



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

EMBASSY SUITES ORLANDO DOWNTOWN
191 EAST PINE STREET
ORLANDO, FLORIDA 32801

JUNE 16, 2006



Jeb Bush
Governor

Simone Marstiller
Secretary

Division of Professions

Construction Industry Licensing Board

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BOARD MEMBERS PRESENT

Joan M. Brown, Chair
Paul Del Vecchio, Vice-Chair
Peggy Bailey
Joe Cook
Lee-En Chung
Jim Flaherty
Raymond Holloway
Barry Kalmanson
Michelle Kane
Mark Pietanza
Robert Stewart
Edward Weller
Don Wilford

BOARD MEMBERS ABSENT

Lorie Clark
Jacqueline Watts (Friday only)

OTHERS PRESENT

G.W. Harrell, Executive Director
Diane Guillemette, Board Counsel, AGO
Patrick Creehan, Chief Prosecuting Attorney
Adrienne Rodgers, Recovery Fund Attorney
Stacey Merchant, Government Analyst II
Andy Janecek, Government Analyst I
Valeria Singleton, Regulatory Consultant/Supervisor

The meeting was called to order by Joan Brown, Chair, at approximately 8:33 a.m.
Mr. Stewart gave the invocation and Ms. Chung led the Pledge of Allegiance.

The board voted unanimously to approve the following minutes:

- **Final Action – May, 2006**

EXECUTIVE DIRECTOR'S REPORT

Mr. Harrell announced that the Governor had extended his Executive Order that allowed Division I Contractor to perform roofing services.

Mr. Harrell also provided members with copies of the Financial Reports and Travel Reimbursement forms.

CHAIRMAN'S REPORT

The board voted unanimously to excuse the absence of Ms. Clark (Thursday & Friday) & Ms. Watts (Friday only).

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

As of May 2006, there were 555 cases in Legal, 229 cases set for Probable Cause, 242 cases had probable cause found/Administrative Complaints found and 84 were ready for Default. There were 97 cases with Stipulations executed/Informal Hearings requested, 147 cases with Formal Hearings requested and 8 cases were referred to DOAH. There were 121 cases awaiting Final Orders, 28 cases in settlement negotiations, 2 cases under Appeal and 1 case was reopened.

The board voted unanimously to ratify the Local Disciplinary Orders.

ATTORNEY GENERAL'S REPORT

Jeffrey P. Seyler – Initial Issuance of Licensure from Revoked Status

Mr. Seyler was present with Attorney Robert Crabill.

Ms. Kane recused herself.

Ms. Guillemette presented this case stating that Mr. Seyler had submitted an application for initial licensure as a certified general contractor. Mr. Seyler's previous license, CG C036098, was revoked by the board. Mr. Seyler was disciplined for the following cases:

96-00208 and 96-01371 – filed on 5/12/1997 – fine of \$1,000, costs of \$934.59; to be paid in 5 monthly payments of \$322.44 and a 6th payment of \$322.43. License was placed on probation for a period of two years. Fines and costs have not been paid.

99-03722, 99-03746 – filed on 4/07/2000 – Fine of \$5,000, costs of 494.92; to be paid within 30 days of filing. License was revoked. Case was appealed at 1st DCA and was affirmed. Fines and costs have not been paid.

Recovery Fund Case No. 96-C0063 – CIRF paid out \$23,429.23 to Richard and Kate Hensler; case closed due to Mr. Seyler's bankruptcy.

After discussion, the board voted to allow Mr. Seyler to make all payments and complete the deficient application and they would reconsider it.

Frank A. Bailey – Request for Extension of Stay of Revocation

No one was present for this hearing.

Ms. Guillemette presented this case stating that Mr. Bailey's contractor's license was revoked pursuant to the order from the January meeting of this board. The order stayed the revocation 90 days from the date of the filing of the order. The stay expired May 8th.

On May 3 2006, Mr. Bailey filed a request for extension of the stay.

The board voted unanimously to deny Mr. Bailey's request for extension of stay.

William Baransky – Informal Hearing

Mr. Baransky was present.

Ms. Guillemette presented this case stating that Mr. Baransky's application for a change of status was denied at the February meeting of the board, based on outstanding liens.

The Notice of Intent to Deny was mailed on April 28, 2006. Mr. Baransky timely filed a request for appeal.

