

**FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD**

**GENERAL SESSION MINUTES**

**FOUR SEASONS RESORT PALM BEACH  
2800 SOUTH OCEAN BOULEVARD  
PALM BEACH, FLORIDA 33480**

**AUGUST 10, 2007  
APPROVED SEPTEMBER 14, 2007**

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

Those present were:

Those absent were:

**BOARD MEMBERS**

Raymond Holloway, Chair  
Barry Kalmanson, Vice Chair  
Peggy Bailey  
Joan M. Brown  
Lee-En Chung  
Lorie Clark  
Paul Del Vecchio  
Carl E. Engelmeier  
James Flaherty  
Michelle Kane  
Mark Pietanza  
Jacqueline Watts  
Edward M. Weller  
Don Wilford

**BOARD MEMBERS**

Joe Cook  
Robert Stewart

**OTHERS PRESENT**

Diane Guillemette, Legal Advisor, AGO  
Daniel Biggins, Legal Advisor, AGO  
April Hammonds, Chief Prosecuting Attorney, DBPR  
Jeffrey Kelly, Prosecuting Attorney, DBPR  
G.W. Harrell, Executive Director, DBPR  
Andy D. Janecek, Government Analyst I, DBPR  
Amanda Abbott, Government Analyst I, DBPR  
Marc Drexler, FHCRF Attorney, DBPR  
Valeria Singleton, FHCRF Staff, DBPR

Mr. Flaherty gave the invocation. Ms. Chung led the Pledge of Allegiance.

**I. REVIEW OF MINUTES**

The board voted unanimously to approve the July 12, 2007, Final Action Minutes.

**II. EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL**

Mr. Harrell informed the board that shirts were available for purchase by board members and staff. Mr. Janecek informed the board that order forms and checks are due on August 17, 2007.

Mr. Harrell provided an update on the department's document imaging project, and informed the board that Secretary Benson was eager to see the Construction Industry Licensing Board be the first board to hold a paperless meeting. He suggested that the board members may begin seeing electronic board materials as early as February, 2008. Additionally, Mr. Harrell reminded the board about the upcoming legislative special session.

Representatives from the swimming pool industry addressed the board regarding the January 1, 2008, deadline for completing the swimming pool specialty contractors practical examination, pursuant to Rule 61G4-16.0021, Florida Administrative Code. Mr. R. Bruce Kershner, speaking for the swimming pool industry, asked the board to extend that deadline to allow the associations time to increase their publicity and promotion of the program. Additionally, Mr. Harrell reminded the board that the cost for preparing a written examination would be approximately \$52,000. Ms. Watts motioned to extend the deadline for one year, with written examination development to commence within 10 months. The motion passed unanimously. The board also cautioned the industry and stated that they would not approve a subsequent extension in the future.

The board unanimously voted to approve the report.

### **III. CHAIRMAN'S REPORT – RAYMOND HOLLOWAY**

Mr. Holloway asked the board to vote to excuse the absences of Mr. Cook and Mr. Stewart. The board unanimously voted to approve the absences.

Mr. Holloway informed the board that this would be Ms. Guillemette's final meeting serving as counsel to the board. He presented Ms. Guillemette with a plaque and thanked her for her many years of dedicated service. Mr. Weller commended Ms. Guillemette for her hard-work and Ms. Brown seconded the comment.

### **IV. PROSECUTING ATTORNEY'S REPORT – APRIL HAMMONDS**

Ms. Hammonds presented the local disciplinary order agenda and informed the board that tab A1 had been pulled from the agenda.

Ms. Hammonds provided the case status report for July, 2007, which reflected a total of 1,911 cases at month's end. She additionally reported that 189 cases were closed.

The board unanimously voted to approve the report.

### **V. RECOVERY FUND ATTORNEY'S REPORT – MARC DREXLER**

Mr. Drexler provided a report on the status of the Florida Homeowners' Construction Recovery Fund, and provided an overview of the Collections cases from calendar year 2006, which indicated total collection in the amount of \$211,651.34.

The board unanimously voted to approve the report.

### **VI. ATTORNEY GENERAL'S REPORT – DIANE GUILLEMETTE**

Ms. Guillemette introduced Mr. Biggins, who will begin serving as counsel to the board. Mr. Biggins reported to the board that William Oglo will also be joining him in the future, to serve as co-counsel to the board.

