

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

**EMBASSY SUITES DEERFIELD BEACH RESORT
950 OCEAN DRIVE
DEERFIELD BEACH, FL 33441
(954) 426-0478**

MAY 13, 2005

8:00 AM

The meeting was called to order by Michelle Kane, Chair, at 8:09 a.m.

Board Members Present

Michelle B. Kane, Chair
Joan M. Brown, Vice-Chair
Edward M. Weller
Paul Del Vecchio
Barry Kalmanson
Lee-En Chung
Thomas Thornton
Robert Stewart
Jacqueline Watts
Michael Blankenship
Raymond Holloway
Carl E. Engelmeier
Mark Pietanza
Doris O. "Peggy" Bailey

Board Members Absent

John J. Cox (Excused absence)

Others Present

Diane Guillemette, Board Counsel
Patrick Creehan, Prosecuting Attorney
Adrienne Rodgers, CIRF Attorney
Jerry Wilson, Director, Division of Professions
Stacey Merchant, Government Analyst II
Andrew Janecek, Government Analyst I
Valeria Singleton, Regulatory Consultant

Mr. Del Vecchio gave the invocation. Mr. Blankenship led the pledge of allegiance.

CHAIRMAN'S REPORT

Ms. Kane asked the Board members to excuse John Cox's absence. The Board voted unanimously to excuse this absence.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

As of April 2005, there were 763 cases. Of these cases, 335 cases were being reviewed, 67 cases were set for probable cause, 131 cases had probable cause found/administrative complaints filed and 30 cases were ready for default. 58 cases had stipulations executed/informal hearings requested, 72 cases requested formal hearings, 8 cases were referred to DOAH and 47 cases were awaiting final orders.

ATTORNEY GENERAL'S REPORT

AMERICAN CONSTRUCTION SCHOOL

Ed Walters and Wayne Smith were present.

Ms. Guillemette presented this case stating that American Construction School's course titled "Building Code Comparison" was denied at the February 2005 Board meeting. The reason for the denial was because the course content was not related to contracting. The Notice of Intent to Deny was filed March 3, 2005.

After discussion the Board voted unanimously to approve this course without credit for business practices.

WAYNE ATKINS

Mr. Atkins was not present.

Ms. Guillemette presented this case stating that Wayne Atkins' had three course applications denied at the January 2005 Board meeting. The reason for the denial was because these 3 courses are sales courses and not related to contracting.

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

DOZIER AND DOZIER CONSTRUCTION, INC.

Tanya Harvey was present.

Ms. Guillemette presented this case stating that Dozier and Dozier Construction, Inc., had a course application denied at the February 2005 Board meeting. The reason for the denial was because this course did not have qualified instructors.

After discussion the Board voted unanimously to approve the course titled "Construction Estimating".

CHARLES TURNER

Mr. Turner was present.

Ms. Guillemette presented this case stating that Mr. Turner's application for certification of registered roofing contractor's license was denied at the February 2005 Board meeting. The reason for the denial was because the applicant failed to show proof of 5 years of experience.

The Notice of Intent to Deny was filed on March 4, 2005.

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

GILLY DEVELOPMENT CORPORATION / WESLEY POWER DECLARATORY STATEMENT

Attorney Chip Bachara from Wesley Power was present.

Ms. Guillemette presented this petition stating that Wesley Power is requesting a declaratory statement clarifying an opinion that the Board made during the January 2004 meeting. The opinion was that a building or general contractor could construct a cell tower, but only a general contractor could construct a cell tower over 250 feet tall.

After discussion the Board voted unanimously to issue a declaratory statement with this same answer.

TIMOTHY SETTLES – PETITION FOR DECLARATORY STATEMENT

Lynn Kubly, Branch Manager, was present.

Ms. Guillemette presented this petition stating that Timothy Settles is requesting a declaratory statement clarifying the licensure requirements for the installation of commercial/industrial mechanical insulation.

After discussion the Board voted unanimously to issue a declaratory statement stating a class A or class B air conditioning, mechanical or plumbing contractor's license would be required.

RECOVERY FUND ATTORNEY'S REPORT

Petition for Informal Hearing – William and Mary Davis; Claim No. 99-C0212 (Contractor: Jeffrey Pense; License No. CG C058595)

Attorney Mary Davis was present. Mr. Pense was not present.