After discussion the board voted unanimously to continue this application for 30 days to allow Mr. Baransky to show satisfaction of liens.

Nelson Castillo – Request for Reconsideration of Application Denial

Mr. Castillo was present with Attorney Pablo Bared.

Ms. Guillemette presented this case stating that Mr. Castillo's application first came before the board in June 2004. At that time, the license was denied due to pending disciplinary actions. He requested an informal hearing. The informal hearing was continued pending resolution of the disciplinary action.

The disciplinary actions were resolved by stipulation which was accepted by the board. That stipulation makes no reference to the pending application.

In November the board reconsidered Mr. Castillo's application. There was some question as to whether he was actually noticed for that hearing.

The Committee denied on the grounds of previous disciplinary actions and lack of moral character. That Notice of Intent to Deny was sent to Mr. Castillo's address of record for his pool/spa servicing license and not his additional address, nor to his Attorney.

Mr. Castillo requested a DOAH hearing. The board considered whether the request for hearing was timely and denied the DOAH request. Mr. Castillo appealed. In the process of writing the appellate brief, Counsel for the Board realized that the Notice of Intent to Deny was not sent to Counsel of record for Mr. Castillo, and confessed error.

The case is now remanded to the board to include the appropriate addresses for Mr. Castillo and his Counsel.

Mr. Bared, Counsel for Mr. Castillo, would like the board to reconsider the application denial.

After discussion the board voted unanimously to reissue the Notice of Intent to Deny to the correct addresses and send the application back to the Application Review Committee.

Billy Ray Ford, Jr. – Request for Reconsideration of Conditional Application Approval

No one was present for this hearing.

Ms. Guillemette presented this case stating that Mr. Ford was put on probation in October 2005 for failure to provide proof of restoration of civil rights.

Recent case law has provided that the board may not condition licensure on restoration of civil rights.

Mr. Ford submitted a request for a thirty day continuance.

The board voted unanimously to grant the continuance.

Scott Johnson – Request for Reinstatement of Stay of Suspension

Mr. Johnson was present.

Ms. Guillemette presented this case stating that Mr. Johnson was placed on 2 years of probation as a condition of initial licensure. The stay of suspension was lifted at the February 2006 Board meeting. Mr. Johnson is requesting reinstatement of the stay.

The board voted unanimously to deny Mr. Johnson's request.

~~Carmelo Lagana – Informal Hearing~~ - PULLED BY BOARD STAFF – 06/09/2006

Robert McGuirt – Informal Hearing

Mr. McGuirt was present without Attorney William O'Neil. Ms. Guillemette asked Mr. McGuirt if he wished to be heard without his Attorney present and Mr. McGuirt said that he was.

Ms. Guillemette presented this case stating that Mr. McGuirt's application to grandfather his registered license was denied for failure to provide proof of financial stability and responsibility at the October meeting.

Mr. McGuirt received the Notice of Intent to Deny on 1/17/2006 and timely filed a Petition for Hearing on 1-20-2006.

After discussion the board voted unanimously to allow this application to continue through processing.

Gregory V. Moore – Informal Hearing

Mr. Moore requested a 30 day continuance that was approved by the Board.

Michael L. Musick – Motion to Vacate Final Order

Mr. Musick was present with Attorney Lauriane Ciccarelli.

Ms. Guillemette presented this case stating that in July 2003, Mr. Musick's registered license was revoked by order of Polk County. In August 2004 CILB entered a Final Order approving the Polk County Order and revoking Mr. Musick's state license.

Mr. Musick appealed the Polk County order and in April 2006, the Polk County Order revoking Mr. Musick's license was vacated.

Mr. Musick has petitioned the board to vacate the August 2004 Order which relied on the now vacated Polk County Order.

The board voted unanimously to vacate the Final Order.

Osmose Utilities Services, Inc. – Petition for Declaratory Statement

No one was present.

Ms. Guillemette presented this stating that Kevin Miles, of Osmose, has requested a Declaratory Statement. The Petition was noticed in the F.A.W. on May 5, 2006.

The request was for clarification of section 489.103(5), F.S. It stated, "This regulation regards in part the exclusion or exemption from the necessity for a license to perform certain types of work. Under 489.103(5), F.S., the regulation states that Public Utilities are exempted from the licensure requirement. Does this also include those individuals or companies contracted to the utility performing the same primary job functions as their employees such as overhead line construction and maintenance procedures? If so, is the requirement waved during storm outages?"

