

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**SAWGRASS MARRIOTT RESORT & SPA
100 PGA TOUR BOULEVARD
PONTE VEDRA BEACH, FL 32082**

JUNE 8 – 10, 2005

GENERAL SESSION MINUTES

Board Members Present

Michelle Kane (Chair)
Joan Brown (Vice Chair)
Raymond Holloway
Barry Kalmanson
Thomas Thornton
Jacqueline Watts
Mark Pietanza
Robert Stewart
Lee-En Chung
John J. Cox, III
Peggy Bailey

Board Members Absent

Paul Del Vecchio
Carl Engelmeier
Edward Weller
Michael Blankenship

Others Present

Tim Vaccaro, Executive Director, DBPR
Stacey Merchant, Government Analyst, DBPR
Andy Janeczek, Government Analyst, DBPR
Diane Guillemette, Board Counsel, AGO
Patrick Creehan, Chief Prosecuting Attorney, DBPR
Jeff Kelly, Prosecuting Attorney, DBPR
Adrienne Rodgers, Recovery Fund Attorney, DBPR
Valeria Singleton, Recovery Fund, DBPR
Kyle Mitchell, DBPR
Richard Morrison, DBPR

General Session was called to order by Michelle Kane, Chair, on June 10, 2005 at 10:23 am. Mr. Holloway gave the Invocation. Ms. Watts led the Pledge of Allegiance.

REVIEW OF MINUTES

No Minutes were reviewed this month.

EXECUTIVE DIRECTOR'S REPORT – TIM VACARRO

Mr. Vacarro gave the following report:

Mr. Vacarro informed the board that the meeting in the following month was originally scheduled for Sarasota has been relocated to Coral Gables.

Mr. Vacarro also informed the board that he has passed out investigation statistics and mediation statistics which are self explanatory, and asked if anyone had any questions.

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

CHAIRMAN'S REPORT – MICHELLE KANE

Ms. Kane gave the following report:

The board voted unanimously to excuse the following absences:

Edward Weller
Paul Del Vecchio
Michael Blankenship
Carl Engelmeier

Ms. Kane also reminded the board that the Nominating Committee will convene next month so there will not be a Vice Chair for next month's meeting. Ms. Brown will Chair the Committee. Ms. Kane also thanked the board and the Department for allowing her to serve for the past year as Chair.

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

PROSECUTING ATTORNEY'S REPORT – PATRICK CREEHAN

Mr. Creehan gave the following report:

For the Month of May 2005 the number of overall construction disciplinary cases was 778. This was an increase from the 763 cases reported in April of 2006, and an increase of 95 cases from the 683 reported in May 2004.

There were 290 cases to be reviewed in Legal, 61 cases set for probable cause and 147 cases where probable cause had been found/administrative complaints filed. 30 cases were ready for default, 86 cases had stipulations executed/informal hearings requested, and 72 cases had requested formal hearings. There were 65 cases awaiting final orders, 13 cases referred to DOAH, and 9 cases in settlement negotiations. There were 0 cases under appeal and 5 cases were reopened. There were 93 cases closed for May 2005.

RECOVERY FUND ATTORNEY'S REPORT – ADRIANE RODGERS

Ms. Rodgers gave the following report:

Ms. Rodgers informed the board that the 4 informal hearings originally scheduled were pulled and rescheduled to appear in front of the Recovery Fund Committee.

Ms. Rodgers informed the board that an claim was awarded in 2002 but the contractor was not served with the notice until 2004. When the suspension was entered in against his license he was made aware of the outstanding claims and agreed to payments of \$720 a month for the next 36 months were imposed upon him to satisfy the full \$25,000 awarded to the claimant, and the licensee is also responsible for paying off the accrued interest which has accumulated since the claim was awarded. The board voted unanimously to accept the repayment agreement.

As of May 31, 2005, the total amount of money disbursed and obligated was \$2.1 million dollars. Ms. Singleton also corrected the numbers from the previous month. Approximately 533 claims are pending, and 106 claims were presented to the board this month, of which 47 were ineligible. 17 claims are under appeal (14 to appear in front of the DCA, 3 to appear in front of the board).

Ms. Rodgers also informed the board that the lifetime cap against contractors is now \$500,000, and a max of \$50,000 per claim.

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

ATTORNEY GENERAL'S REPORT – DIANE GUILLETTE

FLORIDA HOME BUILDERS – REQUEST FOR INFORMAL HEARING

A representative from Florida Home Builders was present.