Ms. Rodgers presented this case stating that the recovery fund claim was filed in 1999 and was timely filed.

There is no evidence in the file that the contractor abandoned the project or of any unpaid subcontractor or material men liens not paid.

After discussion the Board voted unanimously to deny this claim.

Petition for Informal Hearing – Lawrence and Tammy Stoen; Claim No. 00-C0060 (Contractor: Wayne Giancaterino; License No. CG C027782)

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

No one was present for this case.

Ms. Rodgers presented this case recommending denial of this claim because the contractor has reached the lifetime cap of payment of claims of \$250, 000.

After discussion the Board voted unanimously to deny this claim.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications approved

Hostetler, Robert – with 2 years probation.
Patton, Robert

Applications Denied

Adams, Thomas
Ikar, Tal
Buecker, Matthew
Dipietro, Lawrence
Nelson, Carl
Tutch, David
Veresh, Michael

Applications Continued

Oliver, Frank – to 6/05 meeting.

Applications Withdrawn

Telford, Leslie

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

PROBATIONS COMMITTEE

Mr. Del Vecchio gave the following report:

The Board reviewed and considered the following probation packets:

Anthony Agrusa, (CFC26530), Case #(s): 2001-08275 Comments: 4 of 4, FINAL APPEARANCE

Henry K. Cavaliere, (CBC1251258), Case #(s): CONDITION OF LICENSURE Comments: STAY TO BE LIFTED; NO MATERIALS RECEIVED

Kenneth Coyne, (CGC23802), Case #(s): CONDITION OF LICENSURE Comments: REQUEST FOR CONTINUANCE

Carl Evans, (CAC58389), Case #(s): CONDITION OF LICENSURE Comments: 1 of UNTIL CIVIL RIGHTS ARE RESTORED

Jeffrey Foster, (CAC57377), Case #(s): 2001-08044 Comments: **1 of 4**

Robert G. Franklin, (CGC1506150), Case #(s): CONDITION OF LICENSURE
Comments: **3 of 4**

Allen Gillard, (CFC01425928), Case #(s): CONDITION OF LICENSURE Comments: **4 of 4**,
FINAL APPEARANCE

William Green, (CGC 13651), Case #(s): CONDITION OF LICENSURE Comments: **1 of 4**
UNTIL CIVIL RIGHTS ARE RESTORED

Willis Hodges, (RA0066511), Case #(s): CONDITION OF LICENSURE Comments: **1 of 4**
UNTIL LIENS ARE RELEASED

Robb C. Imperato, (CG C057221), Case #(s): 2002-013266 Comments: **STAY TO BE LIFTED; NO MATERIALS RECEIVED**

William R. Kivimaki, (CMC56259), Case #(s): CONDITION OF LICENSURE Comments: **2 of 4**

Robert Laurence, (CBC56772), Case #(s): CONDITION OF LICENSURE Comments: **1 of 4**

Jong X. Leon, (CPC 1456657), Case #(s): CONDITION OF LICENSURE Comments: **3 of 4**

William F. Lock, (CGC1506127), Case #(s): CONDITION OF LICENSURE Comments: **2 of 4**

Brent McRae, (CB C028240), Case #(s): 93-10879 Comments: **STAY TO BE LIFTED; NO MATERIALS RECEIVED**

Thomas Mendez, (CGC46376), Case #(s): CONDITION OF LICENSURE Comments: **1 of 4**
UNTIL CIVIL RIGHTS ARE RESTORED

George Merritt, (CRC01326699), Case #(s): CONDITION OF LICENSURE Comments: **2 of 4**

Clifton Meyer, (CGC4154), Case #(s): 2003-004550 Comments: **1 of 4**

John Olin Milstead, (CAC033632), Case #(s): 99-02123, 99-09178 Comments: **6 of 14**

Robert Nance, (CRC042470), Case #(s): 2000-04096 Comments: **3 of 4**

Peggy Patterson, (CAC 50381), Case #(s): CONDITION OF LICENSURE Comments:
REQUEST FOR CONTINUANCE