On a side note, would inspection and remedial treatment of wooden utility poles with on construction work taking place fall under the same regulatory guidelines."

After discussion the board voted unanimously to answer in the affirmative.

Randall W. Regas – Request for Formal Hearing

Mr. Regas was present with Attorney Ed Bayo.

Ms. Guillemette presented this case stating that Mr. Regas had appeared before the board in February to request reinstatement of his Null and Void license. The board found that Mr. Regas failed to present evidence of a good faith effort to comply with the license renewal and failed to present evidence which rose to the level of illness or unusual hardship.

The Notice of Intent to Deny was filed on March 31, 2006.

Mr. Regas filed a timely Petition for a hearing.

The board voted unanimously to find that they were no disputed material facts.

After discussion the board voted unanimously to allow the reinstatement of Mr. Regas' license.

Ray Rey – Request for Reinstatement of Stay of Suspension

Mr. Rey was present.

Ms. Guillemette presented this case stating that Mr. Rey was placed on probation for a period of 2 years at the February meeting of the board.

His stay of suspension was lifted due to his failure to appear at his first probation appearance which was scheduled for March 2006.

Mr. Rey is requesting a reinstatement of his stay of suspension.

The board voted unanimously to reinstate the stay with two unsatisfactory appearances and a \$200 assessment.

Osvaldo Sanchez – Request for Reinstatement of Null and Void License

Mr. Sanchez was present.

Ms. Guillemette presented this case stating that Mr. Sanchez is requesting that the board reinstate his null and void license.

After discussion the board voted to deny Mr. Sanchez's request stating that he failed to present evidence of a good faith effort to comply with the license renewal and failed to present evidence which rose to the level of illness or unusual hardship.

William P. Sanchez – Request for Reinstatement of Null and Void License

Mr. Sanchez was present.

Ms. Guillemette presented this case stating that Mr. Sanchez is requesting that the board reinstate his null and void license.

After discussion the board voted to deny Mr. Sanchez's request stating that he failed to present evidence of a good faith effort to comply with the license renewal and failed to present evidence which rose to the level of illness or unusual hardship.

Khosrow Taymouri – Request for Reinstatement of Stay of Suspension

Mr. Taymouri was present.

Ms. Guillemette presented this case stating that Mr. Taymouri was placed on 2 years of probation at the July 2005 meeting.

Mr. Taymouri sent the required probation materials to board staff after the agendas were printed. Mr. Taymouri requested a continuance for the April meeting which was denied and the stay of suspension was lifted for failure to appear.

Mr. Taymouri is requesting that the board reinstate his stay of suspension.

The board voted to reinstate the stay with one unsatisfactory appearance and a \$200 assessment.

Rhonda Vetzal – Request for Reinstatement of Stay of Suspension

Ms. Vetzal was present.

Ms. Guillemette presented this case stating that Ms. Vetzal was placed on probation for a period of 5 years by a stipulation that the board accepted in February 2005.

The stipulation did not contain the language regarding suspension and the stay of suspension.

Ms. Vetzal's first probation resulted in an unsatisfactory appearance in September 2005 and she did not show for her March 2006 appearance.

Ms. Vetzal is requesting the board to reinstate her stay of suspension.

The board voted to approve Ms. Vetzal's request.

Clarence Williams – Request for Reinstatement of Stay of Suspension

Mr. Williams was present.

Ms. Guillemette presented this case stating that Mr. Williams was placed on 2 years of probation as a condition of initial licensure at the July 2005 board meeting.

Mr. Williams sent the required probation documents after the agenda materials were printed. Mr. Williams requested a continuance which was denied resulting in his stay of suspension being lifted.

Mr. Williams is requesting reinstatement of the stay.

The board voted to approve Mr. Williams stay with one unsatisfactory appearance and a \$200 assessment.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Mr. Pietanza gave the following report on behalf of Ms. Watts:

Applications approved

Anderson, Eston – Approved with probation until IRS liens are satisfied.

Brewer, Walter

Cathcart, Fred

Elias, Nicholas

Fesko, Michael

Herbert, Brian

Lambert, Lynnen

Morano, David

Murphy, Mark – as Residential Contractor

Poole, James – with probation until judgment is resolved

Rooney, Stephen

Thorp, Gary

Weaver, Ryan –as Residential contractor.