Ms. Guillemette presented the litigation list to the board.

Ms. Guillemette proceeded to present the cases that are part of her report that require action by the board. The following cases were reviewed.

**A. ARXX – PETITION FOR WAIVER OF RULE 61G4-18.003**

There were no representatives of ARXX present at the hearing.

Ms. Guillemette presented the case, stating that Ms. Sylvie Lefebvre filed a petition for waiver of rule on June 20, 2007. The petition was noticed in the Florida Administrative Weekly on July 27, 2007. Ms. Lefebvre's petition states that her company had difficulty attending the continuing education seminar held by the department during the last renewal cycle.

After discussion, the board voted unanimously to deny the petition, stating on record that there was no evidence of a hardship, and that there was no valid reason for the company's representatives to miss the seminar.

**B. OSCAR BEHNCKE, WWJD ENGINEERING – REQUEST FOR INFORMAL HEARING**

Mr. Behncke was not present at the hearing.

Ms. Guillemette presented the case, stating that Mr. Behncke's application, as well as WWJD Engineering's application for qualified business, were denied at the April, 2007, meeting of the board. The basis of the denials was failure to provide proof of experience. Mr. Guillemette stated that Mr. Behncke timely filed a request for informal hearing regarding both applications and asked the board to consider the request.

After discussion, the board voted unanimously to uphold the denial of the applications, citing the same reasons as noted in the notices of intent to deny.

**C. WAYNE ESELTINE – PETITION FOR DECLARATORY STATEMENT**

Mr. Eseltine was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. Eseltine, a building official from the City of Sebastian, filed a petition for declaratory statement. She noted that the petition requests guidance regarding the conduct of another person, which oversteps the authority of a declaratory statement. Ms. Guillemette asked the board to consider whether the petition meets the criteria for a declaratory statement, and to dismiss or answer, as appropriate.

The board voted unanimously to accept the petition, and answered in the affirmative, advising that the work outlined in Mr. Eseltine's petition requires a plumbing contractors license.

**D. SIXTO GAVILANES, GOLDSMITH CONSTRUCTION – REQUEST FOR INFORMAL HEARING**

Mr. Gavilanes was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. Gavilanes' endorsement application, as well as Goldsmith Construction's application for qualified business, were denied at the November, 2006, meeting of the board. Ms. Guillemette advised the board that the notices of intent to deny were received on March 8, 2007, and Mr. Gavilanes' request for new hearing or reconsideration was filed with the department on May 17, 2007.

After discussion, the board voted unanimously to deny the requests, stating as grounds that the requests were received untimely.

**E. STEVE HOEGGER, STEVE HOEGGER & ASSOCIATES – REQUEST FOR INFORMAL HEARING**

Mr. Hoegger was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. Hoegger's application, as well as Steve Hoegger & Associates' application for qualified business, were denied at the February, 2007, meeting of the board. Ms. Guillemette advised the board that Mr. Hoegger timely requested a reconsideration of the denial and submitted an affidavit signed by an architect licensed in Arkansas.

After discussion, the board voted unanimously to approve the application with a downgrade to a building contractors license.

**F. JOHN HIGGINS – REQUEST FOR RECONSIDERATION OF PARTIAL COURSE DENIALS (CE)**

Mr. Higgins was not present at the hearing.

Ms. Guillemette presented the case, stating that Mr. Higgins' applications for approval of CE courses were partially denied at the May, 2007, meeting of the board. She advised that the notices of intent to deny reflected the basis of the partial denials and further advised that Mr. Higgins submitted a course syllabus and timeline for each of the courses with his request for reconsideration. Ms. Guillemette reported that the postal service reflects that the notices of intent to deny were received on June 14, 2007, and stated that Mr. Higgins' requests were stamped in by the department on July 7, 2007.

After discussion, the board voted unanimously to deny the requests, stating as grounds that the requests were received untimely.

