

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

Hyatt Regency Jacksonville Riverfront
225 East Coast Line Drive
Jacksonville, FL 33441
904.588.1234

GENERAL SESSION MINUTES

OCTOBER 12, 2007

The meeting was called to order by Raymond Holloway, Chair, at 8:30 a.m.

BOARD MEMBERS PRESENT

Raymond Holloway, Chair
Barry Kalmanson, Vice-Chair
Jacqueline Watts
Peggy Bailey
Mark Pietanza
Michelle Kane
Joe Cook
Lorie Clark
Don Wilford
Lee-En Chung
Joan M. Brown
Jim Flaherty
Robert Stewart
Carl Engelmeier
Ed Weller

BOARD MEMBERS ABSENT

Paul Del Vecchio

OTHERS PRESENT

Dan Biggins, Board Counsel
William Oglo – Board Counsel
April Hammonds, Acting Chief Prosecuting Attorney
G.W. Harrell, Executive Director
Andy D. Janecek, Government Analyst II
Amanda Abbott, Government Analyst I

Ms. Bailey gave the invocation. Mr. Engelmeier led the Pledge of Allegiance.

REVIEW OF THE MINUTES

- **FINAL ACTION – SEPTEMBER 2007**

The Board voted unanimously to approve these minutes.

EXECUTIVE DIRECTORS REPORT – G.W. HARRELL

Mr. Harrell had nothing to report this month.

With no further discussion the board voted unanimously to approve this report.

CHAIRMAN'S REPORT – RAYMOND HOLLOWAY

The board voted unanimously to approve the following absences:

Mr. Del Vecchio

With no further discussion the board voted unanimously to approve this report.

PROSECUTING ATTORNEY'S REPORT – APRIL HAMMONDS

Ms. Hammonds gave the following report:

For the month of October 2007, the overall case load was 2,017, down from 2,090 in September of 2007 and up from 1,587 in October 2006.

There were 653 cases to be reviewed in Legal, 263 cases set for probable cause, and 207 cases where probable cause had been found/administrative complaints filed. 157 cases were ready for default, 17 cases had stipulations executed/informal hearings requested, and 162 had requested formal hearings. There were 29 cases referred to DOAH, 148 cases in settlement negotiations, 199 cases awaiting final orders, and 182 cases set for Board presentation. There were 0 cases under appeal and 0 cases reopened. 297 cases were closed for the month of October.

The board voted to uphold local discipline against the following Registered Contractors.

Leon Derocher – 2007048287 – No further action

Robert Dolan – 2007046907 – One year suspension and \$4,500 fine

Michael E. Howes – 2007047254 – No further action

James Kidd – 2007047098 – No further action

Brian P. King – 2007047132 - \$100 fine and suspension until final inspections performed on all expired permits

James McLeod – 2007047106 – No further action

Eugene Ward – 2007049046, 2007048845, 2007049043, 2007049020, 2007049017, 2007049037, 2007049046, 2007047175, 2007047604 – Revocation and \$5000 fine.

Larry Woomert – 2007047111 – No further action

ATTORNEY GENERAL'S REPORT – DAN BIGGINS/WILLIAM OGLO

MOHAMMAD AMEEN – REQUEST FOR REINSTATEMENT OF PROBATION

Mr. Ameen was present.

Mr. Biggins presented this case stating Mr. Ameen's license was suspended for failing to appear at the September 13th board meeting.

After discussion the board voted unanimously to reinstate Mr. Ameen's license with one unsatisfactory appearance and a \$200 citation.

CHARLES BELL – REQUEST FOR INFORMAL HEARING

Mr. Bell was present.

Mr. Biggins presented this case stating Charles Bell's application to qualify an additional entity was denied at a previous board meeting for failing to appear. Mr. Bell received a Notice of Intent to Deny and timely request board reconsideration.

After discussion the board voted unanimously to send the application back to the Additional Entities Committee for further analysis.

