FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

THE BAY POINT MARRIOTT RESORT
4200 MARRIOTT DRIVE
PANAMA CITY BEACH, FLORIDA 32408

JANUARY 14, 2005

GENERAL SESSION MINUTES

BOARD MEMBERS PRESENT
Joan M. Brown (Vice-Chair)
Barry Kalmanson
Edward Weller
Peggy Bailey
Michael Blankenship
Mark Pietanza
Jacqueline Watts
Joe Cox
Raymond Holloway
Paul Del Vecchio
Thomas Thornton
Lee-En Chung
Robert Stewart
Carl Engelmeier
Peggy Bailey

BOARD MEMBERS ABSENT
Michelle Kane (Chair)

OTHERS PRESENT
Tim Vaccaro, Executive Director, DBPR
Stacey Merchant, Government Analyst, DBPR
Ruthanne Christie, Government Analyst, DBPR
Patrick Creehan, Chief Construction Attorney, DBPR
Diane Guillemette, Board Counsel, AGO
Adrienne Rodgers, Recovery Fund Attorney, DBPR
Valeria Singleton, Regulatory Specialist, DBPR
General Session was called to order by Michelle Kane, Chair, at 8:10 am. Mr. Blankenship gave the invocation. Mr. Weller led the Pledge of Allegiance.

REVIEW OF THE MINUTES

- FINAL ACTION – SEPTEMBER 9, 2004
- FINAL ACTION – OCTOBER 14, 2004
- FINAL ACTION – NOVEMBER 11, 2004

The Board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR’S REPORT – TIM VACCARO

Mr. Vaccaro gave the following report:

Mr. Vaccaro distributed stats from the Complaints Division, and explained those stats to the board members.

Mr. Vaccaro also informed the board members that if they are contacted directly by members of the general public, to pass that information along to him and to shred it.

Mr. Vaccaro also requested that if any board members had any problems with the probable cause schedule which had just been distributed, to please let him know and he would attempt to work things out.

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

CHAIRMAN’S REPORT – MICHELLE KANE

The following absences were excused:

Ms. Kane

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 November 2004, the overall case load was 669, down from 782 in October 2004, and up from 665 in November of 2003.

The total number of cases waiting to be reviewed in Legal was 297. 37 cases had been set for probable cause, 101 cases where probable cause had been found/administrative complaints filed, and 27 cases were ready for default. 47 cases had stipulations executed/informal hearings requested, 92 had requested formal hearings, and 8 cases had been referred to DOAH. 37 cases were awaiting final orders and 22 cases were in settlement negotiations. 1 case was under appeal and 0 cases had been reopened. For November 2004, 168 cases had been closed.

For the month of December 2004, the overall case load was 639.
The total number of cases waiting to be reviewed in Legal was 274. 27 cases were set for probable cause, 105 cases where probable cause had been found/administrative complaints filed, and 39 cases were ready for default. 50 cases had stipulations executed/informal hearings requested, 96 cases had requested formal hearings, and 7 cases were referred to DOAH. 16 cases were awaiting final orders and 23 cases were in settlement negotiations. 1 case was under appeal and 1 case had been reopened.

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

RECOVERY FUND ATTORNEY’S REPORT – ADRIENNE RODGERS

Ms. Rodgers gave the following report:

As of December 31st, 2004, the Recovery Fund had dispursed or obligated $1.1 million dollars. Approximately 227 claims had been received by the Recovery Fund, of which only 148 were legally sufficient. There was still 611 claims pending.

ATTORNEY GENERAL’S REPORT – DIANE GUILLEMETTE

WELL WATER SCOPE OF WORK PRESENTATION

Ms. Guillemette presented this case stating the CILB voted to table a response to a scope of work letter regarding Water Well Contractor's licenses until January 2005. The scope of work request refers to subject matter that may be of interest to the ECLB, as well as the CILB. The scope of work requests clarification on whether or not an individual in possession of a Water Well Contractor's license issued by one of the Florida Water Management District Offices can act as a prime contractor on a job requiring the need to subcontract other work, such as electrical.