Ms. Guillemetter presented this case stating Florida Home Builder's applications for the continuing education courses entitled, "Superintendent RCS – Safety and Security" was denied in part at the February 2005 meeting of the board for failing to provide in the outline the detailed instructions in those areas and "Home Modifications" was denied in part for failing to be sufficiently related to contracting. The courses entitled, "Resource Efficient Construction", "Universal Design for the Active Adult Market", "Creating an Effective Sales & Marketing Plan", "Bright Ideas to Build On", "Land Development – From Dirt to Dollars", "Working With & Marketing to Older Adults", and "Creating a Comprehensive Business Plan were all denied at the February 2005 meeting of the board for failure to be sufficiently related to contracting. The Notices of Intent to Deny was filed in March of 2005. Florida Home Builders timely requested board reconsideration.

After discussion the board voted that all the above courses are approved, with the exception of "Creating an Effective Sales Marketing Plan", which was denied.

MAURICE HERNDON – REQUEST FOR INFORMAL HEARING

Mr. Herndon was present.

Ms. Guillemette presented this case stating Mr. Herndon's application for initial issuance of a registered roofing contractor's license by grandfathering was denied at the January 2005 meeting of the board for failing to provide proof of having passed a written examination. The Notice of Intent to Deny was filed in April of 2005. Mr. Herndon timely requested board reconsideration.

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

GULF COAST BUILDERS EXCHANGE – PETITION FOR VARIANCE AND WAIVER

Deborah Ormando, a representative from Gulf Coast Builders Exchange, was present.

Ms. Guillemette presented this case stating Gulf Coast Builders Exchange filed a petition for variance and waiver of Rule 61G4-18.004 (6), Florida Administrative Code. The petition was filed in May of 2005. The petition is seeking a permanent waiver of Rule 61G4-18.004 (6) based on extenuating circumstances; the courses submitted by Gulf Coast Builders Exchange were to appear in front of the board in August of 2004 but that board meeting was cancelled due to Hurricane Charley. The courses submitted were approved at the October 2004 meeting and retroactively approved to September 2004. The petition is requesting the courses be retroactively approved to August 2004 when they were originally scheduled to appear in front of the board.

After discussion the board voted unanimously to deny the request.

SAM LEWIS – MOTION TO VACATE FINAL ORDER

Mr. Lewis was present.

Ms. Guillemette presented this case as a motion to vacate the final order issued against Mr. Lewis revoking his state registration. Ms. Guillemette states that the respondent first appeared in front of the board in October of 2001 after challenging Broward County's recommended penalty against his registration. Broward County recommended revocation, however, the board suspended the license for two years to allow Mr. Lewis to resolve the issues with Broward County. Mr. Lewis appeared back in front of the board two years later, in November of 2003, requesting an extension of the suspension as the issues with Broward County were not resolved. The board denied that request and revoked the license. An order issued by Broward County, dated December 6, 2004, rescinded the revocation and reinstated Mr. Lewis' registration. Mr. Lewis filed this motion to vacate the board's final order revoking his registration.

After discussion the board voted unanimously to vacate the order revoking Mr. Lewis registration.

ROGER W. GRIFFIS – MOTION FOR RECONSIDERATION

Ms. Guillemette stated this Motion for Reconsideration was pulled from the agenda.

COMMITTEE REPORTS

APPLICATION REVIEW

Ms. Watts gave the following report:

Applications Approved

Gary Von Husen
Mark Wolfe

Applications Denied

Yanuario Arias
Dory Burks
Anthony Cousins
Richard Davis
Raymond Leroy
Lewis Carlos
Frank Oliver
Raymond Renna
Stuart Shoaf

Application Continued

Michael Alfonso – 30 days

The board voted unanimously to ratify the Grandfather List.

The board voted unanimously to ratify the FRO List.

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

PROBATIONS COMMITTEE – PAUL DEL VECCHIO

The Probations Committee met on June 9, 2005 at 3:00 pm. The Committee was led by Paul Del Vecchio. There were no probationers scheduled to appear, and no probationers requesting tolled status. There was a semi-annual review of the current probation process, and the meeting was adjourned.

The board voted unanimously to approve this report.