BOSS CONSTRUCTION – REQUEST FOR INFORMAL HEARING (CE)

A representative from Boss Construction, Mr. Bernardo Coiffman, was present.

Mr. Biggins presented this case stating the course application entitled, "Growth Through Design" was denied at a previous board meeting. Boss Construction received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

COY DASHER – REQUEST FOR INFORMAL HEARING

Mr. Dasher was present.

Mr. Biggins presented this case stating Coy Dasher's application for initial licensure as a Certified General Contractor was denied at the June 2007 meeting failure to demonstrate the required experience and failure to satisfy the requirement of possessing good moral character. Mr. Dasher received a Notice of Intent to Deny and timely requested board reconsideration.

After discussion the board voted unanimously to send the application back to the Application Review Committee for further analysis.

FLORIDA WORKERS COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC. – PETITION FOR DECLARATORY STATEMENT

A representative from Florida Workers Compensation Joint Underwriting Association, Inc. was not present.

Mr. Biggins presented this case as a Petition for a Declaratory Statement for clarification on Florida Statutes Ch. 489.117 (4)(e) and 489.113 (2).

After discussion the board voted that standing did exist for the petitioner but that the question was too unclear to issue a Declaratory Statement

MICHAEL GERRITS – REQUEST FOR REINSTATEMENT OF NULL & VOID LICENSE

Mr. Gerrits was present with Counsel, Gavin Burgess.

Mr. Biggins presented this case as a petition to reinstatement the Null & Void license of Mr. Gerrits.

After discussion the board voted unanimously to deny the request to reinstate Mr. Gerrits license.

MITCHELL SCOTT TWARDOSY – REQUEST FOR INFORMAL HEARING

Mr. Twardosy was present.

Mr. Biggins presented this case stating Mitchell Twardosy's application to qualify an additional business was approved contingent upon Mr. Twardosy submitting a \$10,000 assessment. Mr. Twardosy received a Notice of Intent of Contingent Approval and timely requested board reconsideration.

After discussion the board voted unanimously to vacate the order and approve the application without conditions.

UTILITIES CONSTRUCTION – PETITION FOR DECLARATORY STATEMENT

A representative from Utilities Construction was not present.

Mr. Biggins presented this case as a petition for a Declaratory Statement for clarification on Florida Statutes, Ch. 489.113 and 489.105.

After discussion the board voted to deny the issuance of a Declaratory Statement as the petitioner did not have proper standing and was seeking a general statement of applicability rather than an answer to a specific question.

With no further business the board voted unanimously to approve this report.

COMMITTEE REPORTS

ADDITIONAL BUSINESS ENTITIES COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

Applications Approved

Amos, Douglas

Bueno, Hugo

Endres, Jude

Estrada Sr, Francisco – with a \$7,500 assessment

Kicinski, Clinton

Mustapick, Scott

Rogers, Milton (Celebrity Home Builders, LLC)

Rogers, Milton (Celebrity Home Builders, LLC)

Stauss, Don – w a \$5,500 assessment

Steinberg, Ira

Vallee, Joann

Wetherington, Eric

Alpizar, Juan

Knettel, Michael

Applications Denied

Corbett, Joseph

Applications Continued

Anderson, Michael – NP 30 days

Summers, George – NP 30 days

Applications Withdrawn

Ferry, Daniel

Jordan, Bonnie

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – JIM FLAHERTY

Mr. Flaherty gave the following report:

A. EXISTING PROVIDER – NEW COURSES

LORMAN BUSINESS CENTER, INC. (0000837)

Everything a Construction Player Should Know About Insurance – approved.

HG & ASSOCIATES, INC. (0000892)

Worker's Comp Clarified – approved.