After discussion the board voted to continue this discussion at a later date.

FRACCA – REQUEST FOR INFORMAL HEARING

A representative from FRACCA, Ed Harris, was present.

Ms. Guillemette presented this case stating that Florida Refrigeration and Air Conditioning (FRACCA)’s continuing education course applications entitled, “Construction Insurance – Making the Numbers Work”, “Reduce Workplace Conflict and Increase Your Bottom Line”, “Death of Employee Loyalty”, and “Death of Customer Loyalty”, were all denied at the November 2004 meeting of the board for being sales related courses and not being sufficiently related to contracting. The Notice of Intent to Deny was filed in January of 2005. FRACCA timely requested board reconsideration.

After discussion the board voted to uphold the denial.

JESSE BROCK – REQUEST FOR INFORMAL HEARING

Mr. Brock was present.

Ms. Guillemette presented this case stating that Mr. Brock’s application for Initial Certified Residential and General Contractor (Grandfathering) was denied at the September 2004
meeting of the Board for having a delinquent family support obligation, and for having been
disciplined in the past for construction related activity. The Notice of Intent to Deny was filed in
December of 2004. Mr. Brock timely requested board reconsideration.

After discussion the Board voted unanimously to approve this application.

**DANIEL SCHERER – REQUEST FOR INFORMAL HEARING**

Mr. Scherer was present with counsel Dennis Fountain.

Ms. Guillemette presented this case stating that Mr. Scherer’s application for initial licensure as
a certified general contractor was denied at the September 2004 meeting of the board for failing
to provide proof of having his civil rights restored. The Notice of Intent to Deny was filed in
October of 2004. Mr. Scherer timely requested board reconsideration.

After discussion the Board voted unanimously to uphold the previous denial.

**MAURICE SCOTT – REQUEST FOR INFORMAL HEARING**

Mr. Scott was present with Attorney Pedro W. Rodriguez

Ms. Guillemette presented this case stating that Mr. Scott’s application for initial licensure as a
certified Class B air conditioning contractor was denied at the September 2004 meeting of the
board for failing to submit proof that his civil rights had been restored. The Notice of Intent to
Deny was filed in October of 2004. Mr. Scott timely requested board reconsideration.

After discussion the Board voted unanimously to uphold the denial.

**GOODE BUDDY YOEMAN – PETITION FOR FORMAL HEARING**

Ms. Yoeman was present with Attorney Tim Atkinson.

Ms. Guillemette presented this case stating that Mr. Yeoman’s application for licensure was
denied at the May 2004 meeting of the board for failing to provide proof to the board that his civil
rights had been restored. The Notice of Intent to Deny was filed in June of 2004. Mr. Yoeman
timely filed a Petition for Formal Administrative Hearing. A rule challenge as to the forms rule
was also filed. Mr. Yeoman requested that the hearing not be set before the Board until the
related rule challenge was resolved. DOAH abstained from ruling on the rule challenge as the
rule had been previously repealed by legislative action. Mr. Yeoman then requested an informal
hearing before the board.

After discussion the Board voted unanimously to uphold the previous denial.

**DARYL ANNE MEANS – REQUEST TO REINSTATE THE STAY OF SUSPENSION**

Ms. Means was not present. Some victims from the Ms. Means’ cases were present and
provided testimony.

Ms. Guillemette presented this case stating that Ms. Means petitioned the board to continue to
accept restitution payments in installments and to reinstate the stay of suspension on her license.
A corrected final order approving the settlement stipulation was filed on February 24,
2004. Ms. Means was not in attendance and requested a 30 day continuance.
After discussion, the Board voted unanimously to deny the continuance and deny the reinstatement of stay of suspension. The Board voted to deny Ms. Means request to start making payments.

GREGORY APPELL – REQUEST FOR INFORMAL HEARING

Mr. Appell was present.

Ms. Guillemette presented this case stating Mr. Appell’s application for initial licensure as a certified building contractor was denied at the November 2004 meeting of the board for failing to provide proof of the required experience. The Notice of Intent to Deny was filed in December of 2004. Mr. Appell timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

WESLEY POWER – REQUEST FOR INFORMAL HEARING

Mr. Power was not present.

