FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

SAWGRASS MARRIOTT RESORT & SPA
1000 PGA TOUR BLVD
PONTE VEDRA BEACH, FLORIDA 32082

AUGUST 12, 2005

GENERAL SESSION MINUTES

BOARD MEMBERS PRESENT
Joan M. Brown (Chair)
Barry Kalmanson
Peggy Bailey
Mark Pietanza
Jacqueline Watts
Raymond Holloway
Thomas Thornton
Lee-En Chung
Robert Stewart
James Flaherty
Michelle Kane
Carl Engelmeier

BOARD MEMBERS ABSENT
Michael Blankenship
Edward Weller
Don Wilford
Paul Del Vecchio

OTHERS PRESENT
Tim Vaccaro, Executive Director, DBPR
Stacey Merchant, Government Analyst, DBPR
Andrew Janecek, Government Analyst, DBPR
Patrick Creehan, Chief Construction Attorney, DBPR
Diane Guillemette, Board Counsel, AGO
Adrienne Rodgers, Recovery Fund Attorney, DBPR
Valeria Singleton, Regulatory Consultant, DBPR
General Session was called to order by Michelle Kane, Chair, at 8:08 am. Ms. Bailey gave the Invocation. Mr. Holloway led the Pledge of Allegiance.

**REVIEW OF THE MINUTES**

The Board voted unanimously to approve these minutes.

**EXECUTIVE DIRECTOR’S REPORT – TIM VACCARO**

Mr. Vacarro gave the following report:

Mr. Vaccaro stated the Alternative Dispute & Resolution team recovered over $17 million, prevented $2.7 million in costs, and had other recoveries of over $5 million, for a total of $25 million. Mr. Vaccaro also gave complaint statistics for the 2004-2005 fiscal year.

With nothing further to report the board voted unanimously to approve this report.

**CHAIRMAN’S REPORT – MICHELLE KANE**

Ms. Brown gave the following report:

The following absences were excused:

Mr. Weller  
Mr. Blankenship  
Mr. Wilford  
Mr. Del Vecchio

With nothing further to report the board voted unanimously to approve this report.

**PROSECUTING ATTORNEY’S REPORT – PATRICK CREEHAN**

Mr. Creehan gave the following report:

For the month of July 2005, the overall case load was 799 cases. There were 311 cases to be reviewed in Legal, 61 cases set for probable cause, and 148 cases where probable cause had been found/administrative complaints filed. 52 cases were ready for default, 78 cases had stipulations executed/informal hearings requested, and 95 had requested formal hearings. 9 cases were referred to DOAH, 32 cases were awaiting final orders, and 9 cases were in settlement negotiations. For July 2005 0 cases were under appeal and 4 cases were reopened.

Mr. Creehan asked the board to the following discipline against Registered contractors:

Russell C. Ash, RR 282811131, 2005033563 – No action at this time  
Frankie L. Floyd, RC43383, 2005033468 – One year suspension of license  
Linda Pilgrim, RC49892, 2005033485 – No action at this time.

With nothing further to report the board voted unanimously to approve this report.

**ATTORNEY GENERAL’S REPORT – DIANE GUILLEMETTE**
UNITED SERVICE TRAINING – REQUEST FOR INFORMAL HEARING

A representative from United Service Training was present.

Ms. Guillemette presented this case stating the continuing education course application entitled, “Business Security & Fraud Protection” was denied at the May 2005 meeting of the board for failure to be sufficiently related to contracting. The Notice of Intent to Deny was filed in June of 2005. United Service Training did not timely request board reconsideration.

After discussion the board voted unanimously to uphold the denial of the course as the hearing request was not submitted timely.

JACQUELINE WATTS – PETITION FOR DECLARATORY STATEMENT

Ms. Watts was present.

Ms. Guillemette presented this case as a petition for a declaratory statement requesting clarification on Ch. 489.105 (3)(f), (g), (i), & (m). Ms. Watts is requesting answers to three specific questions: “Is the venting of Carbon Monoxide, which is a necessary and integral part of the installation and servicing of LP Gas appliances within the scope of Class A Air Conditioning, Class B Air Conditioning, and Mechanical Contracting licenses?”; “Is the connecting and disconnecting of LP Gas Appliances during changeouts, installation, or service within the scope of plumbing contractor’s license?”; and, “Is the installation or servicing of “outdoor” LP piping within the scope of a plumbing contractor’s license?” The petition was noticed in the Florida Administrative Weekly on July 29, 2005.

After discussion the board voted unanimously that the petitioner had standing, and answered each question in the affirmative.

NELSON CASTILLO – REQUEST FOR INFORMAL HEARING

Mr. Castillo was not present.

