

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

EMBASSY SUITES HOTEL – USF
3705 SPECTRUM BLVD.
TAMPA, FLORIDA 33612

MAY 12, 2006

The meeting was called to order by Michelle Kane, Chair, at 8:40 a.m.

Board Members Present

Michelle B. Kane, Chair
Joan M. Brown, Vice-Chair
Barry Kalmanson
L. Clark
Lee-En Chung
Thomas Thornton
Jacqueline Watts
Michael Blankenship
Raymond Holloway
Mark Pietanza
Carl E. Engelmeier
Robert Stewart
John J. Cox
Doris O. "Peggy" Bailey.

Board Members Absent

Don Wilford (Excused absence)

Others Present

Diane Guillemette, Board Counsel
Tim Vaccaro, Executive Director
Stacey Merchant, Government Analyst II
Ruthanne Christie, Government Analyst I
Patrick Creehan, Prosecuting Attorney
Adrienne Rodgers, CIRF Attorney
Valeria Singleton, Regulatory Consultant

Mr. Stewart gave the invocation. Ms. Bailey led the pledge of allegiance.

REVIEW OF MINUTES

- **Final Action – April, 2006**

The Board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Vaccaro shared the Division of Regulation's Public Awareness documents with the Board.

Mr. Vaccaro also informed the Board that the newsletter was now posted on the Board's web page.

CHAIRMAN'S REPORT

Ms. Kane asked the Board to vote to excuse Mr. Wilford's absence. The Board voted unanimously to excuse this absence.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

As of April, there were 599 cases in Legal (to be reviewed), there were 222 cases set for probable cause, 202 cases has Probable Cause found/Administrative Complaints filed and 58 cases were ready for default. There were 58 cases with Stipulations executed/Informal Hearing requested, 144 cases that had requested Formal Hearings, 26 cases were referred to DOAH, 89 cases were awaiting Final Orders and 56 cases were trying to reach Settlement Negotiations. There were also 3 cases that were re-opened and 4 cases set for Board Presentation. For the month of April 2006, 137 cases were closed.

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

ATTORNEY GENERAL'S REPORT

BENTLEY PINDER CO.

Mr. Pinder was present.

Ms. Guillemette presented this case stating that Mr. Pinder's application for certification of registered license was denied at the September 2005 Board meeting. The reason for the denial was because the applicant failed to submit a completed application, provide credit reports, bank verification, financial statements and proof of a current certificate of competency.

The Notice of Intent to Deny was received on March 2, 2006. The applicant timely requested an informal hearing before the Board.

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

RONALD PAUL CARUSO

Mr. Caruso was not present.

Ms. Guillemette presented this case stating that Mr. Caruso's application for certification of registered license was denied at the September 2005 Board meeting. The reason for the denial was failure to provide 5 years of experience.

Mr. Caruso with his counsel, Mr. Navaretta, requested a formal hearing from the Division of Administrative Hearings.

The parties entered into a pretrial stipulation, which states as an agreed fact that Mr. Caruso held a registered license since June 12, 2001.

CILB filed a Motion to Relinquish Jurisdiction from DOAH to the Board since no material facts were at issue.

Mr. Caruso had asked for this to be continued because he could not attend. The Board voted unanimously to continue this to the next Board meeting.

COAST SOFTWARE, INC.

Ron Smith was present.

Ms. Guillemette presented this case stating that Coast Software's application for approval of CE courses was denied at the January 2006 Board meeting. The reason for the denial was because the courses constitute sales presentations or promotions.

The Notice of Intent to Dent was received on March 8, 2006. The applicant timely filed an appeal.

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

ROBERT LAWR HOLMAN

Mr. Holman was present.

Ms. Guillemette presented this case stating that Mr. Holman's application for certification of a registered contractor's license was denied at the September 2006 Board meeting. The reason for the denial was failure to provide proof of filing a corporation or fictitious name with the Secretary of State.

The Notice of Intent to Deny was received on December 6, 2005. The applicant timely an appeal.

After discussion the Board voted unanimously to approve this application.

ICE-O-MATIC

Ruben Federico was present.

Ms. Guillemette presented this case stating that Ice-O-Matic's application for a CE course was denied at the January 2006 Board meeting. The reason for the denial was because the course outline and the syllabus did not match.

The Notice of Intent to deny was received on March 6, 2006. The applicant timely filed an appeal and submitted a revised syllabus and course outline.

