



FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD



GENERAL SESSION MINUTES

**THE REGISTRY RESORT & CLUB
475 SEAGATE DRIVE
NAPLES, FL 34103**

SEPTEMBER 16, 2005

Jeb Bush
Governor

Simone Marstiller
Secretary

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

Division of
Professions and Regulation

Construction Industry
Licensing Board

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BOARD MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

Michelle B. Kane (Excused)

OTHERS PRESENT

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

Mr. Blankenship gave the invocation. Ms. Watts led the Pledge of Allegiance.

REVIEW OF MINUTES

- **Final Action – August, 2005**

The Board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Vaccaro reported that 1972 complaints were added and 740 were found legally sufficient. There were 399 unlicensed complaints that were found legally sufficient. 792 Investigations were assigned and 289 investigations were completed. There were approximately 200 mediations assigned, 90 mediations completed, 6 notices of non-compliance issued and 77 citations filed.

CHAIRMAN'S REPORT

Ms. Brown thanked the Board Members for all of their hard work and patience while preparing for and attending the board meetings.

The Board voted unanimously to excuse Ms. Kane's absence.

PROSECUTING ATTORNEY'S REPORT

For the month of August, there were 244 cases in Legal, 89 were set for Probable Cause, 143 cases had Probable Cause/Administrative Complaints filed, 52 cases were ready for default and 75 cases had Stipulations executed or Informal hearings requested. Also, 95 cases had requested Formal hearings, 6 cases were referred to DOAH, 64 cases are awaiting Final Orders, and 9 cases are in settlement negotiations. For the month of August 2005, 145 cases were closed.

ATTORNEY GENERAL'S REPORT

A. Advanced Benefits Inc – Informal Hearing

Ron Mikolajczak was present. Ms. Guillemette presented this case stating that Advanced Benefits, Inc.'s application for course approval was denied at the May 2005 Board Meeting because it constitutes sales of PEO services and is not related to contracting as required by rule.

Advanced Benefits, Inc. has submitted additional information and is requesting that the board reconsider the application.

The Board voted to approve this course.

B. Professional Training and Consultants Inc – Informal Hearing

Dean Jarvis was present. Ms. Guillemette presented this case stating that Professional Training and Consultants, Inc.'s application for continuing education courses were considered at the July 2005 Board Meeting. The courses "NFIP: Risk Identification, Floodplain Management & Flood Insurance," and "Introduction to the Coastal Construction Manual," were denied as not relating to contracting.

The Board voted to uphold the denial of the course “NFIP: Risk Identification, Floodplain Management & Flood Insurance”, but to approve the course “Introduction to the Coastal Construction Manual.”

C. Richard Hinshaw – Informal Hearing

Mr. Richard Hinshaw and Michael Dravo were present. Ms. Guillemette presented this case stating Mr. Hinshaw was scheduled before the Additional Business Entities Committee of the Construction Industry Licensing Board in August 2005.

This application was denied because he did not appear.

Mr. Dravo has requested that the Board reconsider Mr. Hinshaw’s application.

The Board voted to uphold the denial of this application.

D. Yanuario Arias – Informal Hearing

Yanuario & Molina Arias were present. Ms. Guillemette presented this case stating that Mr. Arias’s application went before the Applications committee at the June 2005 Board meeting.

The application was denied based on failure to provide proof of Civil Rights. Mr. Arias argues that the Civil Rights provision does not apply to him since he is not a U.S. Citizen.

The Board voted to uphold the denial of this application.

E. Gold Coast vs. CILB – Settlement for Payment of Fees and Costs

No one was present. Ms. Guillemette presented this case stating that Gold Coast was successful with their challenge to both the proposed changes and the existing rule 61G4-15.005, as it relates to net worth. The Administrative Law Judge ordered that the Board, unless it shows that its actions were substantially justified or special circumstances exist which would make the award unjust, pay cost and fees to Gold Coast.

Gold Coast filed a motion for fees and costs in the amount of \$34,248. Gold Coast later offered a settlement on \$29,248.

