

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**FOUR SEASONS RESORT PALM BEACH
2800 SOUTH OCEAN BLVD
PALM BEACH, FL 33480**

**JUNE 13, 2008
MEETING MINUTES**

Board Members Present

Raymond Holloway, Chair
Barry Kalmanson, Vice Chair
Peggy Bailey
Frank Bonuso
Joan M. Brown
Lorie Clark
Paul Del Vecchio
Carl E. Engelmeier
James Flaherty
Michelle Kane
Robert Moody, Jr.
William S. Sheehan
Robert Stewart
Anthony Terhaar
Jacqueline Watts
Edward Weller
Don Wilford

Board Members Absent

Mark Pietanza

Others Present

G.W. Harrell, Executive Director, DBPR
Andy D. Janeczek, Government Analyst, DBPR
Amanda Abbott, Government Analyst, DBPR
Daniel Biggins, Legal Advisor, AGO
William Ogo, Legal Advisor, AGO
Jeff Kelly, Chief Prosecuting Attorney, DBPR
Marc Drexler, Recovery Fund Attorney, DBPR
Valeria Singleton, Regulatory Specialist, DBPR

General Session was called to order at 8:33 am. Mr. Stewart gave the invocation. Mr. Flaherty led the Pledge of Allegiance.

REVIEW OF MINUTES

The board voted unanimously to approve the following minutes:

- May 2008 Final Action

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell gave the following report:

Mr. Harrell asked the board members if they've liked the OnBase experiment so far and that he was real happy with the progress staff has made in converting to a paperless agenda.

Mr. Harrell stated that he recently addressed the Building Official Association of Florida regarding the definition of "supervision" according to the Rule. The problem of inspectors going to the job and essentially supervising workers to make sure work was code compliant was also discussed. Another issue discussed with the Building Official Association was the discipline of certified contractors by local jurisdictions.

Mr. Harrell also brought up the issue of the Department is not assessing the costs of administering the exams, so that people who are taking the exams before they apply are, essentially, not paying for their exams. Steps are being taken by the Department to remedy this problem. A motion was made and seconded to open Rule 61G4-12.009 for further review. The board voted unanimously to open the Rule.

Mr. Harrell also thanked Chair Raymond Holloway for his service as Chairman for the past year.

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

CHAIRMAN'S REPORT – RAYMOND HOLLOWAY

The Chairman had nothing to report this month.

PROSECUTING ATTORNEY'S REPORT – JEFF KELLY

Mr. Kelly gave the following report:

For the month of May 2008 the overall case load in Legal was 2,213, down from 2,315 in April 2008 and up from 1,671 in May 2007.

The total number of cases waiting to be reviewed was 644. There were 265 cases set for probable cause, 441 cases where probable cause had been found/administrative complaints filed, 24 cases with stipulations executed/informal hearings requested, and 176 cases had requested formal hearings. 129 cases where ready for default, 103

cases were referred to DOAH, and 123 cases were in settlement negotiations. 171 cases were set for board presentation, and 137 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

The board voted unanimously to accept the local discipline against the following registered contractors:

John Allen Gage, RR0060430 – 2008019370 – Revocation, \$15,000 fine, \$2,900 in costs to Hernando County

Mr. Kelly also requested the board to make a motion to vacate two orders for two cases that were heard in Final Action the day prior, and to grant the respondent a 30 day continuance. The board voted unanimously to vacate those order and grant the continuance.

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

RECOVERY FUND ATTORNEY'S REPORT – MARC DREXLER

Mr. Drexler gave the following report:

The Recovery Fund started the year with an appropriation of \$3.25 million. As of May 31st the total amount of money disbursed was \$1,941,867.16 with another \$768,235.40 obligated, leaving a cash balance of \$539,897.81.

468 claims are currently pending, 33 of those which are Division II. 315 new claims had been received that year, with 165 of those being ineligible. During May, 61 new claims were received of which 44 were ineligible. 0 claims had been recommended for denial and 20 were set for Committee review. 304 claims over 180 days were incomplete, 164 claims were incomplete under 180 days. 5 claims were currently under appeal.

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

ATTORNEY GENERAL'S REPORT – DAN BIGGINS/WILLIAM OGLO

YANUARIO ARIAS – MOTION FOR RECONSIDERATION

Mr. Arias was present.