Ms. Guillemette presented this case stating Mr. Castillo’s application for initial licensure as a certified commercial pool/spa contractor was denied at the June 2004 meeting of the board because the application was the subject of pending discipline. The Notice of Intent to Deny was filed June of 2004. Mr. Castillo then timely requested board reconsideration and was granted an informal hearing before the board in November 2004 where the denial of the application was upheld. Mr. Castillo then filed a petition for re-hearing with the Division of Administrative Hearings and also filed a petition for rehearing in front of the board.

After discussion the board voted unanimously to continue the review of the application for 30 days.

With nothing further to discuss the board voted unanimously to approve this report.

ADVANCED BENEFITS, INC. – REQUEST FOR INFORMAL HEARING

A representative from Advanced Benefits, Inc. was not present.

Ms. Guillemette presented this case stating the continuing education course entitled, “Understanding PEO’s”, was denied at the May 2005 meeting of the board as it constituted the
sales of PEO services and was not related to contracting. The Notice of Intent to Deny was filed in June of 2005. Advanced Benefits, Inc. timely requested board reconsideration.

After discussion the board voted unanimously to continue the review of the course application for 30 days.

With nothing further to report the board voted unanimously to approve this report.

**RECOVERY FUND ATTORNEY’S REPORT – ADRIENNE RODGERS**

**JULIA HENRY-WILSON – REQUEST FOR INFORMAL HEARING**

Ms. Henry-Wilson was present as was counsel for respondent, Mr. Eric Kolar.

Ms. Rodgers presented this case stating Mr. Anthony Joshua Bailey had requested an informal hearing for the amount of restitution awarded in DBPR Case 99-03781. The final order was filed in October of 2001. Mr. Bailey is disputing the amount of restitution awarded based on the finding in the Final Order Settlement Stipulation that there was “no discernible consumer harm”. Ms. Rodgers stated that the Recovery Fund awarded the claimant restitution beyond the amount of restitution awarded in the final order.

After discussion the board voted unanimously to vacate the Recovery Fund order and issue a denial of the Recovery Fund claim.

With nothing further to report the board voted unanimously to approve this report.

**COMMITTEE REPORTS**

**APPLICATION REVIEW COMMITTEE – JACQUELINE WATTS**

Ms. Watts gave the following report:

APPROVED (1)
Meinking, Edward

DENIED (14)
Bero, Joel
Broner, Jonathan
Charbonneau, William
Crosby, Kenneth
Darnell, Buna
Gibbs, Timothy
Houtz, Scott
Mart, David
May, William
McCorry, Jutta
Meyer, William
Saurey, Tom
Spores, Greg
Taymouri, Khosrow

CONTINUED (2)
Alfonso, Michael (60 days)
Overfelt, Virgil

WITHDRAWN (3)
Burris, W.C.
Campo, John
Gallagher, William

The board voted unanimously to ratify both the FRO list and the Grandfather list.

With nothing further to report the board voted unanimously to approve this report.

PROBATIONS COMMITTEE – PAUL DEL VECCHIO

Mr. Engelmeier gave the following report:

Bettencourt, Bryan, CBC1251063
Result: Satisfactory

Braley, Jeffrey, CBC032098
Result: Continuance Granted

Carruth, John C., CCC010271, RC0015254
Result: Satisfactory

Delfiacco, Mario, CBC026157
Result: Unsatisfactory

Hawryluk, Bodhan, CBC035048
Result: Satisfactory

Lima, Jose, CAC1813817
Result: Continuance Granted

Nicholas, Anthony, CRC022278, CBC1251568
Result: Satisfactory

Pannell, Johnny, RA13067222
Result: Satisfactory

Pickford, Donnie, CGC1506496
Result: Satisfactory

Robbins, Cynthia, CBC1251574
Result: Satisfactory

Velez, Adrian, CGC058460
Result: Satisfactory

White, John, CRC051373, CCC057541
Result: Continuance Granted
Wolfe, Mark, RF11067159, CFC1426740
Result: Satisfactory

Juopperi, Lon, CBC1251856
Result: Tolled

Miller, Donald, RF005618
Result: Stay of Suspension Lifted

Pastorius, Lee, CGC1506246
Result: Stay of Suspension Lifted

Ricciardelli, Robert, CRC057704
Result: Stay of Suspension Lifted

Sorda, Jorge, CGC056871
Result: Stay of Suspension Lifted

Wilker, John, CGC016500
Result: Stay of Suspension Lifted

Murray, Omari, CGC1506961
Result: Tolled

With nothing further to report the board voted unanimously to approve this report.