Seth Sklarey, (CGCA24684, CGC042784), Case #(s): 98-10354, 98-20774 Comments: **4 of 4**,
FINAL APPEARANCE

Jack L. Stearns, (CGC1505374), Case #(s): CONDITION OF LICENSURE Comments: **3 of 4**

Daryl Strickland, (CAC1813368), Case #(s): CONDITION OF LICENSURE Comments: **5 of 4**
UNTIL CIVIL RIGHTS ARE RESTORED

Christopher J. Webster, (CCC036988), Case #(s): 2001-01194 Comments: **1 of 4**

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

ADDITIONAL ENTITY COMMITTEE

Mr. Pietanza gave the following report:

Applications Approved

Allen, John
Amtmann, Alan
Bond, Thomas
Bereton, Paul
Burke, William Jr.
Campbell, Charles
Clark, Gene
Crosier, Clayton
Cusmano, Robert – with \$1,000 assessment.
Ellerbee, Archie
Fretwell, Marvin
Graf, David
Greene, James
Gropp, Terry – with \$1,000 assessment.
Haber, Jose
Hansen, Marvin
Jarriel, Robert Sr.
Jemison, Michael
Johnson, David
Kinsloe, Thomas
Lewis, William
Maniatis, James – (2 applications for 2 proposed business')
McMahon, Catherine
Money, Richard
Morales, Mario
O'Connell, Richard
Odland, Keith
Peaden, Michael
Peter, Steven
Porcacci, Philip
Puzzitiello, Roger
Shifflett, Joseph
Simpson, Wilton
Trovillion, Douglas – with \$500 assessment.
Ulvog, Aaron
Wells, Kenneth
Young, James

Applications Continued

Choler, Ronald – 60 days.
Pugh, Merrill – 90 days.

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

RULES REVIEW COMMITTEE

Mr. Kalmanson gave the following report:

The board entertained a request to reconsider its April vote to amend Rule 61G4-18.001, F.A.C., to include marketing as an acceptable trade-related subject under general course hours. The board declined reconsideration of this matter.

The Rules Committee discussed possible methods for verification that CE provider Internet courses guarantee hour-for-hour education and credit. During the April meeting industry representatives suggested that the board examine the possibility of requiring that courses be reviewed by accreditation associations, such as the International Distance Education Certification Center (IDEC). Associations such as IDEC review courses to verify course reliability in areas such as delivery methods. The committee instructed board counsel to draft rulemaking to create accreditation criteria for consideration in June.

The board withdrew a proposed repeal of Rule 61G4-15.030, F.A.C., regarding certification of registered contractors (Grandfathering) as a result of HB 113, which extends the grandfathering deadline to November 1, 2005.

The board further considered rulemaking to develop voluntary specialty licensure for individuals who perform specialty services in the swimming pool industry. In April representatives of the United Pool and Spa Association and the Florida Pool and Spa Association discussed the scope of work for each license and discussed qualifications for licensure. The parties will return in June for a rules workshop to explore those issues in greater depth

Diane Guillemette, Board Counsel, will follow up on the Rules Committee's request for draft criteria regarding accreditation of Internet CE courses.

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

ADVANCED BENEFITS, INC. (0001642)

Course: Understanding PEO's (# 0004735, Expired 01/09/2005) – denied.

THE LANDAN COMPANY (0002195)

Sharpening Your People Skills (# 0007520, Expired 05/08/2005) – approved.

UNITED SERVICE TRAINING CORPORATION (0001013)

Business Security & Fraud Protection (# 0001283, Expired 03/13/2005) – denied.

Code Review (# 0001286, Expired 03/13/2005) – denied.

PENSACOLA CHAPTER – CONSTRUCTION SPECIFICATIONS INSTITUTE (0001162)

Construction Liens and Bond Claims (# 0002274, Expired 06/13/2004) – approved.

Corrosion of Steel in Concrete (0002277, Expired 06/13/2004) – approved.

Concrete Slab on Grade Design and Construction (# 0007059, Expired 06/13/2004) - approved.

MIAMI-DADE COUNTY BUILDING CODE COMPLIANCE OFFICE (0001284)

The High Velocity Hurricane Zone Roof Drainage Requirements (#0007333, Expired 11/24/2004) – approved.

