

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

GENERAL SESSION MINUTES

**TRADEWINDS ISLAND GRAND BEACH RESORT
5500 GULF BLVD
ST. PETE BEACH, FL 33706**

MARCH 16, 2007

GENERAL SESSION MINUTES

The meeting was called to order by Paul Del Vecchio, Chair, at 8:29 a.m.

BOARD MEMBERS PRESENT

Paul Del Vecchio – Chair
Raymond Holloway – Vice Chair
Mark Pietanza
Jacqueline Watts
Barry Kalmanson
Lorie Clark
Robert Stewart
Peggy Bailey
Carl Engelmeier
Jim Flaherty
Michelle Kane
Lee-En Chung
Joe Cook
Don Wilford
Joan M. Brown

BOARD MEMBERS ABSENT

Edward Weller
Thomas Thornton

OTHERS PRESENT

Diane Guillemette, Legal Advisor, AGO
April Hammonds, Acting Chief Prosecuting Attorney
G.W. Harrell, Executive Director
Stacey Merchant, Government Analyst II
Andy D. Janecek, Government Analyst I

Ms. Bailey gave the Invocation. Ms. Watts led the Pledge of Allegiance.

REVIEW OF THE MINUTES

- FINAL ACTION – FEBRUARY 15, 2007

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell gave the following report:

Mr. Harrell discussed travel reimbursements and also asked the board members that if the board meeting is in their part of their state

Mr. Harrell also passed out the complaint report and stated that construction complaints have decreased since last month.

Mr. Harrell talked about the pending legislation and for more information on that check the website. There are several bills in legislation which could possibly affect the CILB, including the inclusion of mold inspectors, home inspectors, and wind mitigation assessors in the purview of the CILB, and another bill which would make the Department, and not the CILB, the regulating body for those professions. A bill requiring criminal history checks is being proposed and would require someone to have their civil rights restored before they could be issued a license. There is also a bill out there to require the certification of crane operators.

A vote was taken on the net worth requirement for contractors and whether or not the \$20,000 being listed in the proposed law was too low. The vote came back unanimous that the requirement was too low. Ms. Kane made a motion that this was the position of the board on this matter. The board voted unanimously to approve this motion. Mr. Kalmanson made another motion that the option to have the net worth requirement lowered by taking a credit counseling course be stricken from the rule. The board voted unanimously to approve this motion.

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

CHAIRMAN'S REPORT – PAUL DEL VECCHIO

Mr. Del Vecchio had nothing to report.

PROSECUTING ATTORNEY'S REPORT – APRIL HAMMONDS

Ms. Hammonds gave the following report:

For the month of February 2007, the overall case load was 1,669, which was down from 1,686 in January of 2007, and up from 1,285 in February 2006.

There were 533 cases to be reviewed in Legal, 163 cases set for probable cause, and 195 cases where probable cause had been found/administrative complaints filed. 75 cases were ready for default, 36 cases has stipulations executed/informal hearings requested, and 218 had requested formal hearings. 16 cases were referred to DOAH, 140 cases were awaiting final orders, 82 cases were in settlement negotiations, and 211 cases were set for board

presentation. There were 0 cases under appeal and 0 cases reopened. For the month of February 2007, 207 cases were closed.

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:

As of the beginning of the April the Recovery Fund will be fully staffed.

For the fiscal year for 2006-2007 the total amount of money disbursed totaled \$761,295.72 with an additional \$410,508.74 obligated for a grand total of \$1,171,804.46.

Currently there are 270 pending claims with 68 having been received this year, 16 of which were ineligible. 41 claims were received in February with 9 of those being ineligible. 2 claims were recommended for denial and 15 were ready for committee review. There were 167 incomplete claims over 180 days, and 103 incomplete under 180 days, with 4 cases currently under appeal.

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

ATTORNEY GENERAL'S REPORT – DIANE GUILLEMETTE

STEPHEN GLAGOLA – REQUEST FOR INFORMAL HEARING

Mr. Glagola was not present.

Ms. Guillemette presented this case stating that Mr. Glagola's application for initial licensure as a certified general contractor was contingently approved at the September 2006 meeting provided the applicant submit two affidavits verifying the required experience. The Notice of Intent to Deny was filed in December of 2006. Mr. Glagola timely requested board reconsideration of the contingent approval.

After discussion the board voted unanimously to uphold the contingent approval.

WILLIAM SOUTHERLAND & SOUTHERLAND ASSOCIATES – REQUEST FOR INFORMAL HEARING

Mr. Southerland was not present.