FFSA EDUCATIONAL AND RESEARCH FOUNDATION (0000910)

House Bill 7057 and How It Will Effect the Roofing Industry – approved no business

Metal Roofing (Commercial and Residential) – approved no business

FLORIDA SWIMMING POOL ASSOCIATION (000917)

In-Floor Cleaning and Circulation System - approved

AAA CONSTRUCTION SCHOOL, INC (0000972)

Chapter 713 Construction Lien Law – approved with no law and rules credit

Florida Administrative Code 61G4 – approved

Chapter 489 Construction Contracting – approved

***Note: Provider is requesting the New Laws & Rules requirement for all three courses.**

PINCH A PENNY, INC. (0001014)

Solar Heating for Swimming – approved.

H2O Water Analysis + A4 – approved.

Easy Touch Automation Controls for Swimming Pools – approved.

Issues Facing Employers: Minimizing Your Risks – approved.

Basic Pool Water Chemistry & Testing – approved.

Healthy Hydraulics – approved.

Integrated Purification: Chlorine Generators, Ozonators, Minerals & Ionizers- approved

AIR CONDITIONING CONTRACTORS OF AMERICA (0001026)

Real – Life Court Cases and How They Could Have Been Avoided – denied

“Operating Successfully in the Commercial Refrigeration Market” – denied.

Selling Commercial Service Agreements – What are they Really Worth? – denied.

Build a Positive Company Culture across Departments – denied.

What does the Future Hold for Design/Build – denied.

A Look into the Future of Energy Conservation Standards – denied.

How to Implement "Quality Installation" and Make Money Doing It – denied.
LEED, Follow, or Get Out of the Way – denied.

BROWARD COUNTY BOARD OF RULES & APPEALS (0001071)

"Site Subsurface Exploration and Foundation Design Concepts" – approved
'ASCE 7-02 and the FBC Chapter 16 How they compare in the HVHZ" - approved

KONING ENTERPRISES INC. d/b/a CONTRACTORS INSTITUTE (0001189)

F.S. 489 and CILB Rules 1 hour (Internet) – approved.
F.S. 489 and CILB Rules 1 hour (Classroom) – approved.
Roofing Systems & Design – approved.

THE ROBERTSON GROUP (0003196) - approved.

Florida Construction Lien Law Seminar – approved.

HANLEY WOOD EXHIBITIONS (0003200)

Using Energy Efficiency to Make Pools Crystal Clear & Low Cost to Owns – approved.
Survival Skills for Pool Builders in Tough Times – denied

FLORIDA AIR CONDITIONING APPRENTICESHIP ASSOCIATION (0003374)

EMC Motors I – approved.

CONTRACTOR EDUCATION SYSTEMS, INC. (CESI, INC) (0003444)

Contractor's Comprehensive Continuing Education Seminar Course A6LR- approved.

JOHN W. HIGGINS (0004241)

Gas Water Heater Service - approved.

B. NEW PROVIDERS WITH COURSES

A-PLUS CONSTRUCTION SCHOOL, INC. - approved

Drugs in the Workplace – approved.
Workers Compensation – Injury and Medical Payment – approved.
Workers Com or Exempt Certificates; Records & Penalties – approved.
Who Needs It – Workers Comp Exemption Certificates & Employee – approved.
Electrical Safety & OSHA – approved.
Material Handling Equipment & Safety – approved.
Fall Protection Safety – approved.
OSHA Compliance Requirements – approved.
Building Good Will in the Community – denied
Residence Contract Requirements – denied
Contractors and the Internal Revenue Service – denied
Company and Leased Employees – denied
Lien Law – denied Not Related.
Human Resources in the Construction Industry – approved with no ADA, safety or workers' compensation credits.
Florida Building Code – denied
New Products – approved
Project Management for General, Building & Residential Contractors – approved with no ADA or workers' compensation credits
Pools – General Trade Knowledge – approved 7 hours.
Contract Administration for General, Building and Residential Contractors – approved with no ADA, safety or workers' compensation credits
Underground Utility & Excavation General Trade Knowledge – approved.