After discussion the Board voted unanimously to send this case back to the Continuing Education committee in June of 2006.

DAVID MONROE

Mr. Monroe was present.

Ms. Guillemette presented this case stating that Mr. Monroe's application for a change of status was denied due to failure to provide proof of financial stability and responsibility, specifically outstanding liens.

The Notice of Intent to Deny was received on October 27, 2005. Mr. Monroe faxed proof of satisfaction of the liens on November 2005 to the Central Intake section of the Department

After discussion the Board voted unanimously that the applicant did not timely submit a correct petition for a hearing.

WADE MULLINS

Mr. Mullins was present.

Ms. Guillemette presented this case stating that Mr. Mullins' application for a CE course was denied at the January 2006 Board meeting. The reason for the denial was because it constitutes a sales presentation or promotion.

The Notice of Intent to Deny was received on March 10, 2006. The applicant timely filed an appeal.

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

ROBERT MUZZO

Mr. Muzzo was present.

Ms. Guillemette presented this case stating that Mr. Muzzo's application for a change of status was denied at the January 2006 Board meeting. The reason for the denial is because Mr. Muzzo was convicted of a crime that is directly related to contracting.

The applicant requested that the Board hold an informal hearing at the earliest possible date.

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

NODORAH TRAINING INSTITUTE

No one was present for this case.

Ms. Guillemette presented this case stating that Nordorah Training Institute application for CE courses was denied at the January 2006 Board meeting.

The Notice of Intent to Deny was received on April 4, 2006. The applicant timely filed an appeal.

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

MICHAEL DAVID OWEN

Mr. Owen was not present.

Ms. Guillemette presented this case stating that Mr. Owen's application for certification of registered license was denied at the January 2006 Board meeting.

The Notice of Intent to Deny was received on March 1, 2006. The applicant timely filed an appeal.

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

STEPHEN SIZEMORE

Mr. Sizemore was present with Attorney Jose Pagen.

Ms. Guillemette presented this case stating that Mr. Sizemore's application for licensure by endorsement was denied at the January 2006 Board meeting.

The applicant filed a request for a formal hearing with the Division of Administrative Hearings, but has since withdrawn the hearing request and submitted the Board with a Petition for Variance and Waiver.

After discussion the Board voted unanimously to uphold the denial of this application and to deny the petition for a variance and waiver.

FRED SZEWCZAK

Mr. Szewczak was present.

Ms. Guillemette presented this case stating that Mr. Sizemore's application for licensure by endorsement was denied at the January 2006 Board meeting.

The Notice of Intent to Deny was received on February 11, 2006. The applicant timely filed an appeal.

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

MARK WALLING

Mr. Walling was not present for this case.

Ms. Guillemette presented this case stating that Mr. Walling's application for licensure by endorsement was denied at the September 2005 Board meeting.

The Notice of Intent to Deny was received on March 15, 2006. The applicant timely filed an appeal.

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

LAWRENCE A. BELLINGER

Mr. Bellinger was present.

Ms. Guillemette presented this case stating that Mr. Bellinger's stay of suspension was lifted due to his failure to appear at his November 2005 probation hearing.

Mr. Bellinger is requesting that the Board reinstate his stay of suspension.

After discussion the Board voted unanimously to reinstate Mr. Bellinger's stay of suspension and to count his first appearance unsatisfactory.

JOSE VEGA

Mr. Vega was present.

Ms. Guillemette presented this case stating that Mr. Vega's stay of suspension was lifted due to his failure to appear at his January 2005 probation hearing.

Mr. Vega is requesting that the Board reinstate his stay of suspension.

After discussion the Board voted unanimously to reinstate Mr. Vega's stay of suspension and to count his two appearances unsatisfactory.

DAVID GAUL

Mr. Gaul was present was Attorney Richard D'Amico.

Ms. Guillemette presented this case stating that Mr. Gaul's application for initial certified class B air conditioning license was denied at the October 2005 Board meeting.

The applicant filed a Petition for formal hearing.

At the DOAH hearing held in March 2006, the case was abated for the Board to consider granting Mr. Gaul a license with 6 years of probation.

After discussion the Board voted unanimously to approve this application with 10 years probation, if the first 6 years are satisfactory then the last 4 years are cancelled.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications approved

Bianchi, Thomas

Arias, Yanuario – with 2 years of probation.