Applications continued

Brown, Stuart – waived 90 day deemer clause under oath– 60 days.
Casimiro, Fernando – waived 90 day deemer clause under oath-30 days- must have appropriate New York official sign affidavit.
Huckeby, Summer - waived 90 day deemer clause under oath– 90 days.
Maszera, Michael - waived 90 day deemer clause under oath– 60 days.
Pardue, Jerry - waived 90 day deemer clause under oath-30 days.
Rubino, Michael - waived 90 day deemer clause under oath– 90 days.
Spaulding, Clive – 30 days.
Thompson, Vernon – 60 days.
Yesbik, Nicholas - waived 90 day deemer clause under oath-30 days.
Wilson, Bradley - waived 90 day deemer clause under oath-90 days.

Applications denied

Hall, Thomas – unsatisfied liens.
Huffine, Robert – open complaints.
Krell, Michael – Endorsement.
Yates, Robert – open complaints.

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

PROBATIONS COMMITTEE

This committee does not meet in June.

ADDITIONAL ENTITY COMMITTEE

Mr. Pietanza gave the following report:

Applications approved

Beighle, Lawrence
Blandford, Robert – must show proof of 15% ownership.
Coward, William
Haulk, Paul
Hernandez, Rodolfo – must show proof of at least 25% ownership.
Hill, James – with \$5,000 assessment and 2 years of probation.
Johnson, James
Keiling, Frances – with proof of employment.
Knopf, Matthew, Sr. – with proof employment or ownership.
Lankford, Henry
Machado, Hector
Milner, Robert
Sanchez, Fred
Schwartz, William
Siebel, Michael
Thomas, Mark
Wemple, Bruce

Applications denied

Dean, Robin – brokering license.

Applications continued
Garcia, Jose – 30 days.
Peel, Stephen – 30 days.
Talbot, Sharon – 30 days.

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

RULES REVIEW COMMITTEE

Mr. Weller gave the following report:

The following rules have been suggested for consideration:

61G4-18.001 – CE Requirements
61G4-18.004 – Approval of CE Courses

The following rules have been developed:

61G4-12.017 – Voluntary Relinquishment and Revocation
61G4-15.0021(3)(b) – Bond for FRO
61G4-18.001 Credit for CE instructor – approved awaiting notice.

The following rules have been noticed:

61G4-16.0031 – Practical examination for swimming pool specialty contractors – published 5-5-06.
61G4-17.001 – Normal Penalty Ranges – published 6-9-06.
61G4-15.001 – Adding registered to approved persons to verify experience – withdrawal in process.
61G4-12.006 - List of approved forms – null and void application form – noticed 11/23/05.
61G4-12.009 – Fees (for null and void application) – noticed 11/23/06.

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)

1st Course: Understanding the Design () **Approved (X) Denied**
Criteria for Conduits, Culverts and Pipes

FLORIDA SOLAR ENERGY CENTER (0000859)

1st Course: Energy Analysis for () **Approved (X) Denied**
Obtaining Tax Credits and Energy Efficient
Mortgages

NATIONAL ROOFING CONTRACTORS ASSOCIATION (0000916)

1st Course: Spec Right: Energy - () **Approved (X) Denied**
Efficient Roof System Design

**NATIONAL ASSOCIATION OF REMODELING INDUSTRY – TAMPA BAY AREA
(0001048)**

- 1st Course: Code Compliance – Pre and Post Disaster *(X) Approved () Denied*
- 2nd Course: Safety – Planning for a Disaster *(X) Approved () Denied*
- 3rd Course: Disaster Preparation and Recovery - Lessons Learned *() Approved (X) Denied*
- 4th Course: Economic Impact of Disasters on Construction Industry *() Approved (X) Denied*
- 5th Course: Disaster Related Insurance Issues *(X) Approved () Denied*
- 6th Course: What Contractors Can Expect from Government Agencies Pre and Post Disasters *(X) Approved () Denied*

RHEEM AIR CONDITIONING DIVISION (0001104)

- 1st Course: Refrigerant 410A *(X) Approved () Denied*

FLORIDA EDUCATIONAL PLANNERS' ASSOCIATION (0001202)