Ms. Guillemette presented this case stating Mr. Power’s application for initial licensure as a certified general contractor was denied at the October 2004 meeting of the board for failing to have his experience properly verified. The Notice of Intent to Deny was filed in November of 2004. Mr. Power timely requested board reconsideration.

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

FRANKLIN WILSON – REQUEST FOR INFORMAL HEARING

Mr. Wilson withdrew his request for an informal hearing.

leroY JONES – MOTION TO VACATE

Mr. Jones was not present.

Ms. Guillemette presented this case as a request by the Department to vacate the final order for DBPR case 2002012634. Mr. Jones had appeared at a hearing for the listed case and requested the board allow him to submit an election of rights. The board granted Mr. Jones’ request, but a Final Order imposing discipline was inadvertently prepared and filed.

After discussion the board voted unanimously to vacate the final order.

RECOVERY FUND ATTORNEY’S REPORT

KAREN SCRAGG

Petition for Informal Hearing – Claim No.: 98-C0026  
(Contractor: Kenneth Ronald Boaz; License No.: CRC035360)

After discussion, the Board voted unanimously to continue this case to March.

CHARLES AND NORMAN POWELL
Petition for Informal Hearing – Claim No.: 02-C0213  
(Contractor: James West, License No.: CFC0441360)

Mr. Charles and Normal Powell were present.

The Board voted unanimously to reject the Administrative Law Judge’s Findings and accepted the Board’s Findings and uphold the Denial of Claim from the June 2004 Board Meeting.

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:

Applications Approved
Bolivar, Santiago – 2 years probation
Brewer, Steven
Carpenter, Michael
Cimaglia, Keri
Dunlap, Joseph
Gonzalez, Carlos
Hasty, Michael
Heal, Gordon
Johnson, Douglas
Milligan, John
Molter, William
Napoles, Pedro
Rushin, Larry
Samec, Harold – Probation until civil rights are restored
Scott, Bobby
Smith, James

Applications Denied
Evans, Wayne
Herndon, Maurice
Padron, Michael
Selph, Durwood
Silva, Frank
Timmons, Larry
Turner, Hugh
Williams, Clarence

The board voted unanimously to ratify the FRO lists for November, December, and January.

The board voted unanimously to ratify the Grandfather lists for November, December, and January.

The Board voted unanimously to accept the recommendations of this committee.
PROBATIONS COMMITTEE – PAUL DEL VECCHIO

Mr. Del Vecchio gave the following report:

Anthony Bailey, CGC 23919
Result: Satisfactory

Garth Bonner, CPC56430
Result: Satisfactory

William Campbell, CBC39121
Result: Satisfactory

Mark Delaquil, CCC 58200, SCC 13045074
Result: Satisfactory

Michael Evans, CBC59080
Result: Satisfactory

Robert Fleming, CBC1251087
Result: Unsatisfactory

Allen Gezelman, CGC51062, CWC22629
Result: Satisfactory

Robert J. Gore, CGC 25698, CGCA 25698
Result: Unsatisfactory

Alfred Johnson, CAC 1813618
Result: Satisfactory

Robert Jones, RF 67123
Result: Satisfactory

Paul Marchese, CRC57007
Result: Satisfactory

William Miles, CFC 1426180
Result: Unsatisfactory

Danny Miles, RG66693
Result: Satisfactory

James Munroe, CBC 58643
Result: Satisfactory

Carl T. Nicks, CGC61952
Result: Unsatisfactory

Johnny Pannell, RA 1306722
Result: Satisfactory
Pedro Pineda, CBC57443
Result: Unsatisfactory

Jon Robbins, CGC10870
Result: Satisfactory

Howard Steele, CBC1251845
Result: Unsatisfactory

David Vickers, CGC57366, CCC57466
Result: Satisfactory

Donald A. Woodington, RC66891
Result: Satisfactory

The following probationers’ responses indicated they have not been actively contracting in the last 6 months and request that their probation be tolled for 6 months.