**G. CHETWOOD F. JOHNSON, CHET JOHNSON PLUMBING CONTRACTORS, INC. – REQUEST FOR INFORMAL HEARING**

Mr. Johnson was present, as well as Luis Valladares, Mr. Johnson's pastor, and both were sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. Johnson's application, as well as Chet Johnson Plumbing Contractors, Inc.'s application for qualified

business, were denied at the May, 2007, meeting of the board, based on a lack of good moral character as evidenced by a previous criminal conviction for conspiracy. Ms. Guillemette advised the board that the notices of intent to deny were received on June 8, 2007 and Mr. Johnson's requests for informal hearing were received by the department on June 18, 2007.

After discussion, the board voted unanimously to approve the applications, with the condition that Mr. Johnson will serve on probation for a period of two years.

#### **H. JOHN MASSARO – REQUEST FOR INFORMAL HEARING**

Mr. Massaro was present and was sworn-in by the court reporter.

Ms. Guillemette presented the case, stating that Mr. Massaro's application was denied at the April, 2007, meeting of the board, based on failure to provide proof of experience. Ms. Guillemette advised the board that the request was timely filed, and asked the board to consider the request.

After discussion, the board voted unanimously to uphold denial of the application.

#### **I. CHRIS PICKERING – REQUEST FOR CE CREDIT FROM UNAPPROVED PROVIDER**

Mr. Pickering was not present.

Ms. Abbott informed the board that Mr. Pickering had requested a continuance for 30 days. The board voted unanimously to grant the request for continuance.

#### **J. LAWRENCE TIBLIS, BROOKSVILLE CIVIL SITE SERVICES, LLC, AND PREZZIE RUSSELL, III – REQUEST FOR INFORMAL HEARING**

Neither Mr. Tiblis, nor Mr. Russell, were present at the hearing.

Ms. Abbott informed the board that Mr. Tiblis had requested a continuance for 30 days. The board voted unanimously to grant the request for continuance.

#### **K. NILO TORRES, MASTER PLUMBING GROUP, AND GUILLERMO MADRIGAL – REQUEST FOR INFORMAL HEARING**

Neither Mr. Torres, nor Mr. Madrigal, were present at the hearing.

Ms. Abbott informed the board that Mr. Torres had request a continuance for 30 days. The board voted unanimously to grant the request for continuance.

### **VII. COMMITTEE REPORTS**

#### **A. ADDITIONAL BUSINESS ENTITIES COMMITTEE – MARK PIETANZA**

Mr. Pietanza reported the following recommendations from the Additional Business Entities Committee meeting on August 8, 2007. Of the 52 applications reviewed, 42 were recommended for approval, 3 for conditional approval, 6 for continuances, and 1 for denial.

#### APPROVALS (42)

Arnold, Bruce  
Blanford, Michael  
Boutin, Paul  
Brown, Joshua  
Burkett, Roy  
Campagnolo, Roger, Jr.  
Carver, C. Michael  
Chasin, Robert  
Clair, Bruce  
Coleman, Stephen  
Cummings, Bradford  
Denson, Ralph  
Fichter, Thomas  
Fichter, Thomas  
Garrison, Raymond  
Gonzalez, Luis  
Grigsby, Todd  
Grigsby, Todd  
Hallameyer, Robert  
Hawryluk, Michael  
Heffner, Robert  
Hicks, William  
Kampmann, John  
Kilgannon, Patrick, Jr.  
Kraja, Gentain  
Losco, Frederick, Jr.  
Olson, Eric  
Orr, Ted  
Pauley, Gary  
Phillips, John, Jr.  
Sauerman, Chris  
Senis, Francesco  
Shirley, Charles  
Silverbloom, David  
Stanely, Jason  
Starr, Ted  
Steinmann, Bradford  
Sturgeon, Richard  
Umbach, William  
Vargas, Angel  
Vezina, Leo  
Wolfe, Jan, Jr.

CONDITIONAL APPROVALS (3)

Bonner, Gregory – required to pay assessment in the amount of \$7,000.  
Christenson, Chad – required to pay assessment in the amount of \$1,000.  
Twardosky, Mitchell – required to pay assessment in the amount of \$10,000.

CONTINUANCES (6)

Anderson, Michael – continued for 60 days.  
Diaz, Jose – continued for 30 days.  
Dulany, Judson – continued for 30 days.  
Estrada, Francisco, Sr. – continued for 60 days.  
Shippert, Cary – continued for 30 days.

