

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**GENERAL SESSION
MINUTES**

**RENAISSANCE VINOY RESORT & GOLF CLUB
501 FIFTH AVENUE NE
ST. PETERSBURG, FL 33701
727.894.1000**

NOVEMBER 10, 2006

The meeting was called to order by Paul Del Vecchio, Chair, at 8:30 a.m.

BOARD MEMBERS PRESENT

Paul Del Vecchio, Chair
Raymond Holloway, Vice-Chair
Jacqueline Watts
Edward Weller
Peggy Bailey
Joan Brown
Lee-En Chung
Joe Cook
Carl Engelmeier
James Flaherty
Michelle Kane
Lorie Clark
Barry Kalmanson
Don Wilford
Mark Pietanza
Robert Stewart
Thomas Thornton

BOARD MEMBERS ABSENT

None

OTHERS PRESENT

Diane Guillemette, Board Counsel
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. Mr. Flaherty led the Pledge of Allegiance.

REVIEW OF MINUTES

- **Final Action – October, 2006**

The board voted unanimously to approve these minutes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Harrell reviewed the complaint statistics with the board.

Mr. Harrell also provided board member training at this time.

CHAIRMAN'S REPORT

Mr. Del Vecchio wished everyone safe and happy holidays.

PROSECUTING ATTORNEY'S REPORT

Mr. Creehan gave the following report:

As of October 2006, there were 381 cases in Legal, 185 cases set for Probable Cause, 268 cases had probable cause found/Administrative Complaints found and 158 were ready for Default. There were 157 cases with Stipulations executed/Informal Hearings requested, 128 cases with Formal Hearings requested and 6 cases were referred to DOAH. There were 74 cases awaiting Final Orders, 20 cases in settlement negotiations, 0 cases under Appeal and 0 cases was reopened.

The board voted unanimously to ratify the Local Disciplinary Orders.

RECOVERY FUND ATTORNEY'S REPORT

There were Recovery Fund Hearings at this meeting.

ATTORNEY GENERAL'S REPORT

Richard Haines – Request for Informal Hearing

Mr. Haines was not present for this hearing.

Ms. Guillemette presented this case stating that Mr. Haines' application to qualify an additional business entity was denied at the August meeting of the board. The denial was based on brokering.

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

Oak River Builders – Request for Informal Hearing (CE)

Michael Rimoldi was present for this hearing.

Ms. Guillemette presented this case stating that Oak River Builder's application for a continuing education course was denied at the August meeting of the board. The denial was based lack of a course description and timeline.

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

Ricky Morgan – Request for Informal Hearing

Mr. Morgan and his attorney were present for this hearing.

Ms. Guillemette presented this case stating that Mr. Morgan's application for swimming pool/spa servicing contractor was denied at the March meeting of the board.

After discussion the board voted unanimously that this petition was untimely.

Donnie Pickford – Request for Informal Hearing

Mr. Pickford was not present for this hearing.

Ms. Guillemette presented this case stating that Mr. Pickford's application for initial roofing contractor was denied at the August meeting of the board.

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

Orestes Semino – Request for Informal Hearing

Mr. Semino and his attorney Lee Weintraub were present for this hearing.

Ms. Guillemette presented this case stating that Mr. Semino's application for roofing contractor was denied at the August meeting of the board.

After discussion the board voted unanimously to send this application back to the application review committee in January 2007.

Richard Walcott – Request for Informal Hearing

Mr. Walcott was not present for this hearing.

Ms. Guillemette presented this case stating that Mr. Walcott's application for Class B air conditioning contractor was denied at the July meeting of the board.

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

Diego Saldana – Request to Reinstate Null and Void License

Mr. Saldana was not present for this hearing.

Ms. Guillemette presented this case stating that Mr. Saldana is requesting that the board reinstate his null and void license.

The license went delinquent on August 31, 2004 and null and void on August 31, 2006.

After discussion the board voted unanimously to deny this request.

Frank Stellino – Request for Early Termination of Probation

Mr. Stellino was present for this hearing.

Mr. Stilleno was placed on 2 years of probation for disciplinary cases 2002-015706 and 2003-003092.

Mr. Stilleno is asking the board to terminate his probation early.

After discussion the board voted unanimously to deny this request.

Santiago Bolivar – Request for Reinstatement of Stay of Suspension

Mr. Bolivar was present for this hearing.

Mr. Bolivar was put on probation as a condition of licensure pursuant to his Notice of Intent to Deny from February 2005.

Mr. Bolivar missed his first scheduled meeting of February 2006 and his stay of suspension was lifted.

Mr. Bolivar is requesting his stay of suspension be reinstated.