Business and Financial Management for Contractors – approved with no ADA or workers' compensation credits

**FISHER, RUSHMER, WERREN RATH, DICKSON, TALLEY & DUNLAP, PA
(00010720) - approved
Expired 05/31/2005)**

Understanding Lien and Bon Laws – approved.

THE FLORIDA BAR (0003024)

2008 Construction Law Institute Seminar – approved.

THE NATIONAL ARBOR DAY FOUNDATION – approved

Building with Trees Seminar – approved.

QUORUM SERVICES LLC – approved

Florida Accessibility Code for Building Construction – approved.

EXISTING PROVIDER – PROVIDER RENEWALS

NORTHWEST FLORIDA CHAPTER AGC (0000913) – approved

EXISTING PROVIDER – COURSE RENEWALS

MIAMI MICRO DATA INC. (0000985)

Using Primavera Expedition for Contract Administration – approved.

(#0007724, Expired 09/11/2005)

Planning & Scheduling with P5 **(Name Change)** – approved.

(#0000494, Expired 04/08/2007)

**WTCA – REPRESENTING THE STRUCTURAL BUILDING COMPONENTS INDUSTRY
(0001101)**

Connection and Tie Downs For Residential & Light Commercial Construction – approved

(#0001832, Expired 10/12/2005)

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

PROBATION COMMITTEE – CARL ENGELMEIER

Mr. Engelmeier gave the following report:

Williams, Clarence, (CGC 28851)

Result: Satisfactory

West, James, (CGC 44136)

Result: Stay of Suspension Lifted

Wagner, Kellie, (CBC 59242)

Result: Stay of Suspension Lifted

Thomas, Paul (CGC 1510844)

Result: Satisfactory

Taymouri, Khosrow, (CGC 41851 & CCC 56899)

Result: Unsatisfactory

Stalnaker, Anthony, (CGC 58462 & CCC 57633)

Result: Satisfactory

Rey, Ray, (CFC57546)

Result: Satisfactory

Natanson, Gary, (CGC 52834)

Result: Satisfactory

Murray, Omari, (CGC 1506961)

Result: Satisfactory

Murphy, Jimmie, (RG 291103713)

Result: Satisfactory

Miller, Rock, (CPC 56698)

Result: Satisfactory

Merickle, Robert, (CPC 55619)

Result: Unsatisfactory

Mendoza, Claudia, (CGC 1505446)

Result: Satisfactory

Mendez, Thomas, (CGC 46376)

Result: Satisfactory

McDonald, Samuel, (CFC 1427071)

Result: Unsatisfactory

Imperato, Rob, (CGC 57221)

Result: Satisfactory

Hill, James, (CCC 55587, CCC 1327430)

Result: Continued for 6 months

Gonzalez, Juan, (CGC 37086)

Result: Satisfactory

Gomez-Pina, Fernando, (CGC 2540)

Result: Unsatisfactory

Frangos, John, (CGC 57224)

Result: Satisfactory

Burchfield, Joseph, (CCC 58201)

Result: Satisfactory

Brummer, Anthony, (CCC 1325673)

Result: Unsatisfactory

Borello, Laurence, (CCC 2793)

Result: Stay of Suspension Lifted

Blunk, Clyde James, (CBC 24163)

Result: Stay of Suspension Lifted

Bellinger, Lawrence, (CPC 32554)

Result: Satisfactory

Baransky, William, (RB 66857)

Result: Stay of Suspension Lifted

Aron, Kurt, (CGC 59146)

Result: Satisfactory

Probation Statistics as of September 2007*

There are 112 active probationers, 59 inactive probationers and 177 suspended probationers for a total of 343 probationers.

*These numbers are approximate based on the ongoing review by board staff.

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

APPLICATION REVIEW COMMITTEE – JACQUELINE WATTS

Ms. Watts gave the following report:

Applications Approved

Cornish, William D.

Davison, Randall Leigh – approved with 2 years probation

Gardner, Robert Timothy – downgrade to a CRC license

Hales, Jeffrey Adam

Mark, Preston G. – downgrade to CRC license with 2 years probation

Moccia, William Thomas – with 2 years probation or until criminal probation is satisfied

Woodward, Ruth A.