Strawbridge, Vincent – continued for 30 days.

DENIALS (1)

Brown, Robert – failure to appear.

PULLED (1)

Keller, John

The board voted unanimously to accept the recommendations of the committee, to include action on the qualified business applications and financially responsible officer applications, as appropriate.

**B. EXAMS/CE/PUBLIC AWARENESS COMMITTEE – JIM FLAHERTY**

Mr. Flaherty reported the following recommendations from the Exams/CE/Public Awareness Committee meeting on August 9, 2007.

APPROVALS

Cutstone Learning, LLC; “Construction Contracting – Part II, Labor Relations”, “Construction Contracting – Part III, Contract Award Controversies, Bid Protests and Risk Allocations”, “Construction Contracting – Part VI, The Dispute Process/Alternate Dispute Resolution”, “Construction Contracting – Part VIII, Contract Close-Out”, “Application of the Florida Residential Code”, “Building to Meet the Florida Energy Code”, “Construction Contracting – Part IV, Changes, Claims, Differing Site Conditions and Delay”, “Construction Contracting – Part V, Cost Recovery, Inspections, Warranties and Termination”, “Construction Contractor – Part VII, Liabilities”, “Construction Contracting – Part I, The Construction Contracting Process”

Engineer Educators, Inc.; “Administering the Construction Project”, “Design-Build Project Delivery”, “Florida Building Code Primer”, “Wind Load Design Criteria”, “Project Management”

Florida Stormwater Association; “Florida Stormwater, Erosion, and Sedimentation Control Inspector Training and Certification Program”

Goldline Controls, Inc.; “Electronic Chlorine Generation and Automation”

Hanley Wood Exhibitions; “Vanishing Edge and Perimeter Overflow Pools Shotcrete to Vinyl, Part 2”, “Driving Great Job Site Performance: Keys to Successful Project Management”, “How to Incorporate Fire Into Your Projects Successfully”, “Shimmering Glass Tile: Case Study of a Multi-Million Dollar Installation”, “How to Install Diving Boards/Slides”, “A New Stone Age: Integrating Rock in the Landscape”, “Intermediate Water Chemistry”, “Troubleshooting Swimming Pool Heat Pumps”, “Advanced Specialized Hydraulics”, “Three Secret Strategies to Market Your Pool Construction Business”, “Design and Build: The New Outdoor Kitchen”, “New & Improved: Pool Surface Problem and Solutions”, “Finding Leaks: Turn Headaches Into Profits”, “Integrated Purifications: Chlorine Generators, Ozonators, Minerals and Ionizers”, “Designing and Creating Exceptional Aquatic and Land Environments for Personal and Public Enjoyment”, “Start Making Money in Your Service Department”, “Design and Construction of Pools, Spas and Water Effects on Difficult Sites”, “Managing Risks for Subcontractors”, “Advanced Pool Surface Application”, “Understanding Basic Hydraulics”, “Suction Entrapment: How to Prevent this Hazard in New/Existing Pools and Spas”, “Design and Build Living Water Features that Work!”, “How and Why You Should

Enlist in the Battle with RWIs”, “Job Costing for Profit vs. Existence”, “Protecting Your Business: How to Avoid the Liability Traps”, “Vinyl Liners – What you Didn’t Know”, “High End Design and Build: Created Inspired Projects”, “Professional Troubleshooting of Digital Controls”, “Increase Your Efficiency and Your Bottom Line”, “Advanced Water Chemistry”, “Legal and Insurance for Service Companies”, “Peak Performance Pumps”, “Introduction to Outdoor Fire Features – Applications and Design”, “Outdoor Fireplace and Fusion: Features, Functions and Designs!”, “Alternative Sanitizers: Everything You Need to Know”, “Vanishing Edge and Perimeter Overflow Pools Shotcrete to Vinyl, Part 1”  
Lorman Business Center, Inc.; “How Design Documents Can Prevent or Cause Construction Claims”  
Pinch A Penny, Inc.; “Water Analyzer”, “Pool Care Basics”, “Swimming Pool Chemicals”, and “Water Testing 101”  
Roger Bouchard Insurance, Inc. dba Bouchard Insurance; “Risk Transfer”, “Work Comp 101”  
The Media Factory, Inc.; “Fair Housing: An In Depth Study of Kitchens and Bathrooms”, “Fair Housing: An In Depth Study of Accessible Routes and Accessible Public Common Use Areas”, “Workers Compensation: Understanding Chapter 440”, and “An Overview of the Fair Housing Act”  
UF/Program for Resource Efficient Communities; “Building and Moisture Control”  
Wallace Welch & Willingham, Inc.; “Identifying Fraud in the Workplace”, “Executive Risk in Today’s Business Regulatory Climate”, “Controlling Your Workers’ Compensation Expenses”  
WJMP LLC dba American Building & Realty Association – course providership approval only.