Hearing on that motion was set for September 2, 2005.

Counsel for the Board met with Department of Business of Professional Regulation General Counsel regarding the office. The Department suggested a counteroffer of \$26,000, subject to Board approval.

That offer was relayed to Counsel for Gold Coast, understanding that it was subject to Board approval.

The Board voted to approve this counteroffer of \$26,000.

F. Heather Michael – Request for Reinstatement

G. William Moseley – Petition for Declaratory Statement

H. Jorge Herminio Sordo – Petition for Reinstatement of Stay

I. Nelson Castillo – Petition for Re-Hearing

RECOVERY FUND ATTORNEY'S REPORT

No claims.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications approved

Hinkley, Daniel – change of status from individual to QB –CA C057856

Boettcher, Carl – Grandfathering of Plumbing license.

Brewer, Billy – Grandfathering of Underground Utility & Excavation license.

Colon, Antonio – Grandfathering of Roofing license.

PROBATIONS COMMITTEE

Mr. Del Vecchio gave the following report:

Kristopher T. Ashenback, (CC C057686, CB C054507)

Comments: **Appearance 1 of 8**

Result: Satisfactory

David Bailey, (CGC1506040)

Comments: **Appearance 4 of 4**

Result: Satisfactory

Timothy Burke, (CFC57951)

Comments: **Appearance 3 of UNTIL CIVIL RIGHTS ARE RESTORED**

Result: Satisfactory

Jesse Carr, (CBC13022)

Comments: **Appearance 1 of 4**

Result: Tolled

Russell Federspiel, (CR C022305)

Comments: **Appearance 1 of UNTIL CIVIL RIGHTS ARE RESTORED**

Result: Satisfactory

Carrie Frazier, (RG 45685)

Comments: **Appearance 1 of 4**

Result: Unsatisfactory

Daryl Frazier, (RC66631)

Comments: **Appearance 1 of 4**

Result: Tolled

Joseph Ghezzi, (CGC046468)

Comments: **Appearance 1 of 2**

Result: Tolled

Fernando Gomez-Pina, (CGC 2540)

Comments: **Appearance 1 of 4**

Result: Tolled

William Goode, (CG C014847)

Comments: **Appearance 1 of 6**

Result: Satisfactory

Craig Greene, (CGC01505891)

Comments: **Appearance 2 of 4**

Result: Satisfactory

Gordon Heal, (CF C058048)

Comments: **Appearance 1 of UNTIL OUTSTANDING JUDGMENTS ARE SATISFIED**

Result: Satisfactory

Alberto A. Hernandez, (CGC013664)

Comments: **Appearance 1 of 4**

Result: Tolled

Norrie Holmes, (CCC44906)

Comments: **Appearance 2 of 4**

Result: Continued to November, 2005

Richard Lehman, (CRC1326852)

Comments: **Appearance 4 of 4**

Result: Satisfactory

Ricky Smith, (RC67100)

Comments: **Appearance 4 of 4**

Result: Satisfactory

Howard Steele, (CB C1251845)

Comments: **Appearance 1 of 4**

Result: Previous appearance reconsidered to 'Unsatisfactory.'

Frank Stellino, (CG C033957)

Comments: **Appearance 1 of 12**

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

Rhonda Vetzal, (CB C060081)

Comments: **Appearance 1 of 10**

Result: Unsatisfactory

James Waid, (CGC004677)

Comments: **Appearance 1 of 4**

Result: Unsatisfactory

Kenneth Whyrick, (CBC1251231)

Comments: **Appearance 4 of 4**

Result: Satisfactory

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

ADDITIONAL ENTITY

EXECUTIVE COMMITTEE

RULES REVIEW COMMITTEE

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Holloway gave the following report:

The following courses and providers were approved:

UNITED SERVICE TRAINING CORP. (0001013)

1st Course: Financial Planning (# 0007571, Expired 06/12/2005)

PLUMBING CONTRACTORS ASSOCIATION (0000987)

1ST Course: Excavation & Trench Safety (# 0000676, Expired 10/12/2003)