Dyer, Timothy

Eckert, Gary S.

Garcia, Rodrigo

Halwaji, Khaled

Harwood, Jeffrey D.

Martinson, Kevin

Miller, James P – with 2 years probation or until IRS liens are satisfied

Perez, Daniel Enrique

Petito, Robert

Raulerson, Stacy

Sugrim, Rohan Nanoo

Thompson, Carrie Ann

Applications Denied

Brunty, Donald J.

Cacchione III, Charles

Impson, Darren Blair

Kedzie, Gerard J.

Raines, Robert Harold

Sickles, James Donald

Wood, James A.

Worley, David Joseph

Applications Withdrawn

Smith, Jeffrey D.

Applications Continued

Roberts, William James cont. 30 days

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

AD HOC FINANCIAL MISCONDUCT MEETING – ED WELLER

Mr. Weller suggested a name change for the Committee from Ad Hoc Financial Misconduct Meeting to Ad Hoc Licensure Qualifications Committee.

The following topics were discussed:

- A. 489.111, Florida Statutes, "Licensure by Examination"
- B. 61G4-15.001, F.A.C., "Qualification for Certification"
- C. 61G4-15.004, F.A.C., "Licensure by Endorsement"

The following topics were discussed as Licensure Qualifications from the ECLB, for reference.

- A. 489.511, Florida Statutes, "Certification; Application; Examinations; Endorsement"
- B. 489.521, Florida Statutes, "Business Organizations; qualifying agents".
- C. 61G6-5.003, F.A.C., "Application for Examination for Certification".
- D. 61G6-5.004, F.A.C., "Requirement for Business Organizations"
- E. 61G6-5.005, F.A.C., "Financial Responsibility; Definitions; Grounds for Denial".

The board voted to accept the recommendations of this committee.

RULES/PUBLIC/LEGISLATIVE COMMITTEE – BARRY KALMANSON

Mr. Kalmanson gave the following report:

The following rules have been **Developed (without text)**:

- 61G4-12.021 Committee Structure
- 61G4-15.001 Qualification for Certification
- 61G4-15.0021 Certification and Registration of Business Organizations (form of bond)
- 61G4-15.021 Certification of Solar Contractors
- 61G4-15.028 Precision Tank Testers
- 61G4-15.029 Tank Lining Applicators
- 61G4-15.031 Medical Gas Certification
- 61G4-15.032 Certification of Swimming Pool Specialty Contractors
- 61G4-16.001 Written Certification Exam Requirements
- 61G4-16 see 455.217 (7) (On hold until DBPR reviews existing exams)
- 61G4-18.002 Definitions
- 61G4-18.004 Approval of Continuing Education Courses
- 61G4-21.002 Definitions

The following rules have been **Noticed**:

- 61G4-12.011 Definitions

61G4-15.021 Certification and Registration of Business Organizations
61G4-15.003 Public Liability Insurance
61G4-15.006 Financial Responsibility, Definition, Grounds for Denial
61G4-15.015 Certification of Specialty Structure Contractors
61G4-15.017 Certification of Gypsum Drywall Specialty Contractors
61G4-15.018 Certification of Glass & Glazing Specialty Contractors
61G4-15.026 Certification of Gas Line Specialty Contractors
61G4-15.027 Pollutant Storage System Specialty Contractor
61G4-15.033 Certification of Marine Specialty Contractors
61G4-18.001 C.E. Requirements for Certificate Holders and Registrants

The following rules have been **Adopted**:

61G4-15.005 Requirements for Certification and Registration
61G4-18.001 (2) C.E. Requirements for Certificate holders and Registrants (3 hours of CE devoted to laws and rules).

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

OLD BUSINESS

No Old Business was discussed.

NEW BUSINESS

No New Business was discussed.

With no further business the meeting was adjourned.