ADDITIONAL BUSINESS ENTITIES COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

APPROVALS (37)

Bowyer, Fred
Brennan, James
Canham, Richard

Coffel, Jason
Coffel, Jason
Duncan, Tommy
Dunnigan Jr, Edward
Eaton, Ted
Ellerbee, Archie
Flinn, John (\$500 assessment)
Gill, Kenneth (\$500 assessment)
Gose, Mark
Gunther, Curtis
Hering, Bruce
Hilden, Larry
Johnson, Dannie
Karlstedt, Magnus
Keady, Thomas
Landon, J Darrell
Long, Howell
Lyons, Bobby (6 applications)
Mather, Timothy
McCree Jr, Richard
Monroe Jr, jack
Persichilli, Anthony
Povia Jr, Michael
Pratt III, Elmer
Roviroso, Jose
Scherer, Robert
Sherrick, Paul
Shrode Jr, Norman
Spieth, Richard
Springer Jr, Jerome
Troendle, Mark
Williams, Michael
Williams, Michael
Wilson Jr, Willie
Zorc, Timothy

CONTINUED 30 DAYS (1)

Schaefer, Paul

DENIED (3)

Brewer, David
Brewer, David
Slossberg, Gary

The board voted unanimously to approve this report.

EXECUTIVE COMMITTEE AGENDA – MICHELLE KANE

Ms. Kane gave the following report:

Request from Ruth Tirado, PHCC, Regarding Journeymen Certification

Ms. Tirado asked the board the following questions:

- 1) Can an individual take the journeymen test without attending an approved apprenticeship program that is registered with the Florida Department of Education?
- 2) Can an individual journeyman reciprocate their license with one or all of the following requirements of Statute 489.1455 if they
 - Have scored at least 70%, or after October 1, 2=1997, at least 75%, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the trade in which he or she is licensed?
 - Has completed an apprenticeship program registered with the Department of Labor and Employment Security and demonstrates 4 years' verifiable practical experience in the trade for which he or she is licensed, or demonstrates 6 years' verifiable practical experience in the trade for which he or she is licensed?
- 3) What is the eligibility that an individual must have in order to take a proctored journeyman Block or Associates examination or other proctored examination that has been approved by the board? If there is not a standard eligibility requirement we respectfully request for the CILB to implement a rule regarding this issue into the FAC 61G4.

Ms. Kane stated that board came to the conclusion that this issue was not something the board could answer and to not answer the question.

Request from David Fehrenbach, PHCC, Regarding Water Conditioning Service Companies

This request was withdrawn

The board voted unanimously to approve this report.

RULES REVIEW COMMITTEE – BARRY KALMANSON

Mr. Kalmanson gave the following report:

The following areas have been suggested for Rule Committee Consideration:

61G4-18.007 Internet Rule

61G4-17.001 Normal Penalty Ranges

The following Rules have been **Noticed:**

61G4-15.032 New Rules for Specialty Pool Contractors

61G4-15.033 New Rules for Specialty Pool Contractors

61G4-15.034 New Rules for Specialty Pool Contractors

61G4-18.004 Approval of Continuing Education Courses

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants

61G4-18.003 Registration of Course Providers

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

61G4-15.005 Requirements for Certification and Registration

The following Rule is no longer scheduled for **Repeal:**

61G4-15.030 Certification of Registered Contractors (Grandfathering, repeal)

Mr. Kalmanson stated that only 2 of the committee members were present for this meeting so they decided to save the issues for the next month.

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – RAYMOND HOLLOWAY

Mr. Holloway gave the following report:

EXISTING PROVIDER – COURSE RENEWALS

PALM BEACH COUNTY PLUMBING , PIPEFITTING JOINT EDUCATIONAL TRUST FUND

Proper Venting Installation on Sanitary Plumbing – approved (2 hrs, no safety)
Expanded Fuel Gas Code Construction – approved (8 hrs general, no safety & business)
Expanded Mechanical Code – approved (8 hrs general, no safety/business)
0 Accessibility Code – approved (8 hrs general, no safety/business)
Expanded Plumbing Code – approved (8 hrs general, no safety/business)

FORT LAUDERDALE HIGH ADULT CENTER

Continuing Education Requirement for CE – approved

AQUACAL, INC

Commercial Pool Heat Pump Sizing and Installation (Name Change) – approved

(2 hrs, no business)
Swimming Pool Heat Pump Service Center Training (Name Change) – approved
(4 hrs, no business)

SIEGFRIED, RIVERA, LERNER, DE LA TORRE & SOBEL, PA

Florida Construction Law – approved (6 hrs, no safety, no WC)
Florida Construction Law (12 Hours) – approved (no safety, no WC)
Florida Construction Liens and Bonds – approved (no safety, no WC)