Mr. Biggins presented this case stating Mr. Arias' application for initial licensure as a certified building contractor through grandfathering was denied at the June 2005 meeting of the board for failing to provide proof of his civil rights having been restored. The Notice of Intent to Deny was filed in June of 2005. Mr. Arias then filed a "Petition To De Nova Review/Appeal Decision and Rule". The board affirmed their decision and the Final Order was filed in November of 2005. Mr. Arias then filed a Motion for Reconsideration.

After discussion the board voted unanimously to uphold the denial.

CONTINUING EDUCATION ASSOCIATES, INC. – REQUEST FOR INFORMAL HEARING

A representative from Continuing Education Associates, Inc. was not present.

Mr. Biggins presented this case stating the Continuing Education Associates continuing education course was denied at the April 2008 meeting of the board as the course materials failed to be sufficiently descriptive of the course. The Notice of Intent to Deny was filed in June of 2008. Continuing Education Associates, Inc. timely requested board reconsideration.

After discussion the board voted to uphold the denial.

CONTRACTOR EDUCATION SYSTEMS, INC. – REQUEST FOR INFORMAL HEARING

A representative from Contractor Education Systems, Inc. was present.

Mr. Biggins presented this case stating Contractor Education Systems, Inc.'s application for continuing education courses entitled, "Advanced Rules and Laws for Florida Contractors – Online Course", "Contractors Comprehensive Continuing Education Seminar – Course A5RL", "Contractors Comprehensive Online Continuing Education Course B5RL-OL", were denied for the laws and rules credit as the course materials failed to sufficiently detail instruction in that area. The Notice of Intent to Deny as filed in June of 2008. Contractor Education Systems, Inc. timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

JAMES KELLY – REQUEST FOR REINSTATEMENT OF PROBATION

Mr. Kelly was present.

Mr. Biggins presented this case as a request by Mr. Kelly to reinstate the stay of suspension on his certified general contractor's license. The stay of suspension was lifted on January 22, 2008 for failing to appear at his scheduled probation appearance. The request to reinstate the stay was filed in May of 2008.

After discussion the board voted unanimously to reinstate the stay of suspension with one unsatisfactory appearance on his record and a \$200 citation.

LAWRENCE LAMBECK – REQUEST FOR INFORMAL HEARING

Mr. Lambeck withdrew his request for an informal hearing.

THOMAS A. LEE – REQUEST FOR INFORMAL HEARING

A representative from Thomas A. Lee was not present.

Mr. Biggins presented this case stating Thomas A. Lee's continuing education course application was denied at the January 2008 meeting of the board for failure to sufficiently detail contact information and the method of time tracking. The Notice of Intent to Deny was filed in May of 2008. Thomas A. Lee timely requested board reconsideration.

After discussion the board voted to send the application back to the CE Committee for further review.

MICHAEL MURRAY – REQUEST FOR INFORMAL HEARING

Mr. Murray was present.

Mr. Biggins presented this case stating Mr. Murray's change of status application to move his certified general contractor's license from one business entity to another was denied at the January 2008 meeting of the board because the applicant was the subject of pending discipline. As a result, the qualified business license for AMS, Inc. was denied for failing to have a qualifying agent. The Notices of Intent to Deny were filed in May of 2008. Mr. Murray timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

ROBERT H. RAINES – REQUEST FOR INFORMAL HEARING

Mr. Raines was present.

Mr. Biggins presented this case stating Mr. Raines' application for initial licensure as a certified residential contractor was denied at the October 2007 meeting of the board for failing to demonstrate the required experience, for having been convicted, or found guilty, of a crime related to the practice of contracting, and for failing to provide proof of good moral character. The Notice of Intent to Deny was filed in March of 2008. Mr. Raines timely requested board reconsideration.

After discussion Mr. Raines withdrew his request for an informal hearing stating he would prefer to appear in front of an Administrative Law Judge with DOAH.

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

COMMITTEE REPORTS

ADDITIONAL BUSINESS ENTITIES REVIEW COMMITTEE – MARK PIETANZA

The Additional Business Entities Review Committee met on June 11, 2008 at 4:00 pm. Ms. Watts led the meeting. Of the 35 applications reviewed, 3 were approved with assessments, 4 were continued, 2 were withdrawn and 1 was denied.