2nd Course: Cross Connection Backflow (# 0000683, Expired 10/12/2003)

3rd Course: Scaffold User Safety for Plumbers and Contractors (# 0000678, Expired 10/12/2003)

4th Course: ADA (American with Disabilities Act) (# 0000679, Expired 10/12/2003)

5th Course: Fire Safety, Prevention & Protection for Plumbers and Contractors (# 0000677, Expired 10/12/2003)

6th Course: Water Treatment for the Plumbing Professional (# 0000673, Expired 10/12/2003)

7th Course: The New FL Plumbing Code Part II (# 0005840, Expired 05/10/2003)

8th Course: The New FL Plumbing Code Part I (# 0005838, Expired 05/10/2003)

9th Course: FL Construction Lien and Bond Law Seminar (# 0006937, Expired 01/11/2004)

ST. PETERSBURG COLLEGE (0000994)

1ST Course: Construction Standards for Residential Structures (RCS-96)0 (#0000706, Expired 07/14/2002)

LORMAN BUSINESS CENTER, INC (0000837)

1st Course: The Construction Process from Start To Finish

FLORIDA POOL & SPA ASSOCIATION d/b/a FLORIDA SWIMMING POOL ASSOCIATION (0000917)

1ST Course: Artificial Rock for In-Ground Pools

2nd Course: Commercial Heat Pumps

3rd Course: Strategic Planning for the Pool & Spa Company

4th Course: Basic Pool & Spa Automation

5th Course: Millivolt Heaters: Troubleshoot & Repair

6th Course: Chlorine Generators: How & Why

7th Course: Education the Pool Owner

8th Course: Pool Service 101

9th Course: Advanced Pool and Spa Automation

10th Course: Hydraulics Made Easy

11th Course: Introduction to Ozone Generators

12th Course: Laser Technology for Pool & Spa Contractors

13th Course: Motor Troubleshooting and Replacement (# 0000198, Expired 09/12/2004)

(CREDIT HOURS CHANGE) MUST BE TREATED AS A NEW COURSE

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

1st Course: Resolving Construction Disputes in FL: Effective Use of Mediation, Arbitration and other Processes

SMITH, CURRIE & HANCOCK LLP (0000998)

1st Course: Federal Government Construction Contracts: Avoiding Costly Mistakes

BRB CODE EDUCATORS, INC. (0001728)

1st Course: Job Site Safety

2nd Course: Workers Compensation

CONTRACTOR'S EDUCATION SOURCE, INC. (0002075)

1st Course: Basic Elements of Heating & Air Conditioning **(INTERNET COURSE)**

CONTRACTORS EDUCATIONAL SERVICES (0002623)

1st Course: Construction Safety and Laws /Advanced FL Building Code 2004 Building/Structural Summary **(REQUESTING THE ADVANCED MOUDULE APPROVAL FOR ONE HOUR OF THIS COURSE)**

2nd Course: Workers Compensation, Ethics and Construction Economics

SOUTHEASTERN BUILDING TRADES ASSOCIATES, INC. (0003150)

1st Course: Business Course FL1 **(INTERNET COURSE)**

2nd Course: Air Conditioning Trade Course FL2 **(INTERNET COURSE)**

3rd Course: Florida Workers' Compensation **(INTERNET COURSE)**

4th Course: Plumbing Trade Course FL2 **(INTERNET COURSE)**

TECHKNOWLEDGE (0003260)

1ST Course: Delivering a Better Product

2nd Course: Estimating Expertise

G. MICHAEL STARKS

1st Course: Stucco 101 – Water Resistant Structures

CAUSEWAY LUMBER COMPANY

1st Course: FL Building Code Changes - 2005

REMISE OCCUPATIONAL HEALTH SOLUTIONS, INC.