Stephen Eicholtz, CGC56989
Thomas Smith, CCC57079
Lawrence Bequette, CGC19533
Thomas Fisher, CGC15974

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

ADDITIONAL BUSINESS ENTITIES COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

Applications Approved
Batista, Gregorio
Binder, Michael
Burich, Barry
Clark, Robert
Coleman, Stephen
Cruz, Julio
Cruz, Julio
Cruz, Julio
Deloach, Michael
Forrest, Russel
Fralick, Frank
Hammond, Steven
Herrera, Juan
Impson, Merle
Masi, Edward
McDorman, Darren
Morra, John
Murnane, Patrick
Rivers, Steven
Rodriguez, Marcial
Roessler, Charles
Shave, Kenneth
The Board voted unanimously to accept the recommendations of this committee.

**EXECUTIVE COMMITTEE – MICHELLE KANE**

The Executive Committee did not convene this month.

**RULES REVIEW COMMITTEE – MICHELLE KANE**

Mr. Kalmanson gave the following report:

The following areas have been suggested for Rule Committee **Consideration:**

Supervision – see Section 489.113 (2) F.S., 489.1195 (1)(2)

61G4-15.030 Certification of Registed Contractors

The following Rules have been **Noticed for Workshop:**

61G4-15.005 Requirements for Certification and Registration

The following Rules have been **Developed:**

61G4-15.0021 Certification and Registration for Business Organizations

61G4-15.026 Certification of Gas Line Specialty Contractors

61G4-15.027 Pollutant Storage System Specialty Contractors

61G4-15.028 Precision Tank Testers

61G4-15.029 Tank Lining Applicators

61G4-15.031 Medical Gas Certification
61G4-18.003 Registration of Course Providers
61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants
61G4-21.001 Construction Industries Recovery Fund
61G4-21.002 Definitions
61G4-21.003 Filing Claims
61G4-21.004 Claims Review
61G4-21.005 Payment of Claims
61G4-21.006 Collection Efforts
The following Rules have been **Noticed:**
61G4-18.007 Required Records Maintained by Course Providers
61G4-12.009 Fees
61G4-17.001 Normal Penalty Ranges
61G4-18.004 Approval of Continuing Education Courses
61G4-12.006 List of Approved Forms; Incorporation
61G4-15.005 Requirements for Certification and Registration
The following Rules have been **Adopted:**
61G4-16.009 Examination and Reexamination

**EXAMS/CE/PUBLIC AWARENESS COMMITTEE**

Mr. Holloway gave the following report:

**Air Design Concepts, Inc.**
1st Course: Basic Fundamentals on Using ACCA Manual J & D Computer Programs – **approved**

**Gold Coast School of Construction, Inc.**
1st Course: Core Curriculum, Part B (internet) – **approved**
2nd Course: Core Curriculum, Part B (classroom) – **approved**

**Trench Shoring Services**
1st Course: Safety in Excavation – **approved**

**Gulf Refrigeration Supply, Inc.**
1st Course: Sales and Marketing I – **denied** (not related to contracting)
2nd Course: Service I Basic – approved

FMI Corporation
1st Course: Improving Construction Productivity – approved
2nd Course: Pricing & Bidding Safety – approved
3rd Course: 2005 FMI Seminar Digest – approved
4th Course: Acquisitions in the Construction Industry – denied
5th Course: Financial Management for Non-Financial Managers – approved
6th Course: Strategic Alliances – approved
7th Course: Senior Sales Summit – denied
8th Course: Strategic Thinking for Senior Leaders – denied
9th Course: Market Warfare: Tactical Strategies for Winning in Competitive Markets – denied
10th Course: Ownership Transfer and Management Succession – denied
11th Course: Business Succession for Contractors – denied
12th Course: Young Managers Institute – denied

Carrier Florida
1st Course: Value-Adding Coaching – denied
2nd Course: Leading the High Performance – denied
3rd Course: Developing a Builder Options Program – denied
4th Course: Performance Marketing – denied