APPROVED

Allen, Eric - \$1,100 assessment
Barnes, William J
Clarkston, Jeffrey

Colosimo, Joseph
Craver, Timothy
Dyal, Emory
Elamad, John
Goodwin, Paul J - \$2,210 assessment
Grimes, Glen
Hearn, Eric
Hines, Ronnie - \$16,148 assessment
Hodges, James
Kirby, Kenneth
Killen, Timothy
Lagrasta, Nicholas
Lawson, William E.
Odum, Michael
Pearson, Guy
Schrot, William
Soja, Wieslaw
Ulkealan, Kadir
Wigginton, Wesley
Wilford, Donald
Young, James V.
Young, James V.

DENIED

Colasurdo, Robert

WITHDRAWN

Lykos, Thomas
White, Chad

CONTINUED

Chenneville, Jack
McCormick, Neal
McDonald, Thomas
Nelson, Daniel

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – JIM FLAHERTY

The Exams/CE/Public Awareness Committee met on June 12, 2008 from 1:06 pm to 3:05 pm. Mr. Flaherty chaired the Committee. Of the 82 courses reviewed, 58 were approved and 24 were denied.

Air Conditioning Contractors of America

1st Course: Fundamentals of Small Commercial Load Calculation and System Design -
approved

Air Engineers, LLC

- 1st Course: Cooling Season Service – **approved**
- 2nd Course: Heating Season Service – **approved**

Associated Builders & Contractors of Florida, Inc.

- 1st Course: LEED NC Technical Review and Test Prep – **approved**

Charles E. Walker

- 1st Course: Modern Indoor Air Quality – **approved**

Contractors School, Inc.

- 1st Course: 489 Laws and Rules – **approved**
- 2nd Course: Wind Mitigation Methodology – **approved**

Florida Association of Plumbing, Heating, Cooling Contractors

- 1st Course: Ethics: The Foundation of Your Business – **approved**
- 2nd Course: Fleet Management: Keep Your Business Rolling – **approved**
- 3rd Course: LEED Case Study: The Plumbing Contractors Role – **approved**
- 4th Course: Materials Management 101 – **approved**
- 5th Course: Plumbers Guide to Green Building – **approved**
- 6th Course: Role of the Plumbing Contractor in Building Commissioning – **approved**
- 7th Course: Rules & Laws – Section 489 Case Studies – **approved**
- 8th Course: Top 5 Employment Law Issues Facing Contractors – **approved**
- 9th Course: WaterStar 101 – **approved**
- 10th Course: Workers Comp Insurance – Understanding Experience Modifier - **approved**

Florida Consortium of Community Colleges

- 1st Course: Business Development for Contractors – **approved**
- 2nd Course: Construction Contracts & Agreements – **approved**
- 3rd Course: Introduction to Chapter 489 – **approved**
- 4th Course: Introduction to Wind Mitigation – **approved**
- 5th Course: Workers Compensation – **approved**
- 6th Course: Workplace Safety – **approved**
- 7th Course: Workplace Safety and OSHA – **approved**

Florida Continuing Education Services, Inc.

- 1st Course: Laws, Rules, and Regulation of Florida Contractors – **approved**
- 2nd Course: Liability Issues, Laws, and Rules for Florida Contractors – **approved**

Florida Educational Facilities Planner's Association, Inc.

- 1st Course: An Environmental Plan for Education Facilities – **approved**
- 2nd Course: Building Info Modeling (BIM); Using the Latest Technologies – **approved**
- 3rd Course: Department of Education/Legislative Update – **denied**
- 4th Course: Economic Forecast for FL-Impact on School Construction – **denied**
- 5th Course: Kill What's Ugly While It's Young – **denied**

Florida Home Builders Association

- 1st Course: Reducing Your Carbon Footprint: A Blueprint – **approved**

Florida Masonry Apprentices & Educational Foundation, Inc.

1st Course: Structural Masonry Design Seminar – **denied**

FRSA Educational and Research Foundation

1st Course: FRSA's Presentation of CILB's Mandatory Six CE Requirements – **approved**

Florida Solar Energy Center

1st Course: LEED For Homes for Field Agents – **approved**

Hurricane Protection University

1st Course: Impact Protective Covering: Part I & II – **denied**

2nd Course: Introduction to Motorization – **approved**

3rd Course: Selling in the New Millennium – **denied**

4th Course: Thinking Beyond Windows for Storm Protection – **denied**

JC Code & Construction Consultants, Inc.