After discussion the board voted unanimously to reinstate his stay of suspension upon payment of \$200. It was also noted that Mr. Bolivar will have 2 unsatisfactory appearances.

Mario Delfiaccio – Request for Reinstatement of Stay of Suspension

Mr. Delfiaccio was not present for this hearing.

Mr. Delfiaccio was placed on probation as a condition of licensure.

The stay of suspension was lifted at the August 2005 meeting of the board.

Mr. Delfiaccio is requesting his stay of suspension be reinstated.

After discussion the board voted unanimously to reinstate his stay of suspension with 2 unsatisfactory appearances.

Carrie Frazier – Request for Reinstatement of Stay of Suspension

Ms. Frazier was not present for this hearing.

Ms. Frazier was placed on probation by final order of February 2004.

The stay of suspension was lifted after 3 unsatisfactory appearances.

Ms. Frazier is requesting her stay of suspension be reinstated.

After discussion the board voted unanimously to deny this request.

Adam Harden – Objection to NOID and Demand for Issuance of Default License

Mr. Harden was present.

Ms. Guillemette presented this case stating that Mr. Harden filed an “objection to ‘Notice of Intent to Deny’ and Demand for issuance of default license”.

Mr. Harden first appeared before the application review committee in July 2006, at a hearing in which he waived the 90 requirement and agreed to continue the application.

In August 2006, he appeared again and the committee recommended that the license be denied based on failure to pay restitution associated with a prior order.

After discussion the board voted unanimously to deny this request.

COMMITTEE REPORTS

APPLICATION REVIEW COMMITTEE

Ms. Watts gave the following report:

Applications approved

Peter Alexsy

Michael Blanton – with 2 years probation.

Jesus Cancio – as a residential contractor.

Dennis Donnelly

Brian Horton

John Massaro – with 2 years probation.

Thomas Parish

Dean Scharn – with 6 years probation.

Simon Shellis – with 4 years probation.

Applications continued

Mario Delfiacco – to July 2006 General Session.

Applications denied

Joseph Benton

Lynard Bolden

Daniel Clifford

Zulema Cruz

Frank Diaz

Ronald Fontes

Sixto Gavilanes

Edward Gleason

Miguel Guerrero

Chad Hagerty

Daniel Hofer

Alain Lassus

James Maddox

Francisco Milian

Lillian Morejon

Henry Oliver

Juan Orozco

Eugene Rice

David Thorson

Application withdrawn

Jack Bass

Michael Boney

Charles Fox

Paul Kubiak

Kevin Lyman
Gary Thompson

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

PROBATIONS COMMITTEE

Mr. Del Vecchio gave the following report:

Douglas Aird, (CGC047330)

Result: Satisfactory

Jeffrey Braley, (CBC032098)

Result: Satisfactory

Sheron Elizabeth Bush, (SC C13056761)

Result: Satisfactory

Jesse Carr, (CBC13022)

Result: Satisfactory

Henry K. Cavaliere, (CBC1251258)

Result: Satisfactory

Charles R. Coleman, (CC C024429)

Result: Satisfactory

Robert E. Cross, (CB C053668)

Result: Satisfactory

Michael Curry, (RC 0032319)

Result: Unsatisfactory

Fabricio Emmanuelli, (CB C1254049)

Result: Unsatisfactory

Carl Evans, (CAC58389)

Result: Stay Lifted - Failure to Appear

Timothy Fierro, (CG C017826)

Result: Satisfactory

Dennis Hardy, (CP C029643)

Result: Stay Lifted - Failure to Appear

Donald K. Heminger, (CR C058539)

Result: Satisfactory

Robert Laurence, (CBC56772)

Result: Satisfactory

Jose Lima, (CA C1813817)

Result: Satisfactory

William F. Lock, (CGC1506127)

Result: Unsatisfactory

Kenneth McKenna, (CP C1456482)

Result: Satisfactory

Thomas Mendez, (CGC46376)

Result: Satisfactory

Clifton Meyer, (CGC4154)

Result: Satisfactory

John Olin Milstead, (CAC033632)

Result: Satisfactory

Francois Page, (CB C059159)

Result: Satisfactory

Michael Sawdo, (CG C1509901)

Result: Satisfactory

Robert Allen Saylor, (CG C021753)

Result: Unsatisfactory

Mark E. Schmidter, (CC C029601)

Result: Unsatisfactory

Louis Sclease, III, (CG C036233)

Result: Continued to May, 2007

Manuel Scoulos, (CA C058176)

Result: Unsatisfactory

Joseph Sumlin, (SC C045055, CG C059044)

Result: Satisfactory

Gary Turner, (CG C1510831)

Result: Satisfactory

Christopher J. Webster, (CCC036988)

Result: Unsatisfactory

Mark K. Weller, (CB C057574)

Result: Satisfactory

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

ADDITIONAL ENTITY COMMITTEE

Mr. Pietanza gave the following report:

Applications approved

David Baker – upon payment of a \$10,000 assessment.