EXISTING PROVIDER – NEW COURSES

AMERICAN CONSTRUCTION SCHOOL INC

The New Florida Building Code – approved

FRSA EDUCATIONAL AND RESEARCH FOUNDATION

Wind Resistant Roof Title [sic?] Installation – approved (1.5 hrs, no business)
Basic Torch Safety – approved (no business)
The Exciting World of Experience Modifications – approved
Metal Roofing – approved (no business)
Current Human Resources Issues and How They Affect Your Company
Approved
Florida Product Approval Update – approved (no business)
Federal Tax Update – approved (no business)
Specifying and Installing Asphalt Shingles – approved (no business)
NCRA Update on Roofing Industry Technical Issues – approved (no business)

GOLD COAST SCHOOL OF CONSTRUCTION INC

Financial Management – approved
Contract & Project management – approved
Regulation Compliance – approved
Financial Management (internet version) – approved
Contract & Project Management (internet version) – approved
Regulation Compliance (internet version) – approved

FLORIDA EDUCATIONAL FACILITIES PLANNERS ASSOCIATION

Why Old Problems Don't Go Away, They Just Get Prepackage – approved
Significant Changes to The Uniform Fire Safety Standards – approved
2004 FBC Section 423 Update – approved
Florida's Code of Ethics for Public Officers and Employees DENIED

REDVECTOR.COM, INC

Advanced FL Building Code 2004 Indoor Environmental Quality Overview - Cont. 60 days

CERTIFIED MOLD FREE CORP.

Mold Remediation for Florida Contractors –Worker Training (16 hrs) – approved (no
ADA)
Mold Remediation for Florida Contractors – Working Training (24 hrs) – approved (no
ADA)
Certified Mold Free New Homes – approved

ASSOCIATED BUILDINGER AND CONTRACTORS, INC

Construction Industry Workers' Compensation and Experience Modification - approved

NEW PROVIDERS WITH COURSES

FLORIDA AIR CONDITIONING APPRENTICESHIP ASSOCIATION

Duct System Design, Fabrication Installation and Maintenance Program – approved

SUCCESSION PLANNERS, LLC

Business Succession Planning How to Run Your Business So You Can Leave It
In Style DENIED – Not construction Related

SHAVELL & COMPANY, PA

Cost Segregation Studies: What CPAs and Attorneys Need to Know (3 hr version) –
approved

Cost Segregation Studies: What CPAs and Attorneys Need to Know (2 hr version) –
approved

VLE ENTERPRISES

Financial Management – approved

Making the Retail Sales Call –DENIED (Not construction related)

EXISTING PROVIDER – COURSE RENEWALS AND NEW COURSES

LORMAN BUSINESS CENTER, INC

Construction Management/Design-Build (Material Change) – approved

Law of Easements: Legal Issues and Practical Considerations – DENIED (not
construction)

Construction Project Operations – approved

Zoning, Subdivision and Land Development Law – DENIED (not construction)

BRB CODE EDUCATORS, INC

Advances in Long Term Thermal R-Value for Foam Insulations - approved (no business)

The Impact of the FBC & Fire Prevention Code on State Requirements for Educational
Facilities – approved (no business)

Product Approval – DENIED (not construction)

Florida Accessibility Code – approved

FLORIDA HOME BUILDERS ASSOCIATION

On-Site Project Management – approved

Building Proportionally Correct Houses – DENIED (not ???)

Integrated HVAC Design – approved

Secrets the IRS Doesn't Want You to Know – DENIED (full board refusal)

Exceptional People & Exceptional Service = Extraordinary Profits – approved

Scheduling – A Plan or a Pain – approved

Copyrights, Trademarks & Intellectual Property – DENIED (not construction)

Business Accounting & Job Cost – approved

Develop & Implement A Home Builders Safety & Health Management Program –
Approved

The board voted unanimously to approve this report.

RECOVERY FUND/FINANCE COMMITTEE – JOAN M. BROWN

Ms. Brown gave the following report:

02-C0012 - \$20,602.04
03-C0027 - \$5,759.38
03-C0097 - \$12,459.00
03-C0133 - \$23,251.00
03-C0141 - \$3,657.51
03-C0180 – Denied
2003092057 - \$319
2004010351 - \$9,032.40
2004034361 - \$2,179.25
2004038300 – Approved, but vacate and re-issue order to include bankruptcy language
2004035060 - \$300.93
2004060565 - \$4,000.00
2005004573 - \$3,925.21
2005014293 - \$6,158.75
02-C0207 – Continued
00-C0255 - \$15,240
2005006936 - \$25,000
99-C0015 – Denied
01-C0060 – Denied
02-C0059 – Denied
02-C0092 – Denied
02-C0143 – Denied
02-C0159 – Continued
02-C0229 – Denied
03-C0136 – Denied
2003096617 – Continued
2004002328 - \$4,495
2004026638 – 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.

ADJOURNMENT