#### CONDITIONAL APPROVALS

Florida Concrete and Product Association; “Sustainable Design with Concepts – The Basics” – approved for general credit only.  
Hanley Wood Exhibitions; “How to Attract, Do Business with And Relate to High End Clients” – approved for general credit only. “Personnel Practice Basics – How to Stay Legal, Stay Sane and Make Money” – approved for general credit only. “Everything Pool Builders Should Know about Gunite and Shotcrete” – approved for 1.5 hours only. “Dynamic Sales Strategies: Unleash Your Profit Potential” – approved for 1.5 hours only. “Secrets of Persuasion” – approved with no credit for business practices. “Impact Your Bottom Line Through Branding” – approved with no credit for business practices. “Building Customer Relations” – approved with no credit for business practices.

#### CONTINUANCES

Florida Pool & Spa Association; “Worksite Safety”, “Risk Transfer – What You Don’t Know May Hurt You”, “Risk Management Essentials”, “Pricing Service and Products for a Profit Workshop”, “Asset Protection for Contractors”, “Computer Applications for Swimming Pool Professionals”, “Troubleshooting Millilvelt, Spark and Direct Ignition Fired Heaters”, “Legal Risks and Insurance Consideration for the Pool/Spa Industry”, “Key Performance Indicators Service Companies Can Use to Increase Profits”, “Water Chemistry: Source Water Problems”, and “Variable Frequency Drive Technology” – continued for 30 days.

#### DENIALS

Construction Estimating Institute; “Florida Construction Laws & Regulations”



Fastening Specialist, Inc.; "Installation & Inspections of Threaded Rod Tie-Down Systems (2 hours)" and "Installation & Inspections of Threaded Rod Tie-Down Systems (3 hours)"  
 Hanley Wood Exhibitions; "Creating an Exit Plan for Your Business", "Twenty First Century Marketing for Landscape Professionals", "Thinking Outside the Vessel: Landscape Design Around Pools and Ponds", "How to Find and Hire Construction Thoroughbreds", "Politics and Pools: Keeping the Water Calm When It Comes to Legislation"  
 WJMP LLC dba American Building & Realty Association; "Improving the Customer Experience"

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

**C. RECOVERY FUND/FINANCE COMMITTEE – JOAN M. BROWN**

Ms. Brown reported the following recommendations from the Recovery Fund/Finance Committee meeting on August 9, 2007.

<u>TAB</u>	<u>CLAIMANT V. CONTRACTOR; CLAIM NO.</u>
Tab A	Richmond v. Hills; Claim No. 2004-012085 Approved-\$7,566.77
Tab B	Lucidi v. MacDonald; Claim No. 2004-026907 (Motion to Amend Final Order) Approved-\$19,435.35
Tab C	Simonelli v. Walsh; Claim No. 2005-045609 Approved-\$4,703.98
Tab D	McRose v. Christy; Claim No. 2005-062822 Approved-\$9,875.67
Tab E	Gardner v. Evans; Claim No. 2006-030404 Approved-\$25,000.00
Tab F	DeStefano v. Lee; Claim No. 2006-039715 Approved-\$11,397.00
Tab G	Holloway v. Mc Arthur; Claim No. 2006-049900 (Motion to Vacate FO and for Rehearing) Approved
Tab H	Patton v. Schumacher; Claim No. 2006-049908 Denied with Prejudice
Tab I	Alzate v. McArthur; Claim No. 2006-051942 Approved-\$9,562.75
Tab J	Ridgway v. Christy; Claim No. 2006-060675 Approved-\$3,976.00
Tab K	Bouk v. Sanfilippo; Claim No. 2006-065356 Approved-\$22,046.51