1st Course: Advanced 2004 Accessibility – **approved**

2nd Course: Advanced Training: The Florida Energy Code; Reading and Interpreting 600A Compliance – **approved**

3rd Course: Florida Worker's Compensation, F.S. 440 – **approved**

4th Course: Laws & Rules for Contractors & Code Officials – **approved**

5th Course: Worksite & Job Safety – **approved**

John "Tim" Tolbert d/b/a C2N Code Solutions Group

1st Course: Business Aspects of Contracting in Florida – **approved**

2nd Course: Workers Comp & Florida Contractors – **approved**

MDM Cleaning Services LLC d/b/a Dririte of NE Florida

1st Course: Building and Material Sciences – **approved**

2nd Course: Mold: The New Environmental Issue – **approved**

National Roofing Contractors Association

1st Course: Roofing 101 Module 1: Roofing Basics – **denied**

2nd Course: Roofing 101 Module 2: Roof System Basics – **denied**

3rd Course: Roofing 101 Module 3: Overview of Low Slope Roof Systems – **denied**

4th Course: Roofing 101 Module 4: Overview of Steep Slope Roof Systems – **denied**

5th Course: Roofing 101 Module 5: Overview of Roof Flashing and Accessories - **denied**

Oldcastle Coastal

1st Course: Permeable Interlocking Concrete Pavers – **denied**

Plumbing Contractors Association

1st Course: Florida Statutes 489 Laws and Rules, Part 1 – **approved**

2nd Course: How to transform the bathroom Part 1 – **denied**

3rd Course: How to transform the bathroom Part 2 – **denied**

Powers Steel, Inc.

1st Course: Powers Lintels and Sills – **denied**

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

1st Course: Advanced-Means of Egress in Florida Building Code – **approved**

2nd Course: How to Avoid OSHA Citations for the “Big 4” – **denied**

3rd Course: OSHA Recordkeeping – **approved**

4th Course: Wind Mitigation – **denied**

Thomas A. Lee

1st Course: Business – Construction Contractors – **approved**

2nd Course: Business – Liens – **approved**

3rd Course: Building Envelope – **denied**

4th Course: Energy Efficient Building Construction – **approved**

5th Course: Laws & Rules – Licensing – **approved**

6th Course: Safety – Fall Protection – **approved**

7th Course: Safety Fire Protection – **approved**

8th Course: Safety and Health Program – **denied**

9th Course: Safety Introduction to OSHA – **approved**

10th Course: Safety OSHA Regulation – **approved**

11th Course: Safety Scaffolding – **approved**

12th Course: Wind Mitigation – **approved**

Titan Continuing Education, Inc.

1st Course: Chapter 489 – Laws & Rules – **approved**

2nd Course: Wind Mitigation Methodologies – **approved**

United Service Training Corp

1st Course: Florida Statutes 489 Rules and Laws – **approved**

University of Florida Program for Resource Efficient Communities

1st Course: Build Green & Profit: Green Advantage – **approved**

2nd Course: Hurricane Mitigation Retrofits for Existing Single Family Residential Structures – **approved**

Vezina, Lawrence, & Piscitelli, P.A.

1st Course: Doing Business with Florida Department of Transportation – **denied**

2nd Course: Construction Contracts for the Construction Professionals – **approved**

Wholesale Solar Supply, Inc., d/b/a Aquatherm Pool Heating Supply

1st Course: Pool Heating Options – **approved**

The board unanimously voted to ratify the Exam Pass List for February 2008.

The board unanimously voted to ratify the Exam Fail List for February 2008.

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

RECOVERY FUND/FINANCE COMMITTEE – JOAN M. BROWN

The Recovery Fund/Finance Committee met on June 12, 2008 at 1:00 pm. 21 cases were reviewed.