Ms. Guillemette presented this case stating Mr. Southerland's application for initial licensure as a certified general contractor by endorsement was denied at the September 2006 meeting for failure to provide proof of having passed an examination substantially similar to the Florida examination, and for failure to provide proof of criteria for of having been issued a license that is substantially similar to Florida's current certification criteria. As a result the qualified business application for Southerland Associates, Inc. was denied for failing to have a qualifying agent. The Notice of Intent to Deny was filed in December of 2006. Mr. Southerland timely requested board reconsideration.

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

MANUEL BLANCO – REVIEW OF RECOMMENDED ORDER

Mr. Blanco was not present.

Ms. Guillemette presented this case stating Mr. Blanco's application for initial licensure as a certified general contractor was denied at the January 2006 meeting of the board for failure to establish good moral character, and having been convicted of or found guilty of crimes related to the practice of contracting. The Notice of Intent to Deny was filed in March of 2006. Mr. Blanco timely requested a formal hearing with the Division of Administrative Hearings. The hearing, held in December of 2006, confirmed the board's decision and upheld the denial of Mr. Blanco's application.

After discussion the board voted unanimously to adopt the Recommended Order denying the application.

JOE BEUBAUER – REVIEW OF RECOMMENDED ORDER

Mr. Beubauer was not present.

Ms. Guillemette presented this case stating Mr. Beubauer's application to qualify an additional business entity with his certified general contractor's license was denied at the July 2006 meeting of the board for failure to prove the applicant would carry out the responsibilities of overseeing and supervising all construction activities. The Notice of Intent to Deny was filed in August of 2006. Mr. Beubauer timely requested a formal hearing with the Division of Administrative Hearings. The hearing was held in January 2007. The Administrative Law Judge filed a Recommended Order and made a finding of fact that the applicant would properly supervise the construction activities, and Mr. Beubauer's application was approved.

After discussion the board voted to adopt the recommended order and offered an amendment that the Department run random investigations of the applicant's supervisory practices.

FRANK WICHOSKI – REQUEST FOR REINSTATEMENT OF NULL & VOID LICENSE

Mr. Wichoski was present.

Ms. Guillemette presented this as a request by Mr. Wichoski to reinstate his null & void certified general contractor's license. The petition was filed in January of 2007. Ms. Guillemette stated the Department has not finalized the application to reinstate a null & void license so this letter should be considered the application.

After discussion the board voted unanimously to deny the petition.

EDWARD PEREZ – REQUEST FOR CE CREDITS

Mr. Perez was not present.

Ms. Guillemette presented this case as a request by Mr. Perez for CE credits to be granted to him for completing the National American Technician Excellence program and being granted the certificate. Mr. Perez is requesting that his continuing education credits be satisfied by him passing this course and being issued the certification in lieu of taking board approved courses.

After discussion the board voted unanimously to deny the request.

ADAM HARDEN – RECONSIDERATION OF LICENSURE DENIAL

Mr. Harden was not present.

Ms. Guillemette presented this case stating that Mr. Harden's application for initial licensure as a certified general contractor was denied at the August 2006 meeting of the board for failure to provide proof of restitution as ordered by a prior final order. Mr. Harden timely requested an informal hearing, and the board reconsidered the decision at the November 2006 meeting of the board. The board confirmed its original decision at the November 2006 meeting. Mr. Harden filed a rule challenge and a challenge to non rule policy, and an Administrative Law Judge overturned the boards ruling.

After discussion the board voted unanimously to reverse their decision and adopt the Administrative Law Judge's ruling.

GORDON KILLION – RECONSIDER DENIAL OF NULL & VOID REINSTATEMENT

Mr. Killion was not present.

Ms. Guillemette presented this as a petition by Mr. Killion for the reinstatement of his null & void certified general contractor's license. The petition was filed in February of 2007.

After discussion the board voted unanimously to deny the petition.

MR. MUZO – RECONSIDERATION OF APPLICATION DENIAL

Mr. Muzo was not present.

Ms. Guillemette presented this case stating that Mr. Muzo's change of status application was denied by the board at a previous meeting for failure to show good moral character and having been convicted of a crime related to the practice of contracting. Ms. Guillemette stated this case was being appealed as the applicant's application for initial licensure was approved less than a year prior and the same criminal convictions were on the applicant's record on that application. Ms. Guillemette stated denying this application when the first application was approved is inconsistent and perhaps the board should revisit their decision.

After discussion the board voted unanimously to negate the board's denial of the application and approve the application with ten years probation.