Tab L	Henderson v. Schumacher; Claim No. 2007-001378 Approved-\$13,500.00
Tab M	Williams v. Christy; Claim No. 2007-003619 Approved-\$23,581.64
Tab N	Bailey v. Christy; Claim No. 2007-003655 Approved-\$4,173.38
Tab O	Deas v. Dowers; Claim No. 2007-004092 Cont. – Oct 07
Tab P	Williams v. Schumacher; Claim No. 2007-009924 Denied with Prejudice
Tab Q	Sadler v. Buckley; Claim No. 2007-010493 Approved-\$13,002.41
Tab R	Bunkelmann v. Murphy; Claim No. 2007-011642 Continued
Tab S	Anderson v. Christy; Claim No. 2007-012636 Approved-\$4,000.00
Tab T	Jitta v. Christy; Claim No. 2007-021889 Approved-\$2,900.00
Tab U	Carff v. Knodel; Claim No. 2007-023303 Approved-\$14,395.00

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

**D. PROBATIONS COMMITTEE – CARL ENGELMEIER**

Mr. Engelmeier reported the following recommendations from the Probations Committee meeting on August 9, 2007.

Eston Anderson, (CG C1511479)  
Result: Stay Lifted, Failure to appear

William W. Ball, (CG C0636194)  
Result: Satisfactory

Kent W. Brenneman, (CP C057225)  
Result: Satisfactory

James Shelly Carter III, (CG C031396)  
Result: Satisfactory

David Gaul, (CA C1815055)  
Result: Satisfactory

Willis Hodges, (RA0066511)  
Result: license set to inactive

William Igou, (CBC1254550)

Result: Satisfactory

Todd Kontny, (CF C1427114, CM C1249643)

Result: Satisfactory

Wayne Robert Kuntz, (CB C022190, CC C057335)

Result: Satisfactory

Gary Keith Natanson, (CG C052834)

Result: granted a continuance for the October meeting

James Alan Nichols, (CB C058500)

Result: Satisfactory

Anthony David Stalnaker, (CG C058462, CC C057633)

Result: Continued internally to the October meeting.

Raymond Tummolo, (SC C056738)

Result: Satisfactory

Jose Valladares, (CG C1511678)

Result: Satisfactory

Nicholas Yesbik, (CB C059680)

Result: Satisfactory

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

#### **E. APPLICATION REVIEW COMMITTEE – JACQUELINE WATTS**

Ms. Watts reported the following recommendations from the Application Review Committee meeting on August 9, 2007. Of the 18 applications reviewed, 4 were recommended for approval, 3 for conditional approval, 2 for continuances, 6 for denial, and 3 were withdrawn.

##### APPROVALS (4)

Baum, Eric Christopher

Derby, Dale T., Sr.

Leon, Aminadab

Starling, Ronald Jason

##### CONDITIONAL APPROVALS (3)

Davis, Gregg D. – approved with downgrade to residential contractors license.

Rayman, Karen Marie – approved with downgrade to residential contractors license and probation for two years.

Teixeira, Barry George – approved with probation for four years.

##### CONTINUANCES (2)

Halwaji, Khaled – continued for 60 days.

Sanchez, Luis Raul – continued for 60 days.

##### DENIALS (6)

Ambra, David  
Chesson, David Arthur  
Cruz, Luis E.  
Dealmeida, Ronaldo P.  
Egan, James  
Pino, Serbilio

PULLED (1)  
Vega, Orlando

WITHDRAWALS (3)  
Campbell, William Paul  
Cashman, Kenneth A.  
Mompie, Alexis

The committee voted unanimously to ratify the grandfather and financially responsible officer lists.

The board voted unanimously to accept the recommendations of the committee, to include action on the qualified business applications and financially responsible officer applications, as appropriate.

**F. AD HOC/FINANCIAL MISCONDUCT COMMITTEE – PAUL DEL VECCHIO**

Mr. Del Vecchio reported that the committee reviewed the process that will be used for acquiring applicant's electronic fingerprints in the future. It was determined that Promissor, a testing vendor under contract with the department, will collect the fingerprints and forward them for processing by the Florida Department of Law Enforcement and the Federal Bureau of Investigation. The committee suggested that the board avoid developing a formal rule regarding criminal history. The board previously developing internal guidelines for the department to utilize when reviewing criminal history.