Lightweight Insulating Concrete Roof Deck Installation(# 0007334, Expired 11/14/2004) – approved.

BRB CODE EDUCATORS, INC. (0001728)

Reflections on Cool Roofs (#0007267, Expired 09/12/04) – approved for 1 hour with no credit for business practices.

Building Codes 101 (#0007266, Expired 09/12/04) – approved.

Florida Building Code Roofing Requirement (#0005601, Expired 02/12/05) – approved.

SEAGULL ENVIRONMENTAL MGT. CO., INC. (0001020)

Asbestos Building Inspector Refresher (#0006642, Expired 11/16/03) – denied – not relevant to contracting.

FLORIDA CONSORTIUM OF COMMUNITY COLLEGES (0001064)

Construction Crime Prevention Program (#0000860, Expired 09/12/04)- denied – not related to contracting.

FRSA EDUCATIONAL AND RESEARCH FOUNDATION (0000910)

It Won't Blow Off If You Do This - approved.

LORMAN BUSINESS CENTER, INC. (0000837)

Construction Contracts and Purchase Orders – approved– without credit for business practices.

Building Codes – approved – without credit for business practices.

FLORIDA HOME BUILDERS ASSN (0000916)

Construction Lien Law – approved.

Cures for Costly Callbacks – approved.

Diversification from Builders to Remodeler – Critical Steps to Profitability – denied – not relevant.

Green Building Made Simple – approved.

Everything You Need to Know to Deal with DBPR – approved.

Guiding Principles of Energy Efficient Homes – approved.

Leadership Excellence – without credit for business practices.

Not So Big House Principles – approved.

What's New In Housing Products – denied – not relevant.

Moisture Management – approved.

Multi - Family Strategies from A-Z – denied – not relevant.

Managing Employee Benefits Costs – approved.

P. PAUL RIDILLA (0000955)

The True Cost of Putting a Person on the Job – approved.

How to Survive and Prosper in the Contracting World – approved.

CONTRACTORS EXAM SCHOOL (0000862)

Finishing Residential Construction Part I – approved without business practices.

Finishing Residential Construction Part II – denied.

DEPARTMENT OF COMMUNITY AFFAIRS (0001042)

Advanced Training 2004 FL Accessibility Code for Building Construction (Advanced/General CE Credit) – approved.

SOUTHEASTERN BUILDING TRADE ASSOCIATES, INC (0003150)

Air Conditioning Trade Course FL1 – approved.

FLORIDA WOOD COUNCIL (0000980)

Building Residential Structures to Resist Hurricane Winds Loads per the Florida Building Code – denied.

Designing and Building with “Green Specifications” for Residential and ‘Light Commercial Projects – approved with no business practices.

BOSS CONSTRUCTION SCHOOL (0000923)

Profit with Value Engineering, Ethics and the Building Code – approved.

KONING ENTERPRISES INC. dba CONTRACTORS INSTITUTE (0001189)

CI Certified Mechanical Technician – tabled until the July 2005 Board meeting.

CI Certified Electrical Technician- denied.

CI Certified Home & Property Inspector – tabled until the July 2005 Board meeting.

CI Certified Plumbing Technician – tabled until the July 2005 Board meeting.

Laws and Rules - denied.

VALLDINI & PALMER, P.A. – approved.

Notice to Owner Workshop – denied – incomplete application.

DIVERSIFIED CONSTRUCTION SAFETY, INC.

OSHA Outreach 10-Hour Construction Safety – approved.

KONE, INC – approved.

Latest Advancements in Vertical Transportation – denied – not relevant.

Introduction to USGBC & LEED Green Building Rating System – approved- without business practices.

REFRIGERATION AND AIR CONDITIONING CONTRACTORS ASSOCIATION (RACCA, INC) (0000930)

Introduction to Indoor Air Quality and Mold Issues (**#0000344, Expired 05/08/2005**) – approved.

Commercial Load Calculation (**#0000348, Expired 05/09/2004**) – approved.

Personnel Policies & Communications (**#0004538, Expired 01/09/2005**) – approved.

Code Violations – How to Avoid Red Tags (**NEW**) – approved.

Evaluating Performance & Quality (**NEW**) – approved.

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

With no other business to discuss, the meeting was adjourned at 10:18 a.m.