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

COMMITTEE REPORTS

ADDITIONAL BUSINESS ENTITIES COMMITTEE – MARK PIETANZA

Mr. Pietanza gave the following report:

Applications Approved

Bilder, Daniel

Catenac, Gary

Cheney, Frank

Chesney, James - \$2,500 assessment
Donnally, Chadwick
Dudenkov, Vladimir
Errington, Randy
Essig, Daniel
Frawley, Robert
Gomez, Rubin - \$10,000 assessment
Graham, William
Guirges, John
Harris, Kenneth
Harris, Kenneth
Harris, Kenneth
Harris, Kenneth
Harris, Kenneth
Harris, Kenneth
Holliday, Joseph
Husein, Firoz Mohammad
Kennedy, John
Kerry, Alan
Kretzschmar, Robert
Malle, Frank
Malle, Frank
Masso, Daniel
Matthew, Andrew
Matthew, Andrew
McKenzie, Roy
Monath, William
Nicholson, Patricia
Nunez, Adrian
Ogilvie, Rodney
Putman, James
Sainmervil, Darma
Shotwell, George
Smith, Marcus
Smith, Wayne
Smith, Anthony
Sorensen, Andrew
Stockton, Dana
Taibl, William
Thorne, William
Wise, John

Applications Denied

Adrian, Frank
Quinones, Miguel
Stein, Gina

Applications Continued

Johnson, Kevin – 60 days
Kishel, Alexander – 60 days
Meinzinger, Edward – 30 days
Morris, Gregory – 30 days

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – RAYMOND HOLLOWAY

Mr. Holloway gave the following report:

Lorman Business Center, Inc.

1st Course: Zoning and Land Development – **denied**

2nd Course: Florida's New Construction Claims Statute and Related Claim Issues – **approved**

Florida Solar Energy Center

1st Course: Installing and Maintaining Construction Claims, Statute and Related Claim Issues - **approved**

Building Officials and Inspectors Educational Association

1st Course: Florida Building Commission Report – **approved**

2nd Course: Plumbing Vents, Systems, and Code Updates – **approved**

3rd Course: Test and Balance and Its Association with Life Safety Systems – **approved**

4th Course: OSHA and Workers Compensation Regulation – **approved**

5th Course: Applied Florida Laws and Rules for Code Professionals – **denied**

6th Course: Understanding Shutter, Window, and Door Product Approvals – **denied**

7th Course: Fire Stopping Solutions – **approved**

8th Course: Florida Existing Building Code – **approved**

9th Course: Fire Dampers – **approved**

10th Course: FS 553.791 Alternate Plan Review and Inspections – **approved**

11th Course: L.P. Gas Regulations – **approved**

12th Course: BCAIB Report – **denied**

FRSA Educational and Research Foundation

1st Course: Senate Bill 50A – Reviewed Four Years Later – **approved**

2nd Course: Understanding the 2006 Supplements of the 2004 Florida Building Code – **approved**

3rd Course: Improving Wind Performance of Roof Assembles Design Application and Maintenance – **approved**

National Roofing Contractors Association

1st Course: NRCA/MRCA CERTA Train the Trainer Reauthorization – **approved**

NBI, Inc., d/b/a National Business Institute

1st Course: Strong Construction Contracts: Your Foundation for Payment and Risk Management – **approved**

Air Conditioning Contractors of America

1st Course: Talk from the top - **denied**

2nd Course: High Performance Marketing Makeover – **denied**

3rd Course: The Art of Hiring - **approved (1 hour)**

4th Course: How to Succeed in a Changing Residential Construction Market – **denied**

5th Course: Train the Trainer: Becoming a Better Trainer for Your Employees – **denied**

Department of Community Affairs

1st Course: Manufactured (Modular) Buildings: Program Residential & Commercial Buildings - **approved**

2nd Course: Manufactured (Modular) Buildings: Program, Laws, and Rules – **approved**

3rd Course: Manufactured (Modular) Buildings: Program – **approved**

Blue Diamond

1st Course: Keep Safe – **approved**

2nd Course: Workers Compensation Law – **approved**

3rd Course: Successful Business Practices – Reducing Variances – **approved**

Federal Alliance for Safe Homes, Inc.

1st Course: Blueprint for Safety: Retrofit – **approved**

Aquatic Training Institute

1st Course: Certified Pool Technician Course – **approved**

Titan Continuing Education

1st Course: 7 Hour Program #2 – **approved**

University of West Florida

1st Course: Advanced Florida Building Code Course, Chapter 3, 5, 6, & 7 – **approved**

2nd Course: Speaker Series II – LEED Green – **approved**

3rd Course: How to Write Proper Specifications – **approved**

4th Course: Corrosion Prevention in Fastening Systems– **approved**

5th Course: Haardous Waste Awareness – **approved**

6th Course: LEED Green Building – **approved (2 hours only)**

Hayward Pool Products, Inc.