Brandon, Thomas

Dooley, John

Fritz, Jody

Locke, Marcus

Marshburn, Edward
McDonald, Samuel
Murdock, Mark
Peon, Jose
Perkins, Floyd
Scott, Maurice

Applications denied

Benton, LeRoy
Buckley, Thomas
Cornet, Christopher
Franjoine, Dennis
Jeweler, Norman
Morag, Israel
Moss, Donald

Applications continued

Anderson, Eston – 60 days.
Mellado, Miguel – 90 days.
Morano, David – 30 days.
Munao, Nate – 30 days.
Noyes, Russell – 30 days.
Peterson, Roger – 60 days.

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

PROBATIONS COMMITTEE

Mr. Del Vecchio gave the following report:

Douglas Aird, (CGC047330)

Result: Satisfactory

Jeffrey Braley, (CBC032098)

Result: Satisfactory

Sheron Elizabeth Bush, (SC C13056761)

Result: Satisfactory

Jesse Carr, (CBC13022)

Result: Satisfactory

Charles R. Coleman, (CC C024429)

Result: Satisfactory

Robert E. Cross, (CB C053668)

Result: Continued to November, 2006

Carl Evans, (CAC58389)

Result: Satisfactory

Timothy Fierro, (CG C017826)

Result: Satisfactory

Dennis Hardy, (CP C029643)

Result: Unsatisfactory

Donald K. Heminger, (CR C058539)

Result: Unsatisfactory

Robert Laurence, (CBC56772)

Result: Satisfactory

Jose Lima, (CA C1813817)

Result: Satisfactory

William F. Lock, (CGC1506127)

Result: Unsatisfactory

Kenneth McKenna, (CP C1456482)

Result: Satisfactory

Clifton Meyer, (CGC4154)

Result: Satisfactory

John Olin Milstead, (CAC033632)

Result: Satisfactory

Robert Nance, (CRC042470)

Result: Conditional Satisfactory

Francois Page, (CB C059159)

Result: Satisfactory

Louis Sclease, III, (CG C036233)

Result: Unsatisfactory

Manuel Scoulos, (CA C058176)

Result: Satisfactory

Christopher J. Webster, (CCC036988)

Result: Continued to November, 2006

Mark K. Weller, (CB C057574)

Result: Unsatisfactory

Jeffrey Foster, (CAC57377)

Result: Satisfactory

William R. Kivimaki, (CMC56259)

Result: Satisfactory

George Merritt, (CRC01326699)

Result: Satisfactory

Thomas Mendez, (CGC46376)

Result: Unsatisfactory

Willis Hodges, (RA0066511)

Result: Continued to November, 2006

John White, (CR 051373)

Result: Stay Lifted - Failure to appear.

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

ADDITIONAL ENTITY COMMITTEE

Mr. Pietanza gave the following report:

Applications approved

Albright, Irvn

Bennett, Lawrence

Boutzoukas, James

Butterworth, Daniel

Cate, William

Cohen, Albert

Crawford, Brian

Dungan, Donovan

Florea, Joseph – with \$1,000 assessment.

Halfmann, Darrin

Heaney, Sean – with \$1,500 assessment.

Hough, Alan

Irwin, Innes

Klopstad, Lynn

Kramer, Theodore

Marston, Constantinos

Novak, John

Quicuti, Heriberto

Richter, Michael

Rodriguez, Teofilo - as certified residential contractor not a certified general contractor.

Russell, Derrick

Schaefer, Nicholas

Slack, Michael

Stall, Michael

Thompson, Michael

Tirollo, Vincent Jr.

Toffoli, James

Williams, Ronald

Woodhull, John

Wozniak, Peter

Wright, Laird – with \$3,500 assessment.

Yehia, Ramzi

Zequeira, Juan

Killen, K. Alan

Tozzolo, Wayne

Applications continued

Dean, Robin – 30 days.

Peel, Stephen – 30 days.

Applications denied

Enfinger, Daniel
Janicki, Joseph
Peel, Stephen

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

EXECUTIVE COMMITTEE

Ms. Brown gave the following report:

The board considered a request for opinion regarding whether or not a well contractor licensed under chapter 373, F.S., may bid a project that includes work governed under chapter 489, F.S. The board declined to issue an opinion, indicating that the appropriate vehicle for consideration would be a petition for declaratory statement.