Florida Swimming Pool Association
1st Course: Alternative Plaster Surfaces – approved
2nd Course: Florida Construction Lien Laws – approved
3rd Course: Fundamentals of Heat Pump Pool Heaters – approved
4th Course: Managing Phosphates for Algae Control – approved
5th Course: Drain Suction Entrapment – Solutions & Problems – approved
6th Course: Water Features for Swimming Pools – approved
7th Course: Electro Mechanical Spa Control Troubleshooting – approved
8th Course: Pool Surface Problems & Solutions – approved
9th Course: Soil & Groundwater Consideration in Swimming Pool Construction in Florida – approved
10th Course: Advanced Water Chemistry – approved
11th Course: Efficiencies in Pool Designs – approved

Wayne Atkins, HVAC Business Doctor
1st Course: Service Tech Marketing & Customer Relations – denied
2nd Course: Financial Management and Net Profiting Pricing – denied
3rd Course: Service Department & Service Agreement Profitability – denied

Jacksonville Plumbers & Pipefitters J.A.T.T.
1st Course: Customer Service Skills - denied
2nd Course: Safety, Workers Compensation, and Basics of Customer Relations – approved

International Code Council
1st Course: 2003 IRC: Performing Residential Plumbing Inspections – approved
2nd Course: Transitioning from the 99 SBC to Florida’s Next Building Code Inspection – approved

Lorman Business Center, Inc.
1st Course: Pre-Construction Budgeting and Estimating – Miami – approved
2nd Course: Recent Law Changes in the Construction Industry – approved
3rd Course: Establishing and Operating Homeowner’s Associations: Understanding the Legal Issues – denied
4th Course: Storm Water Permitting: Is Your Municipality or Business in Compliance (and will it Stay in Compliance?) – denied
5th Course: Mold Remediation Standard $520 – denied
6th Course: Construction Issues – approved
7th Course: Construction Law: Can This Job Be Saved? Creative Strategies for Project Completion and Litigation Avoidance – approved
8th Course: Current Issues in Storm Water Regulation – denied
9th Course: Understanding the Construction Bidding Process – approved

Contractors Exam School
1st Course: Self Employment Tax & Florida Unemployment Compensation – approved
2nd Course: Construction Management for Contractors – approved
3rd Course: Formwork – approved
4th Course: Accessibility – approved
5th Course: Construction Business Management – approved

University of Florida, Florida Energy Extension Service
1st Course: Lead and Remodeling (internet) – approved
2nd Course: Indoor Environmental Quality (internet) – approved
3rd Course: Termites and Proper Construction (internet) – approved

B.T. Builders, Inc.
1st Course: Fair Housing Act – denied
2nd Course: Americans with Disabilities Act with State of Florida Amendments – approved

Department of Community Affairs
2nd Course: Streamlining the Building Regulatory Process – denied
3rd Course: Residential Construction Mitigation Program’s Coastal Monitoring Initiative – denied
4th Course: The National Flood Insurance Program’s 50% Rule – denied
5th Course: Mobile Homes and Hurricanes – denied
6th Course: Disaster Contractors Network – denied
7th Course: 2004 Florida Building Code, Residential – approved

International Comfort Products, LLC
1st Course: Customer Relations for HVAC Professionals – approved

Florida Educational Facilities Planners’ Association, Inc.
1st Course: Manufactured Relocatable / Portable Classroom (2 hours) – approved

Stevens Construction Institute, Inc.
1st Course: Value Based Pricing, Bidding, & Marketing – denied
2nd Course: Finance for Non-Financial Managers in Construction – denied
3rd Course: Project Control for Field Supervisors & Project Managers – approved

Plumbing & Mechanical Contractors Association of South Florida, Inc.
1st Course: Fairplay and Fair Labor Standards Act – approved
Building Officials Association of Florida
1st Course: Rule 9B-72 Product Approval – approved
2nd Course: Chapter 11, Florida Accessibility Code – approved
3rd Course: Job Site Safety – approved
4th Course: Workers Compensation – approved

