

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**SIRATA RESORT & CONFERENCE CENTER
5300 GULF BOULEVARD
ST. PETERSBURG BEACH, FL 33706**

JULY 9-11, 2008

GENERAL SESSION MINUTES

Board Members Present

William S. Sheehan
Raymond Holloway, Chair
Barry Kalmanson, Vice – Chair
Paul Del Vecchio
Michelle Kane
Peggy Bailey
Don Wilford
Carl E. Engelmeier
Robert Moody Jr.
Joan M. Brown
Lorie Clark
Robert Stewart
Jacqueline Watts
Mark Pietanza

Board Members Absent

Edward Weller
James Flaherty
Frank Bonuso

Others Present

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

GENERAL SESSION

General Session was called to order by Vice Chair, Jacqueline Watts, on July 11th, 2008, at 8:31 am. Mr. Stewart gave the Invocation. Ms. Bailey led the Pledge of Allegiance.

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell passed out a letter from Mr. Drago addressed to Mr. Holloway concerning the 2008 legislative session and how it affected DBPR. The Division of Regulation is receiving 4 additional investigators; \$5.5 million will be taken from the Professional Regulation Trust Fund. The case load from the Division of Regulation was also passed out.

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

CHAIRMAN'S REPORT – BARRY KALMANSON

Mr. Kalmanson solicited input from whoever could offer it on how to raise the professionalism of the board, as well as the industry itself.

The following absences were excused:

Mr. Weller
Mr. Bonuso
Mr. Flaherty

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

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

For the month of June 2008 the overall case load was 2,359, up from 2,213 for May 2008 and up from 1,818 from June of 2007.

There were 673 cases to be reviewed in Legal, 245 cases set for probable cause and 500 cases where probable cause had been found/administrative complaints filed. 111 cases were ready for default, 60 cases had stipulations executed/informal hearings requested, and 156 cases had requested formal hearings. There were 88 cases referred to DOAH, 119 cases in settlement negotiations, 129 cases awaiting final orders, and 278 set for Board presentation. 148 cases were closed for the month of December.

Mr. Kelly presented a local discipline case against a Mr. James Allen Sherrod, case 2008-018543. The local disciplinary body was Lake County. The order date was March 15, 2008. Local recommendation was \$13,824 in restitution, \$500 fine, and \$500 in costs, with a suspension of the license until compliance is met.

The board voted unanimously to adopt this discipline.

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

RECOVERY FUND ATTORNEY'S REPORT – MARC DREXLER

Mr. Drexler reported the following:

For the end of the year \$3.25 million appropriated. \$2,301,865.07 was distributed through June 30, 2008 with an additional \$786,742.04 obligated leaving the fund with a cash balance of \$161,392.89.

There are 468 claims currently with 33 of those Division II claims. 373 new claims have been received this year of which 204 were not eligible. 0 claims were recommended for denial. 305 were incomplete over 180 days. There are currently 4 cases under appeal.

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

ATTORNEY GENERAL'S REPORT – DAN BIGGINS

VINCENT D. BRADY AND D. BRADY ROOFING – REQUEST FOR RE-LICENSURE

Mr. Brady was present with Counsel and a witness.

Mr. Biggins presented this case stating Mr. Brady's license was previously revoked for failure to comply with discipline.

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

DENNIS HARDY – REQUEST FOR RECONSIDERATION OF PRIOR PROBATION APPEARANCE

Mr. Biggins presented this case as a request for a reconsideration of a prior probation appearance to be changed from an unsatisfactory to a satisfactory.

Mr. Hardy was not presented and requested this case be continued 30 days.

The board voted unanimously to grant the continuance.

MICHAEL ROBERTS – REQUEST FOR INFORMAL HEARING

Mr. Roberts was present.

Mr. Biggins presented this case stating Michael Roberts' application for initial licensure as a Certified Roofing Contractor was denied for failure to demonstrate the required experience. Mr. Roberts 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.

TIMOTHY SULLIVAN – PETITION FOR DECLARATORY STATEMENT

Mr. Sullivan was not present.

Mr. Biggins presented this case as a petition for a declaratory statement.

After discussion the board voted to continue this matter for 30 days.

COMMITTEE REPORT

ADDITIONAL BUSINESS ENTITIES COMMITTEE – MARK PIETANZA

Board members met for Additional Business Entities Review on July 9, 2008 from 4:01 – 5:52 p.m. Ms. Watts led the meeting. Of the 39 applications reviewed, 29 were approved, 1 was approved contingent, 1 was approved conditional, 2 were continued, 1 was withdrawn and 5 were denied.