Kirk Blackburn
William Boulton
David Bradley
John Buczynski
Elisa Caplan Hight
Gary Conti
Nathan Dechelbor
Allen Duyn
Sean Harmon
Tommy Henderson – upon payment of \$4,800 assessment.
Gerald Holland
Bing Charles Kearney, Jr.
Harry Kirmeyer
Mark Kundrat
Frank Malle
Richard Marsh
Robert Martin
Gary McCumber
James Miley
John Nash
Michael O’Keefe
John Palmer
John Reich
Lorena Rifo – upon payment of \$10,000 assessment.
Ron Ritter
Ramon Rodriguez
Steven Schreiver
Al Scotti
Alan Sefall
Carmen Sueiro
Andrew Thomas
David Valerio
George Waller
Vernon Williams

Applications denied

Christopher Anzalone – lack of required experience in 4 or more stories.
Randy Castricone – inability to supervise work.
LeRoy Felt – failure to appear.
Daniel Mancini – failure to appear.
Neil Wooten – failure to appear.

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

RULES REVIEW COMMITTEE

Mr. Kalmanson gave the following report:

The following rules have been developed:

61G4-18.001(2) – this would require 3 of the 14 continuing education hours be devoted to laws and rules.

61G4-16- This would require a Laws and Rules examination.

The following rules have been noticed:

61G4-15.001(5) Qualifications

61G4-16.009 Examination and Reexamination

61G4-12.017 Voluntary Relinquishment and Revocation

61G4-17.001 Normal Penalty Ranges

The following rules have been adopted:

61G4-18.001 Bond for FRO

61G4-15.0021(3)(b)

61G4-16.0031 Practical examination for swimming pool specialty contractors

61G4-12.009 Fees

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

EXAMS/CE/PUBLIC AWARENESS COMMITTEE

Mr. Holloway gave the following report:

EXISTING PROVIDER – NEW COURSES

LORMAN BUSINESS CENTER, INC. (0000837)

1st Course: Evaluation and Resolution of Delay and Extra Work Claims – approved.

FLORIDA WOOD COUNCIL (0000980)

1st Course: Using Sheathing Panels to Resist Uplift & Sheare – approved.

2nd Course: Benefits of Building a Structure using Treated Lumber – approved.

3rd Course: Code Compliance to Resist Wind – approved.

4th Course: Wind Force Resistance Systems – Panel Wall Construction – approved.

5th Course: Practice of Residential Renovation

6th Course: Building & Designing Using Green Material

PINCH A PENNY, INC. (0001014)

1st Course: Swimming Pool Suction Entrapment - approved.

2nd Course: Sales Tax for the Swimming Pool Contractor approved.

3rd Course: Legal Issues in the Workplace – approved.

4th Course: Advanced Water Chemistry & Troubleshooting – approved.

5th Course: Credit Card & Data Security – denied.

6th Course: Merchandise Management for the Swimming Pool Contractors – approved.

7th Course: Basic Internet for Contractors – denied.

8th Course: Internet Portals for Contractors – denied.

9th Course: eCommerce for Contractors – denied.

10th Course: Swimming Pool Salt Chlorine Generators – approved.

11th Course: How to Make a Million Dollars Serving Pools – approved.

12th Course: Salt Chlorination for Swimming Pools – approved.

13th Course: Introduction to the Department of Transportation Regulation for the

- Pool Industry – approved.
14th Course: Introduction to Swimming Pool & Spa Automation – approved.
15th Course: Basic Hydraulics for Swimming Pools – approved.
16th Course: Swimming Pool Pumps and Filters – approved.

SCOTSMAN ICE SYSTEMS (0001097)

- 1st Course: Prodigy Ice Machines Value – approved.