ADDITIONAL BUSINESS ENTITIES COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

APPROVED
Billy, Allen
Aske, Jerry
Choler, Ronald
Doherty, Jerry
Gadoury, Charles
Gates, Todd
Haglund, Bruce
Huisman, Henry
Jensen, Gary
Johnson, Verlon
Kincart, Robert
Kirkman, Jimmy
Labbe, David
Lalonde, Mark
Leonardi, John
Lightholde, David
Lohmann, Victor
Malone, James
McKeithen, Ken
Nasko, Anthony
Presnell, Christopher
Scott, William
Sides, Thomas
Smith, Jeffrey
Talley, Paul
Weesner, Robert
Wilson, Michael ($500 assessment)
Wilson, Michael ($500 assessment)
Wishart, Thor
Wahab, Walid

DENIED
Evans, Ronnie
Hinshaw, Richard
Schumm, John
Stansell, Harold

CONTINUED
Rand, Ricky (60 days)

With nothing further to report the board voted unanimously to approve this report.

EXECUTIVE COMMITTEE – MICHELLE KANE

There were no scheduled items this month.

RULES REVIEW COMMITTEE

Ms. Guillemette gave the following report:

The following areas have been suggested for Rule Committee Consideration:

61G4-18.007
489.115 (4)(b) 1.
455.2123
455.212

The following Rules have been Developed:

61G4-16.003 Practical Examination for Swimming Pool Specialty Contractors
61G4-15.0021 (4), (5) Additional entities
61G4-17.001 Normal Penalty Ranges
61G4-15.003 Public Liability Insurance

The following Rules have been Noticed:

61G4-15.032 New Rule for Specialty Pool Contractors
61G4-15.033 New Rule for Specialty Pool Contractors
61G4-15.034 New Rule for Specialty Pool Contractors

61G4-18.004 Approval of Continuing Education Courses

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants

61G4-15.005 Requirements for Certification and Registration

With nothing further to report the board voted unanimously to approve this report.

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Holloway gave the following report:

**Go-Bolt, Inc.**
1st Course: Hurricane Resistant Structural Design – approved

**Lorman Business Center, Inc.**
1st Course: Managing Construction Projects – approved

**Florida Home Builders Association**
1st Course: 25 Sure Ways to Improve Profitability – approved

**Florida Association of Plumbing, Gas, and Mechanical Inspectors, Inc.**
1st Course: Florida Construction Laws and Rules – approved
2nd Course: Fire Protection for Commercial Exhaust – approved (no business)

**Florida Association of Plumbing, Heating, Cooling Contractors**
1st Course: Boss Program – approved

**Florida Concrete & Products Association**
1st Course: Advanced Stucco Techniques – approved

**Protrac, Inc.**
1st Course: Introduction to Residential and Commercial Energy Calculations – approved
2nd Course: Creating a Drug Free Workplace – approved
3rd Course: Creating a Workplace Safety Program – approved

**Florida Atlantic University**
1st Course: Microbial Investigative Consultant – approved
2nd Course: Mold Remediation Supervisor – approved

**Shavell & Company, P.A.**
1st Course: Basics of Construction Accounting – approved
2nd Course: Employee Turnover Cost and Federal Employment Tax Credits – approved
3rd Course: Basics of Construction Accounting – approved

**TDS Construction Services, LLC**
1st Course: Contractors Comprehensive Continuing Education Seminar – Course A – approved
2nd Course: Contractors Comprehensive Continuing Education Seminar – Course B – approved

Hanley Wood Exhibitions
1st Course: Introduction to Roofing with Zinc – approved
2nd Course: Roofing the New Bangkok International Air Terminal Building – approved
3rd Course: How do Roofs Wear Out? – approved
4th Course: Experiences Learned from Waterproofing Projects – approved
5th Course: Experiences Learned from Structural Metal Panel Roof Systems Projects – approved
6th Course: How to Install a Slate Roof Correctly and Avoid Common Mistakes – approved
7th Course: Understanding Metal Roofing: Part I – approved
8th Course: Welding of Thermoplastic Roofing Membranes Under Various Conditions – approved
9th Course: Roofing Industry Technical Issues – approved
10th Course: Engineered Roof Deck Systems – approved
11th Course: Metal Roofing: The Devil is in the Details – approved
12th Course: Lightweight Insulating Concrete – The Alternate Roof Insulation – approved
13th Course: Understanding UL Testing and Certification for Roofing Materials and Systems – approved
14th Course: Roofing Safety and Fall Protection Issues with Solution – approved
15th Course: Inspecting a Rooftop for Safety – approved
16th Course: Construction Boot Camp: How to Survive Loss Cost Drivers – approved
17th Course: NIOSH Silica Hazard Review Update – approved
18th Course: Winning Ways with Cross Cultural Crews – approved
19th Course: Asphalt Fumes: Latest Developments and Possible Industry Impacts – approved
20th Course: Profitable Business Planning – approved
21st Course: Roofing Warranties and Liabilities – approved
22nd Course: Planning and Pricing Policies for Profit – approved
23rd Course: Who has Time for Time Management – approved
24th Course: “Love ‘Em or ‘Lose ‘Em!” Employee Retention Strategies that Really Work – approved
25th Course: Field Productivity IV: Job Leadership – Now You’re Leading and Managing – approved
26th Course: Field Productivity Part III: Turing Lost Time to Productive Time – approved
27th Course: Field Productivity Part II: Job Profits – Reducing Total Costs – approved
28th Course: What Makes a Good Roofing Contractor and Field Manager – approved
29th Course: Business Management: How to Make Money – approved