Hillsborough Association of Plumbing, Heating, & Cooling Contractors, Inc.
1st Course: Plumbing Water Designs – approved
2nd Course: Plumbing Waste & Drainage Systems – approved
3rd Course: Plumbing Venting & Sizing of Systems – approved
4th Course: Modern Plumbing Products & Their Use in Today’s Buildings & Homes – approved

Construction Service Enterprise, Inc.
1st Course: Project Management – Managing the Daily Operation of a Construction Project – approved
2nd Course: Construction Business Management: Maintaining the Winning Edge – approved

National Utility Contractors Association
1st Course: Innovative Recruitment and Retention Solutions – approved
2nd Course: Secrest of Successful Second and Third Generation Construction Firms – denied
3rd Course: Emerging Trends in the Utility Construction Market – approved
5th Course: Critical Skills for Project Managers – approved
6th Course: Managing Difficult Employees – denied
7th Course: Estimating & Bidding Using a Multiple Overhead Recovery System – approved

American Forest & Paper Association
1st Course: Design of Code Conforming Decks and Inspection of Existing Decks – denied

Florida Refrigeration and Air Conditioning Contractors
1st Course: Where Would Business Be Without Me? – denied
2nd Course: Credit Cards 101 – What Every Company Should Understand About Accepting Credit Cards – denied
3rd Course: Keep Your Business Rolling – Fleet Management – denied
4th Course: Reducing Worker’s Compensation Fraud – approved
5th Course: Florida Sales Tax for Contractors – approved

Tom Prpich Consultant
1st Course: Working with the Florida Building Code – approved

Business Development Resources
1st Course: Owning the Sales Process – denied

Glenn Rasmussen Fogarty & Hooker, P.A.
1st Course: Construction Contract Provisions – approved
2nd Course: Florida Construction Lien Law – approved
3rd Course: Legal Issues Pertaining to Mold – approved

Transpath, Inc.
1st Course: CPS Scheduling with PRIMAVERA P3 Project Planner – denied
Massey Services, Inc.
1st Course: What Builders Should Know About Preventing Termites and Mold in New Construction – denied

TDS Construction Services, LLC
1st Course: Florida Contractors Comprehensive Continuing Education Seminar – approved

Commercial Energy Specialists, Inc.
1st Course: ORP Oxidation Reduction Potential – approved

Aereon Solutions, Inc.
1st Course: Automating your Field Service Business and Quickbooks – denied

Eco-$mart, Inc.
1st Course: Green Design and Construction for Florida – approved

The board voted unanimously to ratify the October 2004 Examination Grade Lists.

The board reconsidered the denial of a previously submitted course submitted by Pinch-a-Penny and approved the course.

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

RECOVERY FUND/FINANCE COMMITTEE

Ms. Brown gave the following report:

The following claims were heard December 16, 2004 and were awarded the following amounts:

99-C0035 - $25,000
02-C0192 - $8,032.93
02-C0218 - $1,797
03-C0002 - $12,182.31
03-C0064 – $25,000
03-C0089 – $25,000
03-C0107 – $7,492
03-C0178 – $1,140.54
03-C0231 – $9,844.91
03-C0251 – $5,000
2003092176 – $25,000
2004018930 – $17,598.97
2004021230 – $5,600
2004035070 – Denied
2004038286 – $25,000
99-C0061 – Denied
03-C0040 – Denied
03-C0133 – Continued
03C0147 – Denied
2004041570 – Denied

The following claims were heard January 13, 2005 and were awarded the following amounts:
98-C0096 – $16,833.93
02-C0064 – $17,474.78
02-C0079 – $24,362.89
03-C0077 – $24,447.49
03-C0226 – $13,500
2003092148 – Continued
2004012331 – $5,300
2004019325 – Continued
2004026834 – $21,200
2004034366 – $11,984.50
2004034890 – $2,445.99
2004035079 – $4,025
2004038300 – $25,000
2004038318 – $17,071.81
2004047472 – $25,000
2004048939 – $25,000
2004052289 – $3,467.25
03-C0130 – Continued
03-C0211 – Denied
2004013640 – Continued
2004050830 – Denied

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.