HANLEY WOOD EXHIBITIONS (0003200)

- 1st Course: QuickBooks: Understanding Income, Job-related Costs, Overhead & Profit – approved.
2nd Course: Introduction to Using QuickBooks for Managing your Business – approved.
3rd Course: Interfacing Access Safety with Concrete Construction – approved.
4th Course: Fall Protection Solutions for Masonry, Concrete and Precast Projects – approved.
5th Course: Developing and Determining the Value of Your Safety Program – approved.
6th Course: Accident Investigation and Analysis – approved.
7th Course: OSHA –What You Don't Know Could hurt you – approved.
8th Course: Controlling the Costs of Workers Compensation – approved.
9th Course: Troubleshooting Construction of Slabs on Grade and Pavements – approved.
10th Course: Residential Cast-in-Place Concrete New Contractor-friendly Code – denied.
11th Course: Steel Reinforcement Advancements and Lessons Learned in the Field – approved.
12th Course: NO YELLING: The Nine Secrets of Leadership You Must Know to Win in Business – denied.
13th Course: Preparing an Accurate and Profitable Construction Estimate - approved.
14th Course: Time Management for the Construction Industry – approved.
15th Course: Increasing Profitability with Computer Estimating – approved.
16th Course: How to Find, Hire and Keep Great Employees! – denied.
17th Course: Financial Secrets Your Numbers Can Tell You to Help Build Profit – approved.
18th Course: Human resources for Small Construction Companies – approved.
19th Course: Construction Contract Terms and Conditions: Protect Your Bottom Line – approved.
20th Course: Tips, Techniques & Traps Dealing with Cross-Cultural Workforce – denied.
21st Course: Basics of Job Cost Financial Reporting & How Technology Can Help – approved.
22nd Course: Where is All the Money Going? Automating Time and Attendance – denied.
23rd Course: Project Manager's Guide to Financial Stuff – approved.
24th Course: Follow the Money – Job Cost and Accounting Fundamentals – approved.

KELLY S. WINSLOW (0003742)

- 1st Course: A Contractors Guide to Moisture Entry Prevention during Construction – approved.

NEW PROVIDERS WITH COURSES

LYNAM & CO., INC – denied.

- 1st Course: Medical Gas Installer Certification Course – denied.

TRIFECTA CONSTRUCTION SOLUTIONS - approved.

- 1st Course: Six Concepts of Green Development – approved.

- 2nd Course: Six Concepts of Building Green – approved.

- 3rd Course: Building Green: Trends, Implementation and Case Studies – approved.

4th Course: Green Development: Industry Trends, Implementation, and Case Studies – approved.

EXISTING PROVIDER – COURSE RENEWALS & NEW COURSES

FL ASSOCIATION OF PLUMBING HEATING COOLING CONTRACTORS (000932)

- 1st Course: Vanguard's Piping Systems Installation Training (# 0007685, Expires 08/14/2005) – approved – for general credit only.
- 2nd Course: Service Plumbing-Modern Equipment Technology and Application (# 0000375, Expires 11/01/2003) **Note: Credit use has been changed so we must treated this as new Course (NEW)** – approved – general credit only.
- 3rd Course: Common Financial Errors that Lead Contractors to Failure (NEW) – approved.
- 4th Course: Fundamentals of Project Management (NEW) – approved.
- 5th Course: Contractor's Business Tactics (NEW) – approved.
- 6th Course: L.P. Gas 101 for the Residential Plumber (NEW) – approved.
- 7th Course: Natural Gas 101 for the Residential Plumber (NEW) – approved.

AMERICAN FOREST & PAPER ASSOCIATION (AF&PA) (0001094)

- 1ST Course: Designing with the 2001 National Design Specification for Wood Construction (# 0001802, Expired 11/14/2004) – approved.
- 2nd Course: Engineered Wood Products (# 0001803, Expired 11/14/2004) – approved.
- 3rd Course: Designing for Permanence (Name Change) (#0001807, Expired 07/15/2001) approved.
- 4th Course: Contemporary Architecture in Timber – An international perspective (Name Change)(0007353, Expired 11/14/2004) - denied.
- 5th Course: Woodworks Design Office Software: The easy way to design with wood (Name Change)(#0007355, Expired 11/14/2004) – denied.
- 6th Course: The Wood Design Awards: The Winning Projects of 2006 (Name Change)(#0007357, Expired 11/14/2004) – denied.
- 7th Course: Engineered Wood Panels – Today's Technology (Name Change)(#0007358, Expired 11/14/2004) – approved without business practices.
- 8th Course: Designing with the 2001 Wood Frame Construction Manual (WFCM) National Editions (Name Change)(#0007359, Expired 11/14/2004) – approved.
- 9th Course: Design of Wood Structures to Resist Lateral Loads (#0007361, Expired 11/14/2004) – approved.
- 10th Course: ASD & LRFD with the 2005 National Design Specification for Wood Construction (#0007362, Expired 11/14/2004) – approved.
- 11th Course: Innovative Wood Connections (Name Change)(#0007363, Expired 11/14/2004) – approved without business practices.
- 12th. Course: Exterior Architectural Coating & Finishes (NEW) – approved.
- 13th Course: Ask the Experts: Panel Discussion on Wood Products and Certification (NEW) – approved without business practices.
- 14th Course: Wood Forming Solutions for Concrete Construction (NEW) – approved.
- 15th Course: What You Need to know about Paints & Coating for Wood Products (NEW) – approved.
- 16th Course: The Meaning of Sustainable Construction (NEW) – approved without business practices – approved without business practices.
- 17th Course: Specifying Treated Southern Pine for Marine Applications (NEW) – approved without business practices – approved without business practices.
- 18th. Course: Methods and Examples of Timber Frame Construction (NEW) – approved without business practices.