RULES REVIEW COMMITTEE

Mr. Weller gave the following report:

The Rules Committee considered the repeal of Rule 61G4-15.030, F.A.C., pertaining to grandfathering of registered contractors. The committee requested that the rule be scheduled for repeal on July 1, 2005. Pursuant to s. 489.118, F.S., the deadline for applications was November 1, 2004. The board has requested that any deficient applications pending as of the June 2005, meeting be scheduled for approval or denial at that time.

The Rules Committee discussed methods for ensuring that licensees who take continuing education courses through distance learning complete the number of scheduled course hours. Some members have previously expressed concern regarding potential abuses. Industry representatives spoke at the meeting and indicated that they have implemented software changes to ensure participation. The committee instructed the Executive Director to contact other boards to determine whether abuses are widespread and to determine if there are any particular Internet courses that merit consideration as "model courses."

The Rules Committee voted to amend Rule 61G4-18.004, F.A.C., to expand the grounds for denying continuing education (CE) courses to include courses that constitute sales presentations. The Continuing Education Committee has expressed concern that certain proposed CE courses are actually designed to sell brand-specific products and, as such, do not have educational merit. Board Counsel will present the draft amendment to the full board in March.

The board voted to amend Rule 61G4-18.001, F.A.C., to include one hour of building code advanced module coursework, as required by s. 489.115, F.S., and to specify examples of subject matter areas for workplace safety, workers' compensation, and business practices courses.

The United Pools and Spa Association requested that the board consider rulemaking to develop voluntary specialty licensure for individuals who perform specialty services in the swimming pool industry. Categories would include structural shell, piping equipment and decking, and finish work. The board voted to go forward with further consideration of rulemaking in March.

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Holloway gave the following report:

LORMAN BUSINESS CENTER, INC. (0000837)

Design Considerations of Retaining Walls and Flood Walls – denied – not construction.

Condominium Construction Issues – denied –does not contain sufficient information to improve a contractor's knowledge.

Project Control for Field Supervisors and Project Managers – approved.

Rights and Liabilities of Design Professionals – denied – not contracting.

FRSA EDUCATIONAL & RESEARCH FOUNDATION (0000910)

Indemnification, Commercial General Liability, Including Contractual Liability Insurance and Additional Insured Status – approved.

5 Most Critical Provisions to Consider in Roofing Construction Contracts – approved.

Additional Design Consideration Specifiers should be Aware of – approved.

Workplace Safety – Preparing for a Disaster – denied.

How to Properly Document Employment Actions: Hiring and Firing – approved.

FLORIDA HOME BUILDERS ASSOCIATION (0000916)

Employment Law for Contractors – approved.

Superintendent (RCS II) – Quality Construction – approved.

Pocket More Profit with Energy Tax Credits – denied does not contain sufficient information to improve a contractor's knowledge.

BUILDING OFFICIALS ASSOCIATION OF FLORIDA (0001001)

Testing and Labeling – denied – not related to construction.

Florida Energy Code Changes – approved.

Florida Residential 1 & 2 Family – approved.

Records Management as a Business Practice – approved.

Permit Technician Course – denied – not related to contracting.

Florida Building Code Chapters 3, 5, 6 – approved for 3 hours.

Right Sizing Manual J – approved.

Window Installation and Energy Inspection – denied – not related.

FLORIDA ATLANTIC UNIVERSITY (0001015)

14 Hour General Contractor Recertification Course – approved.

HORNERXPRESS (0001103)

Building Customer Relationships (1 hr) – denied – not related.

Building Customer Relationships (3 hrs) – denied – not related.

Swimming Pool Financing – denied – sales course or promotion.

Swimming Pool Financing (2 hrs) – denied – sales course or promotion.

Building Customer Relationships (2 hrs) – denied – not related.

FEDERAL MUTUAL INSURANCE (0001107)

The Faces of Your Business – approved.

Distracted Driving, A Workplace Safety Issues – denied – not related.

UF PROGRAM FOR RESOURCE EFFICIENT COMMUNITIES (0001129)

Methods to Reduce Non-Profit Source Pollution in New Residential Construction Landscapes – denied – not related.

Low Impact Development Practices for Florida: Storm water – denied – not related.

FLORIDA EDUCATIONAL PLANNERS' ASSOCIATIONS (0001202)

Sustainable Design in High Performance Educational Buildings – denied – not related.

The Impact of Construction Inflation on Florida School Construction 1999-2005 – denied – not related.

REDVECTOR.COM, INC. (0001771)

A Better Construction Contract – approved.

A/Es, Owners & Contractors – Managing Project to Success – approved.