Contractors Education Source, Inc.
1st Course: Advanced FL Building Code Building/Structural Summary – denied
2nd Course: Basic Business Practices – denied
3rd Course: Basic Safety – denied
4th Course: Basic Worker’s Compensation – denied

Wood Truss Council of America
1st Course: How to Read Truss Documentation – approved

Stetson University College of Law
1st Course: Legal Issues in the Construction Industry – approved

United Pool & Spa Association
1st Course: Code Compliant Swimming Pool Design Innovation – approved

William E. Zetterlund
1st Course: Construction Claims: Avoidance & Management – approved

Ross D. Montghomery d/b/a QST, Inc.
1st Course: Controls Systems Ideas & Maintenance Technology – approved

Latham International
1st Course: Vinyl – Liner In-Ground Pool Installation – approved

Paul Davis Restoration, Inc.
1st Course: 10 hour Construction Safety OSHA Outreach Training Course – approved

Contractor Education Systems, Inc.
1st Course: Contractors Comprehensive Continuing Education Seminar – Course A – approved
2nd Course: Contractors Comprehensive Continuing Education Seminar – Course B – approved
3rd Course: Contractors Comprehensive Continuing Education Seminar – Course A – Internet Course – denied
4th Course: Contractors Comprehensive Continuing Education Seminar – Course B – Internet Course – denied

Nodorah Training Institute
1st Course: Using Microsoft Excel to Enhance Your Contracting Business – approved
2nd Course: Using Microsoft Excel to Enhance Your Contracting Business (Internet Course) – approved
3rd Course: Workplace Safety – approved
4th Course: Workplace Safety (Homestudy Course that includes interactive media) – approved
5th Course: Maximizing Office Productivity in your Contracting Business Using Microsoft Office (Internet Course) – approved
6th Course: Workers Compensation (Internet Course) – approved
7th Course: Business Practice (Internet Course) – approved

BRB Code Educators, Inc.
1st Course: Wind Load Provisions of the FBC – approved
3rd Course: Advanced FL Building Code 2004 Administration – approved

Florida Pool & Spa Association d/b/a Florida Swimming Pool Association
1st Course: Build Your Customer Base – approved
2nd Course: Pool & Spa Business Growth Development – approved
3rd Course: Pool Finishes: Prevent & Remove Stain Discoloration – approved
4th Course: Online Business for the Pool & Spa Industry – approved
5th Course: Pre-Pool Opening Inspections – approved
7th Course: Manage a Pool Company – approved
8th Course: Flat Rate Pricing – approved
9th Course: Effective Collections Techniques – approved
10th Course: Cost Cutting to Increase Profits – approved
11th Course: Computer Business Tools for Construction – approved
12th Course: Air-Actuated Control Troubleshooting – approved
13th Course: Pool Renovations – approved

Redvector.com
1st Course: Advanced FL Building Code 2004 Indoor Environmental Quality Overview – approved

With nothing further to report the board voted unanimously to approve this report.

RECOVERY FUND/FINANCE COMMITTEE

Ms. Brown gave the following report:

02C0187 – Continued
02C0188 – Continued
02C0189 – Continued
02C0190 – Continued
02C0207 – $14637.78
02C0101 – $25,000
03C0145 – $21,452.10
2004002320 – $10,676
2004002326 – $1,693.94
2004024414 – $1,374.43
20040249398 – $14,719.03
2004035053 – $6,671.16
2004038341 – $25,000
2004041365 – $20,010
2004041939 – $5,000
2004047241 – $4,930.50
2004052309 – $3,899.89
2004058029 – $1,998.93
2005002022 – $3,750
2005004476 – $6,139.56
2005008812 – $12,804.19
2005008779 – Withdrawn
2005010933 – $8,331.57
2005030065 – $1,830
03C0180 – $25,000

A total of $218,849.18 was awarded.

With nothing further to report the board voted unanimously to approve this report.

OLD BUSINESS

No Old Business was discussed.

NEW BUSINESS

No New Business was discussed.

With no other business to discuss the meeting was adjourned at 11:10 p.m.