19th Course: Making it Work: Wood & the International Building Code (**NEW**) – approved without business practices.

WTCA - REPRESENTING THE STRUCTURAL BUILDING COMPENTS INDUSTRY (0001101)

1st Course: Storage, Handling, Installing and Bracing of Metal Plate Connected Wood Trusses (**#0001821, Expired 10/12/2005**) – approved.

2nd Course: Tour of a Truss Manufacturing Plant (**# 0005570, Expired 04/13/2003**) – denied.

3rd Course: Framing the American Dream (**INTERNET**) (**#0007391, Expired 01/09/2005**) – approved.

4th Course: Mold and Structural Compents (**INTERNET**)(**0007392, Expired 01/09/2005**) – approved.

5th Course: Wood Truss Construction and Fire Performance (**INTERNET**)(**NEW**) – approved.

6th Course: Storage, Handling, Installing and Bracing of Metal Plate Connected Wood Trusses (**INTERNET**) (**NEW**) approved.

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

RECOVERY FUND/FINANCE COMMITTEE

Ms. Brown gave the following report:

Claimant v. Contractor; Claim No.

Seabrooks v. Bultema; Claim No. 00-C0062 - APPROVED - \$25,000.00

Bernabei v. Lighthouse Bldg Co.; Claim No. 00-C0105 - APPROVED - \$25,000.00

Moscinski v. Bultema; Claim No. 02-C0021 - APPROVED - \$25,000.00

Korakakos v. Infante; Claim No. 02-C0201 - APPROVED - \$3,600.00

Bullard v. Molloy; Claim No. 03-C0169 - APPROVED - \$8,395.00

Stamp v. Newborn; Claim No. 2004-002195 - APPROVED - \$18,329.32

Propis v. Weiss; Claim No. 2004-012188 - APPROVED - \$25,000.00

Terry v. Molloy; Claim No. 2004-013496 - APPROVED - \$25,000.00

Beyreis v. Walsh; Claim No. 2004-013512 - APPROVED - \$6,083.36

Benatar v. Walsh; Claim No. 2004-025855 - APPROVED - \$1,544.19

Cook v. Walsh; Claim No. 2004-038324 - APPROVED - \$7,957.25

Luck v. Midgett; Claim No. 2004-041322 - APPROVED - \$25,000.00

Hoell v. Spurlin; Claim No. 2004-048897 - APPROVED - \$13,824.00

Fewox v. Walsh; Claim No. 2004-048944 - APPROVED - \$5,153.73

Derespina v. Mavis; Claim No. 2004-056976 - APPROVED - \$10,067.67

Perez v. Mavis; Claim No. 2004-060579 - APPROVED - \$2,133.32

Fontana v. Brown; Claim No. 2005-000154 - APPROVED - \$2,659.00

Bester v. Mavis; Claim No. 2005-002030 - APPROVED – \$788.60

Gifford v. Adamczyk; Claim No. 2005-009496 - APPROVED - \$25,000.00

Hudak/Graham v. Anthony; Claim No. 2005-013879 - APPROVED - \$25,000.00

Lundquist v. Staggs; Claim No. 2005-021190 - CONTINUED

Donnelly v. Bruttell; Claim No. 2005-030080 - APPROVED - \$7,127.00

Weaver v. Fredrick; Claim No. 2005-032510 - APPROVED - \$20,019.70

List of Denials

Lyons v. Irvin; Claim No. 02-C0065 APPROVED - \$17,975.00

Burton v. Mathews (unlicensed); Claim No. 02-C0159 - DENIED WITH PREJUDICE

Poole v. Lighthouse Bldg Co.; Claim No. 03-C0235 - DENIED WITH PREJUDICE

Strohm v. Knight; Claim No. 2004-038351 - DENIED WITH PREJUDICE

Gosser v. Angiulo; Claim No. 2005-008797 - APPROVED - \$9,320.00

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

EXECUTIVE REVIEW ITEMS

There were no items for review at this meeting.

With no other business to discuss the meeting was adjourned at 12:10 p.m.