APPROVALS (29)

Baity, Howard
Braniff, Michael
Cannatelli, Edward
Chenneville, Jack
Dean, Michael
Heilman, William
Hiloska, Patrick
Howard, Charles
Ibanez, Manuel
Jones, James
Jones, James
Mart, Harvey C.
Masi, Edward
McDonald, Thomas J.
Menendez, Maria
Mourer, Stephen
Murphy, Jackie
Nelson, Daniel
Parker, Jeffrey
Paula, Daniel
Pick, Raymond
Rodgers, Richard
Valentine, Michael
Valentine, Gregory
Veloza, Victor
Whalley, Thomas
Whalley, Thomas

Williams, Dwight
Worley, Gordon

CONTINGENT APPROVALS (1)

Allen, Gregory, probation, 2 years.

CONDITIONAL APPROVALS (1)

Sanders, Charles – approved on condition of payment of assess - \$1,500.

CONTINUANCES (2)

Harmon, Kevin – continued 30 days, not present.

Roberts, Riley – continued 30 days, not present.

WITHDRAWAL (1)

Morabito, Gregory

DENIALS (5)

Drawdy, Walter

Gough, Alan

McCormick, Neal R.

Morabito, Gregory

Solano, Denis

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – JIM FLAHERTY

The Exams/CE/Public Awareness Committee met on July 10, 2008 at 4:00 pm. The Committee was led by Ms. Watts. Of the 47 courses offered, 35 were approved, 10 were denied, and 2 were continued.

AAA Construction School Inc

- Chapter 713 Construction Lien Law – approved.

Art and Science of Successful Planning – approved

- Compensation Strategies for today's Profitable Small Business Owner – approved.

Bracken Engineering, Inc.

- Wind Load Design and Test Prep – approved.

BRB Code Educators, Inc.

- FBC Building 2007, including significant differences from FBC 2004 – approved

Building Officials Association of Florida

- Specification & Installation of Non-Structural Wall Framing – approved.

Commercial Energy Specialists, Inc.

- Saline Chlorination – approved.

Cunningham Construction

- A business Box of Ideas for Construction Management - denied

Florida Pool & Spa Association DBA Florida Swimming Pool Association

- Advanced Florida Building Code: Entrapment Protection for Suction Inlet – approved.
- Chemicals & Automatic Sanitizing Devices – approved, amended to request 2 hours.
- Solutions in Chemistry – approved.

FMI Corporation

- Financial Management for Non-Financial Managers (# 0000409, Expired 01/13/2008) – continued to August – ask for more details in timeline.
- Improving Construction Productivity (# 0000400, Expired 01/13/2008) – continued to August – ask for more detail in timeline.
- Ownership Transfer and Management Succession (# 0008397, Expired 01/13/2008) – denied.
- Pricing and Bidding Strategy (# 000401, Expired 01/13/2008) – denied.
- Project Manager Academy (# 0000412, Expired 01/14/2002) – denied
- Seminar Digest – denied.
- Young Managers Institute – denied.

Hayward Pool Products Inc. – approved.

Horner Express

- Autopilot Flight School for the Field Service Technician – approved, 7 hours.

Lorman Business Center, Inc.

- Green or Sustainable Construction – approved.

Lykes Insurance, Inc. – approved.

- OSHA Construction Standards: Training Course – approved.

National Roofing Contractors Association

- NCRA/MRCA/ CERTA Train-the-Trainer Authorization – denied.

Professional Training & Consultants, Inc.

- Basic Drywall – denied.
- Introductory quick Book Basics for Contractors – approved.
- Quick books Introduction Part 2 Course – approved.

Rogers Bouchard Insurance, Inc. d/b/a Bouchard Insurance

- Wind Mitigation - denied

Smart Vent Products, Inc. DBA Smart Vent Inc. – approved.

- Understanding Foundation Flood Vents – approved.

South Florida Chapter of Associated General Contractors

- Work Site Safety - denied
- Human Resources I-9 Form - approved
- Confined Spance - approved
- Construction Payment - approved
- Defensive Driving - approved
- Hot Metals - approved
- Florida Workers Compensation Law - approved
- Florida Lien Laws - approved
- OSHA Record Keeping - approved
- Preparing for an Emergency - approved
- OSHA 101 - approved
- Wind Mitigation - approved
- Prevention - approved
- Office Safety - approved
- Chemical Safety - approved
- Florida Advanced Building Code - approved
- Construction Contract Interpretation - approved

Thomas A. Lee

- Workers Compensation - denied

United Pool & Spa Association

- Swimming Pool Hydraulics & Filtration – approved.

University of Florida Program for Resources Efficient Communities

- Construction contracting Regulations – approved, may only be taught by George Rodgers.

PROBATIONS COMMITTEE – CARL ENGELMEIER

The Probations Committee met on July 10, 2008, at 3:30 pm. The Committee was led by Carl Engelmeier. Of the 25 scheduled appearances, 18 were satisfactory, 4 were unsatisfactory, 1 was continued for 6 months, and 2 had the Stay of Suspension lifted on their license.

