: Costal Construction Design & Plan Review (No credit for accessibility)

LORMAN BUSINESS CENTER, INC (0000837)

2nd Course: Construction Management Contracting Systems

3rd Course: Solving Water Intrusion and Mold Problems

R. BRUCE KERSHNER COMPANY (0003251)

1st Course: A Review of the Construction Contracting Laws of Florida (Chapter 489, Part I)

BRB CODE EDUCATORS, INC. ND CONTRACTORS, INC. (0000898)

1st Course: Advanced FL Building Code 2004 Pools and Spas

2nd Course: Advanced FL Building Code 2004 Energy

3rd Course: Advanced FL Building Code 2004 Roofing

4th Course: Advanced FL Building Code 2004 Termites

TP TRAINING SYSTEMS

1st Course: Practical Information for Structural Grade Marked Lumber (Five hours only)

ENVIRONMENTAL SOLUTIONS ASSOCIATION

1st Course: Florida Mold Assessment Technician Training Course

APPLIED DEHUMIDIFICATION, INC.

1st Course: Rock and Roll Moisture Control Seminar

UNIVERSITY OF SOUTH FLORIDA

1st Course: OTI (OSHA Training Institute) Seminar se 510

PROFESSIONAL TRAINING & CONSULTANTS, INC. (0002532)

2nd Course: Construction Fasteners (#0007402, Expired 01/09/2005)

4th Course: Introductory Steel Framing Course (NEW)

FLORIDA ASSOCIATION OF PLUMBING, HEATING, COOLING CONTRACTORS (0000932)

1st Course: Construction Contractors Review (# 0000359, Expired 04/11/2004)

2nd Course: Plumbing, Heating and Cooling Devices (# 0000364, Expired 06/13/2004)

3rd Course: Plumbing for Profit (# 0007537, Expired 05/08/2005)

5th Course: Residential Maintenance Agreements (NEW)

6th Course: Financial Nuts and Bolts (NEW)

The following courses were withdrawn:

KONING ENTERPRISES INC. dba CONTRACTORS INSTITUTE (0001189)

1st Course: CI Certified Mechanical Technician

2nd Course: CI Certified Plumbing Technician

3rd Course: CI Certified Home & Property Inspector

The following courses were denied:

FLORIDA HOME BUILDERS ASSOCIATION (0000916)

1st Course: Understanding Delay Claims in Florida

LORMAN BUSINESS CENTER, INC (0000837)

1st Course: Law of Easements: Legal Issues and Practical Consideration

UNIVERSITY OF FLORIDA PROGRAM FOR RESOURCE EFFICIENT COMMUNITIES (0001129)

1st Course: Best Practices for Building Professional Business Computing and Networking Security (INTERNET COURSE)

DEPARTMENT OF COMMUNITY AFFAIRS (0001042)

1st Course: Manufactured Buildings Program Workshop

FLORIDA EDUCATIONAL FACILITIES PLANNERS' ASSOCIATION, INC. (FEFPA) (0001202)

1st Course: People Helping People Build a Safer World: A Unified Voice of 50,000 Building Safety Officials

2nd Course: Know Who's on Your Site: Background Checks

HARDHAT TECHNOLOGIES, INC.

1st Course: Introduction to Prolog Manager 7.0

PROFESSIONAL TRAINING & CONSULTANTS, INC. (0002532)

1st Course: NFIP: Risk Identification Floodplain Management & Flood Insurance (#0007401, Expired 01/09/2005)

3rd Course: Introduction to the Coastal Construction Manual (NAME CHANGE) (#0007403, Expired 01/09/2005)

FLORIDA ASSOCIATION OF PLUMBING, HEATING, COOLING CONTRACTORS (0000932)

4th Course: How to get the Job at Your Price (# 0007532, Expired 05/08/2005)

7th Course: Building Green, Gaining Competitive Advantage (NEW)

8th Course: Winning at the Negotiation Game (NEW)

The Committee also voted unanimously to ratify the pass/fail list from the June 2005 Examinations.

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

RECOVERY FUND/FINANCE COMMITTEE

Ms. Brown gave the following report:

Claimant v. Contractor; Claim No.

Edwards v. Walsh; Claim No. 03-C0063 - Approved - \$24,207.20
Parissi v. Hill; Claim No. 03-C0127 - Approved - \$4,000.00
~~Alessandro v. McCutcheon; Claim No. 2004-002320-CONTINUED~~
Laney v. Molloy; Claim No. 2004-017635 - Approved - \$25,000.00
Dwyer-Giangero v. Mitchell; Claim No. 2004-021219 - Approved - \$13,485.95
Nappi v. Molloy; Claim No. 2004-021313 - Approved - \$17,350.20
Soto v. Walsh; Claim No. 2004-026498 - Approved - \$6,969.66
Wordsworth v. Copeland; Claim No. 2004-034883 - Approved - \$1,400.00
Fanizza v. Brown; Claim No. 2004-035042 - Approved - \$4,422.96
Strohm v. Knight; Claim No. 2004-038351 - (Request for Continuance)- Continued
Luck v. Midgett; Claim No. 2004-041322 - Continued
Allen v. Hill; Claim No. 2004-052760 - Approved - \$1,803.32
Ziegenfus v. Williams; Claim No. 2004-060550 - Approved - \$6,000.00
Francois v. Brown; Claim No. 2005-000161 - Approved - \$2,632.85
Taylor v. Johnson; Claim No. 2005-002011 - Approved - \$10,020.00
Parcell v. Ferreira; Claim No. 2005-004506 - Approved - \$17,530.00
Petters v. Glued; Claim No. 2005-004557 - Approved - \$15,748.00
Smith v. Broekhoven; Claim No. 2005-019191 - Approved - \$1,589.61
Nasser v. Brownstein; Claim No. 2005-022599 - Approved - \$14,000.00
Quinn v. Williams; Claim No. 2005-023049 - Approved - \$9,250.00
Nguyen v. Mc Carron; Claim No. 2004-034407 - Approved - \$25,000.00
Mehler v. Williams; Claim No. 2005-002024 - Approved - \$3,500.00
Markievich v. Duchess; Claim No. 2005-018187 - Approved - \$3,657.22
Strickland v. Kowalcheck; Claim No. 2005-025650 2,400 - Approved - \$2,400.00
Wittman v. Foster; Claim No. 03-C0141 (Motion for Re-hearing) -Approved - \$4,657.51
Shavara v. Mazzurco; Claim No. 99-C0133 - Denied With Prejudice
Esposito v. Goldschmitt; Claim No. 03-C0019 - Denied With Prejudice
Zdeb v. Dorlon; Claim No. 03-C0033 - Approved - \$18,500.00
Allen v. Douglas Hardwood Floors; Claim No. 03-C0091 - Denied With Prejudice
Dzamba v. Fetter; Claim No. 03-C0112 - Denied With Prejudice
~~Gesser v. Angiulo; Claim No. 2005-008797- CONTINUED~~

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

OLD BUSINESS

There was no old business discussed.

NEW BUSINESS

There was no new business discussed.

With no other business, the meeting was adjourned at 10:10 a.m.