2006056572 – \$7,087.58
2006060685 – \$11,065.79
2007004110 – \$25,000
2007007840 – \$18,523.95
2007009972 – \$3,859.21
2007010491 – \$23,800.54
2007030048 – Motion to Vacate and for Rehearing
2007036846 – \$5,128.98
2007040251 – \$50,000
2007045922 – \$27,585
2007047319 – \$17,700
2007049636 – \$16,900
2007050667 – \$14,949.65
2007052487 – \$16,960
2007058937 – \$14,008.94
2007066166 – \$9,600
2007066178 – \$21,339
2007068927 – \$6,277
2008002772 – \$28,500
2008002745 – \$25,829.18

A total of \$363,529.82 was awarded.

PROBATION COMMITTEE – CARL ENGELMEIER

No probationers were scheduled for this month. The probation committee convened to discuss possible changes to the probation packet and discussed language to further clarify the requirements for probationers.

APPLICATION REVIEW COMMITTEE – JACQUELINE WATTS

Board members met for Application Review on June 12, 2008 from 3:20 pm to 6:20 pm. Ms. Watts led the meeting. Of the 30 applications reviewed, 8 were approved, 2 were approved conditional, 5 were continued, 2 were withdrawn, 1 was pulled, and 12 were denied.

APPROVED (10)

Brandon, Blake
Cardon, Keith – 4 years probation
Cartelle, Antonio – 2 years probation
Embick, William
Frey, William
Mondragon, Jose
Oramas, Carlos

Rock, Jesse
Sussman, Jeffrey
Toledo, Louis

DENIED (12)

Distelhurst, Matthew
Durick, John
Escobar, Luis
Miller, Charles
Morera, Joseph
Moreira, Joseph
Mosaddad, Hossin
Ramsden, Bryan
Rice, Jason
Rowland, Michelle
Vigo, Ignacio
Walsh, Richard

CONTINUED (5)

Bethel, Ronald
Chieffe, Kelly
Hutchinson, William
McHone, Charles
Merced, Eric

WITHDRAWN (2)

Kryzanekas, Edward
Mulholland, Spiderman

PULLED (1)

Alvarez, Patricia

The board voted unanimously to ratify the Financially Responsible Officer List

AD HOC LICENSURE QUALIFICATIONS COMMITTEE- PAUL DEL VECCHIO

Mr. Del Vecchio gave the following report:

Discussion regarding construction managers and construction management services occurred.

An update from the board counsel regarding the board's ability to "audit" experience verification forms after licensure was also given.

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – BARRY KALMANSON

The Rules/Public/Legislative Committee met on June 12, 2008 at 4:00 pm. Mr. Kalmanson chaired the committee and gave the following report:

The following Rules have been **Developed**:

61G4-12.009 Fees

61G4-12.001 Definitions

61G4-18.001 CE Requirements

The following Proposed Rules have been **Noticed**:

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

61G4-16.001 Examination and Requirements

61G4-15.0021 (1) Written Examination for Swimming Pool Specialty Contractors

61G4-21.005 Payment of Claims

The following Rules have been **Adopted**:

61G4-18.002 Definitions

OLD BUSINESS

The board excused the following absences:

Mr. Pietanza

NEW BUSINESS

Mr. Del Vecchio brought up the issue of a law firm that assists the Department's prosecuting attorney's also appears to be assisting applicants obtain initial licensure. Mr. Del Vecchio stated that it seems to him to be an inherent conflict of interest. Ms. Hammonds stated that the state legislature, after the bad hurricane seasons of the previous years, appropriated money in the budget to hire outside counsel to assist with prosecutions, and the only stipulation in the contract was that any prosecutorial cases the firm was currently working had to be abandoned by the firm. Mr. Harrell explained the situation that, because of the hurricanes, the construction case load doubled. The legislature decided that instead of letting the cases just sit there, and instead of creating

more full time positions within the Department, to hire outside counsel to assist. Board members expressed displeasure with this state of affairs.

Ms. Watts brought up the issue that she's tired of seeing vehicle signage indicating an individual is licensed and insured when all that the individual is in possession of is an occupational license. Ms. Watts stated the board needs to address and attempt to solve this problem. Ms. Brown voiced her concerns over this issue as well, and how some unlicensed contractors honestly believe that the occupational license will allow them to perform regulated activities.

Mr. Kalmanson also requested an excused absence for the meeting next month. The board voted unanimously to approve this absence.

ADJOURNMENT

With nothing further to discuss the meeting was adjourned.