ADA Guidelines: Accessible Routes - approved.

ADA Guidelines: Building Blocks - approved.

ADA Guidelines: General Site & Building Elements – approved.

ADA Guidelines: Plumbing Elements & Facilities – approved.

ADA Guidelines: Recreation Facilities – approved.

Construction Claims: Acceleration – approved.

Construction Claims: Changed Work –approved.

Construction Claims: Delay – approved.

Construction Claims: Labor Productivity Loss – approved.

Construction Claims: Termination – approved.

Flood proofing - denied – not related.

Plumbing: Dental Offices & Working Drawings – approved.

Plumbing: Lead Work, Silver Brazing & Soft Soldering – approved.

Plumbing: Roughing & Repair Information – approved.

Plumbing: Tips, Tricks and Tools – approved.

Pricing as a Professional – approved.

Reinforced Concrete Tilt - Up Panels – approved.

Understanding Construction Claims – An Overview – approved.

SOUTHEASTERN BUILDING TRADES ASSOCIATES, INC. (0003150)

Plumbing Trade Course – FL2 – approved- without credit for ADA.

Florida Workers' Compensation – approved- without credit for ADA.

Plumbing Trade Course – FL3 – approved- without credit for ADA.

Business Course – FL1 – approved- without credit for ADA.

Air Conditioning Trade Course – FL2 – approved- without credit for ADA.

THE ROBERTSON GROUP (0003196)

Managing the Construction Bond Default – approved.

FL AIR CONDITIONING APPRENTICESHIP ASSOCIATION LLC (0003374)

Contractor Business Practices – approved.

**NORMI - NATIONAL ORGANIZATION OF REMEDIATORS & MOLD INSPECTORS
(0003605)**

Allergy – Free Construction – denied.

Mold and IAQ Contaminants – denied.

ACADEMY OF CONSTRUCTION, HEALTH & SAFETY, INC. – approved.

10 – Hour Construction Industry Outreach Training Program – approved.

Workplace Safety, Workers' Compensation, Florida Lien Law, and Strategic Management and Marketing – approved for 3 hours.

COMPREHENSIVE RISK SERVICES, INC. – approved.

FLORIDA INTERNATIONAL UNIVERSITY – approved.

Business Practices in Construction, Safety on Construction Site & Workers' Compensation – denied – no timeline.

GRASS RIVER PUBLISHING, LLC. – approved.

Winning in Court – approved.

NEGOTIATED WORKERS COMPENSATION INSURANCE PROGRAM – approved.

Workers Compensation Claims, The Employers' Role – approved.

Construction Safety Best Practices – approved.

PLUMBING CONTRACTORS ASSOCIATION (0000987)

Florida Plumbing Code Management, Skills & Interpretation (# 0007578, Expired 06/12/2005) approved.

Florida Plumbing Code Management, Skills & Interpretation, Part II (# 0007579, Expired 06/12/2005) – approved.

Florida Plumbing Code Management, Skills & Interpretation, Part III (# 0007580, Expired 06/12/2005) – approved.

Florida Plumbing Code Management, Skills & Interpretation, Part IV (# 0007581, Expired 06/12/2005) – approved.

Florida Plumbing Code Management, Skills & Interpretation, Part V (# 0007582, Expired 06/12/2005) – approved.

Florida Plumbing Code Management, Skills & Interpretation, Part VI (# 0007583, Expired 06/12/2005) – approved.

Florida Plumbing Code Management, Skills & Interpretation, Part VII (# 0007584, Expired 06/12/2005) approved.

Florida Plumbing Code Management, Skills & Interpretation, Part VIII (# 0007585, Expired 06/12/2005) – approved.

MECHANICAL CONTRACTORS OF SOUTH FLORIDA (0001184)

Business Practices: Construction Industry Job Costing & Accounting for Mgmt. (0002211, Expires 10/12/2003)(Name Change) - approved.

Business Practices: Employment Law (**NEW**) – approved.

Business Practices: Killer Contract Clauses (**NEW**) – approved.

COAST SOFTWARE, INC. D/B/A COASTINTERACTIVE.COM (0001627)

Timberline Estimating Fundamentals (0004515, Expires 11/09/2002)(Name Change) - denied – sales course or promotion.

QuickBooks for Contractors (**NEW**) - denied – sales course or promotion.

Timberline Project Management (**NEW**) - denied – sales course or promotion.

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

With no other business to discuss, the meeting was adjourned at 11:18 a.m.