1ST Course: Improving Your Business - Establishing a Drug-Free Workplace

ALUMINUM ASSOCIATION OF FLORIDA (AAF)

1ST Course: Part II All Accessory Structures Except Pool Enclosures, using the AAF Guide to Aluminum Structures in High Wind Areas

2nd Course: Part I Pool Enclosures, Using the AAF Guide to Aluminum Construction in High Wind Areas

MAYHEW ENVIRONMENTAL TRAINING ASSOC, INC. d/b/a META

1ST Course: Mold Awareness Training

FORIZS & DOGALI, P. L.

1ST Course: Construction Business Risk Profit Preservation Seminar

**UNIVERSITY OF FLORIDA DIVISION OF DISTANCE, CONTINUING & EXECUTIVE
EDUCATION CONFERENCE DEPARTMENT**

1ST Course: Best Practices for Working with Disputes Review Boards

REDVECTOR.COM, INC. (0001771)

1st Course: *Advanced FL Building Code 2004 () **Approved**
Indoor Environmental Quality Overview () **Denied**

*****Course approval granted to DCA was for Instructor led classroom. Course included Power Point, Lectures and Discussion. Red Vector has changed the course format and method of delivery. See new DCA approval.***

II. RATIFICATION OF THE PASS/FAIL LISTS

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

RECOVERY FUND/FINANCE COMMITTEE

Ms. Brown gave the following report:

Seabrooks v. Bultema; Claim No. 00-C0062 - APPROVED - \$25,000.00
Bernabei v. Lighthouse Bldg Co.; Claim No. 00-C0105 - APPROVED - \$25,000.00
Moscinski v. Bultema; Claim No. 02-C0021 - APPROVED - \$25,000.00
Korakakos v. Infante; Claim No. 02-C0201 - APPROVED - \$3,600.00
Bullard v. Molloy; Claim No. 03-C0169 - APPROVED - \$8,395.00
Stamp v. Newborn; Claim No. 2004-002195 - APPROVED - \$18,329.32
Propis v. Weiss; Claim No. 2004-012188 - APPROVED - \$25,000.00
Terry v. Molloy; Claim No. 2004-013496 - APPROVED - \$25,000.00
Beyreis v. Walsh; Claim No. 2004-013512 - APPROVED - \$6,083.36
Benatar v. Walsh; Claim No. 2004-025855 - APPROVED - \$1,544.19
Cook v. Walsh; Claim No. 2004-038324 - APPROVED - \$7,957.25
Luck v. Midgett; Claim No. 2004-041322 - APPROVED - \$25,000.00
Hoell v. Spurlin; Claim No. 2004-048897 - APPROVED - \$13,824.00
Fewox v. Walsh; Claim No. 2004-048944 - APPROVED - \$5,153.73
Derespina v. Mavis; Claim No. 2004-056976 - APPROVED - \$10,067.67
Perez v. Mavis; Claim No. 2004-060579- APPROVED - \$2,133.32
Fontana v. Brown; Claim No. 2005-000154 - APPROVED - \$2,659.00
Bester v. Mavis; Claim No. 2005-002030 - APPROVED – \$788.60
Gifford v. Adamczyk; Claim No. 2005-009496 - APPROVED - \$25,000.00
Hudak/Graham v. Anthony; Claim No. 2005-013879 - APPROVED - \$25,000.00
Lundquist v. Staggs; Claim No. 2005-021190- CONTINUED
Donnelly v. Bruttell; Claim No. 2005-030080 - APPROVED - \$7,127.00
Weaver v. Fredrick; Claim No. 2005-032510 - APPROVED - \$20,019.70

List of Denials

Lyons v. Irvin; Claim No. 02-C0065 - APPROVED - \$17,975.00

Burton v. Mathews (unlicensed); Claim No. 02-C0159 - DENIED WITH PREJUDICE
Poole v. Lighthouse Bldg Co.; Claim No. 03-C0235 - DENIED WITH PREJUDICE
Strohm v. Knight; Claim No. 2004-038351 - DENIED WITH PREJUDICE
Gosser v. Angiulo; Claim No. 2005-008797 - APPROVED - \$9,320.00

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

OLD BUSINESS

None.

NEW BUSINESS

None.

With no other business, the meeting adjourned at 10:21 a.m.