

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. Vaccaro 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 GUILLETTE

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

McCrary, 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. Montgomery 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**

2nd Course: Application of the Florida Existing Building Code, 2004 Edition – **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**

6th Course: Employment Practices for the Construction/Service Industry – **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.