The committee suggested that Rule 61G4-15.006, Florida Administrative Code, be further discussed at the Rules Hearing Workshop to be held on September 12, 2007. Additionally, the board directed counsel to include Rule 61G4-15.001, Florida Administrative Code, as an item for consideration on the September rules report, in an effort to help clarify some of the requirements for licensure.

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

**G. RULES/PUBLIC/LEGISLATIVE COMMITTEE – DIANE GUILLETTE**

Ms. Guillemette gave the following report from the Rules/Public/Legislative Committee meeting on August 9, 2007.

The following areas have been suggested for consideration:  
CPA financial statement prepared upon general accounting principles for qualified business license application – board staff will work with Mr. Biggins to research ideas and will report back to board at future date.

The following rules have been developed:

- 61G4-12.021 "Committee Structure" – the committee directed staff and counsel to develop a draft of proposed language after researching additional information.
- 61G4-15.0021 "Certification and Registration of Business Organizations" – committee directed staff to redirect payment of financially responsible officer bonds to the board instead of the recovery fund. Additionally, the committee directed staff to work with outside counsel for guidance on third-party beneficiary procedures.
- 61G4-15.003 "Public liability insurance" – the committee approved the language as drafted.
- 61G4-15.012 "Certification of Solar Water Heating Specialty Contractors" – the committee heard comments from R. Bruce Kershner of the audience and agreed to make no changes to this rule.
- 61G4-15.015 "Certification of Specialty Structure Contractors" – the committee approved the language as drafted.
- 61G4-15.017 "Certification of Gypsum Drywall Specialty Contractor" – the committee approved the language as drafted.
- 61G4-15.018 "Certification of Glass and Glazing Specialty Contractors" – the committee approved the language as drafted.
- 61G4-15.021 "Certification of Solar Contractors" – the committee approved the language as drafted.
- 61G4-15.026 "Certification of Gas Line Specialty Contractors" – the committee approved the language as drafted.
- 61G4-15.027 "Pollutant Storage System Specialty Contractors" – the committee approved the language as drafted.
- 61G4-15.028 "Precision Tank Testers" – the committee approved the language as drafted.
- 61G4-15.029 "Tank Lining Applicators" – the committee approved the language as drafted.
- 61G4-15.031 "Medical Gas Certification" – the committee approved the language as drafted.
- 61G4-16.001 "Written Certification" – committee directed counsel to develop rule to finalize written examination for laws and rules.
- 61G4-18.001 "Continuing Education Requirements for Certificate Holders and Registrants" – committee voted to proceed with publishing notice of proposed rule as drafted. Course topics related to Chapter 713, Florida Statutes, will be classified as "business practices" and not as "laws and rules".

The following rules have been noticed:

- 61G4-12.011 "Definitions"
- 61G4-15.0021 "Certification and Registration of Business Organizations"
- 61G4-15.005 "Requirements for Certification and Registration"
- 61G4-15.006 "Financial Responsibility, Definition, Grounds for Denial"

The following rules have been adopted:

- 61G4-18.001(2) "3 hours of CE devoted to laws and rules" – effective September 1, 2007.

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

Following review of the committee reports, the board voted to proceed with development and noticing of the following rules:

61G4-15.006 “Financial Responsibility, Definition, Grounds for Denial” – amending language to require credit reports with credit score. This rule language will be discussed at the Rules Hearing Workshop to be held on September 12, 2007.

61G4-15.032 “Certification of Swimming Pool Specialty Contractors” – the board gave counsel authority to proceed with revising the practical examination deadline, as discussed during the Executive Director’s report earlier in the meeting.

61G4-18.001 “Continuing Education Requirements for Certificate Holders and Registrants” – the new rule will be effective beginning with the 2008 renewal period and will require 1 hour of laws and rules education, in lieu of the three hours previously discussed.

**VIII. EXECUTIVE REVIEW ITEMS**

There were no topics for discussion.

**IX. OLD BUSINESS**

There were no topics for discussion.

**X. NEW BUSINESS**

There were no topics for discussion.

With no further business to discuss, the meeting was adjourned at 10:29 am.