1st Course: IDL2 Service & Diagnostic DVD – **denied**

The Media Factory, Inc. d/b/a pacepdh.com

1st Course: Construction Contracting Part I – The Construction Process – **denied**

2nd Course: Construction Contracting Part II – Labor Relations – **denied**

3rd Course: Construction Contracting Part III – Award Controversies & Risk Allocation – **denied**

4th Course: Construction Contracting Part IV – Changes, Differing Site Conditions & Delay - **denied**

5th Course: Construction Contracting Part V – Cost Recovery, Inspections, Warranties, Termination – **denied**

6th Course: Construction Contracting Part VI – The Dispute Process & Alternative Dispute Resolution – **denied**

7th Course: Construction Contracting Part VII – Liabilities – **denied**

8th Course: Construction Contracting Part VIII – Contract Close-Out – **denied**

9th Course: Mold Remediation in Schools and Public Buildings – **denied**

Commercial Drying Research Institute

1st Course: Controlling Costs in Water Damaged Buildings – **approved**

Redvector.com, Inc.

1st Course: Basic Wind Loads II: The Law & Implementation – **approved**

FPC (Florida Protective Coatings)

1st Course: Painters ED – **denied**

R. Bruce Kershner Company

1st Course: Labow Law – Business Implementation – **approved**

2nd Course: Labor Law – Military Leaves – **approved**

3rd Course: Labow Law – Wage Hour - **approved**

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

RECOVERY FUND/FINANCE COMMITTEE – JOAN M. BROWN

Ms. Brown gave the following report:

03-C0083 – Denied

03-C0086 – \$167.40

2006042500 – \$7,986.58

2005045562 – Continued

2006045335 – \$7,820.43

2006045406 – \$13,831.48

2006047156 – \$1,830

2006049886 – \$8,190

2006057021 – Continued

2006057923 – \$21,867.45

2006059033 – \$31,757.18

2006063548 – \$5,000

2006069257 – \$5,000

2006042495 - \$10,000

2004047483 - \$18,051.50

\$131,502.02 was the total amount awarded.

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

PROBATIONS COMMITTEE – CARL ENGELMEIER

Mr. Engelmeier gave the following report:

Kristopher Ashenback (CCC 57686, CBC 54507)

Result: Satisfactory

Russell Federspiel (CRC 22305)

Result: Satisfactory

Bryce Jordan Gilbert (CFC 1426053, CUC 1223939)

Result: Unsatisfactory

William Goode (CGC 14847)

Result: Satisfactory

Alberto Hernandez (CGC 13664)

Result: Satisfactory

John B. Morton, III (CCC 11043)

Result: Satisfactory

James Waid (CGC 4677)

Result: Satisfactory

Timothy Burke (CGC 57951)

Result: Satisfactory (conditional)

Thomas Evans (CGC 34908)

Result: Stay of Suspension lifted

Darryl Frazier (RC 66631)

Result: Stay of Suspension Lifted

Frank Stellino (CGC 33957)

Result: Satisfactory (conditional)

Michael Padron (CGC1427009)

Result: Unsatisfactory

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

APPLICATION REVIEW COMMITTEE – JACQUELINE WATTS

Ms. Watts gave the following report:

DIVISION I

Applications Approved

Adams, Matthew
Ashenback, Kristopher
Barber, John
Johnston, Karl
Lance, Kerry – approved as a CRC with 3 years probation
Lonergan, James
McMurray, Darin
Rowen, Michael
Schmale, Daniel
Thaler, Daniel – Set to inactive approved
Worthington, Linda

Applications Denied

Bush, William
Cook, John
Lott, Lawrence
Rivera, William
Toll, Alberto – ULA case recommended to be opened based on affidavit in file
White, Roger

Applications Withdrawn

Lander, Candace
Massingill, Randall

Raiszadeh, Mehdi
Rybarz, Craig

Applications Continued

Baker, Charles (60 days)
Pessolano, Vincent (30 days)

The board voted unanimously to ratify the list of Financially Responsible Officers.

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

RULES/PUBLIC/LEGISLATIVE COMMITTEE – EDWARD WELLER

Mr. Weller gave the following report:

The following areas have been suggested for rule committee **Consideration**

Balance sheet for additional entities

Overhaul of 61G4-15.006 to include credit rating

The following Rules have been **Developed:**

61G4-15.001 (5) Qualification for Certification

61G4-15.0021 Certification and Registration of Business Organizations

61G4-12.021 Committee Structure

The following Rules have been **Noticed:**

61G4-16.009 Examination and Reexamination

61G4-18.001 (2) 3 hours of CE Devoted to Laws and Rules

AD HOC FINANCIAL MISCONDUCT COMMITTEE – PAUL DEL VECCHIO

A motion to open Rule 61G4-15.005 and Rule 61G4-15.006 for further review was made by Ms. Guillemette and the board voted unanimously to approve it being reopened.

EXECUTIVE REVIEW ITEMS

No items were discussed.

OLD BUSINESS

No Old Business was discussed

NEW BUSINESS

No New Business was discussed

ADJOURNMENT

With no further discussion the board voted unanimously to adjourn the meeting at 10:22 am.