- 1st Course: The Architecture of Tilt-up: A Focus on Schools *() Approved (X) Denied*
- 2nd Course: Uniform Fire Safety Standards for Educational Facilities (69A-58) *(X) Approved () Denied*
- 3rd Course: Designing “Scale-Up” Classrooms *() Approved (X) Denied*
- 4th Course: Current and Future Trends in School Security *() Approved (X) Denied*

GULFSHORE INSURANCE, INC. (0003040)

- 1st Course: OSHA 10 hr Construction Industry Standards *(X) Approved () Denied*

R. BRUCE KERSHNER COMPANY (0003251)

- 1st Course: Construction Liens & Bonds A Roadmap to Protecting Your Rights In Florida *(X) Approved () Denied*

PROFESSIONAL TRAINING & CONSULTANTS, INC (0002532)

- 1st Course: Construction Contracts Essentials *(X) Approved () Denied*
- 2nd Course: Concrete Basics *(X) Approved () Denied*
- 3rd Course: ADA/Chapter 553 *(X) Approved () Denied*
- 4th Course: Overhead & Cost of Doing Business for Contractors *(X) Approved () Denied*
- 5th Course: Masonry Basics *(X) Approved () Denied*

- 6th Course: Why Estimating Doesn't Work **(X) Approved () Denied**
- 7th Course: Wood Framing Basics **(X) Approved () Denied**
- 8th Course: Florida Flood Regulation **(X) Approved () Denied**
- 9th Course: Basic Windows and Doors **(X) Approved () Denied**
- 10th Course: Basic Stucco & EIFS **(X) Approved () Denied**

SOUTHERN FOREST PRODUCTS ASSOCIATION (0001054)

- 1ST Course: Raised Floor Foundations **() Approved (X) Denied**
- 2nd Course: Deck Design for Best Performance **() Approved (X) Denied**

SUNSHINE STATE ONE - CALL OF FLORIDA, INC. (0001110)

- 1st Course: Caution – Utilities Below **(X) Approved () Denied (online only)**
(INTERNET)

ADVANCED BUILDERS COLLEGE, INC. (X) Approved () Denied

- 1st Course: FL Construction Law, New Building Products & Mold In the Construction Industry **() Approved (X) Denied**
- 2nd Course: Workers' Compensation, Workplace Safety & Business Practices **(X) Approved () Denied**
- 3rd Course: Home Inspections and the Contractors & Techniques for Successful Contracting **() Approved (X) Denied**

DURO-LAST ROOFING, INC. (X) Approved () Denied

- 1st Course: Continuous Fall Prevention on Roofs **(X) Approved () Denied**

HENDERSON, FRANKLIN, STARNES & HOLT, P.A. (X) Approved () Denied

- 1st Course: Construction Law Seminar: Avoiding Detours 2006 **(X) Approved () Denied**

TRI-STATE CONSULTANTS (0003281) (X) Approved () Denied

- 1st Course: Continuing Education for Contractors in Florida **(X) Approved () Denied**

FLORIDA HOME BUILDERS ASSOCIATION (0000916)

- 1st Course: IRM II – Marketing Strategies, Plans & Budgets (# 0007024, Expired 04/11/2004) **(X) Approved () Denied**
- 2nd Course: Growing Your Business without Growing out of Business **(NEW) (X) Approved () Denied**
- 3rd Course: A Down and Dirty Guide to the Financial Stuff **(NEW) (X) Approved () Denied**
- 4th Course: Navigating the Workers' Compensation System **(NEW) (X) Approved () Denied**

BLUE DIAMOND (0001193) (X) Approved () Denied
(0001193, Expires 05/31/2005) (Name Change)
1st Course: Pool Subcontractor Practical **(X) Approved () Denied**
Examiner Course **(NEW)**

PLUMBERS & PIPERFITTERS LU124 ATTF (X) Approved () Denied
(0001116, Expires 04/01/2001)
1st Course: Contractors, Installers & Inspectors
Medical Gas Certification **(X) Approved () Denied**
(NEW)

ICE-O-MATIC
Course ICE-O-MATIC SERVICE SCHOOL SEMINAR **(X) Approved () Denied**

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

NEW BUSINESS

Ms. Brown thanked the board members for all of their hard work over the last year and passed the gavel to Mr. Del Vecchio.

Mr. Del Vecchio and members expressed their appreciation of Ms. Brown's leadership over the last year.

With no other business at hand, the meeting was adjourned at 11:30 a.m.