Abercrombie, William, (CGC 59751)

Result: Satisfactory

Arias, Yanuario, (RB 66932)

Result: Satisfactory

Bartina, Dennis, (CGC 35955)

Result: Satisfactory

Bookhardt, Aldon, (CGC 1505081, CCC 57655)

Result: Stay of Suspension lifted

Donner, Garth, (CPC 56340)

Result: Satisfactory

Brown, Nicky Lee (CGC50863)
Result: Satisfactory

Collazo, Carlos, (CCC 33704)
Result: Satisfactory

Eckert, Gary, (CPC 1456590)
Result: Satisfactory

Giesy, Thomas, (CGC 1511967)
Result: Satisfactory

Gilileo, Larry, (CCC 57931)
Result: Satisfactory

Hardy, Dennis, (CPC 29643)
Result: Satisfactory

Hatton, James, (FRO 2551)
Result: Satisfactory

Hobel, Edward, (CCC 29553)
Result: Continued for 6 months

Kish, Paul, (CBC 58926)
Result: Satisfactory

Kurth, Richard, (CBC 58467)
Result: Unsatisfactory

Lowy, Mark, (CCC 57896)
Result: Unsatisfactory

Malanchuk, Richard, (CGC 11508)
Result: Stay of suspension lifted

Massaro, John, (CRC 1328981)
Result: Unsatisfactory

Moccia, William, (CBC 1255973)
Result: Satisfactory

Noyes, Russell, (CCC 1326879)
Result: Satisfactory

Pineda, Pedro, (CBC 57443)
Result: Satisfactory

Ragonese, Nicholas, (CPC 53892)
Result: Unsatisfactory

Rubino, Michael, (CGC 46437)
Result: Satisfactory

Ruel, Bradley, (CCC 57334)
Result: Satisfactory

Vittoratos, Panagis, (CGC 57438)
Result: Satisfactory

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

APPLICATION REVIEW – JACQUELINE WATTS

Board members met for Application Review on July 10, 2008 from 2:03 – 3:57 p.m. Ms. Watts led the meeting. Of the 29 applications reviewed, 16 were approved, 1 was approved contingent, 1 was with conditions, 2 were continued and 9 were denied.

APPROVALS (16)

Balcanoff, Rodd G. – Division II
Barthelus, Jean – Division I
Beauchaine, Michael Edward – Division II
Cardona, Eduardo – Division I and II
Ford, Robert Henry – Division I
Guzman, Santiago E. – Division II
Hutchinson, William David – Division II
Matthews, Owen Davis – Division I
McCully, Walter – Division I
McKinney, Curtis Jacob – Division I
Merced, Eric – Division II
Murphy, Sean Christopher – Division I
Roe, Terrence Michael – Division II
Stone, Josh Matthew – Division II
Wallace, Samantha S. – Division II
Whiteman, William – Division I

CONTINGENT APPROVALS (1)

McHone, Jr., Charles Courtney – Division II – probation, 4 years.

CONDITIONAL APPROVALS (1)

Varsi, Giovanni A. – Division I and II – (plumbing initial only) provide evidence that ACC is licensed as plumbing from 2002 to present.

CONTINUANCES (2)

Blanchard, Scott – Division I – continued 30 days, not present.

Faulkner, III, Thomas Joseph – Division I – continued 30 days, not present.

DENIALS (9)

Bonaney, Jean Baptiste – Division I
Burri, Randall J. – Division I
Cardinale, David M. – Division I
Chavez, Humberto – Division I
Gunter, Richard D. – Division II
Lavado, Edelson Silos – Division II
McAdams, Chris Ryan – Division I and II
Samperio, Juan Francisco – Division I
Smith-Martinez, Anthony – Division II

The Board reviewed and ratified the list of approved financially responsible officer applications.

The Board reviewed and ratified the exam pass list and exam fail list – 02/2008.

AD HOC LICENSURE QUALIFICATIONS COMMITTEE – PAUL DEL VECCHIO

Discussion took place regarding Interactive Distance Learning Courses.

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE –

The following rules have been **Developed:**

61G4-12.009 Fees
61G4-15.001 Qualification for Certification
61G4-18.002 Definitions
61G4-18.004 Approval of CE Courses

The following rules have been **Noticed:**

61G4-12.011 Definitions
61G4-15.001 Qualification for Certification
61G4-15.028 Precision Tank Testers
61G4-15.029 Tank Lining Applicators
61G4-15.032 Certification of Swimming Pool Specialty Contractors

61G4-16.0021 (1) Written Exam for Swimming Pool Specialty Contractors

61G4-18.001 CE Requirements

61G4-21.005 Payment of Claims

The following rules have been **Adopted:**

61G4-16.001 Examination Requirements

OLD BUSINESS

No Old Business was discussed.

NEW BUSINESS

No New Business was discussed

With